

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Courtroom One West, Boone County Courthouse

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
Deputy County Clerk Michelle Malaby
Assistant Prosecuting Attorney John Patton

The meeting of the County Commission was called to order at 7:02 p.m.

SUBJECT: Planning and Zoning Public Hearing

Director of Planning and Building Inspection Stan Shawver reported **Charles and Ann Carlson, for Michael and Cheryl Steffan, request a permit to operate a horse training and boarding facility on 51 acres located at 9591 E. Highway OO.** The property is located approximately two miles southeast of Hallsville. It is accessed from State Highway OO. The tract is zoned A-1 (Agriculture) and A-2 (Agriculture). Adjoining land is zoned A-1 and A-2. There is a double wide mobile home on the tract. The comprehensive plan designates the area as suitable for agricultural and rural residential land use. There have been no previous requests concerning the property. Staff notified 19 property owners concerning the request. Several people spoke in support of the request at the Planning and Zoning Commission meeting. No one spoke in opposition. The Planning and Zoning Commission voted unanimously to recommend approval.

Cheryl Steffan, 1343 Eagle's Way Court, Hazelwood, Missouri was present.

Commissioner Stamper called for public comment. There was no response.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Charles and Ann Carlson for Michael and Cheryl Steffan for a permit to operate a horse training and boarding facility on 51 acres located at 9591 E. Highway OO.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 514-94.

Director Shawver reported **Robert Lannert, for Kidwell Construction, Inc., requests a permit to operate a truck terminal on 12 acres located at 611 E. Benson Road.** The tract is located approximately two miles west of Sturgeon at the northeast corner of the intersection of Highway 63 and Benson Road, a gravel, County maintained road. The tract contains 12 acres which are zoned C-G (General Commercial). Adjacent property is zoned A-2. The site is vacant. The applicants propose to establish a truck terminal for an "over the road" trucking company. There have been no previous requests concerning the site. Mr. Lannert received approval for two rezoning requests for property he owns on Highway 22, part of this same parcel. Staff notified 4 property owners concerning the request. At the Planning and Zoning Commission meeting, no one spoke in opposition to the request. Several people spoke in support. A petition submitted by the Mayor of Sturgeon supported the request. The Planning and Zoning Commission voted unanimously to recommend approval with the conditions that:

- all lighting be directed inward on the property
- commercial signs on the property be for the business only
- the business comply with dust free parking requirements
- the applicant dedicate additional right of way as may be required by the County for Benson Road.

Ross Kidwell of Kidwell Construction Company, Highway 40 E, Columbia, stated this operation will not be like a Petro station, but a truck terminal which will receive freight from other areas. The freight will then be delivered locally. The request seems to be acceptable to those in the area.

Commissioner Stamper called for public comment. There was no response.

Commissioner Vogt reported she received several phone calls from school board members and people in the area who favor of the request. There is about 400 feet of road--part of which is maintained by the State and part of which is maintained by the County. Public Works Director Stan Elmore and the northern district road supervisor agree the road should remain gravel. The Department indicated more rock will be required because of the heavy truck traffic.

In response to a question from Commissioner Stamper, Mr. Lannert replied he owns 130 acres at the location. About 13.97 acres are zoned commercial.

In response to questions from Commissioner Stamper, Mr. Kidwell replied various types of freight will be received. Large "over the road" trucks will be received, but most trucks will be smaller. The company they will lease the building to is a division of one of the largest national trucking companies. The building will be about 50' x 160'. The office at one end will be about 50' x 50'. There will be 16 loading docks with room for expansion. Mr. Kidwell offered to submit information on the company to the Commission.

Commissioner Stamper stated his concern is not with the viability of the company. He is concerned with the impact of the trucks on the road. Approval of the request will set a precedent which might make it difficult to require more of another entity in a location where it could be more important. Commissioner Stamper requested Mr. Elmore's thoughts on the matter.

Mr. Elmore replied he does not anticipate there will be a great deal of damage to the road. The section of road the County is responsible for maintaining is not very long. His recommendation that the Company pay for rock to be placed on the road seems reasonable. He understood that requiring substantial road pavement would scuttle the project. This is a compromise. The location is somewhat unique.

Mr. Lannert commented the road bed is adequate. The biggest concern would be drainage.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Robert Lannert for Kidwell Construction, Inc. for a permit to operate a truck terminal on 12 acres located at 611 E. Benson Road, with the following conditions:

- all lighting be directed inward on the property
- commercial signs on the property be for the business only
- the business comply with dust free parking requirements
- the applicant dedicate additional right of way as may be required by the County for Benson Road.

The motion failed for lack of a second.

Commissioner Miller moved that the County Commission of the County of Boone approve a request by Robert Lannert for Kidwell Construction, Inc. for a permit to operate a truck terminal on 12 acres located at 611 E. Benson Road, with the following conditions:

- all lighting be directed inward on the property
- commercial signs on the property be for the business only
- the business comply with dust free parking requirements
- the applicant dedicate additional right of way as may be required by the County for Benson Road.
- the applicant contribute to road improvements by purchasing crushed rock as requested by the County Public Works Director. The amount of crushed rock will not exceed a cost of \$500 per year. The rock purchased shall be placed on Benson Road, in front of the tract of land which has received the conditional use permit. Damage to the road during construction of the truck terminal shall be repaired by the applicant.

Commissioner Vogt seconded the motion.

Commissioner Stamper stated neither motion goes as far as he would like. This has potential to be a commercial corridor. He is concerned with the precedent approval will set. He would like to see

the enterprise in that location, but would prefer to set a standard of requiring a hard surface road to accommodate facilities of this nature.

Commissioner Vogt commented the road is used by trucks hauling grain. The Road and Bridge Department evaluated the road and made a recommendation.

Commissioner Miller commented until the County is ready to improve the entire road to a hard surface, she would rather have a good solid gravel road.

Commissioner Miller and Commissioner Vogt voted in favor of the motion. Commissioner Stamper voted in opposition to the motion. Motion passed. Order 515-94.

Director Shawver reported **Melvin Sapp, for Robert Stockton, requests a permit to operate a "go-cart" track on two acres located at 9683 I-70 Drive NE.** The tract is approximately 4.5 miles east of Columbia and is accessed from I-70 Drive NE. The site is zoned REC (Recreation). Adjoining land is zoned A-R (Agriculture Residential) and REC. The site is adjacent to Tiger Tee Driving Range. This site was originally zoned A-R. It was rezoned REC in September, 1994. The driving range has operated under a conditional use permit since 1986. The comprehensive plan designates the area as suitable for agricultural and rural residential land uses. Staff notified 11 property owners concerning the request. One person spoke in opposition at the Planning and Zoning Commission meeting. A letter in support was submitted. The Planning and Zoning Commission voted to approve the request with the following conditions:

- the track be asphalt
- only one car be on the track at one time
- the track close at 10:00 p.m.
- lighting be directed inward
- a review be conducted in one year to evaluate sound problems
- the operator own all cars.

Mr. Sapp, 9683 I-70 DR NE, and Mr. Stockton were present. Mr. Stockton commented they intend to provide a family oriented atmosphere. There is a need for such a facility in Columbia.

Commissioner Stamper called for public comment.

Brad Wooldridge, 9535 I-70 DR NE, stated he supports the request.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Melvin Sapp, for Robert Stockton, for a permit to operate a "go-cart" track on two acres located at 9683 I-70 Drive NE, with the following conditions:

- the track be asphalt
- only one car be on the track at one time
- the track close at 10:00 p.m.
- lighting be directed inward
- a review be conducted in one year to evaluate sound problems
- the operator own all cars.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 516-94.

Director Shawver reported **George Campbell requests to rezone from A-1 (Agriculture) to A-2 (Agriculture), 5.16 acres, more or less, located at 7915 E. Angel Lane.** The property is located approximately 2.5 miles northeast of Ashland on Angel Lane, a County maintained road. All surrounding land is zoned A-1. The site is adjacent to the airport. The request appeared on the November Planning and Zoning Commission agenda, but was tabled due to a tie vote. The request was heard again at the December meeting. The party leasing a house on the property is interested in purchasing the house and five acres. The land is not suitable for farming. The comprehensive plan designates the area as suitable for agricultural and rural residential land use. There have been no previous requests submitted for the property. Staff notified 7 property owners

concerning the request. No opposition was expressed. The Planning and Zoning Commission voted to recommend approval of the request.

Mr. Campbell, Walnut Hill Farm, stated the property is located on Angel Lane, which is heavily used by the U.S. Post Office and for southern access to the airport. Mr. Elmore advised right of way might be needed. He advised Mr. Elmore if this property is sold, he will include an addendum providing the requested 33' of right of way from the center of the road.

In response to a question from Commissioner Stamper, Mr. Campbell stated water runs through the property. He primarily produces hay. He cannot use the property for that purpose.

Commissioner Stamper called for public comment. There was no response.

Commissioner Miller moved that the County Commission of the County of Boone approve a request by George Campbell to rezone from A-1 (Agriculture) to A-2 (Agriculture), 5.16 acres, more or less, located at 7915 E. Angel Lane.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 517-94.

Director Shawver reported **Russell and Annette Duker request to rezone from R-S (Single Family Residential) to M-L (Light Industrial), 2.34 acres, more or less, located at 5050 W. I-70 Drive SW.** The tract is located approximately half a mile west of Columbia, near the intersection of Strawn Road and I-70 Drive SW. Land southeast and west of the site is zoned R-S. Land to the north, across I-70 Drive SW, is zoned M-L. There have been no previous requests concerning the site. The comprehensive plan designates the area as suitable for low density residential land use. The applicant, a plumbing contractor, would like to use the tract as a contractor's lot. There is a house, barn and foundation house--or basement house--on the property. Originally, the application indicated they hoped to have a non conforming use of the basement house for residential purposes. The application was amended to reflect that the basement house will be occupied by a watchman for the property. Staff notified 12 property owners concerning the request. At the Planning and Zoning Commission meeting, an individual spoke in support of the request. Another spoke in opposition. The County Clerk received a petition in opposition which has been signed by adjoining property owners who own more than twenty percent of the frontage within 1,000 feet. The Commission would be required to vote unanimously to approve the request. The Planning and Zoning Commission made a motion to deny the request which received four yes and four no votes. Subsequently, a motion was made to recommend approval of the request which received six yes and two no votes.

Tim Schwartzkopf, 200 E Walnut, Columbia, attorney for the applicant, displayed and reviewed a map and slides of the property. Mr. Schwartzkopf stated there is a salvage yard nearby. The State stores cinders nearby. The City of Columbia owns a portion of the flood plain. The road is a dead end. No additional traffic will be generated by Mr. Duker's use of the property. Mr. Duker lives on the road. The property will be used to stockpile pipe and store equipment used on the job, such as a dump truck, trencher and backhoe.

Russ Duker stated this area is landlocked by the flood plain and I-70. There are businesses in the area which generate a great deal of traffic. The cinder storage area is adjacent to his property. The people contesting the request can hardly see the cinder pile.

Commissioner Stamper called for public comment.

Wally Bley, 903 E. Ash Street, attorney for Debbie Daniels and Winston Harrison, stated his clients live southeast of the subject tract at 840 Strawn Road. They have two children who in February, 1995 will be 15 and 13 years old. They are concerned with traffic on the outer road--the only entry and exit for this property. The road is heavily used, narrow, and with dangerous curves. This request is not consistent with the comprehensive plan. There is a geographic barrier which forms a natural zoning demarcation for industrial use versus the use which is in place. That is the outer road. The natural demarcation of the road should be honored. Perhaps there is no problem with increased traffic as long as the property is used as a contractor's lot. The concern is with future use of the requested zoning. If Mr. Duker sells the property to, for example, a

manufacturer of medical and dental equipment, or textile products, or wood products, there will be a substantial increase in truck traffic. There are alternative methods and zonings available to allow Mr. Duker to use the lot as a plumbing contractor, but also afford protection to neighboring property owners. For that reason, they are opposed to the request.

In rebuttal, Mr. Schwartzkopf stated there is more than one entrance and exit. I-70 Drive goes to the mall and there is an overpass leading to the other outer road. Mr. Duker's small 2.3 acre property could be used for something else which would increase traffic. The same risk is present with the other commercial properties. Mr. Duker plans to stay in business. His use of the property is an improvement.

In response to questions from Commissioner Stamper, Mr. Schwartzkopf replied M-L zoning was requested rather than Commercial to conform with zoning in the area. The house on the property will be occupied by an individual who will act as caretaker. Another house is being repaired, with a new roof, windows and doors. It will be used to store keys and paperwork.

Mr. Duker added there will be a small bathroom and kitchen. He will have a desk and phone in one of two additional rooms, but employees will not work there. The property has suffered under residential use. It has been vacant for eight years. Trash has been removed from the property.

In response to a question from Commissioner Stamper, Director Shawver replied M-L zoning permits any use permissible in an M-L zoning district and any commercial use. A planned district could be restricted to a specific use with conditions which would remain with the zoning.

Commissioner Stamper stated the size of the acreage limits potential problems with usage. He would prefer the request be for planned commercial zoning.

Commissioner Vogt stated the use fits the area.

Commissioner Miller moved that the County Commission of the County of Boone approve a request by Russell and Annette Duker to rezone from R-S (Single Family Residential) to M-L (Light Industrial), 2.34 acres, more or less, located at 5050 W. I-70 Drive SW.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 518-94.

Director Shawver reported **Rhodes Payne Properties, Inc. request to rezone from A-1 to A-R (Agriculture-Residential), 123.63 acres, more or less, located at 5101 E. New Haven Road.** The property is located approximately one half mile east of Columbia. Land to the northeast and south is zoned A-1. Land to the west is zoned A-R. There have been no previous requests for the land. The comprehensive plan designates the site as suitable for agriculture and rural residential land use. Staff notified 29 property owners. The applicants propose continuation of The Woodlands development. No one appeared in opposition to the request at the Planning and Zoning Commission meeting. The Planning and Zoning Commission voted unanimously to recommend approval of the request.

John Payne explained a diagram of the property. The houses range in value from \$150,000 to \$250,000.

Commissioner Stamper called for public comment. There was no response.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Rhodes Payne Properties, Inc. request to rezone from A-1 to A-R (Agriculture-Residential), 123.63 acres, more or less, located at 5101 E. New Haven Road.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 519-94.

Director Shawver reported **The Woodlands 3A, Final Plat, Rhodes Payne Properties, Inc., owner,** is a continuation of previously platted land consisting of lots 26 through 40. The lots average a little more than two acres in size. The Planning and Zoning Commission approved the plat in November. Mr. Payne has submitted a uniform subdivision improvements performance

bond in the amount of \$36,600, secured with a certificate of deposit on file with the Boone County Treasurer.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, the final plat of The Woodlands 3A. Receipt of a uniform subdivision improvements performance bond in the amount of \$36,600, secured with a certificate of deposit on file with the Boone County Treasurer, is acknowledged.

Commissioner Miller seconded the motion. Motion passed unanimously. Order 520-94.

Director Shawver presented the **final plat of Arrowhead Lake Estates**. The developer is Bob Lemone. The property is zoned A-2. Lots range from 3.5 to 12 acres. There is a lake. They are very nice sites. A surety in the amount of \$152,000 has been submitted for construction of the sewer lines. The road has been built. Water lines and hydrants have been installed.

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign, the final plat of Arrowhead Lake.

Commissioner Vogt seconded the motion. Motion passed unanimously. Order 521-94.

SUBJECT: Reports from Commissioners

No reports were made.

SUBJECT: Public Comment

No comments were received.

The meeting adjourned at 8:18 p.m.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner