

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, May 15, 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
Paul Prevo, Secretary	Rocky Fork Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Derin Campbell	County Engineer

b. Members Absent:

Carl Freiling, Vice-Chairperson	Cedar Township
Larry Oetting	Three Creeks Township
Vacant Seat	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 April 17, 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 rezoning request 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, May 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, May 27th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Heinz Leigh to rezone from C-G (General Commercial) to R-S (Single-Family Residential) on .87 acres, more or less, located at 11125 E Hwy CC, Centralia.

Planner Uriah Mach gave the following staff report:

The subject property is located approximately ¼ mile to the west of the City of Centralia on State Highway CC. It is approximately .87 acres in size and has a single-family dwelling unit present on the property. It is currently zoned C-G (General Commercial), with C-G zoning to the north, east, and west, with R-S (Single-Family Residential) zoning to the south. This is all original 1973 zoning.

The applicant is seeking to rezone the property from C-G (General Commercial) to R-S (Single-Family Residential). He is currently seeking to re-finance this property, and the zoning is inconsistent with the current land use.

The Boone County Master Plan has indicated that this property is suitable for commercial 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 #10, which has domestic flows available to the property. Ameren can provide electrical service and an on-site system inspected by the Columbia/Boone County Health Department provides wastewater treatment.

Transportation: The property is located on State Highway CC, a publicly-dedicated and maintained right-of-way.

Public Safety: The property is located approximately 1,000 feet west of a Boone County Fire Protection District station.

Zoning Analysis: This request would bring the property's current zoning into compliance with the current land use. In the property's current condition, loss of the residence would end the residential land-use and only allow new development per the general commercial zoning district. Action to resolve inconsistencies between zoning and current land use are appropriate when existing resources can support the proposed change of zoning per the sufficiency of resources test.

The property scored 58 points on the rating system.

Staff recommends approval.

Present representing the request:

Heinz Leigh, 11125 Highway CC, Centralia

Mr. Leigh stated when he purchased the property he was informed it was zoned agricultural. When he went to refinance his home the bank denied the loan because the property is actually zoned commercial. Mr. Leigh stated he wants to rezone his property so he can refinance his home.

Chairperson Harris asked about the lagoon because the property is only about 9/10 of an acre.

Uriah Mach stated the lagoon is existing so unless there is a problem with the lagoon it will be an issue for the Health Department.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Prevo made and Commissioner Wilson seconded a motion to **approve** a request by Heinz Leigh to rezone from C-G (General Commercial) to R-S (Single-Family Residential) on .87 acres, more or less, located at 11125 E Hwy CC, Centralia.

Boyd Harris – Yes

Paul Prevo – Yes

Gregory Martin – Yes

Kevin Murphy – 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 be heard before the County Commission on Tuesday, May 27, 2014 and the applicant needs to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

1. Wild Bill Fenton. S12-T50N-R14W. A-R. William L. and Dorothy J. Fenton, owners. Donald E. Bormann, surveyor.

The following staff report was entered in to the record:

The subject property is located immediately north of the city limits of Harrisburg, on State Route F. The proposal is to divide a 3.36 acre house lot from the 26.4 acre parent parcel. This division will leave the existing shed on the remainder parcel. The property is zoned A-R (Agriculture-Residential), and has A-R zoning to the north and west, A-2 (Agriculture) zoning to the east, and the city limits of Harrisburg to the south. This is all original 1973 zoning.

The subject property has an existing access on to State Route F, a publicly-dedicated and publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in the Public Water Service District #10 (PWSD#10) service area, but has a long-standing arrangement with the City of Harrisburg for service. The property is located in the Boone Electric service area for electrical service and the Boone County Fire Protection District for fire protection.

The lot has an existing on-site wastewater system. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis requirement.

The property scored 58 points on the rating system.

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

Commissioner Kurzejeski made and Commissioner Murphy seconded a motion to approve as recommended Wild Bill Fenton plat.

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 Capital Quarries was approved with the condition that asphalt from the plant only be used on the Highway 63 project and the plant would need to be removed within 60 days of project completion.

None of the plats from last month have gone forward to the County Commission.

The subdivision regulation amendment was approved by the County Commission.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:14 p.m.

Respectfully submitted,

Secretary
Paul Prevo

Minutes approved on this 19th day of June, 2014