

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, October 15, 2015

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

II. Roll Call:

a. Members Present:

Paul Prevo, Vice-Chairperson
Eric Kurzejeski, Secretary
Carl Freiling
Gregory Martin
Kevin Murphy
Michael Poehlman
Loyd Wilson
Bill Lloyd
Derin Campbell

Rocky Fork Township
Missouri Township
Cedar Township
Katy Township
Perche Township
Rock Bridge Township
Columbia Township
Three Creeks Township
County Engineer

b. Members Absent:

Boyd Harris, Chairperson
Vacant Seat

Centralia Township
Bourbon Township

c. Staff Present:

Stan Shawver, Director
Bill Florea, Senior Planner

Uriah Mach, Planner
Paula Evans, Staff

III. Approval of Minutes:

Minutes from the September 17, 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 two conditional use permits and two 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. 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, October 27th. 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, October 27th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Gary F. Arends on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility, including a 165' tower on 84.2 acres, located at 900 E Canole Rd., Sturgeon.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Canole Road, east of Highway 63, five miles south of Sturgeon. The property is approximately 84 acres in size and is zoned A-2 (Agriculture). The property has A-2 zoning to the northeast, east, south, and west, with A-R (Agriculture-Residential) zoning and C-G (General Commercial) zoning to the north and northwest. This all original 1973 zoning. The subject property has an existing residence and several accessory structures present. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 22 property owners about this request. The property scored 24 points on the point rating system.

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is approximately 6,000 square feet out of the 84 acre parent tract. The proposal for a transmission facility is for a 165' monopole tower 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 primarily zoned A-2, with residential uses limited to 2.5 acre tracts or larger. The surrounding properties are mixed in size and have developed in a manner consistent with the zoning. Topography and the existing infrastructure is a greater factor in increased development than the placement of this transmission facility.

(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.

Staff recommends approval of this conditional use permit.

Present representing request:

Curtis Holland, Attorney, 6201 College Ave, Ste 500, Overland Park, KS

Mr. Holland stated Verizon Wireless is trying to improve their wireless coverage in Boone County, this is part of an overall build program to improve wireless coverage along Highway 63. When Verizon looks to build a new site they do their due diligence in terms of looking for an area and existing structures so they don't have to build a new tower. There is a tower a little close to this site but in this particular case it is overloaded and has no capacity to accommodate the applicants. These sites need to be within specific geographic areas to provide coverage and so the sites work together. When they build the network it works a little like a puzzle. Once they start the design of the network they have to consider where the existing sites are in order for the coverage to work properly so that you are able to have continuous coverage drive through. As you move into different areas the signal strength stays at level so that your connection to your handset allows you to maintain a call. The applicants had looked at the locations and scoured the areas for a particular property that would suit and fit within the geographic footprint where they could put a communication facility. They sent out inquiries to the property owners in those areas. Staff has made a recommendation and found the application to be in conformance with the regulations.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Poehlman asked if staff received any mail or correspondence.

Mr. Mach stated staff received a handful of phone calls from people who wanted information; the callers did not indicate any support or opposition.

Commissioner Wilson made and Commissioner Murphy seconded a motion to **approve** the request by Gary F. Arends on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility, including a 165' tower on 84.2 acres, located at 900 E Canole Rd., Sturgeon:

Paul Prevo – Yes	Eric Kurzejeski – Yes
Gregory Martin – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Kevin Murphy – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Derin Campbell – Yes	

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on October 27, 2015 and the applicant needs to be present at the hearing.

2. Request by Gerald and Marylyn Sims on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility including a 165' tower on 39.5 acres located at 1230 E Hwy 124, Hallsville.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Highway 124, west of Hallsville. The property is approximately 41 acres in size and is zoned A-2 (Agriculture). The property is surrounded by A-2 zoning. The property is all original 1973 zoning. The property to the east was granted a conditional use permit in 1996 for a temporary asphalt plant. The subject property is currently undeveloped. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 19 property owners about this request. The property scored 34 points on the point rating system

A description of the lease area site has been submitted by the applicant in the application materials. The lease area for the tower is approximately 6,000 square feet out of the 41.24 acre parent tract. The proposal for a transmission facility is for a 165' monopole tower 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 surrounding properties are mainly large-lot agricultural properties, with limited access to public right of way. Those properties along Highway 124 are limited in development potential by Missouri Department of Transportation access requirements. The existing infrastructure or lack thereof, is a greater factor in increased development than the placement of this transmission facility.

(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.

Staff recommends approval of this conditional use permit with the following condition:

1. That the site plan show a minimum setback equal to the 165' height of the facility.

Present representing the request:

Curtis Holland, Attorney, 6201 College Ave, Ste 500, Overland Park, KS

Mr. Holland stated he would like to adopt the explanation from the previous request as the requests are virtually identical. Again, staff found the application to be in conformance with the regulations.

Commissioner Wilson asked how far it was between the two towers.

Mr. Holland stated it is several miles. The placement of the towers depends on the topography in the area. Generally the radius is going to be 1 ½ to 2 miles so from center to center of the towers will be 2 to 3 miles from each other.

Commissioner Wilson asked if that was the standard.

Mr. Holland stated it depends on the height of the tower. The proposed tower is relatively short. You can have taller towers from 250 to 300 feet and those can be about six miles apart if you don't have any hills or mountains between. The density of the area also determines the coverage; by density it means the number of people using cellular service in a particular area.

Commissioner Martin asked the applicants if they had any problem with the proposed condition.

Mr. Holland stated no, the applicants will meet the setbacks and there is plenty of room to adjust the location to make sure the setback is met. There is a high voltage transmission line that runs through the property and leads to a transmission sub station to the north. There are a couple of houses to the east but there is a pretty good buffer between them and the tower site. There is also a mature line of trees on the road next to their properties so between the trees and the transmission line the neighbors will probably not see much of the tower and it won't be lit so it won't bother them at night.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Pat Stidham, 1221 E Highway 124, Hallsville

Ms. Stidham stated she lives across the road from this site and will see the tower constantly. Ms. Stidham asked why the applicants didn't place the tower more toward highway 63. There is an open spot with no houses.

Commissioner Murphy stated the applicant can probably explain it better but you are dealing with property owners and leases and someone has to be willing to do that.

Ms. Stidham stated the land belongs to the same property owner.

Closed to public hearing.

Curtis Holland: When you are in discussions with the landowner the landowner pretty much dictates where they would like the tower on their property, if it fits within the footprint then the applicants are okay with that. As mentioned earlier there is a high voltage transmission line running through the applicant's property and along the road. The applicants don't believe it will have a big visual impact on the neighbors. They try to site these in an appropriate location and attempt to minimize visual impact to the neighbors and once it is up it will probably fade into the background like everything else tends to do over time.

Commissioner Martin made and Commissioner Wilson seconded a motion to **approve** the request by Gerald and Marylyn Sims on behalf of Cellco Partnership d/b/a Verizon Wireless for a transmission facility including a 165' tower on 39.5 acres located at 1230 E Hwy 124, Hallsville with the following condition:

1. That the site plan show a minimum setback equal to the 165' height of the facility.

Paul Prevo – Yes	Eric Kurzejeski – Yes
Gregory Martin – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Kevin Murphy – Yes
Loyd Wilson – Yes	Bill Lloyd - Yes
Derin Campbell – Yes	

Motion to approve the request passes unanimously.

Vice Chairperson Prevo informed the applicant that this request would go before the County Commission on October 27, 2015 and the applicant needs to be present at the hearing.

VI. Rezoning

None

VII. Planned Developments

None

VIII. Plats

The following items were placed on consent agenda:

1. Green Tree. S30-T50N-R13W. A-2. Richard James Winkel Revocable Trust, owner. Ronald G. Lueck, surveyor.
2. Dove Hill Manor. S8-T51N-R12W. A-R. Debra and David Ritchie, owners. Steven R. Proctor, surveyor.

Commissioner Murphy made and Commissioner Lloyd seconded a motion to approve as recommended the items on consent agenda and place the staff reports in to the record.

All members voted in favor, none opposed.

Staff reports:

Green Tree

The subject property is approximately 4 miles to the southeast of Harrisburg. The parent parcel is approximately 68 acres in size. The proposal is to split off 4 acres for a building site. The proposed lot is currently vacant, with an existing house and accessory structures on the parent parcel to the west. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The proposed lot has direct access on to Benedict Road, a publicly-dedicated, publicly-maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The property is served by Consolidated Public Water Service District #1 for water service, Boone Electric Cooperative for electrical service, and is in the Boone County Fire Protection District for fire protection.

The property is proposed to be served by an on-site wastewater system, regulated by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 27 points on the rating system.

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

Dove Hill Manor

The subject property is approximately $\frac{3}{4}$ of a mile south of the city limits of Sturgeon, on State Route V. The property is about 18 acres in size and has a house and outbuilding present. The proposal is to divide the parcel into one platted lot at 3.40 acres with the house and outbuilding, and the remainder into a concurrent administrative survey lot at 14.82 acres. The property is zoned A-R(Agriculture-Residential) and is surrounded by A-R zoning. This is all original 1973 zoning.

The proposed lot has direct access on to State Route V, a publicly-dedicated, publicly-maintained right-of-way. MoDOT has identified an access point for the administrative survey lot. The applicant has submitted a request to waive the traffic study requirement.

The property is served by PWSD#10 for water service, Boone Electric Cooperative for electrical service, and is in the Boone County Fire Protection District for fire protection.

The existing on-site wastewater system will be retained for use by the house, with access and service guaranteed by a lagoon easement, as it is located outside the platted area. Any new systems for a house on the administrative survey lot will be permitted by the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 58 points on the rating system.

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

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning request for Pudenz was approved as recommended.

Scenic Heights subdivision plat was approved as recommended.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 7:31p.m.

Respectfully submitted,

Secretary
Eric Kurzejeski

Minutes approved on this 19th day of November, 2015