

TERM OF COMMISSION: May 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 Counsel John Patton
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 7:00pm.

Subject: Dust Control on Richland Rd

Constituents of the Richland Rd area arrived at the County Commission meeting at the invitation of Commissioner Vogt. Commissioner Stamper invited the constituents forward to give comments concerning dust control problems on Richland Rd.

Ken Grieman, 6150 Richland Rd stated that this road has been slated for work for seven years to level a ½mile stretch. He stated that the road as it stands now is a safety hazard. He stated that people are often blinded by the sun when they pull out onto the road. He also noted that the road has a washboard type surface most of the time. He stated that the residents in the area were informed that there could be some work performed on the road this summer. He stated that if that is possible, then they would like to have it done.

Clark Campbell, 7750 Richland Rd asked about the lawsuit between Boone County and one of the water districts regarding Richland Rd. He wanted to know why the lawsuit is holding up the improvement project. He asked how soon the residents could expect an improvement to be made to the road.

Commissioner Vogt stated that the County hired an engineering firm to focus on a redesign project to avoid the water lines. She stated that this report is due back to the Public Works Department by the middle of June. She stated that then the County Commission would have to decide on a design for the project based on the updated cost of the project and the amount, if any, of water line relocation.

Commissioner Vogt stated that the Public Works Department is planning to chip/seal the roadway once the materials are in place and the weather is right. She stated that the other problems on the road would have to be solved by grading.

Commissioner Vogt stated that the County is involved in a legal situation with one of the water districts regarding this road, however the County Commission directed the Public Works Department to prioritize this road and redesign the project so that the road could be paved. She stated that the County plans to connect the two sections of the road without disturbing the water lines.

Dale and Marlese Loveall, 7801 E Richland Rd stated that if the chip/seal is put down in the near future, then in the Fall someone would tell them that funds have already been expended and therefore the neighborhood will have to wait before the road can be paved. Dale Loveall stated that the road is very dangerous. He also stated that he did not understand why the neighborhood had to wait for the improvements because of the dispute between the water district and the County Commission.

Robert Willingham stated that the road is very dangerous. He stated that there is a hole in the northwest corner of the bridge on Grindstone Creek. He also noted that there is “too much hump” in the road. He stated that something needs to be done about the road as soon as possible.

Willard Ward, 7700 E Richland Rd stated that he was told (seven years ago) that Richland Rd had

a high priority on the paving list. He stated that now it seems that there is a new plan for paving the road. He questioned if it would now take another seven years before the road would actually be paved.

Larry Edwards, 6048 E Richland Rd stated that the road is extremely dangerous. He stated that there are numerous traffic accidents on the road. He requested that the County Commission move the paving of the road along as quickly as possible.

Ken Grieman returned to say that if the chip/seal activity would push the road further down on the paving list, then the neighborhood would rather have the road graded.

Commissioner Stamper stated that the County Commission is also very frustrated with the progress of this project. He stated that the dispute with the water district delayed the progress even more. He apologized for the delay and stated that the Public Works Department has been directed to redesign the project to avoid the water lines. He stated that the County will work toward completing the project on as timely basis as possible.

Commissioner Stamper and Commissioner Vogt noted that the County would go ahead and apply chip/seal sometime later this month (once the materials are in place) to help stabilize the roadbed.

The County Commission thanked everyone for coming out.

Subject: Request by Jack and Julie Rader to rezone from R-S (Single Family Residential) and R-M (Moderate Density Residential) to REC (Recreation) of 125.48 acres, more or less, located at 5051 W I-70 Dr NW, Columbia

Stan Shawver gave the staff report as follows:

This property is located west of the Columbia municipal limits on I-70 Drive, Northwest. The subject tract is zoned R-M (Moderate Density Residential) and R-S (Single Family Residential). Land to the north of the site is zoned A-2. To the east, zoning is R-S, R-M and A-R. Most, if not all, of this property, is located within the 100-year floodplain. There is a building on the property. This property is located within the Boone Electric service area, and the Columbia School District. Water service is provided by consolidated Public Water District No. 1. The applicant has requested that the land be rezoned to REC (Recreation). The Master Plan designates this area as being suitable for residential land uses. The proposed use is consistent with the plan and staff generally supports this request. However, staff is concerned that this is a large tract of land being changed to recreational uses. Many such uses have the potential for generating significant traffic levels, which could negatively impact what is essentially a dead end road. However, while noting the concern for traffic impacts, staff recommends approval of the request. 39 property owners were notified of this request.

Stan Shawver stated that the Planning and Zoning Commission conducted a hearing on the request on April 20. He stated that a motion to recommend denial of the request passed 5-1. He stated that the request is being brought forward with a recommendation for denial on appeal.

Commissioner Stamper asked Stan Shawver if the 39 property owners that were notified were within 1000'.

Stan Shawver stated that they were.

Commissioner Stamper called for the applicant and the agent of the applicant to come forward for testimony.

Bruce Beckett, (Attorney) offices at 901 E Broadway and Jack Rader were present for this matter.

Bruce Beckett stated that the applicant actually owns more land than what was included in the request. He provided an aerial photograph and description of the property. He stated that the

property owner has access to the property through a 2-acre tract. He stated that the Raders wish to use the property for recreational purposes. He noted their interest in little league baseball and stated that the property would be used for that purpose.

Bruce Beckett stated that the current R-S and R-M zoning is inappropriate for this area. He stated that this land has extremely flat land that would be good for athletic purposes. He also noted that this property could eventually be connected to the trail system. He noted that this development could facilitate bringing sewer mains into the area.

Bruce Beckett stated that there were people who spoke in opposition to the request because of various concerns. He stated that one gentleman stated in a letter that he was afraid that race track, firing range, and rock concert activity would take place on the property if the zoning were approved. He stated that those types of uses are not permitted in a recreational zoning district. He stated that shooting preserves and trap shooting and pistol ranges are conditional uses. He stated however in order to pursue those uses, at least two public hearings would have to be held.

Bruce Beckett stated that the Raders also are not seeking this request in order to develop a golf course. He noted that golf courses are permitted uses under the R-M and R-S zoning districts.

Bruce Beckett stated that another concern was the traffic. He stated that it would require “a decent road to serve a facility such as this,” however he stated “that public bodies do not spend public money to make roads that lead to no place.” He stated that public bodies spend money to preserve areas that are busy and generate tax dollars. He stated that funds are then spent to establish roads to serve those areas. He stated that this would be no different than the State installing a new bypass by the Boone County Fairgrounds.

Bruce Beckett stated that there were several comments that the Raders should request a Planned District or a Conditional Use Permit to control light, noise, etc. He stated that there is no Planned Recreational district or Conditional Use Permits under the County’s zoning ordinance that would allow the Raders to have a recreational use on this property. He stated that he understood the concerns about the lighting, however lighting is a component of recreational facilities and a necessity since these types of activities do not just occur during the day. He stated that there is new technology that could direct the light down and keep it from escaping. He also noted that there is already ambient light escaping into the atmosphere in this area.

There were no questions for the applicant.

Commissioner Stamper convened a public hearing on the request.

Cindy D. Wesselmann, 1720 N Earthland Rd stated that her family’s property is directly west of the request site. She stated that they have owned their home in this area for 8 years. She stated that seven years ago, they attended the Planning and Zoning Commission meeting for a hearing to rezone a piece of property directly across I-70 to recreational. She stated that the result of the request is what is now known as Perche Creek Golf Course. She stated that many property owners spoke in opposition to that rezoning request, however it was approved. She stated that now the lights from the Perche Creek Golf Course are very disturbing. She stated that the present property owners plan to establish ballfields, however if the property were to change hands—the property could be used for any of the uses permitted in recreational zoning.

Cindy D. Wesselmann stated that the neighborhood is concerned about lighting, sports fields, the amount of noise, etc. She stated that Bruce Beckett stated that there is no zoning other than recreational that could cover what the property owner would like to do with his property. She stated that the neighborhood was informed that the Planning and Zoning Commission is working on establishing a Planned Recreational zoning.

John Relles, 4563 W Gibbs Rd stated that his property is due east of the request site. He stated that he has mixed feelings about the request because he coaches a little league baseball team. He stated that he is however opposed to blanket recreational zoning because it creates too many uncontrolled activities. He stated that the traffic in this area is already bad and will only get worse

if the zoning is granted. He stated that speeding may occur on a road that has a lot of blind spots, especially around sunset.

Janet Krause, 2812 Wild Plum Ct stated that their farm adjoins the request site to the east. Janet Krause stated that right now their neighborhood is peaceful and quiet with beautiful scenery. She stated that she is not opposed to sports or little league baseball, however this type of activity could create a lot of noise and traffic. She noted that the road is very dangerous.

Gary Krause, 2812 Wild Plum Ct illustrated for the County Commission where his property is located in relation to the request site. He stated for the public record that his mother lives across from a little league baseball field and that he loves baseball. He stated however that the zoning should compliment the area, not destroy it. He asked the County Commission to delay in establishing this type of zoning in this area.

Carroll Jurgensen, 4301 W Gibbs Rd stated that she is not against baseball, however this type of zoning would not work in this area. She stated that the road and traffic conditions are not conducive to the zoning. She stated that this type of zoning could result in a lot of partying in what is currently a quiet neighborhood.

Eric Jurgensen, 4301 W Gibbs Rd stated that he is not opposed to the zoning. He stated however since the Planning and Zoning Commission is working on the Planned Recreational zoning, then this request should be denied until that zoning is in place.

Harold Creed, 1800 Earthland Rd submitted a letter for the public record as follows:

April 14, 2000

Boone County Planning & Zoning Commission

Gentleman,

As the owner of property abutting the 125.48 acre tract of Jack and Julie Rader, I oppose the Commission granting their request for rezoning their entire tract to REC use. Since the Raders do not provide a specific plan of development of recreational uses, Commission approval would permit such future uses as Go-cart racing, target shooting and Rock concerts. The noise and elevated lighting associated with these potential uses would have negative impacts on my property.

In lieu of granting REC zoning to the entire tract as requested, I urge the Commission to consider granting Conditional Use Permits based on specific plans of development. This approach would allow the Commission to maintain control over future uses of such a large tract.

I wish to speak to the Commission at the April 20th meeting.

***Harold K. Creed
1800 Earthland Rd
Columbia, MO 65202***

Kecia Reddick, 4200 Gibbs Rd stated that her property is located just outside of the notification area--1000' from the request site. She stated that the area is beautiful and the recreational zoning would disturb the area. She stated that he is not opposed to recreational areas, but she does have concerns about the road. She stated that there are no sidewalks in this area. She stated that she is opposed to the zoning request.

There was no one else that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Stamper called the applicant/agent of the applicant for rebuttal.

Bruce Beckett stated that recreational areas have to be near people to be of any use. He stated that the area already has recreational uses and the area is well-suited for the permitted uses of this type of zoning. He stated that public money may eventually be found to improve I-70 NW because of all the activity that is coming to the area.

Jack Rader stated that he spoke with MoDOT and they are considering an I-70 improvement plan for this area.

Bruce Beckett stated that if this area is micro-managed by the neighborhood, then it will not grow.

Commissioner Stamper asked if Jack Rader could declare a private facility and develop under R-M zoning.

Stan Shawver stated that the potential is there, however those uses are supposed to be exclusive.

Commissioner Stamper asked Jack Rader why he requested the entire 125 acres.

Jack Rader stated that the trail could possibly come through his property in the future and would limit the use of his property. He stated that he could not use his property in this area any other way.

Commissioner Stamper stated that Mr. Rader could have requested this kind of zoning incrementally.

Jack Rader stated that in order to be fair he wanted to plan ahead and be up front. He stated that there are no guarantees that he would be able to get the zoning later on down the road.

Stan Shawver noted that this property is not contiguous to the city of Columbia. He stated that it is off by about ½mile.

Commissioner Stamper asked for Stan Shawver's reaction to the people's use of the term blanket recreational zoning. He stated that this is not a term that is listed anywhere in the Planning and Zoning Regulations.

Stan Shawver stated that this term usually refers to recreational "street" zoning in commercial or residential areas. He stated that as the community has evolved, there is greater and greater concern for the unknown. He stated that now the Planning and Zoning Commission likes to have an idea of the use that the request is being made for or what will occur in the request area. He stated that the straight REC zoning does not allow for restrictions or regulations like Conditional Use Permits. He stated that there seems to be a lack of control over this type of zoning.

Commissioner Stamper asked if the Commission could ask that the property owner shrink his request at this point.

Stan Shawver noted that the request could be reduced at any point.

Commissioner Miller asked what trail was being referenced in Mr. Rader's comments.

Jack Rader stated that he was referring to the proposed PedNet Trail.

Commissioner Miller stated that the property is beautiful and is well-suited to this type of zoning. She stated that she does have concerns about the road. She also noted that developers should not expect public money to be used to improve a road when it is their development that has created the need for the improvement. She stated that "if you transition the land, then you should help pay for the improvement."

Commissioner Vogt stated that she agreed that the area is very beautiful. She asked if “people really expect property owners to be disallowed to use their property just to maintain the beauty of an area.” She noted however that the other side to this question is: how much of the beautiful land will be put to use until there is not any beautiful land left? She stated that people should be able to use their property in the way that they choose.

Commissioner Vogt stated that recreational zoning is the best use for this property. She noted that this is a difficult decision. She stated that her options were to say no because a small group of people want to keep their setting or say yes so that kids have a place to play sports.

Commissioner Vogt also noted that the other roads to recreational sites in this area are not any better than the road to the proposed site.

Commissioner Vogt stated that the Planned Recreational zoning would have to go through seven, public hearings before it could even be considered at the County level as a new type of zoning.

Commissioner Stamper stated that Planned Recreational zoning is needed, however it is not in place at this time. He stated that his main concern is the size of the request. He stated that he would be more comfortable with a 40-50 acre request.

Commissioner Miller stated that the request would be more desirable if the request size were reduced.

Jack Rader asked if the item could be tabled until the next meeting so that he could consider whether or not he wants to reduce the request.

Commissioner Stamper thanked Bruce Beckett and Jack Rader for their vision. He stated that the availability of youth recreation is one of the things that makes Boone County a great place to live.

The County Commission agreed to table this request until the next meeting.

Subject: Request by Michael and Vickie Gilbane to approve a Review Plan on 2.7 acres, more or less, located at 10371 I-70 Dr NE, Columbia (Note: a zoning change to M-LP was approved in Feb. 2000)

Stan Shawver gave the staff report as follows:

This 2.7-acre property is located approximately 6 miles east of Columbia on I-70 Drive, Northeast. The property is zoned R-M (Moderate Density Residential), as is all of the surrounding land, except land situated south of I-70. In February of this year a rezoning request to change the zoning to M-LP (planned light industrial) was approved for the property by the County Commission. This rezoning is pending approval of both a review and final development plan. There were 5 conditions placed on the development at the rezoning approval. These conditions are shown on the review plan. There is an old house and several sheds on the property which will be removed as part of the development of the property. The proposed review plan indicates that the development will include two buildings containing approximately 4,000 sq. ft. each and a 120' by 160' privacy fenced parking and storage area behind one of the proposed buildings. Wastewater facilities will be required to comply with the Missouri Department of Natural Resources requirements for a commercial wastewater system. The existing pond is proposed to be reconstructed and remain as a stormwater detention area. Landscaping is shown on the review plan. The subject tract is located within the Columbia School District. Water is provided by Public Water District 9. Fire hydrants are required for this development. Boone Electric Co-operative is the electric service provider. Staff notified 25 property owners concerning this request. Staff recommends approval of the review plan subject to the same 5 conditions as shown on County Commission Order 64-2000 being made conditions of approval for the review plan.

Stan Shawver stated that this request is being brought forward on a recommendation for approval.

Commissioner Stamper convened a public hearing on the request.

There was no one present that wished to speak.

Commissioner Stamper closed the public hearing.

Commissioner Vogt moved to approve a request by Michael and Vickie Gilbane for a Review Plan on 2.7 acres, more or less located on 10371 I-70 Dr NE, Columbia as submitted with the conditions as follows:

- That all stormwater is retained on the property
- That an 8' privacy fence be placed where appropriate to protect the residential area
- That there will be no guard dog on the premises
- That there will be no more than 15 completed cars outside of a building at any time
- That the Planning and Building Inspection Staff work with the applicant for appropriate landscaping on the property

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 178-2000**

Subject: Cornell's Friendly Acres Block 2. S11-T47N-R13W. A-R. Owners: James and Delores Cornell. Surveyor: Timothy J. Reed

Stan Shawver stated that this is a replat of lots 17 and 18, which received authorization to vacate and replat at last month's Planning and Zoning meeting.

Commissioner Miller moved to receive and accept Cornell's Friendly Acres Block 2 and authorize the Presiding Commissioner to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 179-2000**

Subject: Fern Gully. S23-T50N-R14W. A-2. Owners: John and Charma Farris and Kevin and Donna Steward. Surveyor: Donal E Bormann.

Stan Shawver stated that this two-lot plat that was approved by the Planning and Zoning Commission.

Commissioner Vogt moved to receive and accept Fern Gully and authorize the Presiding Commissioner to sign it.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 180-2000**

Subject: Hendren Estates. S3-T50N-R13W. A-2. Owner: Barry and Linda Nichols. Surveyor: Donald E. Bormann

Commissioner Vogt moved to receive and accept Hendren Estates and authorize the Presiding

Commissioner to sign it.

Commissioner Miller seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 181-2000**

Subject: Nichols Hollar. S5-T45-R12W. A-2. Owner: Gary D. Nichols. Surveyor: Curtis E. Basinger.

Commissioner Miller moved to receive and accept Nichols Hollar and authorize the Presiding Commissioner to sign said plat.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 182-2000**

Subject: City of Columbia Annexation

Commissioner Stamper stated that the County received notice of an annexation of 35.41 acres located on the west side of Bearfield Rd approximately 500 feet south of Nifong Blvd. He submitted the notice for the public record.

Subject: Letter from MO Department of Natural Resources regarding the University of MO's application to construct (2) Combined Cycle Natural Gas-Fired Turbines

Commissioner Stamper submitted the letter for the public record. He stated that there would be a hearing on the matter at 7pm on Wednesday, May 24, 2000 in the Walt Disney Rm of Memorial Union North on the University of Missouri-Columbia campus.

Subject: Report on the 1999 United Way Campaign

Commissioner Stamper stated that this letter was sent by the United Way co-chairs to let Boone County know that the campaign reached its goal and to thank everyone for their participation.

There were no Commissioner Reports.

Public Comment

Stan Shawver stated that tomorrow night the Planning and Building Inspection Staff would be attending the Hallsville Planning and Zoning meeting to offer advice and input.

The meeting adjourned at 8:55pm.

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner