

TERM OF COMMISSION: December Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
Director of Planning and Building Stan Shawver
County Counselor CJ Dykhouse
Deputy County Clerk Joshua Norberg

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

Planning and Zoning

1. Request by Animal Medical Services LLC for a permit for a veterinary facility on 8.0 acres located at 14750 N. Rte. U, Hallsville.

Mr. Shawver stated the subject property comprises 2 tracts totaling approximately 8 acres located approximately 300 feet to the west of the nearest municipal limit of Hallsville, on State Route U. The property is zoned A-R (Agriculture - Residential), which is original 1973 zoning. This property is surrounded by original A-R zoning.

The applicant is requesting a conditional use permit to operate a veterinary clinic comprising a small animal clinic building and a companion animal building for the larger animals such as horses or non-traditional animals. The applicant currently operates a veterinary clinic on the east side of Hallsville within the municipal limits and desires to relocate to this property. The applicants will be using an existing 2500 square feet building that was constructed as a worship hall. This existing structure will be modified under a commercial building permit to a small animal veterinary clinic. An additional 4000 square feet maximum size building will be constructed to serve as the companion animal veterinary facility on the property. There is an existing parking lot on the property to serve the use. Wastewater service for the site is provided by the central system that serves the city of Hallsville.

The property is located inside the Hallsville public school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. A veterinary facility can be compatible with the area if properly set-up. Staff notified 76 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(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 requested use on its own has the potential to be injurious to the use and enjoyment of other property in the immediate vicinity. However, the provisions in the zoning ordinance that all animals be kept within a sound-proofed structure and that odor must be controlled. The facility design should be able to mitigate impacts on the use and enjoyment of the surrounding properties. Public testimony may be more indicative as to whether this criterion is met.

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

The proposed use should not have a negative impact on property values in the area. Public testimony may be indicative as to whether this criterion is met.

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

The site has access to all necessary facilities.

(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.

This property is zoned A-R (Agriculture-Residential), the size of the property is such that a significant distance from other properties can be maintained as a buffer even if surrounding properties develop at the allowed densities.

(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.

This use will not result in traffic congestion on public streets. This use, as described by the applicants, will not result in substantial additional traffic to this site especially when compared to the volume of traffic possible to generate under the previous use as a worship facility.

(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 A-R zoning district.

Based on the information presented in the application and information from the applicant, staff recommended approval.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on November 20. A motion was made to recommend approval of the request. That motion received unanimous support and it now comes forward to the County Commission with a recommendation for approval.

Commissioner Pearson opened the public hearing and asked for comments in favor of this request.

Chad Sayre, 7401 Fall Creek Dr.

Mr. Sayre stated he is with Allstate Consultants and is representing Ms. Schmidt. He stated he agrees with everything in the staff report. As far as item b, which is potential injury, etc., Dr. Schmidt has operated her existing clinic for about 10 years inside the city limits of Hallsville. Her plan is to annex into the city. She has city services and she has been in contact with the city, she is just not clearly contiguous at this time. The existing clinic is very similar to the proposed clinic. The additional facility that she is planning to build is going to be very similar to the facility that is there now. The facility that she is moving to is better fenced than where she is now.

Michelle Schmidt, 400 Hwy OO, Hallsville

Ms. Schmidt provided a layout of what the proposed facility will look like. She stated the new facility will have four stalls. There will be two stalls for fowling and two stalls for hospital patients. She stated she had a total of seven hospital patients last year, mostly for lacerations and breeding. Most of the patients are outpatients. The barn is used mostly to stay out of the weather.

Mr. Sayre stated the only neighborhood impact is that Ms. Schmidt cleaned up all of the debris that was on the property.

Commissioner Pearson asked for further comments in favor of this request.

Commissioner Pearson asked for comments in opposition to this request.

There were no comments in opposition.

Commissioner Pearson closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does

hereby **approve** the request by **Animal Medical Services LLC** for a permit for a veterinary facility on 8.0 acres located at 14750 N Rte. U, Hallsville.

Commissioner Pearson seconded the motion.

Commissioner Miller stated Commissioner Elkin had not received any phone calls other than good ones in favor of this. He wishes he could be here to support this request.

The motion passed 2-0 **Order 539-2008**

2. Request by William B. McWilliams Revocable Living Trust and Bigsky Investments LLC to rezone .63 acres, more or less, from R-S (Single Family Residential) to M-LP (Planned Industrial) and to approve a revised Review Plan for Ivy Ridge Planned Industrial Development located at 7105 W. Henderson Rd., Columbia.

Mr. Shawver stated the subject property is located on Henderson Road, northwest of the Highway 40/Interstate 70 interchange. The applicant is seeking to revise an existing M-LP (Planned Light Industrial) review plan that covers 2 acres, and add an additional .51 acres of R-S zoned property, which will be rezoned to M-LP. This rezoning has a concurrent minor subdivision plat that will create a 2.51 acre lot for the entire property being rezoned. This property was originally rezoned from R-S (Residential Single-Family) in June of 2004. It has original R-S zoning to the north & east, M-LP to the west, and original C-G (General Commercial) to the south. The M-LP to the west was rezoned in November of 2003 and the review plan was revised in June of 2005.

The purpose of this planned rezoning is to expand the existing 2 acres of M-LP to cover space for a new building to the north of the existing structure.

The Master Plan designates this property as suitable for residential land uses. The Master Plan also identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: This property is served by Consolidated Public Water District #1 & Boone Electric Cooperative. This rezoning will not noticeably increase demand on available public utilities. There is an existing hydrant on the property, and it is sufficient to meet the requirements of the Boone County Fire Protection District.

Transportation: Access to this property is via Henderson Road. The rezoning will not increase traffic to this site.

Public Safety: The Boone County Fire Protection District operates a station approximately 350

feet from this property. The rezoning will not increase the current public safety needs of the property.

Zoning Analysis: This rezoning request is consistent with the overall goal of the zoning regulations. The nature of the planned zoning districts is to limit development as described on the approved plan. When those limits have been reached and the property owner wishes to expand beyond that plan, revising the review plan and the final plan is the correct action.

Staff recommends approval of the request.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on November 20. A motion was made to recommend approval of the rezoning request. That motion received unanimous support. A motion was also made to recommend approval of the revised Review Plan. That motion also received unanimous support and they both come forward to the County Commission with recommendations for approval.

Commissioner Pearson opened the public hearing and asked for comments in favor of this request.

Mr. McWilliams was present and stated he did not have anything to add.

Commissioner Pearson asked for comments in opposition to this request.

There were no comments in opposition.

Commissioner Pearson closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by William B. McWilliams Revocable Living Trust and Bigsky Investments LLC to rezone .63 acres, more or less, from R-S (Single Family Residential) to M-LP (Planned Industrial) for Ivy Ridge Planned Industrial Development located at 7105 W. Henderson Rd., Columbia.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 540-2008**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by William B. McWilliams Revocable Living Trust and Bigsky Investments LLC for a revised Review Plan for Ivy Ridge Planned Industrial Development located at 7105 W. Henderson Rd., Columbia.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 541-2008**

3. Receive and Accept Subdivision Plats

a. Glendale Estate. S28-T49N-R11W. A-1P. Glen Family Trust and Glendale Stables LLC, owners. Nathanael E. Kohl, surveyor.

Mr. Shawver stated this is the subdivision plat for the planned rezoning on Glendale Drive that was approved last month. He stated this is the house that is being built next to the stables. There is 10.32 acres in the planned development and this is creating the 2 lots at 2.5 acres. The Planning and Zoning Commission has approved this and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commissioner to sign it.

b. Ivy Ridge. S1-T48N-R14W. M-LP. William B. McWilliams Revocable Living Trust and Bigsky Investments LLC, owners. J. Daniel Brush, surveyor.

Mr. Shawver stated this is the plat for the property that was approved earlier this evening. It has also been approved by the Planning and Zoning Commission and it is ready to be received and accepted by the County Commission with an authorization for the Presiding Commissioner to sign it.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

Glendale Estate. S28-T49N-R11W. A-1P. Glen Family Trust and Glendale Stables LLC, owners. Nathanael E. Kohl, surveyor.

Ivy Ridge. S1-T48N-R14W. M-LP. William B. McWilliams Revocable Living Trust and Bigsky Investments LLC, owners. J. Daniel Brush, surveyor.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 542-2008**

Purchasing

4. 54-30OCT08 – Grading MKT Trail Term & Supply (first read on 11/20/08)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award bid 54-30OCT08 – Grading MKT Trail Term & Supply to Blacktop Paving, LLC. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 543-2008**

Miscellaneous

5. Set E-911 Tax Rate

Commissioner Miller stated this rate has been at 2% since it was created. It is renewed annually.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby set the E911 tax levy at 2% of the tariff rate, the level at which it is currently maintained.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 544-2008**

6. Agreement for Joint Communications Position

Commissioner Pearson stated this is an agreement to fund a three-quarter time position at Joint Communications.

Commissioner Miller stated this is an annual commitment.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the agreement with the City of Columbia for the Joint Communications staff position. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 545-2008**

7. Appointment – Road & Bridge Advisory Committee

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Bert Thomas to the Boone County Road and Bridge Advisory Committee for a term beginning December 1, 2008, and ending November 30, 2012.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 546-2008**

8. Appointment – Vicious Dog Board

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby appoint Ann Gafke to the Vicious Dog Board for a term beginning December 1, 2008, and ending November 30, 2011.

Commissioner Pearson seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0 **Order 547-2008**

9. Commissioner Reports

Commissioner Miller reported on the following:

Scott Boulevard Hearing: Commissioner Miller stated she attended the public hearing on the Scott Boulevard improvement project. She stated they have outlined Phase 2 and 3 and the timeline. Phase 2 construction is expected in 2011. That will put a roundabout at Vawter School Road and realign Brushwood Lake and the parking lots for the MKT. Phase 3 is from Vawter School Road to Route KK. That construction is expected in 2012.

10. Public Comment

There was no public comment.

The meeting adjourned at 7:29 p.m.

Attest:

Kenneth M. Pearson

Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner