

**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, December 20, 2018**

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

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Carl Freiling, Vice Chairperson	Cedar Township
Michael Poehlman, Secretary	Rock Bridge Township
Eric Kurzejeski	Missouri Township
Gregory Martin	Katy Township
Bill Lloyd	Three Creeks Township
Loyd Wilson	Columbia Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Absent:

Vacant Seat	Bourbon Township
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c. Staff Present:

Stan Shawver, Director	Thad Yonke, Senior Planner
Bill Florea, Senior Planner	Uriah Mach, Planner
Paula Evans, Staff	

III. Approval of Minutes:

Minutes from the November 15, 2018 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris 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 two rezoning requests, a final development plan for a planned development and three 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. When you address the commission please speak directly into the microphone so that your remarks are properly recorded. 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 Wednesday, January 2<sup>nd</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 Wednesday, January 2<sup>nd</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 Crown Diversified Industries Corp. to rezone from R-S (Single-Family Residential) to C-G (General Commercial) on 3.75 acres, more or less, located at 7208 E I-70 Dr. SE, Columbia.

Planner, Bill Florea gave the following staff report:

The property is located east of Columbia approximately 1.25 miles east of the Lake of the Woods interchange. The address is 7208 E I-70 Drive SE. The zoning is R-S, which is the original zoning.

Adjacent zoning is as follows:

East - R-S

South - R-S

West - RD and RM.

The lot is occupied by an existing building that has been used by a trucking company and other commercial uses. In 2001 the owner applied to the Board of Adjustment for certification as a non-conforming use. That certification was granted on the north 240-feet of the lot.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

Utilities: Public Water Supply District 9 provides water service to the property. There is a 2.5-inch water main across the entire frontage of the property, which is not capable of producing commercial fire flow. A main extension from Wester Lane, approximately 1100-feet west, would allow connection to an 8-inch main that may provide adequate fire flow.

There is a Boone County Regional Sewer District line on the property that connects to the Columbia treatment plant. The existing building is not connected to the sewer line. Connection to the line will likely require the owner to enter an annexation agreement with the City of Columbia.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to I-70 Drive SE.

Public Safety Services: The property is approximately two miles from the Boone County Fire station at 5910 E. St. Charles Road.

Stormwater: The site is already developed, however new development or redevelopment on the site will be required to comply with the Boone County Stormwater Regulations.

### Zoning Analysis:

The Master Plan designates this property as suitable for residential land use. However, according to testimony before the Board of Adjustment, the property has been in commercial use since Ward Trucking commenced operation in 1938. The Board of Adjustment certified a commercial non-conforming use for the property in April, 2001. Commercial use of the property is an established characteristic of the area.

The requested zoning, General Commercial (C-G) is an open zoning district. Under open zoning, the property must be able to support all Permitted Uses in the C-G district. Sewer is physically available subject to approval by the City of Columbia. Water sufficient to provide commercial fire flow is not available at the property, therefore the proposal fails to pass the sufficiency of resources test.

Staff notified 54 property owners about this request. The property scored 78 points on the rating system.

Staff recommends denial of the rezoning for failure to pass the sufficiency of resource test.

Present representing the request:

Ben Ross, Engineering Survey's and Services, 1113 Fay St, Columbia  
Bernard Dothage, 2901 Dothage Ln, Columbia

Ben Ross: Mr. Dothage is the contract purchaser of this property. He owns a small, family owned business and has been in operation for 30 years and he can talk more about that. I am here to talk about the infrastructure. My company designed the sanitary sewer that crosses the property for the Boone County Sewer District and I've talked with Public Water #9 about the water line.

Bernard Dothage: We repair, sell and upgrade task oriented vehicles which in many cases are golf carts, many of those are electric and some are fuel. The property has a long history of commercial use. So far we have had no objections by adjoining property owners or any other expressed opposition. The practical use of this property is commercial and not single family because of constant, excessive noise from the interstate. Hours of operation are generally 8:00 am to 5:00 pm and about a half dozen customers per day.

Ben Ross: They have three employees currently and may go up to five employees in the future. Employees generally use 15 gallons of water per day so the water capacity is fine for the employees washing hands, they might wash some golf carts, it doesn't take a lot of water to wash a golf cart. The property has a functioning septic tank right now and the plan is to use the septic tank as long as possible. The applicants have no desire to hook into the public sewer and they don't want a pre-annexation agreement with the city, they want to stay in the county and that is why they are moving out there. The city limits are fairly close to this property, many of the adjoining properties border the city limits now but Mr. Dothage has no desire to hook into the sewer, he doesn't want to pay the fee, he is trying to save money. As far as fire protection, there are a lot of ways to meet the fire code and it is really a building code comment, there are many places in the county now that don't have adequate fire protection with large water lines. Sometimes you can install a tank on the property and have a storage tank to meet fire protection requirements. It is 1100 feet from the edge of the property to the water line but if you were to extend that eight inch water line to the building it would be 1300 feet and that would cost about \$50,000 not including easement acquisition and a \$50,000 expense for a three person family business is cost prohibitive. They will not be able to operate out of that facility if they had to build a \$50,000 water line, it could be more than that depending on what it costs to get the easements. We would ask for approval, it has had 80 years of commercial use, the next door property which is also zoned R-S is an old discount mattress store. It's right on I-70, we don't see anyone building their dream home right along I-70.

Commissioner Freiling: The applicants requested open rezoning which makes it more difficult for the Commission because the applicants use is one thing but it is not eternal. If it is open zoning then a lot of other things could go in there that could have a very different impact. Was there a reason the applicants chose not to seek a planned zoning request?

Ben Ross: In my experience the planned zoning drives up the development cost, you have to go through different hoops to get a plan change. Open zoning is the easier way from a developer's standpoint.

Commissioner Freiling: But harder from the Commission's standpoint.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Lloyd: What is involved in a planned zoning?

Bill Florea: With planned zoning there is a required site plan so that does add additional cost. They would also have to decide what uses to include in their plan. This case might be a little different because of the non-conforming use that was certified by the Board of Adjustment. They can occupy the property and building with his use now because it is certified non-conforming for general commercial so they can move in today. They are looking down the road and trying to get this changed to a general commercial use.

Commissioner Freiling: That is so they can expand or change use.

Bill Florea: If the building is destroyed by over 75% of its value they would not be able to rebuild and they would lose the non-conforming use. There is an element of risk in buying property like that.

Commissioner Freiling: We have gotten out of the habit of approving open commercial zoning because of past experiences that haven't worked out and as innocuous as this one seems the next person that comes up here will remember that this one has open zoning.

Commissioner Lloyd: The concern is that what the applicant is doing is no big deal but once that zoning is applied to that property then when the applicant decides to retire someone else can come in and do a lot of different things with that property than what the applicant is going to do. Those uses could be detrimental. How opposed are the applicants to the planned zoning? If this request gets turned down would that be an option?

Bernard Dothage: I am opposed to it.

Commissioner Lloyd: Because of the cost?

Bernard Dothage: Yes.

Ben Ross: I would like to add if you have another property owner who comes in with 80 years of commercial use on their property I think the zoning makes sense. If someone else purchases this property you'll have the building code to control it.

Chairperson Harris: How big of a facility is the applicant using now?

Bernard Dothage: A little over 6000 square foot.

Chairperson Harris: So this building is actually smaller than what the applicant is using now. Would your immediate plans be to build something larger?

Bernard Dothage: No, there would be outside storage for the carts. We keep them inside now, storing them outside would free up space inside the building.

Chairperson Harris: Even if the Commission approved it any structural change is going to trigger building codes which is not going to fly because of the fire flow.

Bill Florea: Correct.

Chairperson Harris: The applicant understands this? Even if we approve this zoning that is not the time to come back and say you didn't understand. As it sets today they can open their business tomorrow doing what they are doing because of the previous status.

Bernard Dothage: I understand.

Commissioner Lloyd: If they or the next owner wants to add to the building with the current water provided they can't do that.

Stan Shawver: They may be able to do structural improvements - if they are adding an addition they could create a fire wall or sprinkle the building based on the flow that is there. As it is right now anything they do internally such as a remodel they can do that but anything additional or new buildings will require fire hydrants so that is going to be the hammer.

Commissioner Lloyd: Would the sewage be a limitation too?

Stan Shawver: Sewage is going to be based on occupancy. As long as there is not a public discharge or public complaints the wastewater system they have they may be able to continue to operate.

Chairperson Harris: Ultimately it boils down to a catch 22 from our side of the table there is the risk of open zoning and things that could happen down the road that would be offensive to the surrounding community, from their side of the table there is a risk of making do as long as they are going to be there with what is there today knowing that because of the fire flow situation you really can't do anything else. If your building gets destroyed you are really stuck. On the other hand it has been used as what it has for almost 80 years.

Commissioner Freiling: How much additional cost to go planned zoning?

Ben Ross: I work with a lot of developers inside and outside of the city limits and they always want to go with open zoned because it is cheaper, I would say about 30% more expensive just with the different plans. Having the public coming out with comments and trying to get their hand in the cookie jar to control things or get offsite improvements, all that process is part of the planned development and it takes a lot of consultant time and a lot of expense.

Commissioner Freiling: So \$2000, \$5000?

Ben Ross: I would say 30%, in this case I would say \$5000.

Commissioner Lloyd: I feel like we have protection regarding future use, I understand someone could spend money and get that in use but 80 years of use as commercial and looking at that corridor it seems that it is commercial. I understand there are homes around there but I think it is going commercial.

Commissioner Lloyd made and Commissioner Kurzejeski seconded a motion to **approve** the request by Crown Diversified Industries Corp. to rezone from R-S (Single-Family Residential) to C-G (General Commercial) on 3.75 acres, more or less, located at 7208 E I-70 Dr. SE, Columbia:

Boyd Harris – Yes	Carl Freiling – NO
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – NO	Loyd Wilson – Yes
Bill Lloyd – Yes	Rhonda Proctor – NO
Steve Koirtyohann – Yes	Jeff McCann – NO

Motion to approve the request passes 6 YES 4 NO.

Chairperson Harris informed the applicant that this request would go before the County Commission on January 2, 2019 and the applicants need to be present for the hearing.

2. Request by 3101 S Olivet LLC to rezone from A-1 (Agriculture) to REC-P (Planned Recreation) and to approve a Review Plan for Somerton Event Center on 13.63 acres, more or less, located at 3101 S Olivet Rd., Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located 1 1/3 miles east of the City of Columbia, and ½ mile south of State Highway WW. The site is on the immediate northwest corner of the intersection of Olivet Road and New Haven Road. It is 44 acres in size and is currently zoned A-1 (Agriculture) and is surrounded by A-1 zoning. All of this is original 1973 zoning. This proposal was initially submitted to Boone County Resource Management on the March 2018 agenda and withdrawn prior to the March Planning & Zoning Commission meeting.

The property is in the Columbia Public School District, is served by Public Water Service District #9, Boone Electric, and the Boone County Fire Protection District. The property scored 47 points on the rating system.

The applicant is requesting a rezoning to REC-P (Planned Recreation) zoning for 13.63 acres of the property. The review plan submitted with the request identifies substantial improvement to the area being rezoned. Those improvements are broken into three phases. The improvements include an up-to 10,000 square foot building in phase A, an up-to 3,200 square foot building in phase B, and an up-to 2,000 square foot stable building in phase C. There is also hard surfacing of this property to create a scenic driveway and parking to support up to 158 vehicles. To balance these hard surface improvements, several vegetative screening areas have been proposed. It is our understanding that the current intention of the applicant is to use adjacent A-1 zoned portions of the subject property, after being converted into fields of lavender and cut flowers, as additional voluntary buffering.

The Boone County Master Plan and the East Area Plan identify this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency

of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Public Water Service District #9, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to Olivet Road and New Haven Road, publicly-dedicated, publicly-maintained rights of way. Olivet Road is rated as a Collector road by the Columbia Area Transportation Study Organization (CATSO) and New Haven is rated as a Minor Arterial. The proposed design draws its singular primary access off Olivet Road.

Public Safety: The property is located in the Boone County Fire Protection District, with the station on State Route WW near El Chaparral being closest for service.

Zoning Analysis: This proposal is a substantial departure from current levels of activity in this area. The Boone County Master Plan indicates that this area is suitable for agriculture and rural residential land uses.

The East Area Plan’s future land use map designates this area as most suitable for agricultural activities. The Plan divides the planning area by watershed for purposes of analyzing existing land uses and allocating future land uses. This property is in the Gans Creek Watershed. The Plan states that additional commercial areas should be focused on areas that already have partially developed commercial nodes. Agricultural zoning dominates the Gans Creek Watershed with 99% A-1, 1% A-2 and less than 1% A-2P. There are no public plans to make significant infrastructure upgrades in the watershed.

The step-up in intensity of activity on this site is significant and will generate offsite impacts that will alter the agricultural and rural residential character of the area thereby causing difficulties with the surrounding properties. The increased off-site impacts of this use make it less appropriate with the surrounding properties.

To control off-site impacts, sightlines are limited by to the placement of landscaped buffers between neighboring homes and the proposed structures. Physical separation from nearby homes may also serve as an effective buffer to issues with light leaving the property.

Hours of operation are an important method of limiting impacts caused by a use of this type. Maintaining a balance between the surrounding homes, the times when residents are most likely to be home, and the need for the facility to operate at prime times is difficult. The year-round nature of the current proposal when combined with extended hours during holidays, which in itself is not well defined, creates an environment where the residents of surrounding properties and the users of the reception facility are likely to come into conflict and have issues with noise and light from the facility.

The proposed uses of Reception Facility, Club & Lodge with Incidental Facilities, and Guest Ranch with Incidental Facilities will increase vehicular traffic to this site. While the isolation of this site is useful to create the environment desired by the applicant, that isolation also brings additional need for supporting services to the site. The proposed uses, while their visual impact is mitigated by the landscaped screening, are intensified by the hours of operation that are proposed. While weddings and organizational events are identified as the primary target market for this facility, the hours of operation do not sufficiently limit the opportunities for other, more intense activities at times more inconvenient for the surrounding properties.

While the sufficiency of resources test indicates that available resources should be able to support this use, the geographic separation from higher intensity commercial services needed to support this level of activity is significant. When combined with the location in a low-density, rural residential area, the

proposed plan is out of character with the surrounding area and with the guidance provided by the East Area Plan

Staff recommends denial of this request.

Present representing the request:

Terri Wright, 2801 S Olivet Rd, Columbia

Brian Harrington, 3312 LeMone Industrial Dr, Columbia

The applicants presented a power point presentation.

Terri Wright: Somerton is a French inspired venue. The entire farm encompasses about 200 acres. The equestrian center is there but the subject tract is the southwest corner of the property. There is an existing pond that we are going to clean out and improve. The A-1 area is under 10 acres so there could never be a house built there. We want to do flowers in A-1 and a three acre portion is to be a lavender field. We are trying to introduce the French countryside. The main entrance will be off of Olivet and we are going to put evergreens in front to block the center from the neighboring homes as well as penetrating light and to diffuse the sound. The road curves and there is a berm that hides the first parking lot as you continue through there are gates along with a turn around so if the gates are closed people can turn around and not have to back out on to Olivet. The road continues on to a second parking area with more berms the parking will be natural and beautiful and that is very important for me to maintain. There are a band of trees and once you go through that it's the first time you will see the venue. There is a circular drive and additional parking. The venue is about 100 x 75 feet and it backs up to the pond. There is a request to do another building and at this time we are not sure what the intended use is to be; I was told it was easier to add a proposed building now than to have to come back with a revised plan. The building may be built to hold the chairs and tables for the venue. Phase C at the north western part of the property has to do with the horses, there are no plans to do anything with it right now. The idea is if people wanted to bring their horses and use the cross country field or if we have a show it would be easy for them to park the trailers and it is very important to keep the outside horses away from the boarded horses. I was told I could plant trees where the lateral field will go before the laterals are installed so this will add more buffer. It is the goal not to be able to see the venue from the road.

A photo of the proposed trees and flowers were shown.

Terri Wright: The trees grow very tall. The architect rendering shows the proposed 100 foot long building and it is more in keeping with a residence and will be built in the old world fashion, stucco and stone. We are planning gas lighting and it will have an old world feeling, when you go there you are going to feel like you are in France. The main dining hall will seat about 200 people, the photos are for inspiration but it is going to have that feeling. The wedding party will be able to go outside and dine. I love the trees along the driveway there are a lot of trees to provide a lot of buffer, I want the journey to begin at the time you turn off of Olivet. When you start down this road your destination is a French countryside. That is my vision.

Brian Harrington: Terri has a great vision for this and we've talked about it extensively about why this location is good. It is a countryside feel we are at the intersection of a minor arterial and collector street so from a transportation standpoint that is adequate to supply the needs that we have. There is an existing waterline that supplies our needs, we can take care of the sanitary sewer and the stormwater requirements on site. Terri did elect to go with planned zoning out of the gate and it does cost a lot extra and that is so the feeling and vision she is trying to set is preserved; it protects the neighborhood, the county and Ms. Wright as her business goes forward.

Commissioner Poehlman: I didn't see anything about hours of operation.

Brian Harrington: There is a note on the plan.

Chairperson Harris: The vegetation that was shown in the power point was the applicant going to bring in something that has that degree of height already?

Terri Wright: That size won't transplant because those are mature trees. Once established they are supposed to grow 2 or 3 feet per year so I would bring in 6 foot tall trees.

Chairperson Harris: Will it have a commercial kitchen?

Terri Wright: It will have a caterer's kitchen. I have no plans on doing the cooking there but we will provide a kitchen for the caterers and refrigeration.

Chairperson Harris: Do you plan on getting a liquor license?

Terri Wright: No.

Commissioner Loyd: Did you do a perc test already?

Brian Harrington: We have not; we anticipate it being a drip irrigation system with an engineered leech field.

Open to public hearing.

Present speaking in favor of the request:

Jacque Cummins, 212 Elliott Dr, Columbia

Jacque Cummins: My guess is a lot of the people here are neighbors who fear the worst and imagine looking out their driveway and seeing some monstrosity like the Holiday Inn Executive Center and I wouldn't want that either and this is not at all what this is going to be. Somerton is not going to be remotely like that, it will be a country village with a French flair. I have done business with Terri for over 15 years and in that time I've learned that she doesn't do anything by halves. She is crazy about details so everything must be perfect down to the tiniest detail. The end result will create a picture-perfect charming atmosphere. There will be the trees and berms and plants mentioned that shield the building and parking areas from the view of the road and keep sound from carrying. The vision is once you go down that drive you will be transported away from town, houses, traffic into an old fashioned French country village; it is all peaceful and serene and fun. The flip side of that and the best for neighbors is no one outside the village will be aware it's there. It is private on the inside and will be private from the outside. For the record I have no vested business interest in this plan but I think it would be a great benefit to Columbia and a great addition to our towns small business ventures. I am sure Somerton will be unlike anything in the region.

Catherine Cooper, 2019 Country Club Dr, Columbia

Catherine Cooper: We have come to know Terri through Amulette where we board our horse. Terri is one of the most dedicated, hardworking and trustworthy people I have ever met and I've met a lot of people. If you know Terri as we do then you know she leads by example and her stewardship of the land, her zest for life and her dedication to empowering others. We've lived in Columbia for more than 10 years and have

seen many changes in that short time. This is a beautiful center and we believe this event center will be a wonderful asset to our community.

Shelby Dorfman, 1506 Fox Run Dr, Columbia

Shelby Dorfman: I have been doing business with Terri for about three years and anything she does is incredible, she goes above and beyond and she cares for people and that is not something you feel in a lot of places around here. I grew up in Chicago and moved here and it is wonderful doing business with Terri. From a boarder standpoint I can't see the barn from the road and I can't see the road from the barn. There is a big separation and I appreciate that as a horse owner and as a business woman. I think there is nothing like Somerton here in Columbia and to separate Columbia from Kansas City and St. Louis to be right in the middle and to have this venue would be an incredible addition to the community.

Kathy Weinstock, 2908 Crawford St, Columbia

Kathy Weinstock: I have known Terri for a little over three years, I board my horse at her facility and I believe her stable has become the nicest stable in the area and that is my opinion. I feel like Terri's vision is so exciting to see and to hear about; I feel it would be a win-win, not only for Terri to have this approved but also for the City and even for the neighbors, hopefully at some point they could come to see that. I think it will be so beautiful and such a gift to our city and our area. I would like to see more creative things like this where it is beautiful, attractive and low-key. Terri has the integrity and wonderful business sense. I hope this is approved.

David Gisel, 2801 Olivet Rd, Columbia

David Gisel: I would like to reiterate what has been said recently. One thing Terri has always done is pay attention to detail but detail in the sense of where she wants to be conservative and conscientious of the surrounding area. One of the things she is conscience of and everyone should be conscience of is Columbia as far as a city is concerned is annexing north, south, east and west, the growth is inevitable whether you want it or not, Columbia is growing and houses are growing. If you go down Olivet you go down Highway WW it is coming. One of the things Terri wants to retain with this farm is the feel of the farm and countryside and that would be lost with row houses. You can't farm thirteen acres and make a living, you have to do something else with it. You can put a bunch of houses on it, or a turkey farm, a hog farm or you can make something beautiful out of it. Rows of lavender, flowers, and trees and a winding driveway into a French destination is a nice thing to have in Boone County. It would be something that would draw people from all over the state. Just in Boone County alone on a yearly basis about 2300 marriage licenses are issued. Within 25 miles of the city center we have probably 30 venues that don't come remotely close to what Terri is planning on doing. If you think about that from an economic standpoint those people are going to leave Boone County and go somewhere else. They are going to spend \$20,000 for their wedding and have 200 people come to where they are going to be spending that money. Terri's vision is more or less to maintain the country feel but it is an economic impact. We can keep that impact in Boone County or it can go elsewhere. If you take 200 people every weekend for 52 weekends as far as tax revenue is concerned that is about \$54,000 that Boone County would realize just from them doing dining and hospitality. Besides all of that we are trying to maintain some kind of great event and great area that people can enjoy. It is beautiful countryside, it is not a commercial area.

Amanda Wright, 2950 S Olivet Rd, Columbia

Amanda Wright: I want everyone to realize that this farm is my mothers dream she has put so much effort in increasing the beauty of the farm and keeping the feel of the countryside. She would never do anything that she thinks would ever harm that feel. She has the best interest of the land in mind and the

environment, she really does have the best interest of everyone that lives there as well. I have watched her plant trees and put time and effort in to improving the land. With this rezoning she would only increase the amount of effort and beauty in the land itself.

Present speaking opposition to the request:

Steve Duren, 3240 Olivet Rd, Columbia

Steve Duren: I live directly across from the entrance to the proposed event center. I am speaking for a group of us. We believe there is no need or justification for the event center. We have not seen any feasibility studies nor any impact studies reflecting whether it is positive or negative to the area. Things that we oppose is spot zoning. The zoning surrounding the site is A-1 and contains small farms and low density residential housing. Terri owns an equine center but within three or four miles there are homes that have horses also so that fits in with agricultural zoning. We don't see a good reason to put something in the middle and have it rezoned. The document Columbia Imagined, this area was designated as a sensitive area and that designation discourages any rezoning. She wants to put in 150 concrete parking spaces and that screams of disrespect for this sensitive area. The road infrastructure in the area is not designed to accommodate the intense traffic that the proposed center would take. According to the County there are between 7000-8000 cars on New Haven Road, that doesn't count what is on Olivet. According to the 20/40 long range transportation plan there are no plans to improve this infrastructure until 2032. New Haven and Olivet do not have shoulders and if 150 cars leave at one time out of a party that is going to create a safety hazard. Columbia Public Schools own property three miles down the road from this proposed event center and they decided not to put a school there and one of the reasons was because the road infrastructure was not capable of supporting the traffic. In the same 20/40 long range transportation plan Olivet and New Haven are both designated as bicycle routes, any traffic would be a deterrent and safety factor for the cyclists. Located to the north of the event center off Olivet is the intersection with Highway WW. This intersection has already been documented as extremely dangerous; the visibility of cars traveling east on Hwy WW is compromised by hills and sharp curves and it makes it hard for people to get out. Another concern is noise level; noise from event facilities is neither consistent nor compatible with A-1 zoning especially with the single family dwellings around there, the noise level would be an interference. Fireworks are allowed in the county 365 days a year, along with the hours of operation these fireworks would be disruptive to the lives of the local residents and besides that during dry times of the year it would be a fire hazard and I haven't seen anything in the plans about fire hydrants for that protection. The noise from amplified music inside or out with a PA system is very incompatible with A-1 zoning. The lighting, whether it is high intensity for security or low intensity for ambiance is inconsistent with the surrounding A-1 zoning. The applicant stated she wished to use gas lighting which is also a fire hazard. The low lighting creates a security issue for the event center and by extension a security issue for the neighbors. The increased lighting regardless of intensity would be a negative impact on the area wildlife and their natural habitat. The proposed hours of operation are very extensive and intrusive with single family homes. When you are going from 8:00 am to 1:00 am on the weekends and the rest of the time until 10:00 pm that is pretty intrusive on anyone's lifestyle. As neighbors we chose that area for the quiet and serene setting, not for an event center. If we would have desired a high traffic, noisy area we would have moved into the City of Columbia. We feel like the change to the landscape will have an adverse affect on the stormwater run off; we understand there can be engineering done for that but we are still concerned that this would increase the flooding of New Haven Rd. Those of us that have lived there for a long time have seen New Haven Rd. flood more than once and when you have 150 parking spots that are concrete or asphalt that increases the water flow. Due to the Gans watershed the pollutants coming off the parking lot if not caught properly would have an affect on the watershed. We understand the sewer system they want to put in is DNR approved but we still think that with that kind of facility it is a negative impact on the watershed and we don't think the area has the geographic infrastructure to handle that sewer. All of us out there have lagoons with septic systems because the ground won't percolate. We understand they will be serving

alcohol because with recreation zoning you are allowed to serve alcohol. Excessive use of alcohol is not unusual with these types of events and it is not a-typical for dangerous behavior to be displayed by attendees who have too much to drink. It will draw the attention of local law enforcement and the eventual impact on home values because of the increased law enforcement presence. I have lived there since 1994 and the area has grown and we understand the area is going to grow but everyone that has come out there have put in nice homes on large pieces of property and we aren't going to have the row houses that they are talking about because the land is already set and surveyed. It is one of those things that is impacting the area that doesn't need to be, although it may be nice and is her vision it is not the right thing in the right place at the right time.

Chairperson Harris asked those in the audience who is represented by Mr. Duran and shared his views to stand. Approximately 30 people stood.

Burt Miller, 8620 New Haven, Columbia

Burt Miller: If this is approved what are the requirements that the presentation that was made tonight is exactly what is built? If the ownership of the property changes could some other venue be put on that land without any further approval by the Commission?

Chairperson Harris: You've heard the question asked tonight about an open rezoning request versus a planned request. The applicants in this case have gone with the planned request and that is one of the favorable things about a plan is that what is on the plan can be done and if it is not on the plan it can't be done without a new request.

Thad Yonke: The architectural is not part of the plan; the plan has areas for buildings with set sizes but it does not specify the style of the building. The parking that is required is based on the size of the buildings and that would be required.

Chairperson Harris: The plan is for the use of the land and what can go on there; if some other use besides this was going to be proposed it would be subject to the plan but the style of building can change.

Burt Miller: How does the Commission say no to the next request once a zoning change has been approved for Party A? How do you respond to Party B? There are a lot of 10 acre tracts in the area and some own more than 10 acres. I could forsee many requests come before the Commission to change from A-1 and the people that have the hogs, turkeys, and row crops are going to be sitting here asking the same question, what is going next to my 10 acres tomorrow? That is why I am not in favor of the request.

Commissioner Freiling: when Planning and Zoning was adopted, private property owners surrendered some private property rights to the county based on a zoning map that was required to be part of that vote. That was in 1973. As development occurs, changes occur so that is why this Commission is here, if it were written in stone there would be no need for us. It is the weight of decision that the Commission have to consider is whether a zoning request is a violation of that basic fundamental trust. In a circumstance like this it is difficult to change the nature of a neighborhood for a commercial purpose. When the City of Columbia get those properties in that area there will be annexation and the county zoning will change because of the city.

Robert Hollis, Attorney, 1103 E Broadway, Columbia

Robert Hollis: I represent 7200 NH LLC which is an entity that owns a little over 100 acres immediately south and southeast of the site in question. The real issue is land use, it has nothing to do with a lovely idea and looks like it might be something that if that's how it turns out it could be potentially acceptable in

certain areas, not necessarily this one. As you know your decision runs with the land so the applicant notwithstanding is not around forever so there is no guarantee that what has been shown will be done in the first place and certainly no guarantee that will continue in the long term. There were four uses on the applicant's plan, agricultural, club and lodge, guest ranch with incidental facilities, and reception facility. Reception facility is a use, according to my research, that is often dealt with harshly because it is a relatively heavy use. If you look for that use in the zoning regulations you will find it in general commercial. It is not in neighborhood commercial, or commercial office, it is not until you get just below industrial before you find this in the zoning regulations. It is a heavy use. The presentation showed substantial improvements that can't come cheap. I don't know anything about the applicant and I think that is completely irrelevant; what is relevant is that it looks like there is substantial money being spent, that often leads to one attempting to get their money back so there may be a bunch of weddings. What can you do under reception facilities? I could put together something that is laid out in a similar fashion except it is for frat parties. I think you could have the equivalent of frat parties every Friday and Saturday night until 1:00 am and then on holidays until 1:00 am based on the hours that are on the plan. Staff's report was excellent and they made great points. This proposal is out of character for the area.

Boyd Terry, 5880 E New Haven Rd, Columbia

Boyd Terry: I would like to emphasize that something seems to perceive that we are going to grow and it won't matter what happens, we will grow and tumble over all the regulations regarding the Bonne Femme Watershed. The Gans creek is a principle part of that. I don't think we should take lightly our citizenship of trying to respect that watershed. In spite of what seems to be quite intricate planning for this I haven't seen any evidence that the leech field and the impervious surface is going to be compatible with our charge as citizens to protect that area. Even if Columbia wants to expand there have to be some limits. The other problem that has been mentioned is the traffic volume that is going out there is a problem and I would hate to solve that problem financially. With due respect to those who have made such wonderful plans the basic underlying citizenship plan we have in protecting the watershed is my greatest concern.

Debra Craig, 9620 E Vemers Ford Rd, Columbia

Debra Craig: I own land on Olivet. Who is going to enforce all the trees and flowers? She has planted some trees on the easement along New Haven Road which causes it to be a blind corner. How is this going to affect hunting? We hunt right across the street from there. Who is going to control the security? I have seen horses loose on New Haven Road. Who is going to enforce that these trees get planted?

Thad Yonke: There is only some of the landscaping shown on the plan. The staff report does try to make the distinction that the presentation and some of what we were told before hand is that the applicant intends to use the A-1 portion that is not part of the rezoning request as some vegetative buffering in addition. That is not part of the plan so that is not something that we can enforce. The area that is within the plan is part of the plan and has to be installed along with all of the other improvements before they are allowed to have any occupancy permits. The staff report indicates that based on the plans for this area by the city and county, staff recommended denial, if it ends up that the Commission is inclined to approve this rezoning request then staff will want to suggest some conditions for the review plan.

Stan Shawver informed the Commission that staff received petitions in opposition with 67 signatures.

Gerald Craig, 9620 E Vemers Ford Rd, Columbia

Gerald Craig: I I question how enforcement for the late hours if they are running until 1:30 am? If the neighbors complain the Sheriff's Department has more important things to do; if something happens they aren't going to get out there until the next morning.

Closed to public hearing.

Terri Wright: I understand that change is hard and I am a steward of that land and I am trying to find a cohesive way to compliment the A-1 zoning and keep the country feel. The truth is that change is coming. I would rather control that change in a sense to do something that is beautiful and good for the neighborhood, my alliance is to the environment and nature and my neighbors, I don't want to be a bad neighbor. What is disheartening is just south of that land there are four lots and they contain a total of four acres with seven residences. It is not the country feeling you might think from that viewpoint. It is more like residential more than country, I hear talk about ten acre tracts minimum and that is not the case, there is 57 acres divided up into 12 tracts just across New Haven, that is not keeping with today's zoning either, it is grandfathered in but it is disparaging when I am trying to keep these 200 acres together, I don't ever want to have to develop it. I am not getting any younger and I would like to leave something for my kids to carry on with, something sustainable where they wouldn't have to sell. It is going to be in the city limits before long and if something were to happen to me, that is very valuable land and it would make a nice subdivision. It is not my intent to have frat parties or to do anything ill willed with that land. You might say if I sold the land or died then anyone could have that intent but we can't live for tomorrow. The sad thing about today is people are not taken at their word and for good reason for a lot of them. I hold my word and integrity above anything else and it is very disheartening to think that I would ever do anything, I wouldn't even lie. I can't predict the future. All I am trying to do is do something with land that I own that is beautiful and beneficial to the neighborhood, to the community, to anyone getting married or having a baby shower or yoga class; somewhere for the people in the city to go that is different and that is real and quality that creates a lasting memory. Columbia is a beautiful city but you can't have this in the city, you have to come out. I am 1.5 miles outside of the city limits so it is really not a big stretch. The roads are tough, especially when the bikers are out but the time that the weddings are on are not peak times for travel generally. I have also given up quite a bit of road easement so if there ever needs to be turn lanes I am willing to listen to what the neighbors want and work with them and compromise but it is very hard when you try to do the right thing and you have somebody across the street telling you that you can't and judging. Everyone has a right to quiet enjoyment, the building would be structured so that sound proofing is new and it is not going to be loud, the music would be inside. You probably won't even be able to see it from the road. These are things that are important to me. I heard the driveway was going to be blacktop or concrete and that is not true. The countryside of France they have crushed granite and now they make this diamond stuff that you fill with crushed gravel, it is permeable and it sustains parking but no one even cares to ask me questions about that. No one wants to find out that what I am trying to propose to make this environmentally friendly, no one cares. No one cares that I have already drained that pond to clean it out to make it bigger so it holds more water so less water runs into Gans Creek. I am trying to bend over backwards to make this work and make it work for everyone. I work hard everyday and I would never stop; I am committed 100% to doing the right thing.

Chairperson Harris: On this scale the parking can be dust free crushed aggregate or does it have to be a hard surface?

Thad Yonke: There is no provision; it has to be a minimum of chip seal or asphalt or concrete.

Commissioner Wilson: We have had people testify positively to the applicants character and vision and creativeness and Ms. Wright has spoken well about her plans and it looks like a nice facility. I represent the township. From a rezoning perspective I move to deny the request.

Commissioner Wilson made and Commissioner Koirtyohann seconded a motion to **deny** the request by 3101 S Olivet LLC to rezone from A-1 (Agriculture) to REC-P (Planned Recreation) on 13.63 acres, more or less, located at 3101 S Olivet Rd., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to deny the request passes unanimously.

Commissioner Harris made and Commissioner Martin seconded a motion to **deny** the request by 3101 S Olivet LLC to approve a Review Plan for Somerton Event Center on 13.63 acres, more or less, located at 3101 S Olivet Rd., Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to deny the request passes unanimously.

Chairperson Harris informed the applicant that if they wished to appeal this decision to the County Commission an appeal form would need to be filed with the Resource Management Department within three business days.

## VII. Planned Developments

1. Request by Omkara LLC to approve a Final Development Plan for Godas Leatherwood Center on 3.64 acres located at located at 1505 W Rte K, Columbia.

The following staff report was entered into the record:

This proposal is for a Revised Final Plan for Godas Leatherwood Center. This new proposal will replace the currently approved Final Development Plan. The property is located immediately east of the intersection of Old Plank Road and State Route K just north of where Maple Meadows Drive comes off State Route K. The site adjoins the Columbia City Limits on the east. The property is currently zoned C-GP (planned commercial) which was rezoned from R-S in 2007. Zoning to the north is R-M and R-S and zoning to the south is R-S and A-2 and these are the original 1973 zonings. The current proposal eliminates the proposed strip mall found on the 2007 plan and focuses on making the site function for the convenience store/gas station use that is already an approved use on the existing approved plan. The current proposed plan contains the 3.83 acres of the lot which is the area to be developed. The Revised Review Plan for this proposal was approved earlier this month. The multi-use plat associated with this development has been approved and recorded in conjunction with the previous plan.

Fire hydrants will be required and will have to meet fire & water district approvals. The actual requirements will vary based upon the actual size, uses, and construction methods proposed for the

structures. Sewer service is proposed to be from the BCRSD, Cedarbrook/Leatherwood Hills facility. An agreement for sewer service has been proposed and a copy of the executed agreement is in the file. Any public sewer infrastructure will have to be installed, inspected and approved prior to any building permit being issued for this site. We have received notice from the water district that the developers have started the process for making water and hydrant improvements. All water and fire hydrant infrastructure required for the development must have an approved plan and schedule for installation prior to any building permit being issued. No occupancy of any structure will be allowed until full compliance with the water and hydrant installation is completed to the satisfaction of the water district, fire district, and director of resource management. The driveway connections to State Route K and Old Plank Road will be required to get approval from the State and City of Columbia as neither is a roadway under our maintenance. The proposal rates 81 points on the point rating scale.

Staff has determined that these standards required with the Review Plan approval are in process of being met: The condition is - Infrastructure for sewer and water must have an approved plan and schedule prior to issuance of any building permit and no occupancy will be allowed until all infrastructure is installed, inspected, and approved.

Commissioner Freiling made and Commissioner Harris seconded a motion to **approve** the request by Omkara LLC to approve a Final Development Plan for Godas Leatherwood Center on 3.64 acres located at located at 1505 W Rte K, Columbia:

Boyd Harris – Yes	Carl Freiling – Yes
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicant that this request would go before the County Commission on January 2, 2018 and the applicants need to be present for the hearing.

## VIII. Plats

The following items were placed on consent agenda:

1. Liberty West Estates Plat 1. S16-T46N-R12W. A-2. Carl Freiling, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on the north side of Liberty Lane approximately 1200 feet west of the intersection of Liberty Lane and Palis Nichols Road. The property is 30.03-acres in size. This Final Plat proposes the division of the property into 8 lots. The property is zoned A-2 (Agriculture) as is all the surrounding property which is all original 1973 zoning.

The proposed development will get primary access from frontage along Liberty Lane, however, access to lot 1 and 8 is from Henry Lane on the north. A ½ width for the future extension of Henry Lane has been provided.

The subject property is in Consolidated Public Water Service District #1 and will get water from existing 8-inch water mains along with some possible water main extensions. The property is in Boone Electric Cooperative, and Southern Boone County Fire Protection District. Fire hydrants will be required to serve all the proposed platted lots.

Wastewater is proposed to be from on-site systems and a cost-benefit analysis has been provided. The Health Department has indicated that soil data should be provided for a number of the lots. This information has yet to be provided.

The property scored 51 points on the rating system.

Staff recommends approval of the plat with the recognition that the plat can't go to the County Commission until soil data has been provided and approved by the Health Department and Director of Resource Management.

2. Lenze Estates. S8-T49N-R12W. A-2. Lenze Hardin, owner. Ronald G. Lueck, surveyor.

The following staff report was entered into the record:

The subject property is located on Boatman Hill Road, 700 feet north of the intersection of Boatman Hill Road, Oakland Gravel Road, and Ketterer Road. The parent property is 15.73 acres in size. This proposal divides the property into a 4.19-acre lot created by subdivision plat and an 11-acre administrative survey tract. The platted lot contains an existing house and wastewater system. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The property has direct access on to Boatman Hill 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 #4, the Boone County Fire Protection District, and the Boone Electric Cooperative's service area.

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

This proposal dedicates additional right of way on the east side of Boatman Hill Road. That dedication is supported by Boone County Engineering.

The property scored 42 points on the rating system.

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

3. Drake Ridge. S26-T50N-R14W. A-2. Donald A. Drake, owner. Steven R. Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located on Callahan Creek Road, approximately ¼ mile to the west of Trimble Road, three miles south of Harrisburg. The property is currently vacant. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The remainder of the parent parcel is currently proposed to remain as a 31.50 acre tract, with no current proposal for further subdivision.

The subject property has direct access on to Callahan Creek 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 the Boone Electric Cooperative service area, the Boone County Fire Protection District, and Consolidated Public Water Service District #1.

The subject property will be served by an on-site wastewater system when it is developed. Such a system will be regulated by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

There is an access and utility easement extending across this property to serve the remainder tract to the south.

The property scored 13 points on the rating system.

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

Commissioner Wilson made and Commissioner Martin seconded a motion to approve the items on consent agenda with staff conditions:

Boyd Harris – Yes	Carl Freiling – Abstain
Michael Poehlman – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Loyd Wilson – Yes
Bill Lloyd – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the items on consent agenda passes.                      9 YES                      1 ABSTAIN

IX. Old Business

1. Update on Commission action.

Director, Stan Shawver updated the Commission on the actions taken by the County Commission as follows:

The rezoning request for Norma J. Keil was approved as recommended. Commission Order 518-2018.

The combined rezoning requests for Joanna M. Wilson and DNT Group LLC were approved as recommended. Commission Order 519-2018 and the review plan on Commission Order 520-2018

The revised review plan by RML Investment Properties was approved as recommended. Commission Order 521-2018

The review plan by Omkara was approved as recommended on Commission Order 522-2018 and the final plan was before the Commission tonight.

2. Update on Subdivision Regulation comments.

Stan Shawver: I met with the County Commissioners and asked if they would be willing to meet with the Planning and Zoning Commissioners, they directed that the P & Z Commission continue plugging away and they will look at the final draft.

Chairperson Harris: We asked and that was their response we now have the latitude to proceed without any question or concern as what the Commission wants. We will finish our job.

Bill Florea: We are working on the ballot that the Commission asked for which is more of a questionnaire.

Thad Yonke: When we talk about the ballot issue we can bring up the example.

X. New Business

None.

XI. Adjourn

Being no further business the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 21<sup>st</sup> day of February, 2019