

TERM OF COMMISSION: March 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 Counsel John Patton
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 7:00p.m.

Subject: Authorize the Presiding Commissioner to sign the Awards of Contract for the DOVE Grant (to the Prosecuting Attorney’s Office and the Sheriff’s Department)

Commissioner Stamper stated that there had never been authorization given to the Presiding Commissioner to sign these awards of contract.

Commissioner Miller moved to authorize the Presiding Commissioner to sign the Awards of Contract for the DOVE grant issuing \$61,162.62 to the Prosecuting Attorney’s Office and \$33,548.00 to the Sheriff’s Department. Pursuant to this order the Auditor’s Office is hereby authorized to make any necessary budgetary adjustments and the Presiding Commissioner is hereby authorized to sign the budget amendment.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 68-99**

Subject: Request by W. Craig and Michelle M. Simon to rezone from R-M (Moderate Density Residential) to M-LP (Planned Industrial) of 39.19 acres, more or less, and to approve a Review plant

Stan Shawver stated that this site was located north of the Columbia city limits on the north side of Prathersville rd approximately ¼ mile west of Hwy 63 N’s Prathersville interchange. He stated that the property was currently zoned R-M (Moderate Density Residential). He stated that this was the original 1973 zoning for this property. He stated that the adjacent zoning to the west, north and south was R-M with zoning to the east being Planned General Commercial (rezoned from R-M in 1994). He stated that the request was for 39.19 acres. He stated that the property was within the Columbia School District with water services provided by the city of Columbia.

Stan Shawver stated that in April 1998 the previous owner requested that the property be rezoned to M-L (Light Industrial). He stated that the request was denied with the suggestion that the request be amended to a planned development. He noted that there were some existing commercial and light industrial uses along Prathersville Rd and the vicinity of the proposal. He stated that the masterplan identified the property as being suitable for residential land use. However, he noted that the masterplan did suggest that the future commercial and industrial zoning districts could best be developed as planned developments.

Stan Shawver stated that staff notified 78 property owners of this request. He also stated that the Commission had in front of them a review plan for Tower Industrial Park. He stated that the proposal was for 6-lot development including a new county road (Tower Ct). He stated that the review plan showed that two of the lots would be developed (upon approval) while the remaining 4 lots would need to have amended review plans and final plans submitted before development could occur. He stated that the lots for development were 4 and 5 on the review plan.

Stan Shawver stated that Tower Court would need to be built to County commercial road standards, and that sewer and water service would be provided by the city of Columbia. He

stated that a pre-annexation agreement would be required (and the development would have to meet city of Columbia standards). He stated that the Planning and Zoning Commission made a motion to recommend approval on February 18th with the conditions on the review plan (1) the developer work with and satisfy County Public Works with respect to the appropriate traffic control measures for the intersection determining when they would be placed and what portion of the cost the developer was responsible for (2) also that the landscaping plan be modified by the inclusion of a higher level of planning, screening and other features where necessary to meet the city of Columbia standards (3) development obtain the proper approval from the city of Columbia on the current phase of proposal before initiating the next phase with the County (4) sufficient storm water run-off, retention, detention plans be included and security lighting be included with the automatic shutoff motion detector and that all other lighting be at ground level pointing inward and outward and upward, and then include lighting on the final plan.

Stan Shawver stated that the motion on the review plan and the rezoning request (each) received 5 yes votes and 1 no votes. Therefore a recommendation for approval was coming forward to the Commission.

Commissioner Stamper asked if there were any questions of Staff.

There were no questions.

Ron Shy came forward in representation of the applicant. He stated that on January 22nd, they (he and the applicant) met with the neighbors. He stated that the neighbors' biggest concerns were the lighting and the stormwater. He stated that he and the applicants had agreed that they were probably going to have to add a stormwater retention system on lot 1 because of the capacity of the downstream drainage network. He stated that they wanted to assure the neighbors that they did not want to make the drainage system any worse. He stated that they would have to come forward with a plan for lots 1,2, and 3. He stated that the construction firm planned to move their headquarters to a 18,000 sq ft building on lot 5 and there was an area where they would likely store some of their construction (housing) equipment for trailers and such. He stated that they were also the owners as mentioned on the application. He stated that the other side of lot 4 was designed for a tractor company. He stated that Craig Simon was available to answer questions.

Commissioner Miller asked if lot 4 could come back with a different plan in the future (or an amendment).

Ron Shy stated that it could.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper asked for comments from the public.

Ray Yow, 1775 E Prathersville Rd stated that he had been present when Bill Eckhoff (the previous owner) had tried to have this piece of property rezoned. He stated that he wanted to show his support for it this time because of the fact that the Simons held a meeting for the community and showed a genuine interest (in their opinions). He stated that they had attempted to be very open and forthright and he felt that these were the kind of neighbors that he needed.

Commissioner Stamper thanked Mr. Yow for his comments.

Craig Simon, 2620 MillCreek Ct stated that he was the owner of the property along with his wife Shelley. He stated that one of the concerns that he had noted in previous meetings (with the neighborhood) was that the development of this property would potentially degrade the value of the property in the adjoining residential area. He stated that his property was initially planned and zoned Moderate Density Residential, however this was prior to the construction of the new Hwy 63. He stated that their intention and the manner in which they intended to develop this property would have a less significant impact on the area in terms of traffic and utilization. He stated that they hoped to benefit the area by bringing in development that would improve the infrastructure in terms of roads and utilities that serviced this area. He stated one of the things that the area currently lacked was employment opportunity.

Commissioner Stamper called for questions of the applicant.

Commissioner Miller stated that the applicant had said that the retention pond needed to be on lot 1, but lot 1 was not part of the review plan. She wanted to know how the County could be guaranteed that this would be done.

Craig Simon stated that they were not proposing anything different than what was in the area, until they presented a plan for lot 1, 2, or anything that drains in that area that they needed to address.

Commissioner Miller asked if lot 5 drained into this area.

Craig Simon stated that it did not.

Stan Shawver stated that lot 1 was a part of the review plan, however it was undeveloped at this time.

Commissioner Stamper called for further testimony.

There was no one else that wanted to speak.

Commissioner Stamper concluded the public hearing.

Commissioner Stamper called for the discussion of the Commission.

Commissioner Vogt addressed a comment to Staff. She stated that since lot 1 was part of the review plan, it would be appropriate for the Commission to make a condition of the development including lot 1.

Stan Shawver stated that the Commission needed to approve the review plan and whatever conditions (the Commission) applied to it along with the conditions applied by the Planning and Zoning Commission.

Commissioner Stamper asked Stan Shawver to state the conditions given by the Planning and Zoning Commission for the record.

Stan Shawver stated that the conditions were as follows:

(1) the developer work with and satisfy County Public Works with respect to the appropriate traffic control measures for the intersection determining when they would be placed and what portion of the cost the developer was responsible for (2) and also that the landscaping plan be modified by the inclusion of a higher level of planning, screening and other features where necessary to meet the city of Columbia standards (3) the development obtain the proper approval from the city of Columbia on the current phase of proposal before initiating the next phase with the County (4) and that sufficient storm water run-off, retention, detention plans be included and security lighting be included with the automatic shutoff motion detector and that all other lighting be at ground level pointing inward and outward and upward, and then include a lighting plan on the final plan.

Stan Shawver also stated that the applicants provided a traffic analysis with the submission that had been reviewed by the Public Works Department (and was still under review).

Commissioner Vogt stated that she had visited this area with property owners in the past that had real problems with drainage and also had great concern about development in the area because of it. She stated that as long as it was in the conditions that in order to develop the property the drainage problem had to be handled, then she did not feel that the neighborhood would have much objection to the development.

Commissioner Vogt asked if Tower Dr was a rock road.

Craig Simon stated that it might be a rock road, however it was a right of way for a street. He stated that the street ran back to the water tower and turns and goes to the west.

Commissioner Stamper called for a motion on the matter.

Stan Shawver stated that the first motion needed to be on the review plan (with or without conditions), and then the second should be on the rezoning request.

Commissioner Vogt moved to approve a review plan for Tower Industrial Park located at 1715 E Prathersville Rd, Columbia, MO subject to the conditions (that were previously cited for the record).

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller asked how the motion-sensitive lighting would work.

Craig Simon stated that one of the problems that the neighborhood had with APAC was that they had bright lights shining at night. He stated that there would be some storage areas that needed security, therefore the owners had agreed to put some motion sensitive lights out there that would come on only if they were activated by motion.

Commissioner Miller stated that this was a very positive move for the neighborhood.

The motion passed 3-0. **Order 69-99**

Commissioner Vogt moved to approve a rezoning request from R-M (Moderate Density Residential) to M-LP (Planned Industrial) of 39.19 acres, more or less, when the final development plan is presented to the County.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 69A-99**

Subject: Request to vacate a portion of the right-of-way of Vineyard Way and access and utility easement as shown on lot 26 of the plat of Country Farms Subdivision. Presented by William Kathryn Allen.

Stan Shawver stated that the petition, presented by William and Kathryn Allen to the County Commission in conjunction with Section 1.8.1 of the Boone County Subdivision Regulations, allowed for the vacation of subdivisions and the subsequent replat. He stated that the County Commission should hold a public hearing to consider whether the proposed vacation and subsequent replat would conform with: the character of the neighborhood, traffic conditions, circulation, location alignment improvement of streets and roads within/adjacent to the subdivision, property values (in the subdivision), public utilities, facilities and services, and would not adversely affect the health, welfare, or safety of persons owning or protecting real estate within the subdivision being vacated or the surrounding real estate. He stated that staff had notified all property owners within 500' of the proposed vacation. He stated that they had not received any letters or call in opposition to that request prior to this meeting.

Commissioner Stamper accepted the report of staff.

Tim Reed, 1113 Fay St stated that Dr. Allen and his wife had lived at Country Farms for over 40 years. He stated that they owned lot 25, 26, and the western half of lot 24. He stated that the dedicated right-of-way of Vineyard Way had existed since the land was platted. He stated that the road had never been built to County standards or served as anything but the Allen' driveway. He stated that the only person that could be affected by this was John Stafford (and his family) He stated that they lived on lot 27. He stated that he had met with John Stafford several weeks ago

to make sure that he understood the request (and did not have a problem with it). He stated that if the applicant received a positive recommendation on the petition for the vacation, then they would probably follow it up with a replat and straighten it out with a new lot so that the road would not be curved linear.

Dr. William Allen, 4801 S Vineyard Way stated that they were requesting the vacation of this road because essentially this (road) was his driveway. He stated that they had been the ones to maintain the road and have it paved, etc. He stated that the County had hurt the driveway, in that they sent snowplows down it in bad weather that were too big for the road.

Commissioner Vogt stated that it was clear that this was a private road.

Commissioner Miller stated that this made complete sense.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper asked if there was anyone who wished to speak.

There was no one that wished to comment on the request.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to authorize the vacation of a portion of the right-of-way of Vineyard Way and access and utility easement as shown on lot 26 of the plat of Country Farms Subdivision with the condition that the vacation not take effect until the final approval of the replat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 70-99**

Subject: Petition to vacate and replat Lot 1 Pin Oak Subdivision, Block II. Presented by Larry Baker

Stan Shawver stated that there was a lot in Pin Oak Subdivision at the corner of Pin Oak Blvd and St Charles Rd. He stated that they were requesting to vacate this and replat it into four lots. He stated that the zoning was R-S and that property owners within 500' had been notified. He stated that they had not received any comments for or against.

Commissioner Stamper stated that this was a big corner lot.

Commissioner Stamper asked for comments from the applicant.

Larry Baker, 4050 Thompson Rd stated that he had a family-owned business. He stated that they had decided to go ahead and purchase this property (even though they had found out that there was no sewer in them this past summer). He stated that the plan was to build four homes that would fit in with the neighborhood. He stated that they wanted to stay with what was in the neighborhood (Single Family Residential). He stated that the homes would range in size from 1350-1700 sq ft with values from \$95,000 and up to lower \$100,000.

Commissioner Miller asked for a picture of the plat.

Stan Shawver presented a picture of the plat.

Larry Baker stated that they had noticed that the property had not been maintained.

Brian Dollar, 300 Garth Ave stated that as far as the traffic conditions were concerned, the proposed 4 lots would have one additional driveways on the Pin Oak Blvd and two additional

driveways on St Charles Rd. He stated that there would be no new streets, but there would be additional right-of-way for St Charles Rd. He stated that there had been a concept review done to show that utilities were adequate. He stated that there would be a short section of public sewer that would be extended to provide public sewer on all of the lots.

Commissioner Stamper convened a public hearing on the request.

Frank Moore, 6007 St Charles Rd stated that his property adjoined the request site. He stated that he had 224' frontage and so did his neighbor. He stated that the lot adjacent to his had at least that much. He stated that he did not want to see the request site cut into 4 lots with less than 100' frontage. He stated that there was a natural drainage system coming out about 20 acres above it. He stated that they had seen this area flood something terrible.

Commissioner Stamper asked Mr. Moore if he was aware of the pending road project.

Frank Moore stated that he was.

Commissioner Stamper stated that there would be some significant storm drainage work done in conjunction with the road project.

Frank Moore stated that he did not believe that the drainage work would take care of the flood problem.

Alvin Barkley, 1313 Pin Oak stated that the drainage (that had been spoken of earlier) came through the middle of the backside of his property. He stated that he thought that 4 lots would be excessive for this site considering the drainage that came through there. He stated that he used to own this property and had wanted to split it into two lots, however he had trouble seeing where he could build two houses.

Commissioner Stamper stated that this was probably due more to sewer than drainage.

Alvin Barkley stated that it was not. He stated that there was a direct flood drainage right of it.

Commissioner Stamper stated that prior to the sewer coming in, Mr. Barkley could not have gotten two lots in on a self-contained treatment system. He stated that the density was allowed now because there was sewer in there.

Commissioner Vogt stated that the zoning was already appropriate for this. She asked Mr. Shawver if the drainage problem would be taken care of with the building codes in place.

Stan Shawver stated that this was part of the platting process. He stated that the applicant had to make sure that they did not create anymore drainage problems.

Commissioner Stamper asked Mr. Barkley and Mr. Moore to state what they felt was the solution to the drainage problem.

Mr. Moore stated that any houses built on this site would result in a natural dam.

Commissioner Vogt asked if this request would affect their property.

Mr. Moore stated that he believed that it would. He restated his comments about the natural dam.

Commissioner Stamper wanted to clarify where Mr. Moore's house was located.

Mr. Moore stated that it was the second plat.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked the applicant if he had any rebuttal to the comments.

Larry Baker stated that they were aware that there was a waterway in this area, however their proposal was to straighten the line out and run it between proposed lots 2,3, and 4. He stated that he did not see that they would create anymore water than was already present.

Brian Dollar stated that the entire tract was outside of the flood plain. He also stated that the stormwater considerations were usually that anytime a parcel was developed, the water would run off quicker. He stated that he did not think that this request would dam or raise the elevation of the property or push water back onto the upstream. He stated that they could allow the stormwater to run off of lot 1.

Commissioner Stamper stated that the drainage structure for the road project was fairly significant and that they had studied the entire area and the stormwater run off that contributed to it. He stated that he felt that the County had designed a system that would accommodate this.

Commissioner Stamper stated that the County was doing a curb and gutter design system on this that would go across, under St Charles Road, up by the fire station and down into (what would be known as) the Storey and Evans property.

Commissioner Stamper stated that he believed that the County had accounted for all of the problems in this area. He stated that he said this in good faith because the County had spent \$170,000 on the change order for it.

Alvin Barkley stated that the density was the second part of the problem.

Commissioner Stamper stated that their rules did not prohibit the density.

Commissioner Vogt stated that the zoning was already present for this level of density. She stated that this was just a plat.

Commissioner Miller asked Stan Shawver if the developer could go in and build those lots up to create a problem. She wanted to know what kind of things were in place to prevent that from happening.

Stan Shawver stated that the subdivision regulations really did not address creating problems upstream. He stated that they had stormwater requirements in them. He stated that there was a law that stated that one could not cause flooding upstream by the improvements that were done downstream.

Commissioner Vogt wanted to know if the request could be conditioned to assure the neighborhood.

Stan Shawver stated that the Commission could not.

Larry Baker stated that as a builder, he would not go in and make the investment that he was planning to make if he thought he was going to create a problem for his own home.

Commissioner Vogt asked where Mr. Baker's home was in relation to the lots.

Larry Baker stated that his home was located about 2 miles from here.

Commissioner Miller stated that as a personal preference, she did not like for lots to dump onto St Charles Rd, however there was not much that the Commission could do about it.

Commissioner Vogt moved to authorize the vacation of Lot 1 division Pin Oak, Block II contingent upon the vacation not to take effect until the replat is filed and approved.

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt stated that they were approving the replat of the property.

Commissioner Stamper stated that it was his perception that the drainage system that the County had designed would be able to accommodate the water run off from the land. He stated that he would be happy to research this and get back to the neighborhood residents with the size and dimensions, and exact configuration of the drainage system.

The motion passed 3-0. **Order 71-99**

Subject: Simon Steel Subdivision

Stan Shawver stated that this was a 2-lot subdivision, and was part of the Simon Steel Development located on Hwy 63 S. He stated that the Planning and Zoning Commission had approved this request and it was ready to be received and accepted with an authorization for the Presiding Commissioner to sign.

Commissioner Miller moved to receive and accept Simon Steel Subdivision. S3-T47N-R12W. M-LP/C-G. Simon Steel, Inc., owner. Timothy D. Capehart, surveyor and authorize the Presiding Commissioner to sign the plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 72-99**

Subject: The Range

Stan Shawver stated that this was a 3-lot subdivision located on Hwy 124 east of Hwy 63. He stated that it was zoned A-2. He also stated that the Planning and Commission had approved this request and it was ready to be received and accepted with an authorization for the Presiding +Commissioner to sign.

Commissioner Vogt moved to receive and accept The Range. S18-T50N-R12W. A-2. Phillip Blom, owner. Brian D. Dollar, surveyor and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 73-99**

Subject: Flischel Subdivision Plat 1

Stan Shawver stated that this was a 2-lot subdivision located north of Brown Station Rd south of Meadow Lake Subdivision. He stated that the zoning was R-S. He also stated that the Planning and Commission had approved this request and it was ready to be received and accepted with an authorization for the Presiding Commissioner to sign.

Commissioner Vogt moved to receive and accept Plat 1 of Flischel Subdivision, a minor plat and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 74-99**

Commissioner Reports

Commissioner Vogt

Commissioner Vogt reported that she received a letter from the Pinnacles Youth Foundation. She stated that they wrote to tell the Commission about some of the goals that the organization had accomplished. She stated that they also reported that they had about \$7400 toward the \$8000 that they needed to repay the County for the land loan. She stated that their projects would be a shed for the tractor, repairing the grills and the trash barrels. She stated that they had invited the Commission to attend the *Friends Picnic* on September 25th at 12:30p.m. She submitted the letter for the public record.

Commissioner Vogt reported that Les and Molly Wagner had a baby girl on February 24th. She stated that they named the baby Leslie Katherine and the baby weighed 6 pounds and 12 ounces.

Commissioner Vogt reported that Frank Abart had put together a packet concerning Wilbert Lane. She stated that Joe Crane had been in to see several people in the Government Center. She stated that he was not pleased about the vacation, however she stated that she could not figure out exactly what it was that she wanted.

Commissioner Vogt reported that she had sent a letter to the 19 counties in the CMAAA service area asking if they appropriated funds to CMAAA.

Commissioner Miller stated that Bob Hogge from Moniteau county had called and stated that they had not sent funds to CMAAA.

Commissioner Miller

Commissioner Miller stated that she would hold her reports from NACo until she could get them all put together.

Commissioner Stamper

Commissioner Stamper stated that the Boone County Fire District had called and set the date for the unveiling of the first of the sirens for this coming Monday at Two Mile Prairie School.

There was no public comment.

The meeting was adjourned at 8:00p.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