

**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, September 19, 2019**

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
Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge Township
Gregory Martin	Katy Township
Rhonda Proctor	Perche Township
Steve Koirtyohann	Rocky Fork Township
Jeff McCann	County Engineer

b. Members Absent:

Carl Freiling	Cedar Township
Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township
Vacant Seat	Columbia Township

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 August 15, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

The following Chairperson statement was entered into the record:

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes four rezoning requests and five 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 or silence 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, October 1<sup>st</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, October 1<sup>st</sup> will begin at 7:00 p.m. and will convene in this same room.

## V. Rezoning Requests

1. Request by Charles V. Melloway to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan on 31.81 acres, more or less, located at 9611 E Hwy OO, Hallsville.

Planner, Uriah Mach gave the following staff report:

The subject property is located on the north side State Route OO, approximately 2 miles to the southeast of the City of Hallsville,  $\frac{1}{4}$  mile west of Doris Boulevard. The property is 31.81 acres in size, with two houses, a single-wide, and several accessory structures present. The property is zoned A-1(Agriculture) and has A-1 zoning to the north with A-2 (Agriculture) zoning to the west, and south. There is a A-2P (Planned Agriculture) zoning to the east. The A-2P was rezoned from A-1 in June of this year, the other zonings are all original 1973 zoning.

This proposal is to rezone the property to A-2P (Planned Agriculture) for purposes of dividing the property into 5 lots via family transfer, plat, and administrative survey.

The Boone County Master Plan identifies 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 #4, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to State Highway OO, a publicly dedicated, publicly maintained right-of-way.

Public Safety: The property is in the Boone County Fire Protection District, with the station in Hallsville being closest for service.

The property scored 46 points on the rating system.

Zoning Analysis: This proposal can meet the requirements of the sufficiency of resources test. The desired density, while a departure from the prior zoning, is not extraordinary when compared to the adjacent original 1973 A-2 zoning to the west and south.

Staff recommends approval of the rezoning & review plan.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia  
Chuck Melloway, 9611 E Hwy OO, Hallsville

Kevin Schweikert: Mr. Melloway wants to divide his property, there is a modular home and a singlewide mobile home both occupied by family as well as his own house. We have three tracts proposed as family transfer tracts and one subdivision plat lot and a larger tract to be surveyed by administrative survey which will include his house and outbuildings. There are two lagoons on one property at this time and they will be separated in the division. We think it is an appropriate zoning for the area and A-2P was done next door just a couple months ago. Everything to the north is A-1 but to the west and south is A-2 and there are

smaller lots along Highway OO; the area lends itself to be zoned A-2. The applicants are asking for A-2P which is more restrictive.

Commissioner Kurzejeski: The plan shows two 30-foot accesses to Highway OO, are there going to be two driveways in there next to one another?

Kevin Schweikert: They could be driveways but the real reason for those is to accommodate the water districts requirement to set a water meter on the lot it serves. Water district #4 requires that a six inch water line be extended from wherever an existing six inch water line or larger is; in this case it is about a  $\frac{1}{4}$  to  $\frac{1}{2}$  mile to the east at the Doris Boulevard intersection. To get a water meter to the back side of the lots the applicant would have to extend a six inch public water line and ask for easements.

Commissioner Koirtyohann: I have been neighbors with Mr. Melloway for about 25 years and have never known him to be anything other than a great neighbor. This zoning probably impacts me more than it does anyone else and I have no problem with this request.

Chairperson Harris: There is a six inch water line at Doris Boulevard and Water District #4 is requiring an extension of that line to accommodate what purpose?

Kevin Schweikert: It is larger than a six inch at Doris I believe but Water District #4 requires their water meters to be set on the lot it serves and you would have to extend the water line back to where it exists now to get to a lot if we didn't have the 30 foot stem out to the public right of way where the existing three inch water line is located. District 4 will not extend a three inch water line, they will only extend a six inch or larger so the developer is on the hook for the cost of that extension.

Chairperson Harris: If all five of these parcels end up with a dwelling on it is there water capacity for that purpose?

Kevin Schweikert: Yes. There are already three dwellings so we will only add two more in the future.

Open to public hearing.

Present speaking in support:

Darren Freese, 9470 E Highway OO, Hallsville

Darren Freese: I have lived next to Mr. Melloway since 2008 and he's been a great neighbor, these changes impact me because I am fairly close to his property but I have no concerns about it.

No one spoke in opposition.

Closed to public hearing.

Chairperson Harris: When a family transfer is done how long before the property can be sold.

Stan Shawver: One year.

Chairperson Harris: My concern is with parcels three and four. If those were to be sold are there any provisions for any access or maintenance agreements? Because that stem will become a roadway.

Kevin Schweikert: It is likely it will be a shared driveway and there will be a maintenance agreement in the future.

Chairperson Harris: Will the agreement be done at that time or put in place now so that it is there when the time comes?

Kevin Schweikert: In recent history we have been putting them together ahead of time. I don't believe it is required.

Commissioner Koirtyohann made and Commissioner Proctor seconded a motion to approve the request by Charles V. Melloway to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 31.81 acres, more or less, located at 9611 E Hwy OO, Hallsville:

Boyd Harris – Yes  
Michael Poehlman – Yes  
Rhonda Proctor – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Greg Martin – Yes  
Steve Koirtyohann – Yes

Motion to approve the request passes unanimously.

Commissioner Koirtyohann made and Commissioner Kurzejeski seconded a motion to approve the request by Charles V. Melloway to approve a Review Plan on 31.81 acres, more or less, located at 9611 E Hwy OO, Hallsville:

Boyd Harris – Yes  
Michael Poehlman – Yes  
Rhonda Proctor – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Greg Martin – Yes  
Steve Koirtyohann – Yes

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Tuesday, October 1, 2019 at 7:00 pm and the applicants will need to be present.

2. Request by Tysen and Meredith Williams to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 15.65 acres, more or less; and a request by the Donald and Barbara Osburn Family Trust to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on .48 acres, more or less; and approve a Review Plan for South Z Estates located at 11350 N Rte Z, Hallsville.

Planner Uriah Mach gave the following staff report:

The subject property is located on State Route Z, east of the point where Nienaber Lane extends to the south, approximately 5 miles to the southeast of Hallsville. The property is 16.31 acres in size. There is a house, two accessory structures, and a lagoon present on the property. The property is zoned A-1 (Agriculture) and is surrounded by A-1 zoning. This is all original 1973 zoning.

This proposal is to rezone the property from A-1(Agriculture) to A-2P (Planned Agriculture) for purposes of dividing the property by subdivision plat. The proposed division shows a 5.81 acre lot and a 10.31 acre lot, separating the existing structures from the remainder of the property.

The property scored 36 points on the rating system.

The Boone County Master Plan identifies 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 #4, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to State Route Z and Nienabar Lane, both publicly dedicated, publicly maintained rights-of-way.

Public Safety: The property is in the Boone County Fire Protection District, with the station in Hallsville being closest for service.

Zoning Analysis: This proposal can meet the standards of the sufficiency of resources test. This area has developed in a manner consistent with the A-1 zoning, with most tracts in the 20 to 40-acre range.

Approximately 1200 feet to the west along State Route Z, the 10-acre Kallenbach property was rezoned in 2004 to A-2 (Agriculture) for purposes of dividing the property by family transfer. At that time, there was no interest in opposing the request. No such transfer has occurred yet, leaving the property zoned A-2 with the ability to be divided into 4 platted lots.

The South Z Estates review plan that shows the proposed land division creating 2 lots. The plan, if approved, is binding on the property. That plan only allows for 2 lots, giving an overall density of 1 lot per 8.15 acres, considerably closer than the previously approved 1 lot per 2.5 acres under the Kallenbach request.

As this is a planned rezoning request and at a comparatively close density to the surrounding properties, staff recommends approval of the rezoning request and review plan.

Present representing the request:

Steve Proctor, 7001 Stidham Rd, Harrisburg  
Tysen Williams, 13330 E Marshall Ln, Centralia

Steve Proctor: Originally Mr. Williams was close on the acreage, if he had 20 acres he could have easily divided this property. The request says the Osburns are part of this plan but I am not sure they are any longer. They transferred land to each other in an equal amount so Mr. Williams could meet the 50 foot setback on the existing structure. Are they still part of this request?

Bill Florea: They were listed on the application.

Steve Proctor: That was the application that I thought got pulled because staff wanted us to take care of that strip rather than including the Osburns.

Uriah Mach: That could be possible but they were listed on the application that was on file for this request.

Thad Yonke: The only thing that is up for rezoning is the area that is cross-hashed on the map.

Steve Proctor: Mr. Williams now owns that 50 foot strip. With that said, Mr. Williams wants two lots and with a planned development that's how it will be unless someone wants to go through this procedure again at a later time.

Tysen Williams: We decided to do the A-2P mainly because we want a house on lot 2. Coming down Route Z the location was a pretty good factor on this because where the house is going to sit it will be approximately 1400 feet from the next residence to the south and over 2800 from the residence to the north so the neighbors won't see the house at all with the way the trees are. It is not going to be a negative impact on the neighbors at all. There is a 2.8 acre parcel 1100 feet away to the west and there are two 5-acre tracts on Marshall Lane and those are both corner pieces too. If you go south on Remie there are also smaller tracts. The A-2P is probably a good fit for the area because you will have a house with 5 acres and the 10 acres will be open for me to build a house, shop and onsite sewer. I know there is opposition here tonight but it is not going to negatively impact the neighbors.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Chris Nelson, 11900 N Rte Z, Hallsville

Chris Nelson presented a 13 page petition signed by approximately 240 people in opposition to the request.

Chris Nelson: I have lived on our farm for over 40 years and I'm located just north of the subject site. I am here on behalf of the neighborhood to inform the Commission that we are strongly opposed to this rezoning. There is one island of 10 acres that is zoned A-2 in the area; but it is still a 10 acre tract, the same as it was when it was zoned A-1. There is another island of A-2 but it is off on a gravel road but other than that it is all zoned A-1. To make an exception for this 16 acre tract so that a 5 acre, L shaped piece with an old house and lagoon and outbuildings can be sold off and become an island of A-2 among an ocean of A-1 zoning is a bad idea and puts our neighborhood on a slippery slope that we do not want to have in the future. The applicants bought this property a couple of months ago and immediately wanted to change it. It is easy enough to see another person buy a 13 acre tract and want to do the same thing. I have heard from the people in the neighborhood that they do not want to start down that slippery slope. They have lived there regulated by A-1 zoning for years and to have someone come and buy acreage and expect everyone to make an exception to the rules for them insults them. I have heard numerous people in the neighborhood, including the landowners within 1000 feet say that if it doesn't take any more than saying that they want to be under different rules then why do we have planning and zoning? We hold no ill will toward the applicant and it is not personal, most of us do not even know him. From talking to the applicant, I understand that he is self-employed and rebuilds old cars and he plans to build a shop on the 10 acres that is left after selling the five acres.

Chairperson Harris reminded Ms. Nelson that the Commission didn't want to hear personal opinions regarding the applicant.

Chris Nelson: According to Section 6 of the zoning regulations, the purpose of a planned development are to incur unified developments to minimize adverse impacts on the surrounding area. I believe putting this on a slippery slope allowing an island of A-2 zoning will adversely impact our neighborhood and we request that this request be denied.

Chairperson Harris: When was the piece of A-2 to the south rezoned?

Uriah Mach: It was rezoned in 2004 for purposes of a family transfer but the transfer never took place.

Chairperson Harris: Was anyone in opposition to that request?

Chris Nelson: I didn't get notice on it but the owner of that property signed the petition and he is within 1000 feet of the property. That brings up the fact that there is already an island of A-2, if we add another island that opens up the door for more.

Chairperson Harris: Someone who asked this Commission to grant what they wanted is now in opposition to someone else asking for the same thing.

Chris Nelson: I would say it is not the same thing. They did not want to sell off an L shaped 5 acre tract.

Also speaking in opposition:

Dionne Woolfolk, 10900 Nienaber Ln, Centralia

Dionne Woolfolk: I own property just south of the subject site and have owned it since 2009 so we weren't around when the other property was rezoned to A-2. I grew up on farms when I was young and I wanted that for my kids. When we were searching for land we were looking for an area where we wouldn't have neighbors on top of us. We knew the rule of A-1 which required 10 acre lots so we thought the house to the north of us would be our closest neighbor to that side. Even if they were split off in to 10 acre tracts by a developer one house per 10 acres wasn't too bad. My concern is if we allow it this time it will happen again. Property on Timmons Road was split up and developed and those are 10 acre tracts which is the rule. If this is split into tracts that are less than 10 acres that is my biggest concern. I want to pass the property down to my children, everything we have done with this land has been with the idea that we want our children to have it. This rezoning could move the area into another direction. If I had lived in the area when the other rezoning request came through I would have opposed it.

Closed to public hearing.

Chairperson Harris entered the petition in opposition into the record and noted that there are no addresses for anyone who signed so there is no way to verify the location, ownership or veracity of any of those names.

Steve Proctor: The Osburn's don't want to rezone their property, they just swapped property to help the Williams', they are not involved in this request.

Stan Shawver: The review plan reflects the property to be rezoned. When the staff report was written the updated information wasn't in it.

Commissioner Poehlman: This request makes sense but you can also see what people are concerned about.

Commissioner Martin: The Commission's job is difficult, we respect the properties as they are zoned but we also have to protect a person's investment in their property. That is why the system has allowed for planned development. The planned zoning tells the Commission that this is it, there isn't anything else that will happen with the property because they will have to come back before the Commission. When someone says they are going to do a planned zoning then that is what they are stuck doing with that piece of property without coming back before the Commission. To protect the property rights of the owner as well as surrounding owners we have to balance those issues, this is why we like to see planned zoning

requests on any kind of development rather than open zoning. If this request does get approved there can be one additional house there and that is it and it will still fit the neighborhood in that respect; the zoning may have changed but that doesn't mean that every piece of property will have a zoning change because they would have to go through this same process.

Commissioner Kurzejeski: Did the applicant consider acquiring more acreage from the neighbor to the north?

Tysen Williams: I would have liked to.

Steve Proctor: I am working with the Osburn's on another piece of property south of the interstate, he lives in Texas and rents his row crop out; it took Mr. Williams several weeks, if not months to coordinate the swap of acreage.

Tysen Williams: If I could have bought four acres from Mr. Osburn I would have.

Commissioner Kurzejeski: Did the applicant consider dividing the property so both tracts were around eight acres each?

Tysen Williams: We wanted to keep one of them at least 10 acres.

Steve Proctor: I don't believe you could make a living farming 16 acres. If you have two 8 acres lots with two houses most people wouldn't even know that they aren't 10 acres unless you tell them.

Chairperson Harris disclosed that Mr. Williams has been associated with his business in past years.

Chairperson Harris: Swayed more because of the mass of A-1 zoning around it, by the way this Commission dealt with the East Area Subplan and up Route Z to the south of this and by some of the testimony, we come back to appropriate use of land in the appropriate place. Swayed more by what is out there than testimony I will make a motion to deny the request and I do that with this caveat, tonight sets a precedent, we went back and made reference tonight to something that happened 15 years ago, those of you in the area who are opposed to this tonight you are forever barring your door for any change.

Chairperson Harris made and Commissioner Poehlman seconded a motion to deny the request by Tysen and Meredith Williams to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 15.65 acres, more or less located at 11350 N Rte Z, Hallsville :

Boyd Harris – Yes  
Michael Poehlman – Yes  
Rhonda Proctor – Yes  
Jeff McCann – NO

Eric Kurzejeski – Yes  
Greg Martin – Yes  
Steve Koirtyohann – Yes

Motion to deny the request passes 6 YES 1 NO

Commissioner Martin made and Commissioner Freiling seconded a motion to deny the request by Tysen and Meredith Williams and the Donald and Barbara Osburn Family Trust for a Review Plan for South Z Estates located at 11350 N Rte Z, Hallsville:

Boyd Harris – Yes  
Michael Poehlman – Yes  
Rhonda Proctor – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Greg Martin – Yes  
Steve Koirtyohann – Yes

Motion to deny the request passes unanimously

Chairperson Harris informed the applicants if they wished to appeal this decision to the County Commission an appeal form would need to be filed within 3 working days.

3. Request by Miller's Inc. to rezone from C-G (General Commercial) to M-L (Light Industrial) on 5.01 acres, more or less, located at 5925 S Tom Bass Rd., Columbia.

Commissioner Martin removed himself from the Commission as he is representing this request.

Planner Thad Yonke gave the following staff report:

The property is located at 5925 Tom Bass Road, generally about one mile south of the main area of the City of Columbia, however the nearest portion of the municipal limits is directly across Highway 63. The zoning is C-G (general commercial), which is the original zoning. Adjacent property is zoned as follows:

- North – M-LP and C-G
- South – C-G & A-1
- East – C-G
- West – M-GP

The request is to rezone approximately 5.01-acres from C-G to M-L to allow the owner to conduct the warehousing use that is currently done as a Conditional Use as a Permitted Use and to allow for some photographic processing and printing as well as manufacturing that would not currently be allowed. The area sought to be rezoned has a 10,000 square foot building that has a CUP for warehousing issued in 2011 which is the current use of the property.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

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

Utilities:

The area proposed for rezoning is currently served by an on-site wastewater system. Central sewer from the BCRSD exists in the area but there is no available capacity.

Consolidated Public Water District # 1 provides water to the existing lot.

Boone Electric currently serves the area.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

Transportation:

The property has frontage on and access to Tom Bass Road. There are close connections of Tom Bass Road that allow traffic to get on Us Highway 63.

Public Safety Services: The site is adjacent to BCFPD station 15.

Zoning Analysis:

The Master Plan designates this property for residential use. However, the property is already and always has been zoned commercial.

The request can be argued to meet the sufficiency of resources test in that the change in zoning does not significantly alter the commercial nature of the activities already occurring on site. The current level of infrastructure does support the existing use. Any additional increase in building size or intensity of use will be limited to existing services or will have to pay for upgrades.

Staff notified 12 property owners about this request. The property scored 55 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Greg Martin, 1712 East Pointe Dr, Columbia  
John Martin, 1712 East Pointe Dr, Columbia

Greg Martin: We bought this property in 2011 and converted it to a warehouse. We gutted the building and installed a sprinkler system and then used it for a warehouse. Business is doing well and the building we have in city limits has no space to expand and we can't grow our office space. We want to move some of our production which is making covers for albums and use it as a warehouse. The building is privately owned by the company. I spoke with the sewer district and we are good up to 30 employees out there if we were to ever have that many, beyond that we would have to upgrade the system. We had a conditional use permit for the warehouse and this will allow our warehouse and production to be in compliance.

Chairperson Harris: Is the sewer on-site?

Greg Martin: Yes, it's a septic system with a drip lateral field. It has been tested and everything has been redone on it.

Chairperson Harris: Is it out of the way in case the building is ever expanded?

Greg Martin: The lateral field is to the south. Basically it is a five acre tract with a three acre build site. If the building were expanded it would be expanded to the west.

Commissioner Kurzejeski: Has staff heard from any of the neighboring property owners?

Thad Yonke: No.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Koirtyohann made and Commissioner Kurzejeski seconded a motion to approve the request by Miller's Inc. to rezone from C-G (General Commercial) to M-L (Light Industrial) on 5.01 acres, more or less, located at 5925 S Tom Bass Rd., Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Jeff McCann – Yes

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Tuesday, October 1, 2019 at 7:00 pm and the applicants will need to be present.

Commissioner Martin returned to the Commission.

4. Request by Gary Gene Ridenhour to rezone from A-2 (Agriculture) to R-S (Single-Family Residential) on Tract 1 of 62.36 acres; from A-2 (Agriculture) to C-G (General Commercial) on Tract 2 of 3.98 acres; and, from A-2 (Agriculture) to C-N (Neighborhood Commercial) on Tract 3 of 2.64 acres, located at 6001 N Oakland Gravel Rd, Columbia.

Chairperson Harris stated the applicant asked that this request be tabled until they work out some issues.

Commissioner Harris made and Commissioner Martin seconded a motion to table the request by Gary Gene Ridenhour to rezone property located at 6001 N Oakland Gravel Rd, Columbia:

Motion to table the request passes unanimously

## VI. Plats

Plats 1 – 3 were placed on consent agenda:

1. Hartman. S24-T45N-R12W. A-2. Debra Sankpill, Dennis Hartman and Karl Hartman, owners. J. Brian Rockwell, surveyor.

The following staff report was entered into the record:

The subject property is located on S. Old Highway 63 at the intersection of Highway 63 and Claysville Road approximately 6 miles to the southeast of Ashland. The subject property is 6.56-acres in total with 2.51-acres being platted and the remaining property being created by Family Transfer. The property is zoned A-2(Agriculture) as is all the surrounding zoning. This is all original 1973 zoning.

The subject property has frontage on Claysville Road but access comes from S. Old Highway 63 which no public entity seems to maintain. The property has two dwelling units on it and separation into two tracts one with a dwelling on each is the primary reason for the plat. The applicant has submitted a request to waive the traffic study requirement.

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

Wastewater for the existing units is unknown but any residential building permits will require a wastewater permit from the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver to the wastewater cost-benefit analysis.

The property scored 30 points on the rating system.

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

2. Westcott. S35-T50N-R14W. A-2. Wayne and Joan Westcott, owners. Jonathon A. Cole, surveyor.

The following staff report was entered into the record:

The property is located on the north side of Sweringen Road approximately 160 west of Trimble Road. The subdivider is proposing a one-lot minor plat to create a 5-acre lot.

The lot has frontage on and direct access to Sweringen Road. The subdivider has requested a waiver of the requirement to provide a traffic analysis.

The property is within the service area of Consolidated Water. Fire protection is not required for this subdivision.

An on-site system will be used for sewage disposal. There is no central sewer system in this area. The subdivider has requested a waiver of the requirement to provide a wastewater cost benefit analysis.

The property scored 31 points on the rating system.

Staff recommends approval of the plat and waiver requests.

3. Barry Estates Plat 1. S19-T47N-R12W. A-2. Peggy Noordster and Roxann Durham, owners. Jay Alan Gebhardt, surveyor.

The following staff report was entered into the record:

The subject property is at the northeastern corner of the intersection of Barry Road and Bluebird Lane, approximately 1 mile south of Pierpont. The property is a 10-acre tract created by administrative survey with a house present. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal is to divide the 10 acres into three lots of 2.67, 3.04, and 3.15 acres in size.

The subject property has direct access on to Bluebird Lane & Barry Road. Specifically, Lot 103 has direct access on to Barry Road, Lot 101 has direct access to Bluebird Lane, and Lot 102 has direct access to both Barry & Bluebird. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house and the undeveloped lots are using or will use an on-site wastewater system as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 50 points on the rating system.

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

Commissioner Kurzejeski made and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda:

All members voted in favor.

4. Jack's Ridge. S23-T49N-R14W. A-2. Meghan and Todd Hayes and Eric and Lori Kurzejeski, owners. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located at the end of Graham Road, approximately 4 miles to the northeast of Rocheport. The parent parcels are approximately 58 acres in combined area. This proposal reconfigures three parent parcels by plat, administrative survey, and family transfer into two family transfer tracts, three platted lots, and two administrative survey tracts. There is an existing house, barn, and wastewater system on proposed lot 1 of this plat. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

Lot one has direct access on to Graham Road and lots two and three use an exclusive private access easement to reach Graham Road across lot one. As there is an existing access easement serving several tracts further north, all access for these platted lots must come from the 15' access easement shown on the plat.

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

The existing house on lot 1 has an on-site wastewater system, the other two lots will require on-site systems as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

This proposal has an administrative survey and family transfer that will be recorded concurrently.

The property scored 28 points on the rating system.

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

Commissioner Harris made and Commissioner Koirtyohann seconded a motion to approve Jack's Ridge:

Boyd Harris – Yes  
Michael Poehlman – Yes  
Rhonda Proctor – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Abstain  
Greg Martin – Yes  
Steve Koirtyohann – Yes

Motion to approve the plat passes      6 YES      1 ABSTAIN

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

The following staff report was entered into the record:

The property is located at the west quadrant of the intersection of State Route A and Old 63, approximately 1.5 miles south of the Ashland City Limits. The zoning is A-R, which is the original zoning. Adjacent property is zoned as follows:

North A-R  
West A-2  
South A-R  
West A-R

The lot that is being platted as Bellaridge Plat 2 was created by Administrative Survey and is part of the same original lot of record as Bellaridge Plat 1.

All proposed lots have frontage on and access to a publicly maintained road. Right of way sufficient to provide a 33-foot half width will be dedicated for Old Route A on the final plat. No new right of way is required to be dedicated for State Route A and Old 63 since adequate right of way exists.

The property is in the Consolidated Water service area. All lots currently have water lines on them. Hydrants will need to be installed at maximum spacings of 500-feet in order to provide fire protection for all Lots. Fire hydrant installation is being coordinated between the developers of Bellaridge Plats 1 and 2, Consolidated Water, and the Southern Boone Fire Protection District.

On-site wastewater systems are proposed for sewage disposal. A cost benefit analysis was provided by the developer. The study found the cost of providing centralized collection and treatment was approximately twice the cost of on-site systems. The Health Department has indicated that lagoons are not an acceptable means of wastewater disposal and that engineered systems will be required.

Stormwater management compliance requires a minimum number of trees to be planted on each lot and the developer must provide a Best Management Practice Maintenance Agreement.

The proposal scored 58 points on the rating system.

Staff recommends approval of the preliminary plat with the following conditions:

1. Prior to final plat approval, the developer shall ensure that installation of all system improvements necessary to provide fire protection to all lots within the subdivision is complete.
2. The developer shall provide a plan showing a location for an on-site wastewater system on each lot and a soils morphology report for each identified location. Said plan shall be submitted for approval with the final plat.

Commissioner Harris made and Commissioner Martin seconded a motion to approve Bellaridge Plat 2 Preliminary Plat with the following two conditions:

1. Prior to final plat approval, the developer shall ensure that installation of all system improvements necessary to provide fire protection to all lots within the subdivision is complete.

2.    The developer shall provide a plan showing a location for an on-site wastewater system on each lot and a soils morphology report for each identified location. Said plan shall be submitted for approval with the final plat.

All members voted in favor.

## VII.    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 requests for Clark was withdrawn by the applicant.

The revised review plan for Martha's Grove was approved as recommended. Commission Order 354-2019.

Rustic Estates Plat was approved. Commission Order 356-2019

2.    Wind Farm Regulations Update

Stan Shawver informed the Commission that staff has been working on the overlay district and depending on the size of the October meeting agenda staff may have something ready for the Commission to review at the next regular work session on October 12, 2019. (Update September 24, 2019 – due to the size of the October agenda, wind farm regulations will not be discussed at the October 12<sup>th</sup> work session)

## VIII.    Adjourn

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

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 17<sup>th</sup> day of October, 2019