

TERM OF COMMISSION: October Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kip Kendrick
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Deputy County Clerk III Jodi Vanskike

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 7:00PM and roll call was taken.

P&Z

1. Consent Agenda

- A. Request by MBK Investments, LLC to approve a final development plan for Rock Bridge Business Park final plan 3, in the Planned Light Industrial (M-LP) zoning district on 3.39 acres located at 5051 S. Providence Rd., Columbia.
- B. Scrivner's Pointe. A-2. S25 & S36-T46N-R13W. Bryles Investment, LLC, owner. Kevin Schweikert, surveyor.
- C. Worthley Subdivision Plat 1. A-2. S31-T50N-R11W. Worthley Family Trust, owner. James Jeffries, surveyor.
- D. Wilbert Lane Subdivision. A-2. S22-T50N-R13W. Brock & Jamie Sublett, owners. Kevin Schweikert, surveyor.

Director of Resource Management Bill Florea read the following staff report:

1. Consent Agenda – Final Plans and Plats

Regarding Item 1, the Consent Agenda, the final plan, Item A, was approved by consent and is recommended for your approval. The plats, Items B, C, and D, were approved by consent and are presented for your receipt and acceptance. I ask that you waive the reading of the staff reports for these items and authorize the clerk to insert them into the meeting minutes.

A. Request by MBK Investments, LLC to approve a Final Development Plan for Rock Bridge Business Park Final Plan 3 in the Planned Light Industrial (M-LP) zoning district on 3.39 acres located at 5051 S. Providence Rd., Columbia.

The subject property is located on the outer road along S. Providence Road, just north of the intersection of State Route K, Highway 163 and Providence Road. It is 3.47 acres in size and zoned Planned Light Industrial (M-LP). The surrounding zoning is as follows:

- North – City of Columbia
- East - City of Columbia
- West - Residential Single-Family (R-S)
- South – R-S
- Southeast - Planned General Commercial (C-GP)

It had been used as a mobile home park, originally being zoned Residential Moderate Density (R-M). This property was approved for a rezoning to M-LP in December of 2021 with an affiliated review plan. The final plan was approved under County Commission Order 134-2022. A revised review plan was submitted in October of 2022, and approved by the County Commission under order 516-2022. The property has two of the three buildings proposed by earlier versions of this plan constructed. A third review plan was submitted under the July, 2024 Planning & Zoning Commission Agenda and approved by the County Commission.

The property is located inside the Columbia School District and the Boone County Fire Protection District. This Final Development Plan confirms the design and rezoning of that proposal.

The property scored 62 points on the rating system.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 criteria for approval:

- All the required information is accurately portrayed on the Plan
- The Final Plan conforms to the approved Review Plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan

The approval of the review plan had the following condition:

- 1) That the Boone County Regional Sewer District will need to review the wastewater pre-treatment process proposed for this development prior to installation of that process. This will occur as part of the plan review process for a building permit. The pre-treatment process must be approved by the Boone County Regional Sewer District and the Director of Resource Management.

We have received documentation from the Boone County Regional Sewer District indicating approval of the final plan.

Staff review of the final plan shows that it meets these criteria for approval.

B. Scrivner's Pointe. A-2. S25 & S36-T46N-R13W. Bryles Investment, LLC, owner. Kevin Schweikert, surveyor.

The subject property is located along East Cedar Tree Lane, ½ mile west of the intersection of East Cedar Tree Lane and South Mackie Lane. The property is zoned Agriculture 2 (A-2), and is surrounded by A-2 zoning on all sides. The proposal is a three-lot minor plat, with each lot being exactly five acres in size. A corresponding administrative survey was submitted concurrent to the plat to create two (2) ten-acre tracts. The remainder of the parent parcel is well over 20 acres, after platting and the corresponding administrative survey.

The subject property has direct road frontage and access to East Cedar Tree Lane, a publicly maintained roadway. The applicant has submitted a written request for a waiver to the traffic study requirement. A three-lot minor plat is likely to have minimal impact on existing transportation resources. Granting of a waiver is appropriate in this case.

The property is located within the Consolidated Water Supply District #1 service area. Boone Electric provides power service. The Southern Boone County Fire Protection District provides fire protection. The nearest station, station 17, is approximately 7 miles away.

The applicant proposes utilization of onsite wastewater systems to service future residential development. Steep slopes prevent the use of onsite wastewater lagoons. The applicant has provided soils data from an approved soils scientist from two locations on each platted lot. Staff review of the soils data indicates the lots can support a subsurface wastewater system. The applicant has submitted a request for a waiver of the sewer cost benefit analysis. No publicly operated sewer system is nearby. Granting of the waiver is appropriate in this case.

The property scored 27 points on the rating system.

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

C. Worthley Subdivision Plat 1. A-2. S31-T50N-R11W. Worthley Family Trust, owner. James Jeffries, surveyor.

The subject property is located on Mount Zion Church Road, approximately 2 ¼ miles to the east of State Route B, north of Columbia. The parent parcel is 37.4 acres in size and has a single-family dwelling and several outbuildings present. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning. This proposal divides two 6.25 acre lots from the parent parcel, leaving a 20+ acre remainder.

Both proposed lots have direct access to Mount Zion Church Road, a publicly dedicated, publicly maintained right-of-way. The increase in traffic from two additional lots is comparatively minor. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Public Water Service District #9, very near the boundary between PWSD#9 and Public Water Service District #4. Domestic water service is available to this property.

The proposed lots will make use of on-site wastewater treatment for residential development. The property is not near any existing central wastewater treatment systems and the size of this proposal makes the request to waive the wastewater cost-benefit analysis reasonable.

The property scored 23 points on the rating system.

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

D. Wilbert Lane Subdivision. A-2. S22-T50N-R13W. Brock & Jamie Sublett, owners. Kevin Schweikert, surveyor.

The subject property is located at the intersection of West Wilbert Lane and Old Number 7. The subject property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a one lot subdivision with a 3.75-acre lot. The parent parcel is split by West Wilbert Lane. This subdivision plat will create a 3.75-acre lot utilizing the property south of West Wilbert Lane. The remaining property to the north of the road will be incorporated with existing property under the same ownership via an administrative survey.

The property has direct frontage along both West Wilbert Lane and Old Number 7. Both roadways are publicly maintained roads. The applicant has requested a waiver from the traffic study requirement. The creation of a one-lot minor plat is likely to have minimal impacts on transportation resources. Granting a waiver is appropriate in this case.

The property is located within Consolidated Water District #1. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 7, is approximately 3 miles away.

An onsite wastewater plan was submitted concurrent to the subdivision plat. The wastewater plan identifies a complaint location for an onsite wastewater lagoon. The applicant has requested a waiver from the sewer cost benefit analysis requirement. No public sewer utility is available in the area. It would not be economically feasible to install a public system for a one lot minor plat. Granting of a waiver is appropriate in this case.

The property scored 42 points on the rating system

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

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the final plan, item A and does receive and accept the plats, items B, C, and D, as listed in the attached consent agenda (Attachment A), and authorizes the Clerk to insert the associated staff reports into the minutes of this meeting.

Attachment A:

- A. Request by MBK Investments, LLC to approve a Final Development Plan for Rock Bridge Business Park Final Plan 3 in the Planned Light Industrial (M-LP) zoning district, on 3.39 acres, located at 5051 S. Providence Rd., Columbia.
- B. Scrivner's Pointe. A-2. S25 & S36-T46N-R13W. Bryles Investment, LLC, owner. Kevin Schweikert, surveyor.
- C. Worthley Subdivision Plat 1. A-2. S31-T50N-R11W. Worthley Family Trust, owner. James Jeffries, surveyor.
- D. Wilbert Lane Subdivision. A-2. S22-T50N-R13W. Brock & Jamie Sublett, owners. Kevin Schweikert, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #471-2024**

- 2. First Reading: Request by MuddyMoLanding, LLC to revise the conditions of a conditional use permit for a marina in the Recreation (REC) zoning district on 1.1 acres located at 11501 S. Smith Hatchery Rd., Columbia. **(open public hearing)**

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request at its September 19, 2024 meeting and voted to recommend approval on a unanimous vote.

The property is 1.1 acres adjacent to the western boundary of Boone County along the Missouri River. The zoning is Recreation (REC). Adjacent zoning Agriculture 1 (A-1) to the north, east, and south. It was rezoned from A-1 to REC in 1986 under County Commission order #18-86. A 0.36-acre portion of the property was rezoned from A-1 to REC in 2008 under County Commission order #459-2008. The surrounding A-1 zoning is the original 1973 zoning.

The property contains a marina, a 1200 square foot building serving as a general store offering food and drink, a 215 square foot performance stage, tent camping area, and a travel trailer park. The property accommodates visitors from both the Missouri River and pedestrian and bicyclist traffic from the adjacent Katy Trail. The property also serves as a live music venue and a reception facility hosting public events at various times of the year. The entire property is in both the regulated floodplain and regulatory stream buffer.

In May, 2005 a Conditional Use Permit (CUP) was granted under County Commission order #234-2005 for incidental retail sales, travel trailer park, and a restaurant. Several conditions were placed on the CUP:

1. No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason, it is not to be replaced with a singlewide.
2. Four parking spaces are required for the store, plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities, including restaurant use, must be designed and installed.
5. Lighting is oriented inward and downward, so as to minimize light leaving the site except at the boat landing and dock.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities, and is to the satisfaction of the director of planning.
11. Said conditions must be complied with by December 31st, 2006.

In June of 2024, the Boone County Zoning Board of Adjustment granted several variances under case #2024-004. The variances include:

1. Front and rear setbacks for the general store and stage.
2. Dust free parking and drive requirements.

3. Stormwater quantity and quality control provisions.

The applicant has submitted a request to modify the existing conditions of the CUP granted under County Commission order #234-2005. The application includes a list of requested conditions, as well as justification for the modification to existing conditions. Those proposed conditions will be discussed in the Zoning Analysis section of this report.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Activities associated with a restaurant and travel trailer park can create negative off-site impacts, specifically by traffic generation. The applicants have submitted several proposed conditions to the CUP to help mitigate negative impacts such as limiting the number of travel trailers and minimizing light leaving the site. If operated in a manner consistent with existing county regulations and with appropriate conditions, this request should meet this criterion.

- (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The existing CUP for incidental retail sales, travel trailer park, and restaurant has been in place since 2005. Minutes from the May, 2005 P&Z meeting indicate that several surrounding property owners objected to the issuance of a CUP due to noise and parking issues. Since the issuance of the CUP in 2005, staff have received various complaints from the public regarding the parking and blocking of South Smith Hatchery Road. Many of the complaints originated with the previous owner of the property.

The applicant has a written agreement with the Department of Natural Resources to use state land along the Katy trail for off street parking. Eighteen parking spaces are located on the state land along Smith Hatchery Road, with five potential future parking spaces to be added in the future.

Public comment during tonight's hearing may indicate compliance with this criterion.

- (c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Cooper's Landing has been an existing recreational feature of the Missouri River for several years. The continued operation of a marina, restaurant, and general store should not result in any diminished property values if appropriate conditions are applied.

- (d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

An engineered subsurface wastewater system permitted by the Department of Natural Resources (DNR) is present on site. A variance for stormwater quantity and quality controls was previously granted by the Board of Adjustment under case #2024-004. Boone Electric Cooperative provides power service. The property is located within Consolidated Water Supply District #1 service area. Cooper's Landing has an agreement with DNR to provide parking for the facility on land maintained by the state.

The property has access to South Smith Hatchery Road, a publicly maintained roadway. Smith Hatchery is a local gravel roadway with a 30' right of way. The applicant's submission for a BOA variance for dust free material for parking and drive surfaces states "In the event that the parallel portion of the county road and trail are paved, Muddy Mo is willing to match paving-type at that time."

Based on the previous Board of Adjustment application, modification of the condition requiring dust free parking and drives is appropriate compared to removing it entirely. Installation of handicapped accessible parking that is dust free near the building entrance will be required as part of ADA and building code requirements, regardless of a variance for dust free material.

- (e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

The property is bordered by the Missouri River to the west and the Katy Trail to the east. The existing private property to the north and south are unlikely to develop beyond their current extent due to the same limitations of the river and trail. Continued use of the subject property with recreational uses is unlikely to impact neighboring development despite an increase in intensity of use under the new ownership.

- (f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

The property has two points of access onto South Smith Hatchery Road. Internal drives allow for circulation within the site. The internal circulation is a mixture of driving surfaces, with gravel entrances and gravel internal circulation. Concrete drive surfaces are located near the existing building and boat launch.

The applicant has prepared a site plan showing the intended layout for the property. The plan shows building footprints, sanitary sewer system, and camping locations. Off street parking for 18 vehicles is provided on state-owned land adjacent to the Katy Trail. All parking spaces, except one, are adjacent to South Smith Hatchery Road; an ADA compliant parking space is adjacent to the existing and future building. Parking for RVs and trailers is located internal to the property or on state land not along South Smith Hatchery Road

The site plan shows two freestanding signs along South Smith Hatchery Road. County sign regulations permit one freestanding sign along adjacent public street frontage. The applicant may choose either location to construct a freestanding sign, but the property is eligible for a single freestanding sign along the public roadway.

- (g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning analysis:

Cooper's Landing is a long-standing recreational staple of the Missouri River. After review of the criteria for a CUP, the property can meet the standards with appropriate conditions. The ownership of the property has changed since the existing CUP was issued in 2005. The current owner is requesting a modification of the conditions of the current CUP. Further analysis of the requested modifications is required to determine if the request is appropriate in this case.

Owner Proposed Condition 1: No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations.

Residential uses are not allowed in the REC zoning district. County Zoning regulations do not allow mobile homes to be used for any purpose other than as a residence. Therefore, conditions restricting the use of mobile homes on the property are unnecessary.

Owner Proposed Condition 2: Four parking spaces are required for the store plus two for the residence for a total of six.

It is requested that this condition be removed. The applicant has proposed 18 off street parking spaces. Any future development of the property will require compliance with the parking requirements of the zoning code. Removal of this requirement will not remove the County's off-street parking requirement. Removal of this condition is appropriate.

Owner Proposed Condition 3: All driveway, loading, and parking areas are to be dust free (minimum chip and seal).

The applicant has requested this condition be removed. The Board of Adjustment has granted a variance for dust free material for all drive and parking surfaces. The owner's previous Board of Adjustment application indicated a willingness to upgrade the driving and parking surfaces to match the public road when the County paves Smith Hatchery Road. Removal of this condition is not appropriate. Instead, it should be modified to match the commitment as stated in the application to the Board of Adjustment for case number 2024-004.

Owner Proposed Condition 4: An engineered wastewater system for the activities including restaurant use must be designed and installed.

The applicant has requested this condition be removed. An engineered subsurface onsite wastewater system permitted by the Department of Natural Resources is in use on the property. Removal of this condition is appropriate, but a condition requiring the system to be maintained and operated as designed is appropriate.

Owner Proposed Condition 10: A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.

The applicant is requesting this condition be changed to reflect the current title of the department. From Director of Planning to Director of Resource Management. This change is appropriate.

Owner Proposed Condition 11: Said conditions must be complied with by December 31st, 2006. The applicant has requested removal of this condition.

The applicant will have to comply with all the conditions of the current CUP request if it is approved. No delay in date of effectiveness will occur with this revision. Removal of this condition is appropriate.

The proposal scored 2 points on the point rating system. Staff notified 3 property owners of this request.

Staff recommends approval of the Conditional Use Permit for incidental retail sales, restaurant, and travel trailer park with the following conditions:

1. Any future improvement to the drive surface of South Smith Hatchery Road along the portion parallel to the eastern property line will require that all drive and parking surfaces be converted to a dust free surface (Minimum chip seal).
2. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
3. The number of travel trailers slots is limited to a maximum of 12.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

6. Must meet applicable Boone County Code of Health requirements.
7. The owner shall operate and maintain the on-site wastewater system in proper working order.
8. The business will be limited to one freestanding sign adjacent to South Smith Hatchery Road.
9. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the Director of Boone County Resource Management.

Commissioner Kendrick opened and closed the public hearing.

Commissioner Kendrick stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

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

This item was tabled until the December night meeting.

Resource Management

4. Plat Acceptance: Settlers Ridge Plat 7. R-MP. S9-T49N-R12W. T-Vine Enterprises, owner. Jay Gebhardt, surveyor

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the final plat for Settlers Ridge Plat 7. R-MP. S9-T49N-R12W. T-Vine Enterprises, owner. Jay Gebhardt, surveyor.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #472-2024**

Commission

5. Public Comment

None

6. Commissioner Reports

Commissioner Thompson stated she went back to the EOC for the remainder of the disaster preparedness exercise, took the test and stated it was a well-done exercise, and she hopes they do it again.

Attest:



Brianna L. Lennon
Clerk of the County Commission



Kip Kendrick
Presiding Commissioner



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner