

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, October 15, 2020

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

II. Roll Call:

a. Members Present:

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

b. Members Present by Phone Conference:

Bill Lloyd	Three Creeks Township
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c. Members Absent:

Boyd Harris, Chairperson	Centralia Township
Fred Furlong	Bourbon Township
Daniel Mings	Columbia Township

d. Staff Present:

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

III. Approval of Minutes:

Minutes from the September 17, 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 ten plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members

of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with the current Public Health Order regarding the Covid-19 pandemic. Occupancy of the Commission Chambers is limited to 50% occupancy provided all persons wear a face mask and maintain 6-feet of physical distance from each other.

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

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

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

Announcement of each agenda item will be followed by a report from the planning department staff. The applicant or the applicant's representative may make a presentation to the commission after the staff report. The commission may request additional information at that time, or later following the public hearing. After the applicant's presentation, the floor will be opened for a public hearing. Those wishing to speak in support of the request will be allowed to speak, then the floor will be given over to those opposed to the request. There may be individuals that neither support nor oppose a request. Those individuals are welcome to address the commission at any time during the public hearing.

Please direct all comments or questions to the commission, be concise and restrict your comments to the matter under discussion. Please be considerate of everyone here. We ask that you please not be repetitious with your remarks. We also recognize that some issues can be quite emotional. In that regard we ask that you refrain from applause, cheers, or other signs of support or displeasure. Please afford those with a different point of view than yours the same respect and consideration you would like yourself.

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

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

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, October 27th. 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, October 27th 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.

Vice-Chairperson Kurzejeski asked the Commissioners attending remotely to state their name before speaking or making a motion.

V. Rezoning Requests

1. Request by Enrich Investments LLC to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) and to approve a review plan on 1.68 acres located at 5175 N Hwy 763, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the southwestern corner of Shalimar Drive and Highway 763, is 1.68 acres in size and zoned C-G (General Commercial). Adjacent zoning is: C-G to the north, south, & west, with R-S (Residential Single-Family) to the southwest and the City of Columbia to the east. This property was rezoned from R-S to C-G in 1975 with all the adjacent C-G zoning. The property to the west received a conditional use permit for self-storage mini warehouses in August of 2015. There is currently a 2920 square foot building on the property. The property scored 76 points on the rating system.

This request is to rezone this property to M-LP and to approve a Review Plan that includes a 13,510 square foot addition to the existing building, parking, and buffering. Also, on the agenda, is a plat to combine two of the existing lots. The existing building and proposed expansion will be located on the combined lots. A limited number of uses consistent with the M-L zoning district are proposed as Allowed Uses.

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

Utilities: Water service is provided by Columbia Water & Light, electrical service by Boone Electric Cooperative, and sewer service via the Boone County Regional Sewer District for the existing building. Any expansion of sewer service for new construction shall be subject to the Boone County Regional Sewer District's available capacity at the Shalimar Gardens pump station.

Transportation: The subject property has access on to Shalimar Drive, a publicly dedicated, publicly maintained right-of-way.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station near Prathersville.

Zoning Analysis: This rezoning request can meet the sufficiency of resources test for the site. Further expansion as shown on the plan will require increased service from the Boone County Regional Sewer District. Such service is not available at this time, but the Sewer District indicates may be available in the near future. This proposal does not drastically increase or change the intensity of use on the property but offers the opportunity to improve the property in ways to make it more satisfactory to the residents of the Shalimar Gardens neighborhood while bringing the activity on the property into better compliance with the Boone County Zoning Ordinance. The limited list of proposed Allowed Uses will keep activity on the property at an intensity similar to uses allowed by the existing C-G zoning.

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

1. A vegetative buffer shall be installed along Shalimar Drive for purposes of softening the appearance of the property.
2. New construction on the site will maintain an exterior appearance consistent with the existing structures. Approved exterior building finishes and materials include metal panels, wainscot paneling, wood panels, stone/brick ledges and glass windows.

Present, representing the request:

Ryan Fuller, McClure Engineering, 1901 Pennsylvania Dr, Columbia

Ryan Jezylo, Enrich Construction, 5175 N Hwy 763, Columbia

The applicants gave a power point presentation.

Ryan Fuller: Currently on the site is the office of Enrich Construction and Remodeling. The current building has office space and they also use it for construction equipment and staging of their crews before they go out to the jobsite. We have received a letter from the Homeowners Association of Shalimar Gardens, they have expressed a few concerns that they wanted the Commission to consider when reviewing our request. The applicants have put together a presentation with the hope that it addresses their concerns. The review plan shows a planned addition to the existing structure of 13,510 square foot with limited proposed uses. Of this expansion, 3000 square feet of it would be used for the expansion of Enrich Construction's office operations. Shan Rich, who is the owner, and Enrich Investments is in negotiations with Bill Johnson who is the owner of Roto Rooter and Johnson Plumbing. He is interested in leasing approximately 7,000 square feet of the new building.

The majority of the uses for this building would be similar to what is already there. The building will have office space, a reception area, conference rooms, as well as some space for indoor storage of contractors equipment and materials and that would leave the extra space as additional leasable space to tenants that have a use which complies with the plan.

As part of our proposal, one of our conditions for approval, would be that the building materials and architectural features are consistent with the existing office building. The approved finishes of the building would include metal panels, or Wainscott paneling. Wainscott paneling is the colored panel that helps to accent the building and helps breakup the wall. Other approved finishes would be wood panels and commercial windows, brick courses or veneer or stone veneers to help accent the building.

We have a condition on our plan that the total floor area will not exceed 16,500 square feet. The concept of floor area ratio we see in other municipalities would give the site a floor area of 0.225, that is significantly less than other municipalities where they allow much more building to be on the site in industrial areas. We feel like that is a good compromise and it will not just be a huge factory that is unsightly for the residents of

Shalimar Gardens. The MD Storage site immediately west has a slightly greater floor area ratio but it is very comparable to the amount of building you will see to our site area.

Regarding the landscaping buffer, currently on the entrance there are several large, mature trees planted in the islands along the property and also some landscaping near the intersection of Shalimar and Rangeline. That landscaping continues down Rangeline for a period. One of our conditions is that the landscaping be maintained at the entrance to help soften it and make it more aesthetically pleasing to those using Shalimar Drive to access the residential area. There is a small portion of our site that borders residential use, part of our plan is to include a landscape buffer along that portion of our property to breakup and screen the site from the residential use.

During our previous hearing for a vacation request, the property owner to the south had a complaint about some drainage issues from a couple of pipes that discharge in the corner of the property. We have reviewed the pipes and discharge with county staff and found that there are two pipes, one comes from a detention basin that serves the storage property and the other pipe comes from Shalimar Drive, it is a public storm sewer that drains the storm infrastructure from Shalimar Drive and comes down the western edge of our property and discharges. The applicant also deals with this drainage issue and we are aware that our neighbor is concerned. Part of our review plan indicates we will do a berm or stormwater improvements along the edge to reduce the amount of stormwater going across the property to the south. We want to be cognizant of their concerns and be a good neighbor and we also recognize that we are also going to have to do something so we don't have a muddy mess in that corner as we develop.

Commissioner Martin: Is the C-G property to the south also owned by the applicant?

Ryan Fuller: Yes, at this time it is not included in this request. It would be used for a shared stormwater detention facility that would serve our current development as well as potential development in the future.

Vice-Chairperson Kurzejeski: Looking at the plan basically all of the access to this structure would be on the east side?

Ryan Fuller: That is correct, we don't have any pavement shown in that area, it is open space right now. We have enough room in the front to fit all the parking that would be required for the most intense use that we are proposing. The front side of the building is where the desirable parking area would be.

Commissioner Koirtyohann: How tall will the building be?

Ryan Fuller: The existing building is 15 feet tall. The ground at the existing office is a fair amount higher than at the south corner so the building, as it expands down the hill, will grow taller in the sense that the distance from the ground to the top of the building will be greater than what is on the existing building but you won't see a large jump in the roofline to where the building expansion would be obstructive to the skyline.

Commissioner Koirtyohann: Roughly how tall will it be at the south?

Ryan Fuller: There is about 13 feet of vertical drop so approximately 28 feet.

Commissioner Koirtyohann: How many feet from the ground to the roof?

Ryan Fuller: About 28 to 30 feet.

Commissioner Koirtyohann: Any plans to limit hours of operation in terms of someone coming in and getting their equipment at 2:00 AM?

Ryan Fuller: We don't have a proposal for limited hours of operation at this time. One thing about the Enrich and the potential lessee, Bill Johnson with his plumbing company is that a lot of times the more profitable times are if someone needs an emergency fix. If you have a toilet that quits working or water is backing up in your house on a holiday weekend they would like to come and get their equipment. With the industries we have coming into this building it is mostly large pedestrian trucks, we aren't going to have big semi-trucks coming on to this property which is usually more typical in an industrial site. These are going to be work trucks that people load up and go out. I don't anticipate that these uses are going to generate a lot of noise that would require limiting the hours.

Open to public hearing

No one spoke in support of the request.

No one present spoke in opposition.

Director, Bill Florea informed the Commission that staff received the following letter in opposition to the request:

Dear Commissioners,

Regarding the request by Enrich Investments LLC to rezone from C-G to M-LP at 5175 North Highway 163; The residents of Shalimar Gardens subdivision have worked hard over the years to maintain the properties and environment of the area so that it remains a desirable community in which to own property and live. We have an active Homeowners Association which oversees adherence to the neighborhood covenants. The covenants describe the structures that are allowed to be placed on the individual lots, none to exceed two stories in height. When you consider the request of Enrich Investments to rezone to allow for use of contractor shops and storage, I hope you will consider the height and bulk of any structure they would be allowed to erect due to the rezoning. Additional office space which complements the existing building would not be a burden, but large metal structures such as can be seen elsewhere along Hwy 763 would significantly decrease the values of our homes and dampen the inspiration of our small community to remain clean and pleasant. No one wants to live in the backyard of a factory. Thank you for addressing this concern. Sincerely, Melinda Staley.

Closed to public hearing.

Commissioner Trecha: What is the plan for lighting the parking lot?

Ryan Fuller: We have not gotten into the design of the site in terms of a lighting standpoint. Generally for this planning document we have a statement on the review plan which states that all site lighting shall be shielded and directed inward and downward. That is an effort to prevent the light from flooding onto adjacent properties.

Commissioner Martin made and Commissioner McCann seconded a motion to approve the request by Enrich Investments LLC to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) on 1.68 acres located at 5175 N Hwy 763, Columbia:

Eric Kurzejeski – Yes
Greg Martin – Yes
Rhonda Proctor – Yes

Michael Poehlman – Yes
Bill Lloyd – Yes
Steve Koirtyohann – NO

Randal Trecha – Yes

Jeff McCann – Yes

Motion to approve the request passes 7 YES 1 NO

Commissioner Martin made and Commissioner Koirtyohann seconded a motion to approve the request by Enrich Investments LLC to approve a review plan on 1.68 acres located at 5175 N Hwy 763, Columbia with the following conditions:

1. A vegetative buffer shall be installed along Shalimar Drive for purposes of softening the appearance of the property.
2. New construction on the site will maintain an exterior appearance consistent with the existing structures. Approved exterior building finishes and materials include metal panels, wainscot paneling, wood panels, stone/brick ledges and glass windows.

Eric Kurzejeski – Yes

Michael Poehlman – Yes

Greg Martin – Yes

Bill Lloyd – Yes

Rhonda Proctor – Yes

Steve Koirtyohann – Yes

Randal Trecha – 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, October 27, 2020 at 7:00 pm and the applicants will need to be present.

2. Request by Daniel A. Blakemore, George L. Blakemore Trust and Gladys Lucille Blakemore Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 5.76 acres located at 23151 N Lovers Ln, Sturgeon.

Planner, Thad Yonke gave the following staff report:

The property address is 23151 N. Lovers Lane which is located at the immediate southwest corner of the intersection of Highway CC and Lovers Lane. Adjacent zoning is:

- South – A-1
- West - A-1
- North - A-1
- East - A-1

These are all original 1973 zonings.

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

This request is comprised of a 4.45-acre property that contains a single-family residence, lagoon and several outbuildings. Additionally, the request contains a 1.31-acre “L” shaped strip of the adjoining property which if successfully rezoned will need to be transferred and attached to the 4.45-acre property by some action under the subdivision regulations.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. Failure to pass the test should result in denial of a request. Success in passing the test should allow further analysis.

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

Utilities: The property is in the Public Water District 10. Typically, there are not waterlines capable of providing fire flow in District 10.

There is no central sewer in the area. Any additional lots resulting from this rezoning will utilize on-site wastewater systems.

Boone Electric provides power.

Transportation: The subject tract has frontage on State Highway CC and frontage on and direct access to Lovers Lane, which is a county gravel road.

Public Safety Services: Boone County Fire Protection District provides fire protection. The nearest fire station is Station 6 in Sturgeon approximately 1.8 miles northeast of the property.

Stormwater: The property drains generally to a depression/ditch along the west of the 4.45-acre portion of the request.

There applicants indicate no physical development associated with this request but, future development on the site could result in one additional dwelling unit at most. The proposal will require compliance with County Stormwater Regulations.

Zoning Analysis:

Rezoning from A-1 to A-2 for this request results in a doubling in potential density when compared to the existing conditions. Currently the 4.45-acres does not comply with the existing A-1 minimum of 10-acres. We have been informed that the desire is to add the 1.31-acres from the larger 160-acre property to the smaller property before selling off the larger farm. If the desire is to keep as much of the farm ground together as possible without creating the increase in potential density, a rezoning to A-1P would be better suited. Water service and road conditions are adequate for the proposed rezoning. The lack of central sewer does not support the rezoning as a possible division of the property into two lots would be tricky for on-site wastewater.

The application states an intent only to add to the existing residentially utilized lot. However, that statement is not binding. After rezoning, the current or future property owners could develop the property to the maximum density by Family Transfer.

Planned Zoning, A-1P, could be used to make the current lot larger without requiring the lot to be enlarged to the full 10-acres required by the density. The remaining portion of the 10-acres of density would be defined but remain with the larger farm as farmable ground without any additional potential residential density being created.

Staff notified 12 property owners about this request. The property scored 49 points on the rating system.

Staff recommends Denial of the rezoning.

Present representing request:

Don Bormann, 101 W Singleton, Centralia

Don Bormann: Before this application was put in I talked to the owners and explained what their options were, they decided they didn't like the planned development so they were down to either a 10-acre tract which would take additional farmland away from the property or to do a rezoning request. I told the applicants to talk to their neighbors because this was dead on arrival if the neighbors came and opposed it. They talked to their neighbors and they said none of their neighbors had a problem with the request. A-2 brings this tract into conformance, it is now a 4.5-acre tract that is in A-1 zoning so it is not in compliance.

It is doubtful that the buildings along the south property line are in compliance with the setback requirements. The intent is to move the property line about 25 feet south of the barn and include the barn with the tract; it would be difficult to divide this tract further without tearing down the barns. We were looking at keeping the tract under the area that would allow it to be re-divided but given the parameters we couldn't do that so you could potentially double the density but there is no intention of doing that at this point.

The land was owned by the grandparents. The grandmother was still alive when they brought this request to me but she has died and it is now in a trust; her three sons own it. One of her sons owned the house for a number of years, he received it as a family transfer and he sold it to one of his nephews who currently lives there and he intends to stay there because it is the family farm. They intend to sell the property at some point; that is probably not too far off.

The applicants have a couple of problems with a review plan, first of all when I explained to them that there is a very good chance it would be approved they don't like the idea that they have to spend all of their money up front and then ask for approval with the chance that they get turned down. The review plan requires you to spend money on surveying and engineering before you even get a decision. This is spot zoning and it is normally considered to be bad and we don't like to create things like that, however, what you have to consider with spot zoning is does it meet the goals of what the county is looking for? The goal of the county is to preserve farmland; A-2 zoning does do that so I don't see this as being a bad thing out there. There is precedence for this in the county, I know of a case in 1980 where a tract was done like this and there have been more recent tracts that have been done like this. If A-2 zoning works and accomplishes the goals of the Commission preserving farmland I don't see that as a bad thing.

Vice-Chairperson Kurzejeski: It was mentioned that the plan was to sell the property. Is the tract in question going to be sold or the remaining acreage?

Don Bormann: The remainder of the property. If they can get this zoning through, the extra 1.3 acres would be done as a family transfer to the grandson that is there; they plan on surveying it. The reason they will do a family transfer is to avoid the subdivision process because it would be done quicker. If that farm goes up for sale it will go quickly and either the review plan or subdivision process will be a longer time period and would slow them down. I know staff has recommended denial but I had talked to Thad about this before I submitted the application and I know staff opposition is not adamant; I understand why they recommended denial but staff is not overly opposed to it.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Vice-Chairperson Kurzejeski: How did we end up with a 4.5-acre parcel in A-1 zoning?

Thad Yonke: It looks like it was intended to be a family transfer but at the time it was done we approve family transfers that didn't comply with the zoning. Several years prior to that there was not the requirement being enforced that you do the family transfer to meet the minimum lot size. When this one was done that was the rule at the time. I think the intent was to do a family transfer, but none of the family transfer paperwork was followed through. So, it was not a fully executed family transfer. One of the ways to remedy this is to rezone it because it could be brought into compliance, the other way would be a planned development.

I took two phone calls on this from people simply wanting to know what was going on and once it was explained they had no problem with the request.

Commissioner Poehlman: How much does it cost to make a review plan for that?

Don Bormann: I told the applicants that there has not been a lot of survey work done out there, there is work to the east and west but not much right there so it will take a fair amount of work just to get a survey done; I told them they are probably looking at about \$4000 to do that and you have to do all of that upfront but you also have to do a review plan, a final plan and a plat so you are going to add a fair amount of time to that plus attending the extra meetings.

Commissioner Martin: I don't have a lot of trouble with this rezoning but the problem I have is if the remaining 160 acres is sold the new owner may want to rezone another 5-acre tract to A-2 to give to their kids. On the other side of the road another owner may want to do the same thing. If I approve this request how do I deny the next guy? I realize it is really close to Sturgeon, if the property to the east was something other than A-1 I could justify it but I am having a hard time justifying this.

Don Bormann: Realistically they are taking a little farmland if this is approved because they are farming directly behind and in front of the barn, but it is very little farmland. We are trying to preserve farmland without going to a 10-acre tract because there are other choices to do a survey of 10 acres.

Commissioner Martin: Our problem is if down the road if they want to do this how do I tell them no?

Don Bormann: I went through this not long ago where there was a house on the property and the lady's husband died and she wanted to go ahead and move in to a retirement home and not take care of the land anymore so they were going to sell the house. Their son already had another house on the farm. So, it was a matter of what they were going to do with her house. The only way for them to recover the value was to sell the house so it was rezoned as a three-acre piece.

Commissioner Martin: You could do a 10-acre piece there and not need the rezoning.

Don Bormann: That is true but then you would lose 3.5 acres of farmland and that is not the goal of the County Commission; what I have been told in the past is their goal is to preserve farmland. This preserves more farmland than anything else would.

Vice-Chairperson Kurzejeski: Has an issue ever come up with the barns being too close to the property line? Is there a scenario where that could be worrisome also? Not only is the lot not in compliance but I would agree by looking at the picture that the buildings aren't in compliance either.

Thad Yonke: It is an issue if we got a complaint then we would have to investigate it. As Mr. Bormann indicated, without a survey on it we aren't going solely by the aerial because we know it is not accurate enough. From a practical point someone would have to complain and I am not sure who would. The way to

get around it is they would have to do a survey. Mr. Bormann will have to do some kind of legal description to combine the 1.3 acres into the other parcel.

Commissioner Koirtyohann made and Commissioner Martin seconded a motion to deny the request by Daniel A. Blakemore, George L. Blakemore Trust and Gladys Lucille Blakemore Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 5.76 acres located at 23151 N Lovers Ln, Sturgeon:

Eric Kurzejeski – NO	Michael Poehlman – Yes
Greg Martin – Yes	Bill Lloyd – NO
Rhonda Proctor – ABSTAIN	Steve Koirtyohann – Yes
Randal Trecha – Yes	Jeff McCann – Yes

Motion to deny the request passes 5 YES 2 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.

3. Request by Stephen & Terri Martin to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 32.5 acres located at 8050 S Smith Hatchery Rd, Columbia.

Director, Bill Florea gave the following staff report:

The property address is 8050 S. Smith Hatchery Road which, is located on the east side of Smith Hatchery Road, approximately 1-quarter mile south of the intersection with Old Plank Road. Adjacent zoning is:

- South – A-1
- West - A-1
- North - A-1
- East - A-2

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

The 32.5-acre property is occupied by a single-family residence. The application states it is the intent of the owner to create two tracts, less than 10-acres, by family transfer.

The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. Failure to pass the test should result in denial of a request. Success in passing the test should allow further analysis.

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

Utilities: The property is in the Consolidated Water service area. There is an 8-inch waterline on the west side of Smith Hatchery Road capable of providing domestic service and fire protection.

There is no central sewer in the area. Any additional lots resulting from this rezoning will utilize on-site wastewater systems.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to Smith Hatchery Road, which is an asphalt road.

Public Safety Services: Boone County Fire Protection District provides fire protection. The nearest fire station is Station 8 on S. Route K, approximately 4 miles northeast of the property.

Stormwater: The property is in the Little Bonne Femme Watershed. Runoff from the property flows east to an unnamed tributary of the Little Bonne Femme, which is designated as a losing stream and is on the state list of impaired waters for exceeding water quality standards for E. coli bacteria.

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

Zoning Analysis:

Rezoning from A-1 to A-2 results in an increase in potential density by a factor of four. Water service and road conditions are adequate for the proposed rezoning. The location of the property, in the watershed of an impaired stream, indicates the need for central sewer to support increased density.

The application states an intent to create two additional tracts. However, that statement is not binding. The current or future property owners could develop the property to the maximum density, constrained only by topography.

Planned Zoning, A-1P, could be used to facilitate creation of the two additional lots and provide assurance that development is balanced with the infrastructure and environmental constraints of the property.

Staff notified 9 property owners about this request. The property scored 41 points on the rating system.

Staff recommends denial of the rezoning.

Present representing the request:

Kevin Schweikert, Brush and Associates, 506 Nichols St, Columbia
Steve Martin, 8050 S Smith Hatchery Rd, Columbia

Kevin Schweikert: The request is for A-2 zoning, the property adjoins A-2 to the east. The A-2 zoning came from the east and stopped at the section line. There is a named stream on the east side of the A-2 zoning which cuts the property off from any productive use without building an expensive bridge to get across it. When looking at this we considered a planned zoning because all we intend to do is a couple of tracts. We want to family transfer the existing house to a son of 2.5 to 3 acres around the existing house. The applicant intends to build a house for himself just south of the proposed family transfer tract.

There is the possibility at some point that someone else may consider developing this property, you can get up to 13 lots, however, due to topography, you may be able to get two houses in and that is about it. Realistically I don't know that it is feasible to develop it much further than that in this area. The purpose of the A-2 is to be able to family transfer that one small tract. The farm has been in the family since the 1920's and they are considering holding on to it for the next generation; this will be the fifth generation.

We have an 8-inch water line along Smith Hatchery Road, which is paved. This area along Smith Hatchery was bought up and at one point was intended to maybe become another town, that hasn't happened but

there is quite a bit of infrastructure there. The staff report mentions a central sewer system, of course there is nothing there, it is an A-1 zoned area and central sewer probably wouldn't be there with A-2 zoning either. The City of Columbia is getting closer all the time, it is just north of this site about ¼ mile. I believe in time, not too far away, that area is going to grow and it seems A-2 should move that direction and probably even more in time. By the time that this is ever developed into anything that would require a centralized sewer system it will probably be there. According to the current subdivision regulations, if we were to submit anything we would have to provide a cost benefit analysis for the sewer. If it were to be developed into seven or more lots the Health Department would require a central sewer anyway.

Regarding family transfers, if we were to do that, the Health Department would be involved in any building permits pulled for any of the family transfer lots and they would regulate the type of sewage system that would be installed. I am sure whatever the Health Department came up with both the stream and watershed would be considered. We don't have any intentions of developing the property beyond what the Martin's and their family is considering recognizing things do change.

Steve Martin: I would like to reiterate our plans. My oldest son and his family have a desire to move out to the farm and we have the desire to build a smaller retirement home for ourselves. We looked at the topography and we think at most there could be four reasonable sized home lots. The back part of that is very steep, there is a mapped cave in the area and the steep terrain is undevelopable.

Kevin Schweikert: The frontage lends itself to be A-2 just because it is close to Smith Hatchery which is a paved road and there is an 8-inch water line capable of providing fire service. The applicants also own the A-2 to the east and they own all the way to the creek on the east side.

Commissioner Trecha: How will the family transfer lot be divided?

Steve Martin: It would have road frontage. We can accomplish our goal without rezoning but if we did 10 acre lots, they would be very narrow and extend back into the non-developable area. Our children expressed they would like to keep that area in a trust to keep the cave area. We would try to give a 2.5 to 3-acre tract with the existing house so they can build a detached garage and have a garden area and enough area to redo the septic system. On the lower area there is an existing cement pad from the 1970's, that area is where we propose to build our retirement home. The only other thing I can see happening in the future for the other two possible home sites is if our other son wants to build out there.

Commissioner Trecha: You have a larger parcel but part of it is already zoned A-2?

Steve Martin: Yes.

Kevin Schweikert: If they ever wanted to develop the A-2 on the east side they would have to cross an A-1 zoned area to get to it and they would have to put in a road.

Commissioner McCann: Staff mentioned that A-1P would be an option. What would be required for the minimum lot size?

Bill Florea: The minimum lot size is undefined. If they were to use onsite wastewater systems, they would have to have a minimum of 2.5 acre tracts. With A-1P they are constrained by the density so you take the overall acreage of 32.5 acres and divide by 10 which is the minimum lot size in A-1 district; that yields 3 lots of 2.5 acres or greater.

Open to public hearing.

No one spoke in favor or opposition.

Closed to public hearing.

Commissioner McCann: Why do the applicants not want to go with A-1P?

Kevin Schweikert: There is quite a bit more cost associated with planned zoning and it takes more time. The other reason is it adjoins A-2 and lends itself to be zoned A-2 along the front. I believe that A-2 needs to be here, I think we need to move that direction toward that road. In order to avoid spot zoning, we included the larger piece.

Steve Martin: There is A-2 to the south that has been extended to the road.

Commissioner Martin: I know the topography of this area. I am happy to see that the property is attached to existing A-2 zoning. That is a growth area.

Vice-Chairperson Kurzejeski: The A-2 to the east of the applicant's property is not accessible from the east. It seems like there is not a good justification for part of it being A-2 and part of it being A-1.

Kevin Schweikert: I think the city of Columbia Imagined plan is planning for a road in this area right along or south of this property crossing the creek taking High Point Lane over to Smith Hatchery which is another reason this is a good thing.

Commissioner Poehlman: I am concerned with the risk of the propagation of the A-2, I know the applicant doesn't want all the surrounding properties rezoning to A-2 and split into 2.5-acre tracts. If it starts it is going to be hard to say no; it sets a precedent.

Commissioner Martin made and Commissioner Trecha seconded a motion to approve the request by Stephen & Terri Martin to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 32.5 acres located at 8050 S Smith Hatchery Rd, Columbia:

Eric Kurzejeski – Yes	Michael Poehlman – NO
Greg Martin – Yes	Bill Lloyd – Yes
Rhonda Proctor – Yes	Steve Koirtyohann – NO
Randal Trecha – Yes	Jeff McCann – NO

Motion to approve the request passes 5 YES 3 NO

Vice-Chairperson Kurzejeski informed the applicant that this request would move forward to the County Commission on Tuesday, October 27, 2020 at 7:00 pm and the applicants will need to be present.

VI. Plats

The following items were placed on consent agenda:

1. Shalimar Gardens Plat 1A Replat. S25-T49N-R13W. C-G. Enrich Investments, owner. Christopher M Sander, surveyor.

The subject property is located at the southwestern corner of Shalimar Drive and Highway 763, is 1.68 acres in size and zoned C-G (General Commercial). Adjacent zoning is: C-G to the north, south, & west, with R-S (Residential Single-Family) to the southwest and the City of Columbia to the east. This property was rezoned from R-S to C-G in 1975 with all the adjacent C-G zoning. The property to the west received a conditional use permit for self-storage mini warehouses in August of 2015. There is currently a 2920 square foot building on the property. The property scored 76 points on the rating system.

This replat consolidates two smaller lots into one larger lot in conjunction with a planned rezoning request and review plan to planned light industrial(M-LP)

The property is adjacent to Highway 763 and Shalimar Drive. The property has access to Shalimar Drive, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in the City of Columbia Water & Light service area for water service and the Boone County Fire Protection District for fire protection.

The property is served by the Boone County Regional Sewer District for sewer service via a connection at the Shalimar Gardens pump station.

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

2. JJ Prairie. S32-T51N-R11W. A-2. Bryson Construction, owner. Mark Robertson, surveyor.

The subject property is located in between State Route 124 and Jay Jay Road, approximately 3 miles southwest of the City of Centralia. The property is 11.5 acres in size and zoned A-2 (Agriculture) and is surrounded by A-2 zoning. The property to the north sought a .01-acre rezoning to C-G in 1982 and was denied by the Boone County Planning & Zoning Commission. This proposal divides the property into three lots at 4.25, 4.23, and 3.01 acres in size. All three proposed lots are undeveloped.

Lots 1 & 2 have direct access on to state Route 124, a publicly dedicated, publicly maintained right of way. Lot 3 has direct access on to Jay Jay, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #10 for water service, Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District for fire protection.

On-site wastewater systems are proposed for residential development of these lots. Such systems will be permitted and inspected by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 33 points on the rating system.

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

3. Cedar Point Subdivision. S35-T46N-R12W. A-2. Paul Denkler, Megan Denkler, James Northern & Donna Northern, owners. Kevin Schweikert, surveyor.

The property is located on the north side of Gilmore Lane approximately 1800 feet east of the intersection of Gilmore Lane and US Highway 63. The site is also approximately one & ½ miles south of the nearest

municipal boundary of the City of Ashland. The property is zoned A-2 (agriculture) as is all the surrounding property. These are all original 1973 zonings. The parent parcel is 11.46-acres in size and is currently vacant. This proposal divides the property into two roughly equal lots. The property is in Consolidated Public Water District #1 service area. The development is 1.6 miles from Southern Boone County Fire protection station #20 on Mt Pleasant Rd. On-site wastewater is proposed for each lot and a plan has been submitted. Waivers have been requested for central sewer cost benefit and for a traffic study and staff concurs with the waiver requests. The site is in Boone Electric's service area. The master plan designates this area as being suitable for rural residential land uses. The property scored 35 points on the rating system.

1. Staff recommends approval along with granting the requested waivers.

4. Rayfield Subdivision Plat 2 Replat. S26-T49N-R13W. A-2. Timberwood Homes, owner. Jay Gebhardt, surveyor.

The subject property is located on Creasy Springs Road, approximately 1 & ¼ miles to the west of the city limits of the City of Columbia. The property is 8.04 acres in size and zoned R-S (Residential Single-Family). The property is surrounded by R-S zoning. This is all original 1973 zoning. The property is not residentially developed but was previously used as a site for wastewater treatment by the Boone County Regional Sewer District. This proposal consolidates two irregularly shaped lots into a larger lot, making it more suitable as a building site.

The subject property has direct access to Creasy Springs Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

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

The property will be served by a connection to the Boone County Regional Sewer District for wastewater treatment.

The property scored 71 points on the rating system.

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

5. Forevergreen Estates Plat 5. S24-T48N-R14W. A-2. Joshua Hill, Aaron Madrid & Allison Madrid, owners. James Jeffries, surveyor.

The subject property is located at the end of Forevergreen Drive, approximately 2 and 2/3rds miles from the city limits of the city of Columbia. This proposal reconfigures two platted lots, consolidating them into a single 9.18-acre lot, and shifting the remainder of one of the lots into an adjacent administrative survey. Both documents will be recorded concurrently. The platted property is currently undeveloped with no structures present. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

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

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

On-site wastewater treatment is proposed for development of this property under permit from the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

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

6. Crescent Ridge Subdivision, Final Plat. S12-T48N-R12W. R-S. JR2 Development, owner, Anthony Derboven, Surveyor.

The subject property is located on the north side of Richland Road approximately 400 feet east of the intersection of Richland Road and Broadview Court. The site is also approximately 1800 feet east of the nearest municipal boundary of the City of Columbia. The property is zoned R-S (residential-single family) as is the property to the west, north, and east. The property to the south is zoned A-1 (agriculture). These are all original 1973 zonings. The parent parcel is 10.92-acres in size and has an existing home which will remain. The existing out-buildings and the existing wastewater lagoon are to be removed as part of this project. This proposal creates 36 house lots, one common lot and two public roads. The public roads consist of an extension of East Rainbow Drive and a new public roadway named Luna Lane which will intersect with Richland Road and provide the primary access for the subdivision. The property is in Public Water District #9 service area which will provide water to the development. Hydrants will need to be installed at maximum spacings of 500-feet in order to provide fire protection for all lots. The development is 3.2 miles from Boone County Fire protection station #1 and 4.5 miles from station #12. The development will get central sewer service from the BCRSD. The site is in Boone Electric's service area. The master plan designates this area as being suitable for residential land uses. The property scored 81 points on the rating system.

1. Staff recommends approval.

7. Buffalo Ridge Estates Final Plat 1. S11-T47N-R13W. A-2. Darin & Holly File, owners. David Butcher, surveyor

The subject property is located at the northwestern corner of the intersection of Buffalo Ridge Road and Hill Creek Road. The property is 8.93 acres in size and split-zoned A-2 (Agriculture) and A-R (Agriculture-Residential). The A-2 zoning is original 1973 zoning, the A-R was rezoned in June of 2020. There is A-R zoning to the east, A-2 zoning to the west and south, R-S (Residential Single-Family) zoning to the northwest, and the City of Columbia to the north. This proposal creates a 7.55-acre lot, a .61-acre lot, and a .59 acre lot. The two smaller lots are in the A-R zoned portion of the property, with the remaining A-2 acreage being in the 7.55-acre lot. The property has a large lake in the central portion of the 7.55-acre lot.

The Lot 1 has access on to Buffalo Ridge Road, Lot 2 has access on to Hill Creek Road, and Lot 3 has access to both roads. The applicant has submitted a request to waive the traffic study requirement.

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

This property is currently constructing a connection to an existing Boone County Regional Sewer District main. This connection will allow for properties to the northwest to tie into central sewer in an effort to resolve outstanding failures of on-site systems.

The property scored 83 points on the rating system.

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

8. Perche Ridge Plat 1. S19-T48N-R13W. R-S. Fred Overton Development, owner. David Butcher, surveyor.

The property is located on the north side of Gillespie Bridge Road at the intersection of Gillespie Bridge Road and Coats Lane. The zoning is R-SP (Planned Residential Single Family) which went into effect in October 2019 with the approval of the Final Development Plan. All the surrounding zoning is A-2 (agriculture) and these are all original 1973 zonings. The plat is 16.98-acres in size with public streets, 34 home lots, and 2 common lots. There is 100-year Floodplain on the property. The property is subject to a pre-annexation agreement with the city of Columbia. The design for the development must meet the county storm water rules for stormwater and erosion control. A centralized sewer collector system serving the plat is operated by the BCRSD with ultimate treatment by the City of Columbia. Water service and fire hydrants are required for this development. Consolidated Water District #1 provides water to the site and the site is in the Boone County Fire Protection District. The development will be within the Columbia Public School District. The master plan designates this area as being suitable for residential land uses. This site has 63 points on the point rating system.

Staff recommends approval.

9. B & B Subdivision Final Plat 1-A. S36-T47N-R13W. A-2. Blair Construction, owner. David Butcher, surveyor

The subject property is located on Andrew Sapp Road, approximately 5 miles to the northwest of the city of Ashland. The property is 5 acres in size and zoned A-2 (Agriculture). It is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal divides the previously platted B&B Subdivision Plat 1-A. The property is undeveloped.

The subject property has direct access on to Andrew Sapp Road. Andrew Sapp is a publicly-dedicated, publicly-maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

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

The property scored 38 points on the rating system.

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

10. Martha's Grove Plat 3. S3-T47N-R12W. R-S. Tracy Arey Real Estate LLC, owner. David Butcher, surveyor.

This property is located approximately 1400 feet southwest of the nearest part of the Columbia municipal limits. The site is situated on the north side of Bonne Femme Church Road approximately 3000 feet

southwest of the intersection of Highway 63 South and Bonne Femme Church Road. The overall development is immediately west of Bonne Femme Mobile Home Park. The phase of the development proposal comprises 9.39-acres. The current zoning of this plat is R-SP (planned residential) which was revised in December 2019. However, the density set under the approved plan is equivalent to an A-R zoning with ½ acre per unit density. Property to the east and west of this phase of the development are zoned A-1 and are original 1973 zonings. Property to the south comprises an earlier phase of this same development and is zoned R-SP. Property to the north is zoned M-GP(planned general industrial) which was rezoned from R-S. A revised review plan was approved in August of 2019 with the corresponding revised Final Plan approved in December of 2019. The proposed re-plat creates 21 building lots and one common lot. Hummingbird Lane is a private drive located on the common lot and would be treated similarly to an apartment complex parking lot. The vehicular circulation as proposed cannot be made into public roads. There is no 100-year Floodplain on the property. The property is in the watershed of environmentally sensitive streams. The design for the development is proposing storm water detention and several best management practices for stormwater and erosion control. Two emergency-only improved grass lanes are required for emergency vehicle access. A centralized sewer collector system serving the plat is operated by the BCRSD. Water service and fire hydrants are required for this development. Consolidated Water District #1 provides water to the site and the site is in the Boone County Fire Protection District. The development will be within the Columbia Public School District. The master plan designates this area as being suitable for residential land uses. This site has 57 points on the point rating system.

1. Staff recommends approval of the plat subject to the recognition that the conditions of the revised review and revised final plans are still in effect for the development.

Commissioner Martin made and Commissioner Kurzejeski seconded a motion to approve, as recommended, the items on consent agenda:

All members voted in favor.

VII. Old Business

1. Update on Commission action.

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

Update on Commission Action

The rezoning requests for Michael & Melinda Collins at 3751 E Nashville Church Rd and Kevin Brown on behalf of Donald & Mary Baker at 5450 E Hwy 163 were recommended denial, the applicants did not appeal to the County Commission.

The rezoning request for Timothy & Christine Beerup to rezone from A1 to REC-P for an event venue at 5360 E Hwy 163 was recommended denial. The applicants appealed the decision to the County Commission. During the time in between meetings, the applicants met with the neighbors and addressed their concerns and almost everyone who spoke in opposition at the Planning and Zoning Commission meeting actually spoke in favor of the request at the County Commission meeting. The County Commission approved the request with several conditions on the review plan including hours of operation.

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 at their September 1st meeting, the applicant requested that it be tabled again until their October 27th meeting.

The Final Development Plan for Maier/Dollar General was approved as recommended.

VIII. New Business

None

IX. Adjourn

Being no further business, the meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Secretary
Michael Poehlman

Minutes approved on this 19th day of November 2020