

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, July 16, 2009

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

The Commission requested Stan Shawver act as temporary secretary.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morgan	Bourbon Township
John Schloot	Rocky Fork Township
Larry Oetting	Three Creeks Township
Michael Morrison	Columbia Township
Gregory Martin	Katy Township
Derin Campbell	Public Works

b. Members Absent:

Paul Zullo	Rock Bridge Township
Vacant Seat	Perche Township
Vacant Seat	Missouri Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the June 18, 2009 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris 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 conditional use permit and one 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 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. Also, we ask that you turn off your cell phones.

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, July 28, 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, July 28, 2009 will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by James and Donna McManama on behalf of Ethan W. Taylor for an agri-business use on 3.74 acres located at 22900 N. March Rd., Centralia.

Chairperson Harris stated he represents the McManama's and will therefore recuse himself from the hearing. Chairperson Harris turned the hearing over to the Vice-Chairperson Freiling and left the Commission Chambers.

Planner, Uriah Mach gave the following staff report:

The subject property is 3.74 acres located approximately $\frac{3}{4}$ miles west of Centralia at the intersection of State Highway 22 and March Road. The property is split-zoned, with 2.21 acres zoned A-2 (Agriculture)

and 1.53 acres zoned A-R (Agriculture-Residential). The A-2 is original 1973 zoning, and the A-R was rezoned in 2003, and a conditional use permit was issued for a day care center in 2003. This property has A-2 zoning to the north, south, east, and west, with A-1 (Agriculture) zoning to the south-west. The A-2 zoning to the north, east, and south is original 1973 zoning. The A-2 zoning to the west was rezoned from A-1 in 1999, and in the A-1 to the south-west, conditional use permits were issued for a feed mill and a fertilizer service center.

The applicants are requesting a conditional use permit for an agri-business use of the property. They are proposing a 7200 square foot warehouse for agriculture seed sales, and several vertical bins. Currently, there is a single-wide mobile home and a portable shed on the property. Both will be removed prior to construction beginning on the warehouse if the conditional use permit is approved.

The property is located inside the Centralia R-6 public school district, Public Water Service District #10 service area, and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. This proposal scores 63 points on the point rating system. Staff notified 10 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance, or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The requested use will replace an existing single-wide home on the property and numerous old sheds. The new structure will be built to current building and fire codes. It will have a crushed stone dust-free surface for parking and access. The activity on the property will be seasonal and have one employee, the owner, and occasional part-time help on site. Public testimony may be more indicative as to whether this criterion is met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The proposed use is not likely to have a noticeable impact on existing properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The site has access to all necessary facilities. Road access is to be improved on March Road. Public Water Service District 10 has informed the potential buyer of the need for a water study and a 6" line on the west side of March Road is the nearest water main.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This property is zoned A-2 (Agriculture) and A-R (Agriculture-Residential), with residential uses limited to 2.5 acre lots. Some of the surrounding tracts have the potential to be divided at a higher density than their present status. This use should not restrict the development of the surrounding property.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The site has direct access to March Road, a publicly-maintained road. The proposed use should not hinder traffic or cause congestion on public streets. The application indicates that the use will be seasonal, and should not result in an overall increase in traffic.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 and A-R zoning districts.

The level of activity as described by the application would appear consistent with the criteria for approval of this conditional use permit.

Staff recommends approval of this conditional use permit with the following condition:

1. That fire protection equipment is installed to the satisfaction of the Boone County Fire Protection District and the commercial building code.

Present: Don Bormann, surveyor, 101 W. Singleton St., Centralia.

Mr. Bormann stated he had nothing to add, the applicants have no problem with the staff condition.

Open to public hearing.

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

Closed to public hearing.

Commissioner Schloot made and Commissioner Morgan seconded a motion to **approve the request by James and Donna McManama on behalf of Ethan W. Taylor for an agri-business use on 3.74 acres located at 22900 N. March Rd., Centralia with the following condition:**

1. That fire protection equipment is installed to the satisfaction of the Boone County Fire Protection District and the commercial building code.

Derin Campbell – Yes

Mike Morgan – Yes

John Schloot – Yes

Gregory Martin – Yes

Carl Freiling – Yes

Larry Oetting – Yes

Michael Morrison – Yes

Boyd Harris – **Did not participate**

Motion to approve the request carries: 7 YES

Vice-Chairperson Freiling informed the applicants that this request would go before the County Commission on July 28, 2009 and the applicants need to be present for the hearing.

The hearing was turned over to Chairperson Harris.

VI. Rezoning Requests

None.

VII. Planned Developments

None.

VIII. Plats

1. Grandview Plat 2. S15T50N-R12W. A-2. GW Developers LLC, owner. Christopher m. Sander, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located a on the west side of Frink Road, south of Highway 124, west of Hallsville. This plat divides the remainder of the parent parcel that Grandview Plat No. 1 was split off of in April of 2009. Grandview Plat No. 1 created three lots of approximately 5 acres each. The remainder tract of 44.09 acres is split seven tracts of approximately 5 acres each, and one 7 acre tract. The property is zoned A-2 (Agriculture), and has A-2 zoning to the north and west, A-1 (Agriculture) zoning to the south, and the city of Hallsville to the east. This is all original 1973 zoning.

Four lots have direct access onto Frink Road. The seven acre lot uses the private drive easement created for Grandview Plat No. 1 for access. The remaining three lots use a 30' private ingress/egress easement that sits along the southern property line of lot 9. The applicant has requested a waiver to the traffic study requirement.

Public Water Service District #4 will be providing water service to these lots in an easement extending off of Frink Road. Fire hydrants will be installed to serve the lots created by this plat and Grandview Plat No. 1 to the satisfaction of the Boone County Fire Protection District. Fire protection will be provided by the Boone County Fire Protection District.

The applicant has submitted a cost-benefit analysis for the use of on-site wastewater to these lots. Given that information and the distance to reach available central sewer, on-site systems will be used for this development.

The property has a regulated type II stream running from the northwest corner of lot seven, through lots six, nine, and ten, and leaving the property via the northeastern corner of lot eleven. The required 50' stream buffer has been identified on the plat.

The property scored 60 points on the rating system.

Staff recommends approval of the plat and the requested waiver.

Chairperson Harris asked if the fire district was okay with this plat.

Mr. Mach stated right now, fire is pending for a long term agreement.

Commissioner Campbell asked about the drainage area.

Mr. Mach stated the driveway would need a driveway permit just like any other drive. How the driveway is plugged in to that private drive, that is on private property. The stream buffer that is identified on the plat is the first plat we've had where it has been an issue.

Commissioner Campbell stated Public Works has had a lot of Neighborhood Improvement District (NID) requests lately, if they ever want to go down that road they may want to consider what they put in now.

Mr. Yonke stated it is not eligible to ever be done as a NID if they follow through with this plat.

Commissioner Freiling asked when we have a private road crossing a stream buffer you have the potential for inadequate design and inadequate construction which could create issues in the water shed. Is there anything that gets addressed in this when it is a private road?

Mr. Mach stated we requested a stream buffer plan and forwarded it to Public Works they reviewed it and approved it. It had good contours on it; the site itself is fairly flat. The detail we received for the stormwater plan met the satisfaction of Boone County Public Works.

Mr. Yonke stated in the long run, what we are going to get at is next time we review the subdivision regulations one of staff's intents is to push the no private roads issue even further so that people that divide land are going to have to build public roads and not find away around it.

Commissioner Campbell stated once we have an ordinance in place that would be something that would need to be addressed.

Mr. Mach stated they did modify the road to get a little more space for the stream.

Commissioner Freiling stated this case doesn't look to have the potential for serious problems.

Commissioner Schloot stated he is familiar with this property and has made offers to purchase it. Commissioner Schloot stated he would abstain from voting.

Commissioner Martin made and Commissioner Freiling seconded a motion to **approve** Grandview Plat 2 with waiver request:

Boyd Harris – Yes
Mike Morgan – Yes

Carl Freiling – Yes
Larry Oetting – Yes

John Schloot – Abstain
Gregory Martin – Yes

Michael Morrison – Yes
Derin Campbell – Yes

Motion to approve the plat carries. 7 YES 1 ABSTAIN



IX. Old Business

1. Update on County Commission Decisions

Director, Stan Shawver updated the Commission of the decisions made by the County Commission.

Mr. Yonke handed out a draft copy of the proposed stormwater regulations for review. Mr. Shawver informed the Commission that adoption of the stormwater regulations would require three public hearings. The first to take place during the next Planning and Zoning Commission meeting on August 20, 2009. Another public hearing will take place in Ashland and another in northern Boone County (location to be determined).



2. Open Discussion

Commissioner Freiling stated there was discussion of horse ranches at the last work session. The zoning regulations require 10 acres to have a horse.

Mr. Yonke stated for an equine ranch, which is defined as owning horses, you have to have 10 acres in A-1 or A-2 zoning

Commissioner Freiling made a motion that staff address this in a fashion to modify this 10 acre requirement to have a horse on your property and make suggestions to the Commission.

Mr. Yonke stated staff will need guidance because this opens an issue that staff tried to avoid last time because the horse people that were on the Commission at that time are the ones who took what staff started with and added the lot sizes.

Commissioner Freiling asked if there was a way to change the language from having a horse to boarding a horse.

Mr. Yonke stated yes; we can look at the definition. What you have to be careful with is that does the Commission have an intent for this to be 1 horse and 100 horses the same thing? If it is on 2.5 acres is that legal? This is what we start getting in to.

Commissioner Freiling stated he didn't want to do that. Commissioner Freiling recommended we only deal with it when it is involving horses that you don't own.

Mr. Shawver stated if you have 2.5 acres and 20 horses you have a Humane Society problem. Boarding horses is a different issue.

Chairperson Harris stated the mitigating factor is ownership.

Mr. Shawver stated yes; staff has not told anyone they can not own horses.

Commissioner Freiling stated staff only needs to address A-1 and A-2 zoning.

X. New Business

Annual election of officers.

Boyd Harris was elected Chairperson

Carl Freiling was elected Vice-Chairperson

Paul Zullo was elected Secretary

All nominations were approved by acclamation. None opposed.

XI. Adjourn

Being no further business the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Stan Shawver
Acting-Secretary

Minutes approved on this 20th day of August, 2009