

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, July 16, 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
Paul Prevo, Vice-Chairperson
Eric Kurzejeski, Secretary
Gregory Martin
Kevin Murphy
Loyd Wilson
Derin Campbell

Centralia Township
Rocky Fork Township
Missouri Township
Katy Township
Perche Township
Columbia Township
County Engineer

b. Members Absent:

Carl Freiling
Michael Poehlman
Vacant Seat
Vacant Seat

Cedar Township
Rock Bridge Township
Three Creeks Township
Bourbon Township

c. Staff Present:

Stan Shawver, Director
Thad Yonke, Senior Planner

Uriah Mach, Planner
Paula Evans, Staff

III. Approval of Minutes:

Minutes from the June 18, 2015 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, two rezoning requests and nine 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, July 28th. 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, July 28th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by David L. Sallee to amend a permit for a sewage lagoon on 5.0 acres, located at 11251 N. Hecht Rd., Hallsville).

Applicant was not present for the hearing. Request rescheduled for the August 20, 2015 meeting.

The audience was informed that neighbors who received notification of this meeting would receive another notification.

VI. Rezoning

1. Request by Darren and Katie Nickerson to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan for Nickerson Estates on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.

Commissioner Murphy stated he would not be participating in this request. Commissioner Murphy left the Commission Chambers.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Warren School Road, south of State Route K, approximately ½ mile to the east of the city limits of the City of Columbia. The subject property is 10.73 acres in size, and zoned A-1 (Agriculture). The property currently has a single-family house, a shed, and a barn present. The property is surrounded by A-1 (Agriculture) zoning. This is all original 1973 zoning. The applicant submitted a request on the April 2015 Planning & Zoning Commission agenda to rezone the property to A-2 (Agriculture). That request was denied by the Planning & Zoning Commission and the County Commission. The property scored 55 points on the rating system.

The proposed zoning change is to facilitate further subdivision of the property for purposes of building a new house. The submitted review plan describes two lots, one at 2.5 acres in size, separating the existing house, shop, and wastewater system; the other at 8.23 acres in size, placing a house, shop, pool, and wastewater system on the property.

The Boone County Master Plan has designated this area as being suitable for 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 “gate keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department.

Transportation: The property has direct access on to Warren School Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, whose station on Route K is the closest to provide emergency services.

Zoning Analysis: The overall character of this area has long been rural in nature, with larger (10+ acre) tracts being the norm. The lack of development in this part of the county shows that interest has been in maintaining that rural character for the longer term. The denial of the earlier A-2 rezoning request reflected a desire to retain that rural character. This request allows for controls to be placed on development potential of the property in order to preserve the rural character of the area and allow for more detailed public consideration of the proposal.

Staff recommends approval of the request.

Present, representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park Ct, Columbia
Darren Nickerson, 3613 Wakefield Dr, Columbia

Mr. Gebhardt stated there is a proposed development to the east that could provide sewer and the applicants are okay with hooking on to that as long as it doesn't delay his schedule.

Mr. Yonke stated that if the applicant applied for a building permit before the other property develops then the applicant would work with the Health Department for an on-site system. If the applicant is delayed and the other development is completed first then the applicant might be required to use their collector system.

Chairperson Harris asked which site is looking into a proposed central sewer system.

Mr. Yonke stated the Toalson property.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris asked if this request is approved and the applicant installs an on-site system will there be any expectation for them to connect to the proposed central system.

Mr. Yonke stated if the applicant's on-site system is approved they will not have to abandon that system to connect to a central system. If one of those on-site systems fail and there is central sewer available they may be required to connect.

Commissioner Wilson made and Commissioner Prevo seconded a motion to **approve** a request by Darren and Katie Nickerson to rezone from A-1 to A-2P 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.

Boyd Harris – Yes
Paul Prevo – Yes
Gregory Martin – Yes

Eric Kurzejeski – Yes
Loyd Wilson – Yes
Kevin Murphy – Abstain

Derin Campbell – Yes

Motion to approve the request passes 6 YES 1 ABSTAIN

Commissioner Prevo made and Commissioner Wilson seconded a motion to **approve** a review plan for Nickerson Estates on 10.73 acres, more or less, located at 7400 S Warren School Rd., Columbia.

Boyd Harris – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Loyd Wilson – Yes

Gregory Martin – Yes

Kevin Murphy – Abstain

Derin Campbell – Yes

Motion to approve the request passes 6 YES 1 ABSTAIN

Chairperson Harris informed the applicant that these requests would go before the County Commission on Tuesday, July 28, 2015 at 7:00 pm and the applicant needs to be present for the hearing.

Commissioner Murphy returned to the Commission Chambers

2. Request by SUERONDOW Farms LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) and to approve a Review Plan on 1.56 acres located at 5020 N Rte Z, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on State Route Z, south of Judy School Road. The property is approximately 231 acres in size, however only 1.56 acres of the property is proposed to be rezoned. The entire property has a house and barn present, those structures are 250 feet and 80 feet, respectively, from the portion being rezoned. The property is currently zoned A-1 (Agriculture) and is surrounded by A-1 zoning. This is original 1973 zoning.

The proposal is to rezone the identified 1.56 acres from A-1 (Agriculture) to M-LP (Planned Light Industrial). The proposed uses are for a bulk storage propane facility and agriculture. The applicant, citing problems with access for an existing grandfathered facility approximately 1.5 miles to the north, desires to open a new facility on the subject tract.

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 “gate keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: Boone Electric can provide electrical service to this property. Public Water Service District #9 can provide water service and fire flows to this property. Wastewater will be an on-site system permitted by the Columbia/Boone County Health Department.

Transportation: The property has direct access on to State Route Z, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The Boone County Fire Protection District will provide fire protection services to this property from their station at Lake of the Woods. Water is present at the level necessary to provide fire flows at Route Z, however extensions will be necessary to provide hydrants at the site.

Zoning Analysis: This proposal is best described as a spot zoning. The creation of a site to support a use that is out of character with the surrounding properties is generally frowned upon by the Boone County Master Plan. While focusing the proposals using a planned district does make the proposal more palatable to the Boone County Master Plan in terms of considering the use, the presence of vacant M-L (Light Industrial) zoning approximately 2.5 miles to the south of the subject tract indicates that there are existing properties able to support this use within reasonable distance. Locating on the existing M-L would improve access to a major highway (Interstate 70), and place the property in a location better able to be served by emergency services. Acquiring a lease on or ownership of a portion of the existing M-L property would be an easier route to construct a new facility and would place the property in an easier location to receive emergency and utility services.

The property scored 25 points on the rating system.

Staff recommends denial of the request.

However, if the Commission approves the request, staff recommends the following conditions:

1. Dust-free surfacing (minimum chip and seal) will be required on the access drive and circulation areas of the proposal.
2. Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District

Present, representing the request

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia
Terri Ballenger-Belcher, 3939 N Route Z, Columbia

Mr. Schweikert stated the applicants are proposing a 1.56 acre tract zoned M-LP for a propane storage facility. The owner wants to move his current bulk propane facility which is on a curve of Route Z about a mile north of the proposed site. The applicant owns the proposed site which is part of a 227 acre tract, the M-LP zoned area would be in the middle of that tract and over 1000 feet from any of the property lines. The reason the applicants want to move their facility is due to safety concerns.

Mr. Schweikert presented photos from November 2014 which show a vehicle that wrecked at the curve on Route Z adjacent to the current propane facility.

Mr. Schweikert stated that the vehicle ended up leaning against one of the propane tanks.

Ms. Ballenger-Belcher stated she contacted MoDOT to try to get a guardrail installed and they denied the request. Ms. Ballenger-Belcher stated she offered to pay for the guardrail and they still denied it because MoDOT stated they would still have to maintain it. The applicants just want to move the existing facility to the proposed site to get it off the bad curve.

Mr. Schweikert stated the staff report mentioned that the applicants were putting in a new facility. The applicants are moving the current facility and the reason is because of the pictures.

Ms. Ballenger-Belcher stated the concrete barrier was broken in half and the car was leaning against one of the propane tanks.

Mr. Schweikert stated Battalion Chief Gale Blomenkamp is in favor of moving the facility and has contacted the County Commissioners about it. A review plan was submitted and it lists the allowed uses. The only allowed uses are for bulk propane storage and agriculture use. The property owner wishes it to revert back to A-1 if the propane storage is ever removed. The applicants already own the tract and for security purposes they are keeping it out of the public eye so it makes sense to put it in the middle of the property.

Commissioner Kurzejeski asked if the proposed driveway location poses any problem with vehicles coming on and off the highway due to the curve.

Mr. Schweikert explained that the driveway location already serves the property and stated that John Kuhlman (MoDOT) didn't have a problem with using the current entrance.

Commissioner Murphy asked if the applicants looked at other appropriately zoned properties in the area.

Ms. Ballenger-Belcher stated the applicants already own the proposed site.

Mr. Schweikert stated the property to the south will have more development in the area because it is not far from the high school.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Wilson asked if the applicants were going to move the tanks or put in new tanks.

Ms. Ballenger-Belcher stated the applicants would move the existing tanks.

Commissioner Wilson asked the applicants if they were willing to do the chip/seal surface as recommended by staff.

Ms. Ballenger-Belcher stated the applicants would do whatever they needed to get this done. The site needs to be moved off the curve.

Commissioner Campbell asked how many other accidents have happened at that corner.

Ms. Ballenger-Belcher stated there have been several but the one in November was the worst and it could have been a lot worse. The applicants previously asked MODOT for a solution and were told to put in the concrete barriers, which they did. The photos show what happened.

Commissioner Martin asked if the applicants owned the propane tanks at the existing site.

Ms. Ballenger-Belcher stated yes.

Commissioner Martin stated the spot zoning is the hard part of this request. Tomorrow or next month, when for example, a neighboring property owner requests an auto repair facility on his property and then another neighbor asks for something else it becomes very difficult for the Commission to sort through and gets very dangerous to set a precedence to allow these things.

Ms. Ballenger-Belcher stated this request is for public safety reasons. The applicants want to make sure that the provision is in there in the event that the applicants no longer have the propane business we want the property to revert back to A-1 zoning.

Commissioner Martin stated he knows safety is a concern but the Commission also has to answer to the neighbors.

Commissioner Murphy stated the purpose of a planned district is so the Commission can create that safety net.

Ms. Ballenger-Belcher stated all of the neighbors are in support; they have seen the accidents.

Commissioner Wilson asked if the applicants sold any bulk propane to any other companies.

Ms. Ballenger-Belcher stated no, they only have residential and agricultural customers.

Chairperson Harris stated he agrees that the biggest problem is the spot zoning. Chairperson Harris stated he understands the safety issue and the applicants already own the property. The conditions that staff is proposing are not onerous. The issue is how do we face the stakeholders that we dealt with in the Northeast Sub Area Plan that were so adamant to maintain the nature of this area and not let it transition in to a lot of development? Even with the provision in the review plan that if it ceases to be used for this use it goes back to A-1 no questions asked that doesn't preclude six other people from showing up and requesting rezoning.

Mr. Schweikert stated in this case you have the condition where it reverts back

Mr. Yonke stated the property can't automatically revert back to A-1 zoning. You can have the two uses listed under the M-LP and if they cease using the propane facility an approved use is agriculture. The M-L zoning stays with the property.

Mr. Shawver stated the only way that the property owners can restrict that is to have a deed restriction that says that once you no longer have the propane facility it can only be used for agriculture purposes. The County Commission cannot give an approval which says that once you are no longer using the bulk storage that it has to revert back to A-1. Nothing stops the applicants or a future property owner from coming in and down zoning but the only way to restrict it is through a deed restriction.

Chairperson Harris asked if the applicants were going to cut out the 1.56 acre tract and deed it to the propane company.

Mr. Schweikert stated the applicants are not platting the property; there is a review plan.

Mr. Yonke stated it would be problematic to cut out the 1.56 acre piece out of the center of the property.

Chairperson Harris stated a deed restriction would be improbable.

Mr. Schweikert stated you could do it on the deed for the entire property so it is a possibility.

Chairperson Harris stated the problem with this is spot zoning. The question becomes does the greater benefit of the potential public safety outweigh the implications that is caused by spot zoning approval.

Commissioner Martin stated he understands the safety issue; the problem is when the neighbor wants to rezone and put a bar in.

Ms. Ballenger-Belcher stated the applicants aren't trying to start something brand new; they just want to move the existing facility.

Commissioner Campbell asked if the applicants looked at any alternative safety measures besides asking MoDOT to put in a guardrail.

Ms. Ballenger-Belcher stated the only other option the applicants have is to put in more concrete barriers.

Commissioner Campbell stated the applicant could put a guardrail on their property.

Ms. Ballenger-Belcher stated that MoDOT said the only place they could put it is at the light pole where the fence is. Ms. Ballenger-Belcher stated she spoke with several different people at MoDOT.

Mr. Yonke stated a partial staff concern is that while staff has no doubt that the applicant is intending to relocate their facility, that since they don't own the property where their facility currently is, even if the applicants relocate, the current property owner could reestablish a propane business themselves on this site. If the facility is moved off the existing site the current owner could reestablish a propane business within a year by using their grandfather rights and you would end up with two propane facilities in the area.

Commissioner Campbell asked if the applicants looked at anything besides a guardrail for added safety measures.

Ms. Ballenger-Belcher stated the applicants put in concrete barriers.

Commissioner Campbell stated he understands that but there are other alternatives.

Ms. Ballenger-Belcher stated that MoDOT put up some reflective arrows.

Commissioner Murphy asked if this was the only type of zoning for a propane storage facility or could it be placed in a Planned Agriculture zoning.

Mr. Mach stated the lowest intensity zoning options for bulk propane storage is M-L or M-G.

Chairperson Harris stated the applicants could put in a reinforced concrete wall that was 6-feet high and 12 inches thick and if someone were to hit that it would probably kill them and the applicants could be held liable.

Commissioner Wilson stated he is concerned with the spot zoning problem and understands all the aspects of this. Commissioner Wilson would like to see the tanks moved because if the Commission doesn't approve it and someone hits it and dies, we had a chance to move those tanks.

Chairperson Harris stated the distaste of spot zoning may be outweighed by the potential public safety benefit.

Commissioner Wilson stated there are no guarantees that someone won't put more tanks at the existing site but if we say no, we don't want spot zoning, and during the winter someone could collide with the tank and blow it up and we had a chance to move the tanks.

Chairperson Harris asked if the applicants own the spot where the tanks are now.

Ms. Ballenger-Belcher stated no.

Chairperson Harris asked who owns it.

Ms. Ballenger-Belcher stated Dr. Perry.

Commissioner Murphy asked if he would be willing to provide documentation stating that if the applicants request is approved that he would give up the grandfather rights.

Mr. Yonke stated the only reason staff brought it up is so the Commission could make the decision knowing the facts; staff is not suggesting that the owner has any intention to do that.

Commissioner Murphy asked if the grandfather right could be rescinded.

Mr. Yonke stated the owner may be able to provide some kind of documentation to the Commission.

Mr. Shawver stated the Commission can't really couch approval pending action from another property owner who is not involved in this request.

Commissioner Kurzejeski stated the applicants mentioned that a member of the Fire District would have been here tonight if they could.

Mr. Schweikert stated Battalion Chief Gale Blomenkamp.

Commissioner Kurzejeski stated that we have a fire official recommending a spot zoning. It seems unique as far as spot zonings that we have dealt with in the past.

Mr. Schweikert stated that Battalion Chief Blomenkamp is very much in favor of it and thought that he had emailed staff. He has been talking to the County Commissioners.

Commissioner Prevo stated he believed the Commission is defensible in granting a spot zoning in this case.

Commissioner Murphy asked the applicants if this request were denied would the applicants look for another location.

Ms. Ballenger-Belcher stated she would have to talk to her family. This is the biggest piece of property that we could place it in the middle that would accommodate the facility. The applicants don't want to move it closer to I-70 and have it closer to the public.

Mr. Schweikert stated having the facility away from other structures makes sense.

Chairperson Harris asked about the existing M-L zoning to the south.

Mr. Yonke stated that there is 210 acres of vacant M-L zoning.

Chairperson Harris stated the area will start to become more intense in residents and businesses.

Mr. Mach stated that property is already zoned M-L so there would be no hearing the applicants would just have to get a building permit.

Mr. Schweikert stated that the area will be built up in time. The applicants feel that the proposed site is a better location.

Commissioner Wilson made and Commissioner Prevo seconded a motion to **approve** a request by SUERONDOW Farms LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) on 1.56 acres and to approve a review plan located at 5020 N Rte Z, Columbia **with the following conditions:**

1. Dust-free surfacing (minimum chip and seal) will be required on the access drive and circulation areas of the proposal.
2. Construction will be to the standards of the building and fire codes as administered by the Boone County Building Inspection Department and Boone County Fire Protection District

Boyd Harris – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Loyd Wilson – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Derin Campbell – NO

Motion to approve the request passes 6 YES 1 NO

Chairperson Harris informed the applicants that this request would be heard by the County Commission on July 28, 2015 and the applicants need to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

1. West Summitt. S35-T50N-R13W. A-2. Robert and Angela Enochs, owners. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The subject property is located on State Route VV, south of Peabody Road, approximately 5 miles north of the City of Columbia. The subject property was created by administrative survey and is now proposed to be split into two 5 acre lots. There is an existing house on lot 1, with a lagoon which will have a lagoon easement to confirm its location. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both lots have direct access on to State Route VV, a publicly-dedicated, publicly-maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

Consolidated Public Water Supply District #1 can provide water service to this property. Boone Electric can provide electrical service to this property. The property is located in the Boone County Fire Protection service area.

There is an existing lagoon on Lot 1 serves the house on that lot. Lot 2 will also be served with an on-site system as permitted by the Columbia/Boone County Health Department

The property scored 32 points on the rating system.

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

Commissioner Prevo made and Commissioner Martin seconded a motion to **approve** West Summitt as recommended:

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

Motion to approve the plat carries unanimously.

2. Chitwood Plat 2. S29-T51N-R11W. A-2. Michael and Marla Fuller, owners. Donald E. Bormann, surveyor.

The following staff report was entered in to the record:

The subject property is located on Missouri Highway 124, approximately 1½ miles to the southwest of the City of Centralia. The parent property is approximately 20 acres in size, and is vacant. The property was divided into two 10 acre lots by administrative survey, then platted to further divide the southern-most of the two 10 acre lots into two 5 acre lots. This proposal is to plat a smaller lot to the south and reconfigure lot 2 to include a pond to the south. The smaller lot to the south, identified as Lot 3, has an existing house and shed on the property. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The lots will have access on to State Highway 124, with Lot 1 having access using an easement and Lots 2 & 3 having direct access. The applicant has submitted a request to waive the traffic study requirement.

Water service will be provided by Public Water Supply District #10, electrical service will be provided by the Boone Electric Cooperative, and fire protection is provided by the Boone County Fire Protection District.

The applicant has proposed on site wastewater treatment for these lots. The applicant has also submitted a request to waive the wastewater cost-benefit analysis.

Lot 3 received a variance for the location of the existing house on May 28, 2015.

The property scored 50 points on the rating system.

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

Commissioner Harris made and Commissioner Prevo seconded a motion to **approve** Chitwood Plat 2 as recommended:

Boyd Harris – Yes

Eric Kurzejeski – Yes

Paul Prevo – Yes

Loyd Wilson – Yes

Gregory Martin – Yes

Kevin Murphy – Yes

Derin Campbell – Yes

Motion to approve the plat carries unanimously.

3. CRB. S13-T46N-R12W. A-2. Brian Anderson, owner. Steven R. Proctor, surveyor.

The following staff report was entered in to the record:

The subject property is located approximately 1 ¼ miles to the southeast of Hallsville, on State Route OO. The parent parcel is 72.75 acres in size and this proposal divides 5 acres off into a separate lot. The property has one house and one shed present on the property. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both lots will have direct access on to State Route OO. The applicant has requested a waiver to the traffic study requirement.

The property is served by Public Water Service District #4 for water service, Boone Electric for electrical service, and is located in the Boone County Fire Protection District.

There is an existing on-site wastewater system for the house. Further development will use an on-site system as approved by the Columbia/Boone County Health Department.

The property scored 35 points on the rating system.

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

Commissioner Prevo made and Commissioner Wilson seconded a motion to **approve** CRB Plat as recommended:

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

Motion to approve the plat carries unanimously.

4. Melloway Farms. S19-T50N-R11W. A-2. Homer Lee Phillips, Jr., owner. Kevin M. Schweikert, surveyor.

The following staff report was entered in to the record:

The subject property is located approximately 1 ¼ miles to the southeast of Hallsville, on State Route OO. The property is 12.01 acres in size and is proposed to be divided into two lots, one at 7 acres and the other at 5 acres. The property has one house present on the property. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both lots will have direct access on to State Route OO. The applicant has requested a waiver to the traffic study requirement.

The property is served by Public Water Service District #4 for water service, Boone Electric for electrical service, and is located in the Boone County Fire Protection District.

There is an existing on-site wastewater system for the house. Further development will use an on-site system as approved by the Columbia/Boone County Health Department.

The property scored 35 points on the rating system.

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

Commissioner Prevo made and Commissioner Harris seconded a motion to **approve** Melloway Farms as recommended:

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

Motion to approve the plat carries unanimously.

5. Kurzejeski. S32-T48N-R13W. R-S. Kurzejeski Family Revocable Trust, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered in to the record:

The subject property is located on Scott Boulevard, directly adjacent to the City of Columbia, approximately ½ mile south of Vawter School Road. The property is 13.24 acres in size. This proposal creates a 1.04 acre lot containing the house, and leaves the remainder as an administrative survey tract. The property is split-zoned R-S (Residential Single-Family) and A-2 (Agriculture). It has R-S zoning to the north, A-2 zoning to the west, and the City of Columbia to the east and south. The county zoning is all original 1973 zoning.

The property has direct access on to Scott Boulevard. The property should dedicate right of way consistent with the classification of Scott Boulevard by CATSO. The applicant has requested a waiver to the traffic study requirement.

This property is served by the Consolidated Public Water Service District #1 for water, Columbia Water & Light for electrical service, and is in the Boone County Fire Protection District.

The property is connected to the City of Columbia's central wastewater system.

The property scored 70 points on the rating system.

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

Commissioner Prevo made and Commissioner Wilson seconded a motion to **approve Kurzejeski Plat as recommended:**

Boyd Harris – Yes
Paul Prevo – Yes
Gregory Martin – Yes
Derin Campbell – Yes

Eric Kurzejeski – Abstain
Loyd Wilson – Yes
Kevin Murphy – Yes

Motion to approve the plat carries 6 YES 1 ABSTAIN

6. South Town Estates. S23-T50N-R12W. A-R. Kevin and Deborah George, owners. Jay Gebhardt, surveyor.

The following staff report was entered in to the record:

The subject property is located approximately 1 mile to the south of Hallsville on State Route B, south of Kemper Road. It is currently vacant land, previously held by the Missouri Department of Transportation for a re-routing of State Route B. The proposed lot is 2.66 acres in size, and zoned A-R (Agriculture-Residential). The property is surrounded by A-R zoning. This is all original 1973 zoning.

The property has one access point on to State Route B. The applicant has requested a waiver to the traffic study requirement

The property is served by Public Water Service District #4, Boone Electric, and the Boone County Fire Protection District, for water, electricity, and fire protection, respectively.

The new lot is proposing on-site wastewater treatment as permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis.

The property received a variance for the length to depth ratio at the October 23 2014 Boone County Board of Adjustment meeting.

The property scored 55 points on the rating system.

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

Commissioner Prevo made and Commissioner Harris seconded a motion to **approve** South Town Estates as recommended:

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

Motion to approve the plat carries	6 YES	1 ABSTAIN
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7. Forevergreen Estates Plat 2. S24T-48N-R14W. A-2. Jeffrey and Tracey Herigon, owners. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

The subject property is located on Forevergreen Drive off of State Route UU, approximately 1 ½ miles to the west of the city limits of Columbia. The property consists of lots 102, 105, and 105 of Forevergreen Subdivision, which under this proposal, are going to be reconfigured into two lots, 102A & 105A. The property is currently undeveloped. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning.

The lot 105A has direct access on to Forevergreen Drive and lot 102A has direct access to Forevergreen Drive and State Route UU. The applicant has submitted a request to waive the traffic study requirement.

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

On-site wastewater systems as permitted by the Columbia/Boone County Health Department.

The property scored 45 points on the rating system.

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

Commissioner Harris made and Commissioner Prevo seconded a motion to **approve** Forevergreen Estates Plat 2 as recommended:

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

Motion to approve the plat carries unanimously.

8. Gilmore Hollow. S35-T46N-R12W. A-2. Jane Armer, owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

The subject property is located on Gilmore Lane, approximately 1 ½ miles to the south of Ashland, off of Highway 63. The parent parcel is 40.32 acres in size. This proposal divides three lots at 4.99 acres, 3.78 acres, and 6.84 acres from that parent parcel, with the remainder being divided by concurrent administrative survey. The 4.99 acre lot has an existing house and on-site wastewater system. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The proposed lots all have direct access on to Gilmore Lane, a publicly-dedicated, publicly maintained right-of-way. 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 service, Boone Electric for electrical service, and the Boone County Fire Protection District for fire protection.

There is an existing on-site system serving the house on Lot 1. On-site systems are proposed to serve the two undeveloped lots. They will be permitted and inspected by the Columbia/Boone County Health Department.

The property scored 37 points on the rating system.

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

Commissioner Harris made and Commissioner Prevo seconded a motion to **approve** Gilmore Hollow as recommended:

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

Motion to approve the plat carries unanimously.

9. Benish. S1-T49N-R12W. A-2. Donn and Judith Benish, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered in to the record:

The subject property is located on Phillipe Road, approximately 1 ½ miles to the northeast of the City of Columbia. The property is 24.32 acres in size and has a house and shed present on the property. The proposed plat splits 4.84 acres from the 24.32 acre parent parcel, with the remainder being configured by an administrative survey. 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 Phillipe Road, a publicly-dedicated, publicly maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

The subject property is located in Public Water Service District #4 for water, Boone Electric provides electrical service, and fire protection is provided by the Boone County Fire Protection District.

An existing on-site system provides wastewater treatment for this lot. The applicant has requested a waiver to the wastewater cost-benefit analysis.

This property received a variance (2015-006) from the Boone Count Board of Adjustment in June 2015.

The property scored 29 points on the rating system.

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

Commissioner Prevo made and Commissioner Harris seconded a motion to **approve** Benish Plat as recommended:

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

Motion to approve the plat carries unanimously.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

Hagan's Ridge plat was approved as recommended.

X. Public Comment

Present for public comment:

Don Bormann, 101 W. Singleton, Centralia

Mr. Bormann stated the Chitwood Plat on tonight's agenda was done by him. There were a couple of issues that Mr. Bormann would like to bring to the Commission's attention. Regarding the plat that the Commission just approved tonight the applicants had to do a variance request because of a non-conforming use of the house.

Mr. Bormann presented a copy of the relevant section of the zoning regulation.

Mr. Bormann stated the southern portion of the property was created by a survey in 1973 and the house was built shortly thereafter. The present owner of the property -who are the third or fourth owners of the property - has lived there for about a year. They bought the property to the north and they decided since they owned both lots they would like to keep the pond with their north piece. There was sufficient acreage to do that so they asked if they just needed to survey it. Mr. Bormann stated it was a little more cumbersome than that. The first thing we ran in to was the fact that there is an existing house on the property and it is within about 35 feet of the rear property line. Zoning Regulations stated that you have to go to the Board of Adjustment to get a variance in order to keep the house there. No one is going to move the house, it is a silly thing to go to the Board of Adjustment on something like this but that is the requirement in the regulations. When citizens run into this process it is disbelief that they have to go through something like this and spend \$600 in order to keep their house where it is so they can change the property line between two pieces of property that they own. It costs \$150 for the application fee, certified mailings and the surveyors time to prepare the application and come to the hearing to explain the request to the Board of Adjustment. It is pretty much a foregone conclusion in situations like this that the applicants are going to get the variance but you have to go through this expensive and time consuming process and until you've done this you can't even do a subdivision plat and get started on anything else. It delays you in time and costs money and you are going to probably get the variance. In almost every single case that Mr. Bormann has done with a house, the variance has been granted. The house was legally built; there wasn't anything illegal about it when it was done but now it is nonconforming. Mr. Bormann stated he has been in situations where he has surveyed some of these when the house was 100 years old and now they have to get a variance in order to keep it there so they could do something with the property realizing that if they do nothing with the property they don't have to ask for a variance and the house stays. What is the whole point of this whole process? This isn't anything that staff is forcing on people other than the fact that the rules say that the process must be followed. Mr. Bormann stated he thinks the process is silly and it gives the County a black eye every time someone comes in and has to deal with this process. They look at the county rules and think that the County is out to get their last dime and to delay the process as long as possible. That is not the intent of what is happening but that is what people think and they have become very opposed to Planning and Zoning as a result of something like this. The Planning and Zoning Commission needs to deal with this and change the regulations. There should be a way that staff can say that the applicants didn't create the problem, it was an existing use. Certainly for things that were built before Planning and Zoning came into effect should be grandfathered in and staff should be able to say yes. A lot of cases where the house was built afterwards but they were built legally staff could look at it and see that the applicants didn't do anything wrong and there should be a process for that to happen because it gives the county a black eye every time someone goes through this. Mr. Bormann stated that he has dealt with many of these and other surveyors do also on a regular basis. Mr. Bormann asked the Planning and Zoning Commission to consider changing the rule to something that makes more sense.

Mr. Bormann stated the second thing the applicants for this plat had to do was go through a vacation process.

Mr. Bormann presented a copy of the relevant section of the subdivision regulation.

Mr. Bormann stated that in order to do a replat the regulations clearly spell out the process that you have to do a vacation of the property first. This was a five acre tract. Mr. Bormann stated that his first thought is that you are going to vacate this lot and now it becomes an illegal lot. Why would we want to do something that makes it illegal just so we can replat? This is the only jurisdiction that Mr. Bormann has dealt with that goes through a cumbersome process like what the county requires. In most cases you just do a replat, if there are any easements or rights of way that have to be changed then those should be vacated and that should be part of the approval of the replat. But to vacate something and make the lot illegal so you can change it doesn't make very good sense and it also delays the process. The only good thing about this is there is no fee requirement to the client but there is the time it takes the surveyor to prepare it. We never used to do this before the present regulations came into existence and Boone County is the only district. Columbia, Centralia and other jurisdictions don't do this and no one else in any other part of the state does it either as far as Mr. Bormann knows. In the particular case of the lot that we are dealing with we didn't change anything; there was no right of way to be changed and the easement was exactly the same beforehand as it was afterwards. What did the vacation of this lot accomplish other than to make it an illegal lot for a certain period of time? I think this is a cumbersome process that just costs the clients time and money. Mr. Bormann stated he doesn't see the goal of what this does. We never used to do this so why was it put in the regulations? No one really knows the answer to that but this is the process we have to go through and it seems to be a very cumbersome process that doesn't accomplish anything.

Chairperson Harris stated these are things that the Commission will need some time to look at and discuss.

XI. New Business

1. Annual Election of Officers.

Commissioner Martin nominated and Commissioner Wilson seconded Commissioner Harris for Chairperson.

All members voted in favor, none opposed.

Commissioner Martin nominated and Commissioner Wilson seconded Commissioner Prevo for Vice-Chairperson.

All members voted in favor, none opposed.

Commissioner Wilson nominated and Commissioner Martin seconded Commissioner Kurzejeski for Secretary.

All members voted in favor, none opposed.

XII. Adjourn

Being no further business the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 20th day of August, 2015