

**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 20, 2014**

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, Secretary	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Larry Oetting	Three Creeks Township
Kevin Murphy	Perche Township
Vacant	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the February 20, 2014 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, April 1<sup>st</sup>. 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 1<sup>st</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Jeffrey and Jane Brummet for a permit for a kennel in the A-1 (Agriculture) zoning district on 10.32 acres located at 7071 S Tom Bass Rd, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located near the southwestern corner of the intersection of Tom Bass Road and Highway 163, approximately 2 ½ miles to the south of the City of Columbia. It is approximately 10.32 acres in size, currently vacant, and zoned A-1 (Agriculture). The proposal is to construct a kennel facility on the property; there is A-1 zoning to the south & west, with Highway 63 to the east, and M-L (Light Industrial) zoning to the north. This is all original 1973 zoning. In 1994, the Planning & Zoning commission denied a request to rezone 3.8 acres of this property to C-GP.

The applicant is requesting a conditional use permit to operate a kennel. The applicant proposes to construct a small animal (dogs, cats, birds) kennel at this site. The structure will be 7500 square feet in size, and will have the space to kennel 40 dogs. There will be outside dog runs as part of the structure. Staff notified 17 property owners about this request. The property scored 53 points on the point rating system.

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.

Kennel facilities have the potential to be injurious to the use and enjoyment of other property in the vicinity due to the noise created by animals that are unfamiliar with each other. In this circumstance, the isolation established by the A-1 density to the south and west, the industrial/commercial property to the north, and the highway to the east may serve to limit the off-site impacts. The use of a building designed to support this conditional use permit, rather than the remodeling of an existing building, may also help mitigate the noise impacts of the kennel operation.

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

The proposed building will have a finished exterior façade. The structure should not look out of place when compared to the buildings across Highway 163. Noise impacts from this facility may be mitigated by design features of the building. Fenced areas will not appear extraordinary in this part of the county and placement of the structure towards the northeastern portion of the property, towards the highways, should also be helpful. If operated in conformance with existing county regulations, the use should comply with this criterion.

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

The subject property has access to utilities via Consolidated Public Water Service District #1 for water, Boone Electric for electrical service, and access to Highway 163 & Tom Bass Road, both publicly-dedicated/publicly-maintained rights of way.

(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.

The surrounding property, zoned A-1 to the south and west, has already developed into 10+ acre tracts. The property to the north, which has original 1973 zoning of M-L, will not be impacted by the establishment of this conditional use permit.

(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.

Access will be available to Highway 163 & Tom Bass Road, both public rights-of-way. The Missouri Department of Transportation will be the permitting agency for points of access. The proposal is for a 'day-care' type facility with boarding, where drop-off/pick-up traffic may be significant. The location at the corner of Tom Bass & Hwy 163 allows for enhanced access as determined by MoDOT to allow for traffic to flow efficiently.

(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 proposal for a kennel facility is reasonable for this location. Being located at an established commercial/industrial node, as identified by the Boone County Master Plan, the more commercial feel of this proposal fits with the properties to the north. The other surrounding properties are zoned as agricultural. The low density of development in the surrounding properties allows for substantial physical separation of residences from this use and that, combined with proposed design features of the structure should help to mitigate any negative off-site impacts.

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

1. That development of this site be done in compliance with the requirements of the Boone County Resource Management-Building Inspections division & the Boone County Fire Protection District.
2. That the on-site wastewater system proposal be found satisfactory to the Boone County Regional Sewer District, the director of Boone County Resource Management, and the Columbia/Boone County Health Department.

The staff report included a site plan and the proposed building on the overhead viewer.

Present representing the request:

Kevin Murphy, A Civil Group, 3401 Broadway Business Park Ct, Columbia  
Jacob Brummet, 1201 E Pierpont Meadows Road, Columbia

Kevin Murphy: The Commission was given a copy of the site plan; this is what the applicants intend to construct on the site. The parking may get larger; staff commented that the parking spaces needed to be a foot wider. The driveway has been aligned on Highway 163 across from Jones Power Sports per the request of MoDot, they've also allowed an exit onto Tom Bass Road as well. We have shown a couple of proposed places for the drip line sanitary sewer system. Upon further review by the Sewer District and Staff those places may change a little. The main focus of the facility is a daycare type facility rather than a boarding kennel however that will be part of it. There are a lot of people that don't like leaving their pets at home all day and this facility will provide a service.

Commissioner Poehlman: Are there any plans for fencing?

Kevin Murphy: Short of the fencing in the kennel, no. There are large indoor play areas for the dogs; most of the activity will be taken care of inside. The runs will be connected into the sewer system.

Commissioner Poehlman: If I had a concern it would be that a dog might get loose when it is going in or out of the facility and run across the highway.

Jacob Brummet: That was one of our concerns as well. The way we have it designed everything comes in the front lobby, that is the only entrance and exit to the facility; the lobby has double doors. Even going outside to the runs everything is fenced in and connected.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Kevin Murphy: The applicants did send letters to the neighbors prior to the meeting to inform them what they were intending. Only one comment was received and they were in favor.

Chairperson Harris: Did the applicants do any market research to see if there was a demand for this type of business?

Jacob Brummet: Boarding is a definite necessity. If you need it for holiday's or weekends you have to call a month or two in advance for the existing facilities. Pplaces fill up on a typical weekend. Our focus will be the dogs, daycare and boarding with some cat and bird boarding available. The daycare is a new growing idea but I think that will catch on very quickly.

Kevin Murphy: Most of the facilities in this town are based further north than this.

Jacob Brummet: Our goal is to be Columbia's premier dog daycare and boarding facility.

Commissioner Campbell: Did the applicants touch base with MoDot on the entrances?

Jacob Brummet: Yes, we did a concept review early on and everything is fine.

Chairperson Harris: Does the solid waste get incorporated into the drip field or does it get distributed out in the excess area?

Kevin Murphy: We haven't got quite into the whole design on the drip field, we've designed it with the idea of water management. We are trying to minimize the size of the drip fields and some may be disposed of through trash or through the septic system.

Commissioner Freiling made and Commissioner Martin seconded a motion to approve the request by Jeffrey and Jane Brummet for a permit for a kennel in the A-1 (Agriculture) zoning district on 10.32 acres located at 7071 S Tom Bass Rd, Columbia with the following conditions:

1. That development of this site be done in compliance with the requirements of the Boone County Resource Management-Building Inspections division & the Boone County Fire Protection District.
2. That the on-site wastewater system proposal be found satisfactory to the Boone County Regional Sewer District, the director of Boone County Resource Management, and the Columbia/Boone County Health Department.

Boyd Harris – Yes

Carl Freiling – Yes

Gregory Martin – Yes

Paul Prevo – Yes

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Loyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on April 1, 2014 and the applicant needs to be present at the hearing.

VI. Rezoning

None

VII. Planned Developments

None

VIII. Plats

1. Clearview Plat 8 (preliminary plat). S24-T49N-R13W. R-M. Mila Properties LLC, owner. J. Daniel Brush, surveyor.

The following staff report was entered in to the record:

The subject property is located at the eastern end of Harold Court, approximately ½ mile to the north of the city limits of Columbia. The property is 5.03 acres in size. The proposal is to extend Harold Court through the property to Clearview Drive, dividing it into 16 lots. The property is zoned R-M (Residential Multi-family), and has R-S (Residential Single-family) zoning to the south, and R-M

zoning to the north, east, & west. There has previously been a conditional use permit to site a mobile home on this tract in 1988, but that request was denied. The surrounding properties were rezoned to R-S from R-M as part of other rezoning requests in Clearview subdivision in 1992.

This preliminary plat offers direct access for the lots on to Clearview Drive for lots 1-5, and on the extension Harold Court for lots 4 & 5-16. The extension will be built as part of subsequent phases of the plat, with the first 4 lots being divided as part of the first final plat.

Columbia Water & Light will provide domestic water service & fire protection to this property. The Boone County Fire Protection District will provide fire protection services to this property.

The Boone County Regional Sewer District will provide wastewater services to this property.

The property scored 81 points on the rating system.

Staff recommends approval of the preliminary plat.

Commissioner Wilson made and Commissioner Kurzejeski seconded a motion to approve Clearview Plat 8 (preliminary plat) by consent.

All members voted in favor, none opposed.

## IX. Old Business

### 1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit for the Card's for a duplex was recommended approval by the Planning and Zoning Commission. It has not gone to the County Commission yet, it will go this month.

The conditional use permit for the Elk's was recommended denial, the applicants appealed to the County Commission. The County Commission approved it with staff's recommended conditions and added that the reception facility be indoors only. They will not get the stage but they may expand existing buildings. They will still have to apply for a conditional use permit for the members only RV park.

## X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Secretary  
Paul Prevo

Minutes approved on this 17<sup>th</sup> day of April, 2014