

TERM OF COMMISSION: May Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Room 338

PRESENT WERE: Presiding Commissioner Edward H. Robb
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Deputy County Clerk Cameron Clarke
Deputy County Clerk Kristina Johnson

The meeting was called to order at 6:30 p.m.

Resource Management

1. Presentation on Collaborative Management Processes by Missouri Department of Natural Resources.

Joe Englen was present on behalf of the Missouri Department of Natural Resources to explain the proposed Collaborative Management Processes to help determine the cause of Hinkson Creek's pollution. Mr. Englen stated DNR believes the Collaborative Adaptive Management Process to be the best option when trying to determine unknown pollutants when there are large uncertainties. Mr. Englen stated that this plan is based on experimentation. Different techniques would be tested to see their effect on the biological environment of the Hinkson. Mr. Englen stated he is present to create dialogue in an attempt to get the County more comfortable with this process.

Commissioner Elkin asked Mr. Englen how the health of a stream is determined.

Mr. Englen replied that the measure of healthiness is determined by the invertebrate community.

Commissioner Elkin stated the Hinkson could have been at the levels it exists at now for many years. Commissioner Elkin inquired how this process would be able to determine what is healthy for a stream that has existed at these levels for years.

Mr. Englen replied in 1998 the stream was first listed as impaired. Mr. Englen stated to begin an Environmental Protection Agency facilitator needs to be present, a collaborative science team needs to be established, and a list of stakeholders needs to be created. Mr. Englen stated the City, County, and University will meet to determine who the stakeholders are. The Department of Natural Resources would like to see everyone in place by September and decisions made by the next calendar year. Mr. Englen stated the Collaborative Management Process led by the science team, is not cheap and is complicated, but it is the best option. Mr. Englen stated the goal of the collaborative science group is consistency. The science group's purpose is to collect and produce compelling data that could be continued by any group of scientists. Mr. Englen stated while there is no assurance the Environmental Protection Agency will accept the science

group's findings, a well put together science team with compelling data would make it difficult for the EPA to not accept a collaborative effort.

Stan Shawver, director of Resource Management stated that he believes this is an opportunity for a unique solution to a Boone County problem.

CJ Dykhouse, County Counselor stated that the County could create an umbrella document that says the EPA will accept the science group's findings.

All three Commissioners thanked Joe Englen for coming and answering questions concerning the Hinkson Creek.

2. Request by Miller's Inc. for a permit for a warehouse on 5.01 acres, located at 5925 S Hwy 63, Columbia.

Director of Resource Management Stan Shawver stated the minutes for the Planning and Zoning Commission meeting of May 19, 2011 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is 5925 Hwy 63 South, located on Ponderosa Street, near Meyer Industrial Drive and Bonne Femme Church Road, to the west of Highway 63. The property is 5.01 acres in size and was platted as lot 1 of Triple B Doors Subdivision. The property is zoned C-G (General Commercial), and it is original 1973 zoning. There is C-G zoning to the northwest, south, and east; M-LP (Planned Light Industrial) zoning to the north, A-1 (Agriculture) zoning to the west, and R-M (Residential Moderate Density) zoning to the north. The master plan identifies this property as being suitable for residential land uses.

The applicant is requesting a conditional use permit to operate a wholesale establishment or warehouse. There have been no prior requests on this property.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(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 property is located in an existing commercial/industrial area. This use is low impact

compared to other activities in the area. It should not be injurious to the use and enjoyment of other property in the immediate vicinity.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. Public testimony may be indicative as to whether this criterion is met.

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

The existing structure, while it may undergo remodeling, has sufficient facilities to serve this use. With direct access onto Ponderosa Road and limited need for utilities, the existing infrastructure should support this use.

(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 surrounding property is in varying states of development. To the north and east of the subject property, the area has developed in accord with the zoning, and any redevelopment will not be limited by the granting of this conditional use permit. To the south, the C-G zoning present will not be limited by this conditional use permit; it will be limited by the availability of infrastructure to support the desired use. To the west, the undeveloped agriculturally-zoned property serves as a buffer between the commercial/industrial activity on Ponderosa and the residential uses further west. Development of this area will likely come with additional infrastructure improvements, but the approval of this conditional use permit will not impede that development.

(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.

This use should not generate more traffic than any of the surrounding uses. The warehousing activity should be able to be supported by the existing road infrastructure.

(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 conforms to other applicable regulations of the C-G zoning district.

The property scored 83 points on the rating system.

Staff recommends approval of the request with the following condition:

- 1) No outside storage to be permitted.

The Planning & Zoning Commission conducted a public hearing on this request during their May 19, 2011 regular meeting. There were seven members of the commission present, although one member rescued himself from participating in the request.

Following the public hearing, a motion was made to recommend approval of the request with the staff condition of no outside storage. That motion received unanimous support from the members participating so the request comes forward with a recommendation for approval.

Greg Martin was present on behalf of Miller's Inc. Mr. Martin stated that he is a member of the planning and zoning committee and that he rescued himself from the vote to avoid a conflict of interest.

Commissioner Elkin asked Mr. Martin if this warehouse would cause an increase in traffic to the area.

Mr. Martin stated the traffic count would be minimal. He stated the warehouse would be used as storage for the photo business, and there would be no more than two trucks per day.

Commissioner Robb opened the public hearing over this item.

There was no one present to comment.

Commissioner Robb closed the public hearing over this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of Millers, Inc. for a warehouse on 5.01 acres, located at 5925 S Hwy 63, Columbia, subject to the following condition:

- No outside storage permitted.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Commission Order # 207-2011**

- 3. Request by VH Properties LLC to revise an approved Review Plan for Boone West Planned Industrial Development on 21.51 acres, located at 5875 W Van Horn Tavern Rd., Columbia.**

Director of Resource Management Stan Shawver stated this property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of

the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for the changes on the revised review plan was rezoned from C-GP (planned commercial) to M-LP (planned industrial) in 2010. The portion of the overall planned area that has proposed changes is contained on the 4.23 acres containing the former Columbia Public School building. The remainder of the area shown on the revised plan is comprised of three additional parcels that have all been rezoned at some point previously to M-LP. The entire area under the proposed revised review plan is 21.51 acres in total including the property with proposed revisions. This entire 21.51 acres is zoned M-LP. Property to the northwest across I-70 is zoned C-G (general commercial), north is zoned A-2 (agriculture), northeast is zoned A-R (agriculture-residential). Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the M-LP and C-GP are original 1973 zonings.

The site of the revision is currently the location of a single building formerly used by the Columbia Public Schools as a maintenance facility. This structure was proposed to be removed and replaced by a new building; however, this new proposal would still allow this to happen but also allows for the remodeling and additions to the existing building potentially including second story areas. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developers cost. Sewer is currently provided by a collector wastewater system that serves the multiple buildings of the campus and is in the process of being upgraded so the facility can be turned over to BCRSD for operation and maintenance. Any new buildings will be required to hook up to the public sewer. The PID Plan proposes possible expansion areas of two other buildings on the campus but these were approved on the plan last year and are not new proposals. The list of Allowed Uses is the same as approved previously and the property already has been granted a CUP for the manufacture or assembly of metal or fiberglass products: such as firearms for the Battenfeld and Midway Arms buildings identified on the current plan. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The property scored 80 points on the rating system. Staff notified 21 property owners concerning this request.

Staff recommends approval of the Revised PID Review Plan subject to the following condition:

- The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

The Planning & Zoning Commission conducted a public hearing on this request during their May 19, 2011 regular meeting. There were seven members of the commission present.

Following the public hearing, a motion was made to recommend approval of the request with the staff condition. That motion received unanimous support from the members participating so the request comes forward with a recommendation for approval.

Civil Engineer for the project Matt Kriete was present on behalf of VH Properties LLC. He stated this proposal was to expand and remodel the current building listed on the plan.

Commissioner Robb opened the public hearing over this item.

There was no one present to comment.

Commissioner Robb closed the public hearing over this item.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by VH Properties LLC to approve a revised Review Plan for Boone West Planned Industrial Development on 21.51 acres, more or less, located at 5875 W Van Horn Tavern Rd., Columbia with the following condition:

- The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 208-2011**

Purchasing Department

4. Surplus disposal of 33 Glock Model 22, 40 caliber pistols from the Sheriff's Department (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by the Sheriff's Department to dispose of 33 Glock Model 22, 40 caliber pistols. The Sheriff's Department has already traded in these 33 firearms for the purchase of 47 new ones under Commission Order # 132-2011.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 209-2011**

Commission

5. Public Comment

6. Commissioner Reports

The meeting adjourned at 7:23 p.m.

Attest:

Edward H. Robb
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner