

TERM OF COMMISSION: July Session of the July Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Boone County Commission Chambers

PRESENT WERE: Presiding Commissioner Kip Kendrick
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Deputy County Clerk III Jodi Vanskike

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 7:30PM and roll call was taken.

P&Z

1. Consent Agenda

- A. Request by IUVO Constructum to approve a Final Development Plan for Oak Hill Estates Plat 3 in the pending Planned Agriculture-Residential (A-RP) zoning district on 5.01 acres located at 500 E. Brook Valley Dr, Columbia.**
- B. Settlers Ridge Plat 8. R-D. S9-T49N-R12W. T-Vine Development Corp, owner. Jay Gebhardt, surveyor.**
- C. Oak Hill Estates Plat 3. Pending A-RP. S24-T47N-R13W. IUVO Constructum, owner. Jay Gebhardt, surveyor.**
- D. Foggy Hills Subdivision. R-S. S23-T49N-R13W. Smithsonian Holdings LLC, owner. Stephen Heying, surveyor.**
- E. Country Farms Plat 1A. R-S. S33-T48N-R13W. Arlene Priest, owner. David Butcher, surveyor.**
- F. Luedders Estate. A-2. S6-T49N-R11W. Joel Luedders, owner. Kevin Schweikert, surveyor.**

Director of Resource Management, Bill Florea, read the following staff report:

The Planning and Zoning Commission reviewed agenda items 1 through 3 at its July 18, 2024 meeting. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are incorporated into the record of this meeting.

Regarding item 1, the consent agenda, the final plan, item A, was approved and is presented for your approval. The final plats, items B, C, D, E, and F, were approved and are presented for your receipt and acceptance. I request that you waive the reading of the staff reports and authorize the Clerk to insert them into the minutes of this meeting.

A. IUVO Constructum, Final Development Plan.

The subject properties are located at the intersection of Brook Valley Drive and Route N. The applicants are seeking to finalize the rezoning of lots 201 and 243 of Oak Hill Estates Plat 2 from Agriculture 2 (A-2) to Planned Agriculture-Residential (A-RP). The approval of this Final Plan will finalize the zoning. The corresponding Review Plan was approved by County Commission orders #263-2024 and #264-2024. The following conditions were placed on the Review Plan:

1. That farm dwelling and public park are removed from the list of allowed uses of the planned development.
2. A maintenance plan for the monument sign and water feature shall be submitted to the Director concurrent to the submittal of the Final Plan.
3. All structures, other than the proposed sign and water feature shown on this plan, shall remain in line with or behind the 50' building setback shown on this plan.
4. Both lots shall be re-platted before issuance of building permit for each lot. The re-plat must show the 25' perimeter setback, the 50' building setback, and a note indicating the A-RP zoning district.

The Boone County Zoning Ordinance, Section 6.2.14, Standards for Approval of the Final Development Plan identify 3 criteria for approval and state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All 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 Review Plan.

Staff have reviewed the submitted Final Plan. All required information is accurately portrayed, and the plan conforms to the corresponding Review Plan and conditions.

The use list has been updated, both farm dwellings and public park have been removed. A maintenance plan was submitted as part of a draft maintenance easement to the Director. The applicant has indicated in the notes section of the Final Plan that all structures other than the sign and water feature must remain in line with or behind the 50' building setback. A replat of both lots has been submitted for approval by P&Z on the July 2024 agenda. Staff reviewed the submitted replat, it meets all the requirements of condition 4.

Staff recommended Approval.

B. Settlers Ridge Plat 8

The subject property is located near the southwestern corner of Ketterer Road and Brown Station Road, approximately 1 1/3 miles to the north of the City of Columbia. The property is currently undeveloped. The subject property is a 3.03-acre lot and five lots that are each roughly ¼ acre in size. The properties have three zonings among them, the 3.03-acre lot is zoned Agriculture 2 (A-2), the three northernmost small lots are zoned Two-Family Residential (R-D), and the southernmost small lot is zoned Single-Family Residential (R-S). Small portions of the A-2 lot and the R-S lot were rezoned on the June Agenda of the Planning & Zoning Commission under County Commission order 327-2024.

The surrounding zoning is as follows:

- North – A-2
- South – R-S
- East – A-2
- West – Planned Two-Family Residential (R-DP)

This proposal reconfigures the original three R-D lots into four R-D lots and revises the A-2 lot and the R-S lot to reflect small areas transferred to the R-D lots. This was the goal of the rezoning approved on the June agenda.

Utilities – The subject property is located in Public Water Service District #4, the Boone Electric Cooperative service and the Boone County Fire Protection District. Utility services to meet the needs of this rezoning have been constructed as parts of earlier phases of the Settlers Ridge development plan. Wastewater is treated by the City of Columbia under an existing agreement with the Boone County Regional Sewer District.

Transportation – The properties that are part of this rezoning request have frontage on Ketterer Road and North Brown Station Road. Both Ketterer and North Brown Station have been improved during earlier phases of the Settlers Ridge development plan to support the overall development. The applicant has filed a request to waive the traffic study requirement.

Public Safety – The nearest Boone County Fire Protection District Station is located approximately 2 ¼ miles away, on State Route HH, east of the subject property.

The property scored 71 points on the rating system

Staff recommended **Approval** of the plat and granting the requested waiver.

C. Oak Hill Estates Plat 3

The subject properties are located at the intersection of Brook Valley Drive and Route N. The proposal is a replat of lots 201 and 243 of Oak Hill Estates Plat 2. The subject properties are currently zoned Agriculture 2 (A-2) and pending Planned Agriculture-Residential (A-RP) upon approval of a submitted Final Plan for both lots. The property is surrounded by A-2 zoning on all sides.

Both properties have road frontage along both Brook Valley Drive and Route N, publicly maintained roadways. Future driveway access for both lots will come off of Brook Valley Drive. The applicants have not submitted a request for a waiver from the traffic study requirement. Previous plats of the property included a traffic analysis. This replat will not create any additional traffic sources. Granting a waiver to the traffic study is appropriate in this case.

Consolidated Water Supply District #1 provides water service in the area. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 8, is approximately 5.8 miles away.

The Boone County Regional Sewer District (BCRSD) provides sewer service in the area. The applicants have not submitted a request for a waiver from the sewer cost benefit analysis. BCRSD has informed staff that there is existing sewer capacity allocated for residential development on both lots. Granting of a waiver as to the sewer cost benefit analysis is appropriate in this case.

The replat of the property is to satisfy a condition placed on the review plan for both lots. Any future buildings, other than the water feature and development sign approved on the Final Plan, must remain behind the 50' building setback identified on the plat.

The property scored 61 points on the rating system

Staff recommended approval of the plat and granting of waivers.

D. Foggy Hills Subdivision

The subject property is located off of Creasy Springs Road, north and west of the intersection of Creasy Springs Road and Roemer Road. The parent parcel of the property is split zoned Single

Family Residential (R-S) and Agriculture-Residential (A-R). The area to be platted is zoned R-S and is surrounded by R-S zoning on all sides. The proposal is to plat a single 5.72-acre lot out of a 38-acre parent parcel. A single-family dwelling and subsurface onsite wastewater system are present on the property.

The property has direct frontage along Creasy Springs Road, a publicly maintained roadway. An existing driveway provides access to the dwelling on the property. The applicant has not submitted a request for a waiver from the traffic study requirement. However, the plat will not create any additional traffic sources as a house already exists on the single lot. Granting a waiver from the traffic study requirement is appropriate in this case.

The subject property is in Consolidated Water Supply District #1. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 5, is approximately 4 miles away.

An existing subsurface wastewater system serves the single-family dwelling. The applicant has provided an onsite wastewater plan showing replacement area for an onsite wastewater lagoon. A Boone County Regional Sewer District (BCRSD) sanitary sewer line is approximately 345 feet south and east of the intended plat, running along Creasy Springs Road. The applicant has provided a sewer cost benefit analysis prepared by a professional engineer. Based on staff's interpretation of the report, there is a large cost burden to connect a single lot to the BCRSD line. Granting a waiver to connect to public sanitary sewer is appropriate in this case.

Future subdivision of this proposed lot or remainder of parent parcel will require reexamination of potential sanitary sewer connection. Future analysis may indicate that connection to public sewer may not incur a large cost burden if multiple lots are proposed. Should the existing subsurface wastewater system fail or require significant repair under a wastewater construction permit, Resource Management staff will require a reevaluation of connecting the property to sanitary sewer before issuance of a permit. The reevaluation will include the standard submittal of information required by the Director of Resource Management for a sewer cost benefit analysis. This includes soils data from a soils scientist, an engineered subsurface onsite wastewater system designed by a Professional Engineer, cost estimates, and a schematic for connecting the property to sanitary sewer with estimated costs prepared and sealed by a Professional Engineer.

The property scored 62 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

E. Country Farms Plat 1A

This preliminary plat was reviewed by the Planning and Zoning Commission at its July 18, 2024 meeting and was approved by consent.

The subject property is located on Old Mill Creek Road, approximately ½ mile south of the roundabout at Vawter School Road and Old Mill Creek Road. The property is 8 acres in size, and zoned Residential Single-Family (R-S). There is currently a single-family dwelling and an on-site wastewater treatment system on the property. This proposal shows a design splitting the property into two lots, one at 3.97 acres, the other at 3.96 acres. The property is surrounded by R-S zoning. This is all original 1973 zoning.

Both proposed lots have direct access to Old Mill Creek Road, a publicly dedicated, and publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

Public water and electrical services are provided by Consolidated Public Water Supply District #1, the City of Columbia, and Boone Electric Cooperative. The existing home is served by Consolidated Public Water Supply District, but future development will be served by the City of Columbia.

The existing home has an on-site wastewater treatment system. Future development of the new lot will also likely utilize on-site wastewater treatment. The applicant has submitted a statement indicating that they are opposed to annexation for provision of central sewer service from the City of Columbia, meaning that the new lot will use an on-site system.

The property scored 71 points on the rating system.

Staff recommended approval of the plat and granting of waivers.

F. Luedders Estate

The subject property is located off of Phillipe Road, west of the intersection of Phillipe Road and Spiva Crossing Road. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a one lot minor subdivision plat. An existing home and onsite wastewater lagoon are present on the property.

The property has frontage along Phillipe Road, a publicly maintained roadway. The existing home utilizes a driveway north of the proposed plat. The applicants have submitted a request for a waiver from the traffic study requirement. This plat will not result in the addition of any new traffic sources. Granting a waiver is appropriate for this request.

The property is in PWS #9 service area. Boone Electric Cooperative provides power. The Boone County Fire Protection District provides fire protection. The nearest station, station 16, is approximately 3.4 miles away.

The existing home utilizes an onsite wastewater lagoon. An onsite wastewater plan was submitted concurrent to the submittal of the plat. The plan demonstrates adequate area for a replacement lagoon system should the need arise to replace the current system. The applicants

have submitted a request for a waiver from the sewer cost benefit analysis requirement. This plat will not result in any additional sources of wastewater. No publicly operated central sewer system is nearby. Granting a waiver to the sewer cost benefit analysis is appropriate.

The property scored 18 points on the rating system

Staff recommended approval of the plat and waiver requests.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the final plan, item A and does receive and accept the plats, item B, C, D, E, and F, as listed in the attached consent agenda (Attachment A) and authorizes the Clerk to insert the associated staff reports into the minutes of this meeting.

Attachment A:

- A. Request by IUVO Constructum to approve a Final Development Plan for Oak Hill Estates Plat 3 in the pending Planned Agriculture-Residential (A-RP) zoning district on 5.01 acres located at 500 E Brook Valley Dr., Columbia.
- B. Settlers Ridge Plat 8. R-D. S9-T49N-R12W. T-Vine Development Corp, owner. Jay Gebhardt, surveyor.
- C. Oak Hill Estates Plat 3. Pending A-RP. S24-T47N-R13W. IUVO Constructum, owner. Jay Gebhardt, surveyor.
- D. Foggy Hills Subdivision. R-S. S23-T49N-R13W. Smithsonian Holdings LLC, owner. Stephen Heying, surveyor.
- E. Country Farms Plat 1A. R-S. S33-T48N-R13W. Arlene Priest, owner. David Butcher, surveyor.
- F. Luedders Estate. A-2. S6-T49N-R11W. Joel Luedders, owner. Kevin Schweikert, surveyor.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #365-2024**

- 2. **First Reading: Request by MBK Investments LLC to rezone to Planned Light Industrial (M-LP) and to approve a revised review plan for Rock Bridge Business Park on 3.39 acres located at 5051 S Providence Rd, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request at its July 18, 2024 meeting and issued a recommendation for approval of the rezoning on a 10-0 vote and approval of the Review Plan on a 10-0 vote.

The subject property is located on the outer road along S. Providence Road, just north of the intersection of State Route K, Highway 163 and Providence Road. The property is 3.47 acres in size, and zoned Planned Light Industrial (M-LP). The surrounding zoning is as follows:

- North – City of Columbia
- East - City of Columbia
- West - Residential Single-Family (R-S)
- South – R-S
- Southeast - Planned General Commercial (C-GP)

It had been used as a mobile home park, originally being zoned Residential Moderate Density (R-M). This property was approved for a rezoning to M-LP in December of 2021 with an affiliated review plan. The final plan was approved by County Commission Order 134-2022. A revised review plan was submitted in October of 2022 and approved by the County Commission order 516-2022. Two of the three buildings proposed by earlier versions of this plan have been constructed.

The property is located inside the Columbia school district and the Boone County Fire Protection District. This request is to revise the proposed plan to allow food preparation and packaging use to the list of approved permitted uses.

The Boone County Master Plan identifies this area as being suitable for residential land uses. The sufficiency of resources test was used to analyze this request.

Utilities: The subject property is in the City of Columbia Water & Light service area for water, is provided central sewer service by the Boone County Regional Sewer District (BCRSD), is in the Boone Electric Cooperative service area, and the Boone County Fire Protection District. The Sewer District is concerned with ensuring proper separation of grease and oil, generated during food preparation, from the wastewater stream.

Transportation: The property has access on to the outer road along S. Providence Road, a publicly dedicated, publicly maintained right of way. Internal circulation on the property is limited due to its shape, and that limitation may make increasing the intensity of some of the new uses difficult.

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

Zoning Analysis: While this plan is an expansion of the uses allowed by the existing review plan, there are no physical changes proposed. The new use proposed is a minor modification of the current review plan.

The property scored 62 points on the rating system.

Staff recommended approval of the rezoning request and review plan with the following condition:

1. That the Boone County Regional Sewer District will need to review the wastewater pre-treatment process proposed for this development prior to installation of that process. This will occur as part of the plan review process for a building permit. The pre-treatment process must be approved by the Boone County Regional Sewer District and the Director of Resource Management.

Commissioner Kendrick opened and closed the public hearing.

Commissioner Kendrick stated this is a first reading and requested the Deputy County Clerk schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

3. **Enterprise Subdivision Plat 1 Preliminary Plat. M-L. S6-T48N-R11W. Boone County Missouri & Smith & Wesson Corp., owners. Crockett Engineering Consultants, surveyor. (Report Only)**

Director of Resource Management Bill Florea read the following staff report:

The 210.97-acre property is located approximately 600 feet north of the intersection of State Route Z and I-70 Dr NE and is zoned Light Industrial (M-L). It is occupied by a large warehouse/commercial building on Lot 2 and a BCRSD wastewater facility on Lot 1. These two lots and a portion of Enterprise Drive were platted as part of American Outdoor Brands, Plat No.1, recorded in Plat Book 52, Page 68. The existing lots have been included in this revised preliminary plat to document the continuing refinement of the overall development.

Agriculture Residential (A-R) zoning is found to the north, Agriculture 1 (A-1) east, a mix of General Commercial (C-G), A-R, and Agriculture 2 (A-2) south. West across Route Z is zoned A-1 & Planned Recreation (REC-P). These are all a mixture of original 1973 zonings and some later rezonings.

The proposal shows six-lots:

- Lots 1 and 2 were previously mentioned.
- Lot 3 is being held in reserve for a possible future Boone County Regional Sewer District facility.
- Lot 4 and including an extension of Enterprise Drive is expected to be platted in the near future.
- Lot 5 is intended for future development.

- Lot C-3 is being held in reserve for future right of way and public road construction.

Lot 2 has direct access to State Route Z. Lot 1 has frontage on Route Z but takes access from a drive on Lot 2. The remaining proposed lots are all accessed by roadways that will be constructed as part of the development.

The subject property is in Public Water Service District #9 and the Boone County Fire Protection District. The applicant will be constructing water infrastructure to meet the requirements of the fire code.

Sewer service will be provided by a public sewer line to the City of Columbia that is being constructed by the developer. It is likely that the sewer extension and the extension of Enterprise Drive will be bonded as part of final platting.

The property scored 70 points on the rating system.

Staff recommended approval of the plat.

Road & Bridge

4. Second Reading: Asset Transfer Cooperative Agreement with City of Ashland - First Read 07.25.24

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Road & Bridge Asset Transfer Cooperative Agreement between Boone County and the City of Ashland.

The terms of the Agreement are set out in the attached and the Presiding Commissioner is authorized to sign said Agreement.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #366-2024**

Commission

5. Public Comment

None

6. Commissioner Reports

None

Attest:



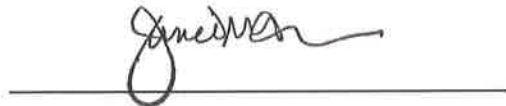
Brianna L. Lennon
Clerk of the County Commission



Kip Kendrick
Presiding Commissioner



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner