

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

Minutes

7:00 P.M.

Thursday, November 21, 2019

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

II. Roll Call:

a. Members Present:

Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge Township
Carl Freiling	Cedar Township
Gregory Martin	Katy Township
Steve Koirtyohann	Rocky Fork Township
Bill Lloyd	Three Creeks Township
Jeff McCann	County Engineer

b. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Rhonda Proctor	Perche 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 October 17, 2019 meeting were approved by acclamation.

IV. Chairperson Statement

Vice-Chairperson Kurzejeski read the following 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, two final development plans and seven 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, December 3rd. 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, December 3rd will begin at 7:00 p.m. and will convene in this same room.

V. Rezoning Requests

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

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

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

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

Utilities:

The area proposed for rezoning is proposed to be served with sewer by the BCRSD with ultimate connection to and treatment by the City of Columbia. An annexation agreement is being finalized currently.

Public Water District # 9 provides water in the area. While there is a 4-inch waterline on the site currently, across Highway WW there is an 8-inch waterline which will need to be extended by boring under the Highway in order to provide the needed commercial fire flows. Fire hydrants and public water is required for the proposed development. There may need to be some upgrades or relocations of waterlines within the development that will need to be coordinated and will be at the developer’s expense.

Boone Electric currently serves the area and has facilities on the property currently.

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

Transportation:

The property has frontage on the south side of Highway WW with a single point of access proposed. An eastbound right turn lane is proposed as part of the project.

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

Zoning Analysis:

The Master Plan designates this property for residential use. The proposed use is not consistent with that designation. However, there is a long-established existing commercial node immediately to the east of the subject property which this proposal is seeking to expand. This commercial node was in existence when the Master Plan was updated but was not shown on either the Existing Land Use map or the Future land Use map, so it may simply be that the node is small enough that it doesn’t show at the scale of the maps.

The Master Plan does indicate that where more intensive development is desired, such as commercial and industrial development, such development should be placed where infrastructure and services exist to support the use or where infrastructure can be upgraded by the developer to support the proposal. The East Area Plan, which is a sub-area plan that focuses in greater detail on this portion of the area that is covered by the Master Plan does show the commercial node on its Future Land Use map. The mechanisms that are best suited to ensure that impacts related to the changes in zoning are addressed, come from using the planned versions of the appropriate zoning districts; this current proposal is a planned industrial development.

The MoDot traffic count from 2015 for the location in question was 10,376 AADT (Annual Average Daily Traffic). The anticipated traffic following redevelopment of the site will be significantly greater than the traffic from the one single family dwelling that was previously located on the property. In response to the proposed development, MoDot has indicated that there is an increasing need for left turn lanes on Highway WW but, MoDot has no plans for improvements beyond maintenance. A Traffic Impact Study (TIS) has been provided for the proposal. The TIS indicates that a westbound left turn is warranted but that MoDot access management allows an exception to not require a left turn lane when there are fewer than 10 vph (vehicles per hour) during the peak hour. This exception is allowed unless there are other factors beyond solely traffic volume that need to be addressed. Staff believes that this is a situation where the other factors apply. The TIS indicates that the vph for the PM hour is projected to be 8 vph which is only two below the threshold where the exception would no longer be allowed. Additionally, the uses allowed for the site and the total square footage of the proposal has been increased beyond the 15,000 square feet and 4500 square feet considered by the study to a total of over 26,000 square feet. This entire square footage could be used by any of the expanded listed uses including ones that were not used to do the calculations. This is beyond what was considered by the TIS and so it is likely the projected traffic could be greater than the TIS indicates. While the TIS is focused on what the developer currently anticipates as uses, the plan allows for uses that could generate more traffic such as restaurants, office building and indoor recreation facilities. Additionally, the existing conditions of Highway WW at the proposed access point are not ideal. The access is on the westbound downward grade of Highway WW within approximately 500 feet of the El Chaparral Avenue intersection. This section of roadway already has accidents of which we found crash reports from the Missouri Highway Patrol and these crashes are without any turning movements in either direction, so it is reasonable to anticipate an increase in accidents with traffic stopped to make a left turn.

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

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

Staff recommends approval subject to the following conditions:

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

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia
Shawn White, Traffic Engineer, CBB Traffic Engineers, 12400 Olive Blvd, St. Louis

The applicants presented a Power Point Presentation.

Tim Crockett: This is a 7.04 acre tract that is currently zoned R-S and we are asking for it to be rezoned to M-LP, the proposed development includes a climbing wall gym, small retail, and self-storage facility. All utilities are on or near the subject site and the development will meet all Boone County Regulations. The development will also be in accordance with the annexation agreement with the City of Columbia, it has already been approved by the City Council and the reason we need an annexation agreement is because of the sanitary sewer in this location. The connection agreement between the City of Columbia and the Boone County Regional Sewer District dates back to 2005. This piece of property must be served by city sewer which triggers the annexation agreement. The location is off an arterial roadway as designated by the CATSO plan. The proposed mixed use development provides uses consistent with Columbia Imagined as well as the East Area Plan. Public Water District 9 has an eight inch line on the north side of Highway WW. Development will not increase the rate of the storm water discharge.

Shawn White: The purpose of a traffic impact study is to identify existing conditions, develop trip generation for the site, assign that and reevaluate it and determine if any roadway improvements are necessary. At the beginning of the study process we sat down and met with county staff and MoDot to ensure that all of their concerns and what they wanted looked at was included in the study. We looked at the weekday AM and PM peak hours and to evaluate just the intersection of Highway WW at the site access drive. It is a fairly low intensity use, the right turn lane evaluation found 18 right turns in the morning and 25 right turns in the afternoon peak and that just meets MoDot's volume threshold and the applicants are proposing to provide the right turn lane. The left turn evaluation found five left turns at morning peak hours and eight left turns in the afternoon peak; MoDot does not require a left-turn lane on a left-turn volume less than 10 vehicles per hour unless there is an extenuating circumstance with a crash history or something like that so we weren't recommending a left turn lane in this case. MoDot provided their comments in the study saying that they agreed with the findings and recommended improvements identified in the study and they wouldn't anticipate MoDot considering improvements beyond regular roadway maintenance until it has been identified as a priority.

Tim Crockett: The preliminary plat and review plan conforms to the County Regulations, the area has all utilities to serve the development which is critical. The development will not be a burden on traffic, a left turn lane on Highway WW is not warranted in the applicant's opinion. The proposed project complies with the East Area Plan and has a recommendation of approval from county staff with conditions. The applicants ask for approval as submitted, the applicants are in approval of the condition for the lighting but we ask the condition for the left turn lane be eliminated.

Commissioner Kurzejeski: Is the left turn volume potentially because it is not easy to make a left turn there? Or is it due to the volume of the actual business that is existing? How do you look at how left turns may increase?

Shawn White: We looked at the majority of people coming to and from the site will be coming from the west so there won't be a significant amount of people coming from the east. Based on what the site generates and where we think they are coming from there are not that many left turns.

Commissioner Freiling: That is based on the current development?

Shawn White: That is based on the existing development that is before us.

Commissioner Koirtyohann: You take into account that you are going to have a gym which would attract a lot of people and quite a few subdivisions to the west. How was that calculated?

Shawn White: The trip generation for the site was based off of ITE's data that they have for rock climbing facilities, it is a fairly new use so there aren't dozens of studies but there is data in the ITE trip generation manual for a rock climbing facility so that is what was used to determine how many people would be coming to the site.

Tim Crockett: All of the existing subdivisions were included in the report.

Commissioner Kurzejeski: Do you know if a rock climbing facility has far lower visits versus other commercial venues? Is it on the low end of things?

Shawn White: Compared to a typical commercial venue, yes. I would say if you had a 26,000 square foot commercial facility they would generate more traffic than the rock climbing facility, probably substantially.

Open to public hearing.

Present speaking in support of the request:

Jordan Horner, CoMo Rocks, 223 Calvin Dr, Columbia

Jordan Horner: I am one of three owners of CoMo Rocks, an indoor climbing facility with approximately 15,000 square feet of climbing surface. Our aim is to create a fun, inviting and welcoming climbing experience that is safe. Columbia does not have a full-service climbing facility so it is our aim to bring that to Boone County. We aren't just a climbing facility, this is a community development project for us. I worked in the outdoor industry doing experiential education with at-risk youth and have seen how activities like climbing really changed the trajectory of kid's lives in an extremely positive way. We would like to engage with public schools in the county and have at-risk youth programming, we would like to work with folks that have physical disabilities. This facility is going to be program driven so that we can have a net positive change in our community.

Commissioner Freiling: Is this exclusively a climbing facility?

Jordan Horner: There will be fitness components, there will also be designated space in the facility for child care.

Present speaking in opposition:

Tom Kowalewski, 4105 E Victoria Ct, Columbia

Tom Kowalewski: I live in the El Chaparral subdivision on Victoria Court which will face that property. Before any development would be allowed there should be a shoulder put on both sides of Highway WW. I don't know where these figures came from that showed that limited amount of traffic making right or left hand turns, maybe not at Mr. Meyer's old property which nobody goes to, but at El Chaparral there is a greater number, maybe 25 to 50 times in a peak hour where people are turning left onto El Chaparral. With the addition of Hawthorne and other subdivisions there are a greater amount of traffic on that road. In the winter, once traffic is stopped to make a turn onto the property it is going to slow the traffic on a hill and it will cause more problems in winter weather, and really any time during the year. It would be nice if they

would leave a buffer between the homes on Victoria Court and the development. There are cedar trees and it would be nice to see those left intact as a buffer.

Closed to public hearing.

Commissioner Kurzejeski: Regarding the concern raised about the buffer?

Tim Crockett: There is vegetation on the back property line; it is the applicant's intent to save as much of it as they can. Our site is also going to sit quite a bit lower than the properties to the south so by default the storage units will be at a much lower elevation than the homes on Victoria Court.

Commissioner Kurzejeski: Regarding the buffer, the applicant stated they will try to "save as much of it as they can"?

Tim Crockett: We haven't done our final grading plan yet.

Commissioner Kurzejeski: Would the applicants be amenable to some option to ensure there is sufficient buffer?

Tim Crockett: Yes, we can do that.

Commissioner Martin: I think rock climbing is a great idea but my concern is, what if the business doesn't stay there? The traffic study should include whatever would be the highest use of the property; will that be a 200-seat restaurant? That will be a higher demand and you still have the storage units in the back. The plan states it could be a retail location or restaurant.

Commissioner Freiling: There is a considerable push eastward for development. With the sewer connection finally being established the rate of development isn't going to stop. I think this is a great idea but I have to agree with staff about the turn lane. You can't stop traffic on Highway WW waiting for a turn.

Thad Yonke: There has been some concept drift for this development since our traffic scoping meeting. One of our issues is that assumptions that were made for the traffic study were focused on what the applicant wanted at that time. Since then the square footage of the footprint increased beyond what the traffic study was based on and uses were added that were not factored into the assumptions that the traffic study based their assumptions on. Commissioner Martin is correct, the way it has ended up with the plan under the allowed uses, the entire building can be used as a restaurant, an office building, or a "Bonkers" child recreational facility. All of those kinds of things were not addressed under the assumptions. With the assumptions for the lower intensity uses coming up at eight trips during the peak hour it is staff's assumption that it doesn't take a lot for some of these higher intensity uses, which are allowed by right if this plan is adopted, if they change their mind. This is our one bite at the apple. The Master Plan says if they want to develop property, fine, but the public should not have to pay for the improvements to allow this development. MoDot is a reactionary agency, they basically said "until it is made a priority". What that means is that if it becomes enough of a problem after the fact then they will begrudgingly use tax dollars to put in a turn lane that the developer, according to the Master Plan, should have installed in the first place. That is staff's issue with the traffic study, it is not that the study was done wrong but since the scoping of the study I am not even sure that Ms. White was aware that the applicants added some of the additional allowed uses. It has changed the project enough that staff can't be comfortable just going forward without the turn lane.

Commissioner Lloyd: Do the applicants have a response to that?

Tim Crockett: The increase for the site was not necessarily the building footprint but the addition of a mezzanine to it.

Commissioner Lloyd: So there is more square footage?

Tim Crockett: Yes.

Shawn White: If you went to a higher intensity use, we are very close to that threshold so it wouldn't take much to go over the threshold if the use was to change in the future.

Commissioner Freiling made a motion to approve the request with staff recommendations, including a left-turn lane and including a vegetated buffer on the south line between East Victoria Court. Commissioner Freiling asked staff for help with wording the buffer condition because he felt that leaving the existing vegetation in place seemed to be sufficient.

Commissioner McCann: Isn't the proposed site at a lower elevation than the neighboring houses to the south?

Thad Yonke: The Commissioners were given a landscaping plan in their packet that was included as part of the proposal. The south 15 feet is shown as being above a retaining wall. When the developer grades the site it will be significantly lower, there will be a six foot or higher retaining wall. There will be a 15 foot strip with the trees at the top and then a 15 foot trench between it and the back of the storage units that will be six to ten feet deep. You aren't going to see a lot if the developers plant as heavily as they've shown on the plan.

Commissioner Freiling: Will the developers have to get into the existing trees to get the 15 foot setback for the wall?

Tim Crockett: I believe so.

Thad Yonke: Rost Landscaping did the plan so I assume that their plan is that whatever they can't save they will have to replace.

Commissioner Freiling amended his motion to approve the rezoning and review plan with the two staff conditions.

Commissioner Freiling made and Commissioner Martin seconded a motion to approve the request by Old Hawthorne Development to rezone from R-S (Single-Family Residential) to M-LP (Planned Light Industrial) and approve a Review Plan for WW Commercial Planned Development on 7.04-acres, more or less, located at 4172 E Hwy WW, Columbia with the following conditions:

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

Eric Kurzejeski – Yes
Carl Freiling – Yes
Bill Lloyd – Yes
Jeff McCann – Yes

Michael Poehlman – Yes
Greg Martin – Yes
Steve Koirtyohann – NO

Motion to approve the request passes 6 YES 1 NO

Vice-Chairperson Kurzejeski informed the applicants that this request would move forward to the County Commission on Tuesday, December 3, 2019 at 7:00 pm and the applicants will need to be present.

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

Planner Thad Yonke gave the following staff report:

The property is located at the immediate southeastern corner of the intersection of US Highway 40 and State Route J. The zoning is A-2 (Agriculture) as is the surrounding zoning except for the property across Highway 40 to the northwest, north, and northeast which is A-1. These zonings are all original 1973 zonings. The request is to rezone the approximately 193-acres to M-LP (planned industrial) and to create an industrial/office park campus. The area sought to be rezoned is currently the site of a single family dwelling and a barn.

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

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

Utilities:

The area proposed for rezoning is proposed to be served with sewer by a new BCRSD drip irrigation treatment facility that will be installed as part of the project on proposed lot 2. The design of the sewage collector system will have to be designed to meet the BCRSD standards and be paid for by the developer.

Consolidated Public Water District # 1 provides water in the area and has a tower/storage tank within 2000 ft of the property and a 12-inch watermain on the property now. Fire hydrants and public water is required for the proposed development. There may need to be some upgrades or relocations of waterlines within the development that will need to be coordinated and will be at the developer’s expense.

Boone Electric currently serves the area and has facilities on the property currently.

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

Transportation:

The property has frontage on both US Highway 40 and State Route J. Proposed Phase 1 of the project will utilize a single point of access to the property and this is a driveway connection onto Route J. With Phase 2 of the development a second access point is proposed from Route J and an additional access is proposed from US Hwy 40. Each of these Phase 2 access connections is proposed to add a right turn lane at the new access points and these are shown on the plan. Additionally, a left turn lane for the new access point on US Highway 40 is proposed and also is shown on the plan. US Highway 40 is generally a 24-foot two-lane paved roadway with 12-foot gravel shoulders. Route J is generally a 20-foot paved roadway with no

shoulders. It is our understanding that MoDot has a plan to add shoulders to Route J in the next few years.

A Traffic Impact Study (TIS) has been provided for the proposal. The TIS identifies a number of improvements that are needed to support the proposed development. Phase 1 of the development is intended to provide limited overall traffic compared to the entire site buildout. The 300,000 square foot warehouse draws predominantly from the I-70 Route J interchange. The additional truck traffic will use the off-ramps that are indicated as needing structural shoulder improvements to be adequate for truck traffic. The TIS indicates that the intersection of US Highway 40 and Route J is in need of some improvements at the present time even without the proposed development. With the additional traffic of Phase 2 of the development further improvements become necessary. The TIS does indicate that the additional turn lanes proposed at the new roadway access points proposed with Phase 2 need turn lanes installed when these connections are created.

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

Zoning Analysis:

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

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

Staff notified 15 property owners about this request. The property scored 65 points on the rating system.

Staff recommends approval of the rezoning and review plan subject to the following conditions and sub-conditions:

1. Prior to Final Plan

1. Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
2. An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
3. The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.

2. Phase 1

1. Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
2. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

3. Phase 2

1. Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
2. The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan }
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan}
3. If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
4. Lighting shall be shielded and oriented inward and downward as to minimize glare and light

trespass.

Commissioner Lloyd stated he received a book from the principals of Midway USA that chronicles their first 40 years. The book is titled "Midway USA, The First 40 Years, by Larry Potterfield". Commissioner Lloyd presented the book for the record.

Stan Shawver asked Commissioner Lloyd if he had a chance to look at the book.

Commissioner Lloyd stated yes.

Stan Shawver asked Commissioner Lloyd if the book had any bearing on this project proposal.

Commissioner Lloyd stated no.

Stan Shawver asked Commissioner Lloyd if he still wanted it entered into the record.

Commissioner Lloyd stated yes.

Stan Shawver stated he wanted to make sure that everyone understood that the book has no reflection on the proposal tonight.

Vice-Chairperson Kurzejeski stated he believed the other Commissioners would probably agree.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Shawn White, Traffic Engineer, CBB Traffic Engineers, 12400 Olive Blvd, St. Louis

The applicants presented a power point presentation.

Tim Crockett: This is a 193 acre tract that is currently zoned A-2 and the applicants are requesting an M-LP zoning. The development will transition into the next campus for Midway USA, it won't be immediate and it won't be all at once. The idea is to use this site in the interim as a support property for the existing campus at I-70 and Highway 40. Over time the development will provide office space, warehouse space, distribution, and possibly some light industrial uses and will meet all Boone County regulations. The traffic impact study was completed for the development with assistance from county staff and MoDot. The plan shows a large building to the south; the applicants are not proposing to build it all at one time. The initial phase is 1/3 of the large building and some parking. The main use of the initial building is for warehouse space in support of the existing facility. The edge of the property is approximately 1/2 mile from I-70. The tract of land is located at the intersection of a major highway, Highway 40 and State Route J. It is not uncommon for this type of zoning to be approved in Boone County at an intersection like this with proximity to highway access. One thing that was talked about are the similarities between this property with Route Z. They both have a commercial node at I-70, both locations also have an arterial roadway leading north and south to I-70, they are also bound by a major arterial parallel to I-70. At the Route Z location the south line is Richland Road which is a major arterial road as indicated on the CATSO plan. This location is bound to the north by Highway 40. At Route Z there is a Public Water District 9 water tower that has been there for some time and that provided the infrastructure necessary for that area to grow. Consolidated Water 1 has built a water tower off of Route J at this location. We don't believe that this area was identified as a location when the Master Plan was updated simply because the infrastructure at that time was not in place. Also note that there is industrial zoning adjacent to A-2 zoning at Route Z, you can have adjacent A-2 next to industrial zoning and have it work, it can mesh. It does at the Route Z location. We also have A-1 adjacent to industrial zoning at both locations, it is also in the vicinity of higher

density residential so you have an industrial area next to a residential area in the east part of Boone County. At the Route Z location there is residential zoning immediately adjacent to industrial zoning.

The County Master Plan indicates that where new commercial and industrial areas are proposed such areas should be located where infrastructure is located or can readily be installed to support the proposed uses. In the location we are proposing at Highway 40 and Route J the water is available, there is a water tower and a 12-inch line that provides adequate fire flows. The sanitary sewer can be readily installed, the electric is available and the roads can be readily upgraded to support this request. Current infrastructure was not in place when the Master Plan's future land use plan was created, that infrastructure is now in place to serve this area. There is a relatively new 12-inch water line across this site, the water tower is there and there is adequate 3-phase electric power to serve the site. We are going to provide a central drip wastewater system that can serve more than just this site, it is not located just for this piece of property, it can serve the area and will be dedicated to the Boone County Regional Sewer District. The central drip system is the same type of system that was designed to serve the American Outdoor Brands facility at the Route Z exit which was also designed to have a 1,000,000 square foot building as well. All the county stormwater regulations will be met, detention and water quality won't be a problem.

Shawn White: We identified existing conditions, forecast future traffic demands, analyzed the ability of the road system to accommodate the additional traffic demands and recommend improvements. We sat down with Boone County staff and MoDot at the beginning of the study process to make sure the scope of work addressed the concerns and issues that both of those agencies had. Based on that input the AM and PM peak hours were what were needed for the analysis and we looked at the intersections of I-70 and Highway 40, I-70 and Route J, and Highway 40 and Route J and proposed site drives on Highway 40 and Route J. Our findings were that MoDot access management guidelines warranted eastbound and westbound right-turn lanes on Highway 40 at Route J. Based on our observations there was some tracking off of the shoulders at the turning movements at I-70 and Route J so there was consideration to having improved turning radii at I-70 and Route J to better accommodate traffic today. MoDot does have plans to add shoulders to Route J within the study area with construction expected in 2021. The Phase 1 findings, which is the 300,000 square foot warehouse building, is mainly their logistics employees and they have four blocks of time so they have shifts from 6-10, 10:30-2:30, 3-7, and 7:30 to 11:30 so essentially they don't really generate any traffic during the peak hours of 7-8 in the morning or 4-5 in the afternoon because that is not when their shift change occurs but regardless of that we made the assumption that there would be a shift change in that time frame so we don't show that we generate zero traffic. In those Phase 1 findings, given the low volumes that the initial warehouse would generate, there were no additional improvements warranted to accommodate that part of the development. With the build out of the facilities we looked at a 2029 condition where we considered 10 years of background traffic growth as well as the full build out of the Midway USA facility and from that analysis, based on MoDot's access management guidelines, a westbound left-turn lane on Highway 40 at Route J, a westbound left-turn lane on Highway 40 at the site, an eastbound right-turn on Highway 40 at the site, and a northbound right-turn lane on Route J at the north site drive are warranted. One of the big issues with just the site distance review, both Crockett Engineering and MoDot measured the sight distance for all three of the entrances and both of those entities found that the site distance did exceed the recommended distances. MoDot agreed with the study's methodology and the process we followed and don't believe the right-turn lanes on Highway 40 at Route J are the responsibility of the proposed development since the development will really add no traffic to those existing right turn movements. They didn't believe the radii improvements at I-70 and Route J are the responsibility of the development as those would be addressed when they come through with their shoulders in two years. They did agree with all the turn lane recommendations that were recommended in conjunction with the full buildout of the facility but they did note in their comments that they expect the traffic study may need to be updated at the time that Midway USA comes forward with their next phase of development since things could change between now and then.

Tim Crockett: One question is why here? Midway USA is, and has been a community member of the

Midway area for decades, it started in 1977 and has grown in that location, it is not an outside company coming in, it is a member of the community. Midway USA already has an employee base based on the geographic location. When you start moving facilities around and go next to another industrial development that has a similar employee pool it is hard to get those employees at that location. Midway has a lot of employees that come from the west side, Fayette, and Boonville, that extra distance makes a big difference when you are talking about driving across town on I-70 when you have to be at a daycare at a certain time or have to pick up your kids at a certain time, that distance makes a difference. They recently lost an employee for that very reason. The infrastructure exists to support the project, there are not many locations in Boone County that can support a 200 acre development such as this and this site will work in support of the existing campus so we want something in close proximity so they can traverse back and forth with relative ease between the two campuses. In conclusion, the preliminary plat and review plan conform to county regulations, the area has the utilities to serve the development, and the development will not be a burden on traffic. MoDot has reviewed the traffic study and concurs with the conclusions and findings of the study as has the county. The proposal meets the sufficiency of resources test and is consistent with the Master Plan. The proposal comes before the Planning and Zoning Commission with a recommendation of approval with conditions from county staff and the applicants agree with the conditions. Mr. Yonke's staff report was spot-on but there are two items I would like to reiterate. The Master Plan does talk about preserving existing character but it also addresses the need to provide economic stability to the tax base and provide employment centers that create jobs. These employment centers are to be located where the infrastructure can support them and this location is one of the few that can. When looking for a location to establish an employment center in the western portion of the county it does beg the question if not here, where is better suited?

Commissioner Martin: What is the estimated staffing once built out?

Shawn White: Up to 1200 employees. I think their existing site at their peak is around 550 so the anticipated number we based our study on was up to 1200 employees.

Commissioner Martin: How many semi-trucks per day?

Shawn White: I think today they average eleven to twelve inbound trucks per day and four outbound trucks per day and that is with a facility that has upwards of 400 employees so three times that could mean there could be 36 inbound and 12 outbound but that is spread out over a 16 hour day because they go from 6:30 AM – 10:00 PM.

Tim Crockett: The traffic study for this development is a living document, every time we come back with a change or new phase the traffic study will be updated to address any concerns.

Commissioner Poehlman: Did you estimate the traffic between the two facilities to go down between Route J and I-70 or down Highway 40?

Shawn White: It was our understanding there wouldn't be much traffic between the facilities. The employees that go to the warehouse is where they report to work and stay so traffic between the two would be limited. For the initial phase 1 we did assume that the majority of those would take I-70 to Route J. Once the main employee center connection happens and you have the access in Highway 40 it is a little bit quicker for people to use Highway 40.

Commissioner Poehlman: Employees from Columbia and eastward, you also assume they will come to Route J and north?

Shawn White: For phase 1 we assumed the majority of them did. They had zip code data and could provide very accurately where employees live and come to and from the development for us to get accurate

distributions. It is important to note that when we did the study we didn't discount the existing Midway facility so there are people now who are driving down Highway 40 on their way to work at Midway, we didn't take those trips out, we left that traffic in there with the assumption that the existing facility could be a similar type use in the future when Midway USA moves out.

Commissioner Kurzejeski: Could the applicants give an overview of the public outreach that was done to inform and engage local residents?

Tim Crockett: Mr. Potterfield sent a letter to the residents within 1000 feet of the development, he encouraged them to reach out to him if they had questions or concerns. It is my understanding that two or maybe three residents reached out to him for additional information. I also understand that there is an active Facebook group in the area and the group posted some information that was not quite correct so Mrs. Potterfield posted an online response to a lot of the information and also asked the residents to reach out to them if they had questions or concerns.

Commissioner Kurzejeski: There weren't any face to face gatherings?

Tim Crockett: No there weren't.

Commissioner Kurzejeski: It intrigued me that the phase 2 structure was very close to the southern boundary of the 192 acres. Is there a reason it was located that close to existing residences?

Tim Crockett: This project started around 2013 and the original proposal, which has since been cut back, had two locations on the north side of the property, those are being reserved for a future development. The original layout had facilities located at those locations, since that time we've taken them off but we want to reserve the right to come back in with a modified plan and we understand we will have to go through this process again.

Commissioner Koirtyohann: How tall will those buildings be?

Tim Crockett: The large building will be 45 feet. The building itself will sit below the elevation of the adjacent property.

Open to public hearing.

Thad Yonke stated that staff received an email in support after close of business today.

No one spoke in support of the request.

Thad Yonke stated that staff received numerous correspondence from people who were opposed to the request.

Commissioner Kurzejeski: Any number?

Thad Yonke: It is kind of hard because some of them were really asking questions but didn't seem satisfied with the answers.

Present, speaking in opposition:

Dennis Stephenson, 1854 N Route J, Rocheport

Denny Stephenson read the following statement:

I have lived at that address for the last 27 years. Over the last 35 years my employment has been that I have built and managed warehouses and manufacturing operations domestically for four different companies and in three foreign countries. Our community group will be presenting the signatures of all the people who received a notice from the county due to being within the 1000 foot zone. All individuals living within this area or having property within that zone have signed against the rezoning of this property from A2 to M-LP. We also have canvassed the affected community and individuals having a real interest in the area and have a substantial number of petition signatures to be presented later to you against this rezoning. In our group we are not professionals, this is a request for spot zoning. Our community group reviewed what spot zoning really meant and what constituted spot zoning to be sure of our facts. We looked the definition up and it said this practice gets its name from the appearance of small spots of different zoning districts on a zoning map that otherwise has large contiguous areas in the same zoning district around the spots. To be considered a spot zone, the property, in most cases must meet the following four criteria. 1. The area is small compared to districts surrounding the parcel in question. 2. The new district allows land uses inconsistent with those allowed in the vicinity. 3. The spot zone would confer a special benefit to an individual property owner not commonly enjoyed by the owners of similar properties. 4. The existence of the spot zoning conflicts with the policies and in the text of the master plan and the future land use.

1. The area is small compared to districts surrounding the parcel in question
The vast majority of the land is A2. There is no contiguous parcel that is zoned M-LP
2. The new district allows for inconsistent use with those allowed in the vicinity
The nearest parcel of land that is actually zoned M-LP is miles away. We purchased and improved our homes and buildings and we did so with the belief that we would never face an M-LP rezoning problem due to being in a planned and zoned community.

We do realize that John Deere is in a commercial development and we realize that Vaughn Heating and Airconditioning is, those were granted that status when the interstate went through before there was any planning and zoning in this county. Those two are commercial but they were never approved by the Planning and Zoning board or the Commission as any kind of commercial or M-LP, they predated that.

3. The spot zoning would confer a special benefit on the individual property owner not commonly enjoyed by the owners of similar property.
I am not aware that the county has ever deviated this far from zoning regulations and provided special benefits to an individual such as this request for rezoning would be. This would set a usable precedent that could neuter the power of the Boone County planning and zoning in the future and with this as a precedent, open the county to being unplanned and have no enforceable zoning decisions.
4. The existence of the spot zone conflicts with the policies in the text of the Master Plan and for future use.
Future land use map of the Master Plan identifies the area in question as "Agriculture/Rural Residential, Undeveloped". That has not been updated, that is still the current status. There was no indication of future industrial zoning for the families purchasing and improving this area for the last several decades.

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

Zoning Regulations Section 1.B Purpose and Intent. The County Commission of Boone County, Missouri has determined that these regulations are necessary for the purpose of promoting the health, safety, morals, comfort, or general welfare, and conserving the values of property throughout the county, and lessening or avoiding undue congestion in the public streets or highways; in securing safety from fire and other dangers; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration

of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

I will touch on some of these:

Health and Safety

- We will see noise pollution: trucks, Jake brakes, large car parking complex, large crowds of people; noise of trucks backing up (beeping) and forklifts (beeping while backing up). This rezoning request is not just for the 300,000 square foot warehouse, it is a request for buildings totaling 1.25 million feet, 1200 employees and associated parking lots and sewer systems. If we approve tonight, we approve the whole thing, we aren't just approving 300,000 square feet.
- Light pollution: 190 plus acres that could be lighted on a 24 hour, 7 day basis.
- Weapons and massive ammunition storage that would create a potential area threat for this community that could never have been anticipated.
- Runoff from massive roof systems and parking lots. A major part of this runoff will eventually drain into Sugar Tree Branch. This is the water stream where I water a herd of 50 purebred, registered cows and their calves. The potential pollution would be catastrophic to the cattle herd and my agricultural business.
- Livestock owners also have greatly-increased personal liability. Large bulls in my case are always kept on premise; large numbers of people without an understanding of livestock and the dangers they can create could create serious accidents. Under current laws I am responsible for these accidents.

General Welfare

- Our country culture developed over the past 50 years and more would be totally disrupted.
- This is a agriculture zoned area that is used for that purpose. Everyone whose property touches the property requesting rezoning has livestock. Try to find that in any other area in Boone County. The culture and lifestyle are totally at risk in this case. Culture in this area of Old Rocheport includes family oriented, farming and ranching oriented, community oriented, the winery, the Katy Trail, and bicycling groups. This area is not the culture change that would be imposed by an industrial park.
 - This area has a very long-term establishment of families: The people here are long-term residents of this community
 - Gaw - 25 years
 - Bryant - 17 years
 - Frisch - 35 years
 - Clark - 59 years
 - Blaylock - 44 years
 - Stephenson - 27 years
 - Richter - 1 year
 - Middendorf - 49 years
 - Summary: The average family currently living within 1000 feet of this property in question has lived in this community for over 34.5 years.
- This is not a request for expansion of an existing industrial area, but a spot zoning request to cut an area out of an ag/residential designation with small farms and residences dating back for decades and in one case, a residence nearly 200 years old.

Conserving the values of property

- The impending financial disaster for residences in close proximity to the subject property should be protected by Planning and Zoning.
- Extreme marketability limitations are imposed on all properties, even those people living beyond 1000 feet of the subject property. Location, location, location, isn't that what real estate is all about? Whom would want to purchase or improve any property right next to an industrial park?

- County residential areas are not built next to industrial parks. Rezoning this property would create a real estate dead-zone in Boone County, probably not what the Master Plan had intended.
- From the front door of the following homes to the subject property is:
 - Gaw - 525 feet
 - Bryant - 490 feet
 - Frisch - 425 feet
 - Blaylock - 513 feet
 - Stephenson - 610 feet
 - Richert - 820 feet
 - Middendorf - 213 feet
- If approved, these distances represent the view from their front doors is a 1 million square foot concrete building with 40 feet concrete walls, large offices, extensive parking lots, continuous lighting, and extensive noise.

Lessening or avoiding undue congestion in the public streets or highways

- Two years ago when Route J was used for only one day as a main detour due to an accident on I-70, Route J was so waived and dipped that it took extensive repairs to make it usable.
- Many accidents have occurred in this area of Highway 40 and Route J, including multiple fatalities.
- There are very limited usable shoulders on Highway 40 and there are no shoulders on Route J.
- This is a pathway for six school bus routes – three routes two times per day.
- There is very limited visibility on five driveways on Route J.
- Heavy oversized equipment is constantly being moved on Route J by Sydenstricker John Deere dealership.
- Route J has extremely limited visibility when exiting I-70 from east and west when turning on Route J.

To facilitate the adequate provision of transportation, water, sewage.

- Sewer and storm runoff.
 - For years, proper sewer systems have been a hot topic for the company requesting rezoning, why would we believe they would treat this property differently? Any drainage from the proposed area for the sewer would directly run into Sugar Tree Branch.
 - The sewer area would include runoff and odors emitting and causing health conditions and marketing limitations. Even with the best system, once rezoned and changed to an industrial park, no one buys or builds homes next to a nice sewer system.
 - On the plan drawing, the detention ponds seem, at this time, very limited on site. Any retention ponds or not fully drained detention ponds, the mosquito problem could be overwhelming and dangerous to people. We currently are not faced with this problem.

In summary, if this property is rezoned M-LP it does not force this company to build there. It could however open up the property for industrial development for many different types of industry pending only a revised review plan. This property could be sold conveying as pre-zoned M-LP. This company that is requesting this rezoning has many other more appropriate building sites available and it would not cause a hardship to them if the Highway 40 and Route J property was not rezoned. Building on this property would remain optional, while rezoning it to M-LP is basically a life sentence for our community. We have heard many things of what might be, or need to be, or could be; our concern is what is right now. To people who have lived in this community culture for decades, houses that are not paid off that would want to sell out because of the change, but because of the rezoning would cause them to be upside down on their loans and could not pay them off and have to stay. The problems this industrial park would cause might be partially solved with a large influx of cash for fixes, however the primary problem in this situation is not how many problems can be fixed, it is if Boone County will not allow spot zoning, allowing all the work and effort of

the Planning and Zoning policies through the last two decades to be ignored.

Denny Stephenson asked all the audience members who were present in opposition to the request to stand. Approximately 50 people stood.

Also present speaking in opposition:

Gary Frisch, 2155 N Route J, Rocheport

Gary Frisch: I live directly across the road from the southwest part of the proposed site. We moved to our new home that we built in 1993 so we have been there for over 25 years. We built in the area because it was a nice, quiet, peaceful area of small farm tracts with homes zoned agricultural. The farms have horses, cattle and crops. We believed that Boone County would protect us from the less desirable zoning that would hurt the marketability and value of our home. My wife and I feel very strongly that you should not approve this rezoning. The two main reasons that directly affect us and would dramatically affect our lives and our property value. First, the planned development at 300,000 to 1 million square feet, of a 40 to 45 foot tall, concrete warehouse located directly across Route J in front of our home would be the main thing we'd look at when we look out our front door or window, this is the same for the Middendorf's, our neighbors to the north. It would look like a solid concrete wall sitting on a high hill stretching from the north to the south property line. Several people have said you won't see the sun until almost noon. Also the entrance to the receiving and loading dock for the warehouse is just a few feet north of my driveway to my home. We recently had our property appraised because at our age we may need to sell in the next few years; it appraised at \$470,000, however the appraiser provided a letter stating that if this zoning is approved it would have a negative effect on the value of my property and would have to be reduced. I also have a letter from a second appraiser that supports that assessment, he also included the Middendorf house which is directly north of me. It could also have an affect on other Route J homes if our property sells for less and they use comparable sales it could reduce the value of all the homes on Route J.

Gary Frisch presented appraisals from Associated Property Analysts Inc., and Mid-America Land Services, Inc.

Gary Frisch: Both of these appraisers have over 40 years of experience of appraising property in Boone County and I believe that conserving the value of property is an important part of zoning in Boone County. Why would anyone want to buy our home at that price with a large, concrete warehouse directly across the road or who would want it built in front of their house with a steady stream of noisy trucks coming in and out during the day and night? The beeping as they back up to the loading dock would be very distracting to me and my family. This does not mention the added employee traffic on narrow Route J, the safety issues for school busses, slow tractors and bicyclists. The second reason is, this is an all agricultural area with small residential farm tracts, MU dairy farm is to the north and two larger farm tracts to the east and south. This proposed 193 acre industrial development does not fit in with the rest of the area. It will kill the nature of the rural residential area for all those who live and drive in the area. This change to industrial would make us feel like we are living in the middle of an industrial area in St. Louis rather than rural Midway. To support the fact that it does not fit, we have petitions signed by over 250 people, mostly from the area. This includes all 23 residents who live within 1000 feet of the site, in addition over 150 people have signed on Change.org opposing the change for a total over 400 signatures. For these reasons and others, I respectfully request that you leave the zoning as agriculture.

Gary Frisch submitted two petitions referenced in his testimony.

Also present speaking in opposition:

Gloria Stephenson, 1854 N Route J, Rocheport

Gloria Stephenson: I have lived here for over 25 years. I have been asked to read a signed document from Mr. and Mrs. Jack and JoAnn Blaylock as they are unable to attend the meeting tonight.

Gloria Stephenson read the following letter from the Blaylock's.

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

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

The 180 tract is bisected by the remains of the original trail leading from Columbia to Overton which included passing the original Van Horn Tavern just east of Midway. Existing and restored improvements on the 180 tract, in addition to the front four rooms and limestone cellar beneath, include a 16 foot deep by 13 foot wide ice pit used for refrigeration totally encased with hand cut limestone now preserved and accessed via a stairway in the floor of a gazebo built atop the pit for total preservation and inspection by guests. The ice pit was discovered underneath the floor of the original log summer kitchen approximately 30 feet north of the main dwelling. The log summer kitchen has been moved piece by piece some 50 foot west of the gazebo/ice pit and restored to the same floor dimensions as the original lot kitchen but with a basement beneath including heat, plumbing and A/C. The original fireplace has been duplicated on the main floor to the mantel height. Some 60 foot east of the main dwelling is the restored carriage house with loft which was also used for curing tobacco.

Any request acted upon to rezone the 40 Route J Development tract is an attempt to completely alter the currently established residential/farming community and is a gross violation of sound planning and zoning principles. Teddy J Blaylock served as Vice Chairman of the original Land Use Committee which was established to plan the land uses for the original document which became the Boone County Plan at the adoption of the document by the Boone County Commission following the public vote by the citizens of Boone County. No commercial or industrial use was ever planned for the subject intersection of Highway 40 and Route J. It is the belief of the undersigned that any change in current zoning of the subject 40 and J Development tract will be a gross miscarriage of justice as it will massively cause a devaluation of all residential property within the entire neighborhood. An example of devaluation of residential property near industrial development is clearly demonstrated by the public offering and ultimate sale after over two years of listing period. This gross loss was sustained by the James L Beckett Revocable Living Trust property addressed as 5830 Van Horn Tavern Road directly south of the industrial tract identified herein as the property used as Midway arms. The description of the Beckett tract of 17+ acres included the personal residence of the Beckett Family in a dwelling containing some 3000 square feet above grade and 1800 square feet finished area beneath. The structure was built in 1972 along with an attached two car garage and detached shop built to contain collectable automobiles as a hobby of Mr. Beckett. The dwelling style was 1.5 story. This structure was first listed for sale for \$400,000 at a price of some \$5000 below appraised value on July 11, 2007 by Denise Payne agent with Remax/Boone Realty and offered in the Multiple Listing System of the Columbia Board of Realtors and offered for a period of 100 days or until expiration.

The property was then listed again by Ms. Payne on October 24, 2007 at \$400,000 for a period of 70 days when then cancelled on Jan 2, 2008 and taken off the market but then relisted by Denise Payne-Nielson of

Reese Nichols Agency for a price of \$400,000 on January 3, 2008, remaining on the market for 58 days until expiration of the listing. The property was relisted by Reese Nichols Agency on March 7, 2008 for a period of 31 days until expiration. The property was again offered for sale by Mark Sieber, agent for Remax/Boone Realty at a price of \$375,000 and remained on the market for 185 days until cancellation. The property was then listed at \$350,000 on April 10, 2009 with a change in the listing price to \$325,000 during a listing period of 112 days from April 2009 offered by Remax/Boone Realty, Sherri Radman, Agent. The listing expired after the 112 day period or until Mid-August 2009.

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

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

The forgoing statements are the exclusive opinions of the undersigned. The undersigned attest to the oral presentation of the subject matter contained herein. Signed by Teddy Blaylock and JoAnn Blaylock, 1861 N Boothe Ln, Columbia, MO.

Gloria Stephenson submitted a copy of the signed letter along with supporting documentation of the listing at 5830 Van Horn Tavern Road, Columbia as referenced in the letter.

Also present speaking in opposition:

Garland Middendorf, 2451 N Route J, Rocheport

Garland Middendorf: Our land is directly across from the proposed development and has been in our family for 60 years, we built our house and have lived there for 49 years. Over the years we have expanded our house three times and built our barns and other outbuildings, some of them with our own hands. We live here because of the rural and agricultural setting, we raise horses, llamas, swans and many other animals and we love this lifestyle. We believe if industrial zoning is allowed in this wide-open area of agriculture land it won't be long before adjoining land will go industrial. This will open Pandora's Box and any type of industrial activity can move in. It should be noted that our driveway is directly across from the main entrance of the proposed development. Like many others we have been years building and investing in our property. As Jack Blaylock expertly and factually presented, it is very likely we could lose one-half of our property's value. For most families their home represents a major investment. The rezoning of this agriculture land to industrial zoning will create financial harm to many in the area. We request and would very much appreciate that you protect our lifestyle and our property values, it is the right thing to do.

Also present speaking in opposition:

Kelly Eddy, 1851 N Route J, Rocheport

Kelly Eddy read the following statement:

My name is Kelly Eddy. My husband, Joe, and I reside at 1851 N Rt J, Rocheport, MO. We purchased our property in 2002 and have raised our children there. 5 years ago, we invested a considerable amount of money in our home to modernize and expand it in order to accommodate our family. Our front door is approximately 800 feet from the property that is in question. We believe that this rezoning request should be denied as we feel it would adversely affect our quality of life, the monetary value of our home and the safety of our family.

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

1. The exits from 1-70 to Route J are rather short and not conducive to heavy braking. Since the exits descend (instead of ascending), it can be tough to slow large vehicles down enough as they exit the interstate. Both exit ramps have stop signs that are set at a point that you cannot see oncoming traffic before pulling on to the road. In fact, because of the construction of the interstate overpass, in order to see oncoming traffic from the south or north, a motorist must roll past the stop sign approximately 30 feet and at that point the vehicle has entered the traffic lane. This is problematic today and this problem would be magnified if traffic loads increased.
2. Our driveway is at the top of a hill as are our neighbors just across the road. This hill is a blind hill for us when we are pulling into or out of our driveway. We typically wait to a count of ten and then pull in or out, so we don't end up involved in an accident. Unfortunately, many drivers are impatient and honk or swerve around us when waiting to turn in the driveway. A few years ago, I was involved in a car accident directly in front of my house. I waited my typical 10 seconds and then pulled out onto the road. A car topped the hill at a high rate of speed and slammed into my car. My young daughter was in the back seat and luckily, we were unharmed. I believe wholeheartedly that increased traffic at the proposed site would increase the traffic danger on this road.
3. We raise horses and as such, pull a 24-foot horse trailer quite often. In order to exit our driveway, we must swing wide and enter both lanes of traffic. That is currently possible most of the time. However, if traffic were heavier, we would not be able to, or we would be risking a wreck to do so. Almost all of our neighbors are in the same situation.
4. I am extremely concerned about the massive amount of "big rig" trucks that would be pulling in and out of this facility. I cannot find a number of anticipated semi-trucks that would be driving past my house on a daily basis in the traffic study that was submitted.
5. There are currently no shoulders on Route J. It is a rural road that just happens to have access to 1-70. In my opinion, increased traffic, especially heavy semi-truck traffic, would increase the safety risk exponentially on this road.
6. Bicyclists frequently use Route J as a scenic route that challenges their fitness with steep hills. I fear for the safety of these citizens if this rezoning request is approved.
7. Our children are school age and have ridden the bus numerous times. The buses stop on Route J and often our children cross a lane of traffic to board or exit the bus. The prospect of them doing that with increased traffic flow is very worrisome to me. All of our neighbors will have the same problem or future owners of their homes will.
8. We frequently have agricultural machinery such as combines and tractors moving up and down Route J. In the case of the combines, their width nearly takes up the entire road. I worry that every additional car or truck will cause an increased risk for our farmers.

Also present speaking in opposition:

Larry Clark, 10950 W Hwy 40, Rocheport

Larry Clark: I have been in the house in which the oldest part of was started in the 1890's. I have been there 69 years. It is the second property west of the proposed development. It has been a joy to have grown up in that neighborhood and for my children to have grown up in that neighborhood and my mother and dad to have grown old and die in that neighborhood. I have never seen anything like this. Route Z was mentioned by the applicant and that is a perfect example of industrial creep. There was a little bit of zoning granted and then more and more was granted and that community, as it was known when I was young, is gone. I would suggest to the Commission that if this project is granted the same thing will happen and the results will be that we'd be better off if a bomb was dropped on that farm than this project.

Also present speaking in opposition:

Tami Gessling, 7250 Elizabeth St, Columbia

Tami Gessling: I do not live on any property on Route J or near that. I live farther down toward Midway north of Highway 40 in a pretty long-standing subdivision. I own 2.5 acres and have been there 35 years. I listened to the traffic study and the recommendation from the staff and I listened to Commissioner Martin about having seen things be approved. It is a community, it is not a bunch of people who live out in the country and don't know each other, I guess that doesn't count when recommendations are made but the things that concern me are that it is pretty common in Midway because of the community that when property goes on the market for a home to be sold a lot of times it doesn't make it to market before they have a buyer. Part of that is the community, a big part of that is the school that is roughly three miles from the Route J and Hwy 40 intersection; it is an elementary school that has been there a long time. Our two oldest children have built and purchased homes in that community because they want to raise their families there and they want their children to go to that elementary school. Midway Heights Elementary has an outstanding volunteer support work force from the community, the kids are very well prepared to enter middle school and I would say that is probably the biggest selling point for homes out there. Where we live is closer to the fire station area, to the north and west of us there have been new subdivisions built. Those subdivisions are planned developments but they are planned with the provision that there is a limited lot size to maintain the rural neighborhood. In Midway, you have Route J and that is handy to use if you don't live in the immediate vicinity and want to go to Kansas City and want to delay getting on the interstate. The majority of people in Fayette who work do so in Columbia and they use Highway 40. There were a lot of accidents at the Route J and Highway 40 intersection and that is when there was hardly any traffic, of those accidents the majority were fatalities. The site vision when you are coming down Route J approaching Highway 40 is on a slight incline and the stop sign isn't visible until you crest the hill to get to Highway 40. It is concerning that the size and scope of this development is that close to the intersection. It was also concerning that there is a proposed entrance and exit that close to the intersection from Highway 40. The majority of people who rely on employment in Columbia that are coming from Boonville, New Franklin, Fayette, etc, come down Highway 40 and the reason for that is the truck stop and Perche Creek Café. Once you get to the school and from the school to I-70 traffic comes to an abrupt halt, we've had several neighbors call MoDot and ask that the speed limit be reduced, it has yet to be done. Anytime there is an accident on I-70 between Boonville and Columbia a lot of times the highway patrol have routed traffic down Highway 40 from Boonville. In the spring it is guaranteed that the bottoms after you pass the Route J intersection will flood. Highway 40 this year was closed for weeks. I am worried about the school and even with the improvements to Route J and to the intersection it is just going to be a bottle-neck down through Midway-proper. There was reference made to the Facebook page, it is called Midway Happenings, you have to be a member to be able to see what is on it. There were several posts on that page regarding this proposed development, Mr. Potterfield posted about all the reasons this development was right for the area. I applaud Mr. Potterfield's business acumen, he is a successful business man but when it comes to what we consider our back yard we can't hope to compete with Mr. Potterfield or any Potterfield's of the world, all we can do is rely on our community good will. I know that existing zoning does not count when it comes to decisions like this, you cannot argue that it is a loss of your property

value.

Commissioner Freiling: Existing zoning does count.

Tami Gessling: That is good to know. Commissioner Lloyd brought the book as evidence and I know there have been many donations made for the public good, I started wondering what public benefit donations have occurred in the Midway community, the same community the Potterfield's live in, and I couldn't think of any, I am sure there are some.

Commissioner Kurzejeski: There may be but I would like to caution against any personal attacks on the applicants.

Tami Gessling: I didn't mean it as a personal attack. There is other property very close by that is also owned by the applicant, I have no idea what the plans are for that property but for my own supposings if this development is approved what is the likelihood of a development being approved for the other property?

Closed to public hearing.

Tim Crockett: There was some discussion about spot zoning. That is covered in the staff report and with the size of this property it cannot be considered a spot zoning. Small tracts of land scattered throughout the county is spot zoning. There was another comment stating that it conflicts with the Master Plan and we covered that item as to how it does not conflict but adheres to the Master Plan with regards to how it discusses added infrastructure in certain locations. Stormwater, water pollution and degrading the downstream watershed were also mentioned. The county has very intense stormwater measures, the applicants will be addressing the water quality and detention; that has been a concern in the past before the county had such regulations but it is applicable to all development now. Regardless of how much building we put under roof or pavement, the entire piece of property will be protected according to the county regulations, it is a very stringent process. There were concerns about the view of the property from the neighbor's property along Route J and no doubt that is a concern but I believe that staff's recommendation asking for additional buffering, it is not just a couple of trees but a relatively expansive landscape plan. We met with staff to discuss what their intent was on that and their intent stated that they wanted us to screen as much of the development as they can from the neighboring houses; that is why staff wrote that recommendation into their conditions. Regarding the sanitary sewer discharge and how the discharge systems have problems; no doubt, discharge systems can have problems, however, the unique part about this is that this will be a non-discharge system, this is a drip-system. There will be no discharge going into the adjacent waterways. It has been done many times in the past, Boone County Regional Sewer District maintains several of these plants to great success so with regards to the sanitary sewer I don't believe it is going to be much of an issue. The regulations require us to not only set aside an area for the existing system we are going to install but also install a backup system so we can install a secondary system should anything ever happen; this has been done before and to my knowledge we've never had to utilize the backup area but it is set aside just in case.

There was a comment that the detention basin was going to be a mosquito pit. When the county and city came around with these regulations that is all we heard, that these are mosquito pits. But they aren't; the water in these basins are there for a very short period of time, they serve their purpose and they release the water out over a period of time and they dry back up so we aren't going to have that problem. There was a lot of discussion about this being a rural residential area. I would like to remind the Commission that this is located between Highway 40 and I-70. There was discussion about how much traffic is on Highway 40. There is a lot of traffic on Highway 40 and a lot of traffic on I-70, those two highways are separated by a mile. The fact is that the area between those, and we have to consider if this is area right for development at some point in the future, it is between two areas that convey a lot of traffic. What is the rural nature of

that area long term? We look at Route Z, I know Mr. Clark doesn't like the appearance of Route Z but the fact is we need employment districts and at different locations in the county. This area has not experienced that yet and I think that was because the infrastructure wasn't there but it is there now and it can sustain a development such as this. There were comments about a historical site adjacent to the property and I applaud the owner for upgrading the site however, the development of this site isn't going to affect the historical value of that property. There was mention that it is a gross violation of sound planning principles to rezone this property. I take exception to that because county staff are trained professionals who have looked at this intently. We started this process in 2013 and have had many meetings with staff and we have asked them their opinions and direction; they are trained planners in this field so the applicants are looking to them. I think to say it is a gross violation of sound planning is an insult to the county planners.

Someone mentioned that no commercial or industrial use was planned at this location. That is right, it was not planned, but it doesn't exclude it from happening at some point and it is due to the infrastructure. There was a comment about the Beckett residence adjacent to the existing Midway USA campus. It was listed for sale in 2007 and 2008 when we were in the middle of a recession and there were a lot of properties that lost value, not due to their neighbors but due to the market. I don't know the property and whether it was worth the original listing price but if you drive down Van Horn Tavern Road you will see a lot of landscaping and a very nice, attractive campus and I have an extremely hard time believing that the property across the street caused that piece of property to devalue as much as they claim that it had.

I would like to emphasize that the area is changing, potentially. The infrastructure is there, it wasn't there before and that brings forth requests like this.

Shawn White: When we initially sit down and meet with MoDot and the county there is a specific form that we go through and ask questions to determine what the scope of the study is going to be and one of those questions is are there any specific safety concerns that need to be evaluated. That question was asked at that meeting and neither MoDot or the county had any. We are looking at safe access so we want to make sure at our access points that you can safely and have adequate time and visibility to turn in and out of our driveways, which you do. There was one comment from an individual who got rear-ended trying to turn left into her driveway, I would venture to say if we went out and measured site distance for her driveway that it doesn't have adequate site distance and that is why that happened. There was also a comment about several fatalities. We got on MoDot's crash data website which everyone compiles into one location and since 2010 there have been seven crashes between Highway 40 and I-70 along Route J; of those seven crashes four of them were out of control, which providing shoulders like MoDot is going to do, that is the number one counter measure for out of control crashes is to provide additional recovery space. One of those seven crashes was a fatality, it was in June 2015 and there was no sight visibility, it wasn't coming over a hill, it was in an area that had adequate site distance; it was a run off the road crash where they hit someone's driveway which caused the car to overturn and they weren't wearing a seatbelt and were ejected. That was the one fatality in MoDot's records going back to 2010.

Commissioner Martin: As a resident of the area the zoning of property is what scares me the most. The rest of it can be controlled but if the zoning occurs its lifetime. Listening to my fellow residents compounds that. I know traffic issues can be cared for and it doesn't matter what kind of road you build there will still be fatalities and accidents.

Commissioner Poehlman: Staff mentioned that this wouldn't be a spot zoning?

Thad Yonke: It really isn't.

Commissioner Poehlman: Are you talking about just this tract or are you talking about what else could happen?

Thad Yonke: Just this tract is still more than a spot zoning would be. The other part of it is the Master Plan is more than just the future land use map; it has components about preserving the existing character of areas but it also has the economic aspects of building in new areas. It also has things where it emphasizes utilizing the infrastructure that is there. When staff looks at it, we look at it as a totality when we are coming up with the staff report. Most of the things that Mr. Stephenson said from a planning point of view are valid concerns, they just aren't necessarily truly a spot zoning. As a planner I wouldn't consider it that. That doesn't water down the underlying concerns about the issues that he brought up, they are still valid issues. Just like we have been working with the applicants, staff's job is to help them make the best presentation they can make. When the neighbors like Mr. Stephenson have come in, our job is also to coach them on what they need to use to make their best case. Both sides of testimony have been relevant facts tonight. Staff would not consider this a spot zoning just because of the size and the nature of it and how it does have components that fit the Master Plan even though not all of it does.

Bill Florea: There have been infrastructure upgrades since the Master Plan was implemented that lead to supporting the rezoning.

Commissioner Freiling: Planning and Zoning is not just a taking of property rights it is a granting of protections as well. Property owners surrender private property rights back to the county and in return the county government is to offer you protections. I have been a realtor for 45 years and there is no doubt in my mind that anyone within sight of this facility with a residence will lose value and it will probably be substantial. I am always reluctant to change the character of an area until it is time and that time is usually when the city has gotten to you. The city hasn't gotten to this area. This is not the only place to do this; it is not as if either this site gets developed or no site and to me that has weight. If we are going to disadvantage a select group of citizens and the neighborhood and homes that they clearly value... I wouldn't want this next to me and that makes me very uncomfortable proposing to do it to other people.

Commissioner Kurzejeski: I have never had a zoning request next to me that I wanted to see, but many of them have and areas change and the change in Boone County that I have seen in my 50 years here is quite amazing, I can't image what another 40 or 50 years will bring. I don't see what was proposed tonight in any way as a gross violation of sound planning, nor do I suggest that what was presented as a gross violation to come up with this plan to move this to industrial. The people of this county did entrust us to make decisions on their behalf; these decisions are not easy.

Commissioner Poehlman: As I Commissioner I have to listen to the argument and determine if there is a compelling reason to change the zoning on the property. Infrastructure has changed and I-70 is a development magnet and to have this business next to I-70 is a good thing and chunks of 200 acres next to, or close to I-70, there aren't any zoned industrial now so you have to take agricultural zoned land and rezone it for this and I understand that. This audience is the biggest I've seen since I have been on this Commission.

An audience member indicated she had a question.

Caroline Andriano, 3601 N Route J, Rocheport

Caroline Andriano: If the Commission votes to approve the rezoning tonight is that also approving the turn lanes?

Commissioner Kurzejeski: It is a package deal as was laid out in the plan.

Caroline Andriano: If this is just the turn lanes I have a huge concern because I live just north of that intersection, there are many accidents.

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to deny the rezoning request, review plan and preliminary plat for 40 & J Development on 192.75 acres, more or less, located at 10150 W Hwy 40, Rocheport:

Eric Kurzejeski – Yes	Michael Poehlman – Yes
Carl Freiling – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Steve Koirtyohann – Yes
Jeff McCann – NO	

Motion to deny the request passes 6 YES 1 NO

Vice-Chairperson Kurzejeski informed the applicants that if they wished to appeal to the County Commission an appeal form would need to be filed with the Planning Department within three working days.

(NOTE: This item was appealed to the County Commission)

VI. Final Development Plans

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

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, ¼ 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 west. The A-2P was rezoned from A-1 in June of this year, the other zonings are all original 1973 zoning. This property had a rezoning to A-2P and an associated review plan approved in September 2019 under Boone County Commission orders 419-2019 & 420-2019.

The rezoning & review plan rezoned the property to A-2P (Planned Agriculture) for purposes of dividing the property into 5 lots via family transfer, plat, and administrative survey. This final plan locks in the previously approved rezoning and allows the property to be divided by family transfer, plat, and administrative survey.

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

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

After review of the submitted Final Plan, staff has found that the plan meets these three criteria and is

ready for approval by the Planning & Zoning Commission.

The property scored 46 points on the rating system.

Staff recommends approval of the final plan.

Commissioner Freiling made and Commissioner Martin seconded a motion to approve the request by Charles V. Melloway to approve a Final Development Plan for Melloway A1-A2P on 31.81 acres, located at 9611 E Hwy OO, Hallsville:

Eric Kurzejeski – Yes
Carl Freiling – Yes
Bill Lloyd – Yes
Jeff McCann – Yes

Michael Poehlman – Yes
Greg Martin – Yes
Steve Koirtyohann – Yes

Motion to approve the request passes unanimously.

Vice-Chairperson Kurzejeski informed the audience that this request will move forward to the County Commission on Tuesday, December 3, 2019.

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

Planner Thad Yonke gave the following staff report:

The property is located within one mile south of the general Columbia municipal limits on the north side of Bonne Femme Church Road approximately ½ mile from the intersection of Tom Bass Road and Bonne Femme Church Road. In August 2019 the Planning and Zoning Commission recommended approval of a Revised R-SP PRD Review Plan. The County Commission approved the Revised Review Plan, Commission Order 354-2019. The Revised Review Plan was approved with the following conditions:

1. The issues related to sewer capacity shall be worked out to the satisfaction of the BCRSD and the Director of Resource Management prior to submission of a Final Plan:
 - Number of lots limited to two-bedroom units.
 - The specific designation and indication of all lots that have the two-bedroom limitation be noted and shown on the Final Plan.

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

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

Staff has reviewed the plan. All required information is accurately portrayed, and the plan conforms to the review plan.

The conditions imposed by the County Commission have been complied with.

Staff recommends approval.

Commissioner Lloyd made and Commissioner Koirtyohann seconded a motion to approve the request by the Martha L. Straub Trust to approve a Revised Final Development Plan for Martha's Grove Planned Development on 20 acres, more or less, located at 6330 S Hummingbird Ln, Columbia:

Eric Kurzejeski – Yes	Michael Poehlman – Yes
Carl Freiling – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Steve Koirtyohann – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously.

Vice-Chairperson Kurzejeski informed the audience that this request will move forward to the County Commission on Tuesday, December 3, 2019.

VII. Plats

Plats 1 – 6 were placed on consent agenda.

1. Bellaridge Plat 2. 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 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.

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.

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 preliminary plat was approved with 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.

A wastewater plan and soils morphology report has been submitted. It has been reviewed and approved by the Health Department.

Consolidated Water has confirmed that water infrastructure, including fire hydrants, has been installed in the approved locations.

Staff recommends: Approval of the plat.

The proposal scored 58 points on the rating system.

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

The following staff report was entered into the record:

The property is located on the east side of Flynt Lane approximately $\frac{1}{4}$ mile north of Mt Zion Church Road. The property is zoned A-R. There is an existing singlewide mobile home on proposed Lot 1. A single-family dwelling is under construction on proposed Lot 2.

Both lots have frontage on and direct access to Flynt Lane. The subdivider has submitted a request to waive the requirement to provide a traffic analysis.

The property is in the service area of Public Water Supply District 4.

Sewage will be disposed of via on-site wastewater systems. There is an existing lagoon on proposed Lot 1. A plan showing a suitable location for an onsite wastewater system on each lot has been submitted. The subdivider has submitted a request to waive the requirement to provide a cost benefit analysis.

The property scored 24 points on the rating system.

Staff recommends approval of the plat and waiver requests.

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

The following staff report was entered into the record:

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 west. The A-2P was rezoned from A-1 in June of this year, the other zonings are all original 1973 zoning. This property had a rezoning to A-2P and an associated review plan approved in September 2019 under Boone County Commission orders 419-2019 & 420-2019. There is a final development plan for this property on the on the November 2019 Boone County Planning & Zoning Commission agenda.

This plat creates a single lot for the development proposed on the plan previously approved. The lot is 5 acres in size and has a modular home and accessory building present on the property.

The property has direct access on to State Route OO, a publicly dedicated, publicly maintained right-of-way. The applicant has requested a waiver to the traffic study requirement.

The property is served by Public Water Service District #4, the Boone Electric Cooperative, and the Boone County Fire Protection District.

The existing home has an on-site wastewater system. Due to the placement of the western lot line in creating this new lot, that system will be out of compliance with Health Department regulations. Prior to final approval of this plat, the on-site wastewater system must be relocated to a location that complies with Health Department regulations. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers, subject to the following condition:

1. That the existing on-site wastewater system be relocated in compliance with Boone County Health Department regulations prior to county commission approval of the plat.
4. Zumwalt Road. S2T45N-R12W. A-2. Joshua and Brianna Lindsey, owners. Curtis E. Basinger, surveyor.

The following staff report was entered into the record:

The subject property is located approximately 3 ½ miles to the south of Ashland, on Zumwalt Road. The parent lot is 8.58 acres in size and zoned A-R(Agriculture-Residential). The property has A-1(Agriculture) zoning to the west and south, and A-R zoning to the east and north. The A-R was rezoned in 1975, the A-1 is original 1973 zoning. There is an existing home and garage on the parent parcel. This proposal replats the original platted lot into 2 smaller lots at 4.57 acres and 4.01 acres.

Both lots have direct access on to Zumwalt Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

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

Lot 1B has an existing on-site wastewater system, regulated by the Columbia-Boone County Health Department. Any development on lot 1A will require 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 17 points on the rating system.

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

5. Higbee Hills. S36-T50N-R12W. A-2. Higbee Lake Investments LLC, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on Mount Zion Church Road, to the southwest of the intersection of Hecht Road and Mount Zion Church Road. The subject property is 40 acres in size and zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The property has a house, a shed, and several barns present. This proposal divides three lots, at 3.54 acres, 4.25 acres, and 8.00 acres, from the parent parcel. The remaining property is proposed to be divided by administrative survey to create a 10 acre tract and a 14.48 acre tract.

The lots have direct access on to Mount Zion Church Road, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4, the Boone Electric Cooperative Service area, and the Boone County Fire Protection District.

The platted lots are designed for use with on-site wastewater systems as approved by the Columbia/Boone County Health Department. The applicant has submitted a request for a waiver on the wastewater cost-benefit analysis.

At this time, no administrative survey has been submitted for the remainder of this property. This proposal will not proceed to the County Commission until such time as the administrative survey has been reviewed.

The property scored 36 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers subject to the following condition:

That an administrative survey, matching the proposed design identified on the plat, be submitted and approved prior to approval of the plat by the county commission.

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

The following staff report was entered into the record:

The property is located at the southwest quadrant of the intersection of Spiva Crossing Road and North Sheridan Road. This is a replat consisting of Lots 1-3 and 18-24 of Bluegrass Hills Block 1. The County Commission approved the request to vacate and replat by Commission Order 355-2019.

There is an existing house, lagoon, and garage on proposed Lot 1. The Board of Adjustment approved variance request 2019-007 to allow the garage to be located in front of the primary structure. The Certificate of Decision is recorded in Book 5099 Page 134 of the Boone County Records. There is also an existing house and lagoon on proposed Lot 3.

All lots will have frontage on and direct access to a publicly maintained road. The subdivider has requested a waiver of the requirement to provide a traffic analysis.

The property is in the service area of Public Water Supply District Number 4. There is a 3-inch water line on Spiva Crossing Road. The District could not confirm whether there is adequate water to supply additional residences.

All lots will utilize on-site systems for sewage disposal. The subdivider has submitted a request to waive the requirement to provide a cost benefit analysis.

The property scored 26 points on the rating system.

Staff recommends approval of the plat and waiver requests.

Commissioner Kurzejeski made and Commissioner Lloyd seconded a motion to approve the items on consent agenda with staff recommendations:

All members voted in favor.

7. 40 & J Development. S3-T48N-R14W. 40-J Farms LLC and 40 & J Development LLC, owners. Timothy S. Crockett, Professional Engineer.

This item's staff report and vote was included with the corresponding Rezoning and Review Plan; all of which were recommended denial by the Planning and Zoning Commission.

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 request for Werts was approved as recommended. Commission Order 464-2019.

The rezoning request for M E L Oetting Family's Legacy LLC was recommended denial, the applicant appealed to the County Commission who approved the request. Commission Order 465-2019.

The Final Development Plan for Fred Overton was approved as recommended. Commission Order 466-2019.

The Final Development Plan for RML Investment Properties/Mobility Worldwide P.E.T was approved as recommended. Commission Order 467-2019.

Plats for Quisenberry, Arrowhead Lake Estates Plat 2A, and Starting Five were approved. Commission Order 468-2019.

VIII. New Business

1. West Area Plan

Stan Shawver stated the City Council is supposed to be sending the County Commission a letter asking that we participate in a West Area Study.

2. Wind Farm Update

Work sessions have been scheduled and are listed on the department's website.

IX. Adjourn

Being no further business the meeting was adjourned at 9:55 p.m.

Respectfully submitted,

Secretary
Michael Poehlmann

Minutes approved on this 17th day of December, 2019