

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Justin Aldred  
District II Commissioner Janet Thompson  
Boone County Collector Brian McCollum  
Deputy Director of Emergency Management Chris Kelley  
Boone County Counselor CJ Dykhouse  
Stormwater Coordinator Nicki Rinehart  
Deputy County Clerk Jodi Vanskike

Public Present: Jay Gebhardt – A Civil Group, Tim Crockett – Crockett Engineering, Denny Stephenson – Resident, Larry Potterfield

**Conference Call Information:**

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

The meeting was called to order at 7:00pm.

**P & Z**

- 1. Request by Robert Kilgore Jr to rezone from A-R (Agriculture-Residential), C-G (General Commercial) and R-S (Single-Family Residential) to M-LP (Planned Light Industrial) on 6.7 acres and to approve a review plan for CoMo West Storage located at 7190 W Henderson Rd, Columbia. (Open Public Hearing)**

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

The Planning and Zoning Commission conducted a public hearing on this request on August 18, 2022 and recommended approval on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are incorporated into the record of this meeting.

The property is located between Highway 40 and Henderson Road, about one mile west of the US 40/I-70 interchange. The applicant requests rezoning of 6.7 acres of split zoned Residential Single Family (R-S), Agriculture-Residential (A-R), and Commercial-General (C-G) across two tracts to Planned Light Industrial (M-LP). The existing zoning is original 1973 zoning.

Adjacent zoning is as follows:

- South across US 40: Planned Single Family (R-SP);
- East: Commercial-General (C-G) zoning to the East;
- North across Henderson Road: a mix of M-L, M-LP, and C-GP;
- West: R-S zoning adjacent to the west.

Construction self-storage units contained within secured fencing is proposed. No other proposed uses are listed or shown on the Review Plan.

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

Utilities: Boone Electric Cooperative provides power to the property. An existing 30' electrical easement runs east/west along the length of the property. The Review Plan notes that the applicant is working with Boone Electric to relocate the easement along Highway 40 frontage. Consolidated Public Water Supply District supplies water to the area. An existing 4-inch line runs parallel to Henderson Road on the north side of the property. Consolidated Water comments indicate to meet commercial fire flows, an eight-inch line will have to be installed. The review plan shows a proposed 8-inch water main to run parallel to Henderson Road to provide commercial fire flows. The Boone County Regional Sewer District provides sewer service for this area. The Review Plan notes that the property will operate without an office and not generate any wastewater.

Transportation: The property will be served by two entrances off Henderson Road, a Boone County maintained roadway. No access off Highway 40 is proposed. One entrance will serve as the main entrance, another will serve as an emergency entrance allowing access for the Boone County Fire Protection District. A phasing plan was provided by the applicant. The phasing plan notes that both the main entrance and emergency entrance to the site will be completed in the initial phase of development.

Public Safety: The Boone County Fire Protection District provides fire protection. The nearest station, Station 9, is located just over a quarter a mile away on Henderson Road.

The Review Plan shows potential fire hydrant locations within the facility. The fire access detail included on the plan demonstrates that safety vehicles can move freely within the planned area.

Zoning Analysis: With the proposed addition of an eight-inch water main along Henderson Road, this proposal meets the sufficiency of resources test. Addition of a self-storage facility in this area would have little impact to transportation resources or surrounding property owners.

The proposal scored 63 points on the rating system. Staff notified 57 property owners of the rezoning request.

Staff recommended approval of the rezoning request and Review Plan with the following conditions:

1. Installation of an eight-inch water main along Henderson Road to provide commercial fire flows is accepted by the Consolidated Public Water Supply District prior to approval of the Final Plan.
2. Existing power lines are relocated along Highway 40 frontage and accepted by Boone Electric prior to approval of the Final Plan.

Commissioner Atwill opened the public hearing.

Jay Gebhardt, Civil Engineer with A Civil Group, stated he doesn't have anything to add to the staff report and he and his clients are agreeable to the conditions set in place.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve a request by Robert Kilgore Jr to rezone from A-R (Agriculture-Residential), C-G (General Commercial) and R-S (Single-Family Residential) to M-LP (Planned Light Industrial) on 6.7 acres located at 7190 W Henderson Rd, Columbia.

And

Now on this day, the County Commission of the County of Boone does hereby approve the request by Robert Kilgore, Jr. to approve a Review Plan for Como West Storage on 6.7 acres located at 7190 W Henderson Road, Columbia subject to the following conditions:

1. Installation of an eight-inch water main along Henderson Road to provide commercial fire flows is accepted by the Consolidated Public Water Supply District prior to approval of the Final Plan.
2. Existing power lines are relocated along Highway 40 frontage and accepted by Boone Electric prior to approval of the Final Plan

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #409-2022**

**2. Request by Boone Development Inc to rezone from C-G (General Commercial) to M-L (Light Industrial) on 1.57 acres located at 5455 E St. Charles Rd, Columbia. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report: The subject property is located on St. Charles Road, south of Interstate 70, at the intersection of St. Charles Road and Bull Run Drive. It is 1.57 acres in size and zoned C-G (General Commercial). There is a car wash and contractor's buildings on the property. Adjacent zoning is as follows:

- Northeast and South: General Commercial C-G;
- West R-S (Residential Single-Family);
- Adjacent property inside the Columbia city limits is a mix of commercial and planned zoning.,

The applicant requests rezoning a portion of the property to M-L (Light Industrial) to bring the current use of the existing multi-space buildings into compliance with the zoning ordinance.

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

Utilities: The subject property is in Public Water Service District #9, the Boone Electric Cooperative service area, and is served by the Boone County Regional Sewer District.

Transportation: The subject property has direct access to St. Charles Road. St. Charles is designated as an expressway or expressway ramp at this location by the Columbia Area Transportation Study Organization.

Public Safety: The subject property is approximately 1 mile from the Boone County Fire Protection District station on Lake of the Woods Road.

Zoning Analysis: The Boone County Master Plan established a preference for planned rezoning requests to limit potentially incompatible uses when the area being rezoned is adjacent to less intensely developed areas. In this case, an open rezoning is proposed to bring the property into compliance with the zoning ordinance. This site is already developed; the size and shape are not conducive to increased intensity of use. The requested change from General Commercial to Light Industrial does allow additional land use on the property but, its size and shape, combined with the relatively new existing structure, serve to limit the potential use of the property. Bringing this site into compliance with the zoning ordinance is the primary goal of this request. This proposal meets the requirements of the sufficiency of resources test.

Staff recommended approval of the rezoning request.

Commissioner Atwill opened the public hearing.

Tim Crockett from Crockett Engineering stated the staff report sums everything up well and they aren't asking for new construction, just rezoning to be compliant with current uses.

Commissioner Atwill closed the public hearing.

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve a request by Boone Development, Inc. to rezone from C-G (General Commercial) to M-L (Light Industrial) on 1.57 acres located at 5455 E St. Charles Rd, Columbia.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #410-2022**

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

Director of Resource Management Bill Florea read the following staff report: The Planning and Zoning Commission reviewed this request at its August 18, 2022 meeting and recommended approval on a vote of 6-1.

The property is located off north Route J, just north of Interstate I-70. It is currently zoned Commercial-General (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 A-2 agriculture. All of the zoning is original 1973 zoning. The subject property was originally platted as lot 2 of Marsh Commercial – Plat 2 in May of 2013. The property 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.

The proposal seeks to rezone from General Commercial to Planned Light Industrial to allow the existing building to continue to operate as office and storage/warehouse and bring the exterior storage area into compliance with the Zoning Ordinance.

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

Utilities: Boone Electric Cooperative provides electric service to the lot. Consolidated Water provides water service. An existing 12" main provides commercial fire flow 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.

Planned zoning provides a mechanism to restrict the types of uses that are allowed in a development. In this case, the applicant has requested uses that are limited to office, warehouse/storage, and exterior storage areas. This can be contrasted to the current open General Commercial zoning that allows uses such as automobile repair or service station, bar or tavern, and retail. So, while the request is for a designation that would normally be considered to be less restrictive, the use limitations on the proposed review plan are more restrictive than the current zoning and provide more predictability in terms of actual land use and potential offsite impacts.

The property scored 51 points on the rating system. Staff notified 12 property owners of the rezoning request.

Staff recommended approval of the rezoning request and review plan 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.

Commissioner Thompson asked, “does the review plan run with the land or is that solely for the current duration?” Director Florea stated “It runs with the land. If the review plan is approved and the following plan is approved, that zoning becomes permanent and the uses listed on the final plan will be the only allowed uses on the property, until the owner comes back before Commission”. Commissioner Thompson then asked, “So this has Commercial zoning to the South, East and West, is that right? And then A-2 zoning is the other. So those are the only zonings contiguous with this, is that right”? Director Florea stated “That’s correct”.

Tim Crockett from Crockett Engineering stated one thing he would like to expand upon is that not only do they have to come back through the Commission if any uses were to be added or changed, but also, they aren’t able to expand the scale of the development. Mr. Crockett stated

they are currently utilizing about 15% of the entire piece of property, if they were to build an expansion, they would need to come back to the Commission with a revised review plan.

Denny Stephenson submitted a written letter to the Commission which is attached to the bottom of the minutes.

Property owner Larry Potterfield stated they have been in this facility about eight months and everything is going fine. Mr. Potterfield stated he is in favor of this rezoning request. Commissioner Aldred asked Mr. Potterfield “What are the plans for this facility if the Commission is to approve this request, and what are the plans if the property remains general commercial?” Mr. Potterfield stated, “Brenda and I are very fortunate that we run a successful business and have money in the bank”. Mr. Potterfield stated his phone rang, this property was for sale, so they bought it. Mr. Potterfield stated they have no plans, and stated, it just seems like when a piece of property comes up you should buy it, just like they did with the property on the other side of the water tower. Commissioner Thompson asked, “Do you own land in the area of the subject property?” Mr. Potterfield stated he owns this property in question, the property immediately to the East with the water tower and property North they bought from Mrs. Marsh, so they now own three properties in that area. Commissioner Thompson stated if this were to be approved, that would be contiguous to ML-P zoning and the part in the green on the map would be pretty easily rezoned as ML-P. Mr. Potterfield stated “The part in the green? I don’t have any idea what the next 10 or 20 years will bring”. Commissioner Thompson said “Right, but it would be contiguous to the ML-P”. Mr. Potterfield stated “ML-P, sure”. Commissioner Thompson stated she had one question of Director Florea. “We’ve talked before at meetings under your control about spot zoning. Can you explain to me how the policy of spot zoning applies here”? Director Florea stated they have always used plan zoning as a way to avoid spot zoning because you can tailor the plan. Director Florea stated that’s what’s being done here. This is a customized zoning district that only allows the uses that the Commission approves, and any change requires them to come back to the Commission.

Commissioner Atwill stated this item comes to the Commission with a recommendation of approval from the Planning & Zoning Commission and a recommendation of approval by the staff. Commissioner Atwill asked for further discussion or a motion. Commissioner Thompson stated, “Quite honestly I’m torn, because this is yet another nail in the coffin of farmland in that area”. Commissioner Atwill stated “Well, it’s very close to the interstate and that’s where development occurs”. Commissioner Thompson stated “There’s a lot of farmland there that I fear will end up also being ML-P.”

Commissioner Atwill moved now on this day, the County Commission of the County of Boone does hereby approve the request by D F Clark & Sons LLC, to rezone from C-G (General Commercial) to M-LP (Planned Light Industrial) on 7.83 acres located at 1570 N Route J, Columbia.

AND

Now on this day, the County Commission of the County of Boone does hereby 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 Route J, Columbia subject to 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.

Commissioner Aldred seconded the motion.

The motion failed. **Order #411-2022**

4. **Request by Uptown Investments to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 36.3 acres located at 2350 N Whitewater Dr; to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 29.2 acres located at 2480 N Slickrock Dr, Columbia, and to approve a review plan and preliminary plat for The Cedars. (Open Public Hearing)**

Director of Resource Management Bill Florea read the following staff report: The Planning and Zoning Commission conducted a public hearing on this request on August 18, 2022 and recommended approval on a unanimous vote.

This property adjoins the municipal limits of the City of Columbia to the west and is located approximately 1000 feet north of the intersection of St. Charles Road and Whitewater Drive. The property is in the Hinkson Creek Watershed. The request includes two parcels. One is 36.30-acre and the other 29.20-acre. The current zoning of the subject property is A-2 (Agriculture) which is the original zoning. Property to the west is in the City of Columbia and is the site of Battle High School and a city park, adjacent zoning is as follows:

- North: A-2, original zoning;
- East: R-SP (planned residential single family) rezoned in 2014;
- South: A-RP (planned agriculture-residential) rezoned in 1999.

In 1997, the Commission received a request to rezone a 42-acre portion of the property to Recreation (REC) for a recreation center. That request was denied. In December of 1998, the Commission approved a Review Plan and Preliminary Plat for a 40-lot subdivision, Copper Creek.

The current proposal consists of a Rezoning request to Planned Agriculture Residential, a Review Plan and a Preliminary Plat. If approved, the number of residential lots proposed is 52 with seven common lots and one not-for-development transfer to an adjoining lot. The resulting gross density will be approximately 1.25-acres per residential unit. The proposed density is in excess of the current A-2 zoning, but well below the maximum density allowed by the proposed A-R zoning. There are no existing structures on the property, which has been in agricultural and woodland use. The proposed uses under the plan are limited to SFD, Home Occupations, & Family Day Care Home limited to a Maximum 10 children.



The Master Plan designates this property as being suitable for residential use. The sufficiency of resources test was used to analyze this request.

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

**Utilities:** Water District Number 9 provides water. The district stated that a water study is needed to determine improvements that are needed. The property is in Boone Electric service territory and Boone Electric serves the adjoining subdivisions. The Boone County Regional Sewer District provides central sewer service and the site is in an area identified as not needing a pre-annexation agreement with the City of Columbia. The site will be required to comply with the Boone County Stormwater Regulations, and the plan reflects this intent.

**Transportation:** The development connects to the existing /proposed local subdivision road network. The circulation plan appears to be adequate. All roads will be constructed to Boone County Standards and will be dedicated to the public. This development is contained within the Northeast Area Transportation Plan. The plan indicates that there should be a fee per residential lot created to address the impacts to the road system, this amount was determined in the study to be \$6975.00 per SFD lot. For a previous development the County Commission set the amount charged at \$2368.77 per SFD lot. When this number is adjusted for the CPI (Consumer Price Index) the resulting amount per lot is \$2989.17. Staff has discussed this amount with the developer and both have agreed that a working amount of \$2990 is a fair assessment based upon past actions, however, the actual amount is set by the County Commission and will need to be listed as a condition in the approval order. The appropriate amount is paid when the Final Plat is submitted for each phase.

**Public Safety Services:** The Boone County Fire Protection District has a station 2.1-miles away on St. Charles Road near the Lake of the Woods interchange. Fire hydrants will be installed at a spacing of 500 feet or less. The hydrants will be placed at locations determined by the Fire District and the Water District.

**Zoning Analysis:** The proposed development is similar to and compliments other developments in the area. By using a planned zoning, the developer was able to provide a plan for a pedestrian network that will connect the residential developments to the east to the schools and park to the west; this is a benefit to the current development and the area. The provision of maintenance for the common lots and any proposed covenants will need to be reviewed before any Final Plats are submitted. The proposed development is proposed to be built in three phases. Staff notified 38 owners about this request. The property scored 78 points on the rating system.

Staff recommends approval of the rezoning subject to the following conditions:

1. Draft covenants and provisions for maintenance of the common lots must be provided reviewed and approved prior to any submission of any Final Plats for this development.

2. The sidewalk/pedestrian facilities are a specific provision of this plan and are required regardless of lot size.
3. The transportation per lot fee of \$2990 or other amount set by the County Commission will be paid with the submission of each Final Plat of the development.

Commissioner Atwill opened the public hearing.

Tim Crockett from Crockett Engineering stated if you've done work in this part of the County, you've noticed Copper Creek is protective of their neighborhood. Mr. Crockett stated you'll notice lots are bigger, by choice and by design, and will be comparable in size to Copper Creek.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by Uptown Investments to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 36.3 acres located at 2350 N Whitewater Dr; to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture-Residential) on 29.2 acres located at 2480 N Slickrock Dr, Columbia.

AND

Now on this day, the County Commission of the County of Boone does hereby approve the request by Uptown Investments to approve a Review Plan and Preliminary Plat for The Cedars on 65.5 acres located at 2480 N Slickrock Dr, Columbia, subject to the following conditions:

1. Draft covenants and provisions for maintenance of the common lots must be provided reviewed and approved prior to any submission of any Final Plats for this development.
2. The sidewalk/pedestrian facilities are a specific provision of this plan and are required regardless of lot size.
3. The transportation per lot fee of \$2990 or other amount set by the County Commission will be paid with the submission of each Final Plat of the development.

Commissioner Aldred seconded the motion.

The motion carried 3 to 0. **Order #412-2022**

5. **Liddell & Davis Plat 2. C-G (Proposed M-L). S10-T48N-R12W. Boone Development Inc, owner. David Butcher, surveyor.**

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

The Planning and Zoning Commission reviewed the following plats at its August 18, 2022 meeting and approved them on a unanimous vote. I ask that you waive the reading of the staff reports and authorize the clerk to insert them into the meeting minutes as though read verbatim. Staff recommends that you receive and accept the plats of Liddell & Davis Plat 2, Westbrook Drive Plat 1, Via Subdivision, and Lone Wolf Point, and authorize the Presiding Commissioner to sign them.

The property is located on St. Charles Road, south of Interstate 70, at the intersection of St. Charles Road and Bull Run Drive. The property is 1.57 acres in size and zoned C-G (General Commercial). There is a car wash and contractor's buildings on the property. This property has C-G zoning to the northeast and south, R-S (Residential Single-Family) zoning to the west, and the City of Columbia to the north, northwest, southwest, east, and southeast. This proposal is a multi-use plat submitted to provide for utility easements on the property.

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

The subject property is in Public Water Service District #9, the Boone Electric Cooperative, and the Boone County Fire Protection District. Existing services meeting the needs of the two buildings on the property are present.

The existing buildings are served by the Boone County Regional Sewer District for wastewater treatment. There is a City of Columbia sewer main extension on the property beneath the northeastern corner of the contractor's buildings. There is also a proposed easement to re-route that sewer main along the northern property line, but no action has been taken to physically move the main and have the City of Columbia receive the easement.

The property scored 80 points on the rating system.

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

**6. Westbrook Drive Plat 1. A-2. S11-T45N-R12W. Stephanie & Casey Sapp, Danny & Denise Stiers, owners. Cody Darr, surveyor.**

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

The property is located off South Westbrook Drive, approximately 2.7 miles east of the Town of Hartsburg. The proposed subdivision plat will create two lots, lot 101 will have 2.97 acres and lot 102 with 5.01 acres. Both lots are zoned A-2. The original zoning for the area was A-1 and was changed to A-2 as part of a rezoning request in 1998. The adjacent zoning is A-2 to the west boundary of lot 101 and east boundary of lot 102, and A-1 to the north and south across South Westbrook Drive. Lot 102 has a house and garage existing on the property. Lot 101 is undeveloped.

Both lots have direct road frontage along S. Westbrook Drive, a County maintained right of way. The existing home on proposed lot 102 has a driveway access from S. Westbrook Drive. The applicant has requested a waiver from the traffic study.

Consolidated Water provides water service. A 4-inch water main is present along South Westbrook Drive. Ameren Electric provides power service in the area.

An existing onsite wastewater lagoon is present on proposed lot 102. Due to sewer service being unavailable in this area, the applicant has requested a waiver from the sewer cost-benefit analysis. A wastewater plan for lot 101 proposes utilizing onsite wastewater lagoon that will be permitted by the Director of Resource Management.

The property scored 38 points on the rating system.

Staff recommended approval of the plat and granting requested waivers.

**7. Via Subdivision. A-2. S35-T50N-R13W. Cory & Lauren Via, owners. Derek Forbis, surveyor.**

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

The subject property is located on the south side of Dripping Springs Road, approximately 5 miles north of the City of Columbia. The parent parcel is 21.67 acres in size and zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This is all original 1973 zoning. This proposal takes the northern-most tract of the two administrative survey tracts that make up the parent parcel and divides it into two platted lots. The proposed lots are currently undeveloped. This proposal creates the first two platted lots from a large 1995 tract. Further development of that original tract by subdivision plat may trigger infrastructure obligations of all lots created from that tract.

The northern-most lot has direct access on to Dripping Springs Road, a publicly dedicated, publicly maintained right-of-way. The southern lot has access to Dripping Springs Road via a private access easement across the eastern side of the northern lot. The applicant has submitted a request to waive the traffic study requirement.

The subject property is in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Both lots are proposed to use on-site wastewater systems. The applicant has submitted a waiver of the wastewater cost-benefit analysis requirement.

The property scored 38 points on the rating system.

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

**8. Lone Wolf Point. A-2 S25-T51N-R12W. Russell & Donna Foster, owners. Don Bormann, surveyor.**

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

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby receive and accept the following plats and authorizes the presiding commissioner to sign them:

1. Liddell & Davis Plat 2. C-G (Proposed M-L). S10-T48N-R12W. Boone Development Inc, owner. David Butcher, surveyor.
2. Westbrook Drive Plat 1. A-2. S11-T45N-R12W. Stephanie & Casey Sapp, Danny & Denise Stiers, owners. Cody Darr, surveyor.
3. Via Subdivision. A-2. S35-T50N-R13W. Cory & Lauren Via, owners. Derek Forbis, surveyor.
4. Lone Wolf Point. A-2 S25-T51N-R12W. Russell & Donna Foster, owners. Don Bormann, surveyor.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #413-2022**

**Sheriff's Office**

**9. Second Reading: Budget Amendment - Dept 1253 - Budget 2022 portion of the 2022-23 State Cyber Crimes Grant Award (First Read 08.16.22) Open Public Hearing**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment for Department 1253 to budget 2022 portion of the 2022-2023 State Cyber Crimes Grant award.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #414-2022**

**Resource Management**

**10. Second Reading: Approval of Extension of Stormwater Security Agreement and Erosion and Sediment Control Cash Deposit for Martin Veterinary Clinic (First Read 08.25.22)**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the extension of the Stormwater Security Agreement and Erosion and

Sediment Control Cash Deposit between the County of Boone and Martin Veterinary Group, LLC. The terms of the agreement are set out in the attached contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #415-2022**

**11. Second Reading: Approval of Stormwater Security Agreement and Erosion and Sediment Control Cash Deposit for Rock Bridge Business Park Plat 1 (First Read 08.25.22)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Stormwater Security Agreement and Erosion and Sediment Control Cash Deposit between the County of Boone and MBK Investments, LLC. The terms of the agreement are set out in the attached contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #416-2022**

**Purchasing**

**12. Second Reading: Cooperative Contract: NCPA-01-97 (FE Contract # C000467) – SYNEX Advanced Technology Solutions Aggregate with Huber & Associates to purchase Huber Advantage with Managed Cyber Security. This is a vendor-managed technology support services agreement. (First Read 08.25.22)**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve cooperative contract NCPA-01-97- SYNEX Advanced Technology Solutions Aggregate with Huber & Associates, Inc. for Huber Advantage Complete with Managed Cyber Security. The terms of the agreement are set out in the attached contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #417-2022**

**13. Second Reading: Amendment #2 to County contract C000099 (Sole Source 151-123120SS) - HVAC Control Systems Services with C & C Group. Amendment #2 adds the flat rate trip charge of \$40.00 to the list of services/pricing (First Read 08.25.22)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve Amendment #2 to Contract Agreement C000099 (Sole Source 151-123120SS) – HVAC Control Systems Services with C & C Sales, Inc. d/b/a C & C Group). This Amendment adds a flat rate per trip charge of \$40.00 to the list of services with pricing.

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

Commissioner Aldred seconded the motion.  
The motion carried 3 to 0. **Order #418-2022**

### **Commission**

#### **14. Second Reading: Approving a Chapter 100 Application from EquipmentShare (First Read 08.25.22)**

Commissioner Aldred moved now on this day the County Commission of the County of Boone, pursuant to its Chapter 100 Policies, does hereby receive and accept the recommendation from the Chapter 100 Review Panel to approve the Chapter 100 Application from EquipmentShare, for a 75% abatement for new real property investment for a term of 10 years and a 75% abatement for new personal property investment for a term of that personal property's class life or 10 years, whichever is shorter, with the property investment details set forth in the Application filed herein by the applicant. The Commission will effectuate this Chapter 100 abatement approval in documents to be approved at a later time, to include leases, performance agreements, and such other documentation as recommended and approved by Gilmore & Bell, the County's bond counsel, and the County Counselor. Said documents will include the following:

- Employment targets that condition the full 75% abatement upon achieving agreed-upon targets of "qualifying jobs" (jobs that pay at or above the current county average wage), and a reduction to 50% abatement for falling beneath said targets, and a reduction to 0% abatement for not maintaining a minimum level of employment, approved by the County and agreed to by the applicant; and
- A company goal to hire appropriately qualified Boone County citizens who have a disability (to include the developmentally disabled and/or physically disabled).

The County Commission thanks the representatives from the impacted taxing entities (Boone County, Boone County Family Resources, City of Columbia, Columbia/Boone County Library District, and Columbia Public Schools) for their service on the Chapter 100 Review Panel in connection with this application.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #419-2022**

#### **15. Second Reading: Approving a Right of Entry for MoDOT on County-owned land (First Read 08.25.22)**

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the request from the Missouri Department of Transportation for entry on a

County-owned parcel of land, Parcel #17-313-00-01-001-0001 and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.  
The motion carried 3 to 0. **Order #420-2022**

16. Public Comment

None

17. Commissioner Reports

None

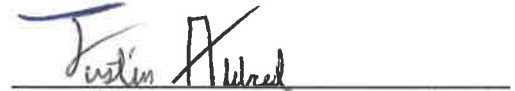
Attest:



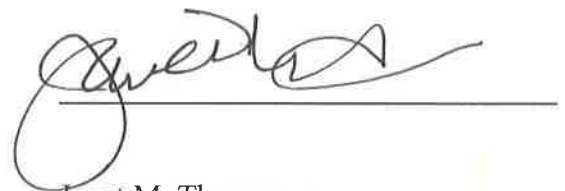
Brianna L. Lennon  
Clerk of the County Commission



Daniel K. Atwill  
Presiding Commissioner



Justin Aldred  
District I Commissioner



Janet M. Thompson  
District II Commissioner



My name is Denny Stephenson, I live at 1854 North Route J, Rocheport, MO.

Tonight, I would like to speak against the rezoning of this property from General Commercial to MLP and also address the current overuse and mis-use of MLP zoning.

This is a small plot of less than eight acres – a difficult small plot to utilize – it was purchased perhaps to rent it out – and perhaps to find a reason to rezone the property to MLP. In the P and Z meeting it was stated that the purchasing group did not realize that the property was not in compliance with what the new owners wanted to do. This is a very experienced real estate buyer, well supported by professionals. SURELY, they evaluated all the negatives of this property prior to purchase.

The county, when evaluating any MLP changes, always has one qualifying question -- is the property contiguous to other MLP property? In the past, this seemed to give real merit to a rezoning request.

This approximate 8 acres requesting to be rezoned to MLP is not contiguous to any other MLP property. However, if this property is rezoned to MLP, the 93.39 acres, currently zoned agricultural, that is located between this 8-acre property and the Midway USA campus which is already MLP, would be contiguous on both sides with MLP zoning. It now becomes much easier to rezone the 93.39 acres currently zoned agricultural to MLP. The result?---Assembly of a 292-acre MLP complex. **Any properties surrounded by or in the vicinity of this complex lose both cultural value and economic value.**

We might argue that this MLP request cannot be denied on the basis of “**what might happen**”. But I would remind everyone that the 192-acre current Midway site when requested to be rezoned to MLP in 2019, was denied by Planning and Zoning (6 to 1) and then was overturned by the Boone County Commission, who approved the zoning to be changed to MLP on the basis of “**what might happen**”. (1200 jobs, \$4.5 million dollars in tax revenue -- **neither of which has ever materialized.**)

As I watch the MANY rezoning requests to MLP, I am reminded of a statement by a commissioner when the current Midway campus was rezoned --- If this property is allowed to be rezoned "the barn door will be wide open". The barn door has been opened; I can hear the horses running.

It seems that the rezoning process, especially MLP zoning in cases such as this one tonight, are being misused as a band aide to "fix" a problem. Instead of requiring property owners to adhere to zoning requirements (in this case, General Commercial), we just "rezone" to MLP and a new set of regulations.

Is the new wave that we allow groups or individuals to purchase property with one zoning and then, with no improvements to the property, have it rezoned to MLP? This certainly is lucrative for the property buyer, but was never the intent of a planned and zoned community, not to mention the detrimental affect to the surrounding community.

Tonight, I only ask one thing----that you be fair and protect **ALL** Boone County citizens, treating them with the protection that the planning and zoning policies are intended for.

The Boone County code and zoning requirements are very specific. It seems that in the past individuals and groups must follow the code to the letter and if they don't, there are repercussions. But now other individuals and groups, if they don't meet the requirements, .... we just approve a zoning change rather than require they comply or utilize the property as it was zoned when purchased.

**I would ask that you deny the rezoning request to MLP and allow the owners to utilize the General Commercial zoning requirements attached to the property they've purchased.**

**In an effort to save for everyone---would all stand who request denial of this rezoning?**