

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The regular meeting of the County Commission was called to order at 7:10p.m. by Commissioner Stamper.

Commissioner Stamper stated that this was a planning and zoning session to deal with land issues such as rezoning requests, plans for land use, surveys, etc. He stated that zoning requests were handled in the following format: Staff report, Applicant or Agent of Applicant testimony, dialogue between Applicant or Agent and the Commission, Public hearing, questions or comments for the request, Close Public hearing, dialogue between Commission and Applicant, Applicant Rebuttal, Motion on the request.

Commissioner Stamper asked that the individuals involved be as civil as possible with one another.

Subject: Request by Midway Heights Baptist Church to establish a DayCare Center on property located at 6801 W. Rollingwood Blvd

Commissioner Stamper called for a Staff report.

Stan Shawver stated that the property was located approximately 3 miles west of Columbia, south of Hwy 40 on Rollingwood Blvd. He stated that the property was zoned R-S (Single Family Residential). He stated that there was a church on the site.

Stan Shawver stated that the property was inside the Columbia Public School District with the utilities provided by Boone Electric and Consolidated Public Water District Number 1.

Stan Shawver stated that the planned use for the space was recreational and educational. He stated that there had been no previous request submitted on behalf of this property. He stated that the master plan designated this area as being suitable for residential land uses. He stated that the proposal was consistent with the master plan.

Stan Shawver stated that Staff had notified 52 property owners of the request. He stated that the Planning and Zoning Commission held a hearing on December 17th. He stated that there was no one that spoke in opposition to the request. He stated that the Planning and Zoning Commission was aware of the strong support in the community for this request. He stated that there was a motion made to recommend approval of the request. The motion carried unanimously.

Commissioner Stamper asked if there was a sewer on this property.

Stan Shawver stated that it was connected to the Rollingwood Subdivision with a lagoon system operated by Boone County Regional Sewer District.

Commissioner Stamper called for the Applicant or Agent of the Applicant to come forward.

The Hartleys, 10499 Alex Dr, were the Applicants of the request. They gave no comments.

Commissioner Stamper convened a public hearing on the request.

Commissioner Stamper called three times for comments on the request.

There was no one that wished to speak.

Commissioner Stamper closed the Public Hearing.

Commissioner Miller stated that the request was reasonable. She stated that she was sure that the community had need of the daycare.

Commissioner Vogt asked if this would change the zoning.

Stan Shawver stated that it would not.

Commissioner Vogt asked if a parking lot would have to be built.

Stan Shawver stated that there would have to be a minimum chip and seal parking as part of the addition regardless of the whether the daycare was established or not.

Commissioner Miller moved to approve the request by Midway Heights Baptist Church to establish a daycare center on property located at 6801 W. Rollingwood Blvd, Columbia.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 590-98**

Subject: Request by Clifford L. Mings to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) of 2.29 acres, more or less, located at 751 N. Grace Ln., Columbia

Commissioner Stamper asked for a Staff report on this request.

Stan Shawver stated that this property was located just east of Columbia near the Lake of the Woods interchange on I-70. He stated that the current zoning on the site was R-S. He stated that the property to the west was zoned C-GP, to the south R-S, and to the east and north the property was currently zoned C-G.

Stan Shawver stated that the 2.29 acres included in the request was currently vacant, however he stated that it was part of a 3 acre tract that included .71 acres of commercial activity at the north end of the property.

Stan Shawver stated that a review plan had not been submitted. He stated that a review plan and a final development plan had to be submitted before the zoning could be changed. He stated that the site was within the Columbia Public School District and the utilities were under Consolidated Public Water District Number 9 and Boone Electric Cooperative.

Stan Shawver stated that the original zoning for this tract was R-S. He stated that in 1983, .71 acres was rezoned to C-G. He stated that the master plan designated this area as being suitable for residential land uses. He stated that the request was not consistent with the master plan.

Stan Shawver stated that Staff notified 94 property owners of this request. He stated that during the Planning and Zoning Commission hearing, one property owner spoke in support of the request and 7 property owners spoke in opposition to the request. He stated that the Planning and Zoning Commission made a motion to recommend approval of the request. He stated that the motion carried unanimously.

Stan Shawver reminded the Boone County Commission that if the request was approved, a review plan and a final development plan would have to be approved by Planning and Zoning Commission and the Boone County Commission. He stated that there were no conditions attached to the request because there had not been a review plan submitted as of yet.

Commissioner Stamper called for questions of Staff.

Commissioner Miller asked Stan Shawver who owned the property to the north of the request site (that met at St Charles Rd).

Stan Shawver stated that Clifford Mings owned that property.

Commissioner Stamper asked how the property was zoned.

Stan Shawver stated that it was currently zoned C-G (General Commercial).

Commissioner Stamper called for the Applicant or Agent of the Applicant to give comments.

Clifford Mings stated that he had purchased the property in 1974. He stated that he started a business in 1983 and had requested rezoning of three quarters of an acre on which to operate his business. He stated that he told Mr. Shawver that he would like to rezone and develop the rest of the property at some point.

Clifford Mings stated that this piece of property was currently landlocked by commercial property on three sides. He stated that the current zoning would allow him to build houses on the property. He stated that he did not think that anyone would want to buy a house on this site. He stated that he had heard opposition from the people who lived in the Subdivision.

Clifford Mings stated that in 1983 when he applied for rezoning, he had refinanced his house in order to build the buildings for his business. He stated that at that time his house was appraised at \$27,000. He stated that last year when he had the house refinanced, it was appraised for \$60,000. He stated that he did not believe that the area had suffered from the commercial property.

Clifford Mings noted that he had come in to request the rezoning of the property. He stated that he knew that he would have to come back to the Planning and Zoning Commission for approval of any buildings that he wanted to construct on the site. He stated that the property was up for lease.

Clifford Mings stated that if he built homes on the property, he did not think that he could sell them because of the commercial property on three sides.

Commissioner Stamper asked Clifford Mings to come forward and (demonstrate on the map) where the commercial property on three sides was located.

Clifford Mings demonstrated where the areas were.

Commissioner Stamper asked who owned a certain tract.

Clifford Mings stated that Bob Davis owned that particular tract.

Commissioner Stamper asked if there were any question about the location.

Commissioner Vogt stated that she had a question. She asked Clifford Mings if he had any ideas of what he wanted to place on this site.

Clifford Mings stated that in 1986 a friend had approached him and stated that the postal service was looking for a transfer station to locate on the east side of town. He stated that he had not had not been able to deal with it at the time. He stated that he wanted to get this property rezoned so that if another opportunity presented itself, he could bring the plans to the Planning and Zoning Commission to have them approved. He stated that basically he just wanted to know if this piece of property would be available as commercial property.

Commissioner Stamper stated that Clifford Mings would be called to speak again after the public hearing.

Commissioner Stamper asked Stan Shawver to remind the Boone County Commission and the public of what was involved in a planned commercial district and give a description of the process that had to be followed.

Stan Shawver stated that a planned development gave a great deal of flexibility to the Planning and Zoning Commission. He stated that the oversight of development was an opportunity for a review of everything, even the elevations of buildings. He stated that the Planning and Zoning Commission could place restrictions on use. He stated that the Planning and Zoning Commission had placed restrictions on hours of operations, access, landscaping requirement, buffering requirements, etc. He stated that it could be much more restrictive than General Commercial or it could be very flexible.

Stan Shawver stated that there were two steps in a rezoning request. He stated that the first was a review plan where conditions were laid out with the condition of approval. After that, a final development plan could be submitted based on the review plan. He stated that no construction could take place until the final development plan was approved. He stated that the zoning did not actually change on the zoning district map until the final development map was approved.

Commissioner Stamper stated that there was increased activity in this area. He stated that there was a request that was being heard for a piece of property just around the corner from this site. He stated that this piece of property was located so that it backed up to the neighborhood. He stated that the request was withdrawn and was going to come back as a planned proposal. He asked if there was any other request in recent history in the area that came to mind.

Stan Shawver stated that the most recent request was on the other side of I-70 north of St Charles Rd. He stated that there was a plat on that property (1996).

Stan Shawver stated that the whole area had a lot of activity since the zoning had become effective. He stated that there was a big square of commercial zoning right at the interchange.

Commissioner Stamper asked if there were any question of Staff.

There were no questions for Staff.

Commissioner Stamper stated that prior to the public hearing, there were a number of documents that had been submitted to the Commission. He asked the Commission if those were to be submitted for the public record.

Commissioner Vogt stated that she had some that she wanted to submit.

Commissioner Stamper asked her to describe the documents.

Commissioner Vogt stated that she was given a packet containing a petition from people in the Lake of the Woods Subdivision. She stated that she was also given some information about the subdivision. She stated that she had several letters from the neighbors concerning this meeting's proceedings on the request.

Commissioner Miller asked her to list the letters.

Commissioner Vogt stated that she had letters from Norma and Charles Mitchell, John and Laura Kabrick, Marybeth Muskoff, Denise and Tom Scott, Jennifer and Shawn Bloom, Jan Thompson, John Dunlow, and Martha and Bob Chainey.

Commissioner Stamper convened a public hearing on the request.

Marybeth Muskoff of 5554 Yosemite passed out photographs of the neighborhood and stated that she and her neighbors formed a large group that opposed Mr. Mings rezoning request. She asked the group to stand in order to demonstrate their numbers. She stated that many other people had not been able to attend this meeting or the Planning and Zoning Commission meeting. She stated that they had submitted a petition with over 100 signatures showing opposition to the rezoning request.

Marybeth Muskoff stated that she had lived in Lake of the Woods Subdivision for more than ten years and was very happy with the neighborhood. She stated that the neighborhood was very

nice. She stated that there was a lot of effort put into upkeep and improvements within the neighborhood.

Marybeth Muskoff stated that the neighborhood had only one entrance into it: Grace Lane. She stated that the commercial properties that currently existed on Grace Lane were an unsightly embarrassment to the residents of the subdivision. She stated that the eye sores (commercial property) diminished property values and commercial traffic endangered the neighborhood and its children.

Marybeth Muskoff asked the Boone County Commission not to rezone this tract of land. She stated that it would reduce the quality of life for the neighborhood's residents and contribute to the degradation of the neighborhood.

Commissioner Stamper thanked Mrs. Muskoff for her comments.

Commissioner Stamper asked if there was anyone else that wanted to speak and asked if Mrs. Muskoff had wanted to say anything further about the pictures.

Marybeth Muskoff stated that the pictures were just examples of the neighborhood's homes.

Richard Dowdy of 500 Crater Lake Dr stated that he had lived in the neighborhood since 1976. He stated that he had watched the development of the area over time.

Richard Dowdy presented photographs and stated that he wanted to speak about the subdivision from a historical perspective. He stated that there was only entrance into the subdivision that passed the intersection of St Charles Rd and Grace Lane (therefore everyone coming into the neighborhood passed that intersection).

Richard Dowdy stated that in 1976, the primary development consisted of Grace's Store and the Woodlink Fence Company. He stated that now there was increased development along St Charles Rd as was previously expected. He stated that there was also expanding commercial development along Grace Lane. He stated that there had been a number of rezoning requests made during this time, some approved, some denied. He stated that everyone coming to visit the neighborhood had to come through the commercial maze.

Richard Dowdy stated that at the Planning and Zoning Commission meeting, the suggestion was made that the subdivision might be becoming more rental in its nature as contrasted to home ownership. He stated that the insinuation that the proposed zoning would not be very significant to the residents of the subdivision was incorrect. He stated that many homeowners had taken great pride in their work and upgraded their homes. He stated the suggestion was also made that the request site was not suitable for residential developments because it was landlocked on three sides by commercial property. He stated that this assertion could be challenged by (as the pictures demonstrated) the two, new residences recently constructed virtually across the road from the proposed site.

Richard Dowdy stated that experience had told him that (as the town grew and once the planned commercial had been established), the plans were more routinely approved than critically evaluated. He stated that the second series of photographs showed what planned commercial zoning could result in. He stated that it was not attractive.

Richard Dowdy stated that more commercial property along Grace Lane would have a negative impact on the neighborhood. He pointed out that there was other commercial property in the vicinity that was not being developed. He questioned why additional commercial property was needed this close to a residential subdivision. He doubted the need for the additional land. He stated that this was contrary to Boone County's master plan.

Richard Dowdy asked the Boone County Commission to resist the urge to approve the request based upon NIMBY (its okay as long as it is *not in my backyard*). He asked them to follow the wisdom of the Boone County master plan (updated in 1996) which showed that the property should remain residential. He asked the members of Boone County Commission to ask

themselves if this were the type of development that they would want at the only entrance to their neighborhood.

Commissioner Stamper thanked Richard Dowty for his comments.

Commissioner Stamper asked if there was anyone else that wanted to testify.

Denise Scott of 556 N. Grace Lane presented photographs to the Commission and stated that statements had been made earlier that the subdivision was mostly rental property. She pointed out that the subdivision had 140 homes (13 duplexes 10 single-family rental units). She stated that she felt that people would buy homes on the outer edge of the entrance of Grace Lane. She asked the Boone County Commission to stop the influx of any more commercial property in the subdivision.

Commissioner Stamper thanked Mrs. Scott for her comments and asked if there was anyone else that wanted to speak.

James Miller of 661 Shenenoah presented photographs and pointed out that there were tighter ordinances against the construction. He stated however that there was no ordinance that prevented the site from being trashed after the business closed down or that helped the neighborhood clean up the area. He stated that one of the pictures demonstrated a commercial area across the street from the site that was unsightly.

James Miller also stated that the comment had been made that Grace was sort of a dual entrance and someone must have thought that the street needed to have two entrances. He stated that there had been numerous times when the Lake of the Woods Masonry had blocked the road. He stated that stop signs on St Charles Rd had been run over or demolished. He stated that the culvert was closed and the road flooded.

James Miller stated that when he had first moved into the subdivision, the neighborhood had a big problem with the Woodlink Fence Company. He stated that they had visited with the owner of the business on numerous occasions, however the Boone County Commission did not have any power (to deal with his sort of thing). Therefore, the neighborhood had to clean the area up itself. He stated that several years had gone by before the owner put up a privacy fence.

Commissioner Miller asked James Miller if there was a business that was working out of the area (in one of the photographs) that had the cars.

James Miller stated that those were rental storage units. He stated that currently there was a couple that visited garage sales and were constantly loading and unloading different things.

Commissioner Miller asked Stan Shawver if there was something in the zoning law about cars that were not operative.

Stan Shawver stated that typically for residential areas this would be correct. He stated however, that the C-G district was exempt from this because their repair facilities were often located in the same area. He stated that the Junk Car regulations did not apply. He stated that might be something that could be done, because this area was not a repair facility. He stated that he would have to take a look at this and get back to the Commission.

Jack Dunlin of 578 N Grace Lane also presented photographs and stated that he was opposed to the request because of the traffic. He stated that the commercial traffic was the mostly likely to tear up the streets. He demonstrated in a photo how the Lake of the Woods Masonry had torn off chunks of the road with their trucks and trailers going in and out. He stated that there was no longer a shoulder on one of the roads and if someone were to slide on ice, they would go into a ditch.

Jack Dunlin stated that James Fencing had moved in to the area and there were trucks going in and out of this area daily. He stated that Mr. Mings had indicated to other people that he might construct a strip mall on this site. He stated that the argument was made (in the Planning and Zoning meeting) that a piece of commercial property would cause less traffic than putting in ten

homes. He stated however that he doubted that commercial traffic would decrease the existing problem.

Jack Dunlin also stated that he was concerned about the safety of the children in the neighborhood. He stated that there were school buses traveling this road and children walked up and down it to get to the convenience store.

Commissioner Stamper thanked Jack Dunlin for his comments and asked for further comments.

Dale Perkins of 5219 St Charles Rd stated that he understood how the neighborhood people who were opposed to the request felt, because he had felt this way when the subdivision was built. He stated however, that he had lived with it (the subdivision). He stated that since the request was for planned commercial at least it would be planned. He stated that whatever Mr. Mings was wanting to do could not be any worse than what was already in the subdivision. He stated that he was present as a neighbor in favor of what Mr. Mings was asking for.

Commissioner Stamper thanked Mr. Dunlin for his comments.

Marilee Bomar of 376 N Sequoia presented photographs and stated that she understood the concept of planned commercial zoning. However, she noted that the neighborhood had previous experience with planned commercial zoning that was not favorable. She stated that the only positive improvement was when Woodlink Fence Company put up a fence to hid the trash.

Marilee Bomar stated that other subdivisions had residential signs that recognized their subdivision. She stated that she felt that the addition of any further planned commercial would be detrimental to the subdivision. She stated that Mr. Mings had not, in the past five years, communicated an interest in selling the residential property, and therefore had no idea if the area would sell. She stated that it was her understanding that residential zoning could include churches or playgrounds, etc. She stated that she would like to see any of those things in the neighborhood vs. the commercial zoning.

Commissioner Stamper stated that right in from of the request site, there was a general commercial property. He stated that the County had no control over what was going to go in there. Commissioner Stamper asked who would buy this property for residential uses, knowing that this would be facing them in the future.

Marilee Bomar stated that the 70 plus acres behind the area was still residential.

Commissioner Stamper stated that it became a question of where you want the line of demarcation drawn.

Marilee Bomar stated that this was exactly right. She stated that he only had a very small portion that was zoned as commercial.

Commissioner Stamper stated that he did not believe that some people were understanding how bad this corner could be if this request was not handled in the right way.

Commissioner Vogt asked Mrs. Bomar, if she were going to place signs, where would they be located.

Marilee Bomar stated that if the adjoining area was residential and someone purchased it, she stated that you would be able to tell from the road. She stated that it could be put up attractively with landscaping around it.

Commissioner Stamper thanked Mrs. Bowmar for her testimony and asked if there was anyone else that wanted to testify.

John Kabrick of 479 Crater Lake stated that Boone County had a master plan that he assumed was supposed to have influence over how the County would be developed. He stated that when he had heard that the zoning request was approved despite the fact that it went against the master plan, he assumed that the master plan was an obsolete document. However he stated that he had

recently heard that the master plan was redone in 1996. He stated that he just wanted to reemphasize the fact that this area was supposed to be growing in keeping with residential uses.

John Kabrick stated that there had also been some discussion about the development of the property. He stated however that there was a history of unsightly or unattractive businesses going into this area.

Commissioner Stamper thanked Mr. Kabrick for his comments and asked for further testimony.

Mr. Doung of 476 Sequoia stated that he had come to the Planning and Zoning Commission last week and that the Commission should be able to tell by the number present tonight, how concerned the neighborhood was about this request.

Mr. Doung stated that the neighborhood already suffered from the appearance of the businesses that were present.

Commissioner Stamper thanked Mr. Doung for his comments.

Barb Williams of 378 N Grace Lane stated that she and her husband had purchased their house in this location because it was a small, secluded subdivision surrounded by fields and trees, etc. She stated that she was concerned about the commercial request because there was already a lot of traffic (particularly trucks) that tore up the road. She stated that she was also concerned about the safety of the children.

Jenny Agnes of 457 Sequoia stated that in her view there were two critical issues. She stated that the first was with the line of demarcation. She stated that the zoning and commercial activity of the area was not going to stop, however at some point in her neighborhood, it had to stop. She stated that the further you invade the 70 acres of residential land, the harder it would be to stop the next request. She asked the Commission to take a look at that and stop the slippery slope of invasion for the Lake of the Woods neighborhood that had made investments into having a safe and comfortable, well-kept neighborhood.

Jenny Agnes stated that the second point was that the request did not fit with the master plan.

Commissioner Stamper thanked Ms. Agnes for her comments.

Commissioner Stamper called three times for anyone else that wished to speak.

Commissioner Stamper closed the public hearing on the request.

Commissioner Stamper called Mr. Mings to give a rebuttal on the testimony that had been given.

Cliff Mings stated that the two new properties that had been spoken of were strictly rental properties. He stated that there were traffic problems during the time that he lived in the Lake of the Woods Subdivision. He cited examples of the problems.

Cliff Mings stated that he would not be in favor of any more commercial zoning in this area beyond this request. He stated that he had not opposed the (building of the) subdivision when it was requested. He stated that he fenced in his backyard to keep his children safe from the traffic.

Cliff Mings stated that he had a piece of general commercial property that he could do just about anything that he wanted to with. He stated that he had not wanted to rent to certain businesses because he did not want to put up with the filth. He stated that he had also put up with a lot of things since the subdivision was put in.

Commissioner Miller asked Stan Shawver who owned the planned commercial where the Green Door used to be.

Cliff Mings stated that Dean Hathman owned this area.

Commissioner Miller asked Cliff Mings how many buildings he had out there.

Cliff Mings stated that he had four buildings (commercial) and one house (residential).

Commissioner Vogt asked about the road that Clifford Mings stated that he had put in.

Cliff Mings stated that he had put in a gravel road that went from Grace Lane over to St Charles Rd.

Commissioner Vogt asked if Cliff Mings would mind the property being conditioned to the effect that there could be no entry off of Grace Lane, since he already had a road of his own.

Cliff Mings stated that he had an entry the he needed because he sometimes had 4 or 5 trucks at one point. He stated that this allowed for an entrance and then a road for them to go out onto without having to turn or back around.

Commissioner Stamper asked how sewer would be handled on this site.

Stan Shawver stated that there was not a direct sewer line on this site. He stated that the Lake of the Woods sewer line extended up to extended up to the new development and added extra capacity.

Commissioner Stamper asked if the city limits was close to this.

Stan Shawver stated that the city limits was within about a quarter of a mile.

Commissioner Stamper wanted to know how big Mr. Mings' general commercial tract was at present.

Stan Shawver stated that it was .7 acres.

Commissioner Stamper asked if he had four building and a house on .7 acres. He wanted to know if the buildings were pre-engineering as one came in to the parking lot.

Stan Shawver stated that this was correct.

Commissioner Stamper asked if the streets in the subdivision were stubbed out.

Stan Shawver stated that they were (to the north and to the east).

Commissioner Stamper asked the person who had spoken about the bad experience with recent planned development to come forward to elaborate on the subject.

Commissioner Miller stated that the person had given pictures to demonstrate the issue.

Stan Shawver stated that the person was referring to the Green Door Lounge.

Stan Shawver stated that in 1985, the Green Door Lounge had come back with a plan amendment showing a restaurant (with full liquor approval). He stated that they were under the restriction to have beer sales only. The Green Door Lounge hours were from 6am-10pm. He stated that there was a beer restriction for a one-year period. He stated that a year later it came back for review. The beer sales were then restricted to 8-10pm. He stated that the business was unable to operate under those restrictions and closed down.

Commissioner Stamper asked if there were any other questions of staff or on this proposal.

Commissioner Stamper asked Stan Shawver to bring him up to date on the entire area. He stated that there was city sewer in reasonable distance of the entire area. He stated that there was a request pending on some adjoined property across the street from this site.

Commissioner Vogt stated that she did not think that this property was adjoined.

Commissioner Miller agreed that it was not adjoined.

Commissioner Stamper stated that the point was that there would be a lot of attention to this area especially with the availability of the sewer.

Commissioner Stamper asked Stan Shawver if the subdivision was built out or if there were vacant lots in the subdivision.

Stan Shawver stated that he believed that the subdivision was built out.

Commissioner Miller asked if Grace Lane dead-ended at the end of Lake of the Woods subdivision.

Commissioner Stamper stated that it did.

Commissioner Miller asked if there was any signage that indicated that Grace Lane was a dead-end.

Audience members (property owners of the area) indicated that there was not.

Commissioner Miller stated that it would help if there were signs in on this road to indicate that this road could not be used as a cut-through.

Commissioner Vogt asked about the church that was going to be put in this area.

Stan Shawver stated that the church would be located on Richland Rd.

Commissioner Vogt asked about the master plan. She wanted to know how far off of the master plan the rezoning request would be.

Stan Shawver stated that when the master plan was revised, the land use planning committee recommended leaving the commercial areas where the original master plan showed them and the allow requests to come in for commercial zoning.

Commissioner Stamper asked for further discussion.

Commissioner Miller stated that she would be a lot more sympathetic to this request if the property could have a drive out onto St Charles Rd and not Grace Lane. She stated that on paper the request looked good because it was surrounded on three sides by other commercial zoning. However, she stated that in driving around the area (earlier that day), she could sympathize with the neighborhood's concern about the traffic.

Commissioner Miller stated that she would feel better about the request if there were a plan laid out. She stated that she would know how it would affect the neighborhood. She stated that she was really hesitant to approve this request without being able to answer that question.

Commissioner Vogt stated that this was an appropriate request. She stated that it was surrounded by commercial property (zoning). She stated that she also understood the request of the neighborhood. She stated that this neighborhood had a problem in that it only had one way in and out.

Commissioner Vogt stated that she did not want to perpetuate this problem. She stated that the only way that this request could be managed was if there was a plan. She also stated that this was one of the best things that Boone County could hope for (to have the zoning go from commercial to planned commercial zoning).

Commissioner Stamper stated that he wanted to make sure that these hearings were fair and that everyone had an opportunity to say their peace. He stated that he wanted property owners to be enlightened as to what was going on in their communities.

Commissioner Stamper stated that this area was one of the hottest in the County. He stated that there were things going on around this neighborhood that would be a far greater threat than this request. He stated that this area was reaching a car count level that would attract a lot of attention.

Commissioner Stamper also stated that it seemed as though this proposal was being punished for ills of the past. He stated that Cliff Mings should not be held accountable for the ills of other people. He stated that what the Commission wanted to do was consider whether or not this proposal made sense, was an appropriate land use, would pose traffic congestion, and how it would affect the safety and well-being of the community. He stated that the single exit of the subdivision was of concern as well.

Commissioner Stamper stated however that St Charles Rd would eventually be fronted by commercial property. He stated that with the way that the subdivision was situated in regards to the highway, he wondered about its future as a residential area. He stated that there would probably be a lot of people that would speculate on this property since it was adjacent to the interstate.

Commissioner Stamper stated that they had been researching some of these things in the SMART Growth. He stated that the way this area would be approached in SMART Growth would be to have SMART Growth zoning requiring that it be a blend of commercial and residential in order to have a good mixture of both. He stated that this type of zoning provided some transition between commercial development and the neighborhoods.

Commissioner Stamper stated that he felt that the neighborhood would continue to face these kinds of pressures. He also stated that the neighborhood would continue to face commercial and industrial land uses around them. He stated that the issue however, came back to whether or not this request made sense at the present time.

Commissioner Stamper called Mr. Mings back to respond to a couple of questions that Commissioner Miller had posed earlier.

Cliff Mings stated that he unloaded his delivery trucks right in the center of his business, he stated that if he lost that entrance on Grace Lane, the semi-trucks would have to set out on the street while loading and unloading. He also stated that he allowed Columbia Brick & Tile to load and unload their trucks on his road.

Commissioner Miller stated that if he had a plan, he could find a way for the semi-trucks to stack in the back.

Cliff Mings stated that this would be possible, however he would not be able to allow the brick company to park their trucks on the road. He also stated that this would put him in a bind as well.

Commissioner Miller stated that with 2.29 acres, Mr. Mings could find a way to accommodate what he needed to do.

Cliff Mings stated that what he wanted to do was lease this site out to commercial businesses with the approval of the Boone County Commission.

Commissioner Vogt stated that with this request however, the zoning would not be given until a plan had been submitted to the Planning and Zoning Commission for approval or disapproval. She stated that all of the neighbors would be allowed to come in to speak on the plan. She stated that he could be conditioned not to have access to Grace Lane.

Commissioner Stamper asked if existing access could be taken away.

Stan Shawver stated that you could not restrict access to a public road.

Commissioner Stamper stated that it would not be a good idea to do this anyway because this would make St Charles the only entrance and exit. He stated that with St Charles Rd being an

arterial road, the Commission would want to limit the number access points on an arterial street not put added pressure on it.

Cliff Mings stated that he thought it would do more harm than good because the space for his semi-trucks would be limited.

Commissioner Vogt stated that the traffic was the only big problem that she had with the request.

Cliff Mings stated that he did not feel that it was his semi-trucks that were causing the problem.

Commissioner Stamper asked for the discussion of the Commission.

Commissioner Miller stated that she would rather not approve this request and wait until there was another access to the subdivision. She stated that she was not comfortable approving this request without a plan.

Commissioner Stamper stated that at this point he could not approve this request. He stated however, if there were a plan in the future, he would consider approving commercial requests in this area.

Commissioner Miller stated that she agreed. She stated that some day this area would be commercial and that she would approve this request if the infrastructure could handle it.

Commissioner Vogt moved to deny the request by Clifford L. Mings to rezone from R-S (Single Family Residential) to C-GP (Planned Commercial) of 2.29 acres, more or less, located at 751 N. Grace Ln., Columbia.

Commissioner Miller seconded the motion.

Discussion: Commissioner Vogt stated that she had every intention of a making a motion to approve the request. She stated that she had even told some people earlier that day that this was an appropriate request that fit into the surroundings. However, she stated that there was only one way in and out, and this could cause bigger problems than anyone could imagine.

Commissioner Vogt stated that she felt it would be a detriment to the subdivision to allow any more traffic into the subdivision without another point of access. She stated that if at such time there were another point of access established and Mr. Mings or someone else came in with a request for commercial zoning, then she would vote to approve the request.

Commissioner Miller agreed with Commissioner Vogt's comments.

The motion passed 3-0. **Order 591-98**

Subject: Request by Betty Fountain and Jay and Mary Dix to approve a review plan for Copper Creek Planned Residential Development, located at 7901 E St Charles, Columbia

Stan Shawver stated that this property was located 2 mi east of Columbia on St Charles Rd. He stated that it was zoned agriculture A-2. He stated in 1997, the Planning and Zoning Commission received a request to rezone a 42-acre portion of the property to REC for a recreation center.

Stan Shawver stated that the master plan designated this property as being suitable for residential use. He stated that there were no existing structures on the property.

Stan Shawver stated that the proposal was a 40-lot residential development that would require planned residential development and subdivision approval. He stated that this site was qualified for up to 47 residential dwelling units. He stated that the lot sizes were proposed to be less than the 2.5-acre minimum in the A-2 district. He stated that this resulted in the ability to plat more

lots than would be possible in a conventional subdivision. He stated that the distribution of lots made a (distribution of utilities) central sewer system more feasible.

Stan Shawver stated that six lots have direct access to St Charles Rd. He stated that it would be in the public interest to limit direct access to St Charles Rd from the lots that sit upon it.

Stan Shawver stated that a wastewater treatment system would be located between Fayette Dr and Lot 18. He stated that the developer proposed buffering the treatment facility from the surrounding properties.

Stan Shawver stated that the proposal scored 58 points on the rating system. He stated that staff notified 13 property owners concerning the request. He stated that there was a Planning and Zoning Commission meeting on this request on December 17th. He stated that the Planning and Zoning Commission recommended approval with the conditions that slight horizontal curves be added to Blackwater Dr, direct access to St Charles Rd be prohibited to lots 22, 23, 26, and 1, and a buffering plant to provided with the final development plan. He stated that the recommendation received unanimous support.

Commissioner Stamper asked if there was anyone present that wanted to comment on this request.

Mr. Patchett, surveyor stated that the developer did indicate the he had no opposition to the conditions for the final development plan.

Commissioner Miller wanted to know since there was one entrance, would lots 24 and 25 would still front.

Mr. Patchett stated that this was correct.

Mr. Patchett stated that the requirement for these two lots was that the driveways be 150'.

Commissioner Stamper opened a public hearing and asked if there was anyone wishing to testify on this matter.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve the review plan for Copper Creek Subdivision with the following conditions:

1. Add slight horizontal curves to Blackwater Dr.
2. Prohibit direct access to St Charles Rd from lots 22,23,26, and 1
3. Provide a buffering plan for the wastewater treatment facility

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 592-98**

Subject: Khan's Subdivision

Stan Shawver stated that this was formerly the site of Bloomer's Market in Prathersville. He stated that this was a multi-use plat. He stated that this had originally been platted in three lots that were never recorded due to improvements that needed to be performed.

Stan Shawver stated that Mr. Khan wanted to put a strip development and a convenience center in this area. He stated that it was approved by the Planning and Zoning Commission and was ready to be received and accepted by the Boone County Commission.

Commissioner Miller moved to receive and accept the Khan Subdivision C-G. S19-T49N-R12W. Rafiqul and Soly Khan, owners. It is further ordered that the Presiding Commissioner be hereby authorized to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 593-98**

Subject: Wilson's Corner

Stan Shawver stated that this property was zoned A-2 and located near Christian School Rd. He stated that it was a one-lot subdivision. He stated that the Planning and Zoning Commission had approved the request.

Commissioner Miller moved to receive and accept Wilson's Corner. A-2. S4-T48N-R12W. Mick and Paula Wilson, owners and authorize the Presiding Commissioner to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 594-98**

Subject: Frazier Subdivision

Stan Shawver stated that this was a two-lot subdivision located between I-70 and Hwy 40 off of interstate Rte J. He stated that it was zoned A-2 and that the Planning and Zoning Commission had approved the request.

Commissioner Miller moved to receive and accept Frazier Subdivision A-2. S4-T48N-R14W. Allen, William and Velva Frazier, owners and authorize the Presiding Commissioner to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 595-98**

Subject: Lake of the Woods North

Stan Shawver stated that this was in the same area as the other requests. He stated that this site is currently zoned C-G (General Commercial). He stated that it was being rebuilt as a Texaco station with a small strip development site. He stated that there were also some planned developments that would be bringing in some site plans very soon.

Commissioner Miller asked if this was Putnam's.

Stan Shawver stated that Putnam's was located in this area.

Commissioner Miller asked if this was recreational zoning.

Stan Shawver stated this was general commercial zoning.

Commissioner Vogt moved to receive and accept Lake of the Woods North, C-G. S10-T48N-R14W. Gary Evans, owner, a minor subdivision plat and authorize the Presiding Commissioner to sign said plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 596-98**

Subject: Tract No. 2 Lake Acres Subdivision

Stan Shawver stated that this was a replat. He stated that the vacation and replat was authorized the month before. He stated that this was the replat for the two lots.

Commissioner Vogt moved to receive and accept Tract No. 2 of Lake Acres Subdivision, A-2. S25-T50N-R13W and authorize the Presiding Commissioner to sign said plat.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 597-98**

Commissioner Reports

Commissioner Stamper

Commissioner Stamper stated that Boone County had been attempting to buy a right-of-way for the St Charles Rd project. He stated that the County had been using an appraisal that had been done on the property for a sewer easement acquisition. He stated that he thought that the appraisal had come in at \$2.40 per sq ft.

Commissioner Stamper stated that the staff had been negotiating with the property owners. He stated that the property owners had agreed to accept a proposal of about \$88,000. He stated that staff had been directed to seek another appraisal because the property owner had wanted a right-hand turn lane into the property further down on St Charles Rd that would cost \$4500-4800.

Commissioner Stamper stated that it would be mid-January before the appraisal would come back. He noted that there were several other upcoming factors that might possibly increase the value of the property. He stated that he would like to have permission from the Commission to meet with the property owners in order to try to reach agreement for the \$88,000 before the other factors came into the picture.

Commissioner Miller asked if the right-of-way had to be given with this plat, then why would the Commission buy it.

Commissioner Stamper stated that this would not be platted until right-of-way issue was completed.

Commissioner Miller stated that it had just been platted.

Commissioner Stamper stated that there was another, huge area that was not platted.

Commissioner Miller asked if that area belonged to the property owners in question as well.

Commissioner Stamper stated that it did.

Commissioner Stamper stated that the remaining area would not be platted until the right-of-way issue had been resolved. Commissioner Stamper stated that the County's offer was within \$4,000-5,000 of what the property owners wanted.

Commissioner Vogt stated that he did not have a problem with Commissioner Stamper talking to the property owners.

John Patton stated that the value of the property only goes up once building begins on a given site.

Commissioner Stamper stated that he felt if he were to go back and speak with them, he thought that he could get an agreement at \$88,000.

Commissioner Miller stated that it seemed unfair to pay the amount when the property owners would probably plat the area immediately.

Commissioner Stamper stated that the same thing had happened to the County in the Vawter project.

Commissioner Miller stated that Commissioner Stamper could speak with the property owners, but stated that she would rather wait for the appraisal.

Commissioner Vogt stated that if the County needed to purchase that much property, she did not feel that the County should fight with the property owners over \$4,000-5,000.

Commissioner Stamper stated that he would speak to the property owners and come back to the Commission for any action.

Commissioner Stamper asked Commissioner Miller for an update on the Information Technology Department.

Commissioner Miller stated that she had requested that there be a meeting between the Commission and the supervisors in Information Technology.

Commissioner Stamper asked how many supervisors there were in IT.

Commissioner Miller stated that there were 4 supervisors.

Commissioner Stamper asked about obtaining a new IT Director.

Commissioner Miller stated that advertising for the position would begin after the new year in order to save on advertising.

Commissioner Stamper asked if consideration had been given to offering the job to the previous candidates for the position.

Commissioner Miller stated that they would be included in the posting, but since the County was an affirmative action employer (and this position was for a department head), the County would be putting the posting out publicly again.

Commissioner Stamper stated that there was also a vacant clerical position.

Commissioner Miller stated that the interviews were over and the clerical person would be selected on the following day.

Commissioner Vogt asked who would make the decision.

Commissioner Miller stated that Kay Murray and June Pitchford (along with the IT Staff) had been helping with the interviewing.

Commissioner Stamper asked how many people had been interviewed.

Commissioner Miller stated that initially there were six people. Two of the candidates received other jobs before they were interviewed.

Commissioner Vogt clarified that Kay Murray and June Pitchford had been participating in the interview process and asked Commissioner Miller whom they would bring a name back to for final selection.

Commissioner Miller stated that she would make the final selection.

Commissioner Miller stated that she could bring the selection back to the Commission for final approval if necessary.

Commissioner Vogt stated that she was not sure that Commissioner Miller wanted to take on all of the responsibility for what was going on in the IT department.

Commissioner Miller stated that this was why she had wanted to schedule a meeting with the Commission.

Commissioner Stamper stated that typically an Interim Director was appointed. He wanted to know why this had not been done in this instance.

Commissioner Miller stated that she did not want to give any of the supervisors a higher level than the others.

Commissioner Stamper asked John Patton if he had heard anything in writing from Tom Schneider.

John Patton stated that he had not.

Commissioner Stamper asked if he knew when Tom Schneider would be back.

John Patton stated that classes began on the following Monday (and Tom Schneider has children in school), therefore he would probably be back pretty soon.

Commissioner Stamper stated that an agreement needed to be worked out between the Trustee and Boone County.

John Patton stated that he had a communication with Bunky Wright. He stated that Mr. Wright had stated that he did not believe that Tom Schneider had received any direction from the board.

Commissioner Stamper stated that at the last meeting the board had given Tom Schneider specific direction. He stated that the County should wait to hear that direction. However, he stated that the County should not wait too long.

Commissioner Stamper stated that there was some question about a phrase in the agreement referring to "material involvement." He stated that the County should come to a date (for a final response) and then proceed from that point.

Commissioner Vogt

Commissioner Vogt stated that this was a part of her report as well. She stated that she would be attending a meeting along with John Patton, Kay Murray, and June Pitchford to look at some questions that June Pitchford had from the accounting.

Commissioner Vogt wanted to know if it would be of detriment or benefit, since the Commission had already determined that there be public members on the new board (for the new Corporation), to go ahead and appoint a portion of the board.

Commissioner Stamper asked Commissioner Vogt to give him some idea of how perspective board members would be solicited.

Commissioner Vogt stated that maybe there should be some criteria for serving on this board. She stated that people should apply and that the Commission should interview all applicants.

Commissioner Miller stated that there should be an application process. She also stated that one of the members should be someone (or have someone) in the nursing home itself. She stated that this gives a totally different perspective.

Commissioner Vogt stated that this is difficult to do. She cited the example of the Mental Health Board's specification that one member of the board be a doctor.

Commissioner Stamper stated that there had been discussion on whether a board member should bring skilled expertise or if they should be a layperson. He stated that there was a preference that some expertise be brought to the table. He stated that it should be posted in order to show the Commission's interest and seriousness.

Commissioner Vogt stated that she could direct the staff to post them.

Commissioner Miller asked how the term would be set.

Commissioner Stamper stated that the terms would be staggered.

Commissioner Miller

Commissioner Miller stated that she had spoken to the City Clerk of Rocheport about the \$13,000 grant that was still outstanding. She stated that they requested that the Boone County Commission consider allowing the city to transfer the use of the funds to City Hall vs. the Community Center. She stated that they received a lot of grants and did not need the money for the Community Center anymore. However, there was an ADA need in City Hall that they could use the money on.

Commissioner Stamper stated that they could bring their request before the Commission.

Commissioner Miller also stated that the IT department needed to purchase two fireproof file cabinets to be placed at the Centralia Clinic for an off-site location in case of a fire or explosion etc.

Commissioner Stamper asked if the fire suppression system in the department would not accomplish this goal.

Commissioner Miller stated that the tapes were in all different locations, etc.

Commissioner Miller stated that it would cost under \$2,000.

Commissioner Miller moved to authorize the Information Technology department to spend unencumbered Class 9 up to \$2,000 for two fire-proof file cabinets.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 598-98**

There was no public comment.

The meeting was adjourned at 9:30p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner