

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, October 21, 2010

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
Mike Morrison, Secretary	Columbia Township
Larry Oetting	Three Creeks Township
Gregory Martin	Katy Township
Paul Prevo	Rocky Fork Township
Kevin Murphy	Perche Township
Derin Campbell	Public Works

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Brian Dollar	Bourbon Township
Eric Kurzejeski	Missouri Township
Michael Poehlman	Rock Bridge Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the August 19, 2010 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 a revised review plan for a planned development and four 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 the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

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.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

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. Also, we ask that you please turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. In that regard, if you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

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 the 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 Thursday, November 4th. 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 Thursday, November 4th, will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning Requests

None.

VII. Planned Developments

1. Request by Henry J. Waters III to approve a revised Review Plan for Turkey Creek Estates, on 30.21 acres, more or less, located at 5130 E. Deer Park Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Deer Park Road, east of Highway 63, approximately 1 ½ miles to the south of Columbia. The applicant has submitted a revised A-1P (Planned Agriculture) review plan. The property is currently zoned A-1P, rezoned from A-1 in 1998. The property is surrounded by original A-1 zoning. The original review plan covered approximately 30 acres with an overall density of 1 lot per 10 acres. This permitted 3 dwellings, but only one 5 acre lot was identified from that plan, with the remainder staying as a single lot. This revision identifies a second 5 acre lot, and the remaining 20 acres staying undeveloped at this time. This revision leaves a single building lot available to this property, maintaining the 1 buildable lot per 10 acres.

Currently, there are no structures on the property. The property scored 41 points on the rating system.

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: Consolidated Public Water Service District #1 has a 2” waterline along the north side of Deer Park Road. A road crossing meter service will need to be established to serve tract 3, and a main extension would be required to serve lot 2. Boone Electric will be providing electric service. On-site systems as permitted by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The proposed five acre lot would have direct access on to Deer Park Road, and the remainder would have access to Deer Park Road through a proposed access easement.

Public Safety: Fire protection will be provided by the Boone County Fire Protection District.

Zoning Analysis: The existing A-1P zoning works well to preserve the rural feel of this part of the county. The overall density remains the same for the entire property, but the smaller 5 acre lot is considered more manageable by the property owner for rural residential development. This proposal is an appropriate use of the A-1P zoning district. Revising the existing plan is the best choice to allow for the creation of a new lot on this property.

Staff recommends approval of the plan.

Present, representing the request:

Tim Crockett, Crockett Engineering, 2608 N. Stadium Blvd, Columbia

Tim Crockett: We concur with staff in that this is a perfect use of the area; it is in compliance with the original planned district.

Open to public hearing.

No one spoke.

Closed to public hearing.

Chairperson Harris: The applicants are adding another private drive; does it meet the requirements for emergency services.

Stan Shawver: Yes.

Commissioner Martin made and Commissioner Murphy seconded a motion to **approve** the request by Henry J. Waters III to approve a revised Review Plan for Turkey Creek Estates, on 30.21 acres, more or less, located at 5130 E. Deer Park Rd., Columbia.

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Derin Campbell – Yes

Motion to approve the request carries unanimously.

Chairperson Harris informed the applicants that this request would go before the County Commission on Thursday, November 4, 2010 and the applicant needs to be present for the hearing.

VIII. Plats

1. Somerset Village. S1-T48N-R12W. R-S / A-2. St. Charles Road Development, LLC, owner. Jay Gebhardt, surveyor.

Commissioner Murphy recused himself from the hearing and exited the room.

Planner, Thad Yonke gave the following staff report:

This property is located northeast of Columbia and shares the western and northern boundary of the property acquired by Columbia Public Schools for a new High School. The property has frontage on the north side of St. Charles Rd. approximately 3900 feet northeast of the intersection of Golf Blvd. and St. Charles Rd. The subject property is situated approximately 2000 feet north of the nearest municipal limit of Columbia. The property of this request is zoned predominantly A-2 (agriculture) with a small portion of R-S (residential-single family) along the St. Charles Rd. frontage. Property to the south across the St.

Charles Rd. frontage is also zoned R-S, as is the property to the west of the site comprised of the golf course owned by the City of Columbia. The property north of the golf course but west of the site is zoned A-2 as is all the property to the north. Property to the east is zoned A-2 and was part of the Copper Creek A-RP request, and while some of that request was rezoned to A-RP the portion that adjoins the subject tract was part of the project for which a final plan was never filed and the review plan has expired. The CPS High School property is zoned A-2. All the zoning of the adjoining tracts are original 1973 zonings.

The applicant is proposing a final major plat of a 47.65 acre portion of the 155.90 acre property shown on the approved preliminary plat. This final major plat will include the creation of a section of new public arterial road, a new public collector roadway and two large lots and one moderate sized lot. The moderate lot, lot 103, is intended to be transferred to the CPS to be added to the High School complex while the two large lots will have to come back through the planning processes before they will be eligible for anything more than one house on proposed lot 102 or two houses on proposed lot 101. These large lots are being created as holding tracts that are anticipated to be proposed for further subdivision and rezoning requests at some point in the future. During review for these proposed changes, all the additional information such as traffic studies and CATSO roadways will be looked at to see what is required. The applicant at the time of the proposed change will be required to provide all needed information as with any new request. The preliminary platting of the entire property will not be considered to vest phase two and three from being required to be modified to provide adequate infrastructure such as additional public roadways.

The site is currently vacant and lies within the Columbia Public School District. The site is in Public Water District #9 and there is a 12 inch waterline along St. Charles Rd. At a minimum, additional waterline will need to be installed in conjunction with the portion of Alder Avenue and Tabor Drive within the plat. It would be prudent, if more intensive development is intended to be proposed in the future, to build the larger capacity with this first phase rather than having to come back and upsize a line that is already in service. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district; however, if the property comes under a pre-annexation agreement with the City of Columbia, it will be subject to both standards and will have to meet the greater of the two. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site systems regulated by the health department.

Since the lots proposed are really only larger chunks of vacant property intended for more intensive development proposals in the future, on-site wastewater seems reasonable. This conclusion is supported since each tract proposed is only eligible for one or two single family dwellings at most. It seems unlikely that any construction will actually occur prior to some additional new request. This site will eventually be proposed to be provided by a sewer main extension that is being brought to the area to serve the new High School by City of Columbia. A condition is recommended that if central sewer becomes available prior to any construction on the lots contained in any Final Plats of property contained in this preliminary plat, then central sewer extension or connection will be required.

Please be aware that the BCRSD has commented that an agreement exists between the District and the City of Columbia that would require annexation or pre-annexation agreements when central sewer service is required or desired for lots 101,102,103. The master plan designates this area as being suitable for residential land uses. The request is consistent with the master plan. The plat scored 73 on the point rating system.

Staff recommends approval of the request and granting of the waivers subject to the following 6 conditions:

1. That it is recognized that any revision of this final plat based upon the approved preliminary plat may be required to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.
2. Should central sewer service become available to serve the lots prior to construction of any buildings on the property, connection to such a central sewer system can be required along with all the requirements to secure such central sewer service.
3. That it is recognized that construction cost estimates were submitted with this final plat. Therefore, the option to bond improvements has been kept open.
4. Infrastructure must be constructed in compliance with approved plans and that bonding may not be undertaken until after all infrastructure plans are approved.
5. The location, extent, and details of the Drainage Easements are to be worked out with County Public Works to the satisfaction of the Planning Director and the County Engineer and such easements will be dedicated on the face of the plat prior to the plat going to County Commission to be received and accepted.
6. If bonding is desired the dollar amount of required bond will be set by the Planning Director based upon recommendation from the County Engineer. Regardless of the state or extent of actual construction of the required infrastructure, bonding is required to be for the full cost of the required infrastructure, its installation, and all associated costs; not simply that portion of the infrastructure that has not yet been built. If the improvements are not bonded as part of the final plat, then the final plat can't be recorded until all infrastructure is installed, inspected, approved, and accepted. No property can change hands until the final plat is recorded.

Present, representing the request:

Cody Darr, A Civil Group, 1123 Wilkes Blvd, Columbia

Cody Darr: The staff report sums up the applicants request; any future development will require rezoning.

Commissioner Harris made and Commissioner Martin seconded a motion to **approve Somerset Village with waivers and the following six conditions:**

1. That it is recognized that any revision of this final plat based upon the approved preliminary plat may be required to provide additional analysis and information and may even be required to go through the process to obtain approval of a new preliminary plat if anything more intensive is proposed than one or two houses for any individual lot.
2. Should central sewer service become available to serve the lots prior to construction of any buildings on the property, connection to such a central sewer system can be required along with all the requirements to secure such central sewer service.
3. That it is recognized that construction cost estimates were submitted with this final plat. Therefore, the option to bond improvements has been kept open.
4. Infrastructure must be constructed in compliance with approved plans and that bonding may not be undertaken until after all infrastructure plans are approved.
5. The location, extent, and details of the Drainage Easements are to be worked out with County Public Works to the satisfaction of the Planning Director and the County Engineer and such easements will be dedicated on the face of the plat prior to the plat going to County Commission to be received and accepted.
6. If bonding is desired the dollar amount of required bond will be set by the Planning Director based upon recommendation from the County Engineer. Regardless of the state or extent of

actual construction of the required infrastructure, bonding is required to be for the full cost of the required infrastructure, its installation, and all associated costs; not simply that portion of the infrastructure that has not yet been built. If the improvements are not bonded as part of the final plat, then the final plat can't be recorded until all infrastructure is installed, inspected, approved, and accepted. No property can change hands until the final plat is recorded.

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Derin Campbell – Yes

Motion to approve the plat passes unanimously

Commissioner Campbell: Who is doing the land disturbance permit?

Cody Darr: Columbia Public Schools.

Commissioner Murphy returned to the proceedings.

2. Benedict. S24-T50N-R12W. A-2. Janet Woolridge, Evelyn Gates, David Benedict and Sherri Rueter, owners. J. Daniel Brush, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Low Crossing Road, approximately 1 ½ miles east of State Route B, 1 mile south of the City of Hallsville. The applicant is proposing to split off a 4.30 acre lot from the parent parcel of 30.35 acres. The property is zoned A-R (Agriculture- Residential), and has A-R zoning to the north & west, with A-2(Agriculture) zoning to the east and south. This is all original 1973 zoning.

The property has direct access onto Low Crossing Road. The applicant has requested a waiver to the traffic study requirement.

The property has water service from Public Water Service District #4, Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District will provide fire protection services.

An on-site waste water system is present to serve the existing dwelling on the property. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 36 points on the rating system.

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

Commissioner Murphy made and Commissioner Oetting seconded a motion to **approve** Benedict plat **with waivers**:

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Derin Campbell – Yes

Motion to approve the plat passes unanimously

3. Westhoff. S18-T46N-R11W. A-2P. David and Kimberly Westhoff, owners. Steven R. Proctor, surveyor.

Planner Uriah Mach gave the following staff report:

The subject property is located on Hawkins Road, south of State Route Y, approximately 2 ½ miles to the east of Ashland. The applicant intends to divide the property into two lots, each approximately 8.5 acres in size. The property is zoned A-2P, rezoned in August of 2010. The surrounding properties are all zoned A-1, and it is all original 1973 zoning.

Currently, there is a house, a shed, and a barn located on this property. This plat will create two lots, one with the house and, and the barn on the other. The property scored 32 points on the rating system.

The Master Plan designates this property as suitable for agricultural and rural residential land uses.

The two lots are directly accessed off of Hawkins Road. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 provides water service to this property. Boone Electric will be providing electric service. Fire protection will be provided by the Boone County Fire Protection District.

An on-site wastewater system currently serves the existing house. An on-site system is proposed for the vacant lot. The applicant has submitted a cost-benefit analysis for the use of on-site wastewater to these lots.

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

Commissioner Murphy: If they build another house in the future on lot 2 is that going to be regulated by the stormwater regulations?

Uriah Mach: I would imagine so.

Commissioner Murphy made and Commissioner Martin seconded a motion to **approve Westhoff plat with waivers:**

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Derin Campbell – Yes

Motion to approve the plat passes unanimously

4. Nemow. S1-T50N-R13W. M-LP. S. Diane Heuer, owner. Mark W. Robertson, surveyor.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Old Highway 63 North, approximately six miles to the west of Hallsville, just south of the intersection of Bill Lawrence Road and Breedlove with Highway 63. The applicant has submitted a replat of Nemow Subdivision, which was originally platted in 1998. The original plat was 2.90 acres in size, and the replat expands the lot into a 4.68 acre lot to support the expansion of the insulation business on site. The property is split-zoned C-GP(Planned General Commercial) and A-2(Agriculture), with a concurrent M-LP(Planned Light Industrial) final plan awaiting approval.

Currently, there is an office structure and four warehouse storage structures on the site. A fifth structure is proposed on the west side of the property. The proposal scored 25 points on the point rating system.

The Master Plan designates this property as suitable for agricultural and rural residential land uses.

This property has direct access on to Old Highway 63 North, a county-maintained road. The applicant has submitted a request to waive the traffic study requirement.

This property is served by a Public Water Service District #10 2" line for water, Boone Electric Cooperative for electrical service, and will use an on-site wastewater system regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property is in the Boone County Fire Protection District. The closest fire stations are located approximately 6 miles from this site in Hallsville or Sturgeon.

Staff recommends approval of this request and granting the requested waivers.

Uriah Mach: This site was expanded to meet the previously approved review plan and to make room for the improvements that have been made on the site since 1998. As Commissioner Campbell mentioned it will go through stormwater review as they are going to be doing some paving and during construction.

Commissioner Murphy: Will the plat be held up or not recorded until the stormwater BMP's that are required are installed?

Bill Florea: Yes, it will be held up until those are installed.

Commissioner Murphy: So if we pass this on to the Commission and they approve it but it just won't be recorded.

Bill Florea: It won't go to Commission until the infrastructure is complete.

Commissioner Murphy made and Commissioner Martin seconded a motion to **approve** Nemow plat **with waiver**:

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes
Derin Campbell – Yes

Kevin Murphy – Yes

Motion to approve the plat passes unanimously

IX. Old Business

1. Update on County Commission Action

Mr. Shawver updated the Commission on decisions made by the County Commission:
The rezoning request by Diane Heuer was approved as recommended.
The rezoning request by Westhoff was approved as recommended

2. East Area Plan

Mr. Shawver stated that staff provided the Commissioners with a website to review the East Area Plan and unless there is some objections it is requested that the Planning and Zoning Commission make a recommendation to the County Commission so they can conduct their public hearing and go forward with adoption.

Commissioner Murphy made and Commissioner Martin seconded a motion to recommend adoption of the East Area Plan.

Boyd Harris – Yes
Gregory Martin – Yes
Paul Prevo – Yes
Derin Campbell – Yes

Michael Morrison – Yes
Larry Oetting – Yes
Kevin Murphy – Yes

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:43 p.m.

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 18th day of November, 2010