

TERM OF COMMISSION: June Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Planning and Zoning Director Stan Shawver  
County Counselor John Patton  
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:00 p.m.

**Subject: Planning and Zoning**

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

**A. Request by John and Nena Kallenbach to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10 acres, located at 11220 N Rte Z, Hallsville.**

Mr. Shawver stated this site is located 3 miles southeast of Hallsville on State Highway Z. The property is zoned A-1, as is all the surrounding property. This is the original zoning in the area. There is an existing house on the property. The applicants are requesting that their land be rezoned to A-2. If approved, the applicants propose to deed 2.5 acres to their son so that he may build a house. This site is within the Boone Electric service area and is on the border between Public Water District No. 4 and No. 9. The site is located in the Hallsville School District.

The master plan designates this area as being suitable for agriculture and rural residential land uses. The request is consistent with the master plan.

While the Commission has expressed concern in the past about changing the zoning of

low density agricultural areas for purposes of allowing family transfer, the low impact of this request is such that staff recommends approval.

The Planning and Zoning Commission conducted a public hearing for this request on May 20. There were seven members present at the meeting. A motion was made for approval of this request. The motion passed unanimously.

John and Nena Kallenbach, 11220 N. Route Z, Hallsville, were present on behalf of this request.

John Kallenbach stated this is a family transfer of land. They have lived on the land for 18 years and do not plan any further development.

Commissioner Schnarre asked if the 10 acres is the only land they own in the area. Mr. Kallenbach stated that is correct.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by John and Nena Kallenbach to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10 acres located at 11220 N Rte Z, Hallsville.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 201-2004**

**B. Request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Industrial) on 2.5 acres and to approve a Review Plan for Ivy Ridge Development, located at 7105 Henderson Rd, Columbia.**

Mr. Shawver stated this property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40 and about 2 miles west of the Columbia municipal limits. The area proposed for rezoning is 1.89-acres of a 34.10-acre parent parcel and no division of the land is proposed at this time. The current zoning of the entire current parent parcel is R-S (residential single family). Therefore due to the placement of the request, the zoning of the property to the north and east of the area to be rezoned is an original 1973 zoning of R-S and is still part of the parent parcel. Property across Henderson Road to the south is zoned C-G. Property to the west is zoned M-LP as

is the property to the northwest and these were rezoned and divided from the same original parent parcel over the last few years. The site is currently vacant. The 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. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is most likely to be provided as on-site commercial wastewater under Department of Natural Resources or the Health Department. The Planned Industrial Development Plan proposes a 6,852 sq. ft. warehouse/office building. The list of Allowed Uses proposed on the face of the plan lists only the landscaping business and therefore the use is limited to only this use. The Master Plan designates this area as suitable for residential land use, but also identifies a significant commercial node in the Midway area. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

Utilities currently available to the property include electricity, telephone and water.

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Consolidated Public Water District Number 1 provides water service. There is a four-inch main along Henderson Road and a twelve-inch line near the property, which is capable of providing over 1000 gallons per minute.
- There is no public sewer service available to the property.

The property is located within ¼ mile of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to US 40 and I-70.

The property scored 78 points on the rating system.

Staff notified 22 property owners concerning this request.

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

- That it is recognized that no additional structures are allowed on the site without going back through the process and receiving approval of a revised review and revised final plan. This includes freestanding signs.
- That proper wastewater approval be shown prior to construction of the building.

The Planning and Zoning Commission conducted a public hearing for this request to rezone and a review plan on May 20. A motion was made for approval of the rezoning

and the review plan with the staff conditions. The motions passed unanimously.

Dan Brush, 506 Nichols Street, Columbia, was present on behalf of this item.

Dan Brush stated he is present on behalf of the owner of Bigsky Investments LLC. The purpose of this request is to relocate a landscaping business to this location.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the request by Bigsky Investments LLC to rezone from R-S (Single Family Residential) to M-LP (Planned Light Industrial) on 2.5 acres located at 7105 Henderson Road, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 202-2004**

Commissioner Miller moved to approve the request by Bigsky Investments LLC for a Review Plan for Ivy Ridge Development on 2.5 acres located at 7105 Henderson Road, Columbia, with the following conditions:

- That it is recognized that no additional structures are allowed on the site without going back through the process and receiving approval of a revised review and revised final plan. This includes freestanding signs
- That proper wastewater approval be shown prior to construction of the building

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 204-2004**

**C. Request by the Larry W. Potterfield Revocable Trust to rezone from C-GP (Planned Commercial) to M-LP (Planned Industrial) and approve a revised Review Plan for Boone West Planned Commercial Tract on 14.28 acres located at 5875 Van Horn Tavern Rd., Columbia.**

Mr. Shawver stated this property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for rezoning is comprised of two parcels containing 14.28-acres total. The current zoning of the entire property is C-GP (planned commercial) which was primarily rezoned from A-R (agriculture residential) in 1988. Property to the north across I-70 is zoned part A-2 and part A-R. Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the C-GP are original 1973 zonings. The site is currently the location of a large commercial building. The 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. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is most likely to be provided as on-site commercial wastewater under Department of Natural Resources or the Health Department. The Planned Industrial Development Plan proposes an expansion of the existing building and the phased addition of two other commercial/industrial structures. The list of Allowed Uses proposed on the face of the plan contains manufacture or assembly of metal or fiberglass items such as firearms. This use has been a component of the existing business. This use, however, requires a conditional use permit in addition to approval here. Staff feels that at this time the proposed zoning is the most legitimate zoning district for the current use. Traditionally billboards have not been approved in planned developments. Because the size of the freestanding sign is 128 square feet it is by definition a billboard. If the maximum size of the freestanding sign were limited to less than 120 square feet it would not be a billboard. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

Utilities currently available to the property include electricity, telephone and water.

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Consolidated Public Water District Number 1 provides water service. There is a six-inch main and a twelve-inch line near the property.
- There is no public sewer service available to the property.

The property is located within 3 miles of a Boone County Fire District Station. Law

enforcement and emergency medical services can easily access the property due to its proximity to US 40 and I-70.

The property scored 80 points on the rating system.

Staff notified 17 property owners concerning this request.

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

- On the PID plan the section labeled “Proposed Uses” strike the note numbered 1.
- That the sign note 1 be modified to indicate less than 120 Sq Ft instead of 128 Sq Ft.
- That verification of the approval of the wastewater system be provided prior to construction of additional buildings.
- That if the use of any of the structures becomes traffic intensive or retail oriented such as the proposed use of lumberyard & building materials then a traffic study and road improvements will be required to be worked out to the satisfaction of the County Planning and Public Works Departments.
- That it is understood that a Conditional Use Permit must be obtained for the assembly or manufacture of metal or fiberglass items such as firearms.

The Planning and Zoning Commission conducted a public hearing for this request to rezone and a review plan on May 20. A motion was made for approval of the rezoning and the review plan with the following conditions:

- On the PID plan the section labeled “Proposed Uses” strike the note numbered 1, 2 and 5
- That the sign note 1 be modified to indicate less than 120 Sq Ft instead of 128 Sq Ft.
- That verification of the approval of the wastewater system be provided prior to construction of additional buildings.
- That it is understood that a Conditional Use Permit must be obtained for the assembly or manufacture of metal or fiberglass items such as firearms.

The motions passed unanimously.

Dan Brush, 506 Nichols Street, Columbia, and Larry Potterfield, 8251 West Highway 40, Columbia, were present on behalf of this item.

Dan Brush stated the purpose of this plan is to be able to expand the existing facilities and possible future uses.

Commissioner Schnarre asked if they agreed with the conditions approved by the Planning and Zoning Commission. Mr. Brush and Mr. Potterfield both agree with the conditions.

Commissioner Schnarre opened the floor for a public hearing on this request.

Jim Beckett, 5830 Van Horn Tavern, Columbia, stated Mr. Potterfield has been a good neighbor and has done everything he said he would. Mr. Beckett has all confidence that Mr. Potterfield will do the same in the future.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin asked how the parking area was determined. Mr. Shawver stated it was determined by the square footage of the building.

Commissioner Elkin asked if there would have to be a wastewater treatment facility put in. Mr. Brush stated there is currently a two-stage lagoon on the property. They are looking into putting in a re-circulating sand-filter system in. Land has been allocated on the west side of the lot for the re-circulating sand-filter system.

Commissioner Elkin asked if MoDOT has asked for any additional set back for I-70. Mr. Brush stated no.

Commissioner Miller moved to approve the request by Larry W. Potterfield Revocable Trust to rezone from C-GP (Planned Commercial) to M-LP (Planned Industrial) on 14.28 acres located at 5875 Van Horn Tavern, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 204-2004**

Commissioner Miller moved to approve the request by Larry W. Potterfield Revocable Trust for a Review Plan for Boone West Planned Commercial Tract on 14.28 acres located at 5875 Van Horn Tavern, Columbia, with the following conditions:

- That the sign note 1 be modified to indicate less than 120 Sq Ft instead of 128 Sq Ft
- That verification of the approval of the wastewater system be provided prior to construction of additional buildings
- It is understood that a Conditional Use Permit must be obtained for the assembly or manufacture of metal or fiberglass items such as firearms

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 205-2004**

**D. Request by Michael and Neta Teel to approve a Review Plan for Tyger Hills Planned Industrial Development on 8.93 acres located at 14458 N. Barnes School Rd., Hallsville.**

Mr. Shawver stated the site is located on the East side of Barnes School Road approximately 1/4 mile north of the intersection of Barnes School Road and Highway 124. The site is located approximately 2.5 miles west of the Hallsville City Limits. The property contained within the proposal is currently zoned M-LP (planned industrial) and comprises 8.93-acres. This property was rezoned in 1991 from the original 1973 zoning of A-2. All adjacent zoning is A-2. These are all original 1973 zonings. The current use is vacant but the approved use was limited to a sawmill with conditions. The development is within the Hallsville School District. The development is within Water District #4. Water infrastructure extensions and up grades may be required for this development and the costs of these are the developer's responsibility. The site is located in the Boone County Fire Protection District. Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the structures. Sewer service is provided from a STEP collector sewer system on the lot to the east. The Boone County Regional Sewer District will need to approve any sewer proposal. The proposed use is for 8 buildings for warehouse, self-storage, and light manufacturing related to construction. The master plan does show this area as suitable for agricultural and rural residential development. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas and the zoning is already in place. Staff has some concern that the intensity of development of the site in an otherwise rural area, but does recommend approval.

The property scored 21 points on the rating system.

Staff notified 10 property owners concerning this request.

Staff recommends approval of the revised review plan subject to the following conditions:

- That it is recognized that all drive, loading, parking, and lane areas must be a minimum of chip-seal and that gravel is not allowed as a permanent surface.
- That no access other than for emergency services be provided off the cul-de-sac connection of Quarter Mile Drive.

The Planning and Zoning Commission conducted a public hearing for this request to rezone and a review plan on May 20. A motion was made for approval the review plan with the staff conditions and an additional condition of "lighting be shielded and directed

downward". The motion passed unanimously.

Mike Teel, 16255 N. Route V, Sturgeon, was present on behalf of this item.

Mike Teel stated they will be putting up warehouse space at the industrial park.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin asked if the emergency access off the cul-de-sac is a designated lane in case a fire truck has to get to the property. Mr. Teel stated that is correct. The lane right now is the access to the lagoon so it has to remain open so the County can mow around the lagoon.

Commissioner Elkin moved to approve the request by Michael and Neta Teel for a Review Plan for Tyger Hills Planned Development on 8.93 acres located at 14458 N. Barnes School Road, Hallsville, with the following conditions:

- That it is recognized that all drive, loading, parking, and lane areas must be a minimum of chip-seal and that gravel is not allowed as a permanent surface.
- That no access other than for emergency services be provided off the cul-de-sac connection of Quarter Mile Drive.
- Lighting be shielded and directed downward.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 206-2004**

**E. Request by Dan Archibeque to vacate and re-plat Lot 12B County Downs Replat Lot 12 Block V.**

Mr. Shawver stated the department received a petition from Dan Archibeque requesting to vacate and re-plat Lot 12B County Downs Replat Lot 12 Block V. The request is to vacate the two lots and re-plat into one large lot.

Section 1.8.1.3 of the subdivision regulations requires the County Commission to hold a public hearing in order to consider any petition to vacate and/or re-plat, taking into consideration character of the neighborhood; traffic conditions; circulation; the proper location and improvement of streets and roads within and adjacent to the subdivision;

property values in the subdivision; public utilities; facilities and services and the re-plat will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Dan Brush, 506 Nichols Street, Columbia, was present on behalf of this item.

Dan Brush stated Mr. Archibeque would like to take this lot, divide it into two. The existing house would be on 0.92 acres and the additional lot would be 0.7 acres. There will be no additional extension of services. Both lots would have access to an existing road.

Commissioner Miller asked what the surrounding lot sizes are in the neighborhood. Mr. Brush stated the lot sizes range from half-acre lots, which are in the older part of the neighborhood to larger lots in the newer portion of the neighborhood.

Commissioner Elkin stated he believes this will be consistent with other lot sizes.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Mr. Shawver stated he received a phone call this afternoon from Tom Ratermann of the Boone County Regional Sewer District regarding this request. Mr. Ratermann informed Mr. Shawver that he does not believe there is adequate sewer in the area for an additional unit. The Commission can proceed with the request and condition the request or table it until additional information can be received. He noted he did not receive anything in writing and is unsure if a full evaluation was done.

Mr. Brush stated he would not have a problem with a condition of either having adequate sewer service provided or existing. He noted he spoke with the Sewer District earlier in the process and they did not indicate any problems at that time.

Commissioner Elkin stated he would not have a problem with conditioning the request.

Mr. Shawver stated the Commission can act on this request but the re-plat cannot be considered if there is not adequate sewer service.

Commissioner Elkin moved to approve the petition submitted by Dan Archibeque to vacate and re-plat Lot 12B County Downs Replat Lot 12 Block V. Said vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

There was no discussion and on public comment.

The motion passed 3-0. **Order 207-2004**

**F. Request by Questec Properties, LLC to vacate and re-plat Lot 6 Boone Industrial Park North Block 2.**

Mr. Shawver stated the department received a petition from Questec Properties LLC requesting to vacate and re-plat Lot 6 Boone Industrial Park North Block 2. The request is to vacate the two lots and re-plat into one large lot.

Section 1.8.1.3 of the subdivision regulations requires the County Commission to hold a public hearing in order to consider any petition to vacate and/or re-plat, taking into consideration character of the neighborhood; traffic conditions; circulation; the proper location and improvement of streets and roads within and adjacent to the subdivision; property values in the subdivision; public utilities; facilities and services and the re-plat will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Mr. Shawver stated the agreement between the City, County and the Sewer District will close the sewer treatment facility in the area and there will be a connection to the City sewer system.

Commissioner Miller asked if there will be access to North Interstate Drive. Mr. Brush stated that is correct.

Dan Brush, 506 Nichols Street, Columbia, was present on behalf of this item.

Dan Brush stated the Questec Properties, LLC would like to have a two acre lot for commercial or industrial use. There is a buyer lined up for this property.

Commissioner Schnarre stated the agreement between the City, County, and Sewer District requires this to be annexed into the City. Mr. Brush stated they are currently going through the annexation process.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved to approve the petition submitted by Questec Properties LLC to vacate and re-plat Lot 6 Boone Industrial Park North Block 2. Said vacation is not to

take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 208-2004**

**G. Request by Rajiv Shah/Brentwoods Inc. to rezone from C-N (Neighborhood Commercial) to M-LP (Planned Industrial) and to approve a Review Plan for Leatherwood Hills Planned Development on 1.65 acres, located at 1641 W Rte K, Columbia. (*appeal*)**

Mr. Shawver stated the property is located at 1641 W. Route K. The original zoning for this tract is R-S. It was rezoned to C-N and a conditional use permit for fuel sales was issued in 1975. The property is currently occupied by a convenience store with fuel pumps and a canopy. The applicants want to expand the existing store, add an office/retail building, add additional gas pumps and build 4 self-storage buildings. Each of the storage buildings is 20' x 150'.

The Master Plan designates this property as suitable for residential land use but 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 is provided by Consolidated Public Water Supply District Number 1. The existing infrastructure is capable of providing domestic service and fire protection. Boone County Regional Sewer District provides wastewater collection and treatment. Additional sewer capacity is available as needed.

Transportation: The property has frontage on and access to State Route K. The additional land uses on the property will increase traffic generation to some degree but given the existing level of traffic on Route K the increase will not cause a significant impact.

Public Safety Services: There is no indication that the proposed uses will cause any increase in demand for public safety services.

Conflicting Land Uses: The existing C-N zoning designation has been in effect for nearly 30-years, the store has been integrated into the neighborhood. The requested allowed uses, with the exception of the self storage buildings, do not raise any issues of incompatibility.

The storage buildings can be a benefit to the neighborhood and surrounding area by providing a service that does not exist. However, this use and the intensity of the proposed use does raise issues of compatibility with the residential neighborhood. Those issues can probably be overcome by providing adequate buffering along the north and east property lines.

The property scored 81 points on the rating system. Staff notified 117 property owners about this request.

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

1. The developer shall submit a buffering plan for the north and east property lines. The buffer shall provide a solid, all season buffer so as to minimize visual intrusion to and from surrounding residentially zoned property. The final plan cannot be submitted until an adequate buffering plan has been approved by the Planning Department. The south 60-feet of the east property line can be excluded from the buffering requirement.

The Planning and Zoning Commission conducted a public hearing on this request on May 20. A motion was made to deny the request. The motion received five “yes” votes and two “no” votes. The applicant filed an appeal in a timely fashion and is before the County Commission on appeal.

David Oldham, Engineer with A Civil Group, and Rajiv Shah, Brentwoods Inc., were present on behalf of this request.

David Oldham stated currently this is a convenience store with a filling station with a restaurant and the back area of the lot is not developed. This is formally a mobile home park. Notifications were sent out to property owners. At that time, there were two responses. The plan is to expand the existing convenience store and restaurant, build another building and the storage units. This is a phased development of the property.

Mr. Oldham stated the comments they received were about the industrial zoning. This is not a request for open industrial zoning. The only reason the industrial zoning is used is because this is the only zoning that allows for storage units. Storage units are currently not allowed in C-N zoning. This development is based on customer and neighbor requests for the storage units.

He does not believe it was made clear at the time of the first meeting that this is a planned district and that everything industrial that is intended is shown on the drawing.

Rajiv Shah stated he does not believe that he explained himself well about the planned

district. With a planned district, this does not allow for anything other than what they are planning to do.

Commissioner Miller stated staff recommended the property be buffered on the north and east property lines and asked why the east is not shown as being buffered on the plan. Mr. Oldham stated they have been in discussions with the property owners on the north and east about the possible future plans. They have discussed a privacy fence for the east line. The reason they did not put that in the plan is there is currently a no-build easement on that side of the property. In further discussions with the property owners, they are prepared to install a six-foot privacy fence along side.

Commissioner Schnarre asked if M-LP is the first zoning district storage units is allowed. Mr. Shawver stated self-storage units are also allowed as a conditional use in general commercial. The staff suggested the M-LP zoning because it is restrictive.

Commissioner Schnarre opened the floor for a public hearing.

Mark Grant, 1608 Keegan Court, Columbia, stated when he moved into his home, there was a meadow behind it, consisting of 31.65 acres. At the southern terminus of this tract is a convenience store and a former modular home community. He was concerned that the 31.65 would be developed in a way that would affect his quality of life and property values. He purchased 30 acres of the 31.65 acre tract and the remaining 1.65 acre tract was commercial land, it had a convenience store on it but did not occupy the entire tract. He had concerns about what could possibly be built on the tract.

Dr. Grant stated he was relieved to see the plan brought forward by Mr. Shah. He believes it provides minimal impact to him and others in the surrounding area. He believes there will be minimal noise, traffic, and night time light. It is the least impact he could have develop on the property. He will eventually develop the southern terminus of his property but shares the north and east boundaries with the 1.65 acres. He endorses Mr. Shah's plan.

Ed Sachs, 6250 Gilmore, Ashland, stated he is the former owner of the property. It was their understanding, when he owned the property, it would be developed. He had a goal at that time to put in storage units. He believes there will be little traffic impact and no additional sewer with storage units. He believes there could be much worse uses of the land than storage units. He supports this request and hopes the Commission does too.

Barbara Johnson, 1805 W. Amos, Columbia, stated she was skeptical when she first heard the plan. After reviewing the plan and seeing the buffer and knowing traffic will be minimal, she now supports the plan. She does not believe it would be detrimental to the neighborhood.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre asked Mr. Shawver if a privacy fence is ok for the buffer. Mr. Shawver stated that privacy fence will be appropriate.

Commissioner Elkin asked why there is no buffer requirement on the west of the property line. Mr. Shawver stated the west property line is heavily wooded.

Commissioner Elkin asked if there is a requirement to have fencing around storage units. Mr. Shawver stated no but most owners do for security purposes.

Commissioner Elkin asked if the lighting issue was addressed and believes all lighting should be shielded and downward. Mr. Shawver stated that would be appropriate.

Commissioner Elkin asked if the building expansion will be an addition to the current store. Mr. Oldham stated that is correct.

Mr. Oldham noted there is a clause in the Review Plan to have the lighting shielded and directed downward.

Mr. Shawver stated anything shown on the plan is a condition just as a condition would be if it was included with the Commission Order.

Commissioner Elkin stated he agrees with the comments made by the neighbors. Considering what could go on the tract, this is plan is low impact. He does not have a problem with this request.

Commissioner Miller stated she does not have a problem with the request either.

Commissioner Miller moved to approve the request by Rajiv Shah/Brentwood Inc. to rezone from C-N (Neighborhood Commercial) and R-M (Moderate Density Residential) to M-LP (Planned Industrial) on 1.65 acres located at 1641 W. Route K, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 209-2004**

Commissioner Miller moved to approve the request by Rajiv Shah/Brentwoods Inc. for a Review Plan for Leatherwood Hills Planned Development on 1.65 acres located at 1641 W. Route K, Columbia, with the following condition:

- The developer shall submit a buffering plan for the north and east property

lines. The buffer shall provide a solid, all season buffer so as to minimize visual intrusion to and from surrounding residentially zoned property. The final plan cannot be submitted until an adequate buffering plan has been approved by the Planning Department. The south 60-feet of the east property line can be excluded from the buffering requirement.

Commissioner Elkin seconded the motion.

Mr. Oldham stated the condition that was read was from the staff report and recommendation. They had proposed something in lieu of that condition; the fencing on the eastern property line is a privacy fence.

Commissioner Miller stated that is a solid buffer and Mr. Shawver stated that would work.

Mr. Oldham stated their proposal was along the eastern property line and not the north property line.

Commissioner Miller stated the north property line will be buffered. Mr. Oldham stated there is a green space on the north property line but there is not necessarily a privacy fence.

Mr. Shah stated there is an issue because there is a no-build easement granted to Dr. Grant. He has discussed the eastern property line but has not discussed with Dr. Grant about anything on the north property line.

Commissioner Schnarre asked for clarification on the type of easement. Mr. Oldham stated it is a no-build easement.

Commissioner Schnarre asked if trees are considered a part of the no-build easement. Mr. Shawver stated trees are not considered a build of any kind.

Mr. Oldham stated the phrasing in the no-build easement is no improvement of any kind and that is the reason why they hesitated. They approached Dr. Grant, indicated the use on the plan and the separation that was proposed. They came back with a proposal that had the fence only on the eastern property line since that was the side that had any development in that direction.

Commissioner Schnarre asked Dr. Grant for his view on the discussions with Mr. Shah. Dr. Grant stated the east side of the property contains a no-build easement which serves as an access for both he and Mr. Shah. The area immediately east of the convenience store is a brick wall and that wall will eventually come down. He needs to occasionally access the property.

Dr. Grant does not believe the lighting will be a significant problem.

Commissioner Miller stated trees are cheaper than a privacy fence.

Commissioner Elkin stated he would feel more comfortable with a buffer because Dr. Grant may not own the property in 20 years and it will provide some separation, even if the buffer is trees. He would feel comfortable if there was some type of buffer on the north boundary.

Commissioner Schnarre stated there is a tree line buffer on the north side.

Mr. Oldham stated it is indicated on the plan on the western boundary and there will be additional landscaping.

Commissioner Miller stated on their tour they were looking to the north and it is open meadow from what they could see and it was not a tree line. She believes the Commission will leave the order as moved and the applicants can work with staff about making a buffer.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 210-2004**

**H. Request by Kent and Vicki Gilbane for a permit to expand a mobile home park on 10 acres, located at 10221 E. I-70 Dr. NE, Columbia. (*appeal*)**

Mr. Shawver stated the property is located at 10221 I-70 Drive N.E. approximately 3.5 miles east of Columbia. The property is occupied by two single family dwellings and several mobile homes. An on-site lagoon is being used for wastewater disposal. The Master Plan designates this property as suitable for agriculture and rural residential land uses. The zoning is Moderate Density Residential, R-M, which is the original zoning designation. The zoning of adjacent property is as follows: north - A-1, east – R-M, south (across I-70) – A-2, west – A-R. There have been no previous requests submitted for this tract. Staff notified 16 property owners regarding this request.

The applicant is requesting approval to expand the mobile home park to allow 38 single-wide spaces and 5 double-wide spaces for a total of 43 spaces. Two storage buildings and a fenced storage area are proposed to be built for use by the occupants.

Mobile home parks can be permitted by conditional use permit, in the R-M district, if they comply with the existing mobile home park ordinance and meet the criteria for issuance of a conditional use permit.

Compliance with the existing mobile home park ordinance:

Boone County adopted the Mobile Home Park Ordinance in 1971. Many of its provisions have been superseded by the adoption of more strict regulations such as the Zoning Regulations, building and fire codes.

In general, the application conforms to the applicable portions of the Mobile Home Park Ordinance. This section of the report will focus on areas where the application does not appear to meet the minimum standards.

- Section 7.1.e requires a fifty-foot landscaped strip adjacent to a state highway or county road and a twenty five-foot landscaped strip along all other lot lines. The fifty foot strip has been provided, although a landscape plan has not been submitted. The twenty five foot strip has been provided except at the ends of the cul-de-sacs. The cul-de-sacs should be shortened so that the minimum 25' buffer can be provided. Note: a more restrictive condition will be requested for the end of the main park street in the conditional use section of this report.
- Section 7.3 requires the site to be graded so as to drain all surface water in an efficient manner.
- Section 7.6 requires that a recreation area be provided at a ratio of 200 square feet per mobile home unit or a minimum of 5,000 square feet. No such recreation area is proposed.
- Section 7.8.e requires illumination, especially at potentially hazardous locations such as intersections and parking areas for community facilities. Care should be taken however to shield illumination so as to eliminate off-site glare.
- Section 12 addresses refuse handling. The park operator is required to ensure proper disposal of refuse by providing on-site collection facilities and off-site hauling.

Mr. Shawver stated this report refers to the original plan. The Commissioners have a copy of the revised plan which was submitted to the department today.

In addition to meeting the requirements of the mobile home ordinance, the application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

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

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

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

The property is adjacent to zoning districts on the west and north where mobile home parks are not allowed. This raises an issue of incompatibility between neighboring land uses. This can probably be overcome by proper buffering between the conflicting uses. A condition will be proposed to require buffering in excess of that required by the mobile home park ordinance on the north and west property lines. Public testimony may be indicative as to whether this criterion is met.

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

Mobile home parks do not inherently diminish or impair the value of other properties in the vicinity. However, public testimony may be indicative as to whether this criterion is met.

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

The site has access to public water and roads. The developer proposes to build a sewage treatment system for wastewater disposal. Such a system will require an operating permit from the State Department of Natural Resources. The Mobile Home Ordinance requires that the site be graded so as to drain properly. This drainage requirement, however, does not address issues such as increase in the rate and volume or reduction in the quality of stormwater leaving the site.

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

If developed in accordance with the Mobile Home Park Ordinance and the conditional use criteria, the development should not impede development in this area.

*(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.*

I-70 Drive N.E., the public roadway providing access to the property, is under the jurisdiction of the Missouri Department of Transportation. Currently there are two points of access from I-70 Drive N.E. to the property. The site plan shows the elimination of one of those access points. Any improvements in the right of way, necessary to provide access to the development will require a construction permit from MoDOT.

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

The proposal conforms to other applicable regulations of the R-M zoning district.

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

1. Prior to construction, the applicant shall submit a landscaping plan addressing the following:
  - Landscaping in the 50-foot setback area
  - Landscaping on south end of proposed storage buildings
  - Increase perimeter buffer to 50' including three rows of evergreen trees on west and north property lines
  - All trees shall be at least 4' in height at the time of planting and shall be a species that is suited to this location and climate
  - Any dead or diseased trees shall be replaced within one calendar yearThe site plan shall be amended to meet these conditions.
2. Prior to any grading on site, an engineering grading plan must be submitted that has been designed so as to ensure proper drainage from the site. In addition, the applicant shall provide the county with a copy of a land disturbance permit issued by the Missouri Department of Natural Resources.
3. Provide a recreation area at least 5,000 square feet in area. Said recreation area shall be shown on the site plan.
4. Illumination must be provided at all street intersections and at all parking areas for community facilities. All illumination must be directed and/or shielded so as to prevent offsite glare.
5. The applicant shall provide a refuse handling plan that conforms to Section 12 of the mobile home park ordinance. All refuse collection stand shall be shown on the site plan.

The Planning and Zoning Commission conducted a public hearing on this request on May 20. A motion was made for approval with staff conditions and the following:

- All units must be owner occupied
- One small storage shed per lot
- Storage units are for residents use only

This motion failed with two "yes" votes and five "no" votes. A second motion was made to deny the request and that motion passed with five "yes" votes and two "no" votes. The applicant filed an appeal in a timely fashion and is before the County Commission on appeal.

Kent Gilbane, 4026 N. Creasy Springs Road, Columbia, was present on behalf of this request.

Kent Gilbane stated the reason he purchased the land was due to the proximity of land he already owns, which contains an auto body business, and they would be able to monitor the development. Another reason for the purchase is due to the existing R-M zoning.

Currently there are two houses and six mobile home spaces available. Before he purchased the property, Mr. Gilbane stated he discussed with staff the possibility of expanding the existing park. With the expansion of the park, they would remove one of the houses and clean up the area. The sewer system, while functional, is somewhat inadequate.

Mr. Gilbane discussed the layout of the mobile home park with 43 units, 38 for single wide mobile homes and five for double wide mobile homes.

He has spoken with DNR and had them visit the site of the existing sewer. DNR did not know, under the two lagoon system, if Mr. Gilbane would be able to dredge it and put an aeration system in to meet present regulations. However, DNR informed him in the footprint area they would be able to use either a sand filtration system or a mechanical system. It would take up half the space of the current system and could handle the development.

This is not in a 100-year flood plain. There is a small creek that runs along the side of the property and drains only storm water.

Mr. Gilbane stated he has visited several mobile home parks and he wanted to try to regulate some problems that exist in mobile home parks. One problem is that residents bring in vehicles. To manage this problem, there will be a fenced area for vehicles that are not licensed, for example.

Another problem in some parks is there are two or three storage buildings on a lot. They have proposed to put in storage buildings at the front of the mobile home park and limit one shed per lot. Any overflow or additional storage a resident might need they can be rented at a moderate cost.

Mr. Gilbane discussed the staff concerns about the cul-de-sacs, such as people parking their cars there, the fire department being able to turn around their trucks, and the buffering along the edge of the property line. He noted in the new revised plan they have removed the T-shaped cul-de-sacs, put in a round cul-de-sac, and changed the layout of how the mobile homes would be placed in the park. They have included restrictions about fencing, animals, and storage units.

Mr. Gilbane stated he would be maintaining the mobile home park, such as doing the

mowing. By doing the maintenance themselves, this would ensure a continual maintenance style.

There will be a dumpster at the front of the park and each tenant will be responsible for taking care of their own trash. This will be close to the proposed storage units. It will be a fenced-in area.

He noted staff had some concerns about buffering on the north and west sides of the property and they had made a recommendation of a 50 foot buffer. They have discussed this with staff and staff felt an additional 10' to the 25' would be ample along with a row of cedar trees.

Mr. Gilbane stated there are several mobile homes east of this property, one located at the corner of Dozier Station Road. Old Highway 40 is a two-lane highway that has been recently resurfaced. The speed limit is 55 mph. The property is located almost 1.5 miles from the Millersburg exit and the Centralia exit.

Commissioner Schnarre asked about the zoning. Mr. Shawver stated the R-M zoning is original zoning dating back to 1973. It is unusual to have high-density zoning that far from a municipality. Records do not indicate why this zoning was chosen. There was a mobile home park located further to the east and some A-frame houses in the area.

Commissioner Schnarre stated the 20 acres to the east of this property is also zoned R-M. Mr. Shawver stated that is correct and it is original zoning.

Mr. Gilbane noted from his property along the outer road to the county line is zoned R-M.

Commissioner Schnarre read the proposed lease restrictions that are on the revised plan:

- No fencing may be constructed by tenants
- Only one storage shed may be placed on each lot having a maximum size of 160 sq ft
- Only one dog permitted per lot
- No car ports will be constructed on lots
- All units will be owner-occupied or owned by the mobile home park owner. No unit may be subleased.
- Only two parking spots are provided per unit. Any additional vehicles shall be kept in a parking storage provided. No inoperative vehicle may be kept on a lot for more than seven days

Commissioner Miller asked why this is not public sewer. Mr. Shawver stated no it is not public sewer. This is Department of Natural Resources licensed commercial for one property owner.

Commissioner Miller asked if it can be public sewer. Mr. Shawver stated the Boone County Regional Sewer District does not take individual wastewater systems that serve one owner.

Commissioner Miller stated this has been a problem in the past and believes it makes more sense to make it a public sewer.

Commissioner Elkin stated the Sewer District has discussed changing this policy but it has not been changed.

Mr. Shawver stated with the existing load, a maximum of six units and two houses with one possibly having its own system, the Sewer District would not be interested in this system. If there are 43 units, then the District may look at it differently.

Commissioner Miller asked if a condition can be added that it become a public sewer if the Sewer District is willing to take it. Mr. Shawver stated if the Commission chooses to approve this request then a condition can be added to that effect.

Commissioner Miller stated she believes the road should be a public roadway. There are problems with police not being able to patrol the area because it is a private road. Also, the roads can be maintained properly. Mr. Shawver stated the Mobile Home Park Ordinance does allow for private roads and there is no requirement for making the road public.

Commissioner Miller stated this is a conditional use permit request and asked if she could add that as a condition. Mr. Shawver stated it would change the construction standards from what is listed on their plan.

Commissioner Miller stated the cul-de-sac is in the buffer. A road is not part of the buffer area and currently the plan is in violation of the buffer.

Commissioner Schnarre opened the floor for a public hearing.

Shelley Wooldridge, 9551 I-70 Drive NE, Columbia, stated she owns 18 acres. She has lived there for 11 years and plans to live there for many more. The traffic on the outer road is a major concern. She has two teenage boys, one who has been in an accident. Currently, there is country living there. She has a kennel on her property. She believes her neighbors have around 10 acres each and that if this is approved then her property values will diminish. She believes the children who will live in this park will have no place to play and will play in the creek.

Ms. Wooldridge noted she is a school counselor for Columbia Public Schools and sees how most families live in trailer parks, they have no transportation. This location is too far out for people to get to town. There is no entertainment. People living there will be

trapped.

Dr. Phillip Popham, 1545 N. Dozier Station Road, Columbia, stated his property is located northeast of this property. If there are 43 lots in the park, this will impact the school system. He is concerned with traffic because the speed limit is 55 mph. During a snow storm, this is one of the last roads bladed. The addition of more cars will make the road worse in winter conditions.

Dr. Popham is concerned with the sewage. He does not believe that DNR has gone to the property during a flooding time. The creek does come out of its banks. He does not know if the overflow would actually hit the sewer but he would be nervous about the water coming up to the sewer and to the trailers. He believes the 5,000 square foot play area should be a condition. Staff had made a suggestion for a large play area, such as a soccer field.

Dr. Popham stated this is not consistent with the surrounding zoning. The zoning to the north is A-1 and people have 10 acre tracts. This will change the character of the area.

Dana Naylor, 9255 I-70 Drive NE, Columbia, stated she lives just east of this development. She is concerned with trailers being well maintained, such as having a uniform trailer subdivision. In reading through the zoning regulations, there was a statement about trailer subdivisions having no wheels showing.

Mrs. Naylor has a home day care and there is no park area in this area. There is nothing within walking distance for families that do not have any transportation. Where the children will be playing and riding their bikes is on the access road. There have been several bicyclists hit on the road in the past. With the outer road speed limit being 55 mph, to handle over flow traffic from I-70, she believes this will cause more accidents. She requested the speed limit be lowered two years ago because a bus picks up children from her driveway. This request was denied because the road has to handle the over flow traffic from the highway when an accident closes the highway.

She requested the number of trailers be decreased to allow for a larger play area for the children. Mrs. Naylor is concerned this is not an appropriate area for this request being next to a busy highway. The outer road has the over flow from I-70 and there is an accident on I-70 once a week.

Mrs. Naylor believes this area is not adequate for this high density zoning. There is no public transportation to this area.

Dr. Mark Altomari, 2571 N. Dozier Station Road, Columbia stated he is concerned with the potential amount of increased traffic on Dozier Station Road. This is a narrow road and is not a safe road. He noted Commissioner Elkin surveyed the road during the winter and some improvements are pending. Even with any improvements, the road is not set up

to allow for any increase in the amount of traffic. Also, when St. Charles Road floods, the people who live in the Lake La Vista subdivision will have to take the outer road. With the increase in the number of cars from the proposed development, it is likely to back up on a regular basis. When the accidents from I-70 are factored in, major road improvements or a traffic signal will need to be put in.

Dr. Altomari stated he is also concerned that many property owners in the area have some form of water recreation on their property, such as a pool or pond. If more children are living in the area, this will increase the liability because these children will find the water and play in it.

Elton Fay, 2351 Dozier Station Road, Columbia, stated he believes the Commission should deny this request. There is high density housing already in this area, east of Dozier Station Road. The residents of the area have problems with those children coming down Dozier Station Road. There is some area those children can play. This is not as dense as what is being requested by Mr. Gilbane.

Mr. Fay stated he and Mr. Altomari own most of the land at the end of the road. He has a pond on his property and has problems with children on four-wheelers playing on the dam. This is dangerous. If an additional 43 units are added west of Dozier Station Road, there will be more traffic on the roads.

Putting 43 units on a 10 acre tract where the surrounding land is mainly agriculture does not make sense. There will be cows out the back door, a 55 mph road out the front door and the only relief for I-70 in the area. There are regular accidents on the five mile stretch of I-70 between the Millersburg and Route Z exists. When the semi-trucks are diverted to the outer road, they usually go between 55 mph and 65 mph. He believes it is dangerous for 43 mobile homes to be put here.

Mr. Fay stated the County does a better job at snow removal than MoDOT. This access road is the last road done by MoDOT. Sometimes it can be 24 to 36 hours before MoDOT will get to the access road. He has cleaned Dozier Station Road since 1975 with a tractor and blade.

Mr. Fay stated Two Mile Prairie currently has approximately 250 children. If 43 more mobile homes are added, not really knowing how many children there will be, but he believes there will be several. This will have a major impact on the school. Also, there is no place for the children to play in the area. If the children want to go to the school to play, someone will have to transport them three miles north on Route Z. It is not reasonable for the children to ride their bikes on the access road or Route Z. This is the nearest playground for these children.

Mr. Fay stated Mr. Gilbane will be there during the day but the majority of problems in mobile home parks happen at night and on the weekends. He believes this is a time there

will be a lack of management.

When there is a bad flood, the creek water almost tops the bridge at Little Cedar Creek. If 10 more acres are developed then the surface water runoff will be increased and possibly cause worse floods.

Mr. Fay noted there is no public transportation in this area. He has lived in this area for many years and has made many trips to Columbia. It is not 3.5 miles to Columbia but it is 3.5 miles to the Lake of the Woods exit which is the city limits. For Mr. Fay to get from his office to home it is 10 miles. People in mobile home parks generally do not have the income that he not Dr. Altomari or Dr. Popham have that live on Dozier Station Road. Public transportation is non-existent in this area. There is no grocery store that is close. The closest store is Patricia's IGA and that is located at the I-70/Highway 63 interchange. There are convenience stores at Route Z or the Lake of the Woods exits.

Mr. Fay stated he has lived in the area since 1975. The residents of the area live on 10 acre tracts. There is a 22.5 acre lake in the area. He does not eat the fish out of the lake any more because 2.5 acres is not enough to keep the sewage out of the lake. He does not see how an additional 43 units is responsible in the area. He requested the Commission to deny the conditional use permit

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Mr. Gilbane stated many of the comments made during the public hearing were the same from the Planning and Zoning meeting. He discussed with staff about the zoning. With the current zoning, this property could have over 150 units on it.

There has never been any flooding in the area. The land is high enough that flooding does not affect the existing lagoons.

Mr. Gilbane stated comments have been made about people who will live in this development that cannot afford to drive into town. He has had people with children come to him and request space when this is developed. Many of these people know that what the situation will be and how far it is from town. When he and his wife had children, they lived in County Downes subdivision. This was not located close to a school or grocery stores. He still had a good quality of life. People do not have to live close to a school or grocery store to have a good quality of life. Mr. Gilbane stated there are people with children that live on this lot now that drive back and forth.

Mr. Gilbane stated he realizes this development will impact the school to some degree. He believes this will happen a lot in this area because there is a lot of vacant ground that is zoned R-M.

He believes he has tried to address a lot of the concerns of controlling the park and residents. A lot of the older parks in town have been closed. There is still a demand for mobile home parks in Boone County. Not everyone can afford \$150,000 to \$200,000 home like some who live on Dozier Station Road.

He believes they have adequately addressed the play area. There will be 13,000 square feet set aside for this. This is a considerable amount of space for this small of an area. There will be fencing on three sides. There are children who live in all but one unit that is on the lot now. These children do not go on the outer road and they do not go to other people's property. He believes the comments made about the children being loose are unfounded.

The cul-de-sac area can be addressed and changed.

Mr. Gilbane stated he has taken into consideration the suggestions made by staff and the Planning and Zoning Commission have made and tried to incorporate them into the park, such as the roads, the park area for the children and other comments and suggestions that have been made.

He noted while this is 43 units, the land could support more density that what he is proposing today. He believes this is a moderate development on this land and is manageable.

He has spoken to DNR about the sewer situation and the only issue is about is what type of system to put out there that will cover their requirements regarding discharge testing. Either a sand or mechanical system can handle this size development.

Commissioner Schnarre asked how much lot rent will be. Mr. Gilbane stated lot rent will be \$150. The tenants will pay for their own water. He will take care of the mowing and snow removal.

Commissioner Schnarre asked if the tenants will pay for their utilities. Mr. Gilbane stated the tenants will pay for electricity. He will be paying for sewer because it will be a public sewer system. Most mobile homes are all electric but there are some older homes that have gas.

Commissioner Schnarre asked what age of mobile homes will be allowed. Mr. Gilbane stated currently the restriction is nothing older than a 1992 model. As each year goes, the model year will increase also.

Commissioner Schnarre asked if that will be a moving age. Mr. Gilbane stated that is correct. This year will allow for 1992 models, next year 1993 models, and in 2006 the model year will be 1994.

Commissioner Miller asked if someone who moves a 1992 trailer if they can stay until they move. Mr. Gilbane stated that is correct. He has had looked at some models from the 1980's and those were in good shape. He has also looked at models that are only a couple of years old that are in bad shape.

Commissioner Miller asked Mr. Shawver about Mr. Gilbane's comment of 150 units being on that property if this is correct and if it could be done without coming to Planning and Zoning and just getting the correct building permits. Mr. Shawver stated R-M zoning allows one unit per every 2,500 square feet that would be about 17 units per acre. So on 10 acres 150 units could be done easily. It is zoned R-M and would not necessarily need even need to be platted.

Commissioner Elkin asked if the Commission could require off-site improvements if the development impacted the roads. Mr. Shawver stated if it does affect the roads.

Commissioner Elkin stated the sewer issue could come into play also. Mr. Shawver stated that is correct. MoDOT would probably look at road impact at that level of development since it is not a county maintained road.

Commissioner Schnarre asked if this density on a subdivision plat required off-site improvements. Mr. Shawver stated if this was brought forward to be platted into individual lots, then there might be off-site improvements required.

Commissioner Schnarre asked if the developer came in with individual duplexes. Mr. Shawver stated there is not a requirement that this is platted if they will maintain ownership. Platting becomes an issue if the lots will be sold. In that fashion, then yes, off-site improvements would be required.

Commissioner Miller asked if the lots were maintained by one owner then the Commission would be limited to what could be done. Mr. Shawver stated a land disturbance permit would be required by DNR and a wastewater system would have to be brought up to standards.

Commissioner Miller stated for a trailer park, a re-circulating sand filter looks like the ideal solution for the sewer system. This is new technology and there is no liability of open lagoons. She asked Mr. Gilbane what he thinks about a public sewer and streets. Mr. Gilbane stated this is the first mention he has heard but probably would not have any objection to it. He does not know about the sewer system in respects to managing it but if the sewer department would want to take this small of a unit over and this is also not located near a development that has a sewer trunk.

Commissioner Miller stated this would be an on-site system and that is what the sewer district does. Mr. Gilbane stated he does not know if they would be interested in picking

something like this up. When he proposed this to DNR, it was only him putting it in to their specs and discharge levels.

He noted they wanted to have this conditional use permit done in two phases. The first part would develop the front section up to the creek and the sewer system. He has received some requests to rent some spots in the new development, obviously he does not know how many will be rented. The first phase would be done over 18 months then the second phase done in 36 months if there is additional demand for development of the back section.

Commissioner Miller stated a public street would be more costly to Mr. Gilbane but he would not have to do any future maintenance. Mr. Gilbane stated he does not know if there is a permit he can do with the County giving them permission to allow them to access the property.

Commissioner Miller stated the County will not do that if it is not a public street. The road would have to be dedicated to public use and built to County standards. This will allow for police to come in, and anyone else, but it is not a through fare so it would not encourage people to come on the street. She believes this is something Mr. Gilbane should consider.

Commissioner Schnarre asked if this were a public street would that affect any restrictions on parking. Commissioner Miller stated Mr. Gilbane has already restricted parking and asked if the parking is on the lot or the street. Mr. Gilbane stated the parking is on the lots.

Commissioner Schnarre asked about parking on a public street. Commissioner Miller stated people park on public streets all the time.

Mr. Shawver stated County can restrict parking on public streets. Public streets have to be planned and platted. Currently, Mr. Gilbane is showing a 30-foot wide driving surface. A public street would require a 50-foot right of way and utility easements on either side. The minimum standard is a 28-foot driving surface with curb and gutter.

Commissioner Miller stated the County would not have to require curb and gutter. Mr. Shawver stated at this density level it would be required.

Commissioner Elkin noted sidewalks would also be required. Mr. Shawver stated that is correct.

Commissioner Miller stated that takes care of having a public street.

Mr. Shawver stated public streets were not envisioned for mobile home parks as far as the subdivision regulations are concerned.

Commissioner Miller stated she understands that but wants to make sure that in 20 years the street is maintained in a way people can get in and out without going through potholes. Mr. Gilbane stated the County does have restrictions about maintaining the sewers and possibly something could be added about maintaining the roads.

Commissioner Miller asked if a condition could be added about road maintenance. Commissioner Elkin asked how this would be enforced. John Patton, County Counselor, stated a conditional use permit enforcement is not designed for conditions such as the one suggested by Commissioner Miller.

Commissioner Schnarre asked if there have been any other complaints about Mr. Gilbane's other business in the same area. Mr. Shawver stated not to his knowledge. At one time there were a couple extra vehicles over what was allowed but that was taken care of.

Commissioner Schnarre stated he lived in a mobile home park that was nice and operated correctly.

Commissioner Miller stated she also lived in a mobile home park.

Commissioner Schnarre stated mobile home parks can be good and bad. Mr. Gilbane stated that is why they added the restrictions to try to show their intent to limit the usage by the tenants and control the property like some parks have.

Commissioner Schnarre stated the possible number of children at Two Mile Prairie is significant.

Commissioner Miller asked what is more significant 100 apartment units or 43 trailers. This is not a realistic. You cannot take away the persons right to build on their property if it is in compliance with the zoning. It's unrealistic to think if there is not room in the school that the Commission cannot stop someone from use their property the way it is zoned from building on it.

Commissioner Elkin stated the neighbors do not want this park. Mr. Gilbane stated he understands that.

Commissioner Elkin stated he has spoken with other residents in the area and they echo all the statements that were made this evening. No one spoke in favor of this and asked Mr. Gilbane how he can justify being a good neighbor if no one wants it there. Mr. Gilbane stated there are neighbors on the east side of his property he has spoken to that have no objection to this request.

When he came in and put in a body shop that was changed from R-M to Light Industrial. At that time, there were many who spoke in against that request. He believes the fear of

the unknown is always the greatest thing in any development and this was the case when he put in the body shop. The body shop has been there for two or three years. There have been few complaints from that development. This request is kind of the same situation, coming in and disturbing the tranquility of the area which is agricultural but zoned for R-M development. He believes this request is similar because this development is not quite the same as the area has been but with the zoning there will be some future growth in the area because of the existing R-M zoning.

Mr. Gilbane stated he tries to be a good neighbor to those who are close to the body shop. When it snows, he's plowed other's driveways. People have come to the shop asking for gas or help with a flat tire. He tries to have little impact to the area but also tries to be an asset to the area.

Commissioner Elkin stated the neighbors do not want this development. He understands the zoning is R-M from there east and has been original zoning since 1973 but he questions whether the zoning was appropriate to begin with. This is really water under the bridge but questions R-M zoning developing out there at this time.

Commissioner Elkin believes everything Mr. Gilbane says will be done. He has no reason to think otherwise. He thinks a mobile home facility this far from Columbia with all the afore mentioned issues such as transportation and shopping, leads him to believe this is not an appropriate location for a mobile home community.

The Commission sits at these meetings once a month and questions if a request is the right thing to do. Is a mobile home park a right thing to do in this area? Commissioner Elkin stated he does not believe it is at this time. He believes Mr. Gilbane will do all he says he will but it is unknown if Mr. Gilbane will have this rezoned, sell the property and the new property owner might not have the same vision of running a quality facility. He cannot overturn the Planning and Zoning Commission's decision to deny.

Mr. Gilbane stated when he brought forward the body shop request; it was unanimous vote against it. But when he came forward to the County Commission, it was discussed and changes were made. He believes it is a situation of if not here then where. He believes it is the situation with a lot of these and many do not want it in their area. People who live in mobile homes have needs to. It is great that many can buy home in the Highlands but there are a lot of people in this town that can't. A lot of areas in the city do not want it. A lot of areas around the city do not want it. In this area, taking as far from the city as one can with minimal amount of impact with the number of units and away from other subdivisions, he believes it would be a good area to offer something for these people that are getting to be fleeting. A lot of the mobile home parks are very old. They were built for trailers that are 60-foot long and 10-foot wide and now cannot accommodate large mobile homes. Many parks in town are being torn down. He bought this property to develop. Staff informed them he could build 150 units with no park, no traffic study or public roads. Mr. Gilbane believes he has come before the County with his property and

left himself open for controls and limitations to be regulated but still have a quality development in an area that is already zoned. He understands the Commission's comments.

Commissioner Schnarre stated this is not a rezoning request. This is a conditional use request that is allowed in R-M zoning. The question here is where to put a mobile home park in Boone County. There are mobile home parks that are five or six miles away from a city. He lived in a mobile home park that was a nice place to live and managed well. There are bad mobile home parks in the County that have no regulations. This here would have a lot of regulations on.

Another question is where is the right location and is this the right location. Commissioner Schnarre stated it is next to a busy highway which is both positive and negative. Most higher value homes will probably not build next to an interstate or highway. He is struggling with this because it is a conditional use allowed in this zoning and Mr. Gilbane is meeting all County regulations.

Commissioner Schnarre asked Mr. Shawver if anything is missing in meeting the subdivision regulations. Mr. Shawver stated conditions can be outlined to meet the subdivision regulations. This is a determination the Commission has to make based on the information provided and the testimony given during public hearing. The staff makes their recommendation based on services information.

Commissioner Elkin stated this meets the technical requirements. Mr. Shawver stated that is correct.

Commissioner Schnarre stated this has been zone R-M since 1973. There is A-1 zoning to the north and A-R zoning to the west. Mr. Shawver stated that is correct and the R-M zoning goes all the way to the County line. The north property line of Mr. Gilbane's is a section line and everything to the south of that section line and to the east is zoned R-M.

Commissioner Elkin stated this proposal meets the technical requirements of the buffer and set backs, for example, but under conditional use permits the Commission has the other requirements to take into consideration. Testimony has been offered on the contrary of public health, safety, welfare, incompatibility with neighboring land uses, decrease in property values. Another issue that has been discussed is roads. He questions if this is allowed when off-site improvements will begin with future developments. Other issues such as this being an orderly development of the land and hindering traffic flow have to be taken into consideration by the Commission.

Mr. Gilbane stated the same things were said when he put in the body shop, property values would decrease. He noted the property next to the shop just sold a few months ago for full price and that is in an industrial setting. He suspects that many people that bought property in the area did not realize the R-M zoning existed and use of the ground could be

put to use.

Commissioner Schnarre stated if this is not allowed here then he does not believe another mobile home park in Boone County will be allowed. Good quality mobile home parks have a definite purpose for citizens.

Commissioner Miller stated in moving the cul-de-sac Mr. Gilbane will be losing about four pads. Mr. Gilbane stated at least two pads would be lost. He could possibly put in double wides in that area. They are figuring 90 feet for a unit and most mobile homes are now only 83 feet. This is something that can be adjusted, to remove two spaces have the space used for two double wides and have more of a buffer area.

Commissioner Elkin asked if there is a condition about fire hydrants even if this is private and what is the stipulation on water service. Mr. Shawver stated mobile home park ordinance requires fire protection in the form of hydrants.

Commissioner Elkin asked if this will require a storm water plan. Mr. Shawver stated this will require a land disturbance permit from DNR and is required on any development over one acre.

Commissioner Schnarre stated this will have storm water control and design. He asked if a basin could be required. Mr. Shawver stated the land disturbance permit is for construction only.

Mr. Gilbane stated he discussed with staff about the grading of the land. Staff informed him that they did not want to see the ground graded flat. They will be keeping the general contour of the land. The back of the lot slopes gradually and the steepest slope is near the lagoon down toward the creek.

Commissioner Elkin stated he believes what Mr. Gilbane is proposing on paper, if given the right location in Boone County, it may work. He does not feel this is the right location.

Commissioner Miller stated she likes the fencing, parking, and storage unit restrictions. These are some things that people in mobile home parks struggle with and by having it take place is good. By having the lease restrictions that are identified is the correct way to handle the situation. She believes Boone County needs mobile home parks. She believes the County has become very elitist community and is struggling with getting affordable housing for workers in the County. Her biggest concern is the road not being a public road. Otherwise she does not have a problem with the request.

Commissioner Schnarre moved to approve the request by Kent and Vicki Gilbane for a permit to expand a mobile home park on 10 acres, located at 10221 E. I-70 Dr. NE, Columbia, with the following conditions:

- Prior to construction, the applicant shall submit a landscaping plan addressing the following:
  - o Landscaping in the 50-foot setback area
  - o Landscaping on the south end of the proposed storage buildings
  - o Increase perimeter buffer to 50' including three rows of evergreen trees on west and north property lines
  - o All trees shall be at least 4' in height at the time of planting and shall be a species that is suited to this location and climate
  - o Any dead or diseased trees shall be replaced within one calendar yearThe site plan shall be amended to meet these conditions.
- Prior to any grading on site, an engineering grading plan must be submitted that has been designed so as to ensure proper drainage from the site. In addition, the applicant shall provide the county with a copy of a land disturbance permit issued by the Missouri Department of Natural Resources
- Provide a recreation area at least 13,500 square feet in area. Said recreation area shall be shown on the site plan.
- Illumination must be provided at all street intersections and at all parking areas for community facilities. All illumination must be directed and/or shielded so as to prevent offsite glare.
- The applicant shall provide a refuse handling plan that conforms to Section 12 of the mobile home park ordinance. All refuse collection stand shall be shown on the site plan.
- All units must be owner-occupied
- One small storage shed per lot
- Storage units are for residents use only
- The age of the mobile homes may not be any older than 12 years from the move date
- All conditions will be met at the annual licensing renewal
- The on-site sewer will become a public sewer system if the Boone County Regional Sewer District is willing to accept it
- All conditions shown on the Revised Review Plan, dated 05/28/2004, shall be applicable to the permit.

Commissioner Miller seconded the motion.

The Commission discussed the conditions of this request.

There was no further discussion and no public comment.

The motion passed 2-1 as follows: Commissioner Schnarre – Aye, Commissioner Miller – Aye, Commissioner Elkin – Nay. **Order 211-2004**

**Public Comment**

The public that had made previous comments about the Gilbane request voiced their frustrations about the Commissions decision.

The meeting adjourned at 9:46 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Keith Schnarre  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner