

TERM OF COMMISSION: October Session of the August 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 Di Dan Properties, LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 7.8 acres more or less, located at 3000 Woodie Proctor Rd, Columbia

Stan Shawver presented the following staff report:

This property is located at the intersection of Woodie Proctor Road and Smith Hatchery Road, approximately 4 miles south of Columbia. The property is zoned A-1 (Agriculture) as is everything to the north, south, and west. Lands to the east is zoned A-2. There is a house and mobile home on the property. The applicants have asked to have the land rezoned A-2 (Agriculture) with the intent to subdivide the property into 2.5 acre lots. The property is in the Columbia School District and Consolidated Water District No 1. Electricity is provided by Boone Electric Cooperative. The original zoning for this tract is A-1. In 1986 a previous owner requested a Conditional Use Permit to place a mobile home on the lot as a second dwelling to be used by a family member. The mobile home remains on the tract at this time. Staff notified 9 property owners about this request. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. Staff notes the request is consistent with the Master Plan. Additionally Staff notes that the present lot does not comply with the base zoning and that there are at least three other lots to the south of this tract that do not comply with the zoning. Staff recommends approval.

Stan Shawver stated that the Planning and Zoning Commission convened a public hearing on this request on October 19th. He stated that a motion for approval was made and passed.

Commissioner Stamper called for the applicant or agent of the applicant.

Tom Harrison, 1103 E Broadway stated that he was present on behalf of the applicant. He stated that he only wanted to make a few points of clarification. He stated that the applicant was not sure whether the property was 7 acres or 7.8 acres, or somewhere in between. He stated that the plan is to subdivide the property in order to have the zoning approved. He stated there is a mobile home on the property whose operator is under conditional use permit. He stated that they agreed completely with the staff report.

Dan Miller, applicant arrived on behalf of the request

Commissioner Stamper convened a public hearing on behalf of the request.

Corey Lieberman, 2855 Woodie Proctor Rd stated that he lives across the road from the request site. He stated that he is not opposed to the A-2 zoning however, his concern is about the density for the subdivision. He stated that he does not believe that the area is suited for a house on every 2.5 acres of this property..

There was no one else that wished to testify.

Commissioner Stamper closed the public hearing.

Dan Miller stated that he did not want to pay for a survey until the request was approved.

Commissioner Miller asked if Turkey S Subdivision was zoned A-2.

Stan Shawver stated that it is not. H stated that in 1974 the Zoning Board of Adjustment granted a minimum lot size variance so that it could split from one, non-conforming lot into two, non-conforming lots.

Commissioner Vogt stated that this property does border other A-2 zoned property.

Commissioner Miller moved to approve the request by Di Dan Properties, LLC to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 7.8 acres, more or less, located at 3000 Woodie Proctor Rd, Columbia.

Commissioner Vogt seconded the motion.

Commissioner Stamper stated for the public record that the end result would be driven by a verified survey. He stated that the if there was tolerance for the three, 2.5 acres lots, then that would be granted. He stated that if the survey showed only 7 acres, then there would be 2 lots.

The motion passed 3-0. **Order 431-2000**

Subject: Petition to vacate part of lots 70, 71 and all of lots 156 of Waters Edge Block IV, located at 2043 N Lake of the Woods Rd, Columbia. Submitted by George H. Ousley, Jr.

Stan Shawver stated the County received a petition to vacate and replat a section of Waters Edge Estates Block IV. He stated that George H. Ousley, Jr. owns a house on the property. He stated that this located right on Lake of the Woods Rd. He stated that Mr. Ousley would like to build a detached garage. He stated that Mr. Ousley requested a variance from the Board of Adjustment on a right of way issue related to this property.

Commissioner Stamper convened a public hearing on this request.

There was no one present to testify.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve the vacation of part of lots 70, 71 and all of lots 156 of Waters Edge Estates Block IV, located at 2043 N Lake of the Woods Rd, Columbia with the vacation not to take effect until the approval of a replat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 432-2000**

Subject: Review of a Conditional Use Permit issued to Barry and Sheri Homan for an outdoor recreational facility on 10.97 acres located at 14341 Proctor Rd, Columbia

Stan Shawver stated that on November 1, 1999, the County Commission granted a Conditional Use Permit to Barry and Sheri Homan for an outdoor recreational facility. He stated that the applicants were allowed to hold weddings, parties, reunions, etc. He stated that the Planning and Zoning Commission recommended denial of the request. The County Commission approved the request with a number of conditions, one of which included a review of the CUP after a one year to determine if the conditions were complied to and to make a decision on extension of the permit.

Stan Shawver stated that over the past few months there were reports of the facility being open past daylight hours. He stated that on August 26th, the Sheriff's Department responded to a disturbance-of-the-peace call. He stated that the parking area and driveway have not covered with a dust-free surface. He stated that approximately 1/3 of the area was covered with a dust-free surface by May 1 as required in the conditions. He stated that staff has received complaints that not all of the parking was in the parking area.

Commissioner Stamper invited Barry and Sheri Homan forward for testimony.

Barry Homan stated that they tried to comply to holding events on Saturdays and Sundays. He stated that some of the events did go beyond the daylight hours condition. He stated that they attempted to clean-up and end the event as quickly as possible.

Barry Homan stated that they agreed to the 60-car parking lot. He noted the parking area wraps around the front of the property and could possibly create a run-off problem. He stated that they would be able to install a retention pond and they would need to place the asphalt in order to get to that area. He stated that they should be able to install the pond in a reasonable amount of time during the off-season.

Barry Homan stated that a second entry way to the property was established in order to keep from having a traffic problem on Proctor Rd.

Barry Homan presented pictures of the site as it looks currently.

Sheri Homan noted that the last time Commissioner Vogt was present the Pavilion was not completed.

Commissioner Stamper stated that 30% of the events went beyond the daylight hours.

Stan Shawver stated in response to a question posed by Commissioner Vogt that it is difficult to determine when a party is public or private.

Commissioner Stamper asked why the permit should be extended if the conditions were not met.

Barry Homan stated that they attempted to place asphalt, however it was impossible to find a company to do the job.

Barry Homan stated that they tried very hard to comply with the conditions, however the daylight hours were hard to work around.

Sheri Homan also stated that they have the bid for the parking lot paving.

Commissioner Vogt stated that the pictures illustrate that the Homans have done a lot of work since they last appeared before the County Commission.

Commissioner Vogt asked the Homans how much longer it would take to comply with the conditions and finish the parking.

Barry Homan stated that they would need until May.

Commissioner Miller asked if the piece of property that the Homans are purchasing could be used for a parking lot.

Stan Shawver stated that they would have to request an additional CUP.

Sheri Homan stated that all parking could be located on site.

Commissioner Vogt moved to extend the deadline to May 30, 2001 to comply with all of the

conditions.

There was no second.

The motion died.

Commissioner Miller stated that her biggest concerns is the daylight hours. She stated that this conditions was in place in order to decrease disturbance to the neighbors. She stated that the County has received videotapes, etc showing non-compliance.

Commissioner Vogt stated that she received a letter in support of the request.

Commissioner Stamper stated that he did not feel that the Homans were responsive to the conditions that were put in place.

Sheri Homan stated that she understood Commissioner Stamper's concerns, however they were doing their best to comply with the conditions. She stated that she and her husband made a substantial investment in this property as far as the parking, erosion-control efforts, and retention pond were concerned in order to be able to comply with the conditions.

Commissioner Stamper moved to suspend the Conditional Use Permit until parking lot paving is completed with the right to withdraw the CUP if there are violations in the operating hours as set forth in the original Conditional Use Permit.

Commissioner Miller seconded the motion.

Discussion: Commissioner Miller stated that if the CUP is suspended the Homans could not hold any events.

Commissioner Stamper stated that they would need to have the parking lot paved to hold events anyway.

Barry Homan clarified that events could be held in April if the paving was completed.

Barry Homan asked how this motion would affect a rezoning request.

Commissioner Stamper stated that non-compliance with conditions on a CUP was not a good springboard into a rezoning request.

Commissioner Stamper stated that staff should be notified when the conditions on paving were not met. He also stated that a CUP would have to be issued in order to allow parking on the piece of property that the Homans are intending to purchase

The motion passed 2-1. **Order 433-2000**

Commissioner Vogt was opposed.

Subject: Barthel Plat 1. S18-T47N-R12W. A-2. James and Margeret Bethel, owners. James V. Patchett, surveyor.

Stan Shawver stated that this is a three-lot subdivision located at the end of Barry Rd and Blooper Lane. He stated that the zoning is A-2. He stated that the plat was approve by the Planning and Zoning Commission.

Commissioner Miller moved to receive and accept Barthel Plat 1 and authorize the Presiding Commissioner to sign.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 434-2000**

Subject: L. M. C. Estates Plat 2. S12-T46N-R12W. A-2. Janie R. Barck, owner. C. Stephen Heying, surveyor.

Stan Shawver stated that lot 1 was approved by the County Commission last month.

Commissioner Miller moved to receive and accept L. M. C. Estates Plat 2 and authorize the Presiding Commissioner to sign the plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 435-2000**

Subject: Perche Hills Estates—replat of lot 19 and 20. S30-T48N-R13W. John and Suzanne Sobaski, owners. J. Daniel Brush, surveyor.

Stan Shawver stated that there was a public hearing for the vacation and replat in the last session.

Commissioner Miller moved to receive and accept Perche Hills Estates replat of lots 19 and 20 and authorize the Presiding Commissioner to sign.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 436-2000**

Subject: Announcement concerning Submission Date for Proposed Findings of Fact and Conclusions of Law for the Windy Point Application for Conditional Use Permit

Commissioner Stamper stated that it has been identified in a communication from Van Matre & Harrison that their submission would be ready by November 10th. He stated that the County Commission would vote on the matter following that date.

Subject: Jail Visitor Report of October 4, 2000

Commissioner Stamper submitted the report for the public record.

Subject: Monthly Animal Control Reports (July, August, and September 2000)

Commissioner Stamper submitted these reports for the public record.

Commissioner Reports

Commissioner Stamper stated that it was newly hired Public Works Director David Mink's first day.

Commissioner Stamper also stated that the Commission meeting on November 7th (Election Day) has been cancelled.

Commissioner Stamper noted that Monday, November 6th was the Adjourned Term.

Commissioner Vogt stated that Rex Kelly was attempting to have his plan submitted to the County Planning department in order to have them reviewed in a Commission meeting.

The County Commission agreed that if the plan was submitted by Friday, November 4th, the item could be heard in the Adjourned Term meeting.

Commissioner Stamper stated that he met with the Kennel Club. He stated that Stan Shawver was also in attendance. He stated that there were a lot of animals present as well. He stated that it was a very nice visit concerning land use and kennels. He stated that there were some differences of opinion. He stated that there may be a new definition on "commercial scale."

Commissioner Stamper stated that Sheriff Boehm stated that he will have a draft of the staffing study in approximately 48 hrs.

Commissioner Stamper stated that staff also identified moss and fungi growing at the Jail. He stated that the moss and fungi was identified by an employee who is convinced that some of their health problems could be related to the growth.

Commissioner Stamper stated that he told the Sheriff that if he found what the 8 types of growths were, then he would have them looked into by someone at the University.

Commissioner Stamper also stated that there were discussions about meeting with the former Jail Task Force. He stated that the Commission should look at their calendars to find a possible date.

Commissioner Stamper stated that he had a conversation with Adult Court Services who requested that Senator Jacobs engage the committee on retirement in Jefferson City to review the issue of retirement.

Commissioner Stamper noted that he would present a historical overview at the upcoming Fairgrounds meeting. He stated that there will be a couple of proposals and a financing presentation from Steifel Nicklaus.

Commissioner Stamper stated that David Mink would join him on Wednesday for the morning radio show on KFRU.

Commissioner Miller

Commissioner Miller asked Stan Shawver about investigating the hay ride complaints.

Stan Shawver stated that the County gets complaints on hay rides every Fall season. He stated that every time the Planning department try to initiate an investigative practice, the hay rides stop. He stated that this is a difficult issue to address.

Commissioner Miller stated that the County received the score card on Counties in the 106th Congress. She stated that they range from 36%-82%. She stated that the County's Congressman and Congressman Gephardt are in the 36%.

There was no public comment.

The meeting adjourned at 8pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner