

TERM OF COMMISSION: June 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 Linda Vogt
 County Counselor John Patton
 Planning and Zoning Director Stan Shawver
 Deputy County Clerk Mark Schlink

The regular meeting of the County Commission was called to order at 7:00

Subject: Request by the Heartland Council of Campfire Inc. request to rezone from A-R (agricultural, residential) to Rec. (recreation) of fifty acres located at 6000 N. O'Neal Road

Director Shawver gave staff report stating that this property is located 3 miles north of Columbia on O'Neal Road. This tract and all of the surrounding land are zoned A-R (Agriculture Residential). This property is owned by the Heartland Council of Campfire, Inc. The Campfire organization has owned part of this property since 1961, acquiring the other part in 1968. Since that time, they have operated a legal non-conforming recreation facility on this site. As a non-conforming use, expansion is restricted, requiring that the property be rezoned so that new construction can take place. This property is within the Columbia public school district. Water service in the area is provided by Public Water District No. 7. It should be noted that water service and fire flow needs will be evaluated at the time new construction takes place. Electric service is provided by Boone Electric. There is some flood plain near the northwest corner of the property along O'Neal Road. However, this should cause no problems as recreational facilities are located well east of this area. The A-R zoning is the original zoning for this tract. There have been no previous requests submitted on behalf of this property. The master plan designates this area as being suitable for residential land uses. The proposed rezoning is consistent with the master plan. This site has 26 points on the Point Rating Scale. Staff notified 35 property owners concerning this request. The Planning and Zoning Commission voted seven in favor and none against.

Wanda Hoffman, 1451 Bottner Road, Columbia, stated that she is the distinct director of campfire. She explained that they might want to put in cabins. She further stated they had a flood route so that they can get out at anytime.

Commissioner Stamper convened a public hearing, no one came forward and the meeting was closed.

Commissioner Vogt stated that seeing that the Planning and Zoning Commission unanimously supported this the Commission should too. Commissioner Vogt then moved that the Boone County Commission approve a rezoning request by the Heartland Council of Campfire Inc. to rezone from A-R (Agricultural, Residential) to Recreational fifty acres more or less located at 6000 O'Neil Road.

Commissioner Miller seconded

The motion passed 3-0 **Order 294**

Subject: Request by W. B. Smith et al, on behalf of Martin Smith to rezone from R-S (Single Family Residential) of 6.65 acres and from A-1 (Agriculture) of .52 acres to C-GP (Planned Commercial) and to approve a review plan for "Route K Storage Planned Commercial Development" located at 5720 S Rte K, Columbia.

Director Shawver gave staff report stating that this property is located south of Columbia, approximately 1/2 mile south of Rock Bridge Elementary School. The majority of this property proposed for the Planned Commercial Development (PCD) is zoned R-S (Single Family Residential), but there is a small portion that is zoned A-1 (Agriculture). Land to the east of this

tract is zoned A-1. All of the other surrounding area is zoned R-S. These are the original 1973 zonings. Some of the properties across Route K from the PCD site are being used for commercial purposes, these properties are non-conforming uses. There is no commercial zoning of any type in the immediate area of the proposed site. In 1979, a 16.3 acre part of the parent tract that the subject tract is part of was rezoned from A-1 to R-S. The current parent parcel, excluding the 16.3 acre portion rezoned in 1979, is approximately 36 acres. The property is currently vacant (except for a mobile home) and has been used as pasture. The applicant is requesting that 7.17 acres of the 36 acres be rezoned to C-GP (Planned Commercial).

A review plan has been submitted that shows the property being developed as a self-storage mini-warehouses with 4 warehouse storage buildings and a fifth building that is designated as a residence/office. The sizes of the structures are indicated on the plan. It is also important to recognize that as part of the plan a note is included that limits the use of this property to mini-warehouse storage use. Since this note is a specific provision of the request this condition will be binding and any change will require the plan to come back with a revision request. If the PCD property is desired to be separated for sale from the parent parcel, a subdivision plat that conforms to all the subdivision regulations will be required. There is no 100 year flood plain located on the PCD area nor the parent tract. This property is within the Columbia School District. Water service is provided by Consolidated Public Water District No. 1. and there is a 6" waterline on the west side of Route K. The property is in the Boone County Fire Protection District who will dictate any needed up-grade in the water line and the required fire flow rates as fire hydrants will be required. Boone Electric provides electric service to the area. The applicant proposes to establish an on-site, no discharge wastewater system. Technically, wastewater will be limited to the equivalent of a single family dwelling. However, the stormwater run-off will be a much larger factor, due to the amount of impervious surface area under roof and in the service driveways. It should be pointed out that Rock Bridge Park is located 100 feet to the southeast of the proposed development and the general site drainage runs in the direction of the park. The Master Plan designates this area as being suitable for residential land uses. This proposal is not consistent with the Master Plan. The property has 63 points on the point rating scale. Staff notified 49 property owners concerning this request.

The Planning and Zoning Commission meet on June 18, following a public hearing after substantial public testimony had been given. Two motions were made in accordance with the regulations, the first motion was to recommend denial of the Route K storage facility. That motion received 5 yes votes and 2 no votes. The second motion was to the rezoning request. That motion also passed 5-2. So, it the recommendation of the Planning and Zoning Commission to deny both requests.

Commissioner Stamper asked how many acres are in the total tract?

Director Shawver replied that the tract is 35 acres.

Tom Schneider, representing Marty and Mary Smith, stated the applicants have filed a revised plan. The applicants spoke to the park officials and they don't have a problem with the project.

At the planning and zoning meeting they presented a petition of people who were not opposed to the change. Mr. Schneider then presented an aerial photo of the area and then he pointed out that there is a heavy natural tree line towards the south and the south east. He then presented landscaping plans which included a four foot berm with trees that would grow to about 8 feet. Cars on Route K would not be able to see Route K Storage and the top of the first level of the residences can see the tops of the first level of buildings. The visual buffering would be quite good. Some research was done in terms of the traffic that would be caused and the average daily trip average would be 15 vehicles and perhaps 23 vehicles on weekends. He stated that if the Route K Storage sight was not built than a 35 lot subdivision could be built in its place and that the "Mini-Storage" would be better in terms of the community. There is a need for storage in the area, currently other mini-storage sites are full or close to it. He encouraged the commissioners to analyze this in terms of the options available, first this storage site, secondly a 35 lot subdivision.

Commissioner Stamper asked if the Commission was to understand that the berm is new from the original plan.

Mr. Schneider replied that it was and then introduced his second witness, Tim Malone, designer and estimator for Ross Landscaping in Columbia, Missouri. He stated that Mr. Smith requested that they come up with a screen that would completely obstruct the view of the storage facility. He believed that their solution would work. He stated that they had utilized a 95% evergreen screen with intermittent deciduous plants for fall coloring. Included on the plan is a plant list And distances between where the trees will be planted. These trees would be planted on the berm in a basic two row staggered formation at a distance of twenty feet between trees.

Commissioner Vogt asked if the tops of the storage buildings would be visible from the house across the street.

Mr. Malone replied that he did not think so.

Commissioner Stamper convened a Public Hearing.

Commissioner Miller submitted the following two letters in opposition to the project:

Dear Karen:

I am writing to you to oppose a land use application, i.e., mini storage on Route K.

Many Families live along the road with constant traffic each day. This is bad enough, but the idea of a mini storage unit would make the traffic situation much worse. It is not the place for this type of construction.

Single-family dwelling is why they passed Planning and Zoning in Boone County for our protection. The Planning and Zoning Commission have denied this request. As a member of this Southern Boone County area, I request that the County Court follow the Planning and Zoning Commission's recommendation and deny this seven-acre tract from being rezoned.

Sincerely Yours,
Kay Roberts

Dear Ms. Miller,

I live in the area where a proposed group of storage buildings are to be built on Highway K in the southern part of Greater Columbia. I would like to voice my opposition to this project. The area is designated as residential and as a resident of the area I would like to have it maintained as such.

We have one commercial establishment at Hoe-down and Hwy. K and it is an eyesore we do not need any more commercialization n the area since it can open itself up to a greater degradation of the area.

In viewing the proposed planned layout, the aesthetics appear to be very poor and would contribute to the degradation picture.

In addition, traffic in the area is already heavy enough. We do not need a greater amount for the road system as it exists.

Finally, the social aspects presents itself. Will the people that will be using these storage facilities be the type of people that will respect my neighborhood?

In viewing the proposed plan, I ask, "Would you want this in your back yard ?" I think not. Thank you for allowing me to present my views.

Sincerely
Robert L. Merriman

Michael Goldschmidt, 710 W. Dripping Springs Road, President of the Friends of Rockbridge State Park, spoke in opposition to the project. He stated that his group believed residential development to be better than commercial development. The biggest concern of the group is that any change in the zoning sets precedent for other commercial ventures to come in. The second complaint is the run off despite the retention wall, there could still be significant run off in the event of heavy rains. Lastly, the proposed site is less than 100 feet form the deer run trail, and the carnivorous trees that are proposed are out of character for this area.

Rick McKernan, 181 W. Waltz, spoke in opposition. He stated that he did not understand what use a master plan was if it was changed. He further stated that this project in no way improves the area. He stated that he talked to many other storage facilities and that the traffic estimates

previously given were not correct. He further stated that many stray animals are attracted to or dropped off at these storage facilities. He then questioned the regulations concerning these self storage sites and whether the chain link fence would be inside or outside

Sarah Sapp, 8 Thistledown Dr., speaking on behalf of Col. Dale Harah who is living in Atlanta, GA. She spoke in opposition to the project. The Col. bought lot 24 and 25 which are on Route K. He purchase the lots in March and any rezoning would damage his property value. The area of the proposed site is in a valley and can be seen from above on the road. The Col. would also prefer the houses to the storage unit.

John Hawkins, 400 E. Old Plank Rd., spoke in opposition. He recently purchased 3.5 acres and is part owner in a small lake just across the street from the sight. This is a residential area and should stay that way.

Alice Stott, 5651 S. Route K, spoke in opposition. She stated that she and her husband have live directly across the street from the proposed entrance and have lived there for 32 years. She stated that this could not be good for the community if people are doing all this work to cover it up. She then stated that according to some real Estate people, the project would decrease their property by a minimum of 30%.

Ed Johnson, 5581 S. Route K, spoke in opposition. He stated that houses in the area are worth \$150,000 to \$300,000 and this project would be extremely detrimental to their values. He stated that he too would prefer housing to this "piece of junk".

Allen Bock, 5768 Bethel Church Road, spoke in opposition. This project is not consistent with the surrounding property. He then brought up concerns about the eventual widening of the road.

Gary Lewis, 5671 S. Route K, spoke in opposition. He stated that he spoke to a number of people in the area and believes that the people who supported this project in the first place would not support it now. He explained that he bought his home 9 months previous with the knowledge that the land across the street was zoned R-1 and could not be changed. He also stated that the storage sites would attract crime to the area. He further stated that a commercial facility of any type would decrease the value of their homes. He voiced concern that about what would become of the rest of the property if this small chunk was rezoned.

Fred Overton, 2712 Chapelwood View, Columbia, spoke in opposition. He is the owner and developer of Southbrook subdivision which is across the street from the proposed project. He is also speaking for Joe Grath. He explained that when he bought South Brooke he was under the understanding that the Smith property was zoned agricultural and his property was twice turned down for R-2 zoning because it did not meet the land use plan. The proposed project does not the land use plan either.

Ed Johnson 5581 Route K, spoke in opposition. He stated that he spoke to the Missouri Highway Transportation Department and they have no interest at this time for widening Route K past Corporate Lake Drive. If it was approved the necessary space would come off their front yard.

Russell Sapp, 5651 South Route K, spoke in opposition. He stated that his front yard would be 60 feet away from this structure and noise would be a great concern for him

Commissioner Stamper asked if anyone else was wishing to speak, no one responded. Mr. Schneider was given the floor for rebuttal.

Mr. Schneider stated that the right of way would not have to come off the west side of road. The idea that these storage areas are magnets for crime, this is not true, it does not match common experience. With regard to the fence, the fence would be inside the trees. The concern about animals would be solved by this, either animals are not going to get in or they are not going to get out and if trash does accumulate then it would not get outside the fence. The concerns of the friends of the park are appreciated but the Park officials do not share these concerns. Finally, in the foreseeable future it is very possible that there is a 35 lot subdivision.

Commissioner Stamper asked Director Shawver about the storm water drainage being on the site or off.

Director Shawver stated that the plan is 7.17 acres and historically by county regulations the commission can only attach requirements to the 7.17 acres of ground..

Commissioner Stamper asked about the berm idea.

Marty Smith, 5500 South Route K. Responded that he came up with the idea from a golf tournament in South Carolina.

Commissioner Stamper asked Director Shawver about the restrictions placed on commercial ventures inside mini storage units.

Director Shawver responded that the zoning regulations place no restriction on their use.

Commissioner Stamper asked Director Shawver about changes in the master plan.

Director Shawver the master plan is a generalized plan for the future, it is not binding.

Commissioner Stamper asked Mr. Schneider about the amount of traffic that would be caused by the storage units.

Mr. Schneider replied the numbers were based on the mini storage site behind Columbia Mall. The results were 15 trips per week day and 23 trips per weekend.

Commissioner Stamper asked Director Shawver if the trips for a residential area is six to nine.

Director Shawver stated that public works generally uses nine trips per day.

Commissioner Vogt asked about the trees on the east and south side of the project, whither or not the trees would be on the 7.17 acres.

Mr. Schneider replied that the answer is that some of the trees are on the remaining 35 acres and some are on the 7.17.

Commissioner Miller stated that it is the policy of State agencies not to interfere in local Planning and Zoning issues.

Commissioner Stamper asked Director Shawver if it was conceivable that in the next three to five years if this land could be annexed.

Director Shawver stated that Commissioner Stamper is correct.

Commissioner Stamper stated that there is a possibility of developments that would be much worse than mini-storage units. He then stated that he was very sensitive to the idea that this project is located near Rock Bridge State Park.

Commissioner Miller stated that this project doesn't fit with the rest neighborhood.

Commissioner Vogt stated that the biggest disadvantage is that it is terribly unpopular.

Commissioner Miller moved that the Boone County Commission deny the review plan for the Route K Storage planned commercial development located 5727 South Route K, Columbia.

Commissioner Vogt seconded

The motion passed 3-0 **Order 295**

Commissioner Miller moved that the Boone County Commission deny the request by W.B. Smith et al on behalf of Martin Smith to rezone from RS, single family residential 6.65 acres and from A-1 agricultural of .52 acres to planned commercial.

Commissioner Vogt seconded

The motion passed 3-0 **Order 296**

Subject: Request by Ron and Teri McBee on behalf of Linda Murray for a Family Day Care Facility on 41.9 acres located at 113 Mauller Road, Columbia

Director Shawver gave staff report that this property is located at the intersection of Mauller Road and State Highway VV, approximately 3 miles north of Columbia. Access to the property is from Mauller Road. The property is zoned R-S (Single Family Residential), as is property to the north, south and west. Property to the east is zoned A-R (Agriculture Residential). There are two houses on this property as well as some out buildings. The larger house is occupied by the property owner's son. The second house is currently vacant. The applicant wants to open a "family day care home" in the vacant house. Such a use is normally a permitted use in the R-S district, provided it complies with the requirements of a home occupation. The zoning regulations requires that a home occupation may be performed by someone residing on the premises. In this case, the operator will not reside in the home, or on the property. Consequently, the zoning regulations view this situation the same way it would a day care center, thus requiring a conditional use permit. The application indicates that they will only have 10 children in the facility. This property lies within the boundaries of Public Water District No. 7, however, the property is served by a private water service registered with the Public Service Commission. There is an on-site wastewater system serving this house. The property lies within the Columbia Public School district. The master plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is not inconsistent with the plan. There have been no other requests submitted on behalf of this property. Staff notified 46 property owners concerning this request. Planning and Zoning considered this at their May 21st meeting and voted 7-0 to recommend the conditional use permit.

Commissioner Stamper asked if Mrs. McBee had anything to offer.

Mrs. McBee replied that she was just happy she wasn't trying to open mini storage.

Commissioner Stamper convened a public hearing

No one responded

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved that the Boone County Commission approve a conditional use permit for Ron and Teri McBee for a family day care facility on 41.9 acres located at 113 Mauller Road Columbia.

Commissioner Miller seconded

The motion passed 3-0 **Order 297**

Subject: Valley Creek Plat 8 PRD lot 77 Allen Lynch Construction Company, owner, James V. Patchett, surveyor

Director Shawver gave staff report stating that this two lot re-plat is a proposal to split the original parent lot. Lot 77 first platted as a lot in Valley Creek Subdivision Plat 8, recorded in plat book 31 page 31 of the Boone County Records. Additionally, this lot is contained within the area designated on the approved final plan for Valley Creek PRD. Lot 77 is located on the north side of Trikalla Drive. This property is zoned R-M PRD (residential moderate density) < the R-M underlying zoning is the original 1973 zoning. The Planned Residential Development was approved in April 1997. The structure on this lot is designated as single family attached

residence, and as such, must meet a higher building code standard than a traditional duplex, which, externally this unit resembles. This plat represents part of the final stage of the plan as initially presented for the 20 lots of Valley Creek Plat 8 as part of the PRD. Water service is provided by the City of Columbia. Central sewage treatment will be from the BCRSD. The owner has requested a waiver of the requirement for traffic analysis. Staff concurs with this request and recommends that the waiver be granted. This plat has 80 points on the point rating scale.

Director Shawver then stated that this the final plat of lot 77 in Valley Creek, PRD, plat 8. Planning and zoning approved that plat 7-0 and it is ready to be received and accepted by the commission.

Commissioner Vogt moved that the Boone County Commission receive and accept plat 8 of Valley Creek planned residential development and authorize the Presiding Commissioner to sign the document.

Commissioner Miller seconded

The motion passed 3-0 **Order 298**

Subject: Blackwell Subdivision. S1-T50N-R13W. Sharon D. Heuer, owner. J. Daniel Brush, surveyor.

Director Shawver reported that this one lot minor subdivision is located on the southwest corner of the intersection of Old 63 North and Bill Lawrence Road, approximately 11 miles north of Columbia. The property is zoned A-2. Approval of the plat will create a remaining tract of less than 20 acres. An administrative survey for the remainder tract has been submitted and approved and will be recorded immediately after the plat.

Commissioner Vogt moved that the Boone County Commission receive and accept Blackwell Subdivision, a minor subdivision and authorize the Presiding Commissioner to sign the plat.

Commissioner Miller seconded

The motion passed 3-0 **Order 299**

Subject: Contract with DEKA Geotechnical for investigation of addition and renovations for Reality House

Commissioner Miller stated that Mitzel and Scroggs put out a RFP for Geotechnical. Commissioner Miller then moved that the Boone County Commission enter into an agreement with DEKA Geotechnical from Columbia, MO and authorize the Presiding Commissioner to sign the purchase requisition.

Commissioner Vogt seconded

The motion passed 3-0 **Order 300**

Commissioner Miller then stated that while the Commission was on the topic of Reality House that it had come to her attention that the County needed to renew its contract with Reality House. The Contract would need the following five components: 1, approval of the temporary trailers; 2, allow for them to purchase meals at \$.93; 3, allowing them to collect the \$16.00 a day fee in lieu of rent; 4, that a report would be given to the commission once a month; and 5, that the nursing situation would remain the same.

Subject: Family Court Supplemental Agreements

Commissioner Stamper stated that he received the agreement from the Circuit Clerk that needed to be signed by the Presiding Commissioner.

Commissioner Stamper moved to approve the agreement between the state and the county for family court supplemental agreements and authorize the Presiding Commissioner to sign pending legal counsel review and approval.

Commissioner Vogt seconded

The motion passed 3-0 **Order 301**

Subject: Extension of the sales tax for Domestic Utilities

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby under the provisions of 144.032 RSMo. does hereby extend and impose the 1/2 cent county sales tax authorized under 67.547 RSMo. upon all sales of metered water services, electricity, electrical current, natural, artificial or propane gas, wood, coal, or home heating oil effective October 1 .

Commissioner Vogt seconded

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

Subject: Commissioner Reports

Commissioner Miller reported that the county had received two checks for Union Cemetery, one for \$250 and one for \$50. She then stated that those people should get a thank you letter.

Commissioner Vogt reported that she spent half a day with a mediator at the talks between the Senior Center and CMAAA. Both sides expressed fear and concern about parting company.

Commissioner Stamper reported that he had been made aware of several annexations and if anyone wanted to see the information it was available.

Subject: Public Comment

Ken Mitkiff, 1005 Belview Court, Columbia, MO requested that the county form a county Park Board as laid out in the master plan.

The meeting adjourned at 9:00

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner