

TERM OF COMMISSION: October Session of the August Adjourned Term

PLACE OF MEETING: Boone County Government Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper  
District I Commissioner Karen Miller  
District II Commissioner Skip Elkin  
Deputy County Clerk Shawna Victor  
County Counsel John Patton  
Planning and Building Inspections Director Stan Shawver

The meeting was called to order at 7:03 p.m.

**Subject: Public Works Department**

**A. Second Reading and Approval of Roadway Maintenance Acceptance Certificate for Quarter Mile Drive**

Commissioner Miller moved to approve the following:

**Whereas**, the County has examined Quarter Mile Hills Drive, constructed within is appropriate 50-foot right-of-way as dedicated on the final plat of Quarter Mile Hills Subdivision, Plat 2, recorded in Plat Book 35, Page 69, of the Boone County, Missouri records, and

**Whereas**, the County finds that the above described road has been constructed in accordance with plans approved by the Boone County Public Works Department and in compliance with Boone County Roadway Regulations as attested by the Roadway Maintenance Acceptance Certificate for said roadway,

**Now therefor it is ordered**, that the County Commission authorized the Presiding Commissioner to sign the Roadway Acceptance Maintenance Certificate for said Quarter Mile Drive on behalf of the County Commission and further assumes the responsibility for the maintenance and control of this road from and after the date of this order, and

It is also ordered, that this order be certified by the County Clerk and be recorded in the Office of the Recorded of Deeds.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 452-2001**

**B. First Reading of Contract Termination for Cleaning Services at South Facilities**

David Mink, Public Works Director and Ken Roberts, Facilities Maintenance Manager present on behalf of this item.

David Mink stated there has been some restructuring of the Housekeeping Division in Facility Maintenance. He stated he believes that they are capable of cleaning the south facility with in-house staff. Mr. Mink stated, as a result of this, the contract for cleaning the facility needed to be terminated. Mr. Mink stated this would only be a termination of that portion of the service.

Mr. Mink stated they are seeking to notify Classic Cleaning and Remodeling, in writing, of this change. He stated this was a thirty-day notice. Mr. Mink stated there is a letter and a contract amendment that needs to be signed by the Commission.

Mr. Mink stated they have not been able to reach Mr. Holmes at this time to discuss this

issue.

Commissioner Stamper stated this is a first reading and requested that the Deputy County Clerk schedule this for a second reading at the next available meeting with an appropriate order for approval.

**Subject: Planning and Zoning**

Stan Shawver, Planning and Building Inspection Director, present on behalf of this item.

**A. Request by Nicholas Peckham to approve a revised Review Plan for NewTown Planned Development**

Stan Shawver stated this property is located one mile due south of the Columbia municipal limits, but travel distance to the city limits is three miles. The site is situated on State Highway K. A review plan for the total 22.76-acre tract was approved by the County Commission on March 31<sup>st</sup>, 1998. A final plan for a 16.83-acre portion of the property was approved in July of 1998. A final development plan for the 5.93-acre commercial component was approved in December of 1999. Upon approval of the final plans the rezoning of these portions of the property from A-2 (agriculture) to R-S/PRD (Residential Single Family/Planned Residential Development) & C-GP (planned commercial) was approved and took effect. Property to the north, across Rte K is zoned R-S. Property to the east is zoned R-M and A-2. Property to the south and west is zoned A-2. These revised review plans have been submitted to modify the types of structures allowed within the development. Additional sewer capacity beyond that already secured by the developer will need to be secured for the apartment component above the commercial structures shown on the plan. This will need to be worked out with the BCRSD. This area is served by Consolidated Public Water District No. 1. There is an upgraded waterline along Rte K at a minimum of 8". Final fire flows after waterline upgrades are installed may further limit the sizes and uses of the development. MoDOT, BCPW & BC Planning have concerns on the safety of the constructed road entrances onto Route K due to the limited visibility due to the earthen berm between Coneflower Avenue and New Town Avenue, as well as, between New Town Avenue and Center. These issues will need to be resolved to the satisfaction of the departments and agencies involved. The number of parking spaces shown on the plan indicates that less parking is being proposed than may be required. Parking is not a standard that can be modified by a planned development. Therefore, the parking shown is for diagrammatic purposes only. Actual required parking will be determined based upon specific building plans and proposed uses as required in the zoning ordinance as specific building permits are applied for. The development will be within the Columbia Public School District service area. The *master plan* designates this area as being suitable for residential land uses. The proposed development is consistent with the *master plan*. This site has 76 points on the point rating system.

Staff recommends approval of both Revised Review Plans subject to the following conditions 5;

1. That it be recognized that the parking shown on the plan is diagrammatic. Actual parking requirements will be determined as per the zoning ordinance when specific buildings and uses are determined. That a BOA variance must be obtained prior to issuance of a Building Permit for any specific lot that does not meet the minimum parking requirements of the zoning ordinance for any specific proposal on a specific lot.
2. That the developer secures the additional sewer capacity, if needed, from the BCRSD dependant upon the specific structures and uses proposed on each lot.
3. That building permits will not be issued for specific uses until an assessment and approval from the Fire District for the specific structure and use for a specific lot is obtained.

4. That the traffic safety issues with respect to the 3 road connections to Route K be resolved to the satisfaction of MoDOT, BCPW, and BC Planning before any additional building permits other than a permit for lot C-2, can be issued. The developer will be required to pay any utility relocation costs involved in bringing the project into compliance to the satisfaction of MoDOT, Boone County Public Works and Boone County Planning.

5. That the restrictive covenants for all the development be recorded prior to the issuance of any additional building permits.

Mr. Shawver stated that the Planning and Zoning Commission reviewed the revised plans during the September 20 meeting. He stated that the Planning and Zoning Commission recommended that the Review Plans be approved with the conditions as listed above. He stated that the motion received a unanimous vote and both were approved with one motion.

Mr. Shawver stated the Commissioners have a letter from Cara Carter, of 1845 W. Amos Drive, and Ms. Carter has also provided pictures. Mr. Shawver stated Ms. Carter is concerned about the storm water.

Tom Schneider of 11 North 7<sup>th</sup> Street, Columbia, stated he represents NewTown L.L.C. Mr. Schneider stated the issue arose at a meeting a few months ago about building height. He stated at that time, the correct procedure was decided to be to file an application for an amended review and go through the process. Mr. Schneider stated the applicant has done this.

Mr. Schneider stated during this process various engineering and other comments, which all have been addressed to the satisfaction of the Planning and Zoning Commission. He stated the conditions were acceptable to the applicant. He stated any questions concerning storm water would be addressed by Tom Trabue, project engineer. Mr. Schneider stated when this plan was originally approved that a storm water plan and study was submitted.

Commissioner Miller asked if the water in the pictures submitted by Cara Carter were from this site or other sites. Stan Shawver stated there was a substantial storm water plan was submitted. He stated it was reviewed by the Public Works Department. All requirements and items indicated that would be done during construction were done and inspected.

Commissioner Stamper opened a public hearing on this matter.

Cara Carter of 1845 W. Amos submitted the pictures of the flooding from earlier this year. Ms. Carter stated the flooding in her yard was not this extensive in 1993 or 1995. Ms. Carter stated to have a one hundred-year flood is one thing but to have a developer purposely grate the land so that the water runs off away from their development is wrong. She stated they have seen this flooding two or three times but that does not include the times that this has happened during the night or when they are at work. Ms. Carter stated this flooding is effecting her neighbors.

Ms. Carter asked the Commissioners if they could possibly help her and her neighbors stop this flooding from happening again and have the developers do something to stop the flooding.

Jane Witherwax of 1825 W. Amos, stated she has also experienced the same flooding issues. She stated she agreed with Ms. Carter about the water issue. Ms. Witherwax stated she is concerned over the proposed commercial property that would include alcohol and bands. She stated she did not feel comfortable having that in her backyard. Ms. Witherwax stated because of the children and teen population in that neighborhood, this concern to all parents.

Commissioner Stamper closed the public hearing on this item.

Commissioner Stamper asked Tom Trabue to address the issue of storm water.

There was discussion about the properties that were flooded in the pictures Ms. Carter presented to the Commission and their position in the one hundred or five hundred-year flood plains.

Mr. Trabue stated this is a wide flat flood plain through this area and it is extremely wooded. He discussed how they did work to move the drainage area of this property. There was a flood study performed and found that they complied with flood regulations. There is a flooding problem in this area and there is a steep drainage basin above Route K. Below Route K, Mr. Trabue stated that this was a flat area.

There was discussion about the drainage basin around this area.

Mr. Trabue stated he does not believe that the water is coming off this property. They have studied storm water and erosion issues in the last several months to make sure they were addressing the issues properly. Mr. Trabue stated the FEMA maps show that the flood plain is wide and does come close to the houses.

Commissioner Stamper told Ms. Carter that her house is in the one hundred-year flood plain. All of the backyards are either on the edge or in the one hundred-year flood plain.

Commissioner Stamper and Ms. Carter had a discussion about the location of her house to the flood plains and the effect of the drainage basins.

Commissioner Stamper told Ms. Carter that the County is not responsible for the development in the city limits and their storm water. He stated that this development did meet all storm water requirements. This storm water issue between the city and county is a struggle. This is an item being worked on by both the city and the county.

Commissioner Stamper stated the issue is how close these houses are built to the flood plain.

Ms. Carter stated her house has been there since 1980. Stan Shawver stated flood plains were not identified on maps until 1983 and these houses were there before then.

Commissioner Stamper stated he did not have a solution for this situation.

Commissioner Miller stated this issue is being worked on. Situations like this have allowed many to see what the actual problem is.

Commissioner Miller moved to approve the NewTown Revised Review Plans A and B with the following conditions:

1. That it be recognized that the parking shown on the plan is diagrammatic. Actual parking requirements will be determined as per the zoning ordinance when specific buildings and uses are determined. That a Board of Equalization variance be obtained prior to issuance of a Building ordinance for any specific proposal on a specific lot.
2. That the developer secures the additional sewer capacity, if needed, from the Boone County Regional Sewer District dependent upon the specific structures and uses proposed on each lot.
3. That building permits will not be issued for specific uses until an assessment and approval from the Fire District for the structure and use for a specific lot is obtained.
4. That the traffic safety issues with respect to the three road connections to Route K be resolved to the satisfaction of the Missouri Department of Transportation (MoDOT), Boone County Public Works (BCPW), and Boone County Planning before any additional building permits other than a permit for lot C-2, can be issued. The developer will be

required to pay any utility relocation costs involved in bringing the project into compliance to the satisfaction of MoDOT, BCPW, and Boone County Planning.

5. That the restrictive covenants for all the development be recorded prior to the issuance of any building permits.

Commissioner Elkin seconded the motion.

Commissioner Miller in regards to the first requirement about a variance on minimum parking requirements, this might be a way to minimize any impervious surfaces that might have future impact. She hoped that the testimony could be shared with the Board of Adjustment.

There was no further discussion or public comment.

The motion passed 3-0. **Order 453-2001**

Commissioner Stamper stated he personally expressed to Mr. Peckham any inconvenience in getting this issue clarified. This development has been worked on for a long time and well thought out. There are many issues in the community about how quickly the land is being developed.

**B. Request by William Tincher**

- i. Rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 115 acres, more or less, located at the southeast corner of the intersection of Highway 63 and Highway F, Sturgeon (appeal)**
- ii. Rezone from A-2 (Agriculture) to M-LP (Planned Industrial) of 29 acres, more or less, located at the northwest corner of the intersection of Highway 63 and Highway F, Sturgeon (appeal)**

Tom Schneider, attorney representing Mr. Tincher, requested that this issue be remanded back to the Planning and Zoning Commission and then ask the Planning and Zoning Commission to table this item so they can provide some additional engineering information and possible traffic study. The county has a policy on the refilling application; a remand procedure would allow this to be done in a more suitable fashion.

Commissioner Stamper asked Mr. Shawver if this is consistent with what his report was going to be. Mr. Shawver stated yes.

**C. Request by Sandra Stowers for a permit to operate an animal training and boarding facility on 7.49 acres located at 24 S. Rangeline Rd., Columbia**

Mr. Shawver stated this property is located about 2-miles east of Columbia on Rangeline Road. The site is zoned A-2 (Agriculture). Property to the north and west is zoned M-L. Land to the east is zoned A-2. To the south the land is zoned A-1. There is a single-family house and a barn on this property. This property is served by Public Water District Number 9 and Boone Electric Cooperative. It is located in the Columbia Public School District. The applicant is seeking a permit for a horse boarding facility. Incidental to this, the applicant hopes to establish a training facility for young people that would be contracted through the state. The nature of the training offered would be the upkeep and care of horses and the related facilities. The original zoning for this tract is A-2. There have been no previous requests submitted on behalf of this property. Staff notified 22 property owners about this request. The master plan designates this area as being suitable for industrial land uses, and it should be noted that this site is directly adjacent to industrially zoned land. However, the staff feels like the proposed use will fit into the surrounding area and is compatible with the surrounding uses. Staff recommends approval with the recognition that the facility will have to have adequate fire protection and approval from the Fire District before operating and that all drive and parking areas must be dust free with a minimum of chip seal surface. Planning and Zoning Commission conducted a hearing on September 20 and motioned to recommended approval with conditions of the Fire Protection District and the parking area have a dust

free surface. This motion received seven yes votes with recommendation of approval.

Commissioner Stamper opened a public hearing on this item.

Sandra and Wayne Stowers, 24 S. Rangeline Rd., Columbia, present on behalf of this item.

Sandra Stowers stated they may do a variance. They will be meeting with Thad Yonke tomorrow to discuss the requirement of the chip and seal. Mrs. Stowers is afraid that the chip and seal may be too slick of a surface for horses to be on and is concerned that this will be a safety hazard to the horses and the customers that she would have on her property.

Mrs. Stowers stated there is hydrant 0.2 mile to the door of the barn. Mr. Stowers stated that to the property line it is only 0.1 mile. These measurements were taken at the shortest route from the hydrant to the barn and property line.

Commissioner Stamper stated chip and seal is not described as a slick surface, it is rock and oil.

Commissioner Stamper asked Mr. Shawver if chip and seal is the way the Stowers' have to go about having the dust free surface or could they use another method. Mr. Shawver stated the regulations stated a minimum of chip and seal. This is required parking but this does not mean that the entire lot has to have chip and seal. It is based on the size of the structure, the use, the number of parking places that are used, and the driveway is included. As for the driveway, there is a certain percentage of the driveway that has to be wide enough with an all weather surface for fire engines to get in at all times.

There was no one else present to speak on this item.

Commissioner Stamper closed the public hearing.

Commissioner Elkin moved to approve a request for a Conditional Use permit for Sandra Stowers to operate an animal training and boarding facility on 7.49 acres located at 24 S. Rangeline Rd., Columbia, with the following conditions:

- Fire Protection approve by the Boone County Fire District, and
- Drive and required parking area must have a dust free surface.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 455-2001**

**D. Request by Public Water District 10 for a 130' water tower on 4.89 acres located at 22601 March Rd., Columbia**

Mr. Shawver stated this site is located ¾ of a mile west of Centralia on March Road. The property is zoned M-G (General Industrial). Property to the east is zoned A-2. Land to the north and west is zoned A-1. Land to the south is zoned A-1 and M-G. This request is to build a 130' water storage tank. Zoning regulations require a conditional use permit for any structure taller than 100'. The original zoning for this tract was A-1, but it was rezoned in June 2001 to allow a bulk propane facility. The property is not being used for that purpose, Staff notified 12 property owners about this request. The master plan designates this area as being suitable for agriculture and rural residential land uses. If approved, the proposed water storage facility will provide improved water service for the surrounding area. Staff recommends approval of this request. Planning and Zoning Commission held a hearing on September 20 passed a motion to recommend an approval of the request. This was a unanimous vote for approval.

Commissioner Stamper opened a public hearing on this item.

There was no one present to speak on this item.

Commissioner Stamper closed the public hearing.

Commissioner Elkin moved to approve a request for a Conditional Use permit by Public Water District 10 for a 130' Water Tower on 4.89 acres located at 22601 March Rd., Centralia.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

**E. Receive and Accept the following plats:**

**i. Hatton Chapel Road. S19-T49-R13W. A-2. Shari A. Carlos, owner. Ronald G. Lueck, surveyor.**

Mr. Shawver stated Hatton Chapel Road Subdivision is a one-lot 2.9-acre tract owned by Shari Carlos. It is located off Hatton Chapel Road. It is zone A-2. Planning and Zoning Commission approved the plat and it is ready for receive and accept with authorization for the Presiding Commissioner to sign.

Commissioner Miller moved to receive and accept the plat for Hatton Chapel Road Subdivision.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 457-2001**

**ii. Southern Elegance Plat 2-A. S13-T47N-R13W. A-2. DCB Revocable Trust and PCB Revocable Trust, owners. James R. Jeffries, surveyor.**

Mr. Shawver stated this is zone A-2. It is located on Route N. It is now owned by DCB Revocable Trust and PCB Revocable Trust, Don and Patricia Blennen, trustees. They are adding land to this, which constitute a replat. Planning and Zoning Commission approve the plat and it is ready for receive and accept with authorization for the Presiding Commissioner to sign.

Commissioner Miller moved to receive and accept the plat 2-A for Southern Elegance Subdivision.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 458-2001**

There was no public comment.

The meeting was adjourned at 8:00 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Don Stamper  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner