

TERM OF COMMISSION: April Session of the February 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
 County Counselor John Patton
 Deputy County Clerk Ashley Williams

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

SUBJECT: Request by Louie Ray and Judith A. Yow to rezone from R-M (Moderate Density Residential) to C-N (Neighborhood Commercial) on .42 acres, more or less, located at 1774 E. Prathersville Rd., Columbia

Planning and Building Inspections Director Stan Shawver reported that the property is located approximately 1.5 miles north of the Columbia City Limits on the north side of Prathersville Road across from Crescent Meadows Mobile Home Subdivision. It is within the Columbia School District. Water service is provided by the City of Columbia. the property is currently zoned R-M (Residential Moderate Density) which is the original zoning. All adjacent properties are zoned R-M. The request encompasses the entire 18,300 square foot parcel. A convenience store and modular home are located on the parcel. The convenience store is a non-conforming use which would be made conforming if this request is granted. The modular home is a conforming use which would be made non-conforming if this request is granted. The applicant is seeking the rezoning in order to construct a storage building on the premises to use in conjunction with the convenience store. There have been no previous requests made on behalf of this property. The Master Plan identifies this property as being suitable for residential use. Therefore, the request does not comply with the Master Plan, however it should be recognized the existing use predates the zoning regulations. Staff notified 82 property owners concerning this request. The proposal scores 71 points on the rating system.

Commissioner Stamper asked Mr. Shawver to read the Planning and Zoning regulations on the limited uses associated with Neighborhood Commercial.

Tom Schneider, 11 N. 7th Street, represented the Yow's. He said they own R-J Mini-Mart and need to expand. He said they were proposing to build a metal pole barn, heated and air conditioned, for storage. None of the neighbors, he said, are in opposition.

Commissioner Stamper convened a public hearing. No one testified and the hearing was closed.

Commissioner Miller moved that the County Commission of the County of Clerk approve a request by Louie Ray and Judith A. Yow to rezone from R-M (Moderate Density Residential) to C-N (Neighborhood Commercial) on .42 acres, more or less, located at 1775 E. Prathersville Rd., Columbia.

Commissioner Vogt seconded. Motion passed unanimously. **Order 199-98.**

SUBJECT: Request by Ralph and Rosalee Higgins to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 15.50 acres, more or less, located at 21600 S. Westbrook Dr., Hartsburg

Mr. Shawver reported that the property is located on Westbrook Drive approximately 5 miles south of Ashland and 3.5 miles east of Hartsburg. Additionally, the property is located approximately 1500 feet south and 300 feet east of the intersection of Highway 63 and Westbrook Drive. The property is zoned A-1 (Agriculture) as is all the surrounding property except 36.97 acres located immediately across Lloyd Hudson Road on the south of the subject property which is zoned A-2 (Agriculture). All the A-1 zoning is the original 1973 zoning, the A-2 zoning was rezoned in 1993. The property is located within Consolidated Public Water Supply District #1 service area and is also in the Southern Boone County R-1 School District. This 15.5 acre property currently has a mobile home and two pole barns on it and is used for rural residential purposes. The request is to rezone the property from the existing A-1 zoning to A-2 zoning to

allow the property to be subdivided, the A-1 minimum lot size of 10 acres prevents a split under the existing zoning. The owners have expressed an interest in dividing the property into 3 pieces in order to transfer the property to their children. There have been no previous requests on behalf of this property. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. The proposal has 29 points on the point rating scale. The proposal is consistent with the Master Plan. Staff notified 14 property owners concerning this request.

Rosalee Higgins, 2220 Anderson Drive, Jefferson City and Dan Steers, 21600 Westbrook Drive, said they wanted the property rezoned so they could divide it and build on it.

Commissioner Stamper convened a public hearing. No one testified and the hearing was closed.

Commissioner Miller moved that the County Commission of the County of Boone approve the request by Ralph and Rosalee Higgins to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 15.50 acres, more or less, located at 21600 S. Westbrook Drive, Hartsburg.

Commissioner Vogt seconded. Motion passed unanimously. **Order 200-98.**

SUBJECT: Request by William D. Eckhoff to rezone from R-M (Moderate Density Residential) to M-L (Light Industrial) of 38.3 acres, more or less, located at 1715 E. Prathersville Rd., Columbia

Mr. Shawver reported the site is located 1.5 miles north of the Columbia City limits on the north side of Prathersville Road and approximately one quarter mile west of the Highway 63 north interchange. It is within the Columbia School District. Water service is provided by the City of Columbia. The property is currently zoned R-M (moderate Density Residential) which is the original zoning. Adjacent zoning to the north, south and west is R-M. Zoning to the east is C-GP. The request encompasses 38.3 acres. There is an old farmhouse and various outbuildings on the property which is otherwise undeveloped. The owner intends to divide the property into two parcels of approximately 19 acres each. The parcels will then be sold to commercial or industrial users requiring large tracts for development. There have been no previous requests submitted on behalf of this property. It should be noted there are some existing commercial and light industrial uses along Prathersville Road in the vicinity of this proposal. The Master Plan identifies the property as being suitable for residential land use. Therefore, the request is not in compliance with the Master Plan. Staff notified 82 property owners concerning this request. The proposal scores 71 points on the rating system.

Ron Shy, 5600 South Highway KK, said their primary reason to appeal was because M-L is still a zoning kept in the zoning regulations. Mr. Shy said he felt the zoning was appropriate for the area. He said that Professional Contractors and Engineers and Fabick are interested in building at that location. Those businesses, he said, would mesh well with the industry already there.

Bill Eckhoff, owner of the property, said the area had changed a lot since the highway had come through. He said he had two excellent companies interested in locating there and that it was just something that's right and would work.

Commissioner Vogt asked why they weren't asking for Planned Commercial zoning if they already knew what type of business was going in there.

Mr. Shy said that it was a timing issue. He said it would take three months for a planned district.

Commissioner Stamper explained there were two risks involved with the decision. He said he heard their concerns about leaving M-L zoning in the book. He said the zoning was appropriate for small parcels, like the half acre they had dealt with earlier this evening. He said the risk, also, becomes setting a precedent. He said that they were tremendous corporate citizens whose contributions are long and deep and substantial, but he said they couldn't establish the precedent with someone who doesn't have the same track record. He said they tried to stay consistent. It is more consistent, he said, to stay with a planned district than to rezone the property M-L.

Commissioner Miller said the Commission owed the citizens who live there in residential areas to establish conditions that would protect them. She said she believed the area would eventually be

turned into a commercial area, but that now there were people who had invested in the area and those residential citizens needed to be protected.

Commissioner Stamper convened a public hearing.

Susan Spencer, 1710 E. Prathersville Rd., read her concerns in opposition to the rezoning request.

Commissioner Stamper closed the public hearing.

Commissioner Miller said she could not support the request, and that at the minimum the request needed to be planned development.

Mr. Eckhoff asked if the Commission would rather see the area developed as R-M.

Commissioner Stamper said he did not think R-M zoning would be a good use of the property and that while he understood Mrs. Spencer’s concerns, he said he though the request was a good use for the area. He said the dilemma was not whether it should become industrial, it was whether or not they could support it as an unplanned development.

Commissioner Miller told Mr. Shy and Mr. Eckhoff had set back their own plan. She said they knew the trend was for planned development. She said she didn’t think they should lay blame on the county when they had chosen to come that route.

Commissioner Stamper asked if the M-L zoning should be removed from the books.

County Counselor John Patton said the M-L zoning would be further defined or eliminated, but he said the trend over the last 15 years was to limit M-L to smaller tracts.

Commissioner Vogt said that in a statutory form of government, property rights need to be honored. From her perspective, she said, she was more comfortable agreeing with zoning that was planned and could protect a neighborhood from lighting or traffic. It’s really, she said, an effort to listen to the people of this community.

Commissioner Miller moved that the County Commission of the County of Boone DENY the request by William D. Eckhoff to rezone from R-M (Moderate Density Residential) to M-L (Light Industrial) of 38.3 acres, more or less, located at 1715 E. Prathersville Road, Columbia.

Commissioner Vogt seconded. Motion passed unanimously. **Order 201-98.**

SUBJECT: Reports from Commissioners

Commissioner Stamper reported on the Public Works department report.

Mr. Shawver reported that developers are anxious to release CDs for surety bonds before the work is completed. He said he wanted the Commission to be aware of the problem.

Commissioner Miller submitted three voluntary annexation notices and asked that they be posted.

The meeting adjourned at 8:00 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