

**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, November 18, 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
Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morrison, Secretary	Columbia Township
Gregory Martin	Katy Township
Eric Kurzejeski	Missouri Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Kevin Murphy	Perche Township
Brian Dollar	Bourbon Township
Derin Campbell	Public Works

b. Members Absent:

Larry Oetting	Three Creeks Township
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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 October 21, 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 rezoning request for a planned development and three 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 Tuesday, November 30<sup>th</sup>. 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, November 30<sup>th</sup>, 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 Gary and Rhonda Wilson to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a Review Plan for Silver Creek Subdivision on 19.21 acres, more or less, located at 5450 E. Hwy 124, Hallsville.

Planner Bill Florea read the following staff report:

The property is located on the south side of Highway 124 approximately 1400-feet west of Hallsville. The parent tract is 80.61 acres in area and is occupied by two single family residences. The portion of the parent tract that is the subject of the rezoning request is 19.21 acres and is occupied by one of the existing residences. The current zoning for this property is A-2, which is the original zoning. Zoning to the north (across 124) is A-R. All other adjacent zoning is A-2. The Master Plan identifies this site as being suitable for residential land uses. No previous requests have been made on behalf of this property.

The application includes a request to rezone the property to Agriculture Residential-Planned, AR-P along with the required review plan and a preliminary plat. The proposal is to create 8-residential lots varying in size from 2.00 to 3.11 acres. If approved, the resulting density will be one home per 2.4 acres.

The Master Plan identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposed rezoning. The sufficiency of resource test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. The resources used in the test can generally be broken down into three categories: utilities, transportation and public safety services.

Utilities:

The property is in Public Water Supply District 4. There is a 10-inch diameter waterline in place along the frontage of this property. The developer proposes to connect to the City of Hallsville sewer system. Hallsville has confirmed that it is willing to provide the connection. That connection will be in place prior to recording the first plat.

Transportation

All lots except Lots 2 and 4 will have direct frontage on 124. Lots 5 and 3 will have a shared access point, Lots 6 and 7 will have a shared access point, Lot 8 will have direct access to 124. Lots 1, 2, 3 and 4 will share a common privately maintained access. The privately maintained access strip will be used exclusively for this subdivision until it is dedicated and built as a public street.

All access points to Hwy 124 will require permits from MoDOT. MoDOT has reviewed the proposed location of the privately maintained access for compliance with sight distance requirements.

Right of way sufficient to provide a 33' half-width right of way will be dedicated on the final plats.

#### Public Safety Services

The property is within 1.7 miles of the nearest fire station. Public safety services to this location should be adequate for the needs of the development.

Three locations are show for the placement of subdivision identification signs. However, Boone County sign regulations only allow one such sign per street frontage and the sign must be located within 75' of the subdivision entrance. The sign location shown on Lot 8 does not meet the 75' criteria and must be removed. The two locations on Lots 1 and 3 may remain but only one may have an actual sign installed on it.

The property scored 78 points on the rating system. Staff notified 21 property owners about this request.

Staff recommends recommendation approval of the rezoning.

Staff recommends approval of the Review Plan subject to the following conditions:

1. The 66' wide private access strip shall be relabeled from "Unplatted Access Strip" to "Private Access Strip". It shall be used exclusively for vehicular and utility access to Lots 1-4 until such time as the owner improves it as a public street and dedicates it to the public in accordance with a future subdivision plat.
2. The developer shall submit a maintenance plan and agreement for the private access strip with the final plat that creates Lot 1, 2, 3 or 4. After approval by the County, the developer shall record the agreement prior to recording the final plat for any of the lots that abut it. The recorded book and page of the maintenance agreement shall be cross referenced on all final plats that create lots 1-4.
3. All subdivision identification signs shall comply with the Boone County Zoning Regulations. The location on Lot 8 shall be removed from the review plan. Only one sign can be placed along the road frontage either at the location shown on Lot 1 or Lot 3 but not both.

Staff recommends approval of the Preliminary Plat.

Present representing the plat:

David Butcher, Crockett Engineering, 2608 N Stadium Blvd, Columbia

David Butcher: The sewer and driveways are the biggest issues. The sewers will be connected to the City of Hallsville system and they have agreed to allow us to connect. Our anticipation is that the first plat will show a connection from the City of Hallsville to this development and any of the lots that are going to be platted at that time.

The purpose of the plan is to limit the amount of driveways that are fronting on to Highway 124. There was a little concern from John Kuhlman with MoDot at one time when we discussed this in stacking these in here, it would create a lot of driveways and it really didn't appeal to him. It is zoned A-2 so we decided

that the best feasibility was to get as many lots as we could stacked up against the edge but it would be too narrow and it would not meet the 3:1 criteria so we thought we would stack them behind it and create one single access point instead of multiple access points. Regarding the driveway access; we left it available for future development in the back and it may be possible someday to make it a public street. At this point we are assuming that will be the only thing on this.

Commissioner Martin: This plat represents two different acreages; is that due to the unplatted access strip?

David Butcher: We originally left out the strip and it was suggested we add it to get the private drive; it needed to be included in order to allow for a private drive.

Chairperson Harris: Where is the sewer going to come from? Is it coming from Town Square and up the south side of highway 124?

David Butcher: The lagoon system for the city of Hallsville is just north of this property.

Chairperson Harris: Will it be a gravity system or a lift station?

David Butcher: There will be a lift station.

Chairperson Harris: Looking at lots 2 and 4, by the time you figure the setbacks on the front and the pipeline on the back are those still buildable lots?

David Butcher: Yes; I put a 60 by 80 footprint of a building on there to make sure it would meet all the required setbacks and everything seemed to be fine. As long as we don't build in the easement we can get up next to it.

Chairperson Harris: Where the driveway dead ends, is it okay to do that or does there need to be a turn around?

Bill Florea: It is just a private access drive so we have no standard that applies.

Commissioner Poehlman: If they develop behind it would that be big enough to be a street someday?

Bill Florea: Yes. It matches the width for a collector street right of way.

Commissioner Freiling: Any addition to the south would require the street being brought to county standards.

Bill Florea: Yes.

Michael Poehlman: Is there a limit to the number of driveways that can enter the highway there or is there a rule of thumb to use?

Bill Florea: I don't know; it is a state highway so it is not under our jurisdiction. We do this in consultation with MoDot.

David Butcher: I think the rule of thumb has always been 4. Really it is whatever is approved on the plan as long as we can sufficiently support that access. MoDot doesn't seem to have an issue with it. They realize that someday it is going to be a street if it ever gets developed.

Michael Poehlman: Where is the record that MoDot looked at it?

Bill Florea: We have comments from MoDot in our file.

Michael Poehlman: Are they okay with it?

Bill Florea: They are okay with the private access strip. They require permits for the other locations.

David Butcher: The other locations are existing driveways; they have already allowed those locations. We anticipate having shared access points. The only one that would need to have approval would be lot 8 but it is going to share a drive with lot 7.

Chairperson Harris: Is the unplatted access strip also an existing entry?

David Butcher: No.

Chairperson Harris: So that will be the only new entry on to the highway.

David Butcher: Possibly two if lot 8 is required.

Commissioner Murphy: This isn't land locked to the south?

David Butcher: No. On the right side of the plan there is a driveway access; that and the access strip would prevent it from being land locked.

Commissioner Murphy: What is the reasoning for not platting the access strip?

Bill Florea: We are requiring it to be platted.

David Butcher: Originally it wasn't going to be platted because we didn't want to have to build a public street there to access four driveways until we were ready to develop something to the rear.

Commissioner Murphy: Is this access or future roadway due to the owner's desire?

David Butcher: No, the Boone County Fire Protection District had requested it; they wanted two access points to the rest of the property.

Commissioner Murphy: How many acres to the south?

David Butcher: Maybe 60.

Open to public hearing.

Bill Florea: Staff received a letter from Victor Newton regarding the proposed development; it does not indicate whether they are in favor or opposition but they did raise concerns about stormwater runoff.

Bill Florea read the following letter in to the record:

“Thank you for your timely notification for the meeting presently scheduled for October 21, 2010 (\*see note below). I am the owner of the property at 13701 Frink Rd, Hallsville, MO 65255, presently occupied by Nelda Coffman, my sister-in-law and long-time resident at that address. Recently the property was upgraded by replacing an old mobile home with a much newer one and building a new lagoon. In reviewing the plat of the Frink Road property I see that the proposed Silver Creek Subdivision will be upstream on a stream that crosses our property. That stream has a sharp bend just before entering our property and with time will encroach on our property near the new lagoon. Any increase in the flow of that stream will increase the cutting of the bank, effectively moving the course of the stream toward the lagoon. I am therefore concerned that adequate stormwater control is provided for in the plans and construction of the Silver Creek Subdivision so that the flow of water into the stream is not increased, in either total flow or in peak flow rate during periods of heavy rain. I request that the commission assure that this concern is adequately addressed as the Silver Creek Subdivision development proceeds, and that this letter be entered into the minutes of the meeting that addresses the referenced rezoning request. Thank you for your concern with the wellbeing of all property owners in Boone County. Victor Newton.”

(\*Administrative note: This request was originally scheduled for October 21, 2010 however it was removed from the agenda and placed on the November 18, 2010 agenda)

Closed to public hearing.

David Butcher: Currently the property is zoned A-2 which allows for 2.5 acre tracts. The property to the north is A-R. Under A-2 open zoning we wouldn't have any stormwater protection except for the stream buffer itself. We wouldn't have anything for stormwater control like we are showing on this plan. This density has brought us to 2.4 instead of 2.5. By allowing this rezoning you are putting in place the protections of the stream and stormwater control.

Bill Florea: The county stormwater regulations apply to this development whether or not it is a planned development. There are stormwater protections in place whether it is a planned development or not.

The property owner indicated that Victor Newton is confused about where the property is.

Chairperson Harris: The water is running downhill at this point.

Commissioner Murphy made and Commissioner Dollar seconded a motion to **approve** the request by Gary and Rhonda Wilson to rezone from A-2 to A-RP on 19.21 acres, more or less, located at 5450 E. Hwy 124, Hallsville.

Boyd Harris – Yes

Gregory Martin – Yes

Brian Dollar – Yes

Michael Poehlman – Yes

Derin Campbell – Yes

Carl Freiling – Yes

Michael Morrison – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Motion to approve the request carries unanimously.

Commissioner Murphy made and Commissioner Dollar seconded a motion to **approve** the request by Gary and Rhonda Wilson to approve a Review Plan for Silver Creek Subdivision on 19.21 acres, more or less, located at 5450 E. Hwy 124, Hallsville **with three conditions:**

1. The 66' wide private access strip shall be relabeled from "Unplatted Access Strip" to "Private Access Strip". It shall be used exclusively for vehicular and utility access to Lots 1-4 until such time as the owner improves it as a public street and dedicates it to the public in accordance with a future subdivision plat.
2. The developer shall submit a maintenance plan and agreement for the private access strip with the final plat that creates Lot 1, 2, 3 or 4. After approval by the County, the developer shall record the agreement prior to recording the final plat for any of the lots that abut it. The recorded book and page of the maintenance agreement shall be cross referenced on all final plats that create lots 1-4.
3. All subdivision identification signs shall comply with the Boone County Zoning Regulations. The location on Lot 8 shall be removed from the review plan. Only one sign can be placed along the road frontage either at the location shown on Lot 1 or Lot 3 but not both.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Paul Prevo – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Derin Campbell – NO	Kevin Murphy – Yes

Motion to approve the request carries. 9 YES 1 NO

Chairperson Harris informed the applicants that these requests would go before the County Commission on Thursday, November 30, 2010 and the applicant needs to be present for the hearing.

#### VIII. Plats

1. Silver Creek preliminary plat. S15-T50N-R12W. Gary and Rhonda Wilson, owners. David T. Butcher, surveyor.

See staff report and discussion under rezoning request.

Commissioner Murphy made and Commissioner Dollar seconded a motion to Silver Creek Subdivision.

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Paul Prevo – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Derin Campbell – NO	Kevin Murphy – Yes

Motion to approve the plat carries. 9 YES 1 NO

2. Haystack Acres Addition Plat 2. S18-T49N-R12W. Oakland Missionary Baptist Church of Columbia, Missouri, owner. James V. Patchett, surveyor.

The property is located on Northwood Drive, approximately ½ mile to the north of the city of Columbia. The property owners are replatting three lots platted as lots 30, 31, & 32 of Haystack Acres Addition into one single lot. There is a large church building located on this property, specifically lot 31, but the owners are wishing to install an over-height steeple on the church. In doing so, they need additional setback space for the height difference between the zoning district maximum and the additional height of the steeple. The property is zoned A-R (Agriculture-Residential), and was rezoned from A-2 (Agriculture) in 1978. It is surrounded by A-R zoning created in the same rezoning action in 1978.

The property has direct access on to Northwood Drive. The applicant has requested a waiver to the traffic study requirement.

The applicant has water service from Public Water Service District #4, electrical service from Boone Electric, and fire protection from the Boone County Fire Protection District.

This property has access to central sewer from the Boone County Regional Sewer District.

The property scored 73 points on the rating system.

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

No one present to represent the plat.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve Haystack Acres Addition Plat 2 with waivers:**

Boyd Harris – Yes	Carl Freiling – Yes
Gregory Martin – Yes	Michael Morrison – Yes
Brian Dollar – Yes	Paul Prevo – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Derin Campbell – Yes	Kevin Murphy – Yes

Motion to approve the plat passes unanimously

3. Rold Acres. S18-T49N-R11W.Lloyd E Cunningham, owner. Michael L. Klassing, surveyor.

The subject property is located on Mount Hope Road, at the point where Hawk Road connects with Mount Hope Road, approximately three miles east of the city of Columbia. The plat divides a 2.50 acre lot from a 260 acre parent parcel. The property is zoned A-2 (Agriculture), and has A-2 property to the west and north, and A-1 (Agriculture) property to the east, and south. This is all original 1973 zoning.

The property has direct access on to Mount Hope Road. The applicant has requested a waiver to the traffic study requirement.

The subject property is served by Public Water Service District #9 for water service, Boone Electric for electrical service, and inside the Boone County Fire Protection District.

An on-site system is proposed for serving the single dwelling being built on the property. That system will be regulated by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

This property received variances for the location of the barn and its infringement into the front setback of the property from the Boone County Board of Adjustment in September of 2010.

The property scored 43 points on the rating system.

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

No one present to represent the plat.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** Rold Acres **with waivers**:

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Brian Dollar – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – 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 revised review plan for Turkey Creek Estates was approved as recommended.

The plat for Somerset Village is being held until installation of infrastructure or appropriate surety.

The plats for Benedict Subdivision and Westhoff Subdivision were approved as recommended.

The plat for Nemow Subdivision is on hold because there are some stormwater issues.

### 2. East Area Plan

Stan Shawver: The County Commission has scheduled a public hearing for the East Area Plan at their November 30, 2010 meeting.

### 3. North East Area Plan

Stan Shawver: The County Commission adopted the North East Area Plan at their October meeting.

X. New Business

1. Revised Flood Insurance Maps

Stan Shawver stated that Boone County has flood zone and flood plain regulations which are part of the zoning regulations. They are based on flood plain maps that were issued by the Federal Emergency Management Agency in 1983. FEMA has completed a four year process to update the maps. The Planning and Zoning Commission is required to hold three public hearings before making a recommendation to the County Commission. The first public hearing will be at the next Planning and Zoning Commission meeting on December 16, 2010.

There was discussion among the Commissioners as to where to hold the other two public hearings. The decision was made to hold meetings in Ashland and Hallsville.

XI. Adjourn

Being no further business the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Secretary  
Michael Morrison

Minutes approved on this 16<sup>th</sup> day of December, 2010