

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

**Minutes**

**7:00 P.M.**

**Thursday, September 17, 2020**

I. Vice-Chairperson Kurzejeski 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:

Eric Kurzejeski, Vice Chairperson	Missouri Township
Michael Poehlman, Secretary	Rock Bridge 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:

Boyd Harris, Chairperson	Centralia Township
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 August 20, 2020 meeting were approved by acclamation.

IV. Chairperson Statement

Vice-Chairperson Kurzejeski read the following statement:

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes three rezoning requests, and one final development plan.

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 29th. 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 29th will begin at 7:00 p.m. and will convene in this same room. That meeting will also be conducted in compliance with the current Covid-19 health order and may use the same format as this meeting.

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

## V. Rezoning Requests

1. Request by Michael & Melinda Collins to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 40 acres, located at 3751 E Nashville Church Rd, Ashland

Planner, Uriah Mach gave the following staff report:

The subject property is located at the northwestern corner of the intersection of Nashville Church Road, Myers Lane, Minor Hill Road, and State Highway DD. The property is 40 acres in size and zoned A-1 (Agriculture). It is composed of one 30-acre tract and one 10-acre tract. On the 10-acre tract in the southwest of the subject property, there is a residence and several outbuildings present. The 30-acre tract is undeveloped. The property has A-1 zoning to the north, east, and south, and A-2 (Agriculture) zoning to the northwest, west, and southwest. This is all original 1973 zoning. The property scored 39 points on the rating system.

The applicant is seeking to rezone the entire 40 acres to A-2 (Agriculture) for purposes of subdivision per their application.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural 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 “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. At the intersection, there is a 4” waterline that goes north along Myers Lane and east along Minor Hill. There is also a 6” waterline that goes west along Nashville Church and south along Highway DD. There is a fire hydrant present at the intersection that has approximately 400 gallons per minute service. There is no central sewer available to the property.

Transportation: The property has direct access on to Nashville Church Road and Myers Lane. Nashville Church Road is a 20’ wide asphalt surface. Myers Lane is an 18’ gravel surface. Both roads are publicly dedicated, publicly maintained rights-of-way. There is a low-water crossing on Minor Hill Road (the most direct route to US Highway 63 to the east that has rendered Minor Hill Road less suitable for regular use during heavy weather events.

Public Safety: The property is approximately 4 miles from the Southern Boone County Fire Protection District Station located in Ashland.

Zoning Analysis: The lack of 500 gallon per minute water service, while sufficient for Boone County's subdivision regulations, is not sufficient for the standards of the Southern Boone Fire Protection District. Development of this property at the desired A-2(Agriculture) density of 2.5 acres per lot would not meet the Utilities element of the sufficiency of resources test without investment in water infrastructure improvement.

The presence of a low-water crossing on Minor Hill Road is another indicator that this area is not particularly well-suited for more intense development. An increase in density exacerbates an already undesirable condition. This indicates a limitation in the Transportation element of the sufficiency of resources test.

While this property is adjacent to existing A-2 zoning, there has been no change in conditions, within the area, to indicate a need for higher density. The current development pattern is consistent with the A-1 zoning district's level of development. This is indicated by an average lot size of the lots, within the 1000' notice ring, of approximately 10 acres. The 10-acre average includes the portion of the notice ring that is zoned A-2.

Staff recommends denial of the request due to identified limitations of the property in meeting the sufficiency of resources test and the overall development pattern of the neighborhood is consistent with the current zoning.

Present representing the request:

Steve Proctor, Central Counties Surveying, 7001 Stidham Rd, Harrisburg

Steve Proctor: Mr. Collins called me about this property prior to him purchasing it and we came up with some schematics but everything was long and narrow and those types of lots are not very desirable. As much road frontage as that property has limited easements were needed to divide the property. There is an outbuilding and an older house on the property. We felt we could get it rezoned and come up with five acre tracts and by the time you give right of way you still end up with five acre lots so we would be looking at about seven lots. We would have to upgrade the fire flow and in doing that just dividing into four lots wouldn't pay for it and we would have to explore to see if even five to seven lots would pay for it. We aren't going to pay for all the water until we know what we can and can't do.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Matthew Morasch, 11601 S Hwy DD, Ashland

Matthew Morasch presented a display titled "How does one develop a 3-5 acre lot subdivision on 40 acres?"

Matthew Morasch: I live just south of this property and have lived there for eighteen years. Earlier in the week I sent a letter to the Planning and Zoning Commission. I am a civil engineer and the Public Works Director in Jefferson City so normally I am on the other side of this. One of my neighbors told me there is another development very similar to this on 40 acres so I went and looked at it. The county engineer told me that private roads aren't allowed in Boone County now so to upgrade you would need some right of way. When I heard that I thought it was a good thing, at least they would have to put in a road that the County

would have to maintain and plow so it wouldn't look like the one in the picture. Mr. Collins sign is in the front of this subdivision and there is one spec house built already, it has been on Zillow for over 200 days. I appreciate the staff's input on this, I think they got it right.

I was interested in what the applicant's representative said when he said they hope to get seven lots. This property is fronted on roads by two sides, it doesn't make any sense to me, more lots require more infrastructure. I believe this property could be subdivided into four, 10-acre parcels very easily with no additional infrastructure from a road standpoint. It sounds like there is a water issue so that would be a problem.

The A-2 zoning allows 2.5 acres and once you get that zoning you are going to have to recoup more costs and the number of lots help you do that. This is not something we want to see rezoned in our neighborhood. It could cause a domino effect, if we keep doing this in the county and putting in new infrastructure all the time then eventually, as these domino's keep falling, you will have to hire more staff and buy more equipment to maintain these roads and that comes out of all of our tax dollars. I would like to minimize those infrastructures by using the existing road network that we have and there won't be much on the maintenance side to add to it but it still allows for development and growth.

What is the sustainability of this over time if we keep allowing small lot subdivisions to come into rural areas of the county? If this were adjacent to Ashland it would be a no-brainer, go ahead and do it and the city will probably annex it someday, but it is four miles outside of town. When I look at this it is just bad zoning practice to pay the fee and not have any plan. He said he had a sketch plan but he didn't share it with the neighborhood or staff that I am aware of unless he turned it in very late. That leaves me to believe that this is just a speculative request and trying to up the property value so he can turn it quicker. He says the lots are going to be narrow if he only has four, they will be rectangular but if you start going with eight or ten lots they are either going to be more narrow or you will have to put in infrastructure. I understand the County has development standards about length to width ratios so that would help some of that. It is good that we live in a zoned county.

This request is not supported by adjoining landowners, the ones that are developed are ten or more acres to the south, even in A-2 they tend to be larger lots even though they are allowed to be smaller. You would be creating this oddity out in the middle of lots already developed that are much larger. I talked to the majority of landowners to the north and east of this and they didn't have any interest in changing their zoning to A-2 so, it doesn't seem like this would be an extension and keep going so this would just be an island of zoning.

It wouldn't be compatible with the larger lots next door. Most of us have horses or do agricultural practices, if you start getting smaller lots next to these they may cause nuisance conflicts and more complaints generated to the County. This is in the Bonne Femme Watershed and the county has been spending tons of money on that study since I moved here eighteen years ago and I participated in some of the meetings. To me it is pretty simple, the more dense the development the more environmental impact. It drains into a losing stream, there are karst areas and sinkholes mapped adjacent to the property and those impacts should be considered and the sewage issues would have to be considered and those costs would probably be higher. I know a ten-acre piece next door that just developed and they had to have a special sewer system because of the karst in the area. That adds more cost and drives the size of the lots down so you get more lots.

As you go toward the A-2 zoning the character of the land changes, it is more hilly, wooded, and rocky, it lends itself to be developed in smaller parcels, it is almost counter-intuitive but the views are better and people don't have to see their neighbors if they live in the country but if you get a smaller piece of property it is not good for grazing animals or crops. This area is open and conducive to that I would like to see it preserved that way. I am not against development; you have to grow. This will still allow growth in the area with four lots on a 40-acre parcel but it would be controlled growth. To sum it up, if this were a better developed plan that we could comment on we'd feel a lot better about it. Staff didn't have the plan and

didn't understand exactly what was being proposed. If the neighbors saw the plan they may be more apt to support it. There are planned agriculture districts available where you'd have to spend a little money, create a plan and show what the subdivision is going to look like. From what I am hearing from the developer there are going to be at least seven lots, maybe more and once the zoning is changed he can go all the way to 2.5 acre tracts. It seems that there is no definite plan and I think it should be denied.

Also speaking in opposition:

Dan Libbert, 3290 E Nashville Church Rd, Ashland

Dan Libbert: I represent my parents, Jerry and Arlene Libbert, they didn't want to come tonight because of the pandemic. I've lived on my property since 1970 and was on the fire department from 1980 until 1997. I called Jim Bullard, Fire Chief with the Southern Boone County Fire Protection District. I was part of the group that created the Southern Boone County Fire Protection District along with Jim Bullard and many others. I asked Chief Bullard about this property and he thinks we need 1000 gallons per minute for a 16-lot subdivision. I say 16 lots because if the property is zoned A-2 he can have 2.5 acre lots. If we give them the ability to have 2.5 acre lots to build houses they will take advantage of that.

We are in opposition and actually farm that property and have since 1970. Moving tractors on the road when it was gravel was a lot easier, now it is paved and people are going 70 mph. Our traffic has increased by about 600% since the mid 1970's and the fact that they paved the road is a wonderful thing but it has its drawbacks, we have cars going extremely fast.

I didn't receive a notice because my property is more than 1000 feet away, but I represent my parents who own 56 acres within 1000 feet, and they asked me to speak for them tonight. The county does a good job of upkeeping our road but everyone who lives on Hwy DD knows that it is faster to go on Minor Hill Road, they go through the low water crossing and they go through it fast. Adding to that isn't going to make anything easier for us as farmers. I believe that the distance between this subdivision and the fire department is a half-hour away, the Sheriff is also far away and with that much more volume out there, there will be more problems and longer response times for emergency vehicles. The Commission should take into consideration the roads, emergency response time, and access. They will need to have sewer for all of this but there is no sewer out there. This type of proposal needs to be closer to the city where there is more infrastructure.

Also speaking in opposition:

Kimberlin Hackmann, 10681 S Myers Ln, Ashland

Kimberlin Hackmann: I own the 112 acres due north of the proposal. I don't have anything to add beyond the previous speakers but I am in agreement with what they said.

Also speaking in opposition:

Darrell Sapp, 4021 Minor Hill Rd, Ashland

Darrell Sapp: I agree with the previous speakers but mainly because it is my old home place. I don't want to see anymore houses out there.

Also speaking in opposition:

Rick Wiesner, 4050 E Minor Hill Rd, Ashland

Rick Wiesner: I took early retirement and moved back here from Boeing Space Systems and one of the reasons I selected to move to Boone County was because Boone County had rules and regulations and I didn't want to have my house at a place without rules. Another reason I moved to the country was because I didn't want to be in the city anymore. What I got was a little misleading from that section 8 on the application.

My property is diagonal, and it is pretty well set to be A-1 zoned with four 10-acre parcels, they have frontage and access for four parcels fairly easily. I agree with the previous speakers 100%. To put a spot zoning of A-2 out in the middle of corn and bean fields doesn't make sense to me. When I moved to Minor Hill Road it was a dirt road and now it is paved. We do have increased traffic but that is life. The low water crossing gets dangerous in the winter months because it is steep and it is not uncommon for us to find someone sliding off the hill there. If we add six to eight homes, everyone here is smart enough to know that people do things for money and if they can put in 18 homes they would. They are going to put as many homes in there as they can if they get the zoning. I am against this request; one of the reasons I moved here was to be on some ground.

Also speaking in opposition:

Chris Dorr, 3400 E Nashville Church Rd, Ashland

Chris Dorr: I moved to this location in 2015 and the reason we moved there was because we wanted to raise our kids in a country environment. One of the things we appreciated about this area was the fact that we couldn't really see any houses from our property. I agree with Mr. Libbert and Mr. Morasch's comments. I run a commercial hay business and I have rental properties in the city of Columbia so I can appreciate Mr. Collins being an entrepreneur and understand what he is looking at. One of my major concerns is with higher traffic areas. An individual heading east on Minor Hill missed the curve and hit a tree, the charred tree is still there. As you travel down the S curve, there have been two instances where vehicles missed the curve and have gone nose down in the area, we need some kind of guard rail or a shoulder there. The low water crossing floods and prevents travel through the area and there is not adequate space to turn around. I understand the need for development and I agree with Mr. Morasch that it seems like it is a pretty general request. If it was me as an entrepreneur and I get A-2 zoning I am probably going to figure out how to make as much money off of it as I can in that transaction. Infrastructure needs to be looked at aggressively by the county and it will indicate that this is probably not a zoning we would want in that area. I request that the Commission deny this request.

Also speaking in opposition:

Tim Simmons, 11322 Blackhawk Trail, Ashland

Tim Simmons: I retired about three years ago and we chose to live in this area because of the open space and because we were moving out of the city and didn't want that environment. I don't have an issue with having four new neighbors but to have sixteen in there changes the neighborhood. To have that drastic of a change would really disappoint the neighbors that live there now. The Commission has heard from a lot of people who have been there for a long time and I thought you should hear from someone who just moved there 1.5 years ago.

Also speaking in opposition:

Lisa Watkinson, 11650 S Hwy DD, Ashland

Lisa Watkinson: I own approximately 16 acres located southeast of the property in question. I also purchased my property about one year ago and I purchased it for the character, atmosphere, quiet and for the

collection of hobby farms. It would be very disappointing to have a subdivision go into the middle of a collection of hobby farms. I also feel that the people that live there enjoy livestock, dogs, and firearms and all of these can be perceived as nuisances to people living in neighborhoods.

Closed to public hearing.

Steve Proctor: It seems like I should have come up with a plan even though it is not required, I just didn't want my client to spend a bunch of money. I was just going by what my client asked for.

Commissioner Martin: As you can see by the testimony, it is the fear of the unknown. If we had a drawing to show people they may be more comfortable with it, A-2 zoning allows for 2.5 acre tracts. I would recommend that when you come forward with something that you show the neighbors a definitive plan of what you are going to do. I don't have a problem with the property and I don't have a problem with it being A-2.

Commissioner Kurzejeski: Is the water requirement with it divided into 10 acre tracts? Will there have to be any upgrade to the water flow?

Uriah Mach: No. The gentleman that spoke has experience as previously serving as a volunteer with Southern Boone County Fire District. His contact with Chief Bullard is more direct than what staff has. Staff worked off of previous experiences we had with the Fire Marshal who would not accept anything less than 500 gpm for a residential development so that was our estimate. Consolidated Water informed us of the 400 gpm that they have at the hydrant that is there so that was the basis for that information. If they stayed with A-1 zoning it wouldn't be an issue but the moment they start platting and hitting the fire requirement with that fourth platted lot the Fire District would at minimum require 500 gpm which is not present.

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to deny the request by Michael & Melinda Collins to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 40 acres, located at 3751 E Nashville Church Rd, Ashland:

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 6 YES 1 NO 1 ABSTAIN

Vice-Chairperson Kurzejeski informed the applicant that this request would not move forward to the County Commission unless the applicant filed an appeal form with Resource Management within 3 business days.

- Request by Kevin Brown on behalf of Donald & Mary Baker to rezone from A-1 (Agriculture) to M-LP (Planned Light Industrial) and to approve a review plan on 22.08 acres, located at 5450 E Hwy 163, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on Route 163, approximately 1300 feet west of US Highway 63, approximately 1 mile south of the city limits of Columbia. The property currently has an existing accessory

building present. The subject property is 22.09 acres in size and zoned A-1. There is A-1 property to the south, east, northwest and west, with M-L (Light Industrial) zoning to the north and northeast. This is original 1973 zoning. In 2016, the subject property and the adjacent 10.04-acre tract to the east were part of a Planned Light Industrial (M-LP) rezoning request that was denied by the Planning & Zoning Commission. The property at the southwestern corner of the intersection of Route 163 and Highway 63 was granted a conditional use permit to operate a dog day-care/kennel in April 2014. The property is located in the Bonne Femme Watershed, a studied environmentally sensitive area, and the Devil's Icebox recharge area. The property scored 55 points on the rating system.

The applicant is seeking a rezoning to M-LP (Planned Light Industrial) in order to utilize the existing accessory building and to construct up to four new buildings for the following uses:

- a) Wholesale merchandising or storage warehouses (including self-storage mini warehouses),
- b) Contractor's buildings and indoor storage,
- c) Moving, transfer, or storage,
- d) Indoor Sports and fitness, including snack bars, lounges, amusement centers, and video arcades,
- e) Classic, collectible, or custom vehicle sales provided there is no outdoor storage (limited to 25,000 square feet).

The new buildings include two buildings that are up to 25,000 square feet in size, and two buildings that are up to 30,000 square feet in size. The existing building and these new buildings will be accessed by an improved drive surface and parking area paved to a minimum of chip and seal with sufficient parking spaces to meet the needs of the uses.

The phasing plan indicates that the initial improvements, the drive to the existing building and its required parking, will be built first to support the change of use of the existing building. Additional improvements will be built in concert with the needs of each building.

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

Utilities: The subject property is located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. There is a 12" waterline on the south side of Highway 163 that can be extended to provide service and fire protection. Wastewater will be treated through a system built and transferred to the Boone County Regional Sewer District, the treatment system will be located on a lot to be created by future subdivision and shown on the Final Plan. The creation of the lot for transfer to the BCRSD may create an additional lot further to the south by default. Should this situation occur this new southern lot should be considered a natural buffer and be considered a not for development area.

Transportation: The property has direct access on to Highway 163. Access will be evaluated and permitted by the Missouri Department of Transportation.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: This proposal is an increase in intensity of use on the south side of Highway 163. The 2016 rezoning request included a wide range of proposed Allowed Uses. In response to the 2016 request,

this proposal is less intense with a shorter list of proposed Allowed Uses and more focused on limiting off site impacts through design considerations and limitations on use. The review plan proposes mitigation of off-site impacts by barring the use of outdoor storage, limiting signage, and installing a vegetative buffer to limit the visual impact of the new buildings. Additionally, as part of the proposal no use or storage of pesticides or other toxic materials is allowed due to the environmentally sensitive nature of the site and surroundings. While there may be an increase in traffic to and from this site, the visual screening and limited outside activity should serve to mitigate off-site visual and auditory impacts.

The development could cause visual intrusion to the residential neighborhood north of 163. Architectural controls on exterior finishes can be used for mitigation. A corresponding condition is included in the recommendation section of this report.

The proposed uses are designed to limit the impacts of M-LP zoning, keeping much of the activity inside the proposed buildings and making potential uses work in sequence, with some uses balancing out other uses by operating on slightly differing schedules. These uses appear to have peak activity times that are offset, limiting the possibility of having the site operating at maximum capacity at all times. That offset may allow for the site to cut back on parking and impervious surface, reducing the site's stormwater impacts.

As a planned rezoning request, this proposal has imposed limitations on its own operations to limit its off-site impacts to the surrounding properties.

Staff recommends approval of the rezoning request and review plan with the following conditions:

1. A landscape and screening plan for the entire site with special attention to the north and east sides of the property shall be submitted for approval by the Director of Resource Management.
2. The final plan shall show a reconfiguration of these lots to create a separate lot for the Boone County Regional Sewer District facility that is satisfactory to the Director of Resource Management.
3. The exterior of the new buildings shall be finished in a quality fashion with aesthetically appealing materials to the satisfaction of the Director of Resource Management.

Present representing the request:

Chris Sander, McClure Engineering, 1901 Pennsylvania, Columbia  
Kevin Brown, applicant, 3444 Woodrail Terrace, Columbia

Chris Sander: We have worked with staff to refine the proposal and identify some areas to make the request as concise as possible. For the overall site we look to push the development toward the north end of the property as far away from the creek and watershed as possible. In dividing the property we hope to allow for a sewer system that would be maintained by the sewer district and end up with a nature preserve or conservation area, it would be privately owned but still a non-development lot to preserve the trees.

Kevin Brown: I have been a long time Columbian for 20 years, I used to own Missouri Auto Auction on Route Z. It started out as a small sale barn, it was a metal building that wasn't up to the standards to allow us to improve our business. I sold that auction to my partner in 2018 however, in 2010 we started doing major upgrades to that facility and built five buildings out there starting with our reconditioning center, our two auction buildings and another one for leasing purposes. I have some familiarity with building, I general contract all of the buildings myself with help from Mr. Sander, all of my contractors have been with me for many years and I have a lot of faith and trust in them. When I sold my part of the business in 2018 I have a non-compete clause where I can't have another auto auction here and really can't be in the automotive industry or have anything to do with remarketing a wholesale vehicle. However, automotive and auction are my passions, I have a dealer's license to sell my classic cars. I like to sell older, very expensive cars that I

keep indoors, I don't want them outside because they are anywhere from \$20,000 to \$100,000 cars that need to be kept inside and I resell them. I am looking for a place where I can do that.

My other passion is developing property. Aesthetics is extremely important to me; I am very hands-on with it and I am looking to use the existing 4000 square foot shouse with a partial kitchen and bathroom, the rest would be used for storage of my cars. The kitchen area is an elongated room that I will use for my office and the rest of the building would be used for the cars. It is not really set up the way I want it to be but I will make it work.

The other four buildings would be developed into where I can section those buildings off or I could do another passion of mine which is indoor tennis; I have been involved with tennis at the County Club of Missouri for many years and I have been wanting indoor tennis for a long time. I would also like to have indoor soccer. I like the fitness aspect of things and like to develop things where the use can come up.

The other thing I am a big proponent of is that I am very big into small businesses. When I leased out some properties at the auction they were small businesses that needed some indoor space and I was able to provide that for them. I rented out 2500 square foot spaces where they had a bathroom, an office and supplies. I am still in the auto auction industry in Indiana and I commute back and forth Monday through Friday but I am back in Missouri every weekend. Every four weeks I stay home for a week to handle my investment company properties. I recently just bought another building in Ashland at the corner of Main and Broadway, it is a 4000 square foot strip mall with a Chinese restaurant and a CBD oil place and an electric trolling motor repair shop. I just recently rented another section of that to a tanning salon. I recently put a lot of money into rehabbing that facility and I just completed it. I don't take my properties lightly, my wife and I are staying in Columbia, however I work in Indiana until my noncompete is up but we are Columbians. I am very concerned about the neighbors, I don't take that lightly and I want to make sure I have good neighbors and that I respect them and they respect me and I want this to look nice, I don't want something to be ugly.

Mr. Brown presented a before and after photo of one of the commercial properties he remodeled.

Kevin Brown: My wife is involved in my business as well, she stays in Columbia to manage our business and she also works at Hickman High School as a therapist.

Open to public hearing.

Present speaking in favor:

Jeff Radel, House of Brokers, 2551 W Woodie Proctor, Columbia

Jeff Radel: I have worked with Mr. Brown since 2003 helping him buy and sell multiple properties. Every property he has bought he has made a whole lot nicer as he has owned and improved it, he takes pride in what he owns. This is the kind of person you want as a business owner in our county because they build nice stuff and take care of it. As a real estate broker for 35 years in our market you stand on this property and you can see and hear Highway 63. You could build houses there and have nice houses but it is also very conducive to more of a business environment; there is industrial zoning to the north with commercial businesses there. What the applicant is going to build will be nicer and more aesthetically pleasing than what is already there. Creekside Pet Center on the south side is a nice property and the applicant's property will fit in nicely with the looks of that property. This is a great spot for the development that Mr. Brown wants to do.

Present speaking in opposition:

Phillip Heller, 5275 E Hwy 163, Columbia

Mr. Heller presented a letter he received from the applicant.

Phillip Heller: I live just north of this location. I received a letter from Mr. Brown and did some checking into what was actually being proposed and what we found that what was presented to us in the letter and what was apparently being proposed is different. The letter indicated the request was to rezone to general commercial but what is being proposed is to rezone to light industrial. It also states in the letter that they were going to use the 4000 square foot building but no information was given about the four big buildings which total 110,000 square feet or 2.52 acres under roof if you add the 4000 square foot building you have 2.62 acres under roof.

We have had some issues with the industrial properties out there with outdoor sandblasting, noise at all hours including motor-cross motorcycles, race cars starting at any given time with no exhaust system whatsoever. Painting, we know there is no paint booth in the building but they were painting with semi-trucks in them. We made several calls to the Boone County Sheriff about this and they came out to investigate but to no avail because they said their hands were tied because it was a zoning issue. I asked about the noise and they told me I needed to talk to the zoning department. I called the zoning department and they said there was nothing they could do because it is industrial zoning. Is there no limit in an industrial zoning as to how much noise they can put out when you live right beside them?

We were disappointed in that and we understand this is a completely different proposal. What is being proposed at this time is storage which means long hours of operation, whether it is indoor or outdoor storage there is going to be a variety of noise issues from that. There are a lot of other uses that are listed on this property that could cause a lot of problems as far as noise and aesthetics to the neighborhood. This is not a step down in zoning of any kind; this is an upgrade in zoning. There is ample industrial zoned property for sale in Columbia and in Boone County; right down Tom Bass around the corner there is property for sale that is industrial zoned. On Meyer Industrial they advertise from 1 to 60 acres for sale of industrial property, the infrastructure is already out there.

We have been through the ringer with the noise on the existing industrial property and just a few months ago on a different piece of the industrial property there is someone back there shooting off tannerite, the Sheriff deputy was on our back porch and heard it when they did it. We want to live peacefully and have people leave us alone. We know this land will be developed at some point in time, perhaps an office park or research development would be a more suitable zoning.

Also speaking in opposition:

Vincent Bentinaanan, 5285 E Hwy 163, Columbia

Vincent Bentinaanan: I own the property right across Highway 163 so a large majority of our subdivision, Autumn Ridge, is here tonight. We are very ingrained in the community and know a lot of people in the community. Everything Mr. Heller said about Mid-Mo Equipment adjacent to our property is true. I understand about development and building, my last assignment was facilities management. My big concern is that doesn't really tell the picture of what is going in there, I would like to see an engineering schematic that is projected on the screen so we can see the 110,000 square feet of building space and roofing design so we can have an idea of what it is going to look like and it is going to be right up against Highway 163.

With the storage facility there will definitely be increased traffic and increased pollution all the way up and down highway 163. Who is picking that up? I am, I pick it up off my property all the time. I think it was mentioned earlier about the watershed was going to be moved up north. What does that mean? That means all that water off those parking lots and everything south is going to be pushed north and possibly into my five acre lake. What happened four years ago is that Mid-Missouri did the same thing, they gutted that lot

and all the runoff came into my lake and flooded my house and I had to put an extra culvert into my lake to address that issue. I can already tell you what is going to happen when all that water is pushed from the south to the north, it is coming into my lake and that is a huge concern.

Uriah Mach displayed the review plan on the overhead screen.

Vincent Bentinganan: The four buildings are butted right up against highway 163. If it was 20 acres back I wouldn't have an issue. Are they going to run the water down south into Walden Point to the watershed down there? There are major concerns.

Commissioner Kurzejeski: We will have the applicant come back after the public comment portion to address concerns.

Also speaking in opposition:

Rachel Wise, 5215 E Hwy 163, Columbia

Rachel Wise: I echo a lot of the same concerns of the previous speakers. In addition to that I am concerned about additional noise on that property, that is a lot of traffic to come in and out. If you have driven highway 163 you know that they just widened the shoulders just a little bit last year but it is not a wide highway, it is very narrow with no shoulder room to pull off, no room for a turn lane to exit off of the road. It is not a road set up for industrial businesses. There is no guarantee for us as residential landowners right there that the zoning goes through and the plan changes and it ends up being something more industrial. If industrial goes in there and keeps pushing further and further we feel there needs to be a buffer zone between industrial and residential. We don't like the buildings right up on the road, one because of the water problems and two that is the most visible to the neighborhood. Pushing the buildings further south will cause water problems too. I understand as a business owner why Mr. Brown would want to build out in the county but there are areas just north of us that are zoned for this and set up for industrial in the same area of the county but farther away from higher-end residential neighborhoods because our property values would be affected by that. We just moved to this area from out of town last year for a reason, to be away from businesses.

Rich Germinder, 4930 E Hwy 163, Columbia

Rich Germinder: I am the farthest property owner to the west in the residential area of Walden Point, I am here on behalf of many of my neighbors, Walden Point is an approximately 120-acre residential development. Our homes range anywhere from 3000 to 7000 square feet which is quite a difference from 110,000 square feet of commercial or industrial property. I was in front of this board in 2016 when the original rezoning request was put forward to rezone to mixed light industrial with unlimited uses so I appreciate Mr. Brown and his efforts to limit the uses that are proposed.

As a county that has zoning and as a resident who purchased property where that zoning exists, that zoning both serves to restrict my rights and the rights that I have as a property owner but I also know that this zoning protects my rights. It protects my rights in that I understand what my neighbors are limited in doing so when I made the purchase of my home we had an expectation of what was going to occur from a development perspective around us. That being said we aren't wholesale opposed to development, we just believe it needs to be of compatible use and can fit within the rural setting of this area of Boone County.

The Creekside Pet Center on the far side to the east is a nice facility, they have a significant amount of greenspace that surrounds it. The size of the building is about 20 feet tall, the allowable uses for the Brown property is a structure up to 45 feet tall and allows for 115,000 square feet of covered space which is very significant. The buffering and the screening is very important. The way the property fits within the design

and the development of the homes that surround it which are largely residential, what happens at that property 24 hours a day, seven days a week matters to us.

One of the issues mentioned was traffic, we have a private drive which is paid for and serviced by the people who live there but we have a significant amount of people driving on that private drive as if it is their own piece of property when they have no business being there. That likelihood will increase as traffic increases and that is a concern. There is a chance that this won't impact us greatly but right now it is a significant departure from everything we know and understand in the neighborhood. Mid-Missouri Equipment who operates on the north side, decimated highway 163 and the entrance to that drive, it wasn't repaired until MoDot came through and did the overlay.

It is important to us that it fits within the compatible uses of the neighborhood. We also have a rezoning request to the west of this property but these structures are showing to be right next to each other. I heard that it offers a buffer, or transition to the residential property. I view it as a further encroachment on to the residential properties and how we interact with that. I appreciate the efforts that Mr. Brown has gone through to bring something forward that is a lot more concise and restricted than what previously existed but there are still a number of uses that are problematic. The allowance for car sales but the storage is only inside, it allows for farm equipment and retail sales that have no restrictions on the ability for those vehicles to be stored outside. What was indicated to us in the letter was not quite reflective of what was presented to us when I was able to get a copy of the plot plan. At some point something is going to go in there and I can accept and appreciate that and at some point I am not going to have a choice. The decision the Commission makes and what is approved in the plot plan I have to assume the absolute worst in terms of the amount of development that can occur in that plot plan so the more accurate and specific it is to the uses that is going to go on that facility and I have the certainty that nothing can exceed that.

Also speaking in opposition:

Katie Davis, 5299 E Hwy 163, Columbia

Katie Davis: I am directly across the street from this proposal. When we searched for property for 2 ½ years to build a home on we searched based on zoning and based on what could happen in and around that. We have these ten-acre lots and our house had to have stone or brick on three sides, everything that makes them estates that are beautiful to look at. We decided that was worth it to us and paid the extra money and made all the sacrifices to create our homes based on what the zoning told us was going to be there. After we put in all of this work then across the street all of a sudden we might have God knows what. I had a guy from Mid-Missouri Equipment come to my house and said they wanted to park some farm equipment there and that was all they wanted to do and they asked if it was okay with me. I signed the paper saying that I was okay with it and come to find out within a few years we have tons of equipment, sand blasting, and all kinds of craziness going on so it is difficult to trust that what they say is going to happen is what is actually going to happen.

We take pride in our neighborhood because it is aesthetic and beautiful and we all take pride in that. We all went out and fixed the road that they tore up when they were widening the road because we wanted to be able to mow right up against it to make it beautiful. I am against developing this property, we have worked hard and made sacrifices to build there and because we value the beautiful landscape. If they have those structures right up against the road that would be different, Mr. Bentinganan's lake will overflow and go into our lake. Our lake receives all the overflow, he put in an extra culvert and now ours will overflow and have issues too.

8:47 PM Commissioner Lloyd left the meeting

Also speaking in opposition:

Sarah Bernard, 5239 E Hwy 163, Columbia

Sarah Bernard: I echo everything else that was said previously. I appreciate concern of aesthetics but I am most concerned about the safety of my children and changing the landscape of the entry and exit into our subdivision which would be radically different with the proposed buildings across the street. When we purchased the property we also did research looking at the surrounding area so it would change the landscape from our perspective.

Jeff Windmoeller, 5350 E Hwy 163, Columbia

Jeff Windmoeller: I own property to the west of this proposal. There is a lot of concern with the size of the buildings, the watershed, and the traffic. There are many other properties close to this that is already zoned and suitable for what the applicant wants to do. There are a lot of people in this room that wants this property as residential.

Katie Davis (speaking from the audience): I wanted to add that the Bonne Femme Creek gets very high and almost over the road.

Also speaking in opposition:

Tim Beerup, 5360 E Hwy 163, Columbia

Tim Beerup: I have a rezoning request on the agenda tonight as well. My property is right next door. I don't know if my property will be rezoned so I am here as a residential owner. I bought a 6500 square foot home which is not a small home. I hadn't seen the review plan for the subject property until this week and when I saw the plan I was floored. That is 110,000 square feet. To put that in perspective a Sam's Club is about 110,000 square feet, that is a big building. When I count up the parking spaces it is 64 parking spaces, the proposed spaces on mine for under 6000 square feet is 32 spaces. I have issues with the height, 45 feet is three stories, that building to the bottom left will be at my side door. It has a big parking lot with spaces where trucks will go to 14 foot doors, we don't know what businesses are going to go in those doors.

I know from my zoning I am coming in front of the Commission with a plan including how many people and what the business will be used for; there is not a lot of ambiguity there. Scale becomes a huge issue when we are talking about properties that Mr. Brown has developed. I don't doubt that he is a good steward of the properties but when I look at where the auto auction is it is already on a commercially zoned property.

To my neighbors' point of view, their properties are beautiful, it is one of the reasons we bought out there. We looked at this property to buy and I talked with zoning about it and they told me to talk to my neighbors about potential uses and that is how I came upon the property we are talking about. Undefined uses and the ambiguity that it creates does create a lot of angst for us as a community. I don't know what is going to be in any of those buildings, I don't know what the height of those buildings will be or how many doors are going to be on the buildings. I don't know how much signage will be on the buildings, I don't know a lot about this proposal and that causes me concern and worry. The closest building is 30 feet from the parking structure to my building and when I look at those buildings that it is a big concern to me.

I am pro-business and travel all over the country. One of the things we know is that someone is going to build on this property and we don't have a problem with that, what becomes an issue is the scale, scope and the ambiguity created by this property. I don't see enough buffer zone for what is going on there, I don't think a single tree line will suffice. The property would be best suited being pushed to the east where it is more aligned with Meek's Lumber and can take away the visual impact from the neighbors. Part of our plan and what we will be talking about is hopefully adding value and creating something that goes along more

with the nature of the neighborhood, more akin to what we see at Strawberry Farms that adds to the neighborhood. I could see something like that working really well at this property.

In that same regard there is a lot of industrial property available directly to the north and it is more suited for this type of development. If my property isn't rezoned because it doesn't make sense I understand that but this property in particular I can really see from my side of the fence it is a beautiful property with two ponds and a lot of greenspace. I don't see any greenspace on the subject property at all and I thought that is what Columbia is about. I am not opposed to this property but I am opposed to a property buildout to the west closest to my neighbors to the north, west and also to myself. If that plan could be adjusted to the east I would be more willing to consider it and be a more positive force in helping that property develop.

Closed to public hearing.

Chris Sander: The initial submittal included farm sales and service but after communication with staff that use was stricken. All of the storage is restricted to indoors. In contrast to what the neighbors are dealing with on the commercial property to the north, this business will be indoors and by having a restriction on the plan, if complaints are made to Resource Management they can be enforced as opposed to an open zoned district where not a lot can be done.

I mentioned moving away from the stream buffer on the south side of the property with the development, the stormwater on the property drains almost entirely to the south so the development will include best management practices (BMPs) for water quality treatment, runoff reduction and stormwater detention. There is a small portion of the north end of the property that does drain toward highway 163 but the majority of the property drains to the south, so by clustering development away from the stream you provide more overland flow time and more distance for providing treatment before it gets into the stream buffer and into the creek to the south.

The image that we were looking at on the screen is slightly different from what is in front of the Commission. The image on the screen was the original submittal and showed considerably less parking spaces. We now have over 300 parking stalls as a maximum with the idea that we would look for opportunities that we can integrate shared parking if we are able to develop with a mixture of recreational uses and contractor storage, we provide that opportunity to reduce the amount of hard surface and stormwater runoff, however, we have shown that we have enough space to provide ample parking across the board. In the center portion of the property there is a very large greenspace area and Mr. Beerup was suggesting that the buildings be shifted into that greenspace area to provide some more space. There is a large overhead power line that runs through there, you can park under them but the buildings can't go under them.

Kevin Brown: I apologize for the letter sent to the neighbors referring to general commercial, that is just a lack of terminology on my part. A light industrial planned development is all commercial to me. When we are talking about my personal business I am excited about buying this property and being able to house my office and cars there. I sell about 12 cars a year, they go to collector auctions; I don't have a car lot where they sit out there and have lights. I think that is in the uses that we cannot do that. When I sell a car it is to someone in California and they fly into Columbia and look at the car. I am not putting cars on a lot where customers come out on a Saturday and look at cars and pick one, they are very different types of cars. The reason that one building would have to be 45 feet is for indoor tennis, you have to have a 35 foot clearance for indoor tennis for the ball height. The noise and things like that, I have no problem just having normal business hours. I don't plan on having after-hours and I don't plan to have storage where people can come 24 hours a day.

Chris Sander: We could add a condition that restricts hours of operation to 7:00AM to 10:00PM or something like that.

Kevin Brown: The space where I would have my office where the sewer is going to be put in and the trees in the back we are trying to work with county staff because I would like to make sure that all of those trees will stay.

Commissioner Kurzejeski: Water runoff was one of the concerns mentioned. Is there any estimate of the water volume that would leave the property and how that might be handled?

Chris Sander: It would be in compliance with the Stormwater Ordinance; the peak runoff for a small storm would be reduced to less than the current development, that is in compliance with the ordinance, it reduces it to below what it is today. For a larger storm, a less frequent event, runoff would be restricted to no more than what currently runs off.

Commissioner Kurzejeski: Another issue brought up was access off of highway 163, someone mentioned a turn lane. Will there be any improvements to highway 163?

Chris Sander: A limited traffic study was completed on the driveway approach to determine traffic generation and to see if a turn lane was warranted. The study was provided to MoDOT and they agreed with the analysis that a turn lane was not warranted and the impact was not enough to upgrade highway 163.

Commissioner Proctor: Can staff elaborate on the landscaping and screening plan and what that involves. I looked it up in the regulations but wasn't able to see much.

Bill Florea: There is not much there. What we usually look at in screening and buffering, in most cases we are not trying to completely obscure the development from offsite properties but we try to break up the sightlines. A good example is Midway Arms at highway 40 and Route J, they have a 300,000 warehouse being built out there, the landscaping plan included pods of cedar trees so you can still see the building through the pods but it breaks it up so you don't see a massive wall. That is typically the type of buffering approach that we take.

Commissioner Koirtyohann: What defines an aesthetically appealing material?

Bill Florea: I can't define that; it is a very generally worded condition that is subjective.

Commissioner Kurzejeski: That is a decision that will be going through Resource Management.

Bill Florea: Yes, Mr. Brown and I discussed that a little today. I would prefer more clear standards that give us more predictability. We were on a tight time frame with this project and didn't have time to work out the language any better than that.

Comment from audience member: A 3000 square foot home and it's raining there is a tremendous amount of volume of water that comes off that roof. When you are talking about 110,000 square foot building and 300 parking spaces it is not being soaked up, that would create an unbelievable amount of volume of water runoff.

Commissioner Kurzejeski: We already asked the applicants to address that and they indicated they would follow the County Stormwater regulations.

Comment from audience member: The speed limit is 55 MPH on highway 163 and there is a hill at the top where their drive and our private driveway to the subdivision comes in.

Commissioner Kurzejeski: I appreciate your concern, that is why MoDot does the assessments.

Chris Sander: The traffic study was based on the full buildout with the most intense use.

Commissioner Poehlman: This is a better plan than the one before us in 2016 but it is still a departure from the A-1 zoning that surrounds it. Having a plan helps but I am still under the presumption that A-1 is the correct zoning.

Commissioner Martin made and Commissioner Proctor seconded a motion to deny the request by Kevin Brown on behalf of Donald & Mary Baker to rezone from A-1 (Agriculture) to M-LP (Planned Light Industrial) on 22.08 acres, located at 5450 E Hwy 163, Columbia:

Eric Kurzejeski – No	Michael Poehlman – Yes
Greg Martin – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – No
Jeff McCann – Yes	

Motion to deny the request passes      5 YES    2 NO

Commissioner Martin made and Commissioner Proctor seconded a motion to deny the request by Kevin Brown on behalf of Donald & Mary Baker to approve a review plan on 22.08 acres, located at 5450 E Hwy 163, Columbia:

Eric Kurzejeski – Yes	Michael Poehlman – Yes
Greg Martin – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – No
Jeff McCann – Yes	

Motion to deny the request passes      6 YES    1 NO

Vice-Chairperson Kurzejeski informed the applicant that this request would not move forward to the County Commission unless the applicant filed an appeal form with Resource Management within 3 business days.

3. Request by Timothy & Christine Beerup rezone from A-1 (Agriculture) to REC-P (Planned Recreational) and to approve a review plan on 15.41 acres, located at 5360 E Hwy 163, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on State Highway 163, approximately 1 mile south of the city limits of Columbia and approximately 1 mile east of the Village of Pierpont. The property is 15.42 acres in size and has a house and an outbuilding present on the property. The property is zoned A-1 and is surrounded by A-1 zoning. The property to the east is currently under consideration for a rezoning to M-LP, and a rezoning to M-LP was denied for that property and an additional 10-acre tract to the east in 2016. This proposal seeks to rezone the subject property to REC-P (Planned Recreation). Proposed Allowed Uses include

reception/meeting facility, guest ranch with overnight accommodations, and agriculture. The property scored 55 points on the rating system.

The plan indicates no new structures, but rather remodeling the existing house and making site improvements, such as a parking lot, expanded wastewater treatment, and paved drive surfaces, to support the new uses.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural 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 “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. There is a 12” waterline on the south side of Highway 163 that can be extended to provide service to this property. Wastewater is proposed to be treated through an on-site system regulated by the Columbia/Boone County Health Department. Since this is in an environmentally sensitive area, if a BCRSD facility becomes available this proposal should be required to connect to such facility due to the greater level of oversight and accountability provided by a governmental entity.

Transportation: The property has direct access on to Highway 163. Points of access will be evaluated and permitted by the Missouri Department of Transportation.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: The size limitation, imposed by only using the existing structures, creates a limit to the size of events that could occur on the property and, in turn, impact to neighboring properties if proper buffering is provided. This mitigation is further reinforced by limiting events to a maximum of 130 people on the site. The proposed plan shows a gravel drive area near the buildings, this area is required to be paved.

The plan shows that the required 25 feet perimeter setback does not currently exist near building #2 and that an additional 5 feet of land is proposed to be acquired from the adjoining property to the east. It needs to be recognized that even if this rezoning and Review Plan is approved, the approval would be moot if this additional property is not acquired because the proposal would not meet the regulations; perimeter setback is not a discretionary standard.

While agriculture activity is listed under the allowed uses, this is seen as more of a fall-back use since the graphic plan does not show any areas designated or dedicated for the activity. Therefore, the proposed designation that existing building #2 be used for agriculture purposes only is problematic. The most likely use of this building, due to its location on the site, is storage or another ancillary use associated with the reception facility use.

The only new construction proposed on the site is infrastructure that is necessary to operate the reception facility. It is likely that the outdoor portions of the property will be used, either actively or passively, as part of the reception facility even though the graphic does not show any areas dedicated to this activity. Landscape buffering can provide mitigation for properties to the west so some buffering in this area is needed.

Since this site is located in an environmentally sensitive area, higher standards for stormwater and land disturbance will come into play when these improvements are installed. While the reception facility can generate visual and sound impacts to surrounding property owners, improving vegetative screening should limit visual impacts. Limiting hours of operation as proposed, 7am to 10:30 pm with clean-up activities allowed from 10:30 pm to midnight. Barring the use of additional structures, temporary or permanent, and implementing a schedule in regard to holidays may also limit offsite impacts.

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

1. It is recognized that no gravel driving, parking or loading surfaces are allowed for this development and that the Final Development Plan reflect this requirement.
2. Note number 9.2 with respect to building #2 be removed from the Final Development Plan.
3. It is recognized that the 25 feet perimeter setback is a non-discretionary standard and that the full 25-foot perimeter buffer must be provided prior to approval of the Final Plan.
4. A buffering/landscaping plan shall be submitted showing all buffering/landscaping for the site, including adding buffering along the western portion of the property. This plan shall be created and shown on the Final Development Plan to the satisfaction of the Director of Resource Management.
5. There is recognition that the existing buildings will be required to obtain remodeling permits 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 uses must be obtained for the structure prior to the buildings use.
6. Because of the greater level of oversight and accountability provided by a governmental entity and due to this being an environmentally sensitive area the development should utilize a publicly maintained sewer if reasonably available. Reasonability as to the availability of BCRSD public sewer is exclusively that of the Director of Resource Management in consultation with the Health Department and the BCRSD:
  - a. if a BCRSD facility becomes available to reasonably provide wastewater services to this facility, then this facility is required to connect to said BCRSD facility within 5-years of the service becoming available.
  - b. If a BCRSD facility becomes available prior to the installation of the up-graded engineered on-site wastewater system proposed by the development, then this property must be connected prior to initial use or occupancy of the property under this plan.

Present representing the request:

Chris Sander, McClure Engineering, 1901 Pennsylvania, Columbia

Tim Beerup, 5360 E Hwy 163, Columbia

Christine Beerup, 5360 E Hwy 163, Columbia

Chris Sander: I prepared the review plan and rezoning request for this property. The applicants are looking to utilize the existing structure and look over a limited occupancy as stated on the plan. There won't be any additional buildings.

Christine Beerup: I have been working in the event business for about 30 years now, mostly with non-profit organizations. I feel like I have a very strong background and a lot of knowledge of what would be expected of a property like this. I understand this is a very high-end area and we would definitely want to fit in and allow people to use the property to hold corporate, small events and hopefully in no way disrupt the current neighborhood setting. We feel it is really important to continue to beautify the area and to plant more trees. From the very beginning we talked about planting grape vines in the front of the property and we hope to be able to do that as well to make it aesthetically appealing from the road. We plan to increase the aesthetics of the property. It is a beautiful, unique property and we would like to be able to share that with people in the community.

It is a great place for smaller, intimate gatherings. The main room where most of the sit-down type of events will take place can only hold 80 people seated so it doesn't lend itself for large types of parties; we know that there are other places in Columbia that already do that. We want to keep this as a more high-end, intimate type of gatherings. We got married in our own home in Thornbrook and had 110 people there and we didn't have any complaints. We feel it is important to keep the music inside the building, we know there are going to be events where people will want music and we don't want to be disruptive to the neighbors. We would also like to look at corporate events during the day Monday – Friday; it would be smaller events that go on from 8:00 AM – 5:00 PM during the day. The average size wedding right now is about 117 people; we like the idea of 75 people so we intend to keep this small, intimate, and high-end. We will need to add parking but there will be no additional buildings.

Tim Beerup: From an aesthetic standpoint, the last thing we want is to have problems. One of the concerns was parking and where we would incorporate that. The drive would be along the easternmost point of the entryway and run it along the existing driveway in hopes of making the view from across the street better. There was also discussion about putting a buffer to the west, we would like to see more in front of the property, we would put trees around the parking lot because we want it to look nice. The building has one great room, an adjoining breezeway, and then a big bar room. Meals would not be cooked on premise it would be brought in.

Our goal is to be part of the community. We really like Strawberry Hills and we like the aesthetic of the neighborhood and that is how we think of it. I have passed this property 1000 times going to the airport and I always loved it. We took a long time to make a decision about buying this property, we think it is a perfect use for the area. We look at ourselves as a transition point for the neighborhood into the next zone. In talking with one of the neighbors earlier he said you have to plan for the worst. This is what will happen. Noise is everyone's concern, the noise will be pushed toward the back of the property and there will be no events outside. There will be a lot of greenspace on the property. I look at what we are doing as being very specific as opposed to being open-ended, we are not building out and there is no speculation on what we are doing or what we are going to build. I see the water runoff being very manageable for what we are doing.

Commissioner Kurzejeski: Have the applicants talked to the neighbors about what they have proposed to do?

Tim Beerup: We have spoken to our neighbors directly to the west and as a group with that whole neighborhood. We haven't spoken to the neighbors to the north. We also spoke with Meeks Lumber and down the street. We have given the people that we talked to a good idea of what we are doing and why we want to do it in our neighborhood.

Open to public hearing.

Present speaking in favor:

Jeff Windmoeller, 5350 E Hwy 163, Columbia

Jeff Windmoeller: I own the property directly to the west. I spoke with the applicants a couple of times and it seems they market to fairly high-class events; they seem to want to improve the property. Being one of the closest neighbors I don't have any strong opposition to this.

Present speaking neither in favor or opposition:

Vince Bentinganan, 5285 E Hwy 163, Columbia

Vince Bentinganan: I am not really opposed to the plan, I think they have taken an intentional perspective to be good neighbors. I am not opposed to it but I do have a couple of concerns. The one question I have is that it seems a little odd that the same engineering firm is with the Beerups that was with the Browns so my concern is if they know each other, I don't understand that.

Commissioner Kurzejeski: I am not sure that is something we delve into.

Vince Bentinganan: It is just a concern because when the schematics were drawn up it seemed like Mr. Brown's plans were incorporated into the Beerup's plan. I am opposed to the Brown's plan but if you are having an intimate gathering in a structure that is already there that is different. I am just concerned as to what that relationship is with the same engineering firm.

Present speaking in opposition:

Rachel Wise, 5215 W Hwy 163, Columbia

Rachel Wise: I wanted to be clear that my opposition to this isn't nearly as strong as the previous request. Part of the opposition does come from the fact that we would not have known anything about this had we not received notice for the other request next door so that doesn't show very much care for the neighbors.

Our concern is noise, even a 10:30 PM event end time is pretty late and the statement that the noise and music will only be inside, I have concerns about that because on the plan it shows a temporary tent. If you have a tent, you are going to have an event outside. I don't believe that all events are intended to be outside if you are intentionally planning a location for a tent. Another concern is that the plan indicates that events will end by 10:30PM but they are also requesting to be a guest ranch with overnight accommodations so an event will not end at 10:30 PM if there are overnight accommodations, it could carry into any hours of the night including the next morning. That does not fit well with the neighbors across the street. It is pretty unclear as to what that means, I understand a daytime facility for things but when you are requesting a guest ranch with overnight accommodations that is something we haven't heard anything about. There are also questions about how many guests there will be, it says 130 but does that include staff? It could be bigger than that.

Also speaking in opposition:

Katie Davis, 5299 E Hwy 163, Columbia

Katie Davis: I am not in strong opposition to this request. I love that they are going to use the same space they already have and I like the idea of having small corporate events. We have events at our house and I have had 60 – 70 people, it is not a huge amount so I am not very opposed to that. I have gone to many small intimate weddings this summer and there were 70 guests, the wedding ended at 10:30 PM but the partying didn't end until about 3:00 AM outside where the guests were jumping in the lake and drunk and it was loud. There is just the unknown and the applicants know that. How are we going to make sure you don't have drinking parties? With the overnight accommodations it means they can stay out there later. Will this be written into the reservation?

Also speaking in opposition:

Rich Germinder, 4930 E Hwy 163, Columbia

Rich Germinder: I am not so much in opposition but I do have a little concern. We are in a unique perspective. Walden Pointe is subject to restrictive covenants that applies to all the properties which includes the Beerup's property so we have some mechanisms. They have to come through an architectural

control committee to do construction and there are a series of restrictive uses. When the covenants first existed it was intended that they were only applying to residential developments but the covenants list out that they are just dwellings so there is not that level of specificity which allows for something like this to take place. If there are things going on outside of those covenants that disrupt my daily life then I have the opportunity to exercise that and I view that as the most extreme circumstance. I appreciate the applicants talking to us about what they want to do but I can only trust the words that are on paper. They talked about having weddings which would be Friday and Saturday up to 10:30 PM, it is a lot different when you are only talking about the weekends at 10:30 versus Monday through Friday. The most restrictive that the zoning allows for is what protects me the most. It is a residence right now but having people staying overnight are they going to be as amenable to respecting all of those things as if it were the Beerup's living there? However, I understand is not an option once it gets rezoned.

Commissioner Kurzejeski: You said there are existing covenants on this property?

Rich Germinder: Yes.

Commissioner Kurzejeski: The uses that are being considered now are within those covenants?

Rich Germinder: That is open to interpretation. The development was constructed by Mike Tompkins so when he did that he built the shared drive that six properties have access to. The two properties to the west which includes Mr. Windmoeller and the Beerup's property used to be three tracts, they do not have the same shared drive but the covenants offer some general prescriptions, things you can do, the number of animals, you can't have a lagoon, you can't have junk cars outside and those sorts of things.

Commissioner Kurzejeski: Does it provide for commercial uses?

Rich Germinder: It does not provide for commercial use in the general sense; it leaves a lot unsaid. As much as I work with the Beerups the only security I have is the covenants or what the Commission approves. Once you open that door, when the Beerups sell their property the person who purchases it gets to utilize it to the maximum extent possible. We appreciate the fact that they worked with the neighbors but some further clarification would be helpful.

Also speaking in opposition:

Phillip Heller, 5275 E Hwy 163, Columbia

Phillip Heller: The Beerups seem like nice people but this piece of property is zoned residential and it is currently residential, and I feel it should stay that way. Everyone likes a good wedding. When my daughter got married we headed down to Peach Tree and I had to go to the DJ several times and ask him to turn the music down. I know how these wedding parties are, if they have a band or a DJ everyone is in a party mood and I understand that. If these people have parties there that wedding party is going to be having a good time also. The wedding was at a hotel, when we went to our hotel room on the third floor I could still hear the music; these things get loud. The 130 maximum people that they requested, if 140 people show up are they going to turn people away? We are concerned about the noise. They seem like nice people but this is not the right place.

Also speaking in opposition:

Charlene Heller, 5275 E Hwy 163, Columbia

Charlene Heller: Once the zoning is in place we are stuck with it, it will never be zoned back down. It is a residential/agricultural area. If they ever decide not to do it and sell the property we have to live with that and we prefer not to.

Also speaking in opposition:

Sarah Bernard, 5239 E Hwy 163, Columbia

Sarah Bernard: I agree that it feels like a residential space and I think it should be kept that way.

Closed to public hearing.

Chris Sander: While it may not be important there was a question of me representing both parties. I have worked with Mr. Brown for a number of years and he came to me with this property and through conversation it was brought up that Mr. & Mrs. Beerup were interested in doing some development on their property and I visited with them and thought it would be a good idea to bring both of these requests forward at the same time so that we could talk through all of this at one time. Mr. & Mrs. Beerup and Mr. Brown spoke to each other and as things developed we ended up with two separate plans and two separate requests but I strive to keep the two properties separate and to do my best for both clients and I hope that is not seen as a conflict. The original submittal of the plan included a tent for the possibility of expansion but after working with staff that option was removed from the plan.

Christine Beerup: There is one bedroom on the main floor of the building and we view that as an optional bridal suite, it is just one room so it isn't a hotel. It wouldn't be a whole party spending the night, it is one room that accommodates two people on the main floor. There is another room that is upstairs but I don't see it being used for overnight accommodations. We just wanted that as an amenity for a group. People staying out until 3:30 AM, being in the event industry my whole life those things are taken care of with a really good contract. Typically there are a lot of fines and fees and when it closes down it closes down, we may even have a security guard to help people leave the property at the appropriate time. I would never allow people to party until 3:30 AM. I know 10:30 PM sounds late but it wouldn't be every night, it would be maybe one night a week. At small weddings when they start you start out with a group of 80 and by the time the music starts it goes down to 40, typically the majority of people have gone.

Tim Beerup: There are covenants for this property which restricts certain building types and there is a board that has to approve those buildings, I think that provides another layer of control, that is important to know. We were not looking to position at this meeting originally, it made the most sense to come in and do it at the same time as the other property. We will be around for the neighbors after this to talk if they have more questions.

There is a lot of property there that can create a buffer zone, we listened to the Board and the counsel that they gave us about things like the tent and saying that it is going to cause additional noise so we took it off. This is about a defined set of usage and rules. We want to be good neighbors. I have rented properties to people and I have seen what they do to property I can tell you this, that property is in great shape and we want it to appreciate in value, not depreciate, so keeping it in great shape is important to us.

The house was set up with two bedrooms, it has a bedroom on one end of the house and it is 67 feet from the kitchen, there is also an upstairs mini-suite which would serve as our office. When people have to leave there would be one couple spending the night and that would be clearly written into the contracts. I wish there was a way that I could address the noise level but I don't think I could ever mitigate that concern. I spoke with my neighbor this morning and he said he was not in opposition to this plan, I also spoke with my neighbor Jeff who is the closest neighbor to me and he isn't in opposition. Given all of those things if there was more discussion needed I would be happy to do that.

Commissioner Martin: I commend you for bringing a planned zoning; planned is much better for us to work with. I also have to say that since I was the originator of the denial for the previous request I would be creating an island of zoning and I have a hard time with that.

Commissioner Proctor: The applicants were talking about a maximum number of 103 people on this piece of property the traffic is still going to be there whether it is more or less than the request we just denied it is still the same situation that we said no to. Yes, the buildings are different and the uses are different but you are still putting stuff into an agricultural area that the neighbors are saying they don't want. To the audience, that piece of property for the previous request will be zoned one way or another and it may not be what you want but it happened to be that the Commission didn't feel that it was a good land use.

Commissioner Poehlman: Will anyone live there?

Tim Beerup: No, it was part of the stipulation to rezone that no one could live on the property. I have mentioned it a couple of times but there are other similar properties such as Strawberry Hill and they have quite the traffic, certainly on the weekends. Their impact to their neighbors to the north is very minimal; I think they look at that property as a positive. Further down the road to Pierpont they are building a new store and I have seen what that has done to that area, they have upgraded the property. With proper zoning and oversight to say that our property would be akin to the property next to us, it is not apples to apples. I have a very specific usage for my property whereas with the other property there was nothing but ambiguity.

I think that going from agriculture to recreational is a very different proposal than from going agricultural to light industrial. When I saw those buildings I didn't think light industrial. I wasn't opposed to it originally but when I heard the story of what was going to be built there it was very different than what was already there. I think our property would be best served as a buffer to what is going to happen in the future; we know the property next to us is going to be developed and I would like to see it developed in the right way so the neighbors aren't as impacted and I think our property creates a nice transition into what will be industrial property.

Christine Beerup: What I am hearing is that noise is the biggest concern. The music will be inside and there is a lot of space between where that building is and the neighbors.

Tim Beerup: The distance from the front of our drive to the property is a long way.

Christine Beerup: It is 500 feet.

Tim Beerup: If you look to the side and south of our property it is considerable distance that we are talking about. We aren't talking about building by the street.

Christine Beerup: I understand that a lot of the neighbors here have been completely burned by other things that have happened in the area but we can just tell you what the plan is and how we plan to operate the business. I can't help what the other neighbors have done.

Audience member: We can hear the dogs barking at Creekside so if we can hear those then we are definitely going to hear music from across the street.

Audience member indicated he had a question for staff. What requires the applicants to rezone to do this type of activity. A-1 is pretty expansive.

Bill Florea: A-1 is the most restrictive zoning district in the county, the only businesses that are really allowed in A-1 are strictly oriented toward the agriculture community. Other than that there is very limited opportunity.

Audience member: I thought I saw bed and breakfast and some other things.

Uriah Mach: It is a conditional use.

Bill Florea: That would also require a public hearing but it does not allow for weddings or events, that is what drove this request, they wanted to have an event center and A-1 does not allow for that.

Audience member: I know I had emailed to request information to get plans to see what was being proposed, it would be helpful if those plans were available at the door so we could see exactly what is under consideration.

Commissioner Kurzejeski: Are the applicants okay with the conditions, do they feel like they can comply with all of them?

Tim Beerup: We can comply.

Commissioner Martin made and Commissioner Proctor seconded a motion to deny the request by Timothy & Christine Beerup rezone from A-1 (Agriculture) to REC-P (Planned Recreational) on 15.41 acres, located at 5360 E Hwy 163, Columbia:

Eric Kurzejeski – No	Michael Poehlman – Yes
Greg Martin – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – No	Daniel Mings – No
Jeff McCann – Yes	

Motion to deny the request passes      4 YES    3 NO

Commissioner Martin made and Commissioner Proctor seconded a motion to deny the request by Timothy & Christine Beerup to approve a review plan on 15.41 acres, located at 5360 E Hwy 163, Columbia:

Eric Kurzejeski – Yes	Michael Poehlman – Yes
Greg Martin – Yes	Rhonda Proctor – Yes
Steve Koirtyohann – Yes	Daniel Mings – No
Jeff McCann – Yes	

Motion to deny the request passes      6 YES    1 NO

Vice-Chairperson Kurzejeski informed the applicant that this request would not move forward to the County Commission unless the applicant filed an appeal form with Resource Management within 3 business days.

## VI. Planned Developments

1. Request by Bruce and Kathleen Maier to approve a Final Development Plan for Lot C-4 of Newtown Subdivision, Block 4 on 1.35 acres located at 1850 W Rte K, Columbia

Planner, Thad Yonke gave the following staff report:

This property is located 1300 feet east of the Cascades Subdivision, which is the nearest Columbia municipal limit. The subject property is situated along the south side of State Route K. In July 2020 the Planning and Zoning Commission recommended approval of a rezoning and a revised C-GP PCD Review Plan for Lot C-4 of New Town Subdivision Block 4. The County Commission approved the rezoning and Review Plan, Commission Order 330-2020. The Review Plan was approved with the following conditions:

1. The building construction materials are to meet a quality minimum of masonry.
2. All lighting on the property is required to be shielded or oriented in such a manner as to minimize glare or light trespass off the property.
3. That it is recognized that the Director of Resource Management can approve minor alterations in the approved plan administratively if the Director believes that the change is not substantive. Determination of whether a proposed change is substantive is solely the discretion of the Director.

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 Commissioner Martin seconded a motion to approve the request by Bruce and Kathleen Maier to approve a Final Development Plan for Lot C-4 of Newtown Subdivision, Block 4 on 1.35 acres located at 1850 W Rte K, Columbia:

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

Motion to approve the request passes unanimously

Vice-Chairperson Kurzejeski informed the applicant that this request would move forward to the County Commission on Tuesday, September 29, 2020 at 7:00 pm and the applicants will need to be present.

1. Update on Commission action.

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

The Conditional Use Permit for Shannon Kasmann & Amir Ziv was recommended approval by the Planning and Zoning Commission, the County Commission upheld that recommendation with the proposed staff conditions.

The rezoning request by Bryan & Leslie Crump to rezone from A-R to A-2 on 15.7 acres, located at 18450 S Route A, Hartsburg was recommended approval by the Planning and Zoning Commission, the County Commission upheld that recommendation.

The rezoning request by Bryan & Leslie Crump on behalf of Gary F Fisher Family Trust to rezone from A-1 to A-2 on 50 acres at 14203 S Crump Lane (bordering City of Ashland) was recommended approval by the Planning and Zoning Commission. The County Commission tabled the request in order to obtain more information from staff.

Plats for Hulen Estates Plat 2, B & B Subdivision Plat 2, and County Downes Subdivision

VIII. New Business

None.

IX. Adjourn

Being no further business the meeting was adjourned at 10:23 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 15<sup>th</sup> day of October, 2020