

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, December 17, 2009

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Michael Morrison, Acting Secretary	Columbia Township
John Schloot	Rocky Fork Township
Gregory Martin	Katy Township
Eric Kurzejeski	Missouri Township
Derin Campbell	Public Works

b. Members Absent:

Paul Zullo	Rock Bridge Township
Larry Oetting	Three Creeks Township
Brian Dollar	Bourbon Township
Vacant Seat	Perche Township

c. Staff Present:

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

III. Approval of Minutes:

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

IV. Chairperson Statement

Chairperson Harris entered the statement in to the record:

The Boone County Planning & 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 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 the applicant's 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. Also, we ask that you please 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, December 29th. 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 the hearing tonight and the county commission hearing. The county commission hearing scheduled for Tuesday, December 29th will begin at 7:00 p.m. and will convene in this same room.

Are there any questions about how the meeting will be conducted tonight?

V. Conditional Use Permits

None.

VI. Rezoning Requests

1. Request by Anna Marie Albert Lewis to rezone from R-S (single Family Residential) to A-2 (Agriculture) on 10.3 acres, more or less, located at 60 E. Audubon Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject tract is located on Audubon Road, off of State Route N, approximately 5 miles south of the city limits of Columbia. The applicant is seeking the rezoning of 10.3 acres from R-S (Residential Single-Family) to A-2 (Agriculture). The purpose of this rezoning request is to allow for a family transfer to occur on this property. The property is zoned R-S (Residential Single-Family), with R-S zoning to the north and west, and A-2 zoning to the south, and east. These are all original 1973 zonings.

Currently the property is vacant, with no structures present on the tract. Staff notified 26 property owners about this request. The property scored 16 points on the point rating system.

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: Public water is provided by Consolidated Public Water District #1. There is an existing 4” water line on the north side of Audubon Road. This is sufficient to provide for domestic water service. Electric service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Southern Boone County Fire Protection District.

Transportation: This property has direct access on to Audubon Road, which feeds into State Route N.

Public Safety: The nearest fire station is in Ashland, approximately 5 miles to the southeast. The existing road network provides access for public safety services.

This request meets the requirements of the Boone County Master Plan’s sufficiency of resources test. While the requested zoning is lower density than what currently exists, the present infrastructure is more suited to that level of development than that which is permitted under the current zoning.

Staff recommends approval of rezoning request.

Present: Skip Walther, 700 Cherry St., Columbia.

Skip Walther: This is a down zoning; it is 10 acres the property was conveyed to my client by her dad, Paul Albert. Mr. Albert had a number of children and he gave this property to Ms. Lewis. After Mr. Albert passed away Ms. Lewis didn’t feel it was appropriate to keep this property herself. Ms. Lewis thought about developing the property but now would like to divide it up and give parcels to her siblings. One of the siblings, Eric Albert lives to the west of this property. The 10 acres we are asking to rezone will be divided and part of it will be given to Eric.

Commissioner Freiling made and Commissioner Schloot seconded a motion to **approve** the request by Anna Marie Albert Lewis to rezone from R-S to A-2 on 10.3 acres, more or less, located at 60 E. Audubon Rd., Columbia:

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes
John Schloot – Yes
Derin Campbell – Yes

Michael Morrison – Yes
Eric Kurzejeski – Yes

Motion to approve the request carries unanimously.

VII. Planned Developments

None.

VIII. Plats

1. Stuart Remnant. S2-T51N-R13W. A-2. Karen Stuart, Joshua and Amanda Heath, owners. Nathanael E. Kohl, surveyor.

No one present to represent plat.

The following staff report was entered in to the record:

The subject tract is located at the southeastern quarter of the intersection of State Route F and Everett Carr Road, approximately four miles west of Sturgeon. The applicant is platting three lots that were originally surveyed for division through the family transfer process. The lots are 3.34, 3.30, and 3.29 acres in size. The 3.30 acre lot was divided from the parent parcel through a family transfer completed in 1999. The other two lots were surveyed in a family transfer survey but never transferred through that process. This plat re-divides the property. The remainder of the tract is being divided through a concurrent administrative survey. The property is zoned A-2(Agriculture), and is surrounded by A-2 zoning. These are all original 1973 zonings.

All of the lots have direct access on to Everett Carr Road, and lot 1 also has access on to State Route F. The applicant has requested a waiver to the traffic study requirement.

Water service will be provided by Public Water Service District #10. Electric service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Boone County Fire Protection District.

On-site wastewater is proposed for this lot. Lot 2 has an existing on-site system that serves the house on that lot. That lagoon lies on the line between lot 2 & lot 1. An easement has been recorded and has the approval of the Columbia/Boone County Health department for its location and the fact that it will only serve the house on lot 2. The applicant has requested a waiver to the cost-benefit analysis requirement.

The property scored 33 points on the rating system.

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

Commissioner Freiling made and Commissioner Campbell seconded a motion to **approve** Stuart Remnant with waiver requests:

Boyd Harris – Yes
Gregory Martin – Yes
John Schloot – Yes
Derin Campbell – Yes

Carl Freiling – Yes
Michael Morrison – Yes
Eric Kurzejeski – Yes

Motion to approve the plat carries unanimously.

IX. Old Business

1. Update on Commission action.

Stan Shawver informed the Commission of the decisions made by the County Commission.

X. New Business

Mr. Shawver introduced and welcomed new Commission member Eric Kurzejeski.

XI. Adjourn

Being no further business the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Acting-Secretary
Michael Morrison

Minutes approved on this 18th day of February, 2009