

**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, August 18, 2022**

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
Gregory Martin, Secretary	Katy Township
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Kevin Harvey	Rock Bridge Township

b. Members Attending by Phone

Eric Kurzejeski, Vice Chairperson	Missouri Township (Joined at 7:06 PM)
Jeff McCann	County Engineer

c. Members Absent

Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township
Randal Trecha	Cedar Township
Rhonda Proctor (Appointed 8/16/22)	Perche Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the July 21, 2022 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. Tonight's agenda includes four rezoning requests and six 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:

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.

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. 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, August 30<sup>th</sup>. 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, August 30<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Rezoning Requests

1. Request by Robert Kilgore Jr to rezone from A-R (Agriculture-Residential), C-G (General Commercial) and R-S (Single-Family Residential) to M-LP (Planned Light Industrial) on 6.7 acres and to approve a review plan for CoMo West Storage located at 7190 W Henderson Rd, Columbia.

Planner, Andrew Devereux gave the following staff report:

The subject property is located between Highway 40 and Henderson Road, about 2.25 miles west of the city limits of Columbia. The request looks to rezone 6.7 acres of split zoned Residential Single Family (R-S), Agriculture-Residential (A-R), and Commercial-General (C-G) zoning across two tracts to Planned Light Industrial (M-LP). The existing zoning is original 1973 zoning. The property is surrounded by Planned Single Family (R-SP) zoning to the south across Highway 40, Commercial-General (C-G) zoning to the East, a mix of M-L, M-LP, and C-GP zoning to the north across Henderson Road, and R-S zoning adjacent to the west.

The proposal seeks to utilize M-LP zoning to construct self-storage units contained within secured fencing. No other proposed uses are listed or shown on the Review Plan.

The Boone County Master Plan designates this area as being suitable for residential land use. 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: Boone Electric Cooperative provides power to the property. An existing 30' electrical easement runs east/west along the length of the property. The Review Plan notes that the applicant is working with Boone Electric to relocate the easement along Highway 40 frontage. Consolidated Public Water Supply District supplies water to the area. An existing 4-inch line runs parallel to Henderson Road on the north side of the property. Consolidated Water comments indicate to meet commercial fire flows, an eight-inch line would have to be installed. The applicant shows a proposed 8-inch water main to run parallel to Henderson Road to provide commercial fire flows. The Boone County Regional Sewer District provides sewer service for this area. The Review Plan notes that the property will operate without an office and not generate any wastewater.

Transportation: The property will be served by two entrances off Henderson Road, a Boone County maintained roadway. No access off Highway 40 is proposed. One entrance will serve as the main entrance, another will serve as an emergency entrance allowing access to the Boone County Fire Protection District in the event of an emergency. A corresponding phasing plan was provided by the applicant. The phasing plan notes that both the main entrance and emergency entrance to the site will be completed in the initial phase of development.

Public Safety: The Boone County Fire Protection District provides fire protection. The nearest station, Station 9, is located just over a quarter a mile away on Henderson Road. The Review Plan shows potential fire hydrant locations within the facility. The fire access detail included on the plan demonstrates that safety vehicles can move freely within the planned area.

Zoning Analysis: With the proposed addition of an eight-inch water main along Henderson Road, this proposal meets the sufficiency of resources test. Addition of a self-storage facility in this area would have little impact to transportation resources or surrounding property owners.

The proposal scored 63 points on the rating system. Staff notified 57 property owners of the rezoning request.

Staff recommends approval of the rezoning request and Review Plan with the following conditions:

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.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 W Broadway Business Park, Columbia

Jay Gebhardt: Staff has covered everything pretty clearly. Condition 1 states that the water and electric lines will be relocated prior to the final plan being approved. Is there any way to have the final plan approved once the plans are approved for that, or do we have to have it constructed and accepted?

Bill Florea: The intent is that necessary infrastructure is in place to support the rezoning. Before the zoning to finalized it has to be in.

Chairperson Harris: I guess that is more of a timing question rather than a question of having to do it.

Jay Gebhardt: Right, we intend to do it but it would have been nice to start the project without having to do the water line first and get it accepted.

Chairperson Harris: That is not a deal killer then?

Jay Gebhardt: No.

Commissioner Martin: The plan shows three hydrants on the plan, have those been approved by the Fire District?

Jay Gebhardt: Yes, I spoke with Gale Blomenkamp, Assistant Chief Fire Marshal about it. I don't know if staff has received anything from Mr. Blomenkamp but that is what he indicated to the applicants.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: The plan shows a maximum building height of 45-feet; do the applicants anticipate something that tall?

Jay Gebhardt: There is a section of the conditions space that they are going to build higher so they can put signage on the building. I don't know how high that is going to be, 45-feet is pretty high but I doubt they will want to spend the money to go that high but we want the ability to have more than one story.

Commissioner Martin made, and Commissioner Harvey seconded a motion to approve the request by Robert Kilgore Jr to rezone from A-R (Agriculture-Residential), C-G (General Commercial) and R-S

(Single-Family Residential) to M-LP (Planned Light Industrial) on 6.7 acres located at 7190 W Henderson Rd, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the request by Robert Kilgore Jr to approve a review plan for CoMo West Storage located at 7190 W Henderson Rd, Columbia with the following conditions:

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.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Steve Koirtyohann – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, August 30, 2022 at 7:00 PM and the applicants need to be present for the hearing.

2. Request by Boone Development Inc to rezone from C-G (General Commercial) to M-L (Light Industrial) on 1.57 acres located at 5455 E St. Charles Rd, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on St. Charles Road, south of Interstate 70, at the intersection of St. Charles Road and Bull Run Drive. The property is 1.57 acres in size and zoned C-G (General Commercial). There is a car wash and contractor's buildings on the property. This property has C-G zoning to the northeast and south, R-S (Residential Single-Family) zoning to the west, and the City of Columbia to the north, northwest, southwest, east, and southeast. This request seeks to rezone a portion of the property to M-L (Light Industrial) to bring the contractor's buildings into compliance with the zoning ordinance.

The Boone County Master Plan identifies this area as being suitable for commercial 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 in Public Water Service District #9, the Boone Electric Cooperative service area, and is served by the Boone County Regional Sewer District.

Transportation: The subject property has direct access on to St. Charles Road, a publicly dedicated, publicly maintained road. St. Charles is rated as an expressway or expressway ramp at this location by the Columbia Area Transportation Study Organization.

Public Safety: The subject property is approximately 1 mile from the Boone County Fire Protection District station on Lake of the Woods Road.

Zoning Analysis: The Boone County Master Plan established a preference for planned rezoning requests to limit potentially obnoxious uses when the area being rezoned is adjacent to less intensely developed areas. The limitations and controls established by planned requests make approval of such requests more concrete as they are literally, what you see is what you get. In this case, an open rezoning is proposed to bring the property into compliance with the zoning ordinance. This site is already developed and is of such a size and shape that making use of more of the more possibly less compatible uses would be difficult or expensive. It needs to be remembered that the existing zoning is non-planned C-G general commercial so the intensity of uses already allowed is part of what must be taken into account when looking at potential compatibility. Bringing this site into compliance with the zoning ordinance is the primary goal of this request. The concurrent multi-use plat, when combined with this request, brings the property more into compliance and allows us to get any requested easements for utility services on this property. This proposal is sound and can meet the requirements of the sufficiency of resources test.

Staff recommends approval of the rezoning request.

Present representing the request:

Andy Greene, Crockett Engineering, 1000 W Nifong

Andy Greene: As staff stated in the staff report, we have got some contractor buildings on the northern portion of the property in which we are seeking to rezone to light industrial. The contractor shops are currently in use, there are no new buildings being proposed it is simply a plat and rezoning to bring the north half of the property into zoning compliance.

Chairperson Harris: The building that is there got built in contradiction to the zoning?

Thad Yonke: We questioned the building when it was built, and we were told that it wasn't going to be used for industrial purposes and that it was purely going to be used for commercial purposes. We questioned that again and they insisted. We checked with legal and we didn't have a way to prove what it was going to be used for until after it was built and used illegally before it became a zoning violation.

Andy Greene: I want to note that the building was constructed by a previous owner; my client purchased the property not knowing it was not in conformance with the zoning regulations. We are rezoning the property to bring the use into compliance.

Thad Yonke: As soon as the current owner found out he asked what needed to be done to bring the use into compliance.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Loyd Perkins, 5325 St Charles Rd, Columbia

Loyd Perkins: I don't object to the light industrial, but I want to see it a planned zoning. I own the property next door and I have been there about 56 years; I just want to protect what I've got. I have four lots there, two commercial lots and one-acre of residential; the applicants building is about 35-feet from my property line. When the previous owner put the building in, they wiped out a lot of my trees and fence; they were going to put it back up but they didn't. They planted the trees which lived about six months. I never complained about that.

Commissioner Martin: Do you have a specific concern about the M-L zoning?

Loyd Perkins: I am not concerned about that; I just want to see that it is light-industrial planned. If that is going to be the way it is, I want my property changed to that, I have some commercial general.

Commissioner Martin: Is your property a planned zoning?

Loyd Perkins: No, it isn't.

Closed to public hearing.

Andy Greene: With the limited space left on the property, considering the size of the building and the portion of the property that is limited; there is a sanitary sewer easement that runs diagonal on the north side of the existing building and we are granting an additional sewer easement along the north and east sides. Based on the existing developed condition of the property and knowing we don't plan to do any future buildings the open zoning was a favorable suggestion as worked out with staff.

Chairperson Harris: Does Boone Development own the piece in front along the road?

Andy Greene: Yes, it is all one lot, so the plat is a multi-use plat. The property is still going to be one lot we are just splitting the zoning with industrial to the north and commercial to the south.

Chairperson Harris: The building on the front will remain open C-G zoning?

Andy Greene: Yes. The zoning will not change there.

Thad Yonke: We did discuss planned zoning with the applicants and one of the reasons they didn't go with the planned is that in a planned zoning district you have to have a perimeter setback and the existing building would not meet that setback. It would not be able to meet the requirements of a planned district. Additionally, if the front portion of the property was planned zoning the frontage only has a 10-foot setback in C-G; the applicants didn't change that because the building barely meets the setback as it is. It is a tight site, so this was a compromise that they looked at to try to get in compliance with the zoning ordinance without going out of compliance in other ways.

Chairperson Harris: This zoning change is to get the property in compliance.

Thad Yonke: We didn't receive an official complaint other than staff noticing that it is being used as an industrial use even though we were told it wasn't going to be.

Chairperson Harris: The physical limitations of the utility easements, by the time you meet setbacks there is no room to do anything different than what is existing now.

Andy Greene: The building is new enough that they are not looking to tear it down to move it over or expand it.

Commissioner Harvey made, and Commissioner Mings seconded a motion to approve the request by Boone Development Inc to rezone from C-G (General Commercial) to M-L (Light Industrial) on 1.57 acres located at 5455 E St. Charles Rd, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – 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, August 30, 2022 at 7:00 PM and the applicants need to be present for the hearing.

3. Request by D F Clark & Sons LLC, to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) and to approve a review plan for Lot 2 of Marsh Commercial, Plat 2A on 7.83 acres located at 1570 N Route J, Columbia.

Planner, Andrew Devereux gave the following staff report:

The subject property is located off north Route J, north of Interstate I-70. The property is currently zoned Commercial-General (C-G), and is surrounded by C-G zoning to the south, east, and west across north route J. The property to the north is zoned A-2 agriculture. All of the zoning is original 1973 zoning. The subject property was originally platted as lot 2 of Marsh Commercial – Plat 2 in May of 2013. The property was replatted as Lot 2A in August of 2022 to go from 7.81 acres to 7.83 acres and added a six-foot strip of property behind the existing building to meet the 25’ perimeter setback required as part of a Planned Light Industrial Review Plan.

The proposal seeks to rezone from Commercial General to Planned Light Industrial to allow the existing building to continue to operate as office and storage/warehouse and bring the exterior storage area into compliance with the Zoning Ordinance.

The Boone County Master Plan designates this area as being suitable for commercial 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: Boone Electric Cooperative provides electric service to the lot. Consolidated Water provides water service to the lot. An existing 12” main provides commercial fire flows to an existing hydrant on the property. An existing on-site engineered wastewater system is present on the property. The change in zoning and allowed uses shown on the plan will not increase the amount of wastewater generated.

Transportation: The property is adjacent to north Route J, a state-maintained roadway. Access from Route J is from a shared private road serving the lots to the south and the east. Most of the existing private drive and parking area for the building are shown as a concrete surface. A portion of the private drive bordering the property to the east, as well as the exterior storage area are labeled as gravel. The plan notes that all surfaces will be converted to dust free material.



Public Safety: The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 9, is approximately 2.92 miles away.

Zoning Analysis: This proposal meets the sufficiency of resources test. Addition of an exterior storage area will have minimum impact on existing transportation and infrastructure resources.

The property scored 51 points on the rating system. Staff notified 12 property owners of the rezoning request. Staff recommends approval of the rezoning request and review plan with the following condition:

1. That all drive surfaces and exterior parking areas contained within the plan are converted to a dust free material satisfactory to the Director of Resource Management within one calendar year of the approval of the Final Plan.

Present, representing the request:

Andy Greene, Crockett Engineering, 1000 W Nifong, Columbia  
Jason Kemna, owner's representative, 5875 W Van Horn Tavern Rd, Columbia

Andy Greene: I did this plan for the previous owner; it is about 2400-square feet; the previous owner had a tin-smithing shop for his business; he built this facility and has since left. My client has recently acquired the property and is letting a utility contractor use the facility. The utility company has the desire to store materials outside as illustrated on the plan. Full stormwater has been constructed recently. No new buildings are proposed on the site, we are bringing the site into conformance with zoning. The applicants request M-LP zoning and the uses are listed on the plan with no increase in intensity or square footage.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Dennis Stephenson, 1854 N Rte J, Rocheport

Dennis Stephenson: We met with the Commissioners in 2019 to evaluate the rezoning request from the Potterfield family of 192 acres from agricultural to M-LP. One of the more contentious points was that no M-LP zoning was within miles. When evaluating if a rezoning change should be approved, the County staff will always bring up one item: Is the property asking to be rezoned contiguous with like kind zoning? In this case, is the property being requested to be rezoned to M-LP contiguous with other M-LP zoning? It is not.

The property now requesting a change to M-LP zoning is currently not contiguous to any M-LP zoning. If this property on today's agenda, (also owned by the Potterfield family) is rezoned to M-LP and should the Potterfield group decide to continue their quest to rezone this area to M-LP, there are 105 acres currently not zoned M-LP located between today's agenda property being requested to be changed to M-LP and the previously rezoned property containing Midway USA that was rezoned to M-LP. The first attempted justification of the agriculture zoned 105 acres will be that the 105 acres owned by the Potterfield family, is joined on both sides by property already zoned M-LP; this would be difficult to refute the change.

If this total area rezoning was accomplished, this M-LP zoning would surround my home and property, the Gaw home and property and the Richter home and property, with a potential industrial park. Needless to say, it would make our properties nearly worthless. As citizens, we need county protection as never before. How can this happen in a county that prides itself in protecting citizens and the value of their properties? If all identified properties were rezoned M-LP in this area, we could see a 298-acre industrial park.

We might argue that this M-LP request cannot be denied on the basis of what might happen, but I would remind everyone that the 192-acre current Midway site when requested to be rezoned to M-LP in 2019 was denied by the Planning and Zoning Commission 6 to 1 and then was overturned by the Boone County Commission who approved the zoning to be changed to M-LP on the basis of what might happen. 1200 jobs, \$4.5 million dollars in tax revenue, neither of which has ever materialized.

If we are to retain any resemblance of a great community to live in, we will need to support a case against the continuous rezoning of property in this area to M-LP, which would pave the way for a large industrial park. A large industrial park with industrial buildings like the M-LP zoning that gave us a large concrete building on the intersection of Highways J and 40, and unmanageable traffic volume. The increase in all types of vehicle traffic is already overwhelming and increasingly dangerous to the community. If all property is potentially allowed to be rezoned M-LP on all Potterfield owned property in this specific area of Highways 40 and J we could be looking at a 600-acre industrial complex. Any continuous expansion of this potential large industrial park would irrevocably change the dynamics and property value of our entire community. Our community has already seen massive truck traffic on a once livable community for parents or future parents who would have children waiting at the road for a school bus that now has cars and large carrier trucks continuously streaming by. Allowing an opening for the future creation of a mega industrial park is unthinkable. The time to stop these inroads by denying further M-LP approval is now.

The property being requested to be changed to M-LP was purchased as general commercial zoning with the buyers completely understanding of what was and what was not allowed on this property, the denial of rezoning of this property to M-LP creates no hardship to the buyer. What this group purchased has not changed in any way. The changing of this property to M-LP zoning not only makes it more valuable but also paves the way for expansion into potentially being Boone County's largest industrial park. This is not Gary, Indiana, this is your neighbor's homes and property. Homes and properties need to be protected from this wrong utilization of the zoning ordinances. The zoning plan was written to protect the general citizens of Boone County. The zoning plan was not written to add value to land investments. I would ask that this request for rezoning be denied. There is an elephant lurking in our backyard, we are asked to believe it is a mouse, in fact it is an elephant.

Closed to public hearing.

Andy Greene: The relationship between the northern property, also owned by my client, is irrelevant to this request. There are no plans to morph the two properties together. The uses on this property are listed out on the plan as office, warehouse, storage and exterior storage with a maximum square footage listed on the plan as 2400 square feet. We have no plans to expand that, add any uses, consolidate, or build a complex. If that were the case, we would have to come back to the Commission with a new plan showing what we want to do. That is not the case here, we are keeping it as is with the existing uses; we are just bringing the uses into compliance with the zoning.

Commissioner Martin: What drove this zoning change? They have been using the property for a year now?

Andy Greene: When the previous owner moved out the new owner purchased it and their tenant was a utility company that utilizes exterior storage not knowing that didn't fit into the zoning. It took place for some time; I don't know exactly how it got brought up.

Commissioner Martin: Was there a complaint filed?

Thad Yonke: Yes, we did get a complaint.

Jason Kemna: The contractor approached us to use the property in the same manner that the property was already used by the previous owner. We figured out that it wasn't zoned correctly; we informed the contractor

of that and told him we had to go through this process to use it for that but they could use the office portion of the building; the outside storage wasn't included in the use. What is driving this request is to bring it up to that use so they can use it for that purpose.

Commissioner Martin: They are leasing the property?

Jason Kemna: Yes.

Commissioner Martin: Is it a long-term lease?

Jason Kemna: It is a five-year lease, but the lease is contingent on the rezoning being approved. We will not let them use it for outside storage if the rezoning doesn't get approved.

Andy Greene: The materials that were previously stored outside have been moved and are stored at a different facility so there is not exterior storage currently.

Jason Kemna: Mr. Stephenson brought up the northern development; it is a planned development so there is only one other building allowed on that property; anything else would have to come back through this process again, the same is true with this property. It is the same use that is on the opposite side of the road, it is just that it is an agricultural property, so it is allowed.

Thad Yonke: The farm implement sales is allowed in C-G.

Jason Kemna: It is virtually apples to apples.

Thad Yonke: It looks similar.

Chairperson Harris made, and Commissioner Mings seconded a motion to approve the request by D F Clark & Sons LLC, to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) on 7.83 acres located at 1570 N Route J, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – No	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes 6 YES 1 NO

Chairperson Harris made, and Commissioner Harvey seconded a motion to approve the request by D F Clark & Sons LLC, to approve a review plan for Lot 2 of Marsh Commercial, Plat 2A on 7.83 acres located at 1570 N Route J, Columbia with the following condition:

1. That all drive surfaces and exterior parking areas contained within the plan are converted to a dust free material satisfactory to the Director of Resource Management within one calendar year of the approval of the Final Plan.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – NO	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes 6 YES 1 NO

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, August 30, 2022 at 7:00 PM and the applicants need to be present for the hearing.

4. Request by Uptown Investments to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 36.3 acres located at 2350 N Whitewater Dr; to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 29.2 acres located at 2480 N Slickrock Dr, Columbia, and to approve a review plan for The Cedars.

Planner, Thad Yonke gave the following staff report:

This property adjoins the municipal limits of the City of Columbia to the west and is located approximately 1000 feet north of the intersection of St. Charles Road and Whitewater Drive. The property is in the Hinkson Creek Watershed. The current property consists of two parcels. One parcel is 36.30-acre and the other 29.20-acre. The current zoning of the subject property is A-2 (Agriculture) which is the original zoning. Property to the west is in the City of Columbia and is the site of Battle High School and a city park, to the north the zoning is an original A-2, to the east R-SP (planned residential single family) rezoned in 2014, and to the south A-RP (planned agriculture-residential) rezoned in 1999. In 1997, the Commission received a request to rezone a 42-acre portion of the property to REC for a recreation center. That request was denied. In December of 1998, the Commission approved a Review Plan and Preliminary Plat for a 40-lot subdivision.

The current proposal consists of a Rezoning request to Planned Agriculture Residential, a Review Plan and a Preliminary Plat. If approved, the number of residential lots proposed is 52 with seven common lots and one not-for-development transfer to an adjoining lot. The resulting gross density will be approximately 1.25-acres per residential unit. The proposed density is in excess of the current A-2 zoning, but well below the maximum density allowed by the proposed A-R zoning. There are no existing structures on the property, which has been in agricultural and woodland use. The proposed uses under the plan are limited to SFD, Home Occupations, & Family Day Care Home limited to a Maximum 10 children.

The Master Plan designates this property as being suitable for residential use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. 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 used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities: Water District Number 9 provides water. The district has notified our department that a water study is needed to determine improvements that are needed. The property is in Boone Electric service territory and BE serves the adjoining subdivisions. The BCRSD provides central sewer service and the site is in an area identified as not needing a pre-annexation agreement with the City of Columbia. The site will be required to comply with the Boone County Stormwater Regulations, and the plan reflects this intent.

Transportation: The development is connected into the existing /proposed local subdivision road network. The circulation plan appears to be adequate. All roads will be constructed to Boone County Standards and will be dedicated to the public. This development is contained within the Northeast Area Transportation Plan. The plan indicates that there should be a fee per residential lot created to address the impacts to the road system, this amount was determined in the study to be \$6975 per SFD lot. For a previous development the County Commission set the amount charged at \$2368.77 per SFD lot. When this number is adjusted for the CPI

(Consumer Price Index) the resulting amount per lot is \$2989.17. Staff has discussed this amount with the developer and both have agreed that a working amount of \$2990 is a fair assessment based upon past actions, however, the actual amount is set by the County Commission and will need to be listed as a condition in the approval order. The appropriate amount is paid when the Final Plat is submitted for each phase.

Public Safety Services: The BCFPD has a station 2.1-miles away on St. Charles Road near the Lake of the Woods interchange. Fire hydrants will be installed at a spacing of 500 feet or less. The hydrants will be placed at locations determined by the Fire District and the Water District.

#### Zoning Analysis:

The proposed development is similar to and compliments other developments in the area. By using a planned zoning, the developer was able to provide a plan for a pedestrian network that will connect the residential developments to the east to the schools and park to the west; this is a benefit to the current development and area. The provision of maintenance for the common lots and any proposed covenants will need to be reviewed before any Final Plats are submitted. The proposed development is proposed to be built in three phases. Staff notified 38 owners about this request. The property scored 78 points on the rating system.

Staff recommends approval of the rezoning subject to the following conditions:

1. Draft covenants and provisions for maintenance of the common lots must be provided reviewed and approved prior to any submission of any Final Plats for this development.
2. The sidewalk/pedestrian facilities are a specific provision of this plan and are required regardless of lot size.
3. The transportation per lot fee of \$2990 or other amount set by the County Commission will be paid with the submission of each Final Plat of the development.

Present representing the request:

Andy Greene, Crockett Engineering, 1000 W Nifong, Columbia  
Jeff Hemme, developer, 2301 Chapel Plaza Ct, #1, Columbia

Andy Greene: This is a single-family residential development seeking A-RP zoning with lots ranging from ½ acre to a little over one-acre. This property will take access from the Copper Creek Subdivision to the south which has comparable lot sizes. We did the development in larger sized lots than you would typically see in a more dense development to go along with what was built to the south. That went a long way because we were able to secure a petition of support with about 15-20 signatures. The developer has gone door to door and spoken with the neighbors, it is my understanding that the majority of them are in support. We are going with the bigger lots to fit in with the development to the south as well as providing a connection to the city property to the west which is the school property and park property. We are providing a sidewalk down to the lot line to get access to that from not only this development but also to the adjacent development to the east that way there will be a sidewalk network directly to the properties to the west.

Jeff Hemme: Two neighbors showed up in support tonight.

Chairperson Harris: You will be able to make a loop and come back out so the interior streets will connect on two dead-ends?

Andy Green: Yes, we are also building a neighborhood collector on the north side of the property which will eventually make a connection to Battle Avenue. Primary access to the site will be through Copper Creek which has a 66-foot right-of-way and 30-foot pavement.

Thad Yonke: We did make them show the neighborhood collector on the plan which is located in the top right corner of the plan; because they didn't propose that road to run all the way across the northern portion of their property we made them provide us with an assessment of how that road would get connected so they didn't make it someone else's problem.

Open to public hearing.

No one spoke in support or opposition to the request.

Closed to public hearing.

Chairperson Harris made, and Commissioner Harvey seconded a motion to approve the request by Uptown Investments to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 36.3 acres located at 2350 N Whitewater Dr; to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 29.2 acres located at 2480 N Slickrock Dr, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the request by Uptown Investments to approve a review plan and preliminary plat for The Cedars with the following conditions:

1. Draft covenants and provisions for maintenance of the common lots must be provided reviewed and approved prior to any submission of any Final Plats for this development.
2. The sidewalk/pedestrian facilities are a specific provision of this plan and are required regardless of lot size.
3. The transportation per lot fee of \$2990 or other amount set by the County Commission will be paid with the submission of each Final Plat of the development.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Kevin Harvey – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, August 30, 2022 at 7:00 PM and the applicants need to be present for the hearing.

## VI. Plats

1. The Cedars Preliminary Plat. A-2 (Proposed A-RP). S1-T48N-R12W. Uptown Investments LLC, owner. David Butcher, surveyor.

See staff report and vote under Uptown Investments rezoning request.

The following plats were placed on consent agenda:

2. Liddell & Davis Plat 2. C-G (Proposed M-L). S10-T48N-R12W. Boone Development Inc, owner. David Butcher, surveyor.

The subject property is located on St. Charles Road, south of Interstate 70, at the intersection of St. Charles Road and Bull Run Drive. The property is 1.57 acres in size and zoned C-G (General Commercial). There is a car wash and contractor's buildings on the property. This property has C-G zoning to the northeast and south, R-S (Residential Single-Family) zoning to the west, and the City of Columbia to the north, northwest, southwest, east, and southeast. This proposal is a multi-use plat submitted to provide for utility easements on the property.

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

The subject property is in Public Water Service District #9, the Boone Electric Cooperative, and the Boone County Fire Protection District. Existing services meeting the needs of the two buildings on the property are present.

The existing buildings are served by the Boone County Regional Sewer District for wastewater treatment. There is a City of Columbia sewer main extension on the property beneath the northeastern corner of the contractor's buildings. There is also a proposed easement to re-route that sewer main along the northern property line, but no action has been taken to physically move the main and have the City of Columbia receive the easement.

There is a pending (08/2022) rezoning request for a part of this property to be rezoned to M-L to bring the activity in the contractor's buildings into compliance with the zoning ordinance.

The property scored 80 points on the rating system.

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

3. Settlers Ridge Plat 6. R-M. S9-T49N-R12W. Brittany Development, Inc, owner. Jay Gebhardt, surveyor.

The subject property is undeveloped lot 173 created by Settlers Ridge Plat 2-A. The lot is located at the corner of Settlers Ridge Drive and Glen Meadows Drive and is 2.26 acres in size. The property is zoned R-M (Residential Moderate-Density) and was rezoned from A-2 (Agriculture) under Commission Order 361-2022 on 9 August 2022. There is R-D (Residential Two-Family) zoning to the northeast, A-2 zoning with a pending R-MP (Planned Residential Moderate-Density) rezoning to the north, A-2 zoning with a pending C-GP (Planned General Commercial) rezoning to the west, C-GP, R-DP(Planned Residential Two-Family) zoning to the south, and R-S (Residential Single-Family) zoning to the west. This plat removes the Not-For-Development status on this property established by Settlers Ridge Plat 2-A Lot 173. That plat identified this lot as a not-for-development lot due to its size below the minimum lot size of 2.5 acres for the A-2 zoning district. This replat removes the not-for-development status.

This lot has direct access on to Settlers Ridge Drive and Glen Meadows Drive. Both are publicly dedicated, publicly maintained rights of way. Traffic analysis for this development was initially evaluated in 2001 and has since been revisited by the developer's consultants in 2012 and 2022 with identified roadway improvements. None of those improvements have been linked to this site.

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

Centralized wastewater treatment is provided by an agreement with the City of Columbia Sewer utility.

The property scored 71 points on the rating system.

Staff recommends approval of the plat.

4. Westbrook Drive Plat 1. A-2. S11-T45N-R12W. Stephanie & Casey Sapp, Danny & Denise Stiers, owners. Cody Darr, surveyor.

The subject property is located off South Westbrook Drive, approximately 2.7 miles east of the Town of Hartsburg. The proposed subdivision plat looks to create two lots, lot 101 will have 2.97 acres and lot 102 with 5.01 acres. Both lots are zoned A-2. The original zoning for the area was A-1 and was changed to A-2 as part of a rezoning request in 1998. The adjacent zoning is A-2 to the west boundary of lot 101 and east boundary of lot 102, and A-1 to the north and south across South Westbrook Drive. Lot 102 has a house and garage existing on the property. Lot 101 is undeveloped.

Both lots have direct road frontage along S. Westbrook Drive, a County maintained right of way. The existing home on proposed lot 102 has a driveway access from S. Westbrook Drive. The applicant has requested a waiver from the traffic study.

Consolidated Water provides water service. A 4-inch water main is present along South Westbrook Drive. Ameren Electric provides power service in the area.

An existing onsite wastewater lagoon is present on proposed lot 102. Due to sewer service being unavailable in this area, the applicant has requested a waiver from the sewer cost-benefit analysis. A wastewater plan for lot 101 proposes utilizing onsite wastewater lagoon that will be permitted by the Director of Resource Management.

The property scored 38 points on the rating system.

Staff recommends approval of the plat and granting requested waivers.

5. Via Subdivision. A-2. S35-T50N-R13W. Cory & Lauren Via, owners. Derek Forbis, surveyor.

The subject property is located on the south side of Dripping Springs Road, approximately 5 miles north of the City of Columbia. The parent parcel is 21.67 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal takes the northern-most tract of the two administrative survey tracts that make up the parent parcel and divides it into two platted lots. The proposed lots are currently undeveloped. This proposal creates the first two platted lots from a large 1995 tract. Further development of that original tract by subdivision plat may trigger infrastructure obligations of all lots created from that tract.

The northern-most lot has direct access on to Dripping Springs Road, a publicly dedicated, publicly maintained right-of-way. The southern lot has access to Dripping Springs Road via a private access easement across the eastern side of the northern lot. The applicant has submitted a request to waive the traffic study requirement.



The subject property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Both lots are proposed to use on-site wastewater systems. The applicant has submitted a waiver of the wastewater cost-benefit analysis requirement.

The property scored 38 points on the rating system.

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

6. Lone Wolf Point. A-2 S25-T51N-R12W. Russell & Donna Foster, owners. Don Bormann, surveyor.

The property is in northern Boone County, on the north side of Lost Woods Lane approximately 2700 feet west of the intersection of Lost Woods Lane and Dowell Lane. The property is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings. The parent properties are a combined 148.10- acres. The property being platted consists of a 3.31-acre proposed lot with an existing home and wastewater lagoon on the property.

The subject property is located within the service area of Public Water Service District 10. Ameren Electric provides power service to the property. The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #3 Hallsville, is located about 6.2 miles away.

Waivers of the sewer study and traffic analysis have been requested. Staff recommends that both the sewer cost benefit study and traffic analysis be waived since the replat will have minor changes to existing infrastructure.

The property scored 20 points on the rating system.

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

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda as recommended:

All members voted in favor.

VII. Old Business

1. Update on Commission action.

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

The rezoning request for Butch's Investments was approved as recommended.

The rezoning requests & review plan for T-Vine Development & Brittany Development were approved as recommended.

The rezoning request for D Who Land LLC (Five Pines Subdivision) was recommended denial by the Planning and Zoning Commission in June 2022; the applications appealed that decision to the County Commission who also denied the request.

The final development plan for Cheryl Ann Steffan (Steffan Crossing) was approved.

The plat for Marsh Commercial Plat 2A was approved.

## VIII. New Business

### 1. Solar Regulations

Director, Bill Florea informed the Commission that staff had nothing prepared for tonight's meeting in regard to Solar Regulations.

### 2. Subdivision Regulations Update

Staff presented "Key Changes to the Subdivision Regulations – Narrative" to the Commission. Staff will email this document and the Proposed Subdivision Regulations with highlighted changes.

Chairperson Harris stated we could possibly discuss this during the next work session.

### 3. Work Sessions

Director, Bill Florea stated that the work sessions aren't very well attended and asked if there was something Staff could do to improve attendance. Mr. Florea asked if holding the work sessions at 4:30 PM was why more Commissioners weren't attending.

Commissioner Martin stated that he sometimes forgets and asked if staff could send a text around 3:00 PM on the day of the work sessions as a reminder.

Mr. Florea stated if the work sessions were better attended we could have a more informal discussion about items that the Commissioners have questions on, such as background information which would make the meetings go a little quicker. Staff will send an email to poll Commissioners about the work session time.

## IX. Adjourn

Being no further business, the meeting was adjourned at 8:18 p.m.

Respectfully submitted,

Secretary  
Gregory Martin, Secretary

Minutes approved on this 15<sup>th</sup> day of September 2022