

TERM OF COMMISSION: October Session of the October 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
Deputy County Clerk Kerry Patton

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

Little League World Series Proclamation

Commissioner Schnarre read the following proclamation for our “Hometown Heroes”

WHEREAS, the Daniel Boone National Little League All-Stars played their first game together in Mid-July, they went on to become District, State and Midwest Regional Champions, and;

WHEREAS, as Midwest Regional Champions, the Daniel Boone National Little League All-Stars were honored to become the first Boone County team and only the second team in the state to reach the Little League World series, and;

WHEREAS, Manager Jeff Echelmeier and Coach Dan Clapp could never be more proud than when their All-Star team took the field on July 14, 2006, in Williamsport, PA; and

WHEREAS, Citizens locally were following the All-Stars team with as much excitement as the Kansas City Royals and St. Louis Cardinals World Series match, and;

WHEREAS, Congratulations are in order to our “Hometown Hero’s”, the team consisting of Jeffrey Ausmus, Beau Burkett, Landon Clapp, Nick de Jong, Will Echelmeier, Gus Jackson, Carter Marcks, John Osborne, Ryan Phillips, Ryan Schmidt, and Ford Zitsch; and

THEREFORE the Boone County Commission does hereby proclaim October as the month for “Hometown Heroes” in Boone County and urge all citizens to congratulate the Daniel Boone National Little League All Stars for the finest year ever in youth baseball sports.

In testimony thereof, we have hereunto set our hand and caused to be affixed the Great Seal of the County of Boone, in the city of Columbia, this 2nd day of October, 2006.

1. Planning and Zoning

A. Request by Robert Kinkead on behalf of Anthony Holmes to rezone 4700 W. Gibbs Rd, Columbia

Mr. Shawver reported the property is located on Gibbs Road approximately 500-feet north of the intersection with I-70 Drive NW. It is currently occupied by a structure that was built as a single family dwelling but is currently being used as a duplex. The purchaser proposes a rezoning to CG-P with a review plan that would allow conversion of the basement to office space. Their intent is to operate a graphic design company. The upper floor would remain residential, which would require a conditional use permit after the rezoning is granted. The current zoning of the property is Moderate Density Residential, R-M. Adjacent zoning to the north is A-R and R-M, to the east, south and west is R-M. There have been no previous zoning requests on behalf of this property.

The Master Plan designates this property as suitable for residential land use. The Plan also identifies 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: The property is located in the City of Columbia water service area but Consolidated Public Water District Number 1 provides water service to the property through an existing 2-inch water line. The existing water line is capable of providing domestic service but cannot provide fire flow.

The existing home uses and on-site wastewater system for sewage disposal. The system will need to be upgraded in order to provide the sewage disposal needs of the proposed use. There is no central sewer currently available to the site. A note on the plan indicates that a wastewater design by a licensed professional engineer will be submitted to the Health Department for review and approval.

Transportation: The property has frontage on and direct access to Gibbs Road. Traffic impact of the proposed development should be minimal due to the low intensity of the proposed commercial use. However, other office uses could be more intensive in which case impact to the road system could be significant.

Public Safety Services: There is no indication that public safety services are not readily available to the property. The Boone County Fire Protection District has submitted

comments indicating approval subject to the condition that fire flow requirements for the use group are met. The District has verbally commented that this means that the addition of any additional structures or enlargement of the existing structure will require fire flow, but the proposed use in the existing building does not.

Zoning Analysis:

There is adequate land in the vicinity of the subject property that is currently zoned to allow the requested uses. There is over 100-acres of vacant commercial property at Midway, which is less than 2-miles west of this site; adequate office space should be able to be found at several locations in the City of Columbia. There does not appear to be any characteristics, unique to this property or use that requires the business to be located at this property.

The impact of the rezoning request, combined with a low impact office use, to the immediate neighborhood could be positive. When adequate utilities are provided the current zoning would allow 94 multiple family dwelling units. The proposed Planned General Commercial would allow the County greater oversight over the type and intensity of development that could occur on the property. However, if a more intensive office use were to move into the building after the rezoning is granted the impact to utilities and the neighborhood could be substantial

Review Plan:

The proposed uses are required to be titled ALLOWED USES. The plan will need to be amended to reflect this.

The property scored 73 points on the rating system. 30 property owners were notified of this request.

The sufficiency of resources test supports the requested rezoning for the proposed use. However, staff has concerns that other commercial office uses could be of such a high intensity that there would be significant impact on the public infrastructure and the residential uses in the neighborhood.

Staff recommends denial of the rezoning and review plan. If the Commission chooses to approve the request, staff recommends the following conditions:

1. The upper floors of the structure shall remain in residential use.
2. The proposed uses shall be relabeled as ALLOWED USES on the review plan.
3. No additional structures can be built on the site and the current structure cannot be enlarged until fire flow is available to the property.
4. Since the applicant did not propose any freestanding signs, no such signs are allowed.

Commissioner Schnarre asked the applicants to come forward.

Marjorie Lewis, Attorney 601 E Broadway Columbia

Ms. Lewis presented a power point presentation regarding the request for revision and was available for questions. Her main points are as follows:

- Proposed use is less intense than currently allowed R-M uses
- Proposed zoning would allow greater County oversight over the type and intensity of the development
- Staff agrees that low impact office use could be beneficial but is concerned about high impact office use
- Owners will agree to restriction:
 - Will comply with the Home Occupation definition modified to allow a maximum of 8 employees who are not member of the immediate family residing on the premises
 - Hours limited to 7:30 am to 5:30pm
 - No free-standing signs
 - Office use in basement only, with upper floors to remain residential
 - No additional structures will be build except for the garage
 - The current house will not be enlarged
- Other commercial uses are in close proximity and intended use would create a buffer between high impact uses in the R-M and industrial zoning and the R-S zoning to the north
- The proposed zoning is actually a ‘down-zoning’ and is in keeping with the CATSO plan
- The zoning ordinances allow the County Commission to implores conditions on the uses
- The County will have another opportunity to review this matter when the conditional use permit application is made. Conditions to use can be restated.

Mr. Anthony Holmes 1745 N. Chapman Lane, Columbia

Mr. Holmes explained the reason he wants to rezone is to be able to see his business grow but not at the expense of his family. He and his wife enjoy the advantages and flexibility of having their business in the same house where they live. The benefits they will receive by rezoning greatly out weigh any potential devaluation of their property.

Dan Brush, Surveyor Columbia, Mo

Mr. Brush said the review plan took special care not to disturb the site. They will add 1500 sq. ft of parking, but will not be seen by Gibbs road.

Commissioner Schnarre asked if anyone was in favor to please come forward.

George Garner 4701 W. Gibbs Road, Columbia

Mr. Garner stated as a property owner to the west of this property he is in favor of this project.

Bob Kincaid 13931 N. Rt. J Harrisburg, Mo

Mr. Kincaid said he did not want to see any duplexes on the property. He thought this would work better in their neighborhood.

David Elledge, 1700 Chapman Lane

Mr. Elledge explained Chapman Lane is very narrow. He would like to know how it will be maintained. His concern is for the future if the rezoning occurs.

Commissioner Schnarre asked if anyone was in opposition.

Michael Smith, 4301 Gibbs Columbia

Mr. Smith explained he is not in opposition to what Mr. Holmes would like to do. Gibbs road is getting to much traffic now. His concern is if Mr. Holmes sells his property.

Commissioner Schnarre closed public hearing.

Commissioner Miller verified the parking lot would be dust free and the restrooms would be ADA.

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the request by Robert Kinkead on behalf of Anthony Holmes to rezone from R-M (Moderate Density Residential) to C-GP (Planned Commercial) on 5.27 acres, more or less, located at 4700 W. Gibbs Rd, Columbia.

Commissioner Elkin seconded the motion.

The motion passed 3-0 **Order 395-2006**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the request by Robert Kinkead on behalf of Anthony Holmes to approve a Review Plan for Maximum Media Planned Commercial Development on 5.27 acres, more or less, located at 4700 W. Gibbs Rd, Columbia with the following conditions

- The upper floors of the structure shall remain in residential use.
- The proposed uses shall be relabeled as ALLOWED USES on the review plan.
- No additional structures can be built on the site and the current structure cannot be enlarged until fire flow is available to the property.

- Since the applicant did not propose any freestanding signs, no such signs are allowed.
- Hours of operation 7:30 a.m. – 5:30 p.m.

B. Lynn Hooper petition to vacate public road

Ms. Hooper explained she owns property on both sides of a lane and would like to combine those lots to create one large one in order to build a garage.

She contacted her neighbors and did not come upon any opposition.

Mr. Shawver said if this was vacated it would still have to be re-plated into one lot. The road would also have to be brought up to County standards.

Mr. Shawver would like to meet with the petitioner and see if there is another solution which would not cost the applicant as much.

There was no public comment.

Commissioner Schnarre explained this was a first reading and the Commission will give the applicant time to work with Planning and Zoning. This will be brought back up at the next adjourned term.

3. There were no Commissioner Reports

4. There was no Public Comment.

The meeting adjourned at 8:20 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner