

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT ST., COLUMBIA, MO.
(573) 886-4330

Minutes

7:00 P.M.

Thursday, November 15, 2007

I. Commissioner Harris called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Pat Smith, Chairperson	Perche Township
Carl Freiling, Vice-Chairperson	Cedar Township
Boyd Harris, Secretary	Centralia Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
Paul Zullo	Rock Bridge Township
Patricia Fowler	Missouri Township
David Mink	Public Works

b. Members Absent:

Larry Oetting	Three Creeks Township
Michael Morrison	Columbia Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the October 18, 2007 meeting were approved by acclamation.

IV. Chairperson Statement:

Chairperson Smith read the procedural statement stating 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 and two subdivision plats.

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

The following procedure will be followed:

The agenda item will be announced, followed by a report from the Planning Department staff. At that time, the applicant or 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 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. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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 Monday, November 26th. Interested parties will again have the opportunity to comment on the request 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 have been denied will not proceed to the County Commission unless the applicant files an appeal form within three working days. Please contact the Planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Monday, November 26th will begin at 7:00 p.m. and will convene in this same room.

Chairperson Smith asked if there were any questions about how the meeting will be conducted.

V. Rezoning Requests

1. Request by Wanda F. Malone to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) of 15.33 acres, more or less, located at 5910 N. O'Neal Rd., Columbia.

Planner, Bill Florea read the following staff report:

The property is located on the east side of O'Neal Road approximately 300-feet north of Fenton Road. The tract was created by Administrative Survey in 2004 when the parent tract was subdivided as Malone Meadows subdivision.

The current zoning is Agriculture Residential (A-R), which allows residential uses on lots as small as one-half acre. A-R is considered a transitional district between urban and rural land uses; it is the original zoning for the property which was established in 1973. All of the property within a one-half mile radius

of the subject tract is zoned A-R except for approximately 50-acres adjacent to and north of the tract that was rezoned to Recreation in 1998. That rezoning was granted in order to legitimize a non-conforming use.

The owner has stated an intent to divide the property by family transfer and replace an existing double wide with a single wide. This would allow her to avoid complying with the subdivision regulations to divide the property and possibly a conditional use permit process that may be necessary to place a single wide on the lots resulting from the family transfer.

Land uses in the area can be characterized as primarily rural residential however; there is a subdivision to the east, Sycamore Hills, that has developed with an A-R character. The density of future development in the area is expected to match or exceed density allowed by the A-R zoning as the City of Columbia expands in this direction and urban services become available

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities: Consolidated Public Water District Number 1 provides water service to the property. There is no central sewage system currently available in this area. This request will not result in additional demand for utilities. It should be noted that if the property is divided by family transfer the owner may be able to avoid the requirement to provide fire flow.

Transportation: The property has frontage on and direct access to O’Neal Road. Traffic impact of the request will be positive in that the property could only be developed at a lower density than is currently allowed.

Public Safety Services: There is no indication that public safety services are not readily available to the property. This request will not result in additional demand for public safety services.

Zoning Analysis: This request is for a zoning designation that is different than and inconsistent with the surrounding area and could be described as a spot zoning. Approval of a spot zoning can be considered a grant of special privilege to the property owner. The ability to divide the property by family transfer, which is not allowed in the A-R district, is one example of a special privilege that would accrue to the owner if the request is granted. Approval of this request could lead to a disintegration of the established zoning and intended character and density of development in the area. For these reasons staff cannot recommend approval of the request.

Staff notified 39 property owners of this request.

Present: Gene Basinger, Basinger Surveying, 300 St. James, Columbia.

Mr. Basinger stated he is here to speak on behalf of Mrs. Malone, due to her health situation she is not able to attend the meeting tonight however her son is in attendance. Staff has explained the situation here. Mrs. Malone and her husband owned approximately 32 acres originally. Mr. Malone passed away about a

year and a half ago. Mrs. Malone has given one tract of land to a daughter and one tract to a son. She has another son and daughter and what she wants to do is to transfer a tract of land to her son and the remainder tract that she now lives on which she wants to leave that to her remaining daughter. She has taken an old doublewide off and put a singlewide on. The situation is that the applicants can go down to A-2 zoning and she won't have to plat the property or go to the Board of Adjustment to ask for a variance for the trailer to be in a subdivision. Avoiding the expense of the surveying is what it really comes down to as much as anything so she can do the family transfer.

Open to public hearing.

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

Closed to public hearing.

Commissioner Fowler asked staff if there was another way to accomplish this without being a spot zoning request.

Mr. Florea stated the applicants can still accomplish this in another way even if the rezoning request were denied. The applicants could accomplish their goal through a two lot subdivision plat. If both lots were greater than five acres there would be no need for a conditional use permit for the mobile home that is now on the property. However, that would mean four lots were created out of the original parent tract which means that fire flow would be required.

Commissioner Schloot asked if staff received any calls from the neighbors that were notified.

Planner Uriah Mach stated he received six or seven calls from neighbors requesting more information. There were repeated calls from one person in particular who wanted more information on how the family transfer worked and how that could potentially impact the surrounding area.

Commissioner Morgan stated Mr. Basinger indicated land had already been given to other siblings, how was that property transferred?

Mr. Basinger stated the first one was done by a family transfer because neither Mr. Basinger, nor staff realized that it was A-R zoning. It is not an area you would think to be A-R zoning. It is something that just slipped by. So the first tract was done by family transfer but it should not have been. The second tract was done by subdivision plat and the applicant's son paid for that to be done.

Chairperson Smith asked what the recreational zoned land to the north was.

Mr. Basinger stated it is a Camp Fire Girls camp.

Commissioner Freiling stated except for occasional vagaries in the original zoning map that occurred for a variety of reasons, it was not to be anticipated that a piece in this location would have had A-R zoning to begin with.

Mr. Florea stated that is not accurate. All of the land in this area is zoned A-R. There is no land within about ½ mile that is anything other than A-R except for the piece to the north that was rezoned for recreational.

Commissioner Harris asked if there was adequate fire flow out there.

Mr. Florea stated he didn't know. The property owner may know.

Mr. Florea asked the applicant's son if there were any fire hydrants in the area.

The applicant's son stated there is one on the corner of Creasy Springs Road and Fenton Road. The water company came through their land on the back side and they are supposed to put one there so there will be one within a ½ mile.

Commissioner Harris asked if that distance would meet the fire department's requirements for availability.

Mr. Florea stated no; hydrants are required to be within 500 feet of any building site.

Commissioner Mink made and Commissioner Schloot seconded a motion to **deny** the request Wanda F. Malone to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) of 15.33 acres, more or less, located at 5910 N. O'Neal Rd., Columbia

Pat Smith – NO
Carl Freiling – NO
Gregory Martin – Yes
John Schloot – Yes
David Mink – Yes

Boyd Harris – Yes
Mike Morgan – NO
Paul Zullo – NO
Patricia Fowler – Yes

Motion to deny the request carries. 5 YES 4 NO

Chairperson Smith informed the applicants if they wished to appeal to the County Commission they would need to file an appeal form with the Planning Department within three business days.

VI. Planned Developments

None.

VII. Plats

1. Shady Brook Estates Plat 2. S34-T50-12. A-2. George E. James, owner. James V. Patchett, surveyor.

The subject property is located approximately 2 ½ miles to the south of Hallsville, 1000 feet to the east of State Route B along Mount Zion Church Road. This plat creates two 2.5 acre lots. The property is zoned A-2 (Agriculture), and is surrounded by A-2 zoning. This is original 1973 zoning.

These lots have direct access on Mount Zion Church Road to the south. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Public Water Service District #4. Electrical service will be provided by Boone Electric Cooperative. Fire protection will be provided by Boone County Fire

Protection District. Fire hydrants have been installed by PWSD #4 along Mt. Zion Church Road to serve these lots and the lots created by Shady Brook Estates.

On-site systems will be providing wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

Future development of the remainder of the parent parcel will likely require the construction of public roads, as these lots are all smaller than the five acre minimum that can be served by a private drive/access easement.

The property scored 33 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

No one present to represent the plat.

Commissioner Martin made and Commissioner Mink seconded a motion to **approve** Shady Brook Estates Plat 2 with waiver request:

Pat Smith - Yes
Carl Freiling – Yes
Gregory Martin – Yes
John Schloot – Yes
David Mink – Yes

Boyd Harris – Yes
Mike Morgan – Yes
Paul Zullo – Yes
Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



2. Haystack Acres Plat 2. S17-T49N-R12W. A-2/ A-R. Estil Poff and Susan Hawkins-Poff, owners. Timothy J. Reed, surveyor.

The following staff report was entered in to the record:

No one present to represent the plat.

This property is located at the southeastern corner of the intersection of Alfalfa Drive and Redtop Court. This plat combines two lots, lots 3 & 4 of Haystack Acres, into a single lot. Lot 3 of Haystack Acres is zoned A-R (Agriculture-Residential). It was rezoned from A-2 (Agriculture) in 1977. Lot 4 of Haystack Acres is zoned A-2. This A-2 is original 1973 zoning.

This lot will have access onto both Alfalfa Drive & Redtop Court. Given the location of the existing dwelling on the property, access will likely be via Redtop Court. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to these lots will be provided by Public Water Service District #4. Electrical service will be provided by Boone Electric Cooperative. Fire protection will be provided by Boone County Fire Protection District.

On-site systems will be providing wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

The property scored 54 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers.

Commissioner Martin made and Commissioner Mink seconded a motion to **approve** Haystack Acres Plat 2 with waiver requests:

Pat Smith - Yes
Carl Freiling – Yes
Gregory Martin – Yes
John Schloot – Yes
David Mink – Yes

Boyd Harris – Yes
Mike Morgan – Yes
Paul Zullo – Yes
Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



V. Old Business

Update on County Commission Decisions

Director, Stan Shawver stated the plats that went forward to the County Commission were approved as recommended.

The County Commission adopted the Bonne Femme Watershed Plan. The City of Columbia had their first reading last Tuesday; the second reading will take place on Monday, November 19, 2007.

The Columbia Public Schools chose the St. Charles site for the location for the new high school. This is the location that County staff believed to be the best site as well.

VI. New Business

Chairperson Smith stated she spoke with City Planning and Zoning Commission Chairperson, Jeff Barrow and they are working on scheduling a Joint Planning and Zoning Commission meeting. The meeting is proposed to be on a Saturday morning at 9:00 a.m. Chairperson Smith stated she would try to schedule the Commission Chambers for the meeting to take place sometime in January.

VII. Adjourn

Being no further business the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Boyd Harris
Secretary

Minutes approved on this 20th day of December, 2007