

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, May 15, 2003

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

Present:	Pat Smith, Chairperson	Perche Township
	Michael Caruthers, Vice-Chairman	Centralia Township
	Mary Sloan, Secretary	Rocky Fork Township
	Carl Freiling	Cedar Township
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Rob Brown	Rock Bridge Township
	Russell Duker	Missouri Township
	David Mink	Public Works

Absent:	Mike Morgan	Bourbon Township
	Larry Oetting	Three Creeks Township

Also present:	Stan Shawver, Director	Bill Florea, Staff
	Paula Evans, Staff	

The minutes of the April 17, 2003 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated that the Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The Commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes two rezoning requests, and one subdivision plat.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their own by-laws. The by-laws provide that all members of the Commission, including the Chairperson, enjoy full privileges of the floor. The Chairperson may debate, vote upon or even make any motion.

The following procedure will be followed for the rezoning requests:

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

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

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the Commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. The agenda tonight may not be lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from any signs of support or displeasure. Please afford those with a different point of view from yours the same respect and consideration you would like yourself.

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, May 27, 2003. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the Planning Office to see if a request that has been denied has filed an appeal as there will be no further public notification due to the short time between this meeting and the County Commission hearing. The County Commission hearing scheduled for Tuesday, May 27, 2003 will begin at 7:00 p.m. and will convene in this same room.

CONDITIONAL USE PERMITS

None.

REZONING REQUESTS

1. Request by Michael and Neta Teel to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 1.51 acres, more or less, located at 14430 N. Barnes School Rd., Hallsville.

Planner, Bill Florea gave the staff report stating that the two rezoning requests are related so one staff report has been prepared that covers both sites. The subject tracts are located on Barnes School Road, approximately 2 miles west of Hallsville, and north of Highway 124. The Teel request consists of 1.51 acres of A-2 zoned land that is seeking M-LP zoning. The West property is located just north of the Teel tract. The south 150' of the West property is zoned A-2, but the north 220' is zoned M-LP. The land to the east is zoned M-LP, the rest of the land is zoned A-2. The subject tracts are located in Public Water District 4 and the Hallsville R-4 school district. Electric service is provided by Boone Electric Cooperative. The master plan designates this area as being suitable for agricultural and rural residential land uses.

The previous owner of this land operated a nonconforming sawmill and pallet factory on the site. As a result of a fire in 1991, 9 acres were rezoned to M-LP so that the pallet factory could be re-built. The 1.51 acres owned by the Teel's were excluded from that request. However, the north 1.51 acres of what is now the property owned by the West's was included. In 2001 the subject tracts were purchased by the Teel's and platted as part of Quarter Mile Hill subdivision. The tract owned by the Teel's is part of lot 10, which includes the area previously occupied by the pallet factory. Lot 11 is owned by the West's, and included the original house. The applications being considered tonight will result in the zoning designations being swapped between land owned by the Teel's and land owned by the West's. Staff notified 10 property owners about these requests.

If approved, the Teel request will allow the applicant full use of the M-LP land, allowing access to be from Barnes School Road. ~~Prior to any use taking place on the land,~~ both a review plan and a final development plan will be required.

Staff recommends approval of the Teel request. The rezoning granted in 1991 included a condition that the property could only be used for the manufacture and assembly of wood products, and that there could be no chemical treatment of wood products. That condition may not be necessary as the applicant will have to submit a review plan that will be subject to conditions prior to any development taking place on the property.

Staff recommends approval of the Teel request.

Staff recommends approval of the West request. This will result in a residentially developed lot having the same zoning on the entire lot.

Staff recommends approval of the West request.

Present: Tom Schneider, 11 N. Seventh Street, Columbia.

Mr. Schneider stated he is appearing on behalf of the Teel's. Mr. Schneider presented a before and after diagram which visually shows the swap in zoning. The A-2 is shown in yellow and the MLP is shown in green. There is no change in quantities of rezoning, they just happened to change locations by a small distance. The Teel's have some A-2 property which should be MLP and the West's have MLP property which should be A-2 to be used in connection with their house.

Commissioner Caruthers asked the future plans for the site to be zoned MLP.

Mr. Schneider stated that he doesn't know. The idea is what ever the MLP is whatever the MLP use is would be more suitable for what is shown as A-2 owned by the Teel's to be incorporated in to the overall concept. As the staff report indicated when a specific use and specific layout is devised and is ready to come forward they will be back before the Commission and they will see exactly what the Teel's are going to do then.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Darrell Cuppy, 157 N. Highway 124, Hallsville.

Mr. Cuppy stated that he is speaking on behalf of his mother, Lillie Cuppy who resides at 14955 N. Cuppy Lane which is located north and across the road of the Teel's property. Mr. Cuppy stated that he is the operator of the farm on Cuppy Lane. Mr. Cuppy stated that he didn't know if he was in opposition to the request, he is here to ask questions. Mr. Cuppy stated that his mother understood that this rezoning was to take place so that storage units could be developed on the south side of Roger West's house. Mr. Cuppy stated that they have not seen anything and don't know anything about it. Mr. Cuppy wonders what is going to happen. One concern is if storage units are placed there; Barnes School Road is still a gravel road at this point. Mr. Cuppy stated that he knows the entrance to Highway 124 off of Barnes School Road at the state highway shed is a very bad entrance. If storage units are there where a lot of people come in and out it will increase traffic. Another concern is if it will affect his equity.

Chairperson Smith stated that the applicants would have to come back with a plan and at that time the Commission would know what was going to go on the site. At this point the Commission is just talking about how the land could be used. There is a variety of ways it could be used.

Mr. Schneider stated that the application does propose storage and warehouse.

Mr. Cuppy stated that he was concerned because he doesn't know what effect it will have on his property. Mr. Cuppy asked if the property is rezoned will it become commercial; can it be used for a truck depot.

Commissioner Caruthers stated MLP, the "P" means planned which means the applicants will have to come forth with a specific plan and the Commission could impose conditions on the plan.

Mr. Cuppy asked if this is more of a swap.

Commissioner Freiling stated that is correct. It is not creating new square footage.

Mr. Cuppy stated that there is not an agenda involved here.

Commissioner Freiling stated that it is not to say that there may not be an agenda because there may be.

Mr. Florea showed Mr. Cuppy a layout of the properties and explained which parts of the property are to be rezoned.

Commissioner Caruthers stated that he can not see any equity problems.

Commissioner Freiling stated unless the swap puts it closer to something you don't want it to be closer to. That is the only thing that may have an effect on the equity.

Commissioner Caruthers stated that when the applicant brings the plan back in Mr. Cuppy will again have the opportunity to speak.

Commissioner Freiling stated that when the Commission considers planned developments it is the appropriateness of the site to the plan not just whether it will fit on the site but also the access, the water supply, the road surface and so on.

Mr. Cuppy stated that from what he understands at this point the rezoning is just a swap and doesn't have a problem with it.

Commissioner Caruthers asked Commissioner Mink if there were any plans for Barnes School Road accessing off of Highway 124.

Commissioner Mink stated that there may be some small plans for a small safety project but there are no overall plans to pave the road at this time.

Commissioner Heitkamp made and Commissioner Caruthers seconded a motion to **approve** the request by Michael and Neta Teel to rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 1.51 acres, more or less, located at 14430 N. Barnes School Rd., Hallsville.

Pat Smith – Yes	Carl Freiling - Yes
Mike Caruthers – Yes	Larry Oetting - Yes
Mary Sloan – Yes	Rob Brown - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker – Yes	

Motion to approve request carried unanimously.

Chairperson Smith informed the applicant that this matter will go before the County Commission at 7:00 p.m., May 27, 2003

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- 2. Request by Roger and Della West to rezone from M-LP (Planned Industrial) to A-2 (Agriculture) of 1.51 acres, more or less, located at 14450 N Barnes Rd., Hallsville.

See related staff report and discussion under the rezoning request for Teel.

Commissioner Caruthers made and Commissioner Mink seconded a motion to **approve** the request by Roger and Della West to rezone from M-LP (Planned Industrial) to A-2 (Agriculture) of 1.51 acres, more or less, located at 14450 N Barnes Rd., Hallsville.

Pat Smith – Yes	Carl Freiling - Yes
Mike Caruthers – Yes	Larry Oetting - Yes
Mary Sloan – Yes	Rob Brown - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker – Yes	

Motion to approve request carried unanimously.

Chairperson Smith informed the applicant that this matter will go before the County Commission at 7:00 p.m., May 27, 2003

PLANNED DEVELOPMENTS

None.

PLAT REVIEWS

1. Jolly Acres. S6-T50N-R12W. Rhonda Jolly, owner. Nathanael Kohl, surveyor.

The following staff report was entered in to the record:

The property is located on the north side of Pinnacles Road approximately one-half mile west of Tucker School Road.

Both lots will have frontage on and access to Pinnacles Road. Right of way sufficient to provide a 33' half-width right of way is dedicated by this plat. The applicant has submitted a request to waive the requirement to provide a traffic analysis.



Water District Number 4 provides water service in this area.

On-site wastewater systems will be used for sewage disposal. Appropriate areas on which to locate a sewage lagoon are shown on the plat for each lot. The applicant has submitted a request to waive the requirement to provide a wastewater cost benefit analysis.

The property scored 21 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Heitkamp made and Commissioner Mink seconded a motion to **approve the plat** Jolly Acres. S6-T50N-R12W. Rhonda Jolly, owner. Nathanael Kohl, surveyor **with waiver requests.**

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| Pat Smith – Yes | Carl Freiling - Yes |
| Mike Caruthers – Yes | Larry Oetting - Yes |
| Mary Sloan – Yes | Rob Brown - Yes |
| David Mink – Yes | Kristen Heitkamp - Yes |
| Russell Duker – Yes | |

Motion to approve plat with waivers carries unanimously.

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OLD BUSINESS

Mr. Shawver informed the Commission of the decisions of the County Commission.

The County Commission approved the rezoning request for Crane, the review plan for Faircom and Nahler and the plat of Driskel Heights as recommended by the Planning and Zoning Commission.

NEW BUSINESS

None.

ADJOURN

Being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

DRAFT

Minutes approved on this 19th day of June, 2003.