

TERM OF COMMISSION: October Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

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

The special meeting of the County Commission was called to order at 7:00 p.m.

Stan Shawver, Director of the Department of Planning and Building Inspection, reported **Pete Kemper, for Henry Ray, requests revision of an approved review plan for a Planned Commercial Development (C-GP) on 3.66 acres, located at 9201 E I-70 Drive NE.** The original review plan was approved in May, 1992. The property is located approximately 3.5 miles east of Columbia on I-70 Drive Northeast. Property to the north and east is zoned A-R (Agriculture Residential); to the west C-G (Commercial); to the south, across I-70, A-2 (Agriculture). There are several existing structures on the land. The 1973 comprehensive plan designates the area as suitable for agriculture and rural residential land use. The review plan submitted in 1992 indicated the land would be used for a commercial auction business. The review plan was approved with 15 conditions. In July, 1995, the Planning and Zoning Commission considered an amended review plan showing a new use--a furniture warehouse and showroom. The plan, which did not encompass many of the conditions placed on the 1992 request, was denied. The denial was not appealed. The review plan was refined and resubmitted. Staff notified 11 property owners concerning the request. At the October 19, 1995 Planning and Zoning Commission meeting, Parker Naylor expressed concern with the development. He submitted his comments to the County Commission in writing. After lengthy discussion, the Planning and Zoning Commission voted unanimously to approve the request with the following conditions:

- There shall be no outside storage.
- The hours of operation be 8:00 a.m. to 9:00 p.m.
- Landscaping plans, including details of plants along the 57 foot buffer, shall be submitted before the final plan is approved.
- There shall be no outside speakers.
- The fence on the east side of the property shall be replaced with at least a 48 inch woven wire fence.
- Easements are to be shown on final plan before final approval, unless a subdivision plat is submitted.
- Fire hydrants shall be approved by the Boone County Fire Protection District.
- Fire hydrants and water lines shall be installed prior to occupancy of the structure.

Commissioner Stamper submitted for the record a letter from Parker and Dana Naylor dated October 26, 1995.

Ron Shy, 5600 S. Hwy KK, stated he is present to answer questions relating to the plan. The applicant is also present.

Commissioner Vogt stated the Naylor's were concerned with drainage and runoff. They apparently discussed the matter with the Soil Conservation Service. They believe they would be the recipients of the runoff.

Mr. Shy replied they are now. He is not privy to the information Commissioner Vogt is referring to. Mr. Shy sat down to review the document.

In response to a question from Commissioner Stamper, Director Shawver replied zoning regulations require at minimum a chip and seal surface for the driveway and required parking places.

In response to questions from Commissioner Miller and Commissioner Stamper, Director Shawver replied there is one billboard on the property. It is leased to 3-M. It is the only billboard shown on the plan. The plan would have to be amended to allow additional billboards. The commission could restrict placement of additional billboards and could require the existing billboard be removed when the current lease expires. The Planning and Zoning Commission discussed the existing billboard, but the discussion ended when they discovered it was leased.

There was no response to Commissioner Stamper's request for public comment.

Commissioner Stamper stated this use seems less intrusive than the previous approved use. It would provide a good buffer to the adjacent R-V park.

Commissioner Vogt commented the neighbor said they were pleased with the extended amount of buffer shown in the design.

Mr. Shy stated there will be some additional runoff. There is not a recreational lake there. Mr. Shy stated he does not understand Mr. Naylor's statement that the conservation official said the development would cause future problems. The Soil Conservation Service reviewed the plan.

In response to a question from Commissioner Miller, Director Shawver replied he does not have the Soil Conservation Service report in his file tonight.

Commissioner Stamper stated the Naylor property is downhill from this property. He would assume the Soil Conservation Service review accounted for drainage being handled appropriately on this plan.

Commissioner Miller stated she assumes silt fences will be used when the land is stripped for construction.

Commissioner Stamper stated the County does not require their use.

Commissioner Miller stated a condition should be added requiring their use.

Director Shawver agreed, given the concerns of the neighbors.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by Pete Kemper for Henry Ray, to revise an approved review plan for a Planned Commercial Development (C-GP) on 3.66 acres, located at 9201 E. I-70 Drive NE, with the following conditions:

- There shall be no outside storage.
- The hours of operation be 8:00 a.m. to 9:00 p.m.
- Landscaping plans, including details of plants along the 57 foot buffer, shall be submitted before the final plan.
- There shall be no outside speakers.
- The fence on the east side of the property shall be replaced with at least a 48 inch woven wire fence.
- Easements are to be shown on final plan before final approval, unless a subdivision plat is submitted.
- Fire hydrants shall be approved by the Boone County Fire Protection District.
- Fire hydrants and water lines shall be installed prior to occupancy of the structure.
- Silt fences shall be used during the period of construction.

Director Shawver suggested the last condition be amended to include the statement that there be no additional runoff to the current rate of runoff. The Naylor's requested a restriction be added that no other use be allowed without approval of a new plan. That would be overly restrictive and would not stand a legal test. However, their concern could be addressed by limiting certain uses. For example, Mr. Naylor cites concern that the property not be used for a juice bar, dance hall or night club.

Commissioner Vogt stated she did not think the use could be changed without approval under planned commercial zoning.

Director Shawver stated if the use was similar it would be permitted.

Commissioner Stamper stated he is not interested in placing such a condition on the request. Such conditions have not been placed on other requests. If that is the commission's intent, the regulations should be changed.

Commissioner Vogt amended the last condition in her motion by adding: The applicant is cautioned not to increase the current amount of runoff from the property. Commissioner Vogt questioned whether that statement is too soft.

Director Shawver suggested the addition to the last condition read: The amount of runoff should not be permitted to increase beyond that which currently exists. The applicants can design retention or detention basins as needed to comply with the condition.

Commissioner Vogt agreed to the modification. Commissioner Miller seconded the motion.

Randy Ray, 1403 N. Washington, Mexico, asked are detention basins necessary if silt fences are used?

Commissioner Miller replied silt fences are removed when construction is complete. The addition of a paved surface will increase runoff.

In response to a question from Mr. Ray, Commissioner Stamper stated the way the runoff is managed is up to the applicant.

Commissioner Vogt amended her motion to The amount of runoff should not be permitted to increase beyond that which currently exists. Commissioner Miller seconded the amendment.

Motion passed unanimously. **Order 553-95.**

Director Shawver reported **James Abernathy requests approval of a Review Plan for a Planned Residential Development on 5 acres located at 7460 E St. Charles Road.** The site is located approximately 1.5 miles east of Columbia on St. Charles Road. The property is zoned R-S (Single Family Residential), as is all surrounding property. There is an existing duplex on the property that pre-dates adoption of Boone County zoning regulations. The owner would like to construct an additional duplex and single family dwelling on the property, for a total density of five dwelling units. The 1973 comprehensive plan designates the area as suitable for agriculture and rural residential land use. There have been no previous requests concerning the land. Staff notified 12 property owners about the request. At the Planning and Zoning Commission meeting, concern was expressed for wastewater disposal and easements. The Planning and Zoning Commission voted to approve the review plan with the following conditions:

- The Boone County Fire Protection District approve the fire hydrant plan prior to approval of the final plan.
- Said fire hydrants shall be installed prior to approval of the final plan.
- Right-of-way and easements be recorded prior to approval of the final plan.

Bill Crockett, 1414 Rangeline, Columbia, represented the applicant. Mr. Crockett stated the applicant is willing to accept conditions placed on the request. They negotiated a price with the public water supply district to install the fire hydrant. They plan to connect to the sewage facility serving the Frank Stanton Subdivision. There is a lagoon there which is operated by the Boone County Regional Sewer District. Other utilities are available on site.

In response to a question from Commissioner Vogt, Director Shawver replied the applicant could not obtain additional building permits without subdividing the land or creating a planned development. He would like to increase the density, but is not interested in subdividing the land.

In response to a question from Commissioner Miller, Mr. Crockett replied the existing duplex is within five feet from the right-of-way for St. Charles Road. The applicant will be unable to dedicate additional right-of-way for that section of the road as it is currently designed.

Commissioner Stamper called for public comment. No response was received.

Commissioner Vogt moved that the County Commission of the County of Boone approve, and authorize the Presiding Commissioner to sign, a Review Plan submitted by James Abernathy for a Planned Residential Development on 5 acres located at 7460 E St. Charles Road, with the following conditions:

- The Boone County Fire Protection District approve the fire hydrant plan prior to approval of the final plan.
- Said fire hydrants shall be installed prior to approval of the final plan.
- Right-of-way and easements be recorded prior to approval of the final plan.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 554-95.**

Director Shawver presented **Little Horse Acres, minor plat, located in S34-T50N-R12W. The land is zoned A-2. Domenic and Donna Diciacca are the owners. Ron Shy is the surveyor.** Director Shawver stated the three lot subdivision is located on Mt. Zion Church Road west of Route B.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept, and authorize the Presiding Commissioner to sign, the minor plat of Little Horse Acres, located in S34-T50N-R12W. Domenic and Donna Diciacca are the owners. Ron Shy is the surveyor.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 555-95.**

Director Shawver presented **Garrett Estates, minor plat, located in S5-T49N-R12W. The land is zoned A-2. Donald E. and Berta Dean Garrett are the owners. Brian Dollar is the surveyor.** This is a three lot subdivision located on McGee Road.

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Garrett Estates, minor plat, located in S5-T49N-R12W. The land is zoned A-2. Donald E. and Berta Dean Garrett are the owners. Brian Dollar is the surveyor.

Commissioner Miller seconded the motion. Motion passed unanimously. **Order 556-95.**

SUBJECT: Award Bid 103-12OCT95, Demolition of Flood Damaged Structures and Approve Contract

Commissioner Miller moved that the County Commission of the County of Boone award bid 103-12OCT95, Demolition of Flood Damaged Structures, to Hardt Construction, LLC, of Hallsville, Missouri, in the amount of \$38,000. The Presiding Commissioner is authorized to sign the attached contract.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 557-95.**

Commissioner Miller moved that the County Commission of the County of Boone waive the ten day comment period and authorize the following budget amendment:

<u>Organization</u>	<u>Account</u>	<u>Account Title</u>	<u>Decrease</u>	<u>Increase</u>
2060	85800	Special Grant Expenses		\$38,000
2060	03482	Federal Disaster		\$36,100
2060	71104	Administrative Services	\$1,900	

Explanation: To budget for demolition phase (Phase II) of Flood Buyout Project.

Commissioner Vogt seconded the motion. Motion passed unanimously. **Order 558-95.**

SUBJECT: Reports from Commissioners

Commissioner Stamper reported the County Commission began interviewing for the Director of Public Works position. There are five applicants. The Commission hopes to complete the process this month.

Commissioner Vogt reported Booker Associates requests an additional six weeks before it submits the eighty five percent draft of the comprehensive plan document.

Following discussion of whether the contract with the firm outlined a schedule for submissions, the Commission agreed they are willing to allow the firm to have the additional time requested.

Mr. Patton agreed to determine whether the contract contains a time schedule.

Commissioner Vogt reported Solid Waste Coordinator Don Abell received information from the Department of Natural Resources on the availability of park equipment constructed of recycled tires. The grant is available until November 15th. The information will be forwarded to the school districts.

Commissioner Miller reported she received two calls today from people in Ashland regarding the speed limit on Old Highway 63. The speed limit on the road is 40 miles per hour. She would like to request the Public Works Department review the road and determine if the speed limit can be raised to 55 miles per hour.

The commission agreed.

The meeting adjourned at 7:45 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