

**BOONE COUNTY PLANNING & ZONING COMMISSION**  
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS  
801 E. WALNUT, COLUMBIA, MISSOURI  
(573) 886-4330

**Minutes**

**7:00 P.M.**

**Thursday, November 17, 2016**

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

II. Roll Call:

a. Members Present:

Paul Prevo, Vice-Chairperson

Eric Kurzejeski, Secretary

Gregory Martin

Michael Poehlman

Bill Lloyd

Rhonda Lightfoot

Derin Campbell

Rocky Fork Township

Missouri Township

Katy Township

Rock Bridge Township

Three Creeks Township

Perche Township

County Engineer

b. Members Absent:

Boyd Harris, Chairperson

Carl Freiling

Loyd Wilson

Vacant Seat

Centralia Township

Cedar Township

Columbia Township

Bourbon Township

c. Staff Present:

Stan Shawver, Director

Bill Florea, Senior Planner

Paula Evans, Staff

Thad Yonke, Senior Planner

Uriah Mach, Planner

III. Approval of Minutes:

Minutes from the November 17, 2016 meeting were approved by acclamation.

IV. Chairperson Statement

Vice Chairperson Prevo read the following procedural statement:

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes one rezoning request, a final development plan and two subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

The agenda item will be announced, followed by a report from the planning department staff. At that time, the applicant or the applicant's representative may make a presentation to the commission. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing to allow anyone wishing to speak in support of the request. We ask that any presentation made to the commission be to the point.

Next, the floor will be given over to those who may be opposed to the request. Direct all comments or questions to the commission and please restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

There may be individuals that neither support nor oppose a particular request. Those individuals are welcome to address the commission at any time during the public hearing portion of the request.

Please give your name and mailing address when you address the commission. Please sign the sheet on the table after you testify. Also, we ask that you turn off your cell phones.

Any materials that are presented to the commission, such as photographs, written statements or other materials will become a part of the record for these proceedings. If you would like to recover original material, please see the staff during regular business hours after they have had an opportunity to make a copy of your submission.

After those opposed to the request have had a chance to speak, the applicant will have an opportunity to respond to the concerns of those opposed to the request. Next the staff will be given an opportunity for any additional comments, as appropriate. The public hearing will then be closed and no further comments will be permitted from the audience or the applicant unless requested by the commission. The commission will then discuss the matter and may ask questions of anyone present during the discussion. Finally, a motion will be made to either recommend the approval or denial of the request to the county commission. Please note that the Boone County Zoning Regulations and Subdivision Regulations are considered to be a part of the record of these proceedings.

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Tuesday, November 29<sup>th</sup>. Interested parties will again have the opportunity to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation. Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, November 29<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

None.

VI. Rezoning

1. Request by Route Z LLC on behalf of Compass Health, Inc. to rezone from A-1 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a review plan for NAVIG8 on 10.0 acres, more or less, located at 3150 N Rte Z, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located approximately 2 ½ miles to the east of the city limits of Columbia, 1 ½ miles to the north of Interstate 70 on State Route Z, near Mexico Gravel Road. It is 23.65 acres in size and is zoned A-1(Agriculture). Adjacent zoning includes A-1P (Planned Agriculture) to the southwest which was rezoned from A-1 in 2006. Otherwise A-1 zoning surrounds the parcel. All the A-1 is original 1973 zoning. The Boone County Master Plan designates this area as being suitable for agriculture and rural residential land uses. The Northeast Area Plan identifies this area as suitable for rural residential land uses. There is currently a house, a large shop building, a horse shed, and a dog kennel on the property. In 2004 and 2013, conditional use permits were granted for a canine breeding facility, which is no longer in effect, and a canine boarding and training facility, which we understand to no longer be in operation. The property scored 41 points on the rating system.

The applicant is seeking a rezoning to Planned Agriculture Residential (A-RP) for 10-acres of the parcel. The proposed Allowed Uses are Single Family Residence and Institutional Home, Institutional Home is not a use listed in the permitted uses for an A-R zoning district and must be removed from the request. The proposed allowed Conditional Use is Philanthropic Institution. The stated intent of the applicants is to apply for a conditional use permit for a residential care facility and office space in the existing house as the Philanthropic Institution. Issues regarding the proposed Allowed Uses will be addressed in the Zoning Analysis portion of this report. The remaining 13.65 acres, not included in the proposed rezoning, will be divided from the plan area by a future administrative survey.

The Master Plan identifies the use of planned districts in the development of previously low-density areas of Boone County. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner. 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 used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities:

- Water: The subject property is in Public Water Service District #9. There is an existing 12” line on the west side of State Route Z. A waterline extension to the primary structure on the subject property and installation of fire hydrants and possibly sprinkler systems to satisfy the requirements of the building code and fire code are required for this proposal.

- Sewer: The subject property has an existing on-site wastewater system sized to support residential use for the house on the property. The proposed uses for this property require the system to be evaluated for capacity. Boone County staff, Health Department staff, and Boone County Regional Sewer District staff should review that evaluation. The evaluation must contain the information that shows how it addresses the uses proposed on the plan. The required evaluation has been requested, but not yet provided for review.
- Electric: The subject property is in the Boone Electric Cooperative service area.

Transportation: The subject property has direct access on to State Route Z, publicly-dedicated, publicly-maintained right-of-way. Any improvements to access will be under permit with the Missouri Department of Transportation.

Public Safety Services: The subject property is approximately 3 miles from the nearest fire station. The Boone County Fire Protection District will be responsible for providing fire protection to the site.

In considering the resources available to this site, the limitations of the existing on-site wastewater system restrict the development potential of this property. The capacity of this system, while approved for the existing residential use, is unknown when considering the increase required to support the proposed conditional use. Additional information is required.

Zoning Analysis: This proposal creates an island of increased intensity of use in an area that has been identified as being appropriate for its existing low intensity land uses. An A-R (agriculture-residential) or A-RP (planned agriculture residential) zoning district is a transitional zoning district intended to be used to transition from the A-1 and A-2 agriculture districts to the more intensive districts. The Northeast Area Plan describes this area as an area of rural residential activity. The Boone County Master Plan describes this area as an area of rural residential and agricultural activity.

Granting an A-RP designation to this parcel within the context of the existing A-1 and in conflict with both the Master Plan and Northeast Area Plan constitutes a spot zoning. A spot zoning proposal such as this one creates a precedent and expectation for higher levels of development in this area.

Nearby requests on properties for increased development have been denied by the Planning & Zoning Commission and the County Commission, as seen in the proposals for A-2(Agriculture) in 2000 and A-2P (Planned Agriculture) in 2015 on the Ronnebaum property to the west. In this case the use of a planned district does not mitigate the impact of the proposed uses; the single family dwelling proposed requires no re-zoning so the focus of the rezoning request is on the proposed Conditional Use of Philanthropic Institution for 16 residents, 3 resident staff, and 12 daytime staff..

The Philanthropic Institution Conditional Use is inherently more intensive than the existing A-1 zoning and is really the equivalent of three to four single family dwellings at a minimum. This design attempts to mask the increase in the subject property's intensity of use. While the proposed lot is of a size consistent with surrounding properties, the proposed conditional use of Philanthropic Institution use has far higher needs in regard to utility infrastructure. The potential 19 full-time residents on the property in the institutional setting is more consistent with a commercial activity or 4 single family dwellings.

Staff recommends denial of the rezoning request and the associated review plan for the following reasons:

1. This is a spot zoning. Use of a planned district does not mitigate the impact caused by the intensity of the proposed Conditional Use. The planned district is unnecessary for the proposed allowed use, the intensity of the proposed conditional use is out of character with the area and conflicts with the Master Plan and Northeast Area Plan, no compelling case has been made that the proposed rezoning is more appropriate than the existing zoning.
2. Granting this rezoning will render the kennel an illegal use. No information has been provided as to how the existing kennel will be used if the rezoning is granted.
3. The applicant has failed to provide any information to indicate that there is an adequate sewer plan for the proposed conditional use and therefore fails to pass the sufficiency of resources test.
4. The applicant has failed to provide information regarding the square footage and dimensions of the existing structures and whether additions to the structure are single or multi-story.

While there is sufficient justification to deny the rezoning and review plan, the Commission may table action on the request, until the next regularly scheduled business meeting, should it feel that there is insufficient information upon which to base a decision.

If the Commission moves to approve this rezoning request and the associated review plan, staff recommends the following conditions:

1. Must Remove “Institutional Home” from the plan because it is not a defined term under the zoning ordinance as a use.
2. Submit a copy of the wastewater study for review by Boone County Resource Management, Columbia/Boone County Health Department, and Boone County Regional Sewer District prior to submittal of a Final Plan. The proposal for how the wastewater for the proposed conditional use must be clearly delineated and detailed with respect to the numbers of residents, staff, and possible others such as guests/visitors and such proposal must be acceptable to the Director of Resource Management, the Boone County Health Department, & the Boone County Regional Sewer District. Should the proposal not be found acceptable then the review plan approval is void.
3. The existing dog kennel must be removed or de-commissioned as a kennel and converted to another compliant use prior to Final Plan approval, subject to the approval of the Director.
4. The label “Indoor Recreation Facility” will need to be removed, as that use is not available in the A-R zoning district. The structure that currently has this designation was built as a shop and has not been shown under the current proposal with a use allowable under the proposed rezoning. Therefore, it can be labeled and used only as a shop/garage.
5. Correct the Density note on the plan to indicate one single family home and to specify the floor area of the proposed conditional use.
6. Allowed Uses should read, “One single-family home” and “Agricultural Activity”
7. Conditional Uses should read, “Philanthropic institution with a maximum number of 16 residents, a maximum number of 12 daytime staff, and a maximum number of 3 twenty-four-hour staff.”
8. Identify dimensions of proposed parking spaces.
9. Rename office structure as office/dormitory or similar term rather than office with dormitory addition.
10. All accessory existing structures not shown on the plan must be removed prior to submission of any Final Development Plan.

Present representing the request:

Dan Brush, Brush & Associates, 506 Nichols St, Columbia

Dan Brush: I apologize if I misunderstood staff's request early on and didn't provide them with the necessary information they needed. This site is a very interesting and unique area. It has different amenities and items that are necessary for this type of development. It has water and electric available and good access to Route Z. The sewer system that staff referred to and the information we received from the health department in the past few days indicates that the system is comprised of two septic tanks, one is a 1000 gallon and the other is a 1500 gallon tank with an advanced treatment unit and a drip field irrigation system. The numbers indicate that we would probably need to double the size of the drip field irrigation system and probably replace the advanced treatment unit with a bigger one. Three-quarters of the system is already existing which makes this site so unique from a sewer standpoint. The existing buildings also lend themselves in that direction.

Commissioner Prevo: Can you go in to more detail about the current structures?

Dan Brush: There is an existing house, shop, dog kennels, and loafing shed. The existing house would work well for their office and dormitories with a small addition on to it. The addition would be 300 square feet, the existing house is somewhere around 3600 to 4000 square feet. The shop and shed is around 5000 square feet. The dog kennel use is not something the applicants are looking to do, that facility would probably be turned in to some type of agricultural facility or used for storage. There is one other accessory structure that is a portable shed and it would have to be moved because it is within the setback.

Open to public hearing.

Present speaking in support:

Karen Cade, Regional Vice President, Compass Health, 2802 Lynwood Dr, Columbia

Karen Cade: Compass Health is a not-for-profit organization that has been in existence for approximately 40 years. We have about 100 employees in Boone County and about 2000 overall. We have a budget of about \$150,000,000. We have been operating adolescent programs for over 25 years and we have been in Columbia since 2004. We are currently located in a neighborhood that is not acceptable for the kids that we are serving, it is dangerous and there is a lot of crime and it is not large enough to house the number of kids that we need. In working with staff they decided the best thing to do for the kids we serve was to find some space where they can have more physical activity and do gardening in a safer, more healthy environment. When I talked to various people about this project they said the perfect zoning would be R-M but we have searched the R-M areas and there is nothing suitable in those areas for this type of program. I know there is a concern about pocket zoning and based on the zoning map there is some pocket zoning already in existence close to this area.

Commissioner Prevo: What ages do the applicants serve?

Karen Cade: Ages 12 to 17.

Also speaking in support:

Libby Brockman-Knight, Clinical Director, Compass Health, 3705 Blue Cedar Dr, Columbia

Libby Brockman-Knight: I oversee the treatment programs. I have been in the mental health field for about 16 years and I am here to advocate for our kids. This program started back in 2004 as a residential treatment program and we make a difference in kids lives. At the open house on Sunday we had the opportunity to meet a lot of the neighbors that surround this property and hear their concerns. We understand their concerns and understand that they want to protect that peaceful way of life and that is exactly what we are looking for and that is what we want to provide for the kids we serve. We are currently located behind Hickman High School in a high crime area and that is not really what we want to have. Compass Health provides residential treatment centers for adolescents, we have three in the State, one in Rolla, one in Clinton, and one in Columbia. We also have one in the state of Louisiana. We are experts at working with this population. At the Columbia location alone we employ about 25 people and we want to keep them employed because they do great work with the kids we serve. We average around 56 days for the length of their stay. While the kids are with us we provide them with comprehensive treatment services. We provide education, counseling, family services, community support, and psychiatric services. One of the things we would like to add is gardening; those kinds of activities are really helpful for the kids. The location is staffed 24 hours a day and they have line of sight supervision so the kids wouldn't be wandering around the property. We serve about 200 clients per year. At the location we have now we occasionally have kids that will leave the facility, we average about six per year. For the most part we have experienced more crime and vandalism in our neighborhood.

Commissioner Prevo: Are most of the kids from the local area?

Libby Brockman-Knight: About 50 % of our referrals are local clients but we do get referrals from around the state.

Commissioner Martin: How do the kids get sent to the facility? Do they have behavioral issues?

Libby Brockman-Knight: They have a variety of issues. They have anxiety, depression, substance abuse, and trauma issues; we see a lot of different issues.

Commissioner Martin: Are they referred by the courts?

Libby Brockman-Knight: Sometimes they are referred by the courts. We have family referrals, we get referrals from the Division of Family Services and the juvenile office.

Commissioner Loyd: Is the treatment of the kids just for the 56 days or are they still within your care after the 56 days?

Libby Brockman-Knight: A lot of times they are. Compass Health is statewide and we provide outpatient services as well.

Commissioner Loyd: What is your fall-back position if this rezoning request is denied?

Libby Brockman-Knight: For us and our environment it is just not healthy for the kids at the current location; it continues to deteriorate to where it is just isn't safe. This past year we had to bring our kids inside because there was a domestic violence altercation where the girlfriend was chasing her boyfriend around with a knife. We had to bring them in and call the police because neighbors were smoking marijuana outside.

Commissioner Kurzejeski: What is the square footage of the current facility?

Libby Brockman-Knight: I don't know; it is a small house that was converted. We try to keep them in homes because it feels more comfortable.

Also speaking in support:

Jody Miller, Architect, Simon & Associates, 210 Park Avenue, Columbia

Jody Miller: I walked through the site with Karen Cade a few weeks ago and the facility really is unique for this use. Given the fact that they are currently in an old house in the middle of town this would give them the opportunity to be in the country. The facilities already there is set up well for what the applicants want to do, it would only take a small addition to the house to provide enough bedrooms and enough recreation space for these kids. We realize we would have to add a sprinkler system. We were looking at security cameras and a potential elevator to the lower level and we would need to provide some accessibility upgrades. But when we compare the cost of what we think we would have to do to the new site to what it would cost to purchase land and build a new facility this is a lot less.

Commissioner Prevo: Have the applicants looked in to some of the staff recommendations?

Jody Miller: I just got the staff report today so I am not that familiar with some of those things but we have looked at site and realized that there are things that need to happen. We've come up with a comprehensive list of things that we need to get done and we are pretty comfortable with the cost versus building a new site.

Commissioner Campbell: What kind of support vehicles does this kind of facility need?

Jody Miller: I don't know of any delivery vehicles. They don't have a commercial kitchen on site so all the food is catered in.

Also speaking in support:

Linda Grgurich, President, Pathway Branch, Compass Health, P.O. Box 36, Clinton, MO

Linda Grgurich: The question about a fall back plan was asked earlier. Karen Cade is the Regional Vice President for this area and has lived in Boone County for most of her life, she would really prefer to keep this program in Boone County and we would like to support that request but if we can't find a proper location we are going to have to locate outside of the county. When I get notified that the police are calling our facility telling us to lock our doors because something is going on in the neighborhood; we can't justify leaving our kids and staff there. Regarding transportation there are 15 passenger vans for transportation.

Also speaking in support:

Ann Peters, 909 Clayton, Columbia

Ann Peters: This property is currently owned by my sister. This group is limited by the number of people they can have. What they are asking for is the only thing they are allowed to have by law. I got the plan today so we did review it and there are number of issues that staff brought up that the applicants would be happy to address.

Present speaking in opposition:

Thomas Phillips, 3650 N Route Z, Columbia

Thomas Phillips: As noted in the staff report the Boone County Master Plan describes our community as an area of rural residential and agricultural activity and that is exactly who we are. There are families here tonight that farm hundreds of acres in Boone County, they have families like mine who operate smaller livestock operations and we have many people who like living in the rural community.

Mr. Phillips asked for a show of hands of those in opposition to the request. Approximately 15 people raised their hand.

Thomas Phillips: I have known some of the people in this room for my entire life but more importantly my friends and neighbors in this room and in our community are good people. None of us are opposed or think it is a bad idea to provide treatment for kids but that is not what this request is about. This is about zoning and as such it is a referendum from the future of our community. This property is currently zoned A-1 and is surrounded by A-1. To change it to A-RP would be a radical departure from our existing zoning, from the Boone County Master Plan, and from how our community wants our community to be. If approved this zoning request would create an island of increased intensity; the minimum lot size would go from 10 acres in A-1 to 0.5 acres in A-RP. This request is a spot zoning that is opposed not only in Boone County but in general among communities across the country because it can be the tip of the spear for the downfall of agricultural community. The applicants said they have about six kids per year eloped from the property and if you look up the city of Columbia police report in terms of their calls to this facility it is consistent with that in terms of the number of missing persons reports they have had over the years. That poses a security risk for our community and the kids themselves. This property is located off Route Z which is a dangerous to be on foot and it is not far from I-70 which is more dangerous than Route Z. I think that is a security risk for not only my family but for these kids. If this Commission recommends this zoning change it is contrary to the recommendations of your own staff, the master plan, and to the desires of those us who live in the community.

Also speaking in opposition:

Terry Buckley, 2914 N Route Z, Columbia

Terry Buckley: Compass Health does great work so this has nothing to do with being against them or the current owners of the property. The applicants haven't looked at what this will do five years down the road if Compass decides that this facility isn't working out for them and sells the property. Whoever comes in with the A-R zoning what will they do? This rezoning request does allow a business to operate in the middle of a residential community. This would be a profound and permanent change to the neighborhood. If Compass decides to sell in the future that opens it up to all sorts of new business that could come in to the community and change the character forever. According to the regulations we could have a farm implement sales and service facility, a private school, any kind of public building built by a government agency, or a mobile home subdivision. All of these things are allowed or are conditional uses for A-R property. We cannot imagine a situation that would be much further from the A-1 rural residential community that the long term residents have worked for years and even decades to establish. This request also turns the concept of orderly development on its head. It has already been mentioned that this sort of leap-frogs A-2 or A-2P and goes directly to a zoning designation that allows one house per half acre. This zoning goes against the Northeast Area Plan. This neighborhood has not enjoyed the infrastructure upgrades that have accrued to the neighborhoods closer to Battle High School. The proposed site runs off a drain field system which are notoriously bad, we had one for a while ourselves and had to change to a lagoon because there is too much clay for a drain field to work. Imagine a facility with 19 or 22 people

crammed into one dwelling all using one drain field system. The traffic increase with this unimproved section of Route Z would be well beyond any rezoning proposal that has come up in the past for this neighborhood; traffic has always been an issue here. The residents of the proposed facility are not allowed cars but the professional staff, professional visitors, family, friends, catering trucks, maintenance vehicles, and others will mean considerable traffic using the same driveway in and out on to Route Z. This is spot zoning.

Jay Turner, 7310 N Rogers Rd, Columbia

Jay Turner: My 160 acre farm is directly behind this piece of property and the drainage from the property drains to my farm. It is a livestock farm with a little row crop on the far side. I don't live there but my father and I have owned that land since 1960, I moved there and lived there for about 18 years then I moved on to the main farm. My youngest son now lives on the farm with his wife and three children aged 4 to 9. From the back side of the property to the house is probably two football fields and it troubles me that we could have a number of troubled youngsters that close; they could slip away and wind up on my sons doorstep and that troubles me. I am not against Compass Health, there should probably be ten times that many places for the youth. The proposed site has a history of skirting the zoning; the first gentleman that built the house then built a garage and he began cabinet making, he didn't go through the right processes, he just did it. At some point when it got big enough he finally had to move somewhere else. When he sold the place the people that bought it from him wanted to go into a dog raising business. Being that far from us we didn't complain but we thought things were moving a little away from residential into commercial but it was a small operation and we didn't complain. Now the proposed use is a little too much commercial. With the sewer being what it is and my experience with livestock and having to have lagoons on the farms that we own I know that sewer is a problem and it will run through my farm. I'm sure they will do the best they can but I don't think it will be good enough; it won't be nearly as good as a single family house. This is a residential/agricultural area, it is a great area, we wouldn't be here fighting for it if it wasn't. Boone County has a master plan and I ask that the Commission doesn't stray from it and keep our community the wonderful place that it is. The applicants need to go to a more commercial place where they have the amenities to take care of that many people.

Also speaking in opposition:

Teresa West, 5650 N Kircher Rd, Columbia

Teresa West: My driveway runs right across the street from the applicant's driveway. I rent my Mom's house out to a family with three small children and we have farm equipment sitting out there across the street from the facility. We will have people coming in to the area that have no commitment to this community. The applicants indicated they do family visits once a week at this facility. I am concerned about bringing in people that have no commitment to the area. I grew up in the area and have seen all the changes take place. I would like to leave it the way it is, I know that is not going to happen but I still want to see it stay as a farm area for as long as possible.

Closed to public hearing.

Dan Brush: The fact that we are asking for A-RP we are limiting ourselves to a single 10 acre tract, there is no future development that will create smaller tracts without having to go through this process again. If it turns out that Compass needs to move in the next 20 years then it would turn back into a single family home or this body or the County Commission will decide a better use for it. Simply because it is an A-RP zoned land doesn't mean it is going to be cut up in to smaller pieces. The existing sewer system is unusual, they have two septic tanks plus the micro-fast unit and the drip field irrigation they have put in. It

was designed and built for larger than a single family home. The applicants will double the size of the drip field. Drip field irrigation is about the best thing that works in Boone County unless you are going to build a lagoon.

Ann Peters: The previous owner had a plan for an additional drip field but he didn't install it. We had an open house and anyone who had concerns could come and chat with us and about six people showed up that are here tonight.

Commissioner Prevo: It has been brought up about the possibility for future splits or limiting uses, is there any clarification that staff can offer?

Thad Yonke: As Mr. Brush indicated, if they want to change the plan they will have to come back but the problem with that is, while it is limited now, anytime a rezoning occurs, the expectations change in what people are looking at for the property. The Commission does get the ability to say yes or no to the basic game plan but the underlying choices are changed. The underlying uses and conditional uses for A-R are different than those allowed under A-1 so there is a fundamental change with a rezoning even when you list proposed uses.

Commissioner Martin: Something that was mentioned earlier that the request for information by the staff occurred from the first day the process starts, not the last day of the hearing.

Thad Yonke: All of the proposed conditions on this indicates information that was required to be submitted as part of the initial application but was deficient.

Dan Brush: Our zoning ordinances were created 40 years ago and the concept of having a home of this type in an agricultural area wasn't thought of due to the fact that it was assumed the infrastructure wouldn't be available. What we have in the way of today's technologies it is favorable to be supported in an agricultural area. The only reason the applicants are asking for A-RP is because that is the first zoning designation that allows us to do this type of facility. If A-1 allowed us to do this as a conditional use then we would be asking for a conditional use. I apologize to staff, I misinterpreted what it was they were asking for. Had I known earlier this week that they needed a sewer report I would have presented it to them before tonight. I have discussed the sewer system with the Health Department and they don't really have a problem with it, it will have to be an engineered system.

Commissioner Martin: How many of these facilities in the State of Missouri are in rural areas?

Unknown from the audience: Most of our facilities are in rural areas. The facilities in Clinton and Rolla are in the city limits. We just purchased five acres outside city limits in a rural area without zoning. We would like all of our facilities in rural areas.

Commissioner Prevo: As a real estate broker and appraiser there are not very many people that have much stronger advocacy for personal property rights, I strongly believe that we go in with the intention of protecting our own property rights and making sure that other things don't infringe the use and enjoyment of our own personal property and that weighs strongly for me. On the other side I run two preschools where I spend 4 or 5 hours a day giving hugs and high fives and 50% of the kids come from families that qualify for free or reduced lunch. 15% of them come from foster families, another 5 or 7 % are outside of the foster care system and are being cared by for family or friends. There are a lot of things that I didn't envision 10 years ago getting in to child care and converting my first house into child care space. The needs that we saw 10 years ago have only exponentially grown and there is a lot of consideration that has to be waived between what is in the collective community good and what is in the local community good

and that is the struggle that I have tonight because I am strongly on both sides of the fence. When it comes down to it when you have a very reputable company that is serving a need that has been widely supported by Boone County in general and I reference the tax that was passed a couple of years ago for children's mental health there is a strong desire to meet the mental health needs of the youth of this community. I think we have to give strong consideration to that, I am not a fan of spot zoning but I understand the need to go to the lowest common denominator of zoning that is necessary in order to meet the needs being proposed tonight.

Commissioner Prevo made a motion to approve the request with staff conditions.

Discussion:

Commissioner Loyd: I am struggling with the spot zoning issue and I have a similar heart to what Commissioner Prevo is saying about serving the needs of at-risk kids who are in the midst of struggles. My position on this Commission and my approach is to rely on what is statutory versus what is emotional in requests. It is the spot zoning that is the issue and makes me lean toward voting against it. I do understand the need and hope the applicants find a place because the community does need it.

Commissioner Lightfoot: I have worked with juveniles with troubled lives and while I sympathize with the emotional part of this and in trying to find a place that is safe I feel that my position on the Commission is to protect the zoning rights of the community.

Commissioner Loyd: Is there anything in this process with this particular request that more time would shed different light on it that might affect the recommendation?

Thad Yonke: When we first met with the applicants we tried to emphasize that it was going to be a difficult sell and they really needed to provide as much information when they submit to show that everything was there to help justify their case. Unfortunately some of that information didn't end up coming in at a timely fashion. I don't know that ultimately it would have made a difference because we recognize that this is a needed service and it may even be able to fit in a rural situation. The question is whether that rural situation is this specific piece of property. How difficult it would be to find a different piece of property is not really relevant to this request. What is really the question is whether this zoning and use is appropriate for this piece of property. With the Northeast Area Plan having been done and having a significant amount of community input about how the local community wanted to see that area stay, this area was a portion of that plan that the residents really indicated was not suitable for change and that is what was heard consistently. There was part of the plan that got approved for significant changes in density over by the high school but this area was not happy about that but as long as it stayed over in that area and this section of the community stayed the way it was then the community said they could live with it. Institutional uses are inherently more intensive than regular uses and I don't think that it was an oversight that this use is not allowed as a conditional use permit in A-1 or A-2 zoning. The first place it shows up is in the A-R district which is a transitional zoning district.

Commissioner Martin: I worked extensively on the Northeast Area Plan and we encountered several spot zonings in my tenure on the Commission. I cannot stand behind spot zoning because if I approve one how can I deny the next one? I am here to protect the zoning and that is why I have a hard time with this request. I can see the need but once the property is zoned that way it stays that way.

No second on Commissioner Prevo's motion. Motion dies.

Commissioner Martin made and Commissioner Lightfoot seconded a motion to deny the request by Route Z LLC on behalf of Compass Health, Inc. to rezone from A-1 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a review plan for NAVIG8 on 10.0 acres, more or less, located at 3150 N Rte Z, Columbia:

Paul Prevo – NO  
Greg Martin – Yes  
Bill Lloyd - Yes  
Derin Campbell – Yes

Eric Kurzejeski – NO  
Michael Poehlman – Yes  
Rhonda Lightfoot – Yes

Motion to deny the request passes      5 YES      2 NO

Vice Chairperson Prevo informed the applicants that if they wished to appeal to the County Commission an appeal form would need to be filed with Resource Management within three working days.

Commissioner Loyd left the meeting.

## VII. Planned Developments

1. Request by Stephen and Sally Phillips to approve a Final Development Plan for Phillips Farm on 10.0 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

Commissioner Martin made and Commissioner Lightfoot seconded a motion to approve a Final Development Plan for Phillips Farm on 10.0 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

All in favor. None opposed

## VIII. Plats

The following items were placed on consent agenda:

1. Cartwright Ridge. S22-T51N-R13W. A-2. John and Julia Martin LLC, owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

The subject property is located on Ponderosa Road, just north of the intersection with State Route NN, approximately 3 miles to the northeast of Harrisburg. The property owner owns approximately 100 acres at this location. This proposal divides 5 acres from a 20 acre parent parcel, with the remainder proposed to be surveyed into the adjacent 80 acres. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. There is an existing house, shed, and lagoon on the property. The property to the west had a conditional use permit for an agribusiness granted in 1989.

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

The property is located in Public Water Service District #10, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

An existing on-site system, regulated by the Columbia/Boone County Health Department serves the existing home on the property. The applicant has submitted a request to waive the wastewater cost-benefit analysis

The property scored 31 points on the rating system.

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

2. Delmar Estates. S18/19-T49N-R13W. A-2. Hunter's Creek Farm LLC, owner. James R. Jeffries, surveyor.

The following staff report was entered in to the record:

This property is located approximately 3.5 miles Northwest of the nearest City of Columbia municipal limits and approximately 1.5 miles northwest of the intersection of Hatton Chapel Rd and State Route E. The property contains the plat originally called Nature Trail Ranchettes for which a majority of lots, along with the roadway known as Nature Trail Dr has received approval for vacation and approval to be replatted and replaced with the proposed Delmar Estates. The preliminary plat of Delmar Estates was approved in December of 2015. The property has frontage on the north side of Hatton Chapel Rd. The subject property is a 229-acre property proposed to be split into 45 lots each of which is at least 2.5 acres in size and which range from 2.9 acres to 21.7 acres. The property of this request is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973 zonings. This Final Plat is for 45 lots and an approximately 4700 ft. long public main road and four short permanent cul-de-sacs. There is some regulated 100-year floodplain on the property. This site lies within the Columbia School District. The site is in Consolidated Public Water District #1 and there are hydrant and water improvements being installed as part of this project. The site is in the Boone County Fire Protection District and hydrants are required. Electric service will be provided by Boone Electric Cooperative. Wastewater service is currently proposed to be from on-site system regulated by the health department. The plat scored 32 on the point rating system.

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

- All common areas need to be provided with a means for maintenance that is reflected in the covenants.
- That the proposed covenants be provided for review and any corrections needed /requested by the Director be incorporated into the design prior to recording of the subdivision plat.

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

All members voted in favor, none opposed.

IX. Old Business

1. Update on County Commission Action.

Stan Shawver updated the Commission as follows:

The rezoning requests for Burr, Gates, Phillips, and Beacon Street were all approved as recommended.

There were also four subdivision plats that were approved.

X. New Business

1. Public hearing on the re-adoption of Sections 1 – 27 of the Boone County Zoning Ordinance (including revised Flood Insurance Rate Maps -FIRM) and the Boone County Stormwater Ordinance.

Stan Shawver: FEMA has updated their floodplain maps and the County is required to adopt the new maps. The original flood plain maps were adopted in 1983 and readopted in 2011. County Counsel requested that rather than just adopting the maps alone that the zoning regulations, stormwater ordinance, and stream buffer ordinances are all readopted so they will all have the same adoption dates. When FEMA introduces new maps they notify the community that the work is being done and provide preliminary drafts for review, it is then placed on the Federal register for a certain number of days. In Boone County there are 25 properties that are no longer in the designated floodplain and 28 properties that are new additions to the floodplain. Boone County notified the affected property owners. The Planning and Zoning Commission is required to hold three public meetings, one in a central location, one in the north part of the county and one in the south county which have been scheduled and advertised. This is the first of the three public hearings.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

The next public hearing is scheduled for Wednesday, November 30, 2016 at Ashland City Hall.

There is also a public hearing scheduled for Monday, December 5, 2016 at the county office in Centralia.

2. Proposed revision to Subdivision Regulations.

The proposed revisions to the Subdivision Regulations were mailed to the Planning and Zoning Commissioners. In 2007 the County Commission hired a consultant to review the Subdivision Regulations, people voiced complaints about the regulations and how they were difficult to read. The regulations were reviewed for consistency and how they compared to regulations around the country. The consultants came back with a list of suggestions of things that should be changed, one of which was

continuity issues and readability. While it is a technical document designed to direct how development takes place as far as subdividing land it should have a certain amount of readability. After the Commission got the report they went over it with staff and they identified a number of things that they wanted addressed on top of what had been identified. They wanted staff to rewrite the regulations as opposed to having a consultant write it. Staff rewrote it and about four years ago staff took it to stakeholders, the Commission then wanted it brought to the Planning and Zoning Commission who looked at it and there were a number of questions during the public hearing as well as public comment. After that it was taken to the County Commission to try to reconcile the comments with them. I went to the Central Missouri Development Council and asked for some assistance in participating in a stakeholders organization; they brought in someone from the Board of Realtors, a surveyor, an engineer, a contractor, an appraiser, and a developer. That group met for 2.5 years going over every section of the regulations and all that was proposed which was debated. We also brought in the Fire Protection Districts, a title company representative, and a banking representative. We went through numerous rewrites. When we got to the point when we went through everything with the stakeholders staff worked to make it all fit together. It is now at the point to be brought before the Planning and Zoning Commission. The current subdivision regulations were adopted in 1995; its predecessor was adopted in 1974 so these documents stayed for a long time.

Commissioner Kurzejeski: I think I need to feel comfortable that I understand the regulations in order to communicate to our constituents. Because of the many revisions it is not clear what has changed, not everything that has changed has a strike-line through it. I think it would behoove us to have a work session with staff and go over these changes in detail.

Commissioner Prevo: Is there a copy that highlights the significant changes?

Bill Florea: No. We started out that way and we went through several drafts using the strikeout and underline format and after a while of working with our stakeholders group it was too cluttered and wasn't helpful at that point.

Commissioner Poehlman: What about a presentation that lists the significant changes?

Bill Florea: We have created that document and gave it to the Commissioners in their packets; it is also on the web. It doesn't explain the changes but it lists where the changes are.

Commissioner Kurzejeski: It has been 20 some years since we have modified these; maybe it is worth the time to redraft it clearly. Have the stakeholders been able to review this and come to a consensus? Do they understand what has changed and what hasn't?

Dan Brush: We haven't met since the final revision came out. The revision we saw the last time we were in consensus with as far as the changes. We didn't like it. I have not sat down and reviewed the final document.

Thad Yonke: How about we start with a work session where we take the existing regulations and what is proposed and go over it and have the Commissioners ask questions.

Stan Shawver: We can go through the list of changes that staff gave to the Commission.

Commissioner Kurzejeski: I think that is a good starting point. The last public comment was four years ago. When this is finalized is it a value to put it back out for public comment?

Stan Shawver: Yes.

Commissioner Kurzejeski: So there will be another opportunity for the public to take a look. Changes did need to be made, staff has done a ton of work in it and I don't think we should drag this on for years but we do need to get comfortable and have an opportunity for public input.

Stan Shawver: Does the Commission want to set a special work session or discuss this at the next work session?

After discussion the Planning and Zoning Commission decided to discuss the proposed regulations at the next work session on December 8, 2016 from 3:30 pm to 6:00 pm.

XI. Adjourn

Being no further business the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Secretary  
Eric Kurzejeski

Minutes approved on this 15<sup>th</sup> day of December, 2016