

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 16, 2021

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
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Randal Trecha	Cedar Township
Jeff McCann	County Engineer

b. Members Attending by Phone

Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the August 19, 2021 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris entered the following statement 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. Tonight's agenda includes one rezoning request, one revised review plan and one 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:

This meeting is being conducted in compliance with County Commission order 307-2021 which requires that all persons 10-years or older, regardless of vaccination status, wear a face mask while in public areas of the Government Center.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings.

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 when 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 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, September 28th. 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, September 28th will begin at 7:00 PM and will convene in this same room.

V. Rezoning Requests

1. Request by Dale & Nancy Lenger to rezone from R-M (Multi-Family Residential) to A-2 (Agriculture) on 5 acres located at 5050 E Christian School Rd, Hartsburg.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 1 and 1/3 miles to the south of Ashland, on the south side of Christian School Road near its connection with Old Route A. The subject property is 31.8 acres in size and split-zoned A-2 (Agriculture) and R-M (Residential-Moderate Density). The property is undeveloped with a creek in the south-eastern corner. The surrounding properties are zoned A-2 to the north, west, and south, and zoned R-M to the east. This is all original 1973 zoning.

The applicants are seeking to rezone 5 acres of their property from R-M to A-2. The Boone County Master Plan has designated 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. 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 in Consolidated Public Water Service District #1. Boone Electric Cooperative can provide electrical service to this site. The property is in the Southern Boone County Fire Protection District for fire protection.

Transportation: This property has direct access to Christian School Road, a publicly dedicated, publicly maintained right of way.

Public Safety: The subject property is 1 and 1/3 miles from the Southern Boone County Fire Protection District station in Ashland.

Zoning Analysis: The base presumption of any zoning change is that the current zoning is correct. Evidence must be brought forward that the requested zoning is more appropriate and that it can meet the sufficiency of resources test for such a change to be approved. In this case, the sufficiency of resources test indicates that the needs of the lower density A-2 zoning can be met by available infrastructure at this site. This rezoning, if approved, expands the existing A-2 zoning on this property. That expansion is consistent with available infrastructure and the present development pattern and land use in this area.

Staff recommends approval of this rezoning request.

Present representing the request:

Nancy Lenger, 5120 E Christian School Rd, Hartsburg

Nancy Lenger: I want to rezone my property to A-2 so I can do a family transfer of property to one of my children.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Proctor: Did staff hear from any of the neighbors?

Bill Florea: No.

Chairperson Harris: How did this property end up an island of R-M in the middle of A-2?

Uriah Mach: We believe the R-M might not have been accurately placed when the County did the digital mapping. At one time there was a mobile home park on the property to the east which is probably where the R-M zoning was supposed to be.

Commissioner Koirtyohann made and Commissioner Mings seconded a motion to approve the request by Dale & Nancy Lenger to rezone from R-M (Multi-Family Residential) to A-2 (Agriculture) on 5 acres located at 5050 E Christian School Rd, Hartsburg:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go to the County Commission on Tuesday, September 28, 2021 at 7:00 PM.

VI. Planned Developments

1. Request by 40 & J Development LLC to revise a previously approved plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport.

Planner Thad Yonke gave the following staff report:

The property is located at the immediate southeastern corner of the intersection of US Highway 40 and State Route J. The zoning is M-LP (planned industrial) which went into effect with the signing of the Final Development Plan in June of 2020. A-2 (Agriculture) is the surrounding zoning except for the property across Highway 40 to the northwest, north, and northeast which is A-1. These zonings are all original 1973 zonings. The property is approximately 193-acres in size and is being developed as an industrial/office park campus. The area currently is the site of a single-family dwelling and a large distribution center warehouse.

The request is to revise the already approved plan to allow for the office building shown in phase 2 to modified from what is currently approved. The current approval is for a 3-story office building with a 50,000 square foot footprint for a total of 150,000 square feet. The proposal is to change the office building to be only 2-story and increase the building footprint by 19,000 square feet to 69,000 square feet for a total building of 138,000 square

feet; a reduction from what is currently approved by 12,000 square feet. The location of the office building has not changed and the parking area around the proposed office has been altered to fit the new footprint.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities:

The area proposed for rezoning is proposed to be served with sewer by a new BCRSD drip irrigation treatment facility that will be installed as part of the project on proposed lot 2. The design of the sewage collector system will have to be designed to meet the BCRSD standards and be paid for by the developer.

Consolidated Public Water District # 1 provides water in the area and has a tower/storage tank within 2000 ft of the property and a 12-inch watermain on the property now. Fire hydrants and public water is required for the proposed development. There may need to be some upgrades or relocations of waterlines within the development that will need to be coordinated and will be at the developer’s expense.

Boone Electric currently serves the area and has facilities on the property currently.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Transportation:

The property has frontage on both US Highway 40 and State Route J. Proposed Phase 1 of the project will utilize a single point of access to the property and this is a driveway connection onto Route J. With Phase 2 of the development a second access point is proposed from Route J and an additional access is proposed from US Hwy 40. Each of these Phase 2 access connections is proposed to add a right turn lane at the new access points and these are shown on the plan. Additionally, a left turn lane for the new access point on US Highway 40 is proposed and also is shown on the plan. US Highway 40 is generally a 24-foot two-lane paved roadway with 12-foot gravel shoulders. Route J is generally a 20-foot paved roadway with no shoulders. It is our understanding that MoDot has a plan to add shoulders to Route J in the next few years.

A Traffic Impact Study (TIS) has been provided for the proposal. The TIS identifies a number of improvements that are needed to support the proposed development. Phase 1 of the development is intended to provide limited overall traffic compared to the entire site buildout. The 300,000 square feet warehouse draws predominantly from the I-70 Route J interchange. The additional truck traffic will use the off-ramps that are indicated as needing structural shoulder improvements to be adequate for truck traffic. The TIS indicates that the intersection of US Highway 40 and Route J is in need of some improvements at the present time even without the proposed development. With the additional traffic of Phase 2 of the development further improvements become necessary. The TIS does indicate that the additional turn lanes proposed at the new roadway access points proposed with Phase 2 need turn lanes installed when these connections are created. The off-site improvements may be bonded as a means to comply with condition #3 related to Phase 2 of the development.

Public Safety Services: The site is within 3.3 road miles of County Fire Station 9 on Henderson Road.

Zoning Analysis:

When the rezoning to M-LP was approved the question of whether or not the property was appropriate for an industrial park was made so the only question at this point is with respect to the proposed changes from what is already approved. The proposed change should have less potential to impact surrounding properties than that which is currently approved. The screening and landscaping of the existing plan should lessen the visibility of the 2-story office building from the neighboring properties and provide better screening of the site.

The request does meet the sufficiency of resources test for service availability or potential availability. The existing conditions have been re-imposed as the underlying basis for the conditions remains unchanged.

Staff notified 14 property owners about this request. The property scored 65 points on the rating system.

Staff recommends approval of the rezoning and review plan subject to the following conditions and sub-conditions:

1) Prior to Final Plan

- 1) Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
- 2) An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
- 3) The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.

2) Phase 1

- 1) Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
- 2) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

3) Phase 2

- 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
- 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan }

- ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
- iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan}
- 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
- 4) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Tim Crockett: The applicants concur with the staff report and conditions, the conditions are identical as those placed on the previous plan. Most of the conditions have already been done, others have been designed and are in MoDOT's hands for approval.

Chairperson Harris: What is the footprint of the proposed building as compared to the previous layout? The parking isn't changing, just the building within its previous layout?

Tim Crockett: The parking lot configuration changed a little bit but the gross number of spaces is virtually the same. The size of building two got a little deeper and a little wider but it still fits within the same basic location.

Open to public hearing.

Present speaking in favor of the request:

Larry Potterfield, 8251 W Hwy 40, Columbia

Larry Potterfield: My only concern is that people are going to see this site and think it is a park and want to come look at it. The tree budget with Rost Landscaping is \$1.3 million dollars; it is going to be special. Thank you for your support and for volunteering to serve your community.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Trecha made and Commissioner Kurzejeski seconded a motion to approve the request by 40 & J Development LLC to revise a previously approved plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport with the following conditions:

- 1) Prior to Final Plan
 - 1) Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.

- iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
- 2) An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
- 3) The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.
- 2) Phase 1
- 1) Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
 - 2) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.
- 3) Phase 2
- 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
 - 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan }
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan }
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan }
 - 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
 - 4) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go to the County Commission on Tuesday, September 28, 2021 at 7:00 PM.

VII. Plats

1. Cedar Valley Subdivision. S1-T50N-R12W. A-2. Gregory A. Lynn, owner. Mark Robertson, surveyor

The following staff report was entered into the record:

The subject property is located on N Willet Road, approximately 1 mile to the north of Hallsville. The proposal divides a 13-Acre parcel into two lots. Lot 1 is a 7 acre lot and is currently undeveloped. Lot 2 is a 6 acre lot which contains an existing house, a shop, and a lagoon. This property is zoned A-2 (Agriculture) and is surrounded by A-2 original 1973 zoning.

The subject property has direct access on N Willet Road, a publicly maintained roadway.

The property is located in Public Water Service District #4, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

The property scored 36 points on the rating system.

Any residential development on Lot 1 will require the installation of an engineered on-site wastewater treatment system under permit with the Columbia/Boone County Health Department. During the review process, County Staff and the Health Department were supplied a soil morphology test which determined that Lot 1 contained soils unsuitable for a lagoon. A wastewater plan was supplied for staff records and a note was written on the Plat indicating as such.

Regarding the signed original plat provided, items in the drawing have been found to be inconsistent with the requirements of the Regulations.

Per the Boone County Subdivision Regulations Appendix A Section 3.4, the Final Plat must be drawn clearly and legibly. This same section within the Regulations indicates that the Plat must contain a north arrow. The surveyor was made aware during the review process on 8/06/21, 8/10/21 and 8/17/21 that there was not a north arrow on the survey which met those standards. The County Surveyor also provided review comments to the surveyor which stated, "Per Missouri Standards for Property Boundary Surveys... please provide a correctly oriented North arrow." The surveyor has stated he believes the logo at the top of his Plat also serves as the north arrow. It is recommended that the surveyor add a north arrow on the survey itself, rather than the title block, in order to provide the needed clarity. This arrow may be in whatever style the surveyor would like but the arrow needs to be clearly juxtaposed with the survey design.

Per the Boone County Subdivision Regulations, Appendix A, Section 3.4, the Final Plat must be drawn clearly and legibly. A typographical error has been identified which renders a lot line bearing illegible. The proposed lot line between Lot 1 and Lot 2 appears to be two directions printed on top of each other. After consulting with the County Surveyor and Staff, it is recommended that a new original be provided, or the surveyor can choose to hand-write on the Plat legible directions. This was not discovered until the original was provided for the resubmission deadline.

Staff recommends approval of the Cedar Valley Subdivision Minor Plat subject to the following conditions which shall be met prior to acceptance by the County Commission:

1. The signed original contains a clear and legible north arrow
2. The proposed lot line between Lot 1 and Lot 2 at 01'59'50" contain clear and legible bearings.
3. Such conditions shall be met within 90 days of Plat approval by the Planning and Zoning Commission Meeting or else approval is rendered void.

Commissioner Martin made, and Commissioner Koirtyohann seconded a motion to approve Cedar Valley Subdivision with the following conditions:

1. The signed original contains a clear and legible north arrow
2. The proposed lot line between Lot 1 and Lot 2 at 01'59'50" contain clear and legible bearings.
3. Such conditions shall be met within 90 days of Plat approval by the Planning and Zoning Commission Meeting or else approval is rendered void.

All members voted in favor.

VII. Old Business

Update on Commission action.

Bill Florea updated the Commission of the decisions of the County Commission as follows:

The rezoning request by Jon Adam Sapp and associated review plan for Harvest Acres was approved as recommended.

VIII. New Business

Resource Management received an inquiry regarding a commercial scale solar farm in Boone County. Staff will be meeting with representatives regarding this in the future.

IX. Adjourn

Being no further business, the meeting was adjourned at 7:32 p.m.

Respectfully submitted,

Secretary
Michael Poehlman, Secretary

Minutes approved on this 21st day of October, 2021