

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, October 17, 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

Paul Prevo, Secretary

Eric Kurzejeski

Gregory Martin

Kevin Murphy

Michael Poehlman

Loyd Wilson

Derin Campbell

Centralia Township

Rocky Fork Township

Missouri Township

Katy Township

Perche Township

Rock Bridge Township

Columbia Township

County Engineer

b. Members Absent:

Carl Freiling, Vice-Chairperson

Brian Dollar

Larry Oetting

Cedar Township

Bourbon Township

Three Creeks Township

c. Staff Present:

Thad Yonke, Senior Planner

Paula Evans, Staff

Bill Florea, Senior Planner

Uriah Mach, Planner

III. Approval of Minutes:

Minutes from the September 19, 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 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, October 29th. 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 29th, will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Frank W. Glenn and John D. Glenn to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan on 10 acres, more or less, located at 11553 E Judy School Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Judy School Road, near the intersection of Glendale Drive, approximately 5 miles to the east of the city limits of Columbia. The parent property is 117.5 acres in size and zoned A-1(Agriculture). The property is vacant and surrounded by A-1 zoning. This is all original 1973 zoning.

The applicant is seeking to rezone a 10 acre portion of the property to A-1P(Planned Agriculture). The rezoning will create a 7.5 acre not-for-development area and a 2.5 acre lot for subdivision and development.

The Boone County Master Plan has indicated that this property is suitable for rural residential and agricultural land uses. The master plan also designates a sufficiency of resources test for the approval of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning.

Utilities: The subject property is located in Public Water Service District #9, who has domestic flows available to the property. Boone Electric can provide electrical service and an on-site system inspected by the Columbia/Boone County Health Department will provide wastewater treatment.

Transportation: The property is located at on Judy School Road, a publicly-dedicated and maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, who maintains a station near Lake of the Woods, approximately 5 miles to the west.

Zoning Analysis: This request is a classic example of the advantages of planned A-1 over A-2 rezoning requests. It allows for smaller lots, but preserves the overall density of the area. By not platting the not-for-development area, it also allows for a revised plan to reconfigure that area more easily should additional smaller lots be created in future rezonings.

The property scored 26 points on the rating system.

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

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St., Columbia

Kevin Schweikert: The property owners want to transfer a lot smaller than 10 acres.

Chairperson Harris: It will be in the southeast corner of the outlined tract?

Kevin Schweikert: That is correct. The property line should be about where the fence line shows on the aerial photo.

Chairperson Harris: By going with this approach where it is planned and the 7.5 acres is not for development, they would have to come back and go through the process again if they wanted it to be reconfigured, correct?

Uriah Mach: That is correct.

Chairperson Harris: Will 2.5 acres have enough room for an onsite sewer system?

Kevin Schweikert: It has been discussed, we would have to talk to the Health Department, we may move the lagoon closer to the property line, we would need to see about granting an easement around it.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner Poehlman made and Commissioner Murphy seconded a motion to **approve** a request by Frank W. Glenn and John D. Glenn to rezone from A-1 to A-1P on 10 acres, more or less, located at 11553 E Judy School Rd., Columbia.

Boyd Harris – Yes	Paul Prevo – Yes
Gregory Martin – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Loyd Wilson - Yes
Kevin Murphy – Yes	Derin Campbell – Yes

Motion to approve the request passes unanimously

Commissioner Kurzejeski made and Commissioner Martin seconded a motion to **approve** a request by Frank W. Glenn and John D. Glenn to approve a Review Plan on 10 acres, more or less, located at 11553 E Judy School Rd., Columbia.

Boyd Harris – Yes	Paul Prevo – Yes
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Gregory Martin – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Loyd Wilson - Yes
Kevin Murphy – Yes	Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that these requests would go forward to the County Commission on Tuesday, October 29, 2013 at 7:00 pm and the applicants need to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Tower Estates Plat 8. S4-T47N-R12W. R-S. Payne Enterprises, Inc. owner. Ronald G. Lueck, surveyor.
2. Deep Hollow. S29-T50N-R13W. A-2. Andrew and Jessica Gray, owners. Steven. R. Proctor, surveyor.
3. Slate Plat 2. S16-T48N-R14W. A-2. Archie and Betty Slate, owners. J. Daniel Brush, surveyor.
4. Underwood. S11-T50N-R12W. Timothy and Teresa Underwood, owners. Michael L. Klasing, surveyor.
5. Whitworth Hills Plat 2. S30-T46N-R12W. Tompkins Homes and Development, Inc., owner. David T. Butcher, surveyor.

Commissioner Murphy made and Commissioner Martin 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

Tower Estates Plat 8

The subject property is 22 acres located approximately ½ mile south of Columbia, on South Cowen Road. The property is zoned R-S (Residential Single-Family). There is R-S zoning to the north, south and west, with R-M (Residential Moderate Density) zoning to the east. This is all original 1973 zoning. The existing structure pre-dates county land-use regulations and was originally used as a nursing home. In 1976, a permit was granted to allow expansion of the facility. In 2008, a conditional use permit was granted for a church using this building to operate a day-care facility.

This plat is to create a new lot for sale that includes the existing structure and will assist in cleaning of the series of surveys & single platted lot that compose the parent parcel.

The proposed lot will have direct access to South Cowen Road via an existing circle drive on the north side of the property and a shared access along the west side of the property. The applicant has submitted a request to waive the traffic study requirement.

Water service is provided by Consolidated Public Water Service District #1, electrical service is provided by Boone Electric, and fire protection is provided by Boone County Fire Protection District.

The lot will have central sewer service provided by the Boone County Regional Sewer District.

The property scored 78 points on the rating system.

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

Deep Hollow

The subject property is located approximately 4 miles to the southeast of Harrisburg at the intersection of State Route YY and Benedict Road. The property is 18.24 acres in size and zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal divides the subject property into two lots, one at 9.81 acres, and the other at 8.02 acres and incorporates some property acquired from the Missouri Department of Transportation. The 9.81 acre lot has a 100' wide electric transmission line easement crossing it as well as an existing house.

Lot 1 has an existing driveway on State Route YY, and Lot 2 has direct frontage on Benedict Road and State Route YY. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Service District #1 will provide water service, Boone Electric Cooperative will provide electrical service, and Boone County Fire Protection District will provide fire protection to this property.

On-site wastewater systems permitted by the Columbia/Boone County Health Department will provide wastewater service for these lots. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

This plat shows a portion of a lot shaded, representing property that is awaiting approval for sale from the Missouri Department of Transportation. This plat will not proceed to County Commission for approval until that sale is finalized.

The property scored 46 points on the rating system.

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

Slate Plat 2

The subject property is located on Shalom Drive off of State Highway O, approximately 1 mile south of Interstate 70, 3 miles east of Rocheport. It is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal divides the 7.96 acre lot into two lots, one at 2.97 acres, and the other at 4.55 acres, with the remainder being transferred to a family member using the family transfer process. The 4.55 acre lot has an existing house & shed present, and the 2.97 acre lot is vacant.

Both lots have direct access on to State Highway O, as well as access to Shalom Drive, a named private road. The applicant has submitted a request to waive the traffic study requirement.

The property is served by Consolidated Public Water Service District #1, Boone Electric Cooperative, & Boone County Fire Protection District for water, electrical service, and fire protection, respectively.

The existing house has a on-site system permitted by the Columbia/Boone County Health Department and a new system to serve the vacant lot will be permitted by the Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

Prior to recording, the family transfer to resolve the remainder property will be required to occur in order to prevent the existence of an illegal remainder tract.

The property scored 38 points on the rating system.

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

Underwood

The subject property is located at the northeast corner of the intersection of Schooler Road & Highway UU, north of Hallsville. The property is 19.92 acres in size and zoned A-R(Agriculture-Residential). The surrounding properties are zoned A-R to the south, east, and west, with A-2(Agriculture) property to the north. This is all original 1973 zoning. The property is currently undeveloped. This plat proposes to divide the property into 5 lots, one at 5.39 acres, one at 5 acres and three at 3 acres in size.

The property has direct frontage on to Highway UU, which will provide access to lots 1 & 2, and Schooler Road, which will provide access to lots 3,4, & 5. The applicant has submitted a request to waive the traffic study requirement.

Public Water Service District #4 can provide sufficient service for fire hydrants and domestic service to this property. Boone Electric will provide electrical service. Boone County Fire Protection District will provide fire protection for the property.

A cost-benefit analysis was provided and shows that on-site systems are most effective at this time. The Columbia/Boone County Health Department will inspect new systems.

The property scored 55 points on the rating system.

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

Whitworth Hills Plat 2

The subject property is located on Cedar Tree Lane, approximately 4 miles southwest of the city of Ashland. The property is zoned A-2(Agriculture) and is currently undeveloped. The property is surrounded by A-2 zoning, all of which is original 1973 zoning. The proposal is to split a 3.54 acre lot & a 7.07 acre lot from a 184 acre parent parcel. There is a type II stream buffer present along the eastern boundary of lot 3.

The property has direct access on to Cedar Tree Lane, a county maintained and publicly dedicated road. The applicant has submitted a request to waive the traffic study requirement.

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

Soils data has been submitted to confirm that while the site is generally unsuitable for lagoons, the soils can support an engineered soil absorption system.

The parent property has now had three platted lots created. Further platted lots will require fire protection to be install for all platted lots.

The property scored 13 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:

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:20 p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 21th day of November, 2013