

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, May 18, 2017

I. Vice Chairperson Prevo called the meeting to order at 7:00 p.m., with a quorum present.

II. Roll Call:

a. Members Present:

Paul Prevo, Vice-Chairperson	Rocky Fork Township
Eric Kurzejeski, Secretary	Missouri Township
Gregory Martin	Katy Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Rhonda Lightfoot	Perche Township
Jeff McCann	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling	Cedar Township
Michael Poehlman	Rock Bridge Township
Vacant Seat	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the April 20, 2017 meeting were approved by acclamation.

IV. Chairperson Statement

Vice Chairperson Prevo 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, two final development plans and four 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, May 30th. 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 30th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by J. Alan Investments LLC and GP Property Investments to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4 acres, more or less, located at 8661 S Rangeline Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject properties are located on Rangeline Road, just north of the intersection with Hubbard Road. The properties are located approximately 2 miles north of Ashland. The subject properties are each two acres in size, created by survey in 1973. The properties are zoned A-1 (Agriculture) and there is A-1 zoning to the east, west, and south, with A-2 (Agriculture) zoning to the north. The A-2 zoned properties were rezoned in 1975.

The applicant is seeking to rezone to A-2 (Agriculture) zoning in order to consolidate and reconfigure this property with adjacent property to the north.

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

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

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

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

Zoning Analysis: The proposed rezoning allows for reconfiguration of these properties and an adjacent property from 3 lots into 2 lots. Available infrastructure can support the proposed rezoning request.

Staff recommends approval of the request.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia

David Butcher: Originally the property to the north was zoned A-2, the remainder of the property is zoned A-1 and there were three tracts below the minimum 10 acres that were created prior to zoning. There are two barns located on the property, the goal is to split that tract in half and the north property will take the

barn to the north and the south property will take the barn to the south. The property can't be subdivided because it is A-1 zoning with less than 10 acres so the applicants would like to rezone the property to A-2.

Open to public hearing

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Wilson made and Commissioner Lloyd seconded a motion to **approve** the request by J. Alan Investments LLC and GP Property Investments to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 4 acres, more or less, located at 8661 S Rangeline Rd., Columbia:

Paul Prevo – Yes

Eric Kurzejeski – Yes

Greg Martin – Yes

Lloyd Wilson – Yes

Bill Lloyd - Yes

Rhonda Lightfoot – Yes

Jeff McCann – Yes

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on May 30, 2017 and the applicant needs to be present at the hearing.

VII. Planned Developments

1. Request by 3WT Properties LLC to approve a Final Development Plan for Arrowhead Lakes Estates Planned Development on 59.15 acres located at 3151 W Rte K, Columbia.

The subject property is located on State Route K, on the eastern side of Arrowhead Lake Drive's connection with State Route K. The subject property is 59.15 acres in size and zoned A-2(Agriculture). This is original 1973 zoning. The property has A-2 zoning to the north, east and west, with State Route K and the City of Columbia to the south. The property scored 74 points on the point rating system. The property had an A-2P review plan and preliminary plat approved by the County Commission on March 28th, 2017 with the following conditions:

1. Revision of the Phasing Plan to create three phases of development. Phase 1 will remain the same, covering lots 1-5 and C-1. Phase 2 will cover lots 10-14. Phase 3 will cover lots 6-9.
2. The proposed design for the private road to serve Phases 2 & 3 will require approval of the Director of Boone County Resource Management and the Boone County Fire Protection District.
 - a. Plans for construction of the road will be required to be submitted for approval prior to construction.
 - b. Road construction may be phased but shall be complete prior to recording any final plat containing lots to be served by the private road.
 - c. The road shall, at a minimum, consist of a 20-foot wide paved surface and be capable of supporting a 50,000-pound vehicle.
 - d. Where fire hydrants are located adjacent to the road the width shall be increased to 26-feet for a distance of 20-feet on both sides of the hydrant.

- e. Maximum grade of the road shall not exceed 12.5%, contingent upon approval by the Director of Resource Management and Boone County Fire Protection District.
3. Prior to Final Plan approval the developer shall provide verification of sewer service from the City of Columbia and Boone County Regional Sewer District for each lot in the development.
4. Prior to Final Plan approval the developer shall provide documentation from Consolidated Water that adequate volume and flow is available to the property to provide for fire protection requirements.
5. Fire hydrants shall be installed prior to final plat approval at each phase of development. The location of the hydrants shall be approved by the Director, Boone County Fire Protection District, and Consolidated Water.
6. The list of Allowed Uses shall be revised on the Final Plan to exclude uses that are inconsistent with the proposed restrictive covenants; e.g. Kennel or Hobby Kennel, Water Tower, Sewage Lagoon or Mechanical Treatment Plant where not approved by County Subdivision Regulations, Public Park, Place of Worship, and Family Day Care Home and Group Day Care Home.
7. Lot 5 shall be adjusted to meet the minimum lot depth requirement of 250-feet.

The applicant has submitted a final plan to finalize the rezoning of the subject property to A-2P. Under Section 6.2.14, Standards for Approval of the Final Development Plan, Boone County Zoning Ordinance, The Commission shall approve the Final Plan when it is satisfied of the following:

- All required information is accurately portrayed on the plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

During review of the current Final Plan, staff has determined that the proposal meets the standards identified in 6.2.14, and does it meet the conditions placed on it by the Commission in June of 2016 and the County Commission in March of 2017.

Plan Analysis: Boone County Zoning Regulations Section 6.2.14 establishes three criteria for approval of a Final Plan. As established above, the Final Plan for Arrowhead Lake Estates is in compliance with the three criteria and, therefore should be approved.

Staff recommends Approval of the Final Plan for Arrowhead Lake Estates.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia

David Butcher: Not much has changed from the review plan other than the location of the road and the extension of some fire hydrants to the rear lots.

Open to public hearing

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Lloyd made and Commissioner Martin seconded a motion to **approve** the request by 3WT Properties LLC to approve a Final Development Plan for Arrowhead Lakes Estates Planned Development on 59.15 acres located at 3151 W Rte K, Columbia:

Paul Prevo – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Jeff McCann – Abstain	

Motion to approve the request passes. 6 YES 1 ABSTAIN

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on May 30, 2017 and the applicant needs to be present at the hearing.

2. Request by Gara Toalson Trust to approve a Final Development Plan for Toalson Estates Planned Development on 81.99 acres 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. To the east it has the City of Columbia and R-S zoning, A-1 zoning to the north and west, with A-1P (Planned Agriculture) and A-1 zoning to the south. A request to rezone this property from A-1 to A-2P with a Review Plan and Preliminary Plat was approved in December of 2015 (Commission Order 619-2015) 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.
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 uniform width for its entire length.
6. Allow the developer to place infrastructure security, as authorized by statute, and in an amount determined sufficient by the Director of Resource Management, in lieu of applying asphalt to said private road until such time as foundations are poured on the eight (8) lots that access the private road or such earlier time as the Developer chooses in order to limit costs associated with the required infrastructure security.

The applicant has submitted a final plan to finalize the rezoning of the subject property to A-2P. Under Section 6.2.14, Standards for Approval of the Final Development Plan, Boone County Zoning Ordinance, The Commission shall approve the Final Plan when it is satisfied of the following:

- All required information is accurately portrayed on the plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

During review of the current Final Plan, staff has determined that the proposal meets the standards identified in 6.2.14, and does it meet the conditions placed on it by the County Commission in December of 2015.

Plan Analysis: Boone County Zoning Regulations Section 6.2.14 establishes three criteria for approval of a Final Plan. As established above, the Final Plan for Toalson Estates is in compliance with the three criteria and, therefore should be approved. Staff recommends Approval of the Final Plan for Toalson Estates.

David Butcher, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia

David Butcher: There are a few different things than the review plan such as stream buffer and fire hydrant locations but for the most part this is the same thing we saw on the review plan.

Open to public hearing

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Wilson made and Commissioner Lloyd seconded a motion to **approve** the request by Gara Toalson Trust to approve a Final Development Plan for Toalson Estates Planned Development on 81.99 acres located at 4505 W Rte K, Columbia:

Paul Prevo – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Jeff McCann – Abstain	

Motion to approve the request passes. 6 YES 1 ABSTAIN

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on May 30, 2017 and the applicant needs to be present at the hearing.

VIII. Plats

The following items were placed on consent agenda:

1. Lot 202 Trade Winds Park Plat 2B (preliminary plat). S12-T48N-R12W. M-L. Trade Winds Technology Development LLC, owner. Jay Gebhardt, surveyor.

The subject property is located at the northwestern corner of the intersection of Trade Winds Parkway and Richland Road, approximately ½ mile to the east of the city limits of Columbia. The property is 28.53 acres in size and zoned M-L(Light Industrial) & R-S(Residential Single-Family). The M-L zoning was originally R-S, but rezoned in September of 2008. The property has M-L zoning to the northeast and east, with A-1(Agriculture) zoning to the south, and R-S zoning to the north and west. This proposal divides

the property into sixteen lots ranging in size from 2.43 acres to .91 acres and extending two roads into cul-de-sacs.

The lots have access on Trade Winds Parkway, Technology Court, and Progress Place. All of these roads are or will be publicly-dedicated and publicly-maintained right-of-ways. All lots except 301 and 302 will use Technology Court or Progress Place.

The subject property is in the Public Water Service District #9 service area, the Boone Electric Cooperative Service area, and the Boone County Fire Protection District.

All lots will have sewer service provided by the City of Columbia.

The property scored 78 points on the rating system.

Staff recommends approval of the plat.

2. Cole. S10-T48N-R14W. A-2. Alan Carrol Cole, owner. Jonathan A. Cole, surveyor.

The subject property is located at the eastern end of Sinking Creek Road, approximately 4 miles to the west of the City of Columbia. The property is 28.24 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is original 1973 zoning. This plat divides eight acres off of the 29.80-acre parent parcel in the form of two 4 acre lots. The property is currently undeveloped.

Both lots have direct road frontage on to Sinking Creek Road, a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

Water service is provided by a 2" line maintained by Consolidated Public Water Supply District #1. Electrical service is provided by Boone Electric Cooperative. Fire protection is provided by the Boone County Fire Protection District.

On-site wastewater is proposed for these lots under permit from the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis requirement.

This property is immediately to the north of an identified sinkhole area. Additional care may be needed in development and on-site wastewater installation.

The property scored 32 points on the rating system.

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

3. Oxford Estates. S14-T47N-R13W. A-2. David and Jeanette Oxford, owners. David W. Borden, surveyor.

The subject property is located on High Point Lane, approximately 1 ½ miles from the city limits of Columbia. The property is 11.53 acres in size and is proposed to be divided into two lots, one at 8.23 acres, the other at 3.30 acres. The property is zoned A-2(Agriculture), and has A-2 zoning to the north, west, and south, with A-R(Agriculture-Residential) zoning to the east. This is all original 1973 zoning.

There is currently an existing house and garage on the property and they will be located on the proposed 3.30-acre lot.

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

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

The existing house has an on-site wastewater system. Development on the other lot will require a wastewater permit from the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 58 points on the rating system.

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

4. Nursery Heights Plat 1. S9-T47N-R13W. R-S. Nursery Heights Development Group LLC, owner. Jay Gebhardt, surveyor.

The subject properties, which abut Boones Pointe subdivision and University Estates subdivision, are located on the east side of Nursery Road approximately 700 feet south of the intersection of State Route K and Nursery Road. The northern property line of the subject property is the municipal limit line for the City of Columbia. The subject properties consist of approximately 37.62 acres that is zoned R-S (Residential Single Family) and was rezoned from A-2(Agriculture) in August of 2016. The remaining 2.74 acres is zoned A-2 to support an existing cell tower. Property to the east, which is University Estates subdivision, is zoned R-S (Residential Single Family). Property to the south and west is zoned A-1 (Agriculture). All these are original 1973 zonings. The property to the west has a tentative approval for rezoning to A-2P (Planned Agriculture) but said zoning will not go into effect until a Final Development Plan for the property is approved. Property to the north, which is Boones Pointe subdivision, was originally zoned A-2 but was annexed into the City Limits of Columbia and given R-1 zoning. The R-1 is the equivalent of the county R-S designation.

This proposal is set to create the first phase of the Nursery Heights development. This phase creates 11 developable lots, a common lot at the entry to the subdivision and the A-2 zoned lot for the cell tower.

Nursery Road is a publicly-dedicated, publicly-maintained right of way that is being improved by this development. Nursery Court is a new public road being constructed in this first phase. A traffic study was submitted with the preliminary plat for this development.

Consolidated Public Water Supply District #1 will be providing water service to this development. Boone Electric Cooperative will provide electrical service to this development. The property is located in the Boone County Fire Protection District.

Wastewater will be handled by a connection to the Boone County Regional Sewer District facility to the east.

The property scored 68 points on the rating system.

Staff recommends approval of the plat.

Commissioner Prevo made and Commissioner Martin 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 only thing on the April agenda were four plats, those have all been approved as recommended.

2. Update on Subdivision Regulations comments.

Stan Shawver stated that staff received about 350 comments and questions; staff is in the process of going through those to combine repetitive questions/comments and answering. Once staff has completed this a special work session will be scheduled to go through them with Planning and Zoning Commissioners.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:29 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 15th day of June, 2017