

TERM OF COMMISSION: April Session of the April Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center
Commission Chambers

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson
District II Commissioner Skip Elkin
County Counselor CJ Dykhouse
Director of Planning & Building Stan Shawver
Planning & Building Planner Uriah Mach
Deputy County Clerk Kristina Johnson

District I Commissioner Karen M. Miller was absent.

The meeting was called to order at 7:00 p.m.

Planning and Zoning

1. Request by VH Properties LLC to rezone from C-GP (Planned Commercial) to M-LP (Planned Industrial) on 4.23 acres, more or less, located at 6006 W. Van Horn Tavern Road, Columbia.

Mr. Mach stated this staff report includes the proposed rezoning and the revised Review Plan. This property is located on the north side of Van Horn Tavern Road and is bounded on the north by I-70, approximately 1000 feet west of the intersection with U.S. 40. The site is about 1 mile west of the Columbia municipal limits. The area proposed for rezoning from C-GP (planned commercial) to M-LP (planned industrial) is 4.23 acres. The remainder of the area shown on the associated Review Plan is comprised of three additional parcels that have all been rezoned previously to M-LP. The entire area under the proposed revised review plan is 21.51 acres. Property to the north across I-70 is zoned part A-2 (agriculture) and part A-R (agriculture-residential). Property to the east and south is zoned A-R and property to the west is zoned C-GP. All of the zonings with the exception of the M-LP and C-GP are original 1973 zonings. The site of the rezoning is currently the location of a single building formerly used by the Columbia Public Schools as a maintenance facility. This structure is proposed to be removed and replaced by a new building. The property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Consolidated Public Water District No.1. Hydrants are required for commercial structures such as that shown on the plan and any upgrade to waterlines to meet required fire flow will be at the developer's cost. Sewer is currently provided by an on-site wastewater system, however, this is a temporary situation since the BCRSD has a facility within the overall revised plan for the Campus and the new building will be required to hook up to the public sewer. The revised development plan also proposes the possible expansion of two other buildings on the campus. The primary purpose of this plan revision is to unify the various portions of the development that have been submitted individually and unify them under a single

plan. The perimeter setback will shift from the boundaries of each individual plan to the overall perimeter of the campus. The list of Allowed Uses is the same as approved previously and the property already has been granted a CUP for the manufacture or assembly of metal or fiberglass products. The Master Plan designates this area as suitable for commercial land use. The Master Plan promotes the use of Planned Districts as a means to establish new commercial and industrial areas. The property scored 80 points on the rating system. Staff notified 20 property owners concerning this request.

Staff recommended approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during their April 15, 2010 regular meeting. There were seven members of the commission present. Following the public hearing, a motion was made to recommend approval of the request. That motion passed unanimously.

Because this is a planned development, a second motion was required for the Review Plan. A motion was made to approve the Review Plan with the following condition:

- The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

That motion received unanimous support and so the Review Plan comes forward with a recommendation for approval.

Commissioner Pearson opened the hearing for this item.

Matt Kriete stated he is with Engineering Surveys and Services. Mr. Kriete stated the office is located at 1113 Fay Street and he is the Civil Engineer in the project.

Denny Stephenson stated he lived at 5885 N. Van Horn and he is the director of facilities.

Mr. Kriete stated this is just a combination of the previous review plans the Commission has seen into a single campus approach. Mr. Kriete stated other than that he would be happy to answer any questions the Commission might have.

Commissioner Elkin asked if the waste water for the new building would be tied into one system.

Mr. Kriete stated he believes that is what will happen but the details have not been worked out yet.

Commissioner Pearson stated the recommendation was for approval with a provision for the fire lanes and complying with Boone County Fire District requirements.

Mr. Kriete stated no problem there.

Commissioner Pearson inquired if anyone else would like to speak in support or against this proposal.

Commissioner Pearson closed the hearing.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by VH Properties LLC to rezone from C-GP (Planned Commercial) to M-LP (Planned Industrial) on 4.23 acres, more or less, located at 6006 W. Van Horn Tavern Road, Columbia.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 212-2010**

2. Request by VH Properties LLC to approve a revised Review Plan for the Midway USA Campus on 21.51 acres, more or less, located on the north side of Van Horn Tavern Road, Columbia.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request by VH Properties LLC to approve a revised Review Plan for the Midway USA Campus on 21.51 acres, more or less, located on the north side of Van Horn Tavern Road, Columbia **with the following condition:**

- The fire lanes and fire protection requirements must satisfy the BCFPD on any building expansion and any waterline relocation must be made in conjunction with the water district at the developer's expense.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 213-2010**

3. Request by Christopher Campbell for a permit for a Day Care Facility on .61 acres, located at 21 E. Clearview Dr., Columbia (tabled 3/30/10).

Mr. Mach stated this property is located at the immediate northeast corner of the intersection of Clearview Dr and Clearview Rd. The property is approximately 1000 feet west of the northern portion of the municipal limits of the City of Columbia. The property is zoned R-S (residential single family) as is all the immediately surrounding property and these are all the original 1973 zonings. There currently is an existing home structure used as a Group Day Care Home which allows up to 10 children. Under the regulations, the CUP is required for the desired increase in the number of children that can be accommodated beyond the 10. There is also a two story

garage under construction as an accessory structure and it is in the upper portion of this structure that the applicant desires to operate the day care center. There have been no other requests for this property, however, a similar day care request was granted in 2006 for a property approximately 800 ft to the north. This site lies within the Columbia Public School District. The site is in the City water service area. The site is in the Boone County Fire Protection District and fire requirements will be up to the fire district. Electric service will be provided by Boone Electric Cooperative. Sewer service is from a central sewer system operated by the BCRSD serving the subdivision. The master plan designates this area as being suitable for residential land uses and at a limited scale the proposal is in compliance with the master plan as a supporting neighborhood function. Staff notified 96 property owners about this request.

As a CUP the proposal must meet the following criteria from the zoning ordinance to be eligible for approval.

(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.

Staff has no reason to believe that the proposed use will be detrimental to the public health, safety, comfort or general welfare if operated in conformance with existing county regulations, including the building codes.

(b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

The house currently is serving as a residence and day care home and the site should be able to accommodate the increase in children served by the relocation to the new facility provided that the maximum number of children is limited and all county regulations are followed, if this is the case the use should not be injurious.

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

There is no indication that the proposed use will have a negative effect on property values if proper facilities are provided.

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

The facility needs for this request should be similar to those of a single family dwelling or the multi-family dwellings in the area with the exception of the fire and safety requirements; these requirements will need to be worked out with the Boone County Fire Protection District and Building Inspection Department. As a daycare center the structure utilized will likely have to comply with the commercial building codes and standards.

(e) The establishment of a conditional use permit will not impede the normal and orderly development

and improvement of surrounding property for uses permitted in the zoning district.

The proposed use will not impede the development of the surrounding area as it is virtually the same as the existing use in terms of impact as long as the facility has a limit on the total number of children. This is necessary to keep the proposed use consistent with the scope and scale of the surrounding residential uses.

(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 has an existing driveway off a county maintained road and traffic volume generated by the site will be similar to its current use provided the increased number of children is limited. If there is not a limit on the number of children, then the traffic generated by drop off and pick up trips could cause bottleneck type traffic conflicts during the peak traffic times due to the location of the property at the primary entrance to the subdivision.

(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 for the conditional use conforms to other applicable regulations of the R-S zoning district if limited by conditions and it complies with other applicable codes.

Staff supports this request and recommended approval subject to the following 5 conditions:

1. That the total number of children for the day care center is limited to a maximum of 17 in order to remain consistent with the scale of the area and the approval of the other daycare in the neighborhood granted in 2006.
2. That all drive, loading, and parking spaces be dust free to a minimum of chip & seal.
3. That it is recognized that any signage must comply with the sign ordinance.
4. Comply with all site requirements of the Boone County Fire Protection District.
5. Comply with all requirements of the building code.

These five conditions are the same conditions that were placed upon the other day care center located approximately 800 ft to the north.

The Planning & Zoning Commission conducted a public hearing on this request during their March 18, 2010 regular meeting. There were eight members of the commission present. Following the public hearing, a motion was made to recommend approval of the request with the stated conditions.

That motion received unanimous support and so the request comes forward with a recommendation for approval.

Commissioner Pearson opened the hearing for this item.

Chris Campbell stated he lived at 21 E Clearview. Mr. Campbell stated he wanted to create a daycare center for young kids. There are a lot of kids in the neighborhood who run around and there are not sidewalks in this area. Mr. Campbell stated he wanted to provide some smaller children and school age children a place to go and play and get there homework done.

Commissioner Elkin asked if the parents were going to pay to keep their kids there?

Mr. Campbell stated yes.

Commissioner Elkin asked if the daycare is going to be the house and new garage?

Mr. Campbell stated originally the daycare was just going to be the garage but the little kids needed to be in a safer area in case there was a fire. So the infants and smaller kids will be in the basement.

Commissioner Elkin asked if this is a conditional use permit?

Mr. Shawver stated the regulations allow you to have up to ten children in the home without a conditional use permit. More than ten children do require a conditional use permit which is why this is before the Commission.

Commissioner Elkin asked where the number 17 came from.

Mr. Shawver stated in 2006 about 800 feet to the north there was someone who was operating a daycare in the home as well and wanted to expand their operation. To be consistent P&Z recommended the same conditions that the other daycare in the neighborhood had.

Commissioner Pearson stated when he was looking at this he was concerned about having children on the second floor of this structure. Has Boone County Fire already talked to you about this?

Mr. Campbell stated he has spoken with them but the original idea came from the tree in the back. Mr. Campbell stated he put the cart before the horse when he did this because the whole idea was started by the tree. He thought it would be fun to have a tree house as a daycare but he was not thinking about what happened if there would be a fire. Mr. Campbell stated they are willing to do whatever he needs to do to get access out there.

Commissioner Pearson asked how many people will be supervising or working with these children that will be out there.

Mr. Campbell stated probably four to one or something like that.

Tiffany Campbell stated she is the wife of Mr. Campbell and resides at the same residence. The state has a ratio of so many children to adults and this is on our license. Ms. Campbell stated for infants it is one to two infants; for one year olds it is one to four; for two year olds it is one to eight she believes; school age children the ratio is much higher. The ratios will be licensing code standard.

Commissioner Pearson asked what age children do you envision the second story of the new facility to hold?

Mr. Campbell stated from 5 to 12 years old. Mr. Campbell stated they were going to a daycare on the Southside of town and that is a long way to go after work. So what they are trying to do is to provide a place where the parent can drop the kid off and then go straight home and not go thirty minutes out of their way.

Commissioner Elkin asked so if there are children two and under they will be in the house?

Ms. Campbell stated yes they will be in the basement on the ground level.

Commissioner Elkin asked so Mr. and Ms. Campbell you have been in contact with the State?

Mr. Campbell stated yes and they have more regulations then the County.

Commissioner Pearson stated so less the five years old will be in the house.

Ms. Campbell stated yes the basement.

Commissioner Elkin stated he does not have any problem at all with the daycare facility and he just wants to make sure that it is safe for the kids. Commissioner Elkin stated you did a great job on the deck.

Commissioner Pearson inquired if there was anyone present to testify in support or opposition for this proposal?

Commissioner Pearson closed the hearing on this item.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby **approve** the request of Christopher Campbell for a permit for a Day Care Facility on .61 acres, located at 21 E. Clearview Dr., Columbia, subject to the following conditions:

- The total number of children for the day care center is limited to 17.
- The driveway, loading and parking areas must have a dust free surface with a minimum level of improvement being a chip and seal surface.
- Any sign must comply with the Boone County sign regulations.
- The facility must comply with all site requirements if the Boone County Fire Protection District.

- The facility must comply with all requirements of the building code.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 214-2010**

Public Works

Georganne Bowman from Public Works was present on behalf of this item.

4. Budget Amendment for Geosyntec-Technical Review of TMDL (first reading)

Ms. Bowman stated we are requesting that \$9,692.00 be transferred from budget account 2045 and placed into 2046. Of this half which is \$4,846.00 will be reimbursed by the University of Missouri.

Commissioner Pearson inquired if this was for the work that has already been done?

Ms. Bowman stated yes.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the 10-day hold required for the budget amendments.

5. Contract for Geosyntec-Technical Review of TMDL (first reading)

Ms. Bowman stated this is the contract that follows the budget amendment. This is basically the technical review of the TMDL. They have prepared a 22 page report.

Commissioner Pearson stated he would just like to mention the County's cooperation with the City and University on this issue, as well as the various stakeholders on the TMDL chamber retreat. Commissioner Pearson stated he believed that Commissioner Miller will be present for this meeting on Friday morning.

Commissioner Pearson stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading after the 10-day hold required for the Budget Amendment.

Purchasing

6. Computer Surplus Disposal (second reading, first read on 4/22/2010)

Commissioner Elkin moved on this day the County Commission of the County of Boone does

hereby authorize the Computer Surplus Disposal of the following items listed in the attached memorandum.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 215-2010**

7. Bid Award 67-15DEC09 – Iris Biometric Hardware and Software Identity (second reading, first read on 4/22/2010)

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award bid 67-15Dec09– Iris Biometric Hardware and Software Identity Solution for the Boone County Sheriff’s Department to SureScan Technology, Inc. It is further ordered the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 216-2010**

Commission

8. Budget Revision for lease agreement (first reading)

Commissioner Pearson stated this is for the temporary warehouse space for the County Clerk for election equipment. This is 5400 sq ft at North Tower Dr. for six months.

Commissioner Elkin this is until the new Sheriff’s Department is complete.

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

9. Approve lease agreement with Diamond Capital Development (first reading)

Commissioner Elkin inquired if this was approved as to form?

CJ Dykhous County Counselor stated he drafted it so he does approve it.

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

10. Change Order for the Lakewood Area NID project (first reading)

Commissioner Elkin stated this is the NID for Lakewood Condos and Lakewood Villas. The streets have been torn out and with the recent rainstorms, those streets did not have any base under them, so there is all mud out there. There have been many phone calls and complaints from the residents out there. Also the contractor would like to kind of clean up the site a little bit. They are proposing to bring in temporary rock because they have not been able to get the roads to grade yet because they have been doing the curbs. They will haul rock in and once they have to cut grade to pour the roller compacted concrete, they will remove the rock. They say they can do this at \$25.00 a ton to haul it in and take it out. Keith Austin the project manager is asking for a “not to exceed” \$10,000.00 but he really believes it will be half that cost.

Commissioner Pearson asked if the rock will be put in right away?

Commissioner Elkin stated probably but they still have some more work to do with the curb and gutters. They want to put the rock in after the concrete truck is gone so they are looking at Thursday. Commissioner Elkin stated he received a memo from a Condo Board memo who is concerned about adding to the total cost of the NID. Commissioner Elkin stated he did not have a chance to contact him back but he will be contacting him in the morning. Commissioner Elkin stated the contingency of this project has not been touched yet and this has come in at \$200,000.00 less then what the County estimated it to be.

Commissioner Pearson stated his concern was if there is a change order, what does it do to the contingency and the cost of that?

Commissioner Elkin stated right but the contingency has not been touched yet so there is still some wiggle room. Commissioner Elkin stated if he speaks with the homeowners association tomorrow and they do not want to do it, they we may not end up doing anything.

Commissioner Pearson asked when they haul the rock out, what will they put in?

Commissioner Elkin stated the beauty of the RCC is that no base has to be placed.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby authorize the proposal for the change order for the Lakewood Estates, Lakewood Villas, and Valley Creek Neighborhood Improvement District roadway and drainage improvement project, # 09-914, for temporary rock in the amount of \$25.00 per ton Not to Exceed \$10,000.00 total.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order # 217-2010**

Miscellaneous

11. Public Comment

12. Commissioner Reports

The meeting adjourned at 7:43 p.m.

Attest:

Kenneth M. Pearson
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner