

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre  
District I Commissioner Karen Miller  
District II Commissioner Skip Elkin  
Planning and Zoning Director Stan Shawver  
County Counselor John Patton  
Deputy County Clerk Kerry Patton

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

**1. Purchasing - Second Reading of Bid 20-16MAR016 Heavy Truck & Large Equipment Tires Term and Supply for Cross Midwest Tire**

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby award bid 20-16MAR06 Heavy Truck & Large Equipment Tires Term & Supply to Cross-Midwest Tire. It is further ordered that the Presiding Commissioner be hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

Motion passed 3-0. **Order 114-2006**

**2. Planning and Zoning**

**A. Request by Dale and Pam Wehmeyer for a bed and breakfast facility on 240 acres located at 9161 W. Wehmeyer Rd. Rocheport**

Mr. Shawver reported this property is located at the southwest corner of where Wehmeyer Road makes a ninety degree turn to the north and becomes Dometorch Road. The property is 4&1/2 miles west of the municipal limits of the city of Columbia. The property is zoned A-2 (agriculture) as is all the surrounding property and these are all original 1973. This portion of the property consists of 240-acres. There are currently two existing home structures on the site; the older of the two homes is proposed to become a bed and breakfast. There is some regulated 100-year floodplain on the property but not in the area of the proposed bed & breakfast. This site lies within the Columbia Public School District. The site is in Consolidated Public Water District #1. The site is in the Boone County Fire Protection District and fire requirements will be determined by the fire district. Electric

service will be provided by Boone Electric Cooperative. There is an existing septic tank serving as the wastewater system for the building. The master plan designates this area as being suitable for agriculture and rural residential land uses and at this scale the proposal is in compliance with the master plan. Staff notified 16 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 house that will become the bed & breakfast is located deep into the large property and should not have any more impact than a normal single family dwelling and therefore should not be injurious.

(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 if proper facilities are provided.

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

The facility needs for this request should be similar to those for any single family dwelling with the exception of the fire safety requirements; these requirements will need to be worked out with 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 as it is virtually the same as the existing use in terms of impact.

(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 has an existing driveway off a county-maintained road and traffic volume generated by the site will be similar to its current single family use.

(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 for the conditional-use conforms to other applicable regulations of the A-2 zoning district.

Staff supports this request and recommends approval subject to the following 4 conditions:

1. That the approval is limited to one bed and breakfast structure and does not allow multiple bed and breakfast facilities to be constructed or operated on the 240 acre property to which the CUP will apply.
2. That it is recognized that any signage must comply with the sign ordinance.
3. Comply with all site requirements of the Boone County Fire Protection District.
4. Comply with all requirements of the building code.

Planning and Zoning commission conducted a public hearing on this request on March 16, 2006. Nine members were present. The Planning and Zoning commission made a motion to recommend approval subject to the staff recommended provisions. The motion carried unanimously.

**Pam Wehmeyer, 9171 Wehmeyer Rd, Rocheport**

Ms. Wehmeyer stated she wanted to offer a safe place for families to stay that would be an alternative to a hotel or motel.

Commissioner Miller asked if she lived at the residence now.

Ms. Wehmeyer replied that she lives on the grounds, but not in the house.

There was no discussion and no public comment.

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby approve the request by Dale and Pam Wehmeyer for a Bed and Breakfast facility on 240 acres located at 9161 W. Wehmeyer Rd. Rocheport, MO. subject to the following conditions:

- That the approval is limited to one bed and breakfast structure and does not allow multiple bed and breakfast facilities to be constructed or operated on the 240 acre property to which the CUP will apply.
- That it is recognized that any signage must comply with the sign ordinance.
- Comply with all site requirements of the Boone County Fire Protection District.
- Comply with all requirements of the building code.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 115-2006**

**B. Request by LuAnne Gaines for a Day Care facility located at 62 E. Hackberry, Columbia.**

Mr. Shawver reported that this property is located on the south side of Hackberry Blvd. 200 ft east of the intersection of Clearview Road and Hackberry Blvd/Havens Dr. The property is approximate 1/2 mile north of the municipal limits of the city of Columbia. The property is zoned R-S (residential single family) and was rezoned from the original R-M (residential moderate density) in 1992 along with a large portion of the lots in the subdivision. The adjoining lots to the south are zoned R-S while lots to the north across Hackberry are zoned R-M. There currently is an existing home structure used as a Group Day Care Home under the regulations; the CUP is required for the desired increase in the number of children that can be accommodated under our regulations. This site lies within the Columbia Public School District. The site is in the City water service area. The site is in the Boone County Fire Protection District and fire requirements will be determined by the fire district. Electric service will be provided by Boone Electric Cooperative. Sewer service is from a central sewer system operated by the Boone County Regional Sewer District (BCRSD) serving the subdivision. The master plan designates this area as being suitable for residential land uses and at this scale the proposal is in compliance with the master plan as a supporting neighborhood function. Staff notified 101 property owners about this request.

As a 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 house currently is serving as a residence and day care and the site should be able to accommodate the increase in children served by the facility and the use should not be injurious.

(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 if proper facilities are provided.

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

The facility needs for this request should be similar to those of a single family dwelling or the multi-family dwellings in the area with the exception of the fire and safety requirements; these requirements will need to be worked out with the Boone County Fire Protection District and Building Inspection Department.

(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 as it is virtually the same as the existing use in terms of impact.

(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 has an existing driveway off a county maintained road and traffic volume generated by the site will be similar to its current use provided the increased number of children is limited to the 7 additional that is requested.

(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 for the conditional-use conforms to other applicable regulations of the R-S zoning district.

Staff supports this request and recommends approval subject to the following 5 conditions:

1. That it is recognized that the request is limited to the additional 7 children requested.
2. That all drive, loading, and parking spaces be dust free to a minimum of chip and seal.
3. That it is recognized that any signage must comply with the sign ordinance.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Planning and Zoning Commission conducted a public hearing on this request on March 16, 2006. Nine members were present. The planning and zoning commission made a motion for recommended approval of the staff recommended provisions which carried unanimously.

**LuAnne Gaines 62 E. Hackberry, Columbia**

Ms. Gaines stated that she has been in business since August 2001. Since that time, the families have expanded and those families would like to keep their children together in the same daycare. She accepts and understands the committee's recommendations.

There was no discussion and no public comment

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby approve the request by LuAnne Gaines for a day care facility located at 62 E Hackberry Blvd Columbia, Mo. with following conditions:

1. That it is recognized that the request is limited to the additional 7 children requested.
2. That all drive, loading, and parking spaces be dust free to a minimum of chip & seal.
3. That it is recognized that any signage must comply with the sign ordinance.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 116-2006**

**C. Report from the Planning and Zoning concerning Review of Master Plan**

Kristen Heitkamp 4880 N. Rt. E, Columbia

Ms. Heitkamp explained the benefits of having a Master Plan. Changes to the following sections were recommended.

- Sec 2 Demographic and Economic Characteristics
- Sec 3 Natural Features, Land use and Historical Sites
- Sec 4 Transportation
- Sec 5 Infrastructure
- Sec 6 Intergovernmental Coordination
- Sec 7 Goals and Objectives

Ms. Heitkamp recommended further adaptation of new goals for environment (7.31), park/recreations/ open space (7.35), and community heritage (7.38).

Mr. Shawver stated the next County Commission work session with Planning and Zoning is April 13, 2006. Before that meeting the commissioners should review the plan with Stan. Then talk with the planning commission and determine what course of action to take.

There was no discussion and no public comment.

Stan Shawver stated at the meeting on the 16<sup>th</sup>, one of the Planning Commissioners requested there be a discussion of the proposed sale of the Mark Twain National Forest land. Changing the proposal from publicly- held land to privately- held land would have potential implications on land use in those areas.

They acknowledge the opposition the County Commission made on the record for the sale of public land and made a resolution to endorse the action of the County Commission by opposing the sale of any Mark Twain National Forest land in Missouri.

No action needed to be taken. Commissioner Miller stated a letter has been sent.

#### **D. Receive and Accept Plats**

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Bar Elle. S22-T46N-R12W. A-2. Linda Stone and Laura Elsbury, owners. C. Stephen Heying, surveyor.
- Wildwood Lake Estates. S3-T50N-R13W. A-2. Frank and Pok Nok Davis, owners. Timothy J. Reed, surveyor.
- Olivet Christian Church. S23-T48N-R12W. A-2P. Michael and Rita Morrison

and Olivet Christian Church, owners. Jay Gebhardt, surveyor.

- Weil. S5-T50N-R13W. A-2. Kimberly Woods, Michael Weil, Michael and Melissa Barnhart, owners. Steven R. Proctor, surveyor.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 117-2006**

### **E. Final Development Plan for Olivet Christian Church Project**

Commissioner Elkin moved that now on this the County Commission does approve the Final Development Plan for the Olivet Christian Church development on a total of 16.80 acres located in Section 23, Township 48 North, Range 12 West. By this approval, the zoning for the development changes from A-1 (Agriculture) to A-2P (Planned Agriculture 2).

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 118-2006**

### **3. Commission Reports**

There were no commissioner reports.

### **4. Public Comment**

There was no public comment.

The meeting adjourned at 7:50 p.m.

Attest:

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Keith Schnarre  
Presiding Commissioner

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Wendy S. Noren  
Clerk of the County Commission

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Karen M. Miller  
District I Commissioner



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Skip Elkin  
District II Commissioner