

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, August 15, 2013

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
Paul Prevo, Secretary	Rocky Fork Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Larry Oetting	Three Creeks Township
Derin Campbell	County Engineer

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Eric Kurzejeski	Missouri Township
Brian Dollar	Bourbon Township

c. Staff Present:

Thad Yonke, Senior Planner	Bill Florea, Senior Planner
Uriah Mach, Planner	Paula Evans, Staff

III. Approval of Minutes:

Minutes from the July 18, 2013 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 one conditional use permit and one 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. 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, August 27th. 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, August 27th, will begin at 7:00 p.m. and will convene in this same room..

V. Conditional Use Permits

1. Request by Cynthia Lynne Holloway Raven for a permit for a Day Care Facility on .31 acres, more or less, located at 4146 E Reynosa Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 200 feet from the city limits of Columbia, at the southwest corner of the intersection of Pecos Court and Reynosa Drive. It is approximately .31 acres in size and is zoned R-S(Residential Single-Family), and is surrounded by R-S zoning. This is all original 1973 zoning. The master plan designates this area as being suitable for residential land uses. There is currently a house on the property. The house has the upstairs area in use as a residence with the downstairs being used as a Group Day Care Home.

The applicants are seeking a conditional use permit for the operation of day-care facility. The property has had a Group Day Care Home (limited to a maximum of 10 children) on site for 3 years and is seeking expansion to 20. In order to get that expansion, a conditional use permit is required. Staff notified 161 property owners about this request.

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 use is an expansion of a current permitted use. County staff is not aware of any complaints based on the current use. Public testimony may be indicative as to whether this criterion is 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. Improvement of the structure will need to be done to meet the requirements of the building & fire codes.

(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 (R-S). 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 to Reynosa Drive and Pecos Court. The applicant has provided a drawing showing the layout of the property. It indicates that drop-off/pick-up activity will be on Pecos Court. That said, the location of the property on a corner allows for two street frontages for such activity. An increase in traffic may occur, but it is insufficient to cross the threshold which the street is designed for.

(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 R-S zoning district.

Zoning Analysis: This request is a reasonable one. The operation of an existing day-care facility under the permitted uses on this property has triggered no complaints or issues with traffic. Expansion by this conditional use permit will bring building & fire code issues into play, but will also allow for doubling the maximum number of children and the ability to employ additional staff to serve this increased client load.

The property scored 78 points on the rating system.

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

1. Applicant must comply with all building and fire code requirements of the Boone County Building Inspections division & the Boone County Fire Protection District.

Present representing the request:

Cynthia Raven, 4146 E Reynosa Dr., Columbia

Cynthia Raven presented a slide show. The photos consisted of photos of the home from different angles, diagrams of the daycare area, playground, back yard, aerial and google maps, and State license.

Cynthia Raven: I don't operate a group home; I operate a family childcare home. A group home is the next level up.

Uriah Mach stated that is how our regulations consider the operation.

Cynthia Raven: The State Fire Marshal asked if I was near a fire hydrant; the closest one is across the street. I plan to make modifications and add exits and have specialized areas for the children. With a group daycare I would have to apply mulch around the play area.

Commissioner Murphy: Have you checked with the State to see whether you will have to hire another staff member?

Cynthia Raven: If I stayed with the same ages I have now I wouldn't have to but I will have another person.

Chairperson Harris: With adding 10 more children is that 10 new people and 10 additional vehicles or is this some of the existing clients children?

Cynthia Raven: It will be both existing clients and new children. Two of the parents are expecting new babies, one coming in November and one in January. I don't think I would take 20 children; the goal is not to be full at 20. I would like to have between 12 and 16.

Chairperson Harris: If the State Fire Marshal is okay then the Boone County Fire Marshal is generally okay?

Commissioner Martin: They will have different requirements.

Thad Yonke: The County will be more strict.

Cynthia Raven: I have talked to the county and it is going to be difficult to meet their requirements.

Open to public hearing.

In support:

Cynthia Raven presented a letter from a neighbor in support of the request.

Present, speaking in opposition:

Leilani Logan, 1546 S Pecos, Columbia

Leilani Logan: I live directly across from the applicant. When we look out our office window we see the back of her house and the play area. We are opposed to anymore traffic in the area; it gets congested enough with the parents picking up the ten kids. Instead of turning around the cul-de-sac they use the driveways at 1528 and 1546 Pecos. Where the children and parents enter the house at the back corner there are a lot of cars coming around the corner off Reynosa on to Pecos. In winter time when the snow is piled up they are in the middle of the street. The neighbors that live directly west of the applicant on Reynosa, Ryan and Laura Jacob, are opposed to this request. She is a registered nurse that works nights and sleeps during the day. One of the major problems with this idea is that they applicants have three dogs, I have only seen two of the dogs out with the children. When the children come out this is the time that the applicants go out and clean up the dog feces and throw it over the fence. It smells; we cannot open our windows at the front of the house because of the decaying dog excrement. El Chaparral already has a 20 child day care at the very back of the subdivision and it is set up by itself; it backs up to the woods. The dogs have free reign of the yard; the door for them is open all day long, they bark and run in and out freely and it is a nuisance then to have 15 to 20 children out there yelling and screaming too I am dead-set against it.

Also present speaking in opposition:

Kelli Dennis, 1565 Pecos, Columbia

Kelli Dennis: I am concerned about the traffic. When I talked to the applicants about their dogs barking when we are in bed we have to yell at them quite frequently because they are barking. The clients back

into our driveway. The dog feces is awful; they used to throw it in the ditch and now they don't. I am not sure how many infants they will have or workers and we were watching her son mow the lawn while they had the daycare open and the kids were running around in front of the mower and that is a concern.

Closed to public hearing.

Cynthia Raven: Parents occasionally turn around in peoples driveways; I have asked them not to do that. I have posted a sign with a map directing them where they need to go. I do make an effort to prevent people from using the neighbor's drives. When the snow does pile up it is hard to get through El Chaparral anyway so that is a temporary situation, it is not all the time. The neighbors do not like my dogs but that is not part of this request. The health inspector has visited my residence and business as a result of a complaint about this matter investigating the dog feces and finding no problem. Generally the yard is mowed when the children are not present; we usually mow in the evening. If the dogs are barking at night it has nothing to do with the daycare and since the neighbor has come over specifically requesting to curtail barking that is disturbing them I do not let the dogs out after 9:00 pm and have made a direct effort to curtail the barking during the day as well. People are still mowing, driving around honking, things happen during the day; the matter of the dogs has nothing to do with the daycare.

Commissioner Prevo: If you add additional staff where do they typically park?

Cynthia Raven: In front of my house. My driveway can accommodate four vehicles although that is not necessary at this time. At one point when all of my children lived at home we had five or six personal vehicles at the house. Currently we have two personal vehicles at the house and the people that come and drop off. The parents do not drop off all at one time; I open at 7:30 am and children arrive between 7:30 and 9:30 am, it is very staggered. I rarely have more than three vehicles pulled up at any one time. I also care for several sibling sets so there would never be 20 vehicles coming through anyway.

Commissioner Oetting: Did the applicant state that she couldn't meet the requirements of the Boone County Fire Code?

Cynthia Raven: I don't know; I haven't met with the Boone County Fire Marshal. I have some specifications that I picked up from the County Building Inspector and he suggested I employ an architect to look through things. I met with an architect and he has looked over things. If this request moves forward we will try to have a meeting to go over the proposal and see what options can be done to have it in compliance.

Commissioner Oetting: Who did the applicant meet with?

Cynthia Raven: The State Fire Marshal; being a licensed provider now I have inspectors that come out annually for fire, safety, and sanitation inspections; the licensing agent and food program all come at least once a year, sometimes more. I know that I can meet the State regulations and that is what led me to proceed with this request. If this request is approved I will have a year to get into compliance; it would be something that would happen immediately.

Commissioner Prevo: In the city they require a commercial hood system over the kitchen. Is that what they do in the County as well?

Commissioner Martin: I don't know.

Thad Yonke: Essentially a daycare that is in a home was built as a home. When you go to the higher level categories you start to get into commercial. Since residential construction is not built to commercial standards that is why it requires an architect to get in and see what it takes to convert it to commercial standards.

Commissioner Prevo: Having gone through this myself; you want a good architect.

Commissioner Murphy: If this is approved tonight the building and fire codes have to be met.

Thad Yonke: That is correct.

Commissioner Martin: I have heard everyone's concerns I would always ask and recommend that if you hear complaints from your neighbors that you can address those should be addressed. It is a neighborhood and you are trying to run a business; the neighborly portion is something that the applicants need to address, if it is something to do with dog feces put a trash can out there with a bag and throw it away like garbage.

Commissioner Martin made and Commissioner Murphy seconded a motion to approve the request by Cynthia Lynne Holloway Raven for a permit for a Day Care Facility on .31 acres, more or less, located at 4146 E Reynosa Dr., Columbia with the following condition:

1. Applicant must comply with all building and fire code requirements of the Boone County Building Inspections division & the Boone County Fire Protection District.

Boyd Harris – Yes

Paul Prevo – Yes

Gregory Martin – Yes

Michael Poehlman – NO

Larry Oetting – NO

Kevin Murphy – Yes

Derin Campbell – NO

Motion to approve the request passes 4 YES 3 NO

Chairperson Harris informed the applicant that this request would go before the County Commission on August 27, 2013 and the applicant needs to be present at the hearing.

VI. Rezoning

None.

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Easley River Road. S3-T46N-R13W. A-2. James E. and Sylvia Crane, owners. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The property is located southwest of Columbia just north of Easley and at the end of State Highway N; there is a small house on the property. The property is zoned A-2(Agriculture), having been rezoned in June 2013 and the adjacent zoning to the north and south is A-1(Agriculture), to the east is A-2(agriculture), and to the west is the Missouri River. This is original 1973 zoning. There is a small house present on the property. The purpose of this plat is to divide the recently rezoned area from the parent parcel for sale.

The proposed lot will have direct access on to Easley River Road, a county-maintained public right of way. The applicant has requested a waiver to the traffic study requirement.

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

An existing system, regulated by the Columbia/Boone County Health Department provides wastewater treatment for this property. The applicant has requested a waiver from the wastewater cost-benefit analysis.

This property was rezoned in June of 2013 from A-1(Agriculture) to A-2(Agriculture), and received variances in April of 2013.

The property scored 10 points on the rating system.

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

Commissioner Murphy made and Commissioner Martin seconded a motion to approve as recommended Easley River Road.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Senior Planner, Bill Florea updated the Commission as follows:

The Commission accepted all the plats from last month.

X. New Business

XI. Adjourn

Being no further business the meeting was adjourned at 8:02p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 19th day of September, 2013