

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, March 21, 2019

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
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Loyd Wilson	Columbia Township
Jeff McCann	County Engineer

b. Members Absent:

Michael Poehlman, Secretary	Rock Bridge Township
Bill Lloyd	Three Creeks Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	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 February 21, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following procedural statement into the record:

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 and three 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 Wednesday, April 3rd. 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 Wednesday, April 3rd will begin at 7:00 p.m. and will convene in this same room.

V. Rezoning Requests

1. Request by RCS & VMS Revocable Trust and Shy Rentals LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.85 acres, more or less, located at 5801 S Arrowhead Lake Dr., Columbia.

Planner, Thad Yonke gave the following staff report:

The property is located 5801 S. Arrowhead Lake Drive, Columbia. The zoning is A-1 (agriculture), which is the original zoning. Adjacent property is zoned as follows:

- North – A-1
- South – A-2 (Arrowhead Lake subdivision)
- East – A-1
- West – A-1 then City Zoning across HWY KK

The request is to rezone approximately 10.85-acres of the two larger parent parcels to A-2 to allow the owner to plat the then rezoned area along with a portion of lots that are in Arrowhead Lake into four new lots. This will also reshape one or two of the existing lots in Arrowhead Lake. The area sought to be rezoned is vacant.

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:

The area proposed for rezoning is proposed to be served by City of Columbia central sewer. For this situation to occur there will need to be a formal action from both the BCRSD and the City of Columbia; documentation of neither action has been provided at this time.

Consolidated Public Water District # 1 provides water to the existing lots in Arrowhead Lake and it is assumed that they would provide service to any new lots added.

Boone Electric currently serves the area.

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

Transportation:

The property does not currently have frontage on and direct access to Arrowhead Lake Drive. In order to create the 2.5 to 4-ish acre lots desired requires this frontage and access. Unless and until lot 29-A of Arrowhead Lake Estates Plat 2 receives approval of a vacation and the concept of a replat from the County Commission this frontage and access is not possible. Any such vacation does not go into effect until the new replat is recorded.

Public Safety Services: Within five road miles of the Boone County Fire Protection District Station at Scott Blvd & Vawter School Rd as well as the Rte. K station near Rock Bridge Elementary.

Zoning Analysis:

The Master Plan designates this property for residential use. The proposed use is consistent with that designation.

The request does not currently meet the sufficiency of resources test in two critical areas. No documentation has been provided to show that the proposed central sewer service has been secured. There is a Lot vacation request that might provide access and frontage to Arrowhead Lake Drive scheduled for the County Commission on April 3rd, 2019. If the County Commission does not approve the vacation request, then the rezoning would create problems. The applicants won't be able to create the lots for which the rezoning was designed. The parent parcels that are now entirely zoned A-1 will become split-zoned parcels with irregular portions of A-2 zoning. It seems premature to rezone this property unless the County Commission approves the vacation request. Since this is a non-planned rezoning, the rezoning can't be conditioned. Therefore, at this time the rezoning request fails to meet the sufficiency of resources test and staff must recommend denial accordingly. It should be noted that the applicant may wish to ask to have the rezoning request tabled until the next meeting if they feel that they could resolve the outstanding issues and provide documentation by then. Staff could support the tabling action to provide the applicant the time to resolve issues.

Staff notified 174 property owners about this request. The property scored 57 points on the rating system.

Staff recommends denial of the rezoning. Staff would support tabling.

Present representing the request:

Jamie Jeffries, Allstate Consultants, 3312 LeMone Industrial Blvd, Columbia
Justin Perry, potential buyer, 5851 S Arrowhead Lake Dr, Columbia

Jamie Jeffries: This is a request that is on the south part of Ron Shy's farm at the corner of Arrowhead Lake Subdivision. This depends on a couple of things; we aren't waiting on those things we went ahead and petitioned the County Commission to vacate the lot which is something the County requires, that will be heard in a couple of weeks. We had our concept review on December 10, 2018 and we found out the north line of Arrowhead Lake and Mr. Shy's property is the boundary between the Boone County Regional Sewer District and the City of Columbia sewer service area so on December 17, 2018 they requested in writing to have the boundaries of the regional sewer district expanded to include this 10 acre tract. We got a copy of the letter written from the sewer district director to the City of Columbia on December 28, 2018 requesting such change. Since the first of the year city staff has been preparing this agreement; I understand an agreement has been drafted and was delivered on Monday. It hasn't been executed or approved but we don't see any reason for that not to happen. We are here to talk about the zoning tonight, the planned use and whether or not it is appropriate. We feel that the A-2 zoning of Arrowhead Lake and utilizing part of lot 29 to get there is a viable thing. Mr. Perry owns and lives on lot 29A Arrowhead Lake. We are still working on the layout but we are looking at creating four lots.

The applicants presented the following drawings which are attached to the end of these minutes:

Drawing 1: Proposed plat 4

Drawing 2: Copy of Boone County Internet Parcel Map with the applicant's property marked in red

Justin Perry: I was one of the developers of The Highlands in 1995. Arrowhead Lake Subdivision was planned in 1995 and there were 33 home sites on the original plat encompassing a little over 200 acres. In the past 18 months there have been two other four lot additions in Arrowhead Lake. The property owners have approved those additions. There are 41 lots in Arrowhead Lake Subdivision now and we will be adding four more totaling 45 lots. Our lots will be an average of over three acres each. Mr. Shy owns 42

acres to the west at 5600 Highway KK which is 1200 feet from the new school on Scott Boulevard so there is going to be pressure to develop that 42 acres.

Commissioner Freiling: The City of Columbia is not going to make you sign a pre-annexation agreement as part of this?

Justin Perry: We anticipate an annexation agreement. We were told it had been drafted and was in the approval process.

Commissioner Martin: Is the Homeowners Association of Arrowhead Lake behind this proposal?

Justin Perry: We made a presentation on Monday evening; we are still negotiating with the Board of Directors on this and we meet again tomorrow night. I have lived on lot 29A for 14 years and I am very happy with that community I don't want to alienate the neighbors or do anything detrimental to the subdivision or my lot.

Commissioner Freiling: Staff's point about basically the cart before the horse in that we are being asked to approve a rezoning that is contingent on a future action from the County Commission, is there a reason the applicants didn't take the first step first?

Justin Perry: We did, we started talking with both the city and the county sewer and that started months ago.

Commissioner Freiling: I am talking about the plat vacation in order to get the connection to Arrowhead Lake.

Justin Perry: Ron Shy does these things all the time, I don't. My understanding is that it has been filed and if the vacation is approved this can move forward, if it isn't approved then the rezoning will be withdrawn and it would revert back to what it was.

Chairperson Harris: The application to vacate part of the plat encompasses what area?

Thad Yonke: The panhandle shaped portion. The entire lot gets vacated, they will have to replat the existing lot so that the panhandle part is not part of Mr. Perry's lot at that point and that gives frontage for the property behind it to be platted. Until that happens there is no access or frontage to Arrowhead Lake.

Chairperson Harris: I assume at this point Quiver Lane it is a good idea but it doesn't exist.

Thad Yonke: Quiver Lane was part of the original plat and Arrowhead Lake Subdivision came in and had it vacated. If it existed today they would have road frontage and there wouldn't have been an issue.

Chairperson Harris: The drawing shows a powerline right of way or is a pipeline?

Justin Perry: It is a pipeline.

Chairperson Harris: Is it petroleum or gas?

Justin Perry: It is the Williams Pipeline which I think is fiber-optic in one.

Open to public hearing.

Present with comments:

Blake Danuser, 6000 Arrowhead Lake Dr, Columbia

Blake Danuser: I am one of three elected Board of Directors members of the Arrowhead Lake Homeowners Association. We are in discussions with the applicants but we don't know the result yet; it takes 75% to pass.

No one else spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin: If we rezone this to A-2 and they don't get access to Arrowhead Lake then it just becomes an island of A-2?

Thad Yonke: It becomes split-zoned parcels with small irregular pieces of A-2 that can't be utilized directly. That is part of staff's concern. The vacation won't happen until the new plat is recorded so if the County Commission approves the vacation that is just an approval. If they never come back with a plat it never goes into effect and the lot stays as it is. That is not true with zoning. If the rezoning happens and it is rezoned to A-2 that zoning gets put in place regardless of whether the rest of it happens and it would have to be down-zoned back or some other action taken.

Jamie Jeffries: Mr. Shy has a request in and if the lot doesn't get vacated he is not going to want 10.5 acres of his land rezoned and he would withdraw the request at that point.

Commissioner Freiling: The Commission is being asked to say yes with two maybes in place. If we approve this tonight when does it go to the County Commission?

Thad Yonke: At the same meeting the vacation request will be heard.

Chairperson Harris: The applicants presented a couple of drawings but they don't look the same.

Jamie Jeffries: Mr. Perry's lot has a stem and the idea is to vacate his lot which is a requirement of the County but we would like to replat his lot to make it smaller and utilize the short portion of his lot to have direct access onto Arrowhead Lake Drive. Drawing 1 shows the approximate location of where the houses could be built.

Commissioner Martin: Is there a lot created where the outbuilding is?

Jamie Jeffries: It is a detached garage; that is a possibility of what could be if Mr. Perry sold his house. We could replat his lot and the lot to the north and do a lot line adjustment and the detached garage could go with this house. The lot with the detached garage will not stand alone. It will either go with lot 41 or 42.

Commissioner Freiling: What is the reason for creating an unbuildable lot?

Jamie Jeffries: We aren't creating an unbuildable lot; the drawing is just a feel of where the houses could go.

Thad Yonke: They aren't allowed to create an unbuildable lot. While there are diagrams here, there are no lots being proposed at this time because staff hasn't reviewed any subdivision plat for this because the zoning doesn't exist yet.

Chairperson Harris: The intent is this 10.8 acres will become part of Arrowhead Lake Estates?

Jamie Jeffries: Yes.

Chairperson Harris: But the Homeowners Association hasn't agreed to that.

Justin Perry: Not yet.

Chairperson Harris: I see the plan but I am hung up on the cart before the horse problem.

Commissioner Martin: Was there any opposition to this request?

Thad Yonke: Staff had some calls from people with concerns but no one has voiced direct opposition that I know of.

Commissioner Kurzejeski: If the Planning and Zoning Commission approved this and later the County Commission didn't approve the vacation then the applicants would ask the County Commission to nullify this action?

Jamie Jeffries: Yes.

Commissioner Freiling: There are still two outstanding issues here; the sewer and the Homeowners Association.

Jamie Jeffries: Typically a vacation is more of a formality, I don't know why it takes so long when it just goes before the County Commission but that is the just the process it takes.

Stan Shawver: The reason it is set up that way is so a developer can find out whether he can get approval before he invests in an engineering design. It is an idea to save some money rather than try to push the County Commission into a decision.

Justin Perry: We talked about the continuity of the larger lots on Southern Hills and the large lots in Arrowhead Lake, the 10.8 acres we are talking about is next to the 42 acres and my discussion with Ron Shy is if our plan failed the only way he will be able to access that property is through the 42 acres. We think it makes sense to try to continue with this proposal.

Commissioner Freiling: All of us see the logic of that, our problem is process, not concept.

Chairperson Harris: The reality of it is the western piece will probably go to high density at some point in time anyway.

Thad Yonke: That is why staff said they would support tabling the action until next month because the County Commission will have made a decision about the vacation request.

Commissioner Freiling: Hopefully by then the city will have made a decision about the sewer.

Stan Shawver: The Boone County Sewer District is involved as well.

Thad Yonke: Correct, they both have to say yes.

Justin Perry: If this request is tabled will it require another mailing?

Thad Yonke: If it is tabled there is no additional mailings or new notice. If the applicant requests it be tabled and the Planning and Zoning Commission approves tabling it then it is tabled to a specific date which is the April 18, 2019 meeting.

Stan Shawver: The applicants don't have to request it be tabled, the Commission has the authority to table it.

Chairperson Harris: It is a catch 22 in that the request for the vacation hinges on it is not necessary if you get the rezoning.

Thad Yonke: Not necessarily, the County Commission can approve the vacation and they act on it then it sets up things to be able to be done.

Justin Perry: The applicants would like to request that this request be tabled.

Chairperson Harris: As Commissioner Freiling said it is not so much the concept as it is the process.

Commissioner Martin made and Commissioner Wilson seconded a motion to **table** the request by RCS & VMS Revocable Trust and Shy Rentals LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 10.85 acres, more or less, located at 5801 S Arrowhead Lake Dr., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Jeff McCann – Yes

Motion to table the request passes unanimously.

Chairperson Harris informed the applicant that this request would come back before the Planning and Zoning Commission at the April 18, 2019 meeting.

VII. Plats

The following items were placed on consent agenda:

1. Holland. S24-T51N-R13W. A-2. James and Katrina Holland, owners. Steven R. Proctor, surveyor.

The subject property is located on North Old Highway 63, just north of State Route NN, approximately 3 ¼ miles to the southwest of Sturgeon. The subject property was previously platted as lot 3 of Stack subdivision but is being reconfigured into lot 3A of Holland Subdivision (5 acres in size), and the remainder being left as an administrative survey tract. The property is zoned A-2(Agriculture) with A-2 zoning to the north, west, and south, with A-R(Agriculture-Residential) zoning to the east. This is all original 1973 zoning.

The subject property has direct access on to North Old Highway 63, a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

Any residential building permits will require a wastewater permit from the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis.

The property scored 38 points on the rating system.

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

2. Wildlife Valley. S18-T50N-R13W. A-2. Zach and Jess Beringer, owners. Steven R. Proctor, surveyor.

The subject property is located near the end of Bruce Lane, approximately 1 ½ miles to the southeast of Harrisburg. The property is approximately 10 acres in size, with a house and lagoon present. This proposal divides the property into two 5 acre lots, one with the house and wastewater system, the other vacant. The subject property is zoned A-2(Agriculture) and surrounded by A-2 zoning. This is all original 1973 zoning.

Lot 1 of the two lots created has direct access on to Bruce Lane, a publicly-dedicated, publicly-maintained right of way. Lot 2 has access to Bruce Lane via a private access and utility easement along the southern property line. The applicants have 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 no public water to this property. If such is desired, an extension would need to be built to this property.

Wastewater is treated by an existing on-site wastewater system on lot 1. Lot 2 will also use on-site wastewater treatment as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 44 points on the rating system.

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

3. Forevergreen Estates Plat 4. S24-T48N-R14W. A-2. Joshua Hill, owner. James R. jeffries, surveyor.

The subject property is located at the end of Forevergreen Drive, approximately 2 and 2/3rds miles from the city limits of the city of Columbia. This proposal reconfigures two lots, shrinking one from 11.88 acres to 6.34 acres by plat, expanding the other with the remainder from 10 acres to 15.75 acres by administrative survey. Both documents will be recorded concurrently. The platted property is currently undeveloped with no structures present. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Forevergreen Drive, 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.

On-site wastewater treatment is proposed for development of this property under permit from the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

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

Commissioner Wilson made and Commissioner Harris seconded a motion to approve the items on consent agenda with staff recommendations:

Boyd Harris – Yes	Carl Freiling – Yes
Eric Kurzejeski – Yes	Greg Martin – Yes
Loyd Wilson – Yes	Jeff McCann – Yes

Motion to approve the items on consent agenda passes unanimously.

VIII. 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 Boone Development was approved as recommended. Commission Order 91-2019.

The rezoning and review plan request by 3101 S Olivet LLC which was appealed to the County Commission was denied. Commission Orders 92-2019 & 93-2019

The plats for Harvest Hills, Oberlin Valley Plat 5, Pierpont Meadows Plat 2, Golden Star Estates, Caruthers, and Old Number 7 were accepted. Commission Order 94-2019.

IX. New Business

1. Wind Farm Regulation Process

Stan Shawver: Under our current regulations we do not spell out wind farms however energy generation is an industrial use. This is something the Commission needs to work on and it is going to take some work sessions devoted strictly to this. Staff is continuing to research information and have to be very cautious about where the information is coming from. Staff sent a survey to the Commissioners asking for their availability for work sessions so please complete and return it. There has been a lot of interest from the public on this so the work sessions need to take place in a facility that is conducive to public hearings and we also need to make sure Chambers is available so we have recording ability.

The following handouts were given to the Commission to study and are available at the office of Resource Management:

Wind Energy Siting Handbook: Guideline Options for Kansas Cities and Counties
Wind Turbines and Health

Stan Shawver: Bear in mind that other states have different enabling legislation than Missouri does. It is going to take some time and it is going to take effort and participation. Any time we do changes to the regulations we hold three public hearings, one in the north part of the county, one in the south, and one here in Columbia. In the past we have held the north meetings at the County office in Centralia however, it is logical that we try to hold the north meeting in Harrisburg. After the third public hearing the Planning and Zoning Commission has 90 days to look over the comments and file a report to the County Commission who may request work sessions with the Planning and Zoning Commission.

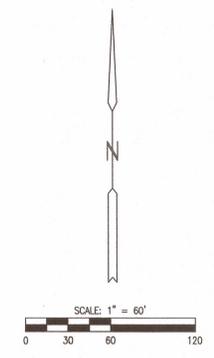
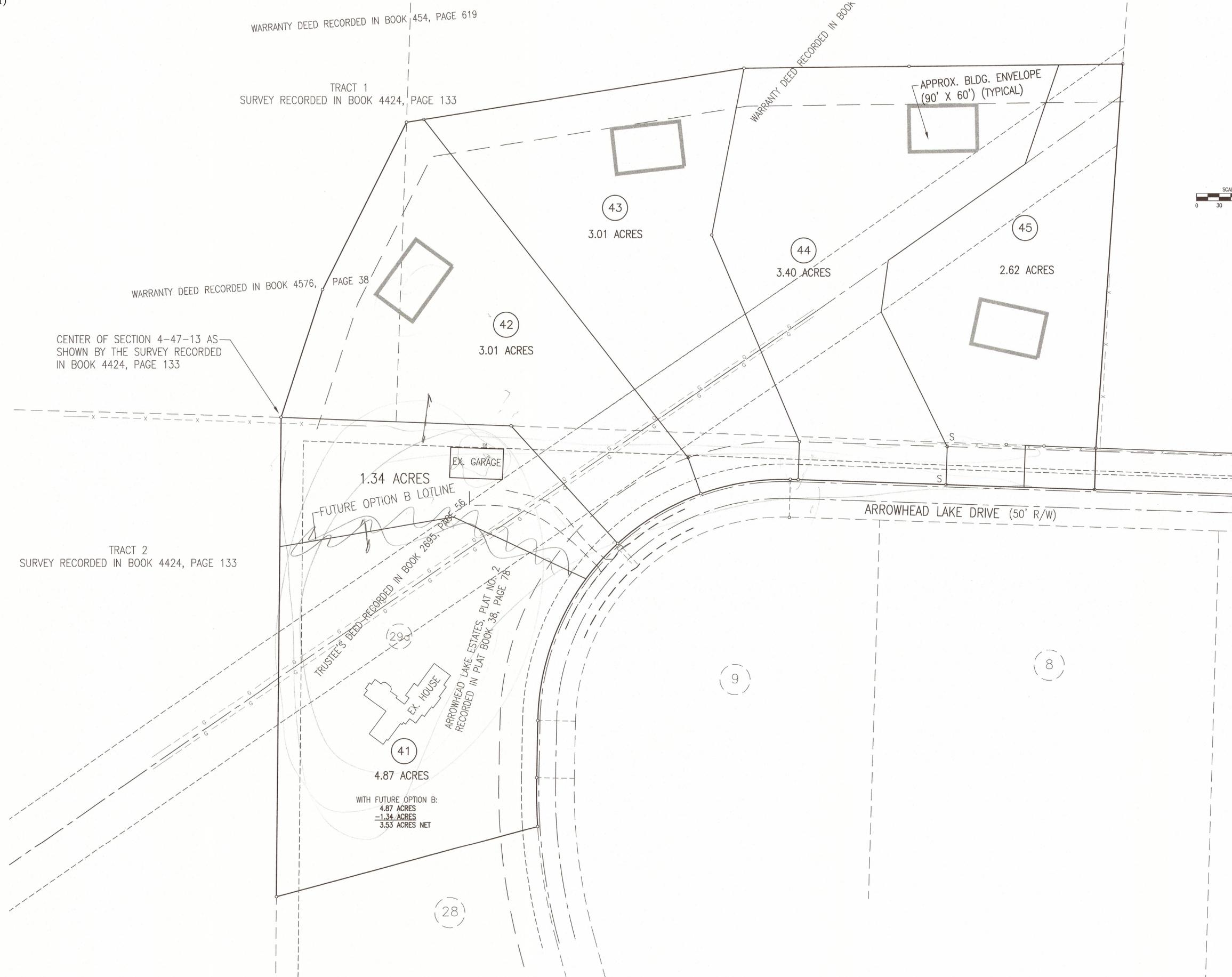
X. Adjourn

Being no further business the meeting was adjourned at 8:01 p.m.

Respectfully submitted,

Acting-Secretary
Erik Kurzejeski

Minutes approved on this 18th day of April, 2019



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 OF AUTHORITY #2007004004

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 APPROVAL OF
 ALLSTATE CONSULTANTS LLC

DISPLAY FOR ACREAGE
 FUTURE ARROWHEAD LAKE ESTATES PLAT 4
 FOR JUSTIN PERRY
 BOONE COUNTY, MO



DATE
 1-22-2019

REVISED:

JOB NUMBER
 15009.01

SCALE
 1"=60'

SHEET

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