

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

Minutes

7:00 P.M.

Thursday, March 19, 2009

I. Chairperson Smith 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
Pat Fowler, Secretary	Missouri Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Larry Oetting	Three Creeks Township
Paul Zullo	Rock Bridge Township
Michael Morrison	Columbia Township
Gregory Martin	Katy Township

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Derin Campbell	Public Works
Vacant Seat	Centralia Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the February 19, 2009 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Smith 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 one rezoning request.

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 short and 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 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, March 31, 2009. 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, March 31, 2009 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 William A. Scott Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 7.0 acres, more or less, located at 19600 N. Tucker School Rd., Sturgeon.

The following staff report was given by Planner, Uriah Mach:

The subject property is located on Tucker School Road, approximately 3 miles south of Sturgeon. The applicant is seeking to rezone seven acres of a ten acre tract from A-1(Agriculture) to A-2(Agriculture). The remaining three acres are zoned A-2. This tract is split along a section line that divides between A-1 and A-2 zoning districts as established by the zoning map. The property has A-1 zoning to the north, east,

and west, with A-2 zoning to the south, all of which is original 1973 zoning. Staff notified 4 property owners about this request.

The purpose of this rezoning is to create a single, uniformly zoned tract for the creation of a smaller lot.

The Master Plan designates this property as suitable for agriculture 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: This property is served by Public Water Service District #10, Boone County Fire Protection District, & Boone Electric Cooperative. This rezoning will not increase demand on available public utilities.

Transportation: Access to this property is via Tucker School Road. The rezoning will not increase traffic to this site.

Public Safety: This property is three miles from the nearest fire station, located to the north in Sturgeon. This rezoning will not significantly increase risk or require additional service beyond that which is already provided for the current use of the property.

Zoning Analysis: This request is reasonable and consistent with the current use of the property. As a property along the border of A-1 and A-2 zoning districts that is split by a section line, approval of this rezoning will allow for zoning to be consistent on the entire tract. The requirements of the sufficiency of resources test have been met, leading staff to believe that this rezoning is consistent with the policies created by the Boone County Master Plan.

Staff recommends approval of the request.

Present, representing request:

Brian Dollar, surveyor, 15230 N. Tucker School Rd., Sturgeon.

Gary Scott, owner, 19620 N. Tucker School Rd., Sturgeon.

Brian Dollar: I am really here as a next door neighbor. Mary hired me, she is 92 and it would be kind of a hassle for her to be here. She hired me to do a family transfer. It was to be a family transfer of five acres to her son and it is kind of a “U” shaped piece. That tied up loose ends; that driveway cuts through the property. They are making plans for Gary to put in his own driveway just in case her place changes hands. She would retain five acres. In order to do the family transfer we have to rezone because part of both five acre pieces are in A-1 and A-2 right now.

Chairperson Smith: Do you have any questions about the staff report.

Brian Dollar: No.

Gary Scott: The way it is now I can't get a driveway in; it would run in to the lake. I would like to keep the upper pond for the cattle.

Open to public hearing.

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

Closed to public hearing.

Commissioner Morgan made and Commissioner Schloot seconded a motion to **approve** the request by William A. Scott Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 7.0 acres, more or less, located at 19600 N. Tucker School Rd., Sturgeon.

Pat Smith – Yes

Larry Oetting – Yes

Mike Morgan – Yes

Paul Zullo – Yes

John Schloot – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Pat Fowler – Yes

Motion to approve the request carries unanimously.

Chairperson Smith informed the applicants that this request would go before the County Commission on March 31, 2009 and the applicants need to be present for the hearing.

VII. Planned Developments

None.

VIII. Plats

None.

IX. Old Business

1. Update on County Commission Decisions

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

The conditional use permit for the bed and breakfast was approved as recommended.

The rezoning request by Potterfield was approved as recommended.

The conditional use permits for David Sallee was tabled. The Commission asked each side to submit written arguments on each conditional use tests. Those were to be submitted by March 16th and the Commission will take those up again at the March 31 meeting.



2. Sub-area Plan

Chairperson Smith: The sub area plan is moving along. I had a meeting with Jerry Wade and Commissioner Elkin and a phone conversation with David Brodsky. We had a slight turn in that the City decided they were going to have the city staff maybe write the plan. They reigned back and it is going to be a joint session again. Pat Fowler will be the point person. John Schloot and Carl Freiling are still on the sub committee.

Pat Fowler: I heard from David Brodsky and he wanted to put together a meeting with the planner from the city and a planner from the county. I reminded him what I understood to be the mission and the charge which this is a citizen written plan and not a staff written plan. We will probably have a small meeting next week.

X. New Business

1. Proposed storm water regulations.

Georganne Bowman, Stormwater Coordinator for Boone County, gave a brief summary of the stormwater program, stormwater ordinance, and presented an introductory background for county obligations under the state stormwater program.

XI. Adjourn

Being no further business the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Secretary
Pat Fowler

Minutes approved on this 16th day of April, 2009