

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, March 17, 2022

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
Gregory Martin, Secretary	Katy Township
Bill Lloyd	Three Creeks Township
Fred Furlong	Bourbon Township
Daniel Mings	Columbia Township
Randal Trecha	Cedar Township
Jeff McCann	County Engineer

b. Members Absent

Eric Kurzejeski, Vice Chairperson	Missouri Township
Steve Koirtyohann	Rocky Fork Township
Vacant Seat	Rock Bridge Township
Vacant Seat	Perche Township

c. Staff Present:

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

III. Approval of Minutes

Minutes from the December 16, 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 two conditional use permit requests, four rezoning requests, two final development plans and nine subdivision plats.

In general, the Planning and Zoning Commission tries to follow Robert's Rules of Order, however, it is authorized by the Missouri state statutes to follow its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor. The chairperson may debate, vote upon or even make any motion.

The following procedure will be followed:

This meeting is being conducted in compliance with 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 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, March 29th. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, March 29th will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by Bridget Early for a conditional use permit for a private family cemetery in the A-2 zoning district on one acre located at 21 & 31 E Audubon Rd, Columbia

Director, Bill Florea gave the following staff report:

The property is located on the north side of Audubon Road, approximately 600 feet west of the intersection with State Route N. The applicant owns two lots, each is approximately 5 acres. Each lot is developed with a single-family dwelling and various outbuildings. The zoning is Agriculture, A-2. All adjacent zoning is A-2 except to the immediate southwest which is Single Family Residential R-S.

The applicant is requesting a conditional use permit to create a private family cemetery. The application indicates that the cemetery would be one-acre in size and located on the common property line between the two lots. Staff notified 43 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

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

In order to meet this criterion, it is important that the presence of the cemetery is documented in a manner that provides notice of its location to the public. Measures to provide such notice can include a recorded survey of the boundary and fencing the perimeter of the cemetery. The applicant has not provided any information to indicate their intent to permanently identify the location of the cemetery.

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

Missouri statues provide a right of access, enforced by the sheriff, to persons wishing to visit a private cemetery that is surrounded by privately owned land if no public ingress is available. No public ingress is available to this proposed cemetery. Therefore, in the future, adjacent property owners or non-family owners of these lots could be forced to allow access to the cemetery which, could be injurious to the use and enjoyment of their property.

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

There is no indication that the use will diminish or impair property values.

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

A cemetery is a permanent installation. Its very nature raises questions about long term maintenance that extend beyond the lifespan of the current property owners. The application contains no indication of how the current owners intend to provide perpetual maintenance for the cemetery. Under Missouri law, maintenance of the cemetery can become the responsibility of the County. This is burdensome to the public. Lacking an adequate maintenance plan, the proposal does not meet this criterion.

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

The proposed use could impede the normal and orderly development of surrounding property. There are rights associated with burial sites that limit the use of land. This could impede future development activities.

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

The proposed use should not have any measurable effect on the flow of traffic.

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

There are several cemeteries with available space in Boone County. There is no public necessity for a private family cemetery.

Staff recommends denial of the request for failure to meet criteria a, b, d, e, and g.

If the Commission chooses to approve the request, Staff recommends the following conditions:

1. A survey of the cemetery boundary including the proposed location of an access easement from W. Audubon Road, subject to the approval of the Director, be recorded in Office of the Boone County Recorder. The applicant shall bear the cost of the survey and the recording fees.
2. The applicant shall construct and maintain a fence around the perimeter of the cemetery.
3. Prior to issuance of the Conditional Use Permit, the applicant shall develop and implement a maintenance plan that ensures perpetual maintenance of the cemetery by a private entity. The plan shall identify the entity responsible for maintenance activities and a funding source with enough money to provide for perpetual maintenance. The plan is subject to approval by the Director.

Present representing the request:

Bridget Early, 31 E. Audubon, Columbia

Bridget Early: I am surprised at the lack of acceptance for a family cemetery. It sounds like you think if there are public cemeteries there is no point in having a private cemetery, but there is. Public cemeteries have certain requirements such as embalming and ways that the bodies are cared for before burial. My husband and I were committed to a green burial idea which includes burying the body in a plain wooden box without embalming and without burning it all so it can return to the land as it is. There is a very nice green cemetery outside of Rocheport. After my husband died, we visited the cemetery to see if it would be a place we could bury him and it is far away, it took 45 minutes to drive there; it is not easy to visit. I have these beautiful woods on my property between the two houses and I thought why not put him here at home? He has always loved this land and it has been a great comfort to me to be able to walk by his grave on a regular basis to see him and I want my body to be there too. In terms of the survey we were unable to get it surveyed; I think we will probably be able to get it done this spring but at the time we submitted the conditional use permit application surveying was six months out. Staff mentioned having a fence around it or some other way of distinguishing where it is. We have some posts laid out to show the four corners of it. I don't know if you need a fence in the middle of the woods on top of that, but it is a requirement that can be done. The issue of maintenance in perpetuity; this is a family property and it is going to be passed down to my children and I am assuming they and my grandson are going to be taking care of it. It is my property why can't I put this on

my property? It is in the middle of the woods away from everyone else and no one else is even going to see it other than my family.

Open to public hearing.

Present speaking in favor by phone:

Kelsey Early, State of Florida.

Kelsey Early: I am the niece of the applicant. The decedent who we are requesting this permit for has already been buried, he was my brother who passed away. I know there is various criteria that staff is concerned about and I think the applicant addressed a lot of them. I want to impress upon everyone that this is in the middle of nowhere. The nearest property is another one of my aunt's houses and I can represent that we fully intend to keep this property in our own family. We all know that my brother is buried in the exact location that was indicated on the application next to the applicant's husband. It is very important to our family to have my brother buried there because we would like to see him when I come to visit Missouri. I want to see his burial site; I don't want to see him at some other place, and I cannot impress upon everyone how important it is for him to be buried here. I don't think that fits in the criteria that was said but I think it is important to note that we want him buried where he lived and where he was loved on property that has always been owned by my family and will always be owned by my family. It is located in the woods so I don't see how it can be a concern to the public health given the lack of inhabitants who are there other than my own family.

Also speaking in favor by phone:

Teresa Early, no address given

Teresa Early: I helped the applicant put together the application. It was mentioned by staff that no attempt was made to survey the burial ground. That is untrue, I called several surveyors in the fall when we wanted to expand from a single burial to an actual cemetery and none of them would commit. All of them said that they were at least six months out before they would book another job because of winter and busyness, we planned to contact them this spring to survey the actual area of the cemetery and get it officially staked out so that it could be added to the application. I believe staff also mentioned requiring access for the public and I am not sure why that would be necessary when only our immediate family members plan to be buried there for at least the foreseeable fifty years or so. If we continue at the rate of a burial every 12 to 15 years this is not going to be a large cemetery and it will only be members of the Early or Parsons family that need access. The access that exists is probably adequate.

No one spoke in opposition.

Closed to public hearing.

Commissioner Lloyd: What are the legal guidelines for establishing a cemetery? Is there any guidance on that from state law or is it a county issue?

Bill Florea: The county requires a conditional use permit. There are state laws, I don't know if there are health regulations about the burial. There are statutes about how a private family cemetery can be established and if they are established then they can become the responsibility of the county to maintain if the owners deed it to the county to hold in trust.

Commissioner Lloyd: What is the long-term plan? The Early family may use it for the next 50 – 75 years but what happens when the Early's and Parsons are no longer? What then?

Bill Florea: That is the concern.

Commissioner Lloyd: I think it is a legal matter. I understand the emotional attachment to the whole idea, but I think at some point someone else is going to become responsible for it, I am curious about what the legal answer is and the ramifications for the long term.

Bill Florea: (reading the statute) RSMo 214.090 Any person desirous of securing family burying ground or cemetery on his or her own lands, may convey to the county commission of the county in which the land lies any quantity of land not exceeding one acre, in trust for the purpose above mentioned, the deed for which to be recorded within sixty days after the conveyance; and such grounds, when so conveyed, shall be held in perpetuity as burying grounds or cemeteries for the use and benefit of the family and descendants of the person making such conveyance.

Commissioner Lloyd: Have there been any instances where Boone County has received deed of a private cemetery?

Bill Florea: Yes.

Commissioner Lloyd: How did that work?

Bill Florea: There was a \$50,000 trust established and that amount was not adequate; one of the County Commissioners has taken it upon themselves to mow the cemetery, the County Treasurer mowed it once and now county resources mow it periodically.

Chairperson Harris: The statute requires the conveyance to the county?

Bill Florea: It says they may, but it doesn't say the county has any option in terms of whether they accept it or not.

Commissioner Lloyd: The county ends up with it at some point, correct?

Bridget Early: It is in the middle of nowhere and not going to need mowing, it is in the woods and you don't mow the woods.

Commissioner Trecha: What does the cemetery look like now? Is it dense woods? Is there any ground cover?

Bridget Early: I can show some pictures.

Bridget Early presented pictures.

Part of a conversation between Commissioner Trecha and Bridget Early was not audible to the Commission.

Commissioner Trecha asked if the tradition was a wooden box and why the applicant cared if a monument was there.

Bridget Early said if she was dead, she would not care.

Commissioner Trecha asked if it was just for the applicants benefit or for the entire family.

Bridget Early said the family.

Commissioner Trecha asked about maintaining the monument and how long will the cemetery serve the purpose of the family.

Bridget Early's response was not audible.

Chairperson Harris asked the applicant to speak into the microphone.

Bridget Early: I believe it is standard depth; I think maybe 10 feet deep.

Teresa Early: The photos provided indicate that the cemetery is located in a deep forest. Mowing and shoveling snow is not an issue. We could establish a trust fund if the Commission thinks it is necessary. There was a burial firm from Boonville that did the grave digging and they have worked on green burials before so I am sure they did it to code, I didn't specifically ask them how deep it was but we hired a guy with a backhoe and they did it to their specifications for the grave so that is whatever the statutory grave depth is.

Commissioner Martin: How long has the applicant owned the property?

Bridget Early: My husband owned it when I met him, and I have lived there since 1993. I believe he bought it around 1985.

Chairperson Harris: So, there are already two burials there, what brought it to the Commission's attention?

Bridget Early: The second burial. My understanding is for one burial you don't have to get a permit. When my nephew died, we had a body to bury and the family felt burying him here was a good solution. His family moves all the time and don't live in the area so there is no stability for where to place his body. He lived with me and this is where he felt his home was. It felt right to bury him there.

Commissioner Trecha: Staff stated the request failed to meet five criteria. Has staff had a discussion with the applicant?

Bill Florea: No, I called her twice in December and I didn't receive a return call.

Commissioner Trecha: Are these requirements something that can be satisfied? Can we reasonably assume that she can work with staff to satisfy these requirements?

Bill Florea: That is up to the applicant.

Commissioner Trecha: Is the applicant aware of the issues?

Bridget Early: I tried to write them down; I would enjoy talking to staff about it.

Chairperson Harris: I have an issue with asking for forgiveness over permission. The problem the county has is that the vast majority of the requirements are not prescribed by the county but by state statute. The identification of the property with a proper survey, the protection of the property with a proper fence, those are things that in the long run are in the applicant's benefit. I have been around construction too long and with just placing stakes around the corners something will happen. Everything we have discussed this evening is fraught with assumption; assuming your family stays there, and they continue to use it. Sometimes we have to look at the other side and assume that doesn't happen. What is the consequence if it doesn't happen and for whatever reason in ten years your family has to sell the property and someone else comes in and the next thing you know there is a bulldozer in the middle of the cemetery and desecrates those graves because there was nothing there to mark them? While it may only be the applicant's family buried there we are stuck with the state statute aspect that says you have to provide access to the cemetery. The

Commission tries to be considerate of everyone's personal situation in as much as the law will allow us to. I wish there hadn't been a second burial before we got to this point so we could have dealt with it differently.

Bridget Early: We tried to get the application in but there just wasn't time.

Commissioner Lloyd: I am a proponent of owner's rights and we all have rules to follow in a developed county like this. However, I do have some issues with what I would call the short-term nature of your existence there. 75 or 100 years in the scheme of time is still short term. Someone else is going to have to deal with that and if there is not access and your property gets sold and a family member wants to visit the cemetery they are on someone else's property without an easement. I think it is difficult when the burial has already taken place. I think the only way it can be approved is if there are some conditions. Would staff have the manpower to guarantee that everything is done appropriately?

Bill Florea: It may be able to be done. I would probably want to see a third party that is responsible for the maintenance and a funding source to make sure the third party has the ability to conduct those maintenance activities.

Commissioner Lloyd: That is difficult because this is in perpetuity, who knows what dollar amount you would need.

Bill Florea: I would ask them to go to a trust company to work all of that out and bring back a plan.

Commissioner Lloyd: Does the county have the teeth to make it stick?

Bill Florea: Forever is a long time; I don't think we do. Even the entity that is in charge of the maintenance would have to be in perpetuity and we can't guarantee that either.

Commissioner Lloyd: The fence and easement could be done; it is the maintenance that is the sticking point.

Bill Florea: Correct. Also, if it sounded like I said they didn't try to have it surveyed, that is not what I said, I said there was no indication in the application that they had tried to have it surveyed.

Chairperson Harris: The surveyors that were six months behind are still six months behind. If we deny this what do, we do about the situation that exists today?

Thad Yonke: It is already a zoning violation, so it stays a zoning violation.

Commissioner Lloyd: What is the consequence of that?

Bill Florea: It depends on what the county decides to do; I am not in a position to say that right now. We could exercise our discretion to do nothing about it or the violation of a zoning code is a criminal offense, or it could be pursued civilly; there are several ways to go about it.

Commissioner Lloyd: Does it make any sense to have the applicant go take care of the requirements and resubmit an application?

Bridget Early: Not if you are going to deny it for not having perpetuity. I don't know who is going to take care of it for 2000 years.

Bill Florea: I wouldn't want to do that not being assured that I would get the permit.

Commissioner Lloyd: I think we are essentially approving it if we say these are the conditions; or committing to it.

Commissioner McCann: Is it possible to approve the conditional use permit with these conditions but it doesn't go into effect until all conditions are met?

Bill Florea: The County Commission eventually issues a conditional use permit so after this hearing if the Commission recommends approval it will go the County Commission and they will hold a hearing and decide whether or not to approve. Then, there is a third step where we develop findings of fact and print an actual permit that is issued by the County Commission. That step could be withheld until the conditions are satisfied.

Commissioner Lloyd: Could one of the conditions be that the applicant submit a plan for adequate funding in perpetuity?

Bill Florea: Yes, I would probably direct them to a trust company and have an actuary or some financial professional calculate how much it would cost to maintain it over time and have them establish appropriate funding.

Commissioner McCann: Would they define what the maintenance criteria would be?

Bill Florea: That is the question, what does the maintenance entail?

Chairperson Harris: If we grant this permit it is not just for the two burials that have already taken place it becomes future use.

Commissioner Trecha: Is there a limit to the number of burials?

Bill Florea: They didn't propose one, but the Commission could probably impose a limit.

Commissioner Trecha: Does the state define who can be interred in a family cemetery?

Bill Florea: There is really no realistic way that I can see to define that.

Chairperson Harris: The IRS code for purposes of land taking has some definition of family under the concept of ownership and it is parents and grandparents; from a generation it is two generations either way.

Chairperson Harris: Is the applicant willing and able to fulfill those points of a survey, a fence, provision to meet those requirements that ultimately state statute imposes.

Bridget Early: Yes, I believe so. Who knows what the perpetuity could look like but I can't image that it would be that much to keep a spot in the woods.

Commissioner Lloyd: The problem is it may not always be a spot in the woods. If the property is sold the new owners may cut all the trees down and then it is a cemetery in their backyard so the maintenance might be different then.

Thad Yonke: For every person you inter you are removing part of the natural spot in order to have another use. Depending on how many people are interred there you aren't going to have woods.

Bridget Early: That is not true, we are putting them in amongst the trees; we have cut down a little brush but no trees.

Commissioner Trecha: Is the easement part of the requirements?

Bill Florea: Yes.

Chairperson Harris: From our side of the table we have to look down the road at the unintended consequence and in setting precedent. What happens the next time?

Commissioner Lloyd made a motion to deny the request stating that the applicant knows what the standards are; the applicant can tackle these and then come back if these things are satisfied. The applicant should know that if these are in place, there is a pretty good chance that the Planning and Zoning Commission will recommend approval. There are just too many unanswered questions at this moment for me to vote for it.

Chairperson Harris seconded the motion. If the applicant comes up with a definitive, not assumptions, actionable plan to meet these requirements then it may be viewed differently at a different time. That different time could be as soon as March 29th. Even if the survey is committed subject to the surveyor's schedule.

Bridget Early: I wouldn't be able to get the fence done in that period of time; the survey would have to be done before I can put a fence up.

Commissioner Lloyd: If the applicant has a plan and there is evidence that the applicant is committed to that plan which may include having the surveyor under retainer or something like that and having a plan for a fence and an easement; the other element is a maintenance plan, there are several banks that have trust companies within them.

Chairperson Harris: Can the Commission alter these conditions?

Bill Florea: Yes; these are just staff recommended conditions the Commission can word them how they want them.

Chairperson Harris: Can we cap the number of interments?

Bill Florea: Yes.

Commissioner Lloyd made and Chairperson Harris seconded a motion to deny the request by Bridget Early for a conditional use permit for a private family cemetery in the A-2 zoning district on one acre located at 21 & 31 E Audubon Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to deny the requests passes unanimously

Chairperson Harris informed the applicant if she wished to appeal this decision to the County Commission, she would need to file an appeal form within three business days.

Bill Florea informed the applicants that the appeal form was available in the Resource Management office and on the website.

2. Request by Do Something Right Now, Inc for a conditional use permit for a support center in the R-M zoning district located at 313 Hogan Dr, Columbia

Planner, Uriah Mach gave the following staff report:

The subject property is located on Hogan Road in the Fairway Meadows development, approximately 700 feet south of E St Charles Road. This site is located approximately 800 feet from the limits of the City of Columbia. This subject property has a single-family dwelling, that was built in the 1970s, and an accessory building on the property. The property is zoned R-M (Residential Moderate-Density) and is surrounded by R-M zoning. This is all original 1973 zoning.

The applicant is requesting a conditional use permit to establish a philanthropic institution, specifically a food pantry and support center, on a site smaller than 5 acres. The Food Pantry component was approved by the County Commission in December (Commission order 530-2021) while the support center was tabled until the desired use could be better defined. This site has been in use as a food pantry during the pandemic, and the applicants are working to modify the existing single-family residence into a more compliant structure with the food pantry/institution use, this change requires an Architect.

The original application identified support center as a use but lacked detail about what that entailed. Staff contacted the applicant and asked them to table the support center aspect of the request for the December 2021 agenda to allow time to work out details of that use, then present that to the Commission at a future meeting. The applicant agreed to that procedure.

The applicant has since described support center activities as being small group counseling. The applicant describes the counselling sessions as being life-coaching/life skills-oriented and the groups being small, with a maximum of ten attendees. Desired hours of operation for the support center will be Daylight Hours, as defined by the Boone County Zoning Ordinance, seven days a week. The property scored 70 points on the point rating system.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

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

The support center use, once the building is properly remodeled, under the supervision of a design professional licensed to practice in the State of Missouri, should comply with this criterion.

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

The operation of the food pantry generated complaints that brought knowledge of this facility to the attention of staff. Approval of the food pantry was granted with a restriction on hours of operation limiting food pantry operations to Sunday from noon to 5:00 PM. In discussion with the applicant, staff proposes limited hours of operation to Mondays and Wednesdays from 3 PM to 8 PM, Fridays from 10 AM to 3 PM, and Saturdays from 12 PM to 5 PM.

The proposed hours of operation for the support center are limited but impacts on the surrounding properties should also be equally limited, if any.

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

The placement of a non-profit organization in the neighborhood it serves can grant many advantages to that organization. However, it is uncertain if there is a detrimental or advantageous impact on property values. Whether this criterion is met depends on the level of activity generated by the support center as regulated by hours of operation and intensity of use.

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

The subject property is located on Hogan Road, a publicly maintained roadway. Utilities to serve the building are available. Parking for the support center may become an issue if sufficient amounts of off-street parking are not available.

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

The Fairway Meadows development is an older development at the eastern edge of the City of Columbia. The surrounding property has already developed in a manner consistent with its zoning. The support center use should comply with this criterion with conditions limiting the timing and intensity of use.

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

The subject property is located on Hogan Road, a publicly maintained roadway. Resource Management staff have received inquiries about the lack of off-street parking, and excessive use of on-street parking restricting access. The support center use, as described in conversations with the applicants, may be able to meet this criterion with conditions restricting hours of operation, number of persons served, and provision of more parking on the site.

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

The redevelopment of the site, when done under commercial building permit, will comply with the applicable regulations of the R-M zoning district.

Zoning Analysis: The applicant is requesting a conditional use permit to operate a philanthropic institution on a site smaller than 5 acres, a food pantry, approved in December, and a support center. The food pantry use generated zoning complaints as its operation predates this application for a conditional use permit. The issues with the food pantry were resolved with its conditional use permit approval. The expansion discussed under this request is for what the applicants describe as a support center, providing life coaching and counseling services in small groups and individuals.

Traffic/parking impacts are the most visible element of expanded activity and traffic impacts are the source of the earlier zoning complaints. Limiting hours of operation and the number of people on the property are the best ways to reduce the impacts caused by traffic, whether vehicular or pedestrian. Such limitations can be structured around times where excessive traffic and on-street parking would cause congestion. Consideration of usable off-street parking spaces as part of any remodel work done to the existing structure would also mitigate these impacts.

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

1. That the support center use be approved under this conditional use permit with hours of operation limited to Monday and Wednesday 3 PM to 8 PM, Friday 10 AM to 3 PM, and Saturday from 12 PM to 5 PM.
2. That adequate off-street parking be provided in accordance with Section 14 of the Zoning Regulations and addressed through the commercial remodel of the building.
3. That the remodel be complete prior to beginning this Support Center activity.
4. The total number of people on the property be limited to 10, excluding the activity specifically supporting the food pantry use, such as deliveries, or the pantry standard operation hours of Sunday Noon to 5 PM.

Present, representing the request:

Sue Riley, Executive Director, 3600 Rolling Hills Rd, Columbia
Ginger Riley, 3670 Rolling Hills Rd, Columbia
Scott Riley, 3670 S Rolling Hills Rd, Columbia

Sue Riley: The food pantry is going well; the new hours have had a positive impact on the traffic with the extended hours. We knew our goal was to have a support center where we would be working with anyone in that area but mainly on the street of Demaret, we are one house away from Demaret Street. At this time, we are ministering to three families on Demaret in a big way. We are there almost every day ministering with families. When we are talking about mentoring, we aren't talking about a lot of people driving their car to the center and parking. In fact, a lot of the people we are working with now don't own a vehicle. We are helping one person get to his job on a daily basis. The most impact traffic-wise is the pantry; I don't see the empowerment center is going to be a problem. John Simon is our engineer and he has spoken with Uriah Mach and he plans to have plans into him. We have a \$50,000 grant from VU to finish the house as well as some other donated private funds to help us get the house finished. Boone Trust gave us a grant and we have new windows; the house is going to be built back to a higher standard, we wanted to bring value to the area.

Ginger Riley: We are working with families to support them, not necessarily service them but to support. The three families we are working with one on one, they don't have transportation, one doesn't have a drivers license and has a learning disability so we are working with them to get their driver's license. That opened our eyes to more things we can do in the area. Love Columbia reached out to us, they have a mentorship program and one of their mentors is working with a family on Demaret and they called to ask if their mentor could meet with the family at our facility so the family didn't have to travel to town. We met with First Chance and they work with a couple of families on Demaret by going into their home and giving some pretend play to help a Mom learn to play with her kids. Having a center like this they can take the mom's and kids there and already have their pretend play area set up. It is more of working one on one, maybe some groups under ten but we know the bigger the group the less intimate it is. Our goal is to keep anything we do there small.

Sue Riley: We met with the team and came up with the hours. We both have full time jobs. It has taken a lot of work, but we feel like we are making a difference and we hear that we are making a difference.

Ginger Riley: My full-time job is working on Demaret Street, I am just not getting paid.

Commissioner Lloyd: The support center and empowerment center are the same thing. The applicants are teaching life skills?

Sue Riley: Yes.

Commissioner Lloyd: You have some grants and donations to do the construction; how about ongoing operations?

Sue Riley: We have a grant writer. Everyone with Do Something Right Now (DSRN) are volunteers; there is no salary, the only salary we pay is for our books to Accounting Plus.

Ginger Riley: Moving forward we are working off of donations and grants.

Scott Riley: It is not totally reliant on that, there is a greater trust that funds Hogan House. Hogan House is one of the projects of DSRN so there is additional funding there as well.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: Are the applicants okay with the hours and occupancy mentioned in the staff conditions?

Sue Riley: Yes.

Commissioner Lloyd made and Commissioner Trecha seconded a motion to approve the request by Do Something Right Now, Inc for a conditional use permit for a support center in the R-M zoning district located at 313 Hogan Dr, Columbia with the following conditions:

1. That the support center use be approved under this conditional use permit with hours of operation limited to Monday and Wednesday 3 PM to 8 PM, Friday 10 AM to 3 PM, and Saturday from 12 PM to 5 PM.
2. That adequate off-street parking be provided in accordance with Section 14 of the Zoning Regulations and addressed through the commercial remodel of the building.
3. That the remodel be complete prior to beginning this Support Center activity.
4. The total number of people on the property be limited to 10, excluding the activity specifically supporting the food pantry use, such as deliveries, or the pantry standard operation hours of Sunday Noon to 5 PM.

Boyd Harris – Yes

Bill Lloyd – Yes

Daniel Mings – Yes

Jeff McCann – Yes

Greg Martin – Yes

Fred Furlong – Yes

Randal Trecha – Yes

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, March 29, 2022 at 7:00 PM and the applicants need to be present for the hearing.

VI. Rezoning Requests

1. Request by Green Acres Farm 1939, LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and to approve a review plan on 10.00 acres located at 12001 S Hwy 63, Ashland.

Planner, Uriah Mach gave the following staff report:

The subject property is located at the southwestern corner of the intersection of Minor Hill Road and US Highway 63, adjacent to the city limits of Ashland to the east. The subject property is 10 acres out of an approximately 210-acre parent property. The property has a substantial amount of flood plain and regulatory stream buffer present, as well as a house, barn, and grain bin. The property is zoned A-1 (Agriculture) and is surrounded by A-1 zoning to the north, south, southeast, and west, with the City of Ashland to the northeast and east. The A-1 is original 1973 zoning. The proposal scored 55 points on the point rating system.

This proposal seeks to rezone 10 acres of the parent parcel to A-1P and utilizing the density of that 10 acres to allow the platting of a 5.16-acre lot. The remaining 4.84 acres will be unable to be developed. 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 in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District. The existing house is served by an on-site wastewater system falling under the jurisdiction of the Columbia/Boone County Health Department.

Transportation: The subject property has access on to US Highway 63, through an existing driveway. US Highway 63 is a publicly dedicated, publicly maintained right-of-way.

Public Safety: The property is served by the Southern Boone County Fire Protection District for fire protection.

Zoning Analysis: This request meets the sufficiency of resources test and does not change the overall character of the surrounding properties. Development on the nearby property within the city of Ashland is more likely to have a significant impact on the character and development of this area when compared to the approval of this rezoning and review plan.

Staff recommends approval of this rezoning request.

Present representing the request:

Kevin Schweikert, Brush and Associates, 506 Nichols St, Columbia
Gary Pauley, 8989 W Terrapin Hills Rd, Columbia

Kevin Schweikert: There is an existing farmhouse on 200+ acres of land zoned A-1. There is a creek that is a natural boundary for the house, and it makes good sense to separate it; the rest of the property is a farming operation except for the area on the east side of the creek. The thought was to create a lot of five acres that goes with the natural boundary and decided to rezone to A-1P since it is zoned A-1 and then we have a not for development lot on the west side of the creek that creates a ten acre buffer so we still fall under the density requirements of the A-1 zoning. So, the spirit of the A-1 zoning is still intact. I don't believe this really affects any neighbors since it is in the middle of the property.

Gary Pauley: It is a family farm, my parents lived in the house and they passed away, my brother and I now own it and we don't want to be landlords and we want to keep as much farmland as possible.

Chairperson Harris: The ultimate goal is to facilitate a sale?

Gary Pauley: Yes.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made and Commissioner Lloyd seconded a motion to approve the request by Green Acres Farm 1939, LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 10.00 acres located at 12001 S Hwy 63, Ashland:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris: Is the creek crossable?

Gary Pauley: We have a crossing there that we can use when the water is down, when the water is up it is not crossable.

Chairperson Harris made and Commissioner Furlong seconded a motion to approve the request by Green Acres Farm 1939, LLC to approve a review plan on 10.00 acres located at 12001 S Hwy 63, Ashland:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, March 29, 2022 at 7:00 PM and the applicants need to be present for the hearing.

The following two rezoning requests for VH Properties will be a combined staff report and public hearing.

2. Request by VH Properties LLC to rezone from M-LP (Planned Light Industrial) to REC-P (Planned Recreational) and to approve a review plan for Midway USA Campus on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia.

Planner, Thad Yonke gave the following staff report:

These properties are located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1900 feet west of the intersection with U.S. 40. The site is about 300 feet west of the Columbia municipal limits. The subject property of these requests is 5.32-acres of M-LP (Planned Industrial) proposed to change to Rec-P (Planned Recreational) and a revision to 8.81-acres of M-LP (Planned Light

Industrial) for a total of 14.13-acres for rezoning. Property to the northwest and north across I-70 is zoned A-2 (Agriculture), northeast is zoned A-R (Agriculture-Residential). Property to the east and south is zoned A-R and property to the west is zoned M-LP. All of the zonings with the exception of the M-LP is original 1973 zonings. Staff notified 17 property owners concerning this request.

The proposed changes involve shifting the lot lines between the two lots involved and changing the use for lot 3 to allow for an indoor shooting range and incidental related facilities such as restaurant or cafeteria. Staff believes “incidental retail sales and services accessory to the main use” was mistakenly left off the Allowed Uses section. All three of these uses require Conditional Use Permit approval in addition to approval as part of the planned rezoning.

The Boone County Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The Master Plan also designates a sufficiency of resources test for the approval 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.

Utilities: The subject property is served by Consolidated Public Water Service District #1 and Boone Electric Cooperative for utility service. The BCRSD owns and operates a collector wastewater system for the development. There are no issues with the wastewater, and the BCRSD believes the added uses will create additional strain. The BCRSD has informed our office that the developers and they have come to a tentative agreement on remedies that needs to be finalized.

Public Safety: The subject property is approximately 1.25 miles from the nearest Boone County Fire Protection District station, located near Henderson Road.

Transportation: The subject property has direct access on to Van Horn Tavern Road, a publicly-dedicated, publicly-maintained right-of-way.

Zoning Analysis: As Midway USA is transitioning to its new home at US Highway 40 & State Route J, the existing campus is in transition with the developer attempting to supplant its activities with other productive uses to benefit the community. As part of this transition there is an interest converting one of the existing buildings into an indoor rifle and pistol range with a significant focus on proper firearm training and safety. This use is not currently allowed in the M-L or M-LP district so a Rec-P rezoning is sought, and additional Conditional Use Permits will also be needed before the main use and incidental uses are finally approved. The addition of the incidental retail sales as a Conditional Use needs to be added to the Allowed Use section on the Final Plan. The change of uses will shift some of the traffic timing but should not be significantly more intensive than the existing industrial uses have historically been. The sewer issues need to be finalized to the satisfaction of the BCRSD and the Director of Resource Management, but this should be attainable.

The property scored 80 points on the rating system.

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

1. Under general notes number 4 Tract 3A add, a line labelled “d.” “incidental retail sales and services accessory to the main use” (Subject to the approval of a Conditional Use Permit) to the Final Plan.
2. An agreement to resolve sewer concerns acceptable to the BCRSD and the Director of Resource Management must be finalized prior to the submission of the Final Development Plan.

Present representing the requests:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Tim Crockett: While this is two parcels neither one of them are going to have any additional improvements being made to them. I believe there is a potential future addition on one of the M-LP lots but that was a carry over from a previous MLP plan that was shown. The applicants will utilize the existing facilities. The reason the second M-LP lot is included is just an internal shift to the internal lot lines between the two to clear up some parking configurations. No additional improvements are being made at this time, they just want to return it to the civilian marksmanship program, and they want to transfer the ownership of the REC-P property.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Lloyd made and Chairperson Harris seconded a motion to approve the request by VH Properties LLC to rezone from M-LP (Planned Light Industrial) to REC-P (Planned Recreational) 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Commissioner Koirtyohann made and Commissioner Trecha seconded a motion to approve the request by VH Properties LLC to approve a review plan for Midway USA Campus on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia with the following conditions:

1. Under general notes number 4 Tract 3A add, a line labelled “d.” “incidental retail sales and services accessory to the main use” (Subject to the approval of a Conditional Use Permit) to the Final Plan.
2. An agreement to resolve sewer concerns acceptable to the BCRSD and the Director of Resource Management must be finalized prior to the submission of the Final Development Plan.

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, March 29, 2022 at 7:00 PM and the applicants need to be present for the hearing.

3. Request by VH Properties LLC to revise a review plan for Midway USA Campus in the M-LP (Planned Light Industrial) on 8.81 acres located at 5875 W Van Horn Tavern Rd, Columbia

See staff report and public hearing under previous request.

Commissioner Koirtyohann made and Commissioner Trecha seconded a motion to approve the request by VH Properties LLC to revise a review plan for Midway USA Campus in the M-LP (Planned Light Industrial) on 8.81 acres located at 5875 W Van Horn Tavern Rd, Columbia with the following conditions:

1. Under general notes number 4 Tract 3A add, a line labelled “d.” “incidental retail sales and services accessory to the main use” (Subject to the approval of a Conditional Use Permit) to the Final Plan.
2. An agreement to resolve sewer concerns acceptable to the BCRSD and the Director of Resource Management must be finalized prior to the submission of the Final Development Plan.

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the review plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, March 29, 2022 at 7:00 PM and the applicants need to be present for the hearing.

4. Request by Bill & Pamela Vaughn to rezone 1.6 acres from A-1 (Agriculture) to A-2 (Agriculture) on 5.26 acres located at 21470 S Westbrook Dr, Hartsburg.

No one present to represent the request.

Chairperson Harris made a motion to table the request until the April 21, 2022 meeting. Commissioner Furlong seconded the motion.

Chairperson Harris made and Commissioner Furlong seconded a motion to table the request by Bill & Pamela Vaughn to rezone 1.6 acres from A-1 (Agriculture) to A-2 (Agriculture) on 5.26 acres located at 21470 S Westbrook Dr, Hartsburg and to place the item on the April 21, 2022 agenda:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to table the request passes unanimously

Chairperson Harris stated that this request has been tabled and will be placed on the April 21, 2022 agenda.

VII. Planned Developments

1. Request by MBK Investments to approve a Final Development Plan for Rock Bridge Business Park on 3.39 acres located at 5105 S Providence Rd, Columbia.

The following staff report was entered into the record:

The subject property is located on the outer road along S Providence Road, just north of the intersection of State Route K, Highway 163 and Providence Road. The property is 3.47 acres in size and zoned R-M (Residential Moderate-Density). The property has the City of Columbia to the north and east, and R-S (Residential Single-Family) to the west, and south, with C-GP (Planned General Commercial) to the southeast. It has been used as a mobile home park until recently. There is currently an existing home and an accessory building on the site. This property was submitted for a rezoning to M-LP (Planned Light Industrial) on the December 2021 Boone County Planning & Zoning Commission agenda. It was approved by the Planning & Zoning Commission and the County Commission under Commission Order 531-2021.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. This request is to change the current R-M zoning of the property to M-LP (Planned Light Industrial) to allow the redevelopment of the site as a commercial/industrial park.

This final plan locks in the previously approved rezoning and allows the property to be developed as an industrial park.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 criteria for approval:

- All the 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 Final Plan

After review of the submitted Final Plan, staff has found that the plan meets these three criteria and is ready for approval by the Planning & Zoning Commission.

Staff recommends approval of the final plan.

Commissioner Lloyd made and Commissioner Trecha seconded a motion to approve the request by MBK Investments to approve a Final Development Plan for Rock Bridge Business Park on 3.39 acres located at 5105 S Providence Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – 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 before the County Commission on Tuesday, March 29, 2022 at 7:00 PM.

2. Request by Old Hawthorne Development LLC to approve a Final Development Plan for WW Commercial on 7.07 acres located at 4172 E Hwy WW, Columbia.

The following staff report was entered into the record:

The property is located on the south side Highway WW approximately 450 feet west of the intersection of Highway WW and El Chaparral Avenue. In November 2019 the Planning and Zoning Commission recommended approval of a rezoning and an M-LP PID Review Plan. The County Commission approved the rezoning and Review Plan, Commission Order 510-2019. The corresponding Final Development Plan was approved in June 2020 by Commission Order 245-2020. In March 2021, the Planning and Zoning Commission recommended approval of a revised Review Plan that was subsequently approved by the County Commission by Commission Order 132-2021 with the following conditions:

1. The proposed lot 1 building facades contain a minimum of a brick “wainscoting” base and either real or faux fenestration to establish, to the passing public, a minimum level of appearance that is higher than a sheet-metal skin. Any building façade proposed for Lot 1 is subject to the approval of the Director of Resource Management.
2. That a privacy fence be added to screen the south and southeast property lines along the parking lot to minimize headlight sweep or strobe experienced by the adjoining residences further south and southeast. Some plantings are still expected to break-up and soften the mass of the fence. This component of the landscaping plan is subject to the approval of the Director of Resource Management.

Additionally, infrastructure such as road improvements and public sewer extension were required, and the developer chose to bond those improvements along with entering into a development agreement.

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

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

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

The conditions imposed by the County Commission have been complied with in that they are such that they come into play with actual site development and building construction.

Staff recommends approval.

Commissioner Lloyd made and Chairperson Harris seconded a motion to approve the request by Old Hawthorne Development LLC to approve a Final Development Plan for WW Commercial on 7.07 acres located at 4172 E Hwy WW, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Bill Lloyd – Yes	Fred Furlong – 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 before the County Commission on Tuesday, March 29, 2022 at 7:00 PM.

The following items were placed on consent agenda:

1. Rockbridge Business Park Plat 1. S36-T48-R13W. Pending M-LP. MBK Investments, owner. Jay Gebhardt, surveyor.

The subject property is located on the outer road along S Providence Road, just north of the intersection of State Route K, Highway 163 and Providence Road. The property is 3.47 acres in size and zoned R-M (Residential Moderate-Density). The property has the City of Columbia to the north and east, and R-S (Residential Single-Family) to the west, and south, with C-GP (Planned General Commercial) to the southeast. It has been used as a mobile home park until recently. There is currently an existing home and an accessory building on the site. This property was approved for a rezoning to M-LP (Planned Light Industrial) in December of 2021 with an affiliated review plan. The final plan for this property is on the March 2022 Boone County Planning & Zoning Commission agenda. This plat confirms the existing lot as a legal lot of record.

Utilities: The subject property is located in the City of Columbia Water & Light service area for water, is provided central sewer service by the City of Columbia, is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has access on to the outer road along S Providence Road, a publicly dedicated, publicly maintained Right of Way. The applicant has submitted a request to waive the traffic study requirement.

Public Safety: The property is located in the Boone County Fire Protection District, with the station on Route K being closest for service.

The property scored 62 points on the rating system.

Staff recommends approval of the plat.

2. County Downes Subdivision Plat 3. S11-T49N-R13W. R-S. McGowan, Kessler, Anderson, Kemp, Yanez, Acton, Schultz, owners. Kevin Schweikert, surveyor.

The subject property is predominantly located on the north side of Colchester Road approximately 2.5 miles north of the municipal limits of the City of Columbia and approximately 300 feet north of the intersection of Wade School Road and Colchester Road. The property is 17.11-acres in size. This proposal eliminates most of a “not for development” strip of land formerly part of Pounds Place Sub Lot 5 by dividing portions of the strip and then combining these portions with the lot to the immediate south of each. The original Lot 5 of Pounds Place has retained a small portion of the original strip that is still not for development and proposed Lot 11A and 13A still have small “not for development” areas within their new lot configuration, where the portions of the strip go behind existing lots that chose not to participate in this replat. Each of the platted lots already has a house on it, with the exception of proposed Lot 5A, and the re-plat simply adds additional yard area to each lot behind each house. The property is zoned R-S (Residential Single Family) as is all the surrounding property. This is all original 1973 zoning.

Six of the lots in this plat have direct access to Colchester Road, a publicly dedicated, publicly maintained right-of-way. The remaining lot has frontage on Wade School Road. The applicant has submitted a request to waive the traffic study requirement.

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

The property scored 74 points on the rating system.

Staff recommends approval of the plat and granting the requested waivers

3. Kitley Point Plat 1. S33-T50N-R12W. A-2. Charles & Dawn Kitley, owners. David Butcher, surveyor.

The subject property is located approximately 1 mile to the west of the intersection of Mount Zion Church Road and State Route B, and roughly 3 miles south of Hallsville and 3 miles north of the city of Columbia. The subject property is 5 acres in size and is adjacent to other property held in the same ownership that is approximately 68.67 acres in size. The subject property has a house and several outbuildings present. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The proposal divides a 2.5-acre lot from the 5-acre parent parcel, and the remainder is consolidated with additional property from the 68.67-acre tract in a concurrent administrative survey.

The lot has direct access on to Mount Zion Church 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 in Public Water Service District #4. There is existing domestic service to the house on the proposed lot.

There is an existing on-site wastewater system serving the house on this property. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The accompanying administrative survey will be recorded concurrently with the plat.

The property scored 40 points on the rating system.

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

4. G.D Thomas Subdivision Plat 1. A-2. S34-T46N-R12W. Gary & Debbie Thomas, owners. Kevin Schweikert, surveyor.

The subject property is located at the intersection of Old Route A and State Route A, approximately 2 miles south of Ashland. The property is 12.43 acres in size and zoned A-2(Agriculture). This is original A-2 zoning and is surrounded by A-2 zoning. This proposal creates three lots at 2.74, 6.65, and 3.04 acres in size. The 2.74-acre lot has a house and two sheds on the property. The 2.74-acre lot received two variances from the Boone County Board of Adjustment under case number 006-2021.

The subject property has direct access on Old Route A and State Route A. Lot 1 has an existing access on to Old Route A. Lots 2 & 3 have access on to State Route A. Both roads are publicly dedicated, publicly maintained rights-of-way, with State Route A under Missouri Department of Transportation jurisdiction for driveway access and Old Route A under Boone County jurisdiction. The applicant has requested a waiver to the traffic study requirement.

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

On-site wastewater is proposed for all three lots, with an existing system serving the house on Lot 1. New systems will be constructed under permit with the Columbia/Boone County Health Department. The applicant has requested a waiver to the wastewater cost-benefit analysis requirement.

The property scored 48 points on the rating system.

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

5. 40-J Development Plat 1. S3-T48N-R14W. M-LP. 40 & J Development LLC, owner. David Butcher, surveyor.

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 in November of 2021 a corresponding Final Development Plan was approved, Commission Order 493-2021.

The property is the site of the new Midway USA Campus with the main warehouse/distribution center building nearing completion. This plat creates a single 180.71-acre lot for the Campus and dedicates public road Right-of-Way and utility easements along all its road frontage. The plat is served by a BCRSD central sewer that is nearing completion.

The property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area. The site is 3.3-miles from the Boone County Fire Protection District station #9 on Henderson Road. All lots are served by central sewer from the BCRSD.

The property scored 65 points on the rating system.

Staff recommends approval of the plat

6. Aunt Effie's Subdivision. S33-T50N-R13W. A-2. Grace B Butler Revocable, owner. Steven R. Proctor, surveyor.

The subject property is located at the west end of Botner Road, approximately 7 miles northwest of the City of Columbia. The parent parcels are a 67-acre tract and a cemetery site. The proposal creates a 6.74-acre lot from these components, further identifying the cemetery site. The site has several small outbuildings present on the new lot. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Botner 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 in Consolidated Public Water Service District #1 for water service, the Boone Electric Cooperative services area, and the Boone County Fire Protection District.

Any development of this property will use 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.

The cemetery is now more specifically located on the property and identified on the plat.

The property scored 11 points on the rating system.

Staff recommends approving the plat and granting the requested waivers.

7. Oldham Acres Plat 1. S35-T46N-R12W. A-2. Whirlwind Properties LLC, owner. James Jeffries, surveyor.

Oldham Acres is approximately 2.5 miles south of Ashland city limits, located off East Zumwalt Road near the interchange of South Highway 63. The proposed plat creates three lots totaling 16.83 acres, creating a 5.04 acres lot, a 5-acre lot, and a 6.79-acre lot. A corresponding administrative survey was submitted to create a 10.18-acre tract and a 10.14-acre tract north of the minor plat. The admin survey tracts are served by a proposed private drive which would also potentially service the three tracts of the minor plat. The parent parcel is zoned A-2 (agriculture) and is bordered by A-2 to the north and east, A-1 (agriculture) to the south on the other side of Zumwalt Road, and A-R (agriculture-residential) to the west across Highway 63.

All three tracts have direct road frontage along East Zumwalt Road, a publicly dedicated and maintained right of way. All three parcels have frontage along the proposed private drive that would serve the corresponding parcels created by administrative survey. The surveyor submitted a written request to waive the traffic study requirement.

Water service is provided by Consolidated Water Supply District #1. Ameren will provide residential electric. Southern Boone Fire Protection District serves the area of the subdivision.

The applicant proposes on site wastewater systems. A preliminary sketch of potential lagoon locations was provided along with the minor plat. All future wastewater systems must be approved and inspected by the Columbia/Boone County Health Department. The surveyor has submitted a written request to waive a wastewater cost benefit analysis.

The plat scored 39 points on the points rating system.

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

8. Oak Hill Estates Plat 2. S13 & S24-T47N-R13W. A-2. IUVO Constructum, LLC, owner. David Butcher, surveyor.

The property is located on the west side of State Route N at the intersection of Brook Valley Drive and State Route N. The zoning is A-2 (Agriculture) as is all the surrounding zoning and these are all original 1973 zonings. The proposed development contains approximately 160-acres. Plat 1 of the development encompassed almost an identical out-boundary as this proposal but was divided into a Final Plat comprising 13 total lots, 11 of these are buildable lots and two are common lots. Only four of the 11 buildable lots are in the final configuration that corresponds to the approved preliminary plat. The seven remaining lots of Plat 1 all comprise two or more of the lots shown on the approved preliminary and will need to be further subdivided through replatting in order to match the approved preliminary, that is what this current plat does.

An upgrade/replacement BCRSD central wastewater system is proposed for ultimate sewage disposal for the 47 lots. The developer of this subdivision is going to construct the replacement facility on the site of the existing BCRSD plant in Brookfield Estates. Construction on the new plant has not begun. The developer is wishing to bond the plant construction so a development agreement will be needed. The details of the wastewater system will have to be worked out to the satisfaction of the Director of Resource Management and the BCRSD. All the water and roadway infrastructure was completed as part of Plat 1.

Before the plat can be scheduled for the County Commission to receive and accept, the central sewer will have to be acceptable, constructed, inspected and approved based upon approved plans, or it must be bonded. Any bonding will have to be based upon approved plans and associated engineered construction cost estimates including at a minimum, a multiplier for future cost increases, removal of unacceptable construction, prevailing wage and potential additional costs associated with securing the bonding funds. If bonding is sought a development agreement is typically required.

Stormwater management is to be concentrated on the common lots and must be in compliance with County regulations.

The proposal scored 71 points on the rating system.

Staff recommends approval.

9. WW Commercial Final Plat 1. S16-T48N-R12W. Pending M-LP. Old Hawthorne Development LLC, owner. David Butcher, surveyor.

The property is located on the south side Highway WW approximately 450 feet west of the intersection of Highway WW and El Chaparral Avenue. In November 2019 the Planning and Zoning Commission recommended approval of a rezoning and an M-LP PID Review Plan. The County Commission approved the rezoning and Review Plan, Commission Order 510-2019. The corresponding Final Development Plan was approved in June 2020 by Commission Order 245-2020. In March 2021, the Planning and Zoning Commission recommended approval of a revised Review Plan that was subsequently approved by the County Commission by Commission Order 132-2021.

Additionally, infrastructure such as road improvements and public sewer extension were required, and the developer chose to bond those improvements along with entering into a development agreement.

The plat creates the two lots shown in the planned development, with the front lot providing space for contractor's shops and the rear lot having an area for a basketball gym. This plat creates a 3.62-acre and a 3.32-acre lot and dedicates public road Right-of-Way and utility easements along all its road frontage.

The property is located in Public Water Service District #9, the Boone Electric Cooperative service area. The site is 550 feet from the Boone County Fire Protection District station #12 on El Chaparral Dr. All lots are served by central sewer from the City of Columbia.

The property scored 80 points on the rating system.

Staff recommends Approval.

Commissioner McCann made, and Commissioner Mings 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 requests by Larkin Construction at 2591 S Casa Circle and 4312 W Mesa Dr for duplexes in the R-S (single-family residential) zoning district were approved as recommended.

The conditional use permit request by Do Something Right Now for a food pantry at 313 Hogan Drive was approved as recommended.

The rezoning request by MBK Investments to rezone from R-M (moderate density residential) to M-LP (planned light industrial) and the review plan for Rock Bridge Business Park at 5105 S Providence Rd were approved as recommended.

The rezoning request by Frederick Schmidt to rezone from A-2 (agriculture) to C-GP (planned general commercial) and to revise and approve a review plan at 601 N Hwy UU was approved as recommended.

The final development plan for Timothy & Christine Beerup was approved.

The plats for Persinger Farm Subdivision, Hatfield Pass and Oak Hill Estates Plat 1 were approved as recommended.

VIII. New Business

1. Solar Regulations

Bill Florea stated that due to the size of the agenda this month staff did not prepare anything with regard to Solar Regulations. Staff will email something to the Commission for discussion in April and will plan to discuss at the April work session.

IX. Adjourn

Being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Secretary
Gregory Martin, Secretary

Minutes approved on this 21st day of April, 2022