

**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, June 15, 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
Steve Koirtyohann	Rocky Fork Township
Randal Trecha	Cedar Township (arrived 7:04 PM)
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

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
Chris Crane, Staff	

III. Approval of Minutes

Minutes from the May 18, 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 make any motion.

The following procedure will be followed:

An 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, June 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, June 27<sup>th</sup> will begin at 9:30 a.m. The vote on discretionary items, such as rezonings and conditional use permits, will not be taken on the 27<sup>th</sup>. After hearing those items, they will be scheduled for a second reading at a future County Commission meeting. The date of that meeting will be announced at the June 27<sup>th</sup> meeting.

## V. Rezoning Requests

1. Request by Black & White Construction to rezone to Planned Single-Family Residential and to approve a Revised Review Plan for Ravenwood Plat No 1, Lot 121 located at 1549 N Corbet Drive, Columbia.  
(Open public hearing)

Planner, Uriah Mach gave the following staff report:

The subject property is located on Corbet Drive, north of Corbet Drive's connection to Renshaw Drive. The property is currently zoned Planned Residential Single-Family (R-SP) under the Ravenwood Final Plan approved under Commission Order 322-2018 in 2018. This proposal is to modify an individual lot front yard setback in the Ravenwood development to permit a partially completed home to finish construction.

This home is under construction through permit 70402. As construction began, mistakes were made and the survey pins and markers were moved or mis-interpreted, creating a setback problem for the typical 25' front yard setback. Once county staff were aware of this problem, construction was halted until specific information on the location of the home and the utilities on site could be confirmed. Survey of the site identified the home between 16.3 feet and 18.89 feet from the front property line. This location is in violation of the 25-foot front setback and the 20-foot utility easement. As this structure is inside both the 25 foot front setback and the 20 foot utility easement as shown on Ravenwood Plat 1, any further action on the home requires these issues to be addressed.

A planned development can modify setbacks within the development and propose different utility easement sizes, only the development's perimeter setback is mandatory under the Boone County Zoning Ordinance. A 25' perimeter setback around the entirety of Ravenwood is present and will not be altered by this rezoning and revised review plan. A replat of the lot will revise the 20-foot utility easement. This proposal allows for those changes and the completion of the home. This proposal modifies the front yard setback and proposes the change to the utility easement along Corbet Drive to 15 feet from 25 feet and 20 feet, respectively.

The Boone County Master Plan identifies this area as suitable for residential land uses. The Boone County Master Plan also identifies a "sufficiency of resources" test for the evaluation of zoning changes. This test states that a change in zoning may be approved if sufficient utility, transportation, and public safety resources are present to support the proposed change.

Utilities: The subject property is served by a Consolidated Public Water Service District #1 6" line for water, the Boone County Regional Sewer District for wastewater treatment, and Boone Electric for electrical service. The survey work done as part of this revised review plan shows that the electric line is approximately 3.2 feet from the structure, the water line is 11.4 feet from the structure, telecommunication line is 5.6 feet from the structure, the underground gas line is 14.9 feet from the structure, and sewer runs from the south side of the home.

Transportation: This lot has direct access on to Corbet Drive, a publicly dedicated, publicly maintained road.

Public Safety: The property is approximately ½ mile to the west of the Midway Boone County Fire Protection District Station.

Stormwater: The proposal is subject to the requirements of the Boone County Stormwater Regulations.

Zoning Analysis: The proposal is located in an area described by the Boone County Master Plan as suitable for residential use. This design allows for completion of the home in its current location with the completion of the planned rezoning process and approval of a replat of this lot. Mistakes of this scale made during the construction phase are not typically recoverable. A planned development allows a closer examination of the

nature of the site to allow for recovery, and the public hearing process allows for any opposed to such recovery to have their voice heard. This is an appropriate method to bring the site into compliance. The specific location of this request where there is no development allowed of the opposite side of the street and where there are only six lots at most that could be impacted makes the variation requested minimal. The major utility providers were given a chance to review this proposal and we did not find any strong opposition to the proposal. It should be noted that once the Final Plan is approved a replat for this lot will be required to alter the utility easement and building line.

The property scored 73 points on the rating system.

Staff recommends approval of the rezoning and the revised review plan.

Present representing the request:

Landyn Smith, Black & White Construction, P.O. Box 573, Ashland

Landyn Smith: We made a mistake pulling the front property line for the initial setback. We made the mistake of going off of the curb instead of after the sidewalk and that resulted in us encroaching in on the easement. After the developer and some of the builders in the area brought to our attention that we overstepped, that is kind of when we stopped construction and went through the process to resolve it. We went to each of the utility companies because that is the big one when we encroach theirs; the utility easement is there so they can access it later and we didn't encroach on any of those.

Chairperson Harris: This is not your first project building a house?

Landyn Smith: No.

Chairperson Harris: Did no one look around and say "this doesn't look right"?

Landyn Smith: At the time no. The concrete crew we were working with and everyone set it to both pins and went forward from there.

Commissioner Martin: This shows 9 x 19-foot parking stalls.

Landyn Smith (response inaudible)

Commissioner Martin: Boone Electric didn't come back with any concerns?

Uriah Mach: No.

Thad Yonke: That was Staff's concern; the building is not over the easement, but Boone Electric didn't indicate any issues.

Chairperson Harris: The leading edge of the house is sitting back behind?

Landyn Smith: Correct. I think building is a team effort, I don't want to blame the inspectors or my concrete guys for that. At the end of the day it is on me because I am in charge of the whole build. There were mistakes made but at the end of the day it lands on me.

Commissioner Martin: How far is that going to put the electric line in the utility?

Landyn Smith: From the front of the garage, 6-feet up north.

Chairperson Harris: How far along is the house?

Landyn Smith: It is at the insulation phase.

Open to public hearing.

No one spoke in favor or opposition to the request.

Thad Yonke: We received a letter in support from the developer. That came in when they thought they were going to apply for a variance from the Board of Adjustment.

Uriah Mach: We received a few phone calls from neighbors asking questions about the request, but none indicated support or opposition.

Closed to public hearing.

Chairperson Harris: This is something that puts us in a bad position because if it is approved it has the potential that nothing more than the appearance before this Commission legitimizing a mistake that should not have been made. The building has been built so what do we do? If this was built in the City of Centralia the builder would have had to tear the foundation out and start over again because of this mistake.

Commissioner Kurzejeski made, and Commissioner McCann seconded a motion to approve the request by Black & White Construction to rezone to Planned Single-Family Residential and to approve a Revised Review Plan for Ravenwood Plat No 1, Lot 121 located at 1549 N Corbet Drive, Columbia:

Boyd Harris – NO	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 request passes 8 YES 1 NO

Chairperson Harris stated that this request would go before the County Commission on Tuesday, June 27, 2023 at 7:00 PM.

## VI. Plats

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

1. Robinson Point Plat 1. A-2. S13-T46N-R12W. Chaddie & Brenda Robinson, owners. David Butcher, surveyor.

The subject property is located on Hagans Drive,  $\frac{3}{4}$  of a mile south of State Route Y, approximately 1.2 miles from the city limits of Ashland. The property is 9.91 acres in size and zoned Agriculture (A-2). The property is surrounded by A-2 zoning. This is all original 1973 zoning. There is a house, a garage, and a barn on the property. The barn was constructed across the common property line between the two five-acre tracts. This

plat shifts that lot line, bringing the northern lot into compliance with the setback regulations and creating a 5.90-acre lot and a 3.45-acre lot.

Both lots have direct access on to Hagans Drive, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

An existing on-site wastewater system serves the home on lot 1. Any development on lot 2 will require the installation of an on-site wastewater system under permit with Boone County Resource Management. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 41 points on the rating system.

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

2. Kurt's Landing Plat 1. A-2. S18-T47N-R12W. Kurt Bormann, owner. David Butcher, surveyor.

The subject property is located on State Route N, approximately 750 feet to the west of the village of Pierpont and approximately 3 miles to the southeast of the City of Columbia. The property is 11.17 acres in size and zoned Agriculture (A-2). The property is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal divides the property in to a 2.85 acre lot with a home, shed, and on-site wastewater system, and an 8.28 acre lot which is vacant.

Both lots have direct access on to State Route N, a publicly dedicated, publicly maintained right of way. The applicant has submitted a request to waive the traffic study requirement.

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

The existing house on lot 1 has an on-site wastewater system. Any development of lot 2 will require an on-site wastewater permit from Boone County Resource Management. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 55 points on the rating system.

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

3. CoMoWest Storage Plat 1. M-LP. S1-T48N-R14W. Robert W. Kilgore Jr, owner. Jay Gebhardt, surveyor.

The subject property is located between Highway 40 and Henderson Road. The property is 6.76 acres after dedication of right of way. The property was rezoned to Planned Manufacture Light Industrial (M-LP) from a split zoned Residential Single Family (R-S), Agriculture-Residential (A-R), and General Commercial (C-G) under County Commission order #251-2023. The surrounding zoning is as follows:

- South - Planned Single Family Residential (R-SP)
- East – C-G
- North – Light Industrial (M-L), M-LP, and Planned Commercial (C-GP).

- West – R-S

The property has direct road frontage onto Henderson Road, a publicly dedicated publicly maintained road. The approved planned development under County Commission order #251-2023 will have two driveway entrances onto Henderson Road. The applicant has not submitted a waiver to the traffic study requirement. However, the nature of the approved development plan that permits self-storage units without any employees should have a minimal impact to traffic. Granting a waiver to the traffic study is appropriate in this case.

Consolidated Public Water Supply District #1 provides water service for the area. Boone Electric provides electrical service. Boone County Fire Protection District provides fire protection for the area. The nearest station, station #9, is less than a mile away.

The previously approved planned development for the property will utilize storage units without an office. The current development plan for the property will not generate any wastewater. Granting of a waiver to the sewer cost benefit analysis is appropriate in this case.

A variance was granted to plat a lot that does not meet the minimum depth of 250' as required by Table A of Appendix B of the Boone County Subdivision Regulations. The variance was granted at the April 27<sup>th</sup>, 2023 meeting of the Boone County Board of Adjustment under case #2023-004.

The property scored 63 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

4. Hartley Properties Subdivision Plat 2. A-R. S32-T50N-R11W. Bradley L. & Dawnde A. Irwin, owners.  
James Patchett, surveyor.

The subject property is located on the east side of Flynt Lane, approximately 650 feet northeast of the crossroads of Mount Zion Church Road, Hartley Road, and Flynt Lane. The subdivision merges former lots 5 and 6 of Hartley Properties Tract D Subdivision which have an approval for a Plat Vacation from the County Commission. This vacation will go into effect when this Re-Plat is recorded. The new lot will be 1.41-acres in area. The property is zoned Agriculture – Residential (A-R) as are all the surrounding properties. All the zoning is original 1973 zoning.

Access to the lot is from Flynt Lane, a publicly dedicated, publicly maintained right-of-way. Additionally, there is a public right-of-way that was created by the original plat along the southern lot line that has never had a roadway surface constructed. The applicant has submitted a request to waive the traffic study requirement and Staff concurs with this request.

The subject property is in Public Water Service District #9 for water service, Boone Electric Cooperative for electrical service, and the Boone County Fire Protection District, the closest station being 5 miles away in Hallsville. There is no central sewer anywhere close to the property and an on-site engineered system is proposed for the lot and a variance from the Board of Adjustment was granted to plat a lot less than 2.5-acres while proposing on-site wastewater. A waiver for a cost benefit analysis for central sewer has been requested and staff concurs.

The property scored 28 points on the rating system.

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

5. Trade Winds Park Plat 4. Light-Industrial (M-L). S12-T48N-R12W. Trade Winds Technology Development LLC, owner. Jay Gebhardt, surveyor

The subject property is at the northwestern corner of the intersection of Trade Winds Parkway and Richland Road. The property is 28.53 acres in size, and zoned Light Industrial (M-L). A portion of this property was rezoned to M-L from Residential Single-Family (R-S) in 2008.

The surrounding property is zoned as follows:

North – Light Industrial (M-L), Residential Single-Family (R-S), Residential Moderate Density (R-M)

East – Light Industrial (M-L)

South – Agriculture (A-1), proposed Planned Residential Single-Family (R-SP)

West - Residential Single-Family (R-S), Residential Moderate Density (R-M)

This proposals finalizes elements of the design in the current preliminary plat for Trade Winds Park by constructing Progress Place, a public road, and platting four lots along it. Those lots are 1.60 acres, 1.40 acres, 2.24 acres, and 5.50 acres in size. The remainder of the property covered in this plat is set as a holding lot of 16.95 acres in size.

All of the smaller lots will use Progress Place, a publicly dedicated, publicly maintained right-of-way for access to the public road network. The remainder may have access on to Trade Winds Parkway for access as a large lot. The applicant has submitted a request to have the traffic study requirement waived.

The subject property is located in Public Water Service District #9, Boone Electric Cooperative service area, and the Boone County Fire Protection District.

The property is served by the Boone County Regional Sewer District and the City of Columbia through a cross-jurisdictional service agreement

Due to the previously mentioned cross-jurisdictional agreement, the City of Columbia has dual review on proposals in this area. The City has completed its review and approval of this plat.

The property scored 78 points on the rating system.

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

6. Koster Acres. Agriculture-Residential (A-R). S3-T50N-R11W. Kenneth & Beth Koster, Donnie L. Copenhaver Trust, owners. Jason D. Janes, Surveyor

The subject property is located approximately ¼ mile south of the intersection of State Route Z and Kroeger Road, 3 ½ miles south of Centralia. The properties involved are zoned Agriculture-Residential (A-R) and Agriculture (A-1). The surrounding zoning is as follows:

North – A-R and A-1

South – A-R and A-1

East – A-1

West – A-R

This proposal expands an existing 1-acre tract to the 2.5-acre minimum lot size for on-site wastewater. The lot has a house and lagoon present on site.



The property has existing access on to State Route Z, a publicly maintained, publicly dedicated right of way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4, Boone Electric Cooperative service area, and the Boone County Fire Protection District.

The existing home has an on-site wastewater system. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement.

The property scored 41 points on the rating system.

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

Commissioner Harvey made, and Commissioner McCann seconded a motion to approve items on consent agenda as recommended

All members voted in favor.

## VII. Old Business

### 1. Update on Commission action.

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

The conditional use permit for Faye Nowell on behalf of Linda Munden was approved as recommended.

The Final Development Plan for Robert Kilgore Jr / Como West Storage was approved.

## VIII. New Business

### 1. Recommendation on Adoption of Revisions to the Boone County Zoning Regulations Section 2, Definitions; Section 15 H Conditional Use Permits for Energy Storage Facilities Located Within a Solar Energy Overlay District (SEOD); Section 30, Solar Energy Overlay District. See our website for the latest draft and power point of most recent changes (no public hearing – public hearings on this item took place on October 20, November 2, and December 8, 2022).

In November of 2021, acting upon a recommendation from the Planning and Zoning Commission, the County Commission adopted the Chapter 29 of the Boone County Zoning Regulations, The Wind Energy Conversion Overlay District. The Commission also requested that P&Z begin work to adopt regulations pertaining to utility scale solar energy development. P&Z, along with staff, began that work in early 2022.

Since that time P&Z has held several work sessions where, with the assistance of County staff, they identified and discussed potential benefits and impacts of utility scale solar. Several iterations of the draft regulations were presented until the Commission deemed them ready for public hearing.

The Commission held three public hearings:

- October 10, 2022 in the Boone County Government Center;

- November 2, 2022 in Ashland, MO;
- December 8, 2022 in Centralia, MO.

Public comment was accepted at the hearings and written public comments were accepted from the date of the first public hearing through December 8, 2022. P&Z reviewed all the public comments and directed staff to make several adjustments to the draft regulations. The resulting draft is before you tonight.

Over time, it became clear that the Commission’s work on this issue focused on several priorities including:

- Ensuring a high level of community support for all proposed solar facilities;
- Ensuring a high commitment to public safety, health, and welfare;
- Minimizing impacts to non-participating properties and property owners;
- Ensuring mitigation of any degradation of public transportation infrastructure;
- Minimizing impacts to the natural environment;
- Ensuring a fair process.

In order to ensure community support of a proposed utility scale solar facility, P&Z chose to use established Boone County policy for creating a Wind Energy Conversion Overlay District and the Character Preservation Overlay District as a model. That process requires the applicant to obtain the notarized signatures of a super majority of property owners in a defined area where the facility is proposed.

The most recent drafts of the proposed amendments to *Section 2, Definitions, Section 15 H Conditional Use Permits for Energy Storage Facilities Located Within a Solar Energy Overlay District*, and *Section 30, Solar Energy Overlay District (SEOD)* were included in your work session packets and are displayed on the screen for your consideration.

Discussion:

Chairperson Harris: Is the dust control included in the regulations?

Bill Florea: That would be part of the road mitigation agreement. We had not planned on adding text to the regulations, there is already a requirement to mitigate road impacts, dust is one of those.

Chairperson Harris: I had suggested that if the construction period is March – October that they need to put dust control on every bit of gravel road.

Commissioner Koirtyohann made, and Commissioner Proctor seconded a motion to recommend approval of Adoption of Revisions to the Boone County Zoning Regulations Section 2, Definitions; Section 15 H Conditional Use Permits for Energy Storage Facilities Located Within a Solar Energy Overlay District (SEOD); and Section 30, Solar Energy Overlay District:

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 recommend approval of the Revisions to the Zoning Regulations passes unanimously

2. Boone County Master Plan

Bill Florea: The first meeting of the Advisory and Technical Committee's took place on Wednesday, June 14, 2023. It was a good meeting and well attended; everyone there was very engaged in the process and a lot of good ideas came up. A Facebook page has been created and the Master Plan website has been setup at: <https://www.ourboone.com/>

IX. Adjourn

Being no further business, the meeting was adjourned at 7:30 p.m.

Respectfully submitted,

Secretary  
Greg Martin, Secretary

Minutes approved on this 20<sup>th</sup> day of July 2023