

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, May 19, 2011

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
Gregory Martin	Katy Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township
Paul Prevo	Rocky Fork Township
Kevin Murphy	Perche Township

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Brian Dollar	Bourbon Township
Michael Poehlman	Rock Bridge Township
Derin Campbell	County Engineer

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the April 21, 2011 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

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 a conditional use permit and a revised review plan for a planned development that has been previously approved

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. Please sign the sheet on the table after you testify. Also, we ask that you 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. 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, May 31st. 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, May 31st, will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Miller's Inc. for a permit for a warehouse on 5.01 acres, located at 5925 S Hwy 63, Columbia.

Commissioner Martin stated that due to a conflict of interest he would not partake in this hearing and left the Commission Chambers.

Uriah Mach gave the following staff report:

The subject property is 5925 Hwy 63 South, located on Ponderosa Street, near Meyer Industrial Drive and Bonne Femme Church Road, to the west of Highway 63. The property is 5.01 acres in size and was platted as lot 1 of Triple B Doors Subdivision. The property is zoned C-G(General Commercial), and it is original 1973 zoning. There is C-G zoning to the northwest, south, and east; M-LP(Planned Light Industrial) zoning to the north, A-1(Agriculture) zoning to the west, and R-M(Residential Moderate Density) zoning to the north. The master plan identifies this property as being suitable for residential land uses.

The applicant is requesting a conditional use permit to operate a wholesale establishment or warehouse. There have been no prior requests on this property.

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 property is located in an existing commercial/industrial area. This use is low impact compared to other activities in the area. It should not be injurious to the use and enjoyment of other property in the immediate vicinity.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. 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 existing structure, while it may undergo remodeling, has sufficient facilities to serve this use. With direct access onto Ponderosa Road and limited need for utilities, the existing infrastructure should support this use.

(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.

The surrounding property is in varying states of development. To the north and east of the subject property, the area has developed in accord with the zoning, and any redevelopment will not be limited by the granting of this conditional use permit. To the south, the C-G zoning present will not be limited by this conditional use permit; it will be limited by the availability of infrastructure to support the desired use. To the west, the undeveloped agriculturally-zoned property serves as a buffer between the commercial/industrial activity on Ponderosa and the residential uses further west. Development of this area will likely come with additional infrastructure improvements, but the approval of this conditional use permit will not impede that development.

(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.

This use should not generate more traffic than any of the surrounding uses. The warehousing activity should be able to be supported by the existing road infrastructure.

(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 C-G zoning district.

The property scored 83 points on the rating system.

Staff recommends approval of the request with the following condition:

1. No outside storage to be permitted.

Present representing request:

Tracy Eichhorn, 701 E. Cedar Tree Lane, Hartsburg

Tracy Eichhorn: The building will be used for warehousing materials that we use in our production facility located at 1712 East Point Drive. We will store mainly paper goods there; we are in the photographic industry so there would be a lot of paper and cardboard. We may do some paper cutting but very little. Two, maybe three people will be there on and off throughout the day. We have a cargo truck that will be used to transport things between the two facilities. We may take some deliveries there but the main deliveries will go to East Point Drive.

Chairperson Harris: What about the staff condition that says there will be no outside storage?

Tracy Eichhorn: All of the product has to be stored in a climate controlled area so it will be inside.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Murphy made and Commissioner Prevo seconded a motion to **approve** the request by Miller's Inc. for a permit for a warehouse on 5.01 acres, located at 5925 S Hwy 63, Columbia with the following condition:

1. No outside storage permitted.

Boyd Harris – Yes

Michael Morrison – Yes

Larry Oetting – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Motion to approve request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on Tuesday, May 31, 2011 and the applicant needs to be present for the hearing.

Commissioner Martin returned to the Commission Chambers.

VI. Rezoning Requests

None.

VII. Planned Developments

1. Request by VH Properties LLC to revise an approved Review Plan for Boone West Planned Industrial Development on 21.51 acres, located at 5875 W Van Horn Tavern Rd., Columbia.

Planner Thad Yonke gave the following staff report:

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for the changes on the revised review plan was rezoned from C-GP (planned commercial) to M-LP (planned industrial) in 2010. The portion of the overall planned area that has proposed changes is contained on the 4.23 acres containing the former Columbia Public School building. The remainder of the area shown on the revised plan is comprised of three additional parcels that have all been rezoned at some point previously to M-LP. The entire area under the proposed revised review plan is 21.51 acres in total including the property with proposed revisions. This entire 21.51 acres is zoned M-LP. Property to the northwest across I-70 is zoned C-G (general commercial), north is zoned A-2 (agriculture), northeast is zoned A-R (agriculture-residential). Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the M-LP and C-GP are original 1973 zonings.

The site of the revision is currently the location of a single building formerly used by the Columbia Public Schools as a maintenance facility. This structure was proposed to be removed and replaced by a new building; however, this new proposal would still allow this to happen but also allows for the remodeling and additions to the existing building potentially including second story areas. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet

required fire flow will be at the developers cost. Sewer is currently provided by a collector wastewater system that serves the multiple buildings of the campus and is in the process of being upgraded so the facility can be turned over to BCRSD for operation and maintenance. Any new buildings will be required to hook up to the public sewer. The PID Plan proposes possible expansion areas of two other buildings on the campus but these were approved on the plan last year and are not new proposals. The list of Allowed Uses is the same as approved previously and the property already has been granted a CUP for the manufacture or assembly of metal or fiberglass products: such as firearms for the Battenfeld and Midway Arms buildings identified on the current plan. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The property scored 80 points on the rating system. Staff notified 21 property owners concerning this request.

Staff recommends approval of the Revised PID Review Plan subject to the following recognition. (same as last version):

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Present, representing request:

Matthew Kriete, Engineering Surveys & Services, 1113 Fay Street, Columbia
Denny Stephenson, 5875 W. Van Horn Tavern, Columbia.

Matthew Kriete: This is very similar to the last revision the Commission saw. The existing building has been renovated and the applicant's intent is to be able to add on to the building. The old plan had showed the building pushed further to the east; similar building with similar parking. Other than location it is very similar to what the Commission saw before.

Chairperson Harris: The plan right now is to remodel and use the existing footprint and not expand it.

Matthew Kriete: The building will be expanded as well. There will be some expansions in the immediate future.

Commissioner Murphy asked about the flood plain note.

Thad Yonke: It has the old flood plain note; there will need to be a correction on that.

Commissioner Murphy: The stream buffer seems to call a regulated type 2 stream buffer on the east side of the creek and on the west side it is a voluntary buffer.

Matthew Kriete: When it was revised it was right about the time that the stream buffer regulations were going to be adopted; we took on a voluntary stream buffer based on what we thought would be the best guess.

Commissioner Murphy: So that was established in a prior plan?

Matthew Kriete: Yes.

Thad Yonke: In order not to make changes on other areas they kept it exactly the same.

Commissioner Murphy: The stormwater notes says tract 3, phase A, that would be subject to the remodel and would be subject to Boone County Stormwater Ordinance. It goes on to say that for water quality they would be using the MoDot requirement for detention for the 10 year rainfall event.

Matthew Kriete: By ordinances it is actually more restrictive to follow MoDot for detention and more restrictive for water quality in Boone County. So we have taken the more restrictive of the two requirements.

Commissioner Murphy: This campus seems to keep evolving and looking better every day.

Chairperson Harris: I always have thought that this is one of the stellar examples of a campus plan and how to do it right.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Murphy made and Commissioner Martin seconded a motion to **approve the request by VH Properties LLC to revise an approved Review Plan for Boone West Planned Industrial Development on 21.51 acres, located at 5875 W Van Horn Tavern Rd., Columbia with the following condition:**

1. The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Eric Kurzejeski – Yes

Motion to approve request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on Tuesday, May 31, 2011 and the applicant needs to be present for the hearing.

VIII. Plats

None

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Planning and Zoning Commission of the decisions made by the County Commission.

The rezoning request for Vomund was approved as recommended.

The plat for River Look was approved and accepted.

X. New Business

Commissioner Murphy asked about the Highway 63 corridor.

Stan Shawver stated the Planning and Zoning Commission will meet with the County Commission at the June study session.

XI. Adjourn

Being no further business the meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 21st day of July, 2011