

TERM OF COMMISSION: January Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Ken Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Stan Shawver
County Attorney John Patton
Deputy County Clerk Kerry Patton

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

Planning and Zoning

Mr. Stan Shawver, Director of Planning and Zoning was present on behalf of these items

1. Request by Fritzco Partnership LP on behalf of Verizon Wireless for a transmission facility, including a 180' tower, on 72 acres, located at 70 N. Hwy UU, Columbia.

Mr. Shawver reported the property is approximately 1 mile to the south of the I-70, east of State Route UU, and approximately ½ mile to the west of the city limits of Columbia. The property is zoned A-1 (Agricultural). This property has A-1 (Agricultural) zoning to the north and east and R-S (Residential Single-Family) zoning to the south and west. The zoning of the subject property and the surrounding tracts are all original 1973 zonings.

A description of the lease area sites has been submitted by the applicant as Exhibit F in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 72 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower locations, subdivision would be possible. The parent parcel has two buildings and four grain bins present. A 187' monopole tower and small ground facilities are proposed at this site.

The property is located inside the Columbia C-1 school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 6 property owners about this request.

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

(a) The establishment, maintenance or operation of a conditional use permit will not be

detrimental to or endanger the public health, safety, comfort or general welfare.

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.

While the zoning to the south and west will allow for a significant number of residential units, the zoning at the site limits the number of residential units. There is a lack of an adequate public road network to those areas to support the densities allowable under the current zoning. There are also significant quantities of federally regulated floodplain to the north, south, and east of this property. This would also limit the residential development of this area. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

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

This area is zoned A-1, with residential uses limited to 10 acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

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

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets. Missouri Department of Transportation has checked the access at State Route UU and confirmed that it will support the level of activity at the tower site.

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

The proposal conforms to other applicable regulations of the A-1 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for wide dissemination of wireless communication services.

Staff recommends approval of this conditional use permit.

Mr. Curtis Holland, Attorney for Cingular Wireless

Mr. Holland explained this application was like the others that have come forward before the commissioners. This tower would be a replacement tower from a previous site. They changed the location to a mile south of the highway. This would allow additional coverage not only to the highway, but to the south. There has been no opposition at this time.

There was no discussion and no public comment.

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby **approve** the request by Fritzco Partnership LP on behalf of Verizon Wireless for a transmission facility, including a 187' tower, on 72 acres, located at 70 N. Hwy UU, Columbia

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 1-2007**

2. Request by T-Vine Enterprises, Inc to renew a Review Plan for *Settlers Ridge* Planned Development on 90.59 acres, located at 8000 N. Route B.

Mr. Shawver reported the subject property is located north of Columbia on State Highways B and HH. This 117.02 acre parcel is bisected by Route B. A Review Plan and Preliminary Plat were approved for this project in February, 2001. The planned zoning districts included 4.97 acres RS-P, 21.07 acres RM-P and 28.43 acres CG-P. Several tracts were rezoned to straight zoning districts including 47.82 acres of RS and 14.73 acres

of RD. One final plat has been approved and one final plat is pending. One final development plan has been approved that established CG-P zoning for two lots at the intersection of Settlers Ridge Drive and Route HH.

There is a five year limit on the lifespan of a preliminary plat. Therefore, the plat that was approved in February 2001 expired in February 2006. The applicant is requesting that the preliminary plat be renewed. The review plan has been redrawn to meet current submittal standards, which were updated in 2004.

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

The original plat and review plan were approved with three conditions. One of those conditions required the developer to abide by the development phasing plan that was proposed in the traffic impact study. The developer has submitted a new phasing plan along with a schedule of required offsite improvements.

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

The development will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. In accordance with the developer's pre-annexation agreement with the City, this plat was approved by the Columbia City Council on December 4, 2006.

Staff recommends approval of this request with the following conditions:

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

Mr. Jeff McCann, Allstate Consultants, Columbia

Commissioner Miller asked if anything has been done since February 2006 when the preliminary plat expired.

Mr. Shawver replied they have worked on the infrastructure, sewer lines, water lines and fire hydrants. The part of the plat which has expired has not been worked on. The developer has 40 lots platted and only 10 have been built on in the last six years. He realized there was not rush to get the others platted.

Mr. McCann stated they were aware this would expire in February. They have added additional phases to the original four. Because of the smaller pieces, over the next five years they will know what off- site improvement is linked to the next plat.

There was no discussion and no public comment.

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the request by T-Vine Enterprises, Inc to renew a Review Plan for *Settlers Ridge* Planned Development on 90.59 acres, located at 8000 N. Route B **with the following conditions:**

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

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 2-2007**

Commissioner Elkin asked for clarification as to when the five years started. Was it when the final plan was reviewed?

Mr. Shawver replied it was five years from today's date.

3. Lynn Hooper petition to vacate public road (Oct 2, 2006) Tabled

Mr. Shawver reported his office has made several attempts to contact Ms. Hooper. At this time there has been no response. They are requesting that this issue be tabled until the next adjourned term.

4. Commissioner Reports

There were no commissioner reports

5. Public Comment

There was no public comment.

The meeting adjourned at 7:25 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Ken Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner