

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, December 21, 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
Rhonda Proctor	Perche Township
Jeff McCann	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 16, 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 two rezoning requests, two final development plans and two subdivision plats.

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

The following procedure will be followed:

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

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

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

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

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

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

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, January 2nd. 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, January 2nd will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Jonell VanDam and Jerry and Rebecca Campbell to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and to approve a Review Plan for Van Dam Site on 21.61 acres, more or less, located at 9510 W Graham Rd. and 4920 N Boothe Ln., Rocheport.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Graham Road and Boothe Lane, approximately 3 miles northeast of Rocheport. The property is presently composed of two tracts, one that is 10.12 acres in size, the other being 11.49 acres in size. There is a dwelling and wastewater system present on each tract. The property is zoned A-1(Agriculture) and is surrounded by A-1 zoning. This is all original 1973 zoning.

This proposal seeks to rezone the property from A-1(Agriculture) zoning, which has a 10 acre minimum lot size, to A-1P(Planned Agriculture) that has a 10 acre per residential unit density. This change allows for a lot smaller than 10 acres to be created, so long as there is no more than 1 residential unit per 10 acres. There are currently 2 residential units on the combined 21.61 acres and that number of units per 10 acres will not change under this planned rezoning.

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 Consolidated Public Water Service District #1 , the Boone Electric Cooperative service area, and the Boone County Fire Protection District. There is no public sewer available in this area as provided by the Boone County Regional Sewer District. Water infrastructure available on Boothe Lane is a 10” water line providing 850 gallons per minute and 200 gallons per minute available on Graham Road from a 4” water line. The line along Graham Road is not capable of meeting fire protection requirements or supporting hydrants.

Transportation: The property has direct access on to Graham Road and Boothe Lane, both publicly-dedicated, publicly-maintained rights-of-way, with Boothe being gravel and Graham being chip-and-seal surfaces.

Public Safety: The property is located in the Boone County Fire Protection District, with the station at Midway being closest at 4.16 miles for service.

The property scored 26 points on the rating system.

Zoning Analysis: This proposal seeks to take advantage of the density present on the 21 acres of property to create a 4.4 acre lot around the Graham Road house and leave the remainder of the property with the Boothe Lane house.

On reviewing the proposal, there are outstanding technical issues with the plan document. The Review Plan does not meet the technical requirements that are contained in the Zoning Regulations Section 6.4.6. Specifically, it fails to identify the use of existing structures on the property and within 200 feet of the property. It also fails to show the location of easements along Boothe Lane and Graham Road.

The list of Allowed Uses for Lot 1, specifically school, place of worship, and veterinary clinic, should be revised to reflect the limited infrastructure available along Graham Road; as all these uses require hydrants and fire protection. Both lists of Allowed Uses (Lot 1 & Lot 2) must be revised to indicate which uses are Permitted Uses and which uses are Conditional Uses. Conditional Uses still require going through the conditional use process in addition to being shown under the Allowed Uses section on the approved plan.

Staff recommends approval of the rezoning request and attached review plan with the following conditions:

1. That the Review Plan be revised to show the use of existing structures on and within 200 feet of the property as required by the Zoning Regulations 6.4.6.
2. That the Review Plan be revised to show the easements along Boothe Lane and Graham Road.
3. That the Allowed Use list be revised as follows:

Allowed Uses:

Lot 1

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries

Home Occupation

Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is

(1) in compliance with all state regulations and (2) meets all the criteria for a Home Occupation.

Single-Family Dwelling

Lot 2

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries

Home Occupation

Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is

(1) in compliance with all state regulations and (2) meets all the criteria for a Home Occupation.

Single-Family Dwelling

Equine Boarding Facility for a maximum of six animals on a minimum 10-acre tract

Equine Ranch on a minimum 10-acre tract

Conditional Uses:

Kennel or Hobby Kennel

Equine Boarding Facility for more than six animals on a minimum 10-acre tract

Animal Training Facility on a minimum 10-acre tract

Riding School

Transmission Facility

Bed and Breakfast

Privately operated outdoor recreation facility

Present representing the request:

Jerry Campbell, 4920 Boothe Ln, Rocheport

Jerry Campbell: My Mother-in-Law wants to give us a portion of her property reducing her tax burden and work load on her property which I help her with anyway. It is a pretty simple combination.

Chairperson Harris: That will be one house on the existing parcel and one house on the new parcel?

Jerry Campbell: There is no new parcel, there will be one house on each parcel. I want to make a revision after communication with my mother-in-law and my wife. The only real revision we want to make to the property is to increase her square footage and move the property line to the south. All we are doing is increasing her property size to 6.71 acres and reducing ours to 14.9 acres.

Chairperson Harris: If the applicants wanted to make that change it would impact our ability to approve the review plan this evening.

Jerry Campbell: You should be able to approve the review plan.

Chairperson Harris: We would have to review the new review plan. The zoning change could be dealt with but the review plan would have to come back.

Thad Yonke: It is fortunate they have to redraw it anyway.

Chairperson Harris: For us to sign off on the review plan it has to come back and be reviewed anyway so we can't deal with that aspect of it tonight. Could we deal with it subject to those revisions? To make a change at this point in the game, no, because there are other elements on the plan that have to be dealt with anyway in order to meet the statutory requirements.

Jerry Campbell: I heard that there were some revisions that were requested to be made to the plat, they could have been completely handled and revised prior to tonight's meeting; tonight is the first time I have heard about those items for revision. We made revisions and submitted it back to Resource Management for tonight's meeting, this would be our third attempt to submit this plan. We submitted the first plan in October and there were deficiencies and we were prepared to make those revisions and resubmit so we could have our meeting in late October. We resubmitted those plans in November and they were never submitted to the Planning and Zoning Commission for review nor did they get processed so we are here three months later in December going through this process and I am thoroughly confused as to why you are to the point of telling me we are not going to have approval tonight.

Bill Florea: Because you are making changes to the plan.

Chairperson Harris: The matter before us to deal with and we can approve or disapprove based on the staff report this evening with this plan as it is, but if you want to change the acreage that is fine, it is just going to have to go back through the process.

Jerry Campbell: My office and I are thoroughly aware of the process and procedure that it takes to do this. Many times in my experience through dealing with rezoning and platting across the United States you can make an approval with contingencies before we go in to the final Commission. Generally what we usually see is contingent on those revisions being made, it can be approved or voted on tonight to move on to the County Commission. Those revisions seem to be pretty minor in scope. We are not changing the legal description for the property but are moving a property line between the two properties just to change the acreage of each piece; it is a pretty minor adjustment. I would request that we go ahead and make a motion to approve this with the condition that it be considered and revised prior to the next meeting.

Thad Yonke: For clarification, when the applicant says “the next meeting” does he mean the County Commission meeting?

Jerry Campbell: Yes.

Thad Yonke: So it would be changed within 10 days?

Jerry Campbell: Yes, we can do it tomorrow.

Chairperson Harris: When we start changing the survey descriptions in this setting to try to accommodate what we can and yet still do what we can within the parameters that we have to operate under.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Proctor: I get that the houses are going to stay where they are going to be but moving the line and if we approve that we are essentially not giving anyone else a chance to come back and say what these conditional uses are, they may change, correct? There might be some differences?

Uriah Mach: The third recommendation was to limit the recommended conditional uses and permitted uses that were on the plan.

Commissioner Proctor: So then it will go to the Commission but no one has a chance to review those.

Bill Florea: The uses are specific to the lots. Some of the analysis that went into limiting the uses was based on lot size but also on available infrastructure on the smaller of the two lots. Based on the changes they are proposing tonight. I don't think uses are really an issue, it is just making sure the plan is compliant with the requirements.

Thad Yonke: I don't think we have ever allowed a change like this at the meeting. We have had changes proposed during the review process but I don't think we have ever had a line proposed to be moved during the hearing.

Commissioner Poehlman: It is the first time in my five years I have heard of it and we don't have a process for handling it.

Thad Yonke: We do, the process is that the review plan comes back at a later meeting; there is not a process for handling it on the fly. I don't know that it is a substantive change but there are cases where it could be.

Bill Florea: And, is the Commission setting up a precedent for the future if someone wants to make a change that maybe is substantial. Is this the right place to make that decision?

Chairperson Harris: Having this type of change at this point is a new one. But in light of what staff has said if the rest of the staff recommendations are acceptable to the applicant and the only thing we are changing is to move a survey line to change acreage that survey is still going to have to meet the requirements of the review process, to add a couple of acres which doesn't really impact the size of the lots one way or another in this case it is not a substantial change.

Thad Yonke: It is an internal lot line in this case so it is not changing the out boundary and if that were the case we would be in violation of the process.

Chairperson Harris: If we approve this subject to these conditions and if they want to change the lot line the plat is going to have to be right when it comes back, no ifs, ands, or buts, it has to be perfect. Are we violating one of our guidelines to do it or is it just that the precedent not there? We are running a risk of setting a precedent and making a judgement call of whether this is a substantive change.

Stan Shawver: There is no precedent for this. If the Commission goes down that path they need to be very clear as to what their justification is so that in the future occurrence you don't have this held up as a precedent.

Jerry Campbell: May I see a copy of the staff report? I haven't been provided those and I am the applicant and the property owner.

Uriah Mach gave Mr. Campbell a copy of the staff report.

Commissioner Prevo: The precedent is that the lot line is internal it makes no change to the conditional or permitted uses and it has no bearing on the decision tonight.

Commissioner Kurzejeski: But it does set a precedent.

Thad Yonke: Our biggest worry is if a precedent is set it encourages people to try to ask for changes that haven't been reviewed. In this instance I don't think that is a problem but it would be a problem for almost any other request.

Commissioner Poehlman: In my five years I am sure there have been applicants that maybe wanted a change but they didn't because they followed the process. I feel like if we allowed that tonight we are opening the door and not being fair.

Jerry Campbell: I would like to speak to process. This is what I do all over the United States, I approach Planning and Zoning Boards. I have been to many Planning and Zoning Commissions and a revision comes up last minute that needs to be made. In this case there are comments here that would cause a revision regardless of the property line adjustment between the two lots, correct?

Chairperson Harris: Yes, there are some deficiencies in the review plan.

Jerry Campbell: Right, so every time I have ever gone to a Planning and Zoning Board meeting I have been provided with the agenda and the staff comments prior to that meeting so a conversation could take place prior to the meeting. If your process is not to do that I think you need to relook at your process. You guys have an application process that I followed to the tee, I made the application and there was a denial of it with ample time to make those revisions to meet the October deadline, I was denied and it wasn't able to be put on the agenda. I had the revisions back in within three days to still meet the agenda time frame. I resubmitted the drawings for the November meeting and it never made it to the agenda. I am now here at the December meeting and there are comments in the staff report that I didn't even know about until tonight. I would like for the Commission to make a motion that these items be made contingent that it be worked out with the staff prior to going to the next meeting. I don't know what easements they are talking about, we show easements on our document; we show the easements that the county required when we purchased the property, there are no additional easements needed. There are no easements on Graham Road that are required by the County, no one has given me one comment about the required easements.

The allowable uses, this property is an A-1 zoning, if we change to A-1P every neighbor around us can do every one of those uses, we didn't deviate from the A-1 zoning uses at all. The infrastructure leading to the property, if we are going to build a daycare to house 400 kids we will have to provide plans to increase the infrastructure to do so on the property regardless of what it is. To say the infrastructure is not there is a total fact but in order for the structure to be built the infrastructure had to be brought to the property. This is the process, if you want to build something on the property that doesn't meet the current requirements you go through the process. To deny it now would allow my neighbors to do something I can't do it seems odd to me. I want to continue to use the uses that are on my current document because my neighbors can so if you want to deny me that we can talk about that later. Conditional uses, a hobby kennel is a totally adequate use for my neighbor to have, why can't I have it? I am thoroughly confused.

Thad Yonke: One of the major things that is wrong is you have to list what the conditional uses are. They are muddled in with the other uses instead of being labeled as conditional uses. You have to get conditional use permits even in a planned district for the specific uses so if those are going to be there they need to be labeled as conditional uses, that is one of the deficiencies. They have to be listed as conditional uses and they are listed as permitted uses.

Jerry Campbell: Which is no reason not to approve this document. It is a simple note on the plan.

Thad Yonke: That is what the staff recommendation is, that it be corrected. The easements along the road are not visible on the original so those are the easements that need to be shown.

Jerry Campbell: The line didn't plot on the document. They were on there but the line doesn't show up.

Thad Yonke: The applicant will never have the staff report prior to the meeting. That report reflects comments that were sent to the applicant after the review that were not corrected in the resubmission. Every applicant gets the staff report at the meeting; staff does not give them out before the meeting.

Jerry Campbell: Fair enough but it seems odd to fly into a storm blind and that is how I felt tonight.

Thad Yonke: That being said, we have plenty of applicants who call ahead of time to find out potentially what the staff report is going to have in it.

Commissioner Poehlman: What are the options? Could it be approved per the conditions? Could it be denied or tabled?

Commissioner Martin: I have done this for a while myself and I know how some plans are and I know how things change beyond what we anticipate too. We could deny it and the applicant can appeal to the County Commission. I understand the simplicity of what is going to happen here and that is to move an internal line a few feet, it isn't that big of a deal, but how do we stop it if it goes further than a couple of feet?

Jerry Campbell: You could make a motion to put in those statements.

Chairperson Harris asked the applicant to stop trying to word the Commission's motion.

Chairperson Harris: The purpose of Planning and Zoning is to make sure that we don't do something that allows a landowner to screw up the neighborhood. This is a relatively reasonable request in the grand scheme of things.

Chairperson Harris made a motion to approve the rezoning request with staff conditions as noted and subject to the applicant providing an acceptable review plan that shows the change in acreage between lots

one and two showing lot one 6.71 acres and lot two as 14.9 acres. The corrected review plan must be submitted to the Resource Management Department within three working days.

Chairperson Harris: It is never our intent to frustrate a property owner or applicant; it is a reasonable request in general the frustration of the discussion tonight comes at the applicants having requested something that is not on the survey.

Jerry Campbell: That is not correct.

Chairperson Harris: I am not going to argue with the applicant and if he wants me to proceed with the motion, the applicant asked tonight to change the acreage, that is not what is showing on this survey.

Jerry Campbell: That is not my frustration though.

Chairperson Harris: That aside, it is an internal lot line and it is not going to significantly change the review or the approved uses and that is why I am making a motion to approve the request. Were it anything more significant or changing an outboundary line or anything else I would not approve the request. If that can be done within three days and meets the staff requirements and meets statutory requirements I will make a motion to approve the review plan.

Commissioner Harris made and Commissioner Prevo seconded a motion to **approve** the request by Jonell VanDam and Jerry and Rebecca Campbell to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 21.61 acres, more or less, located at 9510 W Graham Rd. and 4920 N Boothe Ln., Rocheport with the following condition:

- Rezoning subject to submission of a corrected review plan that shows the change in acreage within three working days to Resource Management.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – NO	Greg Martin – Yes
Michael Poehlman – NO	Rhonda Proctor – NO
Jeff McCann – Yes	

Motion to approve the rezoning request passes 4 YES 3 NO

Commissioner Harris made and Commissioner Prevo seconded a motion to **approve** the request by Jonell VanDam and Jerry and Rebecca Campbell to approve a Review Plan for Van Dam Site on 21.61 acres, more or less, located at 9510 W Graham Rd. and 4920 N Boothe Ln., Rocheport with the following conditions:

1. That the Review Plan be revised to show the use of existing structures on and within 200 feet of the property as required by the Zoning Regulations 6.4.6.
2. That the Review Plan be revised to show the easements along Boothe Lane and Graham Road.
3. That the Allowed Use list be revised as follows:

Allowed Uses:

Lot 1

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries

Home Occupation

Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is:

- (1) in compliance with all state regulations and
- (2) meets all the criteria for a

Home Occupation.

Single-Family Dwelling

Lot 2

Permitted Uses:

Agricultural Activity which shall include greenhouses and nurseries

Home Occupation

Family Day Care Home (maximum of six children) and Group Day Care Home (maximum of ten children) provided that the Day Care Home is:

- (1) in compliance with all state regulations and
- (2) meets all the criteria for a

Home Occupation.

Single-Family Dwelling

Equine Boarding Facility for a maximum of six animals on a minimum 10-acre tract

Equine Ranch on a minimum 10-acre tract

Conditional Uses:

Kennel or Hobby Kennel

Equine Boarding Facility for more than six animals on a minimum 10-acre tract

Animal Training Facility on a minimum 10-acre tract

Riding School

Transmission Facility

Bed and Breakfast

Privately operated outdoor recreation facility

- 4. Applicant must provide an acceptable review plan that shows the change in acreage between lots one and two showing lot one as 6.71 acres and lot two as 14.9 acres. All corrections must be made to the review plan and must be submitted to the Resource Management Department within three working days.

Boyd Harris – Yes

Paul Prevo – Yes

Eric Kurzejeski – NO

Greg Martin – Yes

Michael Poehlman – Yes

Rhonda Proctor – NO

Jeff McCann – Yes

Motion to approve the review plan passes

5 YES

2 NO

Chairperson Harris reminded the applicant that all of the required corrections need to be made to the review plan and submitted to Resource Management within three working days. If the plan is submitted as required these requests will be heard before the County Commission on January 2, 2018 and the applicant will need to be present for the hearing.

2. Request by Henry J. Waters III to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Turkey Creek Estates Plat 3 on 4.07 acres, more or less, located at 5150 E Deer Park Rd., Columbia.

Planner, Bill Florea gave the following staff report:

The subject property is located on Deer Park Road, east of Highway 63, approximately 2 miles south of Columbia. The property is currently zoned A-1P having been rezoned from A-1 in 1998. A Revised Review Plan was approved in 2010 to add an additional building lot and potential for a third lot. In 2017 a subdivision plat was approved to create the third building lot. Three building lots is the maximum number of dwelling units allowed by the original Review Plan and subsequent Revised Review Plan. The current plan under consideration would allow the owner of Lot 1 to add approximately 4 acres to that lot.

Adjacent zoning is A-1 to the north and east, and A-1P to the west and south. The property is occupied by a single- family dwelling and a barn.

The Master Plan designates this property as suitable for agricultural and rural residential land uses. 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 necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities:

Consolidated Water has a 2” waterline along the north side of Deer Park Road, fire flow is not available. Boone Electric provides electric service.

On-site systems as permitted by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The lot will continue to have direct access on to Deer Park Road.

Public Safety: Fire protection will be provided by the Boone County Fire Protection District.

Zoning Analysis: The overall density of three dwelling units, for the development, will remain the same. The list of Allowed uses reflects and is consistent with the level of service available to the property. Uses requiring fire flow have not been included in that list.

A subsequent subdivision plat will be necessary to incorporate the additional acreage into Lot 1. As currently drawn, the future Lot 1A does not meet the minimum lot depth of 250-feet at its east end. In order to plat the proposed configuration, the owner will need to obtain a variance from the Board of Adjustment. If that variance is not granted the applicant will need to revise the Review Plan to incorporate a compliant design.

The property scored 41 points on the rating system.

Staff notified 15 property owners about this request.

Staff recommends approval of the plan subject to the following condition:

1. Prior to approval of a Final Plan, the applicant must either obtain a lot depth variance from the Board of Adjustment or submit a Revised Review Plan that complies with the Subdivision Regulations.

Present representing the request:

Mary Waters, 5150 E Deer Park Rd, Columbia

Mary Waters: The subject tract is contiguous to my property north of Turkey Creek and is a piece that I am trying to negotiate with my father to obtain to better control that parcel. It is adjacent to a new building project that is going on so we will have a large farm to the north that is being divided so I am interested in controlling that. I understand the depth of the property to the east doesn't meet the 250 feet requirement, we have submitted an application for a variance to the Resource Management Department. There's another use for the southern part of the acreage that belongs to my father and it is not his desire to carve off a little strip to get that to meet the requirement of the 250 feet.

Chairperson Harris: The part south of the creek is your dad's?

Mary Waters: Correct.

Chairperson Harris: So the 250 feet stem was created because his legal description probably says to the creek.

Thad Yonke: No, this is part of the tract that her father owns now.

Mary Waters: We were just using the creek as a natural boundary and in order to get the 250 feet it amounts to a 10 foot strip on the south side of the creek which is something that I will not be able to access and protect. With his intended use of the property we will just be spending money to go down the drain.

Chairperson Harris: So the applicant owns five acres now.

Mary Waters: Yes.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by Henry J. Waters III to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 4.07 acres, more or less, located at 5150 E Deer Park Rd., Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by Henry J. Waters III to approve a Review Plan for Turkey Creek Estates Plat 3 on 4.07 acres, more or less, located at 5150 E Deer Park Rd., Columbia with the following condition:

1. Prior to approval of a Final Plan, the applicant must either obtain a lot depth variance from the Board of Adjustment or submit a Revised Review Plan that complies with the Subdivision Regulations.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that these requests will be heard before the County Commission on Tuesday, January 2, 2018 and the applicant needs to be present for the hearing.

VII. Planned Developments

1. Request by Danny Hill and Greg Logsdon to approve a Final Development Plan for Lot 4, Concorde South Plat 2 on 1.81 acres located at 4801 E Meyer Industrial Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is 1.82 acres in size and located approximately 1/4 mile south of Columbia, on Meyer Industrial Drive. The property is zoned M-GP(Planned General Industrial). There is M-LP(Planned Light Industrial) & M-L zoning to the north, with M-GP zoning to the east, south and west. The M-LP was rezoned in 2012. The M-GP was also rezoned in 2012. The M-L is original 1973 zoning. The property is currently vacant.

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 36 property owners about this request.

The M-GP plan has been revised to allow for construction of a sports training/recreation facility. This facility will allow for indoor baseball & softball training and conditioning.

The Boone County Master Plan identifies this area as being suitable for residential land uses. The Boone County Zoning Ordinance identifies three standards for approval of a Final Development Plan: all required information is accurately portrayed on the Final Plan, the Final Plan conforms to the approved Review Plan, and the Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

After review of the submitted Final Plan, staff has determined that the Final Plan meets the identified standards.

The property scored 83 points on the rating system.

Staff recommends approval of the Final Plan.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by Danny Hill and Greg Logsdon to approve a Final Development Plan for Lot 4, Concorde South Plat 2 on 1.81 acres located at 4801 E Meyer Industrial Dr., Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

2. Request by Westward Home Builders LLC to approve a Final Development Plan for North Battleground Development on 38 acres, more or less, located at 8321 E St Charles Rd, Columbia.

Planner, Bill Florea gave the following staff report:

The property is located on the north side of St. Charles Road approximately 1700-feet west of Route Z. In February 2017 the Planning and Zoning Commission recommended approval of a Rezoning from A-2 to R-SP and an accompanying Review Plan. The County Commission approved the rezoning and Review Plan, Commission Orders 90-2017 and 91-2017. The review plan was approved with three conditions:

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

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All required information is accurately portrayed on the plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the plan. All required information is accurately portrayed and the plan conforms to the review plan.

The conditions imposed by the County Commission have been complied with.

Staff recommends approval.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by Westward Home Builders LLC to approve a Final Development Plan for North Battleground Development on 38 acres, more or less, located at 8321 E St Charles Rd, Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes

Michael Poehlman – Yes
Jeff McCann – Yes

Rhonda Proctor – Yes

Motion to approve the request passes unanimously

VIII. Plats

1. Clear Creek Estates preliminary plat. S1-T47N-R13W. JQB Construction, Inc., owner. Timothy J. Crockett, engineer.

Planner Thad Yonke gave the following staff report:

The subject property is located on the east side of State Highway 163 approximately 1700 feet east of the intersection of Providence Road and State Highway 163. The property is 153.63 acres in size and contains a home that is proposed to be removed. This preliminary plat proposes the division of the property into 45 buildable lots, public streets, and four common lots. The property is zoned A-2 (Agriculture) as is the property to the east and southeast. Property to the south and southwest is zoned A-1 (Agriculture). Property to the west is zoned A-1 and A-2P (planned agriculture). Property to the northwest is zoned R-M (residential moderate density). Property to the north and northeast is zoned R-S (residential single family). This is all original 1973 zoning except the A-2P.

The proposed development will get primary access from a connection to State Highway 163. A portion of the site falls into the study area for the Gans Road extension project and the developer is dedicating a portion of the right-of-way to accommodate the future roundabout envisioned in the study. A public road stub is provided that will connect to the roundabout when the roundabout is eventually constructed. This connection will at that point provide a second point of access for the subdivision. The addition of 45 additional residential units will have an impact on the road network. The applicant has presented a traffic study showing that turn lanes on Highway 163 are not specifically required but this is the type of off-site road improvement that is typically required to off-set the impact to the road network. In this case the cost of installing turn lanes will be the starting point for the development to off-set its impact by contributing into a fund to be set up with the County. This fund will be for eventual contribution to the construction/implementation of the Gans Road extension project.

The proposal is for public roadways that will be built to County standards. Some of the road names proposed have not been approved by BCRM and JCIC and all names must be approved before submission of a final plat.

The subject property is located in Consolidated Public Water Service District #1 and will get water from a 12-inch main located along the northern property line, Boone Electric Cooperative, and the Boone County Fire Protection District. Fire hydrants will be required.

Wastewater service to the development is proposed to be provided by the Boone County Regional Sewer District (BCRSD) with a connection to the City of Columbia Clear Creek pump station which is located on an adjoining property. The specifics of the agreement for wastewater service between the BCRSD and the City need to be worked out and any pre-annexation agreement will need to be reviewed to see what conditions go along with the provision of the service by the City.

The property scored 78 points on the rating system.

Staff recommends approval of the plat with the following conditions:

1. Road names acceptable to JCIC and the Director of BCRM will be required prior to submission of any Final Plat.
2. Agreements between the BCRSD and the City of Columbia must be finalized prior to submission of any Final Plat for the property and this includes any executed pre-annexation agreement required by the City as a condition of allowing connection. Said agreements must also be acceptable to the Director of BCRM and if the director believes said agreements require redesign or changes to this preliminary plat a revised preliminary will be required to come back through the process for approval.
3. An agreement to mitigate the off-site roadway impacts generated by the development must be worked out to the satisfaction of the Director of BCRM prior to submission of any Final Plat. It is likely that said agreement will be a negotiated contribution to a fund for the dedicated improvements of the roundabout and Gans Road proximate to the development and found in the County funded study.
4. The development will not be phased and will be submitted as a single Final Plat.
5. Access to proposed lot C-2 is subject to MoDot approval.

Commissioner Harris made and Commissioner Martin seconded a motion to approve Clear Creek Estates preliminary plat with the following conditions:

1. Road names acceptable to JCIC and the Director of BCRM will be required prior to submission of any Final Plat.
2. Agreements between the BCRSD and the City of Columbia must be finalized prior to submission of any Final Plat for the property and this includes any executed pre-annexation agreement required by the City as a condition of allowing connection. Said agreements must also be acceptable to the Director of BCRM and if the director believes said agreements require redesign or changes to this preliminary plat a revised preliminary will be required to come back through the process for approval.
3. An agreement to mitigate the off-site roadway impacts generated by the development must be worked out to the satisfaction of the Director of BCRM prior to submission of any Final Plat. It is likely that said agreement will be a negotiated contribution to a fund for the dedicated improvements of the roundabout and Gans Road proximate to the development and found in the County funded study.
4. The development will not be phased and will be submitted as a single Final Plat.
5. Access to proposed lot C-2 is subject to MoDot approval.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the plat passes unanimously.

2. Bethpage Estates preliminary plat. S19-T50N-R12W. A-2. Nathan King, owner. Kevin M. Schweikert, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the northeast corner of the intersection of Sportsman Drive and Friendship Church Road, approximately 4 miles west of Hallsville. The subject property is 150 acres in

size and zoned A-2(Agriculture). The property is currently vacant. It has A-2 zoning to the north, east, west, and southwest, and REC(Recreation) zoning to the south and southeast. The A-2 zoning to the east was rezoned from REC zoning in 1978. The rest is all original 1973 zoning.

The proposal divides off twelve lots, ranging in size from 3.05 acres to 5.15 acres, from the parent parcel.

All of the proposed lots have direct access on to Sportsman Drive or Friendship Church Road, both publicly-dedicated, publicly-maintained rights of way. There are also two areas reserved for private access easements to portions of the remainder tract. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4 and the Boone County Fire Protection District. The applicant will be constructing substantial water infrastructure to meet the requirements of the fire code.

All of the proposed lots will be served by on-site wastewater treatment as permitted by the Columbia/Boone County Health Department. A wastewater cost/benefit analysis was submitted as part of this application.

The property scored 25 points on the rating system.

Staff recommends approval of the plat.

Present representing the plat:

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

Chairperson Harris: Is there going to be enough room on lots 2 and 3 to build a house?

Kevin Schweikert: Yes. There is ample space on the lots to build a house and put in onsite sewer systems.

Chairperson Harris: I assume at some point, given the size of the parcel, the rest of it may be requested for development but you are platting all of the road frontage off first. How will there be access to the back parcels?

Kevin Schweikert: On the south line of lot 1 there is a 50 foot access easement to get to the back east side of lot 8.

Commissioner Martin made and Commissioner Prevo seconded a motion to approve Bethpage Estates preliminary plat:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the plat passes unanimously.

IX. Old Business

1. Update on Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The rezoning requests for Phoenix Property, Danny Hill and Greg Logsdon, and T-Vine Development were approved as recommended.

The final development plan for Grone/Glenn Acres was approved as recommended.

The plats for Stanley Poe Plat 1, Hidden Creek Estates, and Settlers Ridge Plat 4 were approved as recommended.

2. Update on Subdivision Regulation comments.

Bill Florea informed the Commission that staff has completed addressing the questions and comments submitted. Staff will send a number of potential work session dates to the Commission and Stakeholders and staff will do a poll to see which meeting dates will have the most attendance. It is staff's wish to have every Commission member to attend at least one of these work sessions. Staff will go over the questions submitted and the answers from staff, we will also work on the unresolved issues.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 15th day of February, 2018