

**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, December 15, 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
Randal Trecha	Cedar Township
Kevin Harvey	Rock Bridge Township
Rhonda Proctor	Perche Township
Jeff McCann	County Engineer

b. Attending by Phone

Fred Furlong	Bourbon Township
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c. Members Absent

Daniel Mings	Columbia Township
Vacant Seat	Three Creeks Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the November 17, 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.

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. Members of the public who are attending by phone will be muted until the public hearing portion of each request.

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

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

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

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

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, December 27<sup>th</sup>. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, December 27<sup>th</sup> will begin at 7:00 p.m. and will convene in this same room.

## V. Conditional Use Permits

1. Request by Faye Nowell on behalf of Robin Diebold for a conditional use permit for a boarding kennel/daycare facility for dogs on (3.65 acres according to Assessor) A-2 (agriculture) zoning district located at 5550 W Gillespie Bridge Road, Columbia

Planner, Andrew Devereux gave the following staff report:

The subject property is located off Gillespie Bridge Road and adjacent to the boundaries of the City of Columbia to the north and the south. The property is zoned A-2 agriculture. Adjacent zoning is as follows:

- North – City of Columbia Planned Development (PD)
- South – City of Columbia One-Family Dwelling (R-1)
- East – Single Family Residential (R-S)
- West – Agriculture (A-2)

The subject property was down-zoned from R-S to A-2 under County Commission order 3-2001. The surrounding Boone County zoning appears to be original 1973 zoning. A Conditional Use Permit (CUP) was issued for dog kennel and dog day care facility in May of 2001 (Commission Order 209-2001).

The CUP included the following conditions:

1. There be no more than ten (10) dogs at any one time on the property.
2. The permit be issued to Ms. Nowell only, and is non-transferable.
3. The business is to be opened from 7:00am to 7:00pm, Monday thru Friday, and weekends by appointment only.
4. No breeding, raising or selling of animals would ever occur.
5. The permit is contingent upon the business plan.

The current application for a CUP for dog kennel and dog day care indicates that Ms. Nowell plans to retire and transfer the business to Ms. Diebold, requiring a new CUP application to modify the previously mentioned conditions. The applicants have requested the following modifications to the conditions placed on the 2001 CUP:

1. That a limit on dogs be determined by ordinances set by the Department of Agriculture and Boone County dependent on the property and business practices of running a dog kennel.
2. That any ownership conditions on the CUP are removed allowing the permit to run with the property and not the owner.
3. That business hours be by appointment only seven days a week.
4. That the word “raising” is removed from condition 4 to read “No breeding and selling of animals would ever occur.”

Staff met with the applicants on Tuesday December 6, 2022 to discuss the current CUP application. During the discussion, the applicants requested the following modifications to their requested conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Robin Diebold after a real estate transaction.
3. Business hours will be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

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.

Domesticated dogs are a common feature in a suburban setting. The applicants proposed no more than 15 dogs on the property at any one time. Limiting the number of animals to 15 should not pose any risk to public health, safety, comfort, or welfare.

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

The existing CUP for a dog kennel and dog care has not generated any complaints that staff are aware of. Ms. Diebold has indicated that she would follow the same practices and procedures Ms. Nowell has implemented. Conditioning future ownership from Ms. Nowell to Ms. Diebold ensures future ownership will follow existing or similar practices that has no known impact on the community.

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

If operations continue as currently permitted, no substantial impact to property values could be expected.

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

Wastewater is handled by a conventional septic system. The area is serviced by Consolidated Public Water Supply District 1 and Boone Electric Cooperative. The property has direct access to Gillespie Bridge Road.

- 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.

Due to shape and total acreage of the subject property, further development outside of a home or small business permitted under the zoning code is highly unlikely. Most of the area to the north or south has developed along a pattern of single-family homes. Future development to the west of the subject property is unlikely to be impacted by the approval of a dog kennel.

- 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 property has frontage along Gillespie Bridge Road, a publicly dedicated publicly maintained roadway. An existing paved driveway allows vehicular traffic to enter and exit the site via Gillespie Bridge Road.

- 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.

With adequate conditions placed on the property, the use in all other respects would conform to the applicable regulations of the zoning district.

Zoning Analysis: The area surrounding the subject property has developed into a single-family residential area. The existing CUP for the dog kennel and dog day care granted to Ms. Nowell placed several conditions on the business the limited its development to a scale like that of a home occupation. The continued use of the property as a dog kennel has not generated any complaints to Resource Management regarding Ms. Nowell's business activities.

For this CUP request the applicants are requesting modification of the previous conditions of the CUP granted in County Commission order 209-2001. The applicants have requested that the number of dogs allowed on the property not exceed fifteen, that the permit be issued to Ms. Nowell and transferable to Ms. Diebold, that hours of operation be limited to appointment only, and that no breeding or selling of animals occur, but raising be allowed.

Increasing the number of dogs from ten to fifteen allowed on the property would allow Ms. Nowell and Ms. Diebold to increase their capacity of dogs kenneled. With the requested increase to fifteen dogs, the scale of the business would blend with the surrounding character of the residential community and not match a commercial scale dog kennel. The requested increase in number of dogs would also allow for personal dogs to reside within the residence, outside of the business.

The applicants have requested that the ownership condition be modified to allow Ms. Diebold to take over the business once Ms. Nowell retires. Ms. Nowell has operated the dog kennel in harmony with the residential neighborhood for several years. Her business practices have ensured that the dog kennel and care operation would not cause a nuisance to her neighbors. Ms. Diebold has indicated that she intends to follow the same practices that Ms. Nowell has implemented.

A condition placed on ownership is rare for a CUP. A CUP generally runs with the land and not the owner. However, placing a condition on ownership allows the County a higher level of oversight on uses that could become incompatible depending on scale and business practice. When Ms. Diebold decides to sell the property to the next potential operator, it allows the County an opportunity to verify that the potential buyer be aware of and intends to comply with the Conditions of Approval.

The applicants have requested a modification of hours of operation to "by appointment only". The applicants have indicated to staff that they will continue to utilize set pick up/drop off times for their clients. Modification to the "by appointment only" would allow the business to service clients in unique or emergency situations that would need access to dog kennel services. Due to the limited scale of the business the undefined hours of operation are likely to have no impact on the surrounding community.

Removal of the word raising from condition 4 to read "No breeding or selling of animals would ever occur" would have no impact on the business currently. The subject property contains a single-family dwelling, and raising a dog is a common practice in a home. It is likely that the future homeowner and business operator on the property would raise an animal outside of the business operation.

Staff notified 150 property owners of the request. The proposal scored 53 points on the point rating system.

Staff recommends approval of the request with the following conditions:

1. There be no more that fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Robin Diebold after a real estate transaction.
3. Business hours be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

Present representing the request:

Faye Nowell, 5550 Gillespie Bridge Rd, Columbia

Robin Diebold, 1734 Woodie Proctor Rd, Columbia

Faye Nowell: The staff went over everything we requested; we will answer any of your questions.

Chairperson Harris: I assume Ms. Diebold works there and Ms. Nowell owns the property at the moment.

Robin Diebold: I am currently the manager.

Faye Nowell: Robin has worked with me for three years, so she is familiar with how we operate.

Robin Diebold: I am a professional dog trainer and so we can work on any barking and that sort of thing to help stay a good neighbor.

Commissioner Kurzejeski: Are the applicants comfortable with the conditions?

Robin Diebold: Yes, we had a very fruitful meeting and we agree with all of the conditions.

Commissioner Kurzejeski: I appreciate the business plan; I have a question about the waste removal, you say that an appropriate removal plan has been implemented. I wondered what that plan was, how you deal with the gray water and waste.

Robin Diebold: We have a septic system for the house and the business has a separate septic system.

Faye Nowell: It is gray water into gravel, all the waste is picked up and removed.

Open to public hearing.

Present speaking in support of the request:

Wendell Coonce, 3211 Bray Ave, Columbia

Wendell Coonce: The staff report already included all of the pluses I was going to discuss. The biggest potential question would be going from 10 to 15 dogs. As a person that has had a dog there for almost nine years, I can say that the logistics of the property are perfect for this use. Development has encroached on her house. When I pull up there, there is only one house 75 yards away; it is a unique facility in terms of a dog daycare world because there is real grass and there is a pond. There is a private drive and you can't even see the house from the road, it is a perfect location for this, and it is also the only such business on that side of town to my knowledge. I would agree with the staff report in terms of the analysis.

No one spoke in opposition.

Closed to public hearing.

Commissioner Kurzejeski: The condition states fifteen dogs on the property; if there were five pets that lived in the house that would allow ten boarded dogs? Or is that fifteen boarded dogs?

Andrew Devereux: Fifteen dogs total on the property; so if the owner had five dogs of their own they could board ten dogs.

Commissioner Kurzejeski made, and Commissioner Harvey seconded a motion to approve the request by Faye Nowell on behalf of Robin Diebold for a conditional use permit for a boarding kennel/daycare facility for dogs on (3.65 acres according to Assessor) A-2 (agriculture) zoning district located at 5550 W Gillespie Bridge Road, Columbia with the following conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Robin Diebold after a real estate transaction.
3. Business hours be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

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

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

Motion to approve request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, December 27, 2022 at 7:00 PM.

## VI. Rezoning Requests

1. 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 174.98 acres located at 8100 E Richland Rd, Columbia.

Planner, Andrew Devereux gave the following staff report:

The property is located on the south side of Richland Road immediately south of the intersection of Richland Road and Trade Winds Parkway. The applicant is seeking to rezone 174.98-acres from Agriculture (A-1) to Planned Single Family Residential (RS-P).

Adjacent zoning is as follows:

- North and Northeast - Light Industrial (M-L)
- East, Southeast, South, Southwest, and West - (A-1)
- Northwest - Single Family Residential (R-S)

These are all original 1973 zonings except for approximately 9-acres of the northern M-L that was rezoned from R-S in 2008. The property is occupied by two homes and several outbuildings. In June of this year a preceding request on a 145.72-acre portion of the same property was denied by both the Planning and Zoning Commission and County Commission.

This current request is approximately 30-acres larger than the preceding request. The additional 30-acres is not included in the current Annexation Agreement with the City of Columbia. The proposed Phasing Plan prevents platting of that area until after January 1, 2025. A condition will be proposed to allow time for the developer and Columbia to execute a new agreement without disrupting the development process.

The requested rezoning to R-SP includes a Review Plan/Preliminary Plat for 358 residential lots, 10 common lots, extension of an existing public roadway, and eleven new public roadways. Three of the residential lots are proposed to allow multi-family options with a density up to 4 units per lot for a 12 unit maximum. The proposal includes the ability to subdivide the multi-family lots. A new residential lot will be platted around one of the existing houses. Lot C-4, is proposed for development amenities such as recreational fields and courts. A clubhouse of up to 3,000 square feet may be constructed on this lot under a future Conditional Use Permit. The proposal indicates up to eleven phases to complete the buildout. The remaining common lots are primarily intended for stormwater management. Staff notified 38 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. The East Area Plan Future Land Use Map shows a generalized graphic depiction of future land use allocation in the Plan area. The text of the plan refines that generalization by allocating land use by watershed. Approximately 86% of the property is within the Grindstone Creek Watershed. The East Area Plan (EAP) encourages growth in the Grindstone Watershed.

The break between the residential and agricultural areas in the EAP is based upon watershed boundaries, with the Grindstone watersheds in the residential and industrial areas and the Gans watershed being predominantly agricultural/rural. 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 should be considered to be slightly fluid as a delineator. 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 Sufficiency of Resources test was used to analyze this request.

Utilities: This property is served by Public Water Service District #9, water for fire protection must be extended into the development from the existing mains along Richland Road. The Boone County Regional Sewer District and the City of Columbia will provide wastewater services. The property is served by a sewer main that was constructed by the Boone County Regional Sewer District with sufficient capacity to serve the anticipated needs within the watershed up to the I-70/Route Z interchange. Boone Electric Cooperative provides power. There is adequate utility capacity to serve the needs of this development without significant upgrades.

Transportation: Access to this property is via Richland Road. The development proposes a short public street, Aleppo Street, that will serve six lots and stubs to the property to the west for future redevelopment. The overall development has three street stubs to the west including Aleppo St, one to the south and two to the east. An extension of Trade Winds Parkway provides the main collector on the west side of the development and is the southern stub while Kieffer Lane is created as the connection on the east.

A traffic study was provided that focused on evaluating the intersections of the surrounding area and potential impacts of the proposed development. 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 payment of \$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.



The study also indicates that this development will add 3,465 average daily trips or ADT to Richland Road. The current ADT for Richland Road is 2,950; the development alone will more than double the traffic load on Richland. While the traffic study does not propose mitigation of this impact, mitigation has been proposed by the developer. The study indicates that Richland Road can handle this increase without causing a failure requiring mitigation.

Despite not triggering a roadway failure, the addition of more than double the existing traffic count on the roadway is an impact directly attributable to the development. The developer has chosen to try to mitigate this impact by rebuilding the intersection of Trade Winds Parkway and Richland Rd to an arterial standard which, includes turn lanes. And, the developer has agreed to dedicate additional road Right-of-Way (ROW) for Richland Rd beyond what is required by the regulations. This additional ROW will allow the alignment of Richland Rd to be shifted south so it can be reconstructed to its full arterial standard in the future with minimized impact to Sunrise Estates and to a Corps of Engineers regulated stream. Cost estimates of the off-site and other traffic mitigation efforts is provided on page four of the review plan.

The County Roadway Regulations set the ADT threshold for arterial roadways at 2500 ADT. If all the traffic generated by the development was concentrated on a new roadway within the development, the developer would be required to construct an arterial roadway. Proportionally, the development is adding 138% of the minimum threshold for 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. The significant increase in ADT will accelerate the time frame for physical improvements to Richland Road.

**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. Considering the adoption of the East Area Plan, that assumption is not the case here. This proposal is consistent with the East Area Plan and the existing zoning is not. The issue of appropriateness comes down to infrastructure and impacts. The proposal efficiently utilizes existing major infrastructure while enhancing the roadway infrastructure of the area. This is all supported by 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 site 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. While not constructed to the geometrics of an Arterial Roadway, it is designated both as an arterial and carries the existing ADT that exceeds the County threshold for an arterial. The existing road surface is around 22 to 24 feet in width, which is less than a new local subdivision roadway. The arterial pavement standard is 50 feet in width. As with the other infrastructure, it is critical that improvements to the road network happen in conjunction with impacts attributable to development in order to support the rezoning.

There is a development project currently proposed in the City limits approximately ½ mile to the west that is of similar size to this project that also fronts onto Richland Rd and therefore can be assumed to roughly contribute a similar amount of traffic and will likewise absorb another 25% of available roadway capacity; bringing the ADT up to over 80% of its capacity. In recognition of these impacts, the City of Columbia and the County of Boone are proceeding to develop a joint project to analyze the Richland Rd corridor to define its future improvement.

Reconstruction of the intersection of Trade Winds Parkway and Richland Rd, including an eastbound right turn lane is, in part, an effort to encourage traffic from Five Pines to utilize Trade Winds Parkway to get to I-70 DR SE. This could reduce the impact of development traffic to Richland Road and establish a long-term configuration for the intersection of Richland Road and Tradewinds Parkway. Additional mitigation for impacts to Richland Road is further off-set by the dedication of additional ROW by the developer to facilitate future improvements by shifting this section of the roadway to the south.

With appropriate conditions, Staff believes the requirements of the sufficiency of resources test can be met. The property scored 76 points on the rating system.

Staff recommends approval subject to the following conditions:

1. An approved Pre-annexation Agreement that includes the additional property that was added under warranty deed recorded in Book 5668 Page 0051 of the Boone County Recorder of Deeds office shall be provided prior to approval of a Final Plan for any portion of Phase of B or Phase C.
2. 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 that includes connection of the southern extension of Trade Winds Parkway to Richland Road (which is proposed phase two) or the phase that includes the 101<sup>st</sup> lot, whichever is earlier.
3. While the phasing of the numbered phases one to eleven do not have to be executed in sequential order, anything other than sequential order is subject to approval of the Director of Resource Management at the Director's sole discretion.
4. No Final Plan may be submitted containing any portion of Phase B or Phase C, as shown on Sheet C103 of the review plan, until the corresponding Annexation Agreement with the city has been approved that includes the additional acreage added to the proposal and the current proposed subdivision design and documentation of said approval has been submitted and accepted by the Director of Resource Management.

Present representing the request:

Keenan Simon, 210 Park Ave, Columbia  
Jim Krogman, 2900 China Berry, Columbia

The applicants gave a power point presentation

Keenan Simon: The changes from our previous plan includes the acquisition of the 29.22 acres to the west from Mr. Monson; we have incorporated that into our development. This removes the complexity of the easements and utility issues that were brought forth with the Commission and the neighbor's attorney. We have provided some additional stub streets to the east; we have shifted some lots around and generated some new layouts in the southwest corner and northeast corner. We have reduced the density. Previously the 370 dwelling units were on 145 acres which is about one dwelling per 0.39 acres; now we are looking at one lot per approximately one-half acre with the additional acreage. We haven't increased the number of dwelling units from the previous submittal, but we have increased the amount of acres. Previously the lots sizes throughout the whole development were averaging 65-feet in width, with the new layout we've been able to spread things out and a lot of the lots have increased about 20% in size, so they are roughly 80-foot in width.

Previously there were a lot of flooding concerns brought up by the neighbors; we have agreed to provide stormwater detention for the 100-year flood event. This provides additional protection for the higher intensity storms, the 50- & 100-year storms. To clarify, we are not asking for any sort of variance for stormwater design or detention, we are going to meet the county standards and requirements for our development.

Looking at the proposed traffic mitigation; we have been working with the County Engineer and a little with the city when we have been developing the improvement plan and trying to identify how the widening of Richland Road would occur. There are some obstacles there from a standpoint of some existing lots and homes in Sunrise Estates. Also, there are some challenges with some existing identified streams on the northern boundary of Richland Road. We understand that the realigning or widening Richland Road to the south onto our property is going to be more cost efficient in the long run. That is why we are providing an additional 1.78 acres of right of way, or an additional 35-feet so the future widening can shift to the south.

This is a benefit because a portion of the stream falls parallel to Richland Road on the north side. When you get into relocation of streams you have to involve the Corps of Engineers and that cost is in the ballpark of \$600 - \$1000 per linear foot and that is just the cost to touch it, that is not the cost to move it; that is the mitigation fee you pay to do the work. There is approximately 600-700 feet of stream on the northern boundary of Richland Road; being able to relocate the street to the south is going to be a substantial cost savings and make the project feasible in the future.

We are chipping in on the round-a-bout that was identified as the intersection that was failing in the traffic study and we are also participating in reconstructing the intersection of Trade Winds Parkway and Richland Road to arterial standards when we make that road connection. Those costs are above and beyond what would be required just to have a designated turn lane into our property; it includes drainage improvements and there is going to be some stream mitigation that will be required to relocate a portion of a stream. There is a watermain that is potentially going to conflict with that as well. There will also be additional widening from what would be required for a designated turn lane to what the actual arterial width would need to be for Richland Road. The intent of that would be to have that intersection completed so that when the widening comes through, they don't have to mess with reconstructing the drainage facilities that need to be improved for that roadway width. We had a couple of contractors look at the scope of work and those costs came in between \$300,000 - \$350,000. We have also looked at the timeline and when it would be realistic for the City and County teaming up to have a Richland Road project in the future; we have provided timeline restrictions on when lots can be platted to allow for the project to move forward and hopefully at that period of seven years, which is whenever we would be platting the last phase, it gives them time to hopefully get that project started and maybe completed for the roadway improvement before the development is 100% complete.

Jim Krogman: At the August meeting we heard concerns from the Commissioners and the public. In my opinion they all fell into one of four categories. 1. The potential for flooding and runoff. 2. Is there a way we can be reasonable with respect to density of the subdivision. 3. Clarity around existing road and utility easements. 4. Recognizing that we are utilizing Richland Road, there was potential traffic impacts that needed to be further addressed.

As Mr. Simon stated we are going to provide flood protection requirements that meets the 100-year design storm. We have added 29.22 acres to the development, but we haven't changed the number of homes. When you look at R-S zoning you are allowed one lot for every 7000 square feet, so in theory we could be asking for 1088 lots on this property instead of the 370 dwelling units.

There was a lot of discussion about easements and Mr. Monson's property last time; I believe that was the number one concern of this Commission and we successfully negotiated a buy-out with Mr. Monson and have in turn incorporated that property into the plan. The round-a-bout at Richland and Grace Lane is a distance away but it is not insignificant that we are contributing 1/3 of the cost. The reconstruction of Richland Road and Trade Winds Parkway, the number is \$310,000 in total money.

One of the things that staff pushed quite hard, and we were willing to accommodate, is the additional right of way to the south. We are giving up 1.78 acres to drop Richland Road further south when the arterial improvement comes through, so you don't have to deal with the stream requirements from the Corps of

Engineers. This is important to me because if we don't do that, there is 850-foot of linear feet of stream that someone is going to have to pay when the arterial improvements come through and the remediation costs are \$467,000. We are talking about three-quarters of a million dollars based on our willingness to improve the intersection, our willingness to donate the right of way and the county doesn't have to pay for stream mitigation fees in the future. From our perspective this is very significant.

We agreed to slow-walk the buildout of the entire subdivision so we are now limited, where we were not before, to how quickly we can build things out in order to give the city and county time to figure out Richland Road. This provides seven years minimum for the city and county to agree on what to do and to implement it. What that means is it is going to be 2030 at the earliest before any of these traffic numbers that you see in the staff report come to fruition.

I just wanted to make sure, from my perspective, that I try to summarize things. What we were asking for in August and what we are proposing today are significantly different. The phasing plan is the restriction of time that we have put on ourselves and offered. We can't control what is going to happen on Richland Road and when, but we can give all the players enough time to get it figured out; that is the offering that I think has the most value. County staff are the experts and this is the third time they have recommended approval with conditions, I don't think we can throw cold water on the amount of meetings we have had with staff and the exchanges we have had with them on a technical and commercial basis. I am happy that we have met their criteria with respect to moving forward.

Commissioner Trecha: Could you clarify the stop-gap time as far as how many lots can be developed; you said something about lot 100.

Keenan Simon: The condition placed on this approval states that at the time we either plat the 101<sup>st</sup> lot or at the time that we decide to plat any of the street that accesses Richland Road and is the extension of Trade Winds Parkway, will be subject to that intersection improvement.

Commissioner Trecha: Do you mean lot number 101 or the 101<sup>st</sup> lot?

Bill Florea: The 101<sup>st</sup> lot.

Keenan Simon: We are only allowed to do 50 lots before we have to provide the second means of access which would be Trade Winds Parkway. Although it says the 101<sup>st</sup> lot, it is really the 51<sup>st</sup> on this portion. The reason it is worded like that is because it gives us the opportunity to build the roadway at the northwest corner, Aleppo, prior to starting off with the extension of Trade Winds Parkway.

Jim Krogman: It will happen way before the 101<sup>st</sup> lot.

Keenan Simon: What we have provided gives the control to when the lots can be platted. Technically none of these lots can be platted until all the infrastructure is installed and passed inspection; that is whenever a final plat can occur. Phase C cannot be platted until the first of 2029. That means that all of the construction has to be completed, all the infrastructure has to be approved and inspected and then the property can be platted. There will be a large time period with construction probably before those final plats are submitted and approved.

Commissioner McCann: The copy of the Review Plan that I have for Phase C says it can be platted after January 1, 2027.

Keenan Simon: You are correct, after January 1, 2027 which, assuming there would be a construction period and after the plat is approved then you would be allowed to build houses. Assuming that you have 150

single-family homes, after that platting period occurs those houses are probably going to build out over the course of three years.

Commissioner McCann: I wanted to clarify what Mr. Krogman said about the seven year thing, I know that the way it is written on the Review Plan, there is the hard deadline of January 1, 2027 and then you have in parenthesis earliest anticipated platting and final buildout would be January 1, 2030 so that is the seven year timeframe but technically, if things moved faster than that you could have all lots built and platted by January 1, 2027.

Keenan Simon: We couldn't have the lots built on because you can't have a legal lot to sell until all of the improvements are approved.

Commissioner McCann: So, you would have all infrastructure in place and it can be platted on January 1, 2027.

Jim Krogman: It sounds like we have some language adjustments to make.

Commissioner McCann: If this gets approved and moves forward, this review plan is going to become the bible of how all of these phases are set up. We definitely want to clarify at this time. We know that you think it is going to take longer than that but the way I read this note, you could build all 370 units and have them platted and ready for sale in four years on January 1, 2027.

Keenan Simon: That is not our intent.

Commissioner McCann: Right, but it is possible because that is what it says on the Review Plan, so I think it is worth clarifying.

Jim Krogman: The idea was to give a minimum of seven years of negotiation and implementation of a plan for Richland Road. If we have language issues, we can get those cleared up. The idea is whether you are talking 52% of the capacity of Richland Road at total buildout or 57% that isn't happening for at least seven years. The 5000 in total trips per day is seven years away or more; we are talking about traffic, which is a concern, you need to be realistic for how long it is going to take for that to actually happen.

Bill Florea: What is the actual date that you intended for Phase C? Because it says January 1, 2027 and it is almost 2023.

Commissioner McCann: To be able to sell a lot then build on it you have to have a final plat complete. This says you can technically have all 370 of those ready to go by January 1, 2027, obviously it is going to take time to sell a lot and build the houses.

Keenan Simon: Realistically you can't build a house in less than six months. I think we were looking at the timeline of when those cars would actually be on the road. I believe the intent is correct, it was whenever the vehicles would actually hit the road.

Jim Krogman: I thought conceptually we were all on the same page and now we are homing in on language. The intent is there we just have to get the language right so that the full traffic potential on to Richland Road isn't until 2030 or later.

Bill Florea: The Commission could make a condition to change the language.

Chairperson Harris: Even if this is ready to plat January 2027 the applicant's point is that the last 20 lots is a two-year buildout to get it done and sold out at full capacity on the road.

Keenan Simon: That is exactly what the intent was. It was when the vehicles would be hitting the road.

Chairperson Harris: The concern was when all of these cars would be on the road. The applicant is saying that by staggering in these three phases this is the anticipation of when it would be the full load on the road.

Commissioner McCann: What is in black and white and what the intent is, there is a gap of three years. I realize that once the lots are platted it takes some time to sell and build those and not all of those cars are going to hit the road at the same time but I want to make it clear because everyone needs to understand what this really says so we can follow the plan.

Chairperson Harris: We are estimating seven years to come to full load but it may not take seven years; if we say you can't start part three for seven years that just makes this a ten year project and I don't think that is what our intent was or if that is a reasonable position.

Jim Krogman: It would blow up the financial model that we have. We took everything that we picked up in this process very seriously and put our money where our mouth is with respect to what we are trying to do and I think we have real value in this that maybe wasn't there before and I think the stream mitigation piece is huge.

Chairperson Harris: As the applicant they have proposed a time frame with regard to the discussion of Richland Road and they are going to be on the hook for that time frame. For their benefit, what is in place to assure them, having made their concessions, that the city and county discussion on Richland Road doesn't become a perpetual Charlie Brown football?

Bill Florea: There is none. I can't guarantee that, it has not gotten to the point where there is a firm timeline. There has to be some faith that the city and county will work together in good faith to make that happen. Nothing is guaranteed until it happens.

Jim Krogman: There is a level of comfort knowing that we are only at 52 to 57% of capacity of the road at that 2030 mark. We aren't in a situation like we are at the round-a-bout at Grace Lane and Richland Road where from a capacity standpoint the road has failed; that needs to be addressed and we are participating in that. We don't have that situation north of our proposed subdivision, it is a different animal from our perspective.

Chairperson Harris: My concern is I don't want to be here five years from now and the county and city haven't talked about it and the applicants have encumbered themselves to this limitation.

Bill Florea: We are talking about it already. This is something that the County Commission and the City Manager and Mayor have been working together on and my understanding is there is buy-in on both sides, I believe that upper level management wants the Richland Road study to move forward.

Jim Krogman: We have met with the County Commission on an individual basis to discuss this concept, so they are well aware of what we are offering so this won't be news to them.

Bill Florea: Their agreement to improve their connection to Richland Road at Trade Winds Parkway will prevent that from being a bottleneck on the roadway as traffic starts to generate out of the development. That does not mitigate the entire length of Richland Road, but it is addressing the locality.

Commissioner Kurzejeski: I appreciate that you have altered the density and acquired the other tract, when looking at the map, the remainder of the Monson tract is being left alone, is that the intention of this plan that it will remain non-buildable land at this point?

Jim Krogman: At this point.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Eric Blume, 7750 E Richland Rd, Columbia

Eric Blume: I am the property owner directly to the west of the site. Can we go back in time to where we were in August, when we left this room and the decision by the Commission which stated that until such time as the city and the county had a plan, and there were plans for the mitigation of, the widening, and turning of Richland Road into a major arterial road was done that the developer could not have picked a worse location in Boone County to try to place a development and that would not be approved until such time that it was done. Now we are being told four months later that a major change has occurred here.

Granted they added 30 acres, and as a result haven't added a ton of additional lots in the area. But we have not brought down that number either. I think we have to take this in its entirety, and we can't look at it in a bubble because this is not the only property that is being developed in this area. It is going to have a major impact on traffic as is what the City of Columbia is doing.

In November, the City of Columbia approved Silver Lakes, a 350-lot subdivision directly to our west at the corner of Olivet and Richland Road. Any impact that the traffic study and the increase that this development is going to put onto Richland Road, it going to double that. We can say that we are at 57% when he gets to maximum capacity; what are we at when we are at 57% and we've put 350 more homes directly to the west? Richland Road can't handle this. That was the decision the last time around and nothing has changed. Granted they have decided they would comply with the 100-year flood and do some work on widening the road on their portion of the property but that does not address the problem; it doesn't address it long term, it is a little bite of a much bigger problem.

I understand the city and county have started to have discussions about this but as we know there are no guarantees that any of that is going to occur at any point in time. When it does occur, it is going to require a taking of a big portion all along Richland Road to include the frontage that the neighbors currently own?

I appreciate that they are trying to make efforts with regard to the flooding and stormwater, but they are adding a ton of non-permeable surface to an area that already floods on a regular basis. We have street signs out there that state "do not enter when flooded." That ground floods, it gets dangerously close to my home on a regular basis. What happens when it fails and my home floods? Is it their fault? Are they on the hook for this? No, they won't be.

Their attempts at mitigation and they want credit for being involved in the plan to put a round a bout at the corner of Richland Road and Grace Lane but that is over two miles away; that doesn't mitigate anything there so that is not a band aid on this problem it is a band aid on what is going to occur when we have further development down the way. We've got the golf course expanding with another 170 lots so we are looking at close to 1000 additional lots that will have access to Richland Road over the course of the next three-five-seven years. I'm never going to get out of my driveway again when we start throwing that much traffic out there.

I would remind everyone here that I understand that their job is to develop the property and that is what they want to do but the rest of us have to live there too and this is attempting to impose quite a hardship and it

will stub two roads into my property. It will put six houses staring out my front yard. They are going to destroy the nature of the property out there where you can hunt and fish; it was much more remote than it will be with all of this going on around there. I am opposed to this request and I hope the Commission understands why that is the case and understands the previous decision. All of the reasons for denial before still exist. I ask that you stand with the decision you made in the past.

Also speaking in opposition:

Richard Kiley, 1120 S Olivet Road, Columbia

Richard Kiley: Richland Road is not prepared and won't be. I like the idea of a phased in approach. Will the phased approach have a definite timeline or is it that they aren't planning at this time to do something? Whatever we move forward with here, in my opinion, should have a phased in approach that is part of the approval process here and it would have to come back.

The other thing I would ask is will there be a maximum of 370 homes in the 174 acre development? I heard "no more at this time" which is a signal to me that there will be more eventually, they are here to make money and there is a large area that is not shown in development that they purchased from Mr. Monson that will probably be developed. Or, will they stipulate to 370 homes maximum as part of this development?

If you have driven on Richland Road it is a nice country road, it is nowhere near or capable to handle 540 homes, 650 homes or 1000 homes in the next five years. We have an honest admission from the engineering staff that they have no guarantees that anyone will do anything in the near future with Richland Road. I think we need some kind of assurances that the capacity is going to be built out before we put 1000 new homes in the next five to seven years in what right now is a rural spot.

The Commission can do a good job of controlling what goes in Boone County but we've also heard that the City of Columbia has other plans and may or may not be coordinated here and we are putting a lot of houses and potential development and a lot of cars on a road that can't handle it and there are two entities both planning on doing it and there is some communication but no guarantees. I ask that a couple of things be assured on this proposal; that the phases over seven years be based on certain dates or be back to this group for approval and there be 370 houses maximum in the 175 acres or there has to be approval and discussion.

Mr. Kiley also sent a letter in opposition.

Also speaking in opposition:

Arthur McDermott, 704 S Olivet Rd, Columbia

Arthur McDermott: I have heard a bunch of talk tonight and numbers that I can't get through my head. What it sounds like is the developers have decided that they are going to do the city and county a big favor and fix a road that they are going to screw up to begin with. It sounds like they want to do a favor. I don't see it that way. Putting in that many houses and that many people.

I tried to get down Grace Lane and Richland Road the other day about 8:30 in the morning, good luck. Putting in a round-a-bout at Grace Lane isn't going to fix it all. I can hardly get out of Olivet anymore and I haven't heard a word about Olivet tonight until the gentlemen before me. It sounds like this is a done deal. You get the Mayor and City Council, and everyone involved, and this is going to happen. You are going to ruin a beautiful section of the county with that many houses. There are already too many houses over there. The quality of life is shot, and it is getting worse and everyone is just saying it's a business, and everyone is out to make money. I agree with that. I just don't agree that this is the right time and the right place. Stick with the decision you made in August; that was the right decision.



Note: Staff received an email from Allan Moore. Bill Florea read the following into the record:

We are very concerned about the future traffic issues related to the Five Pines Subdivision on Richland Road. While we are pro affordable housing and development in general the existing street infrastructure on Richland Road, Olivet Road, Keene Street, Grace Lane, Rangeline Road the industrial park and the Lake of the Woods/St. Charles interchange is inadequate to handle this project and are therefore opposed. Thank you for your time and consideration. Allan and Kim Moore, 550 S Rangeline Road.

Closed to public hearing.

Keenan Simon: The proposed traffic study was completed with the six proposed developments; the remaining lots at The Gates, the proposed expansion of Old Hawthorne, the 380 lot subdivision at Silver Lakes, the 36 lot Crescent Ridge subdivision, the proposed Five Pines; all of them fully built, not just us. Each one of those developments are percentage participating in the round-a-bout improvements based off of the number of traffic amounts added to the corridor.

Jim Krogman: As far as committing to no additional lots over the entire acreage, I am happy to make that commitment.

Keenan Simon: That is the commitment that we have is the 370 dwelling units; there are no additional units that would be placed on this, we will be held to this layout as far as the road locations and the lots that are in each phase. They are pretty much set in stone with this planned development. What you see here is what you are getting. There is no bait and switch. The number of dwelling units and roadways cannot change unless we bring it back through the Commission again. The intent is to follow exactly what is shown.

Jim Krogman: We have no intention of doing anything additional in the future.

Chairperson Harris: That is the purpose of a plan.

Commissioner Kurzejeski: I asked that question and was told "at this time". You are selling the reduction in density as being inclusive of the 29.22 property.

Keenan Simon: Correct, what we are showing on the plan is what we are doing.

Jim Krogman: I am hesitant because I have a verbal agreement for the remaining property, an individual who wants it just the way it is.

Commissioner Trecha: Do you have any information about the arrangement that Silver Lakes has with the city as far as any traffic mitigation?

Bill Florea: No.

Keenan Simon: In general, they are paying for a percentage of the round-a-bout and they are also looking at providing an extension of Olivet Road to Interstate 70; I believe they worked with acquiring some properties for that roadway. They do not have the final connection to 70 but I believe they have acquired the right of way within one property to the interstate. My understanding is the re-designation of Olivet to a major arterial is intended to have that as another I-70 access point eventually.

Commissioner Trecha: The width of Richland Road now, including the widening, will this be the widest part of Richland Road or is it already designed to be capable of handling the capacity that we are looking at? I don't know if it is arterial.

Bill Florea: Richland Road is designated as an arterial road. There is a range of levels of construction standards for an arterial street. I don't think that has been determined yet. That is the intent of the county and city going forward with a corridor study on Richland Road: to determine the level of improvement; but that hasn't been set yet.

Commissioner Trecha: Simply put, is the road much narrower east and west of this proposed development?

Bill Florea: Currently, no. It is generally the same all along Richland Road right now.

Commissioner Koirtyohann: When this gets done you will have a wide piece in front of the development, and it will go back to more narrow.

Bill Florea: Yes.

Commissioner Martin: What is the plan for the stormwater management? Is it going to be phased in as each phase is developed or will it all be done up front?

Keenan Simon: Any development that we do we have to account for in stormwater detention so it is not like we can do a phase then do the stormwater later. No matter what we do we have to meet the Stormwater Ordinance. If we have to do our detention basin that accounts for phases A & B first, then that is what will occur even if we aren't utilizing that; we also can't construct a portion of a roadway that isn't being treated and the runoff being detained.

Commissioner Martin: Where is the runoff from Aleppo?

Keenan Simon: We have a common lot that is located on the west property line that is identified as where we would potentially put our stormwater detention. I think it is 50-foot wide and 120-feet deep, roughly. It is common lot C-1. We have a little flexibility with the review plan; if we needed to make these common lots bigger as we go through the stormwater detention calculations, we can drop a lot and make these stormwater improvements to what is required.

Jim Krogman: We are just estimating footprints at the moment.

Commissioner Harvey: How does the ground lay currently with regard to natural occurring runoff?

Keenan Simon: It is relatively flat and there is a drainage way you can see the stream identified with a type three stream buffer that wraps back and forth there. The intent would be to provide some fill and raising up a portion of that to accommodate those lots.

Commissioner Harvey: Will putting in fill divert stormwater away from the property?

Keenan Simon: We would have to meet the stormwater requirements for that development. We would have to collect anything that is running off of those sites in a stormwater detention facility.

Jim Krogman: Nothing runs off of those lots without going through our facility first.

Keenan Simon: Generally, the first half of the lot drains toward the street and stormwater would be collected at a low point prior to the stub street which we could drain. Most likely all the fringes of those lots and lot 101 & 100 to the common lot and we would look at doing either a swale that would take the water to the detention basin or we would hold the stormwater runoff that is mainly impervious from the street for a longer period and shed the rear lots into the existing drainage area that is already there.

Jim Krogman: It is too early in the process. We are going to meet the requirements of the county and how we do that is yet to be determined.

Chairperson Harris: The reality is that you can't shed any more water than is naturally going before development. There is a 98% chance or greater that you will hold water and slow what is the natural discharge.

Jim Krogman: The future state will be better than the current state.

Commissioner Koirtyohann: If you are going to fill doesn't that channel the water?

Jim Krogman: It makes it easier to swale it down to the structure.

Commissioner Koirtyohann: I was thinking about the existing creek going to someone else's property.

Keenan Simon: We aren't within a flood zone that would require a permit to fill within there because of the amount of distance we are away from that stream so there is no issue that would occur from that. All of that will be a more detail-oriented submission that gets reviewed by the county engineers to make sure we are following the rules and regulations.

Chairperson Harris: The additional right of way that the applicants are providing with the existing right of way will be enough width to bring Richland Road up to what it needs to be.

Bill Florea: Yes, I believe that to be true.

Chairperson Harris: There won't be any need for any additional acquisition? What is shown on the plan is what we need to have?

Bill Florea: Yes.

Chairperson Harris: And east and west that is the width to which the right of way and pavement will come at some point in time?

Bill Florea: Yes.

Commissioner Kurzejeski: I understand the additional right of way to move the road south to avoid getting into the creek, but would that mean that future right of way that may have to be acquired would all be shifted south too?

Bill Florea: At least for a portion of that roadway; it is disadvantageous to the people on the south side but there are quite a few more homes on the north side as you go across Sunrise Estates. It would be cheaper and disrupt fewer people to keep it to the south.

Commissioner Kurzejeski: But the impact would be greater on those individuals to the south.

Bill Florea: It would.

Commissioner Kurzejeski: The traffic study which took into account all the development going on, I have driven out there since the 1970's and I struggle with that being at 70 – 80% capacity with all of this out there. It seems like a lot more, but I assume the traffic study is the traffic study, or do they vary? If they did three traffic studies would they vary?

Bill Florea: They might. The traffic study, in my opinion looked at the failures. Does it cause the road to fail? Yes or no? It was a binary decision. I don't believe a traffic study should be done that way but that is the way this one was done; that is why we asked for some supplemental information and that is where we discussed with Mr. Krogman about doing his improvements. According to the traffic study that is unnecessary. We believe otherwise that there is a need to mitigate impact that is caused by new development and Mr. Krogman agreed to do this mitigation.

Commissioner Kurzejeski: The onus falls back on the city and county to figure out how to get the road improved with everything that is happening.

Bill Florea: Yes, it does.

Chairperson Harris: The reality of it is the plan was rejected at one time, the applicant has made some significant concessions and changes. The ultimate decision of this Commission is if this is an appropriate use of land in this location. To me, a lot of that determination may have been made a number of years ago when we did the East Area Plan. It was an extensive process that involved all of the stakeholders who wanted to be involved in that entire East Area Plan. I think we have a pretty good track record as a Commission of following that plan, whether it is the East Area or Northeast Area Plan because that was a long process that involved everyone we possibly could. In many ways, having accepted that plan with the input that came with it, that is where we are at. I think the opportunity for opposition in general may have passed with the acceptance of that plan by the stakeholders.

The development of the roads, again, facing reality, no one is going to build a new road just for the fun of it; it is one of those things that will never be dealt with unless the issue is pushed. Everyone is right, those are crummy roads and there is development but the very vehicle in the form of that East Area Plan that was done years ago to answer this question has been accepted and this Commission has followed it. It is not a plan that anyone has to like, no one has to like increased growth and development, but the odds of our city and county stopping growth is not too good. I think the applicant has made concessions that are appropriate and when we look at the East Area Plan that already tells us that this land use has been approved in that area.

Chairperson Harris made a motion to approve the rezoning request

Commissioner Harvey requested an amendment to the motion to include changing the phase C date to 2028.

Chairperson Harris: I was not going to include that in the motion.

Commissioner Harvey: I thought that's where we had left it, that we were going to add it.

Bill Florea: You can ask to amend the motion and that could be voted on or Chairperson Harris could accept the amendment.

Motion dies for lack of a second.

Chairperson Harris: I am hearing the applicant's intent; I don't know if that is something that is feasible for them.

Commissioner Harvey: I am simply asking for the language in the document to meet the applicant's intention. That they expect this to be a two-year process from the time that they are ready to start selling lots until that phase is completed. Working backwards from 2030 would be 2028.

Commissioner Kurzejeski: As it was pointed out this is the document we approve and what is written on the plan becomes the gospel that we go by. Everyone kind of agreed.

Commissioner Harvey: If we approve it with that condition, that is within our authority, correct?

Bill Florea: Correct.

Jim Krogman: I am happy to change the plan to 2028 and for it to be a condition of approval if that solves the problem.

Bill Florea: If the Commission is so inclined there could be a vote to approve the rezoning and then a vote to approve the review plan, preliminary plat with staff conditions and add a condition that states the phasing plan would be adjusted to say that Phase C could be platted no earlier than January 1, 2028.

Commissioner Trecha: I heard the opposition talking about capping the number of lots and the applicant stated that it was part of their intent. The fact that when they plat these, do they come before us at each phase?

Chairperson Harris: There would be a plat for each phase.

Bill Florea: Each phase will come before the Commission; each phase will have a final plan and a final plat and we will inventory the lots at each stage. They are limited to the 370 maximum dwelling units that they have asked for under this plan. There are some lots that qualify for two-family dwellings so that is included in that 370 dwelling units.

Chairperson Harris: By being a plan the 370 is a number in stone so that doesn't get changed.

Bill Florea: The only way that can change is if they come back through this process.

Chairperson Harris made, and Commissioner Trecha seconded a motion to approve the request by D Who Land LLC to rezone from A-1 (Agriculture) to R-SP (Planned Single-Family Residential) on 174.98 acres located at 8100 E Richland Rd, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – NO
Fred Furlong – Yes	Randal Trecha – Yes
Kevin Harvey – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes            8 YES            1 NO

Chairperson Harris made, and Commissioner Harvey seconded a motion to approve a Review Plan and Preliminary Plat for Five Pines on 174.98 acres located at 8100 E Richland Rd, Columbia with the following conditions:

1. An approved Pre-annexation Agreement that includes the additional property that was added under warranty deed recorded in Book 5668 Page 0051 of the Boone County Recorder of Deeds office shall be provided prior to approval of a Final Plan for any portion of Phase of B or Phase C.
2. 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 that

- includes connection of the southern extension of Trade Winds Parkway to Richland Road (which is proposed phase two) or the phase that includes the 101<sup>st</sup> lot, whichever is earlier.
3. While the phasing of the numbered phases one to eleven do not have to be executed in sequential order, anything other than sequential order is subject to approval of the Director of Resource Management at the Director's sole discretion.
  4. No Final Plan may be submitted containing any portion of Phase B or Phase C, as shown on Sheet C103 of the review plan, until the corresponding Annexation Agreement with the city has been approved that includes the additional acreage added to the proposal and the current proposed subdivision design and documentation of said approval has been submitted and accepted by the Director of Resource Management.
  5. That the note on the plat be amended for Phase C to indicate that it can be platted after January 1, 2028.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – NO
Fred Furlong – Yes	Randal Trecha – Yes
Kevin Harvey – Yes	Rhonda Proctor – Yes
Jeff McCann – Yes	

Motion to approve the review plan and preliminary plat passes                      8 YES                      1 NO

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, December 27, 2022 at 7:00 PM.

## VII. Planned Developments

1. Request by Joseph & Kelly Eagle to approve a Final Development Plan for Eagle A-RP on 4.7 acres located at 6910 S High Point Ln, Columbia

Planner, Andrew Devereux gave the following staff report:

The subject property is located off S High Point Lane and W Route K. The property is 5 acres, 4.70 acres after dedication of right of way. An existing home is present on the property. The property is zoned A-2 (Agriculture). The zoning appears to be original 1973 zoning. The property is surrounded by the following zoning:

- A-2 Agriculture to the south.
- R-DP Planned Two Family Residential New Town Subdivision to the east.
- R-SP Planned Single Family Residential Old Plank Village to the north across W Route K.
- Columbia zoning R-1 to the west across from S High Point Lane.

The proposal seeks to rezone from A-2 to A-RP (Planned Agriculture Residential) and use the density of the parent zoning district to construct a second dwelling.

The Boone County Master Plan designates this area as suitable for residential land uses. The initial review plan was approved under County Commission order #192-2022. The proposal scored 73 points on the point rating system.

Water service is provided by Consolidated Water. Boone Electric provides power service to the area. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #8, is just over two miles away.

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

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

Two conditions were plan under County Commission order #192-2022:

1. That a sewer connection plan be presented to the Boone County Regional Sewer District and the Director of Resource Management before submittal of a Final Plan.
2. The area be platted to Boone County Subdivision Regulations.

After review, staff found that the proposal meets the criteria for a Final Plan. A sewer connection plan was presented to the Boone County Regional Sewer District and the Director of Resource Management. A minor subdivision plat of the property was submitted for approval.

Staff recommends approval of the Final Plan.

Commissioner Koirtyohann made, and Chairperson Harris seconded a motion to approve the request Joseph & Kelly Eagle to approve a Final Development Plan for Eagle A-RP on 4.7 acres located at 6910 S High Point Ln, Columbia:

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

Motion to approve the final development plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, December 27, 2022 at 7:00 PM.

#### VIII. Plats

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

See staff report and vote under Rezoning Requests

- Khan's Subdivision Plat 1. C-G. S19-T49N-R12W. Kahn Enterprises LLC, owner. James Jeffries, surveyor.

Planner, Andrew Devereux gave the following staff report:

The property is located approximately 200 feet southeast of the Roundabout/intersection of Highway 763/Rangeline - State Highway VV – Wagon Trail Rd and Prathersville Rd and adjoins the municipal limits of the City of Columbia on the south.

The current proposed subdivision is a replat of Lot 1 of Khan’s Subdivision Plat 1 approved December 17<sup>th</sup>, 1998. The proposed subdivision contains 4.41-acres and would create two lots, Lot 1A containing the existing convenience store and Lot 1B which would be vacant. The existing zoning for the property is General Commercial (C-G).

Adjacent zoning is as follows:

- North - C-G, Light Industrial
- East - Light Industrial (M-L)
- South - Inside the City of Columbia and zoned General Industrial (IG)
- West – C-G & Residential Moderate Density (R-M)

All the surrounding County zoning is original 1973 zoning.

The property has road frontage along and direct access to Prathersville Rd. and while there is frontage on Highway 763 the property does not have direct access. The applicant has requested a waiver of the traffic analysis study and Staff concurs with this request.

The City of Columbia provides water to the tract. The Boone County Fire Protection District provides fire protection for the tract. The nearest station, Station 5, is approximately 1500 feet east on Prathersville Rd. Fire hydrants are required for this use.

The property is in a sewer territorial agreement area where the property is a Boone County Regional Sewer District (BCRSD) customer with treatment provided by the City of Columbia. The existing building is currently served by this sewer. Our office has been informed that the agreement regarding provision of sewer to the property does not require annexation into the City due solely to this subdivision action but that any request for a building permit within the plat will require annexation. The County development process is not set up to recognize this distinction and the plat would not be considered to have secured sewer access from our viewpoint and the plat could not normally proceed forward.

Because of the existing development contained on the property and the multiple differing jurisdictional concerns, regulations, processes, and procedures involved, the County, in this specific situation, has agreed to process the plat subject to the developer recording a document in the land records of Boone County that makes it clear that the owner recognizes that the County will not issue a building permit for Lot 1B and that development of Lot 1B must be done after annexation into the City of Columbia.

The property scored 78 points on the rating system.

Staff recommends approval of the plat with the requested waiver subject to the following conditions:

1. That it is recognized that a sewer main extension is required, and the plat will not proceed to the County Commission until the sewer installation is complete inspected and approved.
2. Prior to or concurrent with recording of the plat, a document is recorded in the land records of Boone County that makes it clear that the owner recognizes that the County will not issue a building permit for Lot 1B and that development of Lot 1B must be done after annexation into the City of Columbia. Such document must be reviewed and approved by the Director of Resource Management prior to the Plat being scheduled for County Commission to receive and accept.



Chairperson Harris: The motivation here is to sell one of the lots?

Bill Florea: Yes, I believe their motivation is to sell the existing convenience store and retain the new lot.

Chairperson Harris: Either way, nothing can be done on lot B until it is annexed into the city.

Bill Florea: Yes and the reason we wanted this to be written this way is because this is unusual. Typically, the right time to annex is prior to development and that puts us in a bad spot with the city wanting us to withhold building permits until the annexation occurs after development of the property. The owner of the store and the potential buyer don't want to annex into the city. If we force annexation now, they would have to annex before they could subdivide the property; the city was agreeable to not requiring that to happen. So, that was the distinguishing characteristic where we agreed to bring it forward to the Commission to approve the subdivision but making sure we have done everything we can to notify a potential buyer of the new lot that they won't be able to get a building permit until they annex into the City of Columbia.

Commissioner Koirtoyhann made, and Commissioner Harvey seconded a motion to approve Khan's Subdivision Plat 1 with the following conditions

1. That it is recognized that a sewer main extension is required, and the plat will not proceed to the County Commission until the sewer installation is complete inspected and approved.
2. Prior to or concurrent with recording of the plat, a document is recorded in the land records of Boone County that makes it clear that the owner recognizes that the County will not issue a building permit for Lot 1B and that development of Lot 1B must be done after annexation into the City of Columbia. Such document must be reviewed and approved by the Director of Resource Management prior to the Plat being scheduled for County Commission to receive and accept.

All members voted in favor.

The following plats were placed on consent agenda:

- Eagle Nest Estates. Pending A-RP. S10-T47N-R13W. Joseph & Kelly Eagle, owners. Kevin Schweikert, surveyor.

The subject property is located off S High Point Lane adjacent to W Route K. An existing house is present on the property. The property is currently zoned A-2 (Agriculture) and will be rezoned A-RP (Planned Agriculture Residential) with approval for the Eagle A-RP Final Plan. The existing A-2 zoning appears to be original 1973 zoning. The Eagle A-RP review plan was approved under County Commission order #192-2022. The surrounding zoning is as follows:

- A-2 Agriculture to the south.
- R-DP Planned Two Family Residential New Town Subdivision to the east.
- R-SP Planned Single Family Residential Old Plank Village to the north across W Route K.
- Columbia zoning R-1 to the west across from S High Point Lane.

The property has direct access along S High Point Lane, a publicly maintained roadway. The subdivision plat will dedicate right of way equal to a 33' half width right of way along S High Point Lane and additional right of way equal to a 50' right of way along Route K.

Consolidated Water provides water service in the area. Boone Electric provides electric service. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #8, is just over two miles away.

A wastewater lagoon served the existing home. The applicants have presented a sewer connection plan to Resource Management and the Boone County Regional Sewer District. Both the existing home and future house approved under Eagle A-RP Final Plan will be served by public sewer.

The property scored 73 points on the rating system.

Staff recommends approval of the plat.

- 4C2AP Acres. A-2. S3-T50N-R13W. 4C2AP, LLC, owner. Nathanael Kohl, surveyor.

The subject property is located off N Oak Gravel School Road, south of the intersection of Blakemore Road. The property is zoned A-2 (Agriculture) and surrounded by A-2 zoning on all sides. The zoning appears to be original 1973 zoning. A home and two accessory structures are present on the property. The proposal is to divide a 2.55-acre lot from the 23.91-acre parent parcel.

The property has direct road frontage along N Oak Gravel Ridge Road, a publicly dedicated, publicly maintained roadway. The applicant will dedicate Right of Way to equal to a 33-foot half width along N Oak Gravel Ridge Road. The applicants have requested a waiver to the traffic study.

Public Water Supply District #10 provides water service to the area. Boone Electric Cooperative provides power service to the area. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #4, is approximately 6 ½ miles away.

The existing house is served by an onsite wastewater lagoon. The applicant has requested a waiver from the sewer cost benefit analysis.

The property scored 22 points on the rating system.

Staff recommends approval of the plat and granting requested waivers.

- Biggs Estates Plat 1. R-S & A-2. S29-T47N-R11W. Andrew Biggs, owner. Jay Gebhardt, surveyor.

The subject property is located off East Englewood Road, approximately 240 feet east of the intersection of East Johnson Cemetery Road and East Englewood Road. The property is 12.04 acres in size and split zoned R-S (Residential Single Family) and A-2 (Agriculture). The property was rezoned under County Commission orders #575-2022 and 574-2022. The property currently has a house and several accessory structures on the southern portion. A wastewater lagoon is present on the property serving the existing home. The property is surrounded by A-1 (Agriculture) zoning except for the west and south property lines that share a boundary with R-S zoning. The proposal looks to subdivide the land into a 2.50 acre and 9.68-acre piece subdivided along the zoning boundary.

In August 2022, the Boone County Zoning Board of Adjustment granted four variances under case #2022-004 for the property related to the Zoning Ordinance and Subdivision Regulations. All four variances are related to the proposed R-S property. The variances are as follows:

- Variance from rear setback for an existing garage
- Variance from the front and rear setback for an existing single-family dwelling
- Variance from the 33-foot half-width right of way
- Variance from the 250-foot minimum lot depth

Both proposed parcels will have direct access along E Englewood Road, a publicly dedicated publicly maintained roadway. The applicant will grant a 33' half width right of way along E Johnson Cemetery road except for the portion in front of the existing home. The applicant has requested a waiver from the traffic study.

Consolidated Water provides water service to the area. Boone Electric provides power service. Southern Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 17, is approximately 8 miles away.

An existing onsite wastewater lagoon is present to serve the existing home on tract 102. The applicant proposes an onsite wastewater lagoon for proposed tract 101. The applicant has submitted a request to waive the sewer cost benefit analysis.

The property scored 38 points on the rating system.

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

- Kaila's Ranch Plat 1. A-2. S9-T50N-R13W. Kaila Pollard, Amanda Kay Darwent, Kev Gardner, Revocable Trust, owners. James Patchett, surveyor.

The subject property is located off E Highway 124. The proposal is to combine three 8.33-acre tracts and combine into one 24.95-acre lot. All three existing parcels are zoned A-2 agriculture. The subject property is surrounded by A-2 zoning. All zoning appears to be original 1973 zoning. An existing dwelling and several accessory structures are present along the south side of the property.

The subject property has direct road frontage along E Highway 124, a MoDOT owned and maintained highway. The applicant will dedicate a additional 3' of right of way for a 33' halfwidth right of way. Due to only one lot the applicant had requested a waiver from the traffic study requirement.

Public Water Supply District #10 provides water service for the area. Boone Electric provides power service. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #4, is approximately 4 ½ miles away.

An onsite wastewater lagoon serves the existing home. Boone County ordinances allows for a second home for any property 20 acres or over. An onsite wastewater plan from the applicant indicates the second home will utilize a onsite wastewater lagoon. The applicant has requested a waiver from the sewer cost benefit analysis study.

In March 2022 the Director of Resource Management authorized two family transfers to create the two 8.33-acre land tracts and an 8.34-acre remainder tract. The applicant has submitted a one lot minor plat to recombine the three tracts into one lot.

The property scored 33 points on the rating system.

Staff recommends approval of the plat and granting requested waivers.

- Peabody Ridge Subdivision. A-2. S35-T50N-R13W. Kenneth & Joanne Deakins, owner. Steven R. Proctor, surveyor.

The subject property is located on Peabody Road, approximately 1900 feet to the west of the intersection of Peabody Road and Highway VV. The subject property is 23.21 acres in size and has a house and several outbuildings present. This proposal divides the property into three lots, one at 6.45 acres, one at 5.24 acres, and the last at 10.77 acres in size. The subject property is zoned A-2(Agriculture). All the surrounding property is zoned as follows:

- To the north across Peabody Road, A-2
- To the south A-2
- To the east A-2
- To the west A-2

This is all original 1973 zoning. The property to the east received a conditional use permit for the placement of a 1972 mobile home in March of 1988.

Lots 1 & 2 have direct access to Peabody Road, a publicly dedicated, publicly maintained right-of-way. Lot 3 has access to Peabody Road across Lot 2 via a private access easement. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house has a lagoon present to serve wastewater treatment needs on Lot 2. Potential sites for on-site wastewater have been identified on lots 1 & 3. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 36 points on the rating system.

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

- Douce Division Final Plat. A-R. S22-T50N-R13W. Philip E & Debbie Douce, and William F & Ilene E Douce, Revocable Living Trust, owners. Nathanael Kohl, surveyor

The subject property is located off N O'Neal Road, north of the intersection with W Fenton Road. The property is zoned A-R (Agriculture Residential) and is surrounded by A-R zoning on all sides except for a portion across O'Neal Road on the east zoned A-2 (Agriculture). The A-R zoning appears to be original 1973 zoning. The A-2 zoning to the east was rezoned under County Commission order #409-2007. The subject property has an existing house and pole barn present. The proposal looks to divide the property into a 14.92-acre lot and a 5-acre lot.

The 14.92-acre lot will have direct access onto O'Neal Road, a publicly dedicated publicly maintained roadway. The 5-acre lot will have access to O'Neal road via a 30' private access easement. The applicant will dedicate right of way equal to a 33' half width along O'Neal road. The applicant has requested a waiver from the traffic study.

Consolidated Water provides water service to the area. Boone Electric Cooperative provides power service. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #13, is approximately 3.8 miles away.

An onsite wastewater lagoon serves the existing house. The applicants propose to utilize an onsite wastewater lagoon for future development on the 5-acre lot. The applicants request a waiver to the sewer cost benefit analysis.

The property scored 37 points on the rating system.

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

Commissioner Harvey made, and Commissioner Trecha seconded a motion to approve the items on consent agenda with recommended conditions

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

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

The conditional use permit for 11681 S Hwy DD LLC was approved with the recommended conditions.

The rezoning request by Kevin and Amanda Olesen at 7495 W Hwy 124, Harrisburg from REC to A2 was approved as recommended.

The final development plan and Settlers Ridge Plat 5 for T-Vine Development were approved as recommended.

## VIII. New Business

### 1. Solar Regulations, Subdivision Regulations, and County Master Plan

Chairperson Harris: We had our third and final public hearing on solar regulations.

Bill Florea: Thanks to everyone who attended those hearings. Since we don't have a meeting in January that opens up some staff time to take those comments, collate them and start formulating some solutions for the Commission to look at. We will need some work sessions to do that.

Bill Florea: The Commission has asked to have some work sessions in January for subdivision regulations. It might be timelier to work through the solar regulations and push those through in January.

Bill Florea: We have begun discussions with a consultant to lead us through our master planning process. That will probably start in the first quarter of 2023. We will probably be asking as many of you who are willing to invest some time in that process and represent your area. You are the geographic conduit for

people to have input and it is important for you to be involved. It will start out with a few meetings and will get more intensive as we get towards the end of the process which will take 18-24 months.

Chairperson Harris: A consultant has been retained?

Bill Florea: Not quite, we are in negotiations now. We have selected the consultant, but we haven't signed on the dotted line.

Chairperson Harris: Staff would rather use the two work sessions in January to knock out the solar regulations before we start on anything else?

Bill Florea: Yes.

Chairperson Harris: There weren't many comments received during the public hearings in Columbia or Ashland, the more substantive comments came from the Centralia hearing.

Bill Florea: The first public hearing we heard comments that were pretty significant, especially in terms of the requirement for the security deposit. I received documentation from the State of Illinois and how they allow phasing of that deposit over time with the theory being when the solar facility is first opened there is a lot of value there; if that company goes bankrupt someone is going to run that facility, there is no way to not let it run. Or, there is a lot of value in the equipment, someone will buy it and remove it anyway. There is very little risk to the county in the first five years. You get some money up front but as time goes on you get an increasingly larger deposit on hand to deal with the end of life issue of a solar farm.

Commissioner Kurzejeski: Does staff think the subdivision regulations will merge with the master plan revision?

Bill Florea: Yes. That is what it is all about. What do we want out of it? We want to know how the county wants to grow. The consultant we have been talking with has a good track record of getting out and getting public comment. There are some issues that the Commission didn't resolve and maybe this will help settle some of that.

## IX. Adjourn

Being no further business, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Secretary  
Greg Martin, Secretary

Minutes approved on this 16<sup>th</sup> day of March 2023