

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, August 20, 2020

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

II. Roll Call:

a. Members Present:

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

b. Members Absent:

Fred Furlong	Bourbon Township
Vacant Seat	Cedar Township

c. Staff Present:

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

III. Approval of Minutes:

Minutes from the July 16, 2020 meeting were approved as corrected 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 one conditional use permit, two rezoning requests, and six 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 the current Public Health Order regarding the Covid-19 pandemic. Occupancy of the Commission Chambers is limited to 50% occupancy provided all persons wear a face mask and maintain 6-feet of physical distance from each other.

We will follow a partial virtual format. Several Commissioners are present in the Chambers. A number of other Commissioners may be attending the meeting through an audio link. The audio link is open to members of the public who wish to follow the proceedings.

If necessary, there will be a staff member in the Lobby who will meter access to the Chambers. Members of the public, who wish to testify, will be allowed in as space allows. Individuals may 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.

When the Commission has voted on any agenda item, the applicant may 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. 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 direct all comments or questions to the commission, be concise 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.

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 those opposed to the request have had a chance to speak the public hearing will be closed and no further comments will be permitted from the audience unless requested by the Commission. The applicant will then have an opportunity to respond to any concerns expressed during the public hearing. Next the staff will be given an opportunity for any additional comments. 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, September 1st. Interested parties will again be able 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, September 1st 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 2020-06C using the same format as this meeting.

Commissioners attending by audio link: please state your name for the record when you begin speaking.

V. Conditional Use Permits

1. Request by Shannon Kasmann & Amir Ziv for a kennel in the A-2 zoning district 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 A-2 (agriculture) which was rezoned from its original Single Family Residential, R-S zoning in June of 2020. All of the adjacent zoning is R-S. There is additional 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 applicants are seeking to obtain a Conditional Use Permit (CUP) for operation of a boarding facility for cats which under our zoning ordinance is a kennel. The applicants are planning on converting the existing home on the property to the kennel. This change of use will require the services of an Architect licensed to practice in the state of Missouri. The existing on-site lagoon wastewater system is not a legal wastewater system for the structure if it becomes a business and after discussion with the owner connection to a BCRSD facility is confirmed as the proposed method for providing sewer.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The property is approximately one mile west of Boone County Fire Protection District Station 9 at 6951 Henderson Road. If operated in conformance with existing county regulations, the use should comply with this criterion.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

If operated in conformance with existing county regulations, the use should comply with this criterion. Additionally, conditions on how the animal waste is to be handled, how lighting on the site is to be handled and the type of animals allowed should address any concerns related to this criteria.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

Like the previous criterion, conditions on how the animal waste is to be handled, how lighting on the site is to be handled and the type of animals allowed should address any concerns related to this criteria. Public testimony may better reflect any impacts on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The parking, access drive and loading lanes are required to be hard surfaced to a minimum standard of chip-seal. This drive accesses US Highway 40 directly. There is adequate public water in the area to support the required fire hydrants. By eliminating any discussion of using an on-site wastewater system and agreeing to connect to the BCRSD facility in the area the property has infrastructure sufficient to serve the level of activity described in the conditional use permit.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This area is predominantly zoned R-S, by bringing the central sewer connection to the north side of the Highway it is more likely that the existing R-S zoning will be able to be utilized to create normal and orderly development.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

This use will generate traffic beyond what is expected for residential land use. The level of activity is insufficient to overload US Highway 40, however improvements to the driveway should be done in a manner consistent with expansion of activity on site.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district.

Zoning Analysis: A conditional use permit allows for conditions to be placed on such activities and it should be possible to address concerns through conditions. This request is not out of character with activity in this area along a major highway corridor. As proposed, it is unlikely there will be much visual distinction between this use and the neighboring residential uses. With the distinction that this kennel is exclusively for cats the normal concerns of noise and odor from outdoor dog runs does not exist. A condition to propose an approvable plan to manage animal waste can mitigate these types of concerns.

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 and the proposal is to connect. Boone Electric provides power to the site currently. The subject tract has frontage on and direct access to US-40.

Staff notified 12 property owners about this request. The property scored 98 points on the rating system.

Staff recommends approval of this conditional use permit with the following conditions:

- a) There is recognition that any change in the proposal to attempt to use on-site wastewater is a significant change and would require coming back through the process.
- b) An animal waste disposal plan acceptable to the Director of Resource Management must be approved prior to the commencement of this use for this property.
- c) All site lighting shall be shielded and orientated inward and downward so as to minimize glare and light trespass to adjoining properties.
- d) There is recognition that the existing building will be required to obtain a remodeling permit for a change of use overseen by an Architect licensed to practice in the State of Missouri and that a certificate of occupancy for the commercial use must be obtained for the structure prior to the buildings use as a Cat Hotel (Kennel).

Present representing the request:

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

Shannon Kasmann: I don't plan to add any additional lighting, I am not even sure I will have any signage on the street. I live next door so it would affect me. On a good, busy day I might have ten to fifteen cats. For reference, I have assisted with chores for Second Chance Animal Rescue, typically they keep about 50 to 60 cats on the property all the time and on a daily basis when the litter boxes are cleaned it is like half of a kitchen sized bag full of waste. The amount that I will have at my facility I would just put in the garbage.

Bill Florea: We would just need a written statement to that effect.

Shannon Kasmann: I have already engaged an architect to assess the building.

Commissioner Kurzejeski: Are the applicants comfortable with the conditions?

Shannon Kasmann: Yes.

Chairperson Harris: Will the applicants have to bore under highway 40 to get wastewater connections?

Shannon Kasmann: Yes.

Chairperson Harris: Will your personal residence be connected to the sewer district as well?

Amir Ziv: Maybe at a later date, not at this time.

Chairperson Harris: Why is the right of way different than the neighboring properties?

Uriah Mach: When the property was platted the applicants were required to dedicate additional right of way.

Amir Ziv: My father-in-law, who owned this property before, was given the opportunity to purchase the property all the way to new Highway 40 and he did. The neighbor who owned 8101 W Hwy 40 at that time did not.

Chairperson Harris: Is the driveway gravel all the way to the house?

Amir Ziv: No, it is asphalt. It is wider than a normal driveway because that was going to be a subdivision at one point.

Shannon Kasmann: We have plenty of parking if we need it.

Commissioner Kurzejeski: Will there have to be improvements to the driveway?

Bill Florea: The minimum level of improvement is chip-seal but the driveway is already asphalt so it exceeds the standard.

Open to public hearing.

No one spoke in favor of the request.

Bill Florea informed the Commission that staff received an email from the property owner to the north with concerns of noise and odor.

Closed to public hearing.

Commissioner Proctor: The request is listed as a kennel, can they have dogs as well?

Shannon Kasmann: I have no desire to have dogs.

Bill Florea: They didn't propose to have dogs, their application specifically indicates cats so that would exclude dogs. The conditional use permit would have to be revised to use it for anything other than cats.

Amir Ziv: What about for humans? If this doesn't go the way we want it can we still rent the home?

Bill Florea: If the applicants don't utilize the conditional use permit for one year or cease operation for a year the conditional use permit would discontinue.

Amir Ziv: What if in two years we see that the business isn't working?

Bill Florea: Then you could stop and rent the home as a residence.

Commissioner Kurzejeski made and Chairperson Harris seconded a motion to **approve** the request by Shannon Kasmann & Amir Ziv for a Kennel in the A-2 zoning district on 3.99 acres located at 8101 W Hwy 40, Columbia with the following conditions:

- a) There is recognition that any change in the proposal to attempt to use on-site wastewater is a significant change and would require coming back through the process.
- b) An animal waste disposal plan acceptable to the Director of Resource Management must be approved prior to the commencement of this use for this property.
- c) All site lighting shall be shielded and orientated inward and downward so as to minimize glare and light trespass to adjoining properties.

- d) There is recognition that the existing building will be required to obtain a remodeling permit for a change of use overseen by an Architect licensed to practice in the State of Missouri and that a certificate of occupancy for the commercial use must be obtained for the structure prior to the buildings use as a Cat Hotel (Kennel).

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

Motion to approve the request passes unanimously

Chairperson Harris informed the applicants that this request would move forward to the County Commission on Tuesday, September 1, 2020 at 7:00 pm and the applicants will need to be present.

VI. Rezoning Requests

1. Request by Bryan & Leslie Crump to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 15.7 acres, located at 18450 S Route A, Hartsburg.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the southwestern corner of the intersection of Missouri State Route A and Highway 63, approximately 1 ½ miles to the south of Ashland. The subject property is 93.5 acres in size. The proposed rezoning area is currently vacant and zoned A-R(Agriculture-Residential). There is A-R zoning to the north, south, and west, with A-2 zoning to the east across Highway 63 from the subject property. The A-R zoning to the north was rezoned from A-2 in 1976, the other zoning districts are all original 1973 zoning.

The applicant is seeking to rezone approximately 15.7 acres to A-2(Agriculture) for purposes of applying for a conditional use permit to construct a 300' transmission facility with the remainder of the rezoning area to be vacant. However, while this information is useful in understanding the motivation of the request, it can't be the primary reason used to justify a rezoning and the request must stand on its own without consideration of any possible future requests.

Staff notified 41 property owners about this request. The property scored 58 points on the rating system.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a "gatekeeping" function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District. The Bellaridge development on adjacent properties has shown that sufficient water infrastructure exists or can be installed to meet residential requirements for development at densities consistent with both the existing A-R zoning and the proposed A-2 zoning

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

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

Zoning Analysis: While the recent development pattern for this area has been at A-2 density, this density is allowed in the existing A-R zoning. The desire to use on-site wastewater systems as opposed to the installation of a central sewer treatment system has been the primary barrier to utilizing the available A-R density. That has become increasingly apparent with the Bellaridge development, where water service has been brought to this area to meet the fire requirements of additional platted lots. With the existing transportation infrastructure present, the installation of the required water service has shown that two of the three primary infrastructure needs of higher density development are now in place. Unfortunately, the recent platting actions have and continue to undermine the viability of providing central public sewer to the area.

As a rezoning request, the presumption is that the existing A-R zoning is correct. Development in this area has been generally at the A-2 density, as a desire to not incur the costs associated with provision of the higher levels of infrastructure to support density available to the A-R zoning has been the driving motivation. Limitations on infrastructure have limited higher density development, even if these limitations have been self-inflicted. However, no prior requests for rezoning have been submitted for this property since 1976. This area has only had the benefit of transportation infrastructure until recent activity has improved water infrastructure to the level of being able to support fire hydrants. Should this trend continue, the potential of having central sewer installed to support more intense development may be on the horizon. If that is the case, the A-2 zoning could stifle such improvement and maintain the existing lower-density development. The construction of a cell tower to improve service in this part of the county is a clear benefit to residents, that is not the issue before us. The presence of improved services generally results in increased interest in development in an area. The A-R zoning would indicate that more lots are favorable at this location. Limiting the request to the intersection corner of the property where access to the State roadways is limited and the A-2 zoning could possibly be seen as a buffer from the traffic and noise of Highway 63 is the only supporting justification apparent to staff.

Staff cannot justify recommending approval of the rezoning request

Present representing the request:

Jack Scheidt, Network Real Estate, 5055 Hwy N, St. Charles
Bryan Crump, 1451 E Cedar Tree Ln, Hartsburg

Chairperson Harris stated the Commission should focus on the appropriateness of the zoning change rather than what is to come down the road.

Bryan Crump: The property is zoned A-R but it probably should have never been. Under today's guidelines it wouldn't have been zoned A-R. I put all the water to the area. The waste water and different things like that prevents it from being cost effective to try to develop it to A-R density. We have been developing at A-2 density this whole time out there and will continue that. By this time next year it will all be sold off into 4, 5, or 6 acre tracts all the way up to the piece that we are talking about now. That piece also has a development issue with the height of it from the highway access, that is part of the reason we had to go as big as we did to get any type of access to the property. The development potential of it, to me, doesn't make sense and we were going to stop when we got to that area anyway and I was going to walk away from it and hand it down to my kids. This makes sense to me, the area needs it and that is the reason we are going forward with this otherwise it would end up being vacant property.

Chairperson Harris: Does the applicant own the whole area from Route A down to the point?

Bryan Crump: I owned everything and we have been developing it for the past year or so.

The applicants gave a power point presentation.

Jack Scheidt: The majority of the surrounding area is zoned A-2. Even the A-R zoned properties are being developed at A-2 standards. Access to the proposed site is limited. On the east is Highway 63 and access is restricted at the intersection access points. We will be able to get access along Route A but it will be limited to one access point, the applicants are working with MoDot to get that exact point approved. We have talked to them enough that we are confident that we will get access approved we just need to get the exact footages of how far away we need to be from the intersection. The A-2 zoning will be consistent with current development in the area. The majority of the area within 1.5 miles is zoned A-2 and this will be a 15.7 acre tract which allows for expanded conditional uses and some expanded agricultural uses. The property is further hindered by the topography and steep slopes further limiting the access possibility. Based on those limitations that is why we are asking for this rezoning to A-2, it is not feasible from an access perspective to subdivide the property further under the A-R standard.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: The staff report stated that staff cannot find a reason to support this request. What is the rationale for that?

Uriah Mach: We break down the fact that the area does, as indicated in the report, have substantial transportation infrastructure. Specifically, the crossing of Old Highway 63 and Route A. Those roads establish a reasonable amount of transportation infrastructure. As development has occurred water infrastructure has been brought to this area commensurate with development at the A-R densities. The lack of central sewer, out of the primary three things that drive development, is the only thing currently lacking. There is a substantial amount of A-R zoning in the area. That is the only thing that prevents it from being at a density approaching the ½ acre minimum lot size. We couldn't find any strong positions presented by the application and couldn't find any strong positions other than the current activity out there and the existing infrastructure to oppose it either. There is a reasonable case to stay as A-R and there is a reasonable case to be made that it should be A-2. Staff is at an impasse so far as finding solid footing to make a strong recommendation either way.

Commissioner Poehlman: The presumption is that the current zoning is correct.

Uriah Mach: That is correct.

Chairperson Harris: Can that area be serviced by a gravity sewer system?

Bryan Crump: There is no sewer system out there at all; we do privatized systems on everything we develop. That is what prevents this property from being truly developed, there is no sewer, there is nothing to work with. A wastewater treatment facility is too costly to even try to do a dense development out there, we have run the cost analysis. It will remain four to five acre tracts almost all the way to the highway.

Chairperson Harris asked staff to zoom out on the zoning map.

Bryan Crump: Everything in blue in the area is what I have already developed, you can see the size of those lots, we have sold 10 to 20 acre lots. Because of topography or because of codes we can't develop it to an A-R level.

Chairperson Harris: You could sell that 15 acres off as it is zoned consistent with the way you have been developing the rest of it.

Bryan Crump: Yes, we could do the three to five acre tracts.

Chairperson Harris: It really comes back to the developers motivation for the rezoning is what is coming down the road.

Bryan Crump: It is either going to be the three to five acre tracts or a cell tower or it is going to stay a 15 acre piece of nothing. It can't go commercial because there is lack of infrastructure. The water department has already said that they can't achieve the 1000 gallon flow rate out there until they get a water tower in the area.

Chairperson Harris: In a roundabout way it becomes a spot zoning to facilitate some other use down the road. From the way it is being developed right now because of terrain or whatever they could go ahead and finish it the way they have been; it is the potential for the cell tower that causes the request and then it becomes a spot zoning.

Bryan Crump: You are seeing one of our other proposals tonight to approve a plat that shows what we are doing on the south side of the property and it is larger tracts.

Commissioner Kurzejeski: Is this discussion going into the cell tower and whether it is of value?

Bryan Crump: It is needed in the area. I have had several people ask me how quickly this can be done.

Jack Scheidt: It is definitely a spot that has need.

Commissioner Koirtyohann: Can they apply for a conditional use permit as it is zoned now?

Uriah Mach: No.

Commissioner Kurzejeski: I have heard no good reason to approve the rezoning and no good reason not to and this is what the owner wants to do with the property and I am not convinced that it is a bad idea.

Commissioner Kurzejeski made and Commissioner Koirtyohann seconded a motion to approve the request by Bryan & Leslie Crump to rezone from A-R (Agriculture Residential) to A-2 (Agriculture) on 15.7 acres, located at 18450 S Route A, Hartsburg:

Boyd Harris – No	Eric Kurzejeski – Yes
Michael Poehlman – No	Greg Martin – Yes
Bill Lloyd – Abstain	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Jeff McCann – Yes	

Motion to approve the request passes 6 YES 2 NO 1 ABSTAIN

Chairperson Harris informed the applicant that this request would move forward to the County Commission on Tuesday, September 1, 2020 at 7:00 pm and the applicants will need to be present.

2. Request by Bryan Crump, on behalf of Gary F. Fisher Family Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 50 acres, located at 14203 S Crump Lane, Ashland

Director, Bill Florea gave the following staff report:

The property is located north of and adjacent Palomino Ridge subdivision in Ashland and has frontage on the west side of Crump Lane and south side of Clellie Harmon Road. The zoning is Agriculture, A-1, which is the original zoning. Adjacent zoning is:

- South - R-S and City of Ashland zoning R-1
- West - A-2
- North - A-1
- East - A-1

The Master Plan designates this property as suitable for residential land use.

The 50-acre property is occupied by a single-family residence, and several outbuildings.

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 further analysis.

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

Utilities: The property is in the City of Ashland water service area. Consolidated Water has an existing 4-inch main on the south side of Clellie Harmon Road and an eight-inch line and water tower approximately 1800 feet north. Consolidated can provide service to the property with the consent of the City of Ashland.

The City of Ashland has sewer available in Palomino Ridge to the south. Connection to the sewer, from the property, may require installation of a pump station and may also require annexation.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to Clellie Harmon Road and Crump Lane. Billy Joe Sapp Drive and Justin Lane stub to the property through Palomino Ridge. Any future development of the site will require the road stubs to be addressed.

Public Safety Services: Southern Boone County Fire provides fire protection.

Stormwater: There is no physical development associated with this request but, future development on the site will require compliance with County Stormwater Regulations.

Zoning Analysis:

The sufficiency of resources test supports the request. Services are available to support the rezoning. The property is located in the urban fringe of Ashland and, with the available services, could support significantly higher density than is being requested.

Staff notified 146 property owners about this request. The property scored 73 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Bryan Crump, 1451 E Cedar Tree Ln, Hartsburg

Bryan Crump: The property abuts the city limits of Ashland and it makes sense for it to be zoned A-2 or better. The only thing I would say is I think a lot of the public comments are going to be from people in Palomino Ridge with their concerns. The only concern that I can see coming from someone is stormwater runoff issues. There wouldn't be any stormwater issues that would pertain to them unless water starts going uphill. It won't affect them in any way when it comes to that. Other than that it would be the visual part of it; they live in a concrete subdivision and maybe they don't want houses behind them. I am not looking to penetrate it and do high density that is why I am only asking for A-2. In respect to stormwater runoff I know the history of the area and the battles that have ensued there and I know all of the parties involved. I am looking to do low-impact but I feel like it can handle doing more than 10 acre tracts. I am looking at doing a few 3 to 5 acre tracts where available.

Commissioner Kurzejeski: Is the applicant proposing access off the two main public roads?

Bryan Crump: I have visited with the city of Ashland and they have no desire for me to annex unless I wanted to pursue it but they don't want it. I would try to do everything off of Clellie Harmon Road and possibly something off of Crump for a driveway. At this point, depending on how everything shakes out later and after input from engineers when they tell me what I am allowed to do, I would like to keep it as low impact, private driveways coming off of the main roads and try to keep water runoff minimal. It will be as low impact as possible. The subdivision is there as well as the high school, A-1 zoning doesn't fit the property.

Chairperson Harris asked staff how big the triangle shaped property to the north is.

Uriah Mach: It is about 11 acres of a 110 acre tract.

Chairperson Harris: I thought it was a separate tract.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Mike Purcell Sr., 202 Walnut, Ashland

Mike Purcell Jr., 13651 S Crump Ln, Ashland

Mike Purcell Sr.: I own the 110 acre property Chairperson Harris just asked about. I am against this rezoning for three reasons. The first one is stormwater. When we moved there in 1955 the ditch was probably three or four feet deep and six or seven feet wide. It is now over 12 feet deep and 20 to 30 feet

wide and it has taken out our fences. The trees that used to hold it are being undercut and falling in the ditch. The water gets over the road in three places on Clellie Harmon Road, Crump Lane and Martin Lane.

Mike Purcell Jr.: The map shows it all as FEMA flood zone. There are no pipes across the road for the bridges to hold the water down. If you start adding more water to it who is going to fix the bridges? Are you going to pass the buck to the taxpayers? I live on the farm and it is about to flood me out. There is a new single family residence there and they put a lagoon right next to the creek. I called the county inspector that approved the lagoon and he didn't listen to me about it being in the flood zone, he said it was okay. If you start adding more water to it, it is going to in the lagoon and no one seems to be worried about it. We have oak trees over 150 years old that fall in and they just keep pumping more water down our way.

Mike Purcell Sr.: It is washing out our fences we have baby calves that fall backwards and break their legs and die, that is \$1000 right there. It is getting into our crop fields.

Mike Purcell Jr: Everyone always wants to talk about stormwater but no one ever does anything about it. Everyone just wants to make a buck and move on. You contact people that live close but what about people who live downstream? This is effecting a lot of people.

Commissioner Kurzejeski: So the increased runoff is a result of development further to the south?

Mike Purcell Jr: Yes. We get water from a lot of places, not just Ashland. If you go over to highway DD you can see where the two channels come down and meet. There is a farm on highway DD that will be developed soon and that will all come our way too. Mr. Fisher fought alongside my grandpa trying to get the water stopped and now his family is just going to go against his wishes.

Mike Purcell Sr: The second reason is that this is the beginning of Bass Creek and that flows into the Bonne Femme Watershed which has endangered species. When all the sewer water comes down through there, has anyone discussed this with an environmentalist? My third reason is we've been there 65 years and one of the reasons you buy a farm is for quiet and enjoyment away from all the neighbors and now they are putting 20 more houses in there so we will have more trash, noise and pollution. The Fishers or Mr. Crump don't live there, have never lived there and most likely never will. Why do we have to pay the price for someone else to make a profit?

Mike Purcell Jr: And clean up all the trash from the construction. I see that all over the place, the builders come in and the trash blows around, who is going to pick that up? What are they going to do for a lagoon? I heard something about putting in a big lagoon for all the houses. How is that going to work? What about all the chemicals that are going to come right down on our property? The lagoon will catch the solids but everything else will come down and our cattle will drink it. I have lived there for over 20 years next to the creek and it used to take a big rain to get the creek up but now it doesn't take much and the banks are full. If you get a big rain look at the bridges and there will be water over all of them.

Closed to public hearing.

Bryan Crump: I expected the Purcell's tonight because they are going to be affected by this. That is the whole reason that I am trying to do this as low impact as possible. I understand jumping from A-1 to A-2, in their eyes opens pandora's box but I am showing that I still have to go through meetings. The difference between A-1 and A-2, if I did A-1 and do ten acre lots I am looking at five houses I could put out there. All I am looking at now by changing to A-2 is going to seven houses. We aren't talking about putting in new streets we are just talking about putting in a couple of extra three to five acre tracts where we can fit them where they make sense. Even if this doesn't get approved we are only eliminating a couple of homes, maybe three. I had the zoning at Bellaridge to do a high-density development but I stayed with the larger tracts.

Commissioner Kurzejeski: You are thinking that all of the accesses will come off existing roads? There will be no interior roads?

Bryan Crump: That is what I am trying for.

Commissioner Kurzejeski: The comment about stormwater runoff, are you going to require engineered systems?

Bryan Crump: I am an engineered system guy; I am not a lagoon person. We put in our covenants that it has to be underground. I believe it protects the homeowners rights so they aren't building a house and looking at someone else's lagoon. For an additional \$10,000 you can have your septic system go away.

Commissioner Martin: When they do the plat will there be stormwater runoff requirements or with the size of the lots will it not be feasible?

Bill Florea: I will have to defer to Commissioner McCann. It will depend on how access is achieved and how much impervious surface is created.

Commissioner McCann: In general that is a true statement. If it is a major plat, then all of the stormwater requirements are there. If it is done as an administrative survey there will be reduced standards because it is lower density and less impervious area. If private, shared roads or driveways were required for the administrative survey, they are treated like streets and there has to be some additional water quality and runoff protections built in for those.

Bill Florea: Building on Commissioner McCann's comment, those stubs will have to be dealt with in some fashion whether to build cul-de-sacs or continuing those streets through. That is something that will have to be discussed with the developer with the subdivision plat; if they are cul-de-sacs it will have to be a major plat.

Commissioner McCann: Correct, that could kick in additional requirements.

Bryan Crump: I am not going with a major plat.

Thad Yonke: An administrative survey may not be an option on this property even at ten acre lots. You have to deal with the road stubs.

Chairperson Harris: The south side of this property you are talking about is high and the flow is to the north.

Bryan Crump: Correct.

Chairperson Harris: This is the, to use their terminology, at this point where it is coming across and going to whatever we are still basically dealing with surface water rather than an existing and coming in that way a little bit bigger body of water across that northeast corner, or a little bit bigger stream. Is that still basically head waters and coming off of the surface?

Bryan Crump: It is the water draining from that subdivision, both of those. That ditch line is being fed from that subdivision. Justin Lane, all that water kind of goes down toward our driveway and our driveway follows Crump Lane and cuts back across.

Chairperson Harris: I've been down this road before on a piece of property that size and I know from experience you can stop that water, you change them from having water running down through there. Is there a way that you can enhance the marketability of your project and have a couple of ponds to slow down and retain some of the surface water?

Bryan Crump: A water retention pond has been put in at Palomino; I am not positive where it is at but I know the developer was required to put one in. There were major court battles and everything got ugly and he put in a water retention pond in the subdivision long after the development was done.

Chairperson Harris: According to what you want to develop and because stormwater is an issue it is feasible to do some sort of detention mitigation to slow down the flow.

Bryan Crump: I am sure it is. I am not opposed to it.

Chairperson Harris: The question tonight is if this is an appropriate use of the property in this location. There is nothing to say that it isn't. There is no guarantee that it can never be engineered to be used for that.

Commissioner Kurzejeski: Staff said those two roads in Palomino Ridge will have to be dealt with. Those are city of Ashland roads.

Bill Florea: They are city of Ashland streets.

Commissioner Kurzejeski: I have been located by the city of Columbia for some of my properties and have been to City Council meetings and they have said they don't care what you have to say. Do we have a better relationship with Ashland where we would continue the build out of those roads?

Bill Florea: Our relationship with Ashland doesn't have any bearing on it. What the regulations say is that where streets are stubbed to a property under development those streets should be carried across or terminated with cul-de-sacs, depending on design considerations. There is some discretion whether or not you require them to extend the streets across their property or to let them be capped with a cul-de-sac.

Commissioner Kurzejeski: If they cul-de-sac that moves it to a major plat?

Bill Florea: Yes. Either way it is a major plat because it is the creation of new public streets.

Bryan Crump: If you did anything I would have to bulldoze my house. There is a house at the end of Justin Lane that my son lives in. My question is why am I doing cul-de-sacs when we don't want anything to do with the Ashland side of it and Ashland doesn't want anything to do the development? We want to do everything off of Clellie Harmon or Crump Lane. Ashland doesn't want us to do anything because they don't want us to increase traffic flow in the subdivision. If I build cul-de-sacs I am increasing traffic flow and water runoff; I will be increasing everything negative by doing that. What I am trying to do is be less impactful and come off Clellie Harmon or Crump Lane.

Thad Yonke: You are required to terminate those streets with public cul-de-sacs or extend them through by our regulations regardless.

Bill Florea: The intent of that regulation is to promote development of a transportation network. This probably should be developed at an A-R or R-S density and those stub streets would benefit that property greatly if you were to do that. The applicant has chosen to do something else so it may not be necessary to extend them across but they were left there for the benefit of future development. It is not a desirable situation to have long cul-de-sacs on dead-end streets with no turn around at the end. If you choose not to

extend them across the property then the alternative is to cap them with a cul-de-sac so there is a final termination at the end of those streets that provides an adequate turn around space.

Bryan Crump: They haven't had an adequate turn around for 20 some years and now we have to do it.

Bill Florea: If that was in the county they would have had to put in temporary cul-de-sacs.

Commissioner Kurzejeski: But it isn't in the county, it wasn't developed under the county.

Bill Florea: That is correct but we still have county regulations that require the developer to deal with those stubs.

Commissioner Kurzejeski: If there were cul-de-sacs put in there then there could be a configuration of lots that feed off of that cul-de-sac?

Bill Florea: Yes.

Thad Yonke: Or it can be annexed into Ashland and they could deal with the road themselves in the platting. If it stays under our jurisdiction it has to meet our regulations.

Commissioner Kurzejeski: Do the cul-de-sacs have to be paved?

Thad Yonke: Yes.

Bill Florea: It will be a county cul-de-sac and the County doesn't have a gravel standard.

Chairperson Harris: We are going to tell the developer that if we approve the plan we also want him to fix a problem that someone else didn't do at their expense with their development.

Bill Florea: No. The developer is choosing not to take advantage of the streets stubbed to his property that will allow him to create a transportation network up to Clellie Harmon or over to Crump Lane and plat lots along those streets. The developer is choosing not to do that. If he chooses not to do that then the other option is to have cul-de-sacs.

Chairperson Harris: I am trying to understand why whoever developed Palomino didn't put in a temporary turn around not knowing what was coming down the road. If we say he should bring those roads through then, by regulation we are potentially forcing a more negative outcome than what is being proposed.

Thad Yonke: The number of lots you can potentially get goes up but it doesn't necessarily mean it is a more negative outcome unless you design it to be a more negative outcome.

Chairperson Harris: But it would be more intense.

Commissioner McCann: The denser the development becomes the more stringent the stormwater requirements to offset the negative impact. The goal of the stormwater regulations is to make the land think it is still a field.

Commissioner Kurzejeski: If this was annexed into the city would there be the same development regulations? Are they as stringent as what we have?

Commissioner Lloyd: They typically adopt the City of Columbia's regulations one or two versions behind where Columbia's are but it is probably going to be similar.

Chairperson Harris: The question before us is whether a change from A-1 to A-2 is appropriate for that tract of land.

Bill Florea: Staff received two letters in opposition, one by mail and one by email both in opposition.

Chairperson Harris read the following into the record:

Email from Jane Eckenrod:

If the need for the change is for more homes to be built we do not want to see this property rezoned from A-1 to A-2. The city of Ashland has had an unbelievable amount of subdivisions go up in the last two years. I understand the want and need for growth but the city does not have the roads to support all these additional homes. We live in the West Oaks/Palomino Ridge area and the roads in here are torn up and slow to be fixed. I'm guessing with the building of a new subdivision on those 50 acres there would be the possibility of opening up the dead end on Billy Joe Sapp for a way into the back of that subdivision. That would also bring an increase to the traffic on the roads of these subdivisions which are already in constant disrepair. All roads in Ashland are two lanes. We don't even have center turn lanes. Ashland needs a better road infrastructure before more new homes/subdivisions are built. At least with the current zoning of this property we'd see only 5 homes instead of 20. (Photos of roads were attached)

Letter from Barbara Morefield:

Living ½ mile from the above property I will be affected by light pollution. The lights from Ashland already shine in my windows and interfere with seeing the stars at night. I grew up here, my father was Clellie Harmon. Many people walk on this road for exercise, with the increased traffic that would be dangerous. I am opposed to this land being changed to A-2.

Commissioner Poehlman: Part of me would like to see this A-1 and the other part of me thinks it could easily be zoned A-R or R-S. A-2 would be a good boundary.

Chairperson Harris: That is why I am thinking as well. I hope when we see the plan come back we will see some effort made to deal with the stormwater aspect.

Bryan Crump: I am trying to keep it low density.

Commissioner Koirtyohann made and Commissioner Martin seconded a motion to approve the request by Bryan Crump, on behalf of Gary F. Fisher Family Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 50 acres, located at 14203 S Crump Lane, Ashland:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Abstain	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – No
Jeff McCann – Yes	

Motion to approve the request passes 7 YES 1 NO 1 ABSTAIN

Chairperson Harris informed the applicant that this request would move forward to the County Commission on Tuesday, September 1, 2020 at 7:00 pm and the applicants will need to be present.

VII. Plats

Agenda items Plat numbers 1 and 3-5 were placed on consent agenda.

- Hulen Estates Plat 2. S17-T49N-R13W. A-2. Jesse T Leach, owner. James Patchett, surveyor.

The following staff report was entered into the record:

The subject property is located on State Route E, approximately 3 miles to the northwest of the City of Columbia. The property is 18.40 acres in size, with a house and an accessory structure present. This proposal divides it into two lots, one at 7.70 acres in size and the other at 10.68 acres. The proposed design will require a concurrent lot line adjustment with the platted Hulen Estates Plat 1, Lot 1 to the west of the 10.68 acre Lot 3. This property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The proposed lots have direct access and frontage on State Route E, a publicly dedicated, publicly maintained right of way. Permits from the Missouri Department of Transportation will be required for any new driveways. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house has a lagoon for wastewater treatment. Any wastewater system on the 10.68 acre tract will require a permit from the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 43 points on the rating system.

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

- Nursery Heights Plat 6. S9-T47-R13W. R-S. Nursery Heights, owner. Jay Gebhardt, surveyor.

The following staff report was entered into the record:

The subject properties, which abut Boones Pointe subdivision and University Estates subdivision, are located on the east side of Nursery Road approximately 700 feet south of the intersection of State Route K and Nursery Road. The northern property line of the subject property is the municipal limit line for the City of Columbia. The subject properties consist of approximately 37.62 acres that is zoned R-S (Residential Single Family) and was rezoned from A-2 (Agriculture) in August of 2016. The remaining 2.74 acres is zoned A-2 to support an existing cell tower. Property to the east, which is University Estates subdivision, is zoned R-S (Residential Single Family). Property to the south and west is zoned A-1 (Agriculture). All these are original 1973 zonings. The property to the west was rezoned to A-2P (Planned Agriculture) in 2017. Property to the north, which is Boones Pointe subdivision, was originally zoned A-2 but was annexed into the City Limits of Columbia and given R-1 zoning. The R-1 is the equivalent of the county R-S designation.

This proposal is set to create the final phase of the Nursery Heights development. This phase creates 26 developable lots.

Snapdragon Drive, Lavender Drive, and Shrubbery Court are publicly-dedicated, publicly-maintained rights of way that are finalized and accepted for public maintenance by this development. A traffic study was submitted with the preliminary plat for this development.

Consolidated Public Water Supply District #1 will be providing water service to this development. Boone Electric Cooperative will provide electrical service to this development. The property is located in the Boone County Fire Protection District.

Wastewater will be handled by a connection to the Boone County Regional Sewer District facility to the east.

The property scored 68 points on the rating system.

Staff recommends approval of the plat.

- B & B Subdivision, Plat 2. S36-T47-R13W. A-2. Black Dog Consulting and Development LLC, owner. David T Butcher, surveyor.

The following staff report was entered into the record:

The subject property is located on Andrew Sapp Road, approximately 5 miles to the northwest of the city of Ashland. The property is approximately 33.8 acres in size and zoned A-2(Agriculture). It is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal splits a 6.03 acre lot from the parent parcel. This lot has a house, lagoon, and an accessory building present. The remainder of the property is of a size not to require any further survey action.

The subject property has direct access on to Andrew Sapp Road. Andrew Sapp is 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, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Any new development on this property requiring on-site wastewater treatment will be required to get a permit from the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost/benefit analysis.

The property scored 38 points on the rating system.

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

- County Downes Subdivision – Block VII Final Plat. S11-T49-R13W. R-S. Gielow, Carrico, Peterson, Seaman, Swartz, owners. Frederick E Carroz, surveyor.

The following staff report was entered into the record:

The subject property is located on the north side of Trobridge Road approximately 2.5 miles north of the municipal limits of the City of Columbia and approximately 900 feet west of the intersection of Wade School Road and Trobridge Road. The property is 4.03-acres in size. This proposal eliminates a land-locked portion of un-platted ground by dividing it and combining the pieces into four of the adjoining platted lots. Each of the platted lots already has a house on it and the re-plat simply adds additional yard area to each lot behind each house. The property is zoned R-S (Residential Single Family) as is all the surrounding property. This is all original 1973 zoning.

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

The property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area. The site is 3.2-miles from the Boone County Fire Protection District station #5 on Prathersville Road. All lots are served by central sewer from the BCRSD.

The property scored 74 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers

Commissioner Kurzejewski made and Commissioner Martin seconded a motion to approve as recommended, plats 1, 3, 4, 5 on consent agenda and enter the staff reports into the record

All members voted in favor.

- Bellaridge Subdivision Plat 4, Final Plat. S34-T46-R12W. A-R. Bryan & Leslie Crump, owners.
Anthony Derboven, surveyor

The following staff report was entered into the record:

The subject property is located off State Route A, at A's intersection with US Highway 63, approximately 1.5 miles south of the Ashland City Limits. The property is zoned A-R(Agriculture-Residential) and has A-R zoning to the north, west, and south, with A-2(Agriculture) zoning to the east. The parent parcel is 93.5 acres in size and has some agricultural accessory buildings present on the west side of the property along Old Highway 63. This proposal creates ten buildable lots ranging from 4.96 acres to 2.53 acres in size, one common lot at .61 acres, and a new public road (Nevin Court) off Old Highway 63.

Lots 15-17 have frontage on Old Highway 63. Lots 16 & 17 have frontage on the new public road. Lots 19-22 have frontage on Highway 63 and the new public road. Lots 18, 23 & 24 have frontage on the new public road. Lot 15 will have access on Old Highway 63, and lots 16-24 will have access on the new public road. The applicant has requested a waiver to the traffic study requirement.

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

The lots are proposed to use on-site wastewater systems, 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 58 points on the rating system.

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

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to approve as recommended, Bellaridge Subdivision Plat 4 and enter the staff report into the record

Boyd Harris – Yes	Eric Kurzejeski – Yes
Michael Poehlman – Yes	Greg Martin – Yes
Bill Lloyd – Abstain	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Jeff McCann – Yes	

Motion to approve the request passes 8 YES 1 ABSTAIN

- Crescent Ridge Subdivision Preliminary Plat. S12-T48-R12W. R-S. JR2 Development, owner. Anthony Derboven, surveyor.

Planner, Thad Yonke gave the following staff report:

The subject property is located on the north side of Richland Road approximately 400 feet east of the intersection of Richland Road and Broadview Court. The site is also approximately 1800 feet east of the nearest municipal boundary of the City of Columbia. The property is zoned R-S (residential-single family) as is the property to the west, north, and east. The property to the south is zoned A-1 (agriculture). These are all original 1973 zonings. The parent parcel is 10.92-acres in size and has an existing home which will remain. The existing out-buildings and the existing wastewater lagoon are to be removed as part of this project.

This proposal creates 36 house lots, one common lot and two public roads. The public roads consist of an extension of East Rainbow Drive and a new public roadway named Luna Lane which will intersect with Richland Road and provide the primary access for the subdivision. The applicant has requested a waiver to the traffic study requirement.

The property is in Public Water District #9 service area which will provide water to the development. Hydrants will need to be installed at maximum spacings of 500-feet in order to provide fire protection for all lots. The development is 3.2 miles from Boone County Fire protection station #1 and 4.5 miles from station #12. The development will get central sewer service from the BCRSD. The site is in Boone Electric's service area. The property scored 81 points on the rating system.

The subdivision regulations require in appendix B 2.2 “ Where a new subdivision adjoins undivided land suitable for development, new roads or streets shall be carried to the boundaries of such land and a temporary cul-de-sac shall be installed at that point unless this requirement is for good cause shown waived by the Commission.” In the context of the Subdivision and Zoning Regulations, the Commission means the Planning & Zoning Commission. The temporary cul-de-sac is also required by the Boone County Roadway Regulations. This proposal does not provide the required temporary cul-de-sac at the end of the stub extension of East Rainbow Drive.

To establish “good cause” it is necessary to identify a unique circumstance that distinguishes this subdivision from other similar subdivisions such as topography. Typically, good cause can't primarily be based on economic factors such as expense or the loss of marketable lots. Economic factors are not unique to this subdivision. In fact, an economic argument could be made in nearly all cases and, if used to

establish good cause, would effectively nullify the regulation. The temporary cul-de-sac is applicable to all developments that contain new public roadway segments.

The engineering design standards that apply are found in the Boone County, Missouri Roadway Regulations Chapter II Road, Bridge & Right of Way Regulations Appendix A. 1 General Provisions 1.2 “All newly constructed roadways with no outlet shall end in a cul-de-sac, either permanent or temporary, unless the road is less than 100 feet long and less than 2 subdivision lots in depth.” County planning staff consulted county engineering staff and for this project cannot recommend a finding of “good cause”. The subdivision could have been designed to meet the adopted standards where the cul-de-sac would not have been required or other design options could have been employed that would create a form of permanent cul-de-sac that would still allow for the road to be extended in the future without the need to disrupt the developability of the adjoining lots.

Other than the non-compliance with the temporary cul-de-sac requirement of Boone County, Missouri Land Use Regulations Chapter I Subdivision Regulations Appendix B2.2 & Boone County, Missouri Roadway Regulations Chapter II Road, Bridge & Right of Way Regulations Appendix A. 1 General Provisions 1.2 the plat can be approved so staff recommends approval of the plat but denial of the waiver related to the requirement to provide the cul-de-sac subject to the following condition:

1. The Final Plat must comply with all County subdivision and roadway regulations to the satisfaction of the Director of Resource Management and the County Engineer.

Present representing the plat:

Keenan Simon, civil engineer, 210 Park Ave, Columbia

Thad Yonke: The general issue is the design does not meet the subdivision standards or the road regulations for one aspect and it is a very specific aspect that the Commission has some discretion over. While this item does not have a public hearing it is appropriate for the engineer to make his case.

Keenan Simon presented a display which included an email from Gale Blomenkamp, Assistant Fire Chief, and a stub street display.

Keenan Simon: The reason we are seeking this waiver is based on the practicality and intent of our development. The stub street is 180 feet in length which is 80 feet over the county requirement. If you look at East Rainbow Drive it has a stub street as well but is 150 feet in length so it is 50 feet over the county requirement as it stands now. I understand the intent of the temporary turnaround but from a practicality and engineering opinion I don't believe it should be required for this scenario. When it comes down to it the proposed stub street we are showing is almost similar to what is out there currently. Who does this affect in the long run? Emergency services and fire protection have the final say in how these dead end streets function and work, I have attached an email from the Assistant Fire Chief that states he is in support of the 180 foot stub road as long as we provide no parking signs on both sides of the street of the stub portion. What I am asking from the Commission is support this waiver in the same manner that the Assistant Fire Chief has that will allow us to extend Rainbow Drive in almost the exact similar manner that is currently there. I know we are slightly over the county requirement and the justification is emergency services and fire protection believe that the length of the street is minimal to serve those residents and we will have a cluster mailbox which means there will be no mail delivered to the door. The use of the turnaround will be minimal and the temporary turnaround will impact those lots.

Commissioner Kurzejeski: The Assistant Fire Chief said there would have to be no parking signs on how much of the stub?

Keenan Simon: The full 180 feet.

Commissioner Kurzejeski: I am not familiar with the area so I don't know if there is a lot of on-street parking in the current subdivision and whether that will be able to be enforced.

Keenan Simon: Typically a lot of cars are parking in the driveway or in the garage.

Bill Florea: Parking enforcement is a law enforcement issue, deputies would have to be dispatched to enforce parking restrictions and they have better things to do.

Chairperson Harris: Is the existing subdivision in the city?

Thad Yonke: No. It is one of the old subdivisions that was done before the current regulations. It almost predates planning.

Keenan Simon: Has that caused any issues in the past?

Thad Yonke: Yes, it has.

Bill Florea: It is also a maintenance issue, pushing snow is difficult when those trucks have to turn around without a cul-de-sac.

Thad Yonke: In this particular instance the proposed stub is 80% over the requirement. It is not one or two feet over, it is 80% of the standard over.

Commissioner Kurzejeski: You would end up with the same scenario we just went through with an adjoining property owner.

Bill Florea: That is exactly why that regulation was put in to effect.

Thad Yonke: In many cases, people work with the neighboring property and can get the temporary turnaround on the neighboring property if they work with the property owner. I don't know that it's possible here but, there are multiple options, design wise, to deal with this and meet the regulations. The Commission should also be aware that if they grant the waiver they will still have to come to the County Commission for a variance on the Roadway Regulations because the Planning and Zoning Commission is not allowed to vary that standard. This is the first step in a two-part process. If the Planning and Zoning Commission doesn't give the variance then they are done and have to comply with the regulations.

Commissioner Kurzejeski: I don't want to set up a scenario like we just saw.

Chairperson Harris: That is a 32 foot street and a 50 foot right of way. What is the diameter of the cul-de-sac?

Commissioner McCann: It is a 76 foot diameter. The temporary turnaround can be gravel so it could be the full 32 foot width street that is there and the little eyebrows would be in gravel in the right of way.

Thad Yonke: Or it could be a permanent design. There are multiple design options.

Bill Florea: It could be designed as a permanent cul-de-sac and when the road is extended the cul-de-sac just becomes an eyebrow on either side so the houses and driveways don't change.

Chairperson Harris: I have some heartburn with the situation we saw previously; I can't see deliberately creating that situation.

Chairperson Harris made and Commissioner Kurzejeski seconded a motion to **approve** Crescent Ridge Subdivision Preliminary Plat and to **deny** the waiver request related to the requirement to provide the cul-de-sac subject to the following condition:

1. The Final Plat must comply with all County subdivision and roadway regulations to the satisfaction of the Director of Resource Management and the County Engineer.

Motion to approve the plat and deny the waiver passes unanimously

VII. Old Business

1. Update on Commission action.

Bill Florea updated the Commission of the decisions of the County Commission as follows:

The Conditional Use Permit by E. Dale & Patricia Layos on behalf of Katina Anderson for an equine boarding and training facility on Hwy WW was recommended approval, the County Commission upheld that recommendation with the proposed staff conditions.

The rezoning request by Bruce & Kathleen Maier to revise a previously approved Review Plan for lot C-4 of Newtown Subdivision (Dollar General) was recommended approval by the Planning and Zoning Commission, the County Commission upheld that recommendation with the proposed staff conditions.

VIII. New Business

1. Planning and Zoning Commission Bylaw Review

The following summary of proposed changes were submitted to the Commission for review:
Summary of Changes – Planning and Zoning Commission Bylaws

Article I. No changes proposed

Article II.

Section 1. Members – this is a new section. Robert’s Rules of Order Newly Revised 11th Edition provides a list articles that should be in the bylaws.

B. Attendance. Currently there is no platform in which to remove a member for excessive absenteeism. Missing five regular meetings or three consecutive meetings seemed to be consistent with bylaws of other first-class counties.

Section 2. Officers and Their Duties. The text is not new. This section was originally the only text in Article II. Changed original Sections 1-5 to alphabetical subsections.

Article III. Election of Officers

Section 2. Changed to Director of RM

Section 3. Changed “his” to “a” as suggested by Kurzejeski.

Article IV.

Section 1. Changed from County-City Building to BoCo Gov Center

Article V. Meetings.

Section 3. Electronic Meetings. Robert’s Rules of Order states that if a Committee/Commission is going to have electronic meetings it should be stated in the bylaws how a quorum is determined.

Section 4. New section. This section is also in Article VIII. Public Hearings Other Than Regular Meetings. We felt these sections should be consistent.

Section 5. New section. Also in Article VIII.

Article VIII. Public Hearings Other Than Regular Meetings.

Section 2. We received comments from the Commission that requiring notice in the newspaper is somewhat outdated, however this requirement is specifically stated in State Statutes. We did add “in compliance with RSMo 64.815” in case the Statute is changed in the future. We already post notice on the RM website and added that text to the bylaws. Currently, Resource Management does not have a social media page, this is something that would have to be approved by the County Commission.

Article IX. Amendments

Changed from three-fourths to two-thirds in order to change the bylaws. Three-fourths would require 9 members, two-thirds requires 8 members.

Commissioner Martin made and Commissioner Lloyd seconded a motion to approve the revised bylaws as presented

Motion to approve the amendments to the bylaws as presented passes unanimously

2. Proposed Subdivision Regulations

Bill Florea informed the Commission that we are in the process of adopting the 2018 ICC Building Codes. Once that is done, staff will get up to speed on the subdivision regulations and begin to schedule work sessions in order to finish reviewing.

IX. Adjourn

Being no further business the meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Secretary
Michael Poehlman

Minutes approved on this 17th day of September, 2020