

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
County Attorney John Patton
Planning and Zoning Stan Shawver
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 Thomas Griffin on behalf of Verizon Wireless for a transmission facility including a 138' tower on 25.6 acres located at 6200 E Gilmore Ln., Ashland.

Mr. Shawver reported the property is approximately 1 and ½ miles to the south of the City of Ashland. The property is zoned A-2 (Agricultural). This property has A-2 zoning to the north, south, east, with A-R (Agricultural-Residential) zoning across Highway 63 to the west. The zoning of the subject property and the surrounding tracts are all original 1973 zonings.

A description of the lease area site has been submitted by the applicant as Exhibit F in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 25.6 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower location, subdivision would be possible. The parent parcel has a single-family dwelling and seven accessory structures present. A 138' monopole tower and small ground facilities are proposed inside a fenced compound.

The property is located inside the Southern Boone County R-1 school district and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 14 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.

While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to the surrounding properties to support the densities allowable under the current zoning. 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.

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(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.

This area is zoned A-2, with residential uses limited to 2-½ acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

(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 proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. Public necessity will be best determined by public testimony before the Planning & Zoning Commission and the County Commission.

Staff recommends approval of this conditional use permit.

Mr. Craig Holland, Outside Zoning Council for Verizon Wireless, Overland Park, KS

Mr. Holland stated the purpose for the application was to erect a 138' wireless communications facility so that Verizon Wireless can provide wireless service to the Boone County residence's along 63 highway between Ashland Missouri and Jefferson City, Missouri. Verizon currently has no service between Ashland and Jefferson City. They have tried to co-locate on an existing antenna, but did not find any that would work.

Commissioner Schnarre asked if anyone was in favor to step forward.

Mr. Thomas Griffin 6200 E Gilmore Lane Ashland, MO

Mr. Griffin stated he was in favor of putting up the tower and had no additional comments.

Commissioner Schnarre asked if anyone was in opposition.

Mr. Dana Schauer 6151 E. Gilmore Lane Ashland MO

Mr. Schauer stated he had 3 reasons why he was opposed to having the tower at the proposed location. Health, aesthetic concerns and property devaluation. He quoted several paragraphs from an article by B. Blake Levitt titled Cellular Towers. He also stated zoning officials must be encouraged to keep installations away from people and that this is not, and never was, just about the ugliness of towers.

Commissioner Schnarre asked if anyone else would like to speak in opposition.

Without response, he gave Mr. Holland a chance to respond.

Mr. Holland addressed the 3 comments that were made regarding the application. In regards to health, these matters and applications are regulated by the FCC and there are minimum standards which comply with the EMF emissions.

In terms of property values, Mr. Curtis supplied several reports which show these types of facilities do not cause any negative impact on residential property values. In regards to the aesthetics, Mr. Curtis stated the towers are needed if cell phones are to work. Verizon has tried to locate these facilities in areas where it does minimize the impact.

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the request by Thomas Griffin on behalf of Verizon Wireless for a transmission facility including a 138' tower on 25.6 acres located at 6200 E Gilmore Ln., Ashland.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 254-2006**

B. Request by Harold and Clara Sontag on behalf of Verizon Wireless for a transmission facility including a 180' tower on 17 acres located at 8270 W Sugar Creek Rd., Columbia.

Mr. Shawver reported the property is approximately 3 miles to the east of the City of Columbia. The property is zoned A-2 (Agricultural). This property has A-2 zoning to the south, east, and west, with R-S (Residential-Single Family) zoning across I-70 to the north. The zoning of the subject property and the surrounding tracts are all original 1973 zonings.

A description of the lease area site has been submitted by the applicant as Exhibit F in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 17 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower location, subdivision would be possible, but current conditions at the site would make things difficult. The parent parcel has a single-family dwelling and four accessory structures present. A 180' monopole tower and small ground facilities are proposed inside a fenced compound.

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 residential land use. Staff notified 9 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.

While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to the surrounding properties to support the densities allowable under the current zoning. 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.

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(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.

This area is zoned A-2, with residential uses limited to 2-½ acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

(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 proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. Public necessity will be best determined by public testimony before the Planning & Zoning Commission and the County Commission.

Staff recommends approval of this conditional use permit.

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby approve the request by Harold and Clara Sontag on behalf of Verizon Wireless for a transmission facility including a 180' tower on 17 acres located at 8270 W Sugar Creek Rd., Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 255-2006**

C. Street Estates Plat, Little Horse Acres Plat 2, Tobacco Ridge Plat 2.

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

- Street Estates Plats 1. S12-T49N-R13W. A-R. Blue Acres, Inc., owner. Neal R. Slattery, surveyor.
- Little Horse Acres Plat 2. S34-T50N-R12W. A-2. Kristina Metcalf, owner. Michael L. Klassing, surveyor.
- Tobacco Ridge Plat 2. S26-T48N-R14W. A-2. Henry and Lee Raye Lamm, owners. Ronald G. Lueck, surveyor

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 256-2006**

2. TDD – Broadway – Fairview

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby accept the judgment and order establishing the Broadway-Fairview Transportation Development District.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 257-2006**

3. First Reading for Jury Accommodations

The Bid for the Jury Accommodations closed on June 21, 2006. Four bids were received. Court Administration and Purchasing recommend award to Stoney Creek Inn – Columbia, Missouri for the following reasons:

- 1) We have experienced poor quality rooms with Ramada Inn from our last contract 39-16JUN05. Although Ramada Inn was contacted numerous times by Court Administration about mildew in rooms and moisture dripping from walls, they failed to improve the quality of the rooms.
- 2) Econo Lodge and Best Western do not meet specification 2.3.2 - *jury rooms must be above ground level with no public access* due to all of their ADA rooms are located on the first level.
- 3) Although Stoney Creek Inn cannot meet the requirement in 2.3.2 for offering a selection of smoking and non-smoking rooms in the group, they are willing to accommodate this specification by offering a balcony for smokers on that floor. Stoney Creek Inn is the only Bidder that submitted a bid that meets the jury accommodations needs for Court Administration.

This is a term and supply contract and invoices throughout the contract term will be paid from department 1230 - Jury Services & Court Costs, account 84000 - Food/Lodging Juries. \$23,228 remains in the budget at this time.

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.

4. Commissioner Reports

There were no commission reports

5. Public Comment

There was no public comment

Meeting Adjourned at 7:45 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner