

**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, April 20, 2023**

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
Randal Trecha	Cedar Township
Rhonda Proctor	Perche Township
Kevin Harvey	Rock Bridge Township
Jeff McCann	County Engineer

b. Attending by Phone

Fred Furlong	Bourbon Township
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c. Members Absent

Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Vacant Seat	Three Creeks Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the March 16, 2023 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, or silence your cell phones.

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

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

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, May 2<sup>nd</sup>. Interested parties will again be able to comment on the requests at that time. The County Commission generally follows the recommendations of the Planning and Zoning Commission; however, they are not obligated to uphold any recommendation.

Requests that are denied will not proceed to the County Commission unless the applicant files an appeal form within 3 working days. Please contact the planning office to see if a request that has been denied has filed an appeal, as there will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The County Commission hearing scheduled for Tuesday, May 2<sup>nd</sup> will begin at 7:00 p.m. and will convene in these Chambers. Please note that the County Commission has modified its procedures. A vote on discretionary items, such as rezonings and conditional use permits, will

not be taken on the 2<sup>nd</sup>. After hearing those items, they will be scheduled for a second reading at future County Commission meeting. The date of that meeting will be announced at the May 2<sup>nd</sup> meeting, but is likely to be May 9, 2023 at 9:30 PM in these Chambers.

#### V. Rezoning Requests

1. Request by the Wm. L. and Rebecca H. Ambrose Family Trust to rezone from Agriculture-Residential (A-R) to Agriculture (A-2) 5.5 acres located at 7700 E North Shore Drive, Hartsburg. (Open public hearing)

Senior Planner, Thad Yonke gave the following staff report:

The property is located at 7700 E. Northshore Drive, approximately 1.5 miles from the intersection with S. Westbrook Drive. North Shore Drive is privately maintained. The property is zoned A-R, which is the original zoning. All the neighboring property is also zoned A-R. The stated purpose of this rezoning is to facilitate division of the lot by family transfer. In May of 2020 the same request as is proposed now was heard by P&Z and approved under a split decision, however, the request was unanimously denied by the County Commission.

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

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

Utilities: The property is in the Consolidated Water service area, however there is no water service available to this property.

There is no public sewer service available.

Transportation: Access to a publicly maintained road is by North Shore Drive, which is maintained by the Lake Champetra Homeowners Association.

Public Safety Services: The property is approximately three miles from the Southern Boone County Fire station.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Regulations.

#### Zoning Analysis:

The Master Plan designates this property as suitable for rural residential land use. The current zoning is Agriculture Residential, A-R. The level of service available to this property is compatible with the requested A-2 zoning. However, under the current A-R zoning the property cannot be subdivided due to lack of direct access to a publicly maintained road: all lots less than five acres in size must have frontage on and direct access to a publicly maintained road. In this case because of the context of the request with respect to the provision of sufficient resources the request fails the sufficiency of resources test because the rezoning is being sought to actually increase the intensity of development without the provision of proper services to coincide with additional development.

Granting this rezoning will allow division by family transfer, which will result in one additional dwelling unit using the already substandard private road for access. For this reason, staff recommends denial of the request.

Staff notified 23 property owners about this request. The property scored 22 points on the rating system.

Staff recommends denial of the rezoning.

Present representing the request:

Brent Haden, Attorney for Applicant, 827 E Broadway, Columbia  
Bill Ambrose, 1001 Fairmont Blvd, Jefferson City

Brent Haden: This request, as staff pointed out, came up back in 2020; I know the first question is what has changed? One thing that has changed and is different is the Homeowners Association (HOA) is saying they are in favor of the proposed change to A-2. That is a significant change from the last time. The thing to note from the record the last time around is there wasn't a lot of opposition in front of the Planning and Zoning Commission but when it went before the County Commission some opposition came up that hadn't been in front of the P & Z Commission. I think that the same arguments were made then and led this body to approve the request. This request is being made to effectuate a family transfer, with the property being zoned A-R, you can't divide this property any other way.

The history going back on this is that Dr. Ambrose bought this property in 1993, at the time it was not in the HOA that is on the lake; an agreement was made in 1993 that they assured the Ambrose's they could have two lots if they would come into the HOA so they did. Several years went by before they actually wanted to split the lot because their son grew up and wants to come back and have a lot that could be on this family tract on a split lot. In the meantime, these regulations popped up but the HOA already made that commitment that they could have two lots. When he moved to split those lots the county said they couldn't and that is why we are here today.

The proposed division of the property was included in the Commissioner's packets. Proposed tract 2 is where the existing home is, tract 1 is where they propose to have an additional dwelling. With regard to the road issue, I have seen the phrase that there is a substandard road here. I would respectfully disagree, it is a privately maintained road so I understand that as opposed to a publicly maintained road but the road is of adequate width, it is paved, you can get two vehicles down it and I think it should be remembered as you look at this map, the division that is proposed would be the very first lot on that road, it dead ends and doesn't go around the lake. As you go back around the dam on Northshore Drive and back around into the rest of the homes in the HOA, as far as continuing on, you are adding one single-family residence and that is the commitment to the HOA; it would just be a single-family residence that goes there and it will turn in to the very first lot. In the real world it is not stressing the rest of the road or using the rest of the road and causing damage further down. Right after you come off the dam a little to the south there would be a driveway there and you'd have that short use of the allegedly sub-standard road that we think is adequate. Last time around there were photos provided as exhibits of that road.

Brent Haden submitted photos of the road.

Brent Haden: The pictures shows the paved road and there are road signs. In every practical sense and for the amount of road frontage that would be used, I really don't see where there would be a problem and I don't think the road is sub-standard for the purposes proposed and I think it is appropriate for that place. It is privately maintained but if all other services are adequate for this for a rural property use, as staff has concluded, I don't know why that would be the barrier.

There were concerns last time; the HOA is on board this time around but there were concerns that this would allow all this other division of property there. The denial for the Ambrose's came in early June of 2020 and within a few days there were a set of more HOA restrictions filed that would prevent division on any of the other lots that are in, contractually. The reason the Ambrose's can do it is because in 1993 they were given a binding promise from the HOA that they would be able to do it as a condition of joining the HOA; had they not been given that promise they would not have joined to begin with. We may be having the zoning discussion one way or the other, but we wouldn't be having the HOA discussion as part of that.

As a formal matter the zoning regulations and what happens with the HOA, the HOA is a private contract, the zoning regulations are the law but as you think about neighbor conflicts and how they interact I think that is an important thing to remember here. If these lots were something that the Ambrose's were promised they could have and they are now trying to get the legal steps effectuated so they can get that done. It is fairly simple here. You have seen the drawing you've seen the road pictures and the map in front of you. I have a lot of other documents that you probably have in your packets and I don't want to bury you with a bunch of paper if you don't think it's relevant.

Chairperson Harris: What is the typical lot size out there?

Brent Haden: The east side of the lake has bigger lots; I don't know the exact acreages. If you look around the entire lake the lots in front are smaller.

Bill Ambrose: The regulations require 100-foot minimum on Northshore and that is about the way they are laid out.

Brent Haden: Just eyeballing the map the lots up front are about 2 acres, I would say most of them are 3-4 acres; Dr. Ambrose's lot is about 5.5-acres.

Chairperson Harris: For the record, Commissioner Trecha is a member of the Planning and Zoning Commission and is also the Board President of the Lake Champetra Homeowners Association. On advice of counsel, he is going to remain at the dais as part of the quorum but may abstain from voting.

Open to public hearing.

Present speaking in favor:

Michael Mueller, 7800 Northshore Drive, Hartsburg

Michael Mueller: I live two lots south of the property in question. I am a member of the HOA Board of Directors and I'm here on behalf of the Board of Directors. This is the second application for rezoning the Ambrose property. The first application was approved by the Commission approximately two years ago, during the application process the Lake Champetra HOA Board did not advocate or oppose the request at the hearings but some property owners individually opposed it when it came before the County Commission.

Over the past two years, the Board has done their due diligence to fully understand the impact on the residents and properties in the HOA resulting from the Board taking a position on this matter. As a Board we must consider the bylaws and covenants of the Association, the County zoning regulations, and respect the individual property rights of all the citizens in our community. In consideration of these responsibilities and authorities we, the Lake Champetra HOA Board of Directors, support the Ambrose's application for rezoning with the following conditions. 1. Ambrose property is only to be divided once resulting in two roughly equal size parcels. 2. Both properties are to be used for a single-family residence. 3. Both properties are to remain in the Lake Champetra HOA and to be bound by its bylaws and covenants. 4. Through the historical nature of the Ambrose's understanding of their property rights within the community the Board

approves of this request but will oppose any similar additional requests for rezoning in the community as no other property can claim this unique history. This change may result in only one additional home on one of the less populated sides of the lake and thus we believe the impact on the community will be negligible. Your support of the Ambrose application is consistent with the orderly and appropriate development of this area. The Lake Champetra HOA Board hopes the Commission will approve the Ambrose application and recommend approval to the County Commission.

Commissioner Harvey: Currently the Ambrose's are paying HOA fees, will both lots contribute to the fees?

Michael Mueller: That is my assumption. They will be treated as individual parcels with two members.

No one spoke in opposition.

Closed to public hearing.

Thad Yonke: Staff did receive one letter in support.

Bill Florea: The letter just stated "I support rezoning".

Commissioner Proctor: The property you have now is fed by a well?

Bill Ambrose: Yes.

Commissioner Proctor: So, if you split the property there will be two wells?

Bill Ambrose: There are properties in that same location where three properties are using the same well.

Commissioner Proctor: How is the sewer supplied?

Bill Ambrose: It is private.

Commissioner Proctor: Is everyone else on the other side of the lake served by a water district?

Bill Ambrose: The last 2 or 3 toward the dam are also on wells I believe.

Brent Haden: Mr. Ambrose is anticipating the well rights with the new dwelling.

Bill Ambrose: I hadn't even given it thought.

Chairperson Harris: This would be an island of A-2 in the middle of A-R zoning.

Bill Florea: Correct.

Chairperson Harris: We normally wouldn't do this anywhere else.

Commissioner Kurzejeski: The current regulations do not allow for a lot less than five acres that does not have public road frontage.

Thad Yonke: That is correct.

Commissioner Kurzejeski: The substandard issue doesn't really...

Thad Yonke: Substandard comes into play in that from the public point of view. The HOA covenants are irrelevant to the regulations. From the regulations point of view if you are creating lots for development and when those lots are less than five acres; they need to have frontage on and access to a publicly maintained road. That is the key from our regulatory structure of why this is different and why we oppose it. The family transfer is an exception to the regulations, it is not part of the them. Within the regulations you cannot create lots like those that are proposed in this case. The family transfer exception allows for a lot to be created that bypasses the subdivision regulations.

Commissioner Kurzejeski: Covenants aside I see no way we could not approve a similar thing on the next lot that is five acres. The three and four-acre tracts wouldn't be a problem. We set a precedent to approve the five-acre lot that comes in next week or next month and the owner would have to work out the disagreement another way.

Chairperson Harris: But to violate the covenants becomes a civil matter that is enforceable in civil court.

Commissioner Kurzejeski: But that is not our problem. If we set this precedent then why do we say no to the next person?

Brent Haden: As far as a legal position, it is our claim and our belief that the interposing regulation that arose after this contract was made between Mr. Ambrose and the HOA would make the doctrine of legal impossibility available to him so that the agreement with the HOA would then not be enforceable because the whole bargain was Mr. Ambrose would put his property in the HOA as long as you'll recognize that we get two lots. I understand the government will say it is not their problem but understanding the practical effects of that is we would say we are not in the HOA anymore because they can't force us to continue to perform our obligations in the HOA if we don't get the benefit of our bargain of two lots that were promised. I understand the body being conflicted over a slippery-slope argument. I think the lots that lie to the south, the ownerships may all postdate the rise of these regulations the way Mr. Ambrose's doesn't; I am not 100% sure on that.

Bill Florea: I don't understand what you mean about the regulations.

Brent Haden: My understanding is the whole issue the A-2 and A-R split arose after 1993 didn't it? In 1993, under Boone County regulations this lot could have been split with no one saying no.

Thad Yonke: I'm not sure.

Brent Haden: I think these regulations came up later in time.

Bill Florea: I think it could be a matter of interpretation. I am not sure either.

Thad Yonke: The current regulations for subdivision went into effect in 1995; what we are unfamiliar with is whether or not there were regulations in the previous subdivision regulations that may or may not have affected how this would work and we haven't researched that.

Brent Haden: A year and a half ago when I started looking at this, that this was an issue, that in 1993 when this agreement was made they could have turned around the next day and subdivided it and not had the county say no without the opposing regulations. The regulations, by the time they said okay now we want to divide a lot, the county said they couldn't do it under the county regulations; it doesn't have anything to do with the HOA, just the county regulations say you can't do it. What I am talking about is I think the other lots to the south, their acquisition post-dates the 1995 regulations.

Brent Haden asked Mr. Ambrose if he knew if any of the lots to the south were owned by the current owners in 1995.

Bill Ambrose's response was inaudible.

Commissioner Trecha: As the Chairperson mentioned, I am wearing two hats in this situation. I represent the Cedar Township on this Commission and I am President of the HOA. I have talked to County Counsel and it is his opinion that this is not a conflict of interest but a confluence of interest. As a member of the Association I can tell the Commission that 100% of the residents around there have signed the covenants and they all agreed not to subdivide. If this Commission was presented with another application to rezone to A-2 that is fine, but the Association would not allow any more subdivision there. One of the issues the Board looked at was whether they could enforce this request or not and the Board, at this point in time, is confident that there will be no further subdividing.

Commissioner Martin: Is the land to the east of the property zoned A-2?

Uriah Mach: No, it is zoned A-R; you have to go a fair distance to the south to get to A-2 zoning.

Commissioner Harvey made, and Commissioner Martin seconded a motion to approve the request by Wm. L. and Rebecca H. Ambrose Family Trust to rezone from Agriculture-Residential (A-R) to Agriculture (A-2) 5.5 acres located at 7700 E North Shore Drive, Hartsburg:

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

Motion to approve the rezoning request passes 5 YES 2 NO 1 ABSTAIN

Chairperson Harris stated that this request would go before the County Commission on Tuesday, May 2, 2023 at 7:00 PM.

## VI. Planned Developments

The Final Development Plans were placed on consent agenda and the staff reports entered into the record:

1. Request by Carl and Sandra Freiling to approve a Final Development Plan on 30 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 17300 S Burnett School Rd, Ashland.

The following staff report was entered into the record:

The subject property is located near the southern end of Barnett School Road, approximately 4 ½ miles to the east of Ashland. It is adjacent to Cedar Creek to the east, which serves as the boundary between Boone & Callaway Counties. The parent parcel is 73 acres in size, and zoned Agriculture (A-1). All the surrounding property is zoned as follows:

- To the north A-1 & Callaway County
- To the south A-1 & Callaway County
- To the east Callaway County

- To the west A-1

This is all original 1973 zoning. There are currently two houses, two garages, and two barns on the property. The approved A-1P Review Plan is designed to create one lot smaller than 10 acres and two tracts at 10 acres or larger. The smaller lot is proposed at 5 acres and holds one house, one garage, and one barn. The 10-acre tract holds the other house, garage, and barn. The 15-acre tract is currently vacant. The Planned Agriculture (A-1P) rezoning allows for the use of a density requirement rather than a minimum lot size requirement to control the intensity of development. The property being rezoned is 30 acres in size. That allows for 1 unit per 10 acres. That is proposed here with the one lot (5 acres) and two tracts (10 & 15 acres). The 1 unit per 10-acre density available to the A-1P is met in this proposal.

The property scored -5 points on the rating system.

This proposal was approved under County Commission Order 154-2023.

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

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

Staff review of the final plan shows that it meets these criteria for approval.

Staff recommends approval of the final plan.

2. Request by William and Lisa Nichols, Jose Hernandez-Sanchez, and Megan N. Hernandez to approve a Final Development Plan on 31.63 acres in the (pending) Planned Agriculture (A-1P) zoning district located at 13331 & 13575 S Crump Lane, Ashland.

The subject property is located on the west side of Crump Ln. approximately 1800 ft north of the Ashland city limits which is also the intersection of Clellie Harmon Rd and Crump Ln. The property is 31.63-acres in size and zoned Agriculture (A-1) as is all the surrounding property. A review plan and rezoning request proposing a Planned Agriculture (A-1P) plan including two modified administrative survey lots and one platted lot of less than ten-acre was recommended for approval in March and approved under County Commission Order 156-2023.

The property scored 55 points on the rating system.

The applicant has submitted a final plan for the proposal. This final plan locks in the previously approved rezoning and allows the property to be re-configured and developed in a manner consistent with the approved review plan.

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

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

There were no conditions placed upon the approval.

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

Staff recommends approval of the final plan.

3. Request by Joseph and Kelly Eagle to approve a Final Development Plan on 4.70 acres in the Planned Agriculture-Residential (A-RP) zoning district located at 6910 S High Point Ln, Columbia.

The subject property is located off S High Point Lane and W Route K. The property is 4.7 acres. An existing home is present on the property. The property is zoned Planned Agriculture-Residential (A-RP). The property was rezoned in 2022 from Agriculture (A-2) to A-RP under County Commission order #603-2022. The property is surrounded by the following zoning:

- A-2 to the south.
- Planned Two Family Residential (R-DP) New Town Subdivision to the east.
- Planned Single Family Residential (R-SP) 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 revise the previously approved Eagle A-RP Final Plan. The previously approved final plan used the density of the parent zoning district to allow for construction of an additional dwelling. The current revision to the plan proposes that a 40' by 60' accessory structure be located between the existing home and the proposed home.

The Boone County Master Plan designates this area as suitable for residential land uses. The initial revised review plan was approved under County Commission order #154-2023. The proposal scored 70 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.

One condition was placed under County Commission order #154-2023:

1. Wayfinding signage shall be installed and maintained near the driveway entrance with High Point Lane and the interior of the development, near the proposed accessory structure, indicating the location of the various structures on the property. The signage must be of a type and location approved by the Director of Resource Management.

After review, staff found that the proposal meets the criteria for a Final Plan. The applicant has shown two locations for wayfinding signage, one near the driveway entrance near High Point Lane and another interior to the property near the accessory structure. A proposed wayfinding sign is shown on the final plan. All wayfinding signage used will be approved by the Director of Resource Management.

Staff recommends approval of the Final Plan.

Commissioner Harvey made, and Commissioner McCann seconded a motion to approve Final Development Plans for Carl and Sandra Freiling, William and Lisa Nichols and Jose Hernandez-Sanchez and Megan Hernandez, and Joseph and Kelly Eagle:

All members voted in favor, none opposed.

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, May 2, 2023 at 7:00 PM.

## VII. Plats

The following plats were placed on consent agenda and the staff reports entered into the record:

1. Freiling Estates. A-1P (pending). S29-T46N-R11W. Carl and Sandra Freiling, owners. Kevin Schweikert, surveyor.

The subject property is located near the southern end of Barnett School Road, approximately 4 ½ miles to the east of Ashland. It is adjacent to Cedar Creek to the east, which serves as the boundary between Boone & Callaway Counties. The parent parcel is 73 acres in size, and zoned Planned Agriculture 1(A-1P). All the surrounding property is zoned as follows:

- To the north A-1 & Callaway County
- To the south A-1 & Callaway County
- To the east Callaway County
- To the west A-1

This proposal creates a 5-acre lot as shown on the A-1P (planned Agriculture) review and final plans. This proposed lot has a house, garage and barn present on the property.

This lot has direct access on to Barnett School Road, a publicly dedicated, publicly maintained right of way. However, all of Barnett School Road in this area is in federally regulated floodplain. Any new access points or changes to existing points of access will require a floodplain development permit and elevation certificate as part of their permitting process. The applicant has submitted a request to waive the traffic study requirement.

The property is in Consolidated Public Water Supply District #1; however, the District has no facilities in the area and is not able to provide water service. The property is in the Callaway Electric Cooperative service area, and it is in the Southern Boone County Fire Protection District.

Wastewater service is provided by an existing on-site system. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored -5 points on the rating system.

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

2. Nichols Plat 1. A-1P (pending). S3-T46N-R12W. William P. and Lisa K. Nichols, owners. Kevin Schweikert, surveyor.

The subject property is located on the west side of Crump Ln. approximately 1800 ft north of the Ashland city limits which is also the intersection of Clellie Harmon Rd and Crump Ln. The property is 7.39-acres in size and zoned Planned Agriculture 1 (A-1P). All of the surrounding property is zoned Agriculture 1 (A-1) with the exception of the two adjoining properties that are also part of this same planned development. The property being platted is a portion of Tract 2 of the administrative survey created in June of 2019. This property is also included in the review plan approved earlier this month under Commission Order 156-2023. The Final Plan that will finalize the zoning is on the agenda tonight.

The site contains a one single-family dwelling, wastewater lagoon and some accessory structures. The property is located inside the Southern Boone School District and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use.

This plat will create a single 6.83-acre lot. An accompanying administrative survey where the other two tracts in the development will incorporate the remnant of the original tract from which this lot is created has been provided. This change in lot size is possible because a planned zoning substitutes a density requirement for the minimum lot size. Under the existing A-1 the 31.63-acres of the area within the development plan allows, at most, three lots of 10-acres or larger resulting in three dwelling units, one on each lot. Under the A-1P the 31.63-acres is still limited to the maximum of three dwelling units, but the property line of proposed lot 2A can mostly follow a creek that forms a more natural boundary for the lot. The resulting lot 2A is not a full ten acres. But, because the density of the overall request is still only three total dwelling units on 31.63 acres the proposal complies with the density of the underlying A-1 zoning.

The property is within the CPWSD #1 service area for water. Boone Electric provides electric service for the area. The Southern Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 17, is about 1.5 miles away.

An onsite wastewater lagoon serves the home on the lot. Both the wastewater lagoon and home are under permits issued from Resource Management. The tract has direct access to Crump Ln, a county-maintained roadway. The applicants have requested waivers from the required Cost-Benefit analysis for provision of Central Sewer and from the need for a traffic study. Staff concurs with both requests.

The property scored 55 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

3. Trade Winds Park Plat 3. Light-Industrial (M-L). S12-T48N-R12W. Trade Winds Technology Development LLC, owner. Jay Gebhardt, surveyor.

Uriah Mach advised that Tradewinds Park Plat 3 did not make the resubmittal deadline and would not move forward at this time.

4. Elizabeth Ann Subdivision. Agriculture (A-2). S1-T50N-R13W. Jonathan D Wadlow & Elizabeth Wadlow, owners. Steven Proctor, surveyor.

The subject property is located off Old Highway 63. The proposed subdivision seeks to combine two previous survey tracts into a single 1.41-acre minor subdivision lot. A single-family dwelling is present on the southern portion of the property. The property is zoned Agriculture (A-2) and is surrounded by A-2 zoning. All zoning appears to be original 1973 zoning.

The property has road frontage along Old Highway 63, a publicly dedicated publicly maintained roadway. An existing driveway for the home crosses the neighboring property to provide access to Old Highway 63. The plat notes that a prescriptive easement may be present since the existing driveway has been present since the house was built. The applicant has not submitted a waiver to the traffic study requirement. However, the proposed plat has an existing home and no further residential development can occur on the property. Waiving the traffic study requirement is appropriate for this proposal.

The property is located within Public Water Supply District #10. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, Station 7, is over five miles away.

The house is currently served by a wastewater lagoon located on an adjoining property. The plat shows that an intended location for a new onsite wastewater lagoon that should meet required setbacks for both State of Missouri and Boone County onsite wastewater regulations. The applicant has not submitted a waiver to the sewer cost benefit analysis. Central sewer is not available in this area, and with the existing home being served by an onsite wastewater system a waiver of the sewer cost benefit analysis is appropriate for this proposal.

The Boone County Board of Adjustment granted two variances under case #2023-002. The first variance granted relief from Appendix B.3.1 and Appendix B.3.2 of the Subdivision Regulations to allow for a platted lot to propose the use of an onsite wastewater system on a lot less than 2.5 acres. The second variance granted relief from Section 5.A.3 and Section 11.A to create a lot less than 2.5 acres in an A-2 zoning district.

The property scored 33 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

5. Heartland Hills Plat 1. S4-T51N-R13W. Agriculture (A-2). Keystone Commercial Construction Inc, owner. Kevin Schweikert, surveyor.

The subject property is located on the north side of State Route F to the northwest of the intersection of McCauley Road and Route F, approximately 5 miles to the west of Sturgeon and 1/3 of a mile to the south of the Boone County border with Randolph County. The subject property is 13 acres in size and zoned Agriculture 2(A-2). The surrounding zoning is as follows:

- North – A-2
- South – A-2
- East – A-2
- West – A-2

The property is vacant. This tract was created by the administrative survey recorded in book 5733, page 94. This plat divides the 13-acre administrative survey tract into a 6-acre lot and a 7-acre lot.

The subject property has direct frontage on and access to State Route F, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Public Water Service District #10. There is no water service to this property. Any domestic water requirements will be met by private wells. Boone Electric Cooperative can provide electrical service to this property, although this tract is the only portion of the original 176-acre parent property that will not require significant improvements for delivery of electrical service. The property is in the Boone County Fire Protection District, with the station in Sturgeon being closest for service.

On-site wastewater is proposed for the two lots on this plat. A wastewater cost-benefit analysis was conducted as part of the review of the administrative survey in book 5733, page 94 and it determined that central wastewater treatment for the proposal, even including the additional building site created by this plat was not warranted.

There is regulatory stream buffer along the northwestern side of lot 2. There is a 100' gas pipeline easement in the northern portion of lot 1.

The property scored 19 points on the rating system.

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

Commissioner Trecha made, and Commissioner McCann seconded a motion to approve the plats for Freiling Estates, Nichols Plat 1, Elizabeth Ann Subdivision, and Heartland Hills Plat 1 on consent agenda as recommended

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

Update on County Commission Action – From March 2023 agenda items.

The conditional use permits for On Point Construction (duplexes in R-S) were approved as recommended.

The rezoning request and review plan by Carl & Sandra Freiling at 17300 Burnett School Rd, Ashland was approved as recommended.

The rezoning request and review plan by Joseph & Kelly Eagle at 6910 S Highpoint Ln, Columbia was approved as recommended.

The rezoning request and review plan by William & Lisa Nichols and Jose Sanchez & Megan Hernandez at 13331 & 13575 S Crump Ln, Ashland was approved as recommended.

The rezoning requests for Boone County Regional Sewer District & GHP Construction Services on Backwoods Cove, Columbia were approved as recommended.

The following plats were approved and accepted:

- Cedar Heights Estates Plat 1
- Addisons Ranch Subdivision
- Amsdel Acres Plat 1
- Gilbert's Corner
- Calcote Acres Revised Plat
- The Glades Plat 1
- Rusty Acres

#### VIII. New Business

##### Solar Regulations

Bill Florea stated that staff intends to have something ready for review by the next work session and, hopefully, discussion at the May meeting.

#### IX. Adjourn

Being no further business, the meeting was adjourned at 7:40 p.m.

Respectfully submitted,

Secretary  
Greg Martin, Secretary

Minutes approved on this 18<sup>th</sup> day of May 2023