

TERM OF COMMISSION: February 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 7:00pm.

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 or opposition the issue. He also asked that testimony be succinct and focused.

Commissioner Stamper stated that the County Commission had a couple of other issues to discuss before addressing the Planning and Zoning agenda.

Subject: Tracking and Recovery System

Lieutenant Andy Anderson, Sheriff's Department stated that this Tracking and Recovery System is a computerized program that is capable of tracking property pawned in pawnshops. He stated that in 1995, one of the Sheriff's Department detectives contacted computer programmers with the idea that the Sheriff's Department should be able to search computerized pawnshop records without leaving the office. He stated that the Sheriff's Department contacted several computer programmers to devise the program. He stated that since 1995, the Sheriff's Department has recovered about \$300,000 of property.

Andy Anderson stated that now the program has developed to the point where it can be utilized through the Internet. He stated that there are currently 152 pawn shops in the State of Missouri connected to this system. He stated that the Sheriff's Department now wishes to apply for a federal grant through the Department of Public Safety that would allow the Sheriff's Department to upgrade and attach to the other pawn shops through the Internet system. He stated that the total grant is a \$9500. He stated that the Sheriff's Department is required to have a 25% match which equals a little less than \$2400. He stated that he is requesting that the County Commission approve the application for those funds.

Commissioner Stamper stated that he and Andy Anderson met on this matter earlier this week. He stated that he suggested that this matter be brought forward in a County Commission meeting. He stated that the Presiding Commissioner needed to be authorized to sign the document and the Sheriff's Department would have to identify the match funds.

Commissioner Vogt asked if the Sheriff indicated that \$2400 is available for this grant application.

Andy Anderson answered affirmatively.

Commissioner Stamper moved to authorize the Sheriff's Department to make application for the Tracking and Recovery System Grant as requested by the department and authorize the Presiding Commissioner to sign the necessary documentation for its submission. He stated that it should be understood by the motion that the Sheriff's Department will identify the match (money) from existing budgetary funds.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 62-2000**

Subject: Request Approval of Staffing Reorganization

Bob Ormiston stated that currently the Network Manager and Systems Administrator positions are vacant. He stated that he is proposing a midway solution for the technical staff in the Information Technology Department. He stated that he created a job description for a Personal Computer and Network Support Specialist. He stated that the Job Classification Committee reviewed the job description and supported the pay range of 29. He stated that he needed County Commission approval to make the position official.

Commissioner Miller stated that the Information Technology Advisory Committee recommended that the Information Technology Department reorganize in this way. She stated that the position has gone through the reclassification process and the Auditor has certified that funds are available to support the position.

Commissioner Miller moved to authorize the reorganization of staffing in the Information Technology Department and approve the creation of and posting for the Personal Computer/Network Support Specialist position at a pay range of 29.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 63-2000**

Subject: Request by Daniel Doyle on behalf of Michael and Vincent Gilbane to rezone from R-M (Moderate Density Residential) to M-LP (Planned Industrial) of 2.7 acres, more or less, located at 10371 I-70 Drive NE, Columbia (appeal)

Stan Shawver presented the staff report as follows:

This property is located approximately 6 miles east of Columbia on I-70 Drive, Northeast. The property is zoned R-M (Moderate Density Residential), as is all of the surrounding land, except land situated south of I-70. There is an old house and several sheds on the property. This request was submitted with a sketch plan indicating that the development will include two buildings containing approximately 4,000 sq. ft. each. The sketch plan does not meet the standards for a review plan, so the applicant will have to return with both a review plan and a final development plan should this request be approved. The subject tract is located within the Columbia School District. Water is provided by Public Water District 9. Boone Electric Co-operative is the electric service provider. The master plan designates this area as being suitable for agriculture and rural residential land uses. While this request is not consistent with the master plan, the plan does acknowledge the use of the planned districts when considering rezoning of land for commercial or industrial use. Staff notified 25 property owners concerning this request. Staff recommends approval of this request, with the stipulation that the review plan be submitted in substantial conformance to the sketch plan, and that actual land use restrictions apply to the review plan.

Stan Shawver stated that the Planning and Zoning Commission made a motion to deny the request and the motion was unanimous. He stated that the applicant filed an appeal and therefore the request is before the County Commission on appeal.

Commissioner Vogt asked why the staff recommended approval of the request.

Stan Shawver stated that the staff recommendation was based on the fact that this property is on the outer road and is a state of disrepair. He stated that the structures on it are old. He stated that the staff felt that a planned development would be an improvement to the property.

Commissioner Stamper called for the Applicant for Agent of the Applicant.

Michael Gilbane, 7667 Wade School Rd stated that he is requesting a rezoning change for a body shop. He stated that he and his wife have operated a shop for about 15 years. He stated that they purchase cars from insurance companies and bring them to their location for repair. He stated that they repair the vehicles and then sell them. He stated that he only has one employee at present and in the past, at the most, he has had two employees.

Michael Gilbane stated that the area is presently commercially zoned, however they plan to have a spot where they can place their own building. He stated that the nature of the building is predominantly sales. He stated that the public does not come in on a regular basis. He stated that they build or repair approximately one to two cars a week. He stated that the cars are then sold. He stated that the traffic that is generated is pretty much equivalent to a residential spot.

Michael Gilbane stated that there are chemicals on site. He stated that all chemicals are handled in accordance to the manufacturer's instruction. He stated that they have periodic, unplanned inspections by the MO Department of Natural Resources. He presented a letter from the MO DNR stating that the business has complied with the MO DNR regulations. He stated that they make a practice of recycling as many of their materials as possible.

Michael Gilbane stated that there are other non-conforming uses in the area including a construction company, electrical business, and an RV sales operation.

Michael Gilbane presented photographs and maps of the property. He stated that there is a tremendous amount of growth in this area. He stated that his site request would create a buffer from the traffic on the road and thereby improve the condition of the area.

Commissioner Miller asked what the sewer situation is in this area.

Stan Shawver stated that the old house was probably using a septic tank. He stated that a new wastewater system would have to be installed for any new construction.

Commissioner Miller stated that the new wastewater system would have to be in compliance with MO DNR regulations.

Commissioner Vogt asked where the vehicles are stored before they are sold.

Michael Gilbane stated that the completed cars sit along the Interstate. He stated that the cars that are being worked on would be stored behind the building behind an 8' privacy fence.

Commissioner Vogt asked how many completed cars would sit along the Interstate.

Michael Gilbane stated that there would be between 15-30 cars in that area.

Commissioner Stamper convened a public hearing on the request.

Henry Kelly, 10331 E I-70 Dr NE stated that he resides next to the request site. He stated that he is concerned about the safety of his children in regard to the traffic generated by his business and the possibility of a guard dog being placed on the property. He stated that he is also concerned that some of the slightly damaged cars will leak fluids that will drain into a creek on his property when it rains. He stated that once the drainage pollutes his creek, it will diminish the property values. He stated that they purchased the property because of the residential area.

Brenda Werdhouser, 1081 N Dozier Station Rd stated that she has lived in this area for 49 years. She stated that her property adjoins the request site. She stated that her mother has a severe lung problem and she would hate to see this area become more industrial due to the pollution that this would create.

Jay Marble (address not available) stated that he lives in the third house from the request site. He stated that he would like to see this neighborhood remain quiet and residential. He asked that the

County Commission deny the rezoning request.

Maudie Exline, 10680 E I-70 NE stated that she has lived in this area for 35 years. She stated that the condition of the road is not good and speeding occurs frequently. She stated that there are a lot of children in this area and she would be concerned about their safety if the rezoning request were approved.

Commissioner Vogt asked if the outer road leads to the road on which the request site sits.

Maudie Exline stated that Rte Z leads to Rte J.

Paul Blythe, 1590 Duvall stated that he lives east of the request site and is also concerned about the traffic. He also stated that he would not want to have to look at the business site everyday. He stated that he just finished his house and recently had it appraised. He requested that the County Commission deny the request.

Dennis Sprague, 10681 I-70 Dr NE stated that there are lots of kids in the area and he would be concerned about their safety if the request were approved.

John Payne, 10951 I-70 Dr NE stated that most neighbors are not against Mr. Gilbane (as a person), however they are against the request due to the concerns previously stated. He stated that the site presently holds about 25-30 cars that are waiting for repair work. He stated that if the rezoning is approved, the number of cars could increase. He stated that this would be an example of spot zoning and could set a precedent. He stated that this area should remain residential and requested that the County Commission deny the request.

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

There was no one else that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked what uses could take place under R-M zoning.

Stan Shawver stated that R-M is a multi-family zoning district therefore multi-plexes and apartment building could be built. He stated that a sewer system would have to be built to accommodate those dwellings. He also noted that the Missouri Department of Natural Resources regulates all sewer systems for businesses.

Commissioner Stamper stated that John Payne stated during his testimony that the request site would quadruple the storage space. He asked what Mr. Gilbane planned to use the extra space for.

Michael Gilbane stated that the extra space is needed for the display area and storage purposes.

Commissioner Stamper asked Mr. Gilbane how the property was marketed to him.

Michael Gilbane stated that the property was listed as a "handyman's special." He stated that he was encouraged that there might be a chance for rezoning since there are other similar uses in the area.

Commissioner Stamper asked Stan Shawver how this land is designated in the masterplan.

Stan Shawver stated that this area is designated as agricultural and rural residential.

Commissioner Vogt asked if the Missouri Department of Natural Resources requires the business to retain the stormwater runoff.

Michael Gilbane stated that typically they do not. He stated that he recommended a retention

pond. He stated that the Planning and Building Inspection felt that the idea and location of the retention pond would work well.

Commissioner Vogt asked if there is a guard dog on the property.

Michael Gilbane stated that there is not and they have not considered the possibility of obtaining one.

Commissioner Stamper asked for rebuttal comments from the applicant.

Michael Gilbane stated that change is difficult. He stated that he has been willing to work with the County Planning and Building Inspection staff and would also be willing to work with the residents to make the request more palatable. He stated that this location (the request site) is not really a tranquil area. He stated that there are 20,000-25,000 vehicles along the road. He reiterated that his business would provide a buffer to that traffic. He stated that staff did not feel that this would be spot zoning. He stated that he would be willing to establish a sewer system in addition to the retention pond.

Commissioner Stamper stated that the idea of more than 30 cars (in view) on the site disturbed him. He asked Michael Gilbane if he would be opposed to a cap on the number of cars.

Michael Gilbane stated that he is willing to work with the conditions that the County Commission wishes to place.

Commissioner Stamper also noted that the sentiment has been expressed that the County Commission often disagrees with the Planning and Zoning Commission. He clarified that this has only occurred about 6%-10% of the time since the present County Commission has been in office.

Commissioner Vogt stated that this area is converting. She stated however that this conversion is appropriate considering the area's proximity to the highway. She stated that she understood the concerns of the residents, however she would vote for the request if the right conditions were in place.

Commissioner Miller stated that she feels that the County Commission has a responsibility to "condition this rezoning well." She stated that her first inclination was to deny the request, however she now feels that with the right conditions, the rezoning could be an asset.

Stan Shawver reiterated that the conditions would have to be sent through the Planning and Zoning Commission again.

Commissioner Vogt moved to approve a request by Daniel Doyle on behalf of Michael and Vickie Gilbane to rezone from R-M (Moderate Density Residential) to M-LP (Planned Industrial) of 2.7 acres, more or less, located at 10371 I-70 Dr NE, Columbia and that the following conditions be placed on the rezoning.

- That all stormwater is retained on the property
- That an 8' privacy fence where appropriate to protect the residential area
- That there will be no guard dog on the premises
- That there will be no more than 15 cars that are not completed outside of a building at any time
- That the Planning and Zoning staff would work with the applicant for appropriate landscaping on the property

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 64-2000**

Subject: Request by Marion Schultz on behalf of Lake of the Woods South LLC to rezone from 11.96 acres from R-S (Single Family Residential) to C-GP (Planned Commercial) located at 5700 E St Charles Rd, Columbia

Stan Shawver presented the staff report as follows:

This property is located just east of the Columbia city limits. The property is zoned R-S (Single Family Residential). Property to the south and east is zoned R-S. Property to the west is zoned C-G. To the north, property is zoned C-G and M-LP. It should be noted that the land designated M-LP has not had a final development plan approved. The 39.70 acres included in this request is vacant. The applicant is requesting that 11.96 acres be rezoned to C-GP, and that 27.74 acres be rezoned to M-LP. It should be noted that a review plan has not been submitted for this property. If approved, the applicant will have to submit a review plan, final development plan and follow platting requirements before any development may begin. The master plan designates commercial land use at this area of the I-70 corridor. It should be noted that while the master plan designates this area as being suitable for commercial development, the master plan does not specify the amount of land to be used for such purposes. Additionally, it should be noted that there is already commercial zoning adjacent to this site. Water service will be provided by Public Water District No. 9. The site is within the Columbia School District. Staff notified 138 property owners concerning this request. Staff recommends approval of this request, provided that review plan, final development plan and subdivision plats are submitted in conformance with regulations. Additionally, staff suggests that when a review plan is presented, the commission should consider limiting the range of uses allowed on this site.

Stan Shawver stated that a number of people spoke both in favor of and opposition to the request at the public hearing on April 17th. He stated that the Planning and Zoning Commission made a motion to recommend approval of the request subject to the restriction that a 50' buffer be located along the south property line. The motion received six yes votes.

Commissioner Stamper asked if there were any questions of staff.

There were no questions of staff.

Commissioner Stamper called the applicant or agent of the applicant to come forward.

Brian Harrington, Allstate Consultants and Brian Connell, Connell Architecture stated that they were present on behalf of the owners of the property, Lake of the Woods South LLC. Brian Connell gave a brief description of character and scope of the property. He stated that the entire tract consists of 91 acres located at the southeast corner of I-70 and the St Charles Rd exit/interchange. He stated that the rezoning request is as follows: south 40 acres-Single Family residential, 13.57 acre parcel in the northeast corner-C-G, the remaining acres, 11.96-the request is to rezone to Planned Commercial. He stated that the prior rezoning request was for 27.74 acres to be zoned M-LP. He stated that this request was withdrawn on February 17th.

Brian Connell stated that the developers conducted a concept review meeting in early February to discuss the potential impact and appropriate responses for the rezoning request. He stated that the developers are fully aware of their responsibilities in regard to the infrastructure. He stated that there was also a meeting held with the officers and representatives of the Lake of the Woods Homeowners' Association after which they withdrew their request for 27.74 acres. He read a portion of a letter from the Homeowners' Association, which stated that the group is now (majority consensus) in favor of the request as submitted.

Commissioner Stamper convened a public hearing on the request.

Bob Northrup, 7741 Park Lane stated that he and other members of the neighborhood are really looking forward to the proposed development. He stated that he does not believe that the developers have a hidden agenda. He also noted that the process will be scrutinized every step of the way.

Paul Andrews, 6400 St Charles stated that this proposal will be very good for the neighborhood.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked if the agent of the applicant had any rebuttal comments.

Brian Connell asked everyone in favor of the request to signify their support of the request by raising their hands.

Nearly 12 people raised their hands.

Commissioner Stamper stated that he felt that this development would result in a dramatic improvement to the neighborhood.

Commissioner Vogt stated that she was impressed by the fact that no one spoke in opposition to the request. She stated that it would be very nice to have some amenities in this area of the County. She stated that she did have concerns about the proposed berm/buffer.

Brian Connell stated that through several discussions with Frank Abart, Public Works Director it was decided that it would be best to establish turnarounds.

Commissioner Vogt stated that she did not realize that Frank Abart had been involved in the discussion. She stated that if the plan met his approval, then it would be sufficient.

Commissioner Vogt moved to approve a request by Marion Schultz on behalf of Lake of the Woods South LLC to rezone from 11.96 acres from R-S (Single Family Residential) to C-GP (Planned Commercial) located at 5700 E St Charles Rd, Columbia

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 65-2000**

Subject: Request by Carl and Sandra Freiling to approve a review plan and a final plat of Big Branch Estates, located at 10221 Johnson Cemetery Rd, Ashland

Stan Shawver presented the staff report as follows:

This property is located 1/2 mile north of the community of Englewood and approximately 3 miles north and 3 miles east of the Ashland municipal limits. The site is situated on a private easement off Johnson Cemetery Road. A review plan for the total tract has been submitted as well as a 2-lot minor plat. The Review Plan contains approximately 78 acres. The review plan proposes 2 tracts, one for each of the existing residential units on the property, and a remainder tract for the majority of the property showing no existing or proposed structures. An amended review plan and corresponding final plan will be required before any building permits of any type can be issued on the remainder tract. The property is zoned A-1 (Agriculture) as is all the surrounding property. These are all original 1973 zonings. An existing on-site wastewater system is shown on each proposed lot for each of the two existing houses. This is to remain as the sewage system for the two developable lots. This area is served by Consolidated Public Water District No. 1. There is an existing 2-inch waterline serving the development. The development will be within the Southern Boone County School District service area and the Southern Boone County Fire Protection District. Fire hydrants are not required at this time by the current proposed plat. The 2-lot minor plat component of this request encompasses 23.95 acres of the total property and is proposed to create a 15.91-acre lot and an 8.04-acre lot. Even though the 8.04 acre lot is less than the 10 acre normal required minimum lot size for an A-1 district, within planned developments, smaller lots can be proposed when the overall density is at least 1 unit per 10 acres. In this case the total acreage for lots 1 & 2 is consistent with this density, essentially, some of the density from lot 1 has been "borrowed" by lot 2 allowing it to be platted with less than 10 acres. As a planned development any additional structures desired for these lots will require resubmittal and approval of an amended review plan and corresponding final plan prior to issuance of any building permit. The owner has requested a waiver of traffic analysis and cost benefit analysis for central sewer. Staff concurs with these requests. It is important to note that since the development is exclusively served by a private access easement that the maximum number of tracts that

can be served in this fashion is 4, so any proposed future revision to this review plan will need direct public road access or at most one additional lot will be able to be created. The *master plan* designates this area as being suitable for agricultural and rural residential land uses. The proposed development is consistent with the *master plan*. This minor plat has 16 points on the point rating system the PRD overall has 8 points on the point rating system.

Stan Shawver stated that he had an opportunity to personally inspect the site. He stated that he was very impressed with the improvements that the owner has made.

Stan Shawver stated that the Planning and Zoning Commission made a motion to approve the review plan and the minor plat.

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 a Review Plan for Big Branch Estates located at 10221 Johnson Cemetery Rd, Ashland.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 66-2000**

Commissioner Miller moved to receive and accept the minor plat of Big Branch Estates located at 10221 Johnson Cemetery Rd, Ashland and authorize the Presiding Commissioner to sign the plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 67-2000**

Subject: Willowbrook Plat 2, replat of lot 40. S19-T48N-R12W. R-S. Charlotte C. Neal, owner. Bill R. Crockett, surveyor

Stan Shawver stated that he did not have the necessary documents with him to handle this matter. This agenda item was tabled.

Subject: Golf Subdivision. S2-T48N-R12W. R-S. Charlotte C. O'Neal. Bill R. Crockett, surveyor

Stan Shawver stated that this is a 2-lot, minor plat.

Commissioner Vogt moved to receive and accept a minor plat, Golf Subdivision Plat 1 and authorize the Presiding Commissioner to sign the document.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 68-2000**

Subject: Spencer Hills Subdivision Plat

Stan Shawver stated that this is a major subdivision plat in Clearview Subdivision.

Commissioner Miller moved to receive and accept Spencer Hills Subdivision Plat 1 and authorize the Presiding Commissioner to sign it.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 69-2000**

Subject: Surety on Lake of the Woods

Stan Shawver stated that the developer bonded this development in three segments. He stated that all of the work has not been completed, therefore all of the bonds could not be released. He stated that once the biggest portion of the improvements are made, the release of bonds would come before the County Commission. He stated that the original bonds could be released at that time in exchange for a lesser bond.

Commissioner Stamper stated that he received a call from the developer. He stated that the developer still has approximately \$15,000-\$20,000 of improvements remaining. He stated that he would work with the developer and give a report to the County Commission in a future meeting.

Subject: First Reading of Budget Amendment for Sheriff’s Department overtime

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

AMOUNT	(increasing) ACCOUNT
\$15,431	1251-10110 Sheriff: Overtime
\$2,558	1251-03411 Federal Grant Reimbursement: Sobriety Checkpoint
\$5,910	1251-03411 Federal Grant Reimbursement: Hazardous Moving Violation (“Operation Slowdown”)
\$2,112	1251-03411 Federal Grant Reimbursement: MUSTANG
\$4,851	1251-03411 Federal Grant Reimbursement: Operation Cash Crop

Said budget amendment is to account for overtime expense reimbursed by grants throughout 1999.

Commissioner Stamper stated that the budget amendment would return to the agenda after the ten-day waiting period.

Subject: First Reading of a Budget Amendment for the MU Football Security Contract

AMOUNT	(increasing) ACCOUNT
\$10,088	1251-03528 Sheriff: Reimbursement Personnel/Projects
\$10,088	1251-10100 Sheriff: Salaries & Wages

Said budget amendment is to amend revenue & expenditure budgets to account for MU football security contract.

Commissioner Stamper stated that this budget amendment would follow the procedure as stated previously.

Subject: Report on Windy Point

Commissioner Stamper submitted for the public record a letter identifying that the 1999 Windy Point Development request for CUP had been withdrawn. He stated that the developers would submit a new request through the Planning and Zoning Commission.

Commissioner Reports

Commissioner Stamper

Commissioner Stamper reported that he attended the Farm Bureau meeting. He stated that Farm Bureau forwarded their comments on the Animal Control Regulations and the Nuisance Ordinance to the County. He stated that the County Commission would hold a public hearing before adoption of those regulations. He announced that the public hearing for the Animal Control Regulations would be scheduled on the County Commission meeting for next Thursday.

Commissioner Miller

Commissioner Miller reported that there would be a hearing on the I-70 improvement study on March 2, 2000 from 4:30pm-7:30pm at the Holiday Inn Select. She submitted the announcement of the event for the public record.

Commissioner Miller reported that the RFP for the Mental Health Services at the Boone County Jail has been sent out. She stated that she has a list of people that received the RFP. She stated that there would be a pre-proposal meeting on March 13th.

Commissioner Miller stated that the County was requested to complete a wage and salary survey for NACo. She stated that Betty Dickneite and June Pitchford completed the survey for the County.

Commissioner Vogt

Commissioner Vogt reported that the Senior Center would be available for the Visioning Committee meeting on March 15th.

There was no public comment.

The meeting adjourned at 8:55pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner