

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 20, 2012

I. Chairperson Harris called the meeting to order at 7:00 p.m., with a quorum present. Due to a power outage in the Commission Chambers it was moved and seconded to move the meeting to the atrium. All in favor.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice-Chairperson	Cedar Township
Mike Morrison, Secretary	Columbia Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Paul Prevo	Rocky Fork Township
Derin Campbell	County Engineer

b. Members Absent:

Brian Dollar	Bourbon Township
Larry Oetting	Three Creeks Township
Michael Poehlman	Rock Bridge Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 15, 2012 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following procedural statement in to 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 a conditional use permit, a rezoning request and a subdivision plat. The applicant for the rezoning request has requested that their request be tabled for now.

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 Thursday, January 3rd. 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, January 3rd, will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by CenturyTel of Missouri LLC for a transmission facility including up to 10 satellite dishes on .50 acres, located at 1570 N Taliesin Way, Columbia.

Uriah Mach gave the following staff report:

The subject property is located at 1570 Taliesin Way, approximately 1 ½ miles from the city limits of the City of Columbia. The applicant has submitted a request to construct a transmission/antenna facility at this location. The property is ½ acre in size, and the proposal includes a site plan that describes the layout of the site with the position of the ten antennas. Currently, the location has a building used for maintaining Century Tel's communication equipment. The property is zoned C-G (General Commercial), and has C-G zoning to the north, south, and west, with A-2(Agriculture) zoning to the east. This is all original 1973 zoning. The proposal is for the construction of up to ten dish antennas on the property to supplement the existing antennas on the Century Tel building in downtown Columbia.

The property is located in the Boone County Fire Protection District, Consolidated Public Water Service District #1, and the Boone Electric Cooperative service area.

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.

Much of the surrounding property is undeveloped, with a farm to the northeast and commercial structures to the south. The antenna facility will not have much additional activity once constructed and given the comparatively short height of the antennas, they should not have a significant impact on the look of the area. Per the submitted photos in the application, staff would recommend increasing the vegetative screening on the east side of the property along Schotte Lane to make it sight-proof.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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.

This area is zoned C-G, with general commercial uses permitted. The nature of the site and its location with respect to infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

(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.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(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. Public necessity will be best determined by public testimony before the Planning & Zoning Commission and the County Commission.

Staff recommends approval of this conditional use permit with the following condition:

1. That screening along the east side of the property, along Schotte Lane and outside the proposed fence, be increased and maintained to conceal the site from the road.

Present representing the request:

Brian Harrington, Allstate Consultants, 3312 Lemone Industrial Blvd, Columbia
Steve Epstein, 625 Cherry St, Columbia

Steve Epstein stated despite the fact that it is classified as a transmission facility, it is a "receive only" set of dishes. They have small concerns with the vegetative fencing on the one side because it may need some trimming, but they would be happy with some kind of privacy shielding.

Commissioner Kurzejeski: (to Staff) when you say enhance vegetation is that something you will work out with the applicant?

Uriah Mach: Yes, it is something we will work out as part of the building permit process. Within the application materials they provided a number of images of the site, both interior and exterior. On the east side there is some vegetation but it is the place where it is the thinnest.

Steve Epstein: We could attempt to leave the trees there in terms of the dishes that would be placed depending on their height and where the dishes are aimed it may cause some interference, some sort of tree that would be tall and small would be okay, we could even put a 6 to 10 foot privacy fence.

Chairperson Harris: Logic would say to work with what is already there.

Steve Epstein: Where the challenge could potentially come in is if we put a security fence around this it may be right over where those tree stumps would end up.

Chairperson Harris: I don't have any problem with that; I just feel if it is already there and established, lets not start over. It is an out of sight, out of mind location.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Prevo made and Commissioner Kurzejeski seconded a motion to **approve** a request by CenturyTel of Missouri LLC for a transmission facility including up to 10 satellite dishes on .50 acres, located at 1570 N Taliesin Way, Columbia **with the following condition:**

1. That screening along the east side of the property, along Schotte Lane and outside the proposed fence, be increased and maintained to conceal the site from the road.

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

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that this request would be heard by the County Commission on Thursday, January 3, 2013 and the applicants need to be present.

VI. Rezoning

1. Request by St. Charles Road Development LLC to rezone from A-2 (Agriculture) to R-MP (Planned Moderate Density Residential) on Tract 1 - 9.73 acres; from A-2 to R-S (Single Family Residential) on Tract 2 - 1.00 acre; and from A-2 to R-S on Tract 3 – 5.73 acres; all more or less, and approve a Review Plan and Preliminary Plat on property located at 2303 N Battle Ave, Columbia.
 - Rezone Tract 1 - Review plan
 - Rezone Tracts 2 & 3 - Preliminary Plat

Prior to the meeting the applicants asked to table the request.

Commissioner Freiling made and Commissioner Kurzejeski seconded a motion to **table** the request by St. Charles Road Development LLC to rezone from A-2 (Agriculture) to R-MP (Planned Moderate Density Residential) on Tract 1 - 9.73 acres; from A-2 to R-S (Single Family Residential) on Tract 2 - 1.00 acre; and from A-2 to R-S on Tract 3 – 5.73 acres; all more or less, and approve a Review Plan and Preliminary Plat on property located at 2303 N Battle Ave, Columbia.

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

Motion to table the request passes unanimously

VII. Planned Developments

None.

VIII. Plats

1. Henderson Hills. S36-T-46N-R13W. A-2. Cheryl Kay Henderson, owner. Curtis E. Basinger, surveyor.

The following staff report was entered in to the record:

The subject property is located on the south side of Cedar Tree Lane, approximately three miles to the northeast of Hartsburg. The subject tract is approximately 46 acres in size, composed of two large survey lots. The proposed plat divides three lots off of the two tracts along the south side of Cedar Tree Lane at 4.88, 4.87, and 4.67 acres in size. The remainders of the two survey tracts will be reconfigured by survey to comply with the standards of the Boone County Subdivision Regulations. The subject tract is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

All three proposed lots have direct access on to Cedar Tree Lane, a county-maintained public right-of-way. The applicant has submitted a request to waive the traffic study requirement.

There is a 2 ½ inch water line on the north side of Cedar Tree Lane that can provide domestic water service to the proposed tracts. The plat does separate the existing meter from the house it serves. That will require the meter to be moved or gain a variance from the Consolidated Public Water District #1 water board for its location.

Soils in this area, unlike those in much of Boone County, will not support a lagoon. Any on-site systems proposed for this property will be required to have a soil morphology submitted to the Columbia/Boone County Health department for approval. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

There is a 10' stem along the west side of proposed lot 1, leading back to the remainder of the survey tracts. This stem must be attached to a 20+ acre property in order to be legitimate under the Boone County Subdivision Regulations.

The property scored 27 points on the rating system.

Staff recommends approval of the plat with the following conditions:

1. That the plat not be recorded until surveys resolving the remainder tracts be submitted to Boone County Resource Management for review and approval.
2. No building permits will be issued for residential structures unless soil morphology information is submitted for review by the Columbia/Boone County Health Department confirming that the lot can support the proposed on-site wastewater system.

No one present to represent the request.

Commissioner Harris made and Commissioner Prevo seconded a motion to approve Henderson Hills. Cheryl Kay Henderson, owner. Curtis E. Basinger, surveyor **with the following conditions:**

1. That the plat not be recorded until surveys resolving the remainder tracts be submitted to Boone County Resource Management for review and approval.
2. No building permits will be issued for residential structures unless soil morphology information is submitted for review by the Columbia/Boone County Health Department confirming that the lot can support the proposed on-site wastewater system.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Michael Morrison – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Kevin Murphy – Yes

Derin Campbell – 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 final development plan for Brookfield Estates plat 4A and Hayes Road. The County Commission approved those as recommended.

The County Commission had a work session on the proposed subdivision regulations on December 18, 2012, Commissioners Harris and Freiling were invited to the work session and we worked through some of the regulations. The commission has scheduled another work session tentatively for January 10, 2013.

Commissioner Kurzejeski asked if there has been any decisions on forming a formal review group?

Mr. Shawver stated that is up to the County Commission. There is also a work session next week on rural road standards.

X. New Business

None.

XI. Adjourn

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

Respectfully submitted,

Secretary
Michael Morrison

Minutes approved on this 21st day of February, 2013