

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, October 20, 2005

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Heitkamp.

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Larry Oetting	Three Creeks Township
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township
	Boyd Harris	Centralia Township
	Michael Morrison	Columbia Township

Absent:	Russell Duker	Missouri Township
	Rob Brown	Rock Bridge Township
	David Mink	Public Works

Also present:	Stan Shawver	Uriah Mach, Staff
	Thad Yonke, Staff	Paula Evans, Staff

The minutes of the September 15, 2005 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated that 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 rezoning request and seven plat reviews.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their 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 their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's

presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

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. The agenda tonight may not be lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from any 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.

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 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 Thursday, November 3, 2005. 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 this meeting and the County Commission hearing. The County Commission hearing scheduled for Thursday, November 3, 2005 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

1. Request by Gilpin – Sells LLC on behalf of Bobcat of St. Louis to rezone from R-SP (Planned Single Family Residential) to C-GP (Planned Commercial) of 4.89 acres, and approve a revised Review Plan and Preliminary Plat, located at 6989 I-70 Drive NE, Columbia.

Planner, Bill Florea gave the staff report stating that the property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R. In 1994 17.12 acres was rezoned to Recreation REC, the remaining 19.82 acres retained the original A-R zoning. The golf driving range was allowed by conditional use permit in 1989. In January 2005 the north 29.44 acres

of the property was rezoned to RS-P and the south 7.5 acres was rezoned to CG-P. A final development plan and preliminary plat was also approved showing 88-residential lots and 2-commercial lots.

Zoning adjacent to the property is as follows: north – A-1 and A-R; east – A-R; south – A-2; west – A-2.

The current application is a request to rezone an additional 4.36 acres from RS-P to CG-P. The review plan and preliminary plat shows three lots. Lot 1, which is 7.96 acres in area, is proposed to be developed with a commercial building not to exceed 30,000 square feet. Lot 2 currently zoned CG-P will remain vacant and Lot 3 is shown as vacant.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

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

Utilities: Public Water District Number 9 provides water service to the property. The district is not able to confirm whether the existing infrastructure available at the property is sufficient to support the level of development that would be allowed if the proposed rezoning is granted. However, there is a sufficient water source located to the west of this property that could be extended to this property at the developers cost.

There is no central sewer currently available to the site. The review plan states that sewage effluent may be treated on site or by a treatment facility located offsite and operated by the Boone County Regional Sewer District. There are several other developments in various stages of planning in this vicinity and two existing wastewater treatment facilities in the Little Cedar Creek Watershed. Consolidation of wastewater treatment within the watershed is in the public interest. The Boone County Regional Sewer District has recommended that the developer be required to coordinate wastewater treatment infrastructure planning and construction with the Sewer District.

Transportation: A traffic analysis prepared by Crockett Engineering Consultants was submitted with the previous request. MoDot has reviewed the traffic study and agrees with the conclusion that no improvements to I-70 Drive N.E. are warranted because the base traffic flow is low enough that even with the additional traffic generated by the previously proposed development, the street will continue to function at level of service A. The current proposal should generate less traffic because of the elimination of 88 residential lots. The developer has agreed to construct a left turn lane adjacent to the development. The left turn lane will be built under a permit from MoDot to MoDot specifications.

Public Safety Services: There is no indication that public safety services are not readily available to the property.

Zoning Analysis: The commercial zoning that was approved with the previous request was supported as a service to the residents of the area. Although there were no allowed uses approved with the development plan, it was anticipated that future uses would be of a type and scale similar to the Neighborhood Commercial district. The current plan proposes uses that are General Commercial in nature and do not provide neighborhood type services.

There is adequate land in the vicinity of the subject property that is currently zoned to allow the requested uses. Approximately 92-acres of undeveloped land zoned General Commercial (CG) and 185-acres of undeveloped land zoned Light Industrial (ML) is within 1.25 miles of this property.

Review Plan: The review plan shows one freestanding sign near the intersection of Lenway Drive and I-70 Drive N.E. A note on the plan indicates the sign will be double faced with 252 square feet of sign area per face. The maximum size allowed by the Zoning Regulations is 80 square feet per face. Three entrance/exit signs are shown, one at each entrance. These signs each constitute a free standing sign. The regulations specify a limit of one freestanding sign per public street frontage.

The parking shown is inadequate for the proposed Allowed Uses. A minimum of 1-parking space per 300-square feet of floor area is required. The development plan limits the maximum building size to 30,000 square feet. A 30,000 square feet building requires 100-parking spaces.

The property scored 56 points on the rating system. 11 property owners were notified of this request.

The sufficiency of resources test supports the requested rezoning. However, there has been no change in conditions to support the requested rezoning for General Commercial type uses. In addition, there is an adequate supply of appropriately zoned undeveloped land in the immediate vicinity. Therefore, staff recommends denial of the rezoning, review plan and preliminary plat. If the Commission chooses to approve the request the following conditions are suggested to apply to the review plan.

Conditions of Approval

1. The developer shall coordinate planning and construction of wastewater treatment facilities with the Boone County Regional Sewer District.
2. Change the note indicating the size of the freestanding sign to reflect the maximum sign size of 80-square feet.
3. Change the note indicating the number of entrance/exit signs to reflect that the maximum number of such signs is one.
4. Change the Parking Calculations note to be compliant with the requirements of the zoning regulations and revise the site plan to show the required number of parking spaces.

Present: Marjorie Lewis, Attorney, 601 E. Broadway, Suite 203, Columbia.
Jennifer Hedrick, Simon Oswald Architects, 700 Cherry St., Columbia.
Tim Crockett, Crockett Engineering, 2608 N. Stadium, Columbia.
Greg Anich, 5607 Kelsey Dr., Columbia.

Ms. Lewis stated Bobcat of St. Louis is the contract purchaser of the property in question. Gilpin-Sells LLC. owns a parcel of land that is about 37 acres. It is the site of the old Tiger Tee driving range; it is somewhat east of the intersection of I-70 and Route Z.

Ms. Lewis presented an aerial map of the property and pointed out the location of the property which was outlined in black. Ms. Lewis also pointed out the location of the property in relation to Route Z and interstate 70 as well as the locations of Loveall RV's, Wilson Trailer Sales, Maxwell Trailers, Coachman Homes, Victory Baptist Church, and a dog kennel.

Ms. Lewis showed the location of the proposed business on the tract. Right next to it is the dog kennel. There are a lot of commercial businesses as you go through this area. There is a split in zoning of the property. The front part of the property that fronts along I-70 Drive is planned commercial so this area right now is commercial; the back part of it is planned residential. What we are proposing to do is take an additional part of the planned residential and make it planned commercial in order to appropriately locate the Bobcat facility. Right now there is a gravel driveway in the middle of the property and that is where we would propose to put a public road through and that would have the affect then of dividing the two commercial pieces in the middle. It is located at a rise so it gives good site distance right there.

Bobcat and the owner are asking that 4.04 acres of the existing commercially zoned parcel in the southwest corner of the property and about 3.96 acres of the residential zoned land to the immediate north be combined in to one 8 acre parcel. That parcel would be placed in a C-GP zoning. The applicants also ask that a preliminary development plan for the parcel which will be discussed by Mr. Crockett be approved. The intended use for the 8 acre parcel is for the location of a new Bobcat dealership. It is really light construction and industrial type of equipment of 10,000 pounds or less, small backhoes, skid loaders, and similar equipment. The building and facilities for the dealerships are being designed by Simon Oswald and Associates and Jennifer Hedrick is here to talk about those plans. The applicants think that this zoning request represents a proper land use request for the land. First the property is along I-70 and I-70 Drive is and shouldn't be used for residential purposes. The property is along a busy highway and should be used for commercial purposes, it will increase the County sales and property tax and employment base, it is in the best interest of the community and the property is suitable for employment and commercial type uses so the community's employment and tax bases can be enhanced.

The applicants don't think that the site is suitable for the neighborhood commercial use as was indicated previously. It has a difficult access; you have to get off the interstate and drive around and drive quite a ways it is really far from the urban core. A use like a strip shopping center would be certain to fail. At one time there was planned residential development that the owner thought they would put in the area but that plan has fallen by the way-side; particularly with the proposed owner, Bobcat, wanting to purchase the property. There is not that residential development right there and so the use of putting in offices or businesses that would benefit residential development, there is no use for that right now because there is hardly any residences in the area; you wouldn't be able to make a go of those type of businesses. The use that is proposed is not one which requires a lot of traffic; it is a use that will not be bothered by access or distance from the urban core. It is compatible with the neighborhood and will generate substantial sales tax and property tax and will add to the employment base. We think it is a proper use of the land and we think it is particularly compatible with the adjacent use. Right now there is a dog kennel that is next to the property. The applicants have had contact with the owner of the adjoining property. The owner previously had substantial concerns about residential development in the area. New homeowners would be really upset about dogs barking all the time. We think that the Bobcat facility is really a great position with the dog kennel because the dog kennel is close to the property line. The way the Bobcat facility is going to have white pines between itself and the dog kennel and then green space then the building is going to sit back on the opposite side of its lot. Barking dogs are not going to bother the Bobcat facility. If dogs are barking during the night there isn't going to be anybody at the Bobcat facility. We think it is more appropriate than the earlier planned residential use.

At this time the applicants request the rezoning be approved and the preliminary development plan be approved. The Commission may be wondering what is going to happen with the rest of the 30 acres at the site; the applicants are not asking for rezoning of that at this time and we honestly don't know. We have heard rumors that St. Charles road is going to be extended through there and that might encourage more commercial development but at this time we just don't know and don't have any plans for it. As

noted the applicants have met with the neighbors; we had a meeting on October 11, 2005 at the Victory Baptist Church to which the neighbors were invited. Some came and some did not. Those who did come didn't seem to have a problem with the request.

Mr. Crockett stated the parcel in which this development sits on is roughly an 8 acre piece of property. The building itself is approximately 30,000 square feet; the internal area is more along the lines of 25,000, there is some exterior display area. We have a large substantial amount of the parcel remaining as green space; there are some exterior locations for sales and service/storage. The setback off the highway is a considerable distance so we can have parking in front of the building and will be very visible from the highway. As mentioned the applicants are going to put a turn lane on the outer road of I-70. The traffic report indicated we did not need one and didn't require one, however, due to previous development and the approval process the applicants feel that this development will warrant one and wouldn't hurt the area with the amount of larger truck traffic the applicants would have in the area. The applicants are screening the north and west of the property with evergreen trees. The applicants talked to the neighbor, Ms. Hamilton and discussed it with her and the applicants believe they have addressed her concerns that she has with this plan compared with the previous plan.

Mr. Crockett stated the applicants are proposing their own on-site detention facility and don't want to inundate any downstream structures with storm water. The applicants have an adequate location to do that in this vicinity. All the access is going to come off of one centralized road, it is located at a high point; we have about $\frac{3}{4}$ mile site distance in either direction so we have more than adequate site distance. The applicants have talked with MoDot and they seem to be okay with that. Any improvements along and adjacent to the outer road will all be in conjunction with MoDot specs and by permit of that department.

Mr. Crockett stated the County has the regulation of one parking space per 300 square feet. While that is adequate in most commercial developments we don't feel that is adequate in this location. $\frac{3}{5}$ of the building is either shop or storage of parts. We feel there is a large amount of area there that is simply not going to have anybody in it; there may be one or two employees but it is not a high use area. We feel the parking proposed is something we have looked at and calculated using other developments that this client has in the St. Louis area. We have provided employee parking in the back and provided customer parking in the front. We have also provided truck and trailer parking; we are not talking tractor trailer but the smaller trucks that pull the trailers that have the equipment on it that come out to do the leasing or the returns or maintenance. We have provided adequate parking for those type vehicles to the east of the building. While we think the 1 per 300 is an adequate number in most instances we feel that we have done a more specific job of identifying the exact needs of the parking for this site. We are not necessarily opposed to having 100 parking spaces if it was needed, however, by requiring 100 parking spaces it would only increase the amount of impervious surface for this development that is simply not needed.

Another item is the sanitary sewer. The applicants are not in opposition to working with the sewer district with regard to sanitary sewer for the regional facility for the whole area; we think that's a great idea and not just for this development but for all developments in the area for the benefit of the residents of the County. What we would like to do in the meantime is have our own system because we think that is probably going to be a lengthy process to get a central system approved. The district has to come up with the funding and the developers have to get together and coordinate their efforts. What we would like to do is provide an on-site sewer treatment for this development somewhere along the east side; something we can construct public mains to later. The applicants would provide public access to that sewer when that treatment facility goes on-line. In essence we provide on-site treatment on an intermediate basis - when the central facility came online we would tie to it. We think that is fair for this

development. We think that the amount of effluent from this site can certainly be handled on site by means of a lagoon or wetlands or whatever means is approved by the district.

Ms. Jennifer Hedrick with the firm Simon Oswald Architects presented two drawings of the proposed site.

Ms. Hedrick pointed out the locations of I-70 Drive and the proposed building.

Ms. Hedrick stated that the yellow and red areas on the plan are the sales and administration areas; those are the public spaces of the building and those total about 10,100 square feet of the 25,000 square feet we have programmed for the building. The two blue spaces in the back are the parts warehouse and the service, or shop, area. Basically the parts warehouse is literally just parts; batteries, belts, tracks, tires and a lot of the attachment pieces that go on the bobcat. It is literally just rows of very tall shelving units and as far as people in those spaces, there are no people in those spaces. The shop area, which is the blue area, has 12 service bays for mechanic's use. Once again, they don't necessarily have 12 mechanics but they will have 12 bays where that equipment can be serviced. The blue portions that are shown on this plan total 14,730 square feet. As far as the building itself Bobcat has branding guidelines and the applicants are trying to follow those guidelines as closely as possible.

Ms. Hedrick presented a photo of the proposed building.

Ms. Hedrick described the building design.

Ms. Hedrick stated regarding the signage, the applicants have been in contact with Mr. Yonke and had some preliminary discussions on that. Ms. Hedrick showed a photo of the proposed sign stating that it was the recommended signage by Bobcat branding and marketing department. The top portion of the signage is 4 foot by 8 foot and it would be two sided so it would be 64 square foot. That is what the applicants are hoping for right now. That square footage is just the top portion of the sign that includes the logo and name of the facility. For security purposes and keeping containment of their retail products the applicants are looking at a black vinyl coated fence so it would blend in and disappear with the landscaping. The applicants propose an 8 foot fence and it is literally to keep the products in.

Chairperson Smith stated that as a Commission we are concerned as to whether this is appropriate land use. Last year someone came before the Commission and told us that the appropriate land use was residential with a little bit of neighborhood commercial. Now this year it is not appropriate and this is appropriate but yet we are told that a mile and a quarter away there is appropriate zoning already in place for this kind of an endeavor. Chairperson Smith asked how this switched.

Mr. Crockett stated that with regard to why it switches; the applicants have been in contact with City staff and it is rumored that the CATSO committee will recommend that St. Charles Road be realigned along the section line. The thought here is that there might be a situation in which St. Charles Road is extended down that section line as a rear age road. With that in mind, no one knows if it is going to be re-routed or not, but it is an idea and something that needs to be given a lot of thought. With that said it is certainly a good dividing line between what is highway use and what is not highway use. With the existing commercial uses we feel that a commercial use of this magnitude is appropriate in this location.

Chairperson Smith stated that we have no way of knowing if that road does come through where it would be located.

Mr. Crockett stated that in talking with MoDot officials when they re-do this intersection they do want to eliminate the outer road because it only causes congestion problems so they want to be off of I-70 with the outer roads intersections ¼ mile away which would put it at the proposed location of St. Charles road.

Chairperson Smith asked if Bobcat asked about the other land that is available that is already commercial.

Ms. Lewis stated that she is not sure where exactly other locations are but with something like a Bobcat dealership you have to look at the prices of the parcel you are looking at. Bobcat is a different buyer than what was previously proposed. The applicants are looking at this as a view from Bobcat but it is also important to take in to account the position of the seller. It doesn't help the seller to say that there are other parcels this buyer could go to. The seller wants to be able to sell their parcel for the highest and best use and doesn't want to have to wait 20 years down the road until it is totally surrounded by commercial and we decide it would be appropriate for that parcel.

Chairperson Smith asked why the applicants decided on this land given that it has to be rezoned first when there are other parcels already zoned for this use? We all want to get the most for our land but we are here to talk about what is an appropriate use for this land.

Mr. Anich with Bobcat of St. Louis stated the applicants liked the property because it was roomy; there is not a lot around there, it seemed a good fit for the area with Loveall's and the trailer sales. Those are businesses that are conducive to what Bobcat does as well. The applicants have looked at other parcels and one of the owners of one of the parcels wasn't ready to go; he needed to clear it. Other than that, the applicants knew they wanted to be on I-70 and there is not a lot of ground around I-70 until you get further out.

Commissioner Morgan stated there is a heavy construction equipment company further east and they are not using all their land; have the applicants approached them about using some of their land.

Mr. Anich asked which property Commissioner Morgan was speaking of.

Commissioner Morgan stated Fabick, the Caterpillar place.

Mr. Anich stated he is not sure what property is for sale next to them.

Commissioner Morgan stated they have a pretty good chunk of ground there and they are not utilizing all of it.

Mr. Anich stated that would be interesting to have a competitor right next door. Mr. Anich stated he didn't know if the applicants even looked at that ground.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition to the request:

Shelly Hamilton, 9551 I-70 Drive NE, Columbia.

Ms. Hamilton stated she is not 100 percent in opposition; this may be perfectly fine. Ms. Hamilton wanted to visit the issue of the barking dogs and she was told by Mr. Simon that the new owner had come out to the property so that he was aware of the noise and aroma.

Commissioner Freiling asked Ms. Hamilton if she was the owner of the kennel.

Ms. Hamilton stated yes. The other concern was at the meeting last year with the proposed houses going in they stated they were going to build a berm to minimize the opportunity to see the kennel and the dogs to observe the subject property. Nothing has been said about that this time. This building is going to be quite high and she didn't know if this was something that should be added in because the customers are going to go in to the business and hear and see barking dogs. Ms. Hamilton stated she believes this is a much better use of the land than the 117 homes.

Parker Nahler, 9255 E. I-70 Drive NE, Columbia.

Mr. Nahler stated his property is just west of the property in question and he didn't know if he was really opposed to the request. The only thing he would like to stay in place is the trees and the berm that protects Mrs. Hamilton's property. If they were good enough last year, then they should be good enough now. Even though we are right to the west of it I would be curious to see where St. Charles road is proposed to go. Mr. Nahler stated that he thought it was funny that last year they said the residential and small commercial use was good for this property, yet now all of a sudden that's thrown in the trash and it is bad. Mr. Nahler stated he has seen Bobcat's property in St. Louis and they are an okay company but he would like to see his neighbors protected because he would not want to be next to a chain link fence. Looking at their competition up the road, Fabick, they are in to a little heavier equipment but they are still in the same types of equipment. They've got a pretty tall fence and it looks like a prison around there. Mr. Nahler asked what was going to be on the back half of the property.

Chairperson Smith stated the applicants indicated they didn't know what they would do with that area.

Commissioner Freiling stated that part of this request is to abandon last year's rezoning on the balance of the tract.

Mr. Florea stated that is correct. If the Commission approved this plan it would still be R-SP and C-GP, but there would be no approved development plan. The existing approved development plan and preliminary plat would be superseded by this plan.

Commissioner Freiling stated that the upside of this if it is approved by the County Commission is that the balance of the land has been rezoned to a planned residential development but there is no plan in place so they would have to come back before the Commission.

Closed to public hearing.

Commissioner Freiling asked on the issue of parking everyone has become more sensitive to laying more asphalt and concrete than necessary. Within the current regulations there is no distinction between use ,it is just based on square foot of buildings.

Mr. Florea stated there is distinction between uses but staff has to look at the uses they have listed as allowed uses. The applicants have shown a sketch of their building plan but that is not of record, it has not been filed with the Planning department. There is nothing on the plan that binds them to that building plan. They could come in with a 30,000 square foot office building as soon as this plan is approved and

build that and staff needs to see that there is adequate parking. It is not tied to the particular sketch they have shown tonight; it is tied to their plan and what they have defined as their allowed uses on the plan.

Commissioner Freiling asked if that was an issue for this Commission or is it an issue that should go before the Board of Adjustment or some other body. In other words; does this Commission have the proper authority to waive the parking?

Mr. Florea stated no the Commission does not have that authority.

Commissioner Freiling asked relative to the on-site wastewater treatment facility; the staff's recommendation that design and construction of that facility be coordinated with the county regional sewer district; if that meant that you anticipate this facility being served immediately by a public facility or only that the design be coordinated so that it can at some future time be attached to a public facility that becomes available.

Mr. Florea stated he couldn't really answer that question. The sewer district wasn't that specific with their comments. They indicated some skepticism that an on-site waste water treatment system would work with this type of facility and it has been their experience that they are problematic with these types of facilities.

Commissioner Freiling asked if an on-site waste water treatment facility for a property within this planned rezoning could be located off the site of the planned rezoning on the adjacent area. There is no place on the planned rezoning site for the wastewater treatment facility.

Mr. Florea stated that is correct; the applicants have not shown it on the plan.

Commissioner Freiling stated he believes the intent was to go east of the rezoning area to locate the treatment facility not on this particular site but on property they own that is not part of this plan.

Mr. Florea stated all the property they own is subject to this plan.

Commissioner Freiling stated they can go east.

Mr. Florea stated the applicants have not shown a location.

Commissioner Freiling stated they can go anywhere on their property.

Commissioner Freiling stated the question that Mr. Nahler raised relative to height and nature of security fencing and landscaping. Clearly on the plat there is the indication of one row of 6-foot evergreens as a privacy issue around the perimeter to the west and north and then an indication of a perimeter security fence but no indication of height or nature.

Commissioner Heitkamp stated there is a note that states the fence will be 8-foot tall maximum.

Commissioner Harris stated the applicants mentioned the sign was 64 foot surface area; Commissioner Harris asked how tall the sign was.

Ms. Hedrick stated the proposed guidelines from Bobcat International are 20 feet tall, 8 feet wide for the entire orange panel. With the sign itself being that top portion which is 8 feet wide, 4 feet tall.

Commissioner Harris asked if that was all going to count as sign.

Mr. Florea stated yes.

Commissioner Harris asked if land across the front of this that is already zoned the way the applicants are requesting this in itself is not large enough to configure properly.

Commissioner Freiling stated the current zoning across the south is neighborhood commercial.

Mr. Florea stated it is general commercial with no approved uses. The argument in favor of it was that there was going to be 88 homes out here and in support of those homes and other homes in the area we need some commercial area.

Commissioner Freiling stated the rezoning last year was not approved by the Planning and Zoning Commission; it was approved by the County Commission.

Mr. Florea stated it took a number of months to get through the process. The first request that came forward was for straight R-S zoning. That was denied. Then they came back with R-SP with the C-GP portion along the front. The Planning and Zoning Commission approved that request and it went forward to the County Commission and it was approved by them as well.

Commissioner Freiling stated that in general this kind of spot rezoning is something the Commission has been trying to stop doing. The second thing is this kind of strip development along I-70 is something we've discussed as not really wanting to happen in Boone County on a general basis and yet we sit here year by year and watch it happen. The third observation relative to sub area planning for I-70 is one of the things that we have been talking about is nodular commercial development around interchanges with these rear age roads as opposed to frontage roads. We now have an existing zoning which allows for a residential development along I-70 in a place which currently has been trending toward commercial use and normal observation would tell you that over time the surrounding use will continue, in all probability, to be commercial. As a realtor Commissioner Freiling would be uneasy owning a residential house in an area that might turn out to be otherwise all commercial around me. This piece of property is going to be used. Clearly the owners intend to use this property in some fashion to sell it. It seems that the choice is a commercial use that we are not totally thrilled about the process or the existing planned residential use which seems to be even less desirable.

Commissioner Heitkamp stated she agreed with Commissioner Freiling. Residential is not the best use of this property. We know that if we do this another 36 acres would be added as general commercial. The property is just sitting there, its not being used and pretty much all the other property in the area is zoned commercial, it doesn't make sense to put a residential development in that area.

Commissioner Morgan stated when we talk about driving to St. Charles and going to St. Louis and seeing all this commercial residential mix and we talk about having a free area on 70 and 63 and yet we are talking about making this commercial.

Commissioner Heitkamp stated it would be nice to have proposed zoning on the entire 36 acres; to get a plan up front.

Mr. Crockett stated that the applicants would like to have a 36 acre development they could bring to the Commission but at this time there are no other clients. Mr. Crockett stated he would like to address the additional comments made about this request. With regard to the parking the applicants understand staffs

problem. If this plan is something that gets approved tonight instead of making the condition of approval 100 parking spaces; if we could make a condition of showing the proposed areas of the uses of the building with the adequate parking toward those uses. That way if another use comes in with 30,000 square feet they are going to have to have 14,000 square foot of warehousing but if an office came in with 30,000 square feet they are going to have to redo the plan to show adequate parking.

Mr. Florea stated that is what the condition requires is that they calculate parking based on the zoning regulations.

Commissioner Freiling stated if they stipulate use that does not require parking that solves the issue.

Mr. Florea stated staff would work with the applicants.

Mr. Crockett stated that the applicants have talked with Ms. Hamilton numerous times and the applicants value her input and they will not stand in the way of what they need to do keep the neighbors happy. If Ms. Hamilton wants a berm or a few more trees that is something the applicants will work with her on. With regard to fencing the applicants are going with an 8-foot tall black vinyl fence, something that is going to blend in. The applicants will work with the sewer district with regard to the waste water treatment. The problem was that the applicant's domestic use on a daily basis is so low but the district is looking at something much larger that will serve the whole region. While the applicants are willing to participate in that treatment plant it doesn't benefit this client or the sewer district to go in here and put in a small treatment plant only to be upgraded by adding smaller units. The district would benefit by having the participation of this client at the time the district puts their facilities in.

Commissioner Oetting stated that the area to the north says service unit right next to the employees parking and it says hard surface. What are the service units?

Mr. Crockett stated those are units that are going to be delivered to the site and are waiting for repair.

Commissioner Oetting asked if they are going to be on gravel.

Mr. Crockett stated it would be on hard surface. The County's requirement is for hard surface.

Commissioner Oetting stated regarding the neighbors to the east and west. Suppose Ms. Hamilton and Ms. Brown comes in and they want to sell their property and it is zoned A-2 and they are to the east is the Commission going to go ahead and rezone their properties to commercial or are we going to let them set out there with A-2 zoning and try to sell 2 ½ acre sites next to a commercial development of 37 acres.

Commissioner Freiling stated that we've almost defacto created a commercial node with Gilbane down the road.

Commissioner Heitkamp stated she also recalled this planned residential development was sold to the Planning and Zoning Commission and to the County Commission as affordable housing. That is why we agreed to it last year. If we took it out of residential we are taking out 86 affordable homes. That presents a dilemma to the planners.

Commissioner Oetting asked if Maxwell trailers and the mobile home site were grandfathered in or were they rezoned to fit those businesses.

Mr. Florea stated Loveall was originally zoned C-G, the node around the interstate interchange was all C-G original 1973 zoning. The two commercial tracts a little bit further to the east; one is part of the original interchange zoning and one was rezoned C-GP.

Commissioner Oetting stated he believed the A-R original zoning was appropriate for this tract. If we are going to say we don't want to look like St. Charles you will have to pick a stand somewhere and say this is it.

Commissioner Sloan made and Commissioner Oetting seconded a motion to deny the request by Gilpin – Sells LLC on behalf of Bobcat of St. Louis to rezone from R-SP (Planned Single Family Residential) to C-GP (Planned Commercial) of 4.89 acres, located at 6989 I-70 Drive NE, Columbia:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – NO
Carl Freiling – NO	Michael Morrison – NO

Motion to deny request carries. 5 YES 3 NO

Commissioner Sloan made and Commissioner Morgan seconded a motion to deny the request by Gilpin – Sells LLC on behalf of Bobcat of St. Louis to approve a revised Review Plan and Preliminary Plat, located at 6989 I-70 Drive NE, Columbia:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – NO

Motion to deny request carries. 7 YES 1 NO

Chairperson Smith informed the applicants that if they chose to appeal this request they would need to file an appeal form with the Planning Department within three working days.

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. Brookfield Estates Plat 4. S24-T47N-R13W. A-2. Keith and Chastity Samuel, owners. Neal R. Slattery, surveyor.

The following staff report was entered in to the record:

This property is located at the intersection of Blake Drive and Silver Brook Road. These roads were created by earlier plats from this development. The site is approximately 2 & 1/2 miles south of the Columbia municipal limits and approximately 1 mile south of the municipal limits of Pierpont. The subject tract is zoned A-2 (Agriculture) as is all the surrounding property. These are all original 1973 zonings. In November of 1989 and July of 1990 requests were submitted to place a radio tower on this property, both were denied. The property is currently vacant and this proposal represents the last phase for completion of the development. In August of 2000 a rezoning request for A-R/PRD (Agricultural Residential Planned Residential Development), a review plan, and associated preliminary plat were denied by both the P&Z Commission and County Commission. A preliminary plat for the current development was approved in October of 2000. A final plat for Brookfield Estates Plat 1 received approval in April of 2001. A final plat for Brookfield Estates Plat 2 received approval in May of 2001. A final plat for Brookfield Estates Plat 3 received approval in June of 2001. The current proposed phase, which is Plat 4, contains 5 lots in total on a 22.63-acre parcel. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Water line extensions and up-grades will be required to meet the required fire flow for the development and these will be at the developer's cost. Water improvements and fire hydrants will need to be installed, approved, and acceptable prior to the plat going to County Commission or recording. Sewage treatment is proposed to be from a BCRSD central collector wastewater system located on lot 11A of Brookfield Estates. Roads within this development will be required to be constructed in compliance with county standards and will have to be hard surface. Curb & guttering and sidewalks are not required for this subdivision. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. The neighbors and other interested citizens are expressing concerns and questions about the development of this property and staff continues to explain the process and address the questions to the extent available. For the benefit of those unfamiliar with the standard process it is outlined as follows. No additional building permits may be issued until the plat is recorded. The plat can not be recorded until it has been taken to the County Commission. The plat can not be taken to the County Commission until all the required infrastructure, both on and off site, is installed, approved and acceptable. Only after the plat is recorded are the lots created and therefore eligible for sale or construction. The proposal has 58 points on the point rating system.

Since the plat meets the requirements of the subdivision regulations provided the following conditions are complied with, Staff recommends approval.

1. That it be recognized that both the internal and off-site water infrastructure will have to be installed, approved and acceptable before the plat is either taken to County Commission or recorded.
2. That it be recognized that no additional building permits may be issued for the property until the plat is recorded and the lots are actually created.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve Brookfield Estates Plat 4. S24-T47N-R13W. A-2. Keith and Chastity Samuel, owners. Neal R. Slattery, surveyor with the following conditions:**

1. That it be recognized that both the internal and off-site water infrastructure will have to be installed, approved and acceptable before the plat is either taken to County Commission or recorded.

- 2. That it be recognized that no additional building permits may be issued for the property until the plat is recorded and the lots are actually created.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

- 2. Windy Hill. S26-T48-14W. A-2. Paul and Monica Brugman, owners. C. Stephen Heying, surveyor.

The following staff report was entered in to the record:

The property is located approximately 3 ½ miles east of Columbia, between Nebo Cemetery Road and State Route O. It consists of one lot of 6.16 acres and one lot of 5.00 acres. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning.

Lot 2-A of the property has frontage on both Nebo Cemetery Road and State Route O, while lot 2-B has frontage on State Route O only. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these tracts is provided by Consolidated Public Water Service District #1. Electrical service is provided by Boone Electric Cooperative.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 25 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** Windy Hill. S26-T48-14W. A-2. Paul and Monica Brugman, owners. C. Stephen Heying, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

3. Lile-Michaelieu. S12-T46N-R12W. A-2. Lawrence Lile and Ohyrrae Michaelieu, owners. David Whitehead, surveyor.

The following staff report was entered in to the record:

The property is located approximately $\frac{3}{4}$ of a mile to the east of Ashland, along State Route Y. It consists of two lots, one with an area of 5.01 acres, the other at 5.02 acres. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning.

Lot 2 of this subdivision has direct access on State Route Y. Lot 1 has access to State Route Y via a 30' private driveway easement that runs parallel to the western boundary of Lot 2. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these tracts is provided by Consolidated Public Water Service District #1 and electrical service is provided by Boone Electric Cooperative.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 61 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** Lile-Michaelieu. S12-T46N-R12W. A-2. Lawrence Lile and Ohyrrae Michaelieu, owners. David Whitehead, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

4. George. S18-T49N-R12W. A-R. Nathan and Tammy King and Jason and Holli Richardson, owners. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The property is located less than half a mile north of Columbia, along Wagon Trail Road, north of Highway 63. It consists of one 2.50 acre lot. The property is zoned A-R (Agriculture-Residential), and surrounded by A-R zoning.

The property has direct access on Wagon Trail Road and is dedicating approximately 30 feet of additional right-of-way. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water and electrical service to this tract is provided by Columbia Water & Light.

On-site systems will provide wastewater disposal in the area indicated as a lagoon easement. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

There is an 11.83 acre remainder tract that has been submitted as an administrative survey. Access for the administrative survey is also on Wagon Trail road. The administrative survey is intended to be recorded concurrently with the plat.

The property scored 70 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** George. S18-T49N-R12W. A-R. Nathan and Tammy King and Jason and Holli Richardson, owners. J. Daniel Brush, surveyor **with waiver requests**:

- | | |
|---------------------|------------------------|
| Pat Smith - Yes | Kristen Heitkamp – Yes |
| Mary Sloan – Yes | Larry Oetting – Yes |
| Mike Morgan – Yes | Boyd Harris – Yes |
| Carl Freiling – Yes | Michael Morrison – Yes |

Motion to approve request carries unanimously.

* * * * *

- 5. Clatterbuck Road. S7-T46N-R11W. A-2. Everett and Diane Sapp, owners. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The property is located approximately 2½ miles to the east of Ashland, north of the intersection of State Route Y and Rangeline Road. It consists of three lots of 5.08 acres, 2.82 acres, and 2.79 acres. The property is zoned A-2 (Agriculture), and has A-2 zoning to the east, west, and south, with A-1 zoning to the north.

All three lots on the property have direct access to Clatterbuck Road. An additional 18 feet of right-of-way is being dedicated on the plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these tracts is provided by Consolidated Public Water Service District #1. Electrical service to these tracts is provided by Boone Electric Cooperative.

On-site systems will provide wastewater disposal. Once the Sapp's divorce is finalized, Diane Sapp will own lots 2 & 3. She will be constructing a new sewer system on lot 3 to serve lot 3 and the existing lagoon on lot 2 will serve lot 2. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The house on lot 1 has received a variance to remain in its current location, within both the utility easement and the building setback.

The property scored 35 points on the rating system.

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

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** Clatterbuck Road. S7-T46N-R11W. A-2. Everett and Diane Sapp, owners. Curtis E. Basinger, surveyor **with waiver requests**:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

6. Cochran. S25-T51N-R14W. A-2. Allen Ray and Judy Kay Cochran, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The property is located just south of the intersection of Carr Lane and State Route F, approximately 3 ½ miles north of Harrisburg. It consists of one 6.02 acre lot. The property is zoned A-2, and is surrounded by A-2 zoning.

The lot has direct access to State Route F. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to the lot is provided by Public Water Service District #10 and electrical service is provided by Boone Electric Cooperative.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 36 points on the rating system.

Staff recommends approval of the plat and the requested waivers.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve Cochran. S25-T51N-R14W. A-2. Allen Ray and Judy Kay Cochran, owners. Steven R. Proctor, surveyor with waiver requests:**

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

- 7. Concorde South Plat 1. S3-T47N-R12W. C-G. Robert M. Lemone Revocable Trust, owner. David T. Butcher, surveyor.

The following staff report was entered in to the record:

The property is located on Ponderosa Street approximately 300-feet south of the Boone County Public Works Building. The property is currently zoned C-G. The proposal includes platting one lot consisting of 5.75 acres and construction of 565 feet of new public roadway. The preliminary plat for Concorde South was approved in April, 2005.

The lot will have frontage on Ponderosa Street and frontage on and access to Meyer Industrial Drive, a new public road being built as part of this development. Ponderosa is within the right of way for U.S. 63 which has an existing half-width of 175-feet. Therefore, no additional right of way will be dedicated. Plans for the construction of Meyer Industrial Drive are being reviewed by the Public Works Department.

The property is in the service area of Consolidated Public Water District Number 1. Water District funded improvements external to the development that are necessary to provide fire flow have not been completed. The developer will be responsible for improvements within the development. The final plat cannot be recorded until fire flow can be provided.

Sewer service is provided by Boone County Regional Sewer District. A new force main is being constructed from the Martha’s Grove development to the Prairie Meadows Treatment Facility that can be tapped for service.

A utility easement by separate document from the adjoining landowner to the south adjacent to Meyer Industrial Drive is shown on the plat. The easement will be dedicated by separate document and cross referenced on the plat.

The property scored 83 points on the rating system.

Staff recommends approval of the plat subject to the following conditions:

1. Prior to recording the plat the developer must demonstrate that the needed fire flow is available at the property and that all necessary infrastructure has been provided.
2. Prior to recording the plat the developer shall provide a minimum 10-foot wide utility easement along the south side of Meyer Industrial Drive from U.S. 63 to the terminus of Meyer Industrial Drive.
3. Prior to recording the plat the developer shall comply with all required conditions of obtaining sewer service from Boone County Regional Sewer District as stipulated in a letter from Tom Ratermann dated October 12, 2005.

Commissioner Freiling made and Commissioner Morgan seconded a motion to **approve** Concorde South Plat 1. S3-T47N-R12W. C-G. Robert M. Lemone Revocable Trust, owner. David T. Butcher, surveyor **with the following conditions:**

1. Prior to recording the plat the developer must demonstrate that the needed fire flow is available at the property and that all necessary infrastructure has been provided.
2. Prior to recording the plat the developer shall provide a minimum 10-foot wide utility easement along the south side of Meyer Industrial Drive from U.S. 63 to the terminus of Meyer Industrial Drive.
3. Prior to recording the plat the developer shall comply with all required conditions of obtaining sewer service from Boone County Regional Sewer District as stipulated in a letter from Tom Ratermann dated October 12, 2005.

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Boyd Harris – Yes
Carl Freiling – Yes	Michael Morrison – Yes

Motion to approve request carries unanimously.

* * * * *

OLD BUSINESS

Mr. Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission.

The request for Clifton Nahler to rezone was recommended approval by the Planning and Zoning Commission and the County Commission upheld that decision.

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Annual Review of Planning and Zoning Commission by-laws.

The Planning and Zoning Commission reviewed the by-laws and agreed that no changes were necessary.

NEW BUSINESS

The Commission discussed setting up a meeting with the City of Columbia Planning and Zoning Commission. The tentative date for this meeting is December 10, 2005.

ADJOURN

Being no further business, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Kristen Heitkamp,
Secretary

Minutes approved on this 17th day of November, 2005.