

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, September 19, 2024

I. CALL TO ORDER

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

II. ROLL CALL:

a. Members Present:

Eric Kurzejeski, Vice Chairperson	Missouri Township
Gregory Martin, Secretary	Katy Township
Steve Koirtyohann	Rocky Fork Township
Rhonda Proctor	Perche Township
Kevin Harvey	Rock Bridge Township
Robert Schrieber	Three Creeks Township
Jeffrey Ehimuh	Columbia Township
Jeff McCann	County Engineer

b. Absent

Boyd Harris, Chairperson	Centralia Township
Randall Trecha	Cedar Township
Christy Schnarre	Bourbon Township

c. Staff Present:

Bill Florea, Director	Thad Yonke, Senior Planner
Uriah Mach, Planner	Andrew Devereux, Planner
Paula Evans, Staff	Nicki Rinehart, Stormwater Coordinator

III. APPROVAL OF MINUTES

Minutes from the August 15, 2024 meeting were approved as presented by acclamation.

IV. CHAIRPERSON STATEMENT

Vice Chairperson Kurzejeski gave the following statement:

The September 19, 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. The Chairperson may implement time limits per speaker at any time during the meeting. 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 Thursday, October 3, 2024 at 7:00 PM on the 3rd floor in Room 301 of the Government Center. Interested parties will be able to comment on the requests at that time. The vote on discretionary items, such as rezonings and conditional use permits will not be taken at that hearing; those items will be scheduled for a second reading at a future hearing, likely on Thursday, October 10, 2024, however, the date and location of the second reading will be announced at the meeting on the 3rd. 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 Boone County Zoning and Subdivision Regulations are hereby made a part of the record of these proceedings.

V. CONDITIONAL USE PERMIT REQUESTS

1. Request by MuddyMoLanding LLC to revise the conditions of a conditional use permit for a marina in the Recreation (REC) zoning district on 1.1 acres located at 11501 S Smith Hatchery Rd, Columbia. (open public hearing)

Planner, Andrew Devereux gave the following staff report:

The subject property is 1.1 acres adjacent to the western boundary of Boone County along the Missouri River. The zoning is Recreation (REC). Adjacent zoning Agriculture 1 (A-1) to the north, east, and south. The Missouri River borders the property to the west. It was rezoned from A-1 to REC in 1986 under County Commission order #18-86. A 0.36-acre portion of the property was rezoned from A-1 to REC in 2008 under County Commission order #459-2008. The surrounding A-1 zoning is original 1973 zoning.

The property contains a marina, a 1200 square foot building serving as a general store offering food and drink, a 215 square foot performance stage, tent camping area, and a travel trailer park. The property serves to accommodate visitors from both the Missouri River and pedestrian and bicyclist traffic from the adjacent Katy Trail. The property also serves as a live music venue and a reception facility hosting public events at various times of the year. The entire property is located within both a designated FEMA floodplain and regulatory stream buffer.

In May 2005 a Conditional Use Permit (CUP) was granted under County Commission order #234-500 for incidental retail sales, travel trailer park, and a restaurant. Several conditions were placed on the CUP:

1. No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations. Only the existing occupied mobile home is allowed on the site and when it is removed for any reason it is not to be replaced with a singlewide.
2. Four parking spaces are required for the store plus 2 for the residence for a total of 6.
3. All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
4. An engineered wastewater system for the activities including restaurant use must be designed and installed.
5. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
6. The number of travel trailer slots is limited to a maximum of 12.
7. Comply with all site requirements of the Boone County Fire Protection District.
8. Comply with all requirements of the building code.
9. Must meet Health Department requirements for food service and wastewater.
10. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.
11. Said conditions must be complied with by December 31st, 2006.

In June of 2024 the Boone County Zoning Board of Adjustment granted several variances under case #2024-004. The variances include:

1. Front and rear setbacks for general store and stage.
2. Dust free parking and drive requirements.
3. Stormwater quantity and quality control provisions.

The applicant has submitted a request to modify the existing conditions of the CUP granted under County Commission order #234-500. The application includes a list of requested conditions as well as justification for the modification to existing conditions. The requested conditions from the applicant are:

1. No mobile homes may be used for any purpose on the site.

2. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
3. The number of travel trailers slots is limited to a maximum of 12.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.
6. Must meet Boone County Code of Health Regulations for food service and wastewater.
7. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the Director of Boone County Resource Management.

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

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

Activities associated with a restaurant and travel trailer park can create negative off-site impacts, specifically by traffic into and off the site. The applicants have submitted several proposed conditions to the CUP to help mitigate negative impacts, such as limiting number of travel trailers and minimizing light leaving the site. If operated in a manner consistent with existing county regulations and with appropriate conditions, this request should meet this criterion.

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

The existing CUP for incidental retail sales, travel trailer park, and restaurant has been in place since 2005. Minutes from the May 2005 P&Z meeting indicate that several surrounding property owners objected to the issuance of a CUP due to noise and parking issues. Since the issuance of the CUP in 2005, staff have received various complaints from the public regarding the parking and blocking of South Smith Hatchery Road. Many of the complaints originated with the previous owner of the property.

The applicant has a written agreement with the Department of Natural Resources to utilize state land along the Katy trail for off street parking. Eighteen parking spaces are located along state owned land along Smith Hatchery Road, with five potential future parking spaces to be added in the future.

Public comment during the tonight's hearing may indicate compliance with this criterion.

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

Cooper's Landing has been an existing recreational feature of the Missouri River for several years. The continued operation of a marina, restaurant, and general store should not result in any diminished property values if appropriate conditions are applied.

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

An engineered subsurface wastewater system permitted by the Department of Natural Resources (DNR) is present on site. A variance for stormwater quantity and quality controls was previously granted by Board of Adjustment under case #2024-004. Boone Electric Cooperative provides power service. The property is located within Consolidated Water Supply District #1 service area. Cooper's Landing has an agreement with DNR to provide parking for the facility on land maintained by the state.

The property has access to South Smith Hatchery Road, a publicly maintained roadway. Smith Hatchery is a local gravel roadway with a 30' right of way. The applicant's submission for a BOA variance for dust free material for parking and drive surfaces states "In the event that the parallel portion of the county road and trail are paved, Muddy Mo is willing to match paving-type at that time."

Based on the previous Board of Adjustment application, modification of the condition requiring dust free parking and drives is appropriate compared to removing it entirely. The applicant agreed in the variance application to the Board of Adjustment public hearing that dust free material will be installed should the County pave the roadway surface. Installation of handicapped accessible parking that is dust free near the building entrance will be required as part of compliance with ADA and building code requirements, regardless of a variance for dust free material.

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

The property is bordered by the Missouri River to the west and the Katy Trail to the east. The existing private property to the north and south are unlikely to develop beyond their current extent due to the same limitations of the river and trail. Continued use of the subject property with recreational uses is unlikely to impact neighboring development despite an increase in intensity of use under the new ownership.

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

The property has two points of access onto South Smith Hatchery Road. Internal drives allow for circulation within the site. The internal circulation is a mixture of driving surfaces, with gravel entrances and gravel internal circulation. Concrete drive surfaces are located near the existing building and boat launch.

The applicant has prepared a site plan showing the intended layout for the property. The plan shows building footprints, sanitary sewer system, and camping locations. Off street parking for Cooper's Landing is along state-owned land adjacent to the Katy Trail. The applicant has an agreement with the state to utilize public land to provide parking for the facility.

18 total parking spaces are shown on the plan along state owned land. 13 spaces are located towards the northern portion of the property. 5 spaces are located towards the southern portion. An additional 5 spaces are shown as future parking spaces. All parking spaces except one, are adjacent to South Smith Hatchery Road. An ADA compliant parking space is located adjacent to the existing building. Parking for RVs and trailers are located internal to the property or on state land not along South Smith Hatchery Road.

The site plan shows two freestanding signs along South Smith Hatchery Road. County sign regulations permit one freestanding sign along adjacent public street frontage. The applicant may choose either location to construct a freestanding sign, but the property is eligible for a single freestanding sign along the public roadway.

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

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

Zoning analysis:

Cooper's Landing is a long-standing recreational staple of the Missouri River. After review of the criteria for a CUP, the property can meet the standards with appropriate conditions. The ownership of the property has changed since the existing CUP was issued in 2005. The current owner is requesting a modification of the conditions of the current CUP. Further analysis of the requested modifications is required to determine if the request is appropriate in this case.

Condition 1: No singlewide mobile homes may be used for any purpose on the site except as a residence in compliance with the applicable regulations.

Residential uses are not allowed in the REC zoning district. County Zoning regulations do not allow mobile homes to be used for any purpose other than as a residence. Therefore, conditions restricting the use of mobile homes on the property are unnecessary.

Condition 2: Four parking spaces are required for the store plus two for the residence for a total of six. This condition is requested to be removed. The applicant has proposed 18 off street parking spaces. Any future development of the property will require compliance with the parking requirements of the zoning code. Removal of this requirement will not remove the County's off-street parking requirement. Removal of this condition is appropriate.

Condition 3: All driveway, loading, and parking areas are to be dust free (minimum chip and seal). The applicant has requested this condition be removed. Board of Adjustment has granted a variance for dust free material for all drive and parking surfaces. The owner's previous Board of Adjustment application indicated willingness to upgrade their driving and parking surfaces to match the public road when the County paves Smith Hatchery Road. Removal of this condition is not appropriate. Instead it should be modified to match the commitment as stated in the application to Board of Adjustment for case number 2024-004.

Condition 4: An engineered wastewater system for the activities including restaurant use must be designed and installed.

The applicant has requested this condition be removed. An engineered subsurface onsite wastewater system permitted by the Department of Natural Resources is in use on the property. Removal of this condition is appropriate, but a condition requiring the system to be maintained and operated as designed is appropriate.

Condition 10: A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the director of planning.

The applicant is requesting this condition be changed to reflect the current title of the department. From Director of Planning to Director of Resource Management. This change is appropriate.

Condition 11: Said conditions must be complied with by December 31st, 2006. The applicant has requested removal of this condition.

The applicant will have to comply with all the conditions of the current CUP request if it is approved. No delay in date of effectiveness will occur with this revision. Removal of this condition is appropriate.

The proposal scored 2 points on the point rating system. Staff notified 3 property owners of this request.

Staff recommends approval of the Conditional Use Permit for incidental retail sales, restaurant, and travel trailer park with the following conditions:

1. Any future improvement to the drive surface of South Smith Hatchery Road along the portion parallel to eastern property line will require that all drive and parking surfaces be converted to a dust free surface (Minimum chip seal).
2. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
3. The number of travel trailers slots is limited to a maximum of 12.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.
6. Must meet applicable Boone County Code of Health requirements.
7. The owner shall operate and maintain the on-site wastewater system in proper working order.
8. The business will be limited to one freestanding sign adjacent to South Smith Hatchery Road.
9. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the Director of Boone County Resource Management.

Present representing the request:

Jay Gebhardt, A Civil Group, no address provided
Lucia Bourgeois, 307 Anderson Ave, Columbia

Jay Gebhardt: I am here to answer any questions.

Commissioner Kurzejeski: Was there any discussion about hours of operation, which may be hard if there are overnight accommodations; I assume it is 24/7?

Jay Gebhardt: The store probably isn't but the camping for sure.

Lucia Bourgeois: The store closes at sundown.

Commissioner Kurzejeski: It looks like there are 18 parking spots total. Do you expect that to be adequate all the time?

Jay Gebhardt: I think it will be adequate for the day to day operations. They recently had an event down there and they had golf carts and were able to use adjacent people's land for parking and stuff, so Mr. King is used to dealing with large events. That is not his main driving goal for this property, it is not a music venue, it is really just for people to go down and enjoy the river.

Commissioner Kurzejeski: Did staff receive any feedback from the property owners that were notified?

Andrew Devereux: Not that we are aware of.

Commissioner Martin: Is there a plan to build new concessions?

Jay Gebhardt: Yes, Stephen Bourgeois has designed a building and the plan is that after this season is over to remove the existing building and build a new, two-story structure in the exact same footprint that is floodproof so we can meet the flood requirements.

Commissioner Martin: Will it have bathrooms?

Jay Gebhardt: Yes.

Open to public hearing.

Present speaking in favor of the request:

Dave Angle, 2245 Bluff Blvd, Columbia

Dave Angle: I am a lawyer and musician and Cooper's Landing is a unique place; there is no place like it. Since Mr. King has taken over it has been improved exponentially and what he is asking for seems to be very reasonable and will only continue the enhancements of this gem of Boone County. I urge the Commission to approve this request.

No one spoke in opposition to the request.

Closed to public hearing.

Commissioner Harvey made, and Commissioner Koirtyohann seconded a motion to approve a request by MuddyMoLanding LLC to revise the conditions of a conditional use permit for a marina in the Recreation (REC) zoning district on 1.1 acres located at 11501 S Smith Hatchery Rd, Columbia with the following conditions:

1. Any future improvement to the drive surface of South Smith Hatchery Road along the portion parallel to eastern property line will require that all drive and parking surfaces be converted to a dust free surface (Minimum chip seal).
2. Lighting is oriented inward and downward so as to minimize light leaving the site except at the boat landing and dock.
3. The number of travel trailers slots is limited to a maximum of 12.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.
6. Must meet applicable Boone County Code of Health requirements.
7. The owner shall operate and maintain the on-site wastewater system in proper working order.
8. The business will be limited to one freestanding sign adjacent to South Smith Hatchery Road.
9. A site plan be made of the property by a licensed engineer that addresses the conditions and activities and is to the satisfaction of the Director of Boone County Resource Management.

Eric Kurzejeski – Yes
Steve Koirtyohann – Yes
Kevin Harvey – Yes
Jeffrey Ehimuh – Yes

Greg Martin – Yes
Rhonda Proctor – Yes
Robert Schreiber – Yes
Jeff McCann – Yes

Motion to approve the request passes unanimously

Vice-Chairperson Kurzejeski stated that this request would go before the County Commission on Thursday, October 3, 2024 at 7:00 PM.

VI. REZONING REQUESTS

1. **Request by D F Clark & Sons LLC to rezone from General Commercial (C-G) to Planned Light-Industrial (M-LP) and to approve a review plan for Lot 2 of Marsh Commercial Plat 2A on 7.83 acres located at 1570 N Rte J, Columbia. (open public hearing)**

Planner, Uriah Mach gave the following staff report:

The subject property is located off North Route J, north of Interstate I-70. It is currently zoned General Commercial (C-G), and is surrounded by C-G zoning to the south, east, and west across north route J. The property to the north is zoned Agriculture 2 (A-2). All of the zoning is original 1973 zoning. The property was originally platted as Lot 2 of Marsh Commercial – Plat 2 in May of 2013. It was replatted as Lot 2A in August of 2022 to go from 7.81 acres to 7.83 acres and added a six-foot strip of property behind the existing building to meet the 25' perimeter setback required as part of a Planned Light Industrial Review Plan. A review plan to rezone the property to M-LP was submitted for the August 2022 Planning & Zoning Commission (P&Z) Agenda. P&Z recommended approval of the rezoning and review plan on a 6-1 vote. The County Commission denied the request on 30 August 2022.

The proposal seeks to rezone from C-G to M-LP to allow the existing building to operate as office and storage/warehouse and bring the exterior storage area into compliance with the Zoning Ordinance. It is essentially identical to the August 2022 request.

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

Utilities: Boone Electric Cooperative provides electric service to the lot. Consolidated Water provides water service to the lot. An existing 12" main provides commercial fire flows to an existing hydrant on the property. An existing on-site engineered wastewater system is present on the property. The change in zoning and allowed uses shown on the plan will not increase the amount of wastewater generated.

Transportation: The property is adjacent to north Route J, a state-maintained roadway. Access from Route J is from a shared private road serving the lots to the south and the east. Most of the existing private drive and parking area for the building are shown as a concrete surface. A portion of the private drive bordering the property to the east, as well as the exterior storage area are labeled as gravel. The plan notes that all surfaces will be converted to dust free material.

Public Safety: The Boone County Fire Protection District provides fire protection for the area. The nearest station, Station 9, is approximately 2.92 miles away.

Zoning Analysis: This proposal meets the sufficiency of resources test. Addition of an exterior storage area will have minimum impact on existing transportation and infrastructure resources.

The property scored 51 points on the rating system.

Staff recommends approval of the plat with the following condition:

1. That all drive surfaces and exterior parking areas contained within the Plan are converted to a dust free material satisfactory to the Director of Resource Management within one calendar year of the approval of the Final Plan.

Present representing the request:

Andy Greene, Crockett Engineering, 1000 W Nifong, Bldg 1, Columbia

Andy Greene: This is basically the same request that the Commission heard two years ago; there has been no planned changes, the building is staying the same, the parking lot and exterior storage is also staying the same. We will be converting the surfaces to a dust-free surface to bring it into compliance. The property was originally operated for offices and since then there has been a couple of proposed tenants all of which really need a contractor's building and exterior storage so there is a tenant schedule to move into this property pending obtaining this zoning.

Commissioner Martin: Are there going to be any additional buildings?

Andy Green: Not at this time.

Open to public hearing.

No one spoke in favor of the request.

Present speaking in opposition:

Denny Stephenson, 1854 N Route J, Rocheport

Denny Stephenson read the following statement:

Initially I would like to correct an address error on the request for revision to the zoning map, under the Notice of Public Hearing. The request is for a property located at 1570 N Route J, Columbia, MO. There is no such address, this address should have been 1570 N Route J, Rocheport, MO. I am speaking to oppose the Potterfield Group's rezoning request. This is substantially the same request for rezoning this property from general commercial to planned light industrial that was not approved in August of 2022 by the Boone County Commissioners. The stated justification on the application is to be compatible with adjacent uses and to bring the zoning of the property into conformance with the desired uses on the site. It would seem the Potterfield Group would have been aware of the zoning of the land they purchased, and the approved uses of C-G zoning. They should have been prepared to comply with those requirements and not request after the fact rezoning. The requested rezoning would not be compatible with surrounding properties, which are zoned C-G to the south, east and west and A-2 to the north. There are not properties zoned M-LP that would be contiguous to this property. When this request was originally voted on in August 2022, it was pointed out that the Potterfield Group owns three properties in this area and surrounding our home. And if the requested property is rezoned to M-LP, a request to rezone the A-2 tract of land would be more favorably reviewed as it would be contiguous on two sides by M-LP zoning. One of the rezoning criteria that is used by the county is "is the rezoning being requested contiguous with a like zoning?" In this property request the answer is no. However, if this was rezoned M-LP, it would make the 92 acres of A-2 zoning, owned by The Potterfield Group, contiguous on both sides with M-LP zoning. It would then be a dot-to-dot game to rezone the entire area into a 281-acre industrial park. This is the very thing the planning and zoning for Boone County is to protect the community from. Passing this rezoning request sets a precedent that opens Boone County for multiple randomly located industrial sites. From the mass of citizens that have been opposing this type of action it is clear this is not in the best interest of the general population of Boone County. To prevent the citizens around this location from the cultural loss and the financial losses to be incurred from the continued addition of M-LP zoning, I would respectfully request that the zoning on this parcel stay C-G, as it was when it was purchased and deny the rezoning request. I doubt that what little could be gained in rezoning to planned light industrial would be worth endangering the well-being of all of this community.

No others spoke in opposition.

Closed to public hearing.

Commissioner Kurzejeski: I wasn't present at the County Commission hearing when this was denied, does staff know the rationale that was used to deny this request in 2022?

Bill Florea: I know it was a 2-1 vote.

Commissioner Kurzejeski: I just wondered if there were any concerns that have since been alleviated by any changes, but this is essentially the same plan from 2022.

Andy Greene: It is the same thing and it is my understanding that the owner believes he has favorable consideration from the Commission.

Thad Yonke: On the exterior storage area, is there a fence around the area?

Andy Greene: No, Mr. Mach and I talked about this.

Thad Yonke: The applicant is aware that the only exterior storage is fenced.

Andy Greene: "Storage yard" does not say fenced which is what Mr. Mach and I had talked about. The last proposal didn't have fencing, it doesn't have fencing now and the applicants don't want it. There is a portion in the code that Mr. Yonke is talking about with regard to the uses; the applicants are not requesting that specific use, there is no reference to fence on our requested use so we just have contractors building and storage yard.

Commissioner Kurzejeski: Does staff wish to address that further?

Thad Yonke: We will work on it after the fact.

Commissioner Harvey: I would like to say that the location for this property, before the audience was here tonight, part of the Master Plan that is being updated for Boone County, this is directly in the highway regional economic development zone. Over the next 20 years, we realize there is going to be industrial and commercial development within eye-line of Interstate 70 and that is right where this property is.

After comments from the audience Commissioner Harvey stated that this is where economic development is likely going to happen and that is part of the plan moving forward.

Denny Stephenson asked if the plan had already been approved.

Commissioner Harvey stated it is in its final drafts.

Denny Stephenson stated it has not been approved then.

An audience member asked if the plan has ever gone out to the public that this is what the Commission is thinking of.

Commissioner Harvey: The plan has been out for public comment for over a year.

Commissioner Proctor: We've had multiple zoom meetings, a survey, and open houses for over a year.

Audience members continued to provide comments.

Bill Florea informed the Commission that if they were going to continue to allow for public comment then those speaking need to provide their names for the record and sign in.

Commissioner Kurzejeski reopened the public hearing.

Present speaking in opposition:

Robyn Magnuson, 9400 Hwy 40

Robyn Magnuson: The question is since you already have the wish list of what you are going to do, the inevitable is going to happen but if you zoom out on the aerial map across the road from me 150-acres has been purchased, property to the northeast has been purchased, the old Coats place of 400+ acres. We are being encroached by one person. I don't understand why this one little thing needs...if you said we need to clean up some stuff because they weren't in the zoning they were supposed to be, I haven't heard that from anyone. I think it is going to be used for something else.

Also speaking in opposition:

John Richter, 1852 W Route J, Rocheport

John Richter: I would like to know what is going to happen to us when you trap us inside that industrial park. I share my road with Larry Potterfield, he won't even help me maintain it so what is going to happen? You are going to stick me inside an industrial park?

Commissioner Kurzejeski: This request is not going to be...

John Richter: It looks to me like you've got your plan made.

Commissioner Kurzejeski: Please speak to this individual request.

Also speaking in opposition:

Travis Reddick, 10881 W Old Rocheport Rd, Rocheport

Travis Reddick: We oppose this change, one because we know the property is rented out, it is not due to what is on there now causing the issue. There has already been multiple businesses in and out of that place over the last two years and it looks like it is a clear stepping stone to the next phase of what they are trying to do. Based on the property that was approved and built, the traffic has increased out there quite a bit and reckless traffic at that. The people out there don't care what they coming to or going through they are just driving through as fast as they can to get away from there and I would hate to see this part be added to that land as well.

Also speaking in opposition:

Rebecca Showinsky, 1088 W Old Rocheport Rd, Rocheport

Rebecca Showinsky: I also oppose this rezoning because I fear that this area is being turned into an over-reaching industrial complex. Janet Thomas had it right the first time when she said if we do this we are going to let the horse out of the barn and that is exactly what this rezoning request is, a stepping stone to a larger industrial complex.

Also speaking in opposition:

Dee Docken, did not sign in

Dee Docken: I think it is not good to say that the Boone County Master Plan is already a done deal; we should be telling people that they can look at what is being proposed, there are going to be Planning & Zoning hearings and County Commission hearings. I think you have made up your mind.

Commissioner Harvey: I haven't made up my mind, we are in our last drafts of it.

Dee Docken: I don't know if it is the last draft, he is going to bring another one. I thought that it was a little misleading. I also think it is misleading to say just pay attention to this not to the trend or what is going to happen in the future. It should be okay to think about the precedent in making a decision.

The second public hearing was closed.

Commissioner Martin asked staff to list the allowable uses in the current General Commercial zoning district.

Bill Florea: Amusement centers, automobile service station, automobile repair shop, bar or tavern, billboards, bowling alley or billiard parlor display and sales room, farm implement sales and repair, farm or feed store, frozen food locker, hotel or motel, laboratory research experimental or testing, radio or television broadcasting studio, reception facility, rental agency, seasonable temporary fireworks stand, kennel, new or used car sales, mobile home, travel trailer, boat sales or storage lot, dye and cleaning, laundry, printing, painting, tinsmithing, tire sales and services; keep in mind that some of those could be limited by available utilities.

Commissioner Martin: Does Planned Light Industrial encompass all of those or does it have its own set of uses.

Bill Florea: It encompasses only the uses that are listed on the review plan and those can be read into the record.

Uriah Mach: The allowed uses proposed on the review plan are office and contractor's buildings and storage yards. There was conversation about exterior storage in an earlier version of this plan, it was fenced at that time; their reliance back to storage yards. In response to that I did some research on the term storage yard; it is inconclusive between three different zoning codes on whether or not they are required to be fenced. For the most part, a storage yard is merely referred to as a space either for raw materials or equipment either stored under cover or in a revetment of some sort; it is inconclusive in fencing or securing; although in a conversation I had with Mr. Greene, placing building materials in an unsecured location seems foolish to guarantee their security. It did not seem to be mandated in the zoning ordinances that I've researched this term on.

Commissioner Kurzejeski: The open general commercial has a wide range of potential uses.

Thad Yonke: The one thing that wasn't mentioned was general retail.

Commissioner Kurzejeski: For the M-LP, any deviation from the allowed uses listed on the plan, has to come back through Planning and Zoning with the appropriate notification to the people in the area. A bar could open there tomorrow.

Commissioner Koirtyohann made, and Commissioner Martin seconded a motion to deny the request by D F Clark & Sons LLC to rezone from General Commercial (C-G) to Planned Light-Industrial (M-LP) on 7.83 acres located at 1570 N Rte J, Columbia:

Eric Kurzejeski – No	Greg Martin – Yes
Steve Koirtyohann – Yes	Rhonda Proctor – No
Kevin Harvey – No	Robert Schreiber – Yes
Jeffrey Ehimuh – Yes	Jeff McCann – No

Motion to deny the rezoning request does not pass 4 YES 4 NO

Commissioner Harvey made, and Commissioner Ehimuh seconded a motion to approve the request by D F Clark & Sons LLC to rezone from General Commercial (C-G) to Planned Light-Industrial (M-LP) on 7.83 acres located at 1570 N Rte J, Columbia:

Eric Kurzejeski – Yes	Greg Martin – No
Steve Koirtyohann – No	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – No
Jeffrey Ehimuh – Yes	Jeff McCann – Yes

Motion to approve the rezoning request passes 5 YES 3 NO

Commissioner Harvey made, and Commissioner Proctor seconded a motion to approve the request by D F Clark & Sons LLC to approve a review plan for Lot 2 of Marsh Commercial Plat 2A on 7.83 acres located at 1570 N Rte J, Columbia with the following condition:

1. That all drive surfaces and exterior parking areas contained within the Plan are converted to a dust free material satisfactory to the Director of Resource Management within one calendar year of the approval of the Final Plan.

Eric Kurzejeski – Yes	Greg Martin – NO
Steve Koirtyohann – NO	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeffrey Ehimuh – Yes	Jeff McCann – Yes

Motion to approve the review plan passes 6 YES 2 NO

Vice-Chairperson Kurzejeski stated that these requests would go before the County Commission on Thursday, October 3, 2024 at 7:00 PM.

VII. PLANNED DEVELOPMENTS

- 1. Request by MBK Investments LLC to approve a Final Development Plan for Rock Bridge Business Park Final Plan 3 in the Planned Light Industrial (M-LP) zoning district on 3.39 acres located at 5051 S Providence Rd, Columbia.**

The following staff report was entered into the record:

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. It 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 under County Commission Order 134-2022. A revised review plan was submitted in October of 2022 and approved by the County Commission under order 516-2022. The property has two of the three buildings proposed by earlier versions of this plan constructed. A third review plan was submitted under the July 2024 Planning & Zoning Commission Agenda and approved by the County Commission.

The property is located inside the Columbia school district and the Boone County Fire Protection District. This Final Development Plan confirms the design and rezoning of that proposal.

The property scored 62 points on the rating system.

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

1. All the required information is accurately portrayed on the Plan
2. The Final Plan conforms to the approved Review Plan
3. The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Final Plan

The approval of the review plan had 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.

We have received documentation from the Boone County Regional Sewer District indicating approval of the final plan.

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

Commissioner Kurzejeski made, and Commissioner Koirtyohann seconded a motion to approve a Final Development Plan for MBK Investments LLC for Rock Bridge Business Park Final Plan 3 in the Planned Light Industrial (M-LP) zoning district on 3.39 acres located at 5051 S Providence Rd, Columbia:

Eric Kurzejeski – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeffrey Ehimuh – Yes	Jeff McCann – Yes

Motion to approve the Final Development Plan passes unanimously

Vice-Chairperson Kurzejeski stated that this request would go before the County Commission on Thursday, October 3, 2024 at 7:00 PM.

VIII. PLATS

Plats 1 – 3 were placed on consent agenda

1. **Scrivner’s Pointe. A-2. S25 & S36-T46N-R13W. Bryles Investment LLC, owner. Kevin Schweikert, surveyor.**

The following staff report was entered into the record:

The subject property is located along East Cedar Tree Lane, ½ mile west of the intersection of East Cedar Tree Lane and South Mackie Lane. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a three-lot minor plat, with each lot being exactly five acres in size. A corresponding administrative survey was submitted concurrent to the plat to create two ten-acre tracts. The remainder of the parent parcel is well over 20 acres after platting and the corresponding administrative survey.

The subject property has direct road frontage and access to East Cedar Tree Lane, a publicly maintained roadway. The applicant has submitted a written request for a waiver to the traffic study requirement. A three-lot minor plat is likely to have minimal impact on existing transportation resources. Granting of a waiver is appropriate in this case.

The property is located within the Consolidated Water Supply District #1 service area. Boone Electric provides power service. The Southern Boone County Fire Protection District provides fire protection. The nearest station, station 17, is approximately 7 miles away.

The applicant proposes utilization of onsite wastewater systems to service future residential development. Steep slopes prevent the use of onsite wastewater lagoons. The applicant has provided soils data from an approved soils scientist from two locations on each platted lot. Staff review of the soils data indicates the lots can support a subsurface wastewater system. The applicant has submitted a request for a waiver from the sewer cost benefit analysis. No publicly operated sewer system is nearby. Granting of the waiver is appropriate in this case.

The property scored 27 points on the rating system

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

2. Worthley Subdivision Plat 1. A-2. S31-T50N-R11W. Worthley Family Trust, owner. James Jeffries, surveyor.

The following staff report was entered into the record:

The subject property is located on Mount Zion Church Road, approximately 2 ¼ miles to the east of State Route B, north of Columbia. The parent parcel is 37.4 acres in size and has a single-family dwelling and several outbuildings present. The property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning. This proposal divides two 6.25 acre lots from the parent parcel, leaving a 20+ acre remainder.

Both proposed lots have direct access to Mount Zion Church Road, a publicly dedicated, publicly maintained right-of-way. The increase in traffic from two additional lots is comparatively minor. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Public Water Service District #9, very near the boundary between PWSD#9 and Public Water Service District #4. Domestic water service is available to this property.

The proposed lots will make use of on-site wastewater treatment for residential development. The property is not near any existing central wastewater treatment systems and the size of this proposal makes the request to waive the wastewater cost-benefit analysis reasonable.

The property scored 23 points on the rating system.

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

3. Wilbert Lane Subdivision. A-2. S22-T50N-R13W. Brock & Jamie Sublett, owners. Kevin Schweikert, surveyor.

The following staff report was entered into the record:

The subject property is located at the intersection of West Wilbert Lane and Old Number 7. The subject property is zoned Agriculture 2 (A-2) and is surrounded by A-2 zoning on all sides. The proposal is a one lot subdivision with a 3.75-acre lot. The parent parcel is split by West Wilbert Lane. This subdivision plat will create a 3.75-acre lot utilizing the property south of West Wilbert Lane. The remaining property to the north of the road will be incorporated with existing property under the same ownership via an administrative survey.

The property has direct frontage along both West Wilbert Lane and Old Number 7. Both roadways are publicly maintained roads. The applicant has requested a waiver from the traffic study requirement. The creation of a one lot minor plat is likely to have minimal impacts on transportation resources. Granting a waiver is appropriate in this case.

The property is located within Consolidated Water District #1. Boone Electric provides power service. The Boone County Fire Protection District provides fire protection. The nearest station, station 7, is approximately 3 miles away.

An onsite wastewater plan was submitted concurrent to the subdivision plat. The wastewater plan identifies a complaint location for an onsite wastewater lagoon. The applicant has requested a waiver from the sewer cost benefit analysis requirement. No public sewer utility is available in the area. It would not be economically feasible to install a public system for a one lot minor plat. Granting of a waiver is appropriate in this case.

The property scored 42 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:

Eric Kurzejeski – Yes	Greg Martin – Yes
Steve Koirtyohann – Yes	Rhonda Proctor – Yes
Kevin Harvey – Yes	Robert Schreiber – Yes
Jeffrey Ehimuh – Yes	Jeff McCann – Yes

Motion to approve the plats passes unanimously

Vice-Chairperson Kurzejeski stated that plats eligible to go before the County Commission will do so on Thursday, October 3, 2024 at 7:00 PM.

IX. OLD BUSINESS

1. Update on Commission action

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

The following plats were approved and accepted:

- Como Estates Plat 1
- Douglas Acres Plat 1

X. NEW BUSINESS

1. Proposed Revisions to Boone County Zoning Regulations, Section 28, Stormwater Ordinance

Bill Florea reminded the Commission that the Planning and Zoning Commission has already reviewed the proposed changes up to Section 28.9.3 Temporary Abeyance of Development Approvals and Permits. He also reminded the Commission that this section had already been adopted by the County Commission when the Stormwater Ordinance was adopted in 2010 by County Commission Order 48-2010. However, it was decided at that time that the section which addresses temporary abeyances would have a delayed implementation date until the City of Columbia adopted a similar ordinance. That has been done. This section is not part of the proposed amendments but we are reviewing it so the Commission is aware of it. It will take a resolution by the County Commission to rescind the previous order and provide an implementation date for this section of the regulations.

Commissioner Kurzejeski asked when the City adopted the temporary abeyance.

Bill Florea stated it was several years ago.

Commissioner Kurzejeski stated this should have been operationalized several years ago.

Bill Florea stated yes; we were not necessarily aware when the City adopted it and knowing we had revisions proposed we didn't want to single out the abeyance portion but wanted to move forward with all proposed revisions.

The Commission discussed the temporary abeyance section.

Some Commissioners voiced concerns regarding clearing farmland in sections: IE: farming 50 acres one season and letting it regrow to pasture the next season; if you didn't obtain a land disturbance permit for that 50 acres a temporary abeyance would be enacted and you couldn't sell the land for six years even though you are doing farming operations.

Bill Florea stated you could sell the land, but you couldn't develop it; farming can still continue. If the property owner didn't want a temporary abeyance placed on the property they could voluntarily obtain a land disturbance permit for that 50 acres. An abeyance would require action by the County Commission, the property owner can attend that hearing and state their case as to why an abeyance should not be enacted. The property owner can also submit a variance request to the Board of Adjustment and ask to have the abeyance removed; there is certain criteria that needs to be met.

Commissioner Martin stated all of that is considered normal farming operations, so he is concerned about what is considered normal operating procedures.

Thad Yonke stated that converting a normal farmland operation to a subdivision is the reason the ordinance exists.

Bill Florea stated it is hard to regulate based on intent; this was to prevent a developer from buying property or contracting with the farmer to clear the land, knock out the stream buffers and then buy it and come for a development permit.

Nicki Rinehart informed the Commission that staff is working on an education campaign specifically for the abeyance because we know it is going to take some time to get the message out there.

XI. ADJOURN

Being no further business, the meeting was adjourned at 8:33 p.m.

Respectfully submitted,

Secretary
Greg Martin, Secretary

Minutes approved on this 17th day of October, 2024