

**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, May 21, 2020**

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum attending in person, by video and phone conference.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson

Centralia Township

Michael Poehlman, Secretary

Rock Bridge Township

b. Members Present by Video Conference:

Gregory Martin

Katy Township

Rhonda Proctor

Perche Township

Jeff McCann

County Engineer

c. Members Present by Phone Conference:

Eric Kurzejeski, Vice Chairperson

Missouri Township

Steve Koirtyohann

Rocky Fork Township

d. Members Absent:

Bill Lloyd

Three Creeks Township

Fred Furlong

Bourbon Township

Daniel Mings

Columbia Township

Vacant Seat

Cedar Township

e. Staff Present:

Bill Florea, Director

Thad Yonke, Senior Planner

Uriah Mach, Planner

Paula Evans, Staff

III. Approval of Minutes:

Minutes from the February 20, 2020 meeting were approved by acclamation.

IV. Chairperson Statement

Chairperson Harris 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 four rezoning requests, two final development plans, and two subdivision plats.

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

The following procedure will be followed:

This meeting is being conducted in compliance with Public Health Order Number 2020-05C. Occupancy of the Commission Chambers cannot exceed 10-individuals. Social Distancing Requirements must be observed at all times.

We will follow a partial virtual format. Two Commissioners are present in the Chambers. A number of other Commissioners, sufficient to provide a quorum, are attending the meeting through a video and or audio link. The audio link is open to members of the public who wish to follow the proceedings.

In order to comply with the occupancy limit, space will be allocated as follows:

- Two Commissioners
- Two applicants
- Three staff
- Three members of the public.

There is a staff member in the Lobby who will be metering access to the Chambers. Members of the public, who wish to testify, will be allowed in as space allows. Individuals will be asked to exit the Chambers when their testimony is complete in order to make space for another. The public will be rotated through until all who wish to testify have had an opportunity to do so.

There are no public hearings for the Planned Developments on the agenda so there will be no opportunity for public testimony on those items.

When the Commission has voted on any agenda item, the applicant will be asked to exit the Chambers to make room for the next applicant.

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. 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. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request.

We ask that any presentation made to the commission be to the point. Please direct all comments or questions to the commission and 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 request. Those individuals are welcome to address the commission at any time during the public hearing.

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

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

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

All recommendations for approval are forwarded to the county Commission. They will conduct another public hearing on Wednesday, June 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 Wednesday, June 3rd will begin at 7:00 p.m. and will convene in this same room. That meeting will also be conducted in compliance with Health Order Number 2020-05C using the same format as this meeting.

Chairperson Harris asked the Commissioners to state their name before speaking or making a motion.

Director, Bill Florea stated that there are copies of the Chairperson's statement posted in the lobby so that members of the public can read the meeting procedures.

## V. Rezoning Requests

1. Request by Shannon Kasmann and Ziv Amir to rezone from R-S (Single-family Residential) to A-2 (Agriculture) on 3.99 acres, located at 8101 W Hwy 40, Columbia.

Director, Bill Florea gave the following staff report:

The property is located west of Columbia on the north side of US Hwy 40, approximately 1.8 miles west of the US 40/I-70 interchange. The address is 8101 W Highway 40. The zoning is Single Family Residential, R-S, which is the original zoning. All of the adjacent zoning is R-S. There is Agriculture, A-2, zoning approximately 200 feet north of this property. The Master Plan designates this property as suitable for low density residential land use.

The lot is occupied by a single-family residence, two outbuildings, and a lagoon. The lot was originally platted as part of Midway Meadows subdivision in 1973. In December 2019 the County Commission approved a request to vacate and replat Midway Meadows Lot A, Lot 1A, and the south part of Lot 21. The replat, Kasmann Plat, was recorded in March 2020.

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

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

Utilities: Consolidated Water provides water service to the property. There is a one-inch service line and a six-inch water main on the property. There is a twelve-inch main on the property adjacent to the north.

There is a Boone County Regional Sewer District main on the south side of US 40. The existing building is not connected to the sewer line. However, the Sewer District reports that there is available sewage capacity for this property.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to US-40.

Public Safety Services: The property is approximately one mile west of Boone County Fire Protection District Station 9 at 6951 Henderson Road.

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

Zoning Analysis:

The sufficiency of resources test supports maintaining the current zoning. Services are available to support the current R-S zoning and in increase in density on the property. Downzoning areas such as this, creates inefficiencies in utilization of infrastructure and ultimately, contribute to decentralization of higher density zoning.

Staff notified 11 property owners about this request. The property scored 98 points on the rating system.

Staff recommends denial of the rezoning because the sufficiency of resource test supports the current zoning.

Present representing the request:

Shannon Kasmann, 8091 Hwy 40 W, Columbia  
Amir Ziv, 8091 Hwy 40 W, Columbia.

Shannon Kasmann asked the Commission if they received the information stating what the applicants are doing with the property.

Chairperson Harris stated yes.

Shannon Kasmann: We live right next door to this property and purchased the subject tract about 1.5 years ago.

Amir Ziv: I don't understand the denial. Potterfield is A-2 and staff considers this a down-zoning. I don't understand the down-zoning and what that has to do with us wanting to board 20 to 25 cats; that is what

we are going to be using the house for. My wife has been involved with Columbia Second Chance for about 20 years and is considered a cat-whisperer.

Shannon Kasmann: We don't take this venture lightly, we have both been entrepreneurs and both are business owners, I own Kasmann Insurance Agency, Mr. Ziv owns Angel Paws Pet Crematory and we have both been a part of Second Chance Animal Rescue for over 20 years. We have helped design and build the last three adoption facilities for Second Chance so this isn't really out of the realm of what we have done before. We have built facilities for pets before. The property became available, it was owned by the former Dean of Columbia College and is in great condition and it is very important to know that I don't wish to change the property at all, the house is beautiful. If you are not going to be one of my customers you may not even know what I am doing there, I am not even sure if I am going to have signage there. The utility usage will be less than what I currently have it as a rental property. We just started out and met with Staff and originally looked for what type of zoning we should go for, I left that open on my rezoning application and we were guided in this direction. I guess just tell us what direction we need to go.

Amir Ziv: I was shocked when I talked to Thad Yonke last week and all of a sudden staff was recommending denial. We are not going to be moving in the near future, we are not thinking of building a subdivision so I am stymied over that. It is going to be used for housing cats. We may have one person, maybe a student, at one point in time living there as an onsite caretaker but that is it. It will be used less than what is now.

Shannon Kasmann: We have a lagoon, we are aware of the things that we need to change, I have talked to an engineer and architect so I am aware of what we need to do with the house.

Commissioner Martin: Did staff receive any opposition from the neighbors?

Bill Florea: Not that I am aware of.

Amir Ziv: We really don't have neighbors. We have Potterfield, Rost Landscaping, and Midway Elementary School.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris asked Mr. Florea to address the down-zoning question from Mr. Ziv.

Bill Florea: Down-zoning is not to be construed that you are somehow harming the neighborhood or harming your neighbor's property value. It is an action to further restrict property rights on that piece of property than what is now allowed. The applicants are asking for agricultural zoning which is more restrictive than the zoning that is currently in place which is residential. That area is suitable for higher development, it has the utilities that can support more homes and more dense and intensive uses than agricultural property. When you rezone it to agriculture property you displace someone who might want to use that property for that purpose and pushes development farther out where there aren't the services available. That is the basis of the staff report, this property is well served by infrastructure and it should probably be zoned R-S or maybe a denser zoning, maybe even a planned commercial for what the applicants intend to do there instead of an agricultural zoning. It is not a statement that we are against the proposed use, it is the zoning of the property, there are different ways to get to that use that would be more appropriate within the scheme of zoning.

Amir Ziv: We aren't planning on doing anything with it, we aren't planning on building, it sounds like staff is telling us that because it is conducive for building and conducive for a subdivision we can't do what we want to do. We can but we are going to have to rezone to commercial or do something else, I am stymied over that. We aren't doing anything different, quite the contrary, you guys are basically telling me that is conducive for something bigger and more grandiose but we don't want that so let us do what we want to do.

Bill Florea: The zoning is permanent unless the owner asks for a change. You won't own that land forever, that is a fact. You don't have an intent to sell it but we all have a lifespan, and at some point the property is going to change hands and that is what we look for in zoning. It is not just what you want to do but it must fit in to the overall scheme of zoning when you look at the whole county.

Amir Ziv: If someone wants to build a horse ranch they will have to rezone anyway. It is looking so far ahead as far as we are concerned when we decide to sell it, let that person go ahead and figure out what they want to do and let them rezone if they need to.

Chairperson Harris: Right now it is zoned R-S and across the driveway the house is zoned R-S and everything around it is R-S up to the A-2 zoning.

Bill Florea: That is correct, the A-2 is about 200 feet to the north.

Amir Ziv: I think Rost Landscaping is A-2.

Bill Florea: I believe Rost Landscaping has planned general commercial and A-R zoning. That was rezoned in the 2000's.

Chairperson Harris: What we would end up with is a spot of A-2 zoning in a sea of R-S zoning. We would be granting something less lenient than what is already there. Looking down the road the greatest potential unintended consequence is that someone else has to come back to try to get back what is there today.

Bill Florea: That is correct.

Commissioner Poehlman: What we have to consider for a rezoning request is if there has been something that has changed to validate the request. If you want to go from R-S to agriculture then we have to assume that the previous zoning wasn't right and we have to make an adjustment. What is the reason we are making an adjustment? Is it because everyone else or other R-S areas are going back to A-2? I am not seeing that. Sometimes it is because someone put a road through or there are more resources or the city is inching closer toward the property; there is nothing there in this case that tells me that the original zoning is not correct.

Shannon Kasmann: What does the Commission recommend as the proper zoning? If not what we are asking for then what would be the correct zoning for what we want to do?

Amir Ziv: Let us do what we want to do and keep it zoned as R-S. If something was to happen and the Commission doesn't approve this and we decide to go with commercial zoning if our project fails or we decide not to do this we are going to have to come back to be able to rent the home again. That is something that should be taken into consideration also, we will have to ask for R-S again. If the project doesn't work and we want to rent our house again would we have to come back and rezone back to residential?

Commissioner Poehlman: That would be hard to do because we already said that the zoning should be A-2.

Bill Florea: Agriculture allows for residential uses.

Chairperson Harris: If we were to deny this and say the better way to go would be a commercial zoning then they wouldn't be able to use the property for residential use.

Bill Florea: That is true.

Chairperson Harris: If the business does not succeed they are sitting there with a very good house that they would not be able to use as a residential rental.

Bill Florea: Correct.

Chairperson Harris: Looking at the unintended consequences and with respect to staff and the limitations on C-GP zoning if we start a landslide of land change to lesser intensity, which is rarely our concern, I guess it is not so bad.

Commissioner Harris made and Commissioner Martin seconded a motion to approve the request by Shannon Kasmann and Ziv Amir to rezone from R-S (Single-family Residential) to A-2 (Agriculture) on 3.99 acres, located at 8101 W Hwy 40, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – NO
Michael Poehlman – Yes	Greg Martin – Yes
Rhonda Proctor – Yes	Steve Koirtyohann – NO
Jeff McCann – NO	

Motion to approve the request passes 4 YES 3 NO

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Wednesday, June 3, 2020 at 7:00 pm and the applicants will need to be present.

2. Request by William and Rebecca Ambrose to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 5.49 acres, located at 7700 E North Shore Dr. Hartsburg.

Director, Bill Florea gave the following staff report:

The property is located at 7700 E. Northshore Drive, approximately 1.5 miles from the intersection with South Westbrook Drive. North Shore Drive is privately maintained. The property is zoned is A-R, which is the original zoning. All the neighboring property is also zoned A-R. The stated purpose of this rezoning is to facilitate division of the lot by family transfer. There have been no previous requests on behalf of this property.

The Master Plan designates this property as suitable for rural residential land use. The Master Plan identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal. 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 property is in the Consolidated Water service area, however there is no water service available to this property.

There is no public sewer service available.

Transportation: Access to a publicly maintained road is by North Shore Drive, which is maintained by the Lake Champetra Homeowners Association.

Public Safety Services: The property is approximately three miles from the Southern Boone County Fire station.

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

Zoning Analysis:

The Master Plan designates this property as suitable for rural residential land use. The current zoning is Agriculture Residential, A-R. The level of service available to this property is compatible with the requested A-2 zoning. However, under the current A-R zoning the property cannot be subdivided due to lack of direct access to a publicly maintained road: all lots less than five acres in size must have frontage on and direct access to a publicly maintained road.

Granting this rezoning will allow division by family transfer, which will result in one additional dwelling unit using the already substandard private road for access. For this reason, staff recommends denial of the request.

Staff notified 20 property owners about this request. The property scored 22 points on the rating system.

Staff recommends denial of the rezoning.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia  
William Ambrose, 7700 E North Shore Dr, Columbia

David Butcher: The owner wishes to have his family live next door to him. Many of us have fought to keep the family transfer as an option in our subdivision regulations because we know how important it is. We know that the family transfer is very useful in getting our loved ones to live on property next to us because we get old and want to spend time with our grandkids. By allowing this rezoning we would be able to use the family transfer tool. The staff recommendation is made solely as a way to thwart the subdividing of the property. Most of us would agree that if this were a blank slate and you were asked to pick what zoning would be appropriate for this property you would probably say A-2; you probably would not assign it the A-R zoning. I think it is important to not focus on the neighborhood and what these people are going to say when they come in here with their testimony. I want the Commission to realize that what he is asking for is an appropriate zoning for this. The main questions are is this property allowed to be subdivided in a safe manner and is it in any way a problem for the county infrastructure? Staff indicates that the road is a substandard road.

David Butcher presented the following exhibits:

Exhibit A: Photo of the road

Exhibit B: Photo of the road

Exhibit E: Photo from one side of the lake looking at the Ambrose property

Exhibit G: Photo of the road with street sign

David Butcher: Exhibit A shows the road, it is a two-lane, paved road and I passed a truck with a trailer on it and there is no problem and no substandard quality to this road. Exhibit G shows street signs, this is a private road but they treat it very much like a public street, they have street signs there that indicates a speed limit and it is important that the Commission realizes that this road is not substandard. While it is a privately maintained road it is a very well privately maintained road and I would venture to bet it is nearly as good as most county roads. We are adding one home; there are 50 homes on this road so the percent of impact that one additional house would add to this is very minimal. Is it safe? It is within three miles of a fire department. Fire trucks, school busses, and trash trucks have not had any problems using this road so I think we can clearly indicate that it is safe, this subdivision was built in the late 1960's.

You are probably going to have public testimony about how this is not appropriate, not fair, not nice and shouldn't be allowed. Exhibit E shows Mr. Ambrose's property shown from the other side of the lake; there are 50 homes around the lake and you can hardly see any of them. Anything that happens on the other side of the lake where Mr. Ambrose lives is not likely to have any impact regarding the other people that are associated with this neighborhood. I don't want to say that what we are doing is not important and I don't want to discount everything the neighbors say because we are asking to let one more person to live in the neighborhood but we are asking you to down-zone the property from A-R to A-2 and use the same tools that would be afforded anyone else who has A-2 property. If this happens it will likely be the last time any property out there would be subdivided, there is no more land out there to be subdivided that is associated with this lake. By down-zoning from A-R to A-2 you guarantee that this will be the last time this property would ever be divided. There are fire flows because they have pumps in the lake that are there to help the fire department. The onsite waste water system would be no different than any of the others. The water will be provided by a private well, no different than any of the others. It is going to come down to the fact that the neighbors don't want him to do this. This is a low-impact request, ultimately he wants to have his family live next door.

Open to public hearing.

Present speaking in favor:

Stephen Shiery, 6973 E South Shore Dr, Hartsburg

Stephen Shiery: I am here to speak in favor of the proposal. I have known Mr. Ambrose since 1978, he was my dentist until he retired. They are good people and they take care of their house. I understand that the purpose for this division is to provide space for their son to build a house and I think it would be a good thing.

Also present speaking in favor:

Todd Jacober, 7475 E North Shore Dr, Hartsburg

Todd Jacober: I border to the south of the Ambrose property, I am in favor of this request, I know he wants to build a house for his son so his grandkids can grow up next to him. Mr. Ambrose keeps his property in good condition and is a good steward of the land and wildlife. I know he has helped the association try to improve fishing in the lake.

No additional speakers in favor of the request.

Present speaking in opposition:

Veronica Marian, 7332 E North Shore Dr, Hartsburg

Veronica Marian: I think it is very confusing for someone to rezone when you have a community of homes and I would like to keep it consistent so that everyone's home is owned the same way and everyone feels like they are treated the same. Our infrastructure is very old and it is starting to have a lot of wear and tear. A good example of that is recently CenturyLink has stated that they don't have anymore capacity to put out there and they are not willing to upgrade the lines because we are a small community and we live in a somewhat remote area. We have aging homes, this subdivision was developed in the late 1960's and a lot of the septic systems are original so we have 49 septic systems on a 95 acre lake and I think it is pretty much at capacity. We spend a lot of money and take a lot of pride in our neighborhood to keep the roads well maintained and that comes at a very high price. We have a lot of retired people out there on a fixed income and to add more to the infrastructure that is already strained is not appropriate.

Commissioner Poehlman: What will you do when all the people start retiring and younger families move in and there are houses with 2 or 3 different drivers and they are using the internet and roads all the time, that will be a big change too, right?

Veronica Marian: It is, I travel for work and my home is my office and I used to not have any problems with having internet access now we do have younger families. I used to have a very high rate of speed and now I struggle to get up to 5 to 9 MB so it is very difficult for me to work from home but it is an example of how difficult it is to get utility services upgraded out there. We were told at one point that the water company was going to redo the water pipes because they are very aged but now they don't have the money for it. The lake is pretty much maxed out with homes.

Richard Murray, 7212 E North Shore Dr, Hartsburg

Richard Murray: There are several reasons that I feel that this request should be denied. The first concern that I have comes down to infrastructure; I believe there were photos given to the Commission earlier of the roadway. What was not said is the house is on the opposite side of the dam. The dam that creates this lake is damaged, it is the largest privately owned dam in central Missouri. You have to cross that dam in order to build a house on the other side. The dam is of a quality that people who cut the grass there have no where to turn around, the mower has to back down the hill and across the dam because the roads are too narrow to turn around. I have grandchildren and I walk down these roads everyday and there are homes that are being remodeled and there is sufficient traffic already with the homes there that I have to be very careful because the work trucks and cars come by. It isn't wise to put more traffic on that road. If this request is granted then there are at least five or more potential homeowners who would be able to go through this same process. You aren't talking about one home, you are talking about multiple people asking to do the same thing. There are 49 or 50 septic tanks that are all around this lake and we are constantly checking the lake quality. The other part of the system we are talking about is the remodeling, there is a lot of it going on. We work hard and pay out of our pockets to maintain roadways, if you have more traffic and heavy equipment that is more wear and tear on the roads. The zoning laws are put in place to protect the citizens of the county and because there is a loophole to jump through to do this I don't think that should be used in this case.

Bill Florea: Staff received two email communications both registered opposition siting infrastructure issues.

Chairperson Harris: Who were those from?

Bill Florea: Dr. Richard and Sally Graham, 7268 E North Shore Drive and Gary Strom and Katherine Strom.

Chairperson Harris: I received those two letters as well as emails from David Marian and Randall Trecha. Another from a David McGee who registered opposition but then sent a second email that backpedaled on it in light of a 1993 letter from the Homeowners Association to Mr. Ambrose.

Commissioner Proctor: I received six total emails, Mr. Howell that was in opposition. Is anyone going to be speaking on behalf of the Homeowners Association?

Chairperson Harris: I would say no because no one else is present but the applicants.

Closed to public hearing.

David Butcher: Is it possible to get copies of those letters for our purposes so we could work it out with neighbors in the future? As indicated by Mr. Murray the Homeowners Association provided a letter to Mr. Ambrose in 1993, that letter indicated that in exchange for him annexing his property into the subdivision Mr. Ambrose would be able to divide his property one time. That letter basically gives support from the Homeowners Association to allow him to subdivide his property, I hope the Homeowners Association has not submitted contrary to that.

The infrastructure out there is privately maintained, the more people that pay the better off it is. The infrastructure is in great condition, there are new drainage ditches built which Mr. Ambrose has helped with and new pipes have been installed. Ms. Marian was a little upset about the utility infrastructure, the more people that need utilities the more likely those utility companies are going to respond. A new home always sparks life in aging homes, people put a little more effort into them, I don't know that aging homes is a good argument. Regarding the aging sewers, what is adding a new sewer going to do to the aging sewers? I don't see that as a real issue. The issue is if it is not working the Health Department needs to take action and help these people fix it but I don't think that has anything to do with Mr. Ambrose's property.

The only real valid argument that was made was regarding the trucks that might come over here to build this could create some wear on the infrastructure but I don't know if that is any different from what I heard from the testimony about all of the other remodeling going on out there. Other people have been entitled to have concrete trucks at their homes, Mr. Ambrose is asking that you allow him to the same. This is appalling that we are using the zoning regulations as a way to thwart the subdividing, by any other means going from A-R to A-2 is an awesome request. But because we know that it opens the door for him to do a family transfer survey we find that it is grounds enough to not let him do it? He has five acres. He has more shoreline than just about anyone else out there. He has a larger piece of property than 90% of the people out there. Why can't he let his family live next door? I am compassionate to the people out there that are members of the Homeowners Association who don't want the infrastructure injured or damaged because of trucks but to say that they don't want another neighbor, I don't buy that, I think that is selfish and unacceptable. I don't think we should be using the zoning laws as a way to thwart this.

William Ambrose: I have owned that property since 1989, my children grew up there and it has been a wonderful, fresh air, amazing community. I have my own well, when you live out there like that you learn to be responsible for your own property. My well happens to have hydrogen sulfite and iron in it and I installed an iron curtain which is just a scrubber, an oxidizer that scrubs that out. I don't have any trouble with my well, the people on the other side of the lake that testified have a public water supply, I can't believe they came in here and complained about the water, all they have to do is turn the tap on, I have to keep a well running. Before I was a dentist I was a chemical engineer, I have lead the way trying to keep the lake safe, I have been involved in nutrient and biologic management. There is so much water in that lake and each homeowner is represented by more than 7,000,000 gallons of water in the lake, it is 60 feet

deep, any pollution that is there is unrelated to any nutrient or biologic load coming off of any of those homes. There is only one source of pollution there that is significant and that is sediment; sediment in Missouri carries phosphorus and the phosphorus drives algae which can create its own nitrogen. Any of those issues are directly related to sediment and I am in the middle of a conversation with Miller Company Engineering from Lake Ozark and the Corps of Engineers to address watershed management and sediment control in Lake Champetra. In addition to that my son and I have very carefully reengineered several culvert drops directed at controlling sediment. The average lifetime of an inland lake is 50 years because of sedimentation and so now we are talking with people in the engineering field about dredging which is probably what we are going to have to do. I am the leader in that, I have taken the lead and have been working on it for two years, I have a committee that I am working with, we work with the limnology lab at the University of Missouri with nutrient/biologic management.

That dam has received nothing but the highest marks from the Department of Natural Resources that licenses the dam. My son and I have managed the back side of the dam with heavy equipment repairing erosion and installing 1000 feet of French drain to get the water off of it. When we got there and started working on it, it was tree covered and invaded by roots and the wet spots couldn't be maintained. The dam is now grass covered and easily maintained with mowing which is how it needs to be. We filled in a trench on the back of the dam that was 8 feet wide and it took 4-6 loads of dirt. My son has a dump truck that carries 60,000 pounds, the road is signed at 45,000 pounds, we obey that limit on everything that we do, it may take two extra loads per job but we are stewards of that infrastructure.

It is good to have someone like me there that has a background in science and engineering and has access to a company that can do the maintenance that has been done at that lake and there is a lot more to do. The engineered ditches along the road are full and growing up in trees, that all needs to be taken care of, there are areas where water is running across the road which needs to be resolved. We will get to that eventually. We love living there, it would be a wonderful place for my son to build a house. When I leave I very seldom meet a car and I live two miles around the lake. The road is the pride of Champetra Lake Homeowners Association and it is maintained well and one reason for that is even with the \$1000 per year dues they continue to maintain the road in an excellent manner. Another \$1000 per year that my son would pay in dues will do nothing but add to the money to maintain the road.

Chairperson Harris: If this is approved to build a new house what is the anticipated water supply?

William Ambrose: It would be a well.

Chairperson Harris: Looking at the way it is configured, the house would be on the lake shore? Even though you have five acres there is a chunk where there will be two houses on half of the five acres.

David Butcher: It will be a lake house as well.

William Ambrose: It will be 400 feet down from mine.

Chairperson Harris: How long is the dam?

William Ambrose: 600 feet.

Chairperson Harris: Is it 30 feet high?

William Ambrose: The deepest part of the water is 60 feet, I don't know how high the dam is but we take our equipment up and down the side. In 1993 when the association wanted to put everyone under the same constitution and bylaws we weren't under any of them so the association came to me and we made the deal where I would subject myself to the association bylaws and they had previously offered that if I did that

they would let me divide the lot one time. There is not another Lake Association member that carries one of those letters. I gave goods for that right. There seems to be some question about why I would do this, that somehow I am being nefarious or cheating. I assure the Commission that it was a contractual arrangement voluntary on my part and on the Lake Associations part to the degree that the Lake Association had their attorney look at my letter and said that it was enforceable and valid and that I could divide my property. Initially in the conversation people asked why I get to divide my property and the Homeowners Association didn't get to decide, well they did decide in 1993. If the Homeowners Association rescinds that I assume I rescind my signature and what that does is take me out of the Association and puts my property back in my hands. I would rather not do that, I would rather be a good Association member.

Chairperson Harris: The staff recommendation was for denial, we've heard the testimony and the fact is that evidence has been presented that this was granted for this division by the Association. For clarification the staff report it states that A-2 zoning, if it is less than five acres, has to have public road frontage.

Bill Florea: Correct.

Chairperson Harris: Meaning it has to be publicly maintained road frontage, not private road frontage.

Bill Florea: That is correct.

Commissioner Poehlman: What about the comment about setting a precedent? Are there other homeowners out there that own enough land that could do the same thing?

Bill Florea: Yes, there is one that applied last year and withdrew their application prior to making it to the Planning and Zoning Commission. There are several parcels in the subdivision greater than five acres along South Shore Drive so there are other parcels that are similarly suited.

Chairperson Harris: What type of sewer system would be used?

David Butcher: An engineered onsite system.

Chairperson Harris: With zero discharge?

David Butcher: I think it would have to be.

Commissioner McCann: Is it possible to accomplish the land division with some other procedure or is this the only option available to do that?

Bill Florea: There is no other procedure that I am aware of that would allow this. As stated previously, subdivisions creating lots less than five acres have to have public road frontage. There is no platting option available to this property.

Commissioner Poehlman: Family transfer is the only way to do it?

Bill Florea: Yes.

Commissioner Poehlman: Lake Champetra doesn't have anything in their bylaws about the road or adding connections to it?

David Butcher: They do have in their bylaws that you cannot subdivide your property but they gave Mr. Ambrose an exception.

Chairperson Harris: So who holds the trump cards? The Homeowners Association or the County Regulations?

Bill Florea: I would go with the County regulations. Don't weigh too heavily on the covenants and the Homeowners Association; we haven't had any testimony from the HOA. You may have received some letters of course I would urge the Commission to consider that but covenants are private agreements that the County does not enforce. The Commission should look at the actual zoning issues and take the testimony that they have received.

Chairperson Harris: It is currently zoned A-R, the request is to change to A-2 zoning which is a lesser intensity with an end run around that to subdivide into a greater intensity.

Commissioner Kurzejeski made and Commissioner Martin seconded a motion to approve the request by William and Rebecca Ambrose to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 5.49 acres, located at 7700 E North Shore Dr. Hartsburg;

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Rhonda Proctor – Yes	Steve Koirtyohann – NO
Jeff McCann – NO	

Motion to approve the request passes 5 YES 2 NO

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Wednesday, June 3, 2020 at 7:00 pm and the applicants will need to be present.

3. Request by Darin and Holly File to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) on 1.3 acres located at 6801 S Hill Creek Rd., Columbia.

Director, Bill Florea gave the following staff report:

The subject property is located at the northwestern corner of Hill Creek Road and Buffalo Creek Road. The property is 8.93 acres in size and zoned A-2 (Agriculture). There is a lake present on the property. The property is undeveloped with no structures present. There is A-2 zoning to the south, west, north, and northeast, A-R (Agriculture-Residential) zoned property to the east and southeast, R-S (Residential-Single Family) zoned property to the northwest, and the City of Columbia to the north.

The applicant is seeking to rezone 1.30 acres of this property to A-R for purposes of subdivision and development. The 1.30 acres rezoned will be platted into two lots to aid in the covering the cost of a public sewer extension to serve the two proposed A-R-zoned lots and the remainder with the lake will also be platted.

The property scored 68 points on the rating system.

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

place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is in Consolidated Water service area, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. In order to serve this property with sewer service, a connection to a centralized public sewer facility will be required.

Transportation: The property has direct access on to Hill Creek Road and Buffalo Ridge Road, both publicly dedicated, publicly maintained rights-of-way.

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

Zoning Analysis: This proposal can meet the standards of the sufficiency of resources test with the sewer extension. Installation of the public sewer will be required in order to subdivide the property.

Staff recommends approval of the rezoning request.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia  
Darin File, 2510 Chelan Circle, Columbia

David Butcher presented two exhibits:

Exhibit A: Boone County Regional Sewer District map

Exhibit B: Tract split exhibit

David Butcher showed where the existing sewer ends and the location of the File property.

David Butcher: Mr. File is going to extend the sewer to his property and in doing so we discovered that a significant amount of these properties adjacent to him have sewer problems. It would be to the benefit to the sewer district and the county if we extend the sewer further beyond his property. The intent is to subdivide the area asking to be rezoned into two lots and that would allow the applicants to extend the sewer to the connecting lots so they would be able to connect. The reason for creating these two lots is purely to provide public benefit as well as providing Mr. File with some relief on extending the sewer to his own property.

Chairperson Harris: What is the plan for the remaining parcel?

David Butcher: He will build his personal home on the north side of the lake.

Chairperson Harris: How will the home be accessed?

David Butcher: There will be a driveway on the west side off of Buffalo Ridge along the property line.

Chairperson Harris: Will it come below the dam or across it?

David Butcher: On the west side of it; it will be right along the edge of the dam. This Homeowners Association has one very similar to Lake Champetra which has restrictions against subdividing, he has permission from the HOA to do this. They have allowed him to remove this from the HOA so he could do this.

Chairperson Harris: Does the sewer district have capacity to handle these two lots plus the five to the north?

David Butcher: We know there is enough capacity to do what he needs with his own property and probably a couple more lots but we don't know if it has enough capacity to do all of them. We have to figure out if the waste water treatment plant at Newtown can handle it.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to approve the request by Darin and Holly File to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) on 1.3 acres located at 6801 S Hill Creek Rd., Columbia:

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

Motion to approve the request passes unanimously.

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Wednesday, June 3, 2020 at 7:00 pm and the applicants will need to be present.

4. Request by Adam and Crystal Kendrick to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 12.88 acres, located at 7901 S Tom Bass Rd., Columbia.

The property is located off a private drive on the west side of Tom Bass Rd approximately 1400 feet south of the intersection of Deer Park Road and Tom Bass Road. The zoning for this property is A-1 (agriculture) as is all the surrounding property and these are all original 1973 zonings. The predominate zoning of the area in which the request is found is A-1. The nearest A-2 zoning is approximately 200 feet south of the request.

The request is to rezone the irregularly shaped 12.88-acre tract. The tract was divided from the surrounding larger tract in December of 2019. The survey creating the tract indicated an existing home and two other existing buildings on the property. The northern most of these other existing buildings is a barn type building. The building in the center of the property appears to be a cabin or other type of living space with an attached garage and deck. The applicant has indicated that should the rezoning be approved, the intent is to divide the property by plat or family-transfer so an additional slab home and wastewater system could be built.

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 existing wastewater facility for the home is assumed to be an on-site sub-surface system but it is unclear as to what it is comprised of or where it is located. It is unclear if the cabin style building has or ever had any wastewater system. There is no public central sewer available to this property.

Consolidated Public Water District # 1 provides water in the area. There is a 4-inch waterline that provides service to the property.

Boone Electric provides power.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations. There is no designated Floodplain on the property, but there may be regulated stream buffer.

Transportation:

The property does not have public road frontage but rather is served by a long private driveway that also serves the surrounding property.

Public Safety Services: The site is 3.2 miles road miles from the Southern Boone County Fire Protection District Station at the Airport and 6.7 road miles from the station in Ashland.

Zoning Analysis:

The Master Plan designates this property for agriculture and rural residential use. The proposed use is consistent with that designation; however, the existing zoning also is consistent.

In any rezoning the presumption is that the existing zoning is the correct zoning and it is incumbent upon an applicant to show that the proposed rezoning is more appropriate than the existing zoning.

While the request does meet some of the sufficiency of resources tests for service availability, the purpose of rezoning this property is to divide the property. The configuration of the property is irregular and not suited to further division. There are three buildings on the property already. Approximately half of the property is covered by a Lake. The Lake occupies the bulk of the center of the property with only a fringe of land surrounding on the eastern, southern, and western portions of the property. The northern part of the property has the only open portion of ground on the tract and approximately 1/3 of this area is a draw for the Lake.

The property was only created within the last six months and purchased by the applicant in February. The tract was created as a lot for single home and surrounded by A-1 zoning. Any buyer should not have had any reasonable expectation that this property would support an additional house or lot division. The suitability of the rezoning is not supported because of the surrounding existing zoning, lack of public road frontage, irregularity of shape, difficulty in finding a suitable and compliant place for both an additional on-site wastewater system and house site.

Staff notified 7 property owners about this request. The property scored 53 points on the rating system.

Staff recommends denial of the rezoning.

Present representing the request:

Adam Kendrick, 7901 Tom Bass Rd, Columbia

Adam Kendrick: We wanted to do a family transfer of some property. After my mother passed away my father sold his place in Centralia and has been by himself. We felt like it would be a good fit, I feel strongly that we have enough room to build a slab house and be in compliance with Boone County waste water.

Chairperson Harris: Does the driveway come in from the east on the north side of the property?

Adam Kendrick: There are two entrances, there is one on Deer Park Road also.

Chairperson Harris: The primary entrance comes off of Deer Park Road and around the corner?

Adam Kendrick: It can be, yes. Right now we come off of Tom Bass Road.

Chairperson Harris: Is the house located beside the lake? What is the other structure?

Adam Kendrick: Yes, the house is by the lake, the other structure is a shed and that is where we want to build the house on three acres.

Chairperson Harris: Will there be an onsite septic system beside that?

Adam Kendrick: Yes.

Chairperson Harris: Did the applicants recently purchase the property?

Adam Kendrick: Yes, but we have been there for a while, it was a long process.

Commissioner Martin: Is this the only way the applicant can do a family transfer on a piece of A-1 property?

Bill Florea: Yes. A-1 requires a minimum lot size of 10 acres so in order to divide by family transfer in A-1 you would have to have at least 20 acres to begin with.

Commissioner Poehlman: The staff report mentioned hinderances to adding another house. If we approve this is something going to come along with the sewer and water that won't allow them to do what they want to do?

Bill Florea: We haven't seen how they propose to divide the property but yes, it has a very irregular shape. There are setbacks for the lagoon and home that need to be met. It can be difficult to fit that on three acres and meet the setbacks even if it is a regularly shaped property. It will be incumbent upon the applicant, if the rezoning is approved and they go through with the family transfer, to meet all of those standards. It may or may not be able to be done.

Chairperson Harris: Is the driveway coming in on land that the applicant owns or does that come across someone else's property?

Adam Kendrick: That is in the works, we are going to buy the other tract.

Chairperson Harris: The property to the east?

Adam Kendrick: Yes, the horse barn, that is in the process.

Bill Florea: To the east or west? Aren't the horse barns to the west?

Adam Kendrick: Yes, to the west.

Chairperson Harris: You are purchasing the whole thing?

Adam Kendrick: Not all of it.

Chairperson Harris: There is a set of buildings, a house down in the trees, access by a rather long, gravel driveway and the applicant wants to add another house. It is sitting in the middle of a sea of A-1. How far away is the A-2 zoning? Is that all original zoning?

Uriah Mach: It has been that way since 1976.

Commissioner Kurzejeski made and Commissioner Poehlman seconded a motion to approve the request by Adam and Crystal Kendrick to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 12.88 acres, located at 7901 S Tom Bass Rd., Columbia:

Boyd Harris – NO	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Rhonda Proctor – NO	Steve Koirtyohann – NO
Jeff McCann – NO	

Motion to approve the request does not pass.

Chairperson Harris informed the applicants that if they wished to appeal the decision to the County Commission they would need to file an appeal form within three working days.

## VI. Planned Developments

1. Request by Old Hawthorne Development LLC to approve a Final Development Plan for WW Commercial Planned Development on 7.04 acres, more or less, located at 4172 E Hwy WW, Columbia.

Director, Bill Florea gave the following staff report:

The property is located on the south side Highway WW approximately 450 feet west of the intersection of Highway WW and El Chaparral Avenue. In November 2019 the Planning and Zoning Commission recommended approval of a rezoning and an M-LP PID Review Plan. The County Commission approved the rezoning and Review Plan, Commission Order 510-2019. The Review Plan was approved 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 occupancy of any structure.
2. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

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 Koirtyohann made and Chairperson Harris seconded a motion to approve the request by Old Hawthorne Development LLC to approve a Final Development Plan for WW Commercial Planned Development on 7.04 acres, more or less, located at 4172 E Hwy WW, Columbia:

Motion passes by acclamation

2. Request by 40-J Farms LLC and 40 & J Development LLC to approve a Final Development Plan for 40 & J Development on 192.67 acres, located at 10150 W Hwy 40, Rocheport.

The property is located immediately southeast of the intersection of US Highway 40 and State Route J. In November 2019 the Planning and Zoning Commission recommended denial of a rezoning and an M-LP PID Review Plan. The County Commission approved the rezoning and Review Plan on appeal, Commission Order 512-2019. The Review Plan was approved with the following 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.

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 for approval of the Final Development Plan, imposed by the County Commission, have been complied with. Conditions for approval associated with Phase 1 and Phase 2 will be enforced at the appropriate time.

Staff recommends approval.

Chairperson Harris made and Commissioner Koirtyohann seconded a motion to approve the request by 40-J Farms LLC and 40 & J Development LLC to approve a Final Development Plan for 40 & J Development on 192.67 acres, located at 10150 W Hwy 40, Rocheport:

Motion passes by acclamation

## VII. Plats

The plats were placed on consent agenda

1. Sycamore Hollow Plat 3. S17-T50N-R12W. A-2. Fredrick R. Hill and Susan I. Hill Revocable Trust, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on Robinson Road, south of Highway 124, 2 ½ miles west of Hallsville. The property is approximately 145 acres in size and zoned A-2(Agriculture). This property has A-2 zoning to the north, west, and south, with A-1(Agriculture) zoning to the east. Two earlier plats(2018, & 2020) created and reconfigured approximately 15 acres of this parent tract into three lots of 5 acres each. This property is vacant except for a barn in the southern portion of the property. This proposal creates 17 lots between 5 acres and 25 acres in size, being served by a combination of direct public road frontage and three distinct private drive easements.

The parent parcel has direct frontage on Highway 124 and Robinson Road. Both are publicly-dedicated, publicly-maintained rights-of-way. Many of the lots do not have direct road frontage. There are three private drive easements, two coming off of Robinson Road, and one coming off of Highway 124 for access to these lots. The applicant has submitted a traffic analysis.

The subject property is located in Public Water Service District #4 and the Boone County Fire Protection District. With limited guidance presented by the Boone County Fire Protection District, hydrants will be required on 500' spacings, per Appendix B, 4, 4.2 Fire Hydrants, of the Boone County Subdivision Regulations. Installation will be required prior to County Commission approval of the plat.

The applicant has submitted a wastewater cost-benefit analysis. This indicates that on-site wastewater will be permitted in this development. Any systems will be permitted and inspected by the Columbia/Boone County Health Department.

The property scored 43 points on the rating system.

Staff recommends approval of the plat.

2. Moore Estates. S2-T48N-R14W. A-2. Charles Robert Moore Trust, owner. Kevin M. Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located on Boothe Lane, just north of Boothe's intersection with Shady Oak Lane, in between US Highway 40 and Interstate 70, approximately 4 ¾ miles to the west of the City of Columbia. The property is approximately 24 acres in size, and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. The property to the east applied to be rezoned to A-R in 1994 but was denied

by the Planning & Zoning Commission. There is a home and several accessory structures on this property.

This proposal divides the existing structures from the parent parcel and creates an administrative survey tract of the remainder for future development.

This lot has direct access on to Boothe Lane, 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(CWPSD#1) and the Boone County Fire Protection District. CPWSD#1 can provide domestic water service to this property.

An existing on-site wastewater system serves this property, 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 26 points on the rating system.

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

Chairperson Harris made and Commissioner Kurzejeski seconded a motion to approve, as recommended, the items on consent agenda and to insert the staff reports into the record:

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

Bill Florea stated he would update the Commission at the June meeting.

## VIII. New Business

## IX. Adjourn

Being no further business the meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 18<sup>th</sup> day of June, 2020