

TERM OF COMMISSION: May Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Keith Schnarre
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:00 p.m.

Subject: Planning and Zoning

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department)

Subject: Planning and Zoning

A. Request by Mary Petsel and Joseph Carrone for a permit to allow self-storage units to be placed on 4.28 acres located at 6500 W. Henderson Road, Columbia

Mr. Shawver stated this property is located west of Columbia in the Midway area. The property is situated between Highway 40 and Henderson Rd. The property is zoned C-G (General Commercial). Property to the north is zoned C-GP and M-LP. To the east, property is zoned C-G. Land to the south and west is zoned A-R. There is a mobile home on the property and a permanent structure that pre-dates zoning. The applicant received a permit in 2001 to build four self-storage units on the site. This request is to allow up to 11 additional storage units. This site lies within the Columbia Public School District. Domestic water service is not required for the proposed land use. Electric service will be provided by Boone Electric Cooperative. The master plan designates this area as being suitable for residential land uses, though it should be noted that commercial zoning applies to this site. The original zoning for this site is C-G. In 1988, a request was denied that

would have permitted a truck terminal to be placed on this property. Staff notified 28 property owners about this request.

As a Conditional Use Permit (CUP) the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(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.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations.

(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 applicant has previously been approved for four storage units. Staff is not aware that the use has impacted other property owners in the area.

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

There is no indication that the proposed use will have a negative effect on property values.

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

The site has access to Henderson Road, a county maintained road. There is a lagoon on the site that serves the mobile home. From the site plan the applicants submitted, it appears that there will be at least one building located in what is the drainage area from the lagoon. The proposed use will not require domestic water; however, at least one fire hydrant will be required by the Boone County Fire Protection District.

(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 proposed use will not impede the development of the surrounding area.

(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.

The proposed use should not hinder traffic flow in the area.

(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.

Staff supports this request and recommends approval with the following 6 conditions:

- No access is permitted to Hwy 40 from the site.
- Any new access points on Henderson Road must be approved by the Public Works Department.
- All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
- A landscaping buffer and buffering plan acceptable to the planning department be submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
- Lighting is oriented inward and downward so as to minimize light leaving the site.
- Modify plans so that drainage, both sanitary and storm water is not affected.
- Comply with all site requirements of the Boone County Fire Protection District.
- Comply with all requirements of the building code.

The Planning and Zoning Commission conducted a hearing on this request on April 21, 2005. Six Planning and Zoning Commissioners were present. A motion was made to approve the request with staff conditions. This motion received unanimous support.

Mary Petsel, 6846 N. Bell Road, and Joe Carrone, 3251 W. Wilcox Road, were present on behalf of this item.

Mary Petsel stated they would like to have additional storage units.

Commissioner Elkin asked how many units are on the property. Ms. Petsel stated there are three and they are currently building a fourth.

Commissioner Elkin asked if the original request was for 11 units. Mr. Shawver stated the original request in 2001 was for four units. This request is for an additional 11 units for a total of 15 storage units on the property.

Commissioner Schnarre asked what size the units are. Mr. Shawver stated they vary in size.

Commissioner Elkin asked if landscaping was part of the original request. Mr. Shawver stated no. Landscaping was made part of this request due to the fact this is for more units.

Ms. Petsel stated they are not sure of the buffering requirements and when that needs to be put in.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by Mary Petsel and Joseph Carrone for a permit to allow self storage units to be placed on 4.28 acres located at 6500 W. Henderson Road, with the following conditions:

- No access is permitted to Hwy 40 from the site.
- Any new access points on Henderson Road must be approved by the Public Works Department.
- All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
- A landscaping buffer and buffering plan acceptable to the planning department be submitted and approved and that such an approved landscaping plan is binding and that all planting and buffering is maintained in good condition at all times. Any planting materials that die or are not providing proper buffering will be replaced no later than the next growing season with plantings that will provide the required buffering equivalent.
- Lighting is oriented inward and downward so as to minimize light leaving the site.
- Modify plans so that drainage, both sanitary and storm water is not affected.
- Comply with all site requirements of the Boone County Fire Protection District.
- Comply with all requirements of the building code.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 196-2005**

B. Receive and Accept the following plats:

- Homestead. S7-T47-R11. A-1. Ferd and Marian Lightner, owners. James V. Patchett, surveyor.
- Horse Fair. S20-T49-R12. R-S. Deborah Booker, owner. Nathanael Kohl, surveyor.
- Country Day Plat 2. S6-T47N-R12W. Anthony and Barbara Davis, owners. J. Daniel Brush, surveyor.
- Bearfield Valley Plat 2. S31-T48-R12. A-2. John and Priscilla Blakemore, owner. Bill R. Crockett, surveyor.
- Bearfield Valley Plat 3. S31-T48-R12. A-2. Carl R. Landrum Trust, owner. Bill R. Crockett, surveyor.

Mr. Shawver stated Homestead plat is a 10 acre lot located on David Allen Road. Horse Fair plat is a three-lot plat zoned R-S and located near Prathersville. Country Day is located on Gans Road. Bearfield Valley Plat 2 and 3 are located on Bearfield Road and Gans Road.

Commissioner Elkin moved to receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Homestead.
- Horse Fair.
- Country Day Plat 2.
- Bearfield Valley Plat 2.
- Bearfield Valley Plat 3.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 197-2005**

C. First Reading of Building Code Enforcement Cooperative Agreement with Pierpont

Mr. Shawver stated this is an agreement with the Village of Pierpont. They had requested the County perform building inspections. The department requires any community to adopt building codes then the County will enter into an agreement with that community.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

Subject: Sheriff's Department – Second Reading and Public Hearing for Approval of Budget Amendment

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
2550-23300: Sheriff Revolving Fund – Uniforms	\$1,200.00
2550-91300: Sheriff Revolving Fund – Equipment	\$6,270.00

Said budget amendment is for the purchase of bikes, uniforms and Tasers for Bike Patrol officers for the Sheriff's Department.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 198-2005**

Subject: Boone County Regional Sewer District – Second Reading and Approval of Request of Dissolution of Hackberry Sewer NID

Commissioner Elkin moved to rescind Commission Order 513-99. Said order created the Hackberry Sanitary Sewer Neighborhood Improvement District.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 199-2005**

Public Comment

There was no public comment.

The meeting adjourned at 7:17 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner