

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, December 17, 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
Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Kevin Murphy	Perche Township
Michael Poehlman	Rock Bridge Township
Bill Lloyd	Three Creeks Township
Derin Campbell	County Engineer

b. Members Absent:

Loyd Wilson	Columbia Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 19, 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 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, December 29th. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, December 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Gara W. Toalson Revocable Trust and Williams N. Toalson, owners, to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan and Preliminary Plat for Toalson Estates on 81.99 acres, more or less, located at 4505 W Rte K, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located south of State Route K, bounded by Nursery Road to the east, and Warren School Road to the west. The property is 81.99 acres in size and is zoned A-1 (Agriculture). A request to rezone a portion of this property to A-2 (Agriculture) was submitted in April of 2015 and was denied. It has the City of Columbia and A-2 zoning to the east, A-1 zoning to the north and west, with A-1P (Planned Agriculture) and A-1 zoning to the south. The A-1P was created in 1996. To the east, a transmission facility conditional use permit was granted in 2001. To the west, an adjacent property attempted an A-1 to A-2 rezoning in April of 2015 and was denied. That same property came back in July of 2015 with an A-1 to A-2P (Planned Agriculture) rezoning and was approved. The subject property scored 51 points on the rating system.

The applicant proposes to rezone the entire property from A-1 (Agriculture) to A-2P (Agriculture) for purposes of development into lots smaller than 10 acres in size. The applicant has also submitted a review plan for approval showing 14 lots.

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 “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: Boone Electric can provide electrical service to this property. Consolidated Public Water Service District #1 can provide water service to this property and a water study has identified the required improvements to meet the needs of this proposal. Sewer service is proposed as a central system to be handed over to the Boone County Regional Sewer District for operation.

Transportation: Access to this property is off of State Route K, Nursery Road, and Warren School Road. State Route K is a publicly-dedicated, publicly-maintained right of way. Direct access is controlled by the Missouri Department of Transportation. They have located one access point for the property. Nursery Road is a publicly-maintained gravel road on the east side of the property. It is a one lane gravel road with no shoulders and steep banks on both sides of the road. It also has a difficult turnaround at the end of the county-maintained portion.

Warren School Road is a publicly-maintained gravel road and is able to provide service to the adjacent property under the existing zoning. Warren School Road is located at the west side of the property.

The proposed development intends to make use of a private road to serve 8 of the 14 lots. The private road will access Route K on the northern end of the property. The remaining 6 lots have access on to publicly-maintained rights-of-way. Private roads may be approved in a planned development that is combined with a major plat. The design standard to which the road will be built is a key element in deciding whether the use of a private road is appropriate in each case. Plans for the private road will need to describe width, depth, grades over the road's length, maximum curvature (both vertical & horizontal), and the proposed surface. While a proposal that identifies a minimum width of 20' has been submitted for consideration, the fire code dictates that a 26' road width would be appropriate for a roadway of this length. Additionally, had this road been proposed as a public road, it would exceed the maximum cul-de-sac length of the County's road regulations.

Maintenance of the private road is another factor to be considered in deciding whether the use of a private road is appropriate. A maintenance agreement is necessary to ensure that issues such as road repair and snow removal are addressed. Without a maintenance agreement to cover how such uses are to be assessed for maintenance, disagreements between property owners may cause difficulties in keeping the road in a good state of repair. At this time, a draft maintenance agreement is proposed to evenly apportion the cost of maintenance across all eight of the tracts that rely on the private road.

The Zoning Regulations Section 6, Planned Developments, provide the Director with the authority to require the submittal of plans to ensure that adequate vehicular circulation is provided within the planned development. The Subdivision Regulations require the submission of proposed restrictive covenants as part of the submittal.

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. Warren School Road and Route K can provide access for emergency services. Nursery Road is limited in the level of access it can provide to the subject property. Some form of turnaround needs to be installed for this development along Nursery Road for emergency services.

Zoning Analysis: The Boone County Master Plan indicates that this area is suitable for residential development. That stated, the sufficiency of resources test, also in the Boone County Master Plan, would indicate that there are some key design issues regarding transportation for this property. While the overall design makes good use of the property, the fine details needed to answer questions in regards to transportation and access are lacking. Those details, specifically the design of the private road and the agreement for maintenance of the private road, have draft proposals under review by staff.

Staff recommends Approval of the request with the following conditions:

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final Plat.
4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.
5. The private road must be of uniform width for its entire length.

Present representing the request:

David Butcher, Crockett Engineering, 2608 N Stadium, Columbia

Bill Toalson, 4505 W Route K, Columbia

David Butcher: The applicants had previously applied for straight A-2 zoning and presented a layout that is basically the same as what is presented tonight. One of the issues that had arisen with regards to the previous request was that it was open zoning. The applicants took the recommendation to come back with a plan and I believe we have resolved most of the issues. The staff report indicated things that could probably be done better however it is still a rural area in a country setting. We don't want to make it as expensive as a city development. Another major issue was Nursery Road; during the previous request we discussed Nursery Road as being the main point of access for entry into the subdivision. Nursery Road was deemed to be inappropriate for any more traffic. Mr. Toalson decided to come off Route K using his existing access through his existing property, he has included his existing house as part of the development and he is willing to build a road through his existing property. Mr. Toalson intends to build on lot 11, he had every intention of building a little driveway but staff has indicated that since it is going to cross another persons driveway that he needs to upgrade it and Mr. Toalson is willing to do that.

Some of the concerns of the planning staff is the ability to have fire access to the property. In talking with the Fire District, twenty-six feet is the desired width however they are willing to accept anything that would carry 50,000 pounds and would allow enough width for at least a 20 foot roadway so an emergency vehicle can get in. The applicants have prepared a cross section of roadway that would carry 50,000 pounds and meets the minimum width. Another issue is the sewer. A sanitary sewer is proposed to be on the southerly lot and it will be used for treatment however if public sewer becomes available the applicants would like the opportunity to use the lot for private development.

Commissioner Murphy: How many lots front Nursery Road?

David Butcher: Five lots front Nursery Road but only three would be considered in the area that is not desirable.

Commissioner Murphy: Where does lot one have access?

David Butcher: There is a private access shown that will cut through the other lot.

Commissioner Murphy: On condition 4 regarding the cul-de-sac, where is that?

Uriah Mach: That condition was placed so that fire can back up and turn around.

Commissioner Murphy: The cross section on the private road; is that going to be 20 feet?

David Butcher: Yes. The goal is that the rock will suffice itself as a 50,000 pound load without the asphalt and then the applicant will build homes. Judge the roadway on the gravel and not the asphalt because the applicants want to do the asphalt after the development is completed.

Commissioner Murphy: Is staff acceptable with a 20 foot road?

Uriah Mach: I went to the International Fire Code for the recommendation and it is 26 feet for roads longer than 500' as the staff report indicates.

Stan Shawver: We have an indication from the Fire Marshal that they will accept a lesser cross section.

Commissioner Martin: Has the road maintenance agreement been worked out?

David Butcher: Staff indicated yesterday that they would like to have a draft of one submitted. I borrowed one from another developer and it is similar to what Mr. Toalson plans to do, something simple that states everyone is responsible for the road and it is shared equally.

Commissioner Murphy: Is it going to be binding on all the lots?

David Butcher: Just the ones that touch the road.

Chairperson Harris: On the road cross section is there a stabilizing mat under the aggregates?

David Butcher: It is a grid that you put underneath that allows you to use a lesser amount of rock. The mat will get rolled down and the base is put on top and compacted.

Chairperson Harris: With the asphalt over the aggregate what is the life expectancy?

David Butcher: I have no idea. The asphalt is a visual surface for them to use, if they don't want it they don't have to have it.

Chairperson Harris: I have some concern over what the applicant is saying versus what staff is saying. The applicant indicated they would build the gravel road and once the houses are done go back and put the asphalt cap on.

David Butcher: That is correct.

Chairperson Harris: Staff recommendation is that the road must be constructed prior to approval and recording of the final plat.

David Butcher: That is why I wanted to make sure we were clear that we don't need the asphalt as part of the road to be approved by staff.

Chairperson Harris: If staff were to say that is okay then what is the assurance that the asphalt will be done?

David Butcher: There is no assurance that it will be done; the applicants could leave it as gravel if they want to. The asphalt is only an option.

Thad Yonke: Our recommendation for approval was predicated on it being an asphalt road, not a gravel road. Staff did not understand that to be the case at any point.

David Butcher: The applicant doesn't want to pour asphalt until after all the construction traffic has gone in and out.

Commissioner Murphy: That could be several years down the road.

David Butcher: It's doubtful but it could be. The only reason I say it is doubtful is because he has buyers in line.

Commissioner Kurzejeski: Was staff's expectation that the asphalt road would be completed prior to the final plan?

Thad Yonke: Prior to the lots being recorded.

Bill Toalson: I thought at the meeting we had discussed that it would be gravel and the Fire Department said gravel would be satisfactory.

Thad Yonke: The Fire Department doesn't make our staff determination.

Stan Shawver: I don't recall that we discussed when the asphalt would be done and I have conversed with the Fire Marshal as to whether that is acceptable or not. At this point the staff condition is still appropriate that it meet with the approval of the Fire Marshal and the Director.

Chairperson Harris: My concern is that two inches of asphalt over that rock base won't hold. The County has had some bad experiences in the past with the private roads that don't have proper maintenance agreements. If the Fire Marshal says they can live with the gravel road as long as there is a good maintenance agreement would that be acceptable?

Stan Shawver: That is what the condition was.

Commissioner Murphy: But also with staff's approval.

Stan Shawver: Correct, staff will defer to the Fire Marshal as to what will work with their fire equipment. We just received the cross section yesterday afternoon and other than just an email there has been no discussion on the sequence of construction and what is acceptable and at what point. I would expect that the Fire Marshal would like to see more detailed plans on the road. Staff has no idea what the elevations and grade are going to be. Technically, the Fire Marshall said fine on the cross section but whether he understood that it would be over several phases; staff didn't understand it that way.

Thad Yonke: That is the kind of thing that would be worked out in a maintenance agreement had a maintenance agreement with those issues been given to staff ahead of time.

David Butcher: While I have an appreciation for much of this I want to say that we have a significant concern to make sure that the private road is safe, we want it to carry a 50,000 pound load and we want it to be of minimal size. While there are plenty of private roads out there that do not have those limits the applicants are promising the Commission by virtue of what is being presented that we will build it to carry a fire truck and it will meet or exceed what has been built by private development in the past. It is a private road; there is no requirement that we have to have asphalt. I know staff would like to require the applicants to have asphalt on this road but at a certain point building this road maybe it was just better to rebuild Nursery Road. The whole point of this is that we have very low density and now the applicants are assuring the Commission that we are going to keep low density but we also don't want to make the cost of constructing the access to this property unreasonable to the point that we should have gone with a higher density. The applicants would like to keep the lots in the county as shown, he has removed all requests for any type of use except for residential uses and he wants to be able to build a road that is safe for a fire truck to get back there. We have an engineer who will sign that it will meet a 50,000 pound load and it will meet the cross section approved by the Fire District. I don't think the surface of the road should be as significant as its function. I would like to help keep us focused on what is the most important part of this, that the road will work and do its job and not necessarily that it has to be made of asphalt.

Thad Yonke: County regulations do indicate dust free roads are required and we only allow gravel to be used when you are doing things like administrative surveys for lots 10 acres or larger. When you are doing lots that are smaller than 10 acres a public road would be required to be hard surface.

David Butcher: The administrative tracts are 10 acre parcels of land and we are talking about some that are 10 acres on this plan and a couple that are below 5 acres. The goal is that this would be similar to that type of development. This land, by area would be able to have 8 tracts of land under the existing zoning in the exact way it is being described, in this particular proposal we are asking for a few more and with that we are asking the Commission to grant a few more and the promise that we will make sure this road will carry 50,000 pounds and allow for safety vehicles.

Chairperson Harris: What is the total length on the road?

Uriah Mach: In excess of 1500 feet. It is somewhere between 1500 and 1800 feet.

Commissioner Lloyd: Is there a regulation that describes what the road needs to be for this type of development?

Stan Shawver: As a public road, yes. This is proposed to be a private road and private roads are only permitted in planned developments, there is not a specification for a private road other than the fire code which staff doesn't administer.

Chairperson Harris: Looking at the staff recommendation number 1 it requires that the private road plans be approved by the Director and Fire Protection District. If fire comes back and says gravel is fine staff can live with that?

Stan Shawver: They are the administrative authority on that.

Chairperson Harris: If the Fire Marshal determines that it has to be paved the applicants will live with it?

David Butcher: We will have to.

Open to public hearing.

No one spoke in favor of the request:

Present speaking in opposition:

Joan Benjamin, 8050 S Warren School Rd, Columbia

Joan Benjamin: The concern that I have is what is going to happen to this area. Part of the reason I moved there was because of the agricultural zoning. I am just wondering what is going to happen if all of these start being rezoned to where it no longer has the character of what the area is now.

Commissioner Murphy: It is difficult to say. Property owners decide what they are going to do with their property. I think this is a good buffer between the stuff east of Nursery Road; those are much smaller, urban type lots.

Joan Benjamin: I just wonder about the future of the whole area.

Commissioner Murphy: It is defined as an urban area.

Chairperson Harris: This is a question that the Commission can't give a specific answer to. In reality this is a much less intense plan than what was originally submitted and part of the reason that change was requested was to give credence to your question in that it does provide somewhat of a buffer and keeps it in the county and keeps some control over how quickly the area develops versus where this lays it is basically touching the city limits. Were services available it could have been annexed and gone into really intense development.

Joan Benjamin: There is so much development going on in the area that I just wonder what is going to happen with Route K because it is already overcrowded.

Also present in opposition:

John Billman: 4208 Eagle View Ct., Columbia

John Billman: Will any of the lots fronting Nursery Road have access to Nursery Road?

Closed to public hearing.

David Butcher: The goal is to have five lots adjacent to Nursery Road one of them being the sewer lot, two of them are across from Mr. Billman and the rest are south.

Chairperson Harris: Is there a reason for the angle on lot 1 as opposed to squaring it out.

David Butcher: The buyer of that lot is intended to be the owner of the nursery next door and she has intentions of buying that lot for herself so her access isn't as important.

Chairperson Harris: Which side of the road is the waterline?

Bill Toalson: It is on the west side.

Chairperson Harris: So are the people building driveways going to run into a waterline and have to lower it?

David Butcher: There are going to have to be some upgrades to the waterline.

Commissioner Prevo made and Commissioner Poehlman seconded a motion to **approve the request by Gara W. Toalson Revocable Trust and Williams N. Toalson, owners, to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and to approve a Review Plan for Toalson Estates on 81.99 acres, more or less, located at 4505 W Rte K, Columbia with the following conditions:**

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final Plat.
4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.

5. The private road must be of uniform width for its entire length.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Kevin Murphy – Yes	Derin Campbell – NO
Bill Lloyd - Yes	

Motion to approve the request passes 8 YES 1 NO

Commissioner Prevo made and Commissioner Murphy seconded a motion to **approve** the request by Gara W. Toalson Revocable Trust and Williams N. Toalson, owners, to approve a Preliminary Plat for Toalson Estates on 81.99 acres, more or less, located at 4505 W Rte K, Columbia **with the following conditions:**

1. Plans for the private road must be approved by the Director of Resource Management and the Boone County Fire Protection District prior to the approval of the Final Plan.
2. The road maintenance agreement must be approved by the Director of Resource Management prior to approval of the Final Plan.
3. The private road must be constructed prior to approval and recording of the Final Plat.
4. A cul-de-sac or similar turnaround must be placed at the end of the private road and at the end of Nursery Road.
5. The private road must be of uniform width for its entire length.

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Kevin Murphy – Yes	Derin Campbell – Yes
Bill Lloyd - Yes	

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicants that these requests would go before the County Commission on December 29, 2015 and the applicant needs to be present at the hearing.

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. CRB Plat 2. S19-T50N-R11W. A-2. Rodney and Stephanie Anderson, owners. James R. Jeffries, surveyor.

The following staff report was entered into the record:

The subject property is located approximately 1 ¼ miles to the southeast of Hallsville, on State Route OO. The property consists of CRB Subdivision and an adjacent 21.32 acre tract. The property has one house and one shed present on the platted lot. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal reconfigures CRB Subdivision and the adjacent lot into one 4.73 acre lot and one 21.33 acre lot. The applicants intend to complete family transfers out of the 21.33 acre lot.

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 Harris made and Commissioner Prevo seconded a motion to approve CRB Plat 2 with waiver requests

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 Islamic School was approved as recommended.

The rezoning request for Hanberry was recommended denial; the applicants appealed the decision to the County Commission and asked that it be tabled until the December 29, 2015 meeting so that the applicants could meet with the neighbors.

The request for Spring Creek was tabled by the Planning and Zoning Commission the applicants are working on a plan at this time.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:55p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 18th day of February, 2016