

TERM OF COMMISSION: November Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

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

The meeting was called to order by the Presiding Commissioner at 7:05pm.

Commissioner Stamper stated that the primary purpose of this meeting was to discuss planning and zoning issues. He stated that the format for the meeting would be as follows: staff report, comments from applicant or agent of applicant, public hearing, rebuttal by applicant or agent of applicant, discussion of the commission. He also asked that all those giving comments sign in, state their name and address for the public record and state if they are represent in support of or opposition to the issue. He also asked that testimony be succinct and focused.

Subject: Request by Barry and Sherri Homan for a permit for an outdoor recreation facility on 10.97 acres located at 14341 Proctor Rd, Columbia (Appeal)

Stan Shawver gave a staff report as follows:

This property is located 4 miles east of Harrisburg, 10 ½ miles north of Columbia and 2 miles west of Highway 63. The site is located about ½ mile south of Highway 124 on Proctor Road, which is gravel, county maintained road. A traffic count conducted in 1998 indicated there was 35 vehicles per day traffic level. This property is zoned A-2, as is all of the surrounding property. The applicants live on the property, and operate a landscaping business from the site. This request is for an outdoor recreational facility, for use for outdoor parties, weddings, reunions and other similar private functions. The property is well landscaped. The applicant is currently constructing a structure that can be used as a shelter house similar to those at area parks. He also requested a building permit to build a kitchen facility, however, that permit could not be accepted due to the lack of a conditional use permit at the time it was submitted. This property is within the Harrisburg R-8 School District. Electric service is provided by Boone Electric Co-operative. Information provided by Public Water District No. 7 indicates that there is no public water at this end of Proctor Road. The master plan designates this area as being suitable for agriculture and rural residential land uses. Staff notified 15 property owners concerning this request.

The criteria for approving a conditional use permit is as follows:

- 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.
- 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.
- c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.
- d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.
- 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.
- 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.

- 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.

Staff has reviewed this request and is concerned about several issues. The plan does not show any area designated for parking. The addition of a kitchen will tend to make this activity more commercial than recreational. The lack of public water is also of concern. Staff is concerned that approval of this request will affect the use and enjoyment of surrounding property (b), there is no parking available on the site and no public water (d), Proctor Road has a very low traffic count, approval of this request will result in increased traffic and congestion (f), staff is not convinced that there is a public necessity for this use (g). For those reasons, staff recommends denial of the request.

However, should the commission decide to recommend approval, staff suggests that the following conditions be set:

- That the facility may be open only on Saturdays and Sundays from April through October
- The hours of operation be restricted to daylight hours
- No overnight camping is permitted
- Parking area be provided on site for a minimum of 60 vehicles
- Driveway and parking area to have a dust free surface within six months of approval of permit
- Permit granted for one year. Commission to review the use at that time, to determine if the use has been compatible with the neighborhood and whether to extend the permit

The Planning and Zoning Commission hearing was held on October 21st. The Planning and Zoning Commission made a motion to deny the request. The motion received six yes votes. The request comes before the County Commission on appeal.

Commissioner Stamper invited the applicant to come forward.

Barry and Sherri Homan, 14341 N Proctor Rd were present on behalf of the request.

Barry Homan submitted the following prepared statement:

Presentation

Sherri and I are applying for a conditional use permit to use our farm as a recreational facility in accordance with A-2 zoning regulations. Our goal is to provide an intimate, private setting for hosting picnics, reunions, weddings, and anniversaries and provide recreational activities which include horseshoes, badminton, croquette, basketball, volleyball, and a walking trail for those events. There are also undisturbed areas for buffer wildlife habitat. The entire perimeter is fenced and has marked boundaries. We feel that this can be a low impact activity to the area in that it would be seasonal. We would expect to devote about 20% of our time to this endeavor with approximately 15 events per season. We both work full-time which would limit this activity to Friday, Saturdays, Sundays and holidays; April through October; daylight 8 a. m. until 10 p. m.; and on Sundays until 8 p.m.

Our proposed on-site parking will provide space for up to 44 vehicles with 7 designated for handicapped and elderly assist. We will have low level lighting and directional lights with switches and dimmers. Plant screens are already planted with additional plantings proposed. A dust-free surface will be applied within 6 months of completing all the construction on the premises and according to regulations. We also promote car pooling.

We are proposing two structures, one being a timber frame shelter house with an insulated roof and the other a shelter with two bathrooms and a kitchen. At this time we would like to modify our request for the kitchen to a room that conforms to the state and Boone county health regulations as outlined in the Missouri Department of Health Rule Governing Food Service Sanitation manual (No. 606/ E6.12/R11-94) and the only equipment being a sink. This would also provide a significant safeguard for safe food handling by patrons of the park. A septic system will be designed by an engineer to the best fit for the area.

We feel, with placement of any music being played within the shelter house and by directional placement of the system, the music would not have to be as loud to be enjoyed and most contained to the immediate vicinity of the shelter area. Also the music loudness will be monitored using both digital and analog sound meters. We also feel that particular kinds of music would be appropriate for this setting such as bluegrass, country, jazz, blues, and gospel.

We will not allow functions where alcohol is the sole activity like fraternity and sorority parties and "wine tasting" events, and functions that would be detrimental to our neighborhood and reputation. We will also not allow camping, swimming, firearm associated events, or publicly held concerts. With several at home business in the immediate area dealing with various occupations such as trucking, salvage yard, heating and air, mason, bands, and neighbor use of property for target shooting, we feel that an outdoor recreational facility would be an appropriate use of our farm and we do take full responsibility for anything that occurs on our farm.

Proctor Rd is a county maintained road that is regularly kept up due to it being a bus route for the Harrisburg School District. The road is a very low volume road as a result of Old No. 7 and YY both being hard surface roads and the roads of choice by many. The road sides and limb heights are groomed to provide better visibility and a speed limit of 35 is posted. With events usually having a designated time to occur, patrons arriving and then leaving will be minimum. Traffic congestion will be minimized by limiting the size of the events to 150.

Greg Edington of Boone County Public Works advised me that an increase of 30 to 40 vehicles periodically would not contribute to congestion nor hinder traffic low flow in this area. Rick of the same department advised me that Proctor Road is not scheduled for any major improvements but the approach off of Proctor leading south up the hill might be addressed for improvements in planning for next year.

Our entry way allows for direct access in and has no cross-over traffic until departure, which has high visibility in leaving the premises with no headlights crossing our neighbors residences. Erosion controls are in place with one pond to be built to harvest the run off from the parking area. The septic system is downstream from all residents that sit on 124 West and has sufficient drain basin.

A recommendation by Ken Hines of the Boone County Fire District that a dry hydrant would be an appropriate apparatus for fire protection along with fire extinguishers mounted in the shelters. We are approximately six miles from Harrisburg, 11 miles from Sturgeon, and 10 miles from Hallsville county stations and a fire hydrant is located at Silver Fork Rd and Proctor (less than 2 miles). Also the structure being of large timbers minimize fire hazards.

Gerald Worley of the Boone County Health Department advised us that a private well can be used for this type of activity if it is tested by his department and conforms to state regulations, any facilities would be inspected, and be build to their requirements. District 7 water district is doing a cost and engineering report to see the feasibility of bringing a six inch water main up Proctor Road to our property and if so the cost breakdown for those who chose to be serviced by it.

As Columbia markets itself to bring in as many visitors as possible on the weekends to events, this also makes it increasingly difficult to schedule picnics, reunions, and weddings in the outdoor facilities that now exist. Harrisburg, Hallsville, and Sturgeon are updating their facilities to handle more competitive recreational activities. Fingers Lake State Park caters more to dirt bikes, camping, seasonal swimming, and fishing. The Pinnacle Hills Youth Park is a natural area with no recreational activities other than hiking and limited facilities. It'll Do Camp Grounds is a primitive camping facility. The only county run facility is in the El Chaparral subdivision. For a private setting to hold these types of events, we have found that the county lacks this type of facility especially in the northern part of the county.

In closing, as the existing facilities get used more and more, the demand for a private setting for an event is more prevalent. With landscaping and low impact recreational activities in

place, our facility would provide a location that would be utilized by those seeking a more private setting for their events.

We took Mr. Thompson's and Mr. Darwent's concerns and was able to enhance the proposal to address those concerns which in turn caused us to seek additional input from neighbors beyond 1,000 feet. Therefore, we personally visited with each neighbor and circulated a petition for supporting the conditional use permit for an outdoor recreational facility. We found that 57 of our immediate neighbors support this use. Eighteen others in the area also support this proposed use. The petition and map show our area of support for this facility. Due to a scheduling conflict, one neighbor is submitting a letter of support. We feel that we can operate an outdoor recreational facility in a non-invasive manner and have it be an asset to the community.

Commissioner Stamper convened a public hearing on the request.

Tami Fox, 1213 Haven stated that she and her fiancée are considering the Homan property as the site for their wedding. She stated that the setting is clean, private and well-maintained.

Rhoda Edgerton, 9100 Graham Rd (Rocheport) stated that she owns the *Formally Yours Bridal Boutique*. She stated that there are a lot of couples who are seeking a place like this to hold their wedding. She stated that in the past she had to tell couples that there was not a place like that in the vicinity. She stated that this site would be a very nice asset to the community.

Sue Cross, 1204 N 8th stated that she had known the applicants for a long time. She stated that their property is very nice and is a good site for weddings.

Bart Edgerton, 9100 Graham Rd (Rocheport) stated that there are a lot of small communities in the area that could benefit from this site. He stated that the Homans have an excellent plan that is low impact.

Vernall Rhodes, 407 S Glenwood stated that the Homans are very responsible individuals. She recommended that their request be approved.

John Victor, 209 Orleans Ct stated that was present on behalf of the request. He stated that he and his wife attended an event at this site and enjoyed a very nice evening.

Anna Nichols, 2851 W Hwy 1240 stated that they live directly across Proctor Rd. She stated that she believes this will be a good improvement for the area. She stated that they welcome the concept for the site.

Kenneth Lafond, 1305 Dawn Ridge stated that he is very impressed with the site. He stated that he is also impressed with the attention the Homans have given to the concerns of the community. He stated that he did not see any negative aspects to the request.

Jean Graebner, 1800 S Roby Farm Rd (Rocheport) stated that she could speak to the character and the work performed by the Homans. She stated that they were both of the highest quality.

Kenneth Darwent, 14351 N Proctor Rd stated that he is the nearest neighbor to the Homan property. He stated that he is concerned about the hours and days that the Homans would conduct their business and also about the noise pollution. He stated that he is also concerned about the changes in hours that have been proposed since the time of the Planning and Zoning Commission. He listed the conditions that the Planning and Building Inspection staff suggested during the Planning and Zoning Commission meeting.

Kenneth Darwent also questioned whether the Homans have personal liability/medical insurance if someone were to have an accident on their property. He also noted that he is concerned about the condition of Proctor Rd if someone were to approach it from Dripping Spring or Willis Rd. He also stated that there is not enough parking on site to handle the amount of people that could attend their events.

Kenneth Darwent stated that there is no public water on site and therefore inadequate fire protection. He stated that there is no fire lane from Proctor Rd to the proposed site.

Kenneth Darwent stated that he is also concerned with the fact that there will be alcohol consumed at the site. He stated that there is no plan to address underage drinking or people leaving the site and drinking and driving.

[Kenneth Darwent submitted a packet summarizing his concerns. The packet was submitted for the public record.]

Kenneth Darwent's closing comments were as follows:

Closing

In the past year the requestor's have hosted private weddings, private wedding receptions, and private parties with live bands that have lasted well into the night, and the patrons along with music tend to grow louder as the festivities go on. We view this as a set pattern as to what we can expect in the future.

The requestor has shown that by fulfilling the need for the public to have a private, intimate, rural setting for the occasions of private weddings, private wedding receptions, and private parties, that the intention to provide a safe and healthy atmosphere for family social functions comes before the neighbors' right to have a safe and healthy atmosphere of peace and quiet that comes with rural living.

The requestors' have stated their proposed use three times with events such as reunions, picnic, weddings, and anniversaries that have very little to do with outdoor sports or outdoor activities which is the outdoor recreational facilities purpose.

If you allow this conditional use permit, that will take away our ability to sit outside on a weekend and look at the stars, the clouds, or enjoy the evening breeze with comfort because of someone having a festive party next door. We are asking you, the commissioners, to please consider denying this application for the conditional use permit based on the proposals of the requestors', to try to justify the conditional use permit, because we as neighbors will no longer be able to enjoy our property in the way it is intended and that would be detrimental to our comfort and general welfare.

Debbie Nolan, 810 Westwind Ct (Ashland) stated that it is very difficult to find a places for weddings that have this kind of setting. She stated that this site would also be a good place to hold other family activities.

Mike Dominguez, 33 W Hwy 124 stated that he is not opposed to what the Homans are trying to do. He stated that if the Homans take responsibility and follow the guidelines of the County, then there could be a happy medium between the Homans and their neighbors.

Anita Houston, 1790 W Way stated that she is the cousin of Sherri Homan. She stated that the Homans are very responsible. She stated that this would be a very good facility with lots of things to do.

Commissioner Stamper asked if there was anyone else who wished to speak.

There was no one else that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper called the applicants for rebuttal.

Barry Homan stated that there are no definitions for an outdoor recreational facility. He stated

that a park is an allotted use in an A-2 district. He also stated that the noise level of the events could be monitored.

Sherri Homan stated she and Mr. Darwent have been friends for a long time. She stated that she would not want to lose that friendship or jeopardize his well-being. She stated that they would do whatever is necessary within reason to maintain Mr. Darwent's privacy. She stated that they would work with Mr. Darwent to address his concerns. She also noted that there is perimeter fencing that would prevent anyone from crossing over onto Mr. Darwent's property.

Barry Homan stated that the events held at this site would be family-oriented. He stated that the 44 parking spaces would be well within the 150-person cap for the property. He stated that there have not been any traffic congestion problems at this site.

Commissioner Stamper stated that there appeared to be some confusion as to what kind of a request this is. He stated that recreational zoning has been requested, however a kitchen has also been suggested which implies that commercial use might take place.

Stan Shawver stated that when he first met with Mr. Homan in August, he spoke about volleyball courts, shelter house, a pond and outdoor setting. He stated that when the actual application came for the conditional use permit it included a description of a 1200' kitchen (which is a commercial use).

Commissioner Stamper asked what the Planning and Building Inspection Director's opinion of what type of use would take place on the request site.

Stan Shawver stated that it was his opinion that 1200' is larger than some kitchens for restaurant operations.

Commissioner Vogt asked if the 1200' kitchen was removed from the request.

Barry Homan stated that the 1200' kitchen was removed from the request. He stated that they requested a sink instead.

Commissioner Vogt asked if the drinking water would come from a well.

Barry Homan stated that it would. He stated that they would put in a septic system to address the wastewater needs.

Commissioner Vogt asked if most of the Homans' neighbors are on well systems.

Barry Homan stated that several of his neighbors have wells. He stated that there was no public water on Proctor Rd. He stated that Water District #7 conducted a feasibility study and stated that it would cost around \$20,000 to bring in a 4-6inch line.

Commissioner Vogt asked what the Homans would do if the number of cars at the event exceeded the number of parking spaces available.

Barry Homan stated that it would be possible to put in more parking. He stated that it would only require clearing more ground.

Commissioner Vogt asked how much land separated the Homans from the Darwent property.

Barry Homan stated that there is probably about 2 ½ acres of buffer with a width of about 100'.

Commissioner Vogt asked if the fence separates the property.

Barry Homan stated that it does.

Commissioner Vogt asked if the Homans were asking for zoning on all of the property that they

own or just part of it.

Barry Homan stated that they were requesting zoning only on the 10.9 acres that they would use to hold the events.

Commissioner Stamper asked if people would be charged to use the facility.

Barry Homan stated that they would be.

Commissioner Stamper asked what the typical fee for day's use.

Barry Homan stated that it varies on the use. He stated that a typical fee is around \$250. He stated that activities that require a lot of prep work and setup would require a larger fee.

Commissioner Stamper asked Barry Homan to respond to the discrepancy between the requested hours of operation and the hours of operation recommended by staff. He asked if the staff's recommendation would be acceptable.

Sherri Homan stated that the rehearsal for the wedding would be held when the attendees are available. She stated that they felt that the hours of operation they requested were reasonable and based on the hours of operation of state parks.

Barry Homan stated that their only objection had to do with the Friday hours (recommended by staff) because of the rehearsal dinners that would take place.

Stan Shawver stated that the recommendation of staff was as follows:

- That the facility may be open only on Saturdays and Sundays from April through October
 - The hours of operation be restricted to daylight hours
 - No overnight camping is permitted
 - Parking area be provided on site for a minimum of 60 vehicles
 - Driveway and parking area to have a dust free surface within six months of approval of permit
- Permit granted for one year. Commission to review the use at that time, to determine if the use has been compatible with the neighborhood and whether to extend the permit.

Commissioner Stamper asked if the hours of operation were acceptable.

Barry Homan stated that ending by dark was acceptable.

Commissioner Stamper stated that he is concerned about the lack of public water.

Barry Homan stated that they feel they are providing safe and adequate water. He stated that bringing in a six-inch water line from the south, could allow the density in the area to increase. He stated that the increased density could ruin the ambiance of the area. He stated that there was a petition signed in support of their request. He stated that they had only received 2 comments of concern about the request.

Commissioner Miller commended the Homans on the beautiful property. She stated that she is concerned about the fact that the site could be used every weekend. She stated that this would leave the neighbors with very little down time. She stated that she is also concerned about the emergency entrance if the whole area were to be taken up by parking.

Commissioner Vogt stated that she observed the site this afternoon. She stated that she believed the idea is a good one. She stated that with certain conditions, the site could function well within the area. She stated that she is also concerned about the condition of Proctor Rd.

Commissioner Stamper asked if the Homans would need a conditional use permit had they not requested a kitchen.

Stan Shawver stated that some of the other activities would have constituted a conditional use

permit. He also noted that the Planning and Building Inspection Department received complaints on some of the Homans' activities.

Commissioner Stamper stated that the idea for this site was a good one, however it is not located in a good place. He stated that he recognized this is the Homans' property, however this is not a good idea for an unproved, rural road and a location that does not have public water. He stated that he is also concerned about the precedent that would be set if commercial uses are approved on private wells.

Commissioner Vogt stated that it is her understanding that the well would be inspected and anytime that it was found lacking, the operation would be shut down.

Commissioner Stamper agreed that the well would be inspected once a year by the Health Department.

Commissioner Miller asked if the music could be limited to a certain number of events per year.

Stan Shawver stated that the County Commission could place whatever conditions they deemed necessary. He stated that they would be a problem with the enforcement of the conditions however.

Commissioner Vogt moved to approve a conditional use permit for Barry and Sherri Homan for a outdoor recreational facility on 10.97 acres located at 14341 Proctor Rd, Columbia with the following conditions: that the facility will only be open on weekends from April to October, that the hours of operation be restricted from 8am-10pm on Saturday and to the daylight hours on Friday and Sunday, no overnight camping, parking is provided on site for a minimum of 60 vehicles, driveway and parking area to have a dust-free surface within six months of approval of permit, permit granted for one year with Commission to review the use at the time to determine if the use has been compatible with the neighborhood and whether to extend the permit.

The motion did not receive a second. The motion died.

Commissioner Stamper stated that he would be willing to discuss this request if the staff's recommendations were being applied.

Commissioner Vogt stated that her concern with the staff's recommendations were that if she were to have a wedding, then she would want to hold the rehearsal at the same location as the wedding itself. She also stated that if she were to have a wedding that started at 7pm, she would not want to be out as soon as it became dark.

Commissioner Stamper asked if Commissioner Vogt would (by her motion) allow a concern on Friday.

Commissioner Vogt stated that she would be open to a motion that eliminated all concerts.

County Counsel John Patton stated that the County Commission would have trouble managing that condition. He stated that it would be hard to determine what constitutes a "concert."

Commissioner Miller stated that the County Commission could eliminate live music and deejays and only allow background music for events.

Commissioner Vogt stated that a person might want to have a live band at a wedding.

Commissioner Stamper stated that he would be willing to support a motion that placed the staff's recommendations as conditions for a one-year period to be reviewed. He stated that he would not hesitate upon review to withdraw the permit if the situation did not work out.

Commissioner Vogt moved to approve a request for a conditional use permit for Barry and Sherri Homan for an outdoor recreation facility on 10.97 acres located at 14341 Proctor Rd, Columbia

with the following conditions:

- That the facility may be open only on Saturdays and Sundays from April through October
 - The hours of operation be restricted to daylight hours
 - No overnight camping is permitted
 - Parking area be provided on site for a minimum of 60 vehicles
 - Driveway and parking area to have a dust free surface within six months of approval of permit
- Permit granted for one year. Commission to review the use at that time, to determine if the use has been compatible with the neighborhood and whether to extend the permit.

Findings of fact and conclusions of law will be submitted.

Commissioner Stamper seconded the motion.

There was no discussion.

The motion passed 2-1. Commissioner Vogt and Commissioner Stamper were in favor of the motion. Commissioner Miller was opposed. **Order 433-99**

Subject: Request by Russell and Annette Duker to rezone from R-S (Single Family Residential) to M-L (Light Industrial) of .97 acres, more or less, located at 5150 I-70 Dr. SW, Columbia (Appeal)

Stan Shawver gave staff report as follows:

This property is located approximately ½ mile west of the Columbia city limits on I-70 Drive Southwest. The property is zoned R-S, as is the property to the south and west. Property to the east and north is zoned M-L. There are two old buildings on the property. This request is to rezone a total of .97 acres to M-L. The tract will then be made a part of the adjoining tract, which was rezoned, from R-S to M-L in 1974. This tract is served by Boone Electric Cooperative. Water service is provided by Consolidated Public Water District No. 1. It lies within the Columbia School District. The master plan designates this area as being suitable for residential land uses, however, there is a substantial amount of industrially zoned land in the area. Staff recommends approval of this request.

Stan Shawver stated that the Planning and Zoning Commission made two motions on the request. He stated that the first motion was to approve the request. That motion received 2 yes votes and 4 no votes. The second motion was to deny the request. That motion received 5 yes votes and 1 no vote. The request comes forward with a recommendation to deny.

Commissioner Stamper requested that the applicant come forward.

Russell and Annette Duker were present on behalf of the request.

Russell Duker presented a map and drawing of the site. [Some of Russell Duker's comments were inaudible]. He stated that there were a lot of complaints that the request would decrease property values. He stated that they intend to construct a 40' by 80' building. He stated that there would also be an on site septic system. He stated that there is not room (acreage) to ruin the appearance of the County. He stated that this structure would be a dramatic improvement to the current site.

Commissioner Stamper asked Stan Shawver why the Planning and Zoning Commission was reluctant about this issue.

Stan Shawver stated that the concern was that this development was unplanned.

Commissioner Stamper convened a public hearing on the request.

There was no one present to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the request by Russell and Annette Duker to rezone from R-S (Single Family Residential) to M-L (Light Industrial) of .97 acres, more or less, located at 5150 I-70 Dr. SW, Columbia.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 434-99**

Subject: Request by Ken Ginter to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10.05 acres, more or less, located at 1400 State Highway CC, Sturgeon

Stan Shawver gave staff report as follows:

This property is located on State Highway CC approximately 1 mile west of Sturgeon, and ½ mile east of Highway 63. The property is zoned A-1 (Agriculture). Land to the north, east and south is zoned A-1, but land to the west, across Highway CC is on the other side of a range line, and is zoned A-2. This request is to rezone 10.05 acres to A-2. The applicant proposes to subdivide the lot in accordance with county regulations for development. Due to the restrictions placed on public water in the area, the tract can only be split into three lots. The original zoning for this tract is A-1. In 1996, a request to rezone this property to A-2 was denied due to neighborhood opposition. Staff notes that denial, but wants to point out that the tract has been severed from the original tract, resulting in a plot that is difficult to use for agricultural purposes. Additionally, land across the road is zoned A-2. The master plan designates this area as suitable for agricultural and rural residential land uses. The proposed use is consistent with the plan. Therefore, staff recommends approval of this request.

Stan Shawver stated that the Planning and Zoning Commission held a hearing on the 21st of October. He stated that there was a motion to recommend approval of the request. The motion received 5 yes votes and 1 no vote.

The Applicant did not wish to give comments.

Commissioner Stamper convened a public hearing on the request.

There was no one that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve the request by Ken Ginter to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 10.05 acres, more or less, located at 1400 State Highway CC, Sturgeon.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 435-99**

Subject: Request by Copper Creek Development, L.L.C. to revise an approved review plan for Copper Creek Planned Residential Development located at 7901 E St

Charles

Stan Shawver stated that the request is to revise the original plan. He stated that the Planning and Zoning Commission approved the request.

There was no comment from the applicant.

Commissioner Stamper convened a public hearing on the request.

There was no one present that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper moved to approve a revised review plan for Copper Creek Planned Residential Development located at 7901 E St Charles Rd and authorize the Presiding Commissioner to sign the necessary documentation.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 436-99**

Subject: Request by Sandra K. Nichols to vacate and replat, lot 1 of Southern Elegance Subdivision in order to add additional land to the lot

Commissioner Stamper convened a public hearing on the request.

There was no one present that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the request by Sandra K. Nichols to vacate and authorize the replat of Southern Elegance Subdivision.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 437-99**

Subject: Country Farms Block 4. S33-T48N-R13W. R-S. William-Kathryn Allen Trust, owner. Timothy J. Reed, surveyor

Commissioner Miller moved to receive and accept the replat of Country Farms Block 4 and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 438-99**

Subject: Niederhelman Acres. S1/12-T48N-R15W. A-2. Constance K. Niederhelman, owner. Timothy D. Capehart, surveyor

Commissioner Miller moved to receive and accept the two-lot subdivision of Niederhelman Acres and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 439-99**

Subject: Mount Allen Estates. S21/22-T48N-R14W. A=2. Larry and Sharon Wall, owners. Brian David Dollar, surveyor

Commissioner Miller moved to receive and accept Mount Allen Estates and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion. The motion passed 3-0. **Order 440-99**

Subject: First reading of a Petition to vacate R. A. Nursery Rd (partial)

Commissioner Stamper stated that the County has received a petition for vacation of R. A. Nursery Rd (partial). He stated that it should be described as the “old balance” of the road. He stated that R. A. Nursery Rd was relocated by the County Public Works Department. He stated that this petition is to vacate the part that was previously designated as part of the public roadway.

Commissioner Stamper asked if there was anyone present that wanted to speak on this issue.

There was no one present that wished to speak.

Commissioner Stamper stated that this issue would be brought back for consideration on the next Adjourned Term.

Subject: First reading of Budget Amendment for Stream Evaluation Study/Cooperative Study

Commissioner Stamper read a budget amendment into the public record as follows:

AMOUNT	(increasing) ACCOUNT
\$10,000	1090-71101 Professional Services

Commissioner Stamper stated that this budget amendment is to support the County’s monetary share in the Stream Evaluation Study. He stated that the budget amendment would be brought back following the required ten-day waiting period.

Subject: Budget Revision for Y2K Network Remediation/Re-engineering

Commissioner Miller stated that there are two outsource technicians in the IT Department to help complete the re-engineering of the system.

Bob Ormiston stated that there were two purposes for the network re-evaluation. He stated that the one purpose was to find the Y2K non-compliant areas of the network and the other was to design a more efficient, more reliable network for County government use. He stated that after

careful study, he believed that it would be more efficient to perform the remediation/re-engineering one time and correct both issues.

Commissioner Miller moved to authorize a budget revision as follows:

AMOUNT	(increasing) ACCOUNT	(decreasing) ACCOUNT
\$15,385	1170-91301 Computer Hardware	
\$11,360	1170-70050 Software Service Contract	
\$60,883	1170-91302 Computer Software	
\$1,500	1170-71101 Professional Services	
\$89,128		1123-86800 Emergency

Said revision is to cover remediation and re-engineering.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Miller noted that the 2000 Budget would be reduced by the same amount.

The motion passed 3-0. **Order 441-99**

Subject: Notice of Public Hearings for State of Missouri FY-00 Consolidated Plan

Commissioner Stamper stated that the County received notice of public hearings for the consolidated plan. He stated that this has to do with the distribution of Community Development Block Grant funds, HOME funds, Emergency Shelter Grant Funds, and Housing opportunities for Persons with AIDS funds. He asked that the notice be posted for public viewing.

Subject: Construction at the Jail

Commissioner Miller stated that she was requested to gather information on asphalt for the construction at the Jail. She stated that there were funds available. She stated that the money would be for the repair work around the trailers and for the repair work around the flagpole and the gas pumps.

Commissioner Stamper and Commissioner Vogt agreed that they had already approved this item in Commissioner Miller's absence.

Commissioner Stamper stated that the issue could be brought back if necessary.

Commissioner Reports

The Commissioners did not give reports.

Public Comment

Commissioner Stamper welcomed Skip Elkin to the County Commission Chambers.

The meeting adjourned at 9:00pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner