

TERM OF COMMISSION: September Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
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).

A. Request by Lakeview Mall LLC for a permit for a drive-in or walk-in/carryout establishment on 1.14 acres, located at 5695 E Clark Lane, Columbia

Mr. Shawver stated this property is located just east of the principle Columbia City Limits at the intersection of Clark Lane, St. Charles Rd and Lakewood Dr. A review plan for this 1.14-acre portion of the development was approved last month. The request is for a drive-in or walk-in/carryout establishment.

Staff recommends approval of the CUP subject to the following conditions:

- 1) That it be recognized that no building permits can be issued until an acceptable final development plan and any plans required to be approved in conjunction with said Final Plan are approved.
- 2) Fire hydrants must be in place and operational prior to the issuance of building permits.

- 3) The CUP is limited to the coffee shack only.
- 4) The size of the coffee shack structure is limited to a structure of 500 square feet or less.
- 5) Only one coffee shack is allowed.

The Planning and Zoning Commission conducted a public hearing on this request on September 16, 2004. Seven Planning and Zoning Commissioners were present. A motion was made to approve the request with staff conditions and this motion was approved unanimously.

Dan Brush, 506 Nichols Street, Columbia, was present on behalf of the applicants.

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 Miller moved to approve the request by Lakeview Mall LLC for a permit for a drive-in or walk-in/carryout establishment on 1.14 acres, located at 5695 E Clark Ln, Columbia, with the following conditions:

- 1) That it be recognized that no building permits can be issued until an acceptable final development plan and any plans required to be approved in conjunction with said Final Plan are approved.
- 2) Fire hydrants must be in place and operational prior to the issuance of building permits.
- 3) The CUP is limited to the coffee shack only.
- 4) The size of the coffee shack structure is limited to a structure of 500 square feet or less.
- 5) Only one coffee shack is allowed.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 408-2004**

B. Request by Kevin Pape and Wesley Bullard to rezone from A-2 (Agriculture) to M-L (Light Industrial) on 22.0 acres, more or less, located at 600 N. Rangeline Road, Columbia (*appeal*)

Mr. Shawver stated this property is located east of Columbia at the southeast corner of the I-70 and State Highway Z interchange. The property is currently zoned A-2. Property to

the north is zoned C-G (General Commercial). Property to the east is zoned A-2. Land to the south and west is zoned M-L. This request is to rezone 22.004 acres to M-L (Light Industrial). This site is located within the Columbia Public School District. Electric service is provided by Boone Electric Cooperative. Ameron UE provides natural gas service to the area. Water service is provided by Public Water District No. 9.

The Master Plan designates this property as suitable for industrial land use but suggests the use of planned districts to establish new commercial and industrial areas. 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 typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services

Utilities: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. There is a natural gas line owned by Ameron UE located adjacent to Rangeline Road. Boone County Regional Sewer District provides wastewater collection and treatment to a number of the facilities on Rangeline Road. However, capacity is currently limited and the developer may be required to provide for additional capacity at the time of development.

Transportation: The property has frontage on and access to Rangeline Road. The site is a very short distance to Interstate 70. The applicant has not indicated a specific proposed use, so it is difficult to access traffic impact from the site. However, this area is an industrial area and commercial area with a good basic road system in place.

Public Safety Services: There is no specific use proposed at this time, so it is difficult to project a need for public safety services. A manned fire station is located approximately 3 miles to the west near the Lake of the Woods interchange. The existing road network provides ready access to emergency service providers.

Conflicting Land Uses: The surrounding area has developed along a pattern of commercial and light industrial land uses. If approved, the proposed zoning should co-exist with the existing surrounding land uses. The requested zoning does not raise any issues of incompatibility.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for industrial land uses, staff recommends approval of this request.

The Planning and Zoning Commission conducted a public hearing on this request on September 16, 2004. There was no opposition to the request at that meeting. A motion was made to approve the request but received a 3-4 vote and the motion did not pass. Another motion was made to deny the request. This motion passed by receiving a 6-1

vote. The applicants filed an appeal in a timely fashion and it is before the County Commission on appeal.

Kevin Pape, 800 W. Worley, Columbia and Wesley Bullard, 4400 Bainbridge, Columbia, were present on behalf of this request.

Kevin Pape stated they appealed this request as they did not think this would cause any problems in the area and did not see a reason for denial. The surrounding land is zoned light industrial. They own land around the property already.

Commissioner Miller asked if they own the light industrial or property zoned A-2. Mr. Pape stated they own both.

Mr. Shawver stated they also own the lot zoned C-G.

Mr. Pape stated they own land on the corner of I-70 Drive and Rangeline Road.

Commissioner Miller asked if this is fill-in. Mr. Pape stated that is correct; it is a continuation of what has happened behind them and on their existing property.

Commissioner Schnarre asked if M-L and C-G is open zoning. Mr. Shawver stated that is correct and this is the original 1973 zoning.

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

John Hancock, 3707 Woods Edge, Columbia, stated he is a family friend of Mr. Pape. He stated Mr. Pape asked for his advice on this issue. Mr. Hancock stated the issue at the Planning and Zoning seemed to be the planned district issue. The only item they thought the Commission might have issue with is the sanitary sewer issue. They spoke with Mr. Ratermann at the Sewer District. There will be some charges to be expected to upgrade the current facility or help pay for another solution. It seemed logical with the other uses in the area and the fact they own 100 or so acres at the corner.

There was no further public comment.

Commissioner Schnarre closed the public hearing.

Commissioner Schnarre stated he does not see any reason why this cannot have open zoning.

Commissioner Miller stated the Commission has been consistent on wanting planned development but kept non-planned in the regulations for situations just like this, a fill-in of surrounding like uses to not hamper other zonings. She is comfortable with this request.

Commissioner Elkin stated he agreed with Commissioner Schnarre and Commissioner Miller. He believes if this was not surrounded by C-G or M-L or A-2 zoned tracts then the Commission would be asking the applicants to come back with a planned development. He does not believe that would be conducive with the current zoning. He is comfortable with this request.

Mr. Pape noted they do own the A-2 tract.

Commissioner Elkin moved to approve the request by Kevin Pape and Wesley Bullard to rezone from A-2 (Agriculture) to M-L (Light Industrial) on 22.0 acres, more or less, located at 600 N. Rangeline Road, Columbia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 409-2004**

C. Petition submitted by Danny and Betty DeYoung to vacate and re-plat lot 3, Maple Lawn, 2320 E Ely Ave

Mr. Shawver stated the department received a petition by Danny and Betty DeYoung to vacate and re-plat lot 3, Maple Lawn, located off Highway 40. This currently zoned R-S. The request is to vacate the lot to be subdivided into two lots. The second transfer will be to a family member.

Section 1.8.1.3 of the Boone County Subdivision Regulations require the County Commission to hold a public hearing in order to consider any vacation to vacate and or re-plat, taking into consideration the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Tim Reed, land surveyor with Engineering Surveys and Services, was present on behalf of the applicants.

Tim Reed stated the DeYoungs had contacted him about this project. Their purpose is to subdivide a lot for the daughter. He had visited with the Planning Department about this and there is a sewer connection that needs to be involved in the platting process.

Commissioner Schnarre asked how big the tract is. Mr. Reed stated it is around 3 acres.

Commissioner Schnarre asked if this would be divided in half. Mr. Reed stated he believes it will be divided 1 acre for the daughter and the remaining to be left with the DeYoungs.

Commissioner Elkin asked about the sewer connection and if they would have an on-site system. Mr. Reed stated there is a sewer in the Rollingwoods subdivision. They had received a letter from Mr. Ratermann saying he is ok with the connection but the connection has to be prepared by a professional engineer.

Commissioner Schnarre asked what the zoning is. Mr. Shawver stated R-S.

Commissioner Schnarre asked what the minimum lot size is in R-S zoning. Mr. Shawver stated 7,000 square feet.

Commissioner Elkin asked if Ely Avenue is a county road. Mr. Reed stated it is platted in a street easement and assumes it is a county road.

Commissioner Miller stated she believes it is dedicated to the public but privately maintained.

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 Miller moved to approve the petition submitted by Danny and Betty DeYoung to vacate and re-plat lot 3, Maple Lawn, 2320 E Ely Ave. Said vacation is not to take place until the re-plat is approved.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 410-2004**

D. Receive and Accept the following plats:

- **Vancourt Corner. S29-T50N-R11W. A-2. Homer L. Phillips, owner.**
- **Hidden Oaks. S8-T47N-R12W. A-2. Rodney and Debra Nolan, owners.**
- **Harpers Pointe Block 3. S8-T47N-R13W. A-2. Scotty and Jill Akers, owners**
- **K and J Subdivision. S9-T51N-R11W. A-2. James E. and Donna C. McManama, owners.**

Mr. Shawver stated Vancourt Corner is located on the corner of Vancourt Road and

Highway OO. Hidden Oaks is located on Blackhawk. Harpers Pointe is located on Route K. K and J Subdivision is located on Highway 22.

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

- Vancourt Corner.
- Hidden Oaks.
- Harpers Pointe Block 3.
- K and J Subdivision

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 411-2004**

Subject: Clerk's Office – First Reading of Budget Amendment

Wendy S. Noren, Boone County Clerk, was present on behalf of this item.

Wendy Noren stated she received notification from the State they would be issuing an additional \$19,750 in what is known as Title I Funds in the Help America Vote Act for use in the November 2004 election. This is what was known, informally, as the early out money that went to states to try to infuse money into the system quickly. The states sat on the funds for a year and a half. The states came under a lot of pressure this summer to start disbursing the money out to local governments for use in this election.

Ms. Noren stated the \$19,750 will be used for cell phones and security systems. The old cell phones were analog and have been losing coverage since February.

Commissioner Elkin asked if any more funds will be released. Ms. Noren stated it is unknown at this time. She noted the states have gotten into a panic. The reason Congress is not appropriating the money is because the states had not spent the money they were given over the last year.

At this point, she believes the state is holding the balance. They would like to be able to give the counties the balance so it can be banked.

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 after the required 10-day waiting period with an appropriate order for approval.

Subject: First Reading of Budget Revision (Insurance)

Commissioner Schnarre stated the doctor position at the jail has been changed. Part of this change included the County pay for tail coverage insurance for Dr. Allen. This insurance will cover any possible future malpractice claims.

There was no further discussion on this item.

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: Second Reading and Public Hearing for Approval of Budget Amendment (Land Purchase)

Commissioner Schnarre stated the closing for this property will be September 30, 2004.

Commissioner Elkin stated transactions like this are difficult to plan for. He believes there should be a policy on reasoning for purchasing properties close to the County's downtown campus. As the County continues to grow, space needs also continue to expand. He believes the County should take advantage of situations where property that is contiguous with the County's downtown campus become available for purchase.

Commissioner Miller agreed with Commissioner Elkin.

Commissioner Elkin moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
1190-91800: Non-Departmental – Land	\$75,000.00
1190-91200: Non-Departmental – Buildings	\$187,650.00

Said budget amendment is for the purchase of land and a building located at 217 North Ninth Street, Columbia.

The County Commission does hereby confirm and ratify final contract for purchase of said property.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 412-2004**

Subject: Authorize Use of Commission Chambers (Big Brothers/Big Sisters)

Commissioner Miller moved to authorize the use of the Commission Chambers on September 30, 2004 from 10:30 a.m. to 12:00 p.m. for the Big Brothers/Big Sisters Check Signing Ceremony.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 413-2004**

There was no public comment.

The meeting adjourned at 7:30 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