

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 20, 2018

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

II. Roll Call:

a. Members Present:

Eric Kurzejeski, Acting-Chairman
Michael Poehlman, Secretary
Gregory Martin
Bill Lloyd
Loyd Wilson
Rhonda Proctor
Steve Koirtyohann
Jeff McCann

Missouri Township
Rock Bridge Township
Katy Township
Three Creeks Township
Columbia Township
Perche Township
Rocky Fork Township
County Engineer

b. Members Absent:

Boyd Harris, Chairperson
Carl Freiling, Vice Chairperson
Vacant Seat

Centralia Township
Cedar Township
Bourbon Township

c. Staff Present:

Stan Shawver, Director
Bill Florea, Senior Planner
Paula Evans, Staff

Thad Yonke, Senior Planner
Uriah Mach, Planner

III. Approval of Minutes:

Minutes from the August 16, 2018 meeting were approved by acclamation.

IV. Chairperson Statement

Acting-Chairperson Kurzejeski 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 two rezoning requests and two 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, October 2nd. 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 2nd will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Diversified Property LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 16.03 acres, more or less, located at 19600 N Rte V, Sturgeon.

Planner, Bill Florea gave the following staff report:

The property is located approximately 2.7 miles south of Sturgeon, at northeast quadrant of the State Highway V and Gordon Road intersection. The zoning is A-1, which is the original zoning. Adjacent property is zoned as follows:

- North – A-1
- South – A-2
- East – A-1
- West – A-1

A single-family residence and several accessory structures occupy the property. There have been no previous requests.

The Master Plan designates this property as suitable for agriculture and rural residential 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.

The property is served by Public Water Supply District 10. A water study would be necessary to determine whether there is sufficient water to provide fire flow.

Boone Electric will provide power.

Transportation: The subject tract has frontage on Route V and Gordon Road.

Public Safety Services: The property is approximately 3.7 miles from Boone County Fire Protection District Station 6 in Sturgeon.

Zoning Analysis:

The Master Plan designates this property as suitable for agriculture and rural residential land use. The area is characterized by lots 10-acres and greater including many large agricultural tracts. However, there is a cluster of platted and unplatted lots south of Gordon Road that range in size from 2.5 to 10-acres.

The requested zoning, A-2 Agriculture, is an open zoning district that allows subdivision into lots 2.5-acres or greater. Infrastructure limitations may restrict the number of lots that could be subdivided from the property. It should also be noted that the topography of the subject property is more like that of the A-2 to the south than it is the A-1 to the north, which is an indicator in favor of the rezoning.

Staff notified 21 property owners about this request. The property scored 36 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Mariah Carmichael, P.O. Box 124, Hallsville
Jody Carmichael, P.O. Box 124, Hallsville

Mariah Carmichael: Our objective for the rezoning is to subdivide one, six acre lot off of the 16 acres that we currently own. The information in the staff report covered the request.

Open to public hearing.

No one spoke in support of the request.

Present, speaking in opposition:

Dennis Schnell, 2440 E Thomas Hill Rd, Sturgeon

Dennis Schnell: I own 300 acres to the north which is 20400 N Route V. I have grown up in this area all of my life, the area is agricultural. I am a dairy farmer and I go up and down that road many times a day in feed trucks and tractors, I haul hay and it is almost like a war zone out there with how fast people drive. That is one concern I have; I don't want to see more cars on the road. To my knowledge the water line has been there for about 50 years and it is a four inch main; we don't have very much water pressure. I talked to Public Water District 10 and that is a concern, the water district told me they would have to get an engineer in order to make improvements. The biggest thing is it is an agricultural area and I would like to see it stay that way.

Mike Burks, 4220 E Gordon Rd, Sturgeon

Mike Burks: I live directly across the road from the applicant's property. I am here to see what the applicants are planning; I've heard different things about two acre lots.

Mr. Burks asked the applicants if they owned trailer parks in town.

Jody Carmichael: It will be one, six acre tract, it is not a trailer park.

Mike Burks: We were concerned about what will be built or what kind of stipulations will be for anything that's built out there. Right now it is beautiful, it is all agriculture and trees and I didn't want to look out my front window and see trailers.

Commissioner Kurzejeski: The application indicates three lots of five acres minimum.

Mike Burks: There will be three additional lots?

Commissioner Kurzejeski: Three total.

Mike Burks: Can you show me how the lots are laid out?

Jody Carmichael: That has changed; there will be one 10 acre tract and one 6 acre tract so there will only be two lots now.

Mike Burks: Where the house is and to the north?

Jody Carmichael: The house that is already there will be the ten acre tract and then to the south.

Mike Burks: To the south where all the trees are?

Commissioner Kurzejeski: We will have the applicant address those questions later.

Mike Burks: I was just curious because it is 16 acres and I heard they could all go down to 2.5 acres minimum.

Commissioner Kurzejeski: Our original application said three lots but that has been revised.

Mike Burks: I am not so much opposed to the one tract as I would be several smaller tracts. The view out of my front door now is pristine and I didn't want trailers. With trailers come trailer people. I was concerned about increased traffic and the waterlines aren't up to handling that many homes. If it is just one additional home that changes things a little bit. I just worry about our property values.

Gary Allee, 2506 Limerick Ln, Columbia

Gary Allee: This farm just recently sold and I am the purchaser of the other 152 acres in the original tract. I bought the property knowing it was zoned A-1 agriculture, that is the purpose we intend to make of it and my concern is we seem to get in to more and more problems as we increase housing density in agricultural zones with people who don't quite understand what all agriculture is. There is always dust, dirt and occasionally smells that some people dislike because we do have animals on the property.

Logan Stout, 19635 N Route V, Sturgeon

Logan Stout: We live on a private drive directly across the road from Gordon Road so this would directly affect people coming in and out. There are a few concerns that Mr. Schnell raised that I would like to reiterate which is the water line but also if you have traveled down Route V it is a terrible road, they haven't resurfaced it in probably 20 years. It seems like Boone County doesn't really care about that road and so the more people who live on it the faster people are going and the traffic is bad. We bought in the area in 1995 with 10 acre plots and that was the sentiment of the area that we wanted to remain in a place where houses could go on larger plots of land; we moved away from Columbia for that very reason, to be spread out. The more people want to rezone things the more we have the ability to see houses on smaller plots of land. Living directly across the road everyone on our drive lives on 10 acres or more and some are 60 or 70 acres and we like the ability to have that functionality with our neighbors. The more houses the more property values change, being that our property is part of our family wealth, the ability to keep that is important to us. As well as just the more houses and the upkeep that Boone County has not shown in that area it becomes a little more problematic.

Bill Florea: We received an email from Tina & Leland Burkett in opposition to the request.

Mr. Florea read the email in to the record:

To whom this may concern,

We are out of town so can't attend the meeting tonight to voice our concerns for rezoning from A-1 to A-2 we would be more willing to consider A1P rezoning so that we would know what in the future what would be able to be built on the property.

If a person is developing a subdivision or piece of property they have covenants, restrictions, etc, and home and size requirements for the property that is being developed and that's what we would like to know what is happening with this land and guaranteed of what it will come in the future.

Other concerns.

1. Don't want single wide or mobile homes would decrease values of existing homes!!
2. Water volume is already low volume on Gordon Road this would only lower the pressure unless the water district agrees to make drastic changes adding more home would cause the existing homes to have lower pressure.

Our vote is no to this rezoning and would be open to discussing a plan for A1P

Any question fell free to call (phone numbers omitted from minutes)

Thank you,
Leland Burkett
Tina Burkett

Closed to public hearing.

Commissioner Kurzejeski: I would like the applicants to address the concerns that were raised and especially my error looking at the original application with three lots versus two lots.

Mariah Carmichael: That wasn't an error on your part. Since we submitted the application we have someone interested in purchasing the home and 10 acres. We do own mobile home parks and that has nothing to do with the rezoning. We didn't develop those parks, we purchased them. Our plan is to build one single family home 1700-1800 square feet on that tract over the next year or so. As for the people that sent the email and the other people that live right next door to them it is kind of funny because they live in A-2 zoning. As for the water, we can do a water study however we already have two meters so we wouldn't be adding another meter.

Jody Carmichael: Someone mentioned the road was too busy; a farmer that is driving is probably doing most of the damage to the roads; it is not just traffic coming through there but there are heavy combines and tractors that are causing a lot of damage to the roads.

Mariah Carmichael: Traffic from one more residence is not going to change Route V.

Commissioner Martin: What are the requirements to place a mobile home on a piece of property.

Bill Florea: In a platted subdivision all lots have to be five acres or more to place a single wide.

Commissioner Lloyd: Does it require approval to place a mobile home? Or if it is five acres and zoned A-2 they can place a mobile home.

Bill Florea: It requires a building permit.

Commissioner Lloyd: Is that a given if someone gets a building permit?

Bill Florea: Yes, if they meet the requirements for the permit.

Commissioner Lloyd: As part of this, if the Commission were to approve it, are there stipulations the Commission could add to allay some of the fears of the neighbors that it might become a mobile home park or even have a mobile home on it?

Bill Florea: No, conditions cannot be added to a straight rezoning request. A mobile home park would require different zoning but you can't put a prohibition on one mobile home going on a five acre tract.

Commissioner Poehlman: Any one of the A-1 tracts in the area could have a mobile home or build a house on those?

Bill Florea: Unless there is already a home on the property. You can have up to two dwellings on property 20 acres and larger, one (or both) of those could be a mobile home.

Commissioner Koirtyohann made and Commissioner Wilson seconded a motion to **approve** the request by Diversified Property LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 16.03 acres, more or less, located at 19600 N Rte V, Sturgeon:

Eric Kurzejeski – NO	Michael Poehlman – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd – NO	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes 6 YES 2 NO

Acting Chairperson Kurzejeski informed the applicant that this request would be heard by the County Commission on Tuesday, October 2, 2018 and the applicants need to be present for the hearing.

2. Request by AEM Diversified Investments LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) and approve a Review Plan for ENDOVAC ANIMAL HEALTH on 20.0 acres, more or less, located at 6080 E Bass Ln, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Bass Lane, approximately ½ mile to the east of the city limits of the City of Columbia. The property is approximately 20 acres in size and zoned A-1 (Agriculture). This property was granted a conditional use permit in December of 1986 for an Agribusiness. There are two buildings supporting the current use of the property, several sheds, and two barns. The subject property is surrounded by A-1 zoning. This is all original 1973 zoning. There is an existing node of General Commercial Zoning approximately one-half mile west at the intersection of Bass Lane and Rolling Hills Road near Highway 63.

The applicant is seeking a rezoning to M-LP (Planned Light Industrial) in order to expand the existing veterinary research and vaccine production facility. That facility was established by an Agribusiness Conditional Use Permit in December of 1986. Since that time, steady growth has pushed the needs of this use beyond those granted by the Conditional Use Permit, so a rezoning to M-LP(Planned Light Industrial) is required in order to accommodate the planned expansion. The expansion proposes a new building, stormwater treatment, wastewater system, and a dust-free driving and parking surface to serve the facility.

The Boone County Master Plan has designated 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 in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Improvement of the existing water line to a 12” is currently being reviewed by Consolidated Public Water Service District #1. This improvement is necessary to meet the fire flow requirements of this proposal. Wastewater treatment will be handled with an on-site system under the jurisdiction of the Columbia/Boone County Health Department.

Transportation: The subject property is located on Bass Lane, a publicly-dedicated, publicly-maintained right of way. Bass Lane is currently a gravel drive surface. Improvements to that surface are necessary for purposes of dust control.

Public Safety: The subject property is approximately ½ mile to the east of Boone County Fire Protection District Station 15 on Tom Bass Road. Fire code requirements will be met by the improvement of the water line to this property and during the construction of the proposed building.

Zoning Analysis: This property has supported the growth of the Endovac facility since its inception as a conditional use permit in 1986. In the intervening 32 years, the impact of the conditional use permit on the surrounding properties has been minimal. The success of this use leads to its eventual growth. While the potential intensity of M-L uses may be excessive for this site, the proposed M-LP limits the Allowed Uses to those that are similar to what is occurring on the property now. Therefore, the infrastructure requirements of this proposal are minimized.

The property scored 43 points on the rating system.

Staff recommends approval of the rezoning request and the review plan with the following conditions:

1. Prior to construction of the proposed building, the applicant shall provide and implement a dust control plan for Bass Lane that is acceptable to and has been approved by the Director of Resource Management and County Engineer.
2. Installation of the waterline improvements have been completed prior to issuing a building permit.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia
Steve Knorr, Endovac, 5602 Autumn Ridge Ct, Columbia

Tim Crockett: Endovac has been around since 1983; it has a conditional use permit on this piece of property in 1986. It has about 10 employees that report to work at this facility every day; it is not a large facility but it has a few employees that have been there for some time. Endovac produces animal vaccinations for the livestock industry, those vaccinations are manufactured at this location and shipped worldwide. They have outgrown the facility they are in now. The USDA regulations have changed over the years and now the facilities that they have aren't adequate to take into the next generation. Their need is to modernize and come up with a newer facility. They aren't going to increase any employees at this location so there won't be more traffic. They have maybe three delivery trucks that come to the facility about every week and they anticipate that being the same. The applicants are asking for 20 acres to be rezoned to M-LP. The Sprouse family has about 600 acres adjacent to this piece of property. This is an agri-business, they have to have livestock on the property for the production of their product so if you take this facility and put it in to an industrial development obviously livestock doesn't belong in industrial development. There are several buildings out there and they are going to consolidate everything into one building. The waterline is forthcoming; the latest correspondence we've had with the water district is they wanted to have everything in place to start construction in mid to late October.

Commissioner Wilson: How many neighbors were notified?

Uriah Mach: Seven.

Commissioner Wilson: Mr. Sprouse owns 600 acres around the facility? Does it surround the business?

Mr. Sprouse stated yes.

Commissioner Kurzejeski: With the conditional use permit in 1986 have there been any issues brought up by the neighbors?

Tim Crockett: No.

Open to public hearing.

No one spoke in support or opposition to the request.

Closed to public hearing.

Commissioner Koirtyohann: Are the applicants okay with the staff conditions?

Tim Crockett: Yes, the applicants will work with staff to meet the conditions.

Steve Knorr: One of the things I'd like to elaborate on is that we've reached an agreement with Consolidated Water 1 to run a twelve inch line, we signed the contract and they are ready to go as soon as the corn crop comes out. Water should not be an issue.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by AEM Diversified Investments LLC to rezone from A-1 (Agriculture) to M-LP (Planned Industrial) 20.0 acres, more or less, located at 6080 E Bass Ln, Columbia:

Eric Kurzejeski – Yes
Greg Martin – Yes
Bill Lloyd – Yes

Michael Poehlman – Yes
Lloyd Wilson – Yes
Rhonda Proctor – Yes

Steve Koirtyohann – Yes

Jeff McCann – Yes

Motion to approve the request passes unanimously.

Commissioner Wilson made and Commissioner Martin seconded a motion to **approve** the request by AEM Diversified Investments LLC to approve a Review Plan for ENDOVAC ANIMAL HEALTH on 20.0 acres, more or less, located at 6080 E Bass Ln, Columbia:

1. Prior to construction of the proposed building, the applicant shall provide and implement a dust control plan for Bass Lane that is acceptable to and has been approved by the Director of Resource Management and County Engineer.
2. Installation of the waterline improvements have been completed prior to issuing a building permit.

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Greg Martin – Yes

Loyd Wilson – Yes

Bill Lloyd – Yes

Rhonda Proctor – Yes

Steve Koirtyohann – Yes

Jeff McCann – Yes

Motion to approve the request passes unanimously.

Acting Chairperson Kurzejeski informed the applicant that these requests would be heard by the County Commission on Tuesday, October 2, 2018 and the applicants need to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

1. Serendipity Plat 3. S18-T47N-R12W. A-2. Stephen and Donna Preston, owners. James B. Patchett, surveyor.

The following staff report was entered into the record:

The subject property is located ½ mile south of the Village of Pierpont on Tomlin Hill Road, just north of the intersection of Tomlin Hill Road and Cheavens Road. The property is approximately 9.77 acres in size and zoned A-2(Agriculture). There is currently a house on the property and a shop under construction. All adjacent property is also zoned A-2. This is all original 1973 zoning. The subject property has been modified without replatting, creating an illegal land division. This plat will legitimize the land transfer, making the new lot eligible for building permits.

The subject property has direct access on to Tomlin Hill Road and Forest Creek Drive. Tomlin Hill is a publicly-dedicated, publicly-maintained right-of-way. Forest Creek Drive is a private road. The applicant has requested a waiver to the traffic study requirement.

The subject property is located in the Boone County Fire Protection District, Consolidated Public Water Service District #1, and the Boone Electric Cooperative service area. Public utility infrastructure exists to service this proposal.

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 51 points on the rating system.

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

2. Goose Down Estates Plat 2. S34-T46N-R12W. Thomas O. Don Nichols and Mary C. Lauf, owners. Curtis E. Basinger, surveyor.

The following staff report was entered into the record:

The subject property is located on Old Highway 63 South, just north of Zumwalt Road, approximately 2 ½ miles to the south of Ashland. The applicants are seeking to consolidate and modifying one of the previously platted lots and an adjacent unplatted area by reconfiguring them from two 5 acre lots into an 8.82 acre lot and a 2.50 acre lot. The property is zoned A-R(Agriculture-Residential) and is surrounded by A-R zoning. This is all original 1973 zoning. There are currently two residences, two garages, and a barn on the property.

Both lots will have direct access on to Old Highway 63 South, a county-maintained right-of-way. The applicants have submitted a request to waive the traffic study requirement.

There is an existing 12" Consolidated Public Water Service District #1 waterline running along the front of these lots. Fire protection will be provided by the Southern Boone County Fire Protection District. Electrical service will be provided by Boone Electric Cooperative.

The existing home uses on-site wastewater systems, and any new construction will do the same. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 48 points on the rating system.

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

Commissioner Lloyd 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 rezoning request for Blank/Pudenz was approved by the Planning and Zoning Commission; the applicants haven't submitted a survey so it has not moved forward to the County Commission.

The rezoning request by Kaiser was approved as recommended.

2. Update on Subdivision Regulation comments.

Staff is still working on recommended changes and hope to have something back to the Commission by October to discuss in November.

X. New Business

None.

XI. Adjourn

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to adjourn. All members voted in favor.

Being no further business the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Secretary
Michael Poehlman

Minutes approved on this 18th day of October, 2018