

**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, May 19, 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
Eric Kurzejeski, Vice Chairperson	Missouri Township
Gregory Martin, Secretary	Katy Township
Steve Koirtyohann	Rocky Fork Township
Fred Furlong	Bourbon Township
Randal Trecha	Cedar Township
Jeff McCann	County Engineer

b. Members Absent

Bill Lloyd	Three Creeks Township
Daniel Mings	Columbia 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 April 21, 2022 meeting were approved as presented by acclamation.

IV. Chairperson Statement

The following statement was entered into the record:

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

The Planning and Zoning Commission makes recommendations to the County Commission on matters dealing with land use. Tonight's agenda includes four conditional use permits, two rezoning requests and six 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, May 31<sup>st</sup>. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, May 31<sup>st</sup> will begin at 7:00 p.m. and will convene in this same room.

V. Conditional Use Permits

1. Request by VH Properties LLC for a conditional use permit for an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia

Planner, Thad Yonke gave the following staff report:

This property is 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 this request is 5.32-acres of Rec-P (Planned Recreational) zoning that went into effect upon approval of the Final Development Plan in April. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned M-LP (planned industrial) with property to the north across I-70 zoned A-2 (Agriculture) and to the south zoned A-R (Agriculture-Residential).

The proposal is to obtain a Conditional Use Permit (CUP) for an indoor shooting range. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans. The building modifications will be required to prevent rounds from penetrating the exterior shell of the building. The proposal indicates that the firearms used will be air rifles and guns using .22 long rifle or less powerful cartridges. The modifications will also dampen any sound from the shooting activity.

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.

Limitations on the power of the firearms involved accompanied by the required modifications to the building should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer.

- (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.

Nearby properties are either developed for significant commercial/industrial use or underdeveloped for residential use. The property is located along a major interstate highway with the corresponding level of noise. With the required building modifications, the establishment of this conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Adequate infrastructure and utilities are available to serve this site. The current site has adequate storm drainage for the facility and does not create any known downstream flooding issues.

The sanitary sewer for this tract is provided by the BCRSD via a treatment plant that is located adjacent to the subject property. There is also a recent Agreement for Provision of Wastewater Collection and Treatment Services between the current owner and the BCRSD that allocates adequate sewer capacity specifically to the subject property. This capacity was determined based on the proposed use of the indoor shooting facility with this capacity being specifically reserved for this lot in said agreement. Electrical service is from Boone Electric.

Roadway access comes off Van Horn Tavern Road via a private driveway access. There are also three other access points that could potentially be used as access to the lot from adjacent properties via private internal driveways as part of the overall development complex. Circulation within the site is good with adequate access for emergency service providers.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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 part of a development complex that has multiple access points onto Van Horn Tavern Road. There are also three other access points that could potentially be used as access to the lot from adjacent properties via private internal driveways. Circulation of the site is good with adequate access for emergency service providers.

The previous use of the subject property was that of warehouse, office, and distribution. The previous use had approximately 50 employees that accessed the subject site each weekday with the vast majority of the traffic entering and exiting the site during the weekday AM and PM peak hours. The proposed use would have its peak traffic flow on weekends which does not coincide with weekday AM and PM peak hours thus reducing the amount of traffic that would be contributed from the site to the overall traffic patterns at times of highest use. Furthermore, the proposed uses would have phased or staggered usage times. This would further break up the amount of traffic that is generated or using the adjacent roadways at any specific time.

The existing roadways and intersections are able to properly and adequately handle the traffic volumes that would be generated from the proposed uses as the overall traffic volumes would reduce with the recent relocation of the MidwayUSA campus and the transition of the other buildings to less intense uses. The previous use as the MidwayUSA campus had approximately 700 employees. The current uses of these tracts are less intense and generates significantly less traffic than before.

Specific traffic for the proposed uses for Lot 3 would include, at a maximum, 8 full time employees. They would also hold intermittent classes and seminars with attendants ranging from a few individuals to occasionally 100 shooters. There would also be occasional weekend shooting tournaments with attendance staggered. These activities are not the normal daily activity of the facility and would generate traffic at non-peak times. Furthermore, the generated traffic would be less, campus wide, as compared to the previous use.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored 80 points on the rating system.

Staff recommends approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to using ammunition that at maximum is equivalent to 22 caliber long rifle cartridges or less in power, any desire for more powerful ammunition will require coming back through the process for a new approval.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Tim Crockett: VH Properties is donating this building and lot to the Citizens Marksmanship Program (CMP). The CMP is a National organization dedicated to the training and education to the citizens for responsible use of firearms and firearm safety. They do that through safety training, through marksmanship training and through competitions. The staff report is accurate and precise in what the applicants are asking for. This piece of property has come before this Commission several times in the past few months and this use was the intent and the purpose. The property is about 5.32 acres on Van Horn Tavern Road which is surrounded by the interstate, other industrial uses and farm ground on the south side. The other conditional uses the applicants are requesting are in conjunction with the shooting range. The shooting lanes inside the building will be self-contained units which will help dampen the sound and keep all the projectiles in the lanes and not have penetrations through the exterior of the building. The staff conditions are acceptable to the applicants.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Koirtyohann made and Commissioner Furlong seconded a motion to approve the request by VH Properties LLC for a conditional use permit for an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia with the following conditions:

1. The facility is limited to using ammunition that at maximum is equivalent to .22 caliber long rifle cartridges or less in power, any desire for more powerful ammunition will require coming back through the process for a new approval.

Boyd Harris – Yes  
Greg Martin – Yes  
Fred Furlong – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Steve Koirtyohann – 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, May 31, 2022 at 7:00 PM and the applicants need to be present for the hearing.

2. Request by VH Properties LLC for a conditional use permit for an incidental restaurant/cafeteria/bar in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia

Planner, Thad Yonke gave the following staff report:

This property is 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 this request is 5.32-acres of Rec-P (Planned Recreational) zoning that went into effect upon approval of the Final Development Plan in April. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned M-LP (planned industrial) with property to the north across I-70 zoned A-2 (Agriculture) and to the south zoned A-R (Agriculture-Residential).

The proposal is to obtain a Conditional Use Permit (CUP) for a restaurant, cafeteria, and bar use. At this time there is no intention of having an actual on-site restaurant. All meals would be catered and brought to the site already prepared. Should a restaurant be added its use would be incidental to the overall use of the facility. It is anticipated that any such use would be a snack bar use that sells pre-packaged goods and foods. No sit-down style restaurant is being proposed. The use of restaurant, cafeteria, and bar would be solely for the patrons of the shooting facility. It would not be open to the general public as a standalone use but rather as an incidental use for the shooting facility. The above use was anticipated and included in the sewer capacity calculations that were presented to the BCRSD and included in the recent sewer agreement. indoor shooting range. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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.

Limitations to a snack bar use selling pre-packaged food should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer.

(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.

Limitations to a snack bar use selling pre-packaged food should address any concerns along with the required building modifications. This conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Limitations to a snack bar use selling pre-packaged food should address any concerns.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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.

Limitations to a snack bar use selling pre-packaged food should address any concerns.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored 80 points on the rating system.

Staff recommends approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to a snack bar/catering and any proposal to add a higher level of food service will require coming back through the process for a new approval.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Tim Crockett: This is not a stand-alone use, it is in conjunction with the shooting range; there will not be a restaurant out there, it is only going to be used to serve the patrons of the shooting facility.

Chairperson Harris: Are the applicants and staff on the same page as to what snack-bar means?

Thad Yonke: Yes, pre-packaged food. There are no cooking facilities other than a microwave.

Tim Crockett: The applicants are on the same page.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Furlong made and Commissioner Trecha seconded a motion to approve the request by VH Properties LLC for a conditional use permit for an incidental restaurant/cafe/terrace/bar in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia with the following conditions:

1. The facility is limited to a snack bar/catering and any proposal to add a higher level of food service will require coming back through the process for a new approval.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Fred Furlong – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, May 31, 2022 at 7:00 PM and the applicants need to be present for the hearing.

3. Request by VH Properties LLC for a conditional use permit for incidental retail sales in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia

Planner, Thad Yonke gave the following staff report:

This property is 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 this request is 5.32-acres of Rec-P (Planned Recreational) zoning that went into effect upon approval of the Final Development Plan in April. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned M-LP (planned industrial) with property to the north across I-70 zoned A-2 (Agriculture) and to the south zoned A-R (Agriculture-Residential).

The proposal is to obtain a Conditional Use Permit (CUP) for incidental retail sales. The sales area would be about 2500 square feet in size with a storage and stockroom of about 1000 square feet. Sales would be limited to t-shirts, ammo for use on-site, and other items that would be complementary to the overall shooting use. Product delivery would either be brought in personally by employees, delivered via standard delivery service (USPS, UPS, FedEx, etc.), or delivered via commercial courier. Deliveries would be received at the southeast corner of the building where delivery trucks would have adequate access to and through the site. This use was anticipated and included in the sewer capacity calculations that were presented to the BCRSD and included in the recent sewer agreement. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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.

Limitations on the amount of space dedicated should address any concerns related to the public health, safety, comfort, or general welfare. The building is already served by public sewer.

(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.

Limitations on the amount of space dedicated should address any related concerns and along with the required building modifications, the establishment of this conditional use permit should not be injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

Limitations on the amount of space dedicated should address any concerns.

(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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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.

Limitations on the amount of space dedicated should address any concerns.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal will be less intensive than the traditional use of the property and meets the CUP criteria with conditions;

The property scored 80 points on the rating system.

Staff recommends approval of the conditional use permit, subject to the following conditions:

1. The facility is limited to 3000 square feet of retail space with another 1500 square feet of stockroom any proposal to add a higher level of retail use will require coming back through the process for a new approval.

Present representing the request:

Tim Crockett, Crockett Engineering, 1000 W Nifong, Columbia

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Trecha made and Commissioner Furlong seconded a motion to approve the request by VH Properties LLC for a conditional use permit for incidental retail sales in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia with the following conditions:

1. The facility is limited to 3000 square feet of retail space with another 1500 square feet of stockroom any proposal to add a higher level of retail use will require coming back through the process for a new approval.

Boyd Harris – Yes  
Greg Martin – Yes  
Fred Furlong – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Steve Koirtyohann – 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, May 31, 2022 at 7:00 PM and the applicants need to be present for the hearing.

4. Request by Victory Baptist Church for a conditional use permit for a group daycare in the A-R (Agriculture/Residential) zoning district on 10 acres located at 9401 E I-70 Drive NE, Columbia.

Planner, Uriah Mach gave the following staff report:

The subject property is located on the north side of Interstate 70, on I-70 Drive Northeast, approximately 3500 feet to the east of the intersection of State Route Z and Interstate 70. The property is 10 acres in size and zoned A-R (Agriculture-Residential). The property has a church, an accessory building, and a lagoon present on the property. There is A-R zoning to the east and west, M-L (Light Industrial) zoning to the north, and A-2 (Agriculture) zoning across I-70 to the south. The M-L zoning was created in 2009, all the other zonings are original 1973 zoning.

This proposal is to remodel the accessory building into a day-care facility to serve up to 60 children on a Monday-thru-Friday schedule. This building was built under a commercial building permit, but it will require a remodel permit under the seal of a licensed design professional to meet the current building code for the day-care facility use. The property is currently served by an existing wastewater lagoon. It is unknown if this facility has the capacity to handle the additional needs of the proposed day-care's staff and children.

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 lack of information on how wastewater treatment can be handled and regulated is an issue that is detrimental to the public health, safety, comfort, or general welfare. Public health is specifically at risk without clear details on how wastewater will be treated for this use. That deficiency shows this proposal failing to meet 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.

Nearby properties are either developed for significant commercial/industrial use or underdeveloped for residential use. The establishment of this conditional use permit should not be injurious to the use and enjoyment of those properties for purposes already permitted by these regulations.

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

If this activity is operated within county regulations, this conditional use permit should not substantially diminish or impair property values.

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

This proposal has access to public roads in the form of I-70 Drive Northeast, electrical service from Boone Electric, and sufficient water from Public Water Service District #9. However, the lack of information on how wastewater treatment will be handled for this proposal is failure of this application. All necessary facilities are not available, this proposal fails to 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 further development of the surrounding properties will not be impeded by the establishment of this conditional use permit.

(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 has two access points on to I-70 Drive Northeast under permit with the Missouri Department of Transportation. Access to this property should not be hindered by the approval of this conditional use permit.

(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.

This proposal can, in all other respects, conform to the applicable regulations of the zoning district in which it is located.

Zoning Analysis: This proposal has elements supporting this increase in activity. There is transportation infrastructure and access to the site to support the drop-off/pick-up activity required of a day-care center.

There is a 12" water line along I-70 Drive NE capable of serving this proposal. The building, once reviewed and updated to meet the current requirements of the building code, may serve the needs of a day-care center.

However, the applicant has failed to provide information on the ability of the existing wastewater system to serve this use. With that shortcoming, this conditional use permit cannot meet all the standards for approval.

There is an existing central wastewater treatment facility with available capacity to the east of the subject property. Connection to this facility would allow for this proposal to meet the identified standards for approval.

The property scored 71 points on the rating system.

Staff recommends denial of the conditional use permit, due to failure to meet the standards of criteria (a) & (d).

Should the Commission decide to approve this conditional use permit, staff recommends the following conditions:

1. That the commercial remodel of the accessory building, done under the direction of a licensed design professional is completed prior to opening the day-care facility.
2. That the accessory building be connected to the Boone County Regional Sewer District wastewater treatment plant at Lenway for wastewater treatment or an onsite wastewater system under permit of the State of Missouri.

Present representing the request:

Stacy Gooch, 5301 Wood Lake Ct, Columbia

Stacy Gooch: I understand this was recommended denial and I understand why because I didn't get the information to him in a timely manner. It took me until yesterday to get the finishing pieces to the puzzle to submit. It is my intent to obtain a conditional use permit for Victory Kids Preschool. I am not trying to disrupt the health, safety and comfort; nothing I plan to do is going to disrupt anyone around us. The kids will not be injurious to the property around us and nothing we do is going to alter the appearance or value of our building or anyone around us. All necessary facilities will be available. In my documentation there is an email proving that we had a licensed architect out to inspect the facility and his findings were that there will be very minimal improvements needed to operate a licensed, exempt childcare center in that building. That was done by Eric Westhues. We won't impede on the surrounding properties, we have an email from John Kuhlman stating that nothing needed to be done as far as he was concerned as far as access. I was told that one of the other points was that I had to demonstrate a need for childcare in this area. I have a chart and map indicating the approximate current licensed facility capacities versus the projected demand. The data is from the Missouri State Office of Childhood; they go through the US Census survey and the data shows that there are 1,330 available seats for childcare in the 65202 zip code and it is projected that 2,976 spots are needed based on the US Census analysis leaving 1,646 spots needed just in the 65202 zip code.

I think it comes down to the lagoon. We have a lagoon that was designed by a licensed engineer when we originally built the church building. We since then built an educational building designed for a school, we had a school in that building from 2002 to 2017; the lagoon was approved for that use. We are prepared to argue that the existing lagoon, which was designed and built by a licensed engineer will sustain the increased flow with the additional daycare. It was designed as a no-charge domestic wastewater urban basin and has operated under a permit exempt status even while running the school in the additional educational building. The school was approved with the existing lagoon in place for 40 children. While we understand the lagoon was designed with the understanding that the land irrigation system may be needed if the levels ever got high

enough, this never happened. The entire time that our school was at its highest capacity and the church was running way more than it is now and we never had to use a land irrigation system. But that was the kind of lagoon that this was designed to be. We figured that the additional amounts based on the City of Columbia's standards, as the DNR standards have expired and the new standards have not been approved yet, based on these findings we still have a discharge rate of under 3000 gallons per day. We still meet the requirement for a license exempt lagoon even at the projected highest enrollment of our daycare and the highest that we have ever had in our church. There is an attached email from Chris Sander of McClure Engineering and he supports these findings. There is a need for childcare in the area and we really hope to obtain a permit exempt status for that lagoon because of budgets and time restraints we are stuck with this option, this is our only option. I know that we could go to the city but we don't have time for that. According to the Federal grant that we were offered we have to be open by September 1<sup>st</sup>. We would have to cross two different properties to get to the sewer at Lenway Drive and that would require easements; that is an expense and a timeframe that we don't have.

Commissioner Trecha: Are there barriers in place to keep children out of the lagoon?

Stacy Gooch: It is fenced in.

Commissioner Trecha: It is in good repair?

Stacy Gooch: Yes.

Commissioner Koirtyohann: Do you have anything that is stamped by an engineer saying the lagoon is adequate?

Stacy Gooch: I have the original; the email from McClure is not stamped. It is a preliminary summary after reviewing our case.

Commissioner Koirtyohann: But you don't have anything that says the lagoon will definitely work?

Stacy Gooch: I guess not.

Chairperson Harris: The application says "care for 50 more children", what is the applicant looking at as far as an anticipated maximum number?

Stacy Gooch: 60 children.

Chairperson Harris: Is that what the state would permit you for?

Stacy Gooch: Yes.

Chairperson Harris: In the staff comments there is reference to the accessory building.

Stacy Gooch: That is the educational building; there are two buildings.

Chairperson Harris: In order to connect to the central sewer you will have to cross two properties.

Commissioner McCann: Does the planning staff have a copy of the information that the applicant is referencing? Such as the email from McClure engineering?

Stacy Gooch: No. I didn't have it in time to submit it to staff. After our meeting and after I submitted my application I didn't understand what I needed. I finally got with the right people who could tell me my options.

Commissioner Kurzejeski: In the information staff provided they said if the Commission considered approval one of the conditions is that the sewer is hooked up to the sewer district or the onsite system be under permit of the state. Has the applicant been able to move forward in that regard? The applicant described the original capacity and engineering, is this a system that will allow you to meet that condition versus having to hook up to the central system? Is the lagoon that is there capable of being a permitted system?

Stacy Gooch: It is my understanding that they are trying to do away with lagoons in general; to get it permitted I would probably be faced with the same problems as doing the inground septic or hooking to the central system because of the time constraints and the cost involved.

Open to public hearing.

Present speaking in favor:

Rick Parks, 901 W Worstell Ln, Columbia

Rick Parks: I am in favor of it.

None spoke in opposition.

Closed to public hearing.

Stacy Gooch submitted a copy of an email from Chris Sander dated May 18, 2022.

Chairperson Harris read the email:

At your requests I have made a preliminary review of the sewer system that serves the Victory Baptist Church. Please consider the following:

- It is my understanding that the church has a capacity of 100 seats and that actual attendance is much less than capacity.
- The intended maximum occupancy of the daycare is 60 children
- The existing no-discharge lagoon has a surface area at 5-foot depth of 4300 square feet
- The volume of the no-discharge lagoon from 2-foot depth to 5-foot depth is 73,000 gallons
- The average flow to be treated was estimated per Department of Natural Resources Publication 2754, Table 1-1 to be 500 gallons per day
- Based on the storage volume and average flow above, the no-discharge lagoon will provide over 140 days of storage
- Ample area is owned adjacent to the lagoon with turf cover to allow for land application by seasonable irrigation

Chairperson Harris: The email doesn't really address whether that would suffice for the daycare use.

Commissioner Kurzejeski: I believe it does because it states with understanding that the church has a capacity of 100 and the 60 children.

Ms. Gooch also submitted a copy of a Professional Services Agreement dated April 29, 1993, signed by Bill Crockett, Crockett Engineering and Gary Crumley containing recommendations for a sewage treatment facility for Victory Baptist Church.

Chairperson Harris: Does the applicant have anything else regarding engineering information.

Stacy Gooch: No.

Commissioner Martin: There is a school there also?

Stacy Gooch: There was, it closed five years ago.

Chairperson Harris: How many students were there?

Stacy Gooch: It was approved for 40 students. I have a list of some family names and the number of kids through the years. We weren't able to get to the records.

Commissioner Kurzejeski: It was approved for 40.

Stacy Gooch: Yes.

Bill Florea: A school would have required a conditional use permit; we have no record of a conditional use permit for the school. We don't know that the building was certified or built to operate as a school. Regarding the report from Chris Sander, was there a physical inspection of the lagoon to verify that those physical characteristics exist in terms of the water depth? That is a key element of the lagoon being adequate. That is one of staff's concerns about not being a permitted facility because there is no monitoring of maintenance activities. Under a permit there would be monitoring so there would be a requirement for continual maintenance to maintain their permit conditions.

Chairperson Harris: Did the engineer take his boat into the lagoon and get readings?

Stacy Gooch: I don't know but I thought the chart showed depths; the original showed dimensions of the lagoon.

Bill Florea: It probably does but it does not say the current state of the lagoon, over time they fill in because of the material that is discharged into it.

Commissioner Trecha: There was a limit of the system of 3000 gallons per day and the preliminary report the applicant submitted said 500 gallons a day. What do each of those numbers represent?

Stacy Gooch: In order to qualify for a permit exemption you have to have a flow of under 3000 gallons per day. Both Troy Lelane at the Department of Natural Resources and Tom Ratermann at the Boone County Regional Sewer District ran numbers for me and they both came up with under 3000 gallons a day. They both sent me guidelines stipulating what would qualify for a permit exemption and I feel like we qualify for that.

Commissioner McCann: Does the information from Chris Sander have an engineer's seal?

Chairperson Harris: No.

Commissioner Kurzejeski: If this were a permitted lagoon versus exempt then there would be inspections and required maintenance?

Bill Florea: Correct.

Commissioner Kurzejeski: As it stands now is there concern that it would not be able to be permitted without a lot of additional effort? Ms. Gooch mentioned that they are trying to get rid of lagoons.

Bill Florea: I have not heard that there was any move to get rid of lagoons. It is probably not the preferred method of wastewater disposal but lagoons are very common in Missouri.

Commissioner Kurzejeski: So we don't know whether this lagoon would be able to be permitted without major modifications?

Bill Florea: No. We have no way of knowing until they approach the permitting authorities.

Jeff McCann: There is no engineer seal on the information from Chris Sander but there is a seal on what looks to be from the original permit but that was for whatever its original intent was.

Chairperson Harris: Given the information that Mr. Sander provided, would you interpret that as having adequate capacity in the existing design to meet this request?

Jeff McCann: I would need more time to review this. That is why we have the process of getting information like this in a timely manner so we can review it. We aren't going to be permitting this; it is either going to be the Boone County Health Department, the Boone County Sewer District or DNR. One of those three will review this information and see if it meets the current requirements. I understand the applicants time crunch, but it seems like this information is not complete and it is going to require some additional review by another agency who will be permitting this. I have an issue with not getting all of the information and giving staff adequate time to review that and have the appropriate authorities review it so staff can give their staff recommendation. That is why we have those procedures so we aren't trying to determine information that is handed to us at this meeting, we don't have time to review this at a technical level. It takes some time. My recommendation would be to deny the request based on that but before I make that motion I want to ask staff if we do deny the request would the applicant have to wait a year before coming back?

Bill Florea: Yes. Another option would be to table the request until the next regular meeting and give staff the opportunity to review the information and perhaps the applicant can have a more thorough conversation with DNR in terms of what it would take to permit the lagoon.

Jeff McCann: It seems that this is a worthwhile venture. I understand the applicant's time constraint but the Commission has a job to do.

Stacy Gooch: This is why it took so long. I approached DNR first and they told me that because we are under 3000 gallons a day we were not in their jurisdiction, they said I was in the city of Columbia. I talked with Kala Tompka with the Health Department and she said that since I was license exempt that is the kind of daycare she doesn't even recognize me as a commercial business or a food establishment so there was nothing I had to do on her part. This was when I thought I had to have a permit; I didn't realize there was a permit exempt option. It finally got around to where it got around to the Boone County Sewer District and that is who I have been working with. Tom Ratermann didn't dispute what I wanted to do and he was the one that said how we would be able to connect pending the cost and time-frame and he was the one that said we probably don't have enough time.

Chairperson Harris: Her comment that county health had said that because of the type of business they have they didn't really recognize any control or regulation. Is that contrary to something that staff interpreted?

Bill Florea: The regulations that I've read that Ms. Tomka sent to me stated that the permit exempt status does have to have a wastewater system that to meets state regulations. I am not sure what regulations apply in this case but we have several churches like this around the county that do have permitted lagoons; they are permitted by DNR. This gets back to the point that this is not the proper place to be sorting out all of this information.

Commissioner Kurzejeski: I agree with Commissioner McCann's point about not having time to adequately review and work through all of this. I also realize the applicant is under the gun where grant funds won't be available if you don't get certain things done in time. I see the option that staff provided for approval with conditions as a way for the applicant to move forward to try to resolve the sewer issues without having to wait to come back to the Planning and Zoning Commission. Will that option work for the applicant? They can go back to DNR to get the system under permit or asking for a letter saying that the applicant is exempt.

Thad Yonke: Getting a letter saying they are exempt is not the same as getting a permit. You have to get a permit; whether they would require you to get a permit is not the same thing. You can get a permit even if you are not required to.

Commissioner Kurzejeski: That would give the applicant the opportunity to move forward to try to get that done.

Uriah Mach: It has been done in the past, the church immediately south of Parks Lane received a permit from DNR in 2002 with a flow of approximately 537 gallons per day. It is possible for DNR to give a permit to establish maintenance obligations.

Commissioner Kurzejeski: If we approve this with the conditions that would give the applicants the option of trying to get this done.

Stacy Gooch: What are the conditions?

Chairperson Harris: The applicant is caught in a bind between regulatory agencies and this is what engineers are for, to solve these problems. That said, I think it would be remiss on the Commission's part to just blatantly deny the request for a worthy use and has seen no opposition from the community and met the standards for everything other than these points, generally.

Thad Yonke: As a conditional use permit, if it fails to meet one criteria the Commission is technically obligated to deny it. That is the way the quasi-judicial process works.

Commissioner Kurzejeski: Yes, but staff did give a way for the Commission to say yes.

Chairperson Harris: The conditions are, and there is no way around them, you will have to do some remodeling, you will have to have a building permit and since it is a commercial project you will have to have an architect or design professional involved.

Stacy Gooch: I have Eric Westhues.

Chairperson Harris: The other condition is that you have to deal with the sewer issue, whether it is an onsite system that gets permitted by DNR or you connect to the Boone County Sewer District line to the east. If we approve this with those conditions you at least have a way to have some confidence and positivity, if those

two conditions get met then the applicant is okay to move forward. That is the best that the Commission can offer tonight rather than just saying no.

Commissioner Koirtyohann: What happens if nothing happens by September 1<sup>st</sup> when the daycare has to be opened?

Chairperson Harris: Those are things that are beyond our control.

Commissioner Koirtyohann: Right, but if we are giving quasi-approval.

Bill Florea: We won't issue an occupancy permit without compliance with the conditions.

Commissioner Koirtyohann: What is that going to do to the grant?

Stacy Gooch: I won't get it and I can't spend one dime of that without having to repay it. I was referred to Chris Sander and I think he was doing me a favor by giving me what he did perhaps with the understanding that moving forward there might have to be an actual inspection with a stamp in order to get approved for a license exempt. I have an email from Troy Lelan when I thought I had to get it permitted and it lists things that have to be done which is costly and time consuming. I know I need to get an engineer out there, I can't afford an engineer unless I get the grant and I am not going to assume I will be getting the grant if I don't get approval.

Rick Parks: Also, did you decide if she needs a permit?

Chairperson Harris: That is beyond our decision because that is a different regulatory thing and all we can say is you have to get someone who is qualified to determine whether you do or don't. At this point the county is saying that it needs to be a permitted lagoon.

Stacy Gooch: But it didn't say that.

Rick Parks: Is DNR going to give that if they are just going to give a letter?

Thad Yonke: The conditional use permit can be at a higher level than the state. The state deciding they aren't going to deal with something or that they are just not going to look at something does not mean that the conditional use permit, in order to justify the safety, public health and welfare, is not going to establish a higher standard. We run into that quite often; the state not wanting to look at something is not meeting the criteria for actually ensuring that you are meeting health and safety welfare requirements.

Commissioner Koirtyohann: So regardless, there has to be a permit.

Thad Yonke: That is what staff is recommending in order to meet the requirement of the conditional use permit.

Stacy Gooch: Even if I qualify for a license exempt under DNR?

Thad Yonke: Yes. Them saying that they are not going to look at it does not establish a level of health and safety.

Commissioner Kurzejeski: If we deny this, we restrict the applicant's ability to move forward. If approved with the conditions the applicant will have the opportunity to work through the process. Is that feasible?

Stacy Gooch: So does that mean when you approve it with the condition I get it permitted, it for sure will go through?

Commissioner Kurzejeski: If the conditions are met this is approved; we have a wide range of conditions we place on things and as long as those are met it is approved.

Commissioner McCann: Does the grant require you to have an occupancy permit?

Stacy Gooch: Not that I know of.

Commissioner McCann: You wouldn't be able to get an occupancy permit until you meet the conditions.

Commissioner Koirtyohann: You have to be open by September 1<sup>st</sup>?

Stacy Gooch: Yes, and the funds have to be used by then.

Commissioner Koirtyohann: That means the occupancy permit has to be approved and the lagoon has to be permitted in order for that occupancy permit to be issued, correct?

Bill Florea: Correct.

Commissioner Koirtyohann: I would hate to see her invest a lot of money and not be able to open by September 1<sup>st</sup>.

Commissioner Kurzejeski made and Commissioner Furlong seconded a motion to approve the request by Victory Baptist Church for a conditional use permit for a group daycare in the A-R (Agriculture/Residential) zoning district on 10 acres located at 9401 E I-70 Drive NE, Columbia with the following conditions:

1. That the commercial remodel of the accessory building, done under the direction of a licensed design professional is completed prior to opening the day-care facility.
2. That the accessory building be connected to the Boone County Regional Sewer District wastewater treatment plant at Lenway for wastewater treatment or an onsite wastewater system under permit of the State of Missouri.

Boyd Harris – Yes  
Greg Martin – Yes  
Fred Furlong – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Steve Koirtyohann – Yes  
Randal Trecha – Yes

Motion to approve the conditional use permit with conditions passes unanimously

Chairperson Harris informed the applicant that the request has been recommended approval, but the sewer problem hasn't gone away but the use is approved if the conditions are met. This request would go before the County Commission on Tuesday, May 31, 2022 at 7:00 PM and the applicants need to be present for the hearing.

## VI. Rezoning Requests

1. Request by Michael R & Cheryl Ann Steffan to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) and to approve a review plan for Steffan Crossing on 20.32 acres located at 5480 E Spiva Crossing Rd, Hallsville.

Planner, Andrew Devereux gave the following staff report:

The subject property is located off Spiva Crossing Road, about a half mile east from the intersection of Spiva Crossing Road and North Brown Station Road. The property is 20.32 acres. The property has regulatory stream buffer on the southern portion of the property. Two dwelling units and two corresponding lagoons exist on the property. A garage and pole barn are also present on the property. The property is zoned A-2 (Agriculture) and is surrounded by A-2 zoned properties on all sides. The A-2 zoning is original 1973 zoning.

The proposal seeks to rezone the 20.32 acres to Planned A-2 and utilize the density of the parent zoning district to construct an additional dwelling unit and allow two dwellings to be on a single tract smaller than 20 acres. The additional dwelling unit would be constructed on a 5-acre lot that would be subdivided from the parent parcel under the Family Transfer process. The two existing dwelling units would remain on the 15.32-acre remainder. The remainder of the parent parcel is to be surveyed as an Administrative Survey lot.

The Boone County Master Plan designates this area as being suitable for rural residential land use. 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 property is within the Public Water Supply District #4. Boone Electric Cooperative provides power to the tract. The existing homes are served by lagoons under the jurisdiction of the Columbia/Boone County Health Department. One of the existing lagoons is located within the area of the proposed Family Transfer Survey lot. Onsite wastewater systems are required to be within the same property boundary as the home that they serve. The applicant proposes relocating the lagoon in question to reside on the 15.32-acre lot to be within the same parcel boundary as the dwelling that it serves.

Transportation: The property has multiple driveways onto Spiva Crossing Road, a Boone County maintained road. The applicant proposes a 33-foot halfwidth roadway easement as well as a 20-foot utility easement as part of the land division process.

Public Safety: The Boone County Fire Protection District provides fire protection for the property. The nearest station, Station 16, is just over a mile and a half away on Highway HH.

Zoning Analysis: This request meets the sufficiency of resources test and does not change the overall character of the surrounding properties. The addition of another dwelling unit in the area and division of the property into a five-acre lot and 15.32-acre lot will have minimal impact to transportation, utilities, and safety resources.

Staff notified 20 property owners. The proposal scored 50 points on the point rating system.

Staff recommends approval of the request with the following conditions:

1. The existing lagoon on the proposed 5-acre Family Transfer Lot is relocated to the 15.32-acre Administrative Survey Lot before submittal of a Final Plan.
2. That a 33' halfwidth roadway easement and 20' utility easement along Spiva Crossing Road are granted to Boone County concurrent to the approval of the Administrative Survey and Family Transfer.

Present representing the request:

Cheryl Steffan, 5480 E Spiva Crossing Rd, Hallsville  
Jonathan Cole, 2204 Martinshire Dr, Columbia

Jon Cole: The primary issue is that there was a desire to rearrange the property in order to put one more dwelling unit on the existing property. The way to do that was to divide it into two parcels with a five-acre family transfer and the remainder to have the two existing dwelling units on it. The other buildings on the site include a pole barn on the west lot and another pole barn used for horses to the right of the corral. This is just a way to make one more dwelling on the land and planned residential was the way to do it.

Commissioner Kurzejeski: Are the applicants okay with the conditions?

Jon Cole: Yes. All of the conditions have been met or we will meet them as the process continues forward.

Chairperson Harris: The desire is to put another residential structure on the five acres?

Cheryl Steffan: Eventually yes, not immediately.

Chairperson Harris: The tract looks to be 200-feet wide, will there be room to meet the setbacks?

Bill Florea: Yes.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Katelyn Griffin, 9000 Brown Station Rd, Columbia  
Randall Griffin, 9000 Brown Station Rd, Columbia

Katelyn Griffin: We had received a letter from the applicants prior to notice of this meeting and some of the information received from the applicants is conflicting. Initially, the communication said the owner's intent was a 2.5 acre lot to accommodate a hunting cabin so we wondered if this was really a hunting cabin or is it going to have electric, sewer and water; it sounds like it will. Another concern is a hunting cabin being on 2.5 acres with other residences nearby and the safety issues with that but it sounds like that is no longer the intent. If this is approved what will stop the ability of having additional dwellings if we change it to the planned. How many dwellings are actually on the property? We believe there is actually an additional building on the property that was not listed and it looks like it was recently moved on to the property so it looks like they are already moving forward.

Randall Griffin: We just purchased some additional land attached to our property. Public Water Supply 4 out of Hallsville would not allow us to have an easement to have a waterline across an easement, it had to be across owned land. A person with five acres at the back of the property would not be able to get water to the property.

Katelyn Griffin: Initially the correspondence we got from the applicant said it would be at the back of the property and a hunting cabin. Based on what you said it has road access. It just hasn't been clear as to what is going to happen.

Bill Florea: Staff received an email from Josh and Holly Booth.

Mr. Florea read the email into the record:

Here are our written comments as property owners Josh and Holly Booth at 5317 E Spiva Crossing Rd near the Steffan's requested rezoning. We moved to this location almost a year ago to be out of the way of the city and development. Our concern is that the proposed rezoning will adversely affect us and other neighbors in the future with an unwanted subdivision or multi-family dwelling development. The Steffans in their request of adding a shed we are not opposed to. Just to be clear, our main concern with a rezoning change is that it opens the door for a property owner, if the land changes hands in the future, to bring more development in.

Closed to public hearing.

Chairperson Harris: The concerns expressed, by nature of the zoning district the potential for multi-family or more is a non-issue.

Bill Florea: Correct.

Chairperson Harris: It sounds like the applicant's original concept changed a little from where the split was going to be and now it is on the side and not at the back of the property?

Cheryl Steffan: It is in the same position, originally I wanted a five acre lot but there was a rule about length to width so it wouldn't work. I went back to 2.5 acres but that wouldn't work because we put a shed on it so now it is back to five acres because 3 to 1 ratio doesn't apply to family transfers. I am not 100% familiar with the regulations. Things have changed. My original thought was a hunting cabin for the friend who is eventually going to be buying it; it has to stay in family transfer for a year and a day and there was quite a bit of concern because most of the people around us didn't know that we were hunting on the property for the past 14 years. The hunting cabin I couldn't make work because it won't meet the building requirements so it is now just a very nice shed which we are using for storage and he will use for a hunting cabin but it will be a dry cabin, somewhere he can crash overnight if he wants to.

Chairperson Harris: How many houses are on the fifteen acres?

Cheryl Steffan: There are two houses on fifteen acres.

Commissioner Kurzejeski made and Chairperson Harris seconded a motion to approve the request by Michael R & Cheryl Ann Steffan to rezone from A-2 (Agriculture) to A-2P (Planned Agriculture) on 20.32 acres located at 5480 E Spiva Crossing Rd, Hallsville:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Fred Furlong – Yes	Randal Trecha – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Commissioner Kurzejeski made and Commissioner Koirtyohann seconded a motion to approve the request by Michael R & Cheryl Ann Steffan to approve a review plan for Steffan Crossing on 20.32 acres located at 5480 E Spiva Crossing Rd, Hallsville with the following conditions:

1. The existing lagoon on the proposed 5-acre Family Transfer Lot is relocated to the 15.32-acre Administrative Survey Lot before submittal of a Final Plan.
2. That a 33' halfwidth roadway easement and 20' utility easement along Spiva Crossing Road are granted to Boone County concurrent to the approval of the Administrative Survey and Family Transfer.

Boyd Harris – Yes  
Greg Martin – Yes  
Fred Furlong – Yes  
Jeff McCann – Yes

Eric Kurzejeski – Yes  
Steve Koirtyohann – Yes  
Randal Trecha – Yes

Motion to approve the review plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, May 31, 2022 at 7:00 PM and the applicants need to be present for the hearing.

2. Request by D Who Land, LLC to rezone from A-1 (Agriculture) to R-SP (Planned Single-Family Residential) and to approve a review plan for Five Pines on 145.72 acres located at 8100 E Richland Rd, Columbia.

Planner, Thad Yonke gave the following staff report:

The subject property is located on the south side of Richland Road immediately south of the intersection of Richland Road and Trade Winds Parkway approximately 2600 feet east of the nearest Columbia municipal limit. The applicant is seeking to rezone 145.72-acres from A-1 (Agriculture) to R-SP (planned single family residential). The surrounding zoning is as follows: M-L (Light Industrial) to the north and northeast, A-1 to the east, southeast, south, southwest and west, and R-S (residential single family) to the northwest. These are all original 1973 zonings with the exception of approximately 9-acres of the northern M-L that was rezoned from R-S in 2008. The property has a home and one outbuilding on the property. There is a land-locked 22-acre neighboring property, at 8104 E. Richland Road, that the proposed development flanks on two sides and contains a home and outbuildings. This property is served by existing easements for access and utilities that cross the proposed new development. The proposed development conflicts with those existing easements.

The requested rezoning to R-SP includes a Review Plan/Preliminary Plat for 345 residential lots, 10 common lots, and an extension of an existing public roadway, and nine new public roadways. Five of the residential lots are proposed for multi-family options with a 20 unit maximum. The proposed common lot around the existing house is proposed for development amenities such as recreational fields and courts. The house itself is proposed to be remodeled into a clubhouse. The plan proposes that the building can be enlarged up to 5000 additional square feet. An Architect licensed to practice in the State of Missouri will be required as this will be a change of use. This club house portion of the development is required to obtain a Conditional Use Permit in addition to being shown on the plan. The proposal indicates up to nine phases to complete the buildout. The common lots are proposed predominantly to be used for stormwater management. Staff notified 34 property owners about this request.

The Master Plan designates this property as suitable for residential land uses. The proposed development is also within the East Area Plan which is a sub-area plan that compliments and refines the Master Plan. Sub-area plans are considered an update to the Master Plan for specific areas of the County. The East Area Plan Future Land Use Map shows approximately 86% of the proposed development to be in the higher-density, non-agriculture, residential area.

The break between the residential and agricultural areas on this map is roughly based upon the watersheds with the Grindstone watersheds in the residential and the Gans watershed being predominantly agricultural. This is based in part upon the infrastructure investments already completed and existing land use and land cover. However, this is not an absolute distinction to be taken without considering the context of a proposed development. Traditional rectilinear property boundaries do not generally correspond with ridgelines that separate watersheds. These ridgeline boundaries are considered to be slightly fluid as a delineator because site grading and underground utilities can focus impacts caused by development into the dominant watershed. The current proposal is predominantly found within the Grindstone watershed with only a fringe of approximately 20-acres that extends into the Gans watershed.

The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: This property is served by Public Water Service District #9, water for fire protection will need to be extended into the development from the existing mains along Richland Road. The Boone County Regional Sewer District and the City of Columbia are proposed to provide wastewater services. The property is served by a sewer main that was constructed by the Boone County Regional Sewer District with capacity that is sufficient to serve the anticipated needs within the watershed up to the I-70/Route Z interchange. Boone Electric Cooperative provides power. This rezoning will not noticeably increase demand on available public utilities.

Transportation: Access to this property is via Richland Road. The development proposes a public cul-de-sac, Aleppo Court, that serves six lots. An extension of Trade Winds Parkway provides the main collector on the west side of the development and Kieffer Lane is created as the connection on the east.

A traffic study was provided that predominantly evaluates the intersections of the surrounding area and looks at what impact the proposed development is expected to have. The study identifies that this development contributes significantly to a failure of the road system at the intersection of Rolling Hills/Grace Lane and Richland Road. The developer has entered into a pre-annexation agreement that requires them to pay \$188,097.20 to the City of Columbia to mitigate this impact.

The study identifies that an eastbound right turn lane is needed at the intersection of Trade Winds Parkway and Richland Road and this turn lane is incorporated into the development design.

Additionally, the study shows that this development will add 3465 ADT to Richland Road and that the current ADT for this same roadway is only 2950; the development alone will add more traffic per day than the entire road currently carries in a day. It is this impact that the traffic study does not propose to mitigate. The study indicates that Richland Road can handle this increase without causing a failure/degradation requiring mitigation. The study ignores the fact that despite not triggering a failure, the more than doubling of the traffic on the roadway is an impact directly attributable to the development. The County ADT for a road to become an arterial is anything greater than 2500 ADT. If a new roadway that was going to take all the traffic from the proposed development was proposed as part of this development, it would have to be constructed as an arterial roadway by the developer. Proportionally, the development is adding more than the

equivalent of a County arterial roadway to an existing roadway that does not meet the geometric requirements for an arterial roadway.

The study indicates that Richland Road has a “book” maximum capacity of 11,232 ADT and assuming this is correct, the roadway is currently carrying 26% of its maximum capacity. The additional traffic generated from this development brings this use up to 57% of the maximum capacity. This means that improvements to Richland Road will be needed much sooner than they otherwise would be. The developer has proposed to address this impact by installing a Dusk to Dawn light at Broadview Court and to provide a 300 feet long 2 feet wide shoulder centered on this intersection. This is not proportional to the impact generated by the volume of traffic generated by the development.

**Public Safety:** This property is in the Boone County Fire Protection District approximately 4.8 miles from Station 1 on St. Charles Rd and 5.4 miles from the Station 12 at El Chaparral Dr.

**Zoning Analysis:** Generally, the starting point of any rezoning request is the assumption that the existing zoning is correct. In light of the adoption of the East Area Plan that assumption is not the case here. This proposal is consistent with the East Area Plan while the existing zoning is not. The issue of appropriateness comes down to infrastructure and impacts. The proposal utilizes existing major infrastructure efficiently while enhancing the infrastructure of the area further. This is all in keeping with the East Area Plan. The bulk of the development is in the Grindstone watershed and the small portion that falls in the Gans watershed is likely to be reduced/shifted as part of grading into the Grindstone. The development is required to comply with the stormwater regulations which will further reduce any potential impact to the Gans watershed.

The development utilizes Richland Rd, which is a major area roadway, and while not constructed to the geometrics of an Arterial Roadway, it is both designated as an arterial and carries the existing ADT that exceeds the County requirement for an arterial. The existing road surface is around 22 to 24 feet in width, which is less than even a new local subdivision roadway. The arterial pavement standard is 50 feet, and while an argument can be made that the County already needs to improve/widen Richland Rd. that argument does not have any validity with respect to the impact created by the development and the failure to appropriately mitigate the development caused impact. As with the other infrastructure the critical key is that improvements to the road and road network must happen in conjunction with this development in order to support the rezoning. The contribution to the future roundabout at Rolling Hills/Grace Ln. and Richland Rd. and the provision of a turn lane at Trade Winds Parkway address some of the traffic impacts as identified in the traffic study. The proposed dusk to dawn light and shoulder extension that are proposed to mitigate the direct impact to Richland Road itself are not proportional to adding another arterial roadway’s worth of traffic volume onto a road that is already not constructed to arterial standards. This is true without even looking in terms of using-up capacity identified in the study and requiring public expenditures sooner than otherwise required. The proposed ‘safety’ improvement doesn’t mitigate the impact. If the impact to Richland Road can be proportionally mitigated then the proposal seems appropriate, currently it is not proposed to be.

The conflict between the development and the existing access and utility easements favoring the property at 8104 E. Richland Road is a significant factor in the decision whether to approve this development. The conflict will need to be resolved before the Final Plan can be submitted. It will be incumbent on the developer to ensure continuous uninterrupted vehicular access and utility service during the construction phase of the development. It will be necessary for the developer to obtain the consent of the owner of 8104 E. Richland in order to alter those easements. Otherwise, the development may need to be redesigned to respect the existing easements. Alternate easements or access may replace the existing, but this must be resolved between the private parties and the resultant solution must be acceptable to the Director of Resource Management. Access and utility service must remain uninterrupted throughout the construction phases and beyond. Staff believes the requirements of the sufficiency of resources test can be met but haven’t been yet. The property scored 76 points on the rating system.

Staff strongly suggests a request to table the proposal to work out an appropriate proportional mitigation for the impact to Richland Rd. The nexus and the proportionality have been defined but the mitigation to respond has not been. It is down to this one sticking point for a recommendation for approval as meeting the sufficiency of resources test, but currently it does not.

Otherwise, staff recommends denial.

Should the commission propose approval of the rezoning, review plan, and preliminary plat there would need to be conditions to address the following:

1. Prior to submittal of the final plan, the developer shall provide a signed and notarized document from the neighboring property owner at 8104 E. Richland Road that:
  - a. Describes the manner in which vehicular access and utility service will be maintained continuously and uninterrupted during the construction phase of the development
  - b. Agrees to release all portions of the easements, as shown on the survey recorded in Book 1010 Page 103 of the Records of Boone County Missouri, that conflict with proposed public rights of way and any element of the proposed development all subject to the approval of the Director of Resource Management.
2. If the dusk to dawn light at Broadview Ct is installed the cost of serve (electric cost) shall be covered by the developer/Five Pines Homeowners association.
3. Any off-site improvements, other than the roundabout at the intersection of Rolling Hills and Richland Road must be installed prior to or concurrently with the phase of the development containing the 75<sup>th</sup> lot.

Present representing the request:

Keenan Simon, Simon & Struempf Engineering, 210 Park Ave, Columbia  
Jim Kroghan, JR2 Development, 2900 Chinaberry Drive, Columbia

Keenan Simon gave a power point presentation.

Keenan Simon: The goals of the development is not to exceed 350 single-family homes and 20 multi-family units. The multi-family units are intended to be ADA accessible and compliment the single-family homes; it is intended to be a place where if a family is looking at purchasing a home they have the opportunity to take a grandparent, or someone who is an extended family member, and have them be close to their direct family and allow them to live independently. The proposed amenities are a clubhouse, pool, outdoor sports facilities, and walking trails; it will be a community focused neighborhood.

In April 2021 the applicants sent fliers to adjoining property owners and had a meeting with the neighbors to discuss the development. We provided a preliminary layout and took comments and questions from the neighbors. Overall, the items discussed at the meeting included stormwater, traffic, relocating the extension of Tradewinds out of the forested area and not stubbing it toward the neighbor to the west and we also wanted to look at relocating the intended multi-family dwellings to the interior of the development.

The CATSO map shows the extension of Trade Winds Parkway going south through the property, we worked with CATSO to get a formal revision to relocate the extension of Trade Winds Parkway and that was approved which allowed us to turn the street to the east, remove it from the heavily forested area in order to increase the buffer and also removed the stub street that would be pointed directly to the neighbor's house to the west. We brought the multi-family area internal to the development and not on the peripheral edge near property lines. We also increased the common ground throughout the development to make sure we would

have adequate room for stormwater detention to meet the county requirements. The current plan shows those changes. The next step was working through a traffic study that was developed by the county and city staff in order to do an in-depth review of our impact and of multiple developments in the region.

The reason this property makes sense for this development stems from the existing utilities on the site and the East Area Plan which was created in 2010. The plan took years to develop and it identified future growth of the city and what areas and properties would be adequate for future development. According to the East Area Plan, this property is in the area designated residential. The property is also located within the Grindstone Creek Watershed Agreement. This agreement was produced by the Boone County Regional Sewer District (BCRSD) and the City of Columbia. BCRSD invested a large sum of money to extend gravity sewer up to the Trade Winds area; their investment and cost of this project is not recouped until they acquire a fair amount of connections on to the main into their infrastructure. This project would be beneficial to BCRSD as they would be allowed to recoup that initial investment and reinvest that money into other projects.

The traffic study was built on every buildout condition for the developments within the region that are currently in the process of getting platted or getting approved. Those include the full buildout of The Vineyards, The Brooks phases 1 & 2, Crescent Ridge, the expansion of Old Hawthorne, Silver Lakes which is directly west of Sunrise Estates and also the Five Pines development. The traffic study looked at the operational issues and where are we having problems with traffic flow based on how things are functioning today. The big identifier that was red-flagged was the intersection of Grace Lane and Richland Road; it had multiple issues with delays and the level of service was down in the region of D and E which is the worst you can be in. It is my understanding that Silver Lakes, the Old Hawthorne expansion and Five Pines are all contributing to a new round-a-bout at that intersection once these developments are getting closer to build-out condition. There is a substantial dollar amount going toward that improvement on Richland Road.

The other item we looked at in great detail was the direct neighbors that we have within our region and that is the Sunrise Estate entrances. These entrances were looked at with a full build-out condition at peak traffic demand and what the traffic study indicates is that these intersections are still operating at ideal conditions, they were either at level service A or B which is an acceptable level, especially during peak conditions. We aren't saying that nothing needs to be done or there is no impact but we are saying, from an operational standpoint of delays and turning movements, that there was nothing that was actually showing up with the amount of traffic that was being added on to the Richland corridor.

We acknowledge that the development will have some impact to the neighbors; if it is not an operational issue. Then we look at what other improvements in the area makes sense that would be a safety impact that could make improvements to the region and be a benefit to the neighbors and users of that corridor. The obvious one we saw was the main entrance, Broadview Court, which carries the majority of the traffic onto Richland Road; there is no street light there so we thought an improvement and safety feature that would be a huge benefit, improve sight lines at night and motor guidance at night would be to provide a street light at that intersection to illuminate it at night. We also looked at providing a two foot shoulder for about 300-foot length on either side of the intersection would help widen the road and provide a little extra room when making turns in and out of that street.

The applicants are asking for approval of the rezoning and review plan. We incorporated input from the neighbors to the redesign and layout and met with CATSO and worked with them to realign Trade Winds Parkway and moved some stuff around such as the multi-family dwellings and maximized some of the mature timbered area on the northeast corner of the property. The development is also identified on the East Area Plan as a higher residential use and it is also reflected with that on the Grindstone Watershed agreement. We provided the in-depth traffic analysis that we worked with the city and county on to produce and we are anticipating improvements for a portion of a new round-a-bout, the safety at Broadview Court

with the light and the widening of the shoulder and we are also providing a designated turn lane to the west entrance into Five Pines. We want to make Five Pines a great community.

Chairperson Harris: Are the applicants aware of the difference in opinion specific to the traffic study between the county's position and the applicants?

Keenan Simon: I wasn't given a copy of the staff report prior to the meeting and the information is not what I was expecting given my conversations with staff previously.

Chairperson Harris: In staff's comments there was a recommendation to table the request until those issues can be worked out. Are the applicants in a position to want to do that with the understanding that if you choose to move forward tonight and your request is denied you will have to wait a year before you can reapply? Do the applicants want to request to table the request or move forward?

Jim Krogman: We are also the developer of Crescent Ridge which is just across the road on Richland; it is a 36 home subdivision. One assumption that was made during this was that 50% of the capacity of Richland Road will be taken up at peak periods of time by our subdivision. One assumption that was made up front that the city required is that 65-70% of all the trips that come out of this subdivision go west on Richland Road. I interviewed the neighbors as to what route they take and it was nowhere close. People do not go down Richland Road to go the store, church, or the mall, there is some degree of that but this is an absolute worst-case that we are talking about.

Chairperson Harris: What would you assume is the existing resident's reason for not using that route?

Jim Krogman: Accessibility to I-70. It is more efficient and from a timing perspective it is much easier to go out on to I-70 and go to town that way. I am not here to argue that, I just want to point out that the numbers that we are using are absolutely worst-case. This exhaustive traffic study that we did that took into account the other developments and their plans basically says we don't need to do anything; that we maintain service level A & B which is very acceptable. We aren't arguing that we aren't making an impact, what I am struggling with is if we do a traffic study and the study says you don't need to do anything, now we are being held to some sort of standard to do something and we don't know what "something" is. It is obvious that we need to participate in the round-a-bout, it was obvious that we needed to provide turn lanes, there was some concern at Sunrise Estates about safety, we couldn't really find out what that was and we debated doing some improvements related to the intersections of the roads coming out of Sunrise onto Richland but they are passable so the idea was to illuminate the main road going through there and make it wider. As a developer, I am communicating that we don't know what we are being asked to do.

Chairperson Harris: Do you want to spend 30 days to discuss that with staff?

Jim Krogman: I think we are going to have to; we don't have a choice now. This is the first time I have seen the staff report. It is the applicant's goal to be a good neighbor, to be compliant and to do what needs to be done but we have to get some clarity around what that is. We have been meeting with staff to try to get there but at the moment I have no idea what we are being asked to do.

Chairperson Harris: What sort of price points are these homes?

Jim Krogman: The goal is to build a community and to have some diversity. What that means is we would like to do some starter homes very similar to what is in Crescent Ridge but at the same time we will probably approach the \$400,000-\$450,000 end because we have some very nice lots that back up to wooded areas. Having the pool, club house, tennis court, basketball court, and walking trails; we've done a great job with tree preservation going beyond what we are required to do. I am surprised because of all the work we have done related to being less impactful to the neighbors. The cost of moving the CATSO road is significant, the

changes we made within the subdivision to make it work are significant. We had to drop lots to move the condos internal to get them away from property lines. This is just a few examples of how we are trying to comply with what we are being asked to do.

Chairperson Harris: What style of housing are the multi-family units?

Keenan Simon: They are set up on five lots and intended to be four unit lots assuming the townhouse-type style.

Jim Krogman: At least half of them will be ADA compliant.

Keenan Simon: They won't be two-story, they will be on slabs. You can see that the five lots on the south side of the cul-de-sacs in the central park is what we are looking at and they are approximately sized for the townhome style developments.

Commissioner Kurzejeski: How do the applicants expect to resolve the existing access easement to the west? I can't imagine the applicants can move forward until that is resolved.

Jim Krogman: It is our intention to provide access to the property two ways, both with stub roads and we will build those before we interrupt the current..

Commissioner Kurzejeski: Can you modify the existing easement's location without the approval of the..?

Jim Krogman: I don't think so; I don't think we know. Judging by the audience I would guess we have work to do. It is not our intention to interrupt anything. It will go from a poorly maintained gravel access out to the road to a paved compliant street.

Chairperson Harris: Do the applicants own the property?

Jim Krogman: Yes.

Chairperson Harris: I assume at some point you had the title work done?

Jim Krogman: Yes.

Chairperson Harris: Were you aware of the certain restrictive covenants and agreements that encumber development on a portion of this?

Jim Krogman: We were not aware those existed at closing. There is plenty of ambiguity associated with that.

Commissioner Kurzejeski: Those have not been vacated.

Jim Krogman: No. The property we are talking about is just the area north of Mr. Monson's property; the 24 acres to the north.

Keenan Simon: It seems that the covenants are actually binding to the previous property owner and the previous owner only; it doesn't actually go with the property.

Chairperson Harris: It says the following restrictive covenants shall run with the above described land and shall be binding.

Keenan Simon: The above described land is the 24 acres that Mr. Monson owns.

Jim Krogman: The way it is written they are describing his property. We have work to do. I have a legal team that has a very different opinion of how to read that.

Chairperson Harris: Do the applicants wish to table this request in order to have time to work out some issues?

Jim Krogman: We have to table it; we don't have a choice. Anything anyone can do to help quantify what the problem is as relating to the traffic study and the traffic impact I would love to hear it.

By request of the applicants this request has been tabled. The item will be heard at the June 16, 2022 Planning and Zoning Commission meeting and there will be no further notification.

## VII. Plats

1. Five Pines Subdivision PRD. Preliminary Plat. S13-T48N-R12W. D Who Land, LLC, owner. Derek Forbis, surveyor

See staff report under rezoning request.

Five Pines Subdivision plat was tabled with the rezoning and review plan by request of the applicant.

The following five plats were placed on consent agenda:

2. King Ranch Plat 1. S4-T49N-R12W. A-2. Wildwood Enterprises, owner. David Butcher, surveyor.

The subject property is located at the eastern end of Todd Road, approximately 2 miles north of the limits of the City of Columbia. The parent parcel is a 37.14-acre remainder from a four-tract administrative survey. The platted lots are vacant. This proposal creates two lots at 3.58 acres and 3.26 acres, leaving the remainder as a legal 20+ acre tract. This property is zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is original 1973 zoning.

Both lots have direct access on to Todd 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, however water service may not be available without improvements. Private wells are recommended as the water service solution to this site. The property is located in the Boone Electric Cooperative service area and the Boone County Fire Protection District.

On-site wastewater is proposed for these lots and a plan for wastewater was submitted as part of the plat. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 46 points on the rating system.

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

3. Hidden Brook Subdivision Plat 1. S16-T48N-R14W. A-2. James Edward Maxwell ETAL, owner. James B. Patchett, surveyor

The subject property is located off Sinking Creek Road, about three miles southeast of the boundary of Rocheport. The property is within a A-2 (agriculture) zoning district and surrounded by A-2 zoned property. The proposed subdivision would create one 8.27-acre lot after dedication of road right of way out of a parent parcel of 40 acres. The A-2 zoning is original 1973 zoning.

The property has road frontage along and direct access to Sinking Creek Road, a Boone County maintained roadway. The subdivision plat will dedicate a 33' half width right of way. No driveway currently serves the parcel to be created. The applicant requested a waiver to the traffic study.

The proposed parcel is within the Consolidated Water Supply District service area. No existing water lines are nearby to serve the area. The parent parcel is within the Boone County Fire Protection District. The nearest fire station, Station 2, is located approximately 3.5 miles away in Rocheport.

The applicant proposes utilizing an on-site wastewater system. Soils data for the parcel from two points within the proposed boundary were submitted to the Columbia/Boone County Health Department for review. The Health Department will require an on-site wastewater system to be designed by an engineer. The applicant requested a waiver from the sewer cost benefit analysis.

The proposed parcel is within a sinkhole area per Section 12 of the Boone County Zoning Ordinance.

The property scored 21 points on the rating system.

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

4. Ray's Ridge Plat 1. S18&19-T50-R13W. A-2. Roy H. & Sheila B. Ray, owners. Steven Proctor, surveyor.

The property is located 1 and 1/2 miles from the southwestern border of the Town of Harrisburg, located along an abandoned portion of Gallup Lane. The tract is within a A-2 zoning district. The zoning is original 1973 zoning. The subject property is surrounded by A-2 zoning. The minor subdivision plat proposes creation of one 6.26-acre lot out of the larger 52-acre parent parcel.

The proposed lot is located along a County abandoned portion of Gallup Lane. The County maintained portion of Gallup Lane ends approximately 30 feet from western boundary of the subdivision lot. The lot does not have a driveway onto Gallup Lane. The applicant has submitted a request to waive the traffic study.

The subject property is located within the Consolidated Water Public Water Supply District. Boone Electric serves the area with power. The Boone County Fire Protection District would provide fire protection. The nearest station, Station 4, is approximately 2 and a half miles away.

The lot would be served on an on-site wastewater lagoon under the jurisdiction of the Columbia/Boone County Health Department. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

An existing access easement exists along the north portion of Gallup Lane to serve the property owners to the east of the lot to be created. The easement was granted from a previous owner of the parent parcel.

The property scored 32 points on the rating system.

Staff recommends approval of the plat as submitted with waivers to the traffic and sewer study.

5. Gilpin Place. S26-T46N-R12W. A-2. Lester W Gilpin, Alison K Gilpin, Roxanne M. Gilpin and William D. Stone, owners. Steven R Proctor, surveyor.

This property is located on Gilpin Road, approximately 1 mile south of the limits of the City of Ashland. The parent parcel is 42.50 acres in size and zoned A-2(Agriculture). There is A-2 zoning to the north, east, south, and west, and R-S(Residential Single-Family) zoning to the northeast. This is all original 1973 zoning. This proposal splits a 5.67-acre lot from this parent parcel, containing a house, lagoon, shop and gazebo, leaving a 20+ acre remainder.

The subject property has direct access to Gilpin 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, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

The house on the lot has an existing on-site wastewater system.

The property scored 65 points on the rating system.

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

6. Willow Creek Plat 1. S1-T48N-R12W. R-SP. D & D Investments of Columbia LLC, owner. David Butcher, surveyor

The subject property is located on St. Charles Road, approximately 2000 feet east of the limits of the city of Columbia, west of the intersection of St. Charles Road and State Route Z. This is the first phase of a development that was previously named North Battleground, and the final development plan controlling it was approved in December of 2017. The plat contains 9.83 acres and is zoned R-SP, per the approval of a final development plan known as North Battleground in December of 2017. The surrounding zoning is A-RP to the west, A-2 to the northwest, north, northeast, south and southwest, and A-1 to the east and southeast. The A-RP was rezoned in 1999, the other zonings are original 1973 zoning designations.

This plat creates 22 developable lots and one common lot, as well as the public roads Federal Drive and Traveller Drive in step with the approved preliminary plat and development plan known as North Battleground. Sidewalks are required.

The proposed lots will use the new roads, Federal Drive and Traveller Drive for access.

This development has fire protection installed to meet the needs of the Boone County Fire Protection District, with water service provided by Public Water Service District #9.

The City of Columbia and Boone County Regional Sewer District have a connection agreement for this area, previously approved under North Battleground. This proposal is under an annexation agreement as a precondition for sewer service.

The property scored 78 points on the rating system.

Staff recommends approval of the plat.

Commissioner Koirtyohann made, and Commissioner Trecha 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 rezoning requests for Joseph & Kelly Eagle from A-2 to A-RP, Frederick Schmidt from A-2 to C-GP and Bill & Pamela Vaughan from A1 to A-2 were approved as recommended.

The final development plans for Green Acres Farm LLC and VH Properties LLC were approved.

and

The plats for Green Acres Farm Estates, CC Country Lots Plat 1 and Noble Subdivision Plat 1 were approved.

## VIII. New Business

None

## IX. Adjourn

Being no further business, the meeting was adjourned at 9:28 p.m.

Respectfully submitted,

Secretary  
Gregory Martin, Secretary

Minutes approved on this 16<sup>th</sup> day of June, 2022