

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, May 18, 2023

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Eric Kurzejeski, Vice Chairperson	Missouri Township
Gregory Martin, Secretary	Katy Township (arrived 7:04 PM)
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Randal Trecha	Cedar Township
Rhonda Proctor	Perche Township
Kevin Harvey	Rock Bridge Township
Jeff McCann	County Engineer

b. Attending by Phone

Fred Furlong	Bourbon Township
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c. Members Absent

Vacant Seat	Three Creeks Township
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d. Staff Present:

Bill Florea, Director	Thad Yonke, Senior Planner
Uriah Mach, Planner	Paula Evans, Staff

III. Approval of Minutes

Minutes from the April 20, 2023 meeting were approved as presented by acclamation.

IV. Chairperson Statement

The following statement was entered 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.

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 make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with County Commission order 443-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older, continue to wear a face mask in any public areas of the Government Center.

An audio link is open to members of the public who wish to follow the proceedings. Members of the public who are attending by phone will be muted until the public hearing portion of each request.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. 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. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and 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.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours.

After those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. 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, May 30th. Interested parties will again be able 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, May 30th will begin at 7:00 p.m. The vote on discretionary items, such as rezonings and conditional use permits, will not be taken on the 30th. After hearing those items, they will be scheduled for a second reading at a

future County Commission meeting. The date of that meeting will be announced at the May 30th meeting, but will likely be Tuesday, June 6th at 9:30 AM in these Chambers.

V. Conditional Use Permits

1. Request by Faye Nowell on behalf of Linda Munden for a conditional use permit for a boarding kennel/daycare facility for dogs on (3.65 acres according to Assessor) A-2 (agriculture) zoning district located at 5550 W Gillespie Bridge Road, Columbia. (Open public hearing)

Planner, Uriah Mach gave the following staff report:

The subject property is located off Gillespie Bridge Road and adjacent to the boundaries of the City of Columbia to the north and the south. The property is zoned A-2 agriculture. Adjacent zoning is as follows:

- North – City of Columbia Planned Development (PD)
- South – City of Columbia One-Family Dwelling (R-1)
- East – Single Family Residential (R-S)
- West – A-2

The subject property was down-zoned from R-S to A-2 under County Commission Order 3-2001. The surrounding Boone County zoning appears to be original 1973 zoning. A Conditional Use Permit (CUP) was issued for dog kennel and dog day care facility in May of 2001 (County Commission Order 209-2001).

The CUP included the following conditions:

1. There be no more than ten (10) dogs at any one time on the property.
2. The permit be issued to Ms. Nowell only, and is non-transferable.
3. The business is to be opened from 7:00am to 7:00pm, Monday thru Friday, and weekends by appointment only.
4. No breeding, raising or selling of animals would ever occur.
5. The permit is contingent upon the business plan.

In December of 2022 the County Commission approved an updated CUP for a dog kennel and day care facility under County Commission Order 600-2022.

The updated CUP included the following conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Robin Diebold after a real estate transaction.
3. Business hours will be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

The application for the current CUP indicates that Ms. Nowell is retiring and would like to sell the property and the business to Ms. Munden. The previously updated CUP under County Commission order 600-2022 issued the permit to Faye Nowell and is only transferable to Robin Diebold after a real estate transaction. In order to modify the ownership condition, the applicants have submitted an application for a CUP and identify Ms. Munden as the potential buyer.

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.

Domesticated dogs are a common feature in a suburban setting. Under the previous CUP issued in December of 2022, the applicants agreed to a condition that limited 15 dogs on the property at any one time. Limiting the number of animals to 15 should not pose any risk to public health, safety, comfort, or welfare.

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 dog kennel and dog day care has been in existence since 2001 and has not generated any complaints that staff are aware of. Application materials indicate that Ms. Munden has been a long-time customer of Ms. Nowell. If Ms. Munden follows the same business practices Ms. Nowell has used, there should not be any impact to surrounding property owners.

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

If operations continue as currently permitted, no substantial impact to property values could be expected.

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

Wastewater is handled by a conventional septic system. The area is serviced by Consolidated Public Water Supply District 1 and Boone Electric Cooperative. The property has direct access to Gillespie Bridge Road.

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.

Due to shape and total acreage of the subject property, further development outside of a home or small business permitted under the zoning code is highly unlikely. Most of the area to the north or south has developed along a pattern of single-family homes. Future development to the west of the subject property is unlikely to be impacted by the approval of a dog kennel.

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 property has frontage along Gillespie Bridge Road, a publicly dedicated publicly maintained roadway. An existing paved driveway allows vehicular traffic to enter and exit the site via Gillespie Bridge Road.

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.

With adequate conditions placed on the property, the use in all other respects would conform to the applicable regulations of the zoning district.

Zoning Analysis: The area surrounding the subject property has developed into a single-family residential area. The previous CUPs for the dog kennel and dog day care granted to Ms. Nowell placed several conditions on the business and limited its development to a scale like that of a home occupation. The continued use of the property as a dog kennel has not generated any complaints to Resource Management regarding Ms. Nowell's business activities.

This CUP application seeks to modify the ownership condition placed on the business under County Commission Order 600-2022 to allow Ms. Nowell to sell to Ms. Munden. Ms. Munden is a long-time customer of Ms. Nowell, and the business plan provided by the applicants indicates that Ms. Munden will utilize similar business practices used by Ms. Nowell.

A condition placed on ownership is rare for a CUP. A CUP generally runs with the land and not the owner. However, placing a condition on ownership allows the County a higher level of oversight on uses that could become incompatible depending on scale and business practice. When Ms. Munden decides to sell the property to the next potential operator, it allows the County an opportunity to verify that the potential buyer be aware of and intends to comply with the Conditions of Approval.

The applicants have not indicated to staff that any of the other conditions placed under County Commission Order 600-2022 are requested to be modified. The other conditions that limit the number of dogs to 15, keep business hours by appointment only, and not allowing the breeding or selling of animals ensures that the business should continue to operate in a residential setting. These conditions should not be changed and be applied to this CUP request.

Staff notified 150 property owners of the request. The proposal scored 53 points on the point rating system.

Staff recommends approval of the request with the following conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Linda Munden after a real estate transaction.
3. Business hours be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

Present representing the request:

Faye Nowell, 5550 W Gillespie Bridge Rd, Columbia

Linda Munden, 3110 Skylark Dr, Columbia

Linda Munden: I am a current customer of Ms. Nowell and South Paw Acres and I want to become the new owner of the business and live on the property.

Chairperson Harris: Any changes or anything significant? It hasn't been that long since Ms. Nowell was here; any questions as far as concerns since then?

Faye Nowell: All we are doing is changing the new owner, none of the previous conditions will be changed, just the ownership.

Commissioner Kurzejeski: Is Ms. Munden okay with the conditions?

Linda Munden: Yes.

Chairperson Harris: Ms. Munden has been a customer but not an employee or caretaker of the dogs?

Linda Munden: No, since I adopted my dog ten years ago, I have been taking her out to South Paw Acres twice a week and also for boarding and I am convinced that this is what I want to do.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Harvey made, and Commissioner Mings seconded a motion to approve the request by Faye Nowell on behalf of Linda Munden for a conditional use permit for a boarding kennel/ daycare facility for dogs on (3.65 acres according to Assessor) A-2 (agriculture) zoning district located at 5550 W Gillespie Bridge Road, Columbia with the following conditions:

1. There be no more that fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Linda Munden after a real estate transaction.
3. Business hours be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Fred Furlong – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Kevin Harvey – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the rezoning request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, May 30, 2023 at 7:00 PM.

VI. Planned Developments

The Final Development Plan was placed on consent agenda and the staff report entered into the record:

1. Request by Robert W. Kilgore Jr to approve a Final Development Plan in the pending Planned Light-Industrial (M-LP) zoning district for Como West Storage on 6.7 acres located at 7190 W Henderson Rd, Columbia.

The following staff report was entered into the record:

The subject property is located between Highway 40 and Henderson Road. The property is 6.7 acres and split zoned Residential Single Family (R-S), Agriculture-Residential (A-R), and Commercial-General (C-G). The surrounding zoning is as follows:

- South - Planned Single Family Residential (R-SP)
- East – C-G
- North – Light Industrial (M-L), Planned Light Industrial (M-LP), and Planned Commercial General (C-GP).

- West – R-S

The proposal seeks to rezone from the split zoning to M-L with self-storage units listed as the only permitted uses.

The Boone County Master Plan designates this area as being suitable for residential land uses. The initial review plan was approved under County Commission order #409-2022. The proposal scored 63 points on the point rating system.

Water service is provided by Consolidated Water. Boone Electric provides power service to the area. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 9, is less than a mile away.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan, identifies three criteria for approval:

- All the required information is accurately portrayed on the Plan.
- The Final Plan conforms to the approved Review Plan.
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan.

Two conditions were placed under County Commission order #409-2022:

1. Installation of an eight-inch water main along Henderson Road to provide commercial fire flows is accepted by the Consolidated Public Water Supply District prior to approval of the Final Plan.
2. Existing power lines are relocated along Highway 40 frontage and accepted by Boone Electric prior to approval of the Final Plan.

After review, staff found that the proposal meets the criteria for a Final Plan. Consolidated Water has confirmed an eight-inch water main has been installed and accepted for use. Boone Electric has indicated to Resource Management that the applicant has submitted payment to relocate all power lines once a final grade has been established.

Staff recommends approval of the Final Plan.

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the request by Robert W. Kilgore Jr to approve a Final Development Plan in the pending Planned Light-Industrial (M-LP) zoning district for Como West Storage on 6.7 acres located at 7190 W Henderson Rd, Columbia:

All members voted in favor, none opposed.

Chairperson Harris stated that this request would go before the County Commission on Tuesday, May 30, 2023 at 7:00 PM.

VII. Plats

The following plat was placed on consent agenda and the staff report entered into the record:

1. BCFPD Station 8. R-S. S1-T47N-R13W. Boone County Fire Protection District, owner. Kevin Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route K at the immediate northwest corner of the Bethel Church Rd. and State Route K intersection. The area of the subdivision contains two properties that contain 6.80-acres and is zoned Residential Single Family (R-S). The surrounding properties are zoned as follows:

- North – R-S
- Northeast – City PD (Planned Development)
- East – R-S
- Southeast – R-S
- South – R-S
- Southwest – Agriculture Residential (A-R)
- West – Moderate Density Residential (R-M)
- Northwest – R-M

All the County zoning is original 1973 zoning. This proposal takes the existing tract where the current Station 8 is located and makes it a platted lot of 0.87-acres and creates an additional adjoining platted lot of 4.93-acres for a replacement Station 8.

Both proposed lots have direct access on to State Route K, a publicly dedicated, publicly maintained right-of-way, proposed Lot 1 also has frontage and access to Bethel Church Road. Any additional drive connections will have to meet the standards of the governmental entity that maintains the roadway to which a drive is sought. The applicant has submitted a request to waive the traffic study requirement and Staff concurs with this request.

The subject property is in Consolidated Public Water Service District #1 for water service, Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District. Some relocation work of existing waterlines along Route K has been noted by the water district, such work should be conducted in a timely manner so that it would not hold up any commercial building permits. This work is not however, a condition that must be finished prior to plat acceptance and recording.

The existing Station 8 on proposed Lot 2 is connected to the City of Columbia central sewer. A sewer extension from the City system is proposed to serve Lot 1 and must be installed prior to accepting and recording of the plat. The BCRSD has agreed to allow the City to serve the property even though it is to remain outside the municipal limits for the foreseeable future. The property is subject to an annexation agreement. The property scored 78 points on the rating system.

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

Commissioner Kurzejeski made, and Commissioner Martin seconded a motion to approve the plat for BCFPD Station 8 on consent agenda as recommended

All members voted in favor.

VII. Old Business

1. Update on Commission action.

Update on County Commission Action – From April 2023 agenda items.

The rezoning request for William & Rebecca Ambrose at 7700 E North Shore Drive, Hartsburg was approved as recommended.

The Final Development Plans for Carl Freiling, Nichols and Hernandez, and Joseph and Kelly Eagle were approved.

The following plats were approved and accepted:

- Freiling Estates
- Nichols Plat 1
- Elizabeth Ann Subdivision
- Heartland Hills Plat 1

VIII. New Business

Solar Regulations

Mr. Florea stated that the Commission had been given the latest draft and a copy of a power point presentation in their packets and asked if there were any questions.

Chairperson Harris asked about the vegetation and pollinator requirement. Mr. Florea stated that 1% of the site is required to be vegetated in pollinators; as an incentive, if they planted a higher percentage in pollinators, they can have bonus territory for the SEOD up to an additional 25.6-acres.

Commissioner Kurzejeski asked if there were conditions on how the pollinator plot is managed. Mr. Florea stated that there is a requirement that they maintain it.

Commissioner Kurzejeski asked about the annual operating fee, how the fee is set and what it covers. Mr. Florea stated that the County will require an annual report. It is not intended as a revenue generator but to partially cover the cost of administering the report, reviewing and filing it. We haven't calculated what the fee should be, but it will probably be a flat fee. The County Commission will set the fee.

The Commission had no further questions and requested this item be placed on the June agenda for action.

IX. Adjourn

Being no further business, the meeting was adjourned at 7:26 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 15th day of June 2023