

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Director of Planning & Building Stan Shawver
Planning & Building Planner Uriah Mach
Deputy County Clerk Kristina Johnson

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

Planning and Zoning

1. **Request by S. Diane Heuer to rezone 2.90 acres C-GP (Planned Commercial) and 1.79 acres A-2 (Agriculture) to M-LP (Planned Industrial) and to approve a Review Plan on a total of 4.69 acres, more or less, located at 16827 N. Old Hwy 63 North, Sturgeon.**

a. Rezone

Mr. Mach stated the minutes for the Planning and Zoning Commission meeting of the August 19, 2010 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on Old Highway 63 North, approximately six miles to the west of Hallsville, just south of the intersection of Bill Lawrence Road and Breedlove with Highway 63. The applicant requests the rezoning of 4.68 acres of property to M-LP (Planned Light Industrial). The subject tract is currently split-zoned, with 2.89 acres zoned C-GP (Planned General Commercial), and 1.79 acres zoned A-2 (Agriculture). The original use of the property was for a horse stable operation, but upon purchase by the applicant, the current use as an insulation business was put into place. The C-GP was created in May of 1997 by the current applicant to legitimize the insulation business. The plan was partially revised in June of 2004 to include the office, but that revision was never finalized.

The applicant now wishes to construct a new rig storage building on the western side of the property. The proposed building would cross the western property line of the current platted lot, but that lot has been vacated, and is expected to be replatted after the approval of this rezoning request and review plan. The current C-GP zoning of the property was granted in 1997 as a best-fit for the use. Since that time, the use has expanded, and it is now considered more appropriate to be zoned M-LP.

Currently, there is an office structure and four warehouse storage structures on the site. A fifth

structure is proposed by this plan on the west side of the property. The applicant has requested the following uses: contractor's lot & storage barns, agricultural activity, wholesale establishment or warehouse (including self-storage mini-warehouses), office building, display and salesroom, and retail store. The proposal scored 25 points on the point rating system.

The Master Plan designates this property as suitable for agricultural and rural residential land uses. 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 necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: This property is served by a Public Water Service District #10 2" line for water, Boone Electric Cooperative for electrical service, and will use an on-site wastewater system regulated by the Columbia/Boone County Health Department.

Transportation: This property has direct access on to Old Highway 63 North, a county-maintained road.

Public Safety: The property is in the Boone County Fire Protection District. The closest fire stations are located approximately 6 miles from this site in Hallsville or Sturgeon.

Zoning Analysis: The current proposal is the most appropriate step to expand existing activity on this site. The phasing plan for paving the required parking spaces and drive access is satisfactory to the planning department and the applicant and the expansion of the area being rezoned provides for a substantial amount of property to allow for future development. Had this site been a greenfield development, the zoning proposed would be completely inappropriate. However, as an expansion of an approved zoning, this request is appropriate. Staff's only issue is with the retail store, office building, and display & showroom uses listed. The current site is insufficiently served by utilities to function as any of those uses standing alone. However, as accessory uses to the contractor's lot & storage yard, wholesale establishment (including self-storage mini-warehouses), and agricultural activity, they are acceptable.

Staff recommended approval of the rezoning request and the Review Plan with the following conditions:

- 1) That the retail store, office building, and display & showroom uses be noted as accessory or incidental to the other approved uses and not be expanded beyond current levels.
- 2) That any development/construction on this property be in compliance with the requirements of the Boone County Fire Protection District.

The Planning and Zoning Commission conducted a public hearing on this request during their August 19, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning

request be approved. That motion received unanimous support. That motion was approved. Next, a motion was made to recommend that the Review Plan be approved with the suggested conditions. That motion was also approved.

Commissioner Miller inquired as to why the office was proposed in 2004 and never followed through with the final review plan.

Mr. Mach stated a review plan was submitted but there was no final plan so as a result this just kind of sat and died over time.

Mr. Shawver stated they are still covered by the existing approved plan in 1997; this was just an expansion of use. The way the regulations are set up, unless the County Commission puts different conditions on it the final plan is just approved by the signature of the Chairperson and the Secretary of the Planning and Zoning Commission. This is an administrative thing.

Commissioner Pearson opened the hearing on this item.

S. Diane Heuer stated she lived at 16821 Old Hwy 63 N. Ms. Heuer stated they are trying to put up another warehouse to hold all the trucks that they have sitting outside. The original one that they put up is not tall enough to fit the tall trucks. Ms. Heuer stated this is really all that they are trying to do is get the trucks out of the snow and ice and weather.

Commissioner Pearson stated so it is important to keep the trucks out of the weather because of the equipment on the trucks.

Ms. Heuer stated yes, they spend a lot of time chipping ice and defrosting. This is all they really want to do. Plus it is not the prettiest thing and they are right outside her back door.

Commissioner Pearson stated he has a question over the first condition that staff recommended. "The retail store office building display and show room uses be noted as accessory and incidental to the other approved uses and not expanded beyond current level." This means that what you have now is what you get. Commissioner Pearson asked Ms. Heuer if that is going to be okay.

Ms. Heuer stated yes.

There was no one else present to testify over this item.

Commissioner Pearson closed the hearing over this item.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the request of S. Diane Heuer to rezone 2.90 acres C-GP (Planned Commercial) and 1.79 acres A-2 (Agriculture) to M-LP (Planned Industrial) on a total of 4.69 acres, more or less, located at 16827 N. Old Hwy 63 North, Sturgeon.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 413-2010**

b. Review Plan

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request of **S. Diane Heuer** for a Review Plan For Nemow Subdivision on a total of 4.69 acres, located at 16827 N. Old Hwy 63 North, Sturgeon **with the following conditions:**

1. That the retail store, office building, and display & showroom uses be noted as accessory or incidental to the other approved uses and not be expanded beyond current levels.
2. That any development/construction on this property be in compliance with the requirements of the Boone County Fire Protection District.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 414-2010**

2. **Request by David and Kimberly Westhoff to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) and approve a Review Plan on 18.02 acres, located at 15900 S. Hawkins Rd., Ashland.**

a. Rezone

Mr. Mach stated the subject property is located on Hawkins Road, south of State Route Y, approximately 2 ½ miles to the east of Ashland. The applicant is requesting a rezoning from A-1(Agriculture) to A-2P(Planned Agriculture) for purposes of dividing the property. The subject property is approximately 18 acres in size, and the proposed plan will allow it to be split into two tracts, one at 9.28 acres, and the other at 8.75 acres in size. The surrounding properties are all zoned A-1, and it is all original 1973 zoning.

Currently, there is a house, a shed, and a barn located on this property. If the rezoning and review plan are approved, a minor subdivision plat will follow with the final plan. That plat will create the two lots, with the house and shed on the larger lot, and the barn on the smaller lot. The property scored 32 points on the rating system.

The Master Plan designates this property as suitable for agricultural and rural residential land uses. 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 necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: This property is served by a Consolidated Public Water Service District #1 3" line for water, Boone Electric Cooperative for electrical service, and uses an on-site wastewater system regulated by the Columbia/Boone County Health Department for the existing house, and a house on the new lot will also use an on-site system.

Transportation: This property has direct access on to Hawkins Road, a county-maintained road.

Public Safety: The property is in the Southern Boone County Fire Protection District. The closest fire station is approximately three miles to the west in Ashland.

Zoning Analysis: This proposal allows the applicant to create a new lot while still preserving the overall feel of the surrounding properties. While the A-1 zoning has a 10 acre minimum lot size, many lots along Hawkins Road, which are zoned A-1, are in the 5 to 8 acre range in size. The property immediately to the north of the subject tract is 3 acres in size, and the properties immediately opposite the subject tract range in size from 5 acres to nearly 7 acres. This rezoning is consistent with many of the lot sizes along Hawkins Road.

Staff recommended approval of this request.

The Planning and Zoning Commission conducted a public hearing on this request during their August 19, 2010 meeting. There were 9 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning request be approved. That motion received unanimous support. That motion was approved. Next, a motion was made to recommend that the Review Plan be

Commissioner Miller asked Mr. Shawver how all the A-1 tracts in this area became less than ten acres?

Mr. Shawver stated the dividing line between A-1 and A-2 is a section line which is Rangeline. Mr. Shawver stated the one across the road was granted a variance from the Board of Adjustment on the minimum lot size back in 1977.

Commissioner Miller stated she was just curious.

Commissioner Elkin stated so this is just where the A-1, A-2 boundary was placed.

Mr. Shawver stated yes. The plat books around this time were really difficult to read and had some interesting legal terminology in them which only made this area more confusing.

David Westhoff stated he lived at 15900 S. in Ashland MO. Mr. Westhoff stated that he owns a little over eighteen acres and he would like to split it pretty much down the middle. Mr.

Westhoff stated that on one of the halves there are about three major ravines that do not tend to lend itself towards agricultural use but there is one good building spot on the north side.

There was no one else present to testify about this item.

Commissioner Pearson closed there hearing over this item.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by David and Kimberly Westhoff to rezone from A-1 (Agriculture) to A-2P (Planned Agriculture) on 18.02 acres, located at 15900 S. Hawkins Rd., Ashland.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 415-2010**

b. Review Plan

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by **David** and **Kimberly Westhoff** for a Review Plan on 18.02 acres, located at 15900 S. Hawkins Rd., Ashland.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 416-2010**

3. Approve a Final Plan for Rost Landscaping on 1.70 acres, more or less, located at 2450 N. Trails West Ave., Columbia.

Mr. Shawver stated the review plan and the rezoning request were considered a year ago tomorrow. This final development plan is now complete and we are ready to proceed.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the Final Plan for Rost Landscaping as submitted by Timothy and Toby Rost on 1.70 acres, more or less, located at 2450 N. Trails West Ave., Columbia.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 417-2010**

4. **Approve a Final Plan for Rock Bridge Animal Hospital on .44 acres, more or less, located at 5095 S. Providence Rd., Columbia.**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the Final Plan for Rock Bridge Animal Hospital as submitted by Forbes Realty LLC on .44 acres, more or less, located at 5095 S. Providence Rd., Columbia.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 418-2010**

Mr. Shawver stated there was some discussion over bringing information forward to the Commission over preliminary plats when they are received and Planning and Zoning approved a preliminary plat at Somerset Village. This is the property immediately west of the Columbia High School. This is a 156 acre plat. The main purpose of this plat is the access road into the school. This will come back under some type of phase.

Purchasing

5. **Surplus: Fixed Asset Tag 14005 Digital Recording System from Commission Order 126-2009 (second reading, first read on 8/26/2010)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Zim Schwartze, the Director of Public Safety, to retain the Digital Recording System Fixed Asset Tab 14005, listed as surplus in Commission Order 126-2009, to use as a backup recorder for the Public Safety Joint Communications Office.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 419-2010**

Sheriff's Department

6. **Budget Revision for MDT Hardware (second reading, first read on 8/26/2010)**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to purchase 4 spare MDT's and one Adobe software license:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2901	92300	Sheriff Op – LE sales tax	Repl. Mach & Equip	1,175.00	
2901	91301	Sheriff Op – LE sales tax	Computer Hardware		1,000.00
2901	91302	Sheriff Op – LE sales tax	Computer Software		175.00

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 420-2010**

7. Budget Revision for MDT Hardware monthly maintenance (second reading, first read on 8/26/2010)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision for MDT Hardware monthly maintenance:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2900	86800	LE sales tax	Emergency	3,804.00	
2901	60050	LE sales tax – Sheriff	Equip Serv Cont		3,804.00

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 421-2010**

8. Budget Revision to budget unused funds from savings account for final project of the JAG Recovery Act Grant (second reading, first read on 8/26/2010)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to rebudget unused funds from savings to actual accounts for final project of this grant:

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1259	48000	Sheriff's Grants	Telephones	72.00	
1259	60250	Sheriff's Grants	Equip Installation		2,150.00
1259	91300	Sheriff's Grants	Machinery & Equip	17,318.00	
1259	91301	Sheriff's Grants	Computer Hardware		11,303.00
1259	91302	Sheriff's Grants	Computer Software		3,939.00
1259	70050	Sheriff's Grants	Software Svc Contra	2.00	

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 422-2010**

Commission

9. Approve the contract with Scroggs Architecture P.C. for Generator & Transformer Gate Enclosure (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the contract between Boone County, Missouri, and Scroggs Architecture P.C. for the Boone County Government Center – Generator & Transformer Gate Enclosure in the amount Not To Exceed \$1,200.00. It is further ordered the Presiding Commissioner is hereby authorized to sign said agreement.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 423-2010**

10. Appointments/ reappointments (first and second reading)

- a. Deborah K Schnedler to the Regional Sewer District**
- b. James Pounds to the Building Code Commission**
- c. Ralph W. Pickett to the Building Code Commission**
- d. Jean M. Sax to the Board of Health**
- e. Gregory W. Miller to the Energy & Environment Commission**

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby appoint/ reappoint the following:

Name	Board	Period
Jean M. Sax	Board of Health	Effective: 8/31/2010 Expires: 8/30/2013
Ralph W. Pickett	Building Code Commission	Effective 8/31/2010 Expires: 8/30/2012
James Pounds	Building Code Commission	Effective 8/31/2010 Expires: 8/30/2012
Deborah K. Schnedler	Regional Sewer District	Effective 8/31/2010 Expires: 8/30/2015
Gregory W. Miller	Energy & Environment Commission	Effective 8/31/2010 Expires: 1/31/2012
James E. Matteson	Road & Bridge Advisory Committee	Effective 8/31/2010 Expires: 5/31/2013

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 424-2010**

11. Approve the Organizational Use of the County Courtyard by the Foundation of the Higher Good (first and second reading)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Courtyard Square by the Foundation of the Higher Good on October 29th from 4:00 pm to 11:00 pm for a cultural concert with Javier Mendoza.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 425-2010**

12. Approve the Organizational Use of Boone County Facilities by the Youth Community Coalition (first and second reading)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby approve the organizational use of the Boone County Facilities by the Youth Community Coalition on October 16th from 9:00 am to 12:00 pm for a youth community service event.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion carried 3 to 0. **Order # 426-2010**

13. Public Comment

14. Commissioner Reports

The meeting adjourned at 2:55 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Kenneth M. Pearson
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner