

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

Minutes

7:00 P.M.

Thursday, November 18, 2021

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum.

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
Daniel Mings	Columbia Township
Jeff McCann	County Engineer

b. Members Attending by Phone:

Randal Trecha	Cedar Township
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c. Members Absent

Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township

d. Staff Present:

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

III. Approval of Minutes:

Minutes from the October 21, 2021 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 one rezoning request, one final development plan and two 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 County Commission order 443-2021 which recommends all persons who have not completed their COVID-19 vaccination process, and who are 10 years of age or older continue to wear a face mask in any public areas of the Government Center.

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.

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 when you testify. Also, we ask that you turn off, or silence 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, November 30th. 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, November 30th will begin at 7:00 PM and will convene in this same room.

V. Rezoning Requests

1. Request by Ron & Beth Chapman Trust to rezone from R-M (Moderate Density Residential) to M-L (Light Industrial) on 5.08 acres located at 4441 W I-70 Drive Northwest, Columbia.

Planner, Thad Yonke gave the following staff report:

This site is located on the north side of I-70 Dr NW but is considered adjacent to the Columbia municipal limits on the south side of I-70. The site surrounds an industrial property that is at the immediate intersection of I-70 Dr NW and Sorrells Overpass Drive, roughly centered between the Stadium Boulevard and Highway 40 (Midway) exits. The subject property contains several industrial buildings. The applicant would like to rezone 5.08-acres out of 19.81-acres. The 19.81-acres is comprised of two separate tax parcels. Since 1972, the property has been used for a heating and air conditioning business. The applicant would like to rezone a portion of the two tax parcels to M-L (light industrial) in order to bring the current use into compliance.

The current zoning is R-M (moderate density residential). This 5.08 acres adjoins existing M-L zoned property to its immediate west. A small portion of the proposed rezoning wraps around the north of the existing M-L zoning in an effort to keep the overall industrial area a regular shape. The property to the north and east of the proposed zoning is R-M. The adjoining property across I-70 to the southeast is in the municipal limits of the City of Columbia. The property to the south and southwest is zoned M-L. The property to the northwest of the rezoning is zoned R-M. These are all the original 1973 zonings.

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

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

Utilities: The site is served by City Water with mains to the south and west. There are 6 -inch water mains across the southern frontage of the property and on the west side of Chapman Lane. These mains may not be capable of producing commercial fire flow. A water study would likely be needed if any new development is proposed.

There is a Boone County Regional Sewer District line on the eastern edge of the eastern parent parcel. This main connects into the City of Columbia system on the south side of I-70.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to I-70 Drive NW and access off Chapman Lane which is a named private roadway. Chapman Lane appears to be shared by at least four properties. The other properties sharing the access are industrial and residentially zoned.

Public Safety Services: The property is approximately 4.8 miles from the Boone County Fire station at 4801 State Highway E.

Stormwater: Any new development or redevelopment on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The original maps used to establish the zoning for the County have a distortion in this area that makes it hard to determine what the intent was for the district boundaries with respect to different zoning districts and specific underlying properties. This makes the distance between the subdivision and where the district boundary line of the M-L zoning different depending on where and how it is measured. What is clear is that there was supposed to be some amount of the R-M zoning between the subdivision and the industrial zoning district boundary. The current proposal leaves a developable amount of R-M zoning between the subdivision and the new district boundary while encompassing all the existing industrial development within the proper M-L zoning.

The County has issued building permits for the property in question that list the zoning as R-M on some and M-L on others. Permits were issued for commercial/industrial construction and remodeling that could not have been issued under R-M zoning.

The area has been used as an industrial use and has been an established part of the neighborhood since the early 1970's. The property has access to public sewer, public water and access to a State maintained roadway. It is arguable that the property meets the sufficiency of resources test, but in this case the rezoning is more of a clean-up action that clarifies the expectations of the neighborhood and the property owners in a way that will be clear going forward without actually changing any of the physical use of the property.

Staff notified 61 property owners about this request. The property scored 81 points on the rating system.

Staff recommends approval of the rezoning.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia
Ron Chapman, owner, 400 Fourth St, Rocheport

Kevin Schweikert: This is just a clean-up; the owner has been using this property as a heating and cooling business since 1972. The zoning came into place in 1973. It looks like there is a problem with how the zoning was laid out in 1973. I believe Mr. Yonke was correct in his assessment but I think the intent was to include this area in the original 1973 M-L zoning since it was already being used that way. All the applicants are doing is trying to clean-up something that should have been done in the first place.

Ron Chapman: When this issue came up in early summer, I asked my father what the zoning was out there and he thought it was light industrial. He bought the property in the mid 1960's, and built Chapman's Heating building in the late 60s, early 70s. All we want to do is get in compliance and know that we are doing business the way we are supposed to in the county.

Commissioner Poehlman: Will this resolve all the discrepancies?

Thad Yonke: Yes. We won't have to worry about what the original map showed or didn't show. The industrial uses will be in the M-L zoning so if any building permits need to be taken out from here-on we will be able to identify that it is in an M-L zoning district. There is approximately 200 to 250 feet of the parent parcel that is going to retain its R-M zoning and that is a big enough piece so in the future if they wish to develop it as apartment complexes, if the water and other things are there to do it, they can use it to help buffer the existing residential which I think what was intended from the beginning.

Chairperson Harris: Those are private residences to the north on Chapman Lane?

Ron Chapman: Yes, Chapman Lane serves the heating and air conditioning company and on the west side is Showcase Cabinetry which is in the M-L zoning. North of that, Chapman Lane goes up and to the left and we have a residential four-plex that it serves also. Off to the right there is a house.

Chairperson Harris: Does that come in off Chapman or does it get serviced off of Gibbs?

Ron Chapman: I built that house and we had a gravel road that went across there, we have allowed him to use that because at that time Gibbs Road was not blacktopped and he couldn't get home without driving down a dusty road. His better service is off of Gibbs Road and I think that is what he uses most of the time.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: It seems really hard to believe that their intent would not have been to encompass the entire property into the M-L zoning when it was already developed at the time.

Thad Yonke: I believe it was a 20-acre piece at the time so it makes it harder to tell because the property's boundary lines weren't in the same place.

Commissioner Martin made and Commissioner Proctor seconded a motion to approve the request by Ron & Beth Chapman Trust to rezone from R-M (Moderate Density Residential) to M-L (Light Industrial) on 5.08 acres located at 4441 W I-70 Drive Northwest, Columbia:

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

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go to the County Commission on Tuesday, November 30, 2021 at 7:00 PM and the applicants need to be present for the hearing.

VI. Planned Developments

1. Request by 40 & J Development LLC to approve a final development plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport

The following staff report was entered into the record:

The property is located immediately southeast of the intersection of US Highway 40 and State Route J. In May 2020 the Planning and Zoning Commission Chairman & Secretary signed the Final Plan for this development triggering the zoning change to M-LP. The Final Plan was acknowledged by the County Commission in June of 2020, Commission Order 246-2020.

In September 2021 the Planning and Zoning Commission recommended approval of an M-LP PID Revised Review Plan. The County Commission approved the Revised Review Plan, Commission Order 408-2021. The Revised Review Plan was approved with the same conditions as the original Review Plan and are as follows:

1. Prior to Final Plan
 1. Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-feet tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
 2. An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
 3. The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.
2. Phase 1
 1. Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
 2. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.
3. Phase 2
 1. Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
 2. The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan}
 3. If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.

4. Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All required information is accurately portrayed on the plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the plan. All required information is accurately portrayed, and the plan conforms to the revised review plan.

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

Staff recommends approval.

No one present to represent the request.

Chairperson Martin made and Chairperson Harris seconded a motion to approve the request by 40 & J Development LLC to approve a final development plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport:

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

Motion to approve the final development plan passes unanimously

Chairperson Harris stated that this request would go to the County Commission on Tuesday, November 30, 2021 at 7:00 PM.

VII. Plats

The following items were placed on consent agenda:

1. Thompson Subdivision Plat 2. S7-T49N-R12W. A-2. Kimball & B Shirlee Humphreys, owners. Kevin Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located at the intersection of Wagon Trail Road and Clay's Fork Road, approximately 1 & ½ miles to the north of the city limits of Columbia. The lot being created will be 7.72 acres in size. This proposal is reconfiguring a portion of the previously platted lot 1 of Thompson Subdivision Plat 1, with an adjacent property to the west. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This property was originally zoned REC (Recreation) and was rezoned in 1974.

The new lot has frontage and access on Wagon Trail Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

These lots are located in Public Water Service District #4 for water service, the Boone Electric Cooperative service area, and the Boone County Fire Protection District for fire protection.

This lot is proposed to use an on-site wastewater system. The applicant has requested a waiver to the wastewater cost/benefit analysis requirement.

The property scored 50 points on the rating system.

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

2. Ravenwood Plat 1. S1-T48N-R14W. R-SP. Fred Overton Development, owner. David Borden, surveyor.

The following staff report was entered into the record:

The subject property is located on the east side of Rollingwood Boulevard, at the intersection of Rollingwood & US Highway 40. The subject property is approximately 25.70 acres in size. The property is zoned R-SP (Planned Residential Single-Family). This zoning was changed from R-S (Residential Single-Family) and A-R (Agriculture-Residential) with the approval of a Final Plan for this development on 2 July 2018, under commission order 322-2018. There is R-S zoning to the west, A-R zoning to the south, A-R zoning to the east, and R-SP zoning to the north. The surrounding zoning is all original 1973 zoning.

The Boone County Master Plan identifies this area as suitable for residential land uses. This final plat creates the first phase of 40 buildable lots and 4 common lots for the Ravenwood development.

Utilities: The subject property is served by a Consolidated Public Water Service District #1 6" line for water, the Boone County Regional Sewer District for wastewater treatment, and Boone Electric for electrical service.

Transportation: This initial phase of the development has one access point to Rollingwood Boulevard, a publicly dedicated, publicly maintained right-of-way. Internal streets for access and traffic flow for the proposed lots will be constructed to county standards as shown in the approved preliminary plat. The lot count for this phase does not exceed the maximum for a single point of access to leave the development, so no additional connections to existing roads will be required at this time.

Public Safety: The property is approximately ½ mile to the west of the Midway Boone County Fire Protection District Station. Infrastructure upgrades to Consolidated Public Water Service District #1 water lines will be sufficient to provide fire flows to the property at required levels of service.

Stormwater: The proposal is subject to the requirements of the Boone County Stormwater Regulations. The plat shows potential detention/bioretention sites on the common areas of the property.

Zoning Analysis: The proposal is in an area identified as suitable for residential development and this is the first phase of an approved planned residential and commercial development. Required infrastructure is either constructed and awaiting acceptance for public maintenance or still being built. This is an approvable initial phase of the Ravenwood development.

The property scored 73 points on the rating system.

Staff recommends approval of the final plat with the following statement:

1. That all required infrastructure, such as roads, water, wastewater, and electrical infrastructure be installed and approved, with documentation of that approval, for acceptance by the appropriate utility service providers prior to being scheduled for County Commission approval of this plat.

Commissioner Kurzejeski made, and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda with the recommended staff conditions:

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:

The conditional use permit request by Floyd & Nola Dorman (animal boarding) was recommended denial by the P & Z Commission, the applicants did not appeal this decision.

The final development plan for Jon Adam Sapp/Harvest Acres (Hwy DD) was approved as recommended.

The plat for Eagles Tres Estates was approved as recommended.

The County Commission adopted the revised Zoning Regulations including Section 2, Definitions, Section 15 Administration (WECS-C), and Section 29 Wind Energy Conversion Overlay District.

VIII. New Business

1. Solar Regulations

Bill Florea: The Planning and Zoning Commission expressed interest in completing review of the proposed subdivision regulations, however, the County Commission prefers that the Commission begin working on Solar Regulations. Staff has met with a company on two occasions who expressed interest in constructing a solar farm in Boone County. Staff will try to set up a work session in January 2022.

IX. Adjourn

Being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

Secretary
Michael Poehlman, Secretary

Minutes approved on this 16th day of December, 2021