

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, September 19, 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
Carl Freiling, Vice-Chairperson	Cedar Township
Paul Prevo	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township

b. Members Absent:

Larry Oetting	Three Creeks Township
Brian Dollar	Bourbon Township
Derin Campbell	County Engineer
Vacant Seat	Columbia Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the August 15, 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 two 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, October 1st. 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, October 1st, will begin at 7:00 p.m. and will convene in this same room..

V. Conditional Use Permits

1. Request by D & D Investments LLC to use an existing building for storage space on 3.86 acres located at 6215 W Cunningham Dr., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Cunningham Drive, in between Schotte Lane and Taliesin Way, east of the I-70/Highway 40 interchange at Midway. The property is 3.86 acres in size and is zoned C-G (General Commercial). It has C-G zoning to the north & west, C-GP (Planned General Commercial) to the south, M-LP (Planned Light Industrial) to the southwest, M-LP to the southeast and A-2 (Agriculture) zoning to the east. The C-G and A-2 zoning is original 1973 zoning. The southeast M-LP had its zoning revised most recently in May 2011. The southwest M-LP was rezoned in 2003. The C-GP was rezoned 1993. There is an existing 31,100 square foot building on the property.

The applicant is requesting a conditional use permit to operate a storage facility. The existing building was previously used as a home furnishings store. Staff notified 15 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.

This use is comparatively non-intrusive. The surrounding properties will likely see few impacts from the presence of this facility.

(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 and re-surfacing of the parking/loading areas will need to be done to meet county code requirements.

(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(C-G). 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 Cunningham Drive, Schotte Lane, and Taliesin Way.

(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.

Zoning Analysis: The proposed use is approvable at this site. The comparatively undeveloped surroundings would support the traffic generated by this use. The open C-G zoning that is present could be developed into a more intense manner, but this conditional use permit would work well with the existing conditions on the surrounding properties.

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.
2. All lighting must be focused inwards and downwards with no light leaving the site.

Present representing the request:

Jerry Campbell, D & D Investments, 200 Old Highway 63 South, Columbia

Commissioner Martin: Are the applicants going to update the outside of the building?

Jerry Campbell: The intention is to seal the outside block, repaint the outside, and re-façade the front of the building. The front of the building will have some outdoor storage units on the highway side. The interior will be climate-controlled storage and there will be lighted. The building is currently gutted and will be painted white and storage units put inside. Controlled access to the property will be installed.

Commissioner Martin: Please explain the outside storage.

Jerry Campbell: From the highway you will see doors like you would on a storage unit. It will be under the front canopy.

Commissioner Poehlman: Will any additional structures be built?

Jerry Campbell: Not at this time.

Commissioner Poehlman: What about parking, will anything be parked and stored there?

Jerry Campbell: No, currently the parking lot is simply for customer parking.

Chairperson Harris: Will this be a come and go thing or will there be a manager on site?

Jerry Campbell: We will have an office; the intention is for no one to be on site. It will be a fully locked down structure with gates and a key pass code entry gate into the structure as well as a fire access gate. There is one way in and out except for fire access.

Chairperson Harris: Will there be a wrought iron fence around the whole thing?

Jerry Campbell: It will be an 8-foot chain-link fence.

Chairperson Harris: And this will be the store building and the secondary building toward the back will be part of the storage units?

Jerry Campbell: That is the intention for the future; currently both structures are connected so they are both within the envelope of the structure. The intention is to develop the front portion because it is larger and two story, installing the restroom, office space, and sprinkler. The rear building will be kept as it is currently.

Chairperson Harris: Is there a need for climate-controlled storage?

Jerry Campbell: There is an enormous need for it.

Commissioner Poehlman: Will this be for commercial or general public use?

Jerry Campbell: Both.

Chairperson Harris: It will probably generate less traffic than it did as Rust and Martin.

Jerry Campbell: We are estimating that you will probably never notice the traffic.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman: Any contact from neighbors?

Stan Shawver: We received contact from Gordon Thompson who had no issue with the request.

Commissioner Prevo made and Commissioner Martin seconded a motion to approve the request by D & D Investments LLC to use an existing building for storage space on 3.86 acres located at 6215 W Cunningham Dr., Columbia **with the following conditions:**

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

2. All lighting must be focused inwards and downwards with no light leaving the site.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Kevin Murphy – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on October 1, 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. Gibbs. S35-T50N-R13W. A-2. Scott and Mary Gibbs, owners. Steven R. proctor, surveyor.
2. McNary. S30-T50N-R13W. A-2. Koy and Margie McNary, owners. Steven R. Proctor, surveyor

Commissioner Freiling made and Commissioner Kurzejeski seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

Staff reports

Gibbs

The subject property is located approximately 4 miles to the north of the city of Columbia, on State Highway VV. The proposed plat splits a 3.22 acre lot from a 25 acre parent parcel, dividing the house and shed from the remaining undeveloped property. The shed did require a variance from the Boone County Board of Adjustment for its location, and was granted such a variance in August 2013. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property will have direct access on to State Highway VV, a publicly dedicated, publicly maintained right of way. The applicant has requested a waiver to the traffic study requirement.

There is a Consolidated Public Water Service District #1 4" waterline along the front of the property, which is sufficient for domestic service. Boone Electric Cooperative provides electrical service and the Boone County Fire Protection District provides fire protection.

The existing home is served by a lagoon. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 43 points on the rating system.

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

McNary

The subject property is located on Benedict Road approximately 900 feet to the east of the Route E/Benedict Road intersection, and approximately 3 miles to the southeast of Harrisburg. The proposal expands the size of 1.29 acre lot to a 5 acre lot. This property has a house and shed. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Benedict Road. The applicant has requested a waiver to the traffic study requirement.

The property is served by a 6" Consolidated Public Water Service District #1 line for water service, Boone Electric for electrical service, and is in the Boone County Fire Protection District.

An on-site system will serve to provide wastewater treatment for this property. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property scored 44 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 Cynthia Holloway-Raven was recommended approval by the Planning and Zoning Commission; the County Commission upheld the recommendation and added more conditions requiring that the applicants would properly dispose of animal waste and take steps to insure that clients do not utilize private property

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:25p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 17th day of October, 2013