

BOONE COUNTY PLANNING & ZONING COMMISSION
BOONE COUNTY GOVERNMENT CENTER, COMMISSION CHAMBERS
801 E. WALNUT, COLUMBIA, MISSOURI
(573) 886-4330

Minutes

7:00 P.M.

Thursday, December 21, 2023

I. Chairperson Harris called the meeting to order at 7:00 p.m. with a quorum.

II. Roll Call:

a. Members Present:

Boyd Harris, Chairperson	Centralia Township
Eric Kurzejeski, Vice Chairperson	Missouri Township
Gregory Martin, Secretary	Katy Township
Steve Koirtyohann	Rocky Fork Township
Daniel Mings	Columbia Township
Randal Trecha	Cedar Township
Jeff McCann	County Engineer

b. Attending by Phone

Rhonda Proctor	Perche Township
Robert Schrieber	Three Creeks Township

c. Absent

Kevin Harvey	Rock Bridge Township
Christy Schnarre	Bourbon Township

d. Staff Present:

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

III. Approval of Minutes

Minutes from the November 16, 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, January 4, 2024. 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, January 4, 2024 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 fourth. After hearing those items, they will be scheduled for a second reading at a future County Commission meeting likely Thursday, January 11, 2024, however, the date of the second reading will be announced at the January 4th meeting.

V. Rezoning Requests

1. Request by Sandra Kay Whitesides to rezone from Agriculture-Residential (A-R) to Agriculture (A-2) on 16.1 acres located at 199 W Akeman Bridge Rd, Columbia.

Senior Planner, Thad Yonke gave the following staff report:

The property is located at 199 W. Akeman Bridge Rd. approximately 400 feet west and 400 feet north of the intersection of N. HWY VV and W. Akeman Bridge Rd. The access to the property is across a separate property, Lot 5 of Whitesides' Acres Subdivision, which is under the same ownership as the subject tract. The subject tract has no direct public road frontage nor direct access to a public roadway. The property is zoned Agriculture - Residential (A-R), which is the original zoning. All the neighboring property is also zoned A-R.

The stated purpose of this rezoning is to facilitate further division of the tract by family transfer. In 1977 the plat of Whitesides' Acres was created from the same overall original property. This plat severed the subject tract from the associated public road frontage. One of the owners that caused the plat to be created was a Sandra Kay Whitesides, the same name appears as the signatory on this rezoning application. The property contains a home and an approximately 3-acre lake. The lake is predominantly contained on the property. There are two outbuildings on the property one of which is as large as the home. An on-site wastewater system is assumed to be used for the current home.

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

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

Utilities: The property is in the Consolidated Water service area; the district has a 12-inch waterline along the north side of Akeman Bridge Road.

The Boone County Regional Sewer District has two sewer lines in the area. One within 500 feet of the property, the other less than 400-feet. Public sewer service may be available, although potentially costly for a single additional lot.

Transportation: Access to a publicly maintained paved road is by a gravel shared private driveway that crosses Lot 5 of Whitesides' Acres Subdivision.

Public Safety Services: The property is approximately 3.2 miles from Boone County Fire station 5 on Prathersville Road & 3.4 miles from station 7 on Dripping Springs Road.

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

Zoning Analysis:

The Master Plan designates this property as suitable for rural residential land use. The current zoning of the area is predominately A-R adjoining Residential-Single Family (R-S). This indicates an expectation that this

area will develop at a higher intensity than any development of an Agriculture 1 (A-1) or A-2 area would; this expectation was set with the original zoning.

Public entities have made significant investments in constructing infrastructure in this area to support the existing zoning and the expected levels of density. Downzoning this property undermines that investment. Comments received from the Water District indicate a strong desire for new customers to support its investment in the 12-inch waterline.

Family transfers bypass the checks and balances of the subdivision regulations that try to maintain the balance between density and the infrastructure that is necessary to support it. Rezoning the property to allow a family transfer facilitates development of additional lots without requiring the supporting infrastructure and inhibits the extension of infrastructure to other neighboring properties. If rezoned to A-2, this property could potentially be divided into up to six lots by family transfer without any assessment of whether the lots are actually serviceable or buildable.

There are difficulties in developing the subject property. These have more to do with the physical features of the site and the previous subdivision and development decisions on the part of the property owner, than any defect of the existing A-R zoning. Roughly half of the property is rough terrain containing a stream and stream buffer, a water impoundment with its associated dam, two outbuildings and a home with an assumed on-site wastewater system. The public road frontage was segregated from the property as a five-lot subdivision called Whitesides' Acres. No public roadway extension or access was created or retained by this plat to facilitate potential further development of what is now the subject property.

The purpose of the proposed downzoning is to facilitate a property division by family transfer. If approved, the downzoning will convey a special privilege to this property owner that is not conveyed to other property owners in the area. There is no discernable public purpose achieved by the downzoning. In fact, it contributes to the underutilization of infrastructure that has been constructed. It may also serve as a beacon that attracts similar inconsistent requests that use the original downzoning as their justification to further degrade the integrity of the existing zoning of the area.

Depending upon what is ultimately desired by the applicant, there are likely other subdivision alternatives that are not as problematic as a downzoning. The applicant is invited to explore less intrusive options with our office.

There are sufficient resources available to support the request. It passes the sufficiency of resources test which then allows for further analysis. Where this proposal fails is when it is evaluated based on accepted planning principles.

The underutilization of the public infrastructure investment is a significant impediment to further public investment for the area because the potential development density is significantly reduced while the likelihood of additional downzoning requests in the area increases. This deviation creates a dampening effect on public entities when making capital infrastructure decisions for the area despite the subject tract being in the urban service area as determined by the point rating system.

In the short term the family transfer increases the intensity of development on the property without providing commensurate services. In this case it will result in at least one but potentially more additional dwelling units using the already substandard private drive for access. This localized minor intensification comes at the cost of introducing a disruptive zoning to the area that lessens the incentive for additional infrastructure investment both public and private in the area that was supported by the original zoning.

For these reasons, staff recommends denial of the request.

Staff notified 69 property owners about this request. The property scored 73 points on the rating system.

Staff recommends denial of the rezoning.

Present representing the request:

David Butcher, Crockett Engineering, 1000 W Nifong, Columbia

David Butcher: It is not very often that we have to argue about down-zoning, normally we want to increase density. In this particular situation I want to focus on a couple of things in the staff report. Staff's suggestion for denial is based on a couple of things. Staff states that infrastructure has already been brought to this property and that public infrastructure is in place to support a more dense development. While I don't know where all of the utilities and infrastructure is located in relation to this property, staff says it is within 500-feet. We aren't here to talk about what utilities are affecting this property, I want to talk about the terrain.

Under paragraph four of the staff report it says "there are difficulties in developing the subject property" so regardless of what infrastructure is there, regardless of what streets are there, there are some terrain/topography problems there that is going to make it difficult to develop this property. Staff is arguing that we should be able to develop this in a more dense usage than what we have proposed but the fact is that the topography wouldn't allow for a very dense development here. The only way for me to divide this property is to create a five-acre lot subdivision that would access through the private road, however, there are already lots subdivided to the south that don't meet the five-acre minimum that I would have to cross therefore I would not have anything that I can do to subdivide this property without going through a planned zoning to make this happen.

If I were to bring forward a planned zoning request, I am still going to have the same problem I still have the topography issues, where am I going to put homes in here? This is sixteen acres and if we roughly do the math of A-R with half-acre density that means I should be able to get 32 homes in here. We all know by looking at the topography that this is really steep; the fall-off on the road coming in is amazing. There is a creek running through the property. The only level, flat ground is right in here (pointing to the aerial) so it is going to be impossible to get 32 units in there; it will be impossible to get five units in here of reasonable size.

Now we talk about the special provisions allowed under the family transfer. I view it as it is not a special provision or special circumstance, anybody could do what we are asking to do. Staff's recommendation is for denial because they think there is going to be a chain of events where there will be a mass rezoning going on out there where everyone is going to try to do the same thing. So what? It is for family. The idea is to keep your loved ones close to you. Mrs. Whitesides lives in the existing house and wants to have her grandsons out there. She has three grandsons and she wants them on the property with her. At some point throw all the zoning away and say we don't care about those things, we want our family by us.

I think all of you who know me knows that I would not advise my clients to down-grade their property in any way, shape, or form that would devalue it if I didn't think there was a justifiably good reason. This is not developable property. Even if I was able to collect all the properties around it, which is what it is going to take to develop this, the public street doesn't touch the property. Staff's report states that this was done by family transfer almost 30 years ago; 30 years ago they didn't have the foresight that this was going to be necessary but one thing is true, she is 30 years older and she wants her grandkids next to her.

Another thing is the public street is down here (pointing at map) this is accessed through a private road that goes through this lot, it is not five acres. There are no tools in my toolbox, there is nothing in our regulations that will help us do this. I know staff is suggesting that I come to their office to try to find a solution that will

work. I am telling you I don't have one. I know the regulations, I know what we can do, we can put together a planned district and that is about it and I am still going to be in the same boat, we are going to be here again and I am going to have four lots instead of trying to get it rezoned to where I can put four lots on it anyway.

I know the infrastructure is out there based on the staff report and I know that it scored high and that is unusual, but this is not a very viable place to develop anything other than a couple of houses for the family members. It is not a really good property as far as what is zoned out there, this is one of those places that had a highway next to it and it was close to a big intersection so at the time when they came up with the zoning maps they thought it would be a great spot for residential zoning. The reality is it is not a great space, it is not a great place for that. In my opinion the zoning does not match what the land use needs to be which is A-2.

We do anticipate putting a family transfer survey together, I don't want to deceive you or hide that. Staff says we are going to do that if we get the zoning and that is exactly what we want to do; that is the objective of this rezoning, it is not a mystery. I urge the Commission to reconsider the staff report for denial.

Chairperson Harris: The existing dwelling is in the middle of the circle drive?

David Butcher: Yes.

Chairperson Harris: What is the big building next to it?

David Butcher: That is the shop.

Chairperson Harris: Where are you tentatively looking at laying property lines?

David Butcher: I haven't surveyed the property yet. I just know that I can't do anything until we get past this. My guess is there will be one or two homes built in the northern portion, that is about the only place we can build. There is stream buffer to the east. The northwest area is the only usable property they have.

Chairperson Harris: The driveway comes in off the neighbor and across the dam

David Butcher: Yes. I would not be able to build a public street across the dam or over the topography very easily.

Chairperson Harris: Who owns the parcel to the west?

David Butcher: That is one of the sons, Kevin.

Chairperson Harris: Who owns the parcel to the west at the southwest corner of the property?

David Butcher: Glenda Winn, I have no idea who she is.

Chairperson Harris: What is the feasibility of extending Wade School Road and coming in that way?

David Butcher: For starters we would have to come across someone else's property, Kevin is a family member but it is not for Kevin, this is his mom and his sons that are the benefactor's of this rezoning request. We would have to build a public street across his property to get it, and second, you have to build a public street across him.

Chairperson Harris: All of the surrounding lots are developed?

David Butcher: Yes. The only way I can feasibly see coming into this property would be from the north and even that doesn't look like a very viable option. The A-R zoning fits the parcels surrounding this; this tract is not developable. It is basically an island stuck in the middle of all this developable land and it basically guilts by association. It is not really capable of supporting what all these other properties could do.

Chairperson Harris: Unfortunately, they are basically suffering the consequences today by taking the easy money and running in years past by chopping off all the frontage and not thinking past that.

David Butcher: I don't disagree with that, but I think all of this happened before she had her grandsons. Life changes and we all get in a different place. The sins of the past certainly come back to get us. I believe her husband was still alive when all of these things happened. This is between her and her grandsons.

Commissioner Kurzejeski: Coming in and extending the road from the north, the distance is just that across the small?

David Butcher: The pavement ends so it is almost double the width. I am not certain that this is a road, I think it is more like a driveway so I am not certain if maintenance stops before it gets to the property. That is not something I vetted with staff yet. I know there is a right-of-way based on the Assessor's map so I feel that something has created this road but I don't know where county maintenance ends.

Thad Yonke: The road used to go all the way through over to Highway VV.

Chairperson Harris: So, the right of way is still there?

Bill Florea: It is mapped as right of way.

Commissioner Kurzejeski: Is there an existing easement across that parcel of the son's to access this property?

David Butcher: I don't think so. I don't believe there is a street dedicated. I don't even think there is a survey on that, I think it was family transferred by deed.

Chairperson Harris: How does he get to his property? From the driveway to the south?

David Butcher: Yes.

Chairperson Harris: They already have two off that driveway and we are looking at adding two more to have to cross the dam?

David Butcher: Staff wants me to add 32 more.

Bill Florea: Staff did not say or suggest that.

David Butcher: The developability of it is I could have 32 homes here; it is not viable.

Chairperson Harris: What are you anticipating the lot sizes to be for the future lots?

David Butcher: If we go to A-2 they will be 2.5-acres. She has 16 acres so at maximum I could get five lots; I don't see that it is possible. She has three grandsons and she wants to give them all some and I am going to be struggling to figure out where to put them. I will be lucky to get one or two lots.

Commissioner Kurzejeski: Is there a reason A-2P zoning wasn't pursued to give us a better picture?

David Butcher: We know that going with a planned district can be costly; I have to put together a plan and we have to vet all the resources. I am not saying we shouldn't take the proper steps to get there but what I want to make the argument about is if they spend \$10,000 on a plan, we are still only going to be asking for two or three lots, we aren't going to ask for enough lots to completely fill up the density that will support the infrastructure that staff's argument is that we have here.

Commissioner Kurzejeski: I heard you say a minute ago that you could probably squeeze five lots in.

David Butcher: I said based on the area at 2.5-acres the area would allow you five tracts but there is no way I could get five lots in; the topography would not support five lots, they would have to be right next to each other to make that happen.

Commissioner Trecha: Who owns the property south and east and where the access is located?

David Butcher: It is owned by Mrs. Whitesides. They use that for their driveway it is not really a buildable lot due to the stream buffer but it was platted as a lot in a subdivision at one time and it doesn't meet the five-acre criteria that I would need in order to put in five acre lots.

Open to public hearing.

Present speaking in favor:

Kevin Whitesides, son of property owner, 203 Akeman Bridge Rd, Columbia

Devin Whitesides, grandson of property owner, 306 Fairview St, Hallsville

Jocelyn Whitesides, 203 Akeman Bridge Rd, Columbia

Kevin Whitesides: When my father first built the property Wade School Road was the direction we came in from and there is a road that we opened back up with a culvert and graveled it and that is how we accessed the property. I see that would run across what is now my property and it wouldn't be any problem but it would be a good bit of work to get that road back up to usefulness. There is a property back there that recently had a mobile home on it and that is how they accessed that property.

David Butcher presented and read an email from Dale Woody which states "I reside at 8504 N Wade School Road. I have no problem with the rezoning of the Whitesides property in order for their sons to build family homes for themselves. I don't exactly understand why someone would have to rezone their property in order to give tracts to their sons. Just doesn't make sense to me. But anyway I have no objection"

Devin Whitesides: This is all happening for me. Like Mr. Butcher said I am just trying to get closer to family, I have two grandkids 5 and 6 years old and Great-Grandma is getting old and her home is within walking distance of Great-Grandma's house and they can do what I did growing up and stay with Great-Grandma and enjoy life while we can.

Jocelyn Whitesides: I personally went around to all the neighbors and delivered letters to them letting them know what we wanted to do and why and all of them were more than happy to agree that this should be allowed to be done. No one decided to come and support us but they all personally gave me their wishes that we could get this done.

No one spoke in opposition.

Closed to public hearing.

Commissioner Trecha: What is the density threshold that would persuade staff to recommend approval? It seems that staff is reluctant to recommend approval because there is excess infrastructure there that will be under-utilized if a small number of lots were developed. What density would persuade you to recommend approval.

Thad Yonke: There isn't any. The A-2 isn't the problem, we don't have a problem with two lots being created, the infrastructure exists for those lots to be created. As Mr. Butcher pointed out, through a planned development you could propose those lots to be created. The problem is because of the family transfer, 16 acres of A-2 in the area massively changes the character of the area and undermines the infrastructure that has already been placed in the area for further development because it encourages, which we've seen, more of the same types of requests because it is easier to do the family transfers because you don't have to justify any of it other than cordoning it off. You don't have to look at how it is going to get served by utilities and access before you create the lot.

It is the family transfer and the A-2 that is the problem for the area, not the creation of the lots. The lots are possible to do under the mechanisms that we have in the regulations without approving the down-zoning. The down-zoning is the issue that will undermine the integrity of the zoning for the rest of the area. All of those lots that are stripped off of Highway VV, those all came off the same parent parcel as well; it was originally a 40-acre tract. The owners of the property boxed it into this situation.

David Butcher: While I agree with Thad that most of these parcels came off the parent tract, I want to point out that the strategy that it would take for me to solve this problem is a rezoning. Even if I came to you a planned district and a document that shows you I have four lots we are going to be at this same table in the same place doing the exact same thing only we would have spent an ungodly amount of money to make it happen and we are still in the same exact place. I am saying this is the path of least resistance and this is the easiest solution to solve all of our problems and not waste any more time.

We don't need to pay staff to review the plan and go through all this infrastructure evaluation, we have the Health Department rules, the sanitary sewer rules, and building codes to follow. We have all of the tools in place that it is going to take for us to put a couple of homes here in the exact same fashion as we would in a planned district only we aren't going to spend the time to evaluate it, we are going to have a home built that is going to comply with the setbacks, zoning codes, the sewer and utilities that are there. It is going to be a "rinse and repeat" only a few months later.

Chairperson Harris: The 2.5 to 3 acre lots, if you make two lots what are you guesstimating the configuration to be? Long, narrow rectangular lots that are parallel to the north line?

David Butcher: I use the topography a lot to determine how to divide property. My best guess is the first family transfer will be rectangle along the north property line; the second lot will likely be immediately south of that one. I have not talked to the owners about where they want to build; I have not surveyed the property to know what is there. But just based on good planning principles I would assume that is where we would start because the buildable area is only in the northwest portion of the property.

Thad Yonke: If it were zoned A-RP you could create three lots in that area because you don't have to have 2.5 acres for each lot.

David Butcher: I agree. That is not my contention; we are going to do the exact same thing only it will take eight months and spend a lot of money to do it.

Commissioner Kurzejeski: Is there a possible lot in the southwest corner?

David Butcher: It is a little steep and the driveway is hugging the property line so maybe, I am not certain.

Commissioner Kurzejeski: I have seen people build on more steep terrain than that.

David Butcher: It is possible, but your sewer has to meet the setbacks from the waterway. I am not sure where the sewer is out there.

Commissioner Kurzejeski: It could be another lot.

David Butcher: Yes, it is possible.

Bill Florea: This illustrates staff's point. By doing this by family transfer none of this analysis happens before the lots are created and divided. That is the advantage of doing it as a planned district is you do that analysis up front so you know the lots work and know they can be serviced by wastewater one way or the other and you know the structures can meet the setbacks.

David Butcher: We are going to meet the setbacks, the building codes, all the utility needs, we are going to do all the things that you would for any other house that is permitted in Boone County. The only difference is we don't know how to divide it yet because we have no way to divide it.

Commissioner Kurzejeski: On the proposed new lots to the north, is the applicant assuming both of those would access through an extension of Wade School Road?

David Butcher: I really don't know. It is all family that uses this access. Even with a planned district I don't know that I could give you an answer for that.

Kevin Whitesides: I would say is that is the way we would do it. There is an old road bed there that someone said went all the way to Highway VV at one point. There is a little bridge abutment down there. That whole road bed could easily be redeveloped, it is all there, there is good base there. From where we are talking about putting a house, or a couple of houses, the point that you made on the south side of the lake, that is very tough. It would be almost impossible to get a sewer system in that location. As far as the road is concerned, that would easily enter what could be two properties in that spot. There is a spot that is close to the existing house that is pretty flat.

David Butcher: We are acting like a family transfer is the black eye on this property. Family transfer is a provision that is allowed to all of us. I think it is one that everyone in this county loves.

Thad Yonke: Family transfers are only allowed in the A-1 and A-2 zoning districts.

David Butcher: Correct, if they could get their rezoning approved they would be allowed the same opportunities. That is all they want to do here; they don't want to have a high-density development, they don't need a plan for this. They just need to get it rezoned to allow for a family transfer survey. Then, I could subdivide it in a fashion that would suit their needs which is a couple of homes for their grandkids. That is about all the density we can have here. I see it as somewhat a waste of time to go through the planned district to have Planning review it, our time spent doing it and bringing it back to the Commission. All of that is a waste of time, we don't really need to have much evaluation. We have the tools to permit and do it the way it is, we just need to down-zone it from the A-R to A-2.

Commissioner Kurzejeski: The question of whether this piece suits the A-R designation well, under A-R, even though you could have 32 lots, what could you do with this property under A-R that is different than a few decent sized lots.

David Butcher: If you said money is no object, we have all the resources in the world to do something with this property, the only thing I could develop is this portion of that property. I couldn't develop any of this so you see there is a significant amount of property that is untouchable. In addition to that, we would have to drain the pond and there is a waterway we have to work with. It isn't that big of a deal to work with the waterway except for the stream buffer and how it affects the high ground. I can't move that dirt, I can't make it flat; this has so many topography restrictions that it is silly that it even has A-R zoning on it. There isn't much I can do with it; this is a very difficult property to deal with as staff indicated in their staff report. That is why we don't need to go through a planned district or utilize any other tools. I am sorry that it is underutilizing the existing infrastructure out here but it is always going to do that because there is nothing we can do with this property except for put a couple of homes in.

Commissioner Kurzejeski: I was just looking at how it can maximally contribute to using the infrastructure. The topography does limit it.

David Butcher: Hypothetically, if I extend this road I am not going to get a bridge across. I don't see how extending the street is going to benefit anyone.

Commissioner Kurzejeski: Did staff hear anything from the neighboring property owners?

Thad Yonke: I don't believe so. Under a planned development, if Wade School Road was brought up to public standards and put back in place across to Highway VV then you could have half-acre lots and connect them to the public sewer which, any of these lots are likely to be required to connect to the public sewer no matter what, even if they do family transfers because of the proximity to the public sewer. One connection is on Highway VV in line with where Wade School Road would come out if you extended it and the other connection is to the south.

Commissioner Kurzejeski: Even under family transfer that may be a requirement.

Thad Yonke: With an onsite sewer system you have to prove that you can't connect to the public sewer systems.

Chairperson Harris: Either direction is going to be a forced main; it will have to be a pressure system. To get across the creek or below the lake to the south you will have to push it.

Bill Florea: Correct.

Chairperson Harris: The gremlin here is the consequence of the prior sins of taking the frontage off of the original tract and not thinking about the future. The reality of it is, regardless of the zoning, if there are 16 acres there, you take the lake out and the east side, which because of the stream buffers are impediments to development anyway. You have one corner to the north that you can build on, I will grant you that argument.

The problem here is the family transfer. I have heard a house, two houses, it could be three houses and therein is the problem with the family transfer because once we say yes, that becomes the wild west. It is off to the races to do whatever we want, for the most part, without any structure. Geographically the request makes sense because it is a problem property.

The problem is, regardless of the intent, there are too many cases where the family transfers create unintended consequences down the road. I realize the planned approach costs time and money and it is unfortunate that we don't have a mechanism that requires a plan without going through the planned development process. I would be a lot more comfortable if I had more definition and a little more clarity as to what the plan is. We could all of a sudden end up with a situation where we have four houses with emergency services trying to get across an icy pond dam. It is odd that down-zoning is creating an issue.

Thad Yonke: Staff has frequently pointed out that down-zoning creates issues. It is not as focused as in this case. But the idea of being able to get the number of units in there can be handled under a plan with control as opposed to the down-zoning where it opens up a lot of things that can happen and then you figure out if it works. As far as the concept of not being able to utilize the density of the property that is a false argument. It may not be what the applicants desire, but as far as usability and value in the property, those options are still there under the A-RP.

Commissioner Schrieber: I agree that the applicant's need to meet with staff to work out a solution.

Commissioner Schrieber made, and Commissioner Trecha seconded a motion to deny the request by Sandra Kay Whitesides to rezone from Agriculture-Residential (A-R) to Agriculture (A-2) on 16.1 acres located at 199 W Akeman Bridge Rd, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – NO
Greg Martin – Yes	Steve Koirtyohann – NO
Daniel Mings – NO	Randal Trecha – Yes
Rhonda Proctor – Yes	Robert Schrieber – Yes
Jeff McCann – NO	

Motion to deny the request passes 5 YES 4 NO

Chairperson Harris stated that if the applicants wished to appeal the decision to the County Commission the applicants will need to file an appeal form within three working days.

- Request by Anna M. Bratton Revocable Trust to rezone from Agriculture (A-1) to Agriculture (A-2) on 10 acres located at 4483 E Log Providence Rd, Columbia

Planner, Andrew Devereux gave the following staff report:

The subject property is located off East Log Providence Road, a publicly maintained roadway. The property is 10-acres in size and zoned Agriculture 1 (A-1). The surrounding zoning is as follows:

- North, East, South – A-1
- West – Agriculture 2 (A-2) and A-1

The A-1 zoning is original 1973 zoning. The A-2 property adjacent to the west was rezoned from A-1 to A-2 under County Commission order #225-92. The subject property has a single-family dwelling, driveway connection to East Log Providence Road, and an onsite sewage lagoon. The property is in a designated sinkhole area.

The proposal seeks to rezone the property from A-1 to A-2 to enable subdivision of 10 acres into four 2.5-acre lots quadrupling the density of the property. The land division would be performed by family transfer to eligible family members. Family transfers are exempt from the requirements of the Subdivision Regulations. The Boone County Masterplan designates this area as being suitable for agriculture and rural residential land uses. The Master Plan designates a “sufficiency of resources test” to determine if adequate transportation, utilities, and public safety resources are in place to support the change in zoning. Failure to pass the test

should result in denial of the request; passing the test should result in further analysis and evaluation based on accepted planning principles.

Transportation: The property has partial road frontage along East Log Providence Road, a publicly maintained roadway. East Log Providence road is a local gravel roadway with a pavement width of 24'. Data from the most recent Average Daily Traffic (ADT) count along East Log Providence Road west of the roundabout with South Tom Bass Road and Highway 63 is 409.

The existing home has direct driveway access onto East Log Providence Road. The proposed land divisions would utilize a private drive; three of the resulting lots would not have direct access onto East Log Providence Road.

Utilities: Consolidated Water supplies water service to the area. Boone Electric provides power service. Wastewater is handled with onsite wastewater systems. There is no nearby Boone County Regional Sewer District facility to provide sanitary sewer service. The rezoning application indicates that the property owner intends to utilize subsurface wastewater systems for all four of the single-family dwellings. This would include replacing the existing lagoon with a subsurface wastewater system.

The applicant has provided soils morphology reports for each of the proposed family transfer lots. The soils morphology reports were prepared by a licensed soil evaluator to investigate the suitability of soils for the use of onsite wastewater systems. Staff review indicates that the soils on the property could support engineered subsurface wastewater systems. However, the soil scientist notes that several sinkholes surround the property, many of which are not shown on the County's GIS. This suggests that there is a higher concentration of Karst features in the area than previously known.

Table 1 of Missouri 19 CSR 20-3.060 *Minimum Construction Standards for On-Site Sewage Disposal Systems* provides the following note. "Sewage tanks and soil absorption systems should never be located in the drainage area of a sinkhole." Based on the numerous sinkholes identified, it is unclear if any location can support the use on an onsite wastewater system and stay outside of the drainage area of the surrounding Karst features.

Stormwater: Development on the site will be required to comply with the Boone County Stormwater Ordinance. Any disturbance more than 3000ft² in environmentally sensitive areas require a Boone County Land Disturbance Permit for water quality controls and stormwater runoff.

The property is in multiple environmentally sensitive areas including a designated sink hole area, the Bonne Femme Creek Watershed, and nearby Turkey Creek, an Outstanding State Resource Water. The rezoning would enable three new onsite wastewater systems and four or more times the amount of impervious cover in an environmentally sensitive area of the county. The rezoning request is not part of a planned development. The County does not have a mechanism to impose any mitigating conditions if the rezoning request is approved.

Public Safety: The property is in the Southern Boone County Fire Protection District. The nearest station, Station 19, is approximately 3.6 miles away.

Zoning Analysis: Any rezoning request should start with the assumption that the existing zoning on a property is correct. Examination of the existing infrastructure and environmental conditions present support the current 10-acre minimum of the A-1 zoning district. The future family transfer lots would be served by a private access easement and will not have direct access onto a public road. East Log Providence Road is a local gravel roadway that will have to handle additional traffic with increased density without any improvement. Additional traffic on a local road could decrease the Fire Districts response time in the event of an emergency. This is especially true since Log Providence is a single choke point connection for the entire localized area. No public sewage infrastructure is available which requires the use of onsite

wastewater systems for future development. Increased density would place additional strain on natural resources due to the impaired status of creeks in the watershed and numerous sinkholes.

For this rezoning request, a reexamination of the A-2 rezoning under County Commission order #225-92 is appropriate. Planning and Zoning Commission minutes from May 21st, 1992 indicates that the Planning and Zoning Commission believed that karst topography and Subdivision Regulations at that time would limit any future development and mitigate impacts from the change in zoning. At the time of that rezoning request, the sensitive environmental nature of the area provided no regulatory triggers to prevent creation of lots down to 2.5 acres. The protection was vested in the A-1 zoning by limiting the number of lots and increasing the spacing and intensity of development, this was eliminated by the rezoning.

Since 1992, the County has adopted stricter regulations on subdivisions and development in environmentally sensitive areas. These restrictive measures came about with a better understanding of karst topography and the interactions of surface water with groundwater resources. This reexamination is not to suggest that the Planning and Zoning Commission nor County Commission made an error in the rezoning case at that time. This analysis is to show that the neighboring A-2 zoning district was approved without the current body of knowledge and regulations that came about as a result.

Combining the current understanding of the sensitive environmental areas with a lack of public infrastructure to handle a higher density of development, this rezoning request does not meet the sufficiency of resources test. Approval of the request will be detrimental to the sensitive environmental features in the vicinity. The 10-acre minimum for the A-1 zoning district is appropriate for the property and any requests to rezone to a higher density should be denied.

The property scored 29 points on the point rating system. Staff notified 12 property owners of this rezoning request.

Staff recommends denial of the rezoning request.

Present representing the request:

Kevin Schweikert, Brush & Associates, 506 Nichols St, Columbia

Anna Linzie, 4483 E Log Providence Rd, Columbia

Kevin Schweikert: We had a soil scientist check out each tract that we are proposing upon the A-2 zoning being granted. I did a layout for the soil scientist and he went out and made an alteration to one of the lot lines up on the north side so that we could go ahead and make non-discharge systems work on all four of the proposed tracts. I have a soils report that shows that all four tracts can support the non-discharge system. The soils report was given to staff a couple days ago so they probably didn't have time to review it completely. There are a lot of sinkholes in the area; the soil scientist pointed out some.

Mr. Schweikert presented the proposed layout of the lots and the location of sinkholes in the area as identified by the soil scientist. Mr. Schweikert also presented a copy of the soils report.

Kevin Schweikert: There are no sinkholes on the applicant's property but there are sinkholes around it. The applicant spent the money to go ahead and get this report done for the four lots and intends to put in non-discharge engineered systems. There is a spot on each of those lots for that. From my understanding, a non-discharge system means there is no discharge. I think that is the best situation you can have. Upon rezoning, we are getting rid of the existing lagoon that does have a discharge. We have infrastructure there, we have a waterline along Log Providence Road in front of the existing house and there is a fire hydrant with enough pressure to handle fire which is unusual in A-1; I assume it was brought in for the church as possibly for the A-2 that is next to this property on the west. There is a 24-foot wide pavement for Log Providence Road which is a pretty good width for pavement in this area so fire trucks shouldn't have any problem getting back

there, they have the church to turn around in but we do have a fire hydrant located there also. We would utilize a private easement drive to go up the west line to reach the two northernmost lots.

Anna Linzie: My goal and desire is to transfer property to my children and grandchildren. The property has been in my family for over 30 years and it was important to my father before his passing that it stayed in the family and that is what I intend to do.

Kevin Schweikert: There is A-2 zoning adjoining to the west, it is a large A-2 area and we have A-1 in other locations.

Commissioner Trecha: Is this drawing binding if the rezoning is approved? Are the no-discharge systems binding?

Bill Florea: The lot configuration is not binding. The no-discharge systems yes, we would not issue permits for lagoons in this location.

Kevin Schweikert: A binding situation would be if we came in with a planned zoning request. In this case it makes no sense to do a planned zoning because the maximum density would be four homes. That was asked at the concept review was how can a planned zoning help us and staff said "it wouldn't, you might as well do straight zoning". It saves us the cost of providing a plan, but we did go ahead and provide a plan, we just aren't held to it but that is our maximum density. Chances are when I survey if I don't find that it is 10-acres we are stuck with three lots and there is a good chance of that; there is a good chance that it will be a little more than ten too but it won't be 12.5 acres so we won't get five lots.

Chairperson Harris: What type of sewer system does the church across the road have?

Andrew Devereux: We don't have that information.

Thad Yonke: I am sure it is an onsite system.

Chairperson Harris: The other houses in the A-2 are probably just septic and lagoons.

Andrew Devereux: There are probably some sort of onsite systems.

Chairperson Harris: I am trying to understand the concept of a non-discharge system; it has to go somewhere.

Kevin Schweikert: I am not an engineer.

Bill Florea: It is an engineered drip system.

Chairperson Harris: It has to leach into the soil in some fashion at some rate.

Bill Florea: Non-discharge means it doesn't discharge directly to the environment. It goes into the soil.

Kevin Schweikert: It should be clean. So it should be just water without contamination.

Bill Florea: There is a level of treatment, but it is not just water it is effluent. Once the effluent enters a karst feature, like a sinkhole, it can transmit directly into the ground water.

Chairperson Harris: There is one sinkhole that almost touches the property, two more to the south, a couple to the east, a couple to the north and some to the west. While there may not be any sinkholes indicated on the applicant's property the odds are probably pretty good that it is relatively porous under there.

Kevin Schweikert: The soil scientist did go in and do their professional job and they are the experts and they said it would work.

Commissioner Trecha: The question is, is one lagoon better, worse or the same as four engineered systems?

Commissioner Kurzejeski: I don't know how clean the water coming out of the lagoon is.

Commissioner Schrieber: Both systems treat the water, but you are still going to have residual bacteria in both systems. If it gets into a stream you can have the bacterial contamination; if it finds its way into a sinkhole it can contaminate groundwater with bacteria. Does the soils report indicate the permeability of the soil is in that area?

Bill Florea: They develop a loading rate of so many gallons per square foot and I think it is .05?

Andrew Devereux: Yes, for an engineered subsurface.

Commissioner Martin: I believe that is based on soil type.

Andrew Devereux: Correct.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Thad Yonke stated that staff received a phone call in opposition to the request.

Jacob Galloway, 4791 E Log Providence Rd, Columbia

Jacob Galloway: My property completely surrounds the tract to the north, east and south. I bought my property in 2014 with the understanding that the area had a 10-acre minimum. For our financing we had to resurvey our property to have it on ten acres. All those sinkholes are on my property so we had hoops to jump through for the septic system as well and did the tank with the drip system. Out of that 10-acres we found one spot we could fit it in and it fit, but we had to do all the soil tests and jump through all the hoops. I believe their soils test found four spots to do it in but it surprised me because we had a hard time finding just the right spot on our 10-acres. Our water source is a deep well and adding that many more wastewater systems in the area doesn't sit well with me. Dividing the property and adding three additional homes is not desirable for myself and my family and doesn't fit with the standard of the surrounding area.

Lucy Hess, 4855 E Log Providence Rd, Columbia

Lucy Hess presented a drawing and photo of her property.

Lucy Hess: I have 49-acres and I built a house; initially there was 10-acres there, I have three tracts and I had to combine all three tracts together in order to have a lagoon, I have a septic system and a lagoon. What I learned from Environmental Health is that my lagoon couldn't be within 500-feet of a sinkhole. There is a sinkhole on my neighbor's property right past my property line to the west. You can see from the photo how

far away I had to put my lagoon. I had soil samples done before I decided what to do and I have clay soil so things don't dissipate very much there. I had initially thought about doing a drip system with lateral lines but I wanted to use that as horse pasture so I couldn't do that, plus the cost was exorbitant. I am not sure, if on ten acres you can put four houses plus a lagoon if it is not within 500-feet of a sinkhole; there are a lot sinkholes in the area.

Chairperson Harris: Their wastewater systems would not be lagoons.

Lucy Hess: That road is one-way and it is narrow. You can get two people through it but it is really narrow and traffic is problematic if there are people coming and going a lot. I can't remember if it was the Fire Marshal or Fire Chief of Station 19, he came to one of our meetings and talked about fire safety issues with regard to Lakeside Ashland. The Fire District was concerned at that time with the traffic blocking emergency services to our homes. What the Fire Chief said was that they were concerned that there was a higher density in that area than they thought. They thought there were only 35 homes in the area and there are approximately 62. They said they really didn't want anyone else building back there because of fire concerns. I wasn't able to get ahold of the person that said that but I think that is what everyone understood. We are also concerned with the karst topography and we don't want to pollute the caves and kill the bats.

Greg Renner, 4300 Log Providence Rd, Columbia

Greg Renner: My property is immediately to the west of the subject tract in the A-2 area; I own several of those lots. The karst was something I was concerned about. This is a multiple dead-end system and there are about 60 homes in that area so we feel the added density is counter-productive. The way our road is, when you get past the church, it makes a sharp right turn then heads north and it stops. It stops at the junction of multiple properties; there are four families that come to a dead-end point. It is not a circle it is just a road that stops so turning around is a big problem; you have to go over some private land to make any kind of turn or pull into the driveway or back up to the church. If you get a big vehicle in there they won't be able to turn around adequately. It is also common that people come in there and don't know where to go, even with the GPS systems. Multiple times I encounter people trying to make deliveries and they don't know where to go; adding three more homes will add to the confusion. The whole general character of the area are larger tracts in a rural environment; the kind of density proposed would change the character of the neighborhood and I feel that would be inappropriate.

Jordan Tomlinson, 4852 E Log Providence Rd, Columbia

Jordan Tomlinson: I have lived here a short time but I have noticed that traffic is an issue. Most of the time when we leave in the mornings a school bus and our vehicles cannot pass at the same time.

Dwayne Wallace, 4445 E Log Providence Rd, Columbia

Dwayne Wallace: My main issues are the sewer and the four extra homes. Now there is a modular home there and it is a rental property. I don't have any problem with the current renters but before it was chaos. I don't know if you have any restrictions with modular homes when you have 2.5 acres lots or not, that is our main concern. I have a drip system and, if they aren't maintained, they overflow and they get pretty bad. I spend \$500 per year to maintain the system. I don't like the drip systems because they are complicated; if you lose power you end up with water everywhere. I have a sinkhole in my front yard, it is probably 100-feet from the property line and when it rains it fills up so all that property where she is it is coming down and it will fill up the sinkhole and it will stay that way for two days. After a good rain it will have six feet of water in it; it is a big sinkhole, we clear it out in the spring and the weeds start taking over. When it rains there is serious water coming in my yard. For the applicant to put a road in on that side it is going to disturb the flow and I am going to get all that wash on my property. With Lakeside Ashland there is more traffic and I am

getting ready to put up a gate because I am tired of people coming in and wanting to know where Lakeside Ashland is. There is no way you can put in four more houses and not disrupt everything.

Chairperson Harris: Your driveway parallels their proposed driveway?

Dwayne Wallace: Correct, my property is in the middle of her driveway so she would have to change that if she goes forward; right now I don't care but if you start making changes then she will have to make another driveway.

Matt Kohly, 4520 E Log Providence Rd, Columbia

Matt Kohly: Everything I was going to say has already been covered.

Closed to public hearing.

Kevin Schweikert: At most we are putting in two to three more homes; zoning would allow us to put in three more if we wind up with 10-acres; if it is less than that we would only add two more. The lagoon would go away and it would be upgraded with an engineered system and add two to three more of those so that could be some trade off. We may be able to provide a turn-around easement for a fire truck which could help in this area; she may drop one lot and provide a turn-around easement or we could provide it at the end of the road on one of the other A-2 tracts, that might be a better spot for it. It is straight A-2 zoning so if you approve it you have no control over whether she does that or not.

Chairperson Harris: When did you buy this property?

Anna Linzie: I bought it around 2008 and that was after my father passed away; my father had been on the land for 30 years.

Kevin Schweikert: 1987 was when he bought it.

Anna Linzie: My purpose was to pass it down to my children. I find that when others have wanted to look after the welfare of their family it is okay; I would like to do what is best for my family as well. I am willing to be in compliance and I have been there for years; in fact we were there first.

Kevin Schweikert: We understand the concerns of the neighborhood. What we are trying to do is create some pieces of land for the family on a piece of acreage that is suitable to build. The main issue here is fire safety and traffic. The other was the runoff; we are trying to put in the best system we can, we had a soils report that stated that they would work and are appropriate for the area. I agree there is maintenance for these systems and they have to be upkept.

Anna Linzie: I am prepared to do that.

Kevin Schweikert: The other opposition was the type of home on these tracts.

Anna Linzie: They will be permanent structures, they won't be mobile homes or manufactured homes.

Kevin Schweikert: Will the existing home go away?

Anna Linzie: It will.

Kevin Schweikert: That will be an improvement to the neighborhood.

Commissioner Kurzejeski: You mentioned a possible fire turn-around which straight A-2 doesn't mean anyone has to do that. I think four engineered systems are better than one lagoon but there is nothing that says when the lagoon goes away; it could stay there a long time. You also indicated that staff didn't see much value in a planned approach and I am thinking there probably is so am I missing something?

Kevin Schweikert: I am starting to think there might be too. On the family transfer they could just transfer one tract, they could do the northern pieces first. Once they do something with the southernmost piece around the current doublewide then the lagoon will have to be on the site of the structure that it serves so in that case that wastewater system would have to be updated at that point.

Commissioner Kurzejeski: The point I was trying to make was that it could be 50-years from now before the southernmost piece is divided. There is nothing that requires that lagoon to go away tomorrow, it will only be when that proposed lot is created.

Thad Yonke: Or if that existing home is changed.

Kevin Schweikert: If that doublewide came out they would have to deal with the system then.

Commissioner McCann: Have you looked at the lot layout and the difficulties you will probably have in trying to meet the Stormwater Regulations for environmentally sensitive areas? I don't know if there is much area once the setbacks are in place.

Kevin Schweikert: I haven't had a chance to look at that; if that were an issue it would limit the number of tracts we could do. I would assume the northern lots would be more problematic. This could end up just being two more sites, or one.

Chairperson Harris: Plans aside we still have issues here that are difficult to overcome. Putting four systems in that are all subterranean: that leachate is going somewhere, and we heard testimony from someone who has that type of system that it can be problematic. We also have stormwater concerns. Part of our task is to determine is if this is the right use of land in this place.

1992 was a long time ago and you don't know what people were thinking and what they had for knowledge at that time, geographically. I would argue in some ways that if that existing A-2 were to come before us today if it would never get out of the starting gate. Unfortunately, this request is like the previous request tonight that the sins of the past get revisited tonight. I just don't see, other than the family need, how we get past the concerns and whether this is the right thing at the right time because we already have an island of A-2 in the middle of A-1 with geological problems. I don't see how we overcome that.

Chairperson Harris made, and Commissioner Proctor seconded a motion to deny the request by Anna M. Bratton Revocable Trust to rezone from Agriculture (A-1) to Agriculture (A-2) on 10 acres located at 4483 E Log Providence Rd, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – NO
Greg Martin – Yes	Steve Koirtyohann – NO
Daniel Mings – NO	Randal Trecha – Yes
Rhonda Proctor – Yes	Robert Schreiber – Yes
Jeff McCann – Yes	

Motion to deny the rezoning request passes 6 YES 3 NO

Chairperson Harris stated that if the applicants wished to appeal the decision to the County Commission the applicants will need to file an appeal form within three working days.

3. Request by 40-J Development LLC to rezone to Planned Light-Industrial (M-LP) and to approve a Review Plan on 180.71 acres located at 2200 N Route J, Columbia

Senior Planner, Thad Yonke gave the following staff report:

The property is located at the immediate southeastern corner of the intersection of US Highway 40 and State Route J. The initial zoning of M-LP (planned industrial) went into effect in June of 2020. A revision to this plan was proposed and approved in 2021. The property is approximately 193-acres in size and is being developed as an industrial/office park campus. The area currently contains a large distribution center warehouse.

The current request is to revise the approved review plan to allow for the office building shown in phase 2 to potentially be modified from what is currently approved. The approved Final Plan indicates a 2-story office building of 69,000 square feet per floor for a total building of 138,000 square feet. The current proposal refines the development by adding flexibility to the plan to allow buildings to be built up to the maximum sizes shown and in multiple phases so long as the buildings are in the areas shown. Additionally, an option B has been proposed for the main office building that focuses on a smaller building and more compact parking and site circulation network. The location of the office building has not changed and the parking area around the proposed office has been altered to fit the new proposed footprint in this option.

This proposal has been evaluated and because this proposal is nothing more than a refinement of the currently approved plan with no additional potential for greater impact beyond the current approval, Staff recommends approval. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. This test was met for the previous approval therefore, the request does still meet the sufficiency of resources test for service availability or potential availability. The existing conditions have been re-imposed as the underlying basis for the conditions remains unchanged. All original conditions placed upon the request are carried forward as they have been on each approved revised plan.

Staff notified 15 property owners about this request. The property scored 65 points on the rating system.

Staff recommends approval of the rezoning and review plan subject to the recognition that all the original conditions of approval are still in effect, the most currently relevant being the following conditions and sub-conditions:

- 1) Phase 2
 - 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.
 - 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive. {This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive. {This is already shown on the plan}

- 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
- 4) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

Present representing the request:

Matthew Braden, Crockett Engineering, 1000 W Nifong, Columbia

Matthew Braden: I agree with the staff report. I want to make sure that everyone is aware that conditions 1 & 2 of Phase 2 are already complete, so all the off-site improvements are finished. We are just trying to add an option into the plan to do a smaller building and less parking.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Chairperson Harris: Essentially everything is staying the same the applicants are just going to a smaller building.

Matthew Braden: Correct, we are just adding it as an option.

Commissioner Koirtyohann made, and Commissioner Mings seconded a motion to approve the request by 40-J Development LLC to rezone to Planned Light-Industrial (M-LP) on 180.71 acres located at 2200 N Route J, Columbia:

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

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the request by 40-J Development LLC to approve a Review Plan on 180.71 acres located at 2200 N Route J, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – 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, January 4, 2024 at 7:00 PM.

4. Request by T-Vine Enterprises to rezone from Agriculture (A-2) to Planned Moderate-Density Residential (R-MP) and to approve a Review Plan on 1.08 acres located at 7901 N Glen Meadow Dr, Columbia

Planner, Uriah Mach gave the following staff report:

The proposal covers an undeveloped portion of the Settlers Ridge site at the northeastern and northwestern corners of the intersection of State Routes B & HH, north of Columbia. The property is zoned A-2(Agriculture). The A-2 is original 1973 zoning. This review plan and preliminary plat creates seven lots for single-family homes on the north side of Glen Meadow Drive, bridging the gap between Glen Meadow and Steiner Glen Drive. This proposal revises the previously proposed Planned Residential-Moderate Density (R-MP) zoning area, identified on the July 2022 Review Plan, into the seven R-MP lots suitable for development.

The surrounding zoning is as follows:

North – Agriculture (A-2)

North-East – Planned Residential Two-Family (R-DP)

East – Residential Two-Family (R-D)

South – Residential Moderate-Density (R-M)

West – A-2

Since the initial review plan and preliminary plat were approved for this property in 2001, five revised review plans/preliminary plats, six final plats, one final development plan, and three straight rezoning requests have been approved on this property. The most recent review plan and preliminary plat were approved on the July 2022 agenda. This current plan is focused on the area of the proposed seven lots and such action is consistent with the small chunks of the overall Settler's Ridge development that are rezoned and platted over the last twenty years.

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

Utilities: The subject property is in Public Water Service District #4 for water service, the Boone County Fire Protection District for fire protection, and the Boone Electric Cooperative service area. The subdivision will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. A revised annexation agreement was executed on November 25, 2011. The agreement dictates the conditions under which sewer service will be provided to the property.

Transportation: A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being mitigated. In 2011, Allstate Consultants completed a traffic analysis to evaluate the needs of the Settlers Ridge development in response to the level of development that had occurred at that time. That analysis indicated that the 2000 traffic impact analysis was still valid. As part of the 2022 update, A Civil Group submitted an analysis of current traffic conditions which indicates the same. However, considering the age of

the 2000 traffic study, and with the concurrence of MoDOT, staff has determined that the next phase of Settlers Ridge will require a full-scale update to the 2000 traffic study.

Public Safety: The property is in the Boone County Fire Protection District, with the station on Highway HH being closest for service.

Zoning Analysis: This proposal is consistent with the current version of the Settlers Ridge Review Plan and Preliminary Plat that was approved July 2022.

The property scored 71 points on the rating system.

Staff recommends approval of the rezoning request, revised review plan, and preliminary plat with the following acknowledgement:

1. That future phases of Settlers Ridge will require a complete re-assessment of traffic impacts prior to review of new development plans for the remaining property.

Present representing the request:

Kevin Murphy, A Civil Group, 3401 Broadway Business Park Ct, Columbia
Rhonda Carlson, 1110 Willow Creek, Columbia

Kevin Murphy: There was an overall review plan and it was done some time ago by T-Vine Enterprises and it has been rezoned in pieces as they have filled out the development. This will be seven lots and there will be single-family attached homes. This is following the zoning pattern and giving buffer from less dense to more dense.

Chairperson Harris: What are the proposed sizes for the homes?

Rhonda Carlson: 1250-square foot; they will be just like the homes beside them.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Martin made, and Commissioner Mings seconded a motion to approve the request by T-Vine Enterprises to rezone from Agriculture (A-2) to Planned Moderate-Density Residential (R-MP) on 1.08 acres located at 7901 N Glen Meadow Dr, Columbia:

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

Motion to approve the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Koirtyohann seconded a motion to approve the request by T-Vine Enterprises to approve a Review Plan & Preliminary Plat on 1.08 acres located at 7901 N Glen Meadow Dr, Columbia:

Boyd Harris – Yes	Eric Kurzejeski – Yes
Greg Martin – Yes	Steve Koirtyohann – Yes
Daniel Mings – Yes	Randal Trecha – Yes
Rhonda Proctor – 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, January 4, 2024 at 7:00 PM.

VI. Plats

1. Settler's Ridge Phase 7 Preliminary Plat. Pending R-MP. S9-T49N-R12W. T-Vine Enterprises, owner. Jay Gebhardt, surveyor.

See staff report and vote under Rezoning Item # 4. T-Vine Development.

The following Plat Items 2 & 3 were placed on consent agenda:

2. Perche Loop Subdivision Plat 2. A-2. S32-T50N-R13W. Denise M. Lamonda, owner. Steve Proctor, surveyor.

The subject property is located off Lewis Lane, less than half a mile from the intersection of Lewis Lane and West Red Rock Road. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a replat of Perche Loop Subdivision recorded in book 10 page 152 of the Boone County records. The proposal seeks to modify tracts D, E, and F of Perche Loop Subdivision as well as include unplatted property into lots 1, 2, and 3 of the replatted subdivision. Lots 1 and 2 are 20 plus acre lots each with a dwelling and onsite wastewater lagoon. Lot 3 of the replatted subdivision is a 91.26-acre lot that is undeveloped.

Lot 1 has road frontage along North Lewis Lane, a publicly maintained roadway. Lots 2 and 3 are served by a 40' private access easement off North Lewis Lane. The applicants have not submitted a written request for a waiver to the traffic impact study. However, this area was already platted as a subdivision with a private access easement. Replating this property is likely to have minimal impact on existing transportation infrastructure. Granting of a waiver to the traffic impact study is appropriate in this case.

Consolidated Water provides water service in this area. Boone Electric provides power. The Boone County Fire Protection District provides fire protection. The nearest station, Station 7, is 4.9 miles away.

Wastewater from the dwellings on lots 1 and 2 are handled by onsite sewage lagoons. The applicants propose the use of onsite sewage lagoon to serve future development on lot 3. The applicants have not submitted a request for a waiver to the sewer cost benefit analysis. However, this replat will not create any

additional lots for development, nor will replatting this property make it feasible to construct a public sewer facility. Granting of a waiver to the sewer cost benefit analysis is appropriate in this case.

Perche Loop Subdivision was platted in 1971 and did not have recorded vacation procedures. County Commission order #438-2023 tentatively vacated Perche Loop Subdivision, subject to a replat compliant with the Subdivision Regulations, the vacation does not go into effect until the recording of the replat. The property scored 27 points on the rating system.

Staff recommends approval of the plat and granting of waivers.

3. Harrison Subdivision. A-2. S33-T51N-R13W. David D. & Mary L. Ridge, owners. Jonathan Cole, surveyor.

The subject property is located on Voorheis Road, approximately 207 feet to the west of its intersection with Oak Grove School Road, six miles east of Harrisburg. The property is currently vacant. This proposal divides 3.5 acres from a 300+ acre parent parcel. The property is zoned Agriculture (A-2) and is surrounded by A-2 zoning. This is all original 1973 zoning.

The subject property is located on Voorheis Road, a publicly dedicated, publicly maintained right of way. This plat is dedicating a full 66' right of way to the county, as the parent parcel is on both sides of Voorheis Road. The applicant has submitted a request to waive the traffic study requirement of the subdivision regulations.

The subject property is located in Public Water Supply District #10 and the Boone Electric Cooperative service areas for water and electrical services.

On-site wastewater is proposed for this lot. Given the severity of the slopes on this property, an engineered on-site wastewater system is the most likely system to be proposed for use if development occurs. The applicant has submitted a request to waive the wastewater cost-benefit analysis requirement of the subdivision regulations.

The property scored 18 points on the rating system.

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

Commissioner Kurzejeski made, and Commissioner Koirtyohann seconded a motion to approve the items on consent agenda as recommended

All members voted in favor.

Chairperson Harris stated that the items able to move forward to the County Commission will do so on Thursday, January 4, 2024 at 7:00 PM.

VII. Old Business

1. Update on Commission action

Director, Bill Florea updated the Commission of the following actions of the County Commission:

The Rezoning requests by 7841 Management Inc to rezone 2.85 acres from Recreation (REC) to Agriculture (A-2) and to rezone 1.03 acres from Agriculture (A-2) to Recreation (REC) at 20650 N Highway 124, Centralia were approved as recommended.

The Final Development Plan for VH Acres, Plat 2 (Great Rivers Council – Boy Scouts of America) was approved as recommended.

VIII. New Business

None

IX. Adjourn

Being no further business, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 15th day of February 2024