

TERM OF COMMISSION: June Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District II Commissioner Skip Elkin  
Planning and Zoning Director Stan Shawver  
County Counselor John Patton  
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:00 p.m.

**Subject: Planning and Zoning**

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department)

**A. Request by Robert and Donna Bechtold for a permit to allow a travel trailer park (20 hook-ups) on 60 acres, located at 6401 W Hwy 40, Columbia**

Mr. Shawver stated this property is located on the north side of Interstate 70 west of Columbia. The property is situated approximately 1.5 miles west of the closest municipal limits of Columbia. The property is zoned C-G (General Commercial) which was rezoned from A-R in 1980. Property to the east is zoned C-G, to the south and west is zoned A-R; all of these are original 1973 zonings. Property to the north is zoned C-GP (Planned Commercial) and was rezoned from A-R in 1985. There is a horse stabling building and a portion of the expo-center building on the subject tract. The subject tract is one of a number of parcels that make up the Midway Expo Center complex. The area where the desired travel trailer hook-ups is a grass field. The request is for temporary seasonal hook-ups to accommodate 20 travel trailers or horse trailers for no more than 3 events per year.

This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1. The site is in the Boone County Fire Protection District and fire

requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Wastewater service for the complex is currently provided under a DNR permit.

The master plan designates this area as being suitable for commercial land uses, it should be noted that general commercial zoning already applies to this site. Staff notified 32 property owners about this request.

**As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.**

*(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

Staff has no reason to believe that the proposed uses will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

*(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.*

The commercial zoning already applies; the requested conditional use is primarily auxiliary in nature and limited by the request itself and should not be injurious. Staff is not aware that the proposed conditional use will impact other property owners in the area.

*(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.*

There is no indication that the proposed use will have a negative effect on property values.

*(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.*

The site is located in an existing commercial complex with multiple uses. It is unlikely that the hook-ups for 20 travel/horse trailers would create significant additional demand or stress on the area facilities.

*(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.*

The proposed use will not impede the development of the surrounding area. The

request is so limited in scope that it is likely to not even be noticed amongst the other commercial activity at the complex.

*(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.*

The proposed use should not hinder traffic flow in the area as the primary use of the hook-ups is for people that are already coming to the site.

*(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.*

The proposal should be able to conform to other applicable regulations of the C-G zoning district.

Staff supports this request and recommends approval subject to the following condition:

1. That it is recognized that the conditional use permit is limited to what is proposed which in this case is 20 units no more than 3 events per calendar year.

The Planning and Zoning Commission conducted a Public Hearing on this request on June 16, 2005. There were eight commissioners present. A motion was made to approve the request with staff condition. This motion received unanimous support.

Joe Bechtold, 501 Manor Drive, Columbia, was present on behalf of this request.

Joe Bechtold stated there is one horse show that has outgrown the current hook-ups. In order to accommodate this specific show, which the World Foundation Buckskin Show, they will need the additional hook-ups.

Commissioner Schnarre stated it appears to him that this will be located at the back of the current building. Mr. Bechtold stated that is correct.

Commissioner Elkin asked why they are asking for only three events. Mr. Bechtold stated staff suggested being safe by requesting three events. They do not have anything specific in mind at the moment.

Mr. Shawver stated the applicants were not interested in a permanent travel trailer park but needed the additional hook-ups. The application was for one event but staff suggested three events as a safeguard.

Commissioner Schnarre stated this is on commercially zoned land but asked if the

conditional use permit is needed. Mr. Shawver stated that is correct.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by Robert and Donna Bechtold for a permit to allow a travel trailer park (20 hook-ups) on 60 acres, located at 6401 W Hwy 40, Columbia, with the following condition:

- That it is recognized that the conditional use permit is limited to what is proposed which in this case is 20 units no more than 3 events per calendar year.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 257-2005**

**B. Request by CEBOCO, LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) of 7.49 acres, more or less, located at 24 S Rangeline Rd., Columbia. (Appeal)**

Mr. Shawver stated this site is located approximately 2 miles east of Columbia, south of the intersection of I-70 and Rangeline Rd/State Highway Z. The tract consists 7.49 acres currently zoned A-2. It has M-L zoning to the north and west, A-1 to the south, and A-2 to the east. Currently, there is a house and a barn on the property. The original zoning for the site is A-2. In 2001, the previous owner received a conditional use permit for an animal boarding and training facility. This site is located in the Boone Electric service area, and is in the Public Water District #9 service area. It is located in the Columbia School District. It scored 47 points in our point rating system.

The applicants are requesting a rezoning to M-L. If the rezoning is approved, the applicants intend to operate a contractor's office and storage yard from this site. Staff notified 18 property owners about this request.

The Master Plan designates this property as suitable for industrial land use but suggests the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For industrial use, connecting into a centralized sewer system would be the most reasonable action where wastewater is concerned. Boone County Regional Sewer District is the service provider for this utility.

Transportation: Access to the site is by Rangeline Road, which gives close access to I-70. This area is an industrial/commercial area, with a good basic road system in place.

Public Safety: The nearest fire station is in Columbia, approximately three miles away. The existing road network provides ready access for emergency service providers. In rezoning from A-2 to M-L, the presence of properly located fire suppression equipment on the property would be appropriate for this change.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for industrial land uses, staff recommends approval of this request.

The Planning and Zoning Commission conducted a public hearing on this request on June 16, 2005. The applicant testified but there was no public testimony for this request. The Planning and Zoning Commission was in a quandary. There was debate about planned zoning versus open zoning. It was noted that this is in an area where the majority of the land is zoned straight industrial.

A motion was initially made to recommend approval. This motion received four "yes" votes and four "no" votes. It is required that the Planning and Zoning Commission make a recommendation to the County Commission or table a request. Subsequently, a motion was made to deny the request and one member changed their original vote. This motion passed with five "yes" votes and three "no" votes. The applicant filed an appeal in a timely fashion and is before the Commission this evening on appeal.

Don Wilson, 7441 E. Sunnyvale, Columbia, was present on behalf of this request.

Don Wilson stated he is the manager of CEBOCO, LLC. The property was purchased with the intent of leasing the land to another company he owns, Blacktop Paving Company. Prior to purchasing, he spoke with Mr. Shawver about rezoning the land and Mr. Shawver gave guidance on what to expect. He went through the Zoning Regulations.

Their intent is to use the property for the construction company, Blacktop Paving and Concrete. They do not manufacture anything, they are a service company. They are local and do not travel far. They have reached a point where they have out grown all of their current facilities. This was an ideal property as it has good access to I-70 and other major

routes. The current building on the property already has an office, restroom facilities, and there is a large storage area. The property is larger than what they need but he did not have a choice as it was purchased at auction.

Their intent is to lease to Blacktop Paving so the company can grow. He has no desire to develop and no intent to build at this time.

During the Planning and Zoning Commission meeting, the issue of having a plan and planned development kept coming up. Mr. Wilson does not have a plan; he is not a developer but a contractor. After thinking about the issue of having a plan, he looks at the east side of Columbia and the new developments that will be happening. If he has to have a plan, he might put in mini-storage buildings or have another 40'x50' building for another contractor. He does not plan on building until there is demand.

Mr. Wilson stated he would like the building and facilities for his company.

Commissioner Schnarre stated it was brought up in the Planning and Zoning minutes that there is an old house on this tract. Mr. Shawver stated that is correct.

Commissioner Schnarre stated it was noted in those minutes that Mr. Wilson plans to get rid of the old house. Mr. Wilson stated their intent is to clean the place up and this process is almost complete.

Their immediate plan is to move the office and have a place to store their equipment.

Commissioner Schnarre stated the Planning and Zoning Commission's concerns there are a lot of uses allowed under M-L zoning and they wanted to have some control over this. The Planning and Zoning Commission has within the last year been pushing for planned commercial and industrial zoning. This is in an area where there is currently a lot of open industrial zoning so it would not be out of character for the neighborhood.

Commissioner Elkin stated he understands the concerns of the Planning and Zoning Commission of having a planned zoning request. He does not believe from the minutes they were adamantly opposed to this request. They were worried about if this tract is sold in a few years what someone else would do with this tract. It is surrounded by industrial zoning so no matter what was done it would fit within the industrial uses. As one of the Planning and Zoning Commissioner's said, it is in-fill zoning. He appreciates the Planning and Zoning Commission's concerns but believes M-L is an appropriate zoning.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by CEBOCO, LLC to rezone from A-2 (Agriculture) to M-L (Light Industrial) of 7.49 acres, more or less, located at 24 S Rangeline Road, Columbia.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 258-2005**

**C. Request by Tom and Judy Butcher to revise an approved Review Plan for Mid-Am Commercial Acres on 3.0 acres, located at 7125 W Henderson Rd., Columbia**

Mr. Shawver stated the property is located on the north side of Henderson Road, approximately 1/8-mile west of the intersection with U.S. 40. A rezoning from R-S, Single Family Residential to ML-P, Planned Light Industrial was approved in June 2003. A review plan was approved in November of 2003. The purpose of the revised review plan is to allow the owner to shift the location of the building to 43-feet west of the location shown on the original site review plan. The owner is also requesting to eliminate a landscaped buffer along the east property line. A change in the wastewater disposal system is also proposed. There is no change in allowed uses.

When the first review plan was approved the property to the east was zoned R-S. A landscaped buffer was required to minimize impacts from this property to potential residential uses to the east. The tract to the east has since been rezoned to ML-P and has been developed as industrial property. Therefore, there is no need for the buffer.

A land application wastewater disposal system was proposed for the original review plan. The owner is now proposing a septic tank with a drip field. The Boone County Health Department has not received soils data necessary for them to determine whether such a system can be permitted.

Any proposed signage will be required to be consistent with the County sign regulations. A note regarding exterior lighting appears on the plan.

The property scored 75 points on the rating system.

Staff recommends approval of the review plan subject to the following conditions:

1. Prior to approval of the final development plan the owner must obtain approval for the on-site wastewater system from the Boone County Health Department or State DNR as applicable.
2. The note on the plan regarding signage shall be revised to reflect the requirement to

comply with Boone County sign regulations.

The Planning and Zoning conducted a Public Hearing on this request on June 16, 2005. There were eight commissioners present. A motion was made to approve the request with staff conditions. This motion received unanimous support.

Dan Haid, 3703 Coral Drive, Columbia, was present on behalf of the applicants of this request.

Dan Haid stated this is a request to shift the building 43' west of the current requested location, remove the landscape buffer and change the septic system.

Mr. Shawver shows the Commission where the building was originally located and where it will be located under this plan.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by Tom and Judy Butcher to revise an approved Review Plan for Mid-Am Commercial Acres on 3.0 acres, located at 7125 W. Henderson Rd., Columbia, with the following conditions:

- Prior to approval of the final development plan the owner must obtain approval for the on-site wastewater system from the Boone County Health Department or State DNR as applicable.
- The note on the plan regarding signage shall be revised to reflect the requirement to comply with Boone County sign regulations.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 259-2005**

**Subject: Second Reading and Approval of Insurance Agreement**

Wendy S. Noren, Boone County Clerk, was present on behalf of this item.

Wendy Noren stated the County received a letter from MARCIT asking the County to list their requirements and requests to keep MARCIT as the County's insurance provider. A list was made and faxed to MARCIT on June 24, 2005. MARCIT responded back



agreeing to all of the County's requests and requirements.

MARCIT agreed to provide the same deductible levels as MOPERM.

By staying with MARCIT, the County would not have to pay tail coverage or any penalties.

This is only for property, liability and causality insurance.

MARCIT will review a long term change in the deductible. She believes this will be the best option for Boone County.

Ms. Noren noted the County did receive approval from the State about changing to self-insurance for worker's compensation insurance.

No action will be taken on this item.

**Public Comment**

There was no public comment.

The meeting adjourned at 7:30 p.m.

Attest:

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Keith Schnarre  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner