

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

Minutes

7:00 P.M.

Thursday, April 18, 2024

I. CALL TO ORDER

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

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
Randall Trecha	Cedar Township
Rhonda Proctor	Perche Township
Kevin Harvey	Rock Bridge Township
Jeff McCann	County Engineer

b. Present by Phone:

Robert Schrieber	Three Creeks Township
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c. Absent

Christy Schnarre	Bourbon Township
Vacant Seat	Columbia Township

d. Staff Present:

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

III. APPROVAL OF MINUTES

Minutes from the March 21, 2024 meeting were approved as presented by acclamation.

IV. CHAIRPERSON STATEMENT

Chairperson Harris read the following statement:

The April 18, 2024 meeting of the Planning and Zoning Commission is now called to order.

Notice of this meeting has been posted in accordance with State and local laws.

The Boone County Planning and Zoning Commission is an advisory commission to the County Commission and makes recommendations on matters dealing with land use. The commission is made up of individuals representing each township of the county and the county engineer.

The Planning and Zoning Commission may follow Robert's Rules of Order or its own by-laws. The by-laws provide that all members of the commission, including the chairperson, enjoy full privileges of the floor and may debate, vote upon, or make any motion.

The following procedure will be followed:

Announcement of each agenda item will be followed by a report from the planning department staff. After the staff report, the applicant or their representative may make a presentation to the Commission. Then, 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. Individuals that neither support nor oppose a request may 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. We ask that you please not be repetitious with your remarks. Some issues can be quite emotional but please be considerate of everyone hereby refraining from applause, cheers, or other signs of support or displeasure.

Please give your name and mailing address when you address the commission and sign the sheet on the table after you testify. 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 the public hearing is closed no further comments will be permitted from the audience unless requested by the Commission. The applicant will 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 a motion will be made for a recommendation to the County Commission.

All recommendations for approval are forwarded to the County Commission. They will conduct another public hearing on Tuesday, April 30, 2024 at 7:00 PM. Interested parties will 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 do so.

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. There will be no further public notification due to the short time between the hearing tonight and the County Commission hearing. The vote on discretionary items, such as rezonings and conditional use permits, will not be taken on April 30th. Those items will be scheduled for a second reading at a future County Commission meeting, likely Tuesday, May 7, 2024, however, the date of the second reading will be announced at the meeting on the 30th.

The Boone County Zoning and Subdivision Regulations are hereby made a part of the record of these proceedings.

V. **CONDITIONAL USE PERMITS**

1. **Request by Missouri Soybean Association to revise a conditional use permit for an Agri-Business in the Agriculture 1 (A-1) zoning district on 98.36 acres located at 5601 S Rangeline Road, Columbia. (open public hearing)**

Senior Planner, Thad Yonke stated that the applicants have requested that the Commission table the request.

Present representing the request:

Keenan Simon, Simon & Associates, 210 Park Ave, Columbia

Keenan Simon: There are a couple of comments from staff that we need to address before moving forward.

Commissioner Trecha made, and Commissioner Harvey seconded a motion to table the request by Missouri Soybean Association to revise a conditional use permit for an Agri-Business in the Agriculture 1 (A-1) zoning district on 98.36 acres located at 5601 S Rangeline Road, Columbia:

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

Motion to table the request passes unanimously

VI. REZONING REQUESTS

1. Request by Butch’s Investments LLC to rezone to Planned Light-Industrial (M-LP) and to approve a revised review plan for Butch’s Investments 163 on 13.49 acres located at 7180 S Cadet Court, Columbia. (open public hearing)

Planner, Uriah Mach gave the following staff report:

The subject property is located on Route 163, approximately 1300 feet west of US Highway 63, approximately 1 mile south of the city limits of Columbia. The property currently has an existing building present on Lot 4. The subject property is 13.49 acres in size and zoned Planned Light Industrial (M-LP). There is Agriculture 1 (A-1) property to the south, east, and northwest, Planned Recreation (REC-P) to the west, and M-LP zoning to the north.

The subject property was part of an M-LP rezoning and review plan in September of 2020. That request was denied by the Planning & Zoning Commission. The 2020 request was revised and reapplied as a new rezoning request and review plan for the December 2020 agenda, and it was approved under County Commission order number 623B-2020. Then in 2022, the plan was revised with a design that included two configurations. The new proposal was approved under County Commission order number 360-2022.

This proposal revises the designs for Lots 3 & 4 of the Butch’s Investments Final Development Plan. This revision is in the form of an additional new building on Lot 4. This building does not alter the sewer requirements or parking requirements as it takes square footage from the building envelope on Lot 3 and transfers it to Lot 4 as a new building. This loss of developable square footage from Lot 3 is translated onto both designs for Lot 3, as is the presence of the new Lot 4 building. As the developable square footage remains the same, no additional parking areas are required. The subject property is in the Bonne Femme Watershed, a studied environmentally sensitive area, and the Devil’s Icebox recharge area. The property scored 55 points on the rating system.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural 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 located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. There is a 12” waterline on the south side of Highway 163 that has been extended to provide service and fire protection. Wastewater is treated through a system built on Lot 5 of Butch’s Investment subdivision owned and operated by the Boone County Regional Sewer District. The existing agreement that dictates sewer service is in the process of being revised and approved by the Sewer District to support the new building on Lot 4.

Transportation: The property has access to Highway 163 from Cadet Ct, a private drive established under the previously approved plan. Access will be evaluated and permitted by the Missouri Department of Transportation. A limited traffic analysis was presented to MoDOT in the September 2020 review of this proposal, and MoDOT expressed no concerns with that increase in activity.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: Since the 2022 approval of the current final plan, the infrastructure supporting the request remains, indicating continued compliance with the sufficiency of resources test. Revision and modification of the review plan as shown in this proposal is consistent with the intent of the original request. Reprogramming of square footage from one building area to another is an appropriate use of the planned development process to confirm that there is no net increase in intensity of activity on the site, therefore confirming that the original approval is still correct for this development.

Staff recommends approval of the rezoning request and review plan subject to the following condition:

1. All agreements and documentation related to the provision of sewer service be completed to the satisfaction of the BCRSD and the Director of Resource Management prior to submission of the Final Development Plan.

Present representing the request:

Ryan Fuller, McClure Engineering, 2001 W Broadway, Columbia
Kevin Brown, owner, 3444 Woodrail Terrace, Columbia

Ryan Fuller: We have an approved Planned Development for the five lots; lot 5 has been deeded over to the Boone County Regional Sewer District and lots 1 & 2 to new property owners that are developing those lots in compliance with the 2022 plan. Mr. Brown still owns lots 3 & 4. The original plan showed a 30,000 square foot building on lot 3 and no new buildings on lot 4. Since 2022, Mr. Brown has seen that there is a demand for a new building for his property on lot 4 so we are proposing to take 5,000 square feet away from lot 3 and put that on lot 4 to allow him to expand his operation with his classic car sales and display. We discussed this change with the sewer district; all of those agreements are set up and they dictate a certain flow from each property. Since we are changing the square footages the flows from each property changes, however the total flow does not so the facility is constructed and can handle all of this flow. The sewer district presented us with their proposed revisions to those agreements and we took no issue with those changes and the sewer district is the process of finalizing those revisions.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Kurzejeski made, and Commissioner Koirtyohann seconded a motion to approve the request by Butch's Investments LLC to rezone to Planned Light-Industrial (M-LP) on 13.49 acres located at 7180 S Cadet Court, Columbia:

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

Motion to approve the rezoning request passes unanimously

Commissioner Martin made, and Commissioner Harvey seconded a motion to approve the request by Butch's Investments LLC to approve a revised review plan for Butch's Investments 163 on 13.49 acres located at 7180 S Cadet Court, Columbia with the following condition:

1. All agreements and documentation related to the provision of sewer service be completed to the satisfaction of the BCRSD and the Director of Resource Management prior to submission of the Final Development Plan.

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

Motion to approve the review plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, April 30, 2024 at 7:00 PM.

Rezoning items 2 & 3 were heard together with a combined staff report, hearing and vote:

2. **Request by IUVO Constructum LLC to rezone from Agriculture 2 (A-2) to Planned Agriculture-Residential (A-RP) and to approve a review plan for Oak Hill Estates Plat 3 on 2.5 acres located at 550 E Brook Valley Dr, Columbia. (open public hearing) (LOT 201)**
3. **Request by IUVO Constructum LLC to rezone from Agriculture 2 (A-2) to Planned Agriculture-Residential (A-RP) and to approve a review plan for Oak Hill Estates Plat 3 on 2.51 acres located at 555 E Brook Valley Dr, Columbia. (open public hearing) (LOT 243)**

Planner, Andrew Devereux gave the following staff report:

The subject properties are lots 201 and 243 of Oak Hill Estates Plat 2. Both lots are corner lots with frontage along Brook Valley Drive and State Route N. The properties are zoned Agriculture 2 (A-2) and are surrounded by A-2 zoning on all sides. The zoning is original 1973 zoning. The proposal seeks to rezone both lots from A-2 to Planned Agriculture-Residential (A-RP) to move the minimum setback from 50' to 25' and accommodate a residential development sign and water feature in this reduced setback area. A 50' building setback is shown along the road frontage for all other structures other than the sign and water feature. A proposed maintenance easement is shown on the plan to allow access by a HOA or homeowner group to the subdivision sign and the water feature. The list of allowed uses for the lots includes:

- agricultural activity,
- farm dwelling,
- home occupation,
- public park,
- family and group day care home,
- single-family dwelling.

The density statement indicates that one home shall be permitted on each lot; it's unclear to staff the intended use of a farm dwelling as farm dwelling requires a 20-acre lot and therefore can't be proposed. No information was provided to staff indicating how a public park would function within the planned development and therefore needs to be removed.

The Boone County Master Plan designates the area as being suitable for agricultural 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.

Transportation: The two lots are corner lots with frontage along both Brook Valley Dr and State Route N, both publicly maintained roadways.

Utilities: The property is in Consolidated Water Supply District 1. Boone Electric provides power service. Both lots have access to central sanitary sewer provided by the Boone County Regional Sewer District. While not necessary for this request the Boone County Regional Sewer District facility does have some excess capacity and the developer has secured and is in control of this capacity.

Public Safety: The Boone County Fire Protection District provides fire protection in the area. The nearest station, station 8, is approximately 5.1 miles away.

Zoning Analysis: Any change in zoning should start with the assumption that the existing zoning for the property is correct. Without a change in zoning, the property owner is permitted to construct one single family dwelling on each lot, as well as the proposed signage and water feature, albeit at the normal 50-foot setback for the A-2 zoning district.

This rezoning request seeks to change the perimeter setbacks from 50' to 25' to allow construction of the sign and water feature closer to the road than would be permitted under the A-2 zoning district, these are accessory uses to the primary use of the lots. While the primary intended use of the property has not changed, a change from A-2 to A-R to allow preferential treatment for an auxiliary or accessory use is akin to a grant of special privilege and a bad precedence to establish. Trying to graft together components from different zoning districts within a planned rezoning request should not be modelled after an a la carte restaurant menu.

While this proposal is a creative attempt, it is likely approval will lead to other similar equivocal requests that will take up a disproportionate amount of time and resources as a new regular practice to be sought for all major subdivisions in A-2 areas as an attempt to gain the feel of higher density subdivisions through closer to the road signage.

Surrounding property owners may see this request as a signal that higher density is appropriate and “sanctioned” by the zoning map, even though this plan does not propose it. Petitions for a change in zoning and proposed possible increases in density within the area are likely even though it is unclear if adequate utility services are in place to support an increase in density should surrounding property owners attempt a rezoning to a higher density. Similarly inspired requests are likely not going to meet the sufficiency of resources test to support the concept that the underlying zoning category proposed is appropriate for the area. Feasibility of the parent zoning district and potential development density should be equally important as the cherry-picked details proposed to be inserted into the otherwise consistent development.

Analysis of the existing zoning indicates that A-2 is appropriate for the character of the area and subdivision, and that a rezoning to A-R opens the area to confusion and proposed future increases in density. Any request to change from the existing A-2 zoning without significant evidence that the density possible under the proposed zoning category sought should be denied.

The property scored 51 points on the rating system. Staff notified 28 property owners about this request.

Staff recommends denial of the review plan and rezoning request.

Should the Commission recommend approval, staff recommends the following conditions:

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 is submitted to the Director concurrent to the submittal of the Final Plan.
3. All structures, other than the proposed sign and water features already shown, remain in line with or behind the 50’ building setback shown on the plan.
4. Both lots are re-platted before issuance of building permits 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.

Present representing the request:

Kevin Murphy, A Civil Group, 3401 Broadway Business Park Ct, Columbia

Kevin Murphy: I had trouble understanding staff’s reasoning for denial. The signage would encourage a more dense development or just this A-RP rezoning would do such. I think that all of those rezoning requests that come before you or the Commission to determine those needs or a request if they were appropriate or not. It may bring more requests, which I don’t see happening. Basically what we are trying to do is get the sign requirements have the signs placed behind the setbacks for the zoning district. Single-family, duplex, multi-family the setbacks are 25-feet; the only ones that are at 50-feet are A-1 & A-2 zoned properties. We do have a subdivision with several lots out here, 2.5 acre lots, that is what we are staying with on here, we aren’t increasing the density. We meet the sufficiency of resources, we are basically just wanting to get the signs a bit closer to the road and match the signs across the street in Brook Valley Estates that is zoned A-2 across the street; they have signs closer to the road to where you can see them. There are some other A-2 zoned subdivisions that somehow or some way, Clear Creek Estates is one that I noticed that have signs closer to that than the 50-foot setback requirement, which is basically 80-feet from the center line of the road. If you notice from the aerial there are some fairly sharp curves just to the north of here. The desire of the applicant is to put the signs closer to the road so folks aren’t coming around the corners and missing the turns and then eventually turning into someone’s driveway and backing out on Route N to come back. I think that is a legitimate safety

concern and it would also match the surrounding signs directly across the street. Our other alternative would be to maybe go to the Board of Adjustment to request a variance; a couple of questions that would come up from them is if there is another way to accomplish this and this requested rezoning is one way to accomplish this. The Board would also ask if this is self-imposed; there is nothing topography-wise that this needs to be done but in our minds it hinges a little more on safety and visibility of the subdivision and the entrance of the subdivision. If it were zoned any other residential district it would be allowed in this location.

Chairperson Harris: There is a sign and a water feature?

Kevin Murphy: Yes, on the second page of the plan. The sign with "Oak Hill Estates" on it would be on the southern sign south of Brook Valley Drive facing toward the curves; we are only allowed one identification sign so the other is a water feature to even it out and make it look comparable. It is a waterfall type thing; the plan does not depict it but on one side of the water feature and on one side of the lettered sign, there is an oak tree pictograph. It is not lettering but just a picture of an oak tree.

Thad Yonke: That is a sign, if you put an image on the water feature you will have a second sign which is not allowed and it is not shown on the plan.

Chairperson Harris: The applicant referenced the signs across the road.

Thad Yonke: Those signs were placed before the sign regulations went into effect so they are non-conforming.

Chairperson Harris: So that ship has sailed?

Thad Yonke: Yes.

Commissioner Proctor: How much is this going to impede as far as line of sight? You are bringing the sign out 25-feet closer to the road, are the cars going to have trouble seeing around the sign?

Kevin Murphy: There is a wide right-of-way on Route N so even before the property line starts there is a good bit of distance and you have the setback from the property line. I am guessing it is 80-feet of right of way.

Chairperson Harris: Are there existing residences on the two lots?

Kevin Murphy: No. When a residence does go on these lots it gets a sign closer to the corner of the property rather than to the inside of the property.

Commissioner Martin: Why are the applicants doing this now? This was platted a long time ago and it is currently being developed. The 50-foot setback has not changed and they suddenly decide they need a sign closer to the road? Why didn't they do this up front?

Kevin Murphy: I don't know if they recognized it up front but I think in trying to sell the lots people are having trouble trying to find it.

Commissioner Martin: Does it have a street sign?

Kevin Murphy: Yes.

Chairperson Harris: If this request were to be denied does that impede the ability to put up a sign, sell the lot and build a house under the existing regulations?

Kevin Murphy: Not that I know of. Any other single-family subdivision besides A-1 & A-2 you can have the sign at 25-foot.

Commissioner Trecha: The applicant mentioned applying for a variance from the Board of Adjustment.

Kevin Murphy: The Board has a list of criteria that you have to meet; whether there is another way to accomplish this – rezoning is an option; whether it is a self-imposed condition – I guess we don't have to put signs in but our client thinks it is good for identifying the subdivision and it makes it safer for people driving down the road to find it easier. The Board will ask if there topographical issues and that is not necessarily the case.

Commissioner Trecha: Are the signs lighted?

Kevin Murphy: Yes, they would be. There are regulations on that, it can't provide glare or shine into the road.

Chairperson Harris: This very question in this request is a germane part of why the previous request was tabled.

Thad Yonke: It could be; they could have requested a reduced setback by rezoning. That is part of the concern that we have is rezonings that will change categories which will show up on the map as being higher density otherwise and the only purpose is so they could get a different requirement from a different zoning district.

Chairperson Harris: We have to be concerned about precedent.

Thad Yonke: Yes, and in this case, as the staff report indicated, should this get approved anyone with an A-2 subdivision could try to follow this procedure to try to get reduced setbacks for their subdivision signs. If the Planning & Zoning Commission wished to accommodate those other signs they could instigate a regulation change. This was something specifically in the zoning regulations under the sign ordinance that in A-2 you meet the 50-foot setback. It seems like it is more appropriate to change the regulations if the Commission wishes to do this rather than to give some kind of work around.

Kevin Murphy: Even though the zoning is A-RP we aren't increasing the density with this so even if someone else were to come you could grant the rezoning but not increase density.

Chairperson Harris: The problem is the next project that is in A-2 that is a little sketchy but it would work better. The problem is it opens the door.

Kevin Murphy: I agree that the regulations should be looked at; I don't understand why it is twice as far back for this particular zoning than it is for any other residential type zoning.

Commissioner Kurzejeski: Will staying with the current requirement of 50-foot impede the potential sale of these lots?

Kevin Murphy: There are 2.5 acres here.

Chairperson Harris: It seems like this should have been thought out when they were platting.

Kevin Murphy: I think it was before they realized it was an issue that they needed identification here.

Commissioner Martin: I can understand that but the setback was already there and it existed when the property was platted.

Chairperson Harris: The other problem is how do we make our plan work within the rules that have been prescribed versus how do we change the rules and get what we want to do today? That is the slippery-slope; it is not a matter of if it comes back to haunt us but when because it will. I fail to see any redeeming or mitigating reason; it just doesn't make sense.

Commissioner Harvey: What is the process for amending the regulations?

Thad Yonke: An amendment can be proposed by the public or we can bring it forward if the Commission wants to study it. We would go through and weigh the pros and cons of what to do. If the Commission ends up proposing the change to be something that will make the signs bigger; when we did the sign ordinance staff proposed larger signage in the initial draft and the Planning and Zoning Commission reduced the size of the signs that were allowed in certain areas. Staff doesn't presume to know what the Commission thinks is appropriate but that does seem like it would be a more appropriate mechanism if the Commission is interested in either changing the size of the signage located where it is currently allowed or the location of where signs can go.

Chairperson Harris: What are the dimensions of the sign and water feature?

Kevin Murphy: 2'8" tall by 12' long is the total sign board; I believe the letters on the sign board are roughly 2' tall by 5.5' long.

Chairperson Harris: How far off the ground?

Kevin Murphy: A foot. We still have 50-foot setbacks for A-2 zoning and we still only have one house.

Chairperson Harris: The sign and pedestal is 3'8" tall by 12' wide and you have a 4' by 12' sheet of sign 25-feet off the intersection.

Kevin Murphy: We are proposing 25-feet from the property line; the street is another 9-10 feet away from that. If you get out to Route N you have the additional right of way before you even get to the road. It is roughly 83-feet from the centerline of Route N to where the 50-foot location would be.

Open to public hearing.

No one spoke in favor or opposition to the request.

Closed to public hearing.

Commissioner Koirtyohann: I think it is a very small benefit for a large potential for problems later.

Commissioner Trecha: Could you elaborate on getting a variance from the Board of Adjustment.

Thad Yonke: There is virtually no way they would be granted a variance; there are no unique circumstances. You have to have a reason that is unique to the property to get a variance. In this case, not wanting to comply with the regulations is not grounds for a variance.

Commissioner Trecha: Is the sign in its configuration the limits of sign size or could it be bigger?

Thad Yonke: The strict reading of the regulations, the entire sign dimensions (not just the letters) would have to meet the 32 square foot total size but staff has been allowing the sign board to be bigger and only enforcing the letter size or graphics. By a strict reading of the ordinance the water feature is a sign, you don't have to have letters on it to be considered a sign. If there are no letters or graphic images, staff has been considering things

like water features site features rather than signage but technically under the ordinance those are actually signs under the definition. Sculptures also count as a sign such as the chicken on Highway 763 and chairs at furniture stores, all of those things count as signs under the ordinance.

Commissioner Kurzejeski: At a future date I would like to have a discussion on why A-2 has a 50-foot setback and others are 25-feet.

Thad Yonke: Because that is the standard setback in A-2; all structures have to be 50-feet back if you are in an agricultural district. If the Commission wanted to change that as part of the regulations staff would entertain it and work with them on it. It hasn't been proposed to work on any of that.

Chairperson Harris: The subdivision across the road is A-2 they just came in before the sign regulations.

Thad Yonke: Correct, they also built them without permits which were required at that time.

Commissioner Harvey: If this is something we do discuss in the future we need to take into account the size of the sign being a bit larger on the State route as opposed to a smaller county road because of the need for visibility from a further distance.

Thad Yonke: There are a bunch of things in the sign regulations that, should we open them back up, that we need to look at.

Chairperson Harris made, and Commissioner Proctor seconded a motion to deny the request by IUVO Constructum LLC to rezone from Agriculture 2 (A-2) to Planned Agriculture-Residential (A-RP) for Oak Hill Estates Plat 3 for lots 201 & 243 located at 550 & 555 E Brook Valley Dr, Columbia:

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

Motion to deny the rezoning request passes unanimously

Chairperson Harris made, and Commissioner Harvey seconded a motion to deny the request by IUVO Constructum LLC to approve a review plan for Oak Hill Estates Plat 3 for lots 201 & 243 located at 550 & 555 E Brook Valley Dr, Columbia:

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

Motion to deny the review plan passes unanimously

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

VII. PLANNED DEVELOPMENTS

1. Request by D Who Land LLC to approve a Final Development Plan for Five Pines Subdivision PRD in the pending Planned Single-Family Residential (R-SP) zoning district on 174.98 acres located at 8100 E Richland Rd, Columbia. (no public hearing)

The following staff report was entered into the record:

The property is located on the south side of Richland Road immediately south of the intersection of Richland Road and Trade Winds Parkway. The applicant is seeking to finalize the rezoning of 174.98-acres from Agriculture (A-1) to Planned Single Family Residential (RS-P) which the approval of this Final Plan will do. The Review Plan and rezoning was approved by the County Commission on December 27th, 2022, by Commission Order 601-2022 with the same conditions as recommended by the Planning & Zoning Commission. The conditions are as follows:

1. An approved Pre-annexation Agreement that includes the additional property that was added under warranty deed recorded in Book 5668, Page 0051 of the Boone County Recorder of Deeds office shall be provided prior to approval of a Final Plan for any portion of Phase of B or Phase C.
2. Any off-site improvements, other than the roundabout at the intersection of Rolling Hills and Richland Road, must be installed prior to or concurrently with the phase of the development that includes connection of the southern extension of Trade Winds Parkway to Richland Road (which is proposed Phase 2) or the phase that includes the 101st lot, whichever is earlier.
3. While the phasing of the numbered phases 1 to 11 do not have to be executed in sequential order, anything other than sequential order is subject to approval of the Director of Resource Management at the Director's sole discretion.
4. No Final Plan may be submitted containing any portion of Phase B or Phase C, as shown on Sheet C103 of the review plan, until the corresponding Annexation Agreement with the city has been approved that includes the additional acreage added to the proposal and the current proposed subdivision design and documentation of said approval has been submitted and accepted by the Director of Resource Management.
5. The note on the Review Plan and Preliminary Plat for Phase C shall be amended to indicate that Phase C can be platted after January 1, 2028.

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 has reviewed the plan. All required information is accurately portrayed, and the plan conforms to the revised review plan.

Conditions 1 and 4 are satisfied by the agreement recorded in Book 5732 Page 116 of the Boone County Recorder of Deeds. Condition 5 has been corrected on the submitted plan. Conditions 2 and 3 are conditions that trigger with physical development of the project which has not yet begun and will be enforced at the appropriate time.

At this point, the Final Development Plan is in compliance with the conditions established by Commission Order 601-2022.

Staff recommends approval.

Commissioner Schrieber made, and Commissioner Koirtyohann seconded a motion to approve a Final Development Plan for D Who Land LLC for Five Pines Subdivision PRD in the pending Planned Single-Family Residential (R-SP) zoning district on 174.98 acres located at 8100 E Richland Rd, Columbia:

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

Motion to approve the Final Development Plan passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, April 30, 2024 at 7:00 PM.

VIII. PLATS

1. **Ratliff Subdivision Plat. A-2. S15-T47N-R13W. Ratliff Arthur C & Cyola J Revocable Trusts, owner. Kevin Schweikert, owner.**

The following staff report was entered into the record:

The subject property is located just over 1 mile south of State Route K, on High Point Lane, less than ½ mile south of the city limits of Columbia. The property is 15.30 acres in size and zoned Agriculture 2(A-2). There is a house and accessory building located on the property. The surrounding zoning is all A-2 and all original 1973 zoning. This proposal divides the 15.30-acre tract into two lots, one at 6.54 acres, and the other at 8.06 acres.

Both lots have direct access to High Point Lane, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request for a waiver to the traffic study requirement.

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

The existing house uses an on-site wastewater treatment system. Future development on lot 2 will require an engineered on-site wastewater system due to slopes on the property. The applicant has submitted a request to waive the wastewater cost-benefit analysis.

The property scored 69 points on the rating system.

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

Commissioner Schrieber made, and Commissioner Koirtyohann seconded a motion to approve Ratliff Subdivision Plat as recommended:

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

Motion to approve Ratliff Subdivision Plat passes unanimously

Chairperson Harris stated that this request would go before the County Commission on Tuesday, April 30, 2024 at 7:00 PM.

VII. OLD BUSINESS

1. Update on Commission action

The Rezoning Request & Review Plan by Fairway Commercial Building for Show-Me Farms Event Center at 7750 E Hwy AB was recommended approval by the Planning & Zoning Commission, the request moved forward to the County Commission who denied the request.

The Plats for Porter Bend Plat 1, Richardson Estates and Century Point were approved and accepted.

VIII. NEW BUSINESS

1. Master Plan – Open House April 3rd (viewings at Southern Boone Schools Central Board Office & Centralia Chamber of Commerce)

Virtual listening session took place April 3rd; additional listening sessions to take place April 23 & 24 at remote locations throughout the county. Go to Ourboone.com for more information.

2. Solar Regulations Update – County Commission First Reading to be held April 9, 2024

The First reading was held on April 9th; the second reading will take place May 7th and will hopefully be adopted.

3. Stormwater Regulations – Revisions

Staff hopes to have revisions ready to review at the May Worksession.

IX. ADJOURN

Being no further business, the meeting was adjourned at 7:57 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 16th day of May 2024