

**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, August 16, 2018**

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
Carl Freiling, Vice Chairperson	Cedar Township
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Absent:

Eric Kurzejeski	Missouri Township
Loyd Wilson	Columbia 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 July 19, 2018 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one conditional use permit, two rezoning requests, 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. When you address the commission please speak directly into the microphone so that your remarks are properly recorded. 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, August 28<sup>th</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, August 28<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Marvin Loftis on behalf of Gary Wagers for a permit for an outdoor recreation facility for motorsports on 89.2 acres located at 701 E Lake Rd., Hallsville.

Gary Wagers, 1005 E Lake Rd, Hallsville

Gary Wagers: Based on conversations with staff right before the meeting tonight, it is in the applicant's best interest to withdraw the request at this time. The applicants will try to get more information; there are going to be some costs that they weren't aware of.

VI. Rezoning

1. Request by the Blank and Paul Family Living Trust to rezone from A-1P (Planned Agriculture) to A-1 (Agriculture) on 6.0 acres, located at 7851 E Hwy AB, Columbia; and by Kerry and Christina Pudenz to rezone from A-1P (Planned Agriculture) to A-1 (Agriculture) on 4.0 acres, more or less, located at 7855 E Hwy AB, Columbia.

Planner, Thad Yonke gave the following staff report:

The subject properties are located on State Highway AB, approximately 2200 feet west of the intersection of State Highway AB and Rangeline Road, and approximately two miles from both the City of Columbia and the City of Ashland municipal limits. The subject property consists of a 6.00-acre lot and a 4.00-acre lot that were created as part of Pauley Acres Planned Residential Development in 1990. Tract 1 currently has a house and an out-building located on it. Tract 2 is vacant and currently not eligible for any structures. The zoning of the property is considered A-1P (planned agriculture). All the surrounding properties are zoned A-1(Agriculture) and this is all original 1973 zoning.

This proposal is to rezone the two lots back to A-1 and then combine them into a single 10-acre lot, should the rezoning be recommended for approval the request will be held and not proceed to the County Commission until a plat to combine the two Tracts into a single lot is submitted and processed. This is necessary as the current two lots comply with their A-1P zoning but if rezoned back to A-1 and not combined into a single lot neither lot would comply with the 10-acre minimum lot size.

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 Boone County Fire Protection District. Sewer is from on-site wastewater under the Health Department.

Transportation: The property, when combined, has direct access to State Highway AB.

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

#### Zoning Analysis

There is no real impact from a rezoning back to A-1 as long as the lots are combined by plat and returns the property to the condition of its surrounding neighbors.

Staff notified 9 property owners about this request. The property scored 48 points on the rating system.

Staff recommends approval of the request

Present representing the request:

Steve Proctor, surveyor, 7001 Stidham Rd, Harrisburg

Steve Proctor: 30 years ago the A-1P zoning seemed like a good idea but now it is posing some problems. They want to sell their house and it is on the larger acreage so with combining the lots they will end up with 12 or 13 acres around the house if this is approved.

Chairperson Harris: There are two separate property owners who are going to combine into one lot, I assume there is a connection between the owners?

Steve Proctor: I don't know but I think it must have been a family thing because when the Pudenzes approached me he thought the four acres somehow was supposed to go back to the Blank's. I am assuming it is family or was at one time.

Chairperson Harris: If we combine these lots together we will end up with one lot with two owners.

Thad Yonke: That is why we wait until we see a plat combining the lots before it moves forward to the County Commission.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: Is the intent to sell the whole property with the house?

Steve Proctor: I think he originally wanted to cut the remainder up, he originally started with trying to do three tracts and we had a concept review and discovered that nothing could be done with the four acres.

Thad Yonke reminded the Commission that there cannot be a condition on the rezoning but if the rezoning is approved it will not move forward to the County Commission until a plat is submitted combining the two lots otherwise it will create a non-compliant situation.

Commissioner Freiling made and Commissioner Martin seconded a motion to **approve** the requests by Blank and Paul Family Living Trust to rezone from A-1P to A-1 on 6.0 acres, located

at 7851 E Hwy AB, Columbia; and by Kerry and Christina Pudenz to rezone from A-1P to A-1 on 4.0 acres, more or less, located at 7855 E Hwy AB, Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request will not go forward to the County Commission until a plat is submitted combining the two lots.

2. Request by Matthew Kaiser to rezone from R-M (Moderate Density Residential) to C-G (General Commercial) on .5 acres, more or less, located at 1585 E Prathersville Rd., Columbia.

Planner, Bill Florea gave the following staff report:

The property is located 1585 E Prathersville Road. The zoning is R-M, which is the original zoning. Adjacent property is zoned as follows:

- North – M-LP
- South – R-M
- East – R-M and City of Columbia PD (Tower Industrial Park)
- West – R-M

A single-family residence that used to occupy the property was demolished leaving the property vacant. There have been no previous requests on behalf of this property.

The Master Plan designates this property as suitable for commercial and industrial land uses. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

Utilities:

There is no public sewer service connection to the property. There is a Boone County Regional Sewer District line approximately 200 feet east of the property that has capacity to treat additional wastewater. It is likely, however, that an annexation agreement would be required to secure sewer service.

Columbia Water and Light provides water. There is an existing fire hydrant approximately 160-feet east, in front of the fire station.

Boone Electric will provide power.

Transportation: The subject tract has frontage on Prathersville Road.

Public Safety Services: The property is adjacent to Boone County Fire Protection District Station 5 at 1675 E. Prathersville Road.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The Master Plan designates this property as suitable for commercial and industrial land use. The area is characterized by industrial and commercial land uses, with some single family residential. The current zoning is Moderate Density Residential. Utilities and public safety services that are necessary to support the current R-M zoning are also sufficient to support the requested C-G.

The requested zoning, General Commercial (C-G) is an open zoning district. Under open zoning, the property must be able to support all Permitted Uses in the C-G district. Water sufficient to provide commercial fire flow is available at the property. Sewer can be made available by connection to the BCRSD system. Traffic generation could be an issue if the request was larger in area. The small size of the property limits the type and intensity of uses that could occur. Therefore, the impact of this rezoning, to the public road system, is minimal.

Staff notified 47 property owners about this request. The property scored 88 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Caleb Colbert, Attorney, 601 E Broadway, Ste 203, Columbia  
Mike Kaiser, 5810 Freeport Way, Columbia

Caleb Colbert: The applicant agrees with the staff report. The property is located on Prathersville Road in an area that has a lot of commercial and industrial development in the area. There are construction company offices and we are next to the fire station. The prior owner demolished the house and was using the property to store RV's and campers until my client purchased the property. The development pattern is for commercial and industrial uses and it is not a great place for residential uses. We felt that C-G struck the right balance between the use of the property and protecting the neighbors across the street from more intensive uses that would be allowed in industrial zoning. Mr. Kaiser intends to use the property primarily as a vehicle parking lot, he may add an office building in the future.

Commissioner Proctor: What kind of cars are being parked there, are you going to sell cars?

Mike Kaiser: No, I own a repossession business; most of the cars range from 2010 to 2018 models so there are no junk cars, I don't do any towing.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Lloyd seconded a motion to **approve** the request by Matthew Kaiser to rezone from R-M (Moderate Density Residential) to C-G (General Commercial) on .5 acres, more or less, located at 1585 E Prathersville Rd., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would be heard by the County Commission on Tuesday, August 28, 2018 and the applicants need to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

Uriah Mach stated that staff did not receive originals from Steinman and Bears Den so the Commission should not take action on these tonight.

Plats numbers 2, 3, 5 & 6 were placed on consent agenda:

- ~~1. Steinman, S3 T45N R12W. A.R. Francis W. Steinman, Leonard Steinman II and Anita M. Robinson, owners. Kevin M Schweikert, surveyor. Removed from agenda~~
2. Creasy Bend Plat No. 1. S26-T49N-R13W. R-S. David and Karen Butcher, owners. David T. Butcher, surveyor.

The following staff report was entered into the record:

The subject property is located on Creasy Springs Road, approximately 1 mile to the northwest of the city of Columbia. The subject property is 1.85 acres in size and zoned R-S(Residential Single-Family). There is R-S zoning to the north, south, east and west, with R-M(Residential Moderate Density) zoning to the northwest. That R-M was rezoned in 2005. The R-S zoning is all original 1973 zoning. There is an existing house in the southern portion of this property. This proposal divides the property into three lots at 0.43 acres, 0.45 acres, and 0.64 acres.

All three lots have direct access on to Creasy Springs 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 on the line between the City of Columbia's water service area and Consolidated Public Water Service District #1's service area. A letter will need to be filed with CPWSD#1 to permit them to service the new lots.

Connection to a Boone County Regional Sewer District Facility will be required prior to final approval of the plat.

The property scored 65 points on the rating system.

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

3. Old Asbury Plat No. 1-A. S29-T49N-R13W. A-2 Greg and Michelle Asbury, owners. David Butcher, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route E, approximately one mile northwest of the city limits of the city of Columbia. The property is developed with a home and garage present on the property. The proposed plat adds a five-foot strip to the west side of the property. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property has an existing access to State Route E. The applicant has requested a waiver to 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.

The property has an existing on-site wastewater system. The applicant has requested a waiver to the wastewater cost-benefit analysis.

This property received a variance for the placement of an accessory structure closer to the front property line than the primary structure as case #2013-007 from the Boone County Board of Adjustment.

The property scored 58 points on the rating system.

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

- ~~4. Bears Den. S35 T50N R12W. A 2. Mary B. Bruner, owner. Mark W. Robertson, surveyor. Removed from agenda~~

5. Roemer Lake Plat 7. S26-T49N-R13W. R-S. Nathan and Heidi Crouch, owners. David T. Butcher, owner.

The following staff report was entered into the record:

The subject property is located on Roemer Road, approximately one mile northwest of the city limits of Columbia. The subject property is 3.48 acres in size and currently has a house present. The house is located partially on a smaller lot and partially on an adjacent lot. The property owner owns the two lots and is acquiring the adjacent property. This plat consolidates two platted lots and a portion of the

unplatted property to the south to ensure that the house is legally placed on a lot. The property is zoned R-S (Residential Single-Family) and is surrounded by R-S zoning. This is all original 1973 zoning.

The subject property is located on Roemer Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has requested a waiver to 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. The existing house has access to all required utility services.

The property has an existing on-site wastewater system. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 55 points on the rating system.

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

6. Thornhill. S3-T51N-R13W. A-2. Debbie R. Smith, Katrina L. Edwards and Christian E. Gehlkein, owners. Donald E. Bormann, surveyor.

The following staff report was entered into the record:

This site is located on the south side of State Highway F, 1.6 miles west of US Highway 63 North. The property is zoned A-2, which is the original zoning. All adjacent land is zoned A-2. This is all original 1973 zoning. The property has a single-wide mobile home present. That mobile home has a conditional use permit, approved by the County Commission on 1 May 2018, to be in a recorded subdivision.

This plat creates a 2.5 acre lot surrounding the single-wide mobile home, completing the process begun by applying for the conditional use permit.

This property has 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 subject property is in Public Water Service District #10, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. All existing utilities are present for serving the single-wide mobile home on the property.

The subject property has an existing on-site wastewater system as permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 38 points on the rating system.

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

Commissioner Harris made and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda as recommended:

All members voted in favor.

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 for Voorheis was approved as recommended.

The rezoning request by Dubes was approved as recommended.

2. Update on Subdivision Regulation comments.

Staff is still working on recommended changes.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:27 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 20<sup>th</sup> day of September, 2018