

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, February 20, 2020

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Steve Koirtyohann	Rocky Fork Township
Bill Lloyd	Three Creeks Township
Daniel Mings	Columbia Township
Jeff McCann	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Rhonda Proctor	Perche Township
Fred Furlong	Bourbon Township

c. Staff Present:

Stan Shawver, Director	Thad Yonke, Senior Planner
Uriah Mach, Planner	Paula Evans, Staff

III. Approval of Minutes:

Minutes from the December 19, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following 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 conditional use permits and four 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 or silence 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, March 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 Tuesday, March 3rd will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Jerlyn Younger to allow a Duplex in the R-S (single-family residential) zoning district located at 6004 N Kent Dr, Columbia.

Planner, Thad Yonke gave the following staff report:

The subject property is located along the west side of Kent Drive approximately 300 feet south of the northern intersection of Oakland Gravel Road and Kent Drive. The property is lot 78 of Gregory Heights Subdivision Addition No.3 Replat No.1. The property is approximately 70 feet by 150 feet which equates to just over 10,500 square feet in size and zoned R-S (residential single-family) as is all the surrounding property. This is all original 1973 zoning. The building on the property was constructed originally as a duplex but in 1996 the owner took out a remodeling permit to convert the structure into a single family home to accommodate use as a family day care home. In 1997 the permit was final-ed out as an As-Is so no Certificate of Occupancy was issued which means the structure does not have legal status as either a single family dwelling nor a duplex. This request is to seek permission to re-establish the building as a duplex. A new remodeling permit will be required to be taken out to make the building back into a duplex. The building will need to meet all current building codes for a duplex. The two lots to the north and the five lots to the south of the subject property contain existing duplexes. The applicant is requesting a Conditional Use Permit for a duplex to be allowed in R-S zoning district.

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.

If operated in conformance with existing local regulations and appropriate permit conditions, this use should not be detrimental to or endanger the public health, safety, comfort, or general welfare. A new remodeling permit will be required and the building will have to meet current building codes.

(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.

The existing duplex structures in the neighborhood have been a fixture in the neighborhood for decades and the required remodeling permit will look at any safety aspects that would impact surrounding property owners. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. With the number of existing duplexes in the neighborhood it is unlikely that there will be any negative impact to the property values of other properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

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

The existing infrastructure should be able to be upgraded to allow all the needed facilities to make the lot able to support a duplex structure. The existing structure has public sewer service provided by the BCRSD. Any needed modifications will need to be coordinated between the BCRSD and the Building Inspection Division of the Resource Management Department. The property should have access to water for fire protection and additional hydrants may be required as determined through the building permit process. All necessary facilities will be available to serve the needs of this conditional use permit.

(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 establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The CUP sought will re-establish a use that had historically been on the property with such use being required to meet current building codes. This will arguably make this structure better than those older surrounding structures that may not meet current code. The existing lots are all already developed so there should be no impact as this use is already a significant feature within the neighborhood. The required remodeling and permitting associated with this CUP will require any improvements needed for compliance which will only enhance the surrounding neighborhood.

(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 permit is a minimal traffic generator and should not hinder the flow of traffic or result in traffic congestion on the public streets. The property appears to already have access.

(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 or will be required to conform to other applicable regulations of the R-S zoning district.

Zoning analysis: The existing building was originally constructed as a duplex and if the CUP is granted it will be allowed to be restored to a duplex status but it will also require a remodeling permit and will be required to meet current building codes in order to obtain this status. Otherwise duplexes have been part of the neighborhood fabric for decades. An outstanding fee of \$98.45 has not been paid. Regardless of the recommendation the P&Z commission decides, this request will not proceed to the County Commission if the fee is not paid by Tuesday February 25, 2020. Any proposed new buildings will require full compliance with all codes and infrastructure requirements.

Staff recommends approval subject to the following recognitions/conditions:

1. That it is recognized that a remodeling permit for the existing buildings will be required to be obtained and proper inspections obtained to bring the buildings into compliance with current building codes. A Certificate of Occupancy related to a remodeling permit will be required to be obtained to fully legitimize the structure to legal duplex status.
2. That if the outstanding fee of \$98.45 is not paid by close of business on Tuesday the 25th of February 2020 this request will not proceed to the County Commission.

Chairperson Harris: At the moment the building doesn't have a legal use?

Thad Yonke: No, they took out a remodeling permit to convert the duplex to a single-family home but they did not follow through on the inspections and get a certificate of occupancy. It started to be modified so it no longer qualified as a duplex and they never finished it as a single-family dwelling so right now it doesn't have an occupancy permit for anything.

Present representing the request:

Michael Bedford, 1012 Falcon Dr, Columbia

Michael Bedford: When we purchased this place we had no idea that it was not a duplex it was sold to us as a duplex. We purchased it as is with two other properties from the same individual. I realized that they were sharing utilities and that is when these problems came about, we went to get a new meter base installed to divide the electricity and we had an HVAC guy lined up to put new heating and air and a water heater on one side but when the electrician met with Boone Electric we were told we needed a permit from the County to change the service. The County said we needed this conditional use permit for a duplex. We spoke with an attorney and it seems like the only recourse we have is to try to remedy it ourselves unfortunately it is going to cost a lot of money.

Chairperson Harris: Your intent is to turn it back into a duplex and rent the property?

Michael Bedford: Yes, it has two identical sides, it is not a house. Every document I have from before I bought it listed it as A & B, a duplex.

Open to public hearing.

Present speaking in favor of the request:

Deborah Booker, 6395 N Oakland Gravel Rd, Columbia

Deborah Booker: I moved to my farm in 1966 and none of this development existed. There are 10 or 11 quadraplex or duplexes on the east side of Kent Drive and most of them are trash. I am pleased to hear the staff report because it makes sense to me, they all need to be brought into compliance and the trash picked up. I hope the Commission holds to it.

Sheila Wren, 6011 N Gregory Dr, Columbia

Sheila Wren: The area on Kent Drive is trashed, the property value is awful and the fact that there would be any kind of improvement in that area would be greatly appreciated. I agree with Ms. Booker that if the applicant is going to make it look nice out there then it would be best for the community and help property values and other people might pick up too.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Lloyd made and Commissioner Martin seconded a motion to approve the request by Jerlyn Younger to allow a Duplex in the R-S (single-family residential) zoning district located at 6004 N Kent Dr, Columbia with the following conditions:

1. That it is recognized that a remodeling permit for the existing buildings will be required to be obtained and proper inspections obtained to bring the buildings into compliance with current building codes. A Certificate of Occupancy related to a remodeling permit will be required to be obtained to fully legitimize the structure to legal duplex status.
2. That if the outstanding fee of \$98.45 is not paid by close of business on Tuesday the 25th of February 2020 this request will not proceed to the County Commission.

Boyd Harris – Yes
Michael Poehlman – Yes
Bill Lloyd – Yes

Eric Kurzejeski – Yes
Greg Martin – Yes
Steve Koirtyohann – Yes

Daniel Mings – Yes

Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would move forward to the County Commission on Tuesday, March 3, 2020 at 7:00 pm as long as the necessary fees are paid. The applicants will need to be present for the hearing.

2. Request by Liberty Baptist Church on behalf of Howarth Communications for a permit for a Transmission Facility including a 110' tower on 6.5 acres, located at 7461 N North Browns Station Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located near the intersection of State Highway HH and North Brown Station Road, approximately ½ mile to the north of the city limits of Columbia. The property is 6.5 acres in size and currently zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The property currently has a church and two accessory structures located on it. This property applied for a rezoning to A-R in October of 2011. That request was tabled and later abandoned by the applicant. Howarth Communications is applying for a conditional use permit for a 110' communications tower.

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is 4,900 square feet out of the 6.5-acre parent tract. The proposal for a transmission facility is for a 110' monopole tower with 2' lightning rod and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

- (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.

If operated in conformance with existing county regulations, the use should comply with 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 conformance with existing regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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.

This area is zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The placement of this facility should not impede the normal and orderly development of the surrounding property.

(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 use is a minimal traffic generator and should not hinder traffic or cause congestion on 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 other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services.

Zoning Analysis: This conditional use permit application meets the standards established by the Boone County Zoning Ordinance for a transmission facility.

Present representing the request:

Trena Prewitt, Horvath Communications, 693 N Lafayette, Florissant, MO

The applicant presented a power point presentation.

Trena Prewitt: Horvath Communications was hired by US Cellular so the tenant on the proposed tower is US Cellular, Horvath is the one who owns and builds the tower. Page two of the power point shows the data of why the tower is needed in this location; the big part is more people are using their cell phones for 911 coverage and this will have that capability. 52.5% of households are wireless homes. US Cellular needs a tower in this area because they are off-loading the traffic from their existing towers north and south of the area so this tower would be between the two existing ones to cover the off-load that they need, there is increased demand that all of the carriers are facing and this will help with that demand. The process starts with US Cellular giving a search area, Route B and Browns Station Road is the area they have given so we start looking at properties where the setbacks can be met, we contact everyone in the area who has property that meets the right zoning and can meet the setbacks. The request is for a 110-foot tower with a two foot lightning rod; we will be meeting the setbacks of 112-foot, we will meet all of the requirements of the zoning code, FAA, and FCC. The tower will be a standard, steel monopole, we went with this design because it holds the least amount of space on the base so it won't take up much space from the church and it is built for three other carriers to co-locate on it. The monopole matches the other towers in the area. The drawing of the tower shows what the pole will look like with the other carriers locating their antenna's with US Cellular's antenna's on the top.

Commissioner Koirtyohann: Will this have the tree limbs?

Trena Prewitt: No, this one is not designed as a mono-pine.

Chairperson Harris: This will just be the tower? There won't be a utility building?

Trena Prewitt: There are radio cabinets that are inside the fenced in area and that would be behind the church's gymnasium, the radio cabinets connect the wires to the top.

Commissioner Martin: Is there a minimum setback from a structure?

Trena Prewitt: No, there is just a property line setback.

Commissioner Martin: Who would be liable when the pole blows over into the gymnasium.

Trena Prewitt: The towers are designed to self-contain collapse. The agreement we have with Liberty Baptist Church outlines who is responsible for damages if we damage them or they damage us.

Thad Yonke: County regulations do not require setbacks from buildings.

Trena Prewitt: After hurricane Katrina it was interesting to see the way the towers collapsed on themselves. If they collapse it should happen inside the fenced in area.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to approve the request by Liberty Baptist Church on behalf of Howarth Communications for a permit for a Transmission Facility including a 110' tower on 6.5 acres, located at 7461 N North Browns Station Rd., Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Tuesday, March 3, 2020 at 7:00 pm and the applicants will need to be present.

VI. Plats

The plats were placed on consent agenda

1. O'Brian. S13-T49N-R12W. A-2. Gregory and Lori O'Brian, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on the east side of Kircher Road at the intersection of Kircher Road and State Highway HH. The subject property consists of a 1.41-acre property and a portion of the adjoining 62.13-acre property to the east and south. Both properties are zoned A-2(Agriculture) as is all the surrounding property and this is all original 1973 zoning. The property has a house and a pool. This proposal makes the original property larger to encompass the full pool area and wastewater system.

The lot has direct access on to Kircher 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 located in Public Water Service District #4, the Boone Electric Cooperative Service area, and the Boone County Fire Protection District.

The existing home uses a septic tank for wastewater. Any changes to this wastewater systems will be as approved by the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver on the wastewater cost-benefit analysis for connection to central sewer.

The property scored 47 points on the rating system.

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

2. Martha's Grove Plat 2-A. S3-T47N-R12W.R-SP. Martha's Grove HomeOwner, Inc and Tracey Arey Real Estate LLC, owners. David T. Butcher, surveyor.

The following staff report was entered into the record:

This property is located approximately 1400 feet southwest of the nearest part of the Columbia municipal limits. The site is situated on the north side of Bonne Femme Church Road approximately 3000 feet southwest of the intersection of Highway 63 South and Bonne Femme Church Road. The site is immediately west of Bonne Femme Mobile Home Park. The site of the proposal comprises 9.94-acres. The current zoning of this plat is R-SP (planned residential) which was rezoned from A-1 in 2003. However, the density set under the approved plan is equivalent to an A-R zoning with ½ acre per unit density. Property to the south, west, and north of the requested site is zoned A-1. Property to the east is zoned A-1 with a small pocket of R-M (moderate density residential) upon which the existing MHP is located and which was rezoned from A-1 in 1983. The other zonings are all the original 1973 zonings. A revised review plan was approved in August of 2019 with the corresponding revised Final Plan approved in December of 2019. The proposed re-plat creates 12 building lots and one common lot.; 3 of the original lots from the previous plat of Martha's Grove Plat 2 remain and are surrounded by this proposal but are not included in this plat. These previously platted lots have each got two residential single family attached units as approved under the original Final Plan from 2008. Hummingbird Lane is a private drive located on the common lot and would be treated similarly to an apartment complex parking lot. The vehicular circulation as proposed cannot be made into public roads. There is some 100-year Floodplain on the property near the proposed entry drive and the property is in the watershed of environmentally sensitive streams. The design for the development is proposing storm water detention and several best management practices for stormwater and erosion control. Two emergency-only improved grass lanes are required for emergency vehicle access. A centralized sewer collector system serving the plat is operated by the BCRSD. Water service and fire hydrants are required for this development. Consolidated Water District #1 provides water to the site and the site is in the Boone County Fire Protection District. The development

will be within the Columbia Public School District. The master plan designates this area as being suitable for residential land uses. This site has 57 points on the point rating system.

1. Staff recommends approval of the plat subject to the recognition that the conditions of the revised review and revised final plans are still in effect for the development.

3. Bell Acres. S35-T49N-R12W. A-2. Stephen P. Bell, owner. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located on Mexico Gravel Road/State Route PP, just west of the point where the State Route PP turns north and Mexico Gravel Road continues east. This proposal divides a 2.5 acre lot from the parent parcel. The parent parcel is 26.1 acres in size and is zoned A-2(Agriculture). There is R-S (Residential Single-Family) zoning to the south, A-2 zoning to the east and west, A-R(Agriculture-Residential) zoning to the northeast, and the city of Columbia to the north and northwest. This is all original 1973 zoning.

The proposed lot has direct access on to Mexico Gravel Road/State Route PP. This is 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 the City of Columbia water service area and the Boone County Fire Protection District.

The subject property is proposed to use a lagoon as permitted the by the Columbia/Boone County Health Department.

The property scored 78 points on the rating system.

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

4. Kasmann. S2-T48N-R14W. R-S. Shannon Kasmann and Amir Ziv, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The property is located at 8101 W. US Highway 40 in Midway. The plat consists of a combination of previously platted lots, Lot A and Lot 1A and the south part of Lot 21 of Midway Meadows. The County Commission approved the request to vacate and replat on December 3, 2019, Commission Order 508-2019.

The property is occupied by a single-family dwelling and a lagoon.

The lot has frontage on and direct access to US 40. The subdivider has requested a waiver of the requirement to provide a traffic analysis.

Water is provided by Consolidated Water.

The existing lagoon will continue to provide wastewater treatment for the residential use. The subdivider has requested a waiver of the requirement to provide a cost benefit analysis.

The property scored 88 points on the rating system.

Staff recommends approval of the plat and waiver requests.

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

All members voted in favor.

VII. Old Business

1. Update on Commission action.

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

Plats for Sappington, Graham, and The Estates Plat 1 were approved. Commission Order 9-2020.

VIII. New Business

1. West Area Plan

Thad Yonke: We had our first joint work session with the city and five Commissioners attended so we did not have a quorum. If we have a quorum in future meetings County staff will take some minor meeting notes but the City is going to handle the minutes. The County will handle the mapping through GIS. The next scheduled meeting is Thursday, March 5, 2020 at 5:30 PM in City Room 1A, there will be food provided so we will need a head count of who will attend. All Commissioners are welcome to attend even if it is not in their township because most of this area will likely stay within the county's jurisdiction so we need to make sure we have adequate county representation there.

The Commission discussed the proposed areas to be included in the plan.

2. Wind Farm Update

Chairperson Harris: Is staff still working on the wind farm stuff?

Thad Yonke: Bill Florea is working on crafting the language for a draft regulation but he is juggling it along with his regular duties.

IX. Adjourn

Being no further business the meeting was adjourned at 7:46 p.m.

Respectfully submitted,

Secretary
Michael Poehlman

Minutes approved on this 21st day of May, 2020