

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, July 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
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia 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

Vacant Seat	Three Creeks Township
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d. Staff Present:

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

III. Approval of Minutes

Minutes from the June 15, 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, August 1st. 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, August 1st will begin at 7:00 p.m. The vote on discretionary items, such as rezonings and conditional use permits, will not be taken on the 1st. After hearing those items, they will be scheduled for a second reading at a future County Commission meeting but will likely be Tuesday, August 8th. The date of the second reading will be announced at the August 1st meeting.

The Chairperson announced that the Conditional Use Permits for Capital Quarries had been withdrawn from the agenda and would not be heard at this meeting. They will likely be on the agenda for the August 17, 2023 Planning and Zoning Commission meeting.

V. Conditional Use Permits

1. Request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia.

Planner Uriah Mach gave the following staff report:

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1900 feet west of the intersection with U.S. 40. The site is about 300 feet west of the Columbia municipal limits. The subject property of this request is 5.32-acres of Planned Recreation (REC-P) zoning that went into effect upon approval of the Final Development Plan in April 2022. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned Planned Light Industrial (M-LP) with property to the north across I-70 zoned Agriculture (A-2) and to the south zoned Agriculture-Residential (A-R). This property received three conditional use permits on June 28th, 2022, one for an Indoor Shooting Range, one for the operation of a snack bar as an incidental use to an indoor shooting range, and one for retail sales as an incidental use to an indoor shooting range. These conditional use permits were granted under County Commission orders 270-2022, 271-2022, and 272-2022.

The proposal is to renew a Conditional Use Permit (CUP) for an indoor shooting range. The applicants have requested the permit have a two-year expiration period instead of the typical one year expiration period. The original conditional use permit (Commission Order 270-2022) lapsed for lack of activity, as the property owner had yet to take any action to act on this use. As discussed in the previous application, modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans. The building modifications will be required to prevent rounds from penetrating the exterior shell of the building. The proposal indicates that the firearms used will be air rifles and guns using .22 long rifle or less powerful cartridges. The modifications will also dampen any sound from the shooting activity.

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

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

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

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

Nearby properties are either developed for significant commercial/industrial use or underdeveloped for residential use. The property is located along a major interstate highway with the corresponding level of noise. With the required building modifications, the establishment of this conditional use permit should not be

injurious to the use and enjoyment of those properties in the immediate vicinity for purposes already permitted by these regulations.

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

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

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

Adequate infrastructure and utilities are available to serve this site. The current site has adequate storm drainage for the facility and does not create any known downstream flooding issues. The sanitary sewer for this tract is provided by the Boone County Regional Sewer District (BCRSD) via a treatment plant that is located adjacent to the subject property. There is also a recent Agreement for Provision of Wastewater Collection and Treatment Services between the current owner and the BCRSD that allocates adequate sewer capacity specifically to the subject property. This capacity was determined based on the proposed use of the indoor shooting facility with this capacity being specifically reserved for this lot in said agreement. Electrical service is from Boone Electric.

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

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

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

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

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

The previous use of the subject property was that of warehouse, office, and distribution. The previous use had approximately 50 employees that accessed the subject site each weekday with most of the traffic entering and exiting the site during the weekday AM and PM peak hours. The proposed use would have its peak traffic flow on weekends which does not coincide with weekday AM and PM peak hours thus reducing the amount of traffic that would be contributed from the site to the overall traffic patterns at times of highest use. Furthermore, the proposed uses would have phased or staggered usage times. This would further break up the amount of traffic that is generated or using the adjacent roadways at any specific time. The existing roadways and intersections are able to properly and adequately handle the traffic volumes that would be generated from the proposed uses as the overall traffic volumes would reduce with the recent relocation of the MidwayUSA campus and the transition of the other buildings to less intense uses. The previous use as the MidwayUSA campus had approximately 700 employees. The current uses of these tracts are less intense and generates significantly less traffic than before.

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

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

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

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

The property scored 80 points on the rating system.

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

1. The facility is limited to using ammunition that at maximum is equivalent to .22 caliber long rifle cartridges or less in power, any desire for more powerful ammunition will require coming back through the process for a new approval.
2. That the Conditional Use Permit have a 2-year time limit for action before lapsing.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia

David Butcher: Conditional Use Permits were approved for these uses last year; the design team that is working on the modifications to the interior of the building haven't completed their work so our permit has expired. The objective is to ask for more time to finish the design for the interior portion of the building.

Commissioner Kurzejeski: Is two years enough?

David Butcher: Yes, we don't think we need two years but because we ran into this we thought that since we could ask for two years we would.

Chairperson Harris: Have there been design issues? Has it just not gotten done?

David Butcher: Mr. Crockett told me that it was about 2-3 months away from being completed.

Open to public hearing.

No one spoke in favor or opposition to the request.

Present with questions:

Annette Greenlee, 1402 N Countryshire, Columbia

Annette Greenlee: My house faces south so I have full view of these buildings. I have no real objections to the request; I just have questions after talking to a real estate agent. My questions were, what would the hours of operation be? Would there be lights on all night like there used to be? Will there be sales of firearms? What measures are going to be used to mitigate the sound proofing so we don't hear the shooting across the road?

Closed to public hearing.

David Butcher: They are working on noise control; I know that is part of the design criteria that they are working on. I am confident the noise won't be a significant issue. I think there will be some lighting on due to security reasons, I think there are pack lights on the building and I think those will stay on. I don't know that there is an agreement with the hours of operation mitigation or reduction with the lighting but I would assume there will still be some lights on in the parking lot.

Chairperson Harris: The lighting that is there now would have been designed with the inward and downward.

Bill Florea: It would have and there were no restrictions on exterior lighting at night.

Chairperson Harris: Hours of operation have not been part of the discussion?

Bill Florea: No.

Commissioner Martin: What about the retail sales?

Bill Florea: They are not selling firearms.

David Butcher: Ammo, holsters, and t-shirts. Accessories for firearms will be sold, not firearms themselves.

Commissioner Kurzejeski: Ammunition will be sold for use on site or will it be retail?

Bill Florea: It is my understanding that it will be sold for use on site.

Commissioner Proctor made, and Commissioner Kurzejeski seconded a motion to approve the request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for an indoor shooting range in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia **with the following conditions:**

1. The facility is limited to using ammunition that at maximum is equivalent to .22 caliber long rifle cartridges or less in power, any desire for more powerful ammunition will require coming back through the process for a new approval.
2. That the Conditional Use Permit have a 2-year time limit for action before lapsing.

Boyd Harris – Yes
Greg Martin – Yes
Fred Furlong – Yes
Randal Trecha – Yes
Rhonda Proctor – Yes

Eric Kurzejeski – Yes
Steve Koirtyohann – Yes
Daniel Mings – Yes
Kevin Harvey – Abstain
Jeff McCann – Yes

Motion to approve the rezoning request passes 9 YES 1 ABSTAIN

2. Request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental restaurant, cafeteria, and bar in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia

Planner Uriah Mach gave the following staff report:

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1900 feet west of the intersection with U.S. 40. The site is about 300 feet west of the Columbia municipal limits. The subject property of this request is 5.32-acres of Planned Recreation (REC-P) zoning that went into effect upon approval of the Final Development Plan in April 2022. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned Planned Light Industrial (M-LP) with property to the north across I-70 zoned Agriculture (A-2) and to the south zoned Agriculture-Residential (A-R). This property received three conditional use permits on June 28th, 2022, one for an Indoor Shooting Range, one for the operation of a restaurant, cafeteria, and bar as an incidental use to an indoor shooting range, and one for retail sales as an incidental use to an indoor shooting range. These conditional use permits were granted under County Commission orders 270-2022, 271-2022, and 272-2022.

The proposal is to renew a Conditional Use Permit (CUP) for a restaurant, cafeteria, and bar as an incidental use to an indoor shooting range. The applicants have requested the permit have a two year expiration period instead of the typical one year expiration period. The original conditional use permit (Commission Order 271-2022) was not utilized within one-year. The Zoning Code stipulates that CUPs not utilized within one year are automatically invalidated. Currently, there is no intention of having an actual on-site restaurant. All meals would be catered and brought to the site already prepared. Should a restaurant be added its use would be incidental to the overall use of the facility. It is anticipated that any such use would be a snack bar use that sells pre-packaged goods and foods. No sit-down style restaurant is being proposed. The use of restaurant, cafeteria, and bar would be solely for the patrons of the shooting facility. It would not be open to the general public as a standalone use but rather as an incidental use for the shooting facility. The above use was anticipated and included in the sewer capacity calculations that were presented to the BCRSD and included in the recent sewer agreement. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The property scored 80 points on the rating system.

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

1. The facility is limited to a snack bar/catering and any proposal to add a higher level of food service will require coming back through the process for a new approval.
2. The Conditional Use Permit must be utilized within two years of the date of issuance; failure to do so will automatically invalidate the permit.

See public hearing under item 1.

Commissioner Mings made, and Chairperson Harris seconded a motion to approve the request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental restaurant, cafeteria, and bar in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia **with the following conditions:**

1. The facility is limited to a snack bar/catering and any proposal to add a higher level of food service will require coming back through the process for a new approval.
2. The Conditional Use Permit must be utilized within two years of the date of issuance; failure to do so will automatically invalidate the permit.

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

Motion to approve the rezoning request passes 9 YES 1 ABSTAIN

3. Request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental retail sales and services in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia

Planner, Uriah Mach gave the following staff report:

This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1900 feet west of the intersection with U.S. 40. The site is about 300 feet west of the Columbia municipal limits. The subject property of this request is 5.32-acres of Planned Recreation (REC-P) zoning that went into effect upon approval of the Final Development Plan in April 2022. The property has a large existing commercial building that is desired to be converted into an indoor shooting range. Property to the east and west are zoned Planned Light Industrial (M-LP) with property to the north across I-70 zoned Agriculture (A-2) and to the south zoned Agriculture-Residential (A-R). This property received three conditional use permits on June 28th, 2022, one for an Indoor Shooting Range, one for the operation of a snack bar as an incidental use to an indoor shooting range, and one for retail sales as an incidental use to an indoor shooting range. These conditional use permits were granted under County Commission orders 270-2022, 271-2022, and 272-2022.

The proposal is to renew a Conditional Use Permit (CUP) for incidental retail sales. The applicants have requested the permit have a two-year expiration period instead of the typical one year expiration period. The original conditional use permit (Commission Order 272-2022) was not utilized within one-year. The Zoning Code stipulates that CUPs not utilized within one year are automatically invalidated. As discussed in the previous application, the sales area would be about 2500 square feet in size with a storage and stockroom of about 1000 square feet. Sales would be limited to t-shirts, ammo for use on-site, and other items that would be complementary to the overall shooting use. Product delivery would either be brought in personally by employees, delivered via standard delivery service (USPS, UPS, FedEx, etc.), or delivered via commercial courier. Deliveries would be received at the southeast corner of the building where delivery trucks would have adequate access to and through the site. This use was anticipated and included in the sewer capacity calculations that were presented to the Boone County Regional Sewer District (BCRSD) and included in the recent sewer agreement. Modification of the building will be required under a commercial building permit and an Architect licensed to practice in Missouri will be required to produce the plans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The property scored 80 points on the rating system.

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

1. The facility is limited to 3000 square feet of retail space with another 1500 square feet of stockroom. Any proposal to add a higher level of retail use will require coming back through the process for a new approval.
2. The Conditional Use Permit must be utilized within two years of the date of issuance; failure to do so will automatically invalidate the permit.

See public hearing under item 1.

Commissioner Kurzejeski made, and Commissioner Korityohann seconded a motion to approve the request by Corporation for the Promotion of Rifle Practice & Firearm Safety for a conditional use permit for incidental retail sales and services in the REC-P (Planned Recreational) zoning district on 5.32 acres located at 5885 W Van Horn Tavern Rd, Columbia with the following conditions:

1. The facility is limited to 3000 square feet of retail space with another 1500 square feet of stockroom. Any proposal to add a higher level of retail use will require coming back through the process for a new approval.
2. The Conditional Use Permit must be utilized within two years of the date of issuance; failure to do so will automatically invalidate the permit.

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

Motion to approve the rezoning request passes 9 YES 1 ABSTAIN

Chairperson Harris stated that these requests would go before the County Commission on Tuesday, August 1, 2023 at 7:00 PM.

VI. Rezoning Requests

1. Request by Wilson Trailer Company to rezone from General Commercial (C-G) and Agriculture-Residential (A-R) to C-G on 12.03 acres located at 9051 I-70 Drive NE, Columbia.

Planner, Devereux gave the following staff report:

The subject property is located at 9051 I-70 Drive NE. The property is 12.03 acres and split zoned General Commercial (C-G) and Agriculture-Residential (A-R). The zoning of the subject property is original 1973 zoning. Two structures are present, an office building and a shop. A subsurface wastewater system serves the property. The surrounding zoning is as follows:

- East – C-G and A-R
- North – Light Industrial (M-L)
- West – C-G
- South- Across Interstate 70, C-G and Agriculture 2 (A-2)

The rezoning application indicates that the applicants plan on demolishing both existing structures and constructing a new 20,410 square foot building that will serve as the new combined office and shop. The location of the new building will cross the east-west boundary between the current C-G and A-R zoning. Rezoning the property to all C-G is needed for the new building to be compliant with the zoning code.

The Boone County Master Plan designates this area as being suitable for commercial and residential land uses. The Boone County Master Plan designates a “sufficiency of resources” test to determine whether adequate transportation, utility, and public safety infrastructure is in place to support a change in zoning. Failure to pass the test should result in a denial of the request. Passing the test should result in further analysis.

Transportation: The property has two existing driveway entrances onto I-70 Dr NE, a publicly dedicated publicly maintained roadway.

Utilities: The subject property is within the Public Water Supply District #9 service area. A 12-inch waterline is present along I-70 Drive NE and should be able to provide commercial fire flows if needed. Boone Electric provides power service. Sanitary sewer capacity in the area provided by the Boone County Regional Sewer District is limited. The use of an onsite subsurface wastewater system may be permitted by the Director of Resource Management.

Public Safety: The Boone County Fire Protection District provide fire protection for the area. The nearest station, Station 1, is 3.8 miles away.

Zoning Analysis: It is unclear if this property meets the sufficiency of resources test with limited access to sanitary sewer. While a property should meet all requirements of the resources test to receive a change in zoning, the existing split zoning of the property does allow the applicants to use a portion of the property for commercial activity, but is otherwise inefficient. Approval of the request would create consistent zoning across the entire property and allow the applicants to utilize all their property for their existing business. Any future use of the property will be limited by central sewer capacity.

Rezoning from agricultural or residential districts to a more intensive use such as commercial is usually done via a planned development. In this case, the subject property is partially surrounded by open commercial and industrial zoning districts. Rezoning to an open commercial zoning across the entire property would have negligible impacts to surrounding property owners and would match the existing land use pattern present in the area.

The property scored 46 points on the rating system. Staff notified 14 property owners.

Staff recommends approval of the request.

Present representing the request:

Tom Wooten, 4240 Philips Farm Rd, Columbia
John Loftin, 9051 I-70 Drive NE, Columbia

Tom Wooten: We can answer any questions.

Commissioner Kurzejeski: How many square feet are under roof now? I just wondered if the new building is going to be larger than what you have.

Tom Wooten: It will.

Commissioner Kurzejeski: Sub-surface sewer is on-site?

Andrew Devereux: For a commercial building, if the applicant proposes an on-site system it would have to be sub-surface.

Chairperson Harris: I assume the office is in front.

Jeff Loftin: Yes. The new building has been a long time coming but it will be a nice upgrade.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Mings made, and Commissioner Harvey seconded a motion to approve the request by Wilson Trailer Company to rezone from General Commercial (C-G) and Agriculture-Residential (A-R) to C-G on 12.03 acres located at 9051 I-70 Drive NE, Columbia:

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

Motion to approve the request passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, August 1, 2023 at 7:00 PM.

2. Request by Perry Luetkemeyer to rezone from Single-Family Residential (R-S) to Planned Agriculture (A-2P) and to approve a Review Plan for Locust Grove Subdivision Plat 3, on 9.94 acres located at 2675 N Locust Grove Church Rd, Columbia.

Planner, Andrew Devereux gave the following staff report:

The subject property is located approximately 500-feet west of Locust Grove Church Road and is accessed by a private drive serving several lots. The subject property is in the Midway area approximately 500-feet Northwest of the intersection of Locust Grove Church Road and Henderson Road. The overall property is 9.94-acres in size, and zoned Single-Family Residential (R-S). All the surrounding property is zoned as follows:

- North Agriculture 1 (A-1)
- South, east, and west is R-S

These are all original 1973 zonings.

The proposal is to rezone the subject property from R-S to Planned Agriculture 2 (A-2P) and to obtain approval of the lot configuration as a preliminary plat. Under the proposed review plan the development is limited to two lots, each with a maximum of one single-family dwelling. The property contained within the request consists of Lot 1 of Locust Grove Subdivision and Tract 1 of a survey recorded in Book 747 page 582 of the records of the Boone County Recorder of Deeds.

There is currently a house, a small shed encroaching into the proposed perimeter setback, and an accessory structure that is currently built across an existing property line. These are all located within the proposed development. The applicant's intent is to move the lot line between the two existing tracts so that the accessory structure will be located on the same lot as the existing house. The encroaching shed will be required to be removed from the current location in the perimeter setback. Additionally, there is also a non-

compliant on-site wastewater lagoon that serves the existing home that is being replaced, under permit, with a new compliant lagoon.

The proposed A-2P rezoning allows for the use of a density requirement rather than a minimum lot size requirement to control the intensity of development. Under the existing zoning, the maximum theoretical density that the site could have is 61 dwelling units. This density, however, would require construction of public roadways and provision of central sewer collection. A more realistic maximum density, which would also require public roadway construction and central sewer, would be around half the theoretical maximum density, in this case 30-units. The maximum theoretical density under the proposed A-2P could have been 3 units; the plan indicates only two dwelling units are proposed. The maximum density proposed under the rezoning to A-2P is 4.97-acres per dwelling unit.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The property is in Consolidated Public Water Supply District #1; the site is currently served by a 2" watermain, however, as a planned development in conjunction with a major plat, fire protection is required. A 6"-waterline extension with hydrant is required and proposed to be installed as part of this request. The property is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District. Wastewater service is proposed to be from onsite systems for each lot. The existing home is in the process of having a new compliant lagoon installed and the old lagoon properly closed, the location of the new system is shown on the plan. The new onsite wastewater construction is required to stay out of the stream buffer shown on the plan.

Transportation: The private drive that provides access to both lots already exists and is the same easement that serves as access to the currently configured lots. Since all the lots served by this private easement are not currently platted nor 5-acres or larger this request needed to be a planned development with corresponding major plat.

Public Safety: The property is in the Boone County Fire Protection District with the closest station being Station 9 at 0.6-miles away.

Zoning Analysis: This proposal does not propose any increase in the number of dwelling units beyond the two existing and is being sought to allow reconfiguration of the lots within the zoning and subdivision regulations. No additional lots are being created that are served by the private drive and there will be upgraded public water service and fire protection as part of this project. The proposal is not out of character with the area.

The property scored 69 points on the rating system.

Staff recommends approval of the rezoning request and review plan and preliminary plat subject to the following conditions:

1. Prior to submission of the Final Plan, the shed that is located in the perimeter setback must be removed.
2. The existing lagoon must be properly closed when the new compliant lagoon is finalized. The new lagoon must receive approval of its Final Inspection prior to the Final Plat being submitted for approval.

3. All construction is required to be outside of the type 2 stream buffer. The stream buffer is to remain undisturbed except for the work to properly close the existing lagoon, which encroaches into the stream buffer. This closure work must be conducted in compliance with a closure plan approved by the Director of Resource Management. The closure plan shall be designed to impact the stream buffer to the least extent possible.
4. The new lagoon is sized for five bedrooms. In this proposal, it only serves the home on Lot 1A. The 27'x40' shed/accessory structure is not proposed to have plumbing.
5. The installation of the upgraded waterlines and Fire Hydrant will be required prior to any Final Plat being presented to the County Commission.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia

David Butcher: The applicant wants to utilize the garage which crosses the property line and he doesn't want to remove it. The applicant asked to move the property line to bring the building into compliance. There are two, legally subdivided tracts of land, one by survey and one is a platted lot. If we had two lots in a subdivision we could do a lot line adjustment but because I have one surveyed tract and one subdivision lot I cannot do a lot line adjustment survey. Now I am forced with the question as to whether to plat the other lot; as I go down that path I find the applicant doesn't have a full 10-acres so in order to serve a private road and two lots I have to have 10-acres total. He is just short of having enough for me to create a subdivision plat where we can have two legally subdivided lots that I can adjust that lot line. The only other solution I have, because he has a private road, is a planned district. In order for him to move the lot line, we have all of these conditions about lagoons and plumbing in the house, and to be frank, he has to build a water main that runs across here to install a fire hydrant, it is amazing how far this has gone. These are the tools we have in our toolbox, I don't want to diminish the importance of what we are doing, but this is a lot to do in order to move a lot line. I think the best approach to this was to rezone to A-2P, it is in an R-S district and I figured that would show you our earnest intentions of not trying to create something in the future where we could have 30 units. I think A-2P pretty much tells you we only want two houses here; we want to build one back here for the future and I think Mr. Luetkemeyer is going to build his forever home back there. He is fixing this one up and he is going to sell this one.

Chairperson Harris: From Locust Grove over to the property, how long is the driveway?

David Butcher: I estimate about 500-feet. The fire hydrant is being installed at 250-feet from the road, it looks to be about half-way.

Chairperson Harris: Is that intersection where we go north to get to the top lot?

David Butcher: Correct, this is the existing private drive that is going to serve his house, this is a platted easement already in place and he is going to build a road to get to this one. More easements will be dedicated on the plat for utilities.

Chairperson Harris: By the time you get up there it is about ¼ mile from the house back out to a public road.

David Butcher: It is probably ¼ mile from the very back.

Open to public hearing.

No one spoke in favor or opposition to the request.

Present with questions:

Michele Spry, 7301 Henderson Rd, Columbia
Brandon Spry, 7301 Henderson Rd, Columbia

Michele Spry: My home address is 3001 N Locust Grove Church Road. Our property adjoins the property Mr. Luetkemeyer purchased. I have lived in Midway my whole life; Brandon and I built our forever home seven years ago, we bought the land 20 years ago. I can't stop someone from building houses but what my recommendation would be is to save some of the trees for a buffer between our properties. There are very mature trees that block our view from our house and the view from his house. When we sit on our back deck that is what we see and that is where we entertain and have our own space. All I ask is that there is a buffer of mature trees and they not all get completely knocked down to where we can see each other.

Brandon Spry: I would like to see some trees left at the fence row from his north side to our south side. I know he has been cleaning out some so now when we sit on our deck we can see the neighboring houses to the south. We positioned our house so our view is the trees, now I can see the neighbor's house from him clearing the trees.

Michele Spry: When we built our house we built it to the back of our property for that very reason, to be secluded.

Brandon Spry: We don't mind him building a house we just want some trees left.

Closed to public hearing.

David Butcher: I understand where the Sprys are coming from. I would like to urge the Commission not to put a buffer on his property. Here is where he would build, there is a power line running through and there is stream buffer which is unusable space. This is his property and he would be able to do anything back here as well. He likes trees just as much as the Sprys do. No property owner wants to cut out all their trees but if we put a condition of a buffer on it I am afraid it will limit what he can do in certain areas. We can sometimes have good intentions but we end up messing up his ability to do something in the future that was not really intended. I think this is where she is talking about; she has a lot of open space that she could plant her own trees if she wants to in order to create a buffer. I haven't talked to my client about that, I am sure he wants to be a good neighbor and I am certain if I pushed him he would probably grant the buffer but I would urge the Commission not to. We have come a long way just for a lot line adjustment.

Chairperson Harris: Looking at a parcel of land like that, given the remoteness and seclusion that you are starting with, for someone to clear cut it would seem equally unreasonable. It is Mr. Luetkemeyer's property to do what he wants. My question is, is it Mr. Luetkemeyer's intention to clear cut the trees?

Perry Luetkemeyer: It would be my belief and intention that the ideal place to build would be right here (pointing to map). I understand that from this property line there would be a buffer of 50-feet.

David Butcher: That is a setback, not a buffer.

Perry Luetkemeyer: I would enjoy the seclusion of having the home here; what my neighbors would have, would be what I would have. I recently cleared all the brush, noxious trees, Russian olives and all the little sprouts that have come back over the last 15 years. Anything 4 or 5 inches or smaller I cleared out to glorify the grove of primarily oak trees. I put a little grass seed over the area and I have it green to where it looks like a State park and that is what I am after. I have come to enjoy the existing home and its location, and one of these two places will be my forever home.

David Butcher: Do you want a buffer on the property?

Perry Luetkemeyer: I don't believe that my nature needs a buffer; I wouldn't want to be restricted.

Commissioner Martin: That is a buildable lot regardless of what happens here; this request is to save the shed. He could have torn down the shed and wouldn't have needed to do anything.

Bill Florea: Yes; they are two legal lots that are both eligible for homes.

Perry Luetkemeyer: If I decide to live in the existing home and not go through the process of building something from the ground up I would consider selling that lot but I would consider my wishes of not building in this acreage right behind the current home but require them to build in this area so I can maintain greater privacy and they can maintain greater privacy from me and they will be protected by the 50-foot setback. To accomplish what I am dreaming about I may consider building the home the way I want it.

Chairperson Harris stated there is a typo on the review plan, on proposed lot 2, there is a note stating "27 x 78 house to remian" should be "remain".

Commissioner Koirtyohann made, and Commissioner Mings seconded a motion to approve the request by Perry Luetkemeyer to rezone from Single-Family Residential (R-S) to Planned Agriculture (A-2P) on 9.94 acres located at 2675 N Locust Grove Church Rd, Columbia:

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

Motion to approve the rezoning request passes unanimously

Commissioner Harvey made, and Commissioner Kurzejeski seconded a motion to approve the request by Perry Luetkemeyer to approve a Review Plan and Preliminary Plat for Locust Grove Subdivision Plat 3, on 9.94 acres located at 2675 N Locust Grove Church Rd, Columbia with the following conditions:

1. Prior to submission of the Final Plan, the shed that is located in the perimeter setback must be removed.
2. The existing lagoon must be properly closed when the new compliant lagoon is finalized. The new lagoon must receive approval of its Final Inspection prior to the Final Plat being submitted for approval.
3. All construction is required to be outside of the type 2 stream buffer. The stream buffer is to remain undisturbed except for the work to properly close the existing lagoon, which encroaches into the stream buffer. This closure work must be conducted in compliance with a closure plan approved by the Director of Resource Management. The closure plan shall be designed to impact the stream buffer to the least extent possible.
4. The new lagoon is sized for five bedrooms. In this proposal, it only serves the home on Lot 1A. The 27'x40' shed/accessory structure is not proposed to have plumbing.
5. The installation of the upgraded waterlines and Fire Hydrant will be required prior to any Final Plat being presented to the County Commission.

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes

Fred Furlong – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Kevin Harvey – Yes
Rhonda Proctor – Yes	Jeff McCann – Yes

Motion to approve the review plan & preliminary plat passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, August 1, 2023 at 7:00 PM.

VII. Plats

1. Locust Grove Subdivision Plat 3 PRD. Preliminary Plat. R-S. S1-T48N-R14W. Perry Luetkemeyer, owner. David Butcher, surveyor.

Staff report and vote were included with the Perry Luetkemeyer rezoning and review plan requests.

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

2. Sun Valley Estates Plat 3. R-S. S14-T49N-R12W. Boone County Regional Sewer District and GHP Construction Services, owners. Kevin Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located at the south end of Backwoods Cove, south of Highway HH, approximately 2 miles east of Route B. The subject property is approximately 1.30 acres in size and zoned Residential Single-Family(R-S). The property is currently vacant. The surrounding zoning is as follows:

North – Residential Moderate-Density (R-M) & Agriculture (A-2)
South – Residential Moderate-Density (R-M) & Agriculture (A-2)
East – Residential Single-Family (R-S) & Agriculture (A-2)
West – Agriculture (A-2)

The R-S zoning to the east is original 1973 zoning. The A-2 zoning around the subject property is original 1973 zoning. The R-M zoning was rezoned in 1976 from R-S, and the zoning of the subject tract was rezoned in April of 2023 from R-M & A-2 to R-S.

The purpose of this plat is to consolidate a platted lot in the Sun Valley Estates development with a portion of the tract previously reserved for the wastewater treatment system for the development. The original system has since been improved and requires less space. A concurrent utility survey will be recorded with this plat to describe the tract containing the wastewater infrastructure for Sun Valley Estates.

The new platted lot has direct access on to Backwoods Cove, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Public Water Service District #4 for domestic water service.

The subject property has access to a central wastewater treatment system operated by the Boone County Regional Sewer District.

The property scored 63 points on the rating system.

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

3. Johnson's Lake Subdivision Plat 1. A-2. S7-T48N-R11W. Jesse & Sheryl Glydewell, owners. Steven Proctor, surveyor.

The following staff report was entered into the record:

The subject property is located off E Carter School Road. The proposed subdivision is single lot five-acre minor plat that contains a single-family dwelling and an onsite wastewater lagoon. The parent parcel is fifty-five acres and zoned Agriculture 2 (A-2). The surrounding zoning is as follows:

- East – A-2
- South – Agriculture 1 (A-1) across E Carter School Road
- West – Light Industrial (M-L)
- North – M-L and A-2

Surrounding A-1 and A-2 zoning is original 1973 zoning. The M-L zoning was rezoned in 1974 and 2004. The subject property has direct road frontage along E Carter School Road, a publicly dedicated publicly maintained roadway. The subdivision plat will dedicate a 33' half width right of way along E Carter School Road. The applicants have not submitted a request to waive the traffic study requirement. However, a single platted lot with an existing home is not likely to have any significant impact to transportation infrastructure. Granting a waiver to the traffic study requirement is appropriate in this case.

The property is located within the Public Water Supply District #9 service area. Boone Electric Cooperative provides power to the area. The Boone County Fire Protection District provides fire protection. The nearest station, Station 1, is 4.7 miles away.

The single-family home of the proposed lot utilizes an existing onsite wastewater lagoon. Future development of the property may require a connection to public sewer operated by the Boone County Regional Sewer District. The applicants have not submitted a waiver to the sewer cost benefit analysis. However, the proposed lot is already developed with a single-family home and onsite wastewater system. Future development of the lot, or another subdivision of the parent parcel, will require further study to see if central sewer can serve the area. Granting a waiver to the sewer cost benefit is appropriate in this case.

The property scored 60 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

4. Beaver Lake Subdivision Plat 1. A-2. S24-T50N-R14W. Gems Hilltop Acres, owner. Derek Forbis, surveyor.

The following staff report was entered into the record:

The subject property is located off Gray Road. The property is zoned A-2 Agriculture and surrounded by A-2 zoning. The zoning is original 1973 zoning. The proposed subdivision plat seeks to divide three lots each with five acres or more out of the 80-acre parent parcel.

All three lots will have direct road frontage onto Gray Road, a publicly dedicated publicly maintained roadway. A thirty-three-foot half width right of way will be dedicated along Gray Road as part of the plat. The applicant did not submit a waiver to the traffic study requirement. However, creation of three buildable lots is likely to have little impact to existing transportation infrastructure. Granting of a waiver to the traffic study is appropriate in this case.

The subject property is located within Consolidated Water Supply District #1 service area. An eight-inch water line is present along Gray Road to serve the subdivision. Boone Electric Cooperative provides power service in the area. Boone County Fire Protection District provides fire protection for the area. The nearest station, Station #4, is 2.3 miles away.

The applicants have proposed the use of onsite wastewater sewage lagoons. The applicant has not submitted a waiver to the sewer cost benefit analysis requirement. However, the creation of three platted lots would unlikely be cost effective to build a central sewer system. Granting a waiver to the sewer cost benefit analysis is appropriate in this case.

The property scored 32 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

Commissioner Harvey made, and Commissioner Trecha seconded a motion to approve the 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 June 2023 agenda items.

The rezoning request & review plan for Black & White Construction at 1549 N Corbet Dr, Columbia was approved as recommended.

The following plats were approved and accepted:

- Robinson Point Plat 1
- Kurt's Landing Plat 1
- CoMoWest Storage Plat 1
- Hartley Properties Plat 2
- Koster Acres

VIII. New Business

Master Plan

Bill Florea: The Consultant conducted a stakeholder meeting last week, I think they had 27 meeting slots of which 25 were filled; they spent the better part of three days here conducting meetings. I believe there will

be another round of stakeholder meetings coming up in late August. The first open house will be in September. They have had good results with doing a webcast first and that allows people a couple of weeks to log on and watch the part they are interested in and that might generate interest in people coming to the open house in person. The County Commission was concerned about the virtual meeting not being accessible to many of us that live in the county with poor internet connection so they have committed to hosting remote virtual meetings where they set up a computer screen so people in remote areas of the county can come there and participate; we are trying to get those scheduled.

Solar Regulations

Bill Florea: We are working on getting a work session scheduled with the County Commission to discuss and see when they would like to hold a public hearing, that should happen some time in August.

IX. Adjourn

Being no further business, the meeting was adjourned at 8:13 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 15th day of June 2023