

TERM OF COMMISSION: June Session of the May Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: 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 Ron and Teri McBee on behalf of Linda Murray for a permit for a family day care facility on 41.9 acres located at 113 Mauler Road, Columbia

Planning and Building Inspections Director Stan Shawver noted that the applicants were not present.

SUBJECT: Request by William and Kimberly Martin to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 20.4 acres, more or less, located at 6601 E. Route Y, Ashland

Mr. Shawver reported that this property is located on State Highway Y approximately 1400 feet east of the Ashland city limits. The property is zoned A-2 (Agriculture), as is all of the property to the north, east and south. Property to the west is zoned R-S (Single Family Residential). The subject tract consists of 20.4 acres of land, but it is part of a larger 35 acre tract of land. The other 15 acres is already zoned R-S. This property is within Consolidated Public Water District No. 1's service area, however, the city of Ashland currently provides water to the west side of the tract. The Water District does have a main near the east property line. There is no sewer service available to the tract at this time. The Southern Boone Fire District and School District provide service to the tract. This tract includes a piece previously platted as "Pop's Place Plat 2" subdivision, which was approved in March. There have been no other requests submitted on behalf of this property. The *master plan* designates this area as being suitable for residential development. The rezoning is consistent with the *master plan*. This property has 63 points on the Point Rating Scale. Staff notified 15 property owners as well as the city of Ashland, the Southern Boone Fire Protection District and the School District.

Bill Martin, 9675 S Constien, Columbia and Stephen Heying, Surveyor, with office at 1202 Madison St., Columbia addressed the Commission.

Mr. Heying explained that the tract is 1/2 mile east of Ashland with an entrance permit granted by MoDOT off of Route Y.

Commissioner Miller convened a public hearing, no one testified and the hearing was closed.

Commissioner Vogt moved that the County Commission of the County of Boone approve a request by William and Kimberly Martin to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 20.4 acres, more or less, located at 6601 E. Route Y, Ashland.

Commissioner Miller seconded. Motion passed unanimously. **Order 247-98.**

SUBJECT: Request by Triple SSS Development LLC to approve a final development plan for Thornbrook Planned Residential Development

Mr. Shawver reported that the subject property is located approximately 1 1/2 miles south of Columbia on the northwest corner of the intersection of Scott's Boulevard and State Route KK. The property is currently zoned A-1. The County Commission approved a review plan and proposed rezoning to AR-PRD. With the approval of the final development plan the property will be rezoned to AR-PRD.

Mr. Shawver said that lots 1 and 2 were identified for amenities, but were removed from the final development plan and will be addressed later.

Commissioner Miller asked if anyone wanted to speak regarding the development. No one spoke.

Commissioner Vogt moved that the County Commission of the County of Boone accept a final development plan for Thornbrook Planned Residential Development and authorize the rezoning to take affect.

Commissioner Stamper seconded. Motion passed unanimously. **Order 248-98.**

SUBJECT: Request by Henry J. Waters to approve a review plan for Turkey Creek Estates, a two lot Planned Residential development located at 5200 East Deer Park Road, Columbia

Mr. Shawver reported that this two lot Planned Residential Development is located on Deer Park Road about 3/4 of a mile southwest of the intersection of Deer Park Road and Highway 63. The site is located approximately 4 & 1/2 miles south of the municipal limits of the City of Columbia. The PRD is on 30.31 acres out of a parent 80 acre tract. The zoning of the PRD site is A-1 as is all the surrounding property. These are the original 1973 zonings. Some of the property that adjoins the parent parcel to the east was rezoned from A-1 to A-2 in two phases in 1976 & 1977. This rezoning does not adjoin the parent parcel but not the portion included in this PRD. There have been no previous requests submitted on behalf of this property. There is an existing house on the remaining portion of the parent tract. The area contained within the PRD is currently undeveloped. The applicant has proposed this PRD in order to allow a 5 acre lot to be developed for his daughter, since the zoning of the site is A-1 a 10 acre lot would be required if the site is not part of a PRD. The entire PRD shows 2 lots, the 5 acre development area Lot 1 and the remainder which is Lot 2. The maximum overall density for this PRD is 3 units. It is intended that one Development Lot be designated now with the opportunity to designate 2 possible additional Development Lots at a later time by submitting a revised plan. A subdivision plat will be required to actually create the lot for transfer, however, this PRD is the necessary first step in the process to create the lot. There is 100 year floodplain located on Lot 1 in the Development Area and this should be added to the plan it will be required to be indicated and included on the subdivision plat. Essentially, 5 acres of Lot 2 is encumbered by the density required for Lot 1. The site is in the Columbia School District and the Southern Boone County Fire Protection District. Water service is provided by Consolidated Public Water Service District #1 which has a 2" line on the north side of Deer Park Road. The Master Plan designates this area as suitable for agricultural and rural residential land uses, as an A-1 PRD this proposal is consistent with the Master Plan. The property has 18 points on the point rating scale. Staff notified 17 property owners concerning this request.

Hank Waters, 5200 E. Deer Park Road, Columbia, said that this was the most benign kind of use and that his daughter wanted to build a house on the property.

Commissioner Miller convened a public hearing. No one spoke and the hearing was closed.

Commissioner Vogt moved that the County Commission of the County of Boone approve a review plan for Turkey Creek Estates, a two lot Planned Residential Development located at 5200 E. Deer Park Road, Columbia.

Commissioner Miller seconded. Motion passed unanimously. **Order 249-98.**

SUBJECT: Request by Machetta & Son, Inc. to rezone from A-2 (Agriculture) to C-GP (Planned Commercial) of 2.44 acres and from A-2 (Recreation) of 5.06 acres located at 12600 Hwy. 63 North, Hallsville

Mr. Shawver reported that this property is located six miles west of Hallsville and 8 1/2 miles north of Columbia on Highway 63. The property is currently zoned A-2 (Agriculture) as is all the surrounding property. The property is wooded and undeveloped. This request is to rezone to two different zoning classifications. The application requests that 5.06 acres be rezoned to REC (Recreation). This area will be developed as a RV park, which will require a conditional use permit. The other request is to rezone 2.44 acres to C-GP (Planned Commercial). This area is

proposed to be used for commercial uses. The application indicates that they plan construction of a 1200 sq. ft. building. A review plan has not been submitted at this time. If approved, both a review plan and a final development plan will need to be submitted prior to the zoning classification changing. This area is served by Public Water District No. 7. There is a six inch water line located on the west side of Highway 63. There is also a 4 inch line that ends at Lake Road, approximately 1/2 mile to the south. It may be more economical to extend this line to the subject site. Information is not available as to whether either line would be able to provide fire flows required by the Fire Protection District. Wastewater proposal is for an on-site system, which would require approval of the Department of Natural Resources. This property is within the boundaries of the R- VIII School District in Harrisburg. The *master plan* designates this area as being suitable for agriculture, rural residential land uses and open land. The proposed use is not consistent with the *master plan*. There have been no previous requests submitted on behalf of this property. This site has 35 points on the point rating system. Staff notified 10 property owners concerning this request.

Karen and Ron Machetta, 12568 Hwy. 63 North, Hallsville, approached the Commission. Ms. Machetta said they had contacted MoDOT who will give recommendations as to sight distances and deceleration and acceleration lanes and with the water district to meet fire safety standards.

Commissioner Miller convened a public hearing.

Edson T. Griggs, 13390 N. Hwy. 63, Hallsville, said he was in opposition to the proposal primarily, he said, because it creates a commercial environment in a residential neighborhood. He said that this would be the only commercial entrance on Hwy. 63 from I-70 to the Boone County Line. He said he didn't feel it was the place for a commercial entrance with the 70 mile per hour speed limit and the limited sight distances. Mr. Griggs was also concerned with the crossover width of the road to the north and south and said that the distance between the shoulders is 24 feet and a large motorhome or boat would not be able to turn easily. He said this entrance would create a safety hazard and asked that the Commission consider those conditions.

Commissioner Miller closed the public hearing.

Commissioner Miller said she had some concerns and was trying to understand MoDOT's letter. She said she understood that the state feels it's their job to stay out of local issues, so they don't really offer an opinion one way or another when it comes to safety issues. She said she had looked at the road in this area and has tried to imagine what it would be like for a big motorhome to turn there. She said she could see that it could be a problem.

Commissioner Vogt said that in past rezoning issues, traffic has been a problem in that area. She said she felt there were several things not up to speed in order to have a commercial endeavor there. She said it would be a residential use becoming commercial. Before, she said, the Machetta's asked for rustic campsites and that was an appropriate use, but something as commercial as what is proposed on the incline on highway 63 could be a problem.

Commissioner Vogt moved that the County Commission of the County of Boone DENY a request Machetta & Son, Inc. to rezone from A-2 (Agriculture) to C-GP (Planned Commercial) of 2.44 acres and from A-2 to REC (Recreation) of 5.06 acres located at 12600 Hwy. 63 North, Hallsville.

Commissioner Miller seconded. Motion passed unanimously. **Order 250-98.**

The Machetta's asked what they could do to be able to start a business in that location.

Commissioner Vogt asked if there were any other means of access. She also said it was obvious by the public testimony that neighbors wanted the area to be residential.

Mr. Machetta said that only one person had spoken in opposition and he lived a few miles down the road. Every neighbor, he said, that he had spoken with was all for the camp ground.

Ms. Machetta said she had asked to be invited to the essential services meeting last year, but wasn't and asked to be included in this year's meeting.

Commissioner Vogt told the Machetta's they needed to do their own footwork and suggested they purchase property that isn't in such a risk-oriented position.

SUBJECT: Request by Ron and Teri McBee on behalf of Linda Murray for a permit for a family day care facility on 41.9 acres located at 113 Mauller Rd., Columbia

Mr. Shawver said that the request was recommended for approval by the Planning & Zoning Commission, but if one person were to oppose the request the Commission would be required to deny the request.

Commissioner Vogt suggested the request be tabled until the next Planning & Zoning County Commission meeting.

SUBJECT: Kraner Place. A-2. S15-T50N-R13W. Keith and Mary Kraner, owners. Brian Dollar, surveyor

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign the minor subdivision plat for Kraner Place. A-2. S15-T50N-R13W. Keith and Mary Kraner, owners. Brian Dollar, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 251-98.**

SUBJECT: Summerset Acres. A-r. S2-T49N-R13W. Robert and Tammy Browning, owners. Brian Dollar, surveyor

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign the plat for Summerset Acres. A-r. S2-T49N-R13W. Robert and Tammy Browning, owners. Brian Dollar, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 252-98.**

SUBJECT: Murry Estates. A-2. S23-T48N-R14W. Otsie and Ramona Murray, owners. Bill R. Crockett, surveyor

Mr. Crockett requested that the item be tabled.

SUBJECT: Valley Creek Plat 8 PRD, lot 74. S3-T48N-R12W. Alan Lynch Construction Co., owner. James V. Patchett, surveyor

Commissioner Vogt moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign Valley Creek Plat 8 PRD, lot 74. S3-T48N-R12W. Alan Lynch Construction Co., owner. James V. Patchett, surveyor.

Commissioner Miller seconded. Motion passed unanimously. **Order 253-98.**

SUBJECT: Casey Creek Subdivision. A-2. S22-T46N-R12W. Stephen B. and Gerri A. Jeffery. Curtis E. Basinger, surveyor

Commissioner Miller amended her motion and moved that the County Commission of the County of Boone receive, accept and authorize the Acting Presiding Commissioner Karen Miller to sign the plat for Casey Creek Subdivision. A-2. S22-T46N-R12W. Stephen B. and Gerri A. Jeffery. Curtis E. Basinger, surveyor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 254-98.**

SUBJECT: Wilson Subdivision. A-2. S7-T46N-R12W. Don P. and Vickie L. Wilson, owners. Curtis E. Basinger, surveyor

Commissioner Miller moved that the County Commission of the County of Boone receive, accept and authorize the Presiding Commissioner to sign a plat for Wilson Subdivision. A-2. S7-T46N-R12W. Don P. and Vickie L. Wilson, owners. Curtis E. Basinger, surveyor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 255-98.**

SUBJECT: Oberlin Valley Plat 4. R-S. S35-T49N-R13W. DDM Investments, Inc. and Daniel M. Burks, owners. Curtis E. Basinger, surveyor.

This issue was also tabled.

SUBJECT: Reports from Commissioners

Commissioner Miller moved that the County Commission of the County of Boone authorize an agreement with Schrimpf Landscaping for an amount not to exceed \$16,000 for landscape services on Locust Grove Church Road; pending contract approval by the County Counselor.

Commissioner Vogt seconded. Motion passed unanimously. **Order 256-98.**

Commissioner Vogt moved that the County Commission of the County of Boone authorize a grant application through the Sheriff's department on behalf of Star Prevention.

Commissioner Miller seconded. Motion passed unanimously. **Order 257-98.**

The meeting adjourned at 7:48 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