

BOONE COUNTY ZONING COMMISSION MINUTES
MONDAY MARCH 4, 2024
5:30 P.M. – BOONE COUNTY COURTHOUSE

I. OPEN MEETING AND ROLL CALL

Eileen Westrum	Wayde Burkhart	Eric Crosman
Kay Rice	Nathan Cottingham	Jan Danilson
Adam Ostert	Mark Hansen	Julie Hinman

Meeting was called to Order at 5:31 p.m. by Chairman Eric Crosman

Present: Kay Rice, Nathan Cottingham, Eric Crosman, Jan Danilson and Julie Hinman
Absent: Eileen Westrum, Adam Ostert, Wayde Burkhart and Mark Hansen

Others Present: Karla Jenkins, Sarah Jenkins, Neil Saunders, Teresa Davenport, Hal Minburn, Barb Wilson, Donny Wilson, Joel Bryan, Travis Hall, Bill Grieser and Brad Schwiebert, Chris Stole, and Ben Fisher

II. APPROVAL OF MINUTES

A. January 29, 2024 minutes

Nate Cottingham moved to approve the minutes as written

Seconded by Jan Danilson

Jan Danilson—yes
Eric Crosman—yes
Julie Hinman—yes
Nathan Cottingham—yes
Kay Rice—yes

Motion Carried

III. APPROVAL OF AGENDA

Nate Cottingham moved to approve the agenda

Seconded by Kay Rice

Jan Danilson—yes
Eric Crosman—yes
Julie Hinman—yes
Nathan Cottingham—yes

Kay Rice—yes

Motion Carried

IV. DISCLOSE CONFLICT OF INTEREST AND EX-PARTE COMMUNICATION

A. None

V. CITIZENS COMMENTS ON ITEMS NOT ON THE AGENDA (ADDITIONS TO AGENDA)

A. None

VI. OPEN PUBLIC HEARING(S) AND CONSIDERATION OF APPLICATION(S)

- A. Petition for Rezoning # 2024-003 submitted by Hal Thompson. Mr Thompson is wishing to rezone approximately 16.43 acres of land from A-1 (Agriculture Conservation) to C-1 (General Commercial) and R-1 (Rural Residential) to allow for both commercial and residential uses

Hal Thompson was present to speak in regards to the request. Mr. Thompson stated he was wishing to create 4 lots, the two lots to the west would be residential and the two lots to the east would be for commercial development.

Thompson stated the two commercial lots would access L Ave and the two residential lots would possibly access highway 30.

Eric Crosman next asked for comments from Planning Director Mike Salati.

Director Mike Salati noted the action before the board was a recommendation to the Board of Supervisors to rezone the property and to amend the comprehensive development plan to allow for two residential and two commercial lots.

Nate Cottingham noted the future land use for the area was residential so the only question was the commercial zoning.

Director Salati shared the future land use map.

Cottingham noted the change to the comprehensive plan would be to allow for the two commercial building lots. He noted with Seven Oaks there he did not see this as a huge problem.

Director Salati next shared Mr. Thompson's concept plan.

Salati again noted tonight's action was just on the zone change and stated if this were approved the next steps would be to do a land division application.

Chairman Eric Crosman questioned the CSR of the property.

Director Mike Salati noted the CSR was 81.18.

Mr. Crosman questioned Hal Thompson as to whether he owned the ground or if it was a pending transaction.

Mr. Thompson noted he was the executor of the estate.

Chairman Eric Crosman next discussed the proposed changes for L Ave.

Salati noted he had not yet seen the plan but that he understood they had planned to close the north side of L Ave and that the south side of the road would remain open.

Crosman questioned whether the gravel road would be able to handle commercial development.

Hal Thompson stated the engineer informally stated everything looked good, but had not formally approved the plan.

Crosman questioned what Hal Thompson's goal was for rezoning the property to commercial he questioned what kind of businesses he wanted to see go in on the property.

Thompson stated the goal would be to get something like Ag type commercial business in there.

Director Mike Salati noted it had been brought to his attention that there were gas lines Crossing both the front and north side of the property which would restrict where things could be built.

Tyler from Northern Natural Gas was present and passed out a copy of the easement For the property.

Discussion was held on the easement and the distance of the easement either side of Pipe which was 35' either side of the pipe and it was noted nothing could be built over The pipe.

Chairman Eric Crosman next asked for public comment.

Travis Hall was first to speak. Hall stated he was at the intersection when the last person was killed. He stated with the pipeline the land needed to stay as it was for safety and because of the pipeline.

Randy Saunders questioned why they would allow any more access to Highway 30 or access to L Ave when they were already having problems. He questioned putting more traffic in there he stated we don't need that traffic and that "it's not safe down there.

Donald Wilson stated he lived directly across the street and that he was there to speak in opposition to the change. He stated the property was not residential quality and that it would get wet. He stated the traffic was terrible and to add additional traffic would be foolish.

Brad Schweibert was next to speak, he stated he had personally witnessed three people losing their lives at the intersection. He stated it was irresponsible for Boone County Planning to do anything with this matter until they could figure out the DOTs plan for the intersection was he noted the DOT was not done cutting off the accesses to Highway 30. He stated to add more traffic would compound the issue.

Neil Saunders stated he was opposed, he stated adding more access to L Ave right at the intersection would cause more accidents, he stated he had witnessed many deaths at the intersection. He stated there was too much traffic coming from Seven Oaks. He said they did not need commercial traffic which would be ridiculous.

Randy Saunders next brought up the noise and commotion down there. He questioned selling residential lots to a brightly light stadium down there.

A member of the public said the road maintenance on 222nd Dr was horrendous.

Christina was next to talk she discussed the traffic and noted she was unaware of the plan to close off the northside of L Ave. She questioned why if they were closing the north side of L Ave to alleviate the traffic why would they want to add commercial business which would add more traffic causing possibly three more accident areas.

Chairman Eric Crosman next asked for any more public comments of which there were none.

Crosman next asked for a closing statement from Hal Thompson..

Hal Thompson noted the commercial lots would not access highway 30 but would access L Ave or 222nd Dr. He noted his plan was all speculation.

Chairman Eric Crosman asked for rebuttal from planning staff. Crosman stated he did not think this was a good idea for three reasons, for safety issues, he did not want to lose more farm ground, and he was concerned with what type of business may go into the commercial district.

Nate Cottingham question how many homes were allowed on a gravel road noting there were already a lot of houses on the road.

Director Salati discussed the density and lot sizes allowed in the different zoning districts.

Public hearing closed at 6:05 p.m.

Chairman Crosman next asked for comments from the Zoning Commission.

Jan Danilson stated she agreed with Crosman in regards to the safety issues.

Nathan Cottingham questioned whether the county engineer had okayed the access.

Director Salati stated he had informally reviewed the application.

Nathan Cottingham stated he would like to see more comments from the engineering staff and possibly would like a consultation with the state DOT.

Salati noted the application had been referred to both the county engineer and the DOT.

Kay Rice noted she would like some additional information from the state she also questioned the state's plan.

Eric Crosman stated he would be more comfortable changing the zoning if he knew what type of business was coming in.

Salati noted if the land were to be rezoned commercial any of the uses allowed in the C-1 (general commercial) district could go in.

Chairman Eric Crosman next asked for a motion.

Nate Cottingham moved to table the request until further input could be gotten from the County Engineer and the DOT in regards to actual access points, traffic and safety in the area.

Seconded by Kay Rice

Kay Rice—yes
Nathan Cottingham—yes
Eric Crosman—yes
Jan Danilson—yes
Julie Hinman—yes

Motion Carried

VII. CONSIDERATION OF SUBDIVISION PLAT APPLICATION

A. None

VIII. UNFINISHED BUSINESS

A. None

IX. NEW BUSINESS

A. None

X. REPORT OF ZONING ADMINISTRATOR AND DIRECTOR OF PLANNING

A. Director's Report (Planning and Development Department)
None

XI. ADJOURNMENT

Jan Danilson moved to adjourn

Seconded by Kay Rice

Jan Danilson—yes
Julie Hinman—yes
Kay Rice —yes
Nathan Cottingham—yes
Eric Crosman—yes

Motion Carried

Respectfully submitted,

Wanda Cox, Secretary