

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, July 20, 2017

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Jeff McCann	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the June 15, 2017 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, three rezoning requests, and one subdivision plat.

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, August 1st. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, August 1st will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Real Estate Investment LLC on behalf of Rosewood Academy for a day care for up to 160 children on 3.82 acres located at 5210 S South Cowan Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is 3.82 acres located approximately 1/4 mile south of Columbia, on South Cowen Road. The property is zoned R-S (Residential Single-Family). There is R-S zoning to the north, south and west, with R-M (Residential Moderate Density) zoning to the east. This is all original 1973 zoning. The existing structure pre-dates county land-use regulations and was originally used as a nursing home. In 1976, a permit was granted to allow expansion of the facility. In 2008, a conditional use permit was granted to operate a day-care center. That conditional use permit lapsed due to inactivity. In 2015, a similar conditional use permit was granted to operate a day-care center for 40 children. This permit has also lapsed. The property is currently unused.

The applicants are requesting a conditional use permit to operate a day-care center within the existing structure, which was most recently used as a school. The conditional use permit application states they are planning to serve approximately 160 children. However, the plans submitted with the building permit application states an intent to serve 208 children. An e-mail from Missouri Department of Health and Senior Services date June 19, 2017 states that Rosewood Academy, LLC has requested licensure to care for ages birth through 13 years with a capacity of 228.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. Staff notified 67 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

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

Actual traffic counts are not available for S. Cowan Road however, ambient traffic is estimated at 248 vehicles per day (26 homes beyond the proposal * ITE {Institute of Traffic Engineers} rate 9.52). S. Cowan Road is a one-way in one-way out street. When using the proper ITE rates based on the proposed number of students the traffic generated by the proposed day care is either 701 VPD (vehicles per day), 911 VPD, or 999 VPD depending on which enrollment number you use. In any case, the majority of the additional traffic will be confined to the AM and PM peak hours, which will compound the problem and is likely to endanger public health, safety, comfort or general welfare even assuming the lowest number of 160 as a maximum.

(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 desired increase in students is substantial. Increased traffic at this property will cause traffic congestion in the AM and PM peak hours. This will be injurious to the use and enjoyment of the residential uses already established in the neighborhood. S. Cowan Road is currently a local roadway. The additional traffic raises the ADT (average daily trips) to a level that exceeds the number of trips allowed for a road to be classified as a local road. The additional traffic generated by the proposal will raise the road classification from local to a collector roadway.

Additionally, there appears to be site development work already underway on the property that requires a land disturbance and stormwater permit. No such permit has been applied for. The lack of proper permits makes the surrounding properties more vulnerable to impacts from erosion and stormwater making the proposal more likely to be injurious to the use and enjoyment of the residential uses already established in the neighborhood.

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

The use of the property as a day-care center will keep the building in a good state of repair. However, the increase in traffic may impact property values. 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.

Electric service is available to this property. Water service is available to this property to meet commercial fire flows. The public road serving this property is inadequate for the proposed use. Sewer service may be available to serve this use but has not been secured by the applicant from Boone County Regional Sewer District. At the requested level of service of 160, 208 or 228 children, this criterion cannot be met.

(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.

Much of the surrounding property has already developed as single-family residential lots. The acreage owned by The Real Estate Investment LLC to the south is largely undeveloped, but is limited by two factors, lack of sewage treatment capacity and number of lots allowed on a single public roadway. If the limited available sewage capacity is delegated to the daycare use it will not be available for permitted uses, such as single-family residences, on vacant properties in this area and will impede normal development of those uses.

Assuming additional sewage capacity was somehow created, associated traffic impact for the additional maximum of 16 more allowable lots on a single public roadway must also be considered. The absorption of the traffic capacity of the existing roadway by the daycare will have been fully used and significantly exceeded leaving no capacity for this development potential.

(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 number of clients requested by this conditional use permit would lead to congestion on public streets. South Cowen Road is a one-way-in/one-way-out street at this location. Congestion during peak hours at this property will hinder the flow of traffic and result in traffic congestion on S. Cowan Road.

(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 the regulations of the R-S zoning district.

Zoning Analysis: The scale of prior applications for similar conditional use permits on this property have been appropriate to the limitations of existing infrastructure. This scale of this proposal exceeds the

limitations of this neighborhood. The infrastructure present at the site cannot support this facility. Both sewer infrastructure and transportation infrastructure are insufficient to meet the needs of the children at the day-care and the number of cars for drop-off/pick-up traffic.

Due to the size of the proposed daycare center, this proposal is unable to meet conditional use criterion a, b, d, e, and f. Based on the information staff has received in evaluating this application, staff cannot support this conditional use permit.

Staff recommends denial of this conditional use permit.

Present representing the request:

Cooper Snyder, 3051 Rangeline Rd, Columbia

Cooper Snyder: We are in the process of transferring the sewer capacity from the proposed development by Real Estate Investment to the south of that property to compensate for the capacity needed for this building, they have agreed to transfer that to us and it is the process. The traffic is what it is. To the west of the building there is a driveway leading to the parking area, we are hoping that by bringing the vehicles to the rear of the building for drop off and pick up it will limit the amount of congestion on South Cowan and that will keep the traffic flow going rather than start and stop. We will keep a vigilant eye on traffic in the morning and evenings to try and ensure there is limited impact and if changes need to be made we are willing to make those changes as far as routing the cars. There is an old road that wraps around the building, we weren't planning on rebuilding it but if it comes down to it helping out with traffic we are willing to get the driveway reestablished. While the roadways may not be exactly what we need for this capacity we feel like the building is old and us being in there will bring the property back where it needs to be. It has been vacant for quite some time but we plan on staying there for a long time.

Chairperson Harris: So part of the plan for mitigating traffic is to use the street on the west side of the property as a 2-way venue to get to the parking lot in the back?

Cooper Snyder: Correct.

Chairperson Harris: In addition to the circle drive in front of the building?

Cooper Snyder: We envision the circle drive in the front for early pickups or for pickups and drop off's outside the normal times. That is also where the handicapped parking will be located.

Commissioner Lloyd: The applicants are going from 40 to 160 kids, what drives that to be such a larger number?

Cooper Snyder: The size of the building and the part of the building we are refurbishing. The size of the building allows us to have that many kids. The full time students will be 128 and the remaining will be before and after school kids or if we aren't at capacity, summer program kids.

Commissioner Martin: Why is there a discrepancy between 160 kids on the conditional use permit application and the application to the state for 228 kids?

Cooper Snyder: When we were in the design process of the building we switched architects and we got information crossed. We applied for the state permit first and then we switched architects and got a better idea of the numbers. 160 was actually the number of kids we could have with what we were doing.

Chairperson Harris: Is the number of kids you are licensed for is that a hard maximum number or is there latitude for expansion up to as much as 25 – 30 % over that for short periods of time before and after school.

Cooper Snyder: We are restricted by the licensing and by the square feet and number of teachers. If we have an infant, they require 45 square feet and you have one teacher per four kids. We have a capacity for 48 infants. If 160 is what we asked for, that is what we are limited to, we aren't going to go over that. If we wanted to go over that in kids we would need more square footage.

Chairperson Harris: I believe from the research that I did, whatever you are licensed for, if there was a situation in which there was a snow day and the kids got out of school early that license number could be expanded up to 30% over and above that number even though you couldn't meet the space requirement.

Cooper Snyder: I am not sure, I imagine it is probably true depending on the age of the kid. If it is infants they probably aren't going to give any latitude. If they're school age kids, then probably.

Chairperson Harris: I am having a little difficulty with the staff report and your response to Commissioner Martin, are we talking about 160 kids or 228?

Cooper Snyder: The request to the state and the request to the Commission do not match. 160 is the hard number. 128 is the capacity for full time students, meaning age zero to Pre-K. Anything above pre-k is going to be before and after school or a full day in the summer.

Commissioner McCann: How many parking spaces are required?

Cooper Snyder: My understanding is 2 spots per classroom which is 12 spaces.

Thad Yonke: That is the requirement for an elementary school, this is not an elementary school. The requirement is one space per 300 square feet of the building.

Cooper Snyder: I was misinformed. I think our plan has around 20 spots.

Commissioner McCann: That doesn't seem like enough compared other things I've seen. That is why I was asking if the applicants were planning to route the traffic in and around the parking lot if there was enough space if the parking was going to be there to accommodate the requirement.

Cooper Snyder: I believe so but I was misinformed about the parking requirements so I will have to double-check.

Chairperson Harris: It is a 27,000 square foot building, is that just one story?

Thad Yonke: It is total but the basement is just storage so the basement gets calculated at one per 2000 square feet.

Cooper Snyder: Do we just calculate the square footage we are using? There is a wing we won't be using.

Thad Yonke: Technically the entire building has to have parking at some point. We may be able to work with the applicant but the site plan will need to show that the applicants can accommodate the full parking requirement. They may not have to construct that portion of parking for the building area that is not being used.

Chairperson Harris: A 27,000 square foot building would require 90 parking spaces.

Commissioner McCann: Have the applicants consulted anyone about how to make the site compliant with Boone County Stormwater Regulations?

Cooper Snyder: I have not.

Thad Yonke: As a clarification, if 160 kids is what the applicants applied for then that is the number, there is no latitude for additional children.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Pam Stephenson Baker, 4814 B E. Schooner Rd, Columbia

Pam Stephenson Baker: I am not opposed to the daycare, just the number of children. That will be a large increase in traffic. The staff report stated that the applicants are doing work without a permit, I drove by there on my way here and there is work being done, aren't they required to have a permit?

Tom Boersig, 4828 Meadowlark Ln, Columbia

Tom Boersig: My property is immediately adjacent to the development. I am not necessarily opposed to the business, my main concern is the boundary fence separating the site from adjacent property owners. The property has been abandoned for several years and the boundary fence is in disrepair. My biggest concern with having 160 school aged children on the property, especially with the playground being between the building and my property, is making sure the fence is safe for children and doesn't cause problems for adjacent owners, especially if they will be rerouting traffic along the back side of the fence.

Closed to public hearing.

Cooper Snyder: We would like to see the fence cleaned up sometime down the road, it just isn't a high priority right now. The playground itself is fenced so the children won't have access to that area which will give us time to rehabilitate the fenced area. There is not much I can do about the traffic; we will do the best we can to deal with it.

Chairperson Harris: Obviously there is work going on at the site; did the applicants jump the gun and not get all the permits required?

Cooper Snyder: We got our procedures messed up, another gentleman was doing the permitting and I thought he got the land disturbance permit, it was news to me that we didn't. First thing tomorrow I will be sure to apply for that.

Commissioner Kurzejeski: When does the applicant expect to be operational?

Cooper Snyder: Our hope is by the end of August but we have to get licensed by the State and they move slowly.

Commissioner McCann: Did you have someone do a traffic analysis to see if this area can handle all of the traffic?

Cooper Snyder: No.

Commissioner McCann made and Commissioner Harris seconded a motion to **deny** the request by Real Estate Investment LLC on behalf of Rosewood Academy for a day care for up to 160 children on 3.82 acres located at 5210 S South Cowan Rd., Columbia:

Boyd Harris – Yes	Paul Prevo – Abstain
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to deny the request passes 8 YES 1 ABSTAIN

Chairperson Harris informed the applicant that if he wished to appeal this decision to the County Commission an appeal form would need to be filed with the Resource Management Department within 3 working days.

VI. Rezoning

1. Request by Bassett Construction Company, Inc. to rezone from R-S (Single Family Residential) to R-M (Moderate Density Residential) on 1.39 acres, more or less, located at 7240 E Sunny Vale Dr., Columbia.

Planner, Thad Yonke gave the following staff report:

The subject property is located on the western side of Sunny Vale Dr. near the corner of Sunny Vale Dr. and I-70Dr. SE. The nearest portion of the municipal limits of the City of Columbia are almost directly north across interstate 70. The property subject to rezoning is approximately 1.39-acres in size and zoned R-S (Single Family Residential). There is R-S zoning to the north, and west, with R-M (residential moderate density) to the south and southeast. To the east and northeast there is C-G (general commercial) zoning. All surrounding zonings are all original 1973 zoning. The subject property is the site of a former central sewer lagoon that has been eliminated and reclaimed. The property is currently vacant.

The applicant is seeking to rezone to R-M (residential moderate density).

The Boone County Master Plan identifies 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 “gatekeeping” 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 Public Water Service District #9; however, the only available water is either a 2.5 -inch or 4-inch waterline that is incapable of providing fire flow to the property. The site is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on Sunny Vale Dr., a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station at Lake of the Woods being closest for service, but no hydrants nor waterlines able to support hydrants are possible at this location at this time.

Zoning Analysis: The proposed rezoning is consistent with development in the surrounding area; however, without adequate fire protection the request fails to meet the sufficiency of resource test. With only a 4-inch waterline the requested zoning could not be utilized without substantial water upgrades. Available infrastructure does not support the proposed rezoning request.

The property scored 67 points on the rating system.

Staff recommends denial of the request.

Present representing the request:

Bob Bassett, 7510 Richland Rd, Columbia

Bob Bassett: The area was a sewage lagoon for 30 years or more and the county reclaimed it just last year. The rezoning request is to try to get it to a salable condition. It is next to RM and commercial zoning and it wouldn't make sense to build a single family home on it and that is the reason we are asking for RM zoning. I wasn't aware of the water line situation, I would assume that if a building permit was applied for there would have to have sufficient water lines. I am simply asking for an RM zoning designation so it is salable.

Commissioner Lloyd: Your intention is not to construct on it but to get it rezoned for sale.

Bob Bassett: Correct, I have no intention of building on it.

Commissioner Lloyd: If it was zoned for single family is the existing waterline sufficient?

Thad Yonke: Fire requirements don't kick in for building single family homes which is what it is currently zoned for.

Commissioner Lloyd: What if it was commercial property?

Thad Yonke: If it was commercial it would require commercial fire flow.

Commissioner Lloyd: If the utilities aren't sufficient for the request we don't approve it subject to someone else having to fix that.

Thad Yonke: When a rezoning request comes in it takes into account whether or not the infrastructure can be brought up to scale, sometimes that is close enough that the Commission will weigh that in. The sufficiency of resources test basically says it errs on the side of if the infrastructure is not there, regardless of what the zoning is now, it is more appropriate than what you would change it to if you don't have the infrastructure. While you might market it to someone the only person who is going to buy a lot like this is someone who hasn't done their research, you may end up with someone buying it who thinks they can build on it and then find out they can't.

Chairperson Harris: Given the proximity to the C-G zoning there isn't adequate capacity to extend it?

Thad Yonke: The existing C-G property doesn't have adequate fire protection either, it is original zoning.

Open to public hearing.

Present speaking in favor of the request:

Doug Clawson, 841 N East Park Ln, Columbia

Doug Clawson: I am one of the trustees for the Sunrise Homeowners Association and at our last meeting we felt that Mr. Bassett has always met our needs when we requested something. We had requested, since there are duplexes on that side of the street, to rezone the property to multi-family. The Homeowners Association is in favor of this request.

No one spoke in opposition.

Closed to public hearing.

Bob Bassett: When the lots were redone I went to the Homeowners Association and asked their preference, I suggested commercial zoning and they came back with a recommendation of multi-family.

Chairperson Harris: As it is zoned now how many single-family homes can they have?

Thad Yonke: One home per lot, it is a 1.3 acre area. So maybe 5 houses.

Chairperson Harris: So it can be used in some fashion.

Thad Yonke: Currently it is eligible for a single-family dwelling and it can be split in to multiple lots. If they attempt to split it in to more than three lots it will trigger fire protection requirements.

Commissioner Lloyd made and Commissioner Poehlman seconded a motion to **deny** the request by Bassett Construction Company, Inc. to rezone from R-S (Single Family Residential) to R-M (Moderate Density Residential) on 1.39 acres, more or less, located at 7240 E Sunny Vale Dr., Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – No	Greg Martin – No
Michael Poehlman – Yes	Loyd Wilson – No
Bill Lloyd - Yes	Rhonda Proctor – No
Jeff McCann – Yes	

Motion to deny the request passes 5 YES 4 NO

Chairperson Harris informed the applicant that if he wished to appeal this decision to the County Commission an appeal form would need to be filed with the Resource Management Department within 3 working days.

2. Request by Bassett Construction Company, Inc. to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.4 acres, more or less, located at 7800 E I-70 Dr SE, Columbia.

Planner, Thad Yonke gave the following staff report:

The subject property is located on the south side of I-70 Dr. SE roughly centered between the intersections of N. West Park Ln. & I-70 Dr SE and N. East Park Ln. & I-70 Dr. SE. The nearest portion of the municipal limits of the City of Columbia is north across interstate 70 approximately 2200 ft. to the northwest. The property subject to rezoning is approximately 1.4-acres in size and zoned R-S (Single Family Residential). There is R-S zoning to the south with A-2 and M-LP zoning north across I-70. Property adjoining on the east and west is zoned C-G (general commercial) zoning. The R-S and A-2 are original 1973 zonings with the commercial zonings occurring in 1975 and 1987. The subject property is the site of a former central sewer lagoon that has been eliminated and reclaimed. The property is currently vacant.

The applicant is seeking to rezone to C-G (general commercial).

The Boone County Master Plan identifies 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 “gatekeeping” 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 Public Water Service District #9; however, the only available water is a 4-inch waterline that is incapable of providing fire flow to the property. The site is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on I-70 Dr. SE, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station at Lake of the Woods being closest for service, but no hydrants nor waterlines able to support hydrants are possible at this location at this time.

Zoning Analysis: The proposed rezoning is consistent with development of the adjoining eastern and western properties, however, without adequate fire protection the request fails to meet the sufficiency of resource test. With only a 4-inch waterline the requested zoning could not be utilized without substantial water upgrades. Available infrastructure does not support the proposed rezoning request.

The property scored 67 points on the rating system.

Staff recommends denial of the request.

Present representing the request:

Bob Bassett, 7510 Richland Rd, Columbia

Bob Bassett: This is the same situation as the other lot except this site has commercial zoning on both sides of it. You couldn't sell a lot for a private residence in between two commercial lots.

Commissioner Lloyd: Does the applicant know how much it would cost to bring fire flow to the location?

Bob Bassett: I don't know. I didn't realize there wasn't bigger than a four-inch line there until tonight, I don't know where the nearest big line is.

Commissioner Lloyd: The request seems to make sense especially when you have the same zoning on each side but the fire flow is an issue we have to deal with.

Bob Bassett: I would have to go back and find out where the closest sufficient sized water line is. It will have to be done otherwise we will have an empty lot.

Open to public hearing.

Present speaking in favor of the request:

Doug Clawson, 841 N East Park Ln, Columbia

Doug Clawson: My property is close to this off to the east. I am one of the trustees for the Sunrise Estates Homeowners Association and we are in favor of rezoning to commercial. I know that within less than 1000 feet there is a fire hydrant at Prairie Grove Baptist Church.

Also present in favor:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Kevin Schweikert: There is C-G zoning on both sides and it doesn't have a water line there to support fire service so a good opportunity to get a water line moved in is to rezone this property to C-G and provide the opportunity for someone to come in and buy the property and maybe they will extend the water line for fire flows.

No one spoke in opposition.

Closed to public hearing.

Commissioner McCann: When was the surrounding C-G zoning approved?

Thad Yonke: 1975 and 1987.

Commissioner Lloyd: We can't approve this zoning change with conditions?

Thad Yonke: Not when it is a straight rezoning request, if it were a planned rezoning request then you could. If they are not able to get fire flow to the property then they aren't able to. The only thing that would be gained in a planned rezoning is restrictions on uses but the neighbors don't seem to be concerned about any potential uses.

Chairperson Harris: They would have to get fire flow to the property prior to issuing a building permit?

Thad Yonke: Yes.

Commissioner Wilson made and Commissioner Prevo seconded a motion to **approve** the request by Bassett Construction Company, Inc. to rezone from R-S (Single Family Residential) to C-G (General Commercial) on 1.4 acres, more or less, located at 7800 E I-70 Dr SE, Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – NO	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Proctor – Yes
Jeff McCann – NO	

Motion to approve the request passes 7 YES 2 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on August 1, 2017 and the applicant needs to be present at the hearing.

3. Request by RRJK LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Reeves Development on 90 acres, more or less, located at 7601 N Rte Z, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Route Z, south of State Route HH, near Murray. This site is approximately 4 ½ miles to the east of the city limits of Columbia. The subject property consists approximately 200 acres is zoned A-1(Agriculture). The property is undeveloped. There is A-1 zoning to the north, south, east, and west, with C-G(General Commercial) zoning to the northeast.

This proposed planned rezoning request identifies 90 acres of the 200 acres for rezoning to A-1P(Planned Agriculture). The review plan utilizes the density of the 90 acres to create seven 5 acre lots, one 5.74-acre lot, and a large 49.26 acre lot.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” 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 Public Water Service District #9, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to State Highway HH and State Route Z, both publicly-dedicated, publicly-maintained rights-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Hallsville being closest for service.

Zoning Analysis: This proposal is a reasonable use of the planned rezoning process. Existing infrastructure can support the proposed development and the planned district allows for smaller lots as long as the 1 lot per 10 acres density is not exceeded.

The property scored 36 points on the rating system.

Staff recommends approval of the rezoning request and the review plan.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St., Columbia

Kevin Schweikert: The applicants are proposing eight lots of five acres each, A-1 zoning has a density of one house per 10 acres. The applicant's wanted to do smaller lots than 10 acres so they are proposing five acre lots; that is the reason for requesting A-1P zoning. We would be able to have nine lots in A-1 zoning; we are keeping the same density but with smaller lot sizes.

Chairperson Harris: MoDot doesn't have any problem with that many new driveways on Route Z?

Kevin Schweikert: We had a long discussion with MoDot and we are proposing to use shared driveways along there, MoDot is fine with that. All of the lots exceed the minimum site distance for the speed limit in the area. We did have thoughts of putting another driveway on the north end of lot one but we took that away because it didn't meet the site distance. At least the first six lots will have 24 foot shared driveways to be centered on the lot line. There will be some sort of agreement in place to build that as the lots are sold. 24 feet wide should create the ability to go in and out of the driveway without stopping and holding up traffic on Route Z. There is an existing field entrance on lot 8 that would be used and lot 7 would have a new driveway.

Commissioner Wilson: Are there crops being grown on the property now?

Kevin Schweikert: I believe soybeans right now. The applicants plan to keep farming the rest of it, that is another reason for the reduction in size of the lots so they can keep farming.

Commissioner Kurzejeski: Will the shared driveways prevent the future owners from putting in new driveways?

Kevin Schweikert: I think we will work out an agreement, the owner plans to have agreements in place for the property owners to sign.

Commissioner Kurzejeski: So they will be aware of it?

Kevin Schweikert: Yes.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

John Miller, 7220 N Route Z, Columbia

John Miller: I still don't have a good grasp of the number of driveways being proposed. Are we talking 10 houses or 20? I know the speeds are pretty high on this stretch of road. Too many driveways do cause opportunities for rear-end crashes.

Chairperson Harris asked staff to show Mr. Miller where the proposed driveways will be located.

Also speaking in opposition:

Jerry Stone, 6980 N Route Z, Columbia

Jerry Stone: How many lots will the property be divided in to?

Chairperson Harris: The plan is for a total of 9 lots.

Jerry Stone: If it is 9 lots and in prime agricultural land which is zoned A-1 then why would you have a house on 5 acres? Once it is rezoned what is to keep the applicants from zoning the big lot in to more 5 acre lots? We can't do that to the land we have. Are there any written requirements that specify the kind and size of houses allowed? Will manufactured homes be allowed? We have nice houses out there and we would like to keep them where they are worth something. If it wasn't prime agricultural land it would be zoned A-2. I see that it says A-1 P, I didn't know that allowed you to be less than 10 acres because then you could develop the rest of the land and have houses all over the place. What is the sewer requirements and what size water line is required?

Also speaking in opposition:

Kevin Hull, 6825 N Route Z, Columbia

Kevin Hull: I border this property to the south. I am opposed to the request for the same reasons Mr. Stone is opposed. Mr. Stone can't take his 10 or 20 acres down to 5 acre lots and I can't take mine down to 5 acre lots. It is prime ag producing land; the soybeans on average produce 60 – 80 bushels per acre. You can usually get 200 bushels of corn per acre. I don't agree with building houses on prime farmland.

Also speaking in opposition:

David Schlemeier, 8700 E Hwy HH, Hallsville

David Schlemeier: I came this evening to see how this process works but when I see so many of the neighbors that are opposed to it I am opposed to it because this is tremendous production farmland. Where does the contractor that plans to develop this reside?

Someone in the audience stated Ashland.

David Schlemeier asked the Commission if the developer lived in Ashland.

Chairperson Harris: Who develops the land is not an issue with the rezoning request.

Closed to public hearing.

Chairperson Harris: The question was asked about the wisdom of converting prime ag land to residential lots in an area like that; this is a question also on my mind.

Kevin Schweikert: If it were to remain A-1 the applicants could appropriately divide the property in to 10 acre lots and have the same amount of houses on this property; it could be developed in to 10 acre lots with the same amount of driveways coming off of Route Z, you could do that without going through this process at all. We reduced it to 5 acre tracts in order to keep more ground in farm production. 5 acre tracts probably sell better than 10 acre tracts. We haven't gotten to the discussion of having covenants but it will be appropriate homes for the neighborhood. The driveways that we are using as shared are already existing field entrances for the farm, there are already culverts there. We designed the lots to conform with the field entrances so we could provide good access and the width of the drives are increased so people could turn in and out without being encumbered. The owner doesn't live in Ashland.

Commissioner Prevo: Are the water lines and sewer appropriate?

Kevin Schweikert: The water lines are there; sewer will be on-site and permitted by the Health Department. As far as the neighbors reducing their tracts from 10 acres to 5 acres they would have to go through the same process the applicants are going through. If the applicants wanted to split up the remaining property in to smaller tracts that is not in the equation right now.

Thad Yonke: That back tract would have no density potential; you can't rezone the back tract because it has the one house and doesn't have the potential for more. If someone wanted to increase the density on this they would have to rezone the entire piece, so if they sold off houses those property owners would have to be part of the rezoning request and that doesn't tend to happen.

Commissioner Lloyd: What is the next step if the property is rezoned?

Thad Yonke: A final plan and subdivision plat. If this was developed into 10 acre lots; while someone could farm the 10 acre lots but it doesn't tend to happen that way, it tends to become yard area but it doesn't stay in major production. In this instance you get the 9 houses that they would probably build anyway but the larger tract in the back being only eligible for only one house, there is a good chance that house never gets built and that larger lot stays in existence. If you divided the 90 acres in to 10 acre tracts that whole 90 acres of farmland goes out of production. That is one of the provisions for this in the regulations to allow for this kind of thing to happen.

Chairperson Harris: One house on the larger parcel, tract 9, as far as density change?

Thad Yonke: You can't come back and rezone that one because it is just like it is a 10 acre piece; it has one house.

Commissioner Martin made and Commissioner Lloyd seconded a motion to **approve** the request by RRJK LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Reeves Development on 90 acres, more or less, located at 7601 N Rte Z, Columbia:

Boyd Harris – NO
Eric Kurzejeski – NO
Michael Poehlman – Yes
Bill Lloyd - Yes
Jeff McCann – Yes

Paul Prevo – Yes
Greg Martin – Yes
Lloyd Wilson – NO
Rhonda Proctor – Yes

Motion to approve the request passes 6 YES 3 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on August 1, 2017 and the applicant needs to be present at the hearing.

VII. Planned Developments

None

VIII. Plats

The following item were placed on consent agenda:

1. Thompson. A-2. S7-T49N-R12W. Alice M. Thompson Irrevocable Trust, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered in to the record:

The subject property is located at the intersection of Wagon Trail Road and Clay's Fork Road, approximately 1 & ½ miles to the north of the city limits of Columbia. The parent parcel is 15.61 acres in size and has a large barn and a pond present on the property. This proposal, along with a concurrent administrative survey, creates three lots of 3 acres, 3 acres, and 3.34 acres in size. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This property was originally zoned REC(Recreation) and was rezoned in 1974.

All three lots have direct access on either or both Wagon Trail Road or Clay's Fork Road, publicly dedicated, publicly maintained rights-of-way. Lots 2 & 3 may be problematic to get direct access to the public roads due to the presence of a regulated stream buffer.

These lots are located in Public Water Service District #4 for water service, the Boone Electric Cooperative service area, and the Boone County Fire Protection District for fire protection.

All three lots are proposed to use on-site wastewater systems. Siting of lagoons on lots 2 & 3 will be complicated due to the presence of a regulated stream buffer.

As mentioned above, the stream buffer renders lots 2 & 3 difficult without a plot plan for placement of the primary structure and wastewater system.

The property scored 50 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 item 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 rezoning request for Otten was approved as recommended.

The Commission acted on the final development plan for T-Vine Enterprises.

Toalson Estates received its final approval from the Commission today.

2. Update on Subdivision Regulation comments.

Staff is still working on all the responses to the comments and questions. Once that is done staff will request a work session with the Planning and Zoning Commission.

X. New Business

1. Annual election of officers

Chairperson Harris turned the meeting over to Stan Shawver who opened the floor for nominations for Chairperson.

Lloyd Wilson made and Greg Martin seconded a nomination for Boyd Harris to serve as Chairperson.

No other nominations.

All members voted in favor of Boyd Harris to serve as Chairperson.

The floor was opened for nominations for Vice Chairperson

Mike Poehlman made and Bill Lloyd seconded a nomination for Paul Prevo to serve as Vice Chairperson.

No other nominations.

All members voted in favor of Paul Prevo to serve as Vice Chairperson

The floor was opened for nominations for Secretary.

Lloyd Wilson made and Greg Martin seconded a nomination for Erik Kurzejeski to serve as Secretary.

No other nominations.

All members voted in favor of Erik Kurzejeski to serve as Secretary

XI. Adjourn

Being no further business the meeting was adjourned at 8:32 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 17th day of August, 2017