

TERM OF COMMISSION: July Session of the May 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 Skip Elkin
County Counselor John Patton
Planning and Building Inspection Director Stan Shawver
Deputy County Clerk Brian Wright

The Presiding Commissioner called the meeting to order at 7:01pm.

Subject: Public Water Supply District 10 on behalf of Consolidated Energy LLC (located at 22545 March Road, Centralia) to:

- Request to rezone from A-1 (Agriculture) to M-G (General Industrial), and**
- Request a Bulk Propane Storage Facility**

Mr. Shawver stated that the rezoning request had an associated conditional use permit included. He requested that the Commission consider both items at the same time, in terms of conducting a public hearing. He noted that both issues should still receive separate votes, adding that the matter was handled similarly at the Planning and Zoning meeting, held June 21, 2001.

Commissioner Stamper asked if there were any objections from the Commission or the Public in handling the items in this manner. Hearing no objections, Commissioner Stamper stated that requests would be heard simultaneously.

Mr. Shawver stated that the property is located $\frac{3}{4}$ of a mile west of Centralia on March Road. He stated that the property is currently zoned A-1 (Agriculture). He noted that property to the north and west is zoned A-1, land to the east is zoned A-2, and land to the south is zoned A-1 and M-G (General Industrial). He further noted that this request is to rezone the property to M-G and obtain a conditional use permit for a propane storage facility.

Mr. Shawver stated that the site is within the Centralia school district. He stated that water service is provided by Public Water District Number 10 and electric service is provided by Boone Electric Co-operative. He noted that there have been no previous requests submitted for this property, but added that the adjoining property was rezoned to M-G in 1996. He further noted that the master plan designates the area as being suitable for Agriculture and rural residential land uses. He added that Planning and Building staff notified twelve property owners about the request, and that the applicants had worked closely with County staff and nearby property owners.

Mr. Shawver stated that Planning and Building staff recommend approval of the rezoning request and the conditional use permit, with the following conditions for the conditional use permit:

- The development complies with the requirements of the Subdivision regulations.
- The development comply with any requirements of the Boone County Fire Protection District.
- The development will include a dust free driveway, parking area-loading area.

Mr. Shawver stated that the Planning and Zoning Commission conducted a hearing on this matter, on June 21, 2001. He noted that seven members of the Planning and Zoning Commission were present at the meeting. He stated that the Commission concurred with the staff recommendation, and made a motion to recommend approval for both items. He further noted that both motions passed unanimously.

There were no questions of staff.

Terry Culver, 8330 West Jakes Bluff Drive, Columbia (General Manager of Consolidated Energy) was present on behalf of these items.

Mr. Culver stated that Consolidated Energy had good guidance on these issues. He stated that the Company had received good cooperation from Planning and Zoning, the Water District, and neighbors in the surrounding area. He noted that Consolidated Energy looked forward to moving into Centralia.

Commissioner Stamper opened a public hearing on behalf of this matter. Hearing no public comment, Commissioner Stamper closed the public hearing.

Commissioner Elkin stated his appreciation for Consolidated Energy's efforts to work cooperatively with County staff and residents in the area. He stated the company spoke twice with neighbors surrounding the location.

Commissioner Miller stated that request by Consolidated Energy was in an ideal location.

Commissioner Elkin moved to approve a request by Public Water Supply District 10 on behalf of Consolidated Energy LLC to rezone from A-1 (Agriculture) to M-G (General Industrial), located at 22545 March Road, Centralia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 302-2001**

Commissioner Elkin moved to approve a request by Public Water Supply District 10 on behalf of Consolidated Energy for a bulk propane storage facility, located at 22545 March Road, Centralia.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 303-2001**

Subject: Daniel and Donna Wilkes (located at 10217 E. Hwy OO, Hallsville) to:
-Request to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of .5 acres, more or less, and
-Request for a family day center

Mr. Shawver stated the rezoning request had an associated conditional use permit included. He requested that the Commission consider both items at the same time, in terms of conducting a public hearing. He noted that both issues should still receive separate votes, adding that the matter was handled similarly at the Planning and Zoning meeting, held June 21, 2001.

Commissioner Stamper asked if there was any objections from the Commission or the Public in handling the items in this manner. Hearing no objections, Commissioner Stamper stated that requests would be heard simultaneously.

Mr. Shawver stated that the property is located two miles southeast of Hallsville on State Highway OO. He stated that the tract proposed is part of a 15.6 acre parcel that was platted in 1975. He noted that the parent parcel and all of the surrounding land is zoned A-2 (Agriculture). He further noted that the request is to rezone the tract to A-R (Agriculture Residential) and obtain a conditional use permit for a day care center. He added that the center would be licensed by the state.

Mr. Shawver stated that the site is within the Hallsville School District. He stated that water service is provided by Public Water District Number 4 and electric service is provided by Boone Electric Cooperative. He noted that there have been no previous requests submitted for the property. He further noted that Planning and Building staff notified seventeen property owners about the request.

Mr. Shawver stated that the applicant met with the staff approximately one year ago, inquiring about the requirements for a day care center. He stated that current regulations require a day care center to have at least A-R zoning and a conditional use permit. He noted that the staff has proposed that the regulations should be changed so that day care centers only require a conditional use permit in the A-2 district. He further noted that this change has not yet been adopted, thus necessitating the applicants present request. He added that the staff recommends that the zoning request be granted, and that the conditional use permit be issued with the following conditions:

- That the applicants provide a detailed legal description for the property to be rezoned.
- That the driveway and required parking be dust free.

Mr. Shawver stated that the Planning and Zoning Commission conducted a hearing on this matter, on June 21, 2001. He stated that the Commission concurred with the staff recommendation, and made a motion to recommend approval for both items.

Commissioner Stamper stated that there were no questions of staff, regarding these items.

Donna Wilkes, 10217 East Highway OO, Hallsville (applicant) was present on behalf of these items.

Commissioner Stamper opened a public hearing regarding these items. Hearing no public comment, Commissioner Stamper closed the public hearing.

Commissioner Elkin moved to approve a request by Daniel and Donna Wilkes to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of .5 acres, more or less, located at 10217 Highway OO, Hallsville.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 304-2001**

Commissioner Elkin moved to approve a request by Daniel and Donna Wilkes for a family day care center located at 10217 Highway OO, Hallsville.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 305-2001**

Subject: Request by William and Joy Barton III to vacate and re-plat lots 3 and 4 of Windy Knob Subdivision located at 22606 Westbrook Drive, Hartsburg.

Mr. Shawver stated that the Windy Knob Subdivision is located on Westbrook Drive, noting that the subdivision is located closely to Lake Champetra (south of Ashland). He stated that the area is currently zoned A-2. He noted that Mr. And Mrs. Barton own two lots (3 and 4) of Windy Knob subdivision. He further noted that a house has been constructed on one of the lots, adding that Mr. and Mrs. Barton want to build an accessory building on the vacant lot.

Mr. Shawver stated that the regulations prohibit land in a platted subdivision from having an accessory structure, that does not have a main structure on it. He stated that Mr. and Mrs. Barton submitted a petition to vacate lots 3 and 4 of Windy Knob subdivision, and request permission to re-plat the area into a single lot. He noted that he had a copy of the proposed re-plat and a map of the existing lots for the Commission to review.

Mr. Shawver stated that of section 1.8.13 of the subdivision regulations of Boone County stipulate that before a lot can be vacated and re-platted, the County Commission is to conduct a

public hearing in regards to the matter. He stated that the Commission should collect testimony regarding whether the plat vacation will:

- Affect the character of the neighborhood
- Cause traffic conditions
- Affect circulation
- Affect the proper location of alignment and improvement of streets and roads within or adjacent to the subdivision
- Affect property values in the subdivision
- Effect public utilities/facilities and services, and
- Generally, will not adversely affect the health, welfare of safety of person possessing or owning real estate within the subdivision to be vacated or surrounding real estate.

Commissioner Stamper noted that there no further questions of the Commission of staff regarding this item.

William Barton, Rural Route 3, Trenton (applicant) was present on behalf of this matter.

Commissioner Stamper opened a public hearing regarding this item.

Carol Kuensting, 23000 Westbrook Drive, Hartsburg

Ms. Kuensting stated that she recently inherited property (currently being processed through a probate estate) in the area. She stated that a "portion of [her] property swings up through the entrance and frontage of the property". She noted that according to both the assessor's office and County surveyor there is a missing .6 of an acre that partially runs through lots 3 and 4. She further noted that currently there is a residence built on one of the lots, with a foundation and footing for a seconding building on the other lot. She added that there is a shared driveway.

Ms. Kuensting presented a map of the property for the public record.

Commissioner Stamper stated that if the lots were vacated, neither lot would exist any more.

Ms. Kuensting asked what would become of the property that she owns on lot 4.

Commissioner Stamper stated that the issue would be a civil matter.

Ms. Kuensting stated that she did not have a problem with the vacation of lot 3 and 4. She stated that she wished to be on record as owning the small piece of acreage on lot 4.

Commissioner Stamper stated that any disagreement, regarding her concerns, would need to be resolved by her and the landowner. He stated that the Commission would only be giving consideration to the landowner's request to vacate the property line.

Hearing no further public comment in regards to this issue, Commissioner Stamper closed the public hearing.

Mr. Patton and Mr. Shawver stated that they both saw no reason why Mr. Barton's request to vacate and re-plat should not be approved.

In discussion, Commissioner Stamper stated that with approval of the motion, the Commission would be vacating the lot line between lots 3 and 4, and authorizing a re-plat of the lot.

Commission Miller asked if the re-plat issue would return at another meeting.

Mr. Shawver responded affirmatively, noting that the Planning and Zoning Commission has the item on its agenda for this month.

Commissioner Miller moved to approve a request by William and Joy Barton III to vacate and re-plat lots 3 and 4 of Windy Knob Subdivision located at 22606 Westbrook Drive, Hartsburg.

Commissioner Elkin seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 306-2001**

Subject: Martin's Acres. S6-T47N-R13W. A-2. Terry and Beth Martin, owners. J. Daniel Brush, surveyor.

Mr. Shawver stated that the subdivision is a two-lot plat, located by Steadmon Road. He stated that Robert Staff had the area rezoned several years ago. He noted that Mr. Staff divided the property into five lots, prior to changes in regulations. He further noted that the Martin's purchased three tracts, with the intention of re-platting into two tracts.

Mr. Shawver stated that the Planning and Zoning Commission approved the item at its meeting.

Commissioner Miller moved to receive and accept Martin's Acres, and authorize the Presiding Commissioner to sign the documents.

Commissioner Elkin seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 307-2001**

Subject: Paradise Hills Plat 4. S-33-T47N-R13W. John and Heidi Russell and Laura DeVenney, owners. Ronald G. Lueck, surveyor.

Mr. Shawver stated that he was expecting some correspondence from the City in regards to this item. He stated that the correspondence did not arrive. He noted that Public Works reached an agreement regarding the driveway in the plat.

There was no public comment in regard to this matter.

Commissioner Stamper requested that the item be returned at a future Commission meeting for further discussion and final approval.

Subject: Commissioner Reports

Commissioner Stamper

Commissioner Stamper did not give reports.

Commissioner Miller

Commissioner Miller did not give reports.

Commissioner Elkin

Commissioner Elkin stated that he met today with Bettie Johnson, Boone County Recorder of Deed, in regards to a lease agreement her office entered into concerning photocopiers. He stated that her office had entered into a lease agreement, under an old Commission Order. He noted that Ms. Johnson has decided that, in the best interest of the County, her office will purchase the copiers, instead of continuing the lease.

Commissioner Elkin asked if there was consensus in regards to this item.

Commissioner Miller stated that this was the "cleanest way to bring this item to a resolution".

Commissioner Elkin stated that Ms. Johnson, along with every other office in the county, will

begin working towards implementing better purchasing policies and procedures.

Commissioner Stamper stated that the Commission expressed its consensus, requesting that the liaison Commissioner continue working with this issue, moving towards the purchase of existing equipment for possible bid or purchase options in the future.

There was no public comment.

The meeting adjourned at 7:30pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner