

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, October 19, 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
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

Robert Schrieber	Three Creeks Township
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c. Members Absent

Eric Kurzejeski, Vice Chairperson	Missouri Township
Christy Schnarre	Bourbon Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the September 21, 2023 meeting were approved as presented by acclamation.

IV. Chairperson Statement

Chairperson Harris read the following statement:

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 Thursday, November 2nd. 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 Thursday, November 2nd 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 second. After hearing those items, they will be scheduled for a second reading at a future County Commission meeting likely Thursday, November 9th, however, the date of the second reading will be announced at the November 2nd meeting.

V. Conditional Use Permits

1. Request by Briley Investments LLC for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 2365 E Bearfield Subdivision, Columbia.

Planner Uriah Mach gave the following staff report:

The subject property is located at the northwest corner of Bearfield Road and Bearfield Subdivision Road. There is a single utility building in the northwestern corner of the property. The property is approximately 1/3 of an acre in size and zoned Residential Single-Family (R-S).

The surrounding property is zoned as follows:

North – R-S
South – Residential Moderate Density (R-M)
West – R-S
East – Agriculture (A-1)

This is all original 1973 zoning.

The applicants are requesting a conditional use permit for a duplex on R-S zoned property. The subject property is the last undeveloped lot in Bearfield Subdivision, all of the other lots were developed at the same time in the 1960's. The lot directly south of the subject property is zoned R-M and has a duplex, built at the same time as the rest of the subdivision. The design for the proposed duplex was submitted with the application. This design shows a comparatively non-standard duplex design. This design may allow it to fit the general appearance of a single-family home.

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.

If development is done in a manner consistent and in compliance with existing county regulations, this request should meet this criteria.

(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.

This area has developed in a residential manner with an existing duplex immediately across Bearfield Subdivision Road from the subject property. The granting of this conditional use permit maintains the existing development pattern of this area. There should be no injury to the use and enjoyment of nearby properties.

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

New construction in a long-standing neighborhood is not known to diminish the property values of existing homes. This conditional use permit will not substantially diminish or impair the property values of existing properties in the neighborhood.

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

Existing infrastructure for electrical, water, and sewer service is present at the property to provide service for a new duplex.

(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.

Bearfield Subdivision has developed with one duplex and twenty-six single-family dwellings. Most of the dwellings were constructed between 1963 and 1965, with the duplex being built around 1974. 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 addition of a duplex to the existing subdivision is a small increase in traffic to the development. Driveway placement for the new duplex will be done under permit with Boone County Resource Management. The establishment of this conditional use permit will not hinder the flow of traffic or resolve in traffic congestion on the public streets.

(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 is in step with the existing land use pattern in the Bearfield Subdivision. While it is new development in a subdivision that predates Planning & Zoning in Boone County, available resources to meet the needs of this conditional use permit exist. This conditional use permit can meet the criteria for approval by the Planning & Zoning Commission.

The property scored 78 points on the rating system. Staff notified 35 property owners about the request.

Staff recommends approval of the conditional use permit with the following condition:

1. That the duplex be constructed in a manner consistent with the plans submitted with the conditional use permit application, with any changes subject to the approval of the Director of Resource Management.

Present representing the request:

Mark Briley, 2901 Farleigh Ct, Columbia
Carrie Briley, 2901 Farleigh Ct, Columbia

Mark Briley: We fell in love with this area. We discovered the property and fell in love with the charm of the community and had a desire to invest in the community. We see it as a long-term opportunity to be engaged in a place we feel is unique. In advance of the notifications going out, we communicated with a number of neighbors that were directly associated with the property. We sent letters giving further information about ourselves and what we intend to do. We heard from two different neighbors, both of

whom have lived in close proximity for over forty years. Both had no opposition to what we planned to do and were very helpful in telling us the history of the space and what we might expect in being a part of the community. Being at the front edge of the neighborhood our desire is to make it a welcoming presence; the entrance to the community is on the property and we have desire to improve that in cooperation with the neighbors who are there as well. We long to be good neighbors and feel that this is a great opportunity to do so and invest in a city that we love.

Commissioner Koirtyohann: Why a duplex versus a single-family house?

Mark Briley: For a longer term investment opportunity; to have two units instead of one opens up further opportunity that way. We have family that exists here and may have the opportunity for multiple members of our family to exist there as well.

Chairperson Harris: The staff report stated within the subdivision there are 26 single-family dwellings and one duplex. Where is the duplex?

Uriah Mach: Just south of the subject property in the R-M zoning; the R-M was the original 1973 zoning. The lot predated zoning, the subdivision was done in approximately 1963 but whoever owned it in 1973 knew they wanted to build a duplex and it was built in 1979.

Mark Briley: We were given a little bit of the history with the intention that the lot we had purchased would also be developed in that way, they never got around to doing that and the property was sold. The person who owned it for the past several decades also had intention of building and never got around to it. That was reassuring to us knowing that there was some intention around that from the beginning so we feel we are honoring some of what was intended from the start. Our intention in developing it the way designed is to stay in line with the charm and character of the community. We feel that from Bearfield Subdivision that it will have a nice sense of feel from the street and having an entrance on both sides keeps it looking as a single-family use even though it has a multi-family option.

Commissioner Proctor: Where do the applicants live in conjunction to this piece of property.

Mark Briley: We are on the southwest side of the city off Route K.

Commissioner Proctor: So, you wouldn't be anywhere close by to make sure your investment property is...

Mark Briley: We can't see it from our house but we go by there a lot. Our intention is to be involved in the neighborhood and to be active and present.

Chairperson Harris: You willingly bought a single-family zoned lot kind of rolling the dice and betting you could use it for something else.

Mark Briley: That was an opportunity that developed, yes.

Open to public hearing.

No one spoke in favor of the request.

Present, speaking in opposition:

Rick Shanker, 1829 Cliff Dr, Columbia

Rick Shanker: I would love to see this lot developed as a single-family dwelling that would fit in with the neighborhood; I think it would be a good addition to the neighborhood. I disagree with some of the staff report in terms of devaluing the property. The design that is on here, if this is granted, this is not part of the guarantee is it? You grant the conditional use but the design is not guaranteed, isn't that correct? In other words, the drawing here may or may not be planted in that soil. For whatever reason the owner could sell the property and that design doesn't go in.

Chairperson Harris: Technically that would be correct.

Rick Shanker: So, there is no guarantee that would be the design built.

Thad Yonke: Staff recommended a condition that dictates that the duplex be constructed in a manner consistent with the plans submitted with the conditional use permit application and any changes are subject to the approval of the Director of Resource Management if the Commission chooses to put that condition on approval. The staff report did recommend that condition.

Chairperson Harris: Would that condition apply if the property was sold?

Thad Yonke: Yes, it would run with the property.

Rick Shanker: So if the owner sells the property the new owner is bound by that design?

Thad Yonke: Yes, unless they come back to amend the conditional use permit or they ask the Director for a very minor change and in most cases the Director is not inclined to do that.

Rick Shanker: I have interest in that area, I don't think this would be an addition to the area and I hope the Commission denies the request. A single-family dwelling would be great.

Present by phone:

Joel Huggins, 5251 Bearfield, Columbia

Joel Huggins: I agree with Mr. Shanker regarding a single-family dwelling would be more inline with the neighborhood. I disagree that the existing duplex suggests a pattern of development. We are the property directly between the lot in question and Gans Road. Listening to the description of the proposal, diminishing enjoyment would fit the case for our property. We bought our house in 2010, I will say I don't live at that property, we lived there for two years and we just moved into a different house so it is a rental property for us at the moment. The charm of our property is the country vibe, obviously someone could put a dwelling on that property at any point but I think a duplex in particular would take away some of the charm of our property and definitely has potential for three roommates in each unit since there are three bedrooms in each unit, that would be six added cars to the neighborhood with very limited parking. In general, I am opposed to rezoning a piece of property simply for the owner to make more money and it is not a good enough reason to do it. You roll the dice when you buy the property and in this instance, I don't think that lot is good for a duplex, it is barely bigger than the other lots in the neighborhood and the pattern is single-family.

Also present speaking in opposition:

Robert Friedman, 2210 E Bearfield, Columbia

Robert Friedman: I have lived there for 23 years. It would be great if the property was developed but it is not in character with the neighborhood to have a house that triples the footprint of all the other houses on

the street, that includes the existing duplex. We have about 960 square feet in the average house in the area, some have a garage, most do not. From what I could tell from the plans, this is going to be 3800 square foot plus duplex. Not only will it be a large building which will make a lot of impermeable surface, but it is not in character, it is going to be an enormous building and it is the view you will see upon entering the neighborhood. As far as increasing or not harming value, I don't know of any neighborhood that gains value by having a new rental unit put in, especially if it is a single-family neighborhood. Some people have purchased existing homes for investments, but they are still kept as single-family dwellings. The other problem I see is the amount of impermeable surface that this will have; this lot is slightly larger than the rest of the lots in the area and this will increase a little more runoff for the area. There is no parking on south Bearfield and if they have three vehicles per unit that means one vehicle will be sitting in the driveway all the time. I don't see this as genuinely in keeping with the neighborhood. I heard the applicant talk about being a good neighbor and family and this person doesn't even live in the neighborhood or even in the area. This is out of character.

Joseph Remeika, 5357 S Bearfield Rd, Columbia

Joe Remeika: I am a 50-year resident of the area and not far from the subject property. I get the impression that this is not going to be owner-occupied? I have more questions than good feelings about this. It feels to me like a trojan horse; I have seen this in other parts of the country. I am not against the idea of a single-family house but a duplex, especially if it is going to affect future zoning, that is what I am concerned about.

James (Kelly) Quick, 2227 E Bearfield Subdivision Rd, Columbia

Kelly Quick: My wife and I have lived in the neighborhood 52 years; we originally had a gravel road and when the lots were sold to individuals. No one owned the road and it became an orphan and we had to contract with paving companies to grade the road. In 1995, the County Commission instituted the Neighborhood Improvement Project. If we had a majority and if we were able to create a paper trail we were able to make people pay for the road to be paved; we had a majority and the hold-outs couldn't object under the terms of the Project. We worked with the county, who bent over backward to help us, to get a first-class street and I guarantee it raised the property value of every home in the subdivision. Bearfield is a small subdivision of about 25 homes and one small duplex and I believe most of the homes are owned by the people that live in them and most of them are 24' x 40', some have basements and some have garages. We also have nice sized yards and the houses aren't too close to one another. We are a good example of affordable houses. I oppose the conditional use permit for two reasons; one being the entrance they are proposing on Bearfield Road, depending on the design, may necessitate backing out into the road and cars parked in the driveway could possibly block the vision of people turning on to Bearfield Road from the subdivision because of the blind spot there created by a hill. Number two, this has to do with the size of the building they are proposing; what they have proposed will amount to two homes on a single lot because the duplexes are going to have three bedrooms and two bathrooms. It is not going to be in keeping with the other homes in Bearfield. What I am concerned about is if you grant this permit it will set a precedent. These are older homes out there and I am afraid someone is going to buy a home and tear it down and build a duplex. The zoning exists for a reason and I ask that this request be denied.

Jana Weitkemper, 375 E Wee Jo Court, Columbia

Jana Weitkemper: I own 2337 Bearfield Road. The only opposition I have is the fact that this is an investment property, the property I own is an investment property as well but I have had the same renter for six years and I think the single-family affordable housing is important and putting another duplex at the front of the neighborhood, which would be the entry, would be problematic for a lot of reasons so I think if it were going to be a single-family dwelling, great, but like everyone else has mentioned I think that putting a duplex with this square footage would be unrealistic in that neighborhood. I don't think it is

going to increase property values, it is going to increase parking. There are properties north of this that are duplex zoned but I don't think this is the right place for that.

Mickie Brttin, 3300 E Ketterer Road, Columbia

Mickie Brittin: I am concerned about the rezoning that can happen anywhere and that enables other people, especially these big builders to come in and destroy some land that needs to be left as it is. Natural areas need to be left alone, there are plenty of places in and around Columbia for big development or any development. This plan does not fit in with the neighborhood at all. I am very familiar with the neighborhood; I am there very frequently. The single-family home of a reasonable size would be acceptable, but this is not. Plus the fact that the owner does not reside there makes it a complication; they would not see what really goes on there, it is irresponsible. There are a lot of people there that have lived there a long time and trust one another. I wonder how many rental properties these people have, if this is another link in the chain or what the real purpose is. My real concern is the rezoning. Leave it a single-family in a majority single-family area.

Chairperson Harris: For clarity, one of your concerns is that the owner won't be living in the area but you don't live in this area either.

Mickie Brittin: No, but I am there about every day, I have friends on that street and I am very concerned about the other properties that are around that area and not being developed and destroying the area that is there.

Commissioner Trecha: Are you familiar with the other residences in the area?

Mickie Brittin: Yes.

Commissioner Trecha: Are some of those rental homes?

Mickie Brittin: Some of them are, they are single-family homes. People have been living there for a long time. Single-family homes are a lot different than duplexes.

Penny Lattin, 2307 E Bearfield Subdivision, Columbia

Penny Lattin: I have lived in the subdivision for over sixteen years and my wife has lived there since 1999. If anything were to be developed here we would like to see a single-family home. We are concerned about the amount of individuals that could possibly be living in a three bedroom, times two, duplex. We are talking possibly six people and possibly six cars, that is a lot of traffic on our street which is a dead-end street and also on Bearfield Road which is a two-lane road. We would like to see the property developed in a way that works with the neighborhood and not as multi-unit.

Steve Andsager, 2290 E Bearfield Subdivision, Columbia

Steve Andsager: I have lived there for four years. I think a single-family dwelling would be appropriate, but a duplex would be too much. The duplex across the street has the exact same footprint as every house on that street. How high is the roof peak on the proposed structure? All the houses on that street are just under 14-feet.

Email received by Resource Management in opposition:

Chairperson Harris read the following email into the record:

My name is Melanie Cheney and I live at 2306 E. Bearfield Subdivision, Columbia MO 65201

Sadly, I am unable to attend the public hearing on Thursday evening in reference to a request by Briley Investments for a conditional use permit to allow a duplex to be constructed in Single-Family Residential (R-S) zoning on my street. I would like to learn more, and fortunately, some of our neighbors have shown me their building plans for two duplexes they would like to build here.

I really love where we live. Our little one-street sub-division is made up, save for one building across from the proposed property, of single-family owned ranch-style homes.

While I am completely in favor of someone building a home on the vacant property at the end of our street that matches the current neighborhood aesthetic, I do have concerns. For example, if the proposed duplexes were considered affordable housing, I think that would be beneficial to the community. However, one of our neighbors asked the Brileys what they would charge for one of their duplexes, and they replied that it would be \$1,500 a month (for what I presume is half of one). I'm not sure if that is considered affordable housing. It is certainly way more than my mortgage and more than what the duplex across the street charges.

Not only do the Brileys want to build an expensive-sounding duplex, but it sounds like they want to squeeze two of these duplexes onto the property, after purchasing the land zoned for single-family homes. Despite the highly polished introduction letter that some of my neighbors received from the Brileys (we did not), I don't believe they are really looking to join or improve our neighborhood, it seems to me like they are interested in making money.

Ideally, I would like to see one family-style home on the property, to match all of the other homes on our street. Further, if it's going to be a duplex, I would prefer if it were considered affordable.

My second concern is for the environment and the wildlife. First, I would like to point out that my neighbors and I have done a lot of work to hopefully set in motion a precedence of greater protections for this area, so close to our state park, and the Gans Creek Wild Area. The property is located in the Clear Creek watershed, which has already seen a lot of negative impacts from a large amount of development going on in this part of town. The last thing our group did was to ask the City and County to collaborate on creating a conservation overlay district for this area to set protections in place for this special sensitive area.

One specific environmental concern I have for anyone building here is to keep in mind environmental factors, such as light pollution. I would love for the Brileys to take light pollution into serious consideration and would ask that they follow the five principles for responsible outdoor lighting as laid out by Dark Sky International. <https://darksky.org/resources/guides-and-how-tos/lighting-principles/> If they were to build one building instead of two, that would leave more green space, have less light pollution and would certainly have less of an impact as well on the Clear Creek watershed and the surrounding neighborhood.

Closed to public hearing.

Mark Briley: This is a property that has been undeveloped for a long time so any development on it will change the nature of the neighborhood just by nature of having something there. I know there was a question about square footage; each unit will be 1200 square feet so a total of approximately 2400 square feet. We intend to keep the appearance smaller on the Bearfield Subdivision side so it fits more the character of the street. We do not plan to occupy it at this time we do have some family and there is strong potential of someone in our family occupying one of the units. A number of the units out there are rentals

and many who addressed the group tonight have shared that as well, some who have the concerns are using them as rentals or investment properties so we recognize a trend that is there.

Carrie Briley: We have been in the neighborhood a lot and we have noticed there are a lot of cars at the existing duplex and I see that as a concern and sometimes there are six cars in front of the unit. Our desire is to have families in the unit, not college students. Not that there wouldn't be one, but that is not our goal. Each unit has a garage so there would be a place to put the car so they wouldn't all be out in front of the unit, the other duplex in the area does not have a garage. I feel that a brand new, nice home in the community, there are some very dated homes in the area that need a lot of repair and I hope people come in and take care of those and make the neighborhood better. We are invested in this neighborhood and feel like this is going to be a great addition to the area.

Commissioner Trecha: Are there any plans for off-street parking? How many cars can fit in the garage?

Mark Briley: Coming from Bearfield Subdivision it would be a single drive with a garage with the potential of three cars. Our desire on Bearfield Road is to have a single drive and a garage with the potential of a second parking space on the drive next to it.

Commissioner Trecha: Will the long side of the building be along Bearfield Road?

Mark Briley: The smaller side of the building will face Bearfield Subdivision which will be the appearance of a single-family from that side.

NOTE: Building plans were shown on the projector.

Chairperson Harris: The drawing that says "front elevation", that would be the east elevation facing Bearfield Road?

Mark Briley: Correct.

Carrie Briley: There would be two entrances, there won't be all the cars lined up like on the other duplex, they will have separate entrances to their home.

Mark Briley: The duplex across the street just has gravel parking across the entirety of the unit itself, the full front is gravel parking and there are a lot of cars visible and ours wouldn't be that way.

Carrie Briley: Theirs is about 1800 square feet and ours would be 2400 square feet. We intentionally didn't want it to be a two-story, we wanted it to fit the neighborhood and look nice. That was very important to us when we designed it.

Chairperson Harris: I assume, given the age of the houses that are out there, they are probably a 4/12 pitch on the roof and this is probably a six or seven? What is the intention on the roofline?

Mark Briley: Our intention would be that it would match the neighborhood character. We don't want to do something that is out of design with the street.

Commissioner Martin: Have you built one of these before?

Mark Briley: I have not.

Commissioner Martin: Do you have other rental properties?

Mark Briley: No.

Commissioner Mings: Do you know how many bedrooms and bathrooms are in the existing duplex?

Mark Briley: I don't know.

Chairperson Harris: One of the concerns mentioned was the garage on Bearfield Subdivision; that will just be a single driveway and potential for traffic to back out on that street, correct?

Mark Briley: That is true of every home in the subdivision.

Carrie Briley: There is the driveway on the other side that would back out to the main road as well.

Chairperson Harris: Are there any other dwellings along there that access the garage onto Bearfield Road?

Mark Briley: The property immediately to the north pulls onto Bearfield Road, there are at least two other homes that are accessed off of Bearfield Road.

Chairperson Harris: The current zoning is the original 1973 zoning?

Mark Briley: That is correct.

Chairperson Harris: These houses were built in the 1960's?

Mark Briley: Yes, with the exception of the existing duplex.

Chairperson Harris: If I were going to speculate, this was probably an old, affordable housing subdivision given the size and layout?

Uriah Mach: I have no idea; the subdivision predates zoning by at least a decade.

Chairperson Harris: The staff report states that the duplex on the corner was prior to the 1973 zoning so at that point they codified what was existing in an area.

Uriah Mach: Sort of, the Assessor estimates that the duplex was built in 1974, if that was the case, whoever owned the property at that time requested the R-M zoning to facilitate the construction of that duplex.

Mark Briley: What we understand about the history from one of the neighbors that we spoke with indicated that at the tail end of the street there was a restaurant and currently that restaurant has been turned into a family home. He shared that Dave Bear, who the subdivision is named after, built the duplex and had intended to do the same on the other side but ended up doing other things and sold the property and it has changed hands a couple of times.

Commissioner Koirtzmann: If this gets approved that basically opens this up for people to buy houses and put duplexes on them.

Thad Yonke: If they come in and ask for conditional use permits for each one and the Commission approves them.

Chairperson Harris: That is what I am struggling with because history has shown us that the people in 1973 who laid out our original zoning did a pretty good job of assessing what was appropriate in a

particular place. There had to be a reason that if the guy that came in and developed this asked for the R-M zoning on one lot, if it were really appropriate for the whole thing to be multi-family then why did the original planners zone it that way? I am questioning if this is an appropriate use of land in this location and the slope that it creates.

Commissioner Trecha: Are these the only two lots in the subdivision that have this dimension? If they tear down existing houses for duplexes are the lot sizes appropriate for duplexes?

Commissioner Harvey: Are all the other lots developed?

Carrie Briley: Yes, this is the only lot not developed.

Commissioner Harvey: If nothing changes the zoning stays exactly like it is. If they decide to build a single-family home there, as long as it meets current building code requirements and setbacks, they could build something with a 4000 square-foot footprint that was two stories. Everyone here should understand that.

Thad Yonke: They would have to meet the 25-foot setback from each street and all the other setback requirements; other than that, that is the buildable area of the lot.

Chairperson Harris: To come in and tear down one house and build a duplex, if the lot size doesn't allow that all you have to do is have two lots side by side.

Commissioner Trecha: A duplex on two lots has the same impact on the neighborhood as two single-family dwellings on two lots.

Chairperson Harris: Someone could come back after buying two lots and ask for a duplex.

Commissioner Schreiber: My concerns are parking for the number of people that might live there, for duplexes in Columbia you have to put in sufficient parking plus to make sure you have adequate parking for the people that live there and that needs to be addressed. I agree with the comments about the light pollution considering the proximity to the park and the environmental areas we are talking about.

Commissioner Koirtyohann made, and Commissioner Mings seconded a motion to deny the request by Briley Investments LLC for a conditional use permit to allow a duplex to be constructed in the Single-Family Residential (R-S) zoning district located at 2365 E Bearfield Subdivision, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeff McCann – Yes	

Motion to deny the request passes 9 YES 0 NO

Chairperson Harris informed the applicants that if they wished to appeal the decision to the County Commission, an appeal form would need to be submitted to Resource Management within three working days.

VI. Rezoning Requests

1. Request by Great Rivers Council Inc Boy Scouts of America to rezone to Planned Light Industrial District (M-LP) and to approve a Review Plan for Lot 1 of VH Acres Plat No. 2, on 2.43 acres located at 6081 W Van Horn Tavern Rd, Columbia.

Senior Planner, Thad Yonke gave the following staff report:

This property is located on the north side of Van Horn Tavern Road at the immediate southeast corner of the intersection of the eastbound ramp for I-70 at the Midway interchange and State Highway UU. The site is about 1500 feet west of the Columbia municipal limits. The property is 2.43-acres in size, and zoned Planned Industrial (M-LP). All the surrounding property is zoned as follows:

- North – (across I-70) Agriculture 2 (A-2) & General Commercial (C-G)
- East – M-LP
- South – Agriculture-Residential (A-R) & Planned Commercial (C-GP)
- West – State Right-of-Way

The zoning to the north and the A-R zoning south are all original 1973 zonings, the planned commercial and planned industrial zonings have been approved and modified over time. The most recent review plan for the subject site was approved in July of 2014 under County Commission Order number 313-2014.

This proposal is to rezone the subject property to allow modification of the existing M-LP plan to allow for the construction of a pavilion shelter-house and refine the parameters of any future additions while clarifying the uses more clearly that are associated with the use by the Scouting organization that currently uses the property. The current lot is developed with an office building, parking, and landscaping/stormwater features.

The Boone County Master Plan identifies this area as being suitable for commercial land uses. The 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 service area; fire protection already is in place for the existing buildings and any additions will be required to meet both the fire code and building code as to proper water provision. The property is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District. The property is already served by a Boone County Regional Sewer District (BCRSD) central system. BCRSD has informed our office and the developer that there is a compliance agreement with DNR that has just under a year left until the deadline.

Transportation: The property has direct access to a publicly maintained hard surface roadway.

Public Safety: The property is in the Boone County Fire Protection District with the closest station being Station 9 on Henderson Rd, approximately 1.3 miles by roadway.

Zoning Analysis: This proposal is a clean-up and clarification action for uses that are arguably already allowed under the approved plan, the only new use is the small pavilion structure. There are no impacts from the proposed change except to make the use of the property more clear to one that reads the governing plan documents and minimize ambiguity. The development plan continues the infrastructure and site features of the existing plan. The property scored 103 points on the rating system.

Staff recommends approval of the request.

Present representing the request:

Matthew Braden, Crockett Engineering, 1000 W Nifong, Columbia

Matthew Braden stated he is here to answer any questions.

Chairperson Harris: This is two doors down from the indoor shooting range?

Thad Yonke: Correct.

Chairperson Harris: The Boy Scouts are using it now for their activities but they want to go outside?

Thad Yonke: The existing plan already has an approval to put an addition on the building, what they didn't have was a pavilion that they would like to build; that was not on the original plan. The original plan was vague on uses; it was used by Midway as an office building but office wasn't listed as one of the uses. However, the parking calculations that were shown on the same plan clearly indicates that office was one of the things that the parking was based upon. We used this opportunity as a clarification to clear up what they have already been doing on the site. The Boy Scouts use this as an office, sometimes they have their meetings there, there is the small retail store that they used to have on Faye Street and all of that is clarified as part of their function now and they are easily under the umbrella of an M-LP use.

Open to public hearing

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Harvey made, and Commissioner Mings seconded a motion to approve the request by Great Rivers Council Inc Boy Scouts of America to rezone to Planned Light Industrial District (M-LP) on 2.43 acres located at 6081 W Van Horn Tavern Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeff McCann – Yes	

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Harvey seconded a motion to approve the request by Great Rivers Council Inc Boy Scouts of America to approve a Review Plan for Lot 1 of VH Acres Plat No. 2, on 2.43 acres located at 6081 W Van Horn Tavern Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes

Jeff McCann – Yes

Motion to approve the Review Plan passes unanimously

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

2. Request by Warren School Properties to rezone from Agriculture (A-1) to Planned Agriculture (A-2P) and to approve a review plan for Warren School Estates on 10.94 acres located at 7900 S Warren School Rd, Columbia.

Senior Planner, Thad Yonke gave the following staff report:

The subject property is located on the east side of Warren School Rd approximately 3000-feet south of the intersection of Mount Celestial Rd and Warren School Rd. The overall property is 10.94-acres in size, and zoned Agriculture 1 (A-1). All the surrounding property is zoned as follows:

- North – Planned Agriculture 1 (A1-P)
- East – A-1
- South – A-1
- West – A-1

These are all original 1973 zonings with the exception of the A-1P property adjoining to the north which was rezoned in July of 1996. This A-1P allowed the creation of a 3-acre lot is for development of a home location but the overall 10-acres is still encumbered with the 7-acre lot having no development potential.

This proposal is to rezone the subject property from A-1 to A-2P to allow an increase in development density. The proposal would change the density from the one home on a minimum of 10 acres, for which the property is currently eligible, to three homes divided into three lots ranging from 2.5-acres to 4.5-acres. The topography as the property falls away to the east from the roadway is severe limiting the useable area of the proposed lots. The current tract has a couple of accessory buildings that are designated to be removed.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The 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 service area; there are two hydrants shown as proposed on the plan. It is our understanding that one hydrant may be sufficient to provide fire protection, this has yet to be finalized. The property is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District. A cost benefit analysis for central sewer was provided for this development and stated that on-site engineered sub-surface wastewater systems should be allowed instead of central sewer. On-site engineered sub-surface systems are proposed for each lot. Should the request be approved these are the wastewater systems required to be used.

Transportation: The property has direct access to a publicly maintained unimproved gravel roadway. A waiver for traffic study is appropriate due to the proposal only adding two lots over the existing development density.

Public Safety: The property is in the Boone County Fire Protection District with the closest station being Station 14 on Scott Blvd, approximately 4.7 miles by roadway.

Zoning Analysis: This proposal is an attempt to increase the intensity of development of the property without a substantial change in the infrastructure to support the proposed change. Water to support some level of fire protection is available but there is no central sewer available or proposed. The public roadway is not proposed to be upgraded. It is an unimproved gravel roadway in what is predominantly only a minimal 30-foot statutory right-of-way. Additionally, while not in the most environmentally sensitive watershed the terrain becomes quite steep and severe as it falls away to the east from the roadway. This only leaves a small portion of the proposed lots as suitable to develop. The character of the area is larger tracts of 10-acres or significantly larger. The A-1P to the north may have allowed a smaller lot to be created but still occupies a full 10-acres from a density point of view. The closest area of somewhat higher density is Toalson Estates which is served by central sewer. Without additional infrastructure upgrades staff believes that conditions do not justify changing the zoning. The property scored 51 points on the rating system.

Staff recommends the request be denied.

Should the commission decide to approve the request despite the lack of appropriate infrastructure then the following conditions are needed.

1. The plan shows two fire hydrant locations for installation of new hydrants, if the Fire District, the Water District and the Director of Resource Management agree the hydrant requirements can be met with a different hydrant plan, then the Final Plan may reflect such a change approved by all three entities.
2. It is recognized that engineered subsurface wastewater systems are proposed and will be the required system if on-site wastewater is used within this development.

Present representing the request:

Jay Gebhardt, A Civil Group, 3401 Broadway Business Park, Columbia
Darren Nickerson, owner, 2230 Coats Ln, Columbia

Jay Gebhardt submitted the following to the Commission:

- Copy of the Boone County Zoning Map highlighting the parcel in question,
- A letter from Jay Gebhardt addressed to Director, Bill Florea,
- Sewer Cost Evaluation
- Copy of the proposed Review Plan and Preliminary Plat for Warren School Estates (3 pages)

Jay Gebhardt: My normal operation is to try to work with staff to get a recommendation for approval. Unfortunately, on this case we had to agree to disagree. We have A-2P directly north of us, it is 500-feet away on the other side of the A-1P property which has a 3-acre lot with a home and a 7-acre tract that is not for development. There is another development that I did in 2015 which is Nickerson Estates which is where the applicant, Mr. Nickerson, used to live. We created a 2.5 & 7.5 acre lot on that with on-site sewers and that was approved. There is a pattern, or trend, here for the A-2 zoning to come this way. The staff report indicates that the topography is steep and I disagree. Looking at the Review Plan submitted this evening, the closest steep area is 175-feet from the road; 175-feet is plenty of depth for someone to build on. The average depth before you get to anything over 10% slope, is about 300-feet. There is plenty of room for someone to build a single-family home and perhaps an outbuilding. The watermain that was built

here was built with the Eagle Bluffs development which is south of us and they built the watermain up from Route K; it is a 6-inch water main and is fully compliant with all the fire flows that are required by any subdivision. I don't really know what substantial change in infrastructure is needed to support two additional homes on the site; I can only assume that it is the lack of the sanitary sewer being a public sewer. There is a proposed collector street shown on the CATSO Major Roadway Plan that connects the end of Nursery Road to Warren School to provide another collector street system. That would be built by developers, the county wouldn't build that and it would be built as property develops. Without the density, no one can afford to build that road. I think that is a benefit and leans toward why, looking toward the future, this is going to be developed. We have proposed 2.5 acre minimum sized lots up to 4.5 acres, whether that is inappropriate is questionable.

Jay Gebhardt read the letter written to Bill Florea:

Below I will try our request for on-site sanitary sewer for the proposed 3 lots on the A-2P plan to be known as Warren School Estates.

Warren School Properties is a Missouri LLC owned by David Rowe and Darren Nickerson. David and Darren approached me to subdivide their property on Warren School Road into three lots in March 2022. I explained to them the process and that the sufficiency of resources test would be made to determine if the merits of the request were sufficient for the rezoning required to subdivide the land into three lots. We would also be subject to the Boone County regulations for subdivisions which requires a public sanitary sewer. A concept review was held in spring 2022. At this meeting we were informed by Tam Ratermann that there was capacity within the Boone County Regional Sewer District (BCRSD) Route K facility for the proposed three lots. We would have been able to connect to the existing pressure system within Toalson Estates after approval of plans for a pressure system. We proceeded to work on our request, but within a short period we were informed that the BCRSD had assigned the additional capacity within their Route K facility to a group of existing homes on Hill Creek Road within Cornell's Friendly Acres. It was determined that the existing homes that were on a non-compliant lagoon should receive the capacity that was available. After this change in the allocation of the capacity within the Route K facility I researched the actual capacity of the Route K facility and found the following information. The facility is at capacity on paper due to the way the capacity was allocated based on who paid for the capacity to be created. For example, when New Town was developed the developer invested in additional capacity and an allotted amount of the capacity was assigned for each lot. This allocation was done prior to any development of the tract. This method worked for the residential properties, but not so well for the commercial properties. In the attached list of properties and their allocated capacity provided to me from the BCRSD, there are a few questionable items. These are the Dollar General, the existing Faber Brand office building and the Breaktime. The Dollar General lot was assigned 2800 gallons per day capacity. The DNR's flow requirements for a retail store is 200 gallons per day per 1000 square feet of the building area. The Dollar General is approximately 6000 square feet, so the minimum design loading is 1200 gallons per day. The Faber and Brand office building has been assigned a capacity of 3200 gallons per day and DNR minimum loading for this building is 15 gallons per employee. The minimum loading for the Faber and Brand office building is 90 employees x 15 = 1350 gallons per day. The Breaktime has been assigned 2250 gallons per day for a convenience store and the minimum loading is 200 gallons per 1000 square feet of building area. The Breaktime is approximately 5000 square feet and would have a minimum loading requirement of 1000 gallons per day.

With this information I requested to attend the BCRSD meeting to discuss this potential capacity at the Route K facility. At the Board Meeting, I presented my arguments that there was in fact capacity within the Route K facility to accommodate the 1110 gallons per day I would need for the proposed three homes within our request. The Board members listened to me and then told me they do not own the capacity and as such cannot reassign a portion of it to us. This capacity is owned by the lot owners. The Board was content to leave it at that, leaving me the only option of approaching the owners of these three properties

and negotiate the purchase of the capacity. Before I could meet with any of the owners, I was informed by the BCRSD that if we connected to the pressure sewer within Toalson Estates a review by the district's engineer would be required and the fee for this was a minimum of \$15,000. It became clear to me at that point that I was not getting any assistance from the BCRSD and after negotiating and paying an undetermined amount for the capacity with an owner or owners of the three lots within New Town, that my client would have to pay a large review fee for the sanitary sewer and still have significant costs in building a pressure system to connect to the Toalson Acres System. This left as my only public option to build a new BCRSD approved facility on the property to serve the three lots. I chose to go with a no discharge drip irrigation system to avoid the costly and time-consuming anti-degradation review by DNR and to obtain a permit under the Boone County Health Department. I then compared the cost to build this system compared to building three private on-site systems. My comparison is attached and shows that the three private on-site systems would cost \$25,000 per lot, or a total of \$75,000. The proposed BCRSD approved system was estimated at \$248,375.00. The public option is 3.3 times more expensive.

The owners operational costs for 20 years were also looked at. Due to the private system being eligible for private "bumper to bumper" maintenance contracts through installers such as Bio Gard, the monthly cost is approximately \$40 per month for all the maintenance requirements. The BCRSD minimum fee is approximately \$54 per month, but due to this being a small drip system the BCRSD would look at revised rates for the operation and maintenance. The on-site system in 20 years would be \$9,600 in 2023 dollars. The BCRSD rates result in a minimum charge of \$12,960.00 in 2023 dollars, but would likely be more due to the unique nature of a small public drip system serving only three lots. This was presented to your staff and it was rejected as being insufficient to support my request to use on-site drip irrigation systems for the three proposed lots. This was for their own reasons and belief that the system could be designed in a different location on the property and the cost would be reduced. It is my professional opinion that the system as laid out would be the best for the BCRSD, and the owners of the lots. This is due to the topography and soil types that vary across the property, which all affect the design a public drip irrigation system meeting the BCRSD requirements. Within section 3.2 of the Boone County Subdivision Regulations, it does not state a ratio or a way to measure the cost benefit analysis required to allow on-site systems. The decision to allow on-site versus a public system is left to the discretion of the Commission. Due to this, there is no clear-cut answer as to whether a public system that costs 3.3 times the cost of on-site drip irrigation is acceptable.

As you can see, I have done the due diligence to pursue the public sewer option for this property and due to this research have determined that a public sanitary sewer is not a viable option for this property. This leaves the question of whether three lots is appropriate for this site with on-site systems. I believe it is appropriate for the following reasons. The site is zoned A-1 which is the original zoning. The conditions for which that zoning was granted have changed significantly. When Eagle Bluffs south of this property was developed, a public water main with adequate fire flows was extended across this property. Toalson Estates was zoned A-2P and the Final Plan approved and developed in a similar manner as we are requesting. Nickerson Estates was zoned A-2P and the Final Plan approved and developed in a similar manner as we are requesting. There is only one property separating this request from the large area of A-2P to the north and it is zoned A-1P and has been subdivided into one three-acre building lot and one seven-acre non-developable lot. I looked for the purpose of the A-1 zoning district within the regulations, but was unable to find a defined purpose for the district. I have been told in the past that it was to protect farmland, in particular, land with good soil quality and reasonable topography for raising crops. I don't know if this is an accurate assessment of the purpose, but if it is I don't think these 10 acres would be a loss to agriculture of Boone County. It does not have high quality soils and has steep terrain.

In my research I also found that the CATSO plan shows a proposed collector street that adjoins this property on the south side which would connect Warren School Road to Nursery Road and Old Plank Road. With this planned roadway it is clear to me there is an intent to serve a denser population than the A-1 zoning allows. I also looked into the sufficiency of resources test and believe it results in a score of 66

meaning this is within the urban service area. The score may be higher as the soils classification on this site range from a 4 to a 7. I believe the biggest problem for a three-lot subdivision of 2.5 acres or greater is the question of the sanitary sewer. As detailed above, I have looked into the public option for this but ran into an unwillingness of the BCRSD Board to assist in securing the possible additional capacity that would allow this development. The public on-site option is at least three times more expensive than the on-site option. I also determined that the exiting 10-acre lot would be allowed a new home with a private lagoon discharging to the environment similar to what was on the property before my client purchased it. It is my opinion that one home with a lagoon discharging to the environment is much more detrimental to the environment than three single-family homes served by a private no discharge system.

As for the continuing maintenance of the on-site systems, unlike the one allowed lagoon in the current A-1 zoning district, we are proposing to use the planned district to craft conditions with you and your staff to address those maintenance concerns. The plan as submitted has a note stating that only non-discharging systems would be allowed on the property. I also anticipate a note or condition placed on the final plan and final plat requiring some assurance of maintenance of the systems. I have not included this note as I would like to work with you and your staff to craft the language of this condition so that it meets as many objectives as it can and be enforceable. I am thinking along the lines of the existing storm water BMP inspections and placing a note on the plans to require an inspection and corrections report by a qualified installer every year.

Due to the above factors, I believe the A-2P zoning should be supported and look forward to you and your staff's response and assistance in working on an acceptable compromise that can be supported. If support is not attainable with you and the staff, I would ask that those reasons be clearly written down for me prior to the Planning and Zoning Commission Work Session so that I can address those specific issues with the Planning and Zoning Commission and County Commission at their regular meetings. As always, I appreciate you and your staff's willingness to listen to my arguments and provide assistance in resolving them. (Letter end)

Jay Gebhardt: The purpose for me to read that into the record was to show that we haven't just spent the last year and a half sitting back and not trying to figure out how to make this work with the sanitary sewer. We just ran into dead ends everywhere we went. I have a lot of experience with on-site no discharge systems and the technology and the ability for them to work and work well wasn't contemplated at the time that these regulations were created. In summary, I would like to say that the proposed development follows the trends for the zoning that have been approved for the past few years moved from open A-1 to a planned A-2P. There are fully compliant fire flows available to the site, this is a request to have two additional homes on the site, we are not proposing a dense subdivision. The lots front on a public street and there are many examples of 2.5 acre lots on gravel roads. I believe I have exhausted all possibilities for a public sewer and don't believe that a public sewer is feasible. On-site no discharge drip irrigation systems were not contemplated when the regulations were crafted, these systems work and work well. There are installers that offer full maintenance of their systems for approximately \$40 per month which is less than the \$80 or more the BCRSD would need to charge. I also want to reemphasize that one home with one lagoon is permitted to discharge to the waters of the state. Approval of this plan will eliminate this discharge and it makes sense that three no-discharge systems are better than one discharging lagoon. It seems the sticking point on this is the long-term maintenance of the system, this is something I have discussed with staff and the sewer district at length. This can be addressed with a condition to require yearly inspections by a qualified installer. Development is coming to this area and I believe A-2P is the appropriate zoning for the property; it was good enough for Nickerson Estates just eight years ago and it was good enough for Toalson Estates even less than that. This plan improves on the Nickerson Estates plan by requiring a no discharge on-site system. I go back to the staff report and it states there is no contribution to the infrastructure for this but I don't know what infrastructure is lacking for a three, large lot subdivision. We have a lot of homes on gravel roads, we have a lot of homes with on-site systems and I am limiting them to no discharge systems. We have fire protection which is very rare; we have a water line

that meets the 500 gallon per day flow requirements. I understand there are people in the audience to speak about this and I look forward to addressing those concerns.

Commissioner Proctor: What was in our packets shows three lots, a 2.6 acre, a 5.6 and a 2.58. The one the applicant submitted tonight shows different configurations for the lots with one being 4.49 acres, a 3.24 acre and a 2.50 acre.

Jay Gebhardt: There were some last minute changes after working with staff to get the length to width ratios so the colored drawing submitted tonight was already produced and it wasn't updated. The plan the Commission received is the correct plan.

Commissioner Proctor: The one submitted tonight is correct?

Jay Gebhardt: The plan that the Commission received at the work session is the correct plan. It is not colored.

Thad Yonke: The initial plans that were turned in did not meet the requirements, so they resubmitted the plan but staff didn't have it to give to the Commission at the work session. Staff explained at the work session that the Commission would be getting a better copy.

Chairperson Harris: I am still confused. Are we going with the black and white copy or the color copy?

Thad Yonke: We are going with the mylar if the request is approved; that should match the 2.5 and 4.6 lot sizes. What is shown on the overhead projector is the correct plan.

Thad Yonke: I thought the applicant had said that Toalson Estates does not have central sewer, was that an error?

Jay Gebhardt: No, it does. Our original plan was to try to tie in to that but the sewer district won't let us because there is no capacity at their facility.

Thad Yonke: The other thing that was indicated was that the sewer district told the applicants there was capacity in the system but ran into problems securing that capacity.

Jay Gebhardt: Essentially that capacity was allocated to the owners of the lots and the sewer district doesn't own it. There is no condition or agreement that says they have to sell the capacity back to the sewer district so the sewer district just washed their hands and said "it's your problem". They've been allocated that amount.

Thad Yonke: Did they pay for it?

Jay Gebhardt: When New Town was done I assume that they paid for it; I think they built a treatment plant to increase the capacity at that location.

Thad Yonke: The applicant had mentioned Cornell's Friendly Acres and I was wondering because they were there long before.

Jay Gebhardt: Right, what happened is we went to the concept review and Mr. Ratermann said there is capacity; there was actually more capacity than what we needed. Then we got a call from Mr. Ratermann and DNR had been in negotiations with Cornell Friendly Acres to get rid of that lagoon on Hill Creek Drive and those are existing homes and they felt the capacity was more deserving to go to those existing homes than to three proposed lots. When they allocated capacity to those 16 homes it took all the capacity

that remained on paper. My argument was that there was actually more capacity but they won't let me have it.

Chairperson Harris: The back side of this, and you made some mention of it in the letter, is the soil clay and silty soils or are you hitting rock?

Jay Gebhardt: It is mainly clay; we did two soils tests for each of the three lots and that has been turned into staff to indicate the locations. I think it shows on the second page SP3, SP2, SP1, those are the locations that the soils tests were taken because a no discharge system can be designed on just about any kind of soil. The minimum is .05 gallons per day per square foot which is like half a beer can over a square foot in a 24-hour period for absorption. The emitters in the drip irrigation are designed to only emit that amount of water to the soil regardless of the pressure that is on the pipe. These emitters were designed in Israel in the 1960's, this tubing has been around for a long time and was used agriculturally for a long time and we have been able to use it for sewer systems for the last 15 or 20 years.

Chairperson Harris: What is the watershed on this property?

Jay Gebhardt: It is not Little Bonne Femme.

Thad Yonke: Little Bonne Femme is the next property over; the one that has the road on it. It is on one of the sub-watersheds of Perche.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Marty Shaw, 7877 Warren School Rd, Columbia

Marty Shaw: I have two buildings on that site, my barn and my personal home; I have lived there for about 25 years. If you haven't been on that road, where I enter it is straight down hill from there to the left as well to the right. Also, the only entryway I can see them getting a home in, and I have no problem with someone putting one home on 10 acres. Everything that we have done in that area if you go to Smith Feedmill Road, if you go to the estate that new subdivision that was just put in the last five years which is Bluff Estates there are already six homes there. Everything that this Commission has done that I have seen in the past is no less than a house put on 10 acres. I have no problem with that but when someone is going to take 10.93 acres and put three homes on it, one of them being as small as 2.5 acres I have a problem with that. I am hoping that this Commission will deny this. I surround the Eagle Bluff property that belongs to our conservation department, not only that but parking that comes off the corner on the right hand side of my property is the parking for Eagle Bluff, they have a parking lot there. We have a tremendous amount of traffic there already every weekend. Not only that, then we have a subdivision down the road that already has six houses and I think it will end up with a total of ten. When you start adding this many cars on this road and we are proposing to put three more houses on ten acres directly across my drive which will add 3-4 cars per household. If you have been on our road if it is a sunny day you can't see more than 200-feet up and down the road because of the dust situation if two cars are coming. I don't even think the school bus goes up and down the road anymore, they have to pick people up on Route K. There have been a lot of people sliding off into the ditch because of the steepness and the loose gravel. I would like to see this request be denied. Three houses on one 10-acre lot is too much.

Joan Benjamin, 8050 S Warren School Rd, Columbia

Joan Benjamin: I do not want to see this property developed into a three home area. We bought our property because it was zoned agricultural and we would like it to stay that way. The areas all around us are zoned agriculture and we don't want to see that changed. This is a gravel road, there is a curve right there which also makes it a bad place to put extra cars and this is an area we would like to see preserved as agricultural. Already in this area there is a lot of traffic and we can already see by the development that has occurred that Route K is not able to handle the development that is already on it where you can have traffic backed up from one traffic light to the other as you are trying to get out. One house on that lot would be fine for a 10-acre lot which is what it is zoned for and we would like to see it remain. I would also like to ask what is the purpose of having three homes there? Are they going to be rentals?

Kurt Schafer, 7525 S Warren School Rd, Columbia

Kurt Schafer: I also own 7651 S Warren School. Warren School Road has been called a gravel road, I would not call it a gravel road, it is a dirt road; it is one of the oldest roads in Boone County. If we went back 100-years and saw that road it would look exactly the same, maybe even in better shape than it looks right now. I invite everyone to drive down Warren School Road and you will hit the washboards and potholes, if there are other cars there will be so much dust that if it is dry enough you can't see other cars coming. I moved there 28 years ago and there was nothing out there then, all of this was still farmland. The Cascades was still a farmland, nothing was there but it has developed. There is a point where it stops, the city and sewer stops and that is where we are. We don't have any improvements out there. Some of the neighbors have been meeting, we met with Fred Perry when he was on the Commission with some road engineers and they came out and told us about six years about that parts of Warren School Road were already slated to be paved because the road is very steep, there are a lot of curves so there are washboards. I was in northern Boone County two days ago and saw these nice, flat gravel roads and they looked great; that is not what this is, it is a very dangerous road. Every year we can't get our trash picked up if the road is slick because the truck goes off the road on the hill and they have to come and pull it out and they can't get our trash. We've had school busses go off the road so the idea of putting more density on this road, and I understand as Mr. Shaw said, there is an expectation of one house on 10 acres, which is most of what this is. In fact, Toalson Estates, almost all of those are larger than what is being proposed here. At the time Mr. Toalson had two of those lots coming off of Warren School Road and the county rejected it and made him redo the plan and make all of the lots come off the paved road that he was going to put in off Route K, which he did. The idea of any more houses on Mt. Celestial or Warren School is laughable if you go drive on it. It is dangerous, someone is going to get killed on that road. The school busses used to come down but I guess they don't do it anymore because they used to slide off the road. The only other thing I would like to mention is the runoff comes off the property which is extremely steep, it comes off the east side, goes up to the northeast, curves around and goes to the west and goes under a double culvert at the end of my driveway and that double culvert hits right in on my property. It is already eroding, every time we get a heavy rain it erodes that so depending on how much impervious surface there is going to be with three houses, that is all going to come through the double culvert which already had to be increased in size by the county a couple of years ago and it is washing away my property. If you are going to allow this there are a couple of things. You have to improve the road, it would be irresponsible to allow more density without improving the road. I know that the new road on the CATSO map, I personally don't think that road will ever happen and the existing road should be improved before a new road goes in anyway. Also, depending on what the design would be, if approved, the impervious surface is going to have to be addressed too.

Drue Duncan, 8501 S Warren School Rd, Columbia

Drue Duncan: I am the president of the Eagle Bluff Farms Home Association. I have been out there for about four years and I am testifying against this request for three reasons. One being the horrible road condition. Not only do we have the Conservation Department's overlook, we have Perche Creek Landing. I think we are the only road in the State of Missouri, gravel road, that has two conservation landmarks.

What is the Conservation Department doing for this road? They offer gravel, not dust-free gravel; we have white-out conditions. There will be a death out here, there have been wrecks and it has been on the news. We are in need of a road right now. We can't handle any more development beyond what is zoned because right now there are blind spots and parking for the overlook is at capacity. That landing brings trucks and boats going in excess of the 35 mph speed limit, the grade is steep. It is good to know the school busses no longer run there because those were a danger. I hope we don't have to go back to this some day when a prediction is accurate because this road needs to be addressed, I don't care if it is the county, the conservation or ARPA funds. It sounds like ARPA funds have been associated for Mr. Celestial and Warren School Road. Please listen to us, please address the road and then we can address these other questions.

Zac Crane, 7630 S Warren School Rd, Columbia

Zac Crane: I live on the three-acre parcel on the ten-acre planned just north of this site. There is a big issue with Warren School Road, I don't want to repeat the previous speakers but it is dangerous and narrow, there is wash boarding and potholes everywhere. I get a lot of that dust everywhere. There is also mention of water runoff from this area. The creek that feeds into Perche is a feeder creek, it is not always full of water, it is typically dry and it runs through the northeast portion of my property and actually cuts through and there is pretty significant erosion going on there as well. I also want to keep this area as A-1, there are agriculture uses beyond crops. I am a hobby gardener and beekeeper; I have several native species that are growing great. I am looking at the potential for runoff of not just wastewater and stormwater but other chemicals that these three houses could introduce.

Chairperson Harris read the following email received in opposition from Brian Hinkebein:

I am in opposition of the zoning taking place on Warren School Road. I feel that this will set a precedent in the county that allows people the ability to develop their lots into multi-family homes for the sake of money vs preserving why people wanted to move into the country. What I appreciate about Warren School Road is the rural feel of the county yet being close to Columbia. I have concern of the increased traffic on a poor road. Infrastructure not being able to handle increased homes with what is currently in place. Southwest Columbia struggles with water pressure every year and I would hate for that to happen here. If this is approved, I am concerned it will destroy what everyone loves about living in Boone County.

Closed to public hearing.

Thad Yonke: One thing I would like to point out is if the Commission decides to approve the request, it is now at the Review Plan stage that conditions can be placed on it. You can't place conditions on a Final Plan. Should the Commission recommend approval, staff has recommended two conditions but as the applicant pointed out, a condition for some kind of extended maintenance requirement would have to be placed now so that would be a third condition.

Chairperson Harris: The third condition being what?

Jay Gebhardt: Basically I would like to have a condition that follows the stormwater BMP requirements where there is a yearly inspection done by a qualified installer to make sure the system is being properly maintained and some kind of report submitted to Resource Management on an annual basis. You have a stormwater program similar to that now and what I am trying to do is expand it to onsite sewers.

Commissioner Harvey: Who would be responsible for paying for the yearly inspection?

Jay Gebhardt: The homeowner.

Chairperson Harris: Will these be rental homes or will they be built and sold?

Jay Gebhardt: They will not be rental homes.

Darren Nickerson: We can't guarantee that; someone may buy the property and build a house and rent it out. They are not intended to be developed as rental homes.

Jay Gebhardt: One question was about the appropriate density. It is a question you have to ask yourself what is the appropriate density today and what kind of planning should we be planning for down the road? Is the idea that it will always be 10-acre lots 25, 50 or 100 years from now or should we be planning for what it is? Part of the reason that CATSO map shows a collector street there is because it does anticipate that there will be some type of development in the future out there. It is in the urban service area. Regarding traffic, it is not three new homes, it is two; we already have the right to have one home there so it is just two additional homes. The amount of traffic two homes creates is very minimal. This is a road that has been the same for the last 100-years and there has been no improvement and the reason for that is there has been no development. Whether we like or not, in this line of business, the money to do road improvements follows development. You have to have the demand before it rises to the level of being funded. It is just the natural progression of growth that you are going to have infrastructure. It would be a perfect world if we could build all the infrastructure up front and then have the development occur but I can't fix that, but I do recognize that is the pattern. If we want to get the road improved we need to have more people out there, that is just the way it is. If they are happy with the way the road is then maybe we don't need more people but I am hearing that they are not happy with the road. As far as the purpose of the lots, they are three acre lots, they will be at a minimum \$700,000 - \$800,000 homes and will likely not be rented at that level. The road will only be improved if you have development but what is proportional for three lots to contribute to that? It is not proportional to say that a three-lot subdivision should stop and improve the whole road. I don't think my clients would have any problem contributing to the issue, it benefits them but only in a proportional manner with the impact that they are having and with the other homes and homeowners. Runoff is always something that comes up, we already have one home so we are talking about two additional homes. I don't think you are going to notice any difference in the streams that run down because of this development, it is the accumulation of all the multiple homes that would be done later. Resource Management has stormwater regulations that are meant to address that so theoretically, there shouldn't be any increase in runoff when we are done with the designs that are required. I don't believe the idea that we are going to flood the road or cause additional erosion. We can't control that the Conservation Department has activities out there; they probably have a bigger impact on the road than any of the existing owners or the proposed three lots. If it is the road that is the issue, the only way to get the road repaired or improved is to have the county fund some kind of program to do it. There are so many needs for the limited amount of money that the county has that it is who has the most dangerous situation that gets it.

Darren Nickerson: I bought property out there 15 years ago and had an existing home that I remodeled and then subdivided. I built my personal home and sold it, not because I wanted to but I needed to. I understand everyone's concern about a gravel road but I feel like everyone here knows what a gravel road is when you buy the property and move out there. I also feel like everyone realizes that when they didn't live there 20-30 years ago it was even less traffic so they would only assume that over time it would be more traveled and more people would move there and do the same thing they have done. As far as the gravel road, it is a problem but 20-miles northeast, west or south, these gravel roads are beautiful compared to the rest of Missouri so I have a hard time following all of that, especially with Eagle Bluff being there and the conservation, it brings way more traffic than any home will ever bring. The speed and road is up to the police and the county. I don't see any major issues with the danger of it. The wrecks? I haven't seen that.

Chairperson Harris: What is the history of the A-1P property?

Thad Yonke: A relative of one of the long-standing owners of property wouldn't sell the whole 10-acre piece so they allowed them to create a three-acre piece because he could afford that and they were willing to keep the seven-acres as not for development. Effectively it is a ten-acre piece as far as density goes but it was so he could purchase a three-acre piece.

Darren Nickerson: When I did Nickerson Estates, they allowed me to separate that 2.5 acre piece so I could build my home so I am having a hard time understanding why some are okay and some aren't. I feel like some of the arguments tonight were for a new road versus against the new houses and there really wasn't a reason that the houses were causing the problem but the road. I feel like the Perche Landing and Eagle Bluff are the reason the road is bad. That is not my problem, that is a State and County thing to talk about.

Chairperson Harris: On the A-1P there are two owners?

Thad Yonke: Yes, one has a lot that cannot be built on.

Chairperson Harris: When we did Toalson Estates, did Nursery Road have to be rebuilt all the way through or just to the development?

Thad Yonke: It was Jeff Hemme who did the improvements on Nursery Road as he did the development for Nursery Heights next to it. County staff did recommend denial of Toalson Estates for the exact type of reasons except it does have central sewer. Infrastructure wise, it was a little bit further toward the more dense development as far as being the sufficiency of resources but we still recommended denial.

Chairperson Harris: The plan on it included some access for some lots onto Warren School that was ultimately precluded?

Thad Yonke: Yes, because they have a private road, which staff objected to as well, that is coming down and serving most of the internal lots. It was determined that if they were going to utilize that private road and get it approved they needed to have their lots access off that instead on the public road.

Darren Nickerson: For lagoons and any type of on-site sewer system what is the difference on a 10-acre parcel versus a two-acre parcel? Are the setbacks different off the adjoining properties or are they all the same?

Thad Yonke: For on-site wastewater you have to have a system that is appropriate for the soil that is on the site. It doesn't have to do anything to do with the lot size, per se, other than there are setbacks for each type of system, certain systems won't fit on smaller pieces. Those setbacks also have to take into account topography and where you can place things on the site. It is keyed more to what is being proposed and what is proposed meeting the soil requirements.

Darren Nickerson: So, the lot size really doesn't have anything to do with the sewer it is really more of a preference.

Thad Yonke: No, it has to be 2.5 acres or larger when you are creating new lots. If you propose anything less than that you are required to put a public sewer in. If you are proposing a lagoon, the required setbacks are based on the fact that you are proposing a lagoon, not the fact that you are proposing a lagoon on a 2.5-acre piece versus a 10-acre piece.

Darren Nickerson: If we can make the correct sewer system fit on these lots it doesn't matter what you own.

Thad Yonke: Other than in this particular instance you've proposed as part of the development that is a sub-surface system so that is what would be required.

Jay Gebhardt: I want to be clear we are not asking for lagoons.

Darren Nickerson: No, we aren't asking for a lagoon. I guess my question is what is the difference between 2.5 acres and ten-acres if there are no different offsets from adjoining property? Why is 2.5 acres such a big deal if there is no offset differences in those acreages?

Jay Gebhardt: To try to prove another point; if this fails, the applicants can build a single-family home with a lagoon on this site. I can't get past the idea that if we are really concerned about the environment, the three homes with the drip systems are going to be a lot better than a single home with a lagoon. The sewer may be part of it and the road may be part of it but I really believe that this is an appropriate zoning request.

Darren Nickerson: There are two within ¼ mile on the same road.

Chairperson Harris: Nickerson Estates has a 2.5 acre lot and a 7.5 acre that is not buildable?

Thad Yonke: No, that is A-2P.

Darren Nickerson: That was my old property.

Chairperson Harris: The other A-1P property that got divided with a non-buildable lot to protect the density?

Thad Yonke: Correct.

Chairperson Harris: Both are sitting on sides of a property where access to this road was precluded because of the road or other reasons. The access had to go the other way because of something on that road.

Thad Yonke: Part of the issue with the road is not just because it is a gravel road, it is a gravel road that is predominately in a 30-foot statutory right-of-way. The only amount of roadway for maintenance and improvement is that 30-feet along most of the roadway section.

Jay Gebhardt: I would like to make the argument that the way the county gets right-of-way is through development, by platting. That is how we improve that situation.

Chairperson Harris: To me, the issue is the density and the precedent with Toalson Estates not being allowed to access Warren School Road. If this is approved, we are allowing three driveways pretty close together when we didn't allow two.

Commissioner Koirtyohann made, and Commissioner Schreiber seconded a motion to deny the request by Warren School Properties to rezone from Agriculture (A-1) to Planned Agriculture (A-2P) on 10.94 acres located at 7900 S Warren School Rd, Columbia:

Boyd Harris – Yes
Steve Koirtyohann – Yes
Randal Trecha – Yes
Kevin Harvey – Yes
Jeff McCann – Yes

Greg Martin – Yes
Daniel Mings – Yes
Rhonda Proctor – Yes
Robert Schreiber – Yes

Motion to deny the request passes 9 YES 0 NO

Commissioner Harvey made, and Commissioner Proctor seconded a motion to deny the request by Warren School Properties to approve a Review Plan & Preliminary Plat for Warren School Estates on 10.94 acres located at 7900 S Warren School Rd, Columbia:

Boyd Harris – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Daniel Mings – Yes
Randal Trecha – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeff McCann – Yes	

Motion to deny the request passes 9 YES 0 NO

Chairperson Harris informed the applicants that if they wished to appeal the decision to the County Commission, an appeal form would need to be submitted to Resource Management within three working days.

VII. Planned Developments

The Planned Developments were placed on consent agenda:

1. Request by Como West Storage LLC on behalf of Robert Kilgore Jr to approve a Final Development Plan on 6.7 acres located at 7190 W Henderson Rd, Columbia.

The following staff report was entered into the record:

The subject property is located between Highway 40 and Henderson Road. The property is 6.76 acres and zoned Planned Light Industrial (M-LP). The surrounding zoning is as follows:

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

The proposal seeks to modify the previously approved Final Plan for the property approved under County Commission order #251-2023. This plan modifies the size, location, and number of storage buildings on the property compared to the previous plan. The only proposed use, self-storage, has not changed from the previous plan.

The Boone County Master Plan designates this area as being suitable for residential land uses. The Revised Review Plan was approved under County Commission order #442-2023. The proposal scored 63 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 9, is less than a mile 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.

After review, staff found that the proposal meets the criteria for a Final Plan. No conditions were placed on the Revised Review Plan. The Revised Final Plan matches the previously approved Revised Review Plan.

Staff recommends approval of the Revised Final Plan.

2. Request by Happy Hollows, LLC on behalf of RML Investment Properties to approve a Final Development Plan for Concorde South Lot 9 on 3 acres located at 5150 E Meyer industrial Drive, Columbia

The following staff report was entered into the record:

The subject property is located approximately 300-feet southwest of the intersection of Meyer Industrial Drive and Tom Bass Road. The overall property is 3.00-acres in size, and zoned General Commercial (C-G). All the surrounding property is zoned as follows:

- North – C-G
- Northeast – C-G
- East – C-G & Planned Industrial (M-LP)
- Southeast – Light Industrial (M-L)
- South – M-L
- Southwest – Planned General Industrial (M-GP)
- West – M-GP
- Northwest – M-LP

Many of these zonings are the result of rezoning as the area has had a dynamic history with respect to zoning since the original 1973 zonings.

The proposal is to rezone the subject property from C-G to M-GP and to obtain approval for a contractors business consisting of a couple of proposed buildings with some proposed future additions, a paved parking and loading area, and a dust free laydown area that must be at a minimum equivalent of chip & seal surface. A water quality and detention area is proposed on the current lot. The current lot is vacant.

The property scored 78 points on the rating system.

This proposal was approved under County Commission Order 444-2023.

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

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

Staff recommends approval of the final plan.

3. Request by Frederick Schmidt to approve a Final Development Plan for Schmidt Billiards on 3.47 acres located at 601 N Hwy UU, Columbia.

The following staff report was entered into the record:

The subject property is located on State Route UU, less than ½ mile south of the intersection of Van Horn Tavern Road and State Route UU. The subject property is approximately 9.6 acres in size and has a house, garage, warehouse, and showroom present. The property is split-zoned Agriculture (A-2) & Planned General Commercial (CG-P). The adjacent zoning is A-2 to the north, south, and west, with Agriculture (A-1) and Planned Light Industrial (M-LP) to the east. The A-2 is original 1973 zoning, the adjacent M-LP was rezoned in 1988, and the existing C-GP on the subject property was rezoned in 1989. This property was rezoned and had a C-GP review plan approved by the County Commission in December of 2021. It has been since further revised with a review plan in April of 2022. The most recent review plan was approved by the County Commission on October 3 of 2023. This final development plan will complete the planned rezoning process for this proposal.

Schmidt Billiards rezoned approximately .25 acres of A-2 to C-GP in 1989. The business has reached a point where expansion is necessary, and the December 2021 request expanded the C-GP zoning on the property to support proposed buildings and expansion. The April 2022 request modified the out boundary of the C-GP zoning to better serve the desired expansion on the property. The October 2023 request modifies the proposed buildings to focus more intently on a new structure for use with the business rather than modifying existing buildings. It is this most recent approval which is finalized with this Final Development Plan.

The property scored 45 points on the rating system.

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.

Chairperson Harris made, and Commissioner Trecha seconded a motion to approve the items on consent agenda as recommended

All members voted in favor.

VIII. Plats

1. Warren School Properties Preliminary Plat. Pending A-2P. S17-T47N-R13W. Warren School Properties, owner. Jay Gebhardt, surveyor.

See staff report and vote under Warren School Properties rezoning request.

2. Heithold Landing Plat 1. A-2. S34-T50N-R13W. Jacob & Bonnie Heithold, owners. David Butcher, surveyor

The following staff report was entered into the record:

The subject property is located on Dripping Springs Road, approximately 2 miles west of Highway 63, lying in between the northern end of Gilbert Road and the southern end of Old Number 7. The parent parcel is 20 acres in size and has an existing house and on-site wastewater system present. This proposal divides the house and its wastewater system on 2.89 acres from the remainder of the parent parcel. That remainder is shown on an accompanying administrative survey to be recorded concurrently with the approved subdivision plat.

The property is zoned Agriculture (A-2) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property has direct access on to Dripping Springs Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District. There is an existing 4" waterline in front of the proposed lot along Dripping Springs Road to provide water service.

The existing house is served by an on-site wastewater system. Any improvements will be done under permit with Boone County Resource Management. The applicant has submitted a request to waive the wastewater treatment cost-benefit analysis.

The property scored 36 points on the rating system.

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

Commissioner Harvey made, and Commissioner Trecha seconded a motion to approve Heithold Landing Plat 1 as recommended:

All members voted in favor.

VII. Old Business

1. Update on Commission action.

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

The Rezoning Requests & Review Plans for Frederick Schmidt, Como West Storage, and Concorde South Lot 9 were approved as recommended.

The Final Development Plan for Black & White Construction was approved as recommended.

The following plats were approved and accepted:

- Ravenwood Plat 1, Lot 121
- Midway Little General Plat 1
- Zullo Point Plat 1
- Prenger Estates
- Edwards Acres Plat 1
- Rees Subdivision
- Kyd's Corner Plat 1

VIII. New Business

Master Plan

Thad Yonke informed the Commission that an open house was held at Boone Electric Cooperative and was well attended. Approximately 2000 surveys were received and the i5 Group is compiling results.

Solar Regulations

Thad Yonke informed the Commission that staff has been working with the County Commission who have asked for clarification of some of the regulations; staff hopes that the County Commission holds their public hearing and have the regulations adopted by January 2024.

IX. Adjourn

Being no further business, the meeting was adjourned at 9:32 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 16th day of November 2023