

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, March 21, 2013

I. Vice - Chairperson Freiling called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Carl Freiling, Vice-Chairperson	Cedar Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Brian Dollar	Bourbon Township
Paul Prevo	Rocky Fork Township
Derin Campbell	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Mike Morrison, Secretary	Columbia Township
Eric Kurzejeski	Missouri Township
Larry Oetting	Three Creeks Township

c. Staff Present:

Stan Shawver, Director	Uriah Mach, Planner
Thad Yonke, Senior Planner	Bill Florea, Senior Planner
Paula Evans, Staff	Billy Way, IT staff

III. Approval of Minutes:

Minutes from the December 20, 2012 meeting were approved by acclamation.

IV. Chairperson Statement

Vice - Chairperson Freiling 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 conditional use permit, a rezoning request and five 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. 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, April 2nd. 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, April 2nd, will begin at 7:00 p.m. and will convene in Room 301 which is on the third floor of this building..

Are there any questions about how the meeting will be conducted tonight?

V. Conditional Use Permits

1. Request by Elizabeth Peters for a permit for a kennel and animal (canine) training facility on 23.65 acres located at 3150 N Rte Z, Columbia.

Uriah Mach gave the following staff report:

The subject property is located approximately 2 ½ miles to the east of the city limits of Columbia, 1 ½ miles to the north Interstate 70 on State Route Z, near Mexico Gravel Road. It is 23.65 acres in size and is zoned A-1 (Agriculture), and is surrounded by A-1 zoning. This is all original 1973 zoning. The master plan designates this area as being suitable for agriculture and rural residential land uses. There is currently a house, a 32x120 heated shop, kennel, and horse shed on the property.

The applicants are seeking a conditional use permit for the operation of an animal training facility and canine boarding facility. Staff notified 15 property owners about this request.

In December 2004, the property was approved for a conditional use permit for a breeding kennel with the following conditions:

1. Facility to comply with USDA standards within 90 days.
2. Facility limited to nine (9) breeding females.
3. Install sight-proof fence around facility within 90 days.
4. Install wastewater system for the kennel within 90 days.
5. Kennel building must be at least 100 feet from property lines.
6. Premises to be available during normal business hours for inspection within 24 hours notice.

That property owner has since sold the property to the current owner, who wishes to operate an animal training facility/boarding kennel. Discussion with staff has indicated that they would not serve more than 15 animals at one time. They expect to train in two week sessions with six weeks as a maximum. These dogs are expected to be newly adopted dogs and not generally problem animals. The applicants expect to occasionally work with dogs from the shelters serving the Columbia/Boone County area that need training in order to be adopted, but that is intended to be the exception rather than the rule to their usual clientele.

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 applicant has made an effort to meet and speak with the neighbors to answer any questions about this request and not received any negative comments. Staff has received a comment that could be described as

cautiously positive on the conditional use permit. However, public testimony may be indicative as to whether this criterion can be met.

(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 site has access to public water, electricity, and roads. The improvements required by the previous conditional use permit were constructed, so necessary facilities are available.

(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 property has already developed in compliance with the present zoning of the area (A-1). Noise and odors emanating from the site, unless adequately controlled, could discourage future residential development at a higher density. 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.

This site has direct access from State Route Z. The proposed use 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 A-1 zoning district.

Zoning Analysis: This request is a reasonable one; most issues that would regularly be raised in a request of this nature were addressed in 2004. The uneventful operation of that conditional use permit would indicate that those conditions worked for that permit. This permit, while less intense in some areas and more intense in others, benefits from the long-term impact of the prior conditions, i.e. structure and wastewater conditions placed on the earlier conditional use permit. Staff has discussed a limit on number of dogs to be trained/boarded at any given time, and a limit of 15 was considered a reasonable maximum.

The property scored 41 points on the rating system.

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

1. Facility limited to 15 dogs in training or boarding at any given time

Present, representing the request:

Elizabeth “Ann” Peters, 3808 Berrywood Dr., Columbia

Ann Peters: I currently reside on Berrywood Drive but I intend to move to the property in question within the next couple of months. We had an open house and there were two neighbors that came for a tour and we had a discussion of what we were intending to do. We will not be open to the public. We will have had prior contact with our clients and usually a home visit and a site visit with them and their dog, after that they will be allowed to board at our facility. If they have a training issue and they would like their dog boarded with us for training, we will do that. Essentially we will not be open for the public to stop in and visit.

Open to public hearing.

Present, speaking in favor of the request:

John Pasley, 3300 N Route Z, Columbia

John Pasley: I have lived at the property for years and I have no objection to the request as long as it is limited to 15 dogs.

Commissioner Freiling: Your experience over the past few years with a similar facility have not caused any difficulties?

John Pasley: No; we’ve had a very good experience with the previous neighbors.

Also present in support:

Stephen Phillips, 3650 N Route Z, Columbia

Stephen Phillips: I am not opposed to the request but I didn’t have the opportunity to visit the open house. I had a question about whether the type of training that they did was with behavioral dogs. If that is the case, is there any sort of increased security that is required for the safety of the neighborhood other than the existing kennel situation?

No one in opposition.

Closed to public hearing.

Ann Peters: The nature of the dogs that we generally work with are dogs that have issues like no one had ever worked with them, and they want to jump on everyone. We have dogs that have no idea what “sit” means or they like to chase cats. They are not dogs that were used for fighting or anything. We are very conscience of the interaction between dogs and livestock. We have a number of fence mechanisms and we have redundancies.

Commissioner Freiling: In your experience have you ever gotten a surprise from a dog you were working with?

Ann Peters: I haven’t, but we’ve had a couple of dogs that were good escape artists so we lock their kennels.

Commissioner Martin: You won't have any aggressive animals; you are basically correcting annoyance animals to make them more homeowner friendly?

Ann Peters: Yes, we train them to be good companion animals. No one wants a dog that doesn't have any manners.

Commissioner Poehlman: Is staff aware of any complaints or non-conformance since approval of the first conditional use permit?

Stan Shawver: Staff has not received any complaints. The previous operation complied with the regulations and seemed to fit in with the neighborhood.

Commissioner Murphy made and Commissioner Dollar seconded a motion to approve the request by Elizabeth Peters for a permit for a kennel and animal (canine) training facility on 23.65 acres located at 3150 N Rte Z, Columbia with one condition:

1. Facility limited to 15 dogs in training or boarding at any given time

Carl Freiling – Yes

Paul Prevo – Yes

Gregory Martin – Yes

Michael Poehlman – Yes

Brian Dollar – Yes

Kevin Murphy – Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously.

Vice-Chairperson Freiling informed the applicant that this request would go before the County Commission on Tuesday, April 2, 2013 at 7:00 pm in Room 301. The applicant needs to be present at the hearing.

VI. Rezoning

1. Request by Rangeline Investments LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) on .72 acres, more or less, located at 30 S Rangeline Rd., Columbia.

Commissioner Murphy informed the Commission that he would abstain from voting or participating on this request. Commissioner Murphy left Commission Chambers.

Uriah Mach gave the following staff report:

This site is located approximately 2 miles east of Columbia, south of the intersection of I-70 and Rangeline Rd/State Highway Z. The tract consists .72 acres currently zoned A-2. It has M-L zoning to the north and west, A-1 to the south, and A-2 to the east. The property being rezoned is a stem created by an old survey that was not rezoned with the bulk of the property in August of 1975. The original zoning for the site is A-2. This site is located in the Boone Electric service area, and is in the Public Water District #9 service area. It is located in the Columbia School District. It scored 47 points in our point rating system.

The applicants are requesting a rezoning to M-L, as the rest of the property is zoned M-L, and has been for over thirty years. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for industrial land use but suggests the use of planned districts to establish new commercial and industrial areas. 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: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For industrial use, connecting into a centralized sewer system would be the most reasonable action where wastewater is concerned. Boone County Regional Sewer District is the service provider for this utility.

Transportation: Access to the site is by Rangeline Road, which gives close access to I-70. This area is an industrial/commercial area, with a good basic road system in place.

Public Safety: The nearest fire station is in Columbia, approximately three miles away. The existing road network provides ready access for emergency service providers

Zoning Analysis: This rezoning request is appropriate for this portion of the property.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for industrial land uses, staff recommends approval of this request.

Present, representing the request:

Chris Sander, A Civil Group, 3401 Broadway Business Park Ct., Columbia

Chris Sander: The applicant is looking to make sure that this stem provides the driveway access to the tract and wants to make the zoning contiguous throughout.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman: Did staff hear from any neighbors?

Uriah Mach: No.

Commissioner Prevo made and Commissioner Martin seconded a motion to approve a request by Rangeline Investments LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) on .72 acres, more or less, located at 30 S Rangeline Rd., Columbia.

Carl Freiling – Yes
Gregory Martin – Yes
Brian Dollar – Yes
Derin Campbell – Yes

Paul Prevo – Yes
Michael Poehlman – Yes
Kevin Murphy – Abstain

Motion to approve the request passes 6 YES 1 ABSTAIN

Vice-Chairperson Freiling informed the applicant that this request would go before the County Commission on Tuesday, April 2, 2013 at 7:00 pm in Room 301. The applicant needs to be present at the hearing.

Commissioner Murphy returned to Commission Chambers.

VII. Planned Developments

None

VIII. Plats

Planner Yonke reported that with the exception of the Marsh Commercial Plat 2, all of the subdivision plats can be approved as they are. There are several things that require change on Marsh Commercial Plat 2 before it can be taken to the County Commission. The Commission can approve all of the plats as they are, but should approve Marsh commercial Plat 2 with three conditions.

1. Renard Hollow Plat 1. S7-T46N-R12W. A-2. Tompkins Homes and Development, Inc., owner. David T. Butcher, surveyor.
2. Joanna Place. S26-T46N-R12W. A-2. Sherman and Joanna Horton, owners. Michael L. Klasing, surveyor.
3. Burkholder. S9-T48N-R11W. R-M. Emanuel-Sheila Burkholder Trust, owner. J. Daniel Brush, surveyor.
4. Marsh Commercial Plat 2. S3-T48N-R14W. C-G. Joseph-Marian Marsh Trust, owner. Curtis E. Basinger, surveyor.
5. Gilmore Woods. S35-T46N-R12W. A-2. Stacie M. Gilmore, owner. Curtis E. Basinger, surveyor.

Commissioner Freiling made and Commissioner Prevo seconded a motion to approve as recommended the items on consent agenda and place the staff reports into the record, noting that Marsh Commercial Plat 2 is approved with conditions.

All members voted in favor, none opposed.

Staff reports

Renard Hollow Plat 1

The subject property is located near the start of Leo Smith Road where it splits from State Highway MM. The property is approximately 2 ½ miles to the west of the city of Ashland. The proposal completes the development of the parent tract into smaller lots, with two 20 acre lots, and five administrative survey lots. The plat creates three lots ranging in size from 3.41 acres to 2.94 acres. The subject property is zoned A-2 (Agriculture), with A-R (Agriculture-Residential) zoning to the east, and A-2 zoning to the north, south, and west. The A-R zoning was rezoned from A-2 in 1977, the A-2 is original 1973 zoning.

All three lots have direct access on to Leo Smith Road, a county-maintained, publicly dedicated right of way. The applicant has requested a waiver of the traffic study requirement.

There is a Consolidated Public Water Service District #1 2" waterline along Leo Smith and a 3" waterline along State Route MM. Extensions may be necessary in order to ensure that all meters are on the tracts that they serve. The Southern Boone County Fire Protection District will provide fire protection for this property.

On-site wastewater systems are proposed for all lots. They will be reviewed and approved by the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver of the central wastewater cost-benefit analysis.

The property scored 33 points on the rating system.

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

Joanna Place

The subject property is located approximately 1 mile to the south of the city limits of Ashland, on the east side of Highway 63, on Gilpin Rd. The proposal divides a 15.35 acre parent tract into three platted lots of 5.35, 5.00, and 5.00 acres in size. The subject property is zoned A-2(Agriculture), and has A-2 zoning to the east, west, and south, with R-S(Residential-Single Family) zoning to the north. This is all original 1973 zoning.

Lot 1 of the plat has direct access on to Gilpin Road. Lots 2 and 3 have access to Gilpin Road by a private access easement. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District (CPWSD) #1 and the Southern Boone County Fire Protection District will provide water and fire protection to this property. CPWSD#1 has indicated that an extension and water study will be necessary to provide service to the lots.

On-site wastewater systems are proposed for the new lots. Lot 1 is currently served by an existing lagoon. While on-site systems will work for the other two lots, slope and existing vegetation may make installation of those systems complicated. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 43 points on the rating system.

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

Buckholder

The subject property is located on I-70 Drive Northeast, approximately 4 miles to the east of the city limits of Columbia. The proposal creates one 3.71 acre lot from a 31 acre lot. The property is zoned R-M (Residential Moderate Density), and has R-M zoning to the east and west, with A-1 (Agriculture) zoning to the north and south. These are all original 1973 zonings.

The property has direct access on to I-70 Drive Northeast, a MoDOT right-of-way. The applicant has requested a waiver to the traffic study requirement.

The property is in Public Water Service District 9, Boone Electric, and the Boone County Fire Protection District's service areas. Services exist to serve this lot.

The property will be served by an on-site wastewater system as permitted through the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 41 points on the rating system.

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

Marsh Commercial Plat 2

This property is located on the east side of State Route J approximately 700 ft northeast of the Route J interchange on I-70. The property is approximately 4 miles west of the nearest municipal limit of Columbia. This proposal is to plat a lot out of an approximately 44 acre property. The 7.82 acres of the plat is the portion of the property zoned C-G (General Commercial) The remainder of the property is zoned A-2 (agriculture). Property to the immediate east, south, and immediate west across State Route J are also zoned C-G. Property across State Route J to the northwest is zoned A-2 (agriculture) as is the land to the north and northeast. These are all original 1973 zonings. The current proposal is to create a single 7.82 acre tract from the overall parent parcel. The site is currently vacant. This site is within the Columbia Public School District. The site is in Consolidated Public Water District #1 and there is a water tower on the adjoining property to the east. Any structures that may be proposed for the site in the future may require water main extensions and hydrants. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district and building codes. Electric service will be provided by Boone Electric Cooperative. Wastewater service is proposed to be from some form of engineered and DNR permitted wastewater facility. The required wastewater plan on file with our department has had some of its deficiencies corrected but is still not internally consistent. Rather than recommending denial for failure to propose a complete wastewater plan, our office believes that the best solution is to add a note to the plat regarding wastewater limitations and submit a complete revised plan with the needed corrections made to it. These additions will serve to help make a potential buyer aware that there are sewer limitations that may limit what can be built on the property. The master plan designates this area as being suitable for commercial uses. The request is consistent with the master plan. The plat scored 47 on the point rating system.

Staff recommends approval of the request and granting of the waivers subject to the following 3 conditions:

1. That the submission date under the title on the original Mylar be changed to January 28, 2013 prior to scheduling for County Commission since this correction was not made prior to re-submittal.
2. That a note stating “Wastewater service for this lot is limited. A Wastewater Plan is on file with the Boone County Resource Management Office” be added to the original Mylar.
3. Corrections need to be made to the Wastewater Plan on file to the satisfaction of the Director prior to this item being scheduled for County Commission.

Gilmore Woods

Subject property is located approximately 2 miles south of the city limits of Ashland, near the intersection of Gilmore Lane and Highway 63 South. The property is 10 acres in size, and is being split into three lots, at 3.15, 3.16, & 3.17 acres in size respectively. The property currently has a house and two accessory structures, which will be contained on lot 2. The subject property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

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

The property is served by a Consolidated Public Water Service District #1 2” water line, Boone Electric for electrical service, and the Southern Boone County Fire Protection District for fire protection.

An on-site wastewater system serves the existing house on Lot 2. However, due to severe slope, and proximity to the house on lot 2, serving lots 1 & 3 will require more information at time of construction to ensure that they can be served by on-site systems.

There is substantial slope on lots 1 & 3. Development of these lots may be more difficult than initially expected.

The property scored 29 points on the rating system.

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

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for CenturyTel was approved as recommended.

X. New Business

Stan Shawver informed the Commission that Mike Morrison’s term has expired and Mr. Morrison had indicated that he would not reapply. However, State Statutes states that until his replacement is appointed

he is still a member of the Planning and Zoning Commission. Mr. Shawver stated that Mr. Morrison has been a very conscientious as a member

Commissioner Freiling stated he is sorry to see Mr. Morrison go; he has been a very steady and helpful member of this Commission.

XI. Adjourn

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

Respectfully submitted,

Stan Shawver
Acting Secretary

Minutes approved on this 18th day of April, 2013