

TERM OF COMMISSION: December Session of the October Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Chambers

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Auditor June Pitchford
County Counselor CJ Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Michelle Thompson

The meeting was called to order at 7:00 p.m.

Auditor

1. Public Hearing: 2020 Proposed Budget

June Pitchford said the proposed 2020 budget was delivered to the Commission on November 15, 2019, which is the statutory deadline. A formal presentation was done at the November 26 Commission meeting. The County Commission is required to hold at least one public hearing before taking action. Two additional hearings are scheduled after this one. The purpose of the hearings is to invite comment from the public. The budget is posted on the website for anyone to access.

Commissioner Atwill added that the Commission goes through a process for the budget with the Auditor that takes months. Therefore, he does not have any questions since they have had the opportunity at earlier meetings to address any questions they may have had.

Commissioner Parry said one of the main issues the County is facing is a significant decline of sales tax revenue. That has a significant impact on the services the County is able to

provide the citizens. Part of the 2020 budget includes a 2-cent property tax increase. Boone County is 14 cents below the maximum and has kept property taxes so low that there is almost \$4.5 million a year that the County could be collecting that they do not. Since 2017, the County is down almost \$2 million in sales tax revenue. That is a dilemma that needs to get figured out soon.

Pitchford said, yes, the phenomenon of un-taxed remote retail activity is taking a toll on local governments everywhere. Sales tax is the County's primary source of revenue. As the community continues to grow, the demands for services continue to grow, but that primary revenue source is being threatened by the changing landscape of retail activity.

Commissioner Thompson said last year, for the first time, over 50 percent of sales were remote. So, the taxes that everyone approved are only coming back to Boone County at 50 percent of what people thought they were authorizing to pay for those services.

Pitchford said the State of Missouri does allow for the County to extend the sales tax to remote sales as well, but that does require a vote of the people.

Commissioner Thompson said another threat that has been identified by the Auditor is the potential loss of funding from the Boone Hospital Lease.

Pitchford said that is correct. The 2020 budget represents the last year of the current lease and the details of any subsequent lease are uncertain.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Larry Potterfield was present to speak on this item.

Potterfield explained that his company, Midway USA started charging sales tax for customers in January 2019, and would be happy to meet with the Commissioners to give them more information on how that all works.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Resource Management

- 2. Public hearing on a petition submitted by the William Mark Grant and Laura L. Grant Revocable Trust to vacate Lot 2 and 3 of Leatherwood Hills Block 2 as recorded in Plat book 11 Page 207 of Boone County Records**

Stan Shawver read the following staff report:

The Boone County Zoning and Subdivision Regulations are hereby incorporated into the record of this meeting.

William and Laura Grant have submitted a petition requesting permission to vacate Lots 2 and 3 of Leatherwood Hills Block 2 as recorded in Plat Book 11, Page 207 of Boone County Records.

Leatherwood Hills Block 2 subdivision is located on Old Plank Road just east of the intersection with State Highway K. The zoning for this area is R-S (Single-Family Residential). Leatherwood Hills Block 2 subdivision was platted in 1976 as a 5-lot subdivision. The residential structures on these lots have been demolished.

The petitioners are requesting permission to vacate these two lots so that they can be incorporated into an adjoining tract that they also own.

In accordance with Boone County Subdivision Regulations Section 1.8, the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action will not adversely affect the character of the neighborhood; traffic conditions; circulation; the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision; property values within the subdivision; public utility facilities and services and will not generally adversely affect the health, welfare or safety of persons owning or possessing real estate within the subdivision.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve a petition submitted by the William Mark Grant and Laura L. Grant Revocable Trust to vacate Lot 2 and 3 of Leatherwood Hills Block 2 as recorded in Plat Book 11, Page 207 of Boone County Records.

Said vacation is not to take place until the lots proposed to be vacated have been incorporated into an administrative survey or subdivision plat in accordance with the Boone County Subdivision Regulations.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #507-2019**

3. **Public hearing on a petition by Shannon Kasmann and Amir Ziv to vacate and re-plat Lot A and 1A and the south part of Lot 21 of Midway Meadows as shown by Plat Book 11 Page 22 of Boone County Records**

Stan Shawver read the following staff report:

Shannon Kasmann and Amir Ziv have submitted a petition requesting permission to vacate and re-plat Lot A, 1A, and the south part of Lot 21 of Midway Meadows as shown by Plat Book 11, Page 22 of Boone County Records. Midway Meadows subdivision is located on Highway 40 in the Midway area west of Columbia. Midway Meadows was a 25-lot subdivision platted in 1973 prior to the adoption of zoning. The remainder of the subdivision was abrogated by survey recorded in 1993 prior to adoption of the current subdivision regulations.

The petitioners are requesting permission to vacate these three tracts that were excluded from the 1993 survey. If the vacation is approved, a new plat will be required to incorporate the area into a legal lot that will include the existing house, accessory structures and the wastewater system.

In accordance with Boone County Subdivision Regulations Section 1.8, the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action will not adversely affect the character of the neighborhood; traffic conditions; circulation; the proper location; alignment and improvement of streets and roads within and adjacent to the subdivision; property values within the subdivision; public utility facilities and services and will not generally adversely affect the health; welfare or safety of persons

owning or possessing real estate within the subdivision.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Shannon Kasmann and Amir Ziv, the applicants, were present to speak on this item.

Kasmann said they are wanting to consolidate the two lots just as Staff has indicated.

There were no comments or questions from the Commission.

There was no one else present from the public to speak on this item.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve a petition submitted by Shannon Kasman and Amir Ziv to vacate and re-plat Lot A, 1A and the south part of Lot 21 of Midway Meadows as shown by Plat Book 11, Page 22 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #508-2019**

4. **Public hearing for a request by Old Hawthorne Development LLC to rezone from R-S (Single-Family Residential) to M-LP (Planned Light Industrial) and approve a Review Plan for WW Commercial Planned Development on 7.04-acres, more or less, located at 4172 E Hwy WW, Columbia**

-Rezone

-Review Plan

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during its November 21, 2019 meeting.

The minutes for the Planning and Zoning Commission meeting of November 21, 2019, along with the Boone County Zoning Regulations and Subdivision Regulations, are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their November 21, 2019 regular meeting. There were seven members of the commission present during the meeting.

The property is located on the south side of Highway WW approximately 450 feet west of the intersection of Highway WW and El Chaparral Avenue. The zoning is predominantly R-S (Residential Single Family) with a small portion of A-R (Agriculture Residential). The property to the west and north is zoned A-R, property to the east is zoned C-G (General Commercial) and property to the south is zoned R-S. These zonings are all original 1973 zonings. The request is to rezone the approximately 7.04-acres to M-LP (Planned Light Industrial) and to create a Commercial/Industrial complex with a commercial building with a footprint of approximately 27,000 square feet up front and a mini-warehouse complex behind. The area sought to be rezoned is currently vacant.

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 the BCRSD with ultimate connection to and treatment by the City of Columbia. An annexation agreement is being finalized currently.

Public Water District # 9 provides water in the area. While there is a 4-inch waterline on the site currently, across Highway WW there is an 8-inch waterline which will need to be extended by boring under the highway in order to provide the needed commercial fire flows. 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 the south side of Highway WW with a single point of access proposed. An eastbound right turn lane is proposed as part of the project.

Public Safety Services: The site is within 1000 feet of County Fire Station 12 on El Chaparral Avenue.

Zoning Analysis: The Master Plan designates this property for residential use. The proposed use is not consistent with that designation. However, there is a long-established existing commercial node immediately to the east of the subject property which this proposal is seeking to expand. This commercial node was in existence when the Master Plan was updated but was not shown on either the Existing Land Use map or the Future Land Use map, so it may simply be that the node is small enough that it doesn't show at the scale of the maps. The Master Plan does indicate that, where more intensive development is desired, such as commercial and industrial development, such development should be placed where infrastructure and services exist to support the use or where infrastructure can be upgraded by the developer to support the proposal. The East Area Plan, which is a sub-area plan that focuses in greater detail on this portion of the area that is covered by the Master Plan does show the commercial node on its Future Land Use map. The mechanisms that are best suited to ensure that impacts related to the changes in zoning are addressed come from using the planned versions of the appropriate zoning districts; this current proposal is a planned industrial development.

The MoDOT traffic count from 2015 for the location in question was 10,376 AADT (Annual Average Daily Traffic). The anticipated traffic following redevelopment of the site will be significantly greater than the traffic from the one single-family dwelling that was previously located on the property. In response to the proposed development, MoDOT has indicated that there is an increased need for left turn lanes on Highway WW but MoDOT has no plans for improvements beyond maintenance. A Traffic Impact Study (TIS) has been provided for the proposal. The TIS indicates that a westbound left turn lane is warranted but that MoDOT access management allows an exception to not

require a left turn lane when there are fewer than 10 vph (vehicles per hour) during the peak hour. This exception is allowed unless there are other factors beyond solely traffic volume that need to be addressed. Staff believes that this is a situation where the other factors apply. The TIS indicates that the vph for the PM hour is projected to be eight vph which is only two below the threshold where the exception would no longer be allowed. Additionally, the uses allowed for the site and the total square footage of the proposal have been increased beyond the 15,000 square feet and 4,500 square feet considered by the study to a total of over 26,000 square feet. This entire square footage could be used by any of the expanded listed uses including ones that were not used to do the calculations. This is beyond what was considered by the TIS and so it is likely the projected traffic could be greater than the TIS indicates. While the TIS is focused on what the developer currently anticipates as uses, the plan allows for uses that could generate more traffic, such as restaurants, office buildings and indoor recreation facilities. Additionally, the existing conditions of Highway WW at the proposed access point are not ideal. The access is on the westbound downward grade of Highway WW within approximately 500 feet of the El Chaparral Avenue intersection. This section of roadway already has accidents of which we found crash reports from the Missouri Highway Patrol and these crashes are without any turning movements in either direction, so it is reasonable to anticipate an increase in accidents with traffic stopped to make a left turn.

The request does meet the sufficiency of resources test for service availability or potential availability if both a left and right turn lane are required. However, there may still need to be some coordination work with utility providers. While the existing land use and zoning of the area is predominantly residential in nature this is an expansion of the existing commercial node. This expansion seems appropriate if the access to the property is made as safe as possible. The proposal is to intensify the use of this property. The Master Plan indicates that the developer should shoulder the cost of impacts related to the change in character

and change in intensity of use of a property and this is the time available to require the improvements.

Staff notified 92 property owners about this request. The property scored 80 points on the rating system.

Staff recommends approval subject to the following conditions:

1. A Westbound Left Turn Lane on Highway WW is required to be installed at the entrance of the development prior to submission of the Final Plan.
2. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

The Planning & Zoning Commission conducted a public hearing on this request during their November 21, 2019 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request and associated review plan with the following conditions:

1. A Westbound Left Turn Lane on Highway WW is required to be installed at the entrance of the development prior to submission of the Final Plan.
2. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

That motion was approved by a 6-1 vote.

Commissioner Parry wanted confirmation on the map Commission was given that it shows an eastbound deceleration lane (right turn lane) and wanted clarification of a westbound (left turn lane).

Shawver explained that was not on the map as it was not part of the plan submitted, but it will be required.

Commissioner Thompson said this plan addresses getting people into the site safely, but getting people out of the site safely needs to be addressed. That has always been a problem just with the El Chaparral Subdivision, let alone with something else going in that area. Getting out of that subdivision onto WW is a nightmare. If there is going to be added traffic, there needs to be a way to get people out safely.

Commissioner Parry asked the approximate length of the turn lanes or what the typical length of a turn lane is.

Tim Crockett said 200 feet is the length of a turn lane normally, which would be about 8 to 10 cars.

Commissioner Thompson said, again, these turn lanes get people in but there is nothing to get them out and asked Shawver if there was a plan or a suggestion by Staff on this at all.

Shawver said no. They were focusing on traffic stopping on WW to get into the development from both directions and trying to get that traffic out of the main line of traffic.

Commissioner Parry asked if MoDOT was planning any type of improvement to El Chaparral and WW.

Shawver said not to his knowledge.

Commissioner Parry asked what justified the stop light at the Elk's Lodge.

Shawver said that was part of the plan when the Elk's Lodge went in. That was all part of a large residential development that was proposed for that area that did not materialize. That traffic light now serves the Brooks though.

Commissioner Thompson asked what Staff would suggest or could there be adding of conditions for this.

Shawver said the Commission can add whatever conditions they deem fit. Getting people off of WW where the speed limit is 45 and people are likely going faster was the main safety concern as opposed to people that are in the site trying to get out. A lot of the issues that El Chaparral has with exiting the neighborhood are at peak traffic times; it probably will not be the same situation with people using this facility.

Tim Crockett and Shawn White were present to speak on behalf of the applicant.

Crockett presented a Power Point presentation. That Power Point is included at the end of these minutes.

Commissioner Thompson asked if the traffic study included Saturday.

Shawn White said no. Neither MoDOT nor the County asked that they look at weekend numbers because the volumes during the weekday commute exceeded the Saturday conditions.

Commissioner Thompson said potentially the use of this property could escalate the weekend traffic.

White said it could. The graphs for determining where turn lanes are needed are highly

dependent on what the through volumes are on Highway WW. As those volumes are a lot less on Saturdays, it would take a lot more left turns to trigger the need for that left turn lane. Speaking of level of service, A would be the best with F being undesirable, E being at capacity, and D being acceptable. The turning out of the area being discussed operates at a level of service C at both the am and pm peak hours. C is very good.

The Commission wanted to know if Staff had any concerns about changing the condition of the left turn lane being installed at the time of submission of the Final Plan to at the time of occupancy.

Staff had no concerns on changing the conditions.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Tom Kowalewski was present to speak on this item.

Kowalewski said he is a resident of El Chaparral Subdivision. His property will abut this development. From his understanding, the traffic survey of the road was done in 2015 and since 2015 there has been an extraordinary amount of development west of the area. There is also an extraordinary amount of development planned for that area. The delay in doing anything to improve that road could be a disaster. It is a difficult road to drive in the winter because of the hill and there is so much traffic on it at this point that there have been numerous accidents on it with people trying to get in and out of the subdivision. To put an entrance over a blind hill makes no sense at all. He feels that Old Hawthorne is asking the Commission to do them a favor. They would rather it be commercial than residential. He would like to see them take a little bit more of an attitude of giving. They are asking for others to give but they don't seem to want to do anything in return other than develop that property the way they want to. There is a stand of trees that have been there for 35 years that

could protect his property and others from that development. Old Hawthorne does not want to change their plans and maybe develop a little less of the land to leave some trees there. They should make a compromise as well and be a good neighbor to the people that have lived there for 35 years.

The co-owners of the rock-climbing gym business were present to answer any questions the public might have. The co-owners are David McGee, Jordan Horner, and William Palmieri.

William Palmieri said this project is definitely developed for the community and for the County. It goes beyond rock climbing. They have programming projects for at-risk youth, young children, and parents. There will be times when childcare is available for parents with children. They believe climbing is for everyone in Boone County. They are working with the Missouri At Risk Youth Director at the University for bringing in at-risk youth to help improve their quality of life as well as funding.

Commissioner Atwill thanked them for having an interest in building a business in Boone County.

There was no one else present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Parry asked what the height of the proposed retaining wall will be.

Crockett said they do not have a final height on that yet. The site itself is going to sit below the adjacent landscaping.

Commissioner Parry asked if the plan was to remove all those trees.

Crockett said the plan is to protect as many trees as possible and they do have a landscaping

plan that goes along with the planning so additional landscaping will be planted.

Commissioner Thompson asked where on the slope of the road the entrance would be.

Crockett showed on the slide where the entrance would be. It would be the highest point along WW that would cross the piece of property.

There were no more comments or questions from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by Old Hawthorne Development LLC to rezone from R-S (Single-Family Residential) to M-LP (Planned Light Industrial) on 7.04 acres, more or less, located at 4172 E. Hwy WW, Columbia, Missouri.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #509-2019**

Commissioner Thompson said she is still concerned that the issue of getting people out of the site safely has not been addressed. MoDOT is part of the problem. They are not even willing to address traffic that comes in and out of El Chaparral. She doesn't know what kind of solution could be made to address the issue, but this is just adding to the problem on WW.

Shawver said the logical solutions would involve permission from MoDOT on maybe a traffic light at the intersection. The other possibility would be a center lane median that would restrict left turns out of there, but they can't trust that people would obey it. He isn't sure that there is a solution to that from an engineering point of view that he can think of at the moment. Perhaps the thing to do would be to table the Review Plan for now and ask the design engineer to work something up and come back with a proposal.

Crockett said the traffic study was done at the discretion of MoDOT and the County. There was a scoping meeting where it was discussed what they wanted the traffic engineer to look at and that was done. The traffic study was submitted to the County and to MoDOT. MoDOT agreed with the findings of the study. He believes that the County's Staff agreed with the findings for the most part. However, the County's engineers, trained professionals, have asked for that left turn lane. This is something that has been well thought out and vetted by the County Staff.

Commissioner Thompson said, again, into the site. She wants to know about getting out of the site.

Crockett said when you look at that exit, given the gaps, the time, and the use, it all works with the traffic counts obtained. The traffic study didn't take into account just the existing traffic that is out there now, it also took into account all of the development that is planned for that area. The traffic study does address traffic coming out of the site; it says it will operate at a level service C, which is a very good rating.

Shawver said, also, the traffic study was done more recently than 2015. The MoDOT traffic count was from 2015, but the traffic study was more recent.

Crockett said this traffic study is built on other things that are already out there like the traffic study that was done for the Brooks and other developments out there. It is not just an isolated traffic study; it is built on other data that is already out there.

White said just as a comparison, El Chaparral has 125-140 left turns coming out of it. This development will have 10-25 left turns coming out in the peak hours. MoDOT's criteria for a traffic light would require 53 left turns coming out of the site for 8 hours for the day. There isn't even half of that for the peak hour.

There were no more comments or questions from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by Old Hawthorne Development LLC to approve a Review Plan for WW Commercial Planned Development on 7.04 acres, more or less, located at 4172 E. Hwy WW, Columbia, Missouri with the following conditions:

- A Westbound Left Turn Lane on Highway WW is required to be installed at the entrance of the development prior to submission and occupancy of any structure.
- Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Commissioner Atwill seconded the motion.

The motion carried 2 to 1. **Order #510-2019**

5. Public hearing for a request by 40-J Farms, LLC and 40 & J Development LLC to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) and approve a Review Plan for 40 & J Development on 192.75 acres, more or less, located at 10150 W Hwy 40, Rocheport (appeal)

-Rezone

-Review Plan

-Preliminary Plat - 40 & J Development preliminary plat

Stan Shawver read 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 A-2 (Agriculture), as 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 request is to rezone the approximately 193 acres to M-LP (Planned Light Industrial) and to create an industrial/office park campus. The area sought to be rezoned is currently the site of a single-family dwelling and a barn.

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 water main on the property now. Fire hydrants and public water are required for the proposed development. There may need to be some upgrades or relocations of water lines 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 propose 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 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-foot 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 with Phase 2 need turn lanes installed when these connections are created.

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

on Henderson Road.

Zoning Analysis: The Master Plan designates this property for agriculture and rural residential use. The proposed use is not consistent with that designation. However, the Master Plan does indicate that where new commercial or industrial areas are proposed, such areas should be located where infrastructure to support the uses exists or can readily be installed. The subject property is in the Urban Services Area under the County Land Use Regulations. The existing and future land-use map show the commercial node at the intersection of I-70 & Route J. The existing commercial node has been the catalyst to infrastructure improvements to the area such as the Public Water Tower and 12-inch water lines located in the area. These improvements made by the Water District make the area more attractive to more intensive development. This is especially true when these improvements can support commercial or industrial fire flows. These improvements were not in place when the current Master Plan's Future Land Use map was created. The Master Plan does indicate that where more intensive development is desired, such as commercial and industrial development, such development should be placed where infrastructure and services exist to support the use or where infrastructure can be upgraded by the developer to support the proposal. The mechanisms that are best suited to ensure that impacts related to the changes in zoning are addressed, come from using the planned versions of the appropriate zoning districts; this current proposal is a planned industrial development. While the proposal does fundamentally change the character of the area, the scale of the proposal is not a spot-zoning but rather an evolution based upon the increase in area infrastructure. The Master Plan does talk about preserving existing character, but it also addresses the need to provide economic stability to the tax base and provide employment centers that create jobs. These employment centers are to be located where the infrastructure can support them, and this location is one of the few that can. One of the major sources of this infrastructure identified in the Master Plan is in close proximity to and has

reasonable access to I-70. The Route Z exit in the eastern portion of the county has an industrial area that is situated somewhat similarly to the current proposal in the western portion of the county. The difference is that the Route Z industrial area had more services in place at the time the Master Plan was updated and was designated as an industrial area in the documentation and on the maps. Had the current level of services been in place at the time of the Master Plan update this area might have been shown as industrial in the update.

The request does meet the sufficiency of resources test for service availability or potential availability. However, there may still need to be some coordination work with utility providers. Approval of this request will set the stage to change the character of the area, but by using the planned zoning tools available under the County Zoning Ordinance, conditions can be placed upon the request to minimize impacts to the immediate area. When looking for a location to establish an employment center in the western portion of the county, it does beg the question of, if not here, where is better suited.

Staff notified 15 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:

Prior to Final Plan

Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:

Mixed evergreens with a minimum of three rows at triangulated 20-foot centers. 5-foot tall at time of planting.

Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.

Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.

Replacement schedule for Diseased/Dead/ Dying planting replacement.

Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.

The plan must be worked out to the satisfaction of the Director of Resource Management.

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.

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.

Phase 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.

Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Phase 2

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:

Eastbound Right-Turn Lane on Highway 40 at Route J.

Westbound Right-Turn Lane on Highway 40 at Route J.

Separate Westbound Left-Turn Lane on Highway 40 at Route J.

The following improvements are required to be constructed when the corresponding access is created:

Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive.

{This is already shown on the plan}

Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive.

{This is already shown on the plan}

Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan}

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.

Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

The Planning & Zoning Commission conducted a public hearing on this request during its November 21, 2019 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend denial of the rezoning request and associated review plan and preliminary plat.

That motion to deny the request carried by a 6-1 vote. As provided in Section 15. F. (2) (d) the applicant has filed a timely appeal, so the request comes before the County commission with a recommendation to deny the request.

Commissioner Parry wanted clarification on the map of the different phases.

Shawver pointed out on the Power Point what areas corresponded to those phases.

Commissioner Thompson wanted clarification on what is south of this property before getting to I-70.

Uriah Mach showed on the Power Point where commercial areas were and where residential areas were.

Commissioner Parry wanted to clarify that Staff did not believe this was spot zoning.

Shawver said, that is correct, Staff does not believe this would be spot zoning.

There were no more comments or questions from the Commission.

Tim Crockett and Shawn White were present to speak on behalf of the applicant.

Crockett presented a Power Point presentation. That Power Point is included at the end of these minutes.

Commissioner Atwill asked if 2029 was the build-out date for the last phase.

White explained that MoDOT had asked them to look at a ten-year scenario, so, as part of that, they made the jump, assuming the worst-case scenario, that the entire development would be built-out by that ten years just in order to analyze the worst-case. She didn't know if Mr. Potterfield actually anticipates being built-out by that time frame, but that was what they assumed to analyze that condition.

Crockett explained that the traffic study also takes into account sort of a worst-case scenario as White had indicated. So, in the Phase I development, the traffic study basically uses it as though all of the logistics from Midway USA were to move out to this area, which is not going to be the case, but that is what the traffic study uses as a benchmark. The traffic study exceeds what would actually take place here.

Commissioner Atwill wanted clarification that the MoDOT suggestions indicated that certain improvements are not required of the developer, but the developer has agreed to do

those improvements anyway.

Crockett said that is correct. Those are included in the conditions provided by Staff.

Commissioner Thompson said she was under the impression that this was a 24/7 facility, but from the statements at P & Z and tonight, they have said there are shifts that run from essentially 6:00 am to 11:30 pm.

White said that it was her understanding based on information provided to her that the logistics employees, which consist of some part-time and some full-time employees, operate in four-hour blocks, which go from 6:00 am to 11:30 pm.

Commissioner Thompson asked if that was the temporal footprint of the facility or if it is a 24-hour facility.

Crockett said he believed that is the footprint of the facility, but Mr. Potterfield could confirm that.

Larry Potterfield said that those are the current hours of operations and there are no plans to change them.

Commissioner Parry said he has heard there have been a number of accidents at Highway 40 and Route J and asked if they had any numbers to support that.

White said they accessed MoDOT's database and, based on their database, going back to 2010, there have been seven accidents on J between I-70 and Highway 40. One of those did have one fatality on June 24, 2015. Where that one occurred was not at a location where there was a curve or a hill. It was within a section that had good visibility, so it was just kind of one of those random things where they lost control and went off the road.

Commissioner Parry wanted clarification that the improvements that will be done to the roads will be done at the owner's expense.

Crockett said that is correct.

Commissioner Parry asked Staff when the last time the Master Plan was updated that would have affected this property.

Shawver said 1995.

Commissioner Thompson wanted clarification that Crockett and the developer have been working with County Staff since 2013 on this project.

Crockett said that is correct.

Commissioner Thompson asked if any dirt-moving activities have occurred during that time.

Crockett said obviously there have been some agricultural activities taken out there. Also, when the Water District installed the 12-inch water line, they asked them to move an embankment down. So, that was done, but there were no dirt activities being done on this property with regards to development.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Dave Griggs was present to speak on this item.

Griggs said Midway USA was born, bred, raised, and nurtured in the community. It is absolutely a homegrown phenomenon that has had a significant impact on the community

for many years and will continue to do so for many more years. He was unaware of exactly how long the developer had been working with County Staff on this, but he did know that this has been on the drawing board and has been posted all over Midway under the goals and objectives for many years. Midway USA currently employs about 325 people with really good jobs in the community. When this project is completed, it is projected to be over 1,200. The infrastructure is there. Midway USA is a great employer and significant tax revenue will be generated to serve the County to serve the citizens. As Mr. Potterfield's retail business grows, the sales tax revenue will certainly have a boost. The current facility has had numerous expansions over the years, and they are well done, well built, attractive, and well maintained. Midway USA is a good neighbor where they are now and will be a good neighbor in the new location planned.

Tom Mendenhall was present to speak on this item.

Mendenhall explained that he has know Mr. Potterfield for 50 plus years. He runs an excellent company and it is a home-grown company. Mr. Potterfield has won the distinguished National Baldrige Award, and this could bring 1,200 jobs. One thing he thinks that really needs to be pointed out is that he is not asking for any special financing and he is doing all the road improvements, which is a big safety issue out there. Very rarely has it been seen in the County that something this big and of this nature has come forward that is home-grown. Mr. Potterfield and his family have done many things to support this community and this has been planned for a very long time.

Larry Potterfield, the applicant, was present to speak on this item.

Potterfield thanked the Commissioners for their hard work with everything they do for the County. He thanked the members of the Planning & Zoning Commission. While he does not agree with their recommendation of denial, they do great work. Resource Management Staff should also be celebrated. They do amazing work and are a core competency of the County. Everyone he has worked with for this project has done such hard and amazing work. He also

wanted to recognize his daughter, Sara. In this process, they have not heard from the Assessor or the Collector, so they have not heard an economic impact statement on this project. Potterfield gave an economic statement in the form of a Power Point presentation. That Power Point is included at the end of these minutes.

Potterfield said they have planted many trees at the Midway location and didn't see why they would not do the same at this location to keep the area looking nice. One of the questions raised at the P & Z meeting was why this location instead of Ashland. He hasn't talked about it much yet, but they are in the process of repurposing Cartwright Park from business and technology to sports entertainment and dining. Phase I of that, which he hopes to break ground on in the second quarter of 2020, would be 12 soccer fields. The entertainment part will be an expo center, a music park, and an equine center. Regarding zoning, according to Staff, it isn't spot zoning. This road is the only major north-south road between the western city limits and the river. There has not been a residence built on that section of Route J for 25 years. All the houses that are there are over 25 years old. That area hasn't been thought of as a residential area for a long time in terms of developers. Regarding traffic, this will not create a traffic issue. All the shifts are divided up. The full-time staff would be in drive times, but the part-time people would not be, and the bulk of the employees are part-time. Property values are usually a big concern for everybody. He believes that all the property values are going to go up if this project gets approved. The more building that happens out there, the more prices are going to go up. The main big building is going to sit about 1,000 feet from the front door of the residences on the west side of Route J and the building is only going to be 300 feet long. There are buffers planned and trees will be planted to help block a potential view of the building. Many people will speak against this tonight and say the County's professional Staff is wrong, that Crockett Engineering is wrong, that the State is wrong, and that the request should be denied, but he doesn't think they really believe all these people are wrong.

There were 44 people present at this meeting against this item.

Denny Stephenson was present to speak on this item.

Stephenson read a prepared statement to the Commission. That statement is included at the end of these minutes.

Commissioner Thompson asked Staff if Stephenson's comment about this rezoning being spot zoning accurate.

Shawver said honestly, only the courts can determine when something is a spot zoning.

Commissioner Thompson asked how the definition of spot zoning has been defined.

CJ Dykhouse said in its broadest sense, spot zoning is a legal conclusion which means a zoning decision that is not made in accordance with the comprehensive plan. What the Commission has heard in the record tonight by Staff is the Staff analysis on why given the commercial nodes and the development and infrastructure in this area, it is not spot zoning. What was heard from Stephenson is an alternative perspective. It is ultimately the Commission's decision to make the policy decision. Spot zoning is a legal conclusion and it is a judgement made after a record is created looking back on the decision of Commission.

Commissioner Thompson asked if that decision is informed by the area considered. It seems Shawver is looking at it in a much more circumscribed area and Stephenson is looking at it in perhaps a much broader area. That is where clarification is needed; do the courts support the broader or narrower view?

Dykhouse said all of that would be admissible in the record, but if the Commission is asking for his legal opinion, based on the record they already have developed at the meeting, he could defend it as not being spot zoning.

Stephenson said the commercial property they are speaking of was brought into being as the

interstate went through. As a right of eminent domain when property was taken, it was created then as commercial property. It was never voted in and it was never acted upon by the Commission.

Shawver said that is not correct. I-70 was in existence when the Master Plan was done. The original zoning was applied after a vote of the people. The Master Plan was considered, the zoning map was considered by the County Commission and the zoning was applied. It is absolutely incorrect for Stephenson to say it was eminent domain. There was no property taken in conjunction with the zoning.

Commissioner Atwill asked Stephenson if he had previously been employed by Potterfield.

Stephenson said, yes, along with several other businesses.

Gary Frisch was present to speak on this item.

Frisch read a prepared statement to the Commission. That statement is included at the end of these minutes.

Gloria Stephenson was present to speak on this item.

Stephenson read a prepared statement on behalf of the Blaylocks who could not attend the meeting. That prepared statement is included at the end of these minutes.

Garland Middendorf was present to speak on this item.

Middendorf read a prepared statement to the Commission. That statement is included at the end of these minutes.

Joe Eddy was present to speak on this item.

Eddy read a prepared statement to the Commission. That statement is included at the end of these minutes.

Carline Andriano was present to speak on this item.

Andriano said her family moved out to this area 15 years ago. They moved out to this area because it is agriculturally based. That is the type of area they wanted to raise their family in. They wanted to have the freedom to live out in the country. Her concern with this is on behalf of her daughters, husband, and all of her neighbors. This intersection of Route J and Highway 40 is very dangerous. To bring more traffic to that intersection without adding a stoplight or more improvements beyond just a turning lane seems incredible. There are accidents that are not always reported to MoDOT. Just during the last month when there was snow, a car went off into the ditch and was likely not reported to MoDOT. This community came together to show the Commission that this will have an effect on them. No number of trees planted, or landscaping will keep it the way it is. Adding this business is changing what they all bought into. There is no doubt that this company is good or that his product is good. There is no ill will wished on Midway USA, but it is not wanted in people's backyards and neighborhood.

Rebecca Grant was present to speak on this item.

Grant said if this rezoning was granted and the Blaylock farm decided to sell, everyone on Booth Lane, Brenan, Finnigan, and Shady Oak would suffer drastic financial burden. Please consider that this is not just one person that this would affect, it is an entire community. Route J is a road that you cannot do the speed limit on. It is too narrow and too bumpy. She was behind a grain truck on that road today and it was impossible for that driver to stay in their own lane.

Tami Gessling was present to speak on this item.

Gessling asked if the emails that have been sent to Commission regarding this matter by concerned citizens become part of the record of this meeting.

Commissioner Thompson said they will be included in the record.

Gessling said she also wanted to bring up the school out there. It is a jewel in the district. It is the only elementary school that she knows of that has no outside buildings to house students. The community volunteerism rate for that school is high. Two of her adult children bought property out there partially so their children could go to that school. The traffic further east on Highway 40 is already congested. There was a schedule outlined in the traffic study that would have people leaving that facility at the same time that school gets out.

Curtis Powderly was present to speak on this item.

Powderly wanted to address the traffic study that says Highway 40 is 24 feet wide with a 6-foot shoulder. He asked if that was recent. The highway has been redone and there is no shoulder left on Highway 40. There are unmaintained gravel bits, but it cannot handle the traffic that it has now. He asked if the traffic study is correct. Powderly also wanted to address Commissioner Thompson's question about dirt work. He could not speak to how much dirt work has been done but there have been a lot of dump trucks in and out of there. There are also a lot of trees that have been knocked down.

There was no one else present from the public to speak on this item.

Larry Potterfield was given the opportunity to speak again.

Potterfield said, as he stated earlier, the Commission was going to hear people say that the County Staff was wrong, the State was wrong, and that Crockett Engineering was wrong and that is exactly what happened.

Commissioner Parry asked Potterfield if he could discuss the efforts he made in the last few months to communicate with neighbors and talk through some of their concerns.

Potterfield said, in hindsight, he should have done more to communicate with the neighbors. At the recommendation of Staff, they did send an advance letter before the Staff letter and they have a Facebook page called Midway Happenings where posts were made trying to explain the plan. Mr. Stephenson has done a good job in organizing the neighbors, and he probably should have organized a few meetings with them and maybe had Shawver come out and explain how Planning & Zoning works to try and educate the community more on the whole process.

Commissioner Thompson asked about the potential pollution to the Sugar Tree Branch due to runoff.

Potterfield said the Sugar Tree Branch headwaters are on the University dairy farm, so that is the first thing running off into it. They will touch it in the northeast corner. There is no activity there as it is all wooded. There would be a little bit of drainage that would run off into it that would just be from agricultural operations. There would be no part of the facility that would be over into that drainage. Of course, they would also comply with all the stormwater regulations that are required.

Crockett said Potterfield is correct regarding the stormwater requirements of the County. There are two parts to it. There is detention, which obviously detains it. Then, there is the second part of the stormwater manual, which is very thorough and discusses very clearly the expectation on water quality. They will have to cleanse the water. There are certain measures they will have to take. Anything they propose will have to be run through the County engineers, who are very well versed in that. They have a Stormwater Engineer on Staff that looks at that. It is an extensive process, not only for detention, but for water quality.

Commissioner Parry said, with the drip irrigation treatment process, the water is treated, and the sludge is separated before it goes through drip irrigation process.

Crockett said that is correct. All of that is permitted through the State as well as through Boone County Regional Sewer District. It will be a facility that is owned and operated by the BCRSD.

Commissioner Parry asked if the Department of Natural Resources would inspect it on a regular basis.

Crockett said absolutely.

Commissioner Parry asked Potterfield if he could share more about his alternate plans.

Potterfield said that information is confidential at the moment.

Crockett wanted to address some other issues that had been brought up. One thing was light pollution. That is a condition of approval by Staff. All light fixtures will be inward and downward facing. The issue of the 5-foot trees doing little to block the view of the building is something else that was brought up. Again, that is a condition of the plan. They will have to prepare before the final plan a grading plan with the landscape plan and it is for the sole purpose to break up that area, so the trees are not just being put in low lying areas. The trees will be placed accordingly to have the maximum effect. Regarding the devaluation of the Blaylock home; that is not a fair assessment. That house was listed in the recession. Much of the property is in the flood plain. The house itself sits below the flood plain elevation. Things like that devalue the property. It can't be said that the industrial zoning across the street is the sole reason for devaluation. Regarding the shoulders on the road, it is his understanding that MoDOT will install 2-foot shoulders plus rumble strip.

Potterfield said that no matter what the outcome of this was, he and his wife have the

greatest respect for their neighbors, and they will still be their friends tomorrow.

Commissioner Atwill closed the public hearing.

Commissioner Thompson said she really appreciates everyone being here tonight whether they were here on behalf of the applicant or to voice their concerns. At the P & Z meeting, the preliminary statement from Staff was that the proposal does fundamentally change the character of the area. That stood out to her as something that needs to be looked at. The regulations in Boone County are very different than many other neighboring counties where they have no land use regulations. To her, regulations give people some sense of certainty with respect to their main assets and their lives; their land, their home, the place where they choose to raise their children, and where they put most of their time and resources. It is important to consider the regulations as being something of importance to look at.

Commissioner Thompson asked Commissioner Atwill and Commissioner Parry, if this was to be granted, how can the Commission reconcile this with the way things have been done in the past regarding land use regulations and asked them to consider the decision that was made on a rezoning request on Route Z for a residential facility for at-risk youth. That was turned down because, although there were properties closer to I-70 along Route Z that had similar zoning to what was requested, there were properties in between that one and others that were still more residential in nature. Commission told the neighbors after that request to not be complacent and that the character of their neighborhood will change one day. This situation seems very similar. Planning & Zoning Commission voted to deny this request. Typically, Commission has said they respect and uphold the rulings of P & Z Commission, unless it is essentially contrary to the law.

Commissioner Parry said this is a gut-wrenching decision. He would not want to live next door, across the street, or anywhere in the proximity of a warehouse. In fact, he has a sign in front of his home protesting the construction of a medical office at the intersection of Broadway and West Boulevard. He doesn't want that in his neighborhood, so he can

completely relate to the sentiment of the neighbors by this project who believe their quality of life is going to change drastically. He has great empathy for that. The difference between County Commissioners and Planning & Zoning Commissioners is that Planning & Zoning Commissioners are appointed, not elected as County Commissioners are. County Commissioners are sworn to protect the interests of all the 173,000 citizens of Boone County. Sometimes, that puts the Commission in a very awkward and compromising position. This plan conforms to all of the County's regulations. The applicant has made significant and very expensive concessions that have been requested by County Staff. He thinks Potterfield will be a very good neighbor but that he did fall short in his communication with the neighbors in the area. It is disappointing that the way most of the neighbors found out about this was through the letter from Midway USA and did not have an opportunity to sit down and discuss the plans and concerns with Potterfield. In a community that really respects and holds high balanced growth, that is what the process should look like; otherwise, developers are the bad guys. There is a very strong anti-growth sentiment in Columbia and Boone County, and the Commission is very sensitive to that. The people who are doing the developing really need to hold out the olive branch and take the heat from the neighbors. Potterfield did acknowledge that he regrets not doing that. This would likely be a much less heated debate had that happened.

Commissioner Parry said he wants to mention the Columbia City Council for a minute. Five years ago, the voters approved funding for a Henderson Branch sewer project that would have built sewer in the proximity of Midway USA. The Department of Natural Resources has pressured Potterfield right now regarding the sewer treatment and the clock is ticking on him to get something fixed. Even though there is a 72-inch sewer main running along Perche Creek down to McBaine, and the voters approved to fund it, the City has decided not to give Potterfield sewer. That, once again, kicks the can into the County. His concern is that there are 1,200 jobs at risk in the county. It was probably not appropriate to ask Potterfield about his alternative plans but one of the things they need to weigh is the loss of a major employer in the community. Boone County is facing significant financial issues with declining sales tax revenues and the loss of the Boone Hospital lease revenue. To gain \$4.5 million a year in

property taxes from this development is something that is hard to look away from. Looking at the adjacency of other commercial properties, is also something to consider. This site is a half-mile off I-70 where there is Sydenstricker, the Marsh commercial business, the MU Dairy farm, Ross Landscaping, Midway Elementary, Dollar General, and the storage units. There is a lot of commercial activity in the area. It is not terribly out of character. He will vote to support this. It is a hard decision, but he thinks that what is best for the entirety of Boone County is for this to be approved and holding Potterfield to it to make sure this building gets built in a way that can protect the integrity of the surrounding area as much as it can.

Commissioner Atwill thanked everyone for participating in this. This is the essence of county government; being able to participate and have a voice. The Planning & Zoning Commission does a great job. They have experience with the rules of County zoning and they effectively apply them on a routine basis. The present application by Potterfield is much different than an ordinary Planning & Zoning matter. It involves economic development in far reaching ways. The Planning & Zoning Commission is not called upon to deal with economic development issues in the ordinary course of their business. As a result, the review they did, did not analyze the economics of this proposal, and that is understandable as that is the job of the County Commission.

Commissioner Atwill said, unfortunately, Commission is not given the privilege of ignoring such matters. Over the past eight years, he has studied and evaluated the question of what makes counties successful. He has traveled to other communities within the state and outside the state and looked at similar sized counties and the composition they had and looked closely at what makes them succeed or fail. As a result of this exposure and this county's own economic issues, he has formed some basic opinions. Growth is essential and stagnation leads to decline. Boone County has been blessed with steady growth. Over the last 50 years the county has grown by an average of 2,000 new citizens per year. Today, there are many counties that are declining in population. Maintaining existing infrastructure cannot happen if the population is declining. There is a problem in this county with talented

young people leaving the area for jobs in other locations. Missouri has a net loss of 20,000 people per year due to this issue. The one factor underpinning the current future success and having a successful county is jobs. Attracting jobs is very difficult and extremely competitive. A number of years ago, governmental entities started offering incentives to businesses to locate in their area and that is because new businesses create new jobs. Jobs generate more jobs. New employees buy groceries, homes, furniture, clothing, and countless things every day. All of these transactions produce sales and generate taxes which are used to build and maintain schools, roads, and services of all kinds. These are things the Commission thinks of every day. The Governor has emphasized this factor by making workforce development and infrastructure state priorities. Missouri is behind many other Midwest states in its quest for economic development. An opportunity like this does not come along very often.

Commissioner Atwill said the Commission granted tax abatements to American Outdoor Brands and Aurora Dairy, which generate less than 1,000 jobs. Potterfield's project will ultimately generate 1,200 jobs over a period of years without tax abatement. It is agonizing to allow tax abatements to get jobs, but this is the way the economy has evolved. This proposal rates well. It will create quality jobs. Jobs that are meaningful to employees, that pay well, provide benefits, and are sustainable. Potterfield has met the Baldrige standards for employers more than once. This is a rigorous set of rules that few employers ever even try to meet. He has agreed to site restrictions that are designed to make the facility attractive and compatible with neighborhood. He has agreed to improve the access to the property and improve state roads in the process. A private individual will be paying to improve a state road. The Staff analysis and report shows there are adequate utilities of sewer, water, and electricity; in addition, Commissioner Atwill now knows there are fibers available for use there. The property is within 3.3 miles of a County fire station. It is often a concern that the Commission is asked to provide benefits for the owners of businesses they do not know. However, Potterfield has not asked for any financial support and he is a citizen of Boone County. It is not often that respect is shown for local business owners that have been successful and have contributed not only wages to employees but have contributed to the

betterment of their community. This is an opportunity to do that and he plans to vote in favor of this request.

Commissioner Thompson said, with all respect to Mr. Potterfield and all the contributions he has made to not just Boone County but to Missouri, she believes that granting this request will gut the regulations upon land use that Boone County is based upon. The barn door will be wide open. This is an invitation to everyone that land regulation means little in Boone County.

Commissioner Atwill said he completely disagrees.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by 40-J Farms, LLC and 40 & J Development LLC to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) on 192.75 acres, more or less, located at 10150 W. Hwy 40, Rocheport, Missouri.

Commissioner Atwill seconded the motion.

The motion carried 2 to 1. **Order #511-2019**

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by 40-J Farms, LLC and 40 & J Development LLC to approve a Review Plan for 40 & J Development on 192.75 acres, more or less, located at 10150 W Hwy 40, Rocheport, Missouri 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-foot 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.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #512-2019**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the following preliminary plat:

40 & J Development preliminary plat. S3-T48N-R14W. 40-J Farms LLC and 40 & J Development LLC, owners. Timothy S. Crockett, Professional Engineer.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #513-2019**

6. Request by Charles V. Melloway to approve a Final Development Plan for Melloway A1-A2P on 31.81 acres, located at 9611 E Hwy OO, Hallsville

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by the Martha L. Straub Trust to approve a Revised Final Development Plan for Martha's Grove Planned Development on 20 acres, more or less, located at 6330 S. Hummingbird Lane, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #514-2019**

7. Request by the Martha L. Straub Trust to approve a Revised Final Development Plan for Martha's Grove Planned Development on 20 acres, more or less, located at 6330 S Hummingbird Ln, Columbia

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by the Martha L. Straub Trust to approve a Revised Final Development Plan for Martha's Grove Planned Development on 20 acres, more or less, located at 6330 S. Hummingbird Lane, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #515-2019**

8. Bellaridge Plat 2. S34-T46N-R12W. A-R. RJSAGE LLC, owner. Anthony Derboven, surveyor.

Stan Shawver said Bellaridge Plat 2 is located at the west quadrant of the intersection of State Route A and Old 63, approximately 1.5 miles south of the Ashland City Limits.

9. **Flynt Lane Estates. S32-T50N-R11W. A-2. Brenda Rippetto, owner. David W. Borden, surveyor.**

Stan Shawver said Flynt Lane Estates is located on the east side of Flynt Lane, approximately ¼ mile north of Mt Zion Church Road. The property is zoned A-R. There is an existing singlewide mobile home on proposed Lot 1. A single-family dwelling is under construction proposed Lot 2.

10. **Melloway Plat 1. S20-T50N-R11W. A-2. Charles V. Melloway, owner. Kevin M. Schweikert, surveyor.**

Stan Shawver said Melloway Plat 1 is located on the north side of State Route OO, approximately 2 miles to the southeast of the City of Hallsville, ¼ mile west of Doris Boulevard. This property had a rezoning to A-2P, and an associated review plan approved in September 2019 under Boone County Commission order 419-2019 and 420-2019. The final development plan for this property was approved by the Planning & Zoning Commission during its November 21, 2019 meeting.

11. **Zumwalt Road. S2T45N-R12W. A-2. Joshua and Brianna Lindsey, owners. Curtis E. Basinger, surveyor.**

Stan Shawver said Zumwalt Road is located approximately 3 ½ miles to the south of Ashland on Zumwalt Road. The tract is zoned A-R (Agriculture-Residential). This proposal replats the original tract into two smaller lots at 4.57 acres and 4.01 acres.

12. **Deer Crossing. S2-T49N-R12W. A-2. Aaron & Hannah Foster and Christopher Hill & Lynn Parker-Hill, owners. Kevin M. Schweikert, surveyor.**

Stan Shawver said Deer Crossing is located at the southwest quadrant of the intersection of Spiva Crossing Road and North Sheridan Road. This is a replat consisting of Lots 1-3 and

18-24 of Bluegrass Hills Block 1. The County Commission approved the request to vacate and replat in Commission Order 355-2019.

All Plats Done On One Order

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorizes the Presiding Commissioner to sign them:

- Bellaridge Plat 2. S34-T46N-R12W. A-R. RJSAGE LLC, owner. Anthony Derboven, surveyor.
- Flynt Lane Estates. S32-T50N-R11W. A-2. Brenda Rippetto, owner. David W. Borden, surveyor.
- Melloway Plat 1. S20-T50N-R11W. A-2. Charles V. Melloway, owners, Kevin M. Schweikert, surveyor.
- Zumwalt Road. S2-T45N-R12W. A-2. Joshua and Brianna Lindsey, owners. Curtis E. Basinger, surveyor.
- Deer Crossing. S2-T49N-R12W. A-2. Aaron & Hannah Foster and Christopher Hill & Lynn Parker-Hill, owners. Kevin M. Schweikert, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #516-2019**

Purchasing

13. Second Reading; Bid Award: 60-08NOV19 – Chain Link Fencing (1st read 11-26-19)

Commissioner Parry moved now on this day, the County Commission of the County of

Boone does hereby award bid 60-08NOV19 – Chain Link Fencing to Collins & Hermann, Inc. of St. Louis, Missouri.

Terms of the award are stipulated in the attached Contract Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #517-2019**

**14. Second Reading; Contract Amendment One: 36-13SEP18 – Boone County
Emergency Dental Referral Program (1st read 11-26-19)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number One to Contract 36-13SEP18 – Boone County Emergency Dental Referral Program.

Terms of the amendment are stipulated in the attached Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number One.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #518-2019**

15. Second Reading; Surplus Disposal (1st read 11-26-19)

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of one (1) 1995 Stone Plate Compactor, Fixed Asset Tag 9604.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal Form.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #519-2019**

Commission

16. First & Second Reading; Application of Organizational Use of Boone County Conference Rooms: Boone County Democratic Party, Central Committee

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Chambers by the Boone County Democratic Party, Central Committee every second Thursday of the month beginning on January 9, 2020 and ending on December 10, 2020 from 6:00 pm to 9:00 pm.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #520-2019**

17. First & Second Reading; Board Appointment: Dr. Joel Ray, Children’s Services Board

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby appoint the following:

Name	Board	Period
Dr. Joel Ray	Children’s Services	January 1, 2020 thru December 31, 2023

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #521-2019**

18. Public Comment

None

19. Commission Reports

None

The meeting adjourned at 10:49 p.m.

Attest:



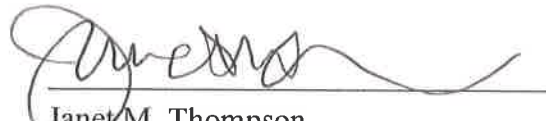
Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

WW Commercial

Preliminary Plat/ Review Plan
Rezoning to M-LP

Boone County Commission

December 3, 2019

1

WW Commercial

Representatives

- Tim Crockett, PE – Crockett Engineering Consultants
- Shawn White, PE, P.T.O.E. – CBB Traffic Engineers

2

Overview

- 7.04 acre tract currently zoned R-S
- Proposed rezoning to M-LP
- Proposed development includes a climbing wall gym, small retail, and self-storage facility
- All utilities are on or near the subject site
- Development will meet all Boone County regulations
- Development will be in accordance with the Annexation Agreement with the City of Columbia (already approved by the Columbia City Council)

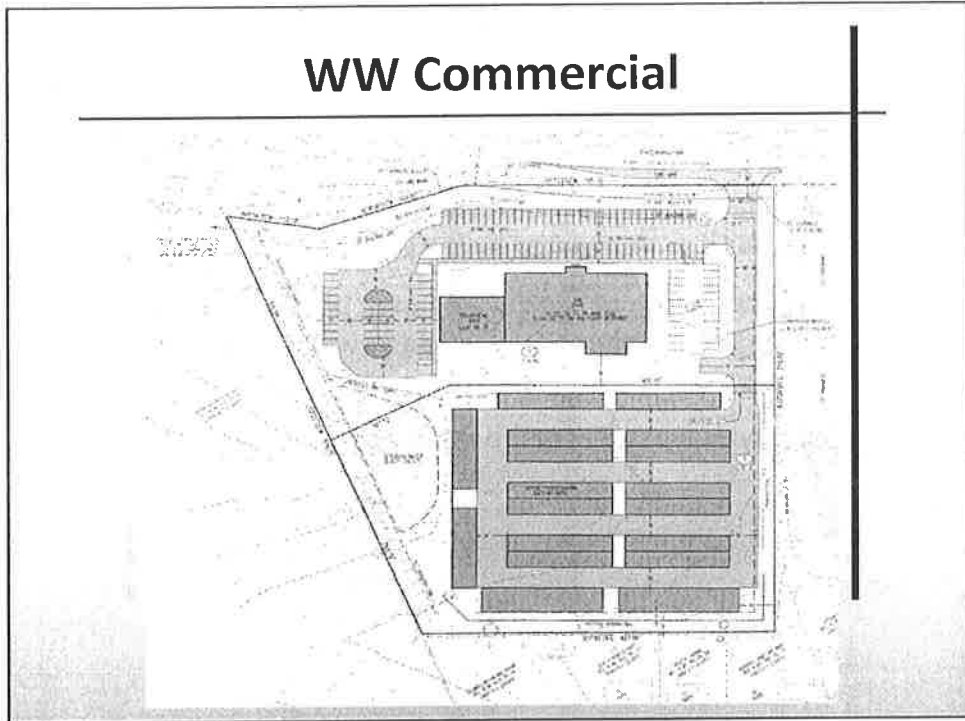
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WW Commercial



4

WW Commercial



5

Subjects of Interest

- Zoning
- Utilities
- Traffic
- Stormwater

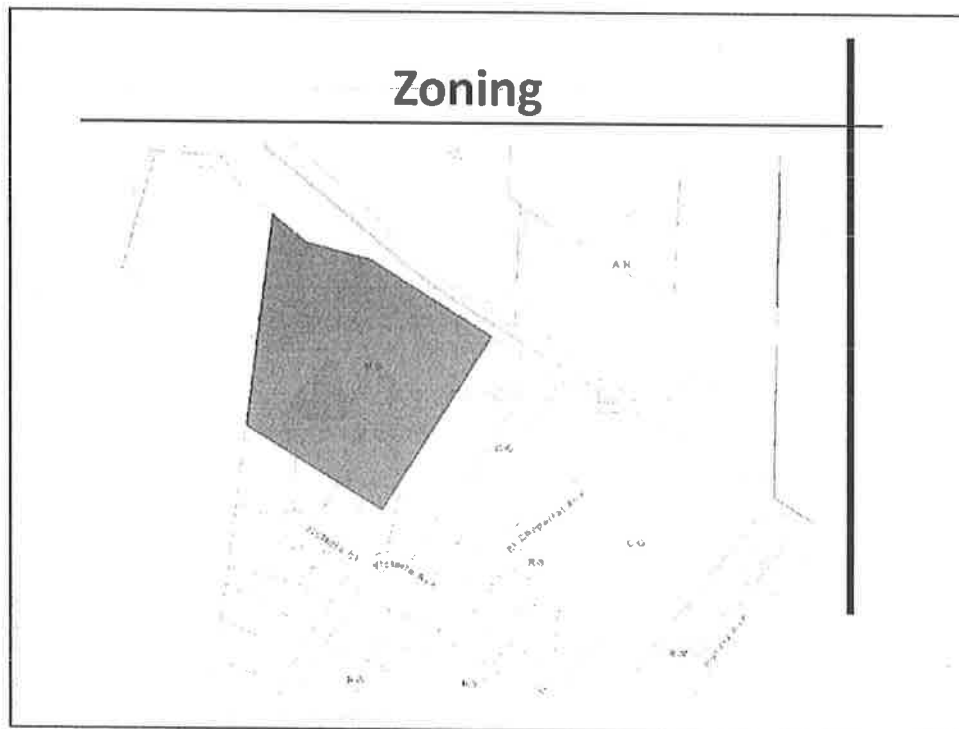
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Zoning

- Requesting zoning to M-LP
- Tract of land is located off of an arterial roadway (Route WW) as designated by the CATSO Plan.
- The proposed mixed use development provides uses consistent with Columbia Imagined as well as the East Area Plan.
- Similar type uses adjacent to the proposed project.

7

Zoning



8

Utilities

- Water- PWSD #9
- Electric- Boone Electric
- Sewer- City of Columbia
 - Per Grindstone Creek Watershed Cooperative Agreement

9

Storm Water

- All of the County's storm water regulations will be met
 - Detention
 - Water Quality
- Development will not increase the rate of the storm water discharge.

10

Traffic

PURPOSE OF THE STUDY

- Identify existing/baseline conditions
- Forecast future traffic demands
- Analyze ability of the road system to accommodate the additional traffic
- Recommended improvements if necessary

STUDY FOCUS

- Coordinated with the County and MoDOT to develop the scope of work
- Weekday AM and PM peak hours
- Analysis of proposed site drive on Highway WW



11

Traffic

Findings

- Low Intensity Use (40 AM Trips; 66 PM Trips)
- Right-Turn Lane Evaluation
 - 18 right-turns in AM peak; 25 right-turns in PM peak
 - Right-Turn Lane Just Meets Volume Thresholds
- Left-Turn Lane Evaluation
 - 5 left-turns in AM peak; 8 left-turns in PM peak
 - MoDOT does not require a left-turn lane for a left-turn volume less than 10 vph
- All movements at the site drive intersection operate at acceptable LOS

12

Traffic

MoDOT Review Comment:

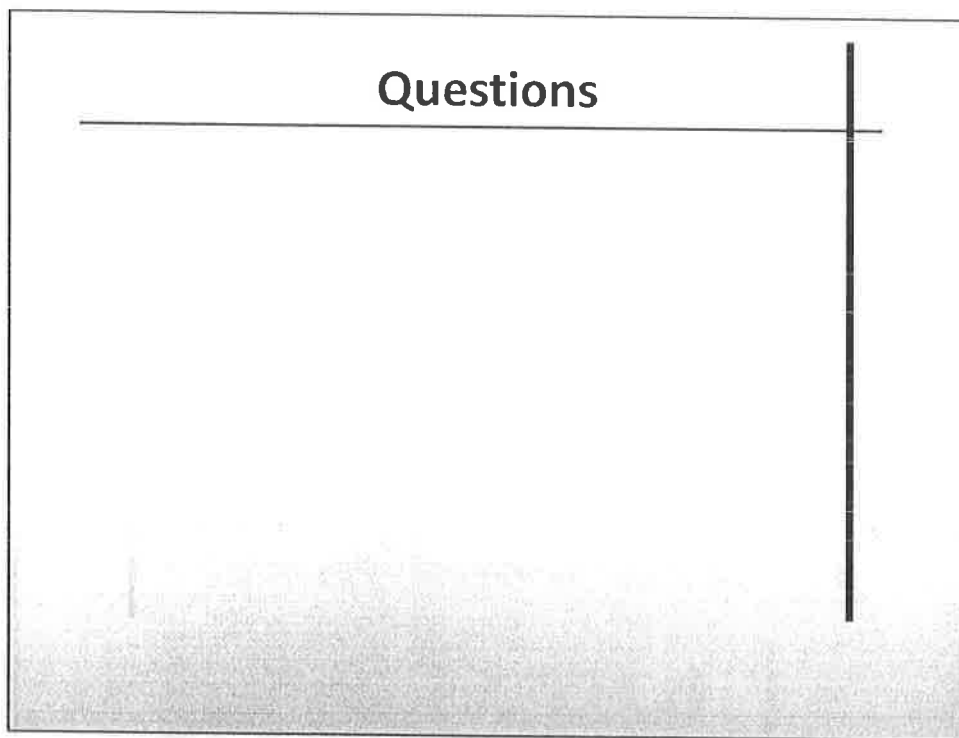
“We agree with the findings and recommended improvements identified in this study...I would not anticipate MoDOT considering improvements beyond regular roadway maintenance until it has been identified as a priority.”

13

Conclusion

- Preliminary Plat/Review Plan conforms to County regulations.
- Area has all utilities to serve this development.
- Development will not be a burden on traffic. Left turn lane on WW is not warranted.
- Proposed project complies with the East Area Plan.
- Proposal has a recommendation of approval from County staff (with conditions).
- Applicant is asking for approval as submitted subject to:
 - Approval of the condition for lighting
 - Elimination of condition for the left turn lane on WW
 - If the Commission determines the left turn lane is warranted then we ask that it be a condition of final occupancy and not a condition for a Final Plan submission.

14



15

40 & J Development

Preliminary Plat/ Review Plan
Rezoning to M-LP

Boone County Commission

December 3, 2019

1

40 & J Development

Representatives

- Tim Crockett, PE – Crockett Engineering Consultants
- Shawn White, PE – CBB Transportation Engineers
- Larry Potterfield – MidwayUSA
- Jason Kemna – MidwayUSA

2

Overview

- 193 acre tract currently zoned A-2.
- Proposed planned industrial development (M-LP).
- Development will transition into the next campus for MidwayUSA.
- Development will be phased over time, not all being done at once.
- Development would provide (over time) office space, warehouse space, distribution, and possibly light industrial uses.
- Development will meet all Boone County regulations.
- Traffic impact study was completed for the development with assistance from County staff and MoDOT.

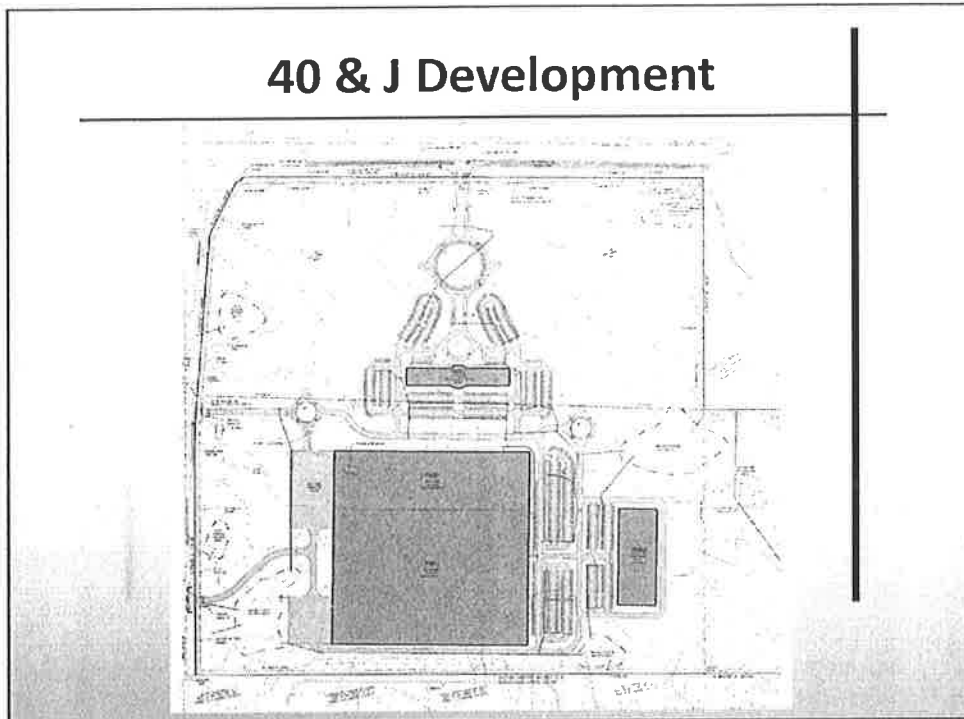
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40 & J Development



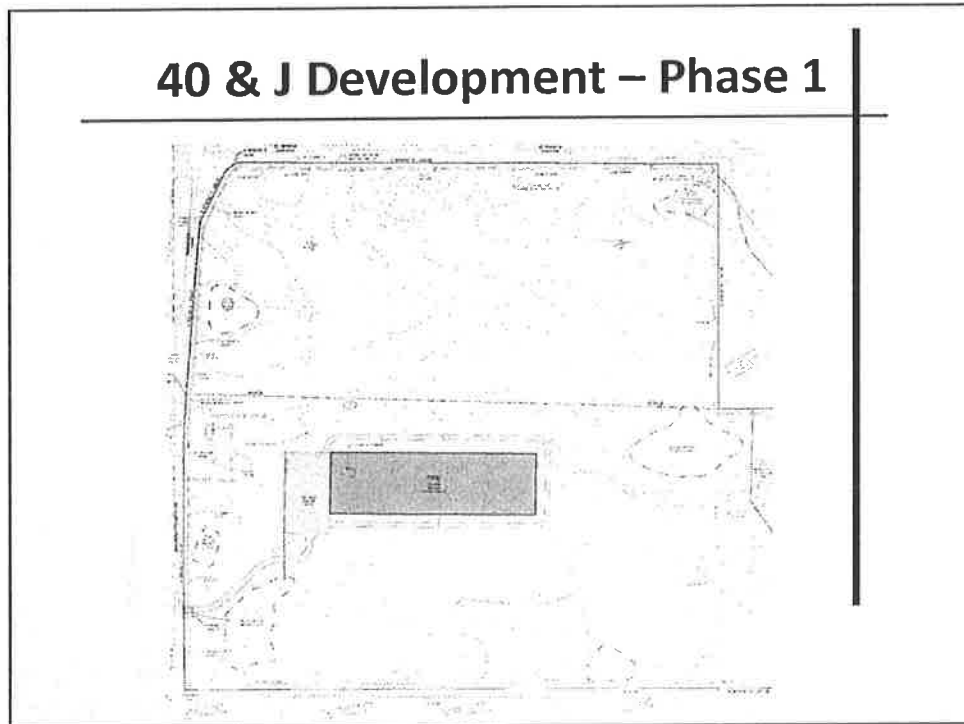
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40 & J Development



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40 & J Development – Phase 1



6

Subjects of Interest

- Zoning
- Utilities
- Stormwater
- Traffic

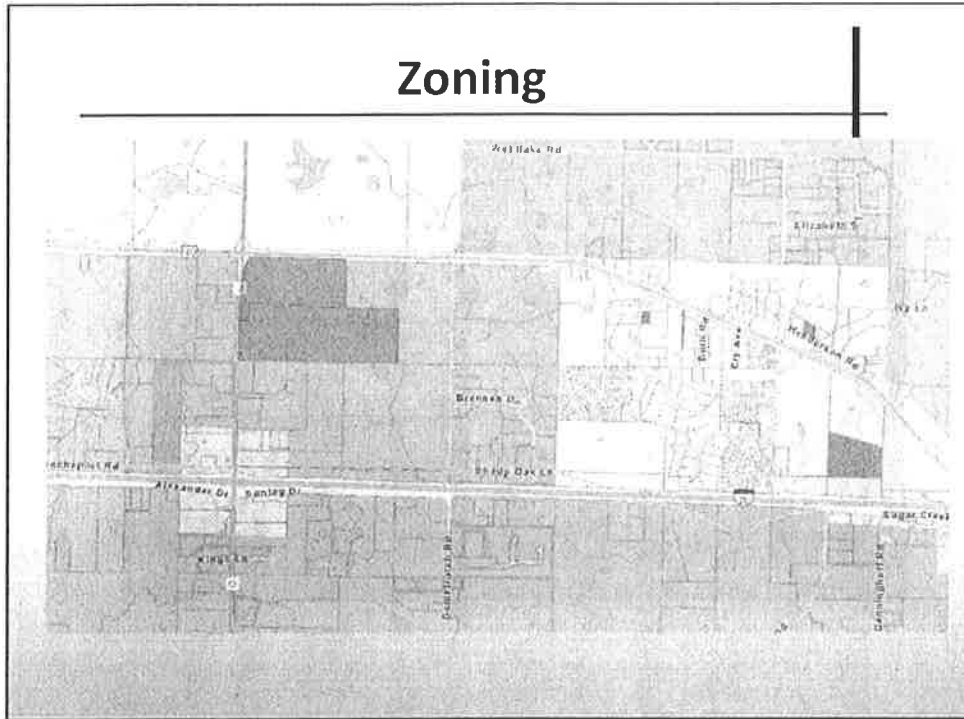
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Zoning

- Requesting zoning to M-LP.
- Edge of subject property is located 1/2 of mile from I-70.
- Tract of land is located at the intersection of a major highway (Hwy 40) and a State Route (MO Route J).
- Not uncommon for this type of zoning to be approved in Boone County at an intersection like this with proximity to an interstate highway.

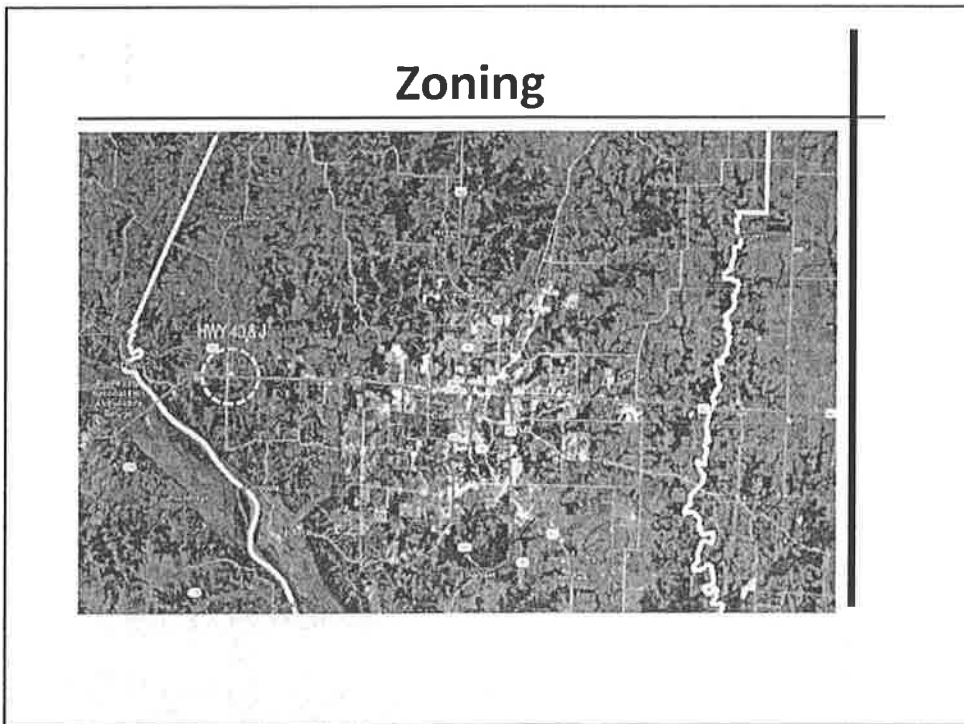
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Zoning



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Zoning



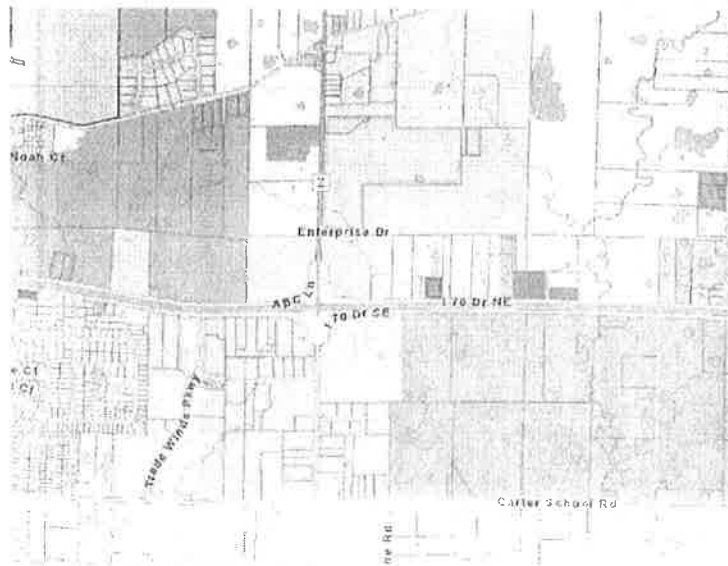
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Zoning

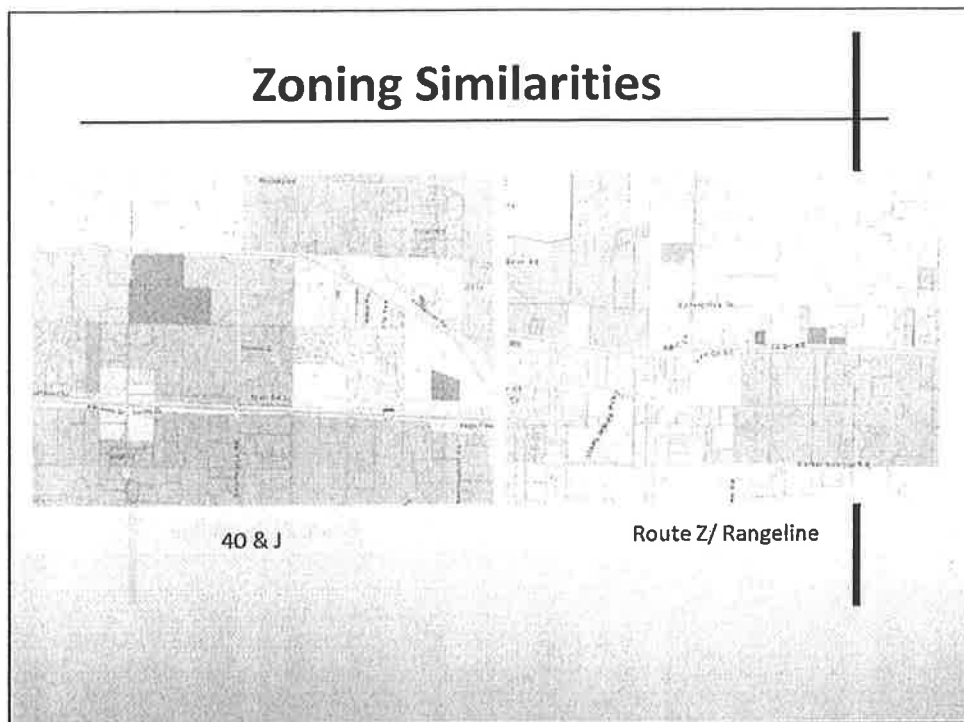


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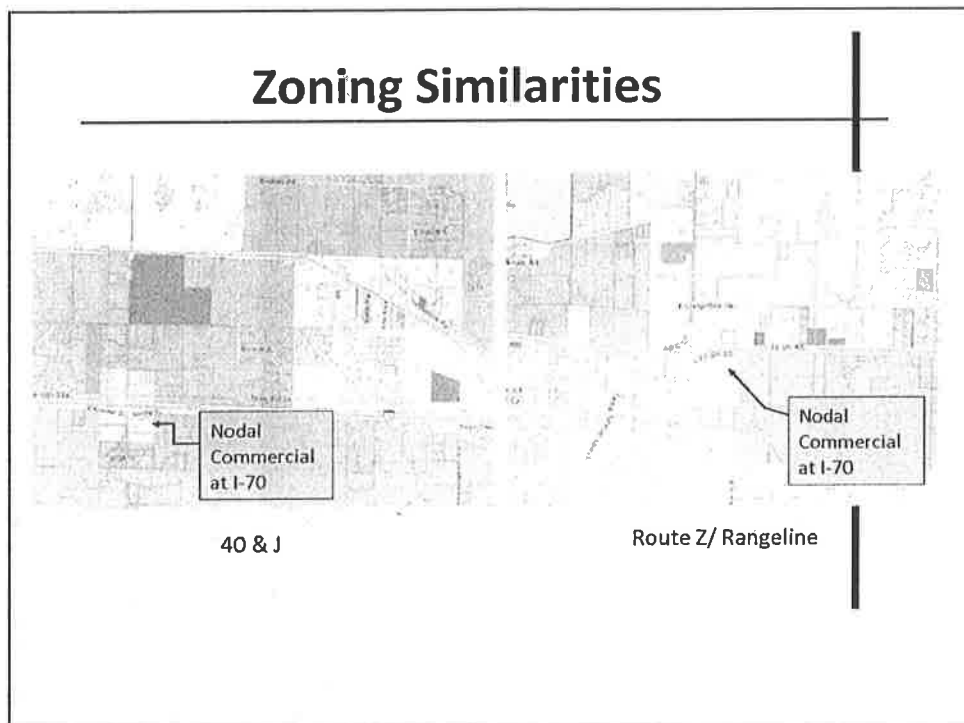
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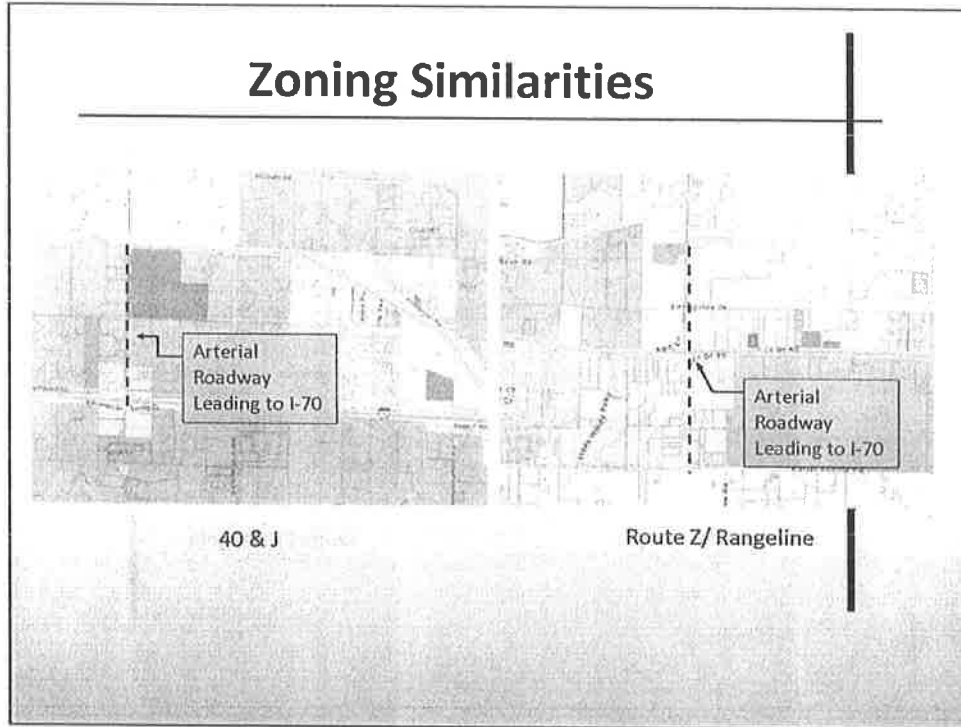
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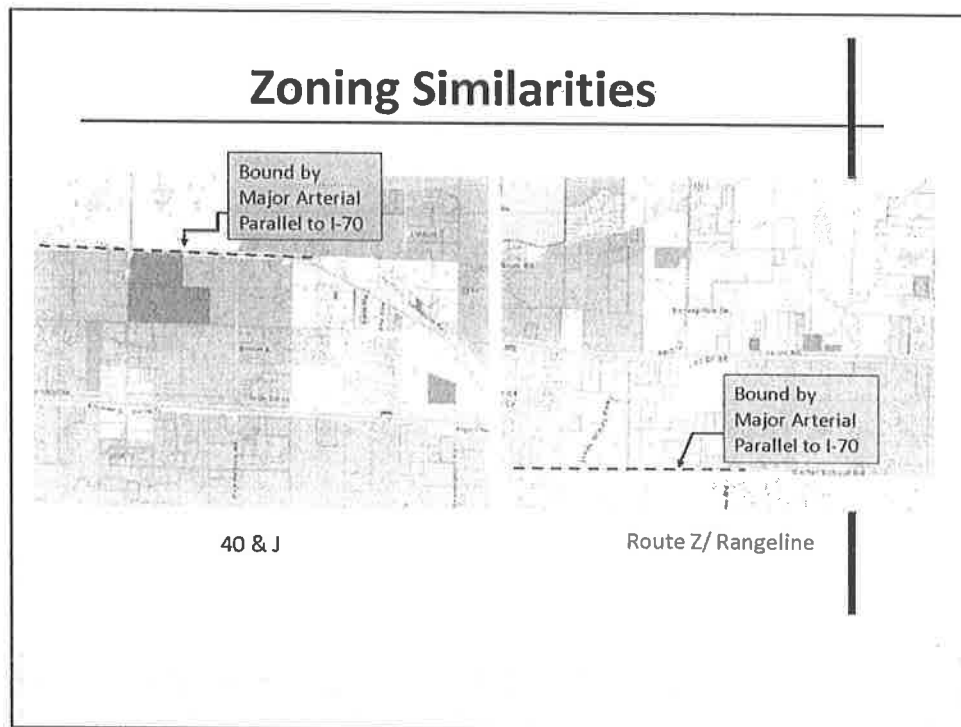
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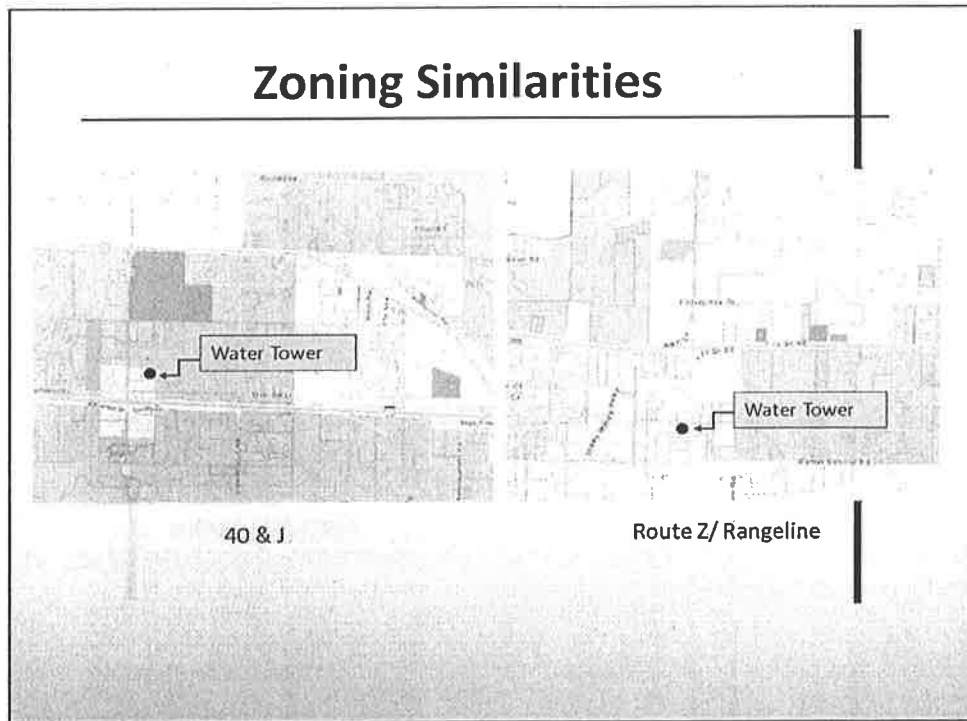
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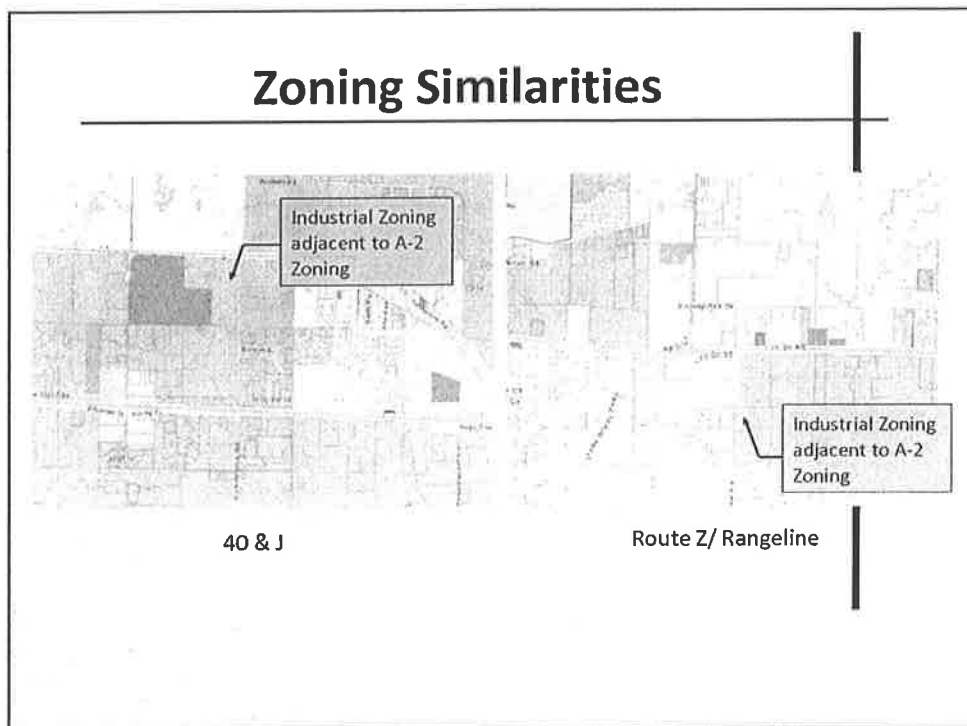
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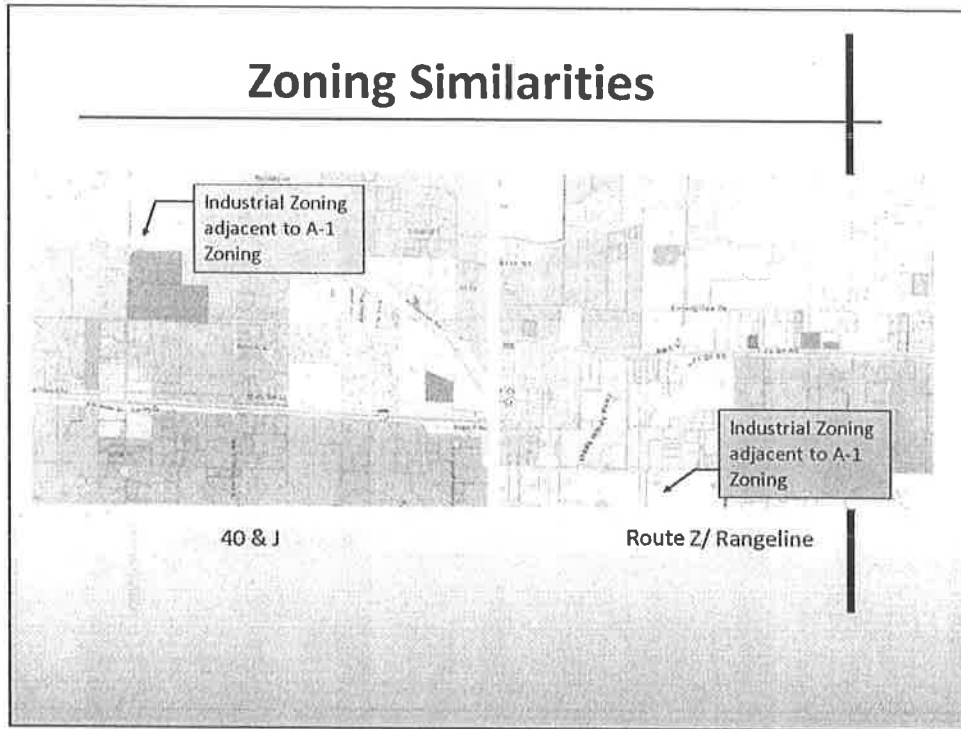
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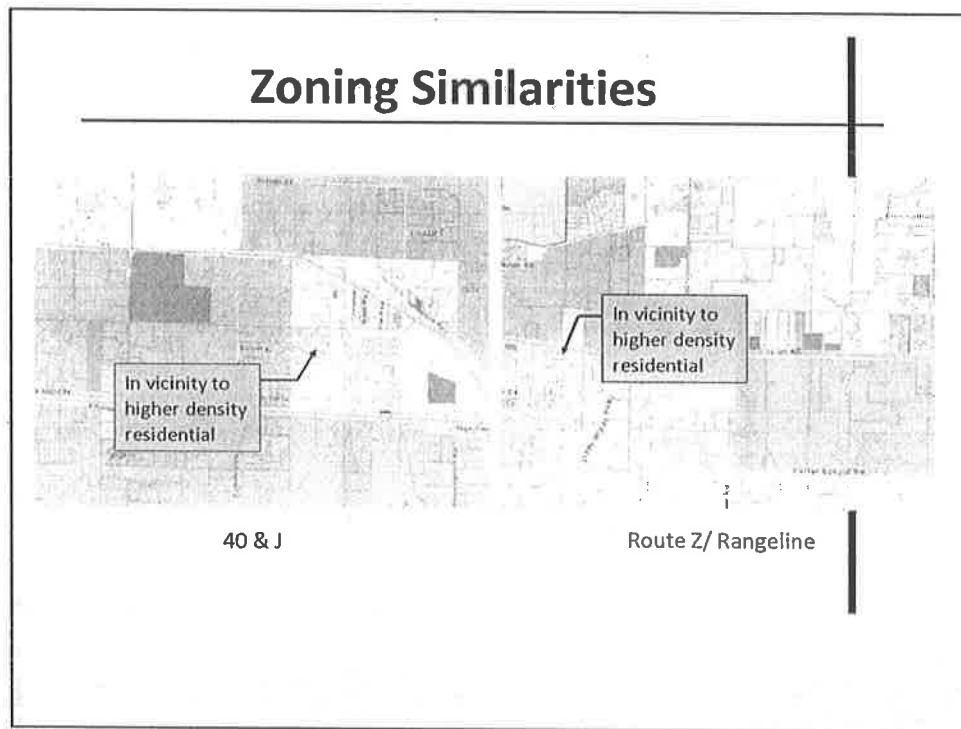
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18



19



20

Zoning



21

County Master Plan

- The County Master Plan indicates that where new commercial and industrial areas are proposed such areas should be located where infrastructure is located or can readily be installed to support the proposed uses.
 - Water- available to support the request
 - Sewer- can readily be installed to support the request
 - Electric- available to support the request
 - Roads- can readily be upgraded to support the request
 - Fiber – available to support the request
- Current infrastructure was not in place when the Master Plan's Future Land Use Plan was created.
- "The Master Plan talks about preserving existing character but it also addresses the need to provide economic stability to the tax base and provide employment centers that create jobs. These employment centers are to be located where infrastructure can support them and this location is one of the few that can."

22

Utilities

- **Water- Consolidated Water District #1**
 - Relatively new 12" waterline across this site.
 - Water tower exists nearby to provide more than adequate domestic and fire flows.
- **Electric- Boone Electric**
 - Adequate 3-phase power to serve this site.
- **Sewer- Boone County Regional Sewer District**
 - Provided by a central drip system that can serve more area than just this site.
 - Same type of system that was designed for the American Outdoor Brands project at Route Z.
 - System will be a no discharge system. Will not discharge effluent onto the neighboring properties.

23

Stormwater

- All of the County's storm water regulations will be met.
 - Detention
 - Water Quality
- Development will not increase the rate of the storm water discharge.

24

Traffic

- Purpose of the Study
 - Identify existing conditions
 - Forecast future traffic demands
 - Analyze ability of the road system to accommodate the additional traffic
 - Recommended improvements if necessary
- Study Focus
 - Coordinated with the County and MoDOT to develop the scope of work
 - Weekday AM and PM peak hours
 - Analysis of I-70/Highway 40; I-70/Route J; Highway 40/Route J; and proposed site drives on Highway 40 and Route J

25

Traffic

- Existing Findings
 - Per MoDOT AMG's the following lanes are warranted;
 - Eastbound Right-Turn on Highway 40 at Route J
 - Westbound Right-Turn on Highway 40 at Route J
 - Improved turning radii at I-70 and Route J to better accommodate traffic
 - MoDOT has a project to add shoulders to Route J within the study area with construction expected in 2021

26

Traffic

- Phase I (2019 Build) Findings
 - No additional improvements warranted
- Build Out (2029 Build) Findings
 - Per MoDOT AMG's the following lanes are warranted:
 - Westbound Left-Turn on Highway 40 at Route J
 - Westbound Left-Turn on Highway 40 at Site Drive
 - Eastbound Right-Turn on Highway 40 at Site Drive
 - Northbound Right-Turn on Route J at North Site Drive

27

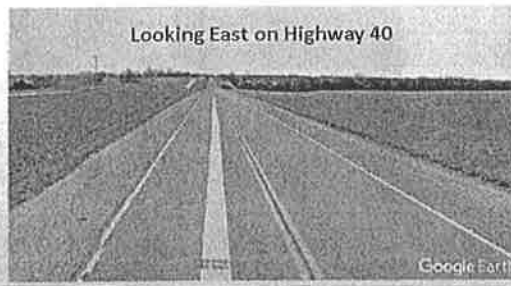
Traffic

- Site Distance Review
 - Both Crockett Engineering and MoDOT measured the sight distance in the field for the proposed site drives and found that the available sight distance exceeds the recommended distance for all drives.

28

Traffic

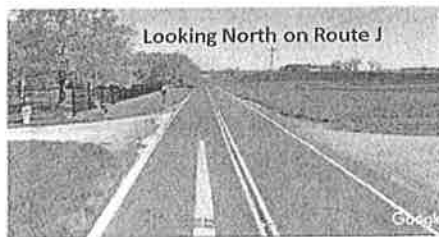
Sight Distance Photos - Highway 40 Access



29

Traffic

Sight Distance Photos - North Route J Access

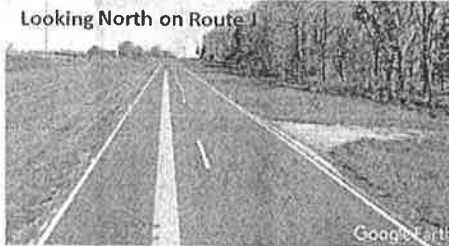


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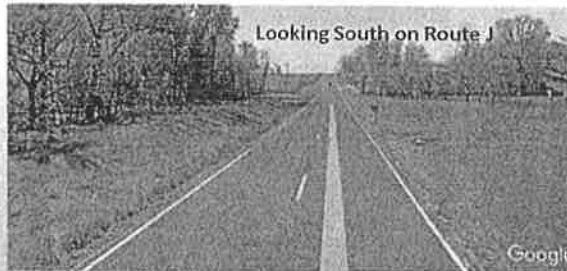
Traffic

Sight Distance Photos – South Route J Access

Looking North on Route J



Looking South on Route J



31

Traffic

- MoDOT Review Comments
 - Agree with study methodology
 - Do not believe the right-turn lanes on Highway 40 at Route J are the responsibility of the proposed development since little to no traffic added to these movements
 - Do not believe radii improvements at I-70 and Route J are the responsibility of the development
 - Agree with the turn lanes warranted at the site drives in the 2029 conditions, but expect the TIS to be updated when Midway moves forward with expansion in the future

32

Why Here?

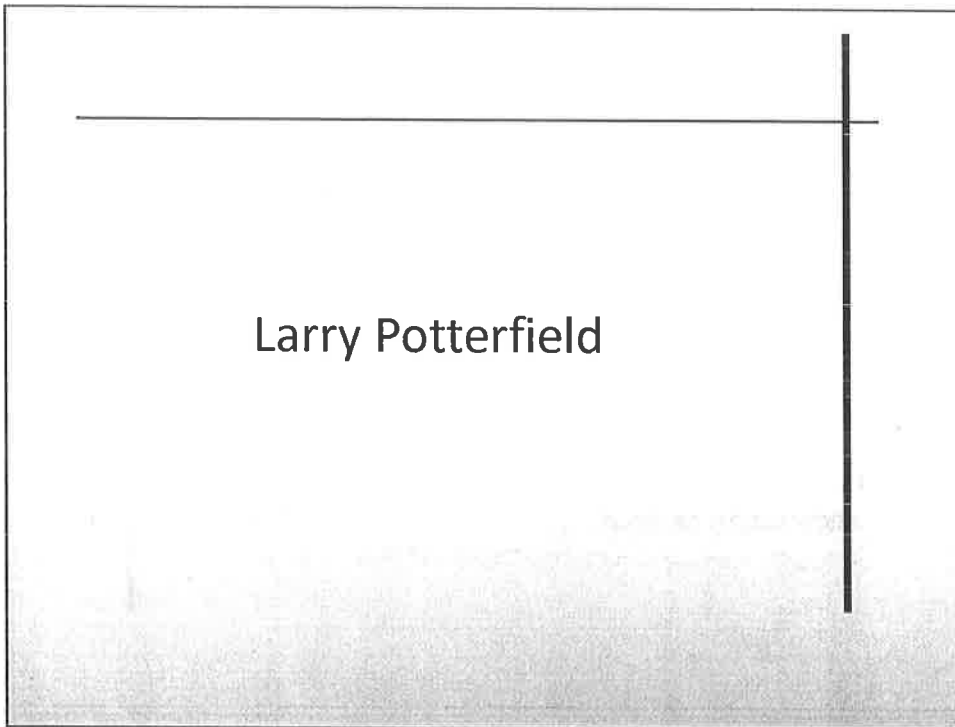
- MidwayUSA is, and has been, a community member of the Midway area for decades.
- MidwayUSA has an employee base already in place based on geographic location.
- Infrastructure exists to support this project.
- Initially this site will work in support of the existing MidwayUSA campus.

33

Conclusion

- Preliminary Plat/ Review Plan conforms to County regulations.
- Area has all utilities to serve this development.
- Development will not be a burden on traffic.
- MoDOT has reviewed the traffic study and concurs with the conclusions and findings in said study.
- Proposal meets the Sufficiency of Resources Test.
- Proposal is consistent with the Boone County Master Plan
- Proposal comes before the Commission with a recommendation of approval from County staff (with conditions).
- Applicant agrees to the conditions as presented by County staff.
- "When looking for a location to establish an employment center in the western portion of the county it does beg the question of if not here where is better suited?"

34



35

Additional Sales & Property Taxes and Jobs	
3 December 2019	
1. County Sales Tax on new 40-J Campus building materials:	\$1,312,500
2. Labor for new 40-J Campus buildings @ 30% of total:	\$45,000,000

3. Current Van Horn Campus annual Real Estate Taxes* *Continues after MidwayUSA moves to new campus	\$260,550
4. Current Van Horn Campus annual Personal Property Taxes:	\$121,649
5. Current 40-J Farm annual Real Estate Taxes	\$4173
6. New 40-J Campus <u>annual</u> Real Estate Taxes	\$4,491,757
7. Jobs – Currently 360; annual growth of sales = 7.3%	
8. No tax abatements are planned for this property	

36

Questions


37

Good evening. My name is Denny Stephenson. My address is 1854 North Rt. J, Rocheport, MO. My family and I have lived at that address for the last 27 years. Over the last 35 years I have built and managed warehouses and manufacturing operations domestically and in three foreign countries while working for four different companies.

Summary of Opposition to the 40 & J Rezoning Request

Our community group will be presenting the signatures of all the people who received a notice from the County due to being within the 1000 foot zone. All individuals living within this area or having property within this zone have signed against the rezoning of this property to M-LP. We have also canvassed the extended community and other individuals having a real interest in the area, and, from these groups we have a *substantial* number of petition signatures against this rezoning.

This is a request for "spot zoning". Our community group reviewed what spot zoning really meant and what constituted "spot zoning" to be sure of our facts.

- **Spot Zoning Definition:** This practice gets its name from the appearance of a  spot of different zoning districts on a zoning map that otherwise has large contiguous areas with the same zoning district around the area. To be considered spot zoning, the property, in most cases, must meet the following four criteria: **1)** The area is small compared to districts surrounding the parcel in question **2)** The new district allows land uses inconsistent with those allowed in the vicinity **3)** The spot zone would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property **4)** The existence of the spot zone conflicts with the policies in the text of the master plan and the future land use map.
 - **1) The area is small compared to districts surrounding the parcel in question**
 - It has been presented that this area requesting rezoning is so large that it cannot be considered "Spot Zoning."
 - From the Boone County Parcel Viewer, I established a consistent rectangle of land, always keeping the parcel of property requested to be rezoned centered in this rectangle. The corners of this rectangle went from West Rocheport Gravel, to North Roby Road, to Highway UU, to West Hatton Chapel. I did not find any M-LP zoning in this rectangle. What I did find was a rectangle containing 11,960 acres; in the center of

the rectangle was the 192 acres requesting to be rezoned. (1.6% of the rectangle land area). This is a text book example of "Spot Zoning".

- **2) The new district allows land uses inconsistent with those allowed in the vicinity**
 - The nearest parcel of land that was actually zoned to be M-LP is over 3 1/2 miles away. Over the last 25 years, as citizens in our entire community purchased and improved our homes and building sites, we did so with the belief that we would never face an M-LP rezoning and the problems it would create due to the protection from a planned and zoned county.
- **3) The spot zoning would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property**
 - I am not aware that the county has ever deviated this far from zoning regulations and provided special benefits to an individual such as this request for rezoning would provide. This would set a precedent that could neuter the power of the Boone County Planning and Zoning in the future. With this, as a precedent case, the county would be open to less enforceable planning and zoning decisions.
- **4) The existence of the spot zone conflicts with the policies in the text of the Master Plan and the future land use map.**
 - The future land use map of the Master Plan identifies this area requesting M-LP rezoning as:
 - "Agriculture/Rural Residential, Undeveloped" there was no indication of future industrial zoning for the families purchasing and improving this area for the last several decades.

The next section will be dedicated to identifying the policies in the text of the Boone County Zoning Regulations we feel are in direct opposition to this rezoning request:

From the lead page of the Boone County Zoning Regulations:

SECTION 1 TITLE, PURPOSE AND INTENT

B. Purpose and Intent. The County Commission of Boone County, Missouri has determined that these regulations are necessary for the purpose of promoting the health, safety, morals, comfort, or general welfare, and conserving the values of property throughout the County, and lessening or avoiding undue congestion in the public streets or highways; in securing

safety from fire and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; all in accordance with a comprehensive plan.

I will only touch on some of these items, other individuals will detail specific areas and examples.

- **Health and Safety --repeat at each bullet**

- This rezoning would allow noise pollution: trucks, Jake brakes, a large car parking complex, large crowds of people; noise of trucks backing up (beeping) and forklifts (beeping while backing up, etc.). This rezoning request is NOT just for the 300,000 square foot ware house, it is a request for buildings totaling 1.25 million feet, ^{1.5 million} 1200 employees and associated parking lots and sewer systems, plus, per Crockett Engineering's statement that the northern portion of the 192 acres was left open for "future development". For size and traffic comparison, with 1200 employees, this Industrial Park would have more employees than Route B's Kraft Foods, 3-M and Schneider Electric combined.
- Light pollution: 190 plus acres that could be lighted on a 24 hour 7 day basis
- Weapons and massive ammunition storage that would create a potential area threat for this community that does not currently exist and could never have been anticipated.
- Run off from massive roof systems and parking lots. A major part of this runoff will drain into Sugar Tree Branch. This is the water stream where I water a herd of 50 purebred / registered cows and their calves. The potential pollution would be catastrophic to the cattle herd and my agricultural business. Detention ponds would only slow the release of any contaminated water; for every 1000 gallons of polluted water that enter the detention pond, 1000 gallons will run out of it.

- **General welfare**

- Our (entire Midway community's) country culture developed to what it is today over the past 50 years and would be totally disrupted with an Industrial site.
- This is an agriculture zoned area that is extensively used for that purpose. Everyone who's property touches the property requesting rezoning has livestock. Try to find that in any other area in Boone County. The culture and lifestyle are totally at risk in this case. Culture in this area is "Old Rocheport", family oriented, farming and ranching, 4H and FFA oriented, community/school oriented; the winery, the Katy Trail, and bicycling groups. The culture change that would be imposed by an Industrial Park would be a total catastrophic change for the entire community. ~~The County planners stated in approval of rezoning that "character of area would change"~~ --Does over 400 persons signing petitions want that change? I don't believe so!!!!!!!

- This immediate area, people living within a 1000 ft, is a **very long term establishment** of rural, family-friendly A2 zoning. The people here are the long term residents of this ag./residential community:

- Gaw - 25 years
- Bryant – 17 years
- Frisch – 35 years
- Clark-- 59 years
- Blaylock – 44 years
- Stephenson-- 27 years
- Richter-- 1 year
- Middendorf 49 years

IN

- **Summary:** the average family currently living with 1000 feet of this property in question has made their home in this ag/residential community for over 34.5 years.

- This is not a request for expansion of an existing industrial area, but a spot zoning request to cut a proportionally very small area out of an ag./residential designation with farms and residences dating back for many decades and in one case a residence nearly 200 years old. This 192 acres being requested to be rezoned is currently not contiguous with any M-LP zoning. If this plot was rezoned, it would then be contiguous with an additional 336.5 acres that are owned by the same company, paving the way for a 528.5 acre industrial park. We would request protection from this rezoning with that in mind.

- **Conserving the values of property**

- The impending financial disaster for community residences within any proximity to the subject property should be protected in a Planned and Zoned community. Citizens surrender many of their rights to a planned community and entrust protection to the administrators of that planning and zoning program.
- Extreme marketability limitations would be imposed on all area properties, even those well beyond the people living within a 1000 feet of the subject property – **Location, location, location – isn't that what real estate is all about – who would have any desire to purchase or improve any property so close to an industrial park?**
- County residential areas are not built next to industrial parks. Rezoning this property would create a real estate "dead zone" in Boone County-- probably not what the Master Plan had intended. If no one will come into this area it could create a growth threat to Midway Heights Elementary School. A ^{A School} nationally recognized school that all of our children have successfully attended and ~~one~~ highly supported by this local community.
- From the front door of my home to the intended Industrial Park property is 610 feet. I very much enjoy my home, my cattle and the neighborhood culture where I live. I have never had a second thought about the purchase of this residence and land I made 27 years ago, however, if my 610 foot view from the front door would have been a one

million sq. ft. concrete building with over 40 foot concrete walls, a large manufacturing build^{ING}, multiple large office buildings, extensive parking lots, continuous lighting, extensive noise, etc., I would have **never** considered this property for purchase. If the J and 40 property is rezoned, the entire community area will face this same buyer rejection of their property.

- **Lessening or avoiding undue congestion in the public streets or highways**
 - When Route J was used for only one day as a detour due to an accident on I 70, Rt. J was so waived and dipped that it took extensive repairs to be usable
 - Very limited "usable" shoulders on highway 40. No shoulders on Rt. J
 - Very limited visibility on 5 driveways on Rt. J on properties configured so that the drive cannot be moved. The answer to this problem from the traffic study company was that "people should move their driveways". If Rt. J and Highway 40 were studied and understood, one would realize that, because of the size and configuration of the properties, these driveways cannot be moved.
 - This has been a very dangerous road, the traffic study that was provided listed only one fatality on Rt. J or on Highway 40 on June of 2015. The fatal accident in October of 2016 was in direct contradiction to the statement of only one fatal accident. This accident was on Highway 40 just a few hundred feet from the intersection of J and 40 and along the frontage of the property requested for rezoning. Heavy truck traffic on these roads would be an on-going problem, but no definable truck count was provided by the traffic study. Ms. White summed it up in the depth of the traffic study with the defining statement "I think today they average 11 to 12 inbound trucks per day."

- **To facilitate the adequate provision of transportation, water, sewerage**
 - Sewer and storm runoff
 - For years, **proper sewer systems has been a hot topic** for this company requesting rezoning , why would we believe they would treat this property differently? Any drainage from the proposed area for the sewer would directly run into Sugar Tree Branch.
 - Sewer area could include runoff and odors emitting and causing health conditions and marketing limitations. Even with the best system installed in an industrial park, no one buys or builds next to a "nice" sewer system.
 - Detention ponds only slow the release of any contaminated runoff. The contaminated water would still be released into streams and waterways. The contamination would be released *slowly* into a now clean stream.

Summary

If this property is rezoned M-LP, that does not force the Potterfield Family to not build at this property. It could, however, open up the property for industrial development for many different types

of industry pending only a "revised review plan". However, does set the property up to be sold, conveying the property as pre-zoned for M-LP.

This company that is requesting the rezoning has many other building sites available and it would not cause a hardship to them if the 40 and J property was not rezoned. Mr. Crockett asked "If not here --where? **Thankfully** that has been answered for us:

Mr. Potterfield told KOMU 8 News the company does have a back-up plan in case the rezoning appeal is not successful. "Likely we'll just subdivide and sell the property and make other plans for moving company headquarters," he said.

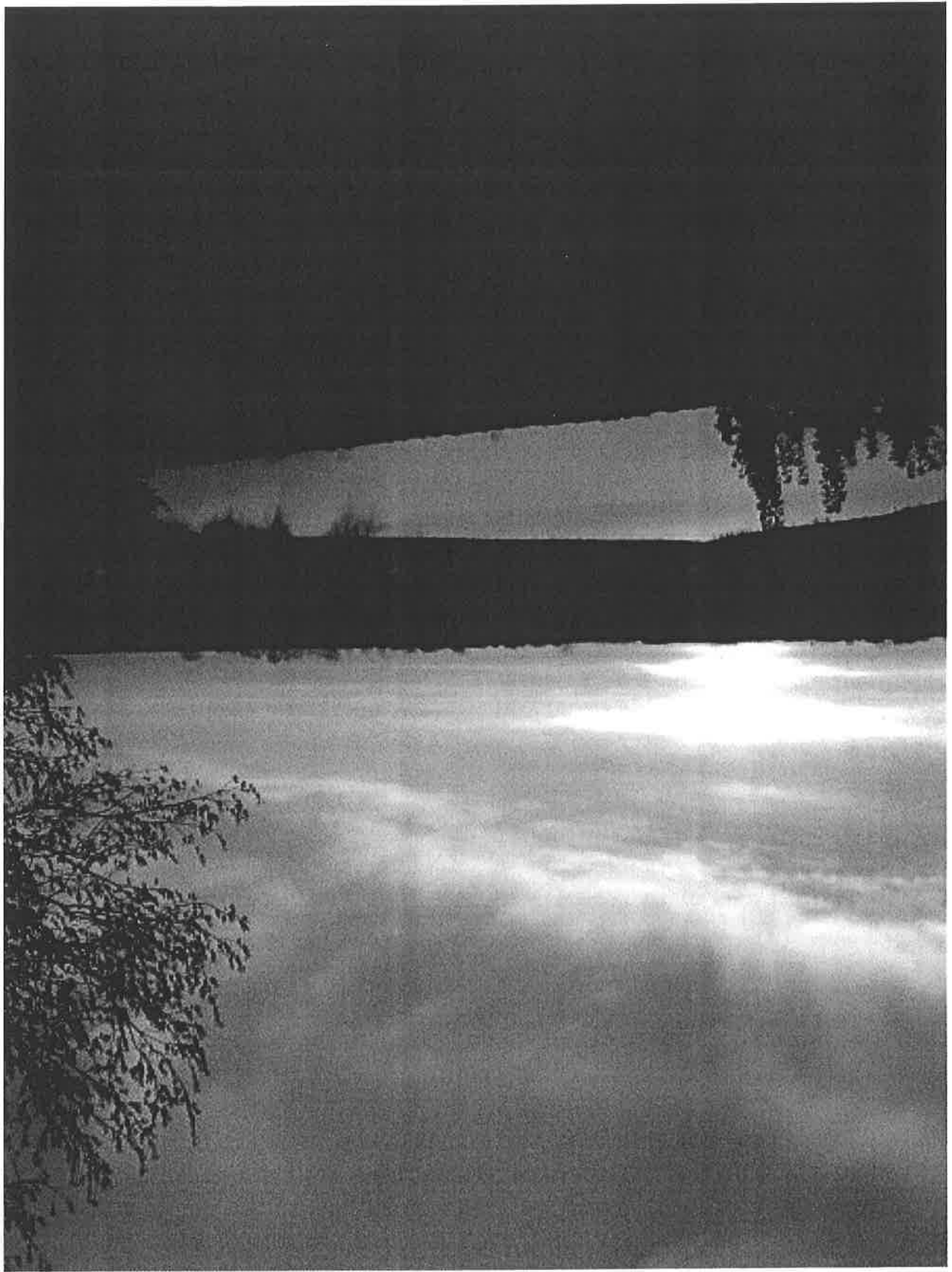
A statement from Potterfield was made on Nov. 23 on KOMU TV at 6 and 10 pm. His statement was a written statement. It was also on the KOMU.com web site on November 23rd.

Mr. Potterfield's statement made on the KOMU web site was "he had an alternative site and would "subdivide" (the property) if the rezoning was not approved."

Building on this property would remain optional for MidwayUSA while reselling it as an M-LP site to another company who could present a new plan for a new business ~~would be an option;~~ **but the act of rezoning it to M-LP is basically a life sentence for our entire extended community.** Tonight, we have heard many things that "might be", what "could be"; our concern is "**what is**", to people who have lived in this community culture for decades, houses that are not paid off with owners that would want to sell out because of the culture change, but this rezoning would cause them to be upside down in their loan payoff and they could not even afford to move.

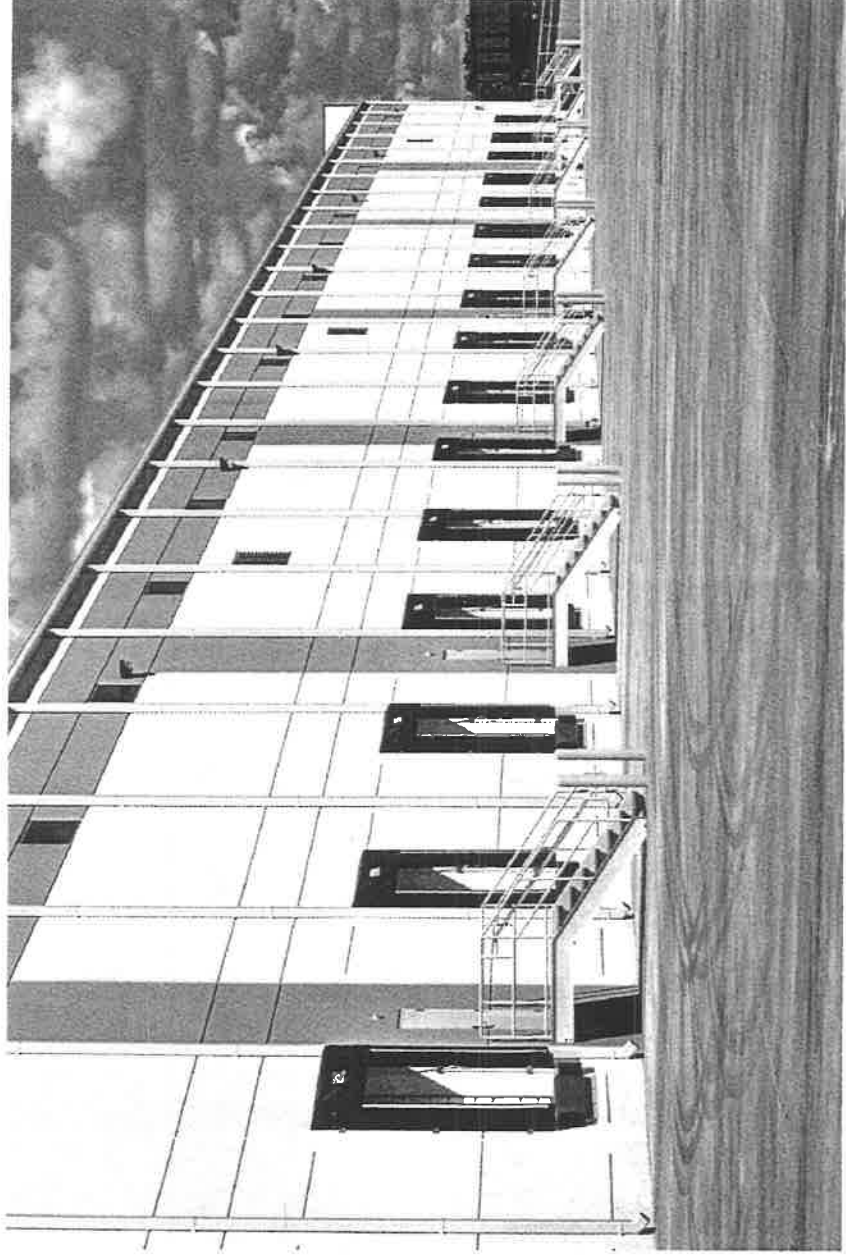
Crocket Engineering stated in the P and Z meeting "The infrastructure is there" -- what infrastructure? the lack of any natural gas service, the total absence of a sewer system, the large amounts electrical power that would be needed since natural gas is not available to this Industrial Park, a Highway 40 without drive-able shoulders and a broken up Rt. J with no shoulders.

The many problems this industrial park would cause might be partially solved with a large influx of cash for "fixes", however the primary problem in this situation, **is not how many problems can be fixed**, it is if Boone County will now allow "Spot Zoning", allowing all the work and effort of the Planning and Zoning policies thru the last two decades to be ignored. And....if Boone County will allow our community culture and livelihood to be compromised, what's next? We respectfully request that you **not allow this to happen.**



Current view

Potential view



My name is Gary Frisch. My wife Patsy and I live at 2155 North Rt J, which is directly across the road from the southwest part of the 193 acre farm being requested for rezoning to Industrial.

We moved to our new home we built in 1993, so we have been there for over 25 years. We built in this area because it was a nice area of small farm tracts with homes zoned all agricultural. The farms have horses, cattle and crops. We believed Boone County zoning would protect us from a less desirable zoning that would hurt the marketability and value of our home.

My wife and I feel very strongly that you should not approve this rezoning. Here are the two main reasons that directly affect us and would dramatically affect our lives and our property value.

First...The planned development of a 300,000 to 1,000,000 sq ft 40-45 ft tall concrete warehouse located directly across Route J in front of our home would be the main thing we will see when look out our front window or door. This is the same for the Mittendorfs, our neighbors to the north. It would look like a solid concrete wall sitting on a high hill stretching from the north to our south property line. Several people have said "You won't be able to see the sun come up until almost noon". Also the entrance to the receiving and loading dock for the warehouse is just a few feet north of the driveway to our home. Placing 5 ft trees in the low area in front of the Loading Dock and the 40 ft warehouse would seem to do little for site line buffering listed as a condition for rezoning

We have recently had our property appraised because at our age we may need to sell in the next few years. It appraised for \$470,000. However, the appraiser provided a letter that if this rezoning is approved it would have a negative effect on the value of our property and the value would be reduced. I also have a letter from a 2nd appraiser that supports that assessment. It also includes the Middendorf home to the north and would affect the value other area homes because comparable sales is the main factor in determining Market Value. Conserving the value of property is an important purpose of zoning. I will submit the two appraisers letters for your review.

Who would want to buy our home at the appraised price with this large concrete warehouse directly across the road or who would want it built in front of their home with a steady stream of noisy trucks turning in and out just a few feet from the driveway to their home. The beep-beep-beep as they back up to the loading dock will be also be very distracting. This does not mention the added employee vehicle traffic on narrow Route J with safety issues for school buses, slow tractors and bikers.

The second reason is....This is an all agricultural area with 10 small residential farm tracts to the West and South, MU Dairy farm to the north, two larger farm tracts to the East and South. This proposed 193 acre industrial development "Just does not fit" in with the rest of the area. It will kill the nature of a Rural residential area for all those who live and drive in the area. This change to industrial would make us feel like we were living in the middle of an industrial area in St Louis rather than Rural Midway.

To support the fact that "It does not fit", we have petitions with over 250 signatures from mostly Area residents opposing the change. This includes all 23 residents that live within the 1000 ft of the subject farm. In addition, over 150 persons have signed on Change.org. opposing the change for a total of over 400. More calls have come in since we turned in the petitions wanting to know what they could do to help stop the industrial zoning. We said attend this hearing and stand up for your rights.

For these reasons and others, my wife and I respectfully request that you leave the zoning as agricultural. Thank you for this opportunity to speak.

In closing, it has been stated several times the reason for this appeal is to override the 6-1 vote by the zoning board because the industrial zoning is needed for employment and tax base. The owner has clearly stated in the news that he has an alternative plan which would also enhance the same amount of employment opportunities. He would then subdivide which I believe means new residential housing which could actually increase the tax base more than a concrete industrial warehouse.

Says he likes trees, Trees removed

For this reason and the others stated, My wife and I respectfully request that you leave the zoning as agriculture. Thanks for this opportunity to speak.



associated property analysts, inc.

Gary and Patsy Frisch
2155 N Route J
Rocheport, MO 65279

RE: Impact on value

40-J Farms Inc. owns a farm across Route J from your property. Based on my conversation with you the owner of this farm has applied for a zoning change to Industrial M-LP.

You provided information that suggests if the zoning change were to be granted, the property would be developed and include a warehouse facility along with some other potential uses.

The first phase would be a 300,000 square foot building 40' tall. Additional two buildings in future phases totaling around 1,000,000 sf of warehouse space. You also reported that the truck and/or semi traffic would be considerable going and coming to and from the warehouse(s). Currently there is little to no large truck traffic.

The present setting from your house is a view of open farm fields. These fields have been row cropped for years. The view from your front yard is rolling fields of corn.

Should the rezoning be granted to industrial M-LP, the warehouses built, area residential properties would be affected. This includes your residence. The affect would not be positive but negative. To what degree your property value would be affected is unknown at this point. My opinion is there will be a negative affect on the value of your property if the details as presented come true.

Sincerely,

Randall C Bryson, SRA, AI-RRS
Associated Property Analysts
Columbia, MO 65203



Mid-America Land Services, Inc.

Appraisals, Farm Management, Farm Loans, Sales
802 N. Providence Rd.
Columbia, MO 65203
www.midamland.com
Telephone: 573/442-5214
Fax: 573/875-5601

November 18, 2019

Mr. and Mrs. Gary Frisch
2155 North Route J
Rocheport, MO 65279

Re: Petition of 40 & J Development, LLC

I am writing this letter in response to your concern regarding a rezoning request for a 200-acre property located at the southeast quadrant of Route J and US Highway 40. The attached petition explains the basic concerns and the site plans gives a visual of the proposed project.

Your question to me was...“in your opinion will this project have a negative impact on our properties?” The answer is yes, and in my opinion if the project is approved and built as proposed, it will have a negative impact on your properties.

My reasoning is based on my 46 years of appraisal experience, and more specifically based on my 30 years experience as a right-of-way appraiser.

In my opinion the proposed project will create a proximity damage issue. Proximity damage is defined by the Dictionary of Real Estate Appraisal as follows:

Proximity damage. An element of severance damages that is caused by the remainder's proximity to the improvement being constructed, e.g., a highway; may also arise from proximity to an objectionable characteristic of a site or improvement, e.g. dirt, dust, noise, vibration.

It is my opinion that the Firschs and Middendorfs properties will be negatively impacted by all of the examples listed in the definition plus “obstruction of line of sight as result of 40 foot tall buildings and heightened safety concerns because of higher volume of truck and passenger vehicles on Route J.”

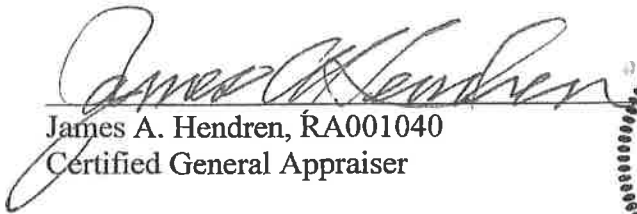
Page 2

Mr. Gary Frisch
November 18, 2019

A specific percentage or dollar amount of losses that will be sustained by the Firsch's and Middendorf's properties has not been determined. But again, I restate that in my opinion the properties will be negatively impacted if the proposed project is rezoned and built.

If you have any questions, please feel free to contact me.

Respectfully submitted by,



James A. Hendren, RA001040
Certified General Appraiser

Cc: Garland Middendorf



#1 - Copy

PETITION TO BOONE COUNTY COMMISSION

According to a letter signed by Mr. Larry Potterfield delivered to each of the property owners within 1,000 ft. of the subject tract, a firm identified as 40 & J Development, LLC has applied to the Boone County Commission for a change in zoning from A-2 (Agricultural) to M-LP (Planned Industrial) for a tract of almost 200 acres located at the southeast corner of MO. Route J and U.S. Highway 40.

The initial concept plan depicts extensive warehousing approaching one million (1,000,000) square feet and forty (40) feet in height over a three (3) phase development period. The plan also shows extensive parking designed for several hundred employees and guests. The entire complex will be accessed by two (2) drives extending from Route J and one (1) drive from U.S. 40.

This M-LP Industrial zoning request is clearly a deviation from sound land planning concepts as it is "Spot Zoning" which is typically denied by those acquainted with zoning principles. "Spot Zoning" regularly adversely affects abutting properties and entire neighborhoods when the subject tract is of a large size such as in this case. The adverse effects are reflected by negative effects to residential and other agricultural tracts, including but not limited to, marketability, habitability, safety in travel due to increased volumes of automobiles, tractor trailers, long wheel based trucks, and other vehicles not intended for regular travel on substandard roadways such as Rte. J.

The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE	PRINTED NAME AND ADDRESS
<i>Teddy J. Blaylock</i>	Teddy J. Blaylock 1861 No. Boothe Ln, Columbia, Mo 65202
<i>Johan Blaylock</i>	Johan Blaylock 1861 N. Boothe Ln, Columbia, Mo 65202
<i>Hary Frisch</i>	Hary Frisch, 2155 N. Rt. J, Rocheport, Mo. 65279
<i>Patsy Frisch</i>	PATSY FRISCH 2155 N. Rt. J Rocheport, Mo 65279
<i>Garland Middendorf</i>	Garland Middendorf 2451 N. Rt. J Rocheport, Mo 65279
<i>Sydney Middendorf</i>	Sydney Middendorf 2451 N. Rt. J Rocheport, Mo 65279
<i>Billie Gow</i>	Billie Gow 1900 N Hwy J, Rocheport, Mo 65279
<i>Constance I Gow</i>	Constance I Gow 1900 N Hwy J, Rocheport, Mo 65279
<i>Russell Mitchell</i>	Russell Mitchell 1900 N Hwy J, Rocheport, Mo 65279
<i>Denny Stephenson</i>	Denny Stephenson 1854 N. Rt. J, Rocheport, Mo 65279
<i>Gloria Stephenson</i>	Gloria Stephenson 1854 N. Rt. J, Rocheport, Mo 65279
<i>Katherine Fairclerly</i>	KATHERINE FAIRCLERLY 2525 N. Boothe Ln, Columbia, Mo 65202
<i>CURTIS POWDERLY</i>	CURTIS POWDERLY 2525 N. BOOTHE LN COLUMBIA, MO 65202
<i>Robyn G Magnuson</i>	Robyn G Magnuson 9400 Hwy 40 W. Columbia, Mo 65202
<i>Melanie Bryant</i>	Melanie Bryant 2025 N. Route J Rocheport, Mo 65279
<i>John Richter</i>	John Richter 1852 N. Route J Rocheport, Mo 65279
<i>Kacie Richter</i>	Kacie Richter 1852 N. Route J Rocheport, Mo 65279
<i>DOUG BRYANT</i>	DOUG BRYANT 2025 N. RT J Rocheport, Mo 65279
<i>LAURENCE E CLARK</i>	LAURENCE E CLARK 10950 W. Hwy 40 65279
<i>MILDRED CLARK</i>	MILDRED CLARK 10950 W. Hwy 40 Rocheport, Mo 65279
<i>Mary Richter</i>	Mary Richter 1852 N. Route J, Rocheport, Mo 65279
<i>Joe Eddy</i>	Joe Eddy 1851 N. Rt J Rocheport, Mo 65279
<i>Kelly Eddy</i>	Kelly Eddy 1851 N. Rt J Rocheport, Mo 65279

23

#2

PETITION TO BOONE COUNTY COMMISSION

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The initial concept plan depicts extensive warehousing approaching one million (1,000,000) square feet and forty (40) feet in height over a three (3) phase development period. The plan also shows extensive parking designed for several hundred employees and guests. The entire complex will be accessed by two (2) drives extending from Route J and one (1) drive from U.S. 40.

This M-LP Industrial zoning request is clearly a deviation from sound land planning concepts as it is "Spot Zoning" which is typically denied by those acquainted with zoning principles. "Spot Zoning" regularly adversely affects abutting properties and entire neighborhoods when the subject tract is of a large size such as in this case. The adverse effects are reflected by negative effects to residential and other agricultural tracts, including but not limited to, marketability, habitability, safety in travel due to increased volumes of automobiles, tractor trailers, long wheel based trucks, and other vehicles not intended for regular travel on substandard roadways such as Rte. J.

The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE	PRINTED NAME AND ADDRESS
	Allie Blaylock 104 Maplewood Dr. 65203
	JAN BELL 712 E. Nance Dr Cul Mo 65202
	Ross Hedina 9705 W. Route O, Rocheport, MO 65279
	Wade Gaudin 1210 Steelhead Ct Columbia, MO
	Tetter H. Blaylock 1109 Sunset Dr. Columbia, MO 65203
	Kim Blaylock 1109 Sunset Dr Columbia MO 65203
	Julia L. Blaylock 17340 S. Holmes Ln, Ashland, Mo 65010
	Travis Wise 4806 Center Brook Ct. Columbia MO 65203
	Andy Robinson 1851 W Beethoven Columbia Mo 65202

#3 - Copy

PETITION TO BOONE COUNTY COMMISSION

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This M-LP Industrial zoning request is clearly a deviation from sound land planning concepts as it is "Spot Zoning" which is typically denied by those acquainted with zoning principles. "Spot Zoning" regularly adversely affects abutting properties and entire neighborhoods when the subject tract is of a large size such as in this case. The adverse effects are reflected by negative effects to residential and other agricultural tracts, including but not limited to, marketability, habitability, safety in travel due to increased volumes of automobiles, tractor trailers, long wheel based trucks, and other vehicles not intended for regular travel on substandard roadways such as Rte. J.

The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

<i>Carolyn Pollreis</i>	CAROLYN POLLREISZ 1950 N Boothe LN, 65202
<i>George Pollreis</i>	George POLLREISZ 1950 N BOOTHE LN, 65202
<i>Sam Huggins</i>	Sam Huggins 10,000 W. GRAHAM RD, 65279
<i>Henry Hwangkeun Kim</i>	HENRY HONGKEUN KIM 9635 W. Golden willow Dr. 65202
<i>David M Nolke</i>	DAVID M Nolke 11280 W US Hwy 40 65279
<i>Cherile D. Nolke</i>	Cherile D. Nolke 11280 W US Hwy 40 65279
<i>Misty Nolke</i>	Misty Nolke 11550 Hwy 40 W Rocheport MO 65279
<i>Michael Joe Powell</i>	13413 Hwy 40 Rocheport MO 65279
<i>Marjorie Subell</i>	13413 Hwy 40, Rocheport MO 65279
<i>Jody Spriggs</i>	Jody Spriggs 13150 W. Hwy 40 Rocheport, MO 65279
<i>Carl Spriggs</i>	Carl Spriggs 13150 W. Hwy 40 Rocheport, Mo 65279
<i>Winona Dudley</i>	Winona Dudley 12340 Rocheport Grand Rocheport 65279
<i>Jessica Myers</i>	Jessica Myers 2012 W Ash St apt FDC Columbia MO 65203
<i>Brook Young</i>	Brook Young 2155 N RT J Blanche Post 65279
<i>Kenna Caldwell</i>	Kenna Caldwell 41,50 N. Rt J Rocheport 65279
<i>Brian McDonald</i>	Brian McDonald 4830 N. Route J Rocheport, Mo 65279
<i>Kandy Tanton</i>	Kandy Tanton 4801 N RT J Rocheport Mo 65279
<i>Jodi Petersen</i>	Jodi Petersen 9830 W. Graham Rd. Rocheport MO 65279
<i>Alan Petersen</i>	Alan Petersen 9830 W Graham Rd Rocheport MO 65279
<i>Teresa Williams</i>	Teresa Williams 5180 N Boothe Ln Rocheport MO 65279

3 - Copy

PETITION TO BOONE COUNTY COMMISSION

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This M-LP Industrial zoning request is clearly a deviation from sound land planning concepts as it is "Spot Zoning" which is typically denied by those acquainted with zoning principles. "Spot Zoning" regularly adversely affects abutting properties and entire neighborhoods when the subject tract is of a large size such as in this case. The adverse effects are reflected by negative effects to residential and other agricultural tracts, including but not limited to, marketability, habitability, safety in travel due to increased volumes of automobiles, tractor trailers, long wheel based trucks, and other vehicles not intended for regular travel on substandard roadways such as Rte. J.

The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

<i>M. Brown</i>	Makayla Brown 1851 N Rt J Rockport MO 65279
<i>Mike Wilson</i>	Mike Wilson 4850 N. Boothe Ln Rockport MO 65279
<i>Bob Wilson</i>	Bob Wilson 4850 N Boothe Ln Rockport MO 65279
<i>Shawn Huggans</i>	Shawn Huggans 10000 W. Graham Rd 65279
<i>Bryan Howard</i>	BRYAN HOWARD 7563 W Black Walnut Drive 65202
<i>Tami Gessling</i>	TAMI GESSLING 7250 W. ELIZABETH ST. COLUMBIA MO 65202
<i>Marlin Gessling</i>	Marlin Gessling 7250 W. Elizabeth St. Col. Mo 65202
<i>Randall L. Griffith</i>	RANDALL L. GRIFFITH 9100 S. Skilton Dr Columbia MO 65202
<i>Margaret Colleen James</i>	Margaret Colleen James 4796 Bremer Rd, Columbia, MO 65202
<i>Teresa Carlos</i>	Teresa Carlos 11403 W. Hwy 40 Rockport MO 65279
<i>David Carlos</i>	David Carlos 11403 W Hwy 40 Rockport MO 65279
<i>Kristine Starts</i>	Kristine Starts 4700 N Rt J Rockport MO 65279
<i>John Starts</i>	John Starts 4700 N RT J Rockport MO 65279
<i>Charles L. Barnes</i>	Charles L. Barnes 4041 N Rte J, Rockport MO 65279
<i>Tanice Barnes</i>	Tanice Barnes 4041 N Route J, Rockport MO 65279
<i>Lori Dickes</i>	Lori Dickes 2815 N Mc Gill Creek Rd Rockport MO 65279
<i>Lori Dickes</i>	Lori Dickes 2815 N Mc Gill Creek Rd Rockport MO 65279
<i>Kathryn Lowe</i>	KATHRYN LOWE 7190 N DRAKE CANYE ROAD Rockport MO 65279
<i>Tara Dollweiss</i>	Tara Dollweiss 1950 N Boothe Ln Col, MO 65202
<i>Sharon Young</i>	SHARON YOUNG 8430 SHADY OAK LN. COL. MO. 65202

4.

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

[Handwritten Signature]
Chris Bell-Kaplan

Austin Hazelwood 4704 Bethel St. Columbia, MO 65201
CHRIS BELL-KAPLAN 16020 HOPPER RD STURGEON, MO

Table with 2 columns: SIGNATURE and PRINTED NAME AND ADDRESS. The table contains 18 rows. The first row is filled with handwritten signatures and addresses. The remaining 17 rows are empty.

5.

PETITION TO BOONE COUNTY COMMISSION

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

65203 Columbia, MO

	Sydnie Sobaski 2500 Longview Dr
	Connor Linebaugh 2506 Longview Dr 65203 Columbia, MO
	Caleb Patrick 5205 Forest Glendr 65203
	7671 W HENDERSON RD ROBERT E. HENLEY
	Tanya Duvall 8528 N Cedar Court Columbia MO 65202
	DONALD PROCTER 1752 N. PARKSIDE CT
	Kendra Jennings 2501 HOLLYHOCK DR. 65202
	Deanne DeLoerrie 2700 N. BROAD LN
	1906 Starlight drive Columbia, MO 65202
	1906 Starlight Dr. Columbia MO 65202
	Kersey McDonald 511 Meadowmere view Ashland, MO
	Holden McDonald 511 Meadowmere View, Ashland, MO
	Allen E. BEATHAN 830 West Tallwood Dr Columbia, MO 65010
	FRED D. SAPPINGTON 4107 I-70-NW, Columbia, MO 65202
	Toni Kueggen Hwy 40 Budget Inn 65202
	Debbie Glover 2609 Waltham Columbia, MO
	Grant Glover 3802 Clydesdale Dr. Columbia, MO 65203
	MARK PERRY 16950 N. Edgeview Farm Centerville
	Larry Vangilder 6101 N. COCUS GRASS CHURCH RD Columbia MO 65202
	Ed Carlos 6699 Haffan Chapel Columbia 65202

20

PETITION TO BOONE COUNTY COMMISSION

According to a letter signed by Mr. Larry Potterfield delivered to each of the property owners within 1,000 ft. of the subject tract, a firm identified as 40 & J Development, LLC has applied to the Boone County Commission for a change in zoning from A-2 (Agricultural) to M-LP (Planned Industrial) for a tract of almost 200 acres located at the southeast corner of MO. Route J and U.S. Highway 40.

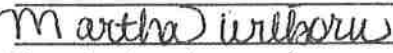






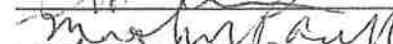
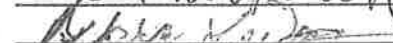
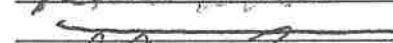


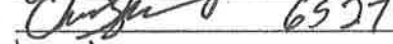



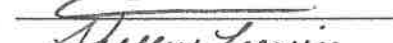
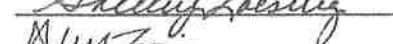

The initial concept plan depicts extensive warehousing approaching one million (1,000,000) square feet and forty (40) feet in height over a three (3) phase development period. The plan also shows extensive parking designed for several hundred employees and guests. The entire complex will be accessed by two (2) drives extending from Route J and one (1) drive from U.S. 40.

This M-LP Industrial zoning request is clearly a deviation from sound land planning concepts as it is "Spot Zoning" which is typically denied by those acquainted with zoning principles. "Spot Zoning" regularly adversely affects abutting properties and entire neighborhoods when the subject tract is of a large size such as in this case. The adverse effects are reflected by negative effects to residential and other agricultural tracts, including but not limited to, marketability, habitability, safety in travel due to increased volumes of automobiles, tractor trailers, long wheel based trucks, and other vehicles not intended for regular travel on substandard roadways such as Rte. J.

The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

1		Martha Willborn 1602 Rollingwood West Ct Columbia, MO 65202
2		Julie Warden 261 N. Sunshine Dr. Columbia, MO 65201
3		ANGIE BEEMAN DON FIRST ST. HERTSBURG MO
4		Brenda J Geurts 1751 N Rt J Rocheport, MO 65279
5		Bruce Jamison 1651 N. Rd. J, Rocheport, MO 65279
6		Joanna Jamison 1651 N. Rt J Rocheport, MO 65279
7		Charles Rushing 10861 W Old Rocheport Rd Rocheport, MO 65279
8		JAMES AMERMAN 11033 W. Old Rocheport Rd Rocheport, MO 65279
9		Martha H Turner 11033 W
10		1650 Hemlock Ridge Rd Old Rocheport, MO 65279
11		LuAnne Brunello 1780 N Hemlock Ridge Rd Rocheport MO
12		1840 N HEMLOCK RIDGE RD ROCHESPORT MO 65279
13		2650 Hemlock Ridge Road Rocheport Mo
14		2050 Hemlock Ridge Rd Rocheport MO
15		1851 N Hemlock Ridge Rd Rocheport MO
16		John Maier 1825 N. Hemlock Ridge Rd Rocheport MO
17		KELLY SLY 11201 W HEMLOCK CT. ROCHEPORT MO 65279
18		14200 W HWY BB Rocheport, MO 65279
19		14200 W HWY BB Rocheport, MO 65279

6.

B

PETITION TO BOONE COUNTY COMMISSION

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

1	<i>Linda Durn</i>	LINDA DIANE DURN, 204 Central, Rocheport, Mo
2	<i>Mary McInemeyer</i>	MARY MCINEMEYER, 145 N. Roby Farm Rd Rocheport, Mo
3	<i>Ralph McInemeyer</i>	Ralph McInemeyer 145 N Roby Farm Rd Rocheport, Mo
4	<i>Gary Sprick</i>	GARY SPRICK, 161 Co. 120.439, New Franklin, MO
5	<i>Harla Sprick</i>	161, Co. Rd. 439 New Franklin Harla Sprick MO
6	<i>Nancy Whiteside</i>	Nancy Whiteside PO BOX 113 Rocheport, MO
7	<i>Stephanie Michels</i>	Stephanie Michels P.O. Bpx 130 Rocheport, MO
8	<i>Todd Schapira</i>	Todd Schapira 207 Central St. Rocheport MO 65275
9	<i>Everett Stokes</i>	Everett Stokes 15357 Hwy BB, Rocheport, MO 65279
10	<i>Mrs J Green</i>	2455 Roby Farm Rd, Rocheport MO 65279
11	<i>Gerald H. Brumfield</i>	13825 Hwy BB, Rocheport Mo. Gerald H. Brumfield
12	<i>Irma Brumfield</i>	13825 W. Hwy BB Rocheport Mo Irma Brumfield
13	<i>Travis Reddick</i>	11915 Reddick 10557 W. Old Rocheport Road Rocheport MO
14	<i>Rebecca Showmsky</i>	Rebecca Showmsky 10821 W. Old Rocheport Rd. 65275

6.

6

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

1		Cheri Perry 302 Broadfield Drive Columbia, Mo 65203
2		ADRON PERRY 302 BROADFIELD COL MO
3		Makenzie Kilday 308 Defoe Dr. Columbia MO 65203
4		June McCarson 6801 Hwy 40 Columbia MO
5		TIM MCCARSON 6801 Hwy 40 CO MO 65279
6		Keith Werten 12380 W. Rockport Gravel Rd
7		Mary J. Richter 401 W OAK AVENUE IL 62211
8		Ashley Moore 502 W Irons West D. CO MO 65202
9		1469 N Rebel Dr. Columbia Mo.
10		415 DUCKBENWAY COLUMBIA, MO 65203 Col
11		Tim McCormick 16600 OAK Grove Sched Rd N
12		
13		Kathy Sharp 13651 W US Hwy 40 Rockport 65219
14		Brandon Gross 7698 W Black Walnut Dr. Columbia 65202
15		Sue H Moore 1650 N Boathe Lane CO MO 65202
16		Robert Moore 1650 N Boathe Columbia 65202
17		Doris Borges 8796 W Sarr CO MO 65203
18		Ana C. Lopez - 8811 Hunt St Camo 65203.
19		Erika Giesehermer 301 N Democrat Rd Rockport Mo 65279

7.

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

73 424 4887

SIGNATURE	PRINTED NAME AND ADDRESS
<i>Mark Colgrove</i>	MARK COLGROVE ^{PO Box} 784, Ashland 65010
<i>Michael Klingensmith</i>	Michael Klingensmith 709 W. TEXAS AVE Columbia MO
<i>Thomas Forsterly</i>	Thomas Forsterly 5107 Chariton Dr Columbia MO
<i>R. Benjamin Anderson</i>	R. Benjamin Anderson 11601 W HWY E Rockport, MO 65279
<i>CDRUB9</i>	CDRUB9 805 CANTERBURY DR COLUMBIA MO 65203
<i>Rachel L. Hrdina</i>	Rachel L. Hrdina 1911 Surrey Ct. Columbia, MO 65203
<i>Erika Rice</i>	Erika Rice 1727 Timber Creek Dr Columbia, MO 65202
<i>Barbara Klingensmith</i>	Barbara Klingensmith 308 Sandra Columbia, MO 65202
<i>Brenda York</i>	Brenda York 4004 Golden Trail Ct Columbia MO
<i>Rick Seaver</i>	Rick Seaver 10583 Rome Rd. Rockport 65203
<i>Zachary Trivette</i>	Zachary Trivette 1801 E. St. Charles Rd 65202
<i>Austin N. Keith</i>	Austin Keith P.O. Box 30758 Columbia, MO. 65205
<i>Tammie A. Keith</i>	Tammie A. Keith PO Box 30758 Columbia, MO 65205
<i>Mark S. Lambie</i>	Mark S. Lambie 3111 N. Lowest Gate Ch Rd. 65202
<i>Jon Palmer</i>	Jon Palmer 1504 N Maplewood Dr 65202
<i>Andrea Bell</i>	2125 N Rollingwood Blvd, Columbia MO 65202 Andrea Bell
<i>Jersey Johnson</i>	Jersey Johnson 2125 N Rollingwood Blvd Columbia MO 65202
<i>Amanda Melvin</i>	Amanda Melvin 1701 N. Mapleview Dr Columbia MO 65202
<i>Justin Melvin</i>	JUSTIN MELVIN 1701 N. MAPLEVIEW DR Columbia MO 65202
<i>Curtis Stille</i>	Curtis Stille 205 W. Phyllis Ave Columbia MO 65202

7

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

Jane Hart	Jane Hart 9071 W Brennen Dr Columbia
Lloyd Hart	Lloyd Hart 9071 W. Brennen Dr Columbia
Tim Nieuwenhuizen	TIM NIEUWENHUIZEN 9150 W. Brennen, Columbia
Tina Nieuwenhuizen	TINA Nieuwenhuizen 9150 W. Brennen Dr Columbia
Hannah Abbott	Hannah Abbott 8600 W Brennen Dr Columbia
Charlie Bailey	Charlie Bailey 9011 W Brennen Dr Columbia 405 269 6576
Patricia Bailey	Patricia Bailey 9011 W Brenner Dr Columbia
Roberta Grant	Roberta Grant 1960 N. Finargan Ct Columbia MO 65202
Meredith Grant	Meredith Grant " 573 999 4555 "
Kyle Grant	Kyle Grant 1960 N. Finargan Ct. Col 65202
Melinda Jackson	Melinda Jackson 8990 W. Brennen Dr Columbia 65202
Robert Jackson	Robert JACKSON 8990 W Brennen Dr Col MO 65202
Theresa Kuda	Theresa Kuda 8990 W. Brennen Dr. Columbia MO 65202
Jeff Blumer	Jeff Blumer 8676 W Brennen Dr. Columbia MO 65202
Kathy Bennett-Blumer	Kathy Bennett-Blumer 8676 W. Brennen Dr. Col MO 65202
Joshua Strle	Joshua Strle 1954 W. Boothe Ln Columbia MO 65203
Stacy Mahan	Stacy Mahan 2320 N. Boothe Ln Columbia MO 65201
Kenneth Wyss	Kenneth Wyss 2320 N. Boothe Ln. Columbia MO 65202
Guy Lamprake	Guy Lamprake 8613 N. Kinney Ct. Columbia MO 65202
Dakota Lafoy	Dakota Lafoy 8815 W. Shady Oak Ln. Columbia MO 65202

PETITION TO BOONE COUNTY COMMISSION

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The undersigned and the attached page of individual signatures respectfully request the Boone County Commission deny the application for rezoning, in its entirety, of the identified property and request that it remain zoned A-2 Agricultural.

SIGNATURE

PRINTED NAME AND ADDRESS

	Mandy Gessling 320 N Dometrorch Rd, Rocheport, MO
	Andrew Gessling 370 N. Dometrorch Ad. Rocheport, MO
	Laura Cunningham 5027 N Locust Grove Church Rd Columbia, MO 65275
	Ryan Cunningham 5022 N Locust Grove Church Rd Columbia, MO 65202
	Jeanna Gloubitz 3450 Meyerson Columbia, MO 65202
	Robin Roberts 4651 W Hwy 124 Harrisburg, MO 65355
	Kelly Roberts 4651 W Hwy 124 Harrisburg, MO 65355
	Debi Kavanaugh 505 Woodland Ct Ashland, MO 65010
	James Kavanaugh 505 Woodland Ct. Ashland, MO 65010
	Erin Enheld 6275 Hummingbird Lane, Columbia, MO 65207
	Melanie West 12556 Calvert Hill Rd, Columbia, MO 65202
	Karen Kramer-Kammerich, 7755 W Redden Ct. Columbia, MO 65202
	Pat Selby 6451 S Rangeline Rd Columbia, MO 65201
	KENDALL GESSLING 4757 N. SUB BARCLAY RIDGE RD Columbia, MO 65202
	Michael Fuemmeler 3455 N. Meyerson Dr Columbia, MO 65202
	Betty L. Fuemmeler, 3455 N. Meyerson Dr. Columbia, MO 65202
	Jeanna Gloubitz 3450 n. meyersen Dr Col. mo. 65202

Mike Perkins
11523 Old Rocheport
(Mr. Sod)

Joyce Edwards
11755 Old Rocheport

Edward Petersheim
No numerics
Shop on property
Address listed as 7900 W. Hwy 40

✓ Brent & Shelly Dometrorch
12121 Old Rocheport

Joyce Edwards Trust
11755 Old Rocheport

Mary Lee Trazler Trust
CO Mary Lee Coates
No numerics
Address listed as 3850 Bethel St. Apt 303

PKR LLC
No numerics
Address listed as 5010 Brazos Dr.
CO Anny Payne Cleek

Nicholas & Lynn ONeal
13001 W. Hwy BB

James E. Guthrie Trust
No Numerics
Address listed as 1418 Torrey Pines

Joyce Bagwell
12130 Old Rocheport Rd.

Victoria Elias
12070 Old Rocheport

Jerry Lee & Lynn Barber
12000 Old Rocheport

Brent Dometrorch
12121 Old Rocheport

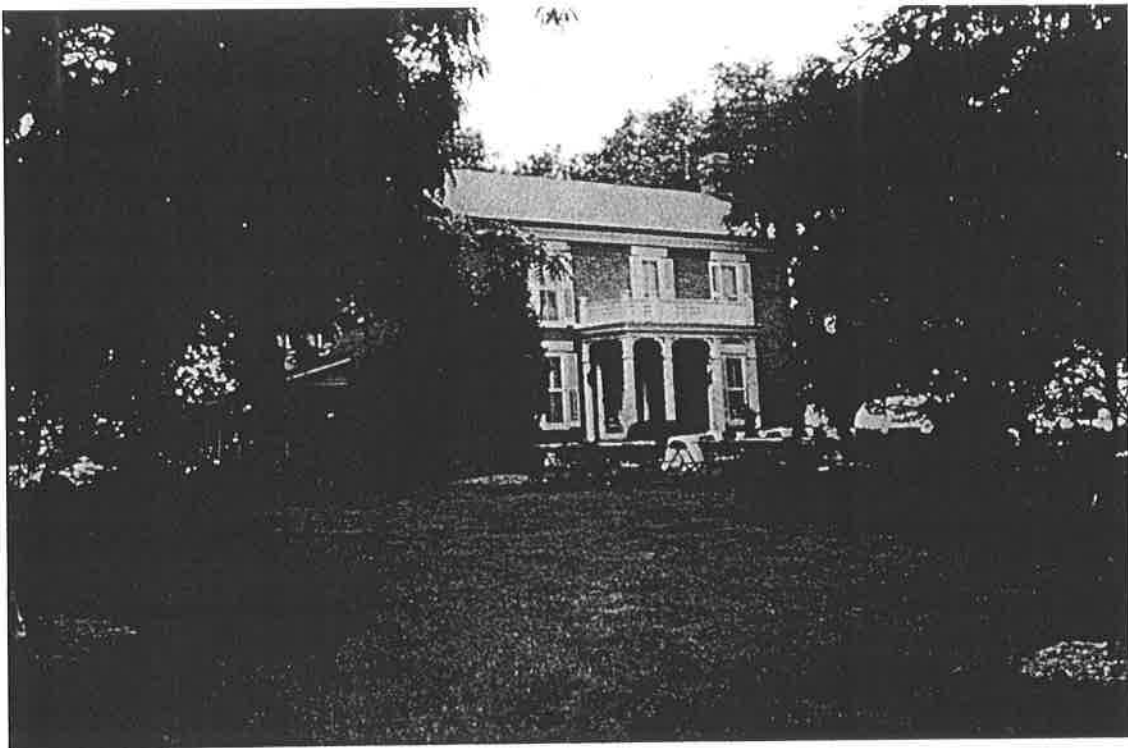
Linda Voss
No Numerics
Address listed as 38 Hillcrest Ave Plattsburg NY

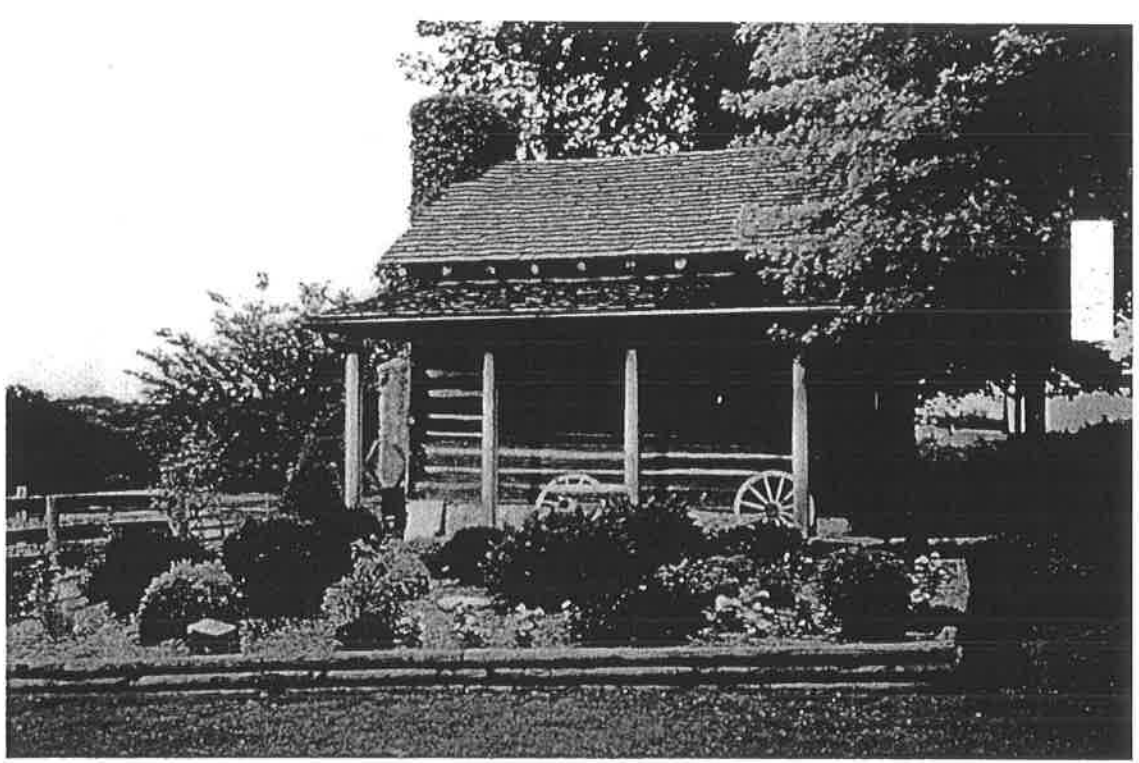
Charles Alexander
No numerics
Owns a lot of land on both sides of i-70
Address listed as 11120 Alexander Dr. Rocheport MO

Philip & Jane Alexander
No numericas
Owns a lot of land on both sides of i-70
Address listed as 4601 S. Brushwood Lake Rd. Columbia mo

Robert Dale York
No numericas
Owns a lot of land on both sides of i-70
Address listed as 11050 W. Sinking Creek Rd. Rocheport MO

Might be beneficial to check out people on Alexander Road on the south side of i-70 as several own land on both the north and south side of 1-70.





PERSONAL TESTIMONY BEFORE BOONE COUNTY PLANNING AND ZONING COMMISSION

The undersigned individuals, Teddy J. Blaylock and Jo Ann Blaylock (H & W), respectfully request this testimony be read aloud in total before and distributed to each member of the said commission and entered into the minutes (record) of the public hearing.

The undersigned Blaylocks own and personally reside on approximately 180 acres adjoining the south eastern border of the 40 and J Development tract. Ownership commenced on 160 acres in March 1974 with 19+ acres added several years later at the southern border of the 160 acre tract. Occupancy of the main dwelling commenced in October 1975 following complete restoration to the dwelling widely reported to be the oldest residence in rural Boone County, having been patented in 1819 and constructed in 1821. The property has been officially recognized by the Boone County Historical Society as a Boone County Historical Site in a public meeting at the residence.

The 180 tract is bisected by the remains of the original trail leading from Columbia to Overton which included passing the original Van Horn Tavern just east of Midway. Existing and restored improvements on the 180 tract, in addition to the front 4 rooms and limestone cellar beneath, include a 16' deep by 13' wide ice pit used for refrigeration totally encased with hand cut limestone now preserved and accessed via a stairway in the floor of a gazebo built atop the pit for total preservation and inspection by guests. The ice pit was discovered underneath the floor of the original log summer kitchen approximately 30' north of the main dwelling. The log summer kitchen has been moved piece by piece some 50' west of the gazebo/ice pit and restored to the same floor dimensions as the original log kitchen but with a basement beneath including heat, plumbing and A/C. The original fireplace has been duplicated on the main floor to the mantel height.

Some 60' east of the main dwelling is the restored carriage house with loft which was also used for curing tobacco.

Any request acted upon to rezone the 40 Rte J Development tract is an attempt to completely alter the currently established residential/farming community and is a gross violation of sound planning and Zoning principles. Teddy J. Blaylock served as Vice Chairman of the original Land Use Committee which was established to plan the land uses for the original document which became the Boone County Plan at the adoption of the document by the Boone County Commission following the public vote by the citizens of Boone County. No commercial or industrial use was ever planned for the subject intersection of US 40 and MO Rte J. It is the belief of the undersigned that any change in current zoning of the subject 40 and J Development tract will be a gross miscarriage of justice as it will massively cause a devaluation of all residential property within the entire neighborhood.

An example of devaluation of residential property near industrial development is clearly demonstrated by the public offering and ultimate sale after over 2 years of listing period. This gross loss was sustained

by the James L. Beckett Revocable Living Trust property addressed as 5830 Van Horn Tavern Road directly south of the industrial tract identified herein as the property used as Midway Arms. The description of the Beckett tract of 17+ acres included the personal residence of the Beckett Family in a dwelling containing some 3,000 s.f. above grade and 1,800 s.f. finished area beneath. The structure was built in 1972 along with an attached 2 car garage and detached shop built to contain collectable automobiles as a hobby of Mr. Beckett. The dwelling style was 1.5 story. This structure was first listed for sale for \$400,000 at a price of some \$5,000 below appraised value on July 11, 2007 by Denise Payne agent with Remax/Boone Realty and offered in the Multiple Listing System of the Columbia Board Of Realtors and offered for a period of 100 days or until expiration.

The property was then listed again by Ms. Payne on October 24, 2007 at \$400,000 for a period of 70 days when then cancelled on Jan. 2, 2008 and taken off the market but then relisted by Denise Payne-Nielson of Reece Nichols Agency for a price of \$400,000 on January 3, 2008, remaining on the market for 58 days until expiration of the listing.

The property was relisted by Reece Nichols Agency on March 7, 2008 for a period of 31 days until expiration.

The property was again offered for sale by Mark Sieber agent for Remax/ Boone Realty at a price of \$375,000 and remained on the market for 185 days until cancellation.

The property was then listed at \$350,000 on April 10, 2009 with a change in the listing price to \$325,000 during a listing period of 112 days from April 2009 offered by Remax/Boone Realty, Sherri Radman, Agent. The listing expired after the 112 day period or until Mid August, 2009.

The property was then offered at public auction and a deed recorded on November 2, 2009 wherein Mr. Beckett conveyed the property to Larry W. Potterfield and Brenda D. Potterfield at a reported price of \$210,000. This sale followed offerings for more than 2 years in a market area that is typically 90 to 120 days. The price represents some 50% of perceived fair market value as agents do not wish to have an inventory of listings that exceed saleable prices. This activity clearly demonstrates the relationship between commercial/industrial vs. residential property.

In addition to the prospects of devaluation of neighborhood prices, the undersigned have grave concerns as to the physical damage that is likely to occur to the entire property owned by the Blaylocks. Sugar Tree Branch is the stream that traverses the entire Blaylock property, north to south, after collecting the water shed of more than 100 acres of the 40 Rte J tract of 190+ acres. Dust free pavings, huge roof runoff, streets and roadways will likely produce water shed that will destroy the quality of water of Sugar Tree Branch now affording water to approximately 50 head of valuable registered cattle now producing income to Blaylocks as land rent from abutting property owners. Additionally, the land abutting the Blaylock property on the west is owned by Mr. & Mrs. Potterfield. Direct access to the subject development is afforded at the north of this 50 acres tract. This 50 acres empties in almost in its entirety into a lesser stream that joins Sugar Tree Branch, about midway north to south of the Blaylock property. Any future development expanding the 190 plus acres will further devalue the Blaylock property extensively.

The forgoing statements are the exclusive opinions of the undersigned. (continued on Signature page.)

The undersigned attest to the oral presentation of the subject matter contained herein.

Teddy J. Blaylock, Owner

Jo Ann Blaylock, Owner

11/13/19

Teddy J. Blaylock, Owner Jo Ann Blaylock, Owner
1861 So. Beethel Ln, Columbia, MS. 39202 (same)



5830 VANHORN TAVERN R, COLUMBIA, MO 65202

MLS #306455

Master BR & utility room on main level. 2.5 baths on main level. Basement is completely unfinished & offers garage door for possible hobby use. Land can be divided. ~~SMALL SHED DOES NOT CONVEY 1 YARD LIGHT IN BACKYARD DO NOT CONVEY BELOW APPRAISAL \$5000 DECORATING ALLOWANCE~~

Contract Information

Cumulative DOM	100	Property Type	Residential
Days On Market	100	List Date	07/11/2007
List Price	400,000	Original List Price	400,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	BECKETT JAMES L TRUSTEE		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	1.5 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	4	Age Description	31-40 Yrs
Lot Dimensions	17.27	# of Acres	17.27
Sq Ft Source	Listing Agent	Appx Fin Sq Ft Main #	2,016
Appx Fin Sq Ft Lower #	0	Appx Fin Sq Ft Upper #	996
Appx Above Grade Sq.	3,012	Appx Fin Other Sq Ft #	0
Appx Fin Sq Ft Total #	3,012	Appx UnFin Sq Ft Main #	0
Appx UnFin Sq Ft Lower #	1,800	Appx UnFin Sq Ft Upper #	85
Appx UnFin Other Sq Ft #	0	Appx UnFin Sq Ft Total #	1,885
Basement	Yes	Year Built	1972
House Faces	N		

Location Tax & Legal

Area	Boone Southwest	County	Boone
Cross Street	RT UU	Latitude	38.966609
Longitude	-92.420987	Zoning	Single Family Res
Actual Taxes \$	1,855	Tax Yr	2006
Subdivision	COLUMBIA	School District	Columbia
Elementary Sch	Midway Heights	Middle/Jr High Sch	Smithton
Senior Sch	Hickman	Land Lease	No
Land Lease Descrip	N/A	HOA/Condo	No
HOA/Condo Descrip	Annual	HOA/Condo Init	No
Other Fees	NO	Mapping ID #	16 1030700023000 1
Legal Description	M PT NE (SUR 400-442)& TRS A & B SUR 396-922 & PT VAC RD		

Remarks & Misc

Directions 170 HWY 40 EXIT S OVER 70 R ON UU L VANHORN TAVERN

Compensation

Buyer Agency 3
 Transaction Broker 3
 Variable Rate Comm Yes

Sub Agency 3
 Exclusions Yes

Office Member Info

Listing Member DENISE PAYNE

Listing Office

RE/MAX Boone Realty
 Office: 573-442-6121
 Showing Line: 573-256-3123
<http://www.boonerealty.com>

Status Change Info

Status Expired

Details

Licensee Per/Int Dis: Not Applicable
Foundation Type: Crawl Space; Full Bsmt Unfinished; Part Bsmt Unfinished
Garage Type: Attached
Arch./Style: Traditional
Cooling: Central Electric
Dining: Formal Dining
Exterior Features: Driveway-Dirt/Gravel; Satellite Dish; Windows-Wood
Exterior Finish: Brick Veneer; Metal
Fireplace: In Family Room; Wood Burning
Flooring: Carpet; Vinyl; Wood
Foundation Access: Garage; Walkout
Foundation Material: Poured Concrete
Heat Fuel: Natural Gas
Heat Type: Forced Air
Interior/Features: Attic Fan; Cedar Closet(s); Ceiling/PaddleFan(s); FireplaceScreenDr(s); Garage Dr Opener(s); Laundry-Main Floor; Smoke Detector(s); Storm Door(s); Washer/DryerConnectn; Window Treatmnts All
Kitchen/Features: Cabinets-Wood; Cooktop-Electric; Counter-Laminate; Dishwasher-Built In; Garbage Disposal; Island; Range-Electric

Outbuildings: Shop
Patio: Back; Concrete
Porch: Front; Covered
Possession: At Closing
Restriction/Easement: Built Prior to 1978; Easements/RightofWay
Roof: ArchitecturalShingle
Rooms: Bedroom 2; Bedroom 2 Level: U; Bedroom 3; Bedroom 3 Level: U; Bedroom 4; Bedroom 4 Level: U; Dining Room; Dining Room Level: M; Family Room; Family Room Level: M; Garage; Garage Level: M; Great Room; Great Room Level; Kitchen; Kitchen Level: M; Living Room; Living Room Level: M; Master Bedroom; Master Bedroom Level Main Level: 2; Upper Level: 1
Baths Full-3/4: Main Level: 1
Baths-Half: Main Level: 1
Street/Roads: Paved; Public Maintained
Topo/Lot Description: Cleared; CRP; Partially Wooded; Stream(s)
Utilities: Electric-County; Gas-Natural; Sewage-Septic Tank; Trash-Private; Water-District
Will Sell: Cash; Conventional
Title Co: Assured Title
Showing Instructions: Call Listing Office; Easy to Show; Lockbox

Room Name	Room Level	Dimensions	Room Remarks	Room Name	Room Level	Dimensions	Room Remarks
Kitchen	M	16.5 x 10.3		Master Bedroom	M	19.3 x 11.10	
Family Room	M	19.9 x 14.1		Bedroom 2	U	11.9 x 20	
Living Room	M	20 x 12.6		Bedroom 3	U	12.6 x 11	
Dining Room	M	12 x 15.6		Bedroom 4	U	20.3 x 14.4	
Great Room	M	24.3 x 12.3		Garage	M	23.9 x 24	9.4X8.10

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5830 VANHORN TAVERN R RD, COLUMBIA, MO 65202

MLS #308547

QUIET HOME W DETACHED SHOP CONVENTIENTLY LOCATED NEXT TO PERCHE CREEK GOLF COURSE
5000 DECORATING ALLOWANCE BELOW APPRAISAL WILL SELL W 7.5AC ML

Contract Information

Cumulative DOM	70	Property Type	Residential
Days On Market	70	List Date	10/24/2007
List Price	400,000	Original List Price	400,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	BECKETT JAMES		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	1.5 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	3	Age Description	31-40 Yrs
Lot Dimensions	17.27	# of Acres	17.27
Sq Ft Source	Listing Agent	Appx Fin Sq Ft Main #	2,017
Appx Fin Sq Ft Lower #	0	Appx Fin Sq Ft Upper #	997
Appx Above Grade Sq.	3,014	Appx Fin Other Sq Ft #	0
Appx Fin Sq Ft Total #	3,014	Appx UnFin Sq Ft Main #	0
Appx UnFin Sq Ft Lower #	1,800	Appx UnFin Sq Ft Upper #	85
Appx UnFin Other Sq Ft #	0	Appx UnFin Sq Ft Total #	1,885
Basement	Yes	Builder Name	UNK
Year Built	1972	House Faces	N

Location Tax & Legal

Area	Boone Southwest	County	Boone
Cross Street	RT UU	Latitude	38.966883
Longitude	-92.421313	Zoning	Agricultural
Actual Taxes \$	1,855	Tax Yr	2006
Subdivision	COLUMBIA	School District	Columbia
Elementary Sch	Midway Heights	Middle/Jr High Sch	Smithton
Senior Sch	Hickman	Land Lease	No
Land Lease Descrip	N/A	HOA/Condo	No
HOA/Condo Descrip	Annual	HOA/Condo Init	No
Other Fees	NO	Mapping ID #	1610307000230001
Legal Description	M PT NE (SUR 400-442)& TRS A & B SUR 396-922 & PT VAC RD		

Remarks & Misc

Directions 170 HWY 40 EXIT S OVER HWY R ON UU L VANHORN TAVERN

Compensation

Buyer Agency	3	Sub Agency	3
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Transaction Broker 3
 Variable Rate Comm Yes

Exclusions No

Office Member Info

Listing Member DENISE PAYNE

Listing Office

RE/MAX Boone Realty
 Office: 573-442-6121
 Showing Line: 573-256-3123
<http://www.boonerealty.com>

Status Change Info

Status Cancelled

Cancel Date

01/02/2008

Details

Licensee Per/Int Dis: Not Applicable
 Foundation Type: Crawl Space; Full Bsmt Unfinished; Part Bsmt Unfinished

Outbuildings:

Shop

Garage Type: Attached

Patio:

Back; Concrete

Arch./Style: Traditional

Porch:

Front; Covered

Cooling: Central Electric

Possession:

At Closing

Dining: Formal Dining

Restriction/Easement:

Built Prior to 1978;
 Easements/RightofWay

Exterior Features: Driveway-Dirt/Gravel; Satellite Dish; Windows-Wood

Roof:

ArchitecturalShingle

Exterior Finish: Brick Veneer; Metal

Rooms:

Bedroom 2; Bedroom 2 Level: U;
 Bedroom 3; Bedroom 3 Level: U;
 Bedroom 4; Bedroom 4 Level: U; Dining Room; Dining Room Level: M; Family Room; Family Room Level; Garage; Garage Level: M; Great Room; Great Room Level; Kitchen; Kitchen Level: M; Living Room; Living Room Level: M; Master Bedroom; Master Bedroom Level

Fireplace: In Family Room; Wood Burning

Baths Full-3/4:

Main Level: 2; Upper Level: 1

Flooring: Carpet; Vinyl; Wood

Baths-Half:

Main Level: 1

Foundation Access: Garage; Walkout

Street/Roads:

Paved; Public Maintained

Foundation Material: Poured Concrete

Topo/Lot Description:

Cleared; CRP; Partially Wooded; Stream(s)

Heat Fuel: Natural Gas

Utilities:

Electric-County; Gas-Natural; Sewage-Septic Tank; Trash-Private; Water-District

Heat Type: Forced Air

Will Sell:

Cash; Conventional

Interior/Features:

Attic Fan; Cedar Closet(s); Ceiling/PaddleFan(s); FireplaceScreenDr(s); Garage Dr Opener(s); Laundry-Main Floor; Smoke Detector(s); Storm Door(s); Washer/DryerConnectn; Window Treatmnts All

Title Co:

Assured Title

Kitchen/Features:

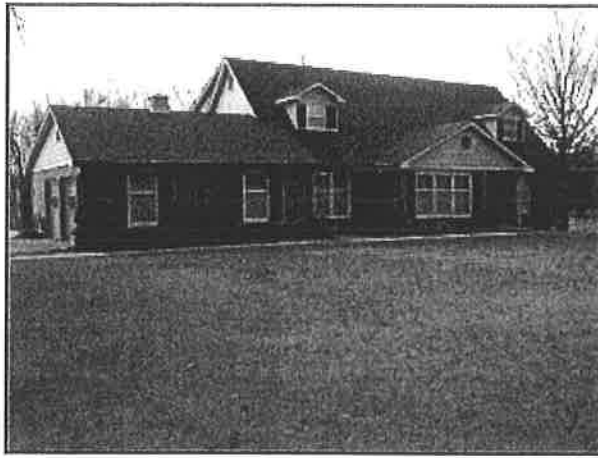
Cabinets-Wood; Cooktop-Electric; Counter-Laminate; Dishwasher-Built In; Garbage Disposal; Island; Range-Electric

Showing Instructions:

Call Listing Office; Easy to Show; Lockbox

Room Name	Room Level	Dimensions	Room Remarks	Room Name	Room Level	Dimensions	Room Remarks
Kitchen	M	16.5 x 10.3		Master Bedroom	M	19.3 x 11.10	
Family Room	M	19.9 x 14.1		Bedroom 2	U	11.9 x 20	
Living Room	M	20 x 12.6		Bedroom 3	U	12.6 x 11	
Dining Room	M	12 x 15.6		Bedroom 4	U	20.3 x 14.4	
Great Room	M	24.3 x 12.3		Garage	M	23.9 x 24	9.4X8.10

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5830 VANHORN TAVERN R RD, COLUMBIA, MO 65203

MLS #309703

Wonderful setting on 17.27 gorgeous acres. Main floor master suite and utility room. Cozy hearthroom and huge great room with wall of windows overlooking land. Attached extra large 2 car garage plus detached 24 x 40 garage/workshop.

Contract Information

Cumulative DOM	58	Property Type	Residential
Days On Market	58	List Date	01/03/2008
List Price	400,000	Original List Price	400,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	BECKETT JAMES L TRUSTEE		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	1.5 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	3	Age Description	31-40 Yrs
Lot Dimensions	17.27 acres	# of Acres	17.27
Sq Ft Source	Listing Agent	Appx Fin Sq Ft Main #	2,017
Appx Fin Sq Ft Lower #	0	Appx Fin Sq Ft Upper #	997
Appx Above Grade Sq.	3,014	Appx Fin Other Sq Ft #	0
Appx Fin Sq Ft Total #	3,014	Appx UnFin Sq Ft Main #	0
Appx UnFin Sq Ft Lower #	1,800	Appx UnFin Sq Ft Upper #	85
Appx UnFin Other Sq Ft #	0	Appx UnFin Sq Ft Total #	1,885
Basement	Yes	Builder Name	unknown
Year Built	1972	House Faces	N

Location Tax & Legal

Area	Boone Southwest	County	Boone
Latitude	38.969813	Longitude	-92.415863
Zoning	Agricultural	Actual Taxes \$	1,855
Tax Yr	2006	Subdivision	COLUMBIA
School District	Columbia	Elementary Sch	Midway Heights
Middle/Jr High Sch	Smithton	Senior Sch	Hickman
Land Lease	No	Land Lease Descrip	N/A
HOA/Condo	No	HOA/Condo Descrip	Annual
HOA/Condo Init	No	Other Fees	NO
Mapping ID #	1610307000230001		
Legal Description	M PT NE (SUR 400-442)& TRS A & B SUR 396-922 & PT VAC RD		

Remarks & Misc

Directions I-70 to Hwy 40 exit, south over highway, right on UU, left on Von Horn Tavern

Compensation

Buyer Agency 3
 Transaction Broker 3
 Variable Rate Comm Yes

Sub Agency 0
 Exclusions No

Office Member Info

Listing Member DENISE PAYNE-NIELSEN

Listing Office

ReeceNichols Mid Missouri
 Office: 573-445-7737
 Fax: 573-445-3526
 Showing Appointments: 573-886-9797

Status Change Info

Status Expired

Details

Licensee Per/Int Dis: Not Applicable
Foundation Type: Full Bsmt Unfinished
Garage Type: Attached
Arch./Style: Traditional
Cooling: Central Electric
Dining: Formal Dining; Kitchen/Family Combo
Exterior Features: Driveway-Dirt/Gravel; Satellite Dish; Windows-Wood
Exterior Finish: Brick Veneer; Metal
Fireplace: In Family Room; Wood Burning
Flooring: Carpet; Vinyl; Wood
Foundation Access: Inside Entrance; Outside Entrance; Walkout
Foundation Material: Poured Concrete
Heat Fuel: Natural Gas
Heat Type: Forced Air
Interior/Features: Attic Fan; Cedar Closet(s); Ceiling/PaddleFan(s); FireplaceScreenDr(s); Garage Dr Opener(s); Laundry-Main Floor; Main Lvl Master Bdrm; Smoke Detector(s); Storm Door(s); Walk in Closet(s); Washer/DryerConnectn; Window Treatmnts All
Kitchen/Features: Cabinets-Wood; Cooktop-Electric; Counter-Laminate; Dishwasher-Built In; Garbage Disposal; Island; Range-Electric

Outbuildings: Shop
Patio: Back; Concrete
Porch: Front; Covered
Possession: At Closing
Restriction/Easement: Built Prior to 1978; Easements/RightofWay
Roof: ArchitecturalShingle
Rooms: Bedroom 2; Bedroom 2 Level: U; Bedroom 3; Bedroom 3 Level: U; Bedroom 4; Bedroom 4 Level: U; Dining Room; Dining Room Level: M; Family Room; Family Room Level: M; Foyer Level; Garage; Garage Level: M; Great Room; Great Room Level: M; Hearth Room Level; Kitchen; Kitchen Level: M; Living Room; Living Room Level: M; Master Bath Level; Master Bedroom; Master Bedroom Level; Utility Room; Workshop
Baths Full-3/4: Main Level: 2; Total: 3; Upper Level: 1
Baths-Half: Main Level: 1; Total: 1
Street/Roads: Paved; Public Maintained
Topo/Lot Description: Cleared; CRP; Level; Partially Wooded; Stream(s); Suitable for Horses
Utilities: Electric-County; Gas-Natural; Sewage-Septic Tank; Trash-Private; Water-District
Will Sell: Cash; Conventional
Title Co: Boone Central Title Co.
Showing Instructions: Call Listing Office; Easy to Show; Lockbox

Room Name	Room Level	Dimensions	Room Remarks	Room Name	Room Level	Dimensions	Room Remarks
Kitchen	M	16.5 x 10.3		Master Bedroom	M	19.3 x 11.10	
Family Room	M	19.9 x 14.1		Bedroom 2	U	11.9 x 20	
Living Room	M	20 x 12.6		Bedroom 3	U	12.6 x 11	
Dining Room	M	12 x 15.6		Bedroom 4	U	20.3 x 14.4	
Great Room	M	24.3 x 12.3		Garage	M	23.9 x 24	plus 9.4 x 8.10

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5830 VANHORN TAVERN R RD, COLUMBIA, MO 65203

MLS #311249

Wonderful setting on 17.27 gorgeous acres. Main floor master suite and utility room. Cozy hearthroom and huge great room with wall of windows overlooking land. Attached extra large 2 car garage plus detached 24 x 40 garage/workshop.

Contract Information

Cumulative DOM	31	Property Type	Residential
Days On Market	31	List Date	03/07/2008
List Price	400,000	Original List Price	400,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	BECKETT JAMES L TRUSTEE		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	1.5 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	3	Age Description	31-40 Yrs
Lot Dimensions	17.27 acres	# of Acres	17.27
Sq Ft Source	Listing Agent	Appx Fin Sq Ft Main #	2,017
Appx Fin Sq Ft Lower #	0	Appx Fin Sq Ft Upper #	997
Appx Above Grade Sq.	3,014	Appx Fin Other Sq Ft #	0
Appx Fin Sq Ft Total #	3,014	Appx UnFin Sq Ft Main #	0
Appx UnFin Sq Ft Lower #	1,800	Appx UnFin Sq Ft Upper #	85
Appx UnFin Other Sq Ft #	0	Appx UnFin Sq Ft Total #	1,885
Basement	Yes	Builder Name	unknown
Year Built	1972	House Faces	N

Location Tax & Legal

Area	Boone Southwest	County	Boone
Latitude	38.966609	Longitude	-92.420987
Zoning	Agricultural	Actual Taxes \$	1,855
Tax Yr	2006	Subdivision	COLUMBIA
School District	Columbia	Elementary Sch	Midway Heights
Middle/Jr High Sch	Smithton	Senior Sch	Hickman
Land Lease	No	Land Lease Descrip	N/A
HOA/Condo	No	HOA/Condo Descrip	Annual
HOA/Condo Init	No	Other Fees	NO
Mapping ID #	1610307000230001		
Legal Description	M PT NE (SUR 400-442)& TRS A & B SUR 396-922 & PT VAC RD		

Remarks & Misc

Directions I-70 to Hwy 40 exit, south over highway, right on UU, left on Von Horn Tavern

Compensation

Buyer Agency	3	Sub Agency	0
Transaction Broker	3	Exclusions	No
Variable Rate Comm	Yes		

Office Member Info

Listing Member	DENISE PAYNE-NIELSEN	Listing Office	ReeceNichols Mid Missouri Office: 573-445-7737 Fax: 573-445-3526 Showing Appointments: 573-886-9797
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Status Change Info

Status	Cancelled	Cancel Date	04/07/2008
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Price Withheld	No
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Details

Licensee Per/Int Dis:	Not Applicable	Outbuildings:	Shop
Foundation Type:	Full Bsmt Unfinished	Patio:	Back; Concrete
Garage Type:	Attached	Porch:	Front; Covered
Arch./Style:	Traditional	Possession:	At Closing

Cooling: Central Electric
Dining: Formal Dining; Kitchen/Family Combo
Exterior Features: Driveway-Dirt/Gravel; Satellite Dish; Windows-Wood
Exterior Finish: Brick Veneer; Metal
Fireplace: In Family Room; Wood Burning
Flooring: Carpet; Vinyl; Wood
Foundation Access: Inside Entrance; Outside Entrance; Walkout
Foundation Material: Poured Concrete
Heat Fuel: Natural Gas
Heat Type: Forced Air
Interior/Features: Attic Fan; Cedar Closet(s); Ceiling/PaddleFan(s); FireplaceScreenDr(s); Garage Dr Opener(s); Laundry-Main Floor; Main Lvl Master Bdrm; Smoke Detector(s); Storm Door(s); Walk in Closet(s); Washer/DryerConnectn; Window Treatmnts All
Kitchen/Features: Cabinets-Wood; Cooktop-Electric; Counter-Laminate; Dishwasher-Built In; Garbage Disposal; Island; Range-Electric

Restriction/Easement: Built Prior to 1978; Easements/RightofWay
Roof: ArchitecturalShingle
Rooms: Bedroom 2; Bedroom 2 Level: U; Bedroom 3; Bedroom 3 Level: U; Bedroom 4; Bedroom 4 Level: U; Dining Room; Dining Room Level: M; Family Room; Family Room Level: M; Foyer Level; Garage; Garage Level: M; Great Room; Great Room Level: M; Hearth Room Level; Kitchen; Kitchen Level: M; Living Room; Living Room Level: M; Master Bath Level; Master Bedroom; Master Bedroom Level; Utility Room; Workshop
Baths Full-3/4: Main Level: 2; Total: 3; Upper Level: 1
Baths-Half: Main Level: 1; Total: 1
Street/Roads: Paved; Public Maintained
Topo/Lot Description: Cleared; CRP; Level; Partially Wooded; Stream(s); Suitable for Horses
Utilities: Electric-County; Gas-Natural; Sewage-Septic Tank; Trash-Private; Water-District
Will Sell: Cash; Conventional
Title Co: Boone Central Title Co.
Showing Instructions: Call Listing Office; Easy to Show; Lockbox

Room Name	Room Level	Dimensions	Room Remarks	Room Name	Room Level	Dimensions	Room Remarks
Kitchen	M	16.5 x 10.3		Master Bedroom	M	19.3 x 11.10	
Family Room	M	19.9 x 14.1		Bedroom 2	U	11.9 x 20	
Living Room	M	20 x 12.6		Bedroom 3	U	12.6 x 11	
Dining Room	M	12 x 15.6		Bedroom 4	U	20.3 x 14.4	
Great Room	M	24.3 x 12.3		Garage	M	23.9 x 24	plus 9.4 x 8.10

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5830 W VAN HORN TAVERN RD, COLUMBIA, MO 65203

MLS #313972

5 minutes west of Columbia Mall. Quiet Country Living with 17.27 acres. Features large rooms, many updates, plus a large sunroom. Additional second garage with power will accommodate 4 cars. Move-in condition with a home warranty.

Contract Information

Cumulative DOM	185	Property Type	Residential
Days On Market	185	List Date	06/23/2008
List Price	370,000	Original List Price	375,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	James L Beckett Trust		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	1.5 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	5	Age Description	31-40 Yrs
Lot Dimensions	17.27 Acres	# of Acres	17.27
Sq Ft Source	Listing Agent	Appx Fin Sq Ft Main #	2,054
Appx Fin Sq Ft Lower #	0	Appx Fin Sq Ft Upper #	1,000
Appx Above Grade Sq.	3,054	Appx Fin Other Sq Ft #	0
Appx Fin Sq Ft Total #	3,054	Appx UnFin Sq Ft Main #	0
Appx UnFin Sq Ft Lower #	1,558	Appx UnFin Sq Ft Upper #	0
Appx UnFin Other Sq Ft #	0	Appx UnFin Sq Ft Total #	1,558
Basement	Yes	Builder Name	Edgard March
Year Built	1972	House Faces	N

Location Tax & Legal

Area	Boone Southwest	County	Boone
Cross Street	Highway UU	Latitude	38.966633
Longitude	-92.421019	Zoning	Agricultural
Actual Taxes \$	1,890	Tax Yr.	2007
Subdivision	COLUMBIA	School District	Columbia
Elementary Sch	Midway Heights	Middle/Jr High Sch	Smithton
Senior Sch	Hickman	Land Lease	No
Land Lease Descrip	N/A	HOA/Condo	No
HOA/Condo Descrip	Annual	HOA/Condo Init	No
Other Fees	NO	Mapping ID #	1610307000230001
Legal Description	M PT NE (SUR 400-442)& TRS A & B SUR 396-922 & PT VAC RD		

Remarks & Misc

Directions I-70 West to the Midway Exit (Highway 40). South over the overpass. Turn right on Highway UU. Take an immediate left on Van Horn Tavern Road.

Compensation

Buyer Agency	3	Sub Agency	3
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Transaction Broker 3
 Variable Rate Comm No

Office Member Info

Listing Member **Mark Sieber**
 Other Phone: 573-356-6275
 Mobile : 573-356-6275
 Main Office: 573-442-6121
 http://www.MarkSieber.com

Exclusions No

Listing Office **RE/MAX Boone Realty**
 Office: 573-442-6121
 Showing Line: 573-256-3123
 http://www.boonerealty.com

Status Change Info

Status Expired Price Withheld No

Details

Licensee Per/Int Dis: Not Applicable
 Foundation Type: Full Bsmt Unfinished
 Garage Type: Attached
 Arch./Style: Traditional
 Cooling: Central Electric
 Dining: Eat-In Kitchen; Formal Dining
 Exterior Features: Driveway-Dirt/Gravel; Satellite Dish;
 Windows-Vinyl; Windows-Wood
 Exterior Finish: Brick Veneer; Metal
 Fireplace: In Family Room; Wood Burning
 Flooring: Carpet; Vinyl; Wood
 Foundation Access: Inside Entrance; Outside Entrance;
 Garage; Walkout
 Foundation Material: Poured Concrete
 Heat Fuel: Natural Gas
 Heat Type: Forced Air
 Interior/Features: Attic Fan; Ceiling/PaddleFan(s); Garage
 Dr Opener(s); Home Warranty; Laundry-
 Main Floor; Main Lvl Master Bdrm;
 Remodeled; Smoke Detector(s); Split
 Bedroom Design; Walk in Closet(s);
 Washer/DryerConnectn; Water Softener
 Owned; WindowTreatmnts Some
 Kitchen/Features: Cabinets-Wood; Counter-Laminate;
 Garbage Disposal; Island; Range-Electric

Outbuildings: Shop
Patio: Back; Concrete
Porch: Front
Possession: At Closing
Restriction/Easement: Built Prior to 1978; Deed Restrictions;
 Easements/RightofWay; Recorded Plat
 Composition
Roof:
Rooms: Bedroom 2; Bedroom 2 Level: U;
 Bedroom 3; Bedroom 3 Level: U;
 Bedroom 4; Bedroom 4 Level: U; Dining
 Room; Dining Room Level: M; Family
 Room; Family Room Level; Foyer Level;
 Garage; Garage Level: M; Kitchen;
 Kitchen Level: M; Living Room; Living
 Room Level: M; Master Bath Level;
 Master Bedroom; Master Bedroom Level;
 Sun Room; Sun Room Level: M; Utility
 Room; Utility Room Level: M; Workshop;
 Workshop Level: L
Baths Full-3/4: Main Level: 2; Total: 3; Upper Level: 1
Baths-Half: Main Level: 1; Total: 1
Street/Roads: Paved; Public Maintained
Topo/Lot Description: Cleared; Crops; Partially Wooded;
 Stream(s); Suitable for Horses
Utilities: Electric-County; Gas-Natural; Sewage-
 Septic Tank; Trash-Private; Water-District
Will Sell: Cash; Conventional; FHA; VA
Title Co: Boone Central Title Co.
Showing Instructions: Call Listing Office; Easy to Show; Lockbox

Room Name	Room Level	Dimensions	Room Remarks	Room Name	Room Level	Dimensions	Room Remarks
Sun Room	M	24.4 x 12.4	Faces South, 9 windows	Bedroom 3	U	25.5 x 14.6	Windows on 3 sides
Kitchen	M	16 x 10	Lots of Counter Space	Bedroom 4	U	15.3 x 11.2	
Dining Room	M	13 x 12	Formal Dining room	Workshop	L	48.6 x 27.3	Basement w/Garage Door
Living Room	M	20 x 12.7		Garage	M	24 x 24	10x9, Hot&Cold Water
Master Bedroom	M	28 x 11.4	Windows on 2 sides	Garage	M	40 x 23	with Electricity
Bedroom 2	U	25.5 x 11.9	Windows on 3 sides	Family Room	M	20 x 15	Fireplace
				Utility Room	M	6 x 5	Next to Kitchen

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5830 W VAN HORN TAVERN RD, COLUMBIA, MO 65203-9273

MLS #319888

Very well maintained 2-story just 5 minutes west of Columbia Mall. Lg rooms, updated kitchen, wood burning fireplace. Completely unfinished lower level. Includes detached garages that can hold 4 cars or makes a great workshop. 2.5 acres CRP. Some acres are being farmed.

Contract Information

Cumulative DOM	112	Property Type	Residential
Days On Market	112	List Date	04/10/2009
List Price	325,000	Original List Price	350,000
Agreement Type	Exclusive Right to Sell	Lic Assisting Seller	Sellers Agent
Owner's Legal Name	James L. Beckett Trust		
Title Held by	A Trust		

General Property Description

Type	Single Family Residence	Primary Style	2 Story
# of Bedrooms	4	Baths Full	3
# of Baths-Half	1	Total Bathrooms	4
Garage Capacity	5	Age Description	31-40 Yrs
# of Acres	17.27	Sq Ft Source	Appraiser
Appx Fin Sq Ft Main #	2,046	Appx Fin Sq Ft Lower #	0
Appx Fin Sq Ft Upper #	1,008	Appx Above Grade Sq.	3,054
Appx Fin Other Sq Ft #	0	Appx Fin Sq Ft Total #	3,054
Appx UnFin Sq Ft Main #	0	Appx UnFin Sq Ft Lower #	1,733
Appx UnFin Sq Ft Upper #	0	Appx UnFin Other Sq Ft #	0
Appx UnFin Sq Ft Total #	1,733	Basement	Yes
Builder Name	Edgard March	Year Built	1972
House Faces	N		

Location Tax & Legal

Area	Boone Southwest	County	Boone
Cross Street	Hwy UU	Latitude	38.968127
Longitude	-92.421911	Zoning	Agricultural
Subdivision	COLUMBIA	School District	Columbia
Elementary Sch	Midway Heights	Middle/Jr High Sch	Smithton
Senior Sch	Hickman	Land Lease	No
Land Lease Descrip	N/A	HOA/Condo	No
HOA/Condo Descrip	Annual	HOA/Condo Init	No
Other Fees	NO	Mapping ID #	1610307000230001
Legal Description	M Pt NE (SUR 400-442) & TRS A&B SUR 396-922 & Pt VAC Rd.		

Remarks & Misc

Directions I-70 West to Midway exit. Go South across the overpass. Rt on UU, left on Van Horn Tavern, house is on the right.

Compensation

Buyer Agency	3	Sub Agency	3
Transaction Broker	3	Exclusions	No
Variable Rate Comm	No		

Office Member Info

Listing Member

Sheri Radman
 Office: 573-876-2857
 FAX: 573-442-1911
 Mobile: 573-268-9760
 http://www.SheriRadman.com

Listing Office

RE/MAX Boone Realty
 Office: 573-442-6121
 Showing Line: 573-256-3123
 http://www.boonerealty.com

Status Change Info

Status Expired Sale Lender Mediated No

Details

Licensee Per/Int Dis: Not Applicable
Foundation Type: Full Bsmt Unfinished
Garage Type: Attached
Cooling: Central Electric
Dining: Eat-In Kitchen; Formal Dining
Exterior Features: Driveway-Dirt/Gravel; Satellite Dish; Windows-Vinyl; Windows-Wood
Exterior Finish: Brick Veneer; Metal
Fireplace: In Family Room; Wood Burning
Flooring: Carpet; Vinyl; Wood
Foundation Access: Inside Entrance; Outside Entrance; Walkout
Foundation Material: Poured Concrete
Heat Fuel: Natural Gas
Heat Type: Forced Air
Interior/Features: Ceiling/PaddleFan(s); FireplaceScreenDr(s); Garage Dr Opener(s); Home Warranty; Laundry-Main Floor; Main Lvl Master Bdrm; Smoke Detector(s); Walk in Closet(s); Washer/DryerConnectn; Water Softener Owned; Window Treatmnts All

Kitchen/Features: Cabinets-Wood; Counter-Laminate; Dishwasher-Built In; Garbage Disposal; Island; Range-Electric
Patio: Back; Concrete
Possession: At Closing
Restriction/Easement: Built Prior to 1978; Easements/RightofWay; Zoning Regulations Apply
Roof: Composition
Rooms: Bedroom 2; Bedroom 2 Level: U; Bedroom 3; Bedroom 3 Level: U; Bedroom 4; Bedroom 4 Level: U; Dining Room; Dining Room Level: M; Family Room; Family Room Level; Foyer Level; Kitchen; Kitchen Level: M; Living Room; Living Room Level: M; Master Bath Level; Master Bedroom; Master Bedroom Level; Sun Room; Sun Room Level: M; Utility Room
Baths Full-3/4: Main Level: 2; Total: 3; Upper Level: 1
Baths-Half: Main Level: 1; Total: 1
Street/Roads: Paved; Public Maintained
Topo/Lot Description: Partially Wooded; Rolling; Stream(s)
Utilities: Electric-County; Gas-Natural; Sewage-Septic Tank; Trash-Private; Water-District
Will Sell: Cash
Title Co: Boone Central Title Co.
Showing Instructions: Easy to Show

Room Name	Room Level	Dimensions	Room Remarks
Living Room	M	19'11 x 12'5	
Dining Room	M	11'11 x 13'2	
Family Room	M	19'9 x 14'	Fireplace
Sun Room	M	24'2 x 11'10	Wall of windows overlook acreage

Information is deemed to be reliable, but is not guaranteed. © 2019 MLS and FBS. Prepared by Julia L. Blaylock on Thursday, October 03, 2019 1:45 PM. The information on this sheet has been made available by the MLS and may not be the listing of the provider.

Boone County, Missouri



Unofficial Document

Recorded in Boone County, Missouri

Date and Time 11/02/2009 at 03:08:54 PM

Instrument # 2009028045 Book 3568 Page 91

Grantor BECKETT, JAMES L TRUSTEE

Grantee POTTERFIELD, LARRY W CO-TRUSTEE

Instrument Type TRST

Recording Fee \$27 00 S

No of Pages 2

Bette Johnson
Bette Johnson, Recorder of Deeds



Following Public Auction - \$214,000.00

TRUSTEE'S WARRANTY DEED

THIS DEED, made and entered into this 2nd day of November, 2009, by and between JAMES L. BECKETT, Trustee under the JAMES L. BECKETT REVOCABLE LIVING TRUST U/T/A dated May 28, 1996 herein "Grantor," and LARRY W. POTTERFIELD and BRENDA D. POTTERFIELD, Co-Trustees of the LARRY W. POTTERFIELD REVOCABLE TRUST dated July 2, 1992, herein "Grantees" (Grantees' Mailing Address 5875 West Van Horn Tavern Rd, Columbia MO 65203)

WITNESSETH

WHEREAS, JAMES L BECKETT is the original named and acting Trustee of the JAMES L BECKETT Revocable Living Trust U/T/A dated May 28, 1996 (hereinafter the "Trust"), and

WHEREAS, the said Trust has not been subsequently amended or revoked and is in full force and effect, and

WHEREAS, the said Trust provides that the Trustee will have the full power to sell, convey or transfer any real estate included in the Trust Estate, and

WHEREAS, the Grantor, JAMES L BECKETT, as Trustee under the powers conferred by said Trust Agreement, executes this Trustee's Deed as the current acting Trustee under the said Trust, for the purpose of conveying and transferring the hereinafter described property to the Grantee herein

NOW, THEREFORE, JAMES L BECKETT, Trustee for the JAMES L BECKETT Revocable Living Trust U/T/A dated May 28, 1996, in consideration of the sum of Ten and no/100 Dollars (\$10 00) and other valuable consideration furnished by the said Grantee to said Grantor, receipt of which is hereby acknowledged, does by these presents Bargain and Sell, Convey and Confirm, unto the said Grantees, their successors and assigns, the following described real estate located in Boone County, Missouri, to-wit

A tract of land containing 7 1 acres, more or less, located in the Northeast Quarter (NE1/4) of Section Seven (7), Township Forty-eight (48) North, Range Thirteen (13) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri, being shown and described as Tract "A" of the survey recorded January 14, 1972 and recorded in Book 396 at Page 922, Records of Boone County, Missouri (Said Tract "A" includes the small tract of land in the northwest corner thereof shown by the survey recorded May 11, 1972 in Book 400 at Page 442, Records of Boone County, Missouri)

Nora Dietzel, Recorder of Deeds

Boone County, Missouri

BOONE COUNTY MO NOV 02 2009


Unofficial Document

Also, a tract of land containing 9.4 acres, more or less, located in the Northeast Quarter (NE1/4) of Section Seven (7), Township Forty-eight (48) North, Range Thirteen (13) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri, being shown and described as Tract "B" of the survey recorded January 14, 1972 and recorded in Book 396 at Page 922, Records of Boone County Missouri

Also, a small tract of land located in the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Seven (7), Township Forty-eight (48) North, Range Thirteen (13) West, of the Fifth (5th) Principal Meridian, in Boone County, Missouri, being the same tract of land as described in the Quit-Claim Deed from the State of Missouri, acting by and through the Missouri Highway and Transportation Commission, dated August 6 1999 and recorded in Book 1562 at Page 419, Records of Boone County, Missouri

TO HAVE AND TO HOLD the same together with all the rights, immunities, privileges and appurtenances to the same belonging unto the said Grantee, and to its successors and assigns forever, the said JAMES L. BECKETT, as Trustee, hereby covenanting that the heirs, executors, administrators and successor trustees shall and will warrant and defend the title to the premises unto the said Grantee, and to its successors and assigns, forever, against the lawful claims of all persons claiming by, through or under them

IN WITNESS WHEREOF, the said Grantor has hereunto set her hand effective as of the day and year first above written


JAMES L. BECKETT, Trustee under the JAMES L. BECKETT Revocable Living Trust U/T/A dated May 28, 1996

STATE OF MISSOURI)
) ss
COUNTY OF BOONE)

On this ___ day of November, 2009, before me, the undersigned notary public, personally appeared JAMES L. BECKETT, Trustee under the JAMES L. BECKETT Revocable Living Trust U/T/A dated May 28, 1996, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in Columbia, Missouri, the day and year first above written


_____, Notary Public

MALINDA J. DUFFIN
Notary Public - Notary Seal
STATE OF MISSOURI
Cooper County
My Commission Expires: June 11, 2012
Commission # 08388523

Nora Dietzel, Recorder of Deeds

Web

Nora Dietzel
Boone County, Missouri - Recorder of Deeds

[View Document](#)

Boone County Recorder of Deeds Columbia, MO 65201-7728

(573) 886-4345 Office
(573) 886-4359 Fax

Document recording information

Instrument TRST - TRUSTEES DEED
Document No. 2009028045
Book 3568
Page 91
Recording Date 11/2/2009 3:08:54 PM
Dated date 11/2/2009
Page Count 2

[View Document](#)

Grantor(s) (2)

BECKETT, JAMES L TRUSTEE
BECKETT, JAMES L REVOCABLE LIVING TRUST

Grantee(s) (3)

POTTERFIELD, LARRY W CO-TRUSTEE
POTTERFIELD, BRENDA D CO-TRUSTEE
POTTERFIELD, LARRY W REVOCABLE TURST

Legal Description(s) (3)

STR 7-48-13 //NE SUR BK/PG: 396/922 AC 7.1
STR 7-48-13 //NE SUR BK/PG: 396/922 AC 9.4
STR 7-48-13 /NE/NE

Presentation by Garland Middendorf

December 3, 2019

My name is Garland Middendorf and I am here with my wife Sydney. We live at 2451 North Rte. J.

Our land has been in the family for 60 years and we built our house and have lived here for 49 years.

We live here because of the rural and agriculture setting. We raise horses, lamas, swans and many other animals. We love this life style.

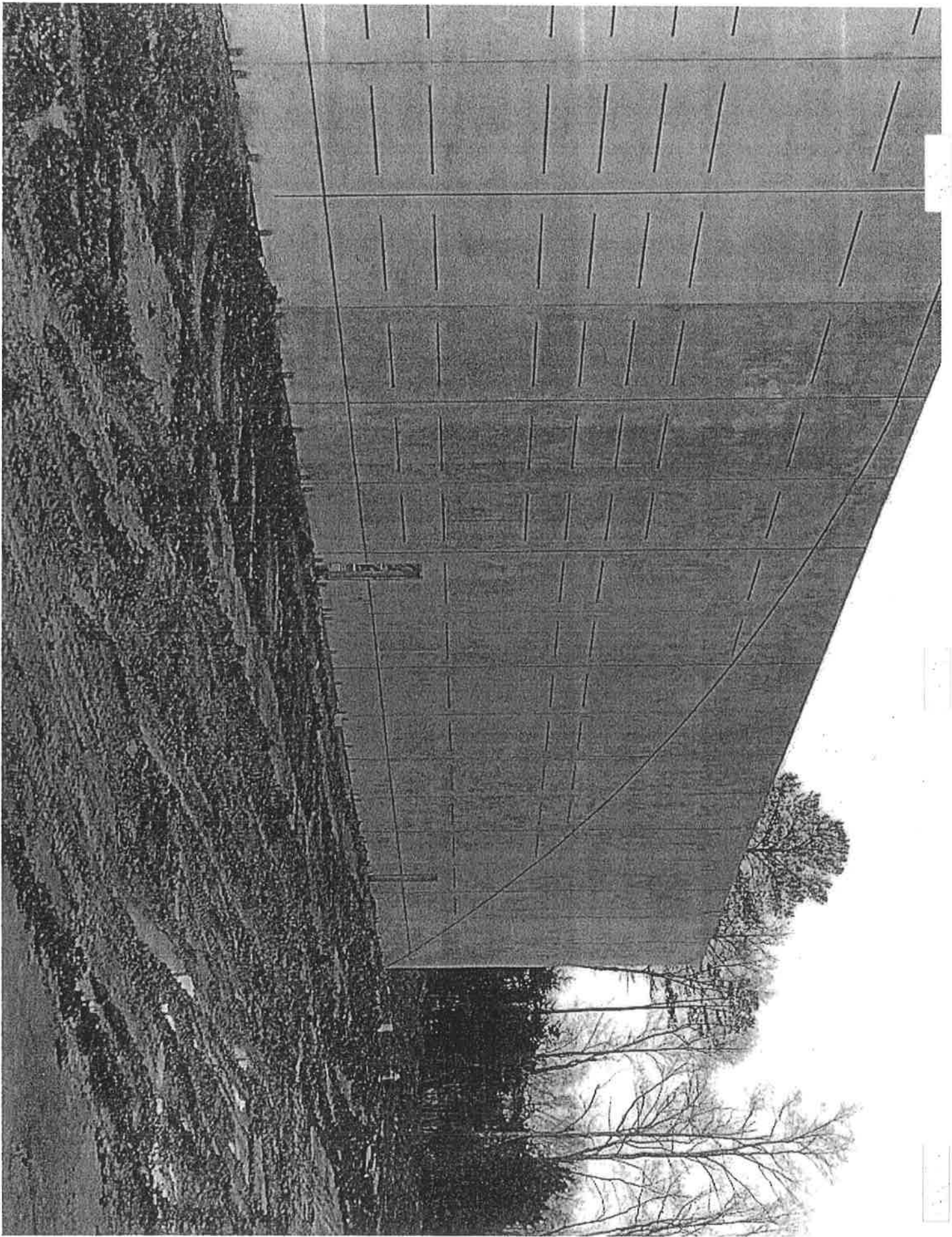
This proposed development will incur a large amount of truck traffic, which highway J cannot accommodate. I can speak first hand as we have over one million sq. ft. of warehouses of which we operate 300,000 SF as a logistics center. We process over 70 orders per day resulting in 35 to 40 outbound shipments per day. This may not be the same but if you have 300,000 to one million SF you most certainly are going to have a lot of inbound and outbound shipments.

We believe if industrial zoning is allowed in this wide-open area of agriculture land it won't be long that adjoining land will go industrial. It should be noted that our driveway is directly across from the main entrance of the proposed industrial project.

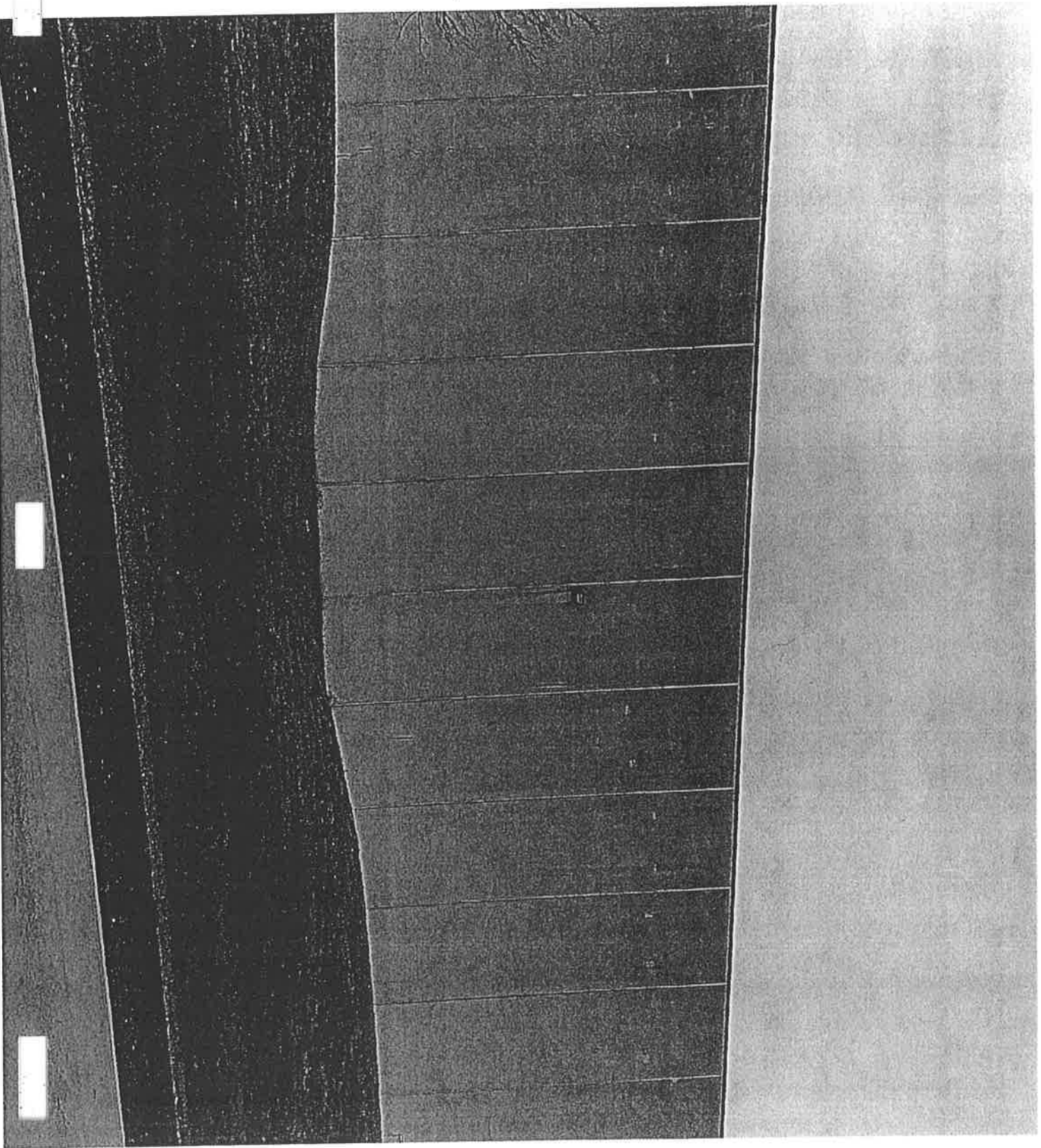
Like many others we have been years building and investing in our property. It is very likely we could lose one-half of our property value. This would amount to a "Taking without Compensation".

For most families their home represents a major investment. The re-zoning of this agriculture land to industrial zoning will create financial harm to many in the area. We do not think you should favor one company over the entire neighborhood.

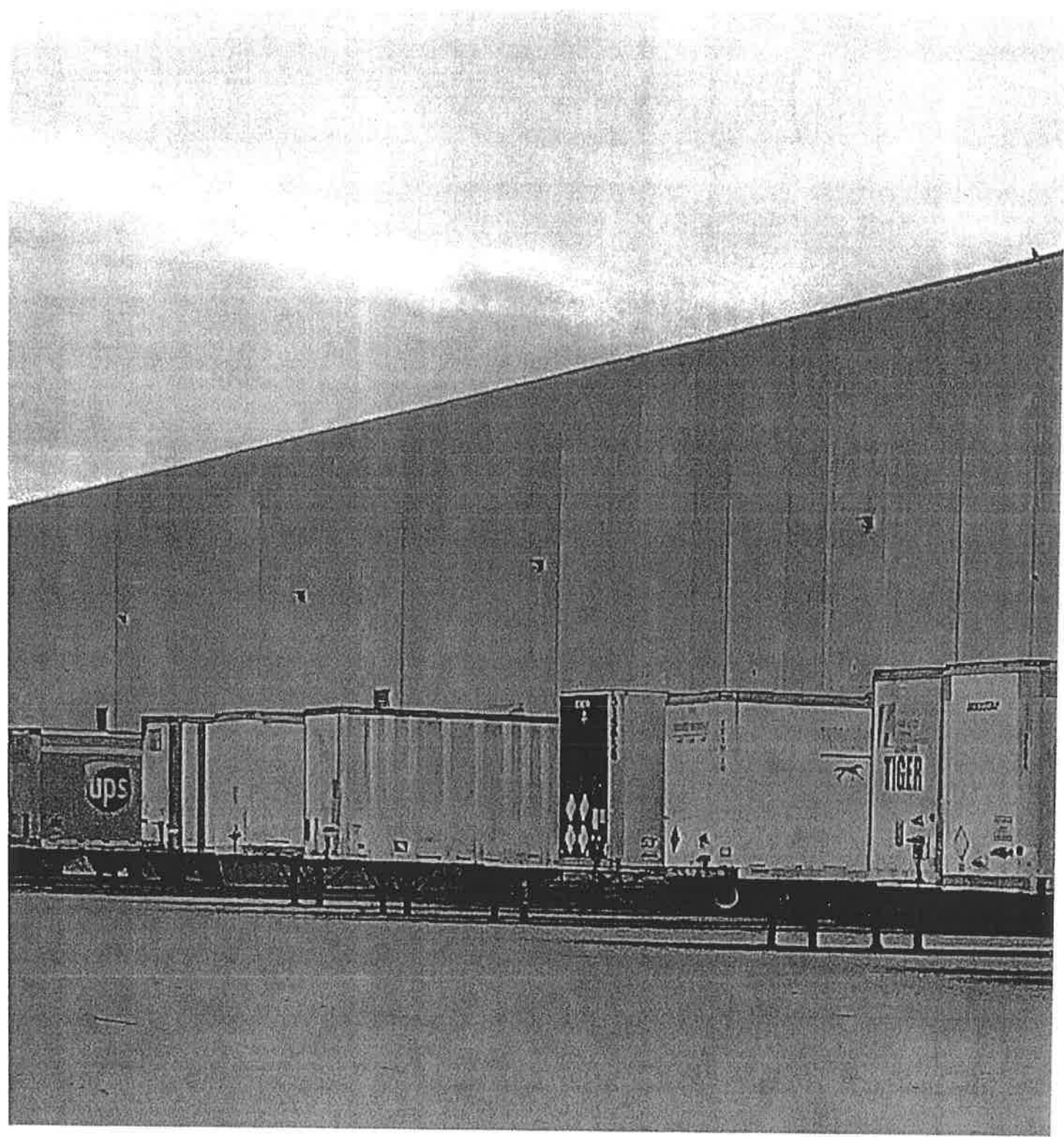
We respectfully request and would very much appreciate that you protect our life style and our property values. It is the right thing to do.

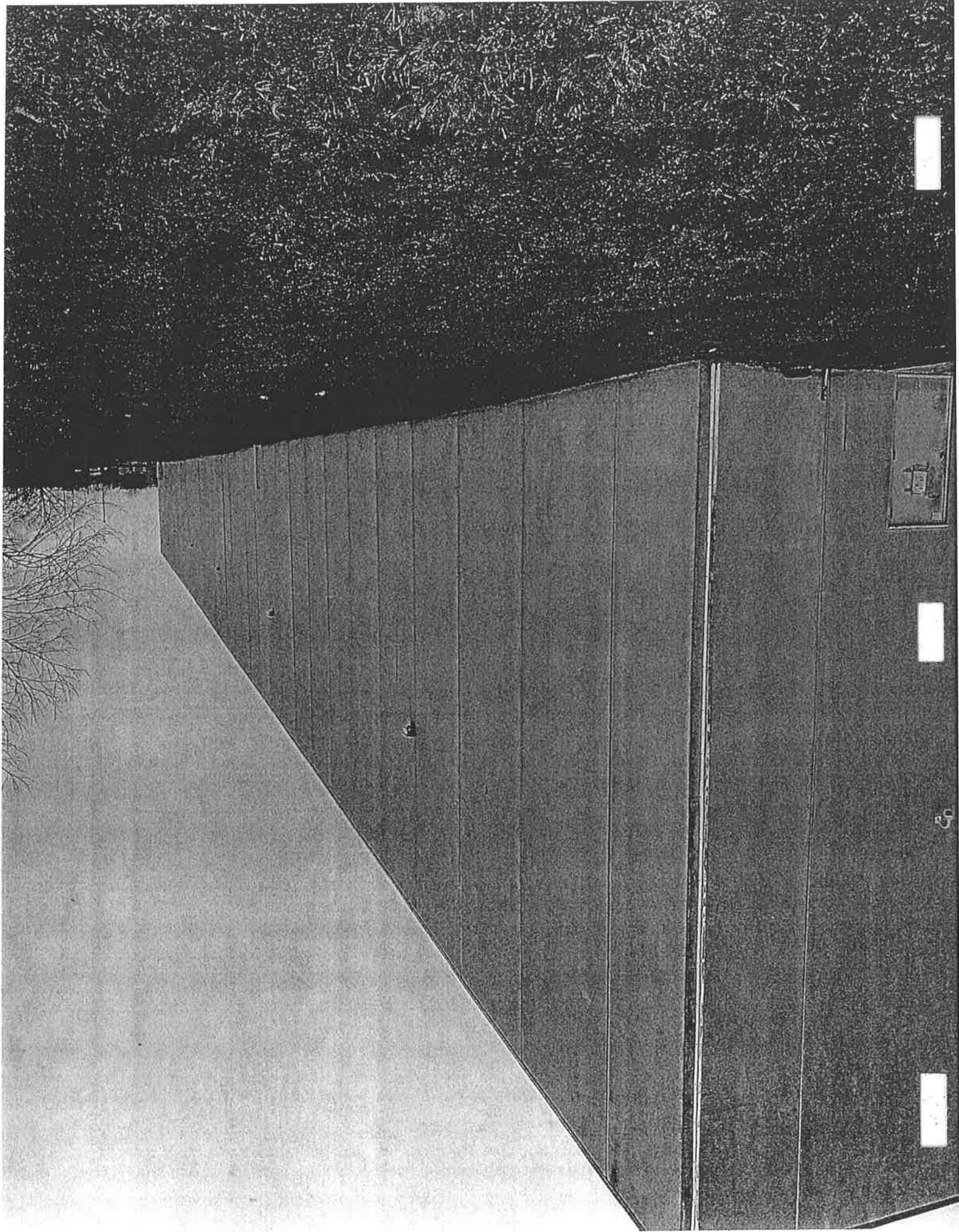


100



100





My name is Joe Eddy. My wife, Kelly, and I reside at 1851 N Rt J, Rocheport, MO. We purchased our property in 2002 and have raised our children there. 5 years ago, we invested a considerable amount of money in our home to modernize and expand it in order to accommodate our family. We believe that this rezoning request would adversely affect our quality of life, the monetary value of our home and the safety of our family.

There are a number of safety concerns I have regarding this rezoning request:

1. The exits from I-70 to Route J are rather short and not conducive to heavy braking. Since the exits descend (instead of ascending), it can be tough to slow large vehicles down enough as they exit the interstate. Both exit ramps have stop signs that are set at a point that you can not see oncoming traffic before pulling on to the road. In fact, because of the construction of the interstate overpass, in order to see oncoming traffic from the south or north, a motorist must roll past the stop sign approximately 30 feet and at that point the vehicle has entered the traffic lane. This is problematic today and this problem would be magnified if traffic loads increased.
2. Our driveway is at the top of a hill as are our neighbors just across the road. This hill is a "blind hill" for us when we are pulling into or out of our driveway. We typically wait to a count of ten and then pull in or out, so we don't end up involved in an accident. Unfortunately, many drivers are impatient and honk or swerve around us when waiting to turn in the driveway. A few years ago, my wife and daughter were involved in a car accident directly in front of our house. Kelly waited the typical 10 seconds and then pulled out onto the road. A car topped the hill at a high rate of speed and slammed into the rear end of her car. My young daughter was in the back seat and luckily, both were unharmed. I believe wholeheartedly that increased traffic at the proposed site would increase the traffic danger on this road.

When I made this point at the planning and zoning meeting, the traffic engineer for the proposed development stated that we should move our driveway to increase the sight lines we have. That was and is a ridiculous point. There is nowhere for me to place a new driveway that would have better sight lines, nor is there for the 4 other driveways next to my property and directly across the road. If there was a more suitable location for the driveway, the cost to install it would be prohibitive. Increasing traffic on Route J would at best be problematic and at worst could be fatal.

3. We raise horses and as such, pull a 24-foot horse trailer quite often. In order to exit our driveway, we must swing wide and enter both lanes of traffic. That is currently possible most of the time. However, if traffic were heavier, we would not be able to, or we would be risking a wreck to do so. Almost all of our neighbors are in the same situation.
4. I am extremely concerned about the massive amount of "big rig" trucks that would be pulling in and out of this facility. I can not find a number of anticipated semi-trucks that would be driving past my house on a daily basis in the traffic study that was submitted.

5. There are currently no shoulders on Route J. It is a rural road that just happens to have access to I-70. In my opinion, increased traffic, especially heavy semi-truck traffic, would increase the safety risk exponentially on this road. I have been told that a 1 foot shoulder is scheduled to be added to Route J at some point in the future. A 1 foot shoulder does not add much, if any safety to this road or make it more capable of handling frequent, heavy traffic.
6. The plans submitted by the developer call for a 32 foot wide entrance to the property from Route J. If 32 feet are necessary for this entrance, how can Route J (which is only 20 feet wide) handle this type of traffic consistently. I think this speaks to the inadequacy of Route J to handle an increased traffic load, especially one consisting of a number of large trucks and trailers.
7. Bicyclists frequently use Route J as a scenic route that challenges their fitness with steep hills. I fear for the safety of these citizens if this rezoning request is approved.
8. Our children are school age and have ridden the bus numerous times. The buses stop on route J and often our children cross a lane of traffic to board or exit the bus. The prospect of them doing that with increased traffic flow is very worrisome to me. All of our neighbors will have the same problem or future owners of their homes will.
9. We frequently have agricultural machinery such as combines and tractors moving up and down Route J. In the case of the combines, their width nearly takes up the entire road. I worry that every additional car or truck will cause an increased risk for our farmers.
10. Finally, I'd like to voice a concern that additional traffic will have on Midway Heights Elementary. Midway Heights is a wonderful school that both of my children attended. Due to current traffic loads, it can be very hard to leave the school heading westbound on Highway 40. I worry that an increase in traffic on Highway 40 would exacerbate this problem and potentially cause auto accidents at the school.

Thank You for listening to these safety concerns. It is my opinion that the property rights we all give up with planning and zoning (the ability to do whatever we want to on our land) is offset by the security of knowing what sort of things our neighbors can do on their property. That certainty lead my family to invest in our property 5 years ago and thus increase our tax bill by 226%. I am quite literally paying for planning and zoning protection. I hope that you will deny this rezoning request tonight and uphold the ideals of a planned and zoned county.

Thank You,

Joe Eddy

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:18 PM
To: Michelle Thompson
Subject: FW: Midway Arms Request for Re-Zoning

From: Tami Gessling <gesswhat@msn.com>
Sent: Tuesday, December 3, 2019 3:04 PM
To: Janet Thompson <JThompson@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; Dan Atwill <DATwill@boonecountymo.org>
Subject: Midway Arms Request for Re-Zoning

Midway is in the news regarding a proposed change in land zoning for the new campus of Midway Arms.

We folks in Midway who are against this zoning change from Agricultural to Industrial are not naive enough to believe that this area will never change, nor is there any remote desire to prevent this industrial park from being built in Boone County. People need jobs - we get that and we agree.

Our focus is to ask why this huge development can't be built in Boone County on land that is already owned by Mr. Potterfield and already zoned for industrial use with access to major roadways.

The Potterfields live in this Midway community too. They are our neighbors too. But they aren't like the majority of us because they own lots of property in Boone and Howard Counties and elsewhere, and they are quite wealthy.

They're living the American Dream. They have ve earned that right though because they've put in hard work and sweat to build a brand. We can, and do, respect that.

We would have appreciated community input and discussion and acknowledgement that property owners have rights too. That is the issue.

Agricultural zoned land in Boone County deserves to be protected - it is disappearing quickly. The land in question was zoned Agricultural when Mr. Potterfield purchased it.

Existing zoning on a parcel of land is a protection for the property owner. For that reason, every property owner deserves to be able to protect the existing zoning of their land and the land around them and to have their say regarding prevention of unplanned urban sprawl. This is everyone's responsibility, including Boone County's.

The proposed building site for Midway Arms has residential homes on 3 sides of the building site and all along Rt J, which will be the route used for the many daily semis and other commercial trucks to deliver and haul away shipments. There is also an entrance planned for 1,200+ employees directly off of Hwy 40 at some future point.

The land in immediate vicinity of the building site is also currently zoned for Residential or Agriculture use, and the land immediately to the Northeast of the 40 / J intersection is the MU Dairy Farm. It's a beautiful area of Boone County.

The existing Midway Arms facility is 400-500 employees, and the new facility site will be built for 1,200 employees. Based on the required road study, there needs to be significant work on Rt. J and shoulder and intersection work on Hwy 40.

By the time Phase 3 of this construction is completed, there are 1200 employees projected. The Traffic Study report estimates between 620-640 vehicles will be traveling per day to and from the facility (I'm assuming most travel on Hwy 40 for the reasons below).

The Traffic Report states the majority of these 1200 employees will be part-time workers working 4 hour shifts from 6:00 am to 11:30 am. Traffic from the biggest shift change would be between 2 pm and 3 pm, when Midway Elementary is dismissing students. Midway Elementary is 3 miles from the planned building site.

Rt J is 20 feet wide with no shoulders, and it's not a straight or level road. Several residential driveways are also on both sides of J.

Hwy 40 has trouble handling the traffic volume it has now, serving as an I-70 feeder road for employees going to and from Columbia from New Franklin, Fayette, Armstrong, Glasgow, Harrisburg and the Midway area, to name a few, along with the residential and existing business population of the Midway area.

Midway is fortunate to have a STELLAR elementary school, 2 Churches, 2 places to get gas, 1 well-known cafe (Perche Creek), the Midway Truck Stop & Restaurant, and several independently owned businesses.

With the exception of the school, all are located on the I70 end of Hwy 40.

Our community is also concerned for our community's children since Midway Heights Elementary School is less than 3 miles from the 40 / J intersection. Buses run several routes in this area.

Info shared at the recent November P&Z Commission meeting indicated this industrial park will be ***immense*** and will be sited very close to the property line of a neighbor, leaving a sizable area of open space on this specific Potterfield acreage. When P&Z asked why and what the rest of the land parcel would be used for, the answer was future commercial business.

Another parcel of land diagonally across the intersection of the Hwy 40 / J intersection is also owned by Mr. Potterfield. Once the zoning is changed for the initial parcel, the path is clear for this 2nd parcel to soon be changed.

If this zoning change proposal is approved, it will adversely affect everyone who lives in and travels through this area. Midway is outside the city limits and most residents bought properties here for that specific reason.

Our community has no desire for this area to become a "Big Business" mecca or another Route B, especially with no time to develop adequate roadways and traffic controls. We pay our taxes, mind our business, and we're tolerant; **however, our neighborhood means the world to us.** We want it to stay that way.

Sincerely,
Marlin and Tami Gessling
7250 Elizabeth St.
Columbia, MO 65202

Sent from my U.S.Cellular® Smartphone

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:18 PM
To: Michelle Thompson
Subject: FW: Hwy 40/Route J request for Rezoning request

From: Jim Johnson <midwaymo@ymail.com>
Sent: Friday, November 22, 2019 8:06 PM
To: Dan Atwill <DATwill@boonecountymmo.org>; Fred Parry <FParry@boonecountymmo.org>; Janet Thompson <JThompson@boonecountymmo.org>
Subject: Hwy 40/Route J request for Rezoning request

Commissioners:

I am writing to you to ask you to take a drive through our community sometime between now and Dec. 3. If you aren't familiar with Midway yet, you need to see why we think it is a unique and special place. Last night at the P&Z meeting, 30-40 Midway neighbors showed up in force to oppose the rezoning request at Highway 40 and Route J.

We are MIDWAY STRONG - a unique place in mid-Missouri. We are NOT like the Route Z Industrial area – we have two thriving churches, a community school, a community café, a community of neighbors watching out for neighbors . . . a community!

To paraphrase a wise man, we will never solve our problems simply by changing regulations to serve an individual. Ultimately, the source of our problems lies at the level of the individual. So long as people give priority to material values, then injustice, inequity, intolerance and greed — all the outward manifestations of neglect of inner values — will persist.

The beauty, serenity, and “small town values” of Midway must be kept, which is respect for the natural environment either as a naturalist, a hunter, or both; and fairness – The notion that government should be fair to all residents. Rezoning the land at that intersection will destroy our community.

I ask you to take the advice of the P&Z Commission and oppose the request for change of zoning to industrial. Please come visit our community, take a drive around, see what impact an asphalt jungle with 40 foot buildings would do to our community. If you would like, I would invite you to contact me and let me give you a tour.

Midway is a community of families that watch out for each other, support each other, care for each other. I would urge you to contact any number of people affected by this change. We are unique in Boone County - a part of Columbia, yet not. A small rural town, yet not. We are Midway, and we hope you will help us keep it the beautiful, rural, bucolic area that it is.

Thank you for your time, and for considering.

Most sincerely,

Jim H. Johnson
Shady Oak Lane
Midway, MO

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:18 PM
To: Michelle Thompson
Subject: FW: Highway 40 and Route J

From: Rebecca Grant <rebeccagrants@centurylink.net>
Sent: Sunday, December 1, 2019 6:32 PM
To: Dan Atwill <DATwill@boonecountymmo.org>; Fred Parry <FParry@boonecountymmo.org>; Janet Thompson <JThompson@boonecountymmo.org>
Subject: Highway 40 and Route J

Dear Commissioners,

I am writing to express my concern with the proposed Industrial Zoning at Highway 40 and Route J in Midway.

My husband Kyle and I live at 1960 N Finnegan Court in Brennen Wood. We are 2 miles from the Highway 40, Route J interchange. We bought our little 5 acre lot in 1997, built our home and moved in February 28, 1998. Here we have raised our three children.

Most of those who voiced their concerns at the Planning and Zoning meeting are owners of large plats of land directly adjacent to said property. I'd like you to hear from us little guys as well. If this zoning is approved and developed, when one of these larger plat owners sell, it's likely to easily become zoned industrial. Brennen Wood would then be sandwiched next to a large industrial complex. This would radically change the value of our homes. Personally, we are just at a point to explore our home equity options. Others who live here are newer residents, some just a couple of years into their mortgages and one home just sold a few days ago. It would be a travesty for all of us to lose extensive value in our investments for the sake of one family's dream. Each of our wealth, no matter the size, our retirement plans and our family legacies should be considered as highly as this one individual.

Kyle and I, like most families who live in Brennen Wood, made the decision that we wanted a different life for our family. We chose not to live in town, we chose the country life. Although we knew we would never be farmers, raise cattle or produce goods from our land, we wanted our kids to be surrounded by the rural environment that makes Mid-Missouri so wonderful. Many kids in this area, much like other areas of Boone County are heavily involved in 4-H, FFA and Scouts. Our churches in Midway support these groups as well as encourage youth groups to Adopt-A-Spot to keep our community clean and teach them the value of community.

Our middle son Hayden got his first job as a young teen working for the farmer just up the road. He would ride his bike to Mr. Blaylock's where Jack taught Hayden much of what it takes to care for and respect land, animals and historic buildings. Hayden had first-hand experience in tending to the landscape, which at times, simply takes my breath away. Beginning as a student at Mizzou, Hayden then worked at Midway USA for Mr. Potterfield. There he learned about warehouse work and merchandise packing and shipping. He held that job for a couple of years. He was then hired by Mr. Bill Stringer for work on his farm. As he did with Jack, Hayden worked by Bill's side. His experience grew from tractors and beatification efforts to working cattle. Hard farm work! This influence shaped Hayden and his future. He made his final decision for his bachelor's degree in Ag Systems Management because of Bill Stringer and this work experience.

I tell you all of this about our middle son to simply set an example of Midway life. Many Midway families have similar life stories. Many kids need the influences of the village their parents chose for them, because like us, their parents

grew up in larger urban cities that did not afford them these experiences to pass along. We cherish our beloved rural community and the opportunities for kids to grow in rich Missouri traditions, just a few miles from a bustling town.

We truly appreciate your dedication to our beautiful Boone County and for hearing each of us, even us little guys down in the holler.

Respectfully,

Rebecca Grant

Essential Asset
Small Business Accounting Service
1960 N. Finnegan Ct
Columbia, MO 65202-6635
(573) 445-6639 Home
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Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:19 PM
To: Michelle Thompson
Subject: FW: Midway Arms Request for Re-Zoning

From: Tami Gessling <gesswhat@msn.com>
Sent: Tuesday, December 3, 2019 3:04 PM
To: Janet Thompson <JThompson@boonecountymmo.org>; Fred Parry <FParry@boonecountymmo.org>; Dan Atwill <DAtwill@boonecountymmo.org>
Subject: Midway Arms Request for Re-Zoning

Midway is in the news regarding a proposed change in land zoning for the new campus of Midway Arms.

We folks in Midway who are against this zoning change from Agricultural to Industrial are not naive enough to believe that this area will never change, nor is there any remote desire to prevent this industrial park from being built in Boone County. People need jobs - we get that and we agree.

Our focus is to ask why this huge development can't be built in Boone County on land that is already owned by Mr. Potterfield and already zoned for industrial use with access to major roadways.

The Potterfields live in this Midway community too. They are our neighbors too. But they aren't like the majority of us because they own lots of property in Boone and Howard Counties and elsewhere, and they are quite wealthy.

They're living the American Dream. They have ve earned that right though because they've put in hard work and sweat to build a brand. We can, and do, respect that.

We would have appreciated community input and discussion and acknowledgement that property owners have rights too. That is the issue.

Agricultural zoned land in Boone County deserves to be protected - it is disappearing quickly. The land in question was zoned Agricultural when Mr. Potterfield purchased it.

Existing zoning on a parcel of land is a protection for the property owner. For that reason, every property owner deserves to be able to protect the existing zoning of their land and the land around them and to have their say regarding prevention of unplanned urban sprawl. This is everyone's responsibility, including Boone County's.

The proposed building site for Midway Arms has residential homes on 3 sides of the building site and all along Rt J, which will be the route used for the many daily semis and other commercial trucks to deliver and haul away shipments. There is also an entrance planned for 1,200+ employees directly off of Hwy 40 at some future point.

The land in immediate vicinity of the building site is also currently zoned for Residential or Agriculture use, and the land immediately to the Northeast of the 40 /J intersection is the MU Dairy Farm. It's a beautiful area of Boone County.

The existing Midway Arms facility is 400-500 employees, and the new facility site will be built for 1,200 employees. Based on the required road study, there needs to be significant work on Rt. J and shoulder and intersection work on Hwy 40.

By the time Phase 3 of this construction is completed, there are 1200 employees projected. The Traffic Study report estimates between 620-640 vehicles will be traveling per day to and from the facility (I'm assuming most travel on Hwy 40 for the reasons below).

The Traffic Report states the majority of these 1200 employees will be part-time workers working 4 hour shifts from 6:00 am to 11:30 am. Traffic from the biggest shift change would be between 2 pm and 3 pm, when Midway Elementary is dismissing students. Midway Elementary is 3 miles from the planned building site.

Rt J is 20 feet wide with no shoulders, and it's not a straight or level road. Several residential driveways are also on both sides of J.

Hwy 40 has trouble handling the traffic volume it has now, serving as an I-70 feeder road for employees going to and from Columbia from New Franklin, Fayette, Armstrong, Glasgow, Harrisburg and the Midway area, to name a few, along with the residential and existing business population of the Midway area.

Midway is fortunate to have a STELLAR elementary school, 2 Churches, 2 places to get gas, 1 well-known cafe (Perche Creek), the Midway Truck Stop & Restaurant, and several independently owned businesses.

With the exception of the school, all are located on the I70 end of Hwy 40.

Our community is also concerned for our community's children since Midway Heights Elementary School is less than 3 miles from the 40 / J intersection. Buses run several routes in this area.

Info shared at the recent November P&Z Commission meeting indicated this industrial park will be ***immense*** and will be sited very close to the property line of a neighbor, leaving a sizable area of open space on this specific Potterfield acreage. When P&Z asked why and what the rest of the land parcel would be used for, the answer was future commercial business.

Another parcel of land diagonally across the intersection of the Hwy 40 / J intersection is also owned by Mr. Potterfield. Once the zoning is changed for the initial parcel, the path is clear for this 2nd parcel to soon be changed.

If this zoning change proposal is approved, it will adversely affect everyone who lives in and travels through this area. Midway is outside the city limits and most residents bought properties here for that specific reason.

Our community has no desire for this area to become a "Big Business" mecca or another Route B, especially with no time to develop adequate roadways and traffic controls. We pay our taxes, mind our business, and we're tolerant; **however, our neighborhood means the world to us.** We want it to stay that way.

Sincerely,
Marlin and Tami Gessling
7250 Elizabeth St.
Columbia, MO 65202

Sent from my U.S.Cellular© Smartphone

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:42 PM
To: Michelle Thompson
Subject: FW: Please vote no on 40 & J Industrial Zoning

From: McClellan, Chrissa Lea <mcclelland@health.missouri.edu>
Sent: Monday, December 2, 2019 8:38 PM
To: Janet Thompson <JThompson@boonecountymo.org>
Subject: Please vote no on 40 & J Industrial Zoning

Hello! My husband John and I recently moved our family with young children to a home 2 miles west of J on highway 40. We moved from Columbia to get away from the city lights and noise to raise our young kids. When we bought our property, essentially everything out here was zoned agricultural or residential, which led us to believe we would be protected from industrial expansion this way. If this industrial plan moves forward, I am worried that it would completely change the character of the Rocheport area and would have significant light and noise pollution. Please vote no on this proposal! Thanks!

Chrissa McClellan MD
Assistant Professor, Department of Physical Medicine and Rehabilitation

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:45 PM
To: Michelle Thompson
Subject: FW: Re-zoning request for Midway at Hwy 40 and Rt J

From: Kathy Hughes <mudrhughes@earthlink.net>
Sent: Monday, December 2, 2019 7:27 AM
To: Janet Thompson <JThompson@boonecountymo.org>; Fred Parry <FParry@boonecountymo.org>; Dan Atwill <DATwill@boonecountymo.org>
Subject: Re-zoning request for Midway at Hwy 40 and Rt J

Dear commissioner,

My name is Kathy Hughes, 7101 Sycamore Creek Rd Rocheport, MO. I have lived in the Midway community for a little over 40 years now. We moved to Boone County from San Diego, wanting to raise our children in a rural community. We found that at Midway. The elementary school is one of the finest around, and the area's commitment and participation within the school is amazing. Go to any Chili Supper and you see current students and their families as well as alumni students and teachers and the community at large. Midway has an active Optimist Club. Farmers and others meet daily to solve the problems of the world at the Perche Creek Cafe. There are two active churches in Midway, and both recently provided safe and warm indoors venues for Trick or Treaters on a frigid Halloween night. We are not just houses and farms spread out over large acreage - we are a caring COMMUNITY.

I attended the Planning and Zoning hearing, and was proud of my neighbors who presented clear and concise reasoning for why the acres under request for re-zoning are not appropriate for an industrial complex. There is a University research dairy farm across the highway, with cows and calves needing quiet days and dark nights for optimal growth and milk production, not a lit parking lot and the comings and goings of semis and the noise of air horns, braking and diesel fumes. If anyone wonders the kind of noise and light and smells I mean, I would invite you to sit across from the Midway Truck Stop for any amount of time. Across Rt J are mares and colts and llamas. They also deserve the quiet rural setting in which they are now thriving. Nearby are cattle, needing clean water sources. Not only are there economic considerations, there are ethical ones, too.

We love our community. I feel strongly that the needs of the many should outweigh the desires of the one. Those asking for re-zoning own land near the airport that would be much better suited to this sort of activity. Yes, Hwy 40 and Rt J would be convenient for them, close to other warehouses they already own along I-70 at the Midway exit. But it would be a huge inconvenience to those already living in the area, and a huge mistake to change the makeup of our community forever.

The Planning and Zoning Commission turned down the request. Please consider this appeal carefully, and do the right thing. We do not want an industrial park where there are now bald eagles sitting in trees, and the lowing of cattle can be heard.

Thank you for your heartfelt consideration.

Kathy Hughes, R.N.

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:46 PM
To: Michelle Thompson
Subject: FW: Highway 40 and Route J

From: Rebecca Grant <rebeccagrants@centurylink.net>
Sent: Sunday, December 1, 2019 6:32 PM
To: Dan Atwill <DATwill@boonecountymmo.org>; Fred Parry <FParry@boonecountymmo.org>; Janet Thompson <JThompson@boonecountymmo.org>
Subject: Highway 40 and Route J

Dear Commissioners,

I am writing to express my concern with the proposed Industrial Zoning at Highway 40 and Route J in Midway.

My husband Kyle and I live at 1960 N Finnegan Court in Brennen Wood. We are 2 miles from the Highway 40, Route J interchange. We bought our little 5 acre lot in 1997, built our home and moved in February 28, 1998. Here we have raised our three children.

Most of those who voiced their concerns at the Planning and Zoning meeting are owners of large plats of land directly adjacent to said property. I'd like you to hear from us little guys as well. If this zoning is approved and developed, when one of these larger plat owners sell, it's likely to easily become zoned industrial. Brennen Wood would then be sandwiched next to a large industrial complex. This would radically change the value of our homes. Personally, we are just at a point to explore our home equity options. Others who live here are newer residents, some just a couple of years into their mortgages and one home just sold a few days ago. It would be a travesty for all of us to lose extensive value in our investments for the sake of one family's dream. Each of our wealth, no matter the size, our retirement plans and our family legacies should be considered as highly as this one individual.

Kyle and I, like most families who live in Brennen Wood, made the decision that we wanted a different life for our family. We chose not to live in town, we chose the country life. Although we knew we would never be farmers, raise cattle or produce goods from our land, we wanted our kids to be surrounded by the rural environment that makes Mid-Missouri so wonderful. Many kids in this area, much like other areas of Boone County are heavily involved in 4-H, FFA and Scouts. Our churches in Midway support these groups as well as encourage youth groups to Adopt-A-Spot to keep our community clean and teach them the value of community.

Our middle son Hayden got his first job as a young teen working for the farmer just up the road. He would ride his bike to Mr. Blaylock's where Jack taught Hayden much of what it takes to care for and respect land, animals and historic buildings. Hayden had first-hand experience in tending to the landscape, which at times, simply takes my breath away. Beginning as a student at Mizzou, Hayden then worked at Midway USA for Mr. Potterfield. There he learned about warehouse work and merchandise packing and shipping. He held that job for a couple of years. He was then hired by Mr. Bill Stringer for work on his farm. As he did with Jack, Hayden worked by Bill's side. His experience grew from tractors and beatification efforts to working cattle. Hard farm work! This influence shaped Hayden and his future. He made his final decision for his bachelor's degree in Ag Systems Management because of Bill Stringer and this work experience.

I tell you all of this about our middle son to simply set an example of Midway life. Many Midway families have similar life stories. Many kids need the influences of the village their parents chose for them, because like us, their parents

grew up in larger urban cities that did not afford them these experiences to pass along. We cherish our beloved rural community and the opportunities for kids to grow in rich Missouri traditions, just a few miles from a bustling town.

We truly appreciate your dedication to our beautiful Boone County and for hearing each of us, even us little guys down in the holler.

Respectfully,

Rebecca Grant

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Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:47 PM
To: Michelle Thompson
Subject: FW:

From: Suzi Moore <suzi.b.moore@gmail.com>
Sent: Saturday, November 30, 2019 8:45 AM
To: Dan Atwill <DATwill@boonecountymmo.org>; Fred Parry <FParry@boonecountymmo.org>; Janet Thompson <JThompson@boonecountymmo.org>
Subject:

Subject: Re-zoning request, Potterfield group, Rt J & Hiway 40

I urge you to deny the request for rezoning of the Potterfield property from Agriculture to Planned Industrial.

I have lived on Boothe Lane already treasure. One of the many benefits of that, is the view of the rolling farmland to the west of me, looking out my living room window. As the crow flies, I'm about 1/2 mile from this property, & would not look forward to seeing a 40' tall building covering acres of farmland.

Probably more important, would be the negative effect on property values of closer homes, and the immediate cost to the county and state for improving infrastructure to support the large trucks and more volume of cars.

While I am a customer of Midway Arms, and been acquainted with the Potterfields for 40 years, (and certainly admire their business accomplishments) I just do not feel this is a proper location for a very large industrial complex. The very purpose of our County Planning & Zoning is to avoid situations like this, which I consider "spot rezoning" to benefit only one person or business. Our county has undeveloped areas (some I believe owned by Mr. Potterfield) that would be much better suited.

Thank you for considering my opinion, and again, I urge you to support the P & Z decision to DENY the Potterfield rezoning request.

Respectfully,

Michelle Thompson

From: Janet Thompson
Sent: Wednesday, December 4, 2019 3:47 PM
To: Michelle Thompson
Subject: FW: Re-zoning request, Potterfield group, Rt J & Hiway 40

From: jdbob@centurytel.net <jdbob@centurytel.net>
Sent: Saturday, November 30, 2019 8:36 AM
To: Fred Parry <FParry@boonecountymo.org>
Cc: Dan Atwill <DATwill@boonecountymo.org>; Janet Thompson <JThompson@boonecountymo.org>
Subject: Re-zoning request, Potterfield group, Rt J & Hiway 40

I urge you to deny the request for rezoning of the Potterfield property from Agriculture to Planned Industrial.

I have lived on Boothe Lane for a big part of my 78 years. One of the many benefits of that, is the view of the rolling farmland to the west of me, looking out my living room window. As the crow flies, I'm about 1/2 mile from this property, & would not look forward to seeing a 40' tall building covering acres of farmland.

Probably more important, would be the negative effect on property values of closer homes, and the immediate cost to the county and state for improving infrastructure to support the large trucks and more volume of cars.

While I am a customer of Midway Arms, and been acquainted with the Potterfields for 40 years, (and certainly admire their business accomplishments) I just do not feel this is a proper location for a very large industrial complex. The very purpose of our County Planning & Zoning is to avoid situations like this, which I consider "spot rezoning" to benefit only one person or business. Our county has undeveloped areas (some I believe owned by Mr. Potterfield) that would be much better suited.

Thank you for considering my opinion, and again, I urge you to support the P & Z decision to DENY the Potterfield rezoning request.

Respectfully,

Robert Moore
1650 N Boothe Ln

Michelle Thompson

From: Michele Hall
Sent: Wednesday, December 4, 2019 4:48 PM
To: Michelle Thompson
Subject: Message from Janet

Janet texted me the info below and asked me to send to you.

Michele L. Hall

Administrative Coordinator

Boone County Commission Office | 801 E. Walnut, Rm 333 | Columbia, MO 65201 | 573.886.4312 Office | 573.886.4311

Fax | email: mhall@boonecountymo.org

From: Shelli Hall <shelliblueeyes@gmail.com>
Sent: Wednesday, December 4, 2019 4:40 PM
To: Michele Hall <MHall@boonecountymo.org>
Subject:

could you please send this to Michelle and let her know it's from Rob Fleming? Thanks

Can't make the Commission meeting, where Potterfield's re-zoning appeal is to be heard. However, I support his request. He put a warehouse in across the road from us on Hwy EE north of the subject property. It was well done, with minimal nuisance issues. Traffic impact minimal. He is a good neighbor; his properties are well maintained. 1,200 employees are nothing to sniff at.... The subject neighborhood has already gone commercial/industrial with the HVAC company, Sydenstrickers, and a body shop already along the road, and Clark's Transport just on the south side of I-70. Just my two cents. I support his project, for what it's worth...