

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, April 17, 2008

I. Vice-Chairperson Freiling called the meeting to order at 7:05 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Carl Freiling, Vice-Chairperson	Cedar Township
Boyd Harris, Secretary	Centralia Township
Mike Morgan	Bourbon Township
Larry Oetting	Three Creeks Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
Michael Morrison	Columbia Township
Paul Zullo	Rock Bridge Township
Patricia Fowler	Missouri Township
David Mink	Public Works

b. Members Absent:

Pat Smith, Chairperson	Perche Township
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c. Staff Present:

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

III. Approval of Minutes:

Minutes from the March 20, 2008 meeting were approved with corrections by acclamation.

IV. Chairperson Statement:

Vice-Chairperson Freiling read the following procedural statement:

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, 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 Tuesday, April 29, 2008. 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 Tuesday, April 29, 2008 will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits
None.

VI. Rezoning Requests

1. Request by Darlene Strawn to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 8.38 acres, more or less, located at 11555 N. Conrad Rd., Harrisburg.

Planner, Uriah Mach gave the following staff report:

The property is located approximately 2 ½ miles southwest of Harrisburg at the intersection of Callahan Creek Road and Conrad Road. The subject tract is two parcels, a 4.68 acre tract and a 3.7 acre tract, both legal non-conforming lots as they were created prior to planning and zoning. Each tract has a residence present. They are currently zoned A-1 (Agriculture), with A-1 zoning to the north, south, and west, with A-2 (Agriculture) to the east. Conrad Road is the dividing line between large blocks of A-1 and A-2 zoning. This is all original 1973 zoning. This property is served by Howard County Electric, Consolidated Water District #1, and the Boone County Fire Protection District.

The applicant is requesting a rezoning from A-1 to A-2. If approved, the applicant will have the land reconfigured to create a 2.5 acre tract and a 5.88 acre tract. The 2.5 acre tract will then be sold. Staff notified 5 property owners about this request.

The Master Plan designates this property as suitable for agricultural and rural residential land uses. 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 necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public Water is provided by Consolidated Public Water District #1. The existing infrastructure is capable of providing domestic service. Howard Electric can provide electrical service.

Transportation: Access to this property is via Conrad Road or Callahan Creek Road. Both are county-maintained gravel roads. The rezoning will not increase traffic to this site.

Public Safety: The nearest fire station is in Harrisburg, approximately 2 ½ miles away. The existing road network provides access for public safety services.

Staff recommends approval of this request.

Present: Darlene Strawn, 11555 Conrad Rd., Harrisburg.

Ms. Strawn stated she would like to sell the 2.5 acres on the south end.

The Commission asked staff if there was any response from the neighbors.

Mr. Mach stated one call was received but it was only to ask for information.

Commissioner Freiling asked staff if there was potential for a third lot to be created.

Mr. Mach stated it could be done but placement of structures will be the determining factor as to whether or not it would work. As it stands now there is the probability that a variance will be required before the property can be subdivided. The zoning request is reasonable being that it is right on the border with A-1 and A-2. Waste water may be a bigger issue with dividing the property further.

Open to public hearing.

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

Closed to public hearing.

Commissioner Harris made and Commissioner Martin seconded a motion to approve the request by Darlene Strawn to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 8.38 acres, more or less, located at 11555 N. Conrad Rd., Harrisburg.

Carl Freiling – Yes	Boyd Harris – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Gregory Martin – Yes	Paul Zullo – Yes
John Schloot – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the request carries unanimously.

Commissioner Freiling informed the applicant that this request would go before the County Commission on April 29, 2008 and the applicants need to be present for the hearing.

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2. Request by Robert M. Lemone Revocable Trust to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) on 9.75 acres, more or less, and to approve a Review Plan for Concorde South Phase 2, located at 5801 S. Highway 63 South, Columbia.

Planner, Thad Yonke gave the following staff report:

This property is located on the west side of Highway 63 west of Ponderosa Street approximately 1500 ft north of the intersection of Bonne Femme Church Road and Ponderosa Street. The site is approximately 1000 ft south of the nearest municipal limits of the City of Columbia. The subject property for the rezoning is 9.75 acres. The acreage of the proposed preliminary plat is 16.36 acres because it includes the requested rezoning area and the area of Phase 1 which has not been completed and did not need to be rezoned. The current zoning of this property is A-1 (agriculture) with a small sliver of C-G (general commercial). The zoning to the west of the request, but still within the parent parcel, is also A-1 with R-S (residential single family) once the section line between sections 3 & 4 is crossed when continuing to the west. The property to the north of the request is zoned C-G and A-1. The property to the east of the request area is zoned C-G and property to the south of the proposal but still contained within the parent parcel is A-1. These are all original 1973 zonings.

The subject property is vacant. The site is within the Columbia School District. Consolidated Water District #1 will provide water service. 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. The site is in the Boone Electric service area and Boone County Fire Protection District service area. Sewer service is proposed to be from the BCRSD facility serving Prairie Meadows. There is available capacity at this facility and the developer has secured a portion of the available capacity. The extension of Meyer Industrial Drive will provide access to the proposed lots. The first section of Meyer Industrial Dr. is constructed and will formally be created with the recording of a Final Plat for the first phase of this development. Proposed lots 3 & 4 are vacant at this time and will require revised review plans before they can be used for commercial or industrial uses.

Lot 5 is proposed for a City of Columbia Police Training Facility. The list of allowed uses for lot 5 contains the following additional possible uses; Agricultural Activity, Light Manufacturing, Photographic Processing, Printing, Contractors Buildings and Yards, Bus Barn/Lot, Moving & Storage, or Water Tower. The site plan provided proposes enough flexibility that some sort of facility for these additional uses could be reasonably configured for the site. The proposal rates 83 points on the point rating scale. The master plan designates this area as being suitable for industrial land uses, while the larger property under the same ownership has more designation area designated for residential land uses. Staff notified 28 property owners concerning this request. The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and Consolidated Public Water District #1. There is both a 6-inch and 8-inch waterline in the area. A BCRSD central waste-water system is available for this site and capacity has been secured.

Transportation: Access to the site from Ponderosa St and Meyer Industrial Dr. should be adequate given the limited nature of this request. This issue will become more of an issue if additional industrial expansion in the area is undertaken.

Public Safety: The parent property adjoins a Boone County Fire Protection District Station and the current proposed main use is for a Police Facility.

Staff Recommends approval of the request.

Present: Ron Shy, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia.

Mr. Shy stated this will be a police training facility. It will be used by the Columbia Police Department, the traffic going in and out of there is all peak hour. There are no firearm shooting ranges. It will primarily be used for police department training. There will be two people at that site daily and from time to time the police department will have a training function for designated police officers.

Commissioner Schloot asked if there would be an interior firing range.

Mr. Shy stated no. There will be a firearms storage area but no range. It will really only be a classroom type facility.

Commissioner Morgan asked if the applicants could come back later for a firing range.

Mr. Yonke stated they could put one indoors, however, since staff asked about that specifically and the applicants said no, it isn't included in the plan. An exterior range would definitely require a conditional use permit.

Commissioner Morgan stated he would prefer a firing range inside rather than outside because of the fuel tanks next door.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Morgan made and Commissioner Schloot seconded a motion to approve the request by Robert M. Lemone Revocable Trust to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) on 8.33 acres, more or less, located at 5801 S. Highway 63 South, Columbia.

Carl Freiling – Yes	Boyd Harris – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Gregory Martin – Yes	Paul Zullo – Yes
John Schloot – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the request carries unanimously.

Commissioner Mink made and Commissioner Morgan seconded a motion to approve the request by Robert M. Lemone Revocable Trust to approve a Review Plan for Concorde South Phase 2, located at 5801 S. Highway 63 South, Columbia.

Carl Freiling – Yes	Boyd Harris – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Gregory Martin – Yes	Paul Zullo – Yes
John Schloot – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the request carries unanimously.

Commissioner Freiling informed the applicant that this request would go before the County Commission on April 29, 2008 at 7:00 p.m. and the applicants need to be present.

VII. Planned Developments
None.

VIII. Plats

1. Concorde South Phase 2. S3-T47N-R12W. C-G / M-LP. Robert M. Lemone Revocable Trust, owner. Michael L. Klasing, surveyor.

See staff report under rezoning request

See comments under rezoning request.

Commissioner Mink made and Commissioner Schloot seconded a motion to approve Concorde South Phase 2:

Carl Freiling – Yes	Boyd Harris – Yes
Mike Morgan – Yes	Larry Oetting – Yes
Gregory Martin – Yes	Paul Zullo – Yes
John Schloot – Yes	Michael Morrison – Yes
David Mink – Yes	Patricia Fowler – Yes

Motion to approve the plat carries unanimously.



V. Old Business

Update on County Commission Decisions

The conditional use permit by United Community Cathedral was approved by the County Commission.

The conditional use permit request by Fritchey was not appealed to the County Commission.

The rezoning request by George James was not appealed to the County Commission.

The rezoning request by McDonald was approved by the County Commission.

VI. New Business

1. Public hearing for proposed Stream Buffer Ordinance.

Open to public hearing.

Present: Ron Shy, Allstate Consultants, 3312 Lemone Industrial Blvd., Columbia.

Mr. Shy stated that the City of Columbia has had the stream buffer ordinance for nearly a year now. This is a good move for the county to move forward.

Commissioner Freiling asked Mr. Shy if there were things that Mr. Shy believes should not have been omitted or included in the proposed ordinance.

Mr. Shy stated there is going to be some things. It is difficult to evaluate everything until you start using it a little bit.

Commissioner Oetting asked how close the county's version is to the city version.

Mr. Shy stated the county has a lot of agricultural issues that the city doesn't have. There are problems in interpretations; the two are relatively close. It will just take a little getting used to.

Present: Frank Gordon, 208 Dayspring Drive, Columbia.

Mr. Gordon stated he used to work for the USDA, the Natural Resources Conservation Services and he did a lot of stream buffer work then. Mr. Gordon has worked with the County Commission over the past few years as well as the City of Columbia on their stream buffer ordinance. Right now Mr. Gordon is a storm water outreach coordinator and he works for Boone County Public Works but his offices are located in City Hall. Mr. Gordon has been exposed to the city's ordinance, it was passed in January 2007 and he has seen how developers and land owners have come to accept that ordinance and there will be wide acceptance for an ordinance of this type in the development community. They do have some situations and it is one of those deals where it is new and it takes some time to work through some of the issues but part of Mr. Gordon's role as a storm water educator is to work with the developers. Those that we've worked with since the City of Columbia's ordinance passed, once they see that they can actually use these stream buffers as an amenity to the development they can create trails and common ground and it works out well for the developer. Mr. Gordon stated he is supportive of the county's effort to get this stream buffer ordinance passed.

Commissioner Harris stated one thing he looked for specifically and never found in the ordinance is the agricultural perspective and the chemical fertilizer application and whether this ordinance would create more stringent setbacks than what already exist for applicators or if it will be in line with what DNR and EPA already has.

Mr. Florea stated the ordinance doesn't apply to agricultural activity.

Commissioner Oetting asked if a neighboring property owner caused problems to another property who would be responsible for fixing the problem?

Mr. Florea stated property owners are responsible for their own property. This ordinance is only one facet of a set of storm water regulations that the county is adopting. The County will also have land disturbance regulations and stormwater management regulations, any one of those by itself will not solve all of the stormwater problems. All together they probably won't solve all of the stormwater problems but they have to be looked at as a package. The idea with the stormwater regulations is to prevent that damage from occurring downstream. The city is looking at modifying their stormwater regulations to protect the active channel from erosion. When you develop your piece of property your engineer has to look at how the water is going to run off your land and if that is going to damage the channel of the stream. If so you have to install best management practices (BMP's) to mitigate that damage. The intent is to try to prevent that damage from occurring downstream. The stream buffer regulations don't get there by themselves.

Mr. Shy stated that research has found that the more frequent storms cause more damage to a stream than a big storm event. So we have to evaluate the downstream capacity of the conveyance system to show that we aren't going to degrade it any further.

Closed to public hearing.

2. Joint P & Z Meetings

There is a joint City/County Planning and Zoning Commission meeting scheduled for Tuesday, April 22, 2008. The meeting will take place at the Boone County Regional Library, Room C.

Commissioner Fowler stated the steering committee met and there will be a meeting on May 1, 2008 but that will probably be a focus on the land owners and listening to the land owners then there will more stakeholder stuff on May 29, 2008.

There is also a joint meeting on May 10, 2008 at the Boone County Regional Library.

Commissioner Fowler stated we made some initial division of tasks and last Monday morning there was additional conversation about it. There was discussion on which land owners to invite. The goal is to make the land owners comfortable about this process. Commissioner Fowler has a list of agency people to get some maps and if there are any particular problems with that area that the Commission should be aware of. Currently it is a personal outreach right now.

Commissioner Freiling stated the intent is to create a sub area plan for the area around the location of the new high school by fall which is a tight timeline.

VII. Adjourn

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

Respectfully submitted,

Boyd Harris
Secretary

Minutes approved on this 15th day of May, 2008