

BOONE COUNTY PLANNING & ZONING COMMISSION

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, August 21, 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
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township
	Keith Neese	Columbia Township
	Kristen Heitkamp	Katy Township
	Larry Oetting	Three Creeks Township
	Russell Duker	Missouri Township
	David Mink	Public Works

Absent:	Rob Brown	Rock Bridge Township
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Also present:	Stan Shawver, Director	Bill Florea, Staff
	Thad Yonke, Staff	

The minutes of the July 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 one rezoning request, one planned development and two subdivision plats.

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 and planned development 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 applause, cheers or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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, September 2, 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, September 2, 2003 will begin at 7:00 p.m. and will convene in this same room.

REZONING REQUESTS

1. Request by James and Donna McManama to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of 1.53 acres, more or less, located at 10901 Hwy 22, Centralia.

Planner, Bill Florea gave the staff report stating that this site is located approximately 1 mile west of Centralia at the intersection of State Highway 22 and March Rd. The property is zoned A-2 (Agriculture) as is all the surrounding property. The property is currently vacant. This site is within the Centralia R-6 school district. Water is provided by Public Water District No. 10. There have been no previous requests submitted on behalf of this property. This request is to rezone 1.53 acres to A-R zoning. If approved, the applicant will seek a conditional use permit for a day care center. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. 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.
- Public Water District Number 10 provides water service.

The property is located within 1/2 mile of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to Highway 124 and Highway 22. The proposed rezoning is consistent with the master plan. Staff recommends approval of this request.

Present: Harold Gooding, 20150 Highway 124, Centralia.

Mr. Gooding stated that he is representing the applicants and they would like to have a day care center. The site is located less than 1/2 mile from the Fire District and everything is in place for this; the land is presently a pasture. It is very accessible to Highway 22; it is just a few yards off the highway. The Commission has probably received a floor plan of the building showing the land and where the proposed daycare will be located.

Commissioner Morgan asked where the driveway would be located.

Mr. Gooding stated that it would be off March Street.

Commissioner Caruthers stated that Mr. Gooding had said that everything is in place and asked what that entailed.

Mr. Gooding stated that the utilities are there.

Commissioner Caruthers stated that there is no development currently.

Mr. Gooding stated no, just the utilities; the fire department is close as well as the police service.

Commissioner Duker asked what kind of wastewater system is proposed.

Mr. Gooding stated that he would have to do a septic tank and lagoon. There are two proposed bathrooms and a kitchen.

Commissioner Duker asked if there was a sufficient amount of room for a septic and lagoon to meet the required setbacks or would a variance be required.

Mr. Gooding stated that there should be sufficient area. There is a 75-foot setback off the property lines and 100-foot of runoff and there is plenty of acreage that is on the applicant's property. The applicants own 39 acres.

Mr. Yonke stated that the applicants are proposing to only rezone 1.53 acres of the 39-acres. The property is not being divided.

Open to public hearing.

No one spoke in favor of or in opposition to the request.

Closed to public hearing.

Commissioner Caruthers made and Commissioner Mink seconded a motion to approve the request by James and Donna McManama to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of 1.53 acres, more or less, located at 10901 Hwy 22, Centralia.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Keith Neese - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	Carl Freiling - Yes

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this matter will go before the County Commission at 7:00 p.m., September 2, 2003.

PLANNED DEVELOPMENTS

1. Request by Robert Kinkead on behalf of Fabick Companies to revise an approved Review Plan for M-LP zoning on 22.3 acres, located at 7841 E ABC Ln., Columbia.

Planner, Thad Yonke gave the staff report stating that this property is located approximately 2 miles east of the Columbia municipal limits on ABC Lane. The subject tract is zoned M-LP (Planned Light Industrial) as a previous Final Development Plan has been approved. The property was rezoned from A-2 (agriculture) effective in May of 2001. Land to the north of the site is zoned A-2. To the east, north, and west of the subject tract the zoning is also A-2. These are all original 1973 zonings. Property to the south across I-70 is zoned R-S (residential single-family) with a small pocket of C-G (general commercial) zoning. The R-S is an original 1973 zoning with the small C-G property having been rezoned from the original R-S zoning in 1987. The current final plan was for an auto auction within the area previously used for a veterinary facility that primarily handled large animals such as cattle. The veterinary use was certified by a variance from the Boone County Board of Adjustment in 1986 with the stipulation that no part of the property south of the southerly wall of the veterinary facility building be used for the veterinary use. In July 2000 a request was made to rezone 4.89 acres to C-GP and 17.49 acres to M-LP. That request was denied. In September of 2000 the applicant requested that the property be rezoned to M-LP along with a review plan. The total property encompasses 22.38 acres. It is our understanding that

the auto auction is no longer in operation and that a new purchaser is interested in the property for a different use. The applicant has submitted a revised review plan that will change the allowed uses of tract B1. The new proposed uses are Heavy Equipment Rental, Sales, and Repair. Since no other uses are listed approval will limit the use to that proposed and even the previous use as an auto auction would be prohibited. Tract B2 is required to be shown but is proposed to remain exactly as it is currently approved including the conditions that are currently in effect. There is an inaccuracy on the current proposal and on the currently approved review and final plan. There is a required perimeter setback along the property line of 25 feet that can not be waived regardless of what is shown on the plan. All structures including signs must be behind this setback. This inaccuracy needs to be corrected for both tracts B1 & B2 for clarification. This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. The Master Plan designates this area as being suitable for residential land uses, but since the property has been rezoned to M-LP the only issue remaining is the specific uses and specific design of the current proposal. 45 property owners were notified of this request. This plan has 74 points on the point rating scale. Staff recommends that the request be approved with the condition that all the signs shown on the plan be moved to be outside the required set back area.

Present: Tim Reed, Engineering Surveys & Services, 1113 Fay Street, Columbia.
Dave Bennett, Engineering Surveys & Services, 1113 Fay Street, Columbia.
Joe Schuster, Fabick and Companies, 5320 Highway 763 N, Columbia.

Mr. Reed stated that this plan was prepared on behalf of Fabick and Companies, they are a dealer for Caterpillar equipment and they provide equipment sales and service. Their current location is on Route 763 near the 63 Diner. Applicants intend to build a new office on this site in accordance with the plan. A neighborhood meeting was held on Tuesday night and notified the neighbors within 1000 feet of the property and showed the plan to several neighbors that showed up. Mr. Schuster can answer questions about the Fabick operation. This property is already zoned light industrial and the applicants feel this is an appropriate use. The proximity to I-70 is very desirable to the Fabick Companies and ask that the Commission recommend approval.

Commissioner Sloan asked if the applicants are planning to demolish the building that is there.

Mr. Reed stated yes.

Commissioner Duker stated that the applicants are going through DNR and not the local Health Department.

Mr. Bennett stated that it will depend on the flow. Right now the applicants are looking at going through the Health Department as the applicants will probably use less than 3000 gallons per day.

Commissioner Morgan asked the applicants what they are going to do with the runoff from the shop.

Mr. Bennett stated that typically in an operation like this there would be grease traps, sediment traps, and those types of things.

Mr. Schuster stated that it is not a lot different than what you would see in a car wash today where you have a sediment area and the runoff goes to the sanitary sewer.

Commissioner Sloan asked if there was going to be a lot of inventory on the property.

Mr. Schuster stated that there would be a lot of outside inventory; it wouldn't be a lot different than what you would see at a John Deere dealership; equipment has to be displayed outside.

Commissioner Sloan asked if it would be behind the building.

Mr. Schuster stated that most of it would be behind and to the sides of the building.

Commissioner Morgan asked what kind of hours the business will operate.

Mr. Schuster stated that typically they are open from 7:00 a.m. to 5:00 p.m. Monday through Friday.

Commissioner Sloan asked how many customer the business has on a typical day.

Mr. Schuster guessed about 5 customers an hour to pick up parts, 4 customers a day coming with tractor and trailer with equipment on it.

Commissioner Heitkamp asked the applicant about the signs proposed on the property.

Mr. Shuster stated that he is not sure; all the signage will be in accordance with County regulation.

Commissioner Heitkamp stated that currently there aren't many regulations on signs; however the Commission is proposing a sign ordinance that will allow 80 square feet of freestanding sign. In addition, since the business is on highway 70 and the property is industrial the business would be allowed a billboard. If there is no other billboard within a half mile of the business what does the applicants think they need.

Mr. Yonke stated that there is a note on the plat itself that covers the concept of billboards. The original plan is restricted from billboards. The note that is on the plat under general note 10 states what the applicants are proposing on signage. Even without sign regulations the applicants would be bound by their note on the plan unless the Commission chooses to further restrict it. The note says there may be two freestanding signs on tract B2 to advertise the business; the sign shall not exceed 20 by 10 and shall not advertise any off premises business or attraction as per the approved final plan that was already in place. The applicants are proposing two 200-square feet as it is proposed.

Commissioner Heitkamp stated that there would be one sign on each tract; 200-square feet each. That is approximately what the Commission is calling a billboard in the proposed ordinances.

Mr. Yonke stated size wise yes; there are two freestanding signs on tract B-2. There will be two on each tract; that is what is already approved for the Kelly/Kinthead review plan, final plan that is in effect now. That is the current condition on the property.

Mr. Schuster stated that typically with most of the facilities, one sign is more than enough, one 10 by 20 is probably bigger than what is at most of their facilities, the applicants would like to keep a common theme with the rest of their locations.

Commissioner Sloan asked about signage on the building.

Mr. Schuster stated that there would be signs on the building; a final plan has not been set forth yet.

Commissioner Sloan asked if it is lighted.

Mr. Schuster stated that he is not sure what the plans are; currently the signs on the building are not lighted. Mr. Schuster stated that he anticipates that there will be some desire for lighted signs on the building.

Commissioner Heitkamp asked the applicants if they would be amicable to one sign on each tract.

Mr. Schuster asked if that included the signs on the building.

Commissioner Heitkamp stated freestanding signs.

Mr. Schuster stated that he believes that one freestanding sign per tract would be plenty if there could be lighted signs on the building.

Commissioner Sloan stated that the sign on the building could be internally lighted or back lit. A sign on the premise away from the building could not be a back lit sign.

Mr. Schuster stated that there couldn't be any freestanding signs could not be lit.

Commissioner Caruthers stated that it would have to be lit by floodlights.

Mr. Schuster stated that he didn't believe the applicants would have a problem with that.

Open to public hearing.

No one spoke in support of or in opposition to the request.

Closed to public hearing.

Mr. Reed stated that he doesn't think there would be a problem revising the plan to conform to the proposed sign regulations. Mr. Reed stated that the applicants would revise the plan to show one freestanding sign per tract.

Commissioner Sloan made and Commissioner Heitkamp seconded a motion to approve the request by Robert Kinkead on behalf of Fabick Companies to revise an approved Review Plan for M-LP zoning on 22.3 acres, located at 7841 E ABC Ln., Columbia.

With staff recommendations and the condition that the signage conforms to the proposed signage regulations.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Keith Neese - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	Carl Freiling - Yes

Motion to approve request carries unanimously.

Chairperson Smith informed the applicant that this matter will go before the County Commission at 7:00 p.m., September 2, 2003.

PLAT REVIEWS

1. Voeller. S29-T50N-R12W. A-2. Ben and Teresa Voeller, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

This 1 lot minor plat is located at the immediate Southeast corner of the intersection of Robinson Road and Kemper Road. The site is approximately 3 miles west-southwest of the municipal limits of the City of Hallsville. The area being subdivided contains 6.68-acres out of a 10-acre parent parcel. The approximately 3-acre remainder of the 10-acre tract is being surveyed into an approximately 135-acre surrounding tract and the survey will have to be recorded concurrently with the plat. The property is zoned A-2 (agriculture) as is all the surrounding property except the property to the northeast across Kemper Road which is A-1 (agriculture) and these zonings are all the original 1973 zonings. The property is currently the site of a house, shed, and on-site wastewater system. Sewage treatment will be provided by an on-site wastewater systems and an appropriate wastewater plan is in the file. Any on-site wastewater system must meet all County Health Department requirements. The site is in Public Water District #4. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Hallsville School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 19 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests.

No one present to represent the plat.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **approve** the plat Voeller. S29-T50N-R12W. A-2. Ben and Teresa Voeller, owners. Steven R. Proctor, surveyor:

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Keith Neese - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	Carl Freiling - Yes

Motion to approve plat with waivers carries unanimously.

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2. Maxwell Acres. S2-T48N-R14W. A-2. Leeta Dell Cunningham, ownerr. James V. Patchett, surveyor.

The following staff report was entered in to the record:

This 1 lot plat is located along the north side of U.S. Highway 40, 900 feet West-Northwest of the intersection of Trails West Avenue and U.S. HWY 40. The site is approximately 3 miles west of the municipal limits of the City of Columbia. The area being subdivided contains 3.04-acres. The property is zoned R-S (residential single-family) as is all the surrounding property except property to the north across the section line which is A-2 (agriculture) and these zonings are all the original 1973 zonings. The purpose of the plat is to formally divide off a portion of the parent property that was left on the north side of the Highway when it was constructed. No development is allowed on the property until it is combined with a larger property that adjoins it. There is a note on the plat indicating that the property is not for development as it stands. The property is currently vacant and will remain so. Any new on-site wastewater system must meet all County Health Department requirements which will be difficult if not impossible as a stand alone lot. The site is in Consolidated Public Water District #1. Fire hydrants are not required for minor plats containing less than 4 lots, as is the case here. The site is in the Columbia School District. A waiver from traffic analysis and a waiver of cost-benefit analysis for central sewage have been requested. Staff concurs with the granting of these waivers. The site is in the Boone County Fire Protection District and Boone Electric Service areas. This plat has 78 points on the point rating scale.

Staff recommends approval along with the granting of the waiver requests subject to the recognition that the lot is undevelopable unless it is combined with a larger adjoining property.

No one present to represent request.

Commissioner Caruthers made and Commissioner Heitkamp seconded a motion to **approve with staff recommendations** the plat Maxwell Acres. S2-T48N-R14W. A-2. Leeta Dell Cunningham, surveyor. James V. Patchett, surveyor:

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Keith Neese - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	Carl Freiling - Yes

Motion to approve plat with staff recommendations carries unanimously.

OLD BUSINESS

1. Recommend approval of proposed zoning revisions.

Open discussion.

Commissioner Heitkamp asked staff if Boone County is in accordance with the army corps of engineer regulations on the placement of signs on the Missouri River.

Mr. Shawver stated that staff would look in to it before the County Commission votes on the changes.

Mr. Yonke stated that any sign that would comply with the regulations would have to meet all the flood plain development requirements and all of the no rise certificate requirements just like any other structure in a flood plain.

Commissioner Duker asked about non-conforming uses.

Mr. Yonke stated that the non conforming use provisions have been in the regulations for 30 years. Anything to be a non conforming use at this point in time has to have existed since 1973 in a continuous use since 1973 and has to have a Board of Adjustments certification within 6 months of the adoption in 1973 or after that, certified by the Board of Adjustment.

Commissioner Freiling made and Commissioner Neese seconded a motion to approve the present draft of the proposed zoning regulations and to forward them to the County Commission for consideration.

Pat Smith - Yes	Mike Morgan - Yes
Mike Caruthers – Yes	Keith Neese - Yes
Mary Sloan – Yes	Larry Oetting - Yes
David Mink – Yes	Kristen Heitkamp - Yes
Russell Duker - Yes	Carl Freiling - Yes

Motion carries unanimously.

ADJOURN

Being no further business, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Mary Sloan,
Secretary

Minutes approved on this 18th day of September, 2003.