

**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 19, 2012**

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
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Paul Prevo	Rocky Fork Township
Larry Oetting	Three Creeks Township
Eric Kurzejeski	Missouri Township

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Derin Campbell	County Engineer
Brian Dollar	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the June 21, 2012 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following statement into the record:

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 two rezoning requests and a 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 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, July 31<sup>st</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, July 31<sup>st</sup>, will begin at 7:00 p.m. and will convene in this same room.

## V. Conditional Use Permits

None

## VI. Rezoning

1. Request by David and Christine Casey to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan on 15.0 acres, more or less, located at 9420 E Clatterbuck Rd., Ashland.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Clatterbuck Road, approximately 2 miles east of the city of Ashland, near Bob Veach Road. The applicants own a 15 acre tract, currently zoned A-1(Agriculture). It is surrounded by A-1 zoning, all of which is original 1973 zoning. There is currently a house and shed on the property. Their location, within the setback, was approved by the Boone County Board of Adjustment 24 May 2012 as case number 2012-004. The applicants are submitting a request to rezone the property, currently zoned A-1(Agriculture), to A-2P(Planned Agriculture). Under the proposed review plan, the property will be divided into two lots, each approximately 7 acres in size.

The Boone County Master Plan designates this area as being suitable for agricultural and rural residential land uses. The Master Plan also identifies a “sufficiency of resources test” to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: The property is located in the Consolidated Public Water Service District #1 service area. There is existing service to the house located on proposed Lot 1. To establish service to Lot 2, a waterline extension will be required. Boone Electric will provide electrical service.

Transportation: The subject tract has direct access on to Clatterbuck Road, a county-maintained public right-of-way.

Public Safety: The subject tract is located in the Southern Boone County Fire Protection District, whose nearest station is located in the city of Ashland, approximately 2 miles to the west.

Zoning Analysis: The zoning requested, A-2P(Planned Agriculture), meets the requirements of the applicants. The nearest higher density zoning, A-2(Agriculture), is approximately ¼ of a mile away to the west. The lots proposed by the review plan are consistent with the overall character of the immediate area, as are the proposed uses for the property.

The property scored 47 points on the rating system.

Staff recommends approval of the rezoning request and the review plan.

Present representing the request:

Steve Proctor, Trabue Hansen, & Hinshaw, Columbia  
Christine Casey, 9420 Clatterbuck Rd., Ashland

Steve Proctor: The primary reason for the rezoning is to do a family transfer but there was not enough acreage to do a family transfer under the A-1 zoning.

Christine Casey: I have lived on the property since 1977 and I would like to sell my current house to my adult son and his family. I will build another house and my 33 year old son will have his own space and independence in the full basement. I visited with Uriah Mach and he explained this whole process and we've been working on it ever since.

Open to public hearing.

No one spoke in favor or opposition.

Uriah Mach: We received a letter in support of the request from Mr. Steinberg who is a neighbor.

Closed to public hearing.

Commissioner Martin made and Commissioner Prevo seconded a motion to **approve** the request by David and Christine Casey to rezone from A-1 to A-2P on 15.0 acres, more or less, located at 9420 E Clatterbuck Rd., Ashland.

Boyd Harris – Yes  
Gregory Martin – Yes  
Paul Prevo – Yes  
Eric Kurzejeski – Yes

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

Motion to approve the rezoning request passes unanimously.

Commissioner Prevo made and Commissioner Kurzejeski seconded a motion to **approve** the request by David and Christine Casey to approve a Review Plan on 15.0 acres, more or less, located at 9420 E Clatterbuck Rd., Ashland.

Boyd Harris – Yes  
Gregory Martin – Yes  
Paul Prevo – Yes  
Eric Kurzejeski – Yes

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

Motion to approve the review plan passes unanimously

Chairperson Harris informed the applicants that this request will be heard by the County Commission on Tuesday, July 31, 2012 at 7:00 p.m. and the applicants need to be present.

- Request by Karen Kay Furlong Heritage Trust to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan for Furlong Acres on 22.7 acres, more or less, located at 20635 and 20803 N Tucker School Rd., Sturgeon.

Planner, Uriah Mach gave the following staff report:

The subject tract is located approximately 3 miles south of the city of Sturgeon on Tucker School Road, north of Monroe Drive. The property is 21.61 acres in size, zoned A-1(Agriculture), and is surrounded by A-1 zoning. This is all original 1973 zoning. There are currently two houses and a few barns on the property. The applicant is requesting a rezoning to A-1P(Planned Agriculture) for purposes of subdividing the property into three lots. Two lots, sized at approximately 5 acres each, will contain the two houses, and the third, at approximately 10.58 acres, will be solely for agricultural purposes. Under the A-1P, this land division is made possible by using the density on the entire 21 acres to create two residential lots smaller than 10 acres while restricting the remainder's development potential.

The Boone County Master Plan designates this area as being suitable for agricultural and rural residential land uses. The Master Plan also identifies a "sufficiency of resources test" to be used in determining whether there are sufficient resources available to support the proposed uses.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: The subject property is located in Public Water Service District #10. Any new development on this property requiring water will require consultation with the District for setting a new meter. Boone Electric will provide electrical service to the property, and the property is located in the Boone County Fire Protection District.

Transportation: The subject tract has direct access on to Tucker School Road, a county-maintained public right-of-way.

Public Safety: The subject tract is located in the Boone County Fire Protection District, whose nearest station is located in the city of Sturgeon, approximately 3 miles to the north.

Zoning Analysis: This is a classic example of the use of A-1P zoning. It creates smaller residential lots where the homes exist and reserves the land in use for agriculture. The agricultural lot is protected from future development and reserved for agricultural activity, while now the homes can be transferred with smaller acreages. This is an appropriate use of A-1P Zoning.

The property scored 24 points on the rating system.

Staff recommends approval of the rezoning and the review plan.

Present representing the request:

Brian Dollar, 19230 N Tucker School Rd., Sturgeon

Brian Dollar: The applicants are my neighbors and this is their family farm. Their other neighbor is buying up all the tillable ground he can get his hands on. He is farming the tillable land on the Furlong property and would like to buy it. There is no change in land use. There are two houses on the property, the owner lives in the new house and her kids live in her Grandma's old house. With this change each house will be on a separate lot.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Prevo made and Commissioner Murphy seconded a motion to **approve** the request by Karen Kay Furlong Heritage Trust to rezone from A-1 to A-1P on 22.7 acres, more or less, located at 20635 and 20803 N Tucker School Rd., Sturgeon.

Boyd Harris – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Eric Kurzejeski – Yes	Kevin Murphy – Yes

Motion to approve the request passes unanimously

Commissioner Kurzejeski made and Commissioner Prevo seconded a motion to **approve** the request by Karen Kay Furlong Heritage Trust to approve a Review Plan for Furlong Acres on 22.7 acres, more or less, located at 20635 and 20803 N Tucker School Rd., Sturgeon.

Boyd Harris – Yes	Michael Morrison – Yes
Gregory Martin – Yes	Larry Oetting – Yes
Paul Prevo – Yes	Michael Poehlman – Yes
Eric Kurzejeski – Yes	Kevin Murphy – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that this request will be heard by the County Commission on Tuesday, July 31, 2012 at 7:00 p.m. and the applicants need to be present.

## VII. Planned Developments

None

## VIII. Plats

1. Whitetail Hollow. S8-T50N-R13W. A-2. Sterling and Meghan Sublett, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record.

The subject property is located on Lockwood Lane, near State Route NN, approximately 2 miles to the east of the city of Harrisburg. The plat splits a 5.11 acre lot from a 100 acre parent parcel. The property is zoned A-2(Agriculture), and is surrounded by A-2 zoning. This is all original 1973 zoning.

The new lot is served by a private drive easement. That easement allows access to Lockwood Lane, a publicly-maintained road. The applicant has submitted a request to waive the traffic study requirement.

The property is located in Public Water Service District #10. PWSD#10 can only support a single water service at this property. Future development will require a water study and potential improvements to PWSD#10 infrastructure.

The lot will use an on-site wastewater system. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The utility easement and the ingress/egress easement run along and within the 100 year floodplain identified on March 19, 2011 FIRM Floodplain maps. Utility work and/maintenance on the ingress/egress easement may require a floodplain development permit.

The property scored 41 points on the rating system.

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

Present representing the plat:

Steve Proctor, Trabue Hansen, & Hinshaw, Columbia

Steve Proctor: The previous owner is the potential owners Grandmother. The Grandmother transferred the land to her children. The children were unable to do a family transfer because they do not allow transfer from Aunts and Uncles.

Commissioner Murphy: On the southeast corner there is a notation that says “building setback”.

Steve Proctor: It looks to be a scrivener’s error. We have the building setback running along that line also and they thought that in the very front the one line would be sufficient for road frontage. We will take care of it.

Commissioner Murphy made and Commissioner Prevo seconded a motion to **approve** Whitetail Hollow Sterling and Meghan Sublett, owners. Steven R. Proctor, surveyor

Boyd Harris – Yes

Michael Morrison – Yes

Gregory Martin – Yes

Larry Oetting – Yes

Paul Prevo – Yes

Michael Poehlman – Yes

Eric Kurzejeski – Yes

Kevin Murphy – Yes

Motion to approve the plat passes unanimously

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The Schnarre's appealed the denial of the rezoning to the County Commission; the County Commission approved the rezoning.

The County Commission made a final decision on the Deb Diller conditional use permit. Ms. Diller gave up the riding school and summer camp and just went with a stable and that changed the restrictions that she had; she will not have to do additional improvements to the arena and would not have to do additional widening of the road. The Commission required that she apply magnesium chloride for 1/10 of a mile from Boothe Lane to up past the pond. Otherwise the hours of operation; no parties; improvements to the landscaping plans; all the things that had been discussed she is required to do. When it went to the County Commission she objected to the restriction that she have no more than 10 horses, including her own, on the property. She felt like that was a typo. I went back and researched the records of all the meetings and there was quite a bit of discussion about the number of horses that should be on that property. She had about 13 acres, a building, and a pond; essentially the Commission's decision at that time was one horse per acre. Ms. Diller didn't think that was appropriate as she currently has five horses of her own. Ms. Diller expressed that she was going to come back and ask for a change of that condition. I suggested that she might talk to her neighbor to the north who has 22 acres and see about pasturing her own horses on his property and she can use her 10 stalls for boarding.

Chairperson Harris: There is probably not a subdivision covenant in the county that doesn't have that same parameter of one head of livestock per acre; it is not like this is a single-case incident, that precedent is pretty wide spread.

Stan Shawver: In all the research we've done in the past, one to one and a half per acre is what we find. It also is dependant on the pasture's condition.

X. New Business

Annual Election of Officers.

Chairperson Harris turned the meeting over to Stan Shawver.

Mr. Shawver asked for nominations for the position of Chairperson.

Commissioner Morrison nominated and Commissioner Prevo seconded Commissioner Harris for Chairperson. No other nominations. A voice vote was taken, all members voted in favor of Commissioner Harris for Chairperson.

Stan Shawver turned the meeting back over to Chairperson Harris.

Chairperson Harris asked for nominations for the position of Vice-Chairperson.

Commissioner Martin nominated and Commissioner Morrison seconded Commissioner Freiling for Vice-Chairperson. No other nominations. A voice vote was taken, all members voted in favor of Commissioner Freiling for Vice-Chairperson.

Chairperson Harris asked for nominations for the position of Secretary.

Commissioner Poehlman nominated and Commissioner Murphy seconded Commissioner Morrison for Secretary. No other nominations. A voice vote was taken, all members voted in favor of Commissioner Morrison for Secretary.

XI. Adjourn

Being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Secretary  
Michael Morrison

Minutes approved on this 16<sup>th</sup> day of August, 2012