

TERM OF COMMISSION: May Session of the April 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. Planning and Zoning**

Stan Shawver, Planning and Zoning was present on behalf of these items

**A. Request by Boone County Fire Protection District on behalf of Verizon Wireless for a structure exceeding 100 feet in height (proposed height of 166') in the M-LP district, on 2.4 acres located at 5881 S Highway 63, Columbia.**

Mr. Shawver reported the property is approximately ¼ mile south of the City of Columbia. The property is zoned M-LP (Planned Light Industrial). This property has adjacent C-G (General Commercial) zoning to the south and west, with R-M (Residential Moderate Density) and additional C-G to the north and east, across Highway 63. The property was rezoned to M-LP in 1998. The surrounding zonings are all original 1973 zonings. Its current use is as Station #15 for the Boone County Fire Protection District.

This conditional use permit is to allow for an exception to the height limits as described in Section 9.B (2). The maximum height limit of the M-LP zoning district is 45 feet. Under the previously mentioned section of the zoning ordinance, buildings and structures, when permitted in the district, may be erected to such height as may be authorized by a Conditional Use Permit obtained in accordance with the provisions of Section 15.A. The structure requested, a tower associated with a transmission facility, is permitted in the M-LP zoning district. As described in the application, the tower is to be built to a height of 166 feet. A 1,128 square foot lease area is described in the plans submitted with the application. This area is located along the exterior of the primary structure's southwestern wall. It is described on page A02 of the proposed tower site plans included in the application.

The property is located inside the Columbia C-1 school district and the Boone County Fire

Protection District. The Master Plan describes this area as being suitable for agricultural and residential land use. Staff notified 16 property owners about this request.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(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 subject site is within a primarily commercial and industrial area. The height exception will not impact the surrounding property to a greater extent than the existing uses. Public testimony may be indicative as to whether this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

This application is for a tall structure in an M-LP district, along with the existing and commercial uses extant in the area, staff does not believe that property values will be affected. Public testimony may differ.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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. The areas surrounding the proposal are already developed; additional development in the area is really redevelopment and the current proposal should not impede or be detrimental to redevelopment or to the area in general.

(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 is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

(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 use is consistent with possible uses of M-LP zoning. However, the Final Development Plan that dictates use and layout of the property must be revised to include the transmission tower use. New review and final plans must be submitted and approved to comply with Boone County's zoning and subdivision regulations before construction of this new tower can begin.

This conditional use permit allows the construction of a structure with a height of 166'. Based on the application materials, the identified location can support a 170' structure and maintain sufficient setbacks as described by the Height Regulations in Section 9.

Staff recommends approval of this conditional use permit, with the following conditions:

- 1) That the structure be set back from the yard lines at least 145 feet, as per the regulations in the Boone County Zoning Ordinance, Section 9.
- 2) That a new review plan and final plan be submitted for approval by the Planning & Zoning Commission and the County Commission. Construction of the structure shall not commence until the Revised Final Plan is recorded.

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the request by Boone County Fire Protection District on behalf of Verizon Wireless for a structure exceeding 100 feet in height (proposed height of 166') in the M-LP district, on 2.4 acres located at 5881 S Highway 63, Columbia with the following conditions

- That the structure be set back from the yard lines at least 145 feet, as per the regulations in the Boone County Zoning Ordinance, Section 9.
- That a new review plan and final plan be submitted for approval by the Planning & Zoning Commission and the County Commission. Construction of the structure shall not commence until the Revised Final Plan is recorded.
- No lighting on the tower is allowed.

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 212-2006**

**B. Request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and to approve a review plan on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia.**

Mr. Shawver reported This site is located approximately 3 miles east of the city of Columbia, on State Route Z between Mexico Gravel Road and St. Charles Road. It consists of 26.89 acres currently zoned A-1 (Agriculture). It is surrounded by A-1 zoning. Currently, there is one house on the property. In 2000, the applicants requested that 38 acres be rezoned to A-2 (Agriculture). That request was denied. Subsequently, the applicant created a 10 acre parcel for family transfer to his daughter so that she could build a house. The site is located in Public Water Service District #9 and Boone Electric service areas. It scored 42 points on our point rating system.

The applicants are requesting a rezoning to A-1P and approval of a review plan and subdivision plat. The review plan and subdivision plat show the creation of two lots, one of 22.94 acres, the other of 3.58 acres. If the rezoning is approved, the applicants intend to transfer the 3.58 acre lot to their daughter, who intends use it as a residential building site. Staff notified 20 property owners about this request.

The Master Plan designates this property as suitable for residential land use. 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: Public water is provided by Public Water District Number 9. The existing infrastructure is capable of providing domestic service and fire protection. Boone Electric can provide sufficient electric service to the site. For residential use, an on-site wastewater system has been proposed. At this time, the City/County Health Department has expressed interest in knowing where the building site on the 3.58 acre tract will be located and where the on-site system will be placed. The City/County Health Department wants this information to confirm that the on-site system will be able to meet current Health Department regulations.

Transportation: Access to the site is by State Route Z, which gives close access to I-70, Mexico Gravel Road, and St. Charles Road. The proximity to the I-70/State Route Z interchange presents an effective road system that will not be affected by this rezoning.

Public Safety: The nearest fire station is in Columbia, approximately three miles away. The existing road network provides ready access for emergency service providers.

This site is located in an area where the majority of the surrounding tracts conform to the A-1 zoning of 10 acres or more per lot. The neighborhood’s A-1 density is maintained by the A-1P. This rezoning does create a lot on a similar scale as those to the south in the A-R (Agriculture-Residential) zoned areas. However, the A-1P impacts on the nature of the neighborhood by this rezoning can best be assessed by public testimony.

Based upon the existing adjacent zoning and the suggestion of the master plan that this site is suitable for residential land uses, staff recommends approval of this request with the following conditions:

- 1) That the final plat for this property will not be recorded until the final plan is approved by the County Commission.
- 2) That the final plat for this property will not be recorded until a wastewater plan has been reviewed and approved by the City/County Health Department.

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the request by Allen and Judy Ronnebaum to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia.

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 213-2006**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the request by Allen and Judy Ronnebaum to approve a review plan on 26.89 acres, more or less, located at 3125 N Rte Z, Columbia, with the following conditions:

1. That the final plat for this property will not be recorded until the final plan is approved by the County Commission.
2. That the final plat for this property will not be recorded until a wastewater plan has been reviewed and approved by the City/County Health Department.

Commissioner Miller seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 214-2006**

**C. Country Farms Plat 3. S33-T48N-R13W. R-S. Elias & Elias LLC, owner. J. Daniel Brush, surveyor.**

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

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 215-2006**

## **2. Purchasing**

### **A. Second Reading 36-09MAY06 Parking Lot Access System**

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby award Bid 36-09MAY06 Parking Lot Access System to Will Electronics. It is further ordered that the Presiding Commissioner be hereby authorized to sign said contract.

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 216-2006**

### **B. Second Reading 3-041209 Backhoes**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby authorize the use of the Department of Transportation's Cooperative Agreement 3-041209 for Backhoes. It is further ordered that the Presiding Commissioner be hereby authorized to sign said agreement.

Commissioner Miller seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 217-2006**

### **C. Second Reading 33-04MAY06 2006 Chip and Seal Projects**

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby award Bid 33-04MAY06, 2006 Chip and Seal Projects to APAC-Missouri Inc. It is further ordered that the Presiding Commissioner be hereby authorized to sign said contract.

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 218-2006**

### **D. Second Reading 34-04MAY06 Micro Surfacing Application**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby award Bid 34-04MAY06 Micro Surfacing Projects to Missouri Petroleum Products Company LLC. 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.

The motion passed 3-0 **Order 219-2006**

**E. Second Reading 35-04MAY06 Schooler Road Paving Improvements**

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby award Bid 35-04MAY06 Schooler Road Paving Improvements to Christensen Construction. It is further ordered that the Presiding Commissioner be hereby authorized to sign said contract.

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 220-2006**

**F. Second Reading 31-04MAY06 Martin Lane and Crump Lane Paving Improvements**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby award Bid 31-04MAY06 Martin Lane and Crum Lane Paving Improvements to Christensen Construction. 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.

The motion passed 3-0 **Order 221-2006**

**G. Second Reading 10-02MAR06 Digital Photocopiers**

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby award Bid 10-02MAR06 Digital Photocopiers to Ikon Office Solutions. 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.

The motion passed 3-0 **Order 222-2006**

**H. Second Reading 32-04MAY06 Asphalt Overlay**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby award Bid 32-04MAY06 Asphalt Overlay and Roadway Drainage Improvements to Christensen Construction. 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.

The motion passed 3-0 **Order 223-2006**

**I. First Reading 47-19MAY06 AC Project - IT Department**

The Bid for the AC Project for the IT Server Room closed on May 19, 2006. Three bids were received. Purchasing and the Facilities Maintenance department recommend award to Air Systems for submitting the low bid.

Total cost of contract is \$38,435.00 with a 10% contingency of \$3,843.50 for a total Purchase Order amount of \$42,278.50 pending final approval of a budget amendment. This contract will be paid out of department 6200 – Capital Repairs and Replacements, account number 60110 – Major Building Repairs/Replacements. The original budget was \$29,500.00.

There was no discussion and no public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for approval.

**3. Public Works - Second Reading Sunrise Estates Drainage Improvement Project**

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the proposal for Consultant Services with Allstate Consultants, P.C. for the Sunrise Estates-Pavement and Drainage Improvement Project. It is further ordered that the Presiding Commissioner be hereby authorized to sign said agreement.

Commissioner Miller seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 224-2006**

**4. Budget Amendment/ Revision**

A. Second Reading for Collector’s Office on Operating Transfer

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the following budget amendment to move excess funds from tax maintenance fund.

<b>Department Account/Title</b>	<b>Amount of Increase</b>
2110-83917 Collector Tax Maint	\$13,867.00
1190-03917 Non Departmental Operating Transfer In	\$13,867.00

Commissioner Miller seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 225-2006**

**B. Second Reading for Auditor’s Office on Work Comp Pool**

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the following budget amendment for the pool position establishing worker’s compensation fund.

<b>Department Account/Title</b>	<b>Amount of Increase</b>
6020-10100 Workers Comp	\$10,000.00

Commissioner Elkin seconded the motion

There was no discussion and no public comment.

The motion passed 3-0 **Order 226-2006**

**5. Commissioner Reports**

There were no commissioner reports

**6. Public Comment**

There was no public comment.

Meeting Adjourned at 8:00 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