

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 Counsel John Patton
Deputy County Clerk Melanie Stapleton

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

Subject: Request by Joseph and Corinne Remeika for a conditional use permit for a duplex in the R-S zoning district located at 5357 Bearfield Rd, Columbia (this is an existing duplex)

Commissioner Stamper called for a Staff report on the request.

Stan Shawver stated that this property is located on Bearfield Road approximately ½ mile south of Columbia. He stated that the property is zoned R-S (Single Family Residential), as is all of the adjacent property. He stated that the applicants were requesting a conditional use permit for a duplex, which would eliminate a nonconforming land use.

Stan Shawver stated that the structure on this property was built prior to the adoption of zoning regulations. He stated that it was used as a tri-plex and has been nonconforming since zoning came into effect. He stated that the applicants had converted the structure into a duplex (still a nonconforming use). He stated that the regulations would permit a duplex in the R-S district with a conditional use permit. He stated that approval of this request would make the present use, a conforming use and permit the applicants to obtain a building permit to add on to the structure. He stated that this property is located within the Columbia school district, Boone Electric service area and Consolidated Water District service area.

Stan Shawver stated that there had been no previous requests submitted on behalf of this land. He stated that the master plan designated this area as suitable for residential land uses. He stated that the proposed use is consistent with the plan. He also noted that Staff notified 37 property owners about this request.

Stan Shawver stated that the Planning and Zoning Commission conducted a hearing on April 15th concerning the request. He stated that there was no public testimony given, other than by the applicant. He stated that the Planning and Zoning Commission made a motion to recommend approval of the conditional use permit for a duplex for a Joseph and Corinne Remeika. He stated that the motion received seven yes votes and was being presented to the County Commission with a recommendation for approval.

Commissioner Stamper asked if there were any question of Staff.

There were no questions for Staff.

Commissioner Stamper asked if the Applicant/Agent would like to make any comments.

Mr. Remeika stated that he did not have any comment.

Commissioner Stamper convened a public hearing on the request.

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

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

Commissioner Stamper closed the public hearing.

Commissioner Stamper called for comments from the Commission.

Commissioner Miller stated that she had worked with Mr. Remeika on a couple of planning and zoning issues. She stated that this was the recommended plan of action (from Planning and Building Inspection

Staff) to solve Mr. Remeika's problem. She stated that Mr. Remeika had followed through with everything that he needed to do and therefore, she was supportive of the request.

Commissioner Miller moved to approve the request by Joseph and Corinne Remeika for a conditional use permit for a duplex in the R-S zoning district located at 5357 Bearfield Rd, Columbia.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt asked if Mr. Remeika was building onto an existing structure (present before the regulations were in place.

Commissioner Miller stated that this was correct.

The motion passed 3-0. **Order 167A-99**

Subject: Request by Clifford and Alma Inscore to rezone from A-1 (Agriculture) to A-2 of 20 acres, more or less, located at 13800 N Robinson Rd, Hallsville

Commissioner Stamper called for the Staff Report.

Stan Shawver stated that this site is located on Robinson Road approximately ¼ mile south of the intersection of State Highway 124 and Robinson Road, which is 3.5 miles west of Hallsville and 2.5 miles east of Highway 63. He stated that this 20 acre tract is zoned A-1 (Agriculture) (Property to the east and south are also zoned A-1) and land to the north and west is zoned A-2. He stated that the request is to rezone the land to A-2 so that it may be subdivided for development.

Stan Shawver stated that the land had been used for agricultural purposes and was originally part of an 80-acre farm. He stated that this site is within the Hallsville School District, Boone Electric Co-op service area and is in Public Water District No. 4 service area. He stated that there is a 2-inch water line along Robinson Road, which is fed from a 3-inch water line on Highway 124. He stated that the water line would restrict development of this site until the Water District is able to complete a system upgrade to an 8-inch line sometime within the next two years.

Stan Shawver stated that in February 1997, the applicant requested and received rezoning approval to change the 15.83-acre tract to the north from A-1 to A-2. He stated that the 1996 Master Plan designates this area as being best suited for agriculture and rural residential land uses. He stated that the proposed use is consistent with the plan. He also noted that Staff notified 15 property owners concerning this request.

Stan Shawver stated that the Planning and Zoning Commission conducted a hearing on April 15th concerning the matter. He stated that three individuals spoke in opposition to the request. He stated that one property owner (speaking in opposition to the request) had purchased one of the five acre lots that Mr. Inscore had rezoned and subdivided (in 1997). He stated that this property owner was opposed to the possibility that the lots could be subdivided into as small as 2 ½ acres lots. He stated that as long as the lots were five acres or more, this property owner did not have a problem with the development.

Stan Shawver stated that the two other individuals (that spoke in opposition to the request) owned property across Robinson Rd and expressed concern about the possibility that lagoons could be placed in front of their property.

Stan Shawver stated that the Planning and Zoning Commission made a recommendation to approve the request. He stated that the motion received four yes votes and three no votes. He stated that he was bringing this request forward with a recommendation for approval.

Commissioner Stamper asked if there were any questions for Staff.

There were no questions for Staff.

Commissioner Stamper asked if the Applicant/Agent wished to make any comments.

Clifford Inscore, 3200 E Hwy 124 stated that he had no intention of dividing these lots into 2-acre tracts. He stated that he had not attempted to do this with any of the other lots. He stated that he had attempted to speak with the individual who was concerned about that possibility.

Clifford Inscore stated that he and his wife were in poor health. He stated that he needed to get rid of the land along Robinson Rd.

Commissioner Stamper convened a public hearing on the request.

There was no one that wished to comment on the request or that requested recognition to make comments.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve a request to rezone 20 acres, more or less, located at 13800 N Robinson Rd, Hallsville from A-1 Agriculture to A-2.

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt stated that the property around the request site had A-2 zoning as well. She stated that with approval of this request, Mr. Inscore's neighbor could end up with more houses around his property than he cared for.

Mr. Inscore stated that he would not have any control over the land once it was sold. He stated that he would do whatever he could to uphold his covenants with the landowners near him.

The motion passed 3-0. **Order 167B-99**

Subject: Petition to vacate and replat Lot 19 Country Farms Subdivision; submitted by Julia C. Wilford-Gold and Michael A. Gold, and Amy and Roberts Myers.

Commissioner Stamper called for a Staff report.

Stan Shawver stated that the Commission had heard several requests to vacate and replat Country Farms Subdivision. He stated that this request was similar to the other ones that had come forward. He stated that Country Farms was originally platted with all ten-acre lots. He stated that the covenants allowed the lots to be split into as many as three lots (with none smaller than 3 acres). He stated that the Mayfields owned the property and were selling it to the Wilford-Golds and Myers. He stated that those two families planned to split the undeveloped lot and build on it.

Stan Shawver stated that before the lot could be divided, it needed to be vacated with an authorization to replat. He stated that this request was being made in accordance with Section 1.8.1.3 of the Subdivision Regulations (which require a public hearing before a lot can be vacated and replatted).

Stan Shawver stated that if the Commission decided to approve the request, there needed to be a motion to vacate the property (consistent with the filing and final approval of the replat).

Commissioner Stamper asked if the Applicants/Agents wished to make any comments.

Michael A. Gold, 3904 West Oak Dr and Robert Myers 3905 West Oak Dr came forward to speak.

Robert Myers stated that he and Mr. Gold had purchased this property to build their family homes on. The property would be divided 1/3 to 2/3. He stated that when they purchased the property, they were under the impression that the covenants allowed for that division.

Commissioner Stamper asked if there were any further comments.

There was no one else that wished to speak.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper asked if there was anyone that wished to comment on the request.

There was no one that wished to speak.

Commissioner Miller moved to authorize a petition to vacate Lot 19 Country Farms Subdivision with the vacation not to take effect until approval of a replat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 167C-99**

Commissioner Miller moved to authorize the replat of Lot 19 Country Farms Subdivision into two lots.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 167D-99**

Subject: Final Environment Impact Statement from the U. S. Fish and Wildlife Service: Big Muddy, National Fish and Wildlife Refuge

Commissioner Stamper submitted the report for the public record and suggested that it be maintained in the County Clerk's Library.

Subject: Certificate in recognition of the Samuel E. Hackman Bldg

Commissioner Stamper stated that the County had received a letter acknowledging that the Samuel E. Hackman Bldg, 30 South Second Street, Hartsburg, Boone County had been placed on the National Register of Historic Places on December 10, 1998. He submitted the certificate for the public record.

Commissioner Reports

Commissioner Stamper

Commissioner Stamper stated that the document from the memorial service for Raymond Easley (former Boone County Collector) would be placed on the public record.

Commissioner Stamper stated that he needed some input from the Commission concerning a discussion that needed to be held on the City/County Health Department. He stated that Ray Beck had called to find out when the Commission wanted to hold that meeting.

Commissioner Stamper stated that he would have for the Commission's review (tomorrow) a letter concerning the Centre State funding in response to the City of Columbia.

Commissioner Stamper stated that he wanted to hold a work session (and have documentation ready) to discuss the Fairgrounds issue sometime in the coming week. He stated that he would be meeting with some individuals to draw up a business plan to deal with the operational aspects of the Fairgrounds.

Commissioner Vogt

Commissioner Vogt reported that at the Boone Hospital Board of Trustees meeting, she brought up the idea of the trustees taking more responsibility in the arena of health. She stated that the newest member, Greg Steinhoff had some ideas about the Brouder Study.

Commissioner Miller

Commissioner Miller gave no report.

The meeting was adjourned at 7:20pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner