

**BOONE COUNTY PLANNING & ZONING COMMISSION**

BOONE COUNTY GOVERNMENT CENTER

801 E. WALNUT ST., COLUMBIA, MO.

Thursday, September 15, 2005

Chairperson Smith called the meeting to order at 7:00 p.m., with a quorum present. Roll Call was taken by Commissioner Heitkamp.

Present:	Pat Smith, Chairperson	Perche Township
	Mary Sloan, Vice-Chairperson	Rocky Fork Township
	Kristen Heitkamp, Secretary	Katy Township
	Larry Oetting	Three Creeks Township
	Russell Duker	Missouri Township
	Mike Morgan	Bourbon Township
	Carl Freiling	Cedar Township
	Boyd Harris	Centralia Township
	Michael Morrison	Columbia Township

Absent:	Rob Brown	Rock Bridge Township
	David Mink	Public Works

Also present:	Stan Shawver	Uriah Mach, Staff
	Thad Yonke, Staff	Paula Evans, Staff

The minutes of the August 18, 2005 meeting were approved with no corrections. Approved by acclamation.

Chairperson Smith read the procedural statement which stated that 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 one plat review.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, they are authorized by the Missouri State Statutes to follow their 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 their representative may make a presentation to the commission. The Commission may request additional information at that time, or later following the hearing. After the applicant's

presentation, the floor will be opened for anyone wishing to speak in support of the request. We ask that any presentation made to the Commission be to the point.

Please give your name and mailing address when you address the commission. We also request that you sign the sheet on the staff table after you testify.

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. The agenda tonight may not be lengthy and while we wish to extend an opportunity to everyone that wishes to speak, we ask that you not be repetitious with your remarks. We also recognize that many issues can be quite emotional. In that regard we ask that you refrain from any 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.

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 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 Monday, September 26, 2005. 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 this meeting and the County Commission hearing. The County Commission hearing scheduled for Monday, September 26, 2005 will begin at 7:00 p.m. and will convene in this same room.

## **CONDITIONAL USE PERMITS**

None.

## **REZONING REQUESTS**

1. Request by Clifton and Linda Nahler to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 32 acres, more or less, located at 12801 S. Highway DD, Ashland.

Planner Thad Yonke gave the staff report stating that this property is located 1 mile northwest of Ashland at the southwest corner of Biggs Road and State Highway DD. This property is zoned A-1 (Agriculture). Land to the north, east, and south is zoned A-1 and these are all original 1973 zonings. Land to the west was rezoned from A-1 to A-2 in 2002. The property is currently vacant but it has been used for agricultural purposes. This site is located within the Southern Boone R-1 School District. Electric

service is provided by Boone Electric Cooperative. Water service is provided by Consolidated Public Water District No. 1. The original zoning for this tract is A-1. There have been no previous requests to rezone this property. The master plan designates this area as being suitable for agricultural and residential land uses. Staff notified 15 property owners concerning this request. The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: This site is served by Boone Electric Cooperative and Consolidated Public Water District No. 1. There may not be adequate water available at this time to serve a residential development. A central waste-water system is not available for this site. The developer is proposing the use of individual on-site waste-water systems.

Transportation: Access to the site is from Biggs Road, a gravel, county maintained road and possibly from Highway DD.

Public Safety: The property is in the Southern Boone County Fire Protection District. A district fire station is located inside the city of Ashland, approximately 2 miles from this site.

This property is adjacent to A-2 zoning. As mentioned, the tract to the west was rezoned from A-1 to A-2 in 2002. Staff recommends that this request be approved.

Present: Clifton Nahler, 1201 E. Hartsburg Bottom Road, Hartsburg.  
Steve Proctor, surveyor, 7001 Stidham Rd., Harrisburg.

Mr. Nahler stated that what Mr. Yonke was discussing about Highway DD and Biggs Road; there is more frontage on highway DD than there is Biggs Road. The Utility access will be off of highway DD rather than Biggs Road. The water district had a misconception about it when they made their determination about where the water would be accessed. They were concerned that the applicants were going to access off a four inch line; most of it will be accessed off the six inch line.

Commissioner Morgan stated one of the requirements is public safety and asked if it was going to be easy for emergency vehicles to get down the private road with only a 20-foot road easement.

Mr. Nahler stated the applicants have never been told what they need.

Mr. Yonke stated there is no plat at this point in time; it is solely a rezoning request. There is a potential diagram to give you an example of what could happen that was attached to the application but it is not a preliminary plat.

Mr. Proctor stated as Mr. Yonke said, that was just a real quick sketch; we didn't want to spend too much money prior to getting the rezoning approved. What Mr. Nahler was speaking of earlier, he has paid for, but we haven't completed a water study for the water district. The water district was looking at bringing almost all the water in off of Biggs road but there is an existing six inch off of Route DD which would service the majority of the lots created.

Commissioner Sloan asked if the water district considered that.

Mr. Proctor stated he didn't know. Because of the sketch that we provided they probably looked at serving off of both, running a main line down the center of the easement. I would assume if anyone builds houses they would face Route DD. There is also a large ditch that dissects the subject property in half. Half the lots would be on one side and the other half on DD.

Commissioner Harris stated that the diagram is kind of a representation that may be a little preliminary but I also have to agree with Commissioner Morgan and would encourage that at whatever time this is platted if there is an interior road, if it did happen to be in that way I would strongly encourage you to have the interior road wider than 20-feet because it is not adequate for emergency services.

Mr. Proctor stated he believes the sketch is pretty much a carbon copy of what Mr. Crockett did for the subject property to the west that was rezoned in 2000. That is where Mr. Proctor got that information.

Commissioner Heitkamp asked if Mr. Nahler was the property owner of the west property that was rezoned to A-2 in 2002.

Mr. Nahler stated no; he sold it to someone else who had it rezoned.

Commissioner Heitkamp stated that a rezoning from A-1 to A-2 could create 30 homes on that 32 acres.

Mr. Proctor stated that the applicant is proposing 5 acre lots or more. More houses could be developed on it but that is not Mr. Nahlers intention at this time.

Commissioner Heitkamp stated we often see a domino effect when we allow a rezoning and are told that it is 5 acre lots and these eventually down the road become 2.5 acre lots or a subdivision. When you have a centralized sewer system it makes sense to cluster your subdivision on roads, you've got good road frontage on both sides of it. In other words there could be 30 homes there if we rezone it A-2.

Mr. Yonke stated only 12 homes could be placed on the property.

Commissioner Duker asked if they would have to plat that.

Mr. Yonke stated yes. To do any of the land divisions less than 20 acres will either have to be administrative survey if it is above 10 acres, which there wouldn't be any point in rezoning it if they were only going to do 10 acre pieces, it is already zoned for that. Anything less than that requires plats.

Commissioner Sloan stated there is an onsite waste water for each tract, does that mean lagoons?

Mr. Proctor stated yes; there are probably other options too.

Commissioner Sloan stated the applicants are not looking at a central system.

Mr. Proctor stated no, there is nothing else out there that would be close. The applicants are trying to do what everyone else is doing in that area.

Open to public hearing.

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

Closed to public hearing.

Commissioner Freiling asked if under the development regulations can a minor subdivision like this with an interior road be developed as a private road with tracts under 10 acres.

Mr. Yonke stated yes; this is about the maximum you can do. First of all you have to have 5 acre lots, everything has to be 5 acres or larger from the parent tract in order to qualify for using a private drive. Any tract that is less than 5 acres the private drives are prohibited for uses as primary access. Then if you have a means of egress that is exclusively created for the use of no more than 4 lots, so in this case you've got the two in the front which if they utilize separate driveway connections they are not using the easement that crosses them but the four in back have no other way to get there theoretically if for example the State were to say you can access highway DD. This is a potentially do-able solution on this. It could be done a little bit differently if you were to take some access off highway DD if the State would allow that for access instead of some of these. But if any lot were proposed to be done as two and a half acres you could not do this private road.

Commissioner Freiling stated in terms of plat approval what right does the Commission have to address concerns about private road standards.

Mr. Yonke stated when it comes to the plat approval if it meets our regulations the Commission is obligated to approve it and we don't have a whole lot of standards when it comes to the actual specifics of how that private road gets done at this point. You don't have a lot of discretion when it comes to that. You do have discretion on whether or not it meets the regulations in terms of how many tracts are accessed and things like that.

Commissioner Heitkamp stated that in other words somebody could put a 10-foot private road through there and it would be alright.

Mr. Yonke stated yes.

Commissioner Freiling stated the fact that the tract that is adjacent to it has developed in the same way, the tract that is north of it actually developed under a planned development, the same density except for one larger tract. It is a bad idea for the commission to do this in general but at this site it actually has been the existing use of the neighborhood and the fact that you can't get below five acres without looking at collector system sewer, hard-surface, County standard streets. That means to a certainty that it will be developed as 5 acre plus tracts. Having said that I hope that if this gets approved that one of the things we are seeing on private tracts is lousy roads. It is a mistake for all parties, but it is particularly a mistake from a public safety standpoint so give the road enough width, rock, and drainage that it is going to hold.

Mr. Nahler asked if they were talking about the road.

Commissioner Freiling stated yes because the Commission has no control over that.

Mr. Yonke stated that it is a driveway as far as the County is concerned.

Mr. Nahler stated that the adjacent tract to the north has 2.5 acre lots, how did they acquire that.

Commissioner Freiling stated the owner has a 59 acre tract and had A1 zoning and had the right to 5 houses. What he did was clustered four of those houses on smaller tracts, the last house sat on 30 acres. He took the existing number of house rights he had and just shuffled them within the property; he was not granted the right to have more houses.

Mr. Nahler asked if that was still permissible.

Commissioner Freiling stated yes; you could do it on this tract. The reason for doing that was to try and preserve farmland. If a guy had 100 acres that he could have 10 houses but he wanted to keep 80 acres to farm and sell 20 acres he could concentrate those houses then the remaining balance of the land is not for development, he's used up his house rights but you can move all those houses to a corner under the development standards. You could move the houses to one corner and leave the balance as pasture. It is a seldom used right but it built in to the standards from the beginning.

Mr. Yonke stated that would require a different rezoning than is being requested here.

Commissioner Freiling made and Commissioner Morrison seconded a motion to **approve** the request by Clifton and Linda Nahler to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 32 acres, more or less, located at 12801 S. Highway DD, Ashland:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – NO	Larry Oetting – Yes
Mike Morgan – NO	Russ Duker – NO
Carl Freiling – Yes	Michael Morrison – Yes
Boyd Harris – Yes	

Motion to approve request carries.      6 YES      3 NO

Chairperson Smith informed the applicant that this request would go before the County Commission on Monday, September 26, 2005 and applicants need to be present.

## **PLANNED DEVELOPMENTS**

None.

## **PLAT REVIEWS**

1. Myers. S13-T46N-R12W. A-2. Steven R. Proctor, surveyor.

Planner, Uriah Mach gave the staff report stating that the property is located approximately one-third of a mile to the west of Ashland, north of the intersection of State Routes M and DD. It consists of one 2.69 acre lot. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning.

The lot has access to State Route DD and is dedicating three feet of additional right of way. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

Water service to this tract is provided by Consolidated Public Water Service District #1.

On-site systems will provide wastewater disposal. The applicant has submitted a request to waive the requirement to provide a wastewater cost-benefit analysis.

There is a 16.82 acre remainder area that has been submitted as an administrative survey. Access for the administrative survey area has been granted in a 66' private ingress/egress & general utility easement along the northern boundary of the platted lot. The administrative survey is to be recorded concurrently with the plat.

The property scored 63 points on the rating system.

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

Present: Steve Proctor, surveyor, 7001 Stidham Rd., Harrisburg.

Commissioner Sloan made and Commissioner Harris seconded a motion to **approve** Myers. S13-T46N-R12W. A-2. Steven R. Proctor, surveyor:

Pat Smith - Yes	Kristen Heitkamp – Yes
Mary Sloan – Yes	Larry Oetting – Yes
Mike Morgan – Yes	Russ Duker – Yes
Carl Freiling – Yes	Michael Morrison – Yes
Boyd Harris – Yes	

Motion to approve request carries unanimously.

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## **OLD BUSINESS**

Mr. Shawver informed the Planning and Zoning Commission of the decisions of the County Commission stating that all recommendations forwarded to the County Commission were approved as recommended.

## **NEW BUSINESS**

Chairperson Smith stated that the Planning and Zoning Commissioners had a work session with the County Commission last month and Commissioner Elkin asked whether the County Planning and Zoning Commissioners have met with City of Columbia Planning and Zoning Commissioners. Commissioner Elkin believed it to be a good idea. Chairperson Smith stated she would try to set up a meeting with City Commissioners.

Commissioner Morgan suggested a work session to discuss private road easements in subdivisions.

## **ADJOURN**

Being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

Kristen Heitkamp,  
Secretary

Minutes approved on this 20th day of October, 2005.