

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

Minutes

7:00 P.M.

Thursday, February 16, 2017

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

II. Roll Call:

a. Members Present:

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| Boyd Harris, Chairperson | Centralia Township |
| Gregory Martin | Katy Township |
| Michael Poehlman | Rock Bridge Township |
| Loyd Wilson | Columbia Township |
| Bill Lloyd | Three Creeks Township |
| Derin Campbell | County Engineer |

b. Members Absent:

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| Paul Prevo, Vice-Chairperson | Rocky Fork Township |
| Eric Kurzejeski, Secretary | Missouri Township |
| Carl Freiling | Cedar Township |
| Rhonda Lightfoot | Perche Township |
| Vacant Seat | Bourbon Township |

c. Staff Present:

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| Bill Florea, Senior Planner | Uriah Mach, Planner |
| Thad Yonke, Senior Planner | Paula Evans, Staff |

III. Approval of Minutes:

Minutes from the December 15, 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 request, two rezoning requests with review plans, two preliminary plats 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, February 28th. 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, February 28th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Kellie Dickenson and Jason Karrick for a permit for an agribusiness oriented to and exclusively serving the agricultural community on 27.36 acres located at 19175 N Old Hwy 63 N, Sturgeon.

Planner Uriah Mach gave the following staff report:

The subject property is located on Old Highway 63 North between State Route NN and Williams Road, approximately 1 mile north of Riggs and 2 miles to the southwest of Sturgeon. The property is 27.36 acres in size and is zoned A-2(Agriculture). There is A-2 zoning to the north, west, and south, with A-R(Agriculture-Residential) zoning to the southeast and east. There is a house, garage, and three sheds on the property. 11 property owners were notified about this request.

The applicant is seeking a conditional use permit to operate an agribusiness, a business that is oriented to and exclusively serves the agricultural community. In this case, Show Me Diesel LLC, which repairs fuel injection pumps, turbochargers, and injectors for tractors and other agricultural equipment. They receive agricultural equipment for repair and use UPS and other parcel delivery services for parts orders.

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

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

- (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The repair of agricultural equipment is not an extraordinary activity in this part of the county. Neither is the arrival and departure of parcel delivery services such as UPS, Federal Express, or the United States Postal Service in the county at large. Public testimony may be indicative as to whether this criterion is met.

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

The proposed use is consistent with the surrounding agricultural area. This use should not substantially diminish or impair property values of existing properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

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

The structure proposed by the applicants to house the conditional use shall meet the requirements of the building code and fire code as administered by Boone County Resource Management and the Boone

County Fire Protection District. The availability of public water to meet those code requirements is limited. Other facilities, such as roads, road access, and drainage, are available.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties have already developed in a manner consistent with the zoning and the existing utility infrastructure. The approval of this conditional use permit will not impede the re-development or improvement of the surrounding property.

(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 limited nature of the proposal should prevent congestion or hindrance of the flow of traffic on public streets. Existing access onto the property may need to be improved to meet the requirements of the fire code and building code.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed.

Zoning Analysis: This conditional use is not in conflict with the surrounding land uses. Repair facilities exclusively supporting agricultural equipment are a part of large agricultural areas. While such facilities can create a commercial/industrial feeling to an area, the limited scale of this proposal should mitigate that impact. The limited scope of the proposal, a single building, and the small number of employees, should also limit the commercial/industrial feel of the use.

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

1. Only agricultural equipment is to be served by this business.
2. Any expansion beyond the buildings shown on the exhibit will require revision to the conditional use permit.
3. That the construction of the proposed commercial building be subject to the requirements of the Boone County Fire Protection District & Boone County Resource Management, Building Inspection Division.
4. Dust-free surfacing (minimum of chip-seal) of the driveway and parking surfaces serving the business will be required.

Present representing the request:

Jason Karrick, 19175 N Old Hwy 63, Sturgeon
Kellie Dickenson, 19175 N Old Hwy 63, Sturgeon

Jason Karrick: We have a business in Columbia now but would like to move it to where we live on Old Highway 63. We were planning to build a shed there anyway, we wanted to move the business because the building we have in Columbia doesn't suit the business, it is more of a warehouse setting and is hard to heat and cool. I need more of a shop setting. We work on small components of diesel engines, we don't

work on complete engines or cars and trucks; everything is inside. Everything we work on can be carried inside by one person, there is nothing big. There won't be any noise or odors. The vast majority of what we do is brought in by UPS, we've kept track over the last three months of how many walk-ins we have and we average 3 per day so there won't be a big traffic issue. It can be accessed off of Highway 63 from two different places, from Highway 63 to north on Old Highway 63 or from Highway 63 to Highway NN to south on Old Highway 63. We are going to keep the new building similar looking to other machine sheds in the area with a wood frame and metal siding. Our hours will be 8:00 am to 5:00 pm on weekdays and to keep people from the property on weekends we will have an automatic gate. I encourage people to send their parts in via UPS, sometimes it comes via Fed Ex or through the mail. The parts that I generally get are already drained and cleaned; we probably only produce five gallons of oil or diesel fuel every couple of years. We have a contract with Crystal Clean to pick up the waste. We have three parts washers and one that uses a solvent tank, the other washer is a hot water washer that uses soap. The work we do is fairly technical and we have to keep the stuff clean and the building has to be clean. The main reason we wanted to get a conditional use permit, there was some doubt as to whether we needed it because I have one machine that is about the size of a refrigerator and it is not something normally found anywhere else. I didn't want any questions down the road about whether we should have the business there or not. I didn't want to open it and have it close a year later.

Commissioner Poehlman: If someone wants to bring a tractor or truck in and park it there is that within the scope of the business?

Jason Karrick: No, I don't want it there, I don't work on those. I don't remove the parts from the engines, I just work on the parts.

Commissioner Poehlman: The condition states that it is strictly an agricultural business.

Jason Karrick: 95 % of the stuff I work on is agricultural. There will be a little overlap with some other stuff on road or industrial and we do collect sales tax. We mainly deal with individual farmers and dealerships like Sydenstricker and Crown, however, we do quite a bit of work out of state. There is some logging equipment I work on but off-road agriculture is what we mainly do. We don't work on a ton of new stuff; most of what we work on is 2014 and older.

Commissioner Martin: The building is 50 x 90?

Jason Karrick: Yes. About a third of it will be used for personal use, we have cattle and farm equipment of our own.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Dennis Haynes: 19200 N Old Highway 63, Sturgeon

Dennis Haynes: I own the property to the east of the site and I have several concerns. I found out about this through a letter in the mail, this is a pretty tight-knit neighborhood and we didn't know about this. I witnessed the dirt work for this shop and the one that was built under an ag building permit several months ago; the building pad is already there. I have lived in the area for about three years and about the time we moved there MoDot removed a 12 ton vehicle limit sign coming off of Williams Road coming out of the rock quarry; all of the heavy traffic used to only go south to the Riggs exit off of Highway 63 now the

traffic is two-way and it receives plenty of traffic through the day, mostly dump trucks. A lot of people go on walks in the morning so there are traffic concerns. I also have concerns about the working hours as quoted, I don't want to be the one or put the burden on the neighborhood to police the working hours and whether the business morphs in to something else. Just because there is a proclamation that the Commission doesn't think there will be an impact on the property values doesn't make it so. The very reason I moved to my property was because I lived elsewhere in the county where some decisions were made and the property value loss because so unsustainable I just pulled the plug and moved on. There is an impact, you can't put a value on it because it is always in the eyes of the next buyer, that is who sets the market. I don't know if the approach and culvert width and turning radius' will be taken in to account, that might be something else that needs to be looked at.

Bartley Stevenson, 19001 N Old Highway 63, Sturgeon
Candace Stevenson, 19001 N Old Highway 63, Sturgeon

Bartley Stevenson: I am concerned about the amount of business and the amount of traffic, everyone wants their business to do good and grow. If the conditional use permit allows this use does it also allow working on and testing motors, vehicle and machinery storage, and over-flow parking? We bought in Boone County based on Boone County being clean and kept up and we want to support that. It is hard to see a conditional use permit for X and it also allows Y even though Y is not being focused on; I don't want Y to be the alternate path. I am pro small business so I want to support this request but I am wondering if there is a better spot off the road back by the house and the two other outbuildings, somewhere that is not right by the road so if the business does grow it has less of an impact.

Closed to public hearing.

Jason Karrick: I tried to get a hold of the neighbors, we knocked on their door to try to notify them of this request. We decided to mail a letter to the neighbors because we couldn't get in touch with most of them by knocking on doors. As far as putting the building in a different spot the covenants and restrictions on the property don't allow it because the building would be too close to the property line at any other location; we originally wanted to put it by the house.

Chairperson Harris: Will there be any equipment sitting around while repairs are being made?

Jason Karrick: No, I have no intention of working on those kinds of things.

Kellie Dickenson submitted photos of the current business site. Ms. Dickenson noted that there is no equipment parked at the site.

Kellie Dickenson also presented a copy of the letter that the applicants sent to the neighbors.

Jason Karrick: As far as getting busier and the business growing I make plenty of money; I don't need anymore. We don't advertise anymore because we are too busy.

Commissioner Martin: One question that was raised was hours of operation, will this be an 8:00 am to 5:00 pm business?

Jason Karrick: 8:00 am to 5:00 pm would be fine.

Commissioner Martin: Conditional use permits stay with the property so if the applicant sells his property tomorrow that use will stay with the property.

Jason Karrick: I have interest in my property value too and I don't want to do anything to damage that either.

Commissioner Martin: Are there going to be any outside lights?

Jason Karrick: I don't have any use for that, whatever would go along with county regulations.

Commissioner Loyd: If we grant a conditional use permit and the conditions are violated what is the recourse for that and how would anyone complain about it?

Bill Florea: Our first step is to work with the property owners to correct the violation if that is not successful the County Commission could revoke the permit.

Commissioner Loyd: So there are remedies?

Bill Florea: Yes.

Chairperson Harris: Looking at where the building is located and the relatively short distance off the public road what is the rationale for chip and seal of that short distance?

Uriah Mach: It is a commercial enterprise and driveways for commercial enterprises have to be a minimum dust free surface, minimum chip and seal. As one of the speakers stated they probably will end up improving that road but the applicants will go through the process when they pull their building permit. Our building and roadway inspectors will evaluate it based on commercial standards.

Chairperson Harris: They just have to go the distance to the building?

Uriah Mach: Yes.

Commissioner Poehlman: There was a question about a culvert.

Uriah Mach: It will be evaluated during the permit process.

Commissioner Loyd made and Commissioner Poehlman seconded a motion to **approve** the request by Kellie Dickenson and Jason Karrick for a permit for an agribusiness oriented to and exclusively serving the agricultural community on 27.36 acres located at 19175 N Old Hwy 63 N, Sturgeon **with the following conditions:**

1. Only agricultural equipment is to be served by this business.
2. Any expansion beyond the buildings shown on the exhibit will require revision to the conditional use permit.
3. That the construction of the proposed commercial building be subject to the requirements of the Boone County Fire Protection District & Boone County Resource Management, Building Inspection Division.
4. Dust-free surfacing (minimum of chip-seal) of the driveway and parking surfaces serving the business will be required.

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| Boyd Harris – Yes | Greg Martin – Yes |
| Michael Poehlman – Yes | Loyd Wilson – Yes |
| Bill Lloyd - Yes | Derin Campbell – Yes |

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on February 28, 2017 and the applicant needs to be present for the hearing.

VI. Rezoning

1. Request by T-Vine Enterprises Inc. to rezone and approve a review plan and preliminary plat for Settlers Ridge located at 8000 N Rte B in S9-T49N-R12W:
 - a. From A-2 (Agriculture) to R-MP (Planned Moderate Density Residential) on 19.7 acres
 - b. From A-2 (Agriculture) to R-SP (Planned Single-Family Residential) on 4.97 acres
 - c. From A-2 (Agriculture) to C-GP (Planned General Commercial) on 22.02 acres
 - d. From R-D (Two-Family Residential) to R-DP (Planned Two-Family Residential) on 3.16 acres
 - e. From A-2 (Agriculture) and R-S (Single-Family Residential) to R-S (Single-Family Residential) on 7.91 acres

Planner, Thad Yonke gave the following staff report:

The subject property is located north of Columbia on State Highways B and HH. This 90.59-acre parcel is bisected by Route B. A Review Plan and Preliminary Plat were first approved for this project in February, 2001. The planned zoning districts included 4.97 acres RS-P, 21.07 acres RM-P and 28.43 acres CG-P. Several tracts were rezoned to straight zoning districts including 47.82 acres of RS and 14.73 acres of RD. Four final plats have been approved however one of the Final Plats was a reworking of a previous Final Plat. One final development plan has been approved that established CG-P zoning for two lots at the intersection of Settlers Ridge Drive and Route HH. The Preliminary Plat and Review Plan were re-approved in January 2007 but expired in January 2012. The applicants submitted revisions in 2011. As part of the 2011 submission was a request to have a five-year approval for both the Review Plan and Preliminary Plat. The approval for five years was granted but expired in 2016. The applicant has resubmitted the Review Plan and Preliminary Plat for re-approval with some minor reconfiguration of the zoning district boundaries.

Since the January 2007 approval, the County has adopted stormwater and stream buffer regulations. Changes have been made to the Plat and Plan to provide stream buffers and set aside areas for stormwater treatment in the 2011 version and have been further refined in the current proposal.

The current proposal will set the zoning districts at 19.7 acres R-MP (Planned Moderate Density) 4.97 acres of R-SP (Planned Single Family Residential) 22.02 acres of C-GP (Planned General Commercial) 3.16 acres of R-DP (Planned Two-Family Residential) and 7.91 acres of R-S and the existing 4.33 of R-D in the areas that are currently under consideration.

A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being

mitigated. The original traffic study has been reviewed by Allstate Consultants for the purpose of determining whether additional mitigation may be required at this time. According to that review the base traffic projections, from the original report, of 3% annual growth were higher than the actual observed increase in traffic on Route B. Therefore, the conditions outlined by the original traffic study are anticipated to be conservative in terms of background traffic. The original traffic study remains valid. All of the previously identified off-site improvements will be adequate to mitigate impacts created by the development.

The original plat and review plan were approved with three conditions. One of those conditions required the developer to abide by the development phasing plan that was proposed in the traffic impact study. In 2006 the developer submitted an updated phasing plan along with a schedule of required offsite improvements. That plan was approved and was re-submitted with this request and altered accordingly.

Review Plans have a 2-year expiration date under the current zoning regulations unless otherwise approved. A condition of approval will be included in the recommendation section of this report to grant a 3-year extension to the review plan due to the size and complexity of this project. If granted the review plan and preliminary plat will both have a five-year lifespan, this was approved last time and is proposed again.

The development will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. A revised annexation agreement was executed on November 25, 2011. The agreement dictates conditions under which sewer service will be provided to the property.

The property scored 71 points on the point rating system. Staff notified 124 property owners about this request.

Staff recommends approval of this request with the following conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvement shall be built by the developer in accordance with the phasing plan and offsite improvement schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by 3-years for a total of 5-years from the date of approval.

Present representing the request:

James Jeffries, Allstate Consultants, 3312 Lemone Industrial Drive, Columbia
Rhonda Carlson, T-Vine Development, 204 Peach Way, Columbia

James Jeffries: We have been working on this since 2001, preliminary plats expire every five years so this is a continuation of what we have done in the past, we have tried to keep up with the subdivision, stream buffer, and storm water regulations so we added those in 2011. We have plans to do a final plat for a portion of this but without this extension or approval of the preliminary plat we couldn't do the final plat to move forward with more residential lots. There are some left out there but they are going slower than what we would like and that is the reason this has taken so long, it is market driven. We agree with the conditions.

Chairperson Harris: What is involved with condition 2 and the offsite road improvements?

Thad Yonke: We have a phasing diagram that indicates exactly what road improvements have to be done in each phase.

James Jeffries: For the most part one of the biggest offsite improvements was an 8 foot shoulder along Browns Station Road and a right hand turn lane at Route HH and Route B. As we go north there will be more 8 foot shoulder along Browns Station Road, there will also be improvements at Ketterer Road and as we get up to Ketterer an improvement of that road as well; it would have to be brought up to county standards.

Thad Yonke: There are fairly extensive improvements.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by T-Vine Enterprises Inc. to rezone 19.7 acres from A-2 to R-MP, 4.97 acres from A-2 to R-SP, 22.02 acres from A-2 to C-GP, 3.16 acres from R-D to R-DP, and 7.91 acres from A-2 to R-S for Settlers Ridge located at 8000 N Rte B :

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| Boyd Harris – Yes | Greg Martin – Yes |
| Michael Poehlman – Yes | Loyd Wilson – Yes |
| Bill Lloyd - Yes | Derin Campbell – Yes |

Motion to approve the request passes unanimously

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by T-Vine Enterprises Inc to approve a review plan and preliminary plat for Settlers Ridge located at 8000 N Rte B **with the following conditions:**

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvement shall be built by the developer in accordance with the phasing plan and offsite improvement schedule attached to the Preliminary Plat/Review Plan.
3. The review plan approval shall be extended by 3-years for a total of 5-years from the date of approval.

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| Boyd Harris – Yes | Greg Martin – Yes |
| Michael Poehlman – Yes | Loyd Wilson – Yes |
| Bill Lloyd - Yes | Derin Campbell – Yes |

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on February 28, 2017 and the applicant needs to be present for the hearing.

2. Request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single-Family Residential) and approve a review plan and preliminary plat on 38 acres located at 8321 E St Charles Rd, Columbia.

Planner Thad Yonke gave the following staff report:

The property is located on the north side of St. Charles Road approximately 1700-feet west of Route Z. The parent tract is 38 acres in area and is occupied by a single family dwelling and several farm buildings. The current zoning for this property is A-2, which is the original zoning. Adjacent property is zoned as follows:

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

The Northeast Columbia Area Plan identifies this site as being suitable for residential land uses. A similar development plan for this property was on the Planning and Zoning Commission Agenda in November, 2011 with 100 single family dwellings at a gross density of 2.7 homes per acre. That request was withdrawn prior to the Commission making a recommendation. A second plan was proposed in February 2012 which was denied by the Commission. The applicant appealed the denial to the County Commission. The County Commission tabled the request. In June of 2014 an 88 lot version was proposed. In July of 2014 the Review Plan and Preliminary Plat were approved by the County Commission with 5 conditions. Amongst the conditions of approval were several that required the condition be met before submission of a Final Development Plan. Since Review Plan approval is only good for 2 years, a 6-month extension was sought and obtained to try to meet the conditions. The extension along with the Review Plan expired in January 2017.

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

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

Utilities:

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

Transportation

The development proposes two new public street connections to St. Charles. All lots within the development will have frontage on and direct access to the internal street network. The proposed street layout is interconnected with undeveloped property to the east and west. County regulations require

subdivision streets to be stubbed out to adjacent properties in order to provide an interconnected road network. The streets in North Battleground are stubbed to adjacent properties at three locations. All internal streets will be designed and built to Boone County Standards.

In October 2012 the County published the Boone County Northeast Transportation Plan that was prepared by the firm of Crawford, Bunte and Brammeier. The plan projected future land use and the development generated traffic in the area. It also defines a road network to accommodate the projected traffic. The plan also estimated the cost of the necessary road improvements and generated a per unit cost for the various types of development. The per unit cost is a proportional dollar amount that would be necessary to mitigate the impacts that are directly attributable to development in the study area. The plan is silent regarding the method for obtaining the mitigation fee but suggests that there may be several options including cash payment or construction of segments of the identified roadways.

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

Public Safety Services

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

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

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

Stormwater

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

Zoning Analysis

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

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

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

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

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

The developer has addressed these stated compatibility issues by:

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

The property scored 78 points on the rating system. Staff notified 42 property owners about this request. Since the County Commission approved a proposal substantially like that currently proposed.

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

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
3. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.

These are the same conditions that the County Commission imposed on the previous version of the request with the exception that the two conditions that have been incorporated into the current request no longer need to be conditions but the substance of the requirement or option is still in effect.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Tim Crockett: The plan before the Commission is very similar as what was being presented several years ago. Due to some unforeseen circumstances, the applicant lost a business partner who was the attorney and handled the legal issues so there has been some delay in this project. We tried to transition the development from the development to the west with some larger lots and larger home sizes and buffering so we can have a transitional effect from that development in to ours. There have been a lot of changes out there and a lot of changes being made. This is essentially the same plan, there have been very little changes made; basically what has changed is some increases in building lines and small items like that but no substantial changes in the plan itself. The applicants have no issues with the staff conditions. The applicants appreciate the condition with regard to the Columbia stormwater regulations by strictly sticking to the county as opposed to adhering to both it makes it much easier from an engineering standpoint.

Commissioner Wilson: Where is the city limits?

Tim Crockett: The Battle High School property is the city limits.

Commissioner Wilson: So to annex wouldn't they have to be touching the city limits?

Thad Yonke: It is a pre-annexation agreement in order to receive city sewer service so when they do become contiguous they agree to annex.

Commissioner Wilson: So the proposed property won't be in the city limits any time soon?

Tim Crockett: That is correct. What triggers that is the sewer service, when we tie in to it the city will require us to sign a pre-annexation agreement. We will be Boone County Regional Sewer District customers even if it gets annexed we will remain their customers.

Thad Yonke: The city doesn't have to execute that immediately.

Chairperson Harris: What is the issue with the second remote access?

Thad Yonke: Two roadways are proposed but the two roads are not far enough apart to be considered a separate access for the fire department.

Tim Crockett: We need another connection to the rear of the development.

Chairperson Harris: Looking at the plat Muskett Lane should extend and come out on Slickrock in Copper Creek.

Tim Crockett: Potentially, or we have the road that is along the north property line that is half of the right of way being granted, there could be another road built up there at some point that would give us access.

Thad Yonke: Or if the property immediately to the west is developed it would be required to bring a road across it from Route Z which would solve a lot of the issues. For now the applicants are limited to the front half. The fire code is 30 lots and the fire district has agreed and modified to say they will go up to 50 lots which is why it has the 46 that is in the first phase.

Chairperson Harris: But for now the logical thing is Muskett to go in to Slickrock.

Thad Yonke: We've had some discussions with Joint Communications and even though it shows as Muskett it may become Slickrock depending on how it is developed.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Jean Shaneberger, 8270 E St. Charles Rd, Columbia

Jean Shaneberger: St. Charles Road is not in good shape, they come out to patch it but it hasn't been paved and there are no shoulders and traffic has increased so that is a concern. The plan at one point talked about sidewalks and I didn't know if that was still a possibility.

Genevive Cousineau, 8250 E St. Charles Rd, Columbia.

Genevive Cousineau: I am a little concerned about when they will start with the roads. About the sidewalks, they repaved but it ends at Battle High School and there are no longer any shoulders. I used to walk all the way to Battle and I wouldn't do it today because we have trucks that go by there now; it seems they don't want to use the round-a-bout but they want to get to Route Z so they come all the way around past the high school. During the day the traffic is horrendous. I can't see them starting until some road improvements are made.

Closed to public hearing.

Tim Crockett: Unlike the previous request when they had a very specified traffic plan this development is a little bit different in that affect given that there is an existing traffic study that is part of staff condition 1.

Commissioner Poehlman: Would sidewalks be considered at a later time?

Thad Yonke: No, sidewalks are not part of the requirement because of the size of the development of Copper Creek there was no requirement for sidewalks to be placed along there. The county does not require sidewalks along major roadways. If we do a reworking project on St. Charles Road at some point we may put in sidewalks but as far as the traffic mitigation plan goes sidewalks were not part of it. There are so few roadways to provide for traffic that sidewalks weren't taken in to consideration. While we will work on a sidewalk plan as developments come in, this development is required to have sidewalks internally, if a development is proposed for the back part of Copper Creek it will likely have sidewalks required as well so it will create a network that is off of St. Charles Road but it is not part of the current mitigation.

Commissioner Martin made and Commissioner Loyd seconded a motion to **approve** the request by North Battleground LLC to rezone from A-2 (Agriculture) to R-SP (Planned Single-Family Residential) 38 acres located at 8321 E St Charles Rd, Columbia:

Boyd Harris – Yes

Michael Poehlman – Yes

Bill Lloyd - Yes

Greg Martin – Yes

Loyd Wilson – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Commissioner Martin made and Commissioner Loyd seconded a motion to **approve** a review plan and preliminary plat on 38 acres located at 8321 E St Charles Rd, Columbia **with the following conditions:**

1. Prior to approval of the final development plan the developer shall enter into a development agreement, addressing traffic impact mitigation, with Boone County.
2. Prior to final plan submission the developer shall submit preliminary water quality BMP calculations on Boone County Stormwater Forms for review and approval by the Director. The Director may require submittal of a revised review plan and preliminary plat if warranted by the findings of the preliminary calculations.
3. Prior to final plan approval the developer may submit a new annexation agreement with Columbia that does not require compliance with Columbia's Storm Water Regulations.

Boyd Harris – Yes

Greg Martin – Yes

Michael Poehlman – Yes

Loyd Wilson – Yes

Bill Lloyd - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on February 28, 2017 and the applicant needs to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Clearview Meadows. S7-T49N-R12W. A-2. Ryan Pelc and Ashely Pelc, owners. Mark W. Robertson, surveyor.

The subject property is located on Tucker School Road, approximately 3 miles to the west of Hallsville. The parent parcel is approximately 18 acres in size and has a house and a barn present on the property. The proposal is to divide it into a 7.01 acre platted lot and an 11.09 acre administrative survey lot. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The platted lot has direct access on to Tucker School Road, a publicly-dedicated, publicly-maintained right of way. The administrative survey lot is served by the existing access easement along the northern boundary of this property. The applicant has requested a waiver to the traffic study requirement.

The subject property is located in Public Water Service District #4, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

On-site wastewater is proposed to serve the platted lot, as permitted the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 10 points on the rating system.

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

2. Charlie Ridge. S35-T50N-R13W. A-2. Austin Mueller and Jessica Mueller, owners. Steven R. Proctor, surveyor.

The subject property is located on Peabody Road, approximately 4 ½ miles north of the city limits of Columbia, ½ mile west of the intersection of Peabody Road and State Route VV. The parent parcel is approximately 11 acres in size and vacant. It is zoned A-2(Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal is to divide this property into two lots, one at 5 acres, the other at 5.59 acres.

Both lots have direct access on to Peabody Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

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

On-site wastewater systems are proposed for these lots, as permitted by the Columbia/Boone County Health Department.

Lot two has regulated stream buffer along the eastern side of the property.

The property scored 38 points on the rating system.

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

3. Replat of Lots 70, 71 and 72 of the Woodlands Plat 4A. S21-T48N-R12W. R-S. Phillip A. Shindler and Jeri Lou Shindler, owners. Ronald G Lueck, surveyor.

The subject property is located at the end of Eagle Court, directly adjacent to the City of Columbia to the west. The property is 6.43 acres in size. It was previously platted as lots 70-72 of The Woodlands Plat 4A. They are currently vacant lots. The property is zoned R-S (Residential Single-Family), and has R-S zoning to the north and east, A-R(Agriculture-Residential) zoning to the south, and the city of Columbia to the west.

Both lots have access to Eagle Court, a publicly-maintained, publicly-dedicated right-of-way. The applicant has submitted a request to waive the traffic study requirement.

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

The lots will be served by the Boone County Regional Sewer District for central wastewater treatment.

The property scored 78 points on the rating system.

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

4. Nature Lane Plat 1. S7-T49N-R13W. A-2. Robert W. Wilson Trust and Joan Wilson Trust, owners. Christopher M Sander, surveyor.

The subject property is located on Nature Lane, approximately 2 ½ miles east of Woodlandville, 5 miles south of Harrisburg. The parent parcel is 20 acres in size and zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal is to divide the property into three lots at 8.31, 6.29, and 5 acres in size, separating the house from the other two existing buildings.

Lot 103 has direct access on to Nature Lane, a publicly-dedicated, publicly-maintained right-of-way. Lot 102 has access to Nature Lane via an access easement. Lot 101 has frontage on Nature Lane, but limited, if any, access to Nature Lane due to the presence of a large lake. Lot 101 is shown having access to the same access easement as Lot 102. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house on lot 102 has a lagoon system that will be separated from it by a lot line. That lagoon will serve the building on lot 103. A new wastewater system will be required for the house on lot 102 and any new construction on lot 101. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 23 points on the rating system.

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

5. Whiskey Wolff Creek Plat 2. S14-T49N-R13W. R-S. Von Wolff, LLC, owner. Jay Gebhardt, Surveyor.

The subject property is located on Creasy Springs Road, south of Mauller Road, approximately 1 mile to the northwest of the city limits of Columbia. The parent parcel is 10 acres in size with an existing house and lagoon present. This proposal divides it into two lots, one at 2.5 acres in size and the other at 7.17 acres in size, with the larger lot retaining the house. The property is zoned R-S(Residential Single-Family) with R-S zoning to the north, east, and south, with A-R(Agriculture-Residential) zoning to the west.

Both lots will have direct access on to Creasy Springs Road. Creasy Springs is a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

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

The house has an existing on-site wastewater system. The vacant lot is proposed to use on-site wastewater as well. Both systems are regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 66 points on the rating system.

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

Commissioner Martin made and Commissioner Poehlman seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Bill Florea updated the Commission as follows:

The Final Development plans for Gates and Beacon Street Properties were approved as recommended. The plat for Wheelers was also approved as recommended.

2. Review of proposed Subdivision Regulations

Staff presented copies of public comments received.

Bill Florea asked the Commission how they would like to proceed. Although they are not required, the Planning and Zoning Commission has opted to hold three public hearings in order to receive input on the proposed changes to the regulations.

After some discussion the Planning and Zoning Commission decided to hold the public hearings before any changes are made. It was agreed that the Commission could take public comment in to consideration before proposing any changes to the draft regulations.

Staff will schedule the hearings and inform the Planning Commission of the dates. Staff also noted that these hearings would be advertised and posted.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:33p.m.

Respectfully submitted,

Acting-Secretary
Bill Florea

Minutes approved on this 16th day of March, 2017