

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, September 17, 2015

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

II. Roll Call:

a. Members Present:

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|------------------------------|-----------------------|
| Paul Prevo, Vice-Chairperson | Rocky Fork Township |
| Eric Kurzejeski, Secretary | Missouri Township |
| Carl Freiling | Cedar Township |
| Gregory Martin | Katy Township |
| Kevin Murphy | Perche Township |
| Michael Poehlman | Rock Bridge Township |
| Loyd Wilson | Columbia Township |
| Bill Lloyd | Three Creeks Township |

b. Members Absent:

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|--------------------------|--------------------|
| Boyd Harris, Chairperson | Centralia Township |
| Derin Campbell | County Engineer |
| Vacant Seat | Bourbon Township |

c. Staff Present:

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|----------------------------|-----------------------------|
| Stan Shawver, Director | Uriah Mach, Planner |
| Thad Yonke, Senior Planner | Bill Florea, Senior Planner |
| Paula Evans, Staff | |

III. Approval of Minutes:

Minutes from the August 20, 2015 meeting were approved by acclamation.

IV. Chairperson Statement

Vice Chairperson Prevo read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request and one subdivision plat.

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. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

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

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, September 29th. 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, September 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None

VI. Rezoning

1. Request by Kevin R. and Carla J. Pudenz and K & C Rental Properties LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 34.85 acres, more or less, located at 9400 W Coyote Hill Rd., Harrisburg.

Uriah Mach gave the following staff report:

The subject property is located to the west of the intersection of Coyote Hill Road and Ridge Road, approximately 1 mile to the north of the City of Harrisburg. 34.85 acres of property, in three separate tracts, are covered by this request. There is currently a modular home and an accessory structure present on one of the tracts. The property is currently zoned A-1(Agriculture), and has A-1 zoning to the south, A-2(Agriculture) zoning to the north and east and the County line to the west.

The proposal is to rezone these tracts from A-1 to A-2 for purposes of dividing the tract with the modular home and accessory structure into a lot smaller than 10 acres.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

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

Transportation: The property has direct access on to Coyote Hill Road and Ridge Road, both publicly-dedicated, publicly-maintained rights-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Harrisburg being closest for service.

Zoning Analysis: The amount of development to the north and east of the subject property indicates that existing infrastructure limitations are a greater restriction than the existing zoning. While smaller lots may be created, the limited infrastructure will likely prevent the available A-2 density from being fully utilized and changing the overall rural residential character of the area.

The property scored 23 points on the rating system.

Staff recommends approval of the request.

Present representing the request:

Steve Proctor, Central Counties Surveying, 7001 W Stidham Rd, Harrisburg

Mr. Proctor stated that the applicants have been renting part of this property and they have not had very good luck with tenants. The applicants would like to sell the house with a minimal amount of acreage and keep the machine shed and use the remaining property for agricultural purposes.

Open to public hearing.

No one spoke in support or opposition.

Closed to public hearing.

Commissioner Wilson made and Commissioner Murphy seconded a motion to **approve** a request by Kevin R. and Carla J. Pudenz and K & C Rental Properties LLC to rezone from A-1 to A-2 on 34.85 acres, more or less, located at 9400 W Coyote Hill Rd., Harrisburg.

Paul Prevo – Yes

Eric Kurzejeski – Yes

Gregory Martin – Yes

Carl Freiling – Yes

Michael Poehlman – Yes

Kevin Murphy – Yes

Loyd Wilson – Yes

Bill Lloyd - Yes

Motion to approve request passes unanimously

Vice Chairperson Prevo informed the applicant that this request would be heard before the County Commission on Tuesday, September 29, 2015 and the applicants need to be present for the hearing.

VII. Planned Developments

None

VIII. Plats

1. Scenic Heights Plat 1. S15-T47N-R13W. A-2. Phillip and Brice Hanberry, owners. David T. Butcher, surveyor.

The following staff report was entered into the record:

The property is located on the east side High Point Lane approximately one-half mile south of the Route K. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property to the northwest which is in the City of Columbia and is zoned R-1. The property is currently occupied by one single family dwelling and attached garage.

The lot is being divided from a 52.79 acre parent tract. In 2006 a review plan and preliminary plat was approved on the parent tract which would have allowed development of a 45 lot subdivision with AR-P

zoning. Some of the infrastructure necessary for the development was installed. However, both the review plan and preliminary plat expired prior to approval either a final development plan or final plat. In 2012 a new preliminary plat application was filed to create 11 residential lots under the existing A-2 zoning. That application was withdrawn in 2015 to allow submission of this one lot minor plat.

The lot will have frontage on and direct access to High Point Lane. The applicant has submitted a request to waive the requirement to provide a traffic analysis.

The property is in the Consolidated Water service area. The existing home is connected to the water district system.

An existing soil absorption system provides wastewater disposal service for the home.

The property scored 51 points on the rating system.

Staff recommends approval of the plat, traffic analysis waiver.

Commissioner Murphy made and Commissioner Martin seconded a motion to approve as recommended Scenic Heights Plat 1.

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The conditional use permit request for David Sallee was recommended for denial by the Planning and Zoning Commission, the applicant appealed to the County Commission and they denied the request as recommended.

The conditional use permit requests for MD Storage and Sally Frazier were approved as recommended.

The rezoning request for Garrett was approved as recommended.

The revised review plan for Taylor was approved as recommended; the applicants are still trying to resolve the waste water issues.

The final development plans for Nickerson and SUERONDOW Farms LLC were approved as recommended.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 15th day of October, 2015