

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

<b>Minutes</b>	<b>7:00 P.M.</b>	<b>Thursday, December 17, 2020</b>
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I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum attending in person and by phone conference.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
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
Fred Furlong	Bourbon Township
Daniel Mings	Columbia Township
Jeff McCann	County Engineer

b. Members Present by Phone Conference:

Bill Lloyd	Three Creeks Township
Randal Trecha	Cedar Township

c. Members Absent  
None

d. Staff Present:

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

III. Approval of Minutes:

Minutes from the November 19, 2020 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following statement:

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes four rezoning requests and five 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, December 29<sup>th</sup>. 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, December 29<sup>th</sup> 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.

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

Chairperson Harris stated he may change the hearing order of the agenda items.

## V. Rezoning Requests

1. Request by James & Martina Pounds to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 28.3 acres located at 5449 S Ben Williams Rd, Columbia.

Planner, Uriah Mach read the following staff report:

The subject property is located at the northwest corner of the intersection of Ben Williams Road and Bass Lane, approximately 2 miles to the east of the city limits of Columbia. The property is 28.3 acres in size and zoned A-1 (Agriculture). There is an existing home and pool on the property. The property is surrounded by A-1 zoning, with the exception of a 3.01-acre lot that was rezoned to A-2 (Agriculture) in December of 1980. The property scored 38 points on the point rating system.

The applicant is seeking the rezoning for purposes of subdivision of the property into lots smaller than the 10-acre minimum lot size permitted by the A-1 zoning district.

The Boone County Master Plan has designated this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. 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 at the boundary between Consolidated Public Water Service District #1 and Public Water Service District #9. Consolidated has a 2" water line along Bass Lane. District #9 has a 6" waterline fed by an 8" line along Ben Williams Road. Boone Electric Cooperative can provide electrical service to this site. The property is in the Boone County Fire Protection District for fire protection with two hydrants located on this property.

Transportation: This property has direct access to Ben Williams Road and Bass Lane, both publicly dedicated, publicly maintained rights-of-way. Both roads are gravel drive surfaces.

Public Safety: The subject property is just over 2 miles from the Boone County Fire Protection District station on Tom Bass Road.

Zoning Analysis: This proposal can meet some needs of the sufficiency of resources test. Sufficient water infrastructure is present at the site, although pressures available to the existing hydrants need to be confirmed to ensure that they meet the needs of the Boone County Fire Protection District. Both public roads are gravel surfaced and public safety needs can be met due to the comparatively close proximity to the city of Columbia.

The average tract size in the notice area (1000' distance from subject tract) is approximately 80 acres. Approval of a rezoning and proposed land division would be a substantial departure from the established character of the area. The existing A-2 lot, lot 1 of Williams Subdivision, was created to serve as a home site while allowing the remaining property to remain in agricultural use. The parent tract, approximately 320 acres, is still intact and appears to still be in cultivation. If such a proposal was presented to Resource Management staff today, staff would advise that property owner to pursue an A-1P (Planned Agriculture) rezoning request. Such a request would be easy to recommend for approval, as it preserves the overall character of the surrounding area.

The total acreage of the notice area is approximately 640 acres over eight tracts. That makes an average tract size is 80 acres. This rezoning request would allow for up to an additional nine tracts to be created (for a total of seventeen tracts in the notice area) with an average tract size of 38 acres. This more than doubles the number of tracts of land in the notice area.

Considering the existing infrastructure and the overall development pattern of this area, staff can find no compelling justification for approval of this rezoning request.

Staff recommends denial of the rezoning request.

Present representing the request:

James Pounds, 5449 S Ben Williams Rd, Columbia

James Pounds: I submitted a drawing and letters from my neighbors regarding this property. When I bought this property, I thought it was 30 acres and that it would meet the A-1 ag requirements but it doesn't. I submitted a plan with this showing what I want to do with the property. There is a ten-acre tract next to my property, a three acre tract across the road from me, a 40-acre tract behind me and another 40-acre tract next to that so I am having a hard time understanding why they would deny this request. I put the water line in myself, it has 125 pounds per square inch to the fire hydrant at the south end of that line. I don't see any infrastructure needs or any deficiencies or anything like that which would keep this from being pretty open and shut. I am not asking to divide the property into 20 different lots, I just want to zone it. If I could have done A-1 with the exemption for the 9.83 acre lots I wanted to divide into, that would have been fine with me but I was told that wasn't an option. To the north of there is a 10-acre tract.

Chairperson Harris: What is the reason for dividing the lots? Is it for a family member or to sell?

James Pounds: I was going to sell the house I live in now and build a new one next door and maybe a few years down the road do the same thing.

Chairperson Harris: What about A-1P?

James Pounds: I asked about that and you (Uriah) specifically told me that was not an option.

Uriah Mach: The issue with an A-1P is that it still only gets him two lots. You are allowed to make use of the density, with 28 acres that is two lots that is at least 10 acres in size. To get the three lots that he desires he would need to either go to A-2 or A-2P which would allow him to get the additional lot out of it. A planned A-1 only gets him two lots because he doesn't have 30 acres.

James Pounds: I don't need A-1P to get two lots, I can get that now.

Uriah Mach: That is correct.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: Is this property in the east area plan?

Bill Florea: It is just south of the east area plan.

Commissioner Kurzejeski: What Mr. Pounds mentioned about two 10-acre lots and a remainder, in A-2P he would be able to do that?

Bill Florea: Yes.

Commissioner Lloyd: What kind of burden does that create for the applicant to go the planned route? What process will he have to go through?

Bill Florea: In addition to submitting an application he would have to have a site plan drawn by a design professional.

James Pounds: I have already provided that.

Bill Florea: It does not comply with the requirements of a planned district.

Chairperson Harris: What is the back story on the A-2 tract across the road? Was it granted with a promise that the rest of it would not be developed?

Bill Florea: I don't think it was a promise, that was before our time, it was done in December of 1980.

Uriah Mach: The discussion from the minutes was that it was a three-acre lot purely for a homestead site with the specific indications in the minutes of that hearing was that the remaining 320 acres of the farm was to remain as a single piece. It wasn't clear if it was for family, it might have been for someone who was working the farm at the time. It was rezoned in support of the Williams Subdivision Plat that was filed on it and it was only for a single house.

Chairperson Harris: That is something that would not have flown the past few years.

Uriah Mach: If it was tied directly to a large acreage for cultivation we would have recommended an A-1P which would have been an easy pass.

Chairperson Harris: He would basically end up with a 9.1-acre tract.

Uriah Mach: It is uncertain how much right of way will have to be given up to Bass Lane.

James Pounds: It is on the drawing that Brush provided.

Commissioner McCann: The recommendation for denial, is that mainly because of the potential increase in density that is not tied to just the three parcels shown? There is no obligation to only plat into three lots?

Uriah Mach: That is correct, a plan would provide some sense of security and lock the density in at that scale. A straight A-2 zoning would allow almost a doubling of the number of tracts in the 1000-foot notice area.

Commissioner McCann: With A-2 zoning how many homes can they have?

Uriah Mach: My estimate was ten. You might give up 10 – 15% of the property for right of way.

Commissioner McCann: It is 2.5-acre tracts with A-2 zoning?

Uriah Mach: That is correct.

Chairperson Harris: This is one of those instances where it has the potential to go south.

Commissioner Trecha: The property is zoned A-1, are there any additional requirements or documentation that the applicant would need to provide to divide the property into two parcels?

Bill Florea: Yes, it would require a survey.

Commissioner Trecha: They would qualify for that?

Bill Florea: Yes.

Commissioner Lloyd: For A-2P what does that require? Is it simply an application?

Bill Florea: They would need to submit an application and a site plan drawn to specifications of the zoning regulations by a design professional such as a registered land surveyor, engineer, or architect.

Commissioner Koirtyohann: Does the drawing the applicant presented meet that criteria?

Bill Florea: Staff did not review the drawing as part of the application as it was not submitted as a review plan. But that is the basis of it, yes.

Commissioner Lloyd: There is more than one remedy without too much in the way of cost or labor for the applicant.

Commissioner Lloyd made and Commissioner Martin seconded a motion to deny the request by James & Martina Pounds to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 28.3 acres located at 5449 S Ben Williams Rd, Columbia:

Boyd Harris – Yes  
Michael Poehlman – Abstain  
Bill Lloyd – Yes  
Steve Koirtyohann – Yes

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

Daniel Mings – Yes  
Jeff McCann – Yes

Randal Trecha – Yes

Motion to deny the request passes

10 YES 1 ABSTAIN

Chairperson Harris informed the applicant that if he wished to appeal this decision to the County Commission an appeal form would need to be submitted to Resource Management within three working days.

Jimmy Pounds asked if he could email the appeal form. Mr. Florea informed him he could email the copy but he would need to submit the original application to Resource Management before the County Commission meeting on December 29, 2020.

2. Request by Special Olympics Missouri to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) and to approve a review plan on 11.23 acres located at 5491 E Bonne Femme Church Rd, Columbia.

Director, Bill Florea gave the following staff report:

The subject property is located near Bonne Femme Church Road, where it goes south from Tom Bass Road, west of Highway 63. The applicant is seeking to rezone 10.97-acres from C-G (General Commercial) to M-LP (planned industrial). The original property consisted of 7.50-acres of C-G 1973 zoning. In 2008 three smaller tracts were rezoned from A-1 (agriculture) and consolidated into the overall property.

The surrounding zoning is as follows: M-L (Light Industrial) to the north which was rezoned from C-G in September of 2019. The remaining three directions are all original 1973 zonings, east across Highway 63 is zoned C-G, and to the west and south the zoning is A-1. The property contains several structures that are proposed to be removed.

The requested rezoning to M-LP includes a Review Plan that indicates an initial phase consisting of one 6000 square foot building with storage tanks and an exterior storage area for five shipping containers. Additionally, four other future buildings are shown totaling 15,300 additional square feet. The proposed Allowed uses are limited to office, distillery, bottling works, bar or tavern that is further limited to a tasting room limited to 20 patrons, incidental warehouse storage and an exterior storage area as shown on the graphic. The development of the site is mostly proposed for the eastern portion of the site with a stormwater management area in the center and stream buffer and vegetative buffer on the west. Staff notified 21 property owners about this request.

The Master Plan designates this property as suitable for residential land uses, but the existing zoning of this specific property is already non-residential in nature. The site is in the Bonne Femme watershed plan area and the site is considered an environmentally sensitive area. As mentioned above, a majority of the existing C-G zoning has been present since the beginning of zoning in 1973 and is considered an “open” zoning with a wide variety of uses allowed by-right. The proposed “planned industrial” zoning, while a more intensive category, is tailored and much more limited in terms of possible uses. A planned development also provides the ability to place restrictions upon those 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: This property is served by Consolidated Public Water Service District #1, water for fire protection will need to be extended from the north and connected into the existing line to create a loop. The Boone County Regional Sewer District is proposed to provide wastewater services and a limited capacity has been secured. Boone Electric Cooperative provides power. This rezoning will not noticeably increase demand on available public utilities.

Transportation: Access to this property is via Tom Bass Road at a point where Tom Bass Road connects to US Hwy 63. A portion of the property has frontage on Bonne Femme Church Road. The rezoning will not increase traffic to this site beyond the uses that would be allowed under the existing zoning.

Public Safety: This property is in the Boone County Fire Protection District approximately 600 feet from the nearest fire station, located to the northwest on Tom Bass Road. This rezoning will not significantly increase risk or require additional service beyond that which is already provided for the current use of the property.

Zoning Analysis: Due to the environmentally sensitive nature of the area, if the existing zoning was A-1 and not C-G then the appropriateness of any kind of industrial use might require greater scrutiny. With the recognition that the proposed uses are significantly limited and arguably less potentially environmentally impacting than a good many of the permitted uses that could be developed on the site by-right under the current zoning the proposal seems appropriate. There are still unanswered questions related to the distillery use and the specifics of the wastewater use related to a distillery as well as how the activity would be conducted on the site. Therefore, staff will be recommending that the distillery use be removed from the plan under current consideration. Since the property is in an environmentally sensitive area near losing streams the outdoor storage area should have a spill containment feature to limit the potential of contaminants getting into the ground or water. Additionally, the site plan needs to have any dumpster location identified and this will also need spill containment. With the removal of the distillery use, staff believes the requirements of the sufficiency of resources test have been met. The property scored 63 points on the rating system.

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

1. Distillery is to be removed from the list of allowed uses as it has not been shown that this use can be supported by the resources available to the site.
2. A dumpster location be shown on the graphic and the location shall have spill protection to the satisfaction of the Director of Resource Management.
3. Spill protection to the satisfaction of the Director of Resource Management shall be provided for the outdoor storage area.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia  
Maury Allen, Allen's Ordinary, 700 Fay St, Columbia

Chairperson Harris: The staff report stated that the applicants had acquired limited sewer capacity, does that mean it's adequate for the proposed uses?

Bill Florea: Adequate for the proposed uses except for the distillery.

Tim Crockett: The intent that the applicant wants to use this property is for a bottling facility for an existing building. It is a very limited bottling works. I think we are going to start out with a 3000 or 4000 square foot building initially. Mr. Allen has two employees that currently work for him, so it is a very low intensity use. We are planning for future development and future expansions if possible and now is the time to bring those forward and not bring it in pieces; we want to show what we want to do long term, that is why you see the

added buildings on the plan. Staff did a good job identifying the fact that with the current open C-G several of the uses we are asking for can currently be used on the property as well as at a much more intense use than what we are proposing. The M-LP limits what we can do on the property and limits what we can do without the Commission's approval. While we are doing an up-zoning from C-G to M-LP I would argue that it really isn't an up-zoning given the fact that we are limiting the uses greatly. As shown on the plan, we are only utilizing a very small percentage of the site, so we are not maximizing the site, there is a lot of area left over that we are not going to utilize. While we are in an environmentally sensitive area, we are being very cognizant of that and developing in a very environmentally sound manner.

Regarding the sewer, we have about 1,110 gallons per day that are allocated to this property. Our initial build for the development will only utilize about 200 gallons per day, so we are at 18% capacity that we would have for the initial build on the site. Even with the bottling works we aren't going to come close to utilizing all of our sewer capacity. With the distillery that is shown on the plan we would come in under the allotted amount that we have, however, given that staff has recommend approval subject to those three items we have no problem with that. Mr. Allen does have a distillery and we thought we would add that while we come forward and disclose that we might want to do that in the future but had no specific plans to do that for sure. If that is to be removed the applicants will agree with that as well as the other two conditions.

Chairperson Harris: The first phase would be for bottling; will it also include the tasting room and public access?

Tim Crockett: No, not initially. It will just be the bottling facility.

Chairperson Harris: So, it will have very little traffic?

Tim Crockett: Yes, very little traffic. A delivery once a week, so there will be very few deliveries and very few trucks and only a couple of employees. It won't be a high intense use.

Commissioner Martin: How many gallons will be in storage tanks?

Maury Allen: I usually keep 4000-5000 gallons.

Open to public hearing.

No one spoke in support of the request.

Staff received an email in opposition which was forwarded to the Commission.

Chairperson Harris stated the email from Mr. Straub indicated opposition to the distillery aspect more than anything, not necessarily to the rezoning but to the distillery use and the potential environmental impacts.

Closed to public hearing.

Chairperson Harris: It looks like the C-G to M-LP is an up-zone but with the plan you have a fairly restrictive plan but the applicants are okay with the plan.

Tim Crockett: Yes. We have an architect on board that has looked at the building and the interior alignment so yes, we are fine with the plan.

Commissioner Martin made and Commissioner Martin seconded a motion to approve the request by Special Olympics Missouri to rezone from C-G (General Commercial) to M-LP (Planned Light

Industrial) and to approve a review plan on 11.23 acres located at 5491 E Bonne Femme Church Rd, Columbia with the following staff conditions:

1. Distillery is to be removed from the list of allowed uses as it has not been shown that this use can be supported by the resources available to the site.
2. A dumpster location be shown on the graphic and the location shall have spill protection to the satisfaction of the Director of Resource Management.
3. Spill protection to the satisfaction of the Director of Resource Management shall be provided for the outdoor storage area.

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

Motion to approve the request passes unanimously

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

Chairperson Harris changed the order of the agenda to address the Bunch request.

3. Request by Jess & Tammi Bunch to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 23.6 acres located at 2810 N Rte Z, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on State Route Z, approximately 1.2 miles northeast of the city limits of Columbia. The property is approximately 23.6 acres in size and zoned A-1 (Agriculture). There is a house, two accessory buildings, and a large outdoor storage area on the property. The property is zoned A-1 (Agriculture), with A-R(Transitional) zoning to the south, A-1 zoning to the north and east, and A-1P (Planned Agriculture) and A-1 zoning to the west. The A-1& A-R zoning is all original 1973 zoning. The A-1P initially tried to be rezoned to A-2 (Agriculture) in 2000 as part of a larger tract. That was denied by the Planning & Zoning Commission. The A-1P was successfully rezoned in 2008 as A.J. Green Acres. The A.J. Green Acres property applied for an A-2P in 2015 and that request failed. It remains zoned A-1P. The subject property scored 52 points on the point rating system.

The applicant is seeking a rezoning to A-2 for purposes of executing a family transfer smaller than 10 acres. The application indicates that dividing 10 acres would force the inclusion of two accessory buildings the that the property owners would prefer to keep.

The Boone County Master Plan has designated this area as being suitable for agriculture and rural residential land uses. The Northeast Area Plan designates this area as rural residential. 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:** The subject property is located in Public Water Service District #9. Boone Electric Cooperative can provide electrical service to this site. The property is in the Boone County Fire Protection District for fire protection.

**Transportation:** This property has direct access to State Route Z, a publicly dedicated, publicly maintained right of way.

**Public Safety:** The subject property is just over 3 miles from the Boone County Fire Protection District station on St. Charles Road.

**Zoning Analysis:** This request is like the A.J. Green Acres request approved in 2008 in that both were for purposes of dividing land for family members. While the A.J. Green Acres A-1P request required a plat (as a family transfer had already taken place), the goal is the same. The existing zoning did not allow for a smaller lot to be created, so a rezoning was sought to allow for the creation of such a lot using the planned rezoning process.

In the present case, the use of a straight rezoning request creates the opportunity for an increase in development beyond this request by setting a precedent for straight rezoning requests. During the 2015 A. J. Green Acres A-2P hearing, the neighbors opposed the request due to issues with the availability of central wastewater treatment and over-use of lagoon systems, traffic impacts and more driveways on State Route Z, and the establishment of a spot zoning.

Since that request, eastward expansion of the limits of the City of Columbia have slowed, as has residential development activity in this area. The issues presented at the 2015 hearing are still of merit at this time. Given the proximity of the existing A-R zoning, A-2 may not be an inappropriate zoning to request. The existing A-R zoning has not developed at the potential A-R ½ acre density, indicating that development at a higher density may be premature due to the lack of required infrastructure. But there was interest in seeing higher density at the intersection of St. Charles Road and State Route Z. That interest shows that A-2 to the north of the A-R may be appropriate.

But considering that the original A-2 request to the northwest of the subject tract was rejected in 2000, but an A-1P was approved in 2008, with an A-2P being rejected in 2015, a planned A-1P rezoning, similar to the A.J. Green Acres A-1P plan would be a more appropriate request in the face of the stated position of the neighborhood. Particularly as such a request could grant the desired outcome of one additional lot smaller than 10 acres in size with minimal disruption of the established development pattern in this area.

Staff recommends denial of the rezoning request.

Present representing the request:

Don Bormann, 101 W Singleton, Centralia  
Jess Bunch, 2810 N Rte Z, Columbia

**Don Bormann:** This is located just north of the A-R zoning along St. Charles Road. There is a driveway that comes in on the south side which precludes trying to do anything on the south side with a smaller piece. Where the shed is on the north line, if you try to do a 10-acre piece you are going to include that shed and the applicant needs that to remain with the rest of the property. We were looking at A-2 as a transitional zoning, we could have asked for A-R zoning but it is really not an appropriate use, the applicant is doing this to do a family transfer and you can't do that in A-R zoning anyway. A-2 zoning is a transitional zoning between A-1 and A-R and it makes sense in this area. All the property to the south is A-R zoning. Before we submitted this request, I asked Mr. Bunch to talk to his neighbors and if anyone objected then he would probably be dead on arrival with this request. Mr. Bunch talked to his neighbors and no one was opposed.

Don Bormann asked staff if they received any communication from the neighbors.

Bill Florea: I don't believe so.

Uriah Mach: I took a couple of inquiries.

Don Bormann: The neighbors obviously don't have a problem with what the applicant is requesting. Staff talked about the review plan and the A-1P and this requires that the landowner have a survey and review plan prepared and then ask for approval. While the odds for approval are usually pretty good there are no guarantees, however, they would have already spent their money for surveying and engineering, then a final plan and subdivision plat could be prepared which must be approved by the Planning and Zoning Commission and County Commission. This is an expensive and time-consuming process. Furthermore, the location of the house, sheds and garages must be determined and shown on the preliminary drawing and they don't even know what they are going to do at this point. A review plan requires you to do all of this planning and put all of the money up front without knowing whether it will be approved. If you want the county landowners to make more use of this process it needs to be changed so the majority of the surveying and engineering costs comes after the preliminary plan approval. The other major problem is that any deviation from the original plan requires the owner to through the process again. There should be more flexibility with these, especially on agricultural property. The way it is now, with the approval only coming after the upfront cost of the plan, is usually a deal killer for the landowners. That is why we are looking at A-2 zoning because this is a very cumbersome process for A-1P, and it is a very expensive process. The A-2 zoning is not inappropriate here, it is a transitional zoning; you have A-R to the south. We would be happy to consider a smaller piece of A-2 but it wouldn't be directly against the A-R property because it will be on the north corner of the property. I have looked at the requirements for a planned zoning and it is just overkill on these agricultural pieces.

Chairperson Harris: If this zoning is approved what is the plan for the property?

Don Bormann: There would be a three or four-acre piece taken out of the northwest corner of the property. He wants to give it to his daughter so she can build out there.

Commissioner Proctor: Will they use the same driveway?

Don Bormann: That is a possibility, they wouldn't have a problem with that. It depends on what MoDot requires. I assume MoDot would be a little reluctant to allow an additional driveway so it is likely they will share.

Chairperson Harris: They would take a piece out of the northwest corner and leave the rest intact?

Don Bormann: Yes. They would take it out of the southwest corner except that is where the driveway comes in now, so it doesn't make a lot of sense to do it down there and the house is closer to the south side of the property. Like I said, they would be happy to restrict the A-2 to just the piece that he wants to give to his daughter, but this Board didn't seem to like that on the last request I brought in.

Commissioner Poehlman: What is the cost for a plan?

Don Bormann: You are probably looking at more than \$4000. I am guessing it would approach \$5000. You have to do a review plan, final plan and subdivision plat.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: The property to the northwest was rezoned to A-1P when?

Uriah Mach: It was rezoned in 2008. Those applicants attempted an A-2 rezoning in 2000 for a larger piece of property and it was rejected, they came in 2008 with an A-1P request and got approved. In 2015 they came through for an A-2P and it failed. I believe there was an issue with the barn, and they were adamant about not moving the barn.

Don Bormann: That was the only reason for rejecting it?

Uriah Mach: I believe so; I don't specifically recall but the barn was the big hang-up. I believe it made it through the Planning and Zoning Commission with a recommendation for approval and it got hung-up in County Commission awaiting a decision from the Board of Adjustment. The Board of Adjustment denied a variance from the perimeter setback which was requested for the barn since it was a self-inflicted desire at that time.

Don Bormann: Personally, I don't object to the A-1 or A-2 planning, my objection to is the cost to the landowner and the time constraints. It is a very cumbersome process for something that should be relatively simple.

Chairperson Harris: The next person that comes along and requests A-2 zoning and it will keep pushing on to the east and all of a sudden you will have a more intense development.

Don Bormann: If you want to just rezone a smaller tract that is 3 or 4-acres, we can do that.

Commissioner Kurzejeski: This could still be next to a higher density zoning, it is next to A-R.

Commissioner Poehlman: There is no one here in opposition.

Commissioner Kurzejeski: No one seems to be opposed and I think Uriah mentioned that he heard from a couple of landowners.

Uriah Mach: They just had inquiries; no strong sentiment was expressed either way.

Commissioner Koirtyohann made and Commissioner Poehlman seconded a motion to approve the request by Jess & Tammi Bunch to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 23.6 acres located at 2810 N Rte Z, Columbia:

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

Motion to approve the request passes 8 YES 3 NO

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

4. Request by Butch's Investments LLC 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.

Director, Bill Florea 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. This property applied for an M-LP (Planned Light Industrial) rezoning in September of 2020 and 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 immediately to the west applied for a REC-P (Planned Recreation) rezoning in September of 2020 and the rezoning and review plan were approved by the County Commission. The subject property is 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 three new buildings for the following uses:

- a) Wholesale merchandising or storage warehouses (including self-storage mini warehouses),
- b) Moving, transfer, or storage,
- c) Indoor Sports and fitness, including snack bars, lounges, amusement centers, and video arcades,
- d) 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 30,000 square feet in size and one building up to 15,000 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.

Transportation: The property has direct access on to Highway 163. Access will be evaluated and permitted by the Missouri Department of Transportation. A limited traffic analysis was presented to MoDOT in the September 2020 review of this proposal, and MoDOT expressed no concerns with this increase in activity.

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 September 2020 rezoning request had more buildings on the property, built further to the west and included the contractor's lot/storage yard use.

In response to lack of support for the September 2020 request, the western side of the property will not include any new buildings but will contain the proposed subsurface wastewater treatment system and be screened by a vegetative buffer. In response to public comments, the contractor's lot/storage yard use has been removed from the list of available uses.

The current 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. The proposed vegetative buffer does not address the property to the east. A condition of approval is proposed to address this deficiency. 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.

Further limiting the visual intrusion of the development, the phasing plan indicates the southernmost buildings in the development will be constructed first. Due to the change in elevation from Highway 163, the first new building will sit at a grade approximately 15 feet below the street grade at Highway 163. The second building will be approximately 10 feet below the street grade at Highway 163. This change in elevation should mask the structures somewhat, particularly when combined with a landscaped visual buffer to the northwest and along Highway 163. Architectural controls on exterior finishes will be used for additional mitigation, as shown in note 14 of the review plan.

The proposed uses are designed to limit the impacts of M-LP zoning, keeping much of the activity inside the proposed buildings. As a planned rezoning request, this proposal has imposed substantial 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 subject to the following conditions:

1. The developer shall submit a landscape and buffering plan along the east property line from the right of way south a distance of 680 feet for approval by the Director. The buffer may be installed in phases concurrently with occupancy each building. The intent of the buffer is to provide a visual screen for the property to the east.
2. The developer shall submit a landscape plan for the north side of Building #1 for approval by the Director. The landscaping shall be installed prior to occupancy of Building 1. The intent of the landscaping is to provide vegetation to soften the visual impact of the building.

Present representing the request:

Chris Sander, McClure Engineering, 1901 Pennsylvania Ave, Columbia  
Kevin Brown, Butch's Investments, 3444 Woodrail Terrace, Columbia

The applicants provided a power point presentation.

Kevin Brown: I was here in September 2020 when I was trying to purchase this property. The purchase was contingent on getting the rezoning. After the denial I went ahead and decided to purchase the property anyway because my wife and I truly liked the property and I can use the existing building for our office and a place to store some cars that I have. I purchased the property in October 2020. I learned a lot from the surrounding community at the last Planning and Zoning Commission meeting I attended and took it to heart. I understood what they were saying about this plan being overwhelming and significant and being too much for that neighborhood. I want to present and utilize their thoughts into my new plan.

Page two of the power point lists allowed uses on the previous plan and I have removed the contractor usage from the plan. Page 3 is the new plan which shows I do not build anything directly across from the residential area across Highway 163, I will deed 4 acres over to the Boone County Sewer District so that no one can ever build on that. I cut the project almost in half and will build on the east side of the drive and build the two buildings. I have also set the buildings further back than they were on the first plan so they would be hidden and wouldn't be so visible from the road or to the west. We had to move the detention pond because it was under the transmission line which is shown on page 4. All of the area to the south of the buildings is all stream buffer and transmission lines and that area will not be able to be built on. There is one piece of property behind the pond on the west side of the property that we have indicated will never be built on. Page 5 shows the color format. The upper left is the part that will go to the sewer district. The purple is all the transmission lines, the green is the stream buffer, and the blue pond, if you notice to the south of that pond, we have added a note that states "no building construction in this area". Since we purchased the property, we have already paved the driveway, it is paved back to the building and we've also planted 30 trees going down the west side of the property and the north side up to the driveway.

Page 6 is a picture of my driveway looking across Highway 163, I just wanted to show that you can't really see any houses from my driveway from that position. Directly to the north of that is where the transmission lines are, that is already light industrial property. That driveway is looking directly across to another light industrial zoned property. Page 7 shows the light industrial property. To the east of my driveway where the grass is, is where I want to develop from that point over. On page 8, that area is probably going to be in between 2 and 3 on the southern part looking across and you can see the top of the building directly across from me and Meeks is to the right so that shows you some of the elevation that we have on this property. Setting that building back further on the east side of the property helps, it is a lot better than it is to the west side of the property. The west side of the property is higher and is more level. Page 9 shows the industrial property across from mine. Page 10 is a rendering from the road looking back at the transmission lines and the trees and the building furthest back is building number 3. The middle one would be building 2. You can see the existing building on the right. Page 11 is the furthest south building showing the elevation and page 12 is what the building will potentially look like.

I have made attempts to discuss this with all of the neighbors, I have made phone calls, sent emails, and we had an open house about a week or two ago where I invited all the neighbors over to look at the plans and get input. I have been working with county staff with some of the input we got from that meeting such as the contractors use which I took out of the proposed uses. Mr. Germinder and Mr. Heller were there, and a few others and they were very informative and gave some suggestions and ideas and I used some of the suggestions they provided that day. We agreed to disagree on some issues, but it was a very beneficial meeting. The most information that I used was information I gained from the last meeting in September.

Chris Sander: After our meeting with the neighbors a couple of weeks ago we added a restriction to hours of operation; one of the other suggestions was to gate the entrance and we worked with staff to propose a timed gate but staff was pretty opposed to it. We are going to have a sports venue and if there is an injury and someone can't get through the gate it is a public safety issue. We added a note stating that no buildings are to be built south of the existing building that is out there and we restricted the outdoor storage just to make it clear that nothing is to be stored outside.

Kevin Brown: I am going to be utilizing the building for my business so I would want an attendant out there, so it is pretty important that there is no outdoor storage and not to have businesses that have noise. I am very cautious of that and I want to make sure that is known as well.

Open to public hearing.

No one spoke in support of the request.

Present speaking in opposition:

Rich Germinder, 4930 E Hwy 163, Columbia

Rich Germinder: I am the landowner furthest to the west. Zoning is important to us; it is an item that both restricts and protects our rights. We all agreed to certain things when we purchased property because of the zoning and when that is proposed to change it is a relinquishment of some of my rights that I currently have. I did have a number of conversations with Mr. Brown and I went to the meeting that he had, and I appreciated that. Mr. Brown has taken a number of steps to rectify or to satiate a number of us, but I still have a number of concerns. Number 1 is the amount of enclosed square footage; there are three rather large buildings that are still proposed for this site, the total square footage is about 90,000 square feet when all is said and done. The previous proposal had 115,000 square feet of enclosed space. If you move the pieces around and compare the request from September with what is proposed today there is still 80% of the enclosed square footage, he simply moved one of those buildings further to the south than what was previously proposed. While I appreciate moving things to the east side of the powerline easement the amount of enclosed square footage is still rather large in relation to what is available in that area.

The plan, as proposed, while there is only 90,000 square feet of enclosed space listed on the plan if you look at the statement and notes it allows for 115,000 square feet so there is a discrepancy between what is being proposed and what is allowed for in the plan. With that amount of square footage will what the County has approved compensate for that amount of stormwater runoff in that retention basin? The retention basin moves further south in the Devil's Icebox recharge area, is that sufficient enough to address those issues?

The next item is parking spaces. The amount of parking spaces is indicative of the amount of potential traffic at a particular site. In the proposal from August the number of parking spaces was listed at 109 spaces, the number of parking spaces under the new proposal is 267. My understanding is a lot of that is driven by determinations by the County but it is one or two steps forward and another 1 to 2 steps back, we are just moving things around, which is beneficial, but there are still those outstanding questions of what the usage means. While MoDot says that Highway 163 can technically handle that, should it be based upon the uses that are occurring to the west of that property? I am the furthest to the west and I am probably least impacted by someone who misses the drive or wants to turn around, I already have those problems, certainly the neighbors further to the east and especially the Beerup's are likely to see traffic coming into their business from people who missed the turn. It is a 55-mph highway and people drive 65 on it, so that is a concern. The amount of parking that is proposed under the new plan, I don't know the exact numbers, but it appears to be much larger or at least in excess of all the existing parking that is in that particular area.

While everything is moved to the east of the property the applicant is maximizing the utilization of the square footage of the ground but if you look at the other properties in the area, it is not residential, it is one building. Even Meeks is one enclosed building and open-air storage in the other areas, the other properties aren't set up as a park-type setup. We don't know exactly what the potential developments are going to be. While I appreciate that he has offered only four or five particular uses it is beneficial to us to understand what those particular uses are for each of those particular buildings. What square footage will be used for what particular use? Which building is going to be for recreational use, which one for commercial, which is the warehouse? We have not been provided that level of detail. That is in contrast to what was provided by Mr. Beerup when he requested his rezoning.

I understand that other developments in the county that are considered planned development may have gone this particular route but Mr. Beerup came to the neighbors with a plan for a very specific use and worked with us and presented information about his business plan and what he expected to be there. Those are some components we don't see in this plan. Because Mr. Beerup couldn't be here, the things he wanted me to point out on his behalf were the number of parking spaces. His business is a recreational facility used for an event center and Mr. Beerup is concerned with the height of the buildings that are proposed, while the first building to be developed is the furthest one back both large buildings have a height of 45 feet and the front building is at 30 feet so he is concerned with that and how that may impact his business. There are multiple uses listed and we don't have a degree of specificity that would give us the measure of comfort to be okay with the applicant moving forward with this. I appreciate that the applicant has made a lot of effort to move in the right direction but at the same time in that effort to move in the right direction there are still some things left about what is being proposed and where that property is going to go in the future.

Commissioner Kurzejeski: Does Mr. Germinder have an appropriate square footage in mind for the property?

Rich Germinder: To be honest, if it was just the one large building or even one building with a specific use. I think that is what is tripping me up. If the applicant was able to say this is who I have planned to come in and this is the potential use that will be there that would give me greater certainty of what is coming in there and a better idea of the intensity then I don't think that I would necessarily have an issue with that. If it was just the southern building, I don't know that I would have a concern. If you look at how it is developed on the proposal from August, there is maximum utilization from the southern boundary to the road. With the proposal that he has now he moved the boundary further south and he is still maximizing in both square footage and the asphalt parking of all of the ground. It is hard to sit here and say that I am okay when all I can presume is the worst-case scenario based upon what is legally permissible. Right now, the worst-case scenario that could exist is in August there were 100 potential cars parking here at one time and now I have 267. I went from 115,000 square foot of enclosed space but now it is only down to 80,000 but the plan doesn't say that the plan still says 115,000 square foot. Visually it almost looks like you are going from 50% of the development but when you look at the details it is not that cut and dry. It is certainly a lot better and aligns better with the mixed light industrial on the north side of the road because it is east of the power lines but to say that it is 50% less intrusive than what it previously was is not quite accurate.

Also present speaking in opposition:

Marcy Markes, 4980 E Hwy 163, Columbia

Marcy Markes: My concern is the amount of traffic. MoDot says it can handle the traffic but should it? It is still a very small two-lane, we just had the edges widened which did very little. It is better but it is still very constricted. We have the Creekside riding stables right across the street so that is added traffic and you add this onto some of the other traffic that is already in the area the roads are going to be very stressed and it will also be a safety issue. It is already, at times, hard to see over some of these properties with the vegetation on

the sides. If we add more property blocking the views, then I am concerned about some of the safety issues as well as concerns with the runoffs and things like that.

Also present speaking in opposition:

Vince Bentinganan, 5285 E Hwy 163, Columbia

Vince Bentinganan: The plan tonight is better, but we are in opposition because we are still talking about 80,000 – 90,000 square feet under roof and 267 parking spaces. It is hard to estimate how many acres that is for asphalt and under roof. That is a tremendous amount of water runoff into the environmentally sensitive Bonne Femme area. I don't know if the Bonne Femme Watershed Project people have been contacted. Our concern is that the EPA gave grant money to the Missouri Department of Natural Resources to conduct the Bonne Femme Watershed Project, this is very important to Boone County and to have that amount of water runoff going south and into a losing stream I think we need to pause for concern. I will reiterate about the traffic increase; we still don't know who the tenants are going to be, will there be tractor trailer semi haulers? While MoDot says they can handle that what are they looking to say they can handle? Are we talking automobiles or semi-trailers? Did they do a traffic ability study? The increased traffic is significant, it is a major safety issue, we aren't just talking Highway 163 but also Tom Bass Road; we are talking all of these semi's and tractor trailers with unknown tenants and it is a major concern. It is not just MoDOT, but Missouri Department of Public Safety should be involved in this also. Who has oversight on a project on this big of a scale if it is approved? Is it this committee, MoDot, EPA, or the Department of Natural Resources, or is it a joint effort between these agencies? The plan is better, but we are still talking a lot of asphalt and under roof with the watershed as well as the increased traffic and unknown tenants.

Bill Florea: There are different agencies that have different jurisdictions. As far as land use the County will be responsible, MoDot is responsible for traffic on state roads, it varies depending on what specific area of regulation you are talking about.

Also present speaking in opposition:

Phil Heller, 5275 E Hwy 163, Columbia

Charlene Heller, 5275 E Hwy 163, Columbia

Phil Heller: Kevin Brown has been real good to talk to us about this second go-round, he invited us over and we had a good meeting at his building on the property, but we still have a lot of issues with this project. There is a lot of light industrial zoning in the area already that is not being utilized. How much industrial area is needed? This proposal seems to suggest that there is an actual plan for the property but when we look at the proposal the only actual plan is for a building that is already in existence, meanwhile the proposal includes an additional 75,000 square feet of warehouses and other building space for which there is potentially no plan. Some of the uses like lounges, amusement centers, and video arcades have late hours, a lot of noise and there can be a lot of light pollution. These buildings are huge, square footage wise they are more under roof than the MU football field including the end-zone. This is a big project with no plan on what they are going to put in there. If I went to my bank and said that I wanted to do this project and build these buildings the first thing they would ask is what is being put in there. If I didn't have an answer for them, they would probably turn me down. There is light industrial zoning right across the road from this, but they have two sides that is agricultural zoning and one side that has just been rezoned to recreational.

I caught the MoDot guy down by the bridge at Bonne Femme Church one day and talked to him about the semi-trucks pulling off of highway 63 onto Tom Bass and 95% of those guys in those fuel trucks are not stopping at the stop sign. MoDot does not care about the traffic out there, if they did, they would do something about that intersection. Someone is going to get killed at Tom Bass and Highway 63 and there will be a fuel truck involved because those trucks don't stop and they drive fast loaded coming down the

highway and when they exit Williams Brothers tank truck farm they should have to go north and take Discovery Ridge, it is a dangerous situation.

We have 75,000 square feet under roof potentially and 267 parking spots and no talk of pervious concrete to let that water run through, this will all go into an environmentally sensitive Bonne Femme Creek area.

Charlene Heller: I would like to add that we have had trouble with our existing neighbors, they were riding dirt bikes all the time and you would hear them on weekends, this is our home. When you all leave tonight you are going to go to your homes where it is quiet, and we lost that when they moved in there. I know that is not Mr. Brown. If Mr. Brown decides he doesn't want this property anymore and decides to sell what do you have? There is residential all around there and we have light industrial between us and Tom Bass Road, so we already have that. This zoning looks like it is out of place.

Phil Heller: One of the pictures that Mr. Brown showed was the power poles and the southernmost building, if you noticed how tall that building was in comparison to those power lines, those power lines are tall. Granted he did move that to the southern end. We would have no problem with Mr. Brown getting the zoning so he could sell his fancy cars out of his existing building, I think that is well within reason and we would support him on that but to rezone the whole thing with this plan we can't in good conscience support this.

Charlene Heller: We appreciate his efforts.

Phil Heller: We do, he has been good in talking to us.

Charlene Heller: But this is our home.

Phil Heller: There are many homes out here and we are concerned about the amount of traffic that could be funneled onto Highway 163 and MoDot says it is ok but I don't hold much faith in what MoDot says, not after my talk with them about semi-trucks.

Charlene Heller: I am very concerned about the fuel tankers barreling down Tom Bass and people turn because they don't just come Monday – Friday during business hours.

Also present speaking in opposition:

Jacob Brummet, Creekside Pet Center, 1201 E Pierpont Meadows, Columbia

Jacob Brummet: Mr. Brown has been good about talking about everything and getting in touch with everyone. It is a planned industrial area with no real plan and a very big scope. I know what I had to go through to get my business so I understand what he is going through, but I don't see how it all lines up. My water detention basin is almost twice the size of what he is showing on his plan. If you look at the 10 acres he is building on and the terrain, our properties all hit into a ravine that goes straight to the creek so I am not sure how so many big buildings and 267 parking spaces can handle a smaller water detention pond than what I have; it is massive. If you add all the other buildings and business, Creekside, Jones Power Sport, Columbia Glass and Mirror, and all the other businesses out there and none of us combined have 267 public parking spaces. I would say the traffic is going to be impacted, we don't have that many spaces spread over 7 or 8 businesses and now you are going to put that all into one, that is pretty big.

When you get into septic and the water treatment facility it is an engineered facility, I have a massive one. Everything from the exercise pins for our dogs all the way to the creek is our water treatment facility. I had to find an engineer to help me because they wanted a larger treatment facility and we got it down to about 1000 gallons a day, we don't use that much but our whole water treatment facility takes everything from the

south of our building down to the creek and our facility is 8000 square feet, Mr. Brown's facility is 75,000 square feet and his water treatment facility is not much bigger than mine. How can we know how big that water treatment facility needs to be before we know the occupancy of the building? How many people are going to be in there? What is the daily use? What kind of water usage will there be? What if we approve this and you've got 267 people in there at one time? Can we actually put a water treatment facility in that four acres that is adequate to handle that capacity? We don't know because we don't know what is going in there and I think that is the biggest concern that everyone has tonight, it is not just one building that they are looking for a tenant to occupy; these are three big buildings and we don't have one floor plan, not one contract, and not one tenant. There is no proof of evidence even to say he has a specific tenant for building number one. It is a planned industrial area with no plan. We've moved things around again, but it is not much different. At the last meeting Mr. Brown promised to keep quite a bit of the trees but in squishing it into the center section the applicant will have to wipe out almost an acre of trees getting even closer to the creek line that is currently a natural stream buffer and it is all going to go away.

Some of the other things like putting in the asphalt and septic system and saying he can't build behind the pond; those are kind of obvious. He has to do the asphalt, if you are going to run a business that is not an option. The water treatment facility had to go in because there is no septic out there, these aren't perks they are necessities that are bare minimum of the County standards. It sounds good but it is the baseline. We also have to worry about how it is going to be managed, Mr. Brown is only in Columbia a week out of the month. Mr. Brown put in his pond and in putting that in his dirt guys built a driveway on my property and hauled dump trucks across it all day to move the pond dirt. Mr. Brown apologized and fixed the driveway and will plant grass in the spring if it needs it, but it still happened. How is he going to manage a 75,000 square foot building space if he couldn't manage building a one-acre pond? I already feel like I need to put in a fence.

When Trueson tried to buy the property, I was all for it. If Mr. Brown was just going to do his classic cars out of the existing building, I would be for it but there is no indication of what the future is going to hold once we commit to the rezoning with no plan.

Also present speaking in opposition:

John Weber, 125 Lindell Dr, Columbia

John Weber: I am here on behalf of my sister and brother-in-law who live at 5030 Highway 163 and my mother who owns property just east of 5030 which adjoins the proposed development. I am a long-time resident of Boone County and I'm a forester, hunter, and fisherman and I do a lot of it down in that valley with my niece and nephew. I am concerned about water quality impacts to our streams by making the immediate upstream area a lot of impervious surface. I think the proposed zoning is unsuitable and out of character with the surrounding residential neighborhood, it maximizes impervious surfaces and could generate 2.5 million gallons of runoff from 75,000 square feet of impervious surfaces. This change in zoning directly contradicts several of the goals and objectives of the Bonne Femme Watershed Plan. One of the goals is to ensure that changes in land use do not increase downstream flooding or decrease channel stability of streams or decrease water quality. I think this project has the potential to do all three of those things. The next one was encouraging low impact development as a way to maintain or improve water quality, I don't see anything about this proposal that is low impact or that will improve water quality. The next one was maintaining economic viability of the community while protecting streams, the sub-part of that was to address zoning where protection is necessary and use zoning changes to direct density and higher runoff to a more appropriate area. I don't think that this is an appropriate change in zoning, I think there is a preponderance of the light industrial planned zoning in the area already.

I know that the Planning and Zoning Commission hears these requests all the time and it may appear that we are all a bunch of "not in my backyard's" but this is my backyard, my nephews hunt there along the creek and I have been doing forestry work on this land for the last ten years trying to make it a healthy forest and I

just wanted to say no thank you. Mr. Brown has been a helpful and considerate landowner and I am grateful for that, but I would like to see something else here.

Also present speaking in opposition:

Rachel Wise, 5215 E Highway 163, Columbia

Rachel Wise: I am in agreement with everything that was shared previously. We moved to this area to be out of town, we moved there because it is a beautiful area and we love being near the state park and Highway 163 is the entrance to the Rock Bridge State Park area which is something that draws a lot of people to our county. This development would be one of the first things that they would see coming into the area. There is an industrial park just a couple of miles north of us so to expand that when there are already other areas already zoned that doesn't help promote the beauty of this area that draws people. We as neighbors would prefer to keep it beautiful and keep it open. We moved our children out of town to have them out of town and not to have them near big businesses. The traffic will cause problems.

Chairperson Harris asked the audience if anyone had a new point that hasn't been brought up.

Closed to public hearing.

Kevin Brown: A couple of items I would like to make clear is that the total square footage is 75,000 square feet, there will be two 30,000 buildings and a 15,000 square foot building. I was somewhat criticized about my business skills, I have other properties that I run that are under Butch's Investments, this isn't my first development. The usages that I have proposed have been narrowed down after working with Mr. Sander and county staff to where I can attract a tenant that doesn't put stuff outside. I agree the buildings are big but at the same time, if I wanted to put an indoor tennis facility and it doesn't happen, I would like to have the flexibility to put in a warehouse. I agree that there are a lot of parking spots but per the county they go by one parking spot per 300 square feet of building area. I have the parking spots as required by the regulations, I would love not to have to have that many spaces. With the uses that I am doing I won't use half of these parking spots. The last thing I want to do is harm the environment, I heard that my detention pond isn't big enough or there will be too much water runoff. I hired Mr. Sander to do this stuff, I don't know what size detention pond I need, I pay the professionals to figure that out and I work with county staff.

Chris Sander: My copy of the plan is too small so I can't read the note about the maximum square footage.

Chairperson Harris: Item 9 says the total floor area should not exceed 115,000 square feet.

Chris Sander: If the Commission approves this request, I suggest a condition be placed that the number be revised to 80,000 square feet. 75,000 square feet of new building and 5,000 square feet of existing. That was an error on my part. We intend to comply with the county Stormwater Ordinance, and we will work with the county engineering staff. This is in a sensitive watershed, the threshold for development is lower and requires improvements. The stream buffer width is double the required width for a non-losing stream. The BMP's and stormwater management that is put into this development will comply with the regulations. The ordinance was specifically tailored to address the Bonne Femme Watershed. We prepared a traffic generation analysis based on the proposed uses from the September plan, those proposed uses have been scaled back and so has the square footage so we did not revisit that traffic analysis because there will be less traffic than originally proposed. The concerns for the intersection of Tom Bass and Highway 163 is something better dealt with through the Sheriff's Department.

We have proposed a monument sign, it is not a very tall sign but it will be placed at the entrance and the idea that while traffic may miss the entrance and go by it seems unlikely that a commercial development with a sign versus residential facilities that someone is going to drive down a residential driveway, not to say

people don't do silly things, but we intend to identify our site in an appropriate manner in order to avoid those issues. There is a lot of concern about not knowing who is going to be using the facility. The zoning controls the uses that are allowed on the property but not the tenants that may come in and use the property. We have added restrictions to the hours and restricted storage to inside the building. All lighting is to be directed inward and downward. If we were to identify a tenant, then find a piece of property and then go through this process and get the zoning no one would wait long enough for the process to go through.

We talked with Boone County Regional Sewer District, the sewer district will only operate this facility and they will not operate this facility if it is not up to code, they have high standards and they will make sure that pollution doesn't happen. Because of that they are going to make sure it is built to standards up front. By placing it at the very front of the facility, from a commercial aspect we are taking some of the highest value of property and giving it to the sewer district, it is going to be a large drip-irrigation field of about four acres, it is a sub-surface irrigation field so it will essentially be a large yard.

Kevin Brown: The existing building is my office and I do travel for other business, but my wife stays in Columbia, we are residents and she owns the business just as much as I do. We also have several contractors that work for us that are always available. We are very hands-on people.

Chairperson Harris: You will deed the sewer to the sewer district. Is that designed and engineered for just what could be the potential maximum occupancy on your property or is that big enough that it will give additional capacity for other properties in the area?

Chris Sander: The drip irrigation field would be designed to be large enough to serve this development and enough land is set aside for a replacement system but not necessarily setting aside enough land to serve other properties.

Chairperson Harris: So, it would be for this project rather than to give the sewer district excess capacity for somewhere else.

Chris Sander: Correct.

Chairperson Harris: The plan shows an existing pond, but it is the new pond?

Chris Sander: Yes.

Chairperson Harris: Looking at the contours is the pond that was built designed to catch some of the surface water coming off the southwest corner of the property?

Kevin Brown: It does catch the water. It starts catching it where the asphalt turns.

Chairperson Harris: So, it does bring water into the new pond. When you look at the total square footage under roof and paved surface, is the detention basin designed to hold 100 or 125% of what is normal rainfall? I understand the runoff but I also know from some of my own developments I stop the water coming off of 40-acres in a 125 house subdivision so I know it can be designed to alleviate those concerns because it can be stopped. Is the detention pond going to be big enough to hold everything even if there is a monsoon?

Chris Sander: As it is drawn is not designed out. We haven't gone through the expense of a whole design, it is schematic in nature, it will be large enough to detain the two-year storm to be able to discharge at the one-year storm rate as required by the ordinance, that is to protect the channel downstream to keep it from eroding. It will also be designed to detain the larger storm events, so the rate of runoff isn't greater after development than it is before, also in compliance with the ordinance. It will have water quality features

which could include extended wet detention or a combination of soils and rain gardens. We haven't gone through the details of all of that, we need to find out whether we can move forward. The plan will have a condition that it will comply with the Stormwater Ordinance and we will work with staff to make sure that is the case.

Chairperson Harris: Looking at the land across the road that is already zoned industrial is none of that available to do what you wanted to do? Knowing this was already an uphill battle you went ahead and closed on the property anyway which is a risk. Was there nothing available in a place that was ready to go?

Kevin Brown: Yes, there are properties available, but I liked this property. My wife and I fell in love with this property. I wasn't even going to close on the deal and then we decided to go ahead because we liked the building for our shop, and I can be hands-on and see my tenants. The property that is to the north that everyone is complaining about, I don't like that property. I don't like the building or anything about it, it looks terrible. They haven't kept up the property and I wouldn't want to sink the money into it.

Commissioner Martin: The building farther south will be built first, what is the vision for the future? Is it going to be developed all at once or will it be phased?

Kevin Brown: It will be built one at a time.

Commissioner Martin: It could potentially not ever be built out?

Kevin Brown: Correct. I am already working with some potential tenants for that building that are interested but it is not set in stone.

Commissioner Koirtyohann: One of the things in the email was concern about an auto auction. What can the applicant do to relieve that concern?

Kevin Brown: That is the first I have heard that concern. I am in the auto auction industry, this property does not suit an auto auction, my auto auction in Indiana has 92 acres and it is all park-able land, this property is not big enough for an auto auction and I have no intent for that. I also have a non-compete which states I cannot work in the auto-auction industry in Missouri.

Commissioner Poehlman: When staff did a sufficiency of resources based on traffic, what was that based on? What assumptions were made about the property when it comes to looking at traffic?

Bill Florea: Staff didn't do a traffic analysis; it is a state road so MoDot did that. We don't have any jurisdiction to do a traffic study on a state road.

Commissioner Poehlman: What did MoDot use?

Bill Florea: I don't know, the design engineer may be able to answer that.

Chris Sander: We prepared a traffic generation analysis and turn lane warrants and intersection review. It was submitted to MoDOT in September, this was for the previous proposal. Because the applicants scaled back the proposal, we didn't go through that step again because this proposal is less intense. We received word from MoDOT that they concurred with our traffic study and that turn lanes weren't warranted and the road had capacity.

Commissioner Poehlman: Was it based on a certain number of in and outs?

Chris Sander: Yes, the traffic generation study uses the trip generation manual which is prepared by a National organization and they produce a methodology. You go through a traffic generation and look at how many square feet of what kind of use and you look through the uses we proposed and go with the most intense use from a traffic standpoint and assume a worst-case for the number of trips. It was based on the full build-out of the entire site with the most intense use.

Commissioner Koirtyohann made and Commissioner Lloyd seconded a motion to approve the request by Butch's Investments LLC 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 with the following conditions:

1. The developer shall submit a landscape and buffering plan along the east property line from the right of way south a distance of 680 feet for approval by the Director. The buffer may be installed in phases concurrently with occupancy each building. The intent of the buffer is to provide a visual screen for the property to the east.
2. The developer shall submit a landscape plan for the north side of Building #1 for approval by the Director. The landscaping shall be installed prior to occupancy of Building 1. The intent of the landscaping is to provide vegetation to soften the visual impact of the building.
3. Correct note 9 on the review plan to show total floor area shall not exceed 80,000 square feet.

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

Motion to approve the request passes 9 YES 2 NO

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

## VI. Plats

The following items were placed on consent agenda:

1. Ross Estates Plat 1. S11-T51N-R13W. A-2. Bryan & Leanne Ross, owners. Kevin Schweikert, surveyor.

The subject property is located on Harper Road, approximately 4 miles to the west of the City of Sturgeon. The parent parcel is approximately 32 acres in size and zoned A-2 (Agriculture). There is a single-family residence, a garage, and a barn on the parent parcel. This proposal divides a 7.95-acre lot from the 32-acre parent parcel, separating the house and garage from the barn. This 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 Harper Road, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located on Public Water Service District 10, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

The existing house has an on-site wastewater system as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

This property went before the Boone County Board of Adjustment on 5 November 2020 for variances regarding the location of the existing barn, house, and garage. At that meeting, it received variances for the house and garage with the 'as-is/where-is' restriction. The barn did not receive a variance and was therefore excluded from this plat.

The property scored 24 points on the rating system.

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

2. Horseshoe Hollow Subdivision. S4-T49N-R12W. A-2. David & Jessica Hagenhoff, owners. Anthony Derboven, surveyor.

The subject property is located on McGee Road, approximately 2.5 miles north of the city limits of Columbia. The subject property is 33.37 acres in size and zoned A-2. There are currently two dwelling units on the parent parcel and a shed. This proposal divides off 2.60 acres along McGee road and the remainder will be divided by administrative survey and 20+AC boundary survey. This 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 McGee Road, publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

Any residential development on this site will require the installation of an on-site wastewater treatment system under permit with the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

There is a shed identified on this plat. This shed must be removed prior to final approval of this plat, as an accessory structure cannot be the sole structure on a lot smaller than 5AC in size.

The property scored 46 points on the rating system.

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

1. That the identified existing shed be removed prior to County Commission approval of this plat.
3. South Oak Subdivision, Lot 1 Replat. S20-T51N-R11W. A-2. Samuel & Anne Jennings, owners. Don Bormann, surveyor.

The property is located on the east side of Missouri Highway 124 approximately 3000 feet north of the intersection of Union Church Road and Missouri Highway 124. The site is also approximately one mile

southwest of the nearest municipal boundary of the City of Centralia. The property is zoned A-2 (agriculture) as is all the surrounding property. These are all original 1973 zonings. The County Commission tentatively approved a vacation and replat concept for lot 1 in December of 2020 (commission order 525-2020) that will not go into effect until this plat is recorded. A portion of the original platted lot is not included in the reconfigured lot and will need some concurrent action to incorporate this area into some other legal lot. It is anticipated that this area along with other land under the same ownership will be consolidated into a single parcel larger than 20 acres by deed concurrently with the recording of this plat. The site has an existing home and lagoon wastewater system. This proposal reconfigures the lot. The property is in Public Water District #10 service area. The development is 2.3 miles from Boone County Fire protection station #10 in Centralia. 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 50 points on the rating system.

1. Staff recommends approval along with granting the requested waivers with the recognition that the adjoining area must be incorporated into a legal lot concurrently with this plat.
  
4. Midway Crossings Phase 3 Preliminary Plat. S1-T48N-R14W. R-S. Amicus Terra Development, owner. Jay Gebhardt, surveyor.

The property is located north of and adjacent to Midway Crossing Plat 1.

All lots will have frontage on and direct access to Black Walnut Drive, an extension of an existing public road, or Amicus Drive, a new public road built by the developer, which will connect existing portions of Black Walnut Drive and White Cypress Drive.

The subdivision is in the service area of Consolidated Water. Consolidated can supply water to provide domestic service and fire protection. Fire hydrants will be installed at locations specified by Boone County Fire Protection District and Consolidated.

Sewage treatment is provided by Boone County Regional Sewer District at the Midway Crossings plant. The owner has entered into a service agreement with the District.

Ely Drive is an existing county right of way that extends from US 40 to the north property line of this proposal. A county-maintained gravel road extends approximately 500-feet south from US 40 but does not reach this property. A traffic study was conducted in conjunction with the original preliminary plat for Midway Crossings, which included this property. The study recommends that Ely be improved to current County Standards from this property to US 40. Completion of the recommended improvement will provide a second access to Midway Crossings for public safety purposes and to comply with the County Subdivision Regulations which require a second point of access for all subdivisions containing more than 100 RS zoned lots (Midway Crossings I, II, III contain 105).

The developer has submitted a request for a variance from the Boone County Roadway Regulations that would allow Ely to be constructed to a 26-foot-wide paved surface rather than the standard of 30-feet. The County Commission will rule on the variance at a future date.

The property scored 88 points on the rating system.

Staff recommends approval of the plat subject to the following condition:

1. The developer shall construct Ely to standards established in the Boone County Roadway Regulations unless a variance is granted by the County Commission.

5. Timber Ridge Plat 1. S13-T47N-R13W. A-2. Richard & Tamela Wyatt, owners. Jay Gebhardt, surveyor.

The subject property is located on State Route N, approximately  $\frac{3}{4}$  of a mile to the southwest of the Village of Pierpont. The subject property is composed of two parcels of land totaling approximately 52.14 acres. There is an existing house, outbuildings, and a lagoon on the subject property. This proposal creates three platted lots, one at 5 acres, one at 5.03 acres, and the last at 21.58 acres. The larger lot includes the existing house and wastewater system. This property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The proposed lot 103 has direct access on to State Route N, with the other two lots having access to Route N using a private ingress/egress easement. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house has an on-site wastewater system. The two new residential lots will also use on-site wastewater systems as permitted by the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 56 points on the rating system.

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

Commissioner Martin made and Chairperson Harris 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 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 at their August 20, 2020 meeting, the item was tabled several times and the County Commission approved the request as recommended.

The plats that moved forward to the County Commission were also approved.

VIII. New Business

None

IX. Adjourn

Being no further business, the meeting was adjourned at 9:46 p.m.

Respectfully submitted,

Secretary  
Michael Poehlman

Minutes approved on this 20<sup>th</sup> day of February 2021