

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, April 21, 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
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
Loyd Wilson	Columbia Township

b. Members Absent:

Bill Lloyd	Three Creeks Township
Derin Campbell	County Engineer
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the March 17, 2016 meeting were approved by acclamation.

IV. Chairperson Statement

The following statement was entered into the record:

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 two development plans for Planned Developments and three subdivision plats. The rezoning request that had been on the agenda has been withdrawn by the applicant. If that request is submitted at a future date, the public will be notified.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

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

V. Conditional Use Permits

None

VI. Rezoning

None

VII. Planned Developments

1. Request by Jerome and Jeannine Taylor to approve a Final Development Plan for Happy Hollow Estates Planned Residential Development on 15.30 acres, more or less, located at 801 Happy Hollow Rd., Columbia.

Bill Florea: The County Commission approved the Review Plan for Happy Hollow with no changes. According to the Zoning Regulations, when there are no changes, the Final Plan is approved with just the signatures of the Chairperson and the Secretary.

Chairperson Harris signed the final development plan.

2. Request by EKD Properties V LLC to approve a Revised Review Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101 N Lenway Dr. Columbia.

The property is located at 6989 I-70 Drive N.E., approximately 4 miles east of Columbia. The 36.94 acre tract was originally zoned A-R (Agriculture-Residential). In 1994, 17.12 acres was rezoned to REC (Recreation), the remaining 19.82 acres retained the original A-R zoning. The golf driving range was allowed by conditional use permit in 1989. In January 2005 the north 29.44 acres of the property was rezoned to RS-P (Planned Residential Single-Family) and the south 7.5 acres was rezoned to CG-P (Planned General Commercial). A final development plan and preliminary plat was also approved showing 88-residential lots and 2-commercial lots. In October of 2005, a new plan was filed requested expansion of the C-GP area. Zoning adjacent to the property is as follows: north – A-1 (Agriculture) and A-R; east – A-R; south – A-2 (Agriculture); west – A-2.

The current application is being filed to update the current status of the property in order to coordinate required improvements. Some practices and structures were out of compliance with county regulations, some structures had been built in previously unidentified areas, and establishment of a new plan allows all parties involved in improving this property to have a common starting point.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities: Public Water District Number 9 provides water service to the property. Since the prior approval, the required infrastructure improvements have been made to this property. Wastewater is handled by the Boone County Regional Sewer District at their facility to the east of this site.

Transportation: A traffic analysis prepared by Crockett Engineering Consultants was submitted with the previous request. MoDOT reviewed the traffic study and agreed with the conclusion that no improvements to I-70 Drive N.E. are warranted because the base traffic flow is low enough that even with the additional traffic generated by the previously proposed development, the street will continue to function at level of service A. At this time, there is no reason to dispute the prior analysis.

Public Safety Services: There is no indication that public safety services are not readily available to the property.

Zoning Analysis: The proposed plan is essentially the prior plan updated to reflect as-built conditions. The land use has not significantly changed, however the as-built conditions did not match with the approval from 2005. Several parts of the plan were never built and in seeking compliance for violations of the plan, a need to determine what was present and what was not was identified. Matching the approved plan with the existing conditions allows for improvements to be evaluated off of a common starting point and keeps the plan accurate.

The property scored 56 points on the rating system.

Staff recommends approval of the plan.

Present representing the request:

Andy Green, Crockett Engineering, 2608 N Stadium Blvd, Columbia

Andy Green: We are updating the plan to reflect current conditions of the site. One of the major concerns is that a detention basin was shown on the original final plan; that was just a proposed detention basin. At that time it was proposed because we didn't know if the box culvert underneath I-70 Drive could handle the additional runoff from the site. After the final design it was determined that the box culvert could handle the flows and the basin was not needed.

Chairperson Harris: The only concern I have is it has been 10 years since the original plan was done. If the applicants are doing this to clean up what was done is there a good reason why it wasn't completed according to the plan to begin with?

Uriah Mach: This plan was approved prior to the adoption of the Stormwater Ordinance. We were referring back to the second and third set of plans trying to understand what was in place and this seemed the cleanest way to get on top of “as built” and clean up the stormwater issue on the property. I don't see

this as something that staff would typically recommend but because of the violation it came up. This way everyone has the same starting point and frame of reference to try and resolve that issue.

Chairperson Harris: The owners understand that this plan is the plan that is meant to be followed.

Andy Green: Yes, when I was going back to try to revise the final plan there were files and correspondence; one had the new sewer district on there on a new lot location. Somewhere in the 10 years it got lost and never got resubmitted or approved.

Chairperson Harris: I just didn't want to set a precedent.

Bill Florea: Because there has been a determination made after the fact and there was communication between the consultant and the County, they had already done the calculations to verify that the box culvert was adequately sized and they didn't need a detention basin so they didn't install it. It wasn't until staff inspected and saw there wasn't a detention basin that we got those calculations and determined that it wasn't necessary.

Thad Yonke: The biggest reason that this hasn't been finished is more on the plat and not the plan. They didn't build all the road they were supposed to. That is what has been holding it up for years because the roads have to be finished before the plat can be approved.

Andy Green: I have been working with the owner and he has gotten bids from contractors, he wants to move forward with the platting process and finishing that drive is going to be the first step.

Open to public hearing.

Present speaking neither in favor or opposition:

Tony Rynearson, 9551 I-70 Drive NE, Columbia

Tony Rynearson: I own the property to the west. I am here to find out what is taking place at the property.

Chairperson Harris: To clarify, Mr. Rynearson is asking what the long range plans are and the permitted uses for the property.

Uriah Mach read the permitted uses listed on the plan.

Tony Rynearson: Are they changing the zoning of the R-S property?

Uriah Mach: That is not changing.

Tony Rynearson: So at this time there are no changes for that area?

Bill Florea: No, and any future changes on the Bobcat property would require another review plan and public hearing.

Chairperson Harris: The R-SP area is zoned for single family dwellings but there are no permitted uses listed on the plan so if they decide to develop it then it would have to come back before the Commission.

Closed to public hearing.

Commissioner Murphy made and Commissioner Prevo seconded a motion to **approve** the request by EKD Properties V LLC to approve a Revised Review Plan for Bobcat of St. Louis Planned Commercial Development on 35.91 acres, more or less, located at 1101 N Lenway Dr. Columbia:

Boyd Harris – Yes	Paul Prevo – Yes
Eric Kurzejeski – Yes	Carl Freiling – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Kevin Murphy – Yes	Loyd Wilson – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on May 3, 2016 and the applicant needs to be present at the hearing.

VIII. Plats

The following items were placed on consent agenda:

1. Curry. S19-T51N-R13W. A-2. Michael and Mary Curry, owners. Donald E. Bormann, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route F, four miles northeast of Harrisburg. The parent parcel is 10.05 acres in size and zoned A-2(Agriculture). The property is currently undeveloped. The proposal is to split 5.44 acres off of the parent parcel, and consolidate the remainder with an adjacent property by survey. The property is surrounded by A-2 zoning, all of it original 1973 zoning.

The lot will have direct access on to State Route F, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The property is located in Public Water Service District #10. The district or a well will provide water service to the property.

On-site wastewater treatment is proposed, regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater treatment cost-benefit analysis.

The remainder of this property will be absorbed into an adjacent survey of property to the west.

The property scored 30 points on the rating system.

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

2. Harmon Estates Plat 2. S32-T50N-R11W. A-2. Larry and Judy Harmon, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located west of the intersection of State Route OO and State Route Z, approximately 3 miles southeast of the City of Hallsville. The parent parcel is 27.84 acres in size and is zoned A-2(Agriculture). The proposal is to split approximately 3 acres off of the parent parcel for a home site, leaving the remainder with the existing house and outbuildings. The property has A-2 zoning to the north, south, and west, with A-1(Agriculture) zoning to the east. This is all original 1973 zoning.

The lot has direct access on to State Route OO, a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #9, but borders Public Water Service District #4 to the north. Either district can provide water service to this property.

The proposal calls for on-site wastewater treatment as regulated by the Columbia/Boone County Health Department. The applicant has filed a request to waive the wastewater cost-benefit analysis.

The property scored 34 points on the rating system.

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

3. Weatherspoon. S13-T49N-R12W. A-2. K.W. Properties, Inc., owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on Mount Hope Road approximately 1 and ½ miles to the east of the city limits of Columbia. The property is approximately 6 acres in size and has a single-wide mobile home and a lagoon currently present. The proposal is to split this property into two lots each just under 3 acres in size. This property was created by family transfer in 2005. 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 Mount Hope Road, a publicly-dedicated, publicly-maintained, right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4, but has service from the City of Columbia.

The property currently has a lagoon present, with wastewater regulated by the Columbia/Boone County Health Department. This proposal will sever the lagoon from the dwelling it serves. A new on-site system will need to be installed to support the existing dwelling. The applicant has filed a request to waive the wastewater cost-benefit analysis.

As this proposal creates a lot smaller than 5 acres in size, the single-wide mobile home currently on the property will need to be replaced. The applicant is aware of this situation and will be applying for a building permit to replace the single-wide with a modular home.

The property scored 46 points on the rating system.

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

Commissioner Prevo made and Commissioner Murphy seconded a motion to approve as recommended the items on consent agenda and 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 conditional use permit by Cone was approved as recommended

The rezoning request for O'Connell was approved as recommended.

X. New Business

Chairperson Harris asked the Commission if there was a better time so that more Commissioners could attend the Planning and Zoning Commission work sessions.

Some Commissioners stated that 4:30 was not a good time.

Stan Shawver stated that the work sessions are a good time to ask procedural questions which shouldn't really be asked during a regular meeting.

Chairperson Harris asked the Commissioners to think about a time or day that works for most people so that more Commissioners could attend and it could be discussed at a later date.

Commissioner Murphy informed the Commission that this would be his last meeting as he is resigning from the Planning and Zoning Commission.

XI. Adjourn

Being no further business the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 19th day of May, 2016