

**TERM OF COMMISSION:** May Session of the May Adjourned Term

**PLACE OF MEETING:** Boone County Government Center Commission Chambers

**PRESENT WERE:**  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Planning and Building Director Stan Shawver  
Deputy County Clerk Brian Wright

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

Commissioner Elkin read a document into the public record as follows:

*In absence of the Presiding Commissioner, I, Wendy S. Noren, hereby appoint District II Commissioner Skip Elkin as presiding officer of the County Commission this 29<sup>th</sup> day of May 2001.*

**Subject: Request by Robert L. Kinkead and Rex L. Kelly to approve a Final Development Plan for a Planned Light Industrial development on 22.38 acres, located at 7841 ABC Ln., Columbia.**

Rex L. Kelly, 7841 E. ABC Lane, Columbia (applicant) was present on behalf of this item.

Commissioner Elkin stated that the review plat and rezoning request was approved on December 12, 2000.

Stan Shawver stated that the property is located approximately 2 miles east of the Columbia municipal limits on ABC Lane. He stated that the subject tract is zoned A-2 (Agriculture). He noted that the land to the north of the site is zoned A-2. He further noted that to the east, north and west of the subject tract the zoning is also A-2, adding that all the zonings are the original 1973 zonings.

Mr. Shawver stated that the property to the south, across I-70 is zoned R-S (residential single-family) with a small pocket of C-G (general commercial) zoning. He stated that the R-S is an original 1973 zoning with the small C-G property having been rezoned from the original R-S zoning in 1987. He noted that the current use of the property is for a veterinary facility that primarily handles large animals, such as cattle. He further noted that this use was certified by a variance from the Boone County Board of Adjustment in 1986, with the stipulation that no part of the property south of the southerly wall of the veterinary facility building be used for the veterinary use.

Mr. Shawver stated that the applicant has received approval of a rezoning request to rezone M-LP (Planned Industrial). He stated that the applicant also received approval of a review plan subject to nine conditions, noting that both approvals occurred on December 12, 2000. He noted

that the conditions of the approved review plan are noted on the submitted final review plan. He further noted that the total property encompasses 22.38 acres.

Mr. Shawver stated that the approved rezoning will not go into effect until the final plan is approved and signed. He stated that the property is located within the Boone Electric service area, the Columbia School District, and the Boone Fire Protection District. He noted that water service is provided by Consolidated Public Water District No. 9, adding that fire hydrants and waterline upgrades will likely be required in conjunction with the building permit process. He further noted that an administrative survey to divide the property into the two lots, has been submitted and is currently under review.

Mr. Shawver stated that the Planning and Zoning Commission approved the final development plan at its April 19, 2001 meeting. He stated that all the conditions of the review plan and corrections to the Final Development Plan have been made. He noted that zoning will go into effect upon the approval of Final Development Plan.

Rex Kelly stated he appreciated the amount of time and work the County put into the item.

Commissioner Miller stated that the item satisfied all conditions and concerns the County may have, noting that she supports approving the item.

Commissioner Miller moved to approve a request by Robert L. Kinkead and Rex L. Kelly to approve a Final Development Plan for a Planned Light Industrial development on 22.38 acres, located at 7841 ABC Ln., Columbia, and authorize the acting Presiding Commissioner to sign the documents.

Commissioner Elkin seconded the motion.

There was no discussion.

The motion passed 2-0. **Order 249-2001**

**Subject: Request by Gregory Harmon and Delores Strange to vacate and re-plat lots 27A, 28A and 29A of Fairway Meadows Plat 2 and lot 26 of Fairway Meadows Plat 1**

Sam Boyce, 701 Wild Rose Place, Columbia (representative for the applicants) was present on behalf of this item.

Mr. Shawver stated that the applicants are requesting to vacate four lots in Fairway Meadows Subdivision. He stated that the block should be Block 1 (Lots 26, 27, 28 and 29), noting that in the petition that was filed, the applicants indicated Block 2. He noted that the lots are currently zoned R-M (Minor Density Residential). He further noted that the lots are vacant.

Mr. Shawver stated that part of the subdivision was platted in the mid/late 1960's. He stated that

Fairway Meadows Subdivision is closely located to the East lagoon site. He noted that there are duplexes on each side of these lots, requesting to be vacated. He further noted that the applicants have submitted a petition to vacate the lots, in accordance with section 1813 of the Boone County Subdivision Regulations.

Mr. Shawver stated under that section of the regulations, it states that the Boone County Commission is required to conduct a public hearing to determine if the vacation can take effect, (with effect on the character of the neighborhood, traffic conditions, and proper location of streets and roads adjacent to the Subdivision, property values within the subdivision, the impact on public utilities, facilities and services, and effect on the health/safety of the person owning or possessing property within the subdivision to be vacated or surrounding real estate).

He stated that the applicants are also requesting to re-plat the lots into a different configuration.

Sam Boyce stated that he spoke to the head of the County Sewer Department. He stated that he was informed that there was adequate sewer capacity for the items being requested. He noted that he wants to place an eight-plex on one of the tracts, and a seven-plex on the other. He further noted that it was his plan to get two lots, adding that one of the lots is not big enough, in terms of square footage, to build a duplex.

Mr. Boyce stated that the cost of the land does not justify building three duplexes, and make a profit in the Columbia market. He stated that this construction should benefit the surrounding neighborhood (property value). He noted that it should also improve the look of the neighborhood.

Commissioner Miller asked why a duplex could not be placed on one of the lots.

Mr. Boyce stated that because of the smaller area of the first lot it could not qualify for a duplex, for the four lots combined.

Commissioner Miller asked if all lots were combined into two lots, the area could qualify for an eight-plex and a seven-plex.

Mr. Boyce responded affirmatively.

Commissioner Miller asked what the lots can currently hold.

Mr. Shawver stated that the regulations require 10,000 square feet for a duplex. He stated that lots are currently only 9,600 feet. He noted that a tri-plex could be built on each of these lots. He further noted that smaller units would have a higher density size, suggesting that there would not be children.

Commissioner Elkin asked if twelve units could be built on the lots, as it is currently configured.

Mr. Shawver responded affirmatively, noting that the applicant wants to put fifteen units on the

reconfigured lots.

Mr. Boyce stated that having only twelve units on the lots is not practical, with the price of the property.

Commissioner Miller asked if there are more extensive codes in bigger apartment buildings.

Mr. Shawver responded affirmatively.

Commissioner Miller asked if eight-plexes are identified as apartment buildings.

Mr. Shawver stated that an eight-plex would require an architect's plans. He stated that the plans would not be required for a duplex.

Commissioner Miller asked when would sprinkling be required.

Mr. Shawver stated that anything above (and including) a tri-plex would require sprinkling.

Commissioner Elkin opened a public hearing on this issue.

Jerry Carrington, 729 Demaret Dr., Columbia  
John Gerzen, 204 W. Phyllis Avenue, Columbia

Mr. Carrington stated that he lives approximately two lots away from the area being discussed. He stated that he received a letter from Mr. Shawver's office, stating that the work action proposed will occur on Fairway Meadows, Block 2- to vacate lots 26, 27A, 28A and 29A. He noted that he has difficulty finding Meadows, Block 2. He further noted that it was his opinion that the proposed lots are in Block 1.

Mr. Carrington presented a boundary survey to the Commission, noting that it was created for Mr. Harmon (applicant). He stated that lot 26 had nothing to do with other three lots being discussed. He noted that, in his opinion, the adjacent landowners were notified incorrectly in regards to this request. He further noted that he believed there should have been two hearings for this item (one hearing for the request to vacate, and a second hearing for the building plans).

Mr. Carrington stated that if he had not contacted the Planning and Building Department, he would still not know what work is being proposed on these lots. He stated that in his opinion any one of the four lots could have tri-plexes on them, adding that he believed all the lots had the current square footage for such a dwelling. He noted that he would not like to see anything over a duplex being built in the area. He further noted that the property further down the street is all duplexes.

Mr. Carrington stated that there is residential housing behind the proposed building site. He stated that there was the possibility of the eight-plex having as many as three new tenants per

year. He noted that he thought that this idea was unacceptable, noting that it was unfair to the occupants in the residential housing.

Mr. Carrington stated that parking in the proposed area is also a problem. He stated that he went through the subdivision this morning and found ten cars that were essentially immobile. He noted that problem could become even larger if the lots were built with the current design plans. He further noted that in the covenants, it states that the plans need to be submitted to an architectural committee to get the plans approved. He added that he was unaware if Mr. Harmon has had any plans approved by an architectural committee.

Mr. Carrington stated that he acquired several crime reports for the area, noting that in the last year there a number of problems with the current number of tenants. He stated that the County Sheriff's Department responded to roughly one call per night, for problems, on Demaret Drive. Mr. Covington presented the crime reports to the Commission for review.

Mr. Carrington stated that there are many problems with the sewer lines in the area. He stated that many of the problems are due to tree roots. He noted that the main sewer lines are being maintained. He questioned whether the sewer line was big enough to accommodate the increased capacity, adding that he was unsure what sort of sewer problems would arise in the future from this proposed building plan.

Mr. Carrington stated that there were thirteen vacancies within the subdivision currently. He stated that there was also a litter problem within the area. He noted that there have also been many road access problems to the Subdivision, due to construction in the area. Mr. Carrington further noted that in his opinion the area needs more residential property, not income-producing housing.

Commissioner Miller asked that if the 2500 square feet proposed also included parking.

Mr. Shawver stated that it did not include the parking.

Commissioner Miller asked what the requirements were for parking.

Mr. Shawver stated that two off-street parking places are required per dwelling unit.

Commissioner Miller asked if duplexes were also required to have off-street parking.

Mr. Shawver responded affirmatively, noting that the requirement does not force people to park in those areas.

Mr. Carrington stated that most of the drive is gravel, noting that none of it is paved, curbed or guttered. He stated that the stormwater program the County is currently working on could also create problems in the proposed area.

Commissioner Miller asked if two hearings will be required for this item.

Mr. Shawver stated that the regulations do not stipulate that the Commission must have two hearings to vacate and re-plat. He stated that in the past, the Commission has heard both items at the same time. He noted that a vacation is authorized at that meeting, but it will not take effect until a re-plat is submitted and approved in accordance with the regulations.

Mr. Shawver stated that the survey Mr. Carrington submitted is a lot-line adjustment survey that was done on lots 27, 28 and 29 of the original Fairway Meadows. He stated that the error on the petition may have occurred, citing the "Block 2" mistake. He noted that the two lots had 9600 feet originally. He further noted that the surveyor took three feet from each lot to adjust the lot lines, making the outer lots 10,000 square feet. He acknowledged that the inner lots were smaller.

Mr. Shawver stated that due to the petition mistake- listing Block 2 instead of Block 1 for lots 27A, 28A, and 29A- Mr. Carrington was correct. He stated that the County's letter to the neighbors would not be legal. He noted that this item should be postponed for another meeting until a corrected notice could be resubmitted to the neighbors. He further noted that the regulations do not state that the re-plat has to be designed and submitted, adding that if the vacation is not going to be approved the engineering and survey expense of laying-out the lot would not be "out-of-pocket" of the owner/potential buyer.

Mr. Shawver stated that Mr. Carrington had several good reasons why the lot should not be vacated. He stated that the applicant did not submit any information that could refute Mr. Carrington's comments.

Mr. Carrington stated that lot 26 was not a standard lot.

Commissioner Miller asked about the required parking size, and yard requirements.

Mr. Shawver stated that the actual required parking size per vehicle is fairly small (9'x19'). He stated that there would be no yard requirement for this item.

Mr. Boyce asked if the information he received from the Recorder's office was incorrect.

Mr. Shawver stated that he had a copy of the deed. He stated that when there is a discrepancy such as this it is best not to proceed, noting that it would cause opportunity for judicial review and possible turnover. He noted that any time there is a challenged issue, all the information should be correct.

John Gerzen stated that he owned property in the area. He stated that he had been informed previously that only duplexes could be built in the area. He noted that parking has been an issue for some time, adding that there are several bad drives in the area. He further noted that, in his opinion, there will be more trouble with the sewer lagoon in the region if the proposed building is

authorized, adding that he thought the sewer was overextended already.

Mr. Gerzen stated that by making these lots higher density areas, the problems in the area will only get worse. He stated that in his opinion the properties currently in the area need better treatment. He noted that in his opinion the lots should only be allowed to have duplexes built on them. He further noted that the proposed buildings would reduce property values in the surrounding areas.

Commissioner Miller asked if there was a Neighborhood Association currently in the area.

Mr. Gerzen stated that he did not know.

Commissioner Miller asked if there are covenants, permitting only duplexes on the lots.

Mr. Gerzen stated that he did not know.

Commissioner Miller stated that if it is included in the covenants, this matter would be a civil issue and not a Commission issue.

Mr. Carrington presented a copy of the covenants to the Commission for review.

Commissioner Elkin, hearing no further public comment closed the public hearing.

Commissioner Elkin stated that due to testimony presented, there was no issue to move forward this evening. He requested that if the applicants choose to re-submit their petition, it is their obligation to petition with the correct information.

Commissioner Elkin asked if the issue would go back before the Planning and Zoning Commission.

Mr. Shawver stated that it would not go before the Planning and Zoning Commission again. He stated that the issue could be returned by the end of June, noting that the letters to the neighbors must be re-submitted first.

Commissioner Miller asked how much notification would be given to the neighbors.

Mr. Shawver stated that fifteen days notice would be given to the neighbors (within 500 feet of the lots).

Commissioner Miller stated the timeliness of the item's return would also depend on the applicant as well.

**Subject: Request by Suzanne King and Charles Edward King to vacate and re-plat Tract A of Helen Lewis Subdivision**

Commissioner Elkin stated that neither the applicant nor a representative of the applicant was present on behalf of this item.

Mr. Shawver stated that the matter can not be brought forward without someone present to represent the item. He stated that the County has always required that someone be present for a petition notice to answer any questions of the Commission or address public opposition.

Commissioner Elkin stated that the item would receive no action this evening.

**Subject: RNL Acres. S9-T48N-R14W. A-2. Willis and Kathleen Paul and Robert and Lisa Robitaille, owners. J. Daniel Brush, surveyor.**

Mr. Shawver stated that the item was a two lot subdivision, west of town. He stated that this item could have qualified as a lot-line adjustment. He noted that the Planning and Zoning Commission approved this item at its April 19, 2001 meeting. He further noted that the plat is ready to be received and accepted by the County Commission, with authorization for the Acting Presiding Commissioner to sign.

Commissioner Miller moved to receive and accept RNL Acres, and authorize the acting Presiding Commissioner to sign the plat.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 2-0. **Order 250-2001**

**Subject: Commissioner Reports**

*Commissioner Stamper*

Commissioner Stamper was absent tonight

*Commissioner Miller*

Commissioner Miller did not give reports today.

*Commissioner Elkin*

Commissioner Elkin did not give reports today.

There was no public comment.

The meeting adjourned at 7:42pm.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Don Stamper  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner