

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

**Minutes**

**7:00 P.M.**

**Thursday, June 16, 2016**

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 (Arrived 7:05)	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Rhonda Lightfoot	Perche Township

b. Members Absent:

Bill Lloyd	Three Creeks Township
Derin Campbell	County Engineer
Vacant Seat	Bourbon Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Bill Florea, Senior Planner	Paula Evans, Staff
Thad Yonke, Senior Planner	

III. Approval of Minutes:

Minutes from the April 21, 2016 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 one conditional use permit, two rezoning requests for planned developments, a final development plan and five subdivision plats.

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

The following procedure will be followed:

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

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

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

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

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

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

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, June 28<sup>th</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, June 28<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by the Keeven Columbia LLC on behalf of Smarr Family Farms for a permit for topsoil management, harvesting, conditioning and stockpiling on 106.5 acres, more or less, located at 4949 W I-70 Dr NW, Columbia.

Planner, Bill Florea gave the following staff report:

This site is located west of Columbia off of the west end of I-70 Drive NW, east of Perche Creek. The property was rezoned from R-S to A-1 in March 2016. Adjacent land to the east, under the same ownership, has an approved Review Plan for and tentative rezoning to ML-P. A Final Plan has not been approved for the ML-P. The adjacent land not owned by the developer is zoned as follows:

- North A-2
- East R-S and R-M
- South A-R, R-M, South of I-70 REC, ML and Columbia R1
- West R-S and A-2.

The 106 acre site is within the 100-year floodplain of Perche Creek. The site is mostly level and bordered by bluffs to the east and agricultural/floodplain land and Perche Creek to the west. The character of the area is described as agricultural with low density residential to the east. The master plan designates this site as being suitable for residential land uses.

The request is to allow removal, conditioning and export of topsoil. Topsoil will be removed from a portion of the site each year and stockpiled for sale. The operator may utilize equipment such as agricultural tractors, scrapers, bull dozers, loaders, dump trucks and a topsoil screener. Agricultural operations will continue on the site, and will not be subject to the limitations of a conditional use permit (if granted). Truck traffic leaving the site will enter I-70 Drive NW at the southern end of the property. Then proceed east to the intersection with Stadium Blvd.

Potential externalities that could result from the use include noise from equipment and traffic and mud/debris on the road caused by trucks hauling soil from the site. With proper conditioning and operations those impacts can be minimized.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

- (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.

Externalities such as noise, dust and exhaust fumes should not impact the public due to the isolated nature of the project site. Conditions of approval requiring dust control on the access road should adequately address the possibility of dust related impacts. Noise will be mitigated by the elevation difference between the project site and nearby residential areas and limited hours of operation.

- (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.

Activities in the area that are already permitted include agricultural and residential uses. Much of the project activity will be similar in nature to the agricultural uses that have been occurring on the property for several decades. For example, topsoil removal utilizes mechanical scrapers which will sound like a farm tractor from a distance. The noise will occur over a longer period of time however, because the topsoil removal occurs between harvest and planting.

The limited hours of operation will confine the likely impacts to hours when most homeowners are at work or school. However, topography and conditions of approval will provide additional mitigation of impacts.

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

Due to the limited nature of the potential offsite impacts and the proposed conditions of approval it is unlikely that the use will result in diminished or impaired property values in the area.

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

The proposed use does not require any public utilities. The proposed use will utilize I 70 Drive NW (collector street) and Stadium Blvd (arterial) for access. Both streets should be able to sustain the additional truck traffic.

(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.

Most of the property adjacent to the east that is outside of the 100-year floodplain has already been platted although much of it has remained undeveloped. Property to the west is in agricultural use and a topsoil operation is ongoing there as well. The site is separated by areas not within the floodplain by topography. There is an elevation difference between the site and adjacent residential areas ranging from 80 to 90 feet. This should provide adequate screening of the topsoil operation from adjacent residential uses and any undeveloped 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 applicant anticipates approximately 20 to 30 truck trips per day. Averaging 30 trips over the 12 hour per day operating window yields an hourly traffic count of 2.5 trucks per hour. This will not result in traffic congestion on area roads.

(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.

Conditions of approval address the need to obtain a Land Disturbance permit and comply with the Stream Buffer Regulations. All other applicable regulations are likewise enforceable.

Staff notified 37 property owners about this request.

Staff recommends approval subject to the following conditions:

1. Hours of operation shall be limited to
  - Monday through Saturday 7 AM to 7 PM
  - No operation Sunday
  - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The topsoil removal operation shall be limited to 20 acres per year which will be enforced through the Land Disturbance Permit
5. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
6. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 W Broadway Business Park, Ste 105, Columbia  
Mel Smarr, 2801 Old Hwy 63 South, Columbia

The applicants presented two handouts; a topography map of the property and an aerial and photos of the property.

Jay Gebhardt: In February of this year we presented a rezoning request for the majority of this property to down-zone from R-S to A-1. At that time I mentioned that we would be seeking a conditional use permit for topsoil harvesting in the A-1 zoning district. Topsoil harvesting consists of harvesting a small layer of soil on the surface of about 20 acres of ground and stockpiling the material. This is typically performed in the spring and fall before the planting and after the harvest of crops. The time period for the harvesting of topsoil is approximately two weeks during the spring and two weeks during the fall. There is typically no harvesting of topsoil except during that time. Basically once the soil is harvested the land gets planted. Once enough material to serve for the next six months it is stockpiled and remains in the stockpile until a customer requests topsoil to be delivered. At that time the employees for Ri-Mor load a truck and place the material in a screening machine and then it's placed in a truck and delivered.

Jay Gebhardt addressed each conditional use permit criteria as follows:

- (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.

This is a pretty broad category. It is our opinion that the harvesting of topsoil will not be detrimental or endanger the public. All this occurs on the 106 acres except for the trucks. The dust, noise and other objections will primarily be contained on the property. It will be similar to the noise, dust and other objections that would occur with agricultural uses that are already permitted on the property. What we are proposing to do isn't that much different than agricultural use. The trucking of the material is done on public roadways. The trucking is primarily performed by employees of Ri-Mor Topsoil who are professional drivers with the appropriate licensing and training. Although the vehicles are large they are not detrimental to the public's health, safety or welfare. The amount of loads of material will vary during the year with the spring and fall months being their busiest times. Typically there are two trucks used to make deliveries, in an 8 hour day each truck will make approximately 8 to 10 deliveries depending on the travel distance to the customer. This request will not create the volume of truck traffic that will reduce the safety of the traveling public. The traffic for the current operation are for a sod farm with semi trucks of sod being delivered from the site. The trucks used for topsoil are not semi trucks and if this use is permitted the sod operation will cease to be done on the property. The applicants are not adding to the existing truck traffic that comes from the property.

- (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.

The harvesting operation is very similar to the agricultural uses currently performed on the property. The property in the immediate proximity will not be injured by the addition of a topsoil operation.

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

Nothing about the topsoil operation will affect the property values of neighboring properties. The existing property values of the neighboring properties have already been established by the agricultural and sod operations performed on the property in the past. Nothing about the topsoil and harvesting will create a situation that would diminish the value of surrounding property. One of the questions we had was that we stockpile material for use and Mr. Smarr has strategically located the stockpile to the direct west of the existing building. The building will provide some screening.

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

Everything we need is already at the site; we don't need to add anything for the operation.

- (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.

We don't think this is going to impede any development, nothing about this operation will affect the adjacent zoning districts any different than what is already being done and allowed in the A-1 district.

- (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 point of access to this property is a MoDot permitted entrance on to a MoDot roadway. We are talking about 2 trucks with maybe 20 trips a day over an 8 hour period; it is not a very intense traffic increase.

- (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.

Ri-Mor Topsoil provides a needed service for Boone County residents. All permitting requirements for the county and state will be followed, the owners are committed to providing service to the residents of Boone County in a responsible and safe manner with as little impact to the surrounding acreage and environment as possible.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition:

Allen Garner, Attorney, 3808 S Coachman Ct, Independence

Allen Garner: I am here on behalf of George Garner and some of the adjoining neighbors. I am not necessarily here for or against the request but to ask the Commission to think about the proper use of conditions in granting the permit. The zoning change that was made anticipated that there would be topsoil harvesting. The question now is what is the best and most effective way to mitigate the impact on the adjacent residentially zoned property as you go forward. One of the things not in the conditions is that you heard a number of representations by the applicants about the operations saying what they were going to do. None of that is in the permit; it doesn't say just two trucks and it doesn't say to locate the stockpile on the west side of the existing building. Those are things among others that I will cover that should be added to the conditional use permit. If the developer says how he is going to operate then he should be held to that. If they find that they need to change their plan they have the remedy to come back and revise their permit. Concerns involve traffic, dust, noise, and impact. While we have all these representations we don't have real evidence, we have representations. If they are true, it will be wonderful, if they turn out not to be true, then you need to have an enforcement mechanism. One of the things to consider given the limited representation of the number of truck trips that need to be made would be to consider placing some hour restrictions because at the present time the intersection of I-70 Drive NW and Sorrels overpass is dangerous. There are a lot of school busses and a lot of other traffic and there was a representation that this activity was going to be when people aren't home; for them not to be home they have to leave and then come back. During the hours of 7:00 - 8:30 am and 3:30 - 6:00 pm that is the high traffic times. You can do the average but the average doesn't mean anything because if I do all my activity in two hours the fact that over a 24 hour period gets divided by 12 doesn't tell you what the real impact is. I suggest the Commission include a restriction of the amount of traffic that can occur during those hours because that is the motoring public all trying to get through. There is a condition about keeping a road dust free, I would suggest that they also keep the adjoining properties dust free. If it is important enough for a road then they should keep their dust on their property. There are some environmental rules that would require that independently of anything this body would do but I think that should be stated so that it is a measuring stick for their activity. There was talk about noise; noise is a very measurable item and one of the things that is interesting about noise is what is called an inverse square relation to distance, meaning the further you are away from the source of the noise it doesn't go in a straight line, it goes in a square area. If you establish some buffer zones or time limitations when it is immediately adjacent to the property you will have reduced the decibel level significantly. I urge some consideration of either the hours where they can be on the eastern part of the property or the establishment of a buffer strip. I reviewed an earlier permit and I noticed in this one the Saturday hours are longer; some of the statements to mitigate the impact was

trying to have the operation while people are not home, Saturday seems to be a big home activity day. I would suggest letting that operation go until 7:00 pm is disproportionate to the need. Starting at 7:00 am on a weekend is different than starting at 7:00 am on a weekday; I think the prior permit issued to the same operators a couple of years ago had an 8:00 - 3:00 Saturday provision, I am not endorsing that, I would rather see no Saturday hours however that was in the prior conditional use permit issued.

There were statements made that there were only going to be 20 to 30 trips per day, the Commission can condition how many trips per day they can make; it will be noticed when it just 20 to 30 trips to 40 to 45 trips. The largest noise generation is during the harvesting, if that is the case I would suggest the Commission limit the harvesting time, recognizing weather, you could do it as operating days as opposed to saying two weeks. If they need 14 days of harvesting and build in a buffer you could give them 20 days in the spring and 20 days in the fall and that is the operation. If they want to do more than that then they can come back and revise their permit. There is talk in the reports about how the topography provides part of the buffer. Most of the topography, most of which belongs to my father, is a bluff but there was testimony that the earlier hearing that sound has some other unique characteristics; there was testimony that the sound carries and none of this topography that they are relying on belongs to them. So the use, including the foot of those bluffs which is next to the flood plain does not belong to the applicants. As you are considering how valuable all of that is just understand that someone else owns all of that, theoretically they could figure out a way to get to the bottom of the bluff and do some other form of development. It is zoned to the toe of the bluff to the property line as residential. I think the Commission could place limitations that go back to the applicant's representations and still allow the use that the applicant is trying to make but it will protect the public which is supposed to be the focus in a conditional use permit, to allow an activity to take place but only to the amount that you can mitigate any adverse impact on the public. The applicants also stated that the trucks are going to use I-70 Drive NW and Stadium Boulevard; that implies that they aren't making any right or left turns across the Sorrels bridge. If that is the operational plan, until they fix the Sorrels overpass, perhaps they should be restricted. Anyone who has ever used that overpass knows that it is a very difficult angle particularly with larger vehicles; this is a narrow road with no shoulders. I suggest that a further condition is that this permit be reviewed either on a six month or one year basis because the Commission will have some data to look at. While some of this equipment would be used in agricultural uses some of the heavier equipment would be unusual. Agricultural uses usually only require one pass and you finish the whole field; this is not traditional agriculture but much more of an industrial type activity when they are doing the harvest.

Chairperson Harris: Where is Mr. Garner's property?

Uriah Mach pointed out Mr. Garner's property on the aerial.

Allen Garner: Part of it is not platted; he sold off the very front piece that is adjacent to I-70 Drive then he has his residence with a number of acres.

Stan Shawver: Mr. Garner did not plat that, it was platted by another property owner. Mr. Garner acquired it as a buffer for himself.

Allen Garner: That is not entirely true; he has been drawing plats at various times on the property. One of the problems with this area is the lack of adequate water flow. Now that all this traffic is out there it is also probably being curtailed by the fact that until they fix Sorrels overpass it is not a really good place to put more traffic.

Chairperson Harris: Does he live out there?

Allen Garner: Yes.

Chairperson Harris asked Mr. Garner to show on the aerial where the residence was located. Mr. Garner did so.

Chairperson Harris: He built the house in 1977?

Allen Garner: He finished the house in 1977.

Chairperson Harris: Has he owned that property continuously since that time?

Allen Garner: Yes.

Chairperson Harris: You said a few minutes ago that he has toyed with various plans and different things over the years.

Allen Garner: Yes.

Chairperson Harris: So your concern this evening is that a conditional use request will suddenly negatively impact the property that could have been marketed at any time over the last 40 years and has not done so yet this request will negatively impact the ability to do that.

Allen Garner: I don't see what relevance it is as to how long he has owned the property or whether or not he has chosen to market it; that is pretty irrelevant to the duty to protect the adjacent property owners. What is in front of the Commission is the change in the operation and use of adjacent property which required a rezoning and a conditional use which was represented as "that is one more place you can get protection from a much more intense use of adjacent property". There was testimony about the prevailing wind direction; sod farms don't produce a lot of dust, topsoil harvesting produces a lot of dust and there are prevailing wind directions out of the southwest that bluff is also covered with vegetation and vegetation doesn't like dust. What you have is a timbered bluff with appropriate environmental concerns. Again the concern is as this operation goes in there is a duty to protect adjacent property owners as well as the general motoring public and you can do that by taking some of the representations that were made to this body and write them in to the permit.

Closed to public hearing.

Jay Gebhardt: The rezoning that was done in February was a rezoning from recreational and R-S to A-1. The Smarr's have shown intent to make this agricultural area and protect the area with a fairly limiting zoning of A-1. They rezoned 106 acres and they rezoned 18 acres to M-LP. The staff report indicates a condition regarding days and hours of operation and the applicants are happy to meet that condition. Part of the issue is that the applicants have to be able to get to the site, load the truck and be where their customer wants them, typically by 7:30 am. That is why the applicants are asking to start operating at 7:00 am. The 7:00 pm comes from the county's standard working hours, you can work 7:00 am to 7:00 pm in construction. If the Commission feels it is necessary on Saturday the applicants can reduce their hours to 7:30 am and start loading trucks. The idea of limiting this to working days is not a bad idea but it is already taken care of through the land disturbance permit process. One of the things in the staff report talked about the applicants being required each year to get a land disturbance permit for the harvesting activity. In that permit will also be a state permit which limits the applicants to having to establish a cover crop within 15 days of finishing the disturbance. If we did something like that it would have to be a working day as it is defined as it is in construction so that if you work until 2:00 pm and it rains that is not

necessarily a working day. We prefer not to be limited to that but if we need to and the land disturbance permit is not satisfactory the applicants can look at that. The 10,000 square foot building that is on the site will be Mr. Smarr's office and shop, he and his employees will be there the whole time. No one is going to be affected by the dust and noise more than Mr. Smarr and he is a very good neighbor so if there is an issue with dust or noise the neighbors could call and he could take care of it. That is staff's job as part of the enforcement, if they get a complaint about dust then the applicants will have to address it.

The two week period in the spring and two weeks in the fall, there is still activity the rest of the year that will create dust and noise and that activity isn't limited in any way, it is an agricultural right that came with the property. It will be a little different for a very short period of time but it is very similar. The staff report indicated that I-70 Drive would be the majority of the trips, there will be times that Sorrel's overpass will be used. We did not indicate that and I think the intent was that the majority of the trips would be out to Stadium but Sorrel's overpass is a state highway and if it benefits the applicants they will use it. The land disturbance permit is a key function. Mr. Garner asked if someone came out to look at it every year. Staff, through the permitting process will be doing inspections for erosion control; if there is dirt or dust or any of those complaints that permitting can be revoked or addressed. This conditional use permit is a little different in that the land disturbance has a lot more review to it. The applicants would like to have Monday through Saturday 7:00 am to 7:00 pm hours just for the off chance that they need to work late one evening but if the Commission feels that Saturday's are a problem we could do 7:30 am to 3:00 pm.

Commissioner Prevo: What two weeks in the spring and fall are typically the harvesting times?

Mel Smarr: It depends on the weather, as soon as it dries in the spring and stockpiling can be done, typically in March or April. In the fall depends on when the crop harvest is out, perhaps October.

Chairperson Harris: On the whole property, even the part that is not being stripped you typically come back as soon as harvest is over and get some sort of cover crop on it for winter?

Mel Smarr: Yes.

Chairperson Harris: So the ground is not laying there bare where the winter wind could blow dust.

Mel Smarr: Correct.

Chairperson Harris: The applicants are already operating on the west side of the creek. When they are stripping what equipment is used? A tractor and pan scraper and maybe a wheel loader and the trucks?

Mel Smarr: Yes.

Chairperson Harris: So there isn't a great number of equipment running. So the existing operation on any given day how many trucks are typically in and out of there?

Mel Smarr: Today was a slow day we had seven loads, tomorrow we may have 30 loads. The good thing about this is this will be the third site so we are trying to spread the loads out.

Commissioner Poehlman: On the conditional use permit that the Commission approved a couple of years ago on the other property there were a few more conditions and I think there was something about equipment type and limited hours on Saturday. Why didn't those conditions carry over to this request?

Bill Florea: It is located in a different neighborhood; it was a much more developed neighborhood.

Chairperson Harris: They were driving out through the city on that request.

Commissioner Wilson made and Commissioner Harris seconded a motion to **approve** the request by the Keeven Columbia LLC on behalf of Smarr Family Farms for a permit for topsoil management, harvesting, conditioning and stockpiling on 106.5 acres, more or less, located at 4949 W I-70 Dr NW, Columbia with the following staff conditions:

1. Hours of operation shall be limited to
  - Monday through Saturday 7 AM to 7 PM
  - No operation Sunday
  - No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day
2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.
3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.
4. The topsoil removal operation shall be limited to 20 acres per year which will be enforced through the Land Disturbance Permit
5. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.
6. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.

Boyd Harris – Yes	Paul Prevo – NO
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – NO
Loyd Wilson – Yes	Rhonda Lightfoot – Yes

Motion to approve the request with staff conditions passes      6 YES      2 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on June 28, 2016 and the applicant needs to be present at the hearing.

## VI. Rezoning

1. Request by Donald F. Baker on behalf of 63 South Properties to rezone from A-1 (Agriculture) to M-LP (Planned Light Industrial) and approve a Review Plan for Trueson Landing Planned Development on 20.0 acres, more or less, located at 5550 E Hwy 163, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1 mile to the south of the city limits of the City of Columbia on Highway 163. The property is 32.12 acres in size and zoned A-1 (Agriculture). There is A-1 property to the south, east, northwest and west, with M-L (Light Industrial) zoning to the north and northeast. This is original 1973 zoning. The property to the east was granted conditional use permit to operate a dog day-care/kennel in April 2014. There is currently a single accessory structure located on the west side of this property. The property is located in the Bonne Femme Watershed, a studied environmentally sensitive area, and the Devil's Icebox recharge area. The property scored 55 points on the rating system.

The applicant is seeking approval of a rezoning from A-1 (Agriculture) to M-LP (Planned Light Industrial) on 20 of the 32.12 acres of this tract. The site plan shows a future land division on this property creating three tracts, two at 10 acres and a 12.12 acre tract. The proposed rezoning will cover the eastern two tracts, each at 10 acres in size, reserving the western-most tract of 12.12 acres in the current A-1 zoning. The site plan identifies three building envelopes on the easternmost tract, leaving the other 10 acre tract vacant, but still zoned M-LP. On the development tract, two buildings near the northern property line are identified as office space, ranging up to 12,000 square feet in size, and a third building, identified as a warehouse, ranging up to 30,000 square feet in size. Space for on-site wastewater treatment, stormwater detention, and parking are also identified on the site plan.

The plan identifies separate use lists for the smaller buildings and the larger building. Both lists allow for agricultural activity, public buildings, farm implement sales and repair, wholesale merchandising or storage warehouses (including mini-warehouses), contractor's buildings and storage yards, lumberyard & building materials, and farm feed store with bulk feed & fertilizer storage. The smaller buildings have several uses (office, bank or financial institution, retail store, medical/psychiatric/dental offices, and display and salesroom) that are not available to the larger building.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural 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 subject property is located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. There is a 12" waterline on the south side of Highway 163 that can be extended to provide service to this property. Fire protection will need to be extended to meet the requirements of the fire code. Wastewater will be treated through an on-site system regulated by the Columbia/Boone County Health Department or the Missouri Department of Natural Resources, depending on the needs of the desired uses.

Transportation: The property has direct access on to Highway 163. Points of access will be evaluated and permitted by the Missouri Department of Transportation.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: This proposal was initially discussed with staff as a small-scale development to gradually extend the existing industrial node on the north side of Highway 163 to the south side of the highway. The Boone County Zoning Ordinance recommends using planned districts in minimizing adverse impacts on the surrounding area. The property is also located in the Bonne Femme Watershed and the Devil's Icebox recharge area, making it an environmentally sensitive area. A planned district would allow staff to better evaluate the impacts of an industrial development in such a sensitive location. Therefore, staff discussed rezoning to a planned district at the initial contact. Historically, industrial/commercial activity in this area has been limited to the area on the north side of Highway 163. The majority of the existing M-L on the north side of Highway 163 is original 1973 zoning, with a small addition to that space rezoned in 1981.

Typically, when planned districts are proposed at a substantially higher intensity than the existing zoning they are designed to conceal or minimize their impact on surrounding property owners. The conditional use permit to the east, a dog day-care/kennel operation, is an example of an effective transition from industrial/commercial uses on the north side of Highway 163 to the agriculture uses on the south side. It has a commercial aspect, but is focused towards rural residential uses and retains the underlying A-1 zoning. Because of the significant amount of industrial property to the north, the role of this property is to be transitional in nature. This transition would be accomplished by a carefully focused proposal that is limited in scope, creating a buffer between the open M-L zoning on the north side of Highway 163 and the large lot, low intensity A-1(Agriculture) zoning on the south side of Highway 163. The proposed design makes no effort to blend into the surrounding area or screen itself from the existing rural residential land uses to the west and south, or the conditional use to the east.

This proposal desires expansion of the under-developed industrial node to the north into an area with an established rural residential character. It proposes one heavily developed 10 acre tract (11-C) and one vacant 10 acre tract (11-B). Given the vacant industrial property to the north of the subject tract along Tom Bass & Highway 163 (65.29 acres of M-L (Light Industrial) zoning) and the existing undeveloped industrial property less than a half mile further north along Meyer Industrial Drive (82.47 acres of M-GP (Planned General Industrial)), there is no need for additional vacant industrial property in this part of the county as shown by tract 11-B. The proposed design of tract 11-C with a use list as shown would be more appropriate inside an established industrial/commercial node rather than on the periphery of such a node as the use is too intensive and it is not well suited as a buffering or a transition use. The list of proposed uses is both too broad in its overall scope to guarantee the use provides a good transition and is not defined narrowly enough in depth to guarantee the use be low intensity

Staff recommends denial of the request.

Should the commission wish to entertain approval of the request, the following conditions are a minimum needed to lessen the detrimental impacts to the adjoining area/properties.

1. Only proposed Tract 11-C shall be rezoned to M-LP, proposed Tract 11-B will remain zoned A-1.
2. A landscaping and screening plan shall be developed to limit the visual and auditory impact of the proposed uses on the surrounding properties through use of a buffer. This plan is to be approved by the Director of Resource Management prior to final plan approval. It is likely that in order to provide such a buffer, uses shown will have to be moved on the site plan portion of the plan. Any such shifting on the plan must be specifically approved by the Director and the Director can require such shifting to accommodate area for buffering that will limit the visual and auditory impact to surrounding properties.

3. The list of permitted uses on Buildings 1 & 2 be revised to exclude the following uses: Retail Store provided that in connection with which there shall be no slaughter of animals or poultry, nor commercial fish cleaning and processing on the premises, Public Buildings erected by any public agency, including maintenance and storage buildings, Rental Agency, Lumberyard & Building Materials, and Display and Salesroom as these uses could be conducted in a manner that would be too intensive for the site to function as a transition from Industrial to Agriculture.
4. The list of permitted uses on Building 3 be revised to exclude the following uses: Public Buildings erected by any public agency, including maintenance and storage buildings, Rental Agency, and Lumberyard & Building Materials.

Present representing the request:

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

The applicants presented a power point presentation.

Tim Crockett: Applicants Barry Roewe and Bryan Ninichuck both intend to keep their personal business on the property with the first two buildings located to the north of the subject tract. The current zoning of the property is A-1 and the applicants propose to zone to M-LP with an associated review plan. The property is 20 acres for the rezoning. The plan is to allow three buildings; the applicants desire to have their personal businesses at this location so it is not something that is going to be rented it will be owner occupied. The zoning map that the county provided shows the 32 acres as the parent parcel, the 10 acres is not being rezoned but is being left as A-1 zoning. To the north is the M-L property that opened it up for zoning and to the east is a conditional use permit for a dog kennel which exists right now. Due to the surrounding uses the applicants believe the request is suitable for the area. Tracts to the west sold for residential purposes and many of them have residential uses on them however this piece of property has not been sold and hasn't been marketed very well to residential uses. Directly across the street is a lumber yard which includes sales, service, and material storage. Down the street there are more commercial uses across the road from the proposed site. Highway 63 isn't very far from the subject property. On the west are major power transmission lines that run through the development; there are two power lines that run through and three easements in place, it is anticipated that there will a third major overhead transmission line that will go in that location in the future, we don't know when but the easement has been granted.

The applicants believe they are framed in; if it is not light industrial use there are not many other uses that will fit in. This property was surveyed as part of the Walden Point development several years ago however it is not part of the Walden Point Homeowners Association and was left out of those covenants for this reason, it was believed that this area was not conducive to residential development. While it was all surveyed it was all under a parent parcel at one point. The applicants did go door to door asking for input to some of the residents; we received a letter a few days ago with some concerns and prior to that they received a couple of phone calls from the residents and the applicants believe they addressed the concerns. It has been brought up that we are in a recharge area for Rock Bridge State Park. The county regulations are very specific on how we deal with those items, there is an entire section on how to deal with environmentally sensitive areas. In this case we have doubled the length of the stream buffer; that is a requirement made by county regulations, it is not something we proposed, the regulations are very straight forward and very strict on what we have to do when we are in environmentally sensitive areas and we intend to be in full conformance with those regulations. Stormwater is always a concern, we are going to do all the requirements set forth by county regulations. We believe this request is justified, it is going to be phase development. The first two buildings will be built to house the applicants personal business there and they are going to be onsite everyday. Mr. Roewe does have a small showroom, it is a home

improvement facility, all his work is done off site and he has the occasional visitor come to his building to look at materials and that is about three to five people per week so one or less people will visit the site.

The applicants believe it is an appropriate type of zoning given the area and we understand why it needs to be a planned development. The applicants don't have an issue with staff's proposed conditions 2, 3 and 4. The applicants will submit a full landscaping plan if desired. The applicants are happy to abide by restricted uses, the only thing the applicants would like to keep is the display and showroom because Mr. Roewe has a small showroom but it is not going to draw a lot of traffic. The applicants are willing to abide by the limited uses on building 3; the only concern is when we have to purchase 20 acres we would like the whole thing to be zoned M-LP with the understanding that the other 10 acres we have no proposed uses at this time and no proposed building on that property. Any proposed use for that property would have to come back to the Commission.

Commissioner Poehlman: Why weren't the applicants more explicit about what they were going to do with this property in the application and in the plan?

Tim Crockett: A lot of times you want to leave your options open if you can; if we are able to have more they would like to have that however the unit is owner occupied and the applicants are more than willing to restrict those uses.

Chairperson Harris: That is one of the concerns I had because usually on a planned request it is fairly targeted and precise. This request came in looking like the applicants were throwing in everything to see what uses they could get and now tonight the Commission is hearing that the applicants aren't going to get away with it so we will taper it back. Tapered back should have been the primary request.

Tim Crockett: The applicants were in discussions with some of the neighbors and they wanted the night clubs and bars restricted so the applicants removed those from the proposal.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition:

Rich Germinder, 4930 E Hwy 163, Columbia

Rich Germinder: I own property in Walden Point. I am here on behalf of myself and I am the designee for the Walden Point Homeowners Association. I sent a letter to the Planning and Zoning Commission lining out the Association's collective objections and concerns. We have a number of significant objections and concerns that we believe have not been met. The purpose of zoning is not only to restrict my rights as a property owner but also so the things that I can do are restricted to protect the rights of my neighbors. When we purchased property in this area it was zoned A-1 and this was a significant factor in our decisions to purchase property to build a home. When we looked at the surrounding property our understanding was that it would be zoned A-1 so when we purchased property we accepted that other surrounding property owners would have the right to do A-1 activities. When Creekside Pet Center went in we understood that was a possible scenario that could occur in A-1 property because it is a permitted use. When an additional business would go in to the light industrial on the north side of the road we accept that because it is a permitted use. We don't believe changing the zoning from A-1 is justified in this case. The rezoning of an A-1 property to a mixed light industrial plan with a broader array of permitted uses goes far beyond what any of us have remotely contemplated is possible. In reviewing the

proposal set forth in Trueson Landing I can only find five permitted uses that the applicants have listed that would also be permitted under A-1. There are a significant number of uses that are far beyond what A-1 contemplates. The existing mixed light industrial property in Boone County is underutilized and for sale, there is a vacant portion of property that is north of the existing businesses in mixed light industrial and there is a Century 21 for sale sign at that property and we have seen it listed for sale several times. That property would not require rezoning to do whatever the activities are. There is significant wildlife in this portion of the county; we have deer, turkey, a lot of birds and other wildlife and vegetation. Even though Highway 63 is just down the road once you have lived there for about a week it is nice, quiet, and rural and it is the primary reason we chose to live there. In addition, as staff noted, the property is located in an area that is part of the Bonne Femme watershed project area and the Devils Icebox Cave recharge area. In addition on the southern edge of the development crossing the lower four tracts is a losing stream; whenever there is a significant rainfall event that stream level rises dramatically and tapers off as the rainfall drops. Any sort of activity that would take place or whatever pesticides or chemicals that are stored to the east of the property along that losing stream that runoff will go directly onto our property. As staff noted this is a very rural, agricultural area although some people would be hard pressed to say a development of 10 acre tracts with homes on them is not necessarily rural, it is rural in the sense of looking at the rest of Boone County. A significant component of maintaining this setting is the protections and limitations that we are afforded by the A-1 zoning classification. It is without question that the permitted uses of the rezoning have the potential to develop far beyond what currently exists in the area and will drastically alter our setting. The current plan is for three businesses but also includes a completely undeveloped tract; while the undeveloped tract will have to come back to the Commission there is a great unknown. Are there going to be three more business there? The list of permitted uses is very expansive. The purpose of any business is to make money and in order to make money you have to drive traffic. The applicants made several indications of what their intended uses will be, one of them is a showroom with low traffic and there were no proposed uses of the undeveloped property; this doesn't ring true to us. That is not to say anything about what their purpose is or what they are trying to do but the reality is that the existence of a business there whose purpose is to drive traffic and to grow ultimately will deteriorate the setting of the area. The Walden Point Homeowners Association has not been convinced that the rezoning from A-1 to M-LP is justified and that property capable of fitting the applicants proposal and intentions is not currently available on the market. That the increase in industrial and commercial use will not affect the natural environment and that the rural and agricultural setting of the area will not drastically be altered by the rezoning. This issue is critical to us because we live there. Our purpose as homeowners and residents are different than the purpose of mixed light industrial proposal. It is for these reasons that we encourage the Commission to deny the request.

Karen Grindler, Cedar Creek Riding Center, 4895 E Hwy 163, Columbia

Karen Grindler: 25 years ago when Cedar Creek Riding Center moved into that area DNR had us drop dye into the creek and they found out that the karst topography came out of the Devil's Icebox. Everything, even across the road, goes down a concrete shoot, goes under the road into a drainage creek on Cedar Creek's property which goes into the Bonne Femme Creek which is where the sinkhole is that goes into the Devil's Icebox, it is a very delicate area. We don't have any horses anywhere near that creek because of the respect we have for the land. I am not quite sure what this large jump is necessary for unless it is going to be something so industrial that it is going to have to have some type of runoff. There is a sinkhole there and it ends up in the Devil's Icebox and we don't want to do anything to destroy that. I don't know what is going on with the guy on the corner, we've already had to put up with the barking dog kennel. It is a shame that someone can make this entire neighborhood miserable through this leaping change that doesn't really seem necessary. I just want to make sure we don't let anything develop there that could have such an affect on the runoff.

Phil Heller, 5275 E Hwy 163, Columbia  
Charlene Heller, 5275 W Hwy 163, Columbia

Phil Heller: We bought the property a few years ago and just recently moved out there about a year ago and I never dreamt that the dog kennel could bring so much other stuff with it. We don't have anything against Trueson, I've heard good things about them as far as their work. I don't know anything about Wingate, we don't have anything against them or Mr. Baker but we are very concerned about this rezoning. When we first heard about it we came to talk to staff and it seems like every time we get a letter about this it grows. There is industrial zoning behind us, we knew that when we bought the property. Tom Bass Road would be a better location for this to be located; it is already zoned. Highway 163 has a lot of lighter traffic on it and we have grandkids that travel that road. As far as the environmental issue, our daughter and son in law looked in to buying the old Pierpont store and were advised against it because it is a sensitive area. We have given this a lot of thought, we don't want to deny Mr. Baker and his right to market this property but we don't think this is the right location for this request.

Charlene Heller: We moved out there for peace and quiet and Sunday morning we sit on our porch and hear the dogs bark and target practice. We also hear a party that goes until 1:00 am with music blasting, it was a one time occurrence but in the short time that we have lived there it seems like we are getting hit with some things and we don't want it to get worse.

Phil Heller: The tract just to the west of Meeks has recently sold and they have trucks and machinery and they have thrown some late parties over there and we don't appreciate it. I farm for a living and we understand pesticides and it is not a safe thing.

Closed to public hearing.

Tim Crockett: The M-L zoned property to the north is for sale and the applicants had a piece of that property under contract for some time previous to this request. The problem with that is the current property owner will not sell a smaller piece of it on the southern edge; he wants to sell a large piece. He is not interested in subdividing smaller tracts therefore the applicants were forced to look at a piece of property on the far north end that is right next to the creek. That was all open M-L zoned but it didn't have water and the price to extend water to that portion of the development was extremely expensive. Regarding maintaining the rural area, several residents talked about that however if this area was foreseen as a rural area the previous owner wouldn't have a problem selling to other potential buyers for home sites and the main reason for that is the uses across the street, the large power line and the vicinity to Highway 63. Because these things are out there it takes away from the rural aspect. The applicants are not trying to make the area worse than it is; this is a very low key development. This property will never be a residential area. Sensitive areas are important to all of us. The county has gone through great lengths in recent years to develop a stringent set of guidelines for sensitive areas and how you develop in and around them. In regard to the chemicals, these area all stored and kept under safe conditions, we are not out there with containers that are going to be spilling and leaking chemicals and we aren't going to wash out trucks there. The business is too valuable to the applicant to do that, he doesn't do that now and isn't going to in the future. Several people have talked about the barking dogs and the parties, all of those are issues that they are having but it is not part of this development. This will have daytime hours it is not going to be late night.

Commissioner Prevo: What are the general hours of operation?

Barry Roewe: In general at 8:00 five employees will be there then they disperse; the hours are basically 8:00 am to 5:00 pm Monday through Friday.

Commissioner Freiling: Is it necessary to have M-L zoning for office use?

Thad Yonke: It is and that is one of the reasons we recommended a very narrow list of uses and a very carefully crafted plan.

Commissioner Freiling: Does office use need light industrial zoning?

Thad Yonke: The contractor's buildings and lots requires light industrial; whether it is a chemical based pest control company or a plumber they are both contractors.

Commissioner Lightfoot: Did the applicants say that the assembly is done elsewhere but this is just going to be office space?

Barry Roewe: Yes, we do home remodeling so we don't do anything on site.

Commissioner Martin: I have a hard time with this request, the zoning stays with the property and it is still open for anyone to do practically anything they want. The request is not specific enough for me to understand what will happen on this 20 acres. I understand DNR is going to be tough on the sewage treatment and the cost of this going to be expensive. The applicant's uses are fine but the request is too broad.

Commissioner Poehlman: It is not just the buildings it is the other 10 acres that sits there; there may not be a plan for it now but you could come back or the next owner could come back so there could be much greater uses that could go in there.

Chairperson Harris: Is there a committed user for building 3?

Barry Roewe: That building would be shared storage.

Chairperson Harris: If the project were to be approved it would be part of the same construction as the two smaller buildings and built at the same time?

Barry Roewe: No.

Chairperson Harris: At this point the only impervious surface would be the parking lot between the two smaller buildings?

Tim Crockett: As well as the parking spaces on the south.

Commissioner Kurzejeski: The applicants stated they were okay with conditions 2, 3, and 4. Are the applicants opposed to condition 1 and the 10 acre lot being rezoned?

Tim Crockett: Right now we are opposed to it. The applicants just received the staff report a few minutes before this meeting. While I represent the seller and the buyers they have not had enough time to discuss it, the contract was for the full 20 acres however if a portion of it is removed from the zoning request there are some contractual issues that the applicants will have to work on. The applicants briefly talked before the meeting as to whether they could make that concession and the thought right now is no. The applicants have had no time to review this and what it means regarding the contract to purchase the property. The applicants are in agreement with conditions 2, 3 and 4 but condition 1 is a concern to the applicants.

Commissioner Poehlman: To do a rezoning you have to have a pretty compelling case to change it. I can see the argument that the applicants made about it losing its rural appeal but the reality is it is surrounded on three sides by agricultural zoning, you could still farm the property or do other agricultural uses.

Commissioner Martin made and Commissioner Poehlman seconded a motion to **deny** the request by Donald F. Baker on behalf of 63 South Properties to rezone from A-1 (Agriculture) to M-LP (Planned Light Industrial) and approve a Review Plan for Trueson Landing Planned Development on 20.0 acres, more or less, located at 5550 E Hwy 163, Columbia:

Boyd Harris – Yes	Paul Prevo – No
Eric Kurzejeski – No	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Loyd Wilson – No	Rhonda Lightfoot – Yes

Motion to deny the request passes.      5 YES      3 NO

Chairperson Harris informed the applicants that if they wished to appeal to the County Commission an appeal form would need to be filed with the Resource Management Department within three working days.

2. Request by 3WT Properties LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan and Preliminary Plat for Arrowhead Lake Estates on 59.15 acres, more or less, located at 3151 W Rte K, Columbia.

Commissioner Freiling stated he had a conflict of interest on this case and would not participate in the hearing or the vote.

Planner, Uriah Mach gave the following staff report:

The subject property is located on State Route K, on the eastern side of Arrowhead Lake Drive's connection with State Route K. The subject property is 59.15 acres in size and zoned A-2(Agriculture). This is original 1973 zoning. The property has A-2 zoning to the north, east and west, with State Route K and the City of Columbia to the south. The property scored 74 points on the point rating system.

The applicant is seeking a rezoning to A-2P (Planned Agriculture) for purposes of subdivision of the property and using a private road for access. The proposed preliminary plat shows 14 developable lots and 1 common lot. These lots range from 2.21 acres to 8.21 acres in size. The phasing plan with this development indicates that the common lot and lots 1 through 5, which front along Arrowhead Lake Drive, are proposed to be created first, with the remaining 9 lots to be developed as part of a later phase. This later phase will require the construction of a hard surface private road and water main extensions to meet the requirements of the fire code and domestic water service.

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:** The property is served by Consolidated Water for water service, the Boone Electric Cooperative for electrical service, and the City of Columbia via the Boone County Regional Sewer District for sewer service. At this time, the applicant is in the process of securing sufficient sewer service for this proposal from the City of Columbia. Approval of this preliminary plat will be a significant step in completing the process for securing the sewer service. However, it should be noted that if sufficient sewer service is not available the project will have to be revised to reflect the actual amount of sewer service allocated. Water service to meet the requirements of the fire code will need to be established. A water study is in progress to confirm any necessary improvements to the water infrastructure. Conditions will appear in the recommendation section of this report to ensure proper wastewater disposal and adequate water service.

**Transportation:** Lots 1 through 5, and the common lot (C1) are proposed with direct access on to Arrowhead Lake Drive, a publicly-dedicated, publicly-maintained right of way. Lots 10 and 11 share an access to Route K. Lot 14 has frontage and access to Route K. Lots 12 and 13 will utilize the private road for access to Route K. State Route K is a publicly-dedicated, publicly-maintained right of way. Lots 6 through 9 are proposed to have access to State Route K using a private road in lieu of a public road. This road connects to State Route K along the common lot line between lots 12 and 13. All roads in the Urban Service Area, whether public or private, are required to be paved. The proposed private road will be a 20' paved surface capable of supporting a 50,000 pound vehicle its entire length with turnarounds constructed to meet the requirements of the fire code. The private road is not shown on the current proposal as extending the required length. Any approval will require the road be extended to each lot that it serves.

**Public Safety:** The nearest fire station is located at State Route K near Old Plank Road, approximately 3.3 miles away. Phase 1 of this proposal, lots 1-5, provides fire protection with fire hydrants installed along Arrowhead Lake Drive. Phase 2 of this proposal, lots 6-14, will provide fire protection by installing hydrants along the private road and State Route K to meet the requirements of the fire code. The current design of this property does not show hydrants installed to meet the requirements of the fire code.

**Zoning Analysis:** The intent of this proposal is to create a combination of larger and smaller lots for residential development alongside and incorporation into the existing Arrowhead Lake neighborhood. The proposed density is in scale with the parent A-2 zoning. This design creates an approvable design that extends Arrowhead Lake into a previously undeveloped/underdeveloped area.

- There are several additional issues that must be addressed in order to approve this proposal
- There are several inconsistencies between the requested Allowed Uses and the proposed restrictive covenants
- The proposed phasing plan may not provide sufficient flexibility to ensure efficient provision of infrastructure, a three phase plan will allow the developer more flexibility regarding construction phasing allowing for earlier phases to take advantage of existing infrastructure and the sale of lots in those phases to finance new infrastructure in later phases.
- Lot 5 does not meet the minimum depth required for lots that are 2.5 acres or greater

59 property owners were notified about this request.

Staff recommends approval of the request with the following conditions:

1. Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
2. The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.
  - a. Plans for construction of the road will be required to be submitted for approval prior to construction.
  - b. Road construction may be phased but shall be complete prior to recording any final plat containing lots to be served by the private road.
  - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000 pound vehicle.
  - d. Where fire hydrants are located adjacent to the road the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.
  - e. Maximum grade of the road shall not exceed 10%.
3. Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.
4. Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
5. Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be as approved by the Director, Boone County Fire Protection District and Consolidated Water.
6. The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants: Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
7. Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

Present representing the request:

Tim Crockett, Crockett Engineering, 2608 N Stadium Blvd, Columbia  
Stephen Keithahn, 6575 S Arrowhead Lake Dr, Columbia

Tim Crockett: The current zoning of the property is A-2 and the applicants are asking to rezone the property to A-2P, the total area of the tract is just over 59 acres and contains 14 lots with an average size of just over 4.25 acres. Many times I have appeared before this commission and we've had neighbors that don't want development in their area. This piece of property became available for sale last year and there was a lot of discussion about how this property will develop. There are a number of residential developers in this community who would look at this piece of property and want to develop it to single family residential and try to get 110 plus homes on this piece of property. Mr. Keithahn and his wife who currently reside at the location did not want that type of development so they purchased the property themselves. It is their desire to develop it in conjunction with neighboring property owners. The applicant has met with numerous property owners and homeowners associations and he has done a lot of work in meeting with these residents to discuss this development. This proposed development has gotten written support from the Lake Arrowhead Homeowners Association and the Deerfield Ridge Neighborhood Association to the west. There is one piece of property that is surrounded by three sides of this

development and that property owner emailed Resource Management in support of this proposed development. The applicants propose a private drive that comes into the middle of the property to access interior lots. The county is asking for a 20 foot wide paved driveway. The applicants are asking for a 13 foot paved right of way with 3.5 foot granular shoulders on both sides. It is not something we just came up with, this is something that has recently been done and approved a half mile from this development. It was approved through the fire district. Boone County Fire District reviewed that cross section and approved it and we believe that cross section can be utilized at this location. We had geotechnical engineer evaluate the cross section to make sure it could stand a 50,000 pound load as required by the fire district. We have neighborhood support from both Lake Arrowhead and Deerfield Ridge, not very often do you come with a development that you have neighboring properties in support.

Staff has given seven conditions that they would like. The applicants are proposing slightly different modifications to these conditions.

Item 2.C says the road shall at a minimum consist of a 20 wide paved surface. The applicants would like to interchange that to “The road shall consist of a 13 foot paved surface with 3.5 foot granular shoulders on both sides and be capable of supporting a 50,000 pound vehicle. Roadway cross-section shall be approved by the Boone County Fire Protection District.” It will be accessed by emergency services which is critical and I believe that the fire district are the ones who will serve the site and it is a health and safety issue and if they can support that then it should be approved.

Applicants would also like to modify item 2.E where it says the maximum grade of the road shall not exceed 10%, the applicants would like to add “unless approved otherwise by the Boone County Fire Protection District”. If the fire department can get in and out with their trucks and they can approve the increase in grade the applicants think that should be allowed.

Also, on condition 5 where it talks about the fire hydrant location. Fire hydrant locations shall be approved by the Director, Boone County Fire Protection District and Consolidate Water. No disrespect to Resource Management staff but we would like to remove “Director”. We believe the location of the fire hydrants are due to public safety and if Consolidated Water who owns the waterlines and supplies water to the hydrants and the Boone County Fire District who operate those hydrants are okay with the spacing then that is what should be approved.

Stephen Keithahn: Safety is important to us so we wouldn't want to build anything that is going to put anyone at risk so it is important what type of road services the four lots in the middle. For us to develop this property we have different incentives than the developers who were going to put 110 lots in and profit was not one of those incentives. While it makes sense to have a safe road to over engineer a road and put in a road and going over and above what the emergency vehicles needs is painful.

Chairperson Harris: Sewer service will be a combination of onsite and Regional Sewer District?

Tim Crockett: No. We are in the process of negotiating an agreement with the City of Columbia. They will be customers of Boone County Regional Sewer District, this is in process and I believe that was a condition that staff has presented, we are in the process of working out an arrangement that will be Boone County Sewer District customers however it will go back into the Lake Arrowhead facility. That facility was originally constructed as a step system with a septic tank effluent pump and then that pump discharged to a treatment facility. Since that time there is a gravity line from the Cascades pump station that has been installed to take out that treatment facility. Technically we will pump back into the Arrowhead facility and it will discharge back in to the city's system into the pump station at the city treatment plant. There will be no onsite sewage, it will all be centralized.

Chairperson Harris: Does the staff have any comments on what the applicant has proposed as far as the conditions?

Director Stan Shawver: I don't believe staff is ready to abdicate their responsibility to the public as far as private roads and hydrant placement. With all due respect to the Fire Protection District they are not qualified for road construction and evaluation; that is why the condition was in consultation with and approval by both parties.

Planner Thad Yonke: One thing that does need to be pointed out is that there seems to be a misconception on the standard that can be approved; that is not something that is available to be proposed as a different standard. This is in the urban service area and all roads in the urban service area are required to be hard surface. That doesn't mean part hard surface it means if the width is a 20 foot width it is 20 foot width paved, it can't have gravel shoulders. The applicant seems to be under the misconception that they got that approved for the Toalson request, that is incorrect, what got approved was a standard that had to meet the standards. They proposed that standard for Toalson, that is not the actual standard that was accepted and it is not the one that has been required to be submitted.

Stan Shawver: An additional clarification is that private drives or private access easements are only permitted in planned developments and that is with the Commission's approval. The Commission is not obligated to allow a private drive. There is already a concession built in there as opposed to building a 32 foot wide street with curb and gutter.

Planner Bill Florea: The type of development that they proposed requires public streets unless they file for planned development. The request is to provide private streets rather than public roads.

Chairperson Harris: Which would be an inappropriate element for this type of request unless it meets the standard. There is an existing dwelling on what is identified as lot 5 and then there is an existing dwelling that is pretty good sized on lot 21.

Tim Crockett: Yes, that is the neighboring property; it is not part of this request. I believe the requirement is we have to show existing structures.

Chairperson Harris: So the one to the south is an existing structure that someone else owns?

Tim Crockett: No, this is the home that was existing on a piece of property when Mr. Keithahn purchased the property.

Chairperson Harris: The common lot on the corner is just to have an entry?

Tim Crockett: The portion to the east was a common lot owned by Lake Arrowhead Homeowners Association owns. An arrangement has been made to acquire that section from the association in exchange for an expanded entryway.

Open to public hearing.

Present speaking in support of the request:

Karen Weaver, President, Arrowhead Lake Homeowners Assoc., 3040 W Arrowhead Lake Dr, Columbia

Karen Weaver: Our neighborhood is very concerned about the dense development occurring around us. We value our peaceful neighborhood which includes minimal noise and light and we don't want to lose our rural atmosphere. We have amended our covenants to allow four additional lots in Arrowhead for this property; this required a 75% positive vote and we exceed that. Arrowhead residents fully support the plan and we are grateful to the applicants for providing this low density development option on border.

David Butcher, Surveyor representing applicant, Crockett Engineering, 2608 N Stadium Blvd, Columbia

David Butcher: I wanted clarification on the discussion on the private roadway. When we were at the Commission meeting in December with regards to the Bill Toalson property we gave them a copy of that cross section and Commissioner Miller specifically wanted to know how we were going to phase that roadway and end up with pavement. We discussed that we would build the cross section exactly the way it was shown with the pavement coming after the construction of the homes and I am pretty sure that was acceptable to them. There was some confusion tonight with regard to the road.

Stan Shawver: There is also a condition that the roadway plans had to be approved before construction; the plans have not been approved and the roads have been built. When you propose a sub-standard road profile and it is not installed according to plans there is no assurance that will happen. With all respect to Mr. Keithahn we don't want that to happen to him. The previous client that Mr. Butcher is siting is going to be in a very tough position to get that approved now.

David Butcher: It was my impression that he had the road graded; I didn't know there was construction of the road already in place. I did know that we needed to provide a plan.

Stan Shawver: The plans were just sent back to you today because they were unreadable, the scale of the work, so they have not been approved. Consequently the road should not have been graded. Mr. Butcher's client also reported to Mr. Ratermann that the roads were done. I don't know that you want to go down the path of talking about a previous approval.

David Butcher: I can't vouch for the character of the person who built the road, I am sorry about that. There was some very specific discussion that night about that cross section.

Stan Shawver: I think that is a different discussion than we are having tonight. That was a different development.

David Butcher: I apologize and I didn't come here to argue, what I wanted to do was clarify. I thought that cross section was a reasonable cross section that was accepted.

Stan Shawver: It was not accepted by Resource Management.

Thad Yonke: It doesn't really matter, it doesn't meet the regulations. That is not one of the things you get to propose; that is the issue we've got. If it is in the urban service area you have to have a paved surface. That means the entire width has to be paved so if it is a 20 foot required width it is a 20 foot paved surface and that is the issue, it is not a variable like parking where you can waive. I think that was the uncertainty you had at that point was that portion of the regulations was one of those things that we didn't call out to you earlier because we were not given that cross section before so we didn't make an issue out of it. It was in the staff report because it is part of the regulations but we didn't know that was going to be proposed.

David Butcher: I understand where you are coming from, that is not what I thought happened

No one spoke in opposition.

Closed to public hearing.

Tim Crockett: The applicants believe this is a justified request and it has support from the neighbors and there are some conditions that the applicants support from staff as well.

Commissioner Martin: I am in support of the standards for roads because that is the biggest contingency of any development we have in the county is the private road issue because they do fall apart and people spend hundreds of thousands of dollars to fix that and generally no matter where the development is the money is hard to come by. This is a great development and I have no problems with what the applicants have done up to that but that road is a sticky point. If that was going to be contingent then I would have to deny it.

Stephen Keithahn: The road condition that it be 20 feet paved?

Commissioner Martin: Yes. Because it is a better neighborhood road and it is a better long-term solution. 10 years from now there will be arguments of who fixes the shoulders when they fall away. The first time I drive my fire truck over it in the spring someone is going to be upset that there are 50 feet of deep ruts from driving the fire truck down it.

Chairperson Harris: That road is about 600 feet total feet paved?

Bill Florea: It will be considerably more than that because all lots will need to be served by the private road. The applicants have it shown cut short.

Thad Yonke: They will have to extend to whatever lots get created. It has to have frontage.

Tim Crockett: What we are asking for in phase 3 when this property gets developed there will be an additional private road that serves the lot. They are not shown on the plat right now because there is desire for some of these lots to be purchased by adjacent property owners.

Thad Yonke: That's why the condition to have 3 phases was put on there so it would give them more flexibility in that third phase and we could work that out.

Stephen Keithahn: We don't know how we are going to sell those 4 lots and we will probably be back here with someone who wants to buy it and a certain order of road type that we are going to put in.

Chairperson Harris: The road is the debacle but the reality is no matter how it is constructed in March when the thaw is over if you drop a loaded tanker off the side of the paved road in the best packed gravel road you are going down. The other reality is that given the location of the neighborhood and what is already there you aren't building small houses so that if there is a disaster you are going to need a venue to get multiple pieces of equipment in and out of there, potentially passing each other.

Commissioner Prevo: The applicants are asking for variance from staff recommendations for maximum grade not to exceed 10%. What is the grade?

Tim Crockett: We talked to the Boone County Fire Protection District and asked for that specific item, we don't know if staff has any objection to that.

Thad Yonke: Yes, staff has objection to anything other than what was proposed in the conditions. We've checked it with our engineers and that is the standard.

Bill Florea: If you ask the fire district that is what was said at the concept review.

Tim Crockett: I understand, the fire district has also indicated to us directly that they would be willing to exceed a 10% grade, it is on a case by case basis, they would like to look at it and they would be willing to consider a steeper grade that is the reason the applicants asked for that. It is a private drive the biggest issue is health and safety, that is our number one goal so if emergency vehicles can enter and exit the site safely that is what the applicants want and if the fire district says we can go a little steeper than that in some locations then the applicants would like to have that.

Chairperson Harris: These are proposed as private roads, will there be a drafted and deeded roadway maintenance agreement for all of the adjacent property owners so there isn't a question as to who does what?

Tim Crockett: That will be spelled out directly in the covenants.

Uriah Mach: Staff received a draft of the restrictive covenants that are currently applied to Arrowhead Lake, there was some vagueness. That is what staff received and that is what the analysis was based on. If there are additional covenants that are proposed for areas not a part of Arrowhead Lake staff hasn't received them.

Stephen Keithahn: Tom Harris had drafted a maintenance agreement and I thought that had been submitted in a separate document.

Thad Yonke: It is actually required to be submitted with the initial submission, but it wasn't.

Chairperson Harris: I am not sure that subdivision covenants meet the muster of what we are looking for these days in road maintenance agreements.

Commissioner Poehlman made and Commissioner Martin seconded a motion to **approve the request by 3WT Properties LLC to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan and Preliminary Plat for Arrowhead Lake Estates on 59.15 acres, more or less, located at 3151 W Rte K, Columbia with the following staff conditions:**

1. Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
2. The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.
  - a. Plans for construction of the road will be required to be submitted for approval prior to construction.
  - b. Road construction may be phased but shall be complete prior to recording any final plat containing lots to be served by the private road.
  - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000 pound vehicle.
  - d. Where fire hydrants are located adjacent to the road the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.

- e. Maximum grade of the road shall not exceed 10%.
3. Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.
  4. Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
  5. Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be as approved by the Director, Boone County Fire Protection District and Consolidated Water.
  6. The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants: Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
  7. Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Greg Martin – Yes

Rhonda Lightfoot – Yes

Loyd Wilson – Yes

Motion to approve the request with staff conditions passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on June 28, 2016 and the applicant needs to be present at the hearing.

Commissioner Freiling returned to chambers.

## VII. Planned Developments

1. Request by EKD Properties V LLC to approve a Final Development Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101 N Lenway Dr. Columbia.

The final development plan was signed by the Chairperson and Secretary.

## VIII. Plats

The following items were placed on consent agenda:

1. Gateway South Plat No. 7-A1. S10-T47N-R13W. R-S. Bradley and Abigail Baker, owners. David T. Butcher, surveyor.

The subject property is located at the cul-de-sac of Allton Park Road in the Gateway South Subdivision, approximately 3400 feet from the intersection of Gateway Boulevard with Route K. The parcel is 9.43 acres in area and is vacant. In 1976, the Lot was platted as Lot 118 of Gateway South Plat 7 and designated as a park area. In 1996, the County Commission granted permission for the lot to be vacated and re-platted. On the June 2013 Boone County Planning & Zoning Commission agenda, a proposal was made to rezone this property to R-SP(Planned Residential Single-Family). That proposal was denied by the Planning & Zoning Commission. In December of 2013, this property was platted into three lots. In May of 2016, the County Commission vacated and permitted a replat of two of those lots into a single lot. This proposal is the completion of that action, consolidating two lots of 5.30 acres and 2.22 acres into a single 7.53 acre lot.

The current zoning for this property is R-S(Residential Single-Family), which is the original zoning. The surrounding property is zoned R-S to the north, east, and west, with R-SP(Planned Residential Single-Family) to the south.

The Master Plan identifies this site as being suitable for residential land uses.

The new lot will have direct frontage on the cul-de-sac at the end of Allton Park Road. The applicant has submitted a request to waive the traffic study requirement.

Consolidated Public Water Service District #1, Boone Electric, & the Boone County Fire Protection District will provide water service, electrical service and fire protection.

All three lots will require connections to a central sewer for wastewater treatment. In this area, the Boone County Regional Sewer District(BCRSD) is the central sewer utility provider.

The property scored 63 points on the rating system.

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

2. Deline. S18-T47N-R12W. A-2. Kelly C. Deline, owner. C. Stephen Heying, surveyor.

The subject property is located on State Route N, approximately ½ mile to the southwest of the intersection of Highway 163 and Route N. The subject property is approximately 16.91 acres in size, and has a house with a few accessory structures present. The proposed plat creates a 2.5 acre lot around the house and accessory structures, with the remainder being described by a concurrent administrative survey. The property is zoned A-2(Agriculture) and has A-2 to the south, west, and, north, with the limits of the Village of Pierpont to the east. The A-2 is original 1973 zoning.

The subject property has an existing access on to State Route N. The applicant has submitted a request to waive the traffic study requirement.

This 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.

There is an existing on-site system on this property, serving the house. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis.

The property scored 63 points on the rating system.

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

3. KW Estates. S25/26 –T50N-R13W. A-2. KW Properties Inc., owner. Kevin Schweikert, surveyor.

The subject property is located on Old Highway 63, north of Dripping Springs, 5 miles to the north of the City of Columbia. It is approximately 21 acres in size and currently has a house and a few small accessory buildings. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The plat proposes to divide the property into three lots, of 7.34, 7.34, and 7.39 acres in size. The applicant proposes access for the two 7.34 acre lots, which lack direct road frontage, to be provided by a private access easement running the southeast to the northwest.

Lot 1 has direct access on to Old Highway 63, a publicly-dedicated, publicly-maintained right-of-way. Lots 2 & 3 have access to Old Highway 63 via a private access easement extending through Lots 1 & 2. 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 applicant has proposed on-site wastewater treatment for the new lots, with the existing system allowed to remain on site. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 38 points on the rating system.

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

4. Gobbling Tom. S2/11-T47N-R13W. R-S. Michael R. Covington, owner. James R. Jeffries, surveyor.

The subject property is located off of Old Village Road, east of the city limits of Columbia. The subject property is 14.57 acres in size and is split-zoned A-R(Agriculture-Residential) and R-S(Residential Single-Family). The City of Columbia is to the south and west, there is A-R zoning to the north, and R-S and A-R zoning to the east. The county zoning is original 1973 zoning. The proposed plat reconfigures the property into two lots, each containing an existing house.

The northern lot has access to Old Village Road via an access easement. The southern lot has direct access on to Old Village Road. Old Village Road is a publicly-dedicated, publicly-maintained right of way. The applicant has requested a waiver to the traffic study requirement.

The subject property is served by Consolidated Public Water Service District #1 for water service and Boone Electric for electrical service.

There are existing on-site systems on this property for the houses. If there are any problems with those systems, annexation and connection to sewer service from the City of Columbia will be required.

This property went before the Boone County Board of Adjustment on case number 2016-003 on April 28, 2016 to gain relief from two design requirements of the Boone County Subdivision Regulations. Those variances were granted at that meeting.

The property scored 55 points on the rating system.

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

5. Clearview Plat 8. S24-T49N-R13W. R-M. Enrich Properties LLC, owner. Kevin Schweikert, surveyor.

The subject property is located on Rocky Fork Drive, approximately ½ mile to the north of the city limits of Columbia. The proposal is to replat five existing lots into eight lots. The property was originally platted as part of Clearview Subdivision Plat 6 Replat number 2, but it was vacated by the County Commission on May 31<sup>st</sup>, 2016. The property is zoned R-M(Residential Moderate-Density), and has R-S(Residential Single-Family) zoning to the east, and R-M zoning to the north, south, and west. The R-S was rezoned from R-M in 1992.

All eight proposed lots have direct access on to Rocky Fork Drive, a publicly-maintained, publicly-dedicated right of way. The applicant has requested a waiver to the traffic study requirement

Water service is provided by the City of Columbia Water & Light department. Boone Electric provides electrical service, and the Boone County Fire Protection District provides fire protection.

The property is provided with central sewer service by the Boone County Regional Sewer District.

The property scored 84 points on the rating system.

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

Commissioner Prevo made and Commissioner Martin 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:

The planned development for Jerome and Jeannie Taylor was approved as recommended.

The revised review plan for Bobcat was approved as recommended.

All plats that went forward to the County Commission were approved.

## X. New Business

Chairperson Harris: For the record I will not approve anything that asks staff to forego their responsibilities.

Mr. Shawver introduced new Planning and Zoning Commission member Rhonda Lightfoot stating that she also currently serves on the Zoning Board of Adjustment. The statutes allow that the Board of Adjustment can have one member from the Planning and Zoning Commission which also means that the Planning and Zoning Commission can have one member from the Board of Adjustment.

XI. Adjourn

Being no further business the meeting was adjourned at 9:36 p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 21<sup>st</sup> day of July, 2015