

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, June 15, 2017

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
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Rhonda Lightfoot	Perche Township
Jeff McCann	County Engineer

b. Members Absent:

Paul Prevo, Vice-Chairperson	Rocky Fork 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

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, one final development plan and six 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, June 27th. 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, June 27th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Samuel and Chelsea Otten to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 18 acres, more or less, located at 8151 and 8001 N Ballew Rd., Hallsville.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the southwest corner of the intersection of State Highway HH and Ballew Road, approximately 4 miles to the northeast of the City of Columbia and less than 1 mile to the west of Murry. The subject property consists of two tracts, one at 10 acres, the other at 8 acres. Each has a house present on the property. The property is zoned A-1(Agriculture) with A-2(Agriculture) zoning to the north, and A-1 zoning to the south, east, and west. This is all original 1973 zoning.

This proposal is seeking to rezone the subject property from A-1 to A-2 in order to resolve outstanding issues with the 8-acre tract. That tract was created by exception and smaller than the minimum lot size for the A-1 zoning district. Legitimizing the 8 acre tract requires a rezoning to A-2 and a subdivision plat.

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 Public Water Service District #9, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: The property has direct access on to State Highway HH and Ballew Road, both publicly-dedicated, publicly-maintained rights-of-way.

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

Zoning Analysis: The proposed rezoning allows for for the property owners to legally create the 8-acre lot. Available infrastructure can support the proposed rezoning request.

Staff recommends approval of the request.

Present representing the request:

Sam Otten, 8151 N Ballew Rd, Hallsville
Chelsea Otten, 8151 N Ballew Rd, Hallsville

Sam Otten: We live on the 10 acre piece to the north, the 8 acre piece was for sale, it had an existing house on it. When we purchased it we found that the existing house was in disrepair so they tore it down and built a new home. When we went to refinance the loan the bank informed us that it was zoned A-1 so they wouldn't approve a loan since it was only 8 acres. The applicants would like to rezone the property to A-2 so they can get the loan refinanced. We have no plans to develop the property further.

Open to public hearing

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: Is there a plat for this?

Uriah Mach: Not yet, once the plat is done it will come before the P & Z Commission.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by Samuel and Chelsea Otten to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 18 acres, more or less, located at 8151 and 8001 N Ballew Rd., Hallsville:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Carl Freiling – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on June 27, 2017 and the applicant needs to be present at the hearing.

VII. Planned Developments

1. Request by T-Vine Enterprises Inc. to approve a Final Development Plan for Settlers Ridge located at 8000 N Rte B.

The property is located north of the intersection of Glen Meadow Drive and Steiner Glen Drive approximately 1500 feet northwest of the intersection of Route B and Route HH. The zoning is A-2, which is the original zoning.

On February 16, 2017, the Planning and Zoning Commission made a recommendation to approve a rezoning to R-MP, R-SP, C-GP, R-D, and R-S and an accompanying Review Plan with three conditions. The County Commission Approved the rezoning and Review Plan February 28th, 2017 with the same three conditions:

1. A revised review plan and final plan meeting the requirements of the Boone County Zoning Regulations must be submitted prior to any building construction within each planned district.
2. Off-site road improvements shall be built by the developer in accordance with the Phasing Plan and Offsite Improvement Schedule attached to the Preliminary Plat/Review Plan.

3. The review plan approval shall be extended by three years for a total of five years from the date of approval.

Approval of the final plan will finalize the zoning for:

- 3.36 acres R-DP
- 2.02 acres M-MP
- 5.38 total acres

Section 6.2.14 establishes criteria for approval of a Final Plan:

- 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

Staff has reviewed the plan and confirms that all required information is accurately portrayed and the plan conforms to the approved review plan.

As to the conditions imposed on the review plan by the County Commission,

1. A final plan meeting the requirements of the Boone County Zoning Regulations is presented to you tonight. A revised review plan was deemed unnecessary in this case because sufficient detail was presented on the Review Plan approved February 28, 2017 for this portion of the development.
2. No off-site road improvements are required with this phase according to the approved Phasing Plan and Offsite Improvement Schedule.
3. The review plan is well within the five-year period of validity.

Staff recommends approval of the final plan.

Present representing the request:

Ron Shy, Allstate Consultants, 5600 S Hwy KK, Columbia

Ron Shy: This is the third renewal of this plat; it has changed a bit but it is basically the same as when we started.

Chairperson Harris: Has the applicant started any construction?

Ron Shy: No.

Commissioner Freiling made and Commissioner Loyd seconded a motion to **approve** the request by T-Vine Enterprises Inc. to approve a Final Development Plan for Settlers Ridge located at 8000 N Rte B:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Carl Freiling – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Rhonda Lightfoot – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris informed the applicant that this request would go before the County Commission on June 27, 2017 and the applicant needs to be present at the hearing.

VIII. Plats

Plats 1, 2, 4, & 5 on the agenda were placed on consent agenda:

1. Rangeline Estates Plat 1A. S13-T47N-R12W. A-2. J Alan Investments LLC, owner. David W. Borden, surveyor.

The subject property is located approximately 1 and ½ miles to the north east of the city of Ashland on Rangeline Road, near its intersection with Hubbard Road. It is approximately 6.48 acres in size. The proposal is to reconfigure two recently rezoned tracts with an adjacent tract to create two new lots that meet the minimum lot size requirements of the A-2(Agriculture) zoning district. The property currently has a house, two barns, and a shed present. The northern portion of this development is zoned A-2(Agriculture), having been rezoned in March of 1975. The remainder of the property was rezoned in May of 2017. The properties to the south, east, and west are zoned A-1(Agriculture). The property to the north was rezoned to A-2 in 1975. The A-1 zoning is original 1973 zoning.

Both lots will have direct access on to Rangeline Road, 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 Service District #1's service area. Public water is available at the property. Boone Electric can provide electrical service, and the property is located in the Southern Boone County Fire Protection District.

On-site wastewater is proposed for this property, as regulated by the Columbia/Boone Count Health Department. The applicant has requested a waiver from the wastewater cost-benefit analysis requirement.

This property went before the Boone County Board of Adjustment on 25 May 2017 for a variance regarding the location of the house on proposed lot 3A. That variance was granted with the "as-is, where-is" condition.

The property scored 51 points on the rating system.

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

2. Hagan's Ridge Plat 2. S13-T46N-R12W. A-2. Bryan and Leslie Crump, owners. Steven R. Proctor, surveyor.

The subject property is located on Bentlage Road, approximately 1 mile from the city limits of Ashland. The parent parcel is 102 acres in size and is zoned A-2(Agriculture) with an accessory structure present on the property. This proposal creates two lots at 5.08 and 5.80 acres in size. The property is surrounded by A-2 zoning. This is all original 1973 zoning

The proposed lots will have direct access on to Bentlage 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 for water service, Boone Electric Cooperative for electrical service, and the Southern Boone County Fire Protection District.

The proposed lots will use on-site systems as permitted by the Columbia/Boone County Public Health and Human Services Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 30 points on the rating system.

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

4. Settlers Ridge Plat 3. S9-T49N-R12W. T-Vine Enterprises, Inc. owner. James R. Jeffries, surveyor.

The property is located north of the intersection of Glen Meadow Drive and Steiner Glen Drive approximately 1500 feet northwest of the intersection of Route B and Route HH. The final plan that will finalize the zoning is pending before the County Commission. After approval of the final plan the zoning will be 3.36 acres R-DP and 2.02 acres R-MP.

The review plan and preliminary plat for Settlers Ridge was approved by the County Commission on February 28, 2017. This 5.38-acre portion of that property is currently unplatted. Platting this property will result in 14 lots zoned R-DP and 12 lots zoned R-MP.

All the lots within the plat will have frontage on and direct access to Glen Meadow Drive which, will be constructed for this plat. A 50-foot right of way for Glen Meadow Drive is dedicated by this plat along with a 20-foot wide utility easement on each side of the road.

The City of Columbia will provide wastewater treatment.

Public Water Supply District 4 provides water service to the property. Water sufficient to provide fire flow is available.

Staff recommends approval of the plat.

5. Toalson Estates. S8-T47N-R13W. A-2P. Williams Toalson, owner. David W. Borden, surveyor.

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 submitted a final plan to finalize the rezoning of the subject property to A-2P. That plan was approved by the Planning & Zoning Commission and County Commission on May 18 and May 30, 2017 respectively.

The plat submitted creates thirteen developable lots and one utility lot.

The property has access to Warren School Road, Nursery Road, and State Route K. The proposal shows two lots with direct access to State Route K, two lots with primary access to Nursery Road, and two lots with direct access to Warren School. However, due to topography and access control requirements, all lots except for lots 1 & 7 (which have access to Nursery Road (lot 1 via an easement, lot 7 with direct frontage) will make use of a private road network internal to the development with access to Route K.

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

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

The property scored 68 points on the point rating system.

Staff recommends approval of the plat.

Commissioner Martin made and Commissioner Lloyd 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.

Chairperson Harris stated he would not take part in the following request:

3. Anderson Country 151. S10-T51N-R11W. R-S. Country Land LLC, owner. Donald E Bormann, surveyor.

The following staff report was entered in to the record:

The subject property is located on State Route 151 north of Centralia. The parent parcel is 21 acres in size, and is proposed to have a 4 acre lot containing the house and three sheds. The parent parcel is zoned R-S (Residential Single-Family), and has R-S zoning to the east and west, A-1 (Agriculture) zoning to the north, and the City of Centralia to the south. This is all original 1973 zoning.

The proposed lot has direct access on to State Route 151. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located on Public Water Service District #10 for water service, the Boone Electric Cooperative service area for electrical service, and the Boone County Fire Protection District.

An existing system provides wastewater treatment for this property. The applicant has requested a waiver to the waste-water cost-benefit analysis requirement.

The property scored 58 points on the rating system.

Staff recommends approval and granting the requested waivers.

Commissioner Freiling made and Commissioner Wilson seconded a motion to approve as recommended Anderson Country 151 plat.

Eric Kurzejeski – Yes

Greg Martin – Yes

Carl Freiling – Yes

Michael Poehlman – Yes

Loyd Wilson – Yes

Bill Lloyd - Yes

Rhonda Lightfoot – Yes

Jeff McCann – Yes

Motion to approve the plat passes unanimously

Chairperson Harris rejoined the meeting.

Commissioner Freiling recused himself from Arrowhead Lake Estates Plat 2.

6. Arrowhead Lake Estates Plat 2. A-2P. 3WT Properties LLC, owner. David W.Borden, surveyor.

Planner, Uriah Mach gave the following staff report:

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 final plan completed the A-2P rezoning process and was approved on 30 May 2017.

This final plat executes the first phase of the approved plan, creating five lots for development and one common lot.

The new lots have direct access on to Arrowhead Lake Drive, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The property is served by Consolidated Public Water Service District #1 for water service, Boone Electric for electrical service, and is located in the Boone County Fire Protection District.

The property is served by the City of Columbia for central wastewater treatment.

The design of lot 5, which has a house and several accessory structures, requires a variance for the location of the garage on the property. The variance has been submitted for the 22 June 2017 Boone County Board of Adjustment meeting. At this time, the plat fails to meet the requirements of the Boone County Zoning Ordinance Section 10, Yard Requirements.

Staff recommends denial of the Final Plat for Arrowhead Lake Estates.

Commissioner Poehlman made and Commissioner Martin seconded a motion to deny Arrowhead Lake Estates Plat 2 due to not meeting the subdivision regulations

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Michael Poehlman – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Rhonda Lightfoot – Yes	Jeff McCann – Yes

Motion to deny the plat passes unanimously

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request for J Alan Investments and GP Properties was approved as recommended.

The final development plans for 3WT and Toalson were approved as recommended.

The plats for Cole and Oxford Estates proceeded to the County Commission and were accepted. The plat for Lot 202 Trade Winds was a preliminary plat and was reported to the County Commission but no action was taken. The plat for Nursery Heights won't proceed to the County Commission until the infrastructure is in place and they are ready to start selling the lots which could be in August.

2. Update on Subdivision Regulations comments.

Staff is still working on addressing all the questions and comments received; they are about 2/3 of the way through. Once that is done staff will review together and forward the questions and answers to the Planning and Zoning Commission.

X. New Business

None

XI. Adjourn

Being no further business the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 20th day of July, 2017