

**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, September 21, 2017**

I. Secretary Kurzejeski 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
Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Michael Poehlman	Rock Bridge Township
Loyd Wilson	Columbia Township
Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Jeff McCann	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia 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 August 17, 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 conditional use permit, one rezoning request and five 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, October 3<sup>rd</sup>. 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, October 3<sup>rd</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Robert Helmka for a permit for a private radio tower taller than 100' on 16 acres located at 13301 Pearman Rd., Ashland.

Uriah Mach gave the following staff report:

The subject property is 16 acres in size and located approximately  $\frac{3}{4}$  of a mile the north of Ashland on Pearman Road. The property is zoned A-1 (Agriculture) and is surrounded by A-1 zoning. The applicant is requesting a conditional use permit to construct a structure taller than 100'. This request is for a 130' radio tower to support the applicant's interest in amateur radio, replacing an existing 100' radio tower.

The property is located inside the Ashland school district and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for rural residential land use. Staff notified 10 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

The proposed structure is an expansion of the existing activity on site. If expanded in compliance with current county regulations, that request should meet 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.

If operated in compliance with current county regulation, the proposed structure should not be injurious to the use and enjoyment of other property in the immediate vicinity. The subject property has been noted as having amateur radio antennae for years with no complaints or issues from adjacent property owners.

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

The conditional use permit should not substantially diminish or impair property values of existing properties in the neighborhood.

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

The proposed use has limited utility needs. All necessary facilities will be available to this property. This criterion can be met by this request.

(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.

The surrounding properties either already have developed or are developing in a manner consistent with the character of the area. This criterion can be met by this request.

(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 conditional use is not a traffic-generating activity. The structure is located well away from public streets and should not hinder the flow of traffic or result in traffic congestion on the public streets.

(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 the regulations of the A-1 zoning district.

Zoning Analysis: This proposal is an expansion of existing activities on the property. As it meets the criteria identified in the zoning ordinance as standards for approval, this request should be approved.

Staff recommends approval of the conditional use permit for a structure over 100' in height.

Present representing the request:

Robert Helmka, 13301 S Pearman Rd, Ashland

Robert Helmka: I have an existing 100 foot tower that I want to take up to 130 feet. There are currently four towers on the property. I am an amateur radio operator first licensed in 1978, I've had towers in the air since 1979. I have worked on and installed numerous towers, I installed the ones that are on the property now. The only impedance to traffic is that people tend to slow down when they see me on top of one of them performing maintenance. I built the house in 1991, two towers went up at the same time and two more have been put up in successive years, they were all inspected and approved. It is coming up on a 40 year hobby.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin: Should the Commission include a condition that this is for personal use only in case the property is sold?

Bill Florea: That is covered by the regulations, if it is used for commercial use it is a different permit.

Thad Yonke: The applicants would have to come back and ask for a conditional use permit for a transmission facility.

Commissioner Martin made and Commissioner Poehlman seconded a motion to **approve** the request by Robert Helmka for a permit for a private radio tower taller than 100' on 16 acres located at 13301 Pearman Rd., Ashland:

Paul Prevo – Yes  
Carl Freiling – Yes

Eric Kurzejeski – Yes  
Greg Martin – Yes

Michael Poehlman – Yes      Loyd Wilson – Yes  
Bill Lloyd - Yes              Jeff McCann – Yes  
Rhonda Proctor – Yes

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on October 3, 2017 and the applicant needs to be present for the hearing.

## VI. Rezoning

1. Request by Katie Patterson on behalf of John G. Grone Family LLC to rezone from A-1 (Agriculture) to REC-P (Planned Recreational) and approve a Review Plan for Glenn Acres Farm on 15.98 acres located at 1801 N Rte Z, Columbia.

Uriah Mach gave the following staff report:

The subject property is 36.12 acres located approximately 1/2 mile east of Columbia on State Route Z. The property is zoned A-1 (Agriculture). There is A-1 zoning to the north and south, with A-2 (Agriculture) zoning to the west and M-L (Light Industrial) zoning to the east across State Route Z. The M-L was rezoned from A-1 in 2009. The A-1 & A-2 are original 1973 zonings. There is an existing house with several barns scattered around the property. The property received a conditional use permit to operate an equine boarding and training facility for more than six animals on a 10-acre tract on the August 29 agenda of the Boone County Commission.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. Staff notified 20 property owners about this request.

The applicants are requesting a rezoning to REC-P (Planned Recreation) for approximately 16 acres of the 36 acres of the subject property. They are requesting the following uses in this rezoning: Agricultural Activity, Club and Lodge with incidental facilities, Fishing or Fly-casting Pond, Guest Ranch with incidental facilities (including stable, corral, swimming pool), Swimming Pool, and Reception Facility.

The proposal is composed of three phases. The first phase covers the following improvements:

- installation of drive entrance from Route Z
- phase A parking and drive lane installation
- construction of the pavilion, construction of the dock & patio with Americans With Disabilities Act compliant sidewalk
- the installation and connection of onsite septic system with subsurface leach field to pavilion.

The second phase includes:

- the construction of the guest ranch with spa and associated amenities
- phase B parking
- installation of fire lane.

The third phase covers the conversion of the existing barn to meet codes and regulations for use as part of this development.

The Boone County Master Plan identifies this area as being suitable for residential land uses. The North-East Area Plan identifies this area as being suitable for mixed small industrial and commercial transition 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 Boone County Fire Protection District.

Transportation: The property has direct access on to State Route Z, a publicly-dedicated, publicly-maintained right of way. A second access for this property is part of the proposal.

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

Zoning Analysis: This proposal is an expansion of the existing uses of the property. The utility needs of this proposal can be met by this property as described in the plan. By seeking the REC-P rezoning, the applicants are entering a more commercial aspect of their activities. The North-East Area Plan has a goal of developing integrated, appropriate commercial centers that contribute to the quality of life within the plan area. This proposal would serve one of the plan’s objectives by providing a buffer between more intense land uses, such as the industrial property directly opposite the site across Route Z, and residential neighborhoods to the north and west. One of the strategies identified for developing integrated appropriate commercial centers is supporting limited commercial development between the existing St. Charles Road and the Clark Lane extensions. Approval of this plan would qualify as supporting limited commercial development in this area.

Based on this information and the guidance of the North-East Area Plan, staff recommends approval of this request.

Present representing the request:

Brian Harrington, Allstate Consultants, 3312 Lemone Industrial Blvd, Columbia

Brian Harrington: The applicants have been working with staff to work out the details of the phasing of this project. Phase 1 is the pavilion, phase 2 is the guest ranch, phase 3, if and when they get to it, would be the remodel of the barn. The applicants spoke with the surrounding neighbors and received no objections.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman: With Smith and Wesson being right across the road there is not an opportunity for there to be any kind of shooting range? That would not be an allowed use would it?

Uriah Mach: It is not listed as a proposed conditional use so there is no opportunity.

Thad Yonke: The applicants would have to come back with a new request.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by Katie Patterson on behalf of John G. Grone Family LLC to rezone from A-1 (Agriculture) to REC-P (Planned Recreational) and to approve a Review Plan for Glenn Acres Farm on 15.98 acres located at 1801 N Rte Z, Columbia:

Paul Prevo – Yes	Eric Kurzejeski – Yes
Carl Freiling – Yes	Greg Martin – Yes
Michael Poehlman – Yes	Loyd Wilson – Yes
Bill Lloyd - Yes	Jeff McCann – Yes
Rhonda Proctor – Yes	

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on October 3, 2017 and the applicant needs to be present for the hearing.

#### VII. Planned Developments

None

#### VIII. Plats

1. Glenn Acres Farm preliminary plat. John G Grone Family LLC, owner. James R. Jeffries, surveyor.

Uriah Mach stated this item has been withdrawn, the property will be divided by Administrative Survey rather than a preliminary plat.

The following items were placed on consent agenda:

2. Turkey Creek Estates Plat 2-A. S15-T47N-R12W. A-1P. Henry J.Waters III,owner. David T. Butcher, surveyor.

The property is located on the south side of Deer Park Road approximately one mile southwest of the intersection with US 63. The property is zoned A-1P, therefore the approved Final Plan controls the manner in which development of the property occurs. The Final Plan allows platting of 3 building lots from the original parcel of 30.06 acres. This plat creates the third building lot and leaves a Not for Development Tract of 14.89 acres.

Access to the lot from Deer Park Road will be via a private easement. The subdivider has requested a waiver of the requirement to provide a traffic analysis.

The property is in Consolidated Water District.

An on-site wastewater system will be used for sewage disposal. The subdivider has requested a waiver of the requirement to provide a cost benefit analysis.

Miscellaneous Issues (as applicable)

The property scored 41 points on the rating system.

Staff recommends approval of the plat and waiver requests subject to the following conditions:

1. The proposed private access easement shall be recorded concurrently with the plat.
  2. Note 7 will be amended to include the reference number of the Commission Order that approved the Final Plan for Turkey Creek Estates
3. Smith Estate. S23-T50N-R14W. A-2. Rex and Juanita Smith, owners. David W. Borden, surveyor.

The subject property is located on State Route J, approximately 1 & ¾ miles to the south of Harrisburg, near the intersection of Gray Road and Route J. The property has a house and outbuilding present on the property. The property is zoned A-2(Agriculture), surrounded by A-2 zoning. This is all original 1973 zoning. The parent parcel is 16 acres in size. This proposal divides the property into two lots at approximately 7.58 acres and 7.96 acres each.

Both lots have direct access on to State Route J, which is a publicly-dedicated, publicly-maintained right-of-way. Lot one has an existing drive which is currently proposed to serve both lots, although Lot two may be able to receive its own access off of Route J with consultation with MoDOT. The applicant has submitted a request to waive the traffic study requirement.

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

There is an existing on-site wastewater system for the house on lot 1. On-site wastewater is proposed for lot 2. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 53 points on the rating system.

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

4. Nursery Heights Plat 3. 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 third phase of the Nursery Heights development. This phase creates 47 developable lots.

Perennial Court, Posey Lane, Lavender Drive and Campus Drive are publicly-dedicated, publicly-maintained right of ways that is being improved (in the case of Nursery Road) or constructed by this development. Lavender Drive and Perennial Court are new public roads being constructed in this 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.

5. Nursery Heights Plat 4. 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 second phase of the Nursery Heights development. This phase creates 3 developable lots.

Nursery Road is publicly-dedicated, publicly-maintained right of way that is being improved by this development. 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 Loyd seconded a motion to approve with conditions and recommendations 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 Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The conditional use permit by The Grone Family was approved as recommended.

The rezoning request by the James & Mary Coats Trust was approved as recommended. The owners filed a conditional use permit request which will be on the October agenda.

The rezoning request by Vollrath was recommended denial by the Planning and Zoning Commission, the applicants did not appeal to the County Commission. The applicants may come back with a planned A2-P request.

The final development plan for Reeves on Route Z was approved as recommended.

### 2. Update on Subdivision Regulation comments.

Staff is going over all the comments together and identifying the key issues for the Commission to act on. Once that is done there will be special work sessions with the Commission.

## X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:25p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 19<sup>th</sup> day of October, 2017