

**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, February 19, 2015**

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
Eric Kurzejeski, Secretary	Missouri Township
Carl Freiling	Cedar 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:

Paul Prevo, Vice-Chairperson	Rocky Fork Township
Vacant Seat	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 December 18, 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, March 3<sup>rd</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, March 3<sup>rd</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Stephen and GERALYN Hill to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 16.0 acres, more or less, located at 9951 W Hwy 124, Harrisburg.

The subject property is located on Highway 124, approximately  $\frac{3}{4}$  of a mile to the west of Harrisburg, along the county border with Howard County. The property is 16 acres in size and has a single-family dwelling present. The property is zoned A-1(Agriculture), and has A-1 zoning to the south, east, and north, with Howard County to the west. The zoning is all original 1973 zoning. The property scored 60 points on the rating system.

The applicant is seeking to rezone the subject property from A-1(Agriculture) to A-2(Agriculture) for purposes of allowing a family transfer. The applicant owns property on both sides of the county line, however due to sight distance issues on Highway 124, any new residence would need to be located on the Boone County property.

The Boone County Master Plan has designated this area as being suitable for agricultural and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation 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. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Public Water Service District #10, who will provide public water to the property. Boone Electric provides electrical service. Any new residential development will make use of an on-site wastewater system as permitted by the Columbia/Boone County Health Department.

Transportation: The property is located on Highway 124, a publicly-dedicated and maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, who maintain a station in Harrisburg, approximately 1 mile away.

Zoning Analysis: The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis. While a rezoning to the A-2 zoning district would allow for a significant increase in development potential, the existing infrastructure will serve to restrict development to a level which would not be extraordinary when compared to the surrounding properties.

Staff recommends approval of the request.

Present representing the request:

Corrine Hill, 9951 W Highway 124, Harrisburg

Geralyn Hill, 9551 W Highway 124, Harrisburg  
Steve Hill, 9551 W Highway 124, Harrisburg  
Scott Hill, 9551 W Highway 124, Harrisburg

Geralyn Hill stated the applicants would like to rezone in order to do a family transfer for acreage to build a house on.

Corrine Hill stated the applicants have been looking at their property in Howard County as well as Boone County and Boone County seems to be the better piece of property. The applicants spoke with John Kuhlman from MoDot and he provided a letter stating the Boone County side of the property has double the amount of site distance which would be more safe for pulling out on to the highway. The applicants are planning to build a small family home less than 2000 square feet and we need the family transfer in order to do so.

Chairperson Harris stated the west line is just west of the house now so it is not too far.

Geralyn Hill stated yes.

Open to public hearing.

Present speaking in favor:

Steve Proctor, surveyor, 7001 W Stidham Rd., Harrisburg

Steve Proctor stated he met the applicants at the property with their builder and even on the Howard County side with the topography the lagoon was going to have to be a very long way from the house which is good but when you only have 2.5 acres you are getting close to other property lines. Mr. Proctor suggested the applicants call John Kuhlman with MoDot to check the site distance. I think both sides would work but the Boone County side is better. The applicants have another sibling and they may want to do an additional family transfer later. In talking to the two previous County land surveyors, David Piest, and Bob Walker, the Boone County boundary line is an imaginary line and no one can figure out how to lay it out so how much land is on the Boone County side no one really knows. Mr. Proctor stated he wasn't aware that the property was zoned A-1, there are some larger farms in the area but this is not one of them. The Combs across the road own nine acres and that is one reason Mr. Proctor thought it was zoned A-2. To look at this in terms of a future subdivision it is not really possible because of the topography and site distance. John Kuhlman wouldn't allow multiple driveways through there and without road frontage the lots would have to be at least five acres. Currently dividing the property isn't possible because they would have to have two, ten acre pieces and the applicants only own sixteen acres total in Boone County.

No one spoke in opposition.

Closed to public hearing.

Commissioner Harris asked about the Combs property on the south side of Highway 124 being 9 acres.

Mr. Shawver stated he believes both the Hill property and the Combs property were originally part of the same 40 acre piece. When Highway 124 went through and took the right of way it split the property. In looking at the aerial you can clearly see the original 40 acre piece.

Commissioner Wilson made and Commissioner Murphy seconded a motion to **approve** a request by Stephen and GERALYN Hill to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 16.0 acres, more or less, located at 9951 W Hwy 124, Harrisburg.

Boyd Harris – Yes

Carl Freiling – Yes

Eric Kurzejeski – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Michael Poehlman – Yes

Lloyd Wilson - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that this request would be heard by the County Commission on Tuesday, March 3, 2015 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. Rangeline Estates. S13-T47N-R12W. A-2. J Alan Investments LLC, owner. David T. Butcher, surveyor.

The following staff report was entered in to the record:

The subject property is located approximately 1 ½ miles to the north east of the city of Ashland on Rangeline Road, near its intersection with Hubbard Road. It is approximately 5.94 acres in size. The proposal is to divide this property into two lots, one at 2.5 acres in size and the other at 2.86 acres in size. The property is currently undeveloped. The property is zoned A-2 (Agriculture), having been rezoned in March of 1975. The surrounding properties are zoned A-1 (Agriculture). The A-1 zoning is original, 1973 zoning.

Both lots will have direct access on to Rangeline Road, a publicly-dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The property is located in Consolidated Public Water Service District #1's service area. Public water is available at the property. Boone Electric can provide electrical service, and the property is located in the Southern Boone County Fire Protection District.

On-site wastewater is proposed for this property, as regulated by the Columbia/Boone Count Health Department. The applicant has requested a waiver from the wastewater cost-benefit analysis requirement.

The property scored 51 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 Rangeline Estates with staff recommendations.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

There were two plats in December, Hane Subdivision and Mollies Acres.

The Planning and Zoning Commission recommended denial of Hane Subdivision, the applicant appealed to the County Commission and they approved the plat. There was an issue with how the minimum lot width was measured and the Commission thought that the regulations were somewhat ambiguous in how it should be interpreted so the County Commission approved the plat.

Mr. Shawver stated he has a report to the Commission on Tuesday with a recommendation on how to clarify the measurement of the minimum lot width.

Mollies Acres subdivision was approved as recommended.

X. New Business

There are two vacancies on the Planning and Zoning Commission, one in Bourbon Township and another in the Three Creeks Township.

XI. Adjourn

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

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 19<sup>th</sup> day of March, 2015