

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, March 17, 2016

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
Bill Lloyd	Three Creeks Township
Derin Campbell	County Engineer

b. Members Absent:

Paul Prevo, Vice-Chairperson	Rocky Fork Township
Loyd Wilson	Columbia Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the February 18, 2016 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, a rezoning request and three 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, March 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, March 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Annice Cone to operate an animal grooming service with incidental kenneling on 2.7 acres located at 3650 E Hidden Ln. Hartsburg.

Planner Uriah Mach gave the following staff report:

The subject property is located on Hidden Lane, approximately two miles to the southwest of the City of Ashland. The subject property is 2.61 acres in size and zoned A-2(Agriculture). It is surrounded by A-2 zoning. This is all original 1973 zoning. The applicant is applying for a conditional use permit to operate an animal grooming business with incidental kenneling. This business came to the attention of Resource Management due to a complaint over signs on the property. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 22 property owners about this request. The property scored 30 points on the point rating system

The proposal is to make use of space in the existing house to provide dog grooming services, and kennel dogs on-site pending pick-up by their owners.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The requested use has the potential to be injurious to the use and enjoyment of other property in the immediate vicinity. Animal operations can general noise impacts that negatively impact surrounding properties. Limits on number of animals and hours they are on site will help mitigate noise impacts. Public testimony may be indicative as to whether this criterion is met.

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

The proposed use may have a negative impact on property values in the area. Public testimony may be indicative as to whether this criterion is met.

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

The use as proposed has limited needs with respect to utility infrastructure beyond what is present, so the site has adequate facilities to support the proposal.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties have already developed in a manner consistent with the zoning and the existing utility infrastructure. The approval of this conditional use permit will not impede the re-development or improvement of the surrounding property.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The proposed use will generate more traffic than the existing residential uses on Hidden Lane. The property currently has a circle drive for access. Making use of this drive for drop-off/pick-up traffic will be a necessity to prevent circulation problems on Hidden Lane.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed.

Zoning Analysis: Animal care facilities can generate negative impacts. Any time there are animals that are unfamiliar with each other are in a confined space, noise can become a problem. A solution to that problem is to limit the number of animals and the amount of time that they are confined on site. Doing so would limit the negative impacts generated by this request, particularly when combined with the use of off-street parking to limit traffic problems on Hidden Lane.

Staff recommends approval of this conditional use permit with the following condition:

1. That the number of animals served on site be limited to 6 per day.
2. That no animals be kept overnight.
3. That the hours of operation run no later than 6:00 pm.

Present representing the request:

Heather Cone, 3650 E Hidden Lane, Hartsburg

Heather Cone: I am the owner of On Broadway Pet Styling (in Ashland) and opened in June 2013 but due to events beyond my control I needed to move my facility to my home in order to better take care of my family. The overhead cost in the township of Ashland was a little more than I could bear. This is a low volume grooming facility and I have no intention of becoming high volume. I am not trying to make a million dollars off of this I just want to support my family. The best way I can do that and not have a high volume facility like Pet Smart or Petco is to make sure I can keep my overhead low. My client base is mostly in the towns of Hartsburg and Ashland. There shouldn't be too much of a noise impact because all the animals are maintained indoors. My own personal dogs are probably louder than the grooming dogs are. I don't have any issues as far as escapes because I take every precaution; the animals are always on a leash even when they are inside the building. I make sure that clients keep their pets on a leash. As far as traffic is concerned I don't do mass drop offs and I have scheduled drop off times. Due to the scheduled times, there is only one client coming down the road at any given time as far as pickup or drop offs. Drop offs are between 9:00 am and 11:00 am, pickups are between 12:30 and 3:00 pm. Periodically I do have a person who is running a little behind but I have a very strict no pickups after 5:00 pm. I do not offer any

type of overnight services and if it were to ever happen it is stipulated in the contract that the client signs with me that they are charged \$50 per night so that is a deterrent. In the 2 ½ years I have been doing this I haven't had anyone take me up on that offer. I have no intent to build any new structures or to make any type of renovations; I already have what I need.

Chairperson Harris: Is it mostly dogs or are there cats as well?

Heather Cone: Yes, mostly dogs. Periodically I get a cat. I was a veterinary technician for 15 years and I have a massive amount of animal handling experience and I have been in the animal care industry for approximately 20 years. I don't see that there will be any injurious behavior happening; everyone is kept as safe as possible.

Commissioner Murphy: Have you spoken to any of your neighbors?

Heather Cone: I spoke to a lot of them but I can't say that I have spoken to all of them. A lot of my neighbors are actually clients. I sent out letters and no one has expressed any concern about it.

Commissioner Murphy: Are you okay with the staff conditions?

Heather Cone: Yes.

Chairperson Harris: The applicant has animals of her own?

Heather Cone: Yes, they are kept separate. The grooming area is what was previously the garage, my pets are not allowed down there, they stay upstairs and the groomed pets stay downstairs.

Chairperson Harris: The staff condition of six per day is client animals and is not inclusive of personal animals.

Uriah Mach: That is correct.

Commissioner Kurzejeski: What type of signage does the applicant have, if any?

Heather Cone: I currently don't have any signage. It was brought to my attention that I was out of compliance. I initially contacted someone from the county when I wanted to move and I was told that I didn't need to do anything and there were no restrictions. As soon as I was notified that I was out of compliance I took down all the signage. Whatever signage I put up would be in compliance with the regulations.

Commissioner Poehlman: What will you do with the hair?

Heather Cone: It will go in the dumpster that I have.

Commissioner Kurzejeski: Do you have any outside runs?

Heather Cone: No, it is all indoor because I am too afraid of flight risks. I don't leash walk them afterwards. I usually want them picked up within an hour.

Chairperson Harris: So it is really more of an appointment and service type business rather than a doggie daycare.

Heather Cone: Right, we are strictly by appointment and there is no foot traffic. Even at my old facility I turned away walk-ins because I like to know when people are coming.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Greg Reinkemeyer, 16550 Palis Nichols Road, Hartsburg

Greg Reinkemeyer: The neighbors would like to see road improvements out there if she is going to run a business. I understand she has a round driveway but there is a lot of traffic out there. I don't know what this type of business will do to property values in the area.

Commissioner Murphy: This is a small volume operation. Typically when we look at requesting road improvements from a business or commercial operation it is based on trip generation and this request comes no where near to that tipping point.

Greg Reinkemeyer: Anyone who runs a business should have to pay for the road up-keep.

Commissioner Murphy: They pay taxes and they pay taxes on their business operation and that helps contribute towards road maintenance in the county.

Greg Reinkemeyer: I have nothing against the applicant I just wonder how this is going to improve our area. There will be dog smell. What is this going to do to property values?

Commissioner Murphy: I wouldn't imagine it would have much of an impact on property values.

Closed to public hearing.

Heather Cone: Any traffic impacts should be very negligible. Mr. Reinkemeyer lives through the greenbelt behind me and unless someone gets lost they shouldn't even be on his road. As far as smell, I also own sheep and if six dogs are overpowering the smell of sheep then I am doing something very wrong. I clean daily so it shouldn't be an issue. The dogs don't defecate when they are on my premises anyway; for the most part they are very well trained dogs.

Chairperson Harris: Kenneling has been allowed within the A-2 zoning district under a conditional use permit for a long time.

Uriah Mach: Yes.

Commissioner Martin made and Commissioner Poehlman seconded a motion to **approve** the request by Annice Cone to operate an animal grooming service with incidental kenneling on 2.7 acres located at 3650 E Hidden Ln. Hartsburg **with the following conditions:**

1. That the number of animals served on site be limited to 6 per day.
2. That no animals be kept overnight.
3. That the hours of operation run no later than 6:00 pm.

Boyd Harris – Yes

Eric Kurzejeski – Yes

Carl Freiling – Yes

Greg Martin – Yes

Michael Poehlman – Yes

Kevin Murphy – Yes

Bill Lloyd - Yes

Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on March 17, 2016 and the applicant needs to be present at the hearing.

VI. Rezoning

1. Request by Emma and Scott O’Connell to rezone from REC (Recreation) to A-2 (Agriculture) on 11.0 acres, more or less located at 10 N Roby Farm Rd, Rocheport.

Planner, Uriah Mach gave the following staff report:

The subject property is located on north Roby Farm Road, approximately 2 miles southeast of Rocheport and 4/10 of a mile south of Interstate 70. The property is approximately 11 acres in size. The property is zoned REC(Recreation), and has REC zoning to east, R-M(Residential Moderate-density) and REC zoning to the north, A-2(Agriculture) zoning to the south, and R-M and A-2 zoning to the east. This is all original 1973 zoning. The property is located in a designated sinkhole area.

The applicant is seeking to rezone to A-2(Agriculture) zoning in order to construct a house on the property.

The Boone County Master Plan identifies this area as being suitable for agriculture 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: The subject property is located in Consolidated Public Water Service District #1 – however; there are no public waterlines in the area, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

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

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Rocheport being closest for service.

Zoning Analysis: The proposed rezoning is consistent with development in the surrounding area. Available infrastructure can support the proposed rezoning request.

The property scored 38 points on the rating system.

Staff recommends approval of the request.

Present representing the request:

Scott O'Connell, 2551 S Roby Farm Rd, Rocheport
Emma O'Connell, 2551 S Roby Farm Rd, Rocheport

Emma O'Connell: The property is zoned recreational now and we want to build a house so we would like to have the property rezoned.

Scott O'Connell: We purchased this property from a neighbor in the area and they knew the applicants intended to build a house. We have consulted an engineering firm.

Chairperson Harris: Recreational zoning precludes single family residence?

Uriah Mach: Yes.

Commissioner Murphy: Any idea why this area was zoned recreational?

Stan Shawver: The Lewis and Clark campground was there when zoning came in to place. Also Boone Cavern was being used for recreational purposes so the original zoning put recreational in that area.

Open to public hearing.

Present speaking in favor:

Albert Taylor, 551 S Roby Farm Rd, Rocheport

Albert Taylor: I understand the applicants want to build a house and that is why the property needs to be rezoned. I am in favor of getting rid of the recreational zoning and going to agriculture.

Closed to public hearing.

Chairperson Harris: Which water district is in the area?

Stan Shawver: This area was originally in Water District 3. When District 3 dissolved, Consolidated Public Water District #1 assumed the area. There are not public waterlines in this area.

Commissioner Murphy made and Commissioner Poehlman seconded a motion to **approve** the request Emma and Scott O'Connell to rezone from REC (Recreation) to A-2 (Agriculture) on 11.0 acres, more or less located at 10 N Roby Farm Rd, Rocheport:

Boyd Harris – Yes
Carl Freiling – Yes

Eric Kurzejeski – Yes
Greg Martin – Yes

Michael Poehlman – Yes
Bill Lloyd - Yes

Kevin Murphy – Yes
Derin Campbell – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on March 17, 2016 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. Brandel Meadows. A-2. Ronald and Vicci Brandel, owners. Nathanael E. Kohl, surveyor.

Staff Report:

The subject property is located on Breedlove Road, approximately four miles to the west of Hallsville and five miles south of Sturgeon. The subject property is 15 acres in size and has a house, lagoon, and several outbuildings present on site. This proposal is to divide the property into one 2.55 acre lot and consolidate the remainder into a 20+ acre tract to the south. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property has direct access on to Breedlove Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

Public Water Service District #4 provides water service to this property. Boone Electric Cooperative provides electrical service to this property. This property is located in the Boone County Fire Protection District service area.

An existing on-site wastewater system serves this property, regulated by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

This design received two variances from the Boone County Board of Adjustment. One for a stem design (case number 2015-012), the other for the location of accessory structures (case number 2015-015).

The property scored 21 points on the rating system.

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

2. Wind River. A-2. Tompkins Homes and Development LLC, owner. David T. Butcher, surveyor.

Staff report:

The subject property is located near the southern end of Hancock Hill Road, four miles southeast of Rocheport. The property is vacant and 13.57 acres in size. The proposed plat divides the property into two lots, one of 3.96 acres, the other of 9.28 acres. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Both proposed lots have direct access on to Hancock Hill Road, a publicly-dedicated, publicly-maintained right of way. The applicant has requested a waiver to the traffic study requirement

The property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and in the Boone County Fire Protection District.

The lots are proposed to use on-site wastewater systems as permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit study requirement.

The property scored 8 points on the rating system.

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

3. Reeder Estates. A-2. Lonnie and Sharon Sapp, owners. Kevin M. Schweikert, surveyor.

Staff report:

The subject property is located approximately 3 miles west of Ashland on State Route M. The property is currently 3.33 acres in size, but is proposed to be enlarged to 3.53 acres in size by acquiring some property from the larger tract to the east. The property has a house, lagoon, and two barns present. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property has an existing access on to State Route M, and 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 service area, Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

There is an existing lagoon on the property to provide wastewater handling. The applicant has requested a waiver to the wastewater treatment cost-benefit analysis.

The property scored 39 points on the rating system.

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

Commissioner Murphy made and Commissioner Campbell seconded a motion to approve as recommended the items on consent agenda and to place the staff reports in to the record.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request by Keeven/Smarr was approved as recommended.

The rezoning request by Spring Creek Properties was approved as recommended.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 19th day of April, 2015