

TERM OF COMMISSION: December Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kenneth M. Pearson  
District I Commissioner Karen M. Miller  
Deputy County Clerk Kristina Johnson

District II Commissioner Skip Elkin was absent.

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

### **Planning and Zoning**

Stan Shawver from Planning and Building was present on behalf of these items.  
Skip Walther was present on behalf of Anna Marie Albert Lewis.

**1. Request by Anna Marie Albert Lewis to rezone from R-S (single Family Residential) to A-2 (Agriculture) on 10.3 acres, more or less, located at 60 E. Audubon Rd., Columbia.**

Stan Shawver stated the minutes for the Planning and Zoning Commission meeting of December 17, 2009 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject tract is located on Audubon Road, off of State Route N, approximately 5 miles south of the city limits of Columbia. The applicant is seeking the rezoning of 10.3 acres from R-S (Residential Single-Family) to A-2 (Agriculture). The purpose of this rezoning request is to allow for a family transfer to occur on this property. The property is zoned R-S (Residential Single-Family), with R-S zoning to the north and west, and A-2 zoning to the south, and east. These are all original 1973 zonings.

Currently the property is vacant, with no structures present on the tract. Staff notified 26 property owners about this request. The property scored 16 points on the point rating system.

The Master Plan designates this property as suitable for agriculture and rural residential land uses. The Master Plan also identifies a "sufficiency of resources" test for determining whether there are sufficient resources available for the needs of the proposal.

The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public water is provided by Consolidated Public Water District #1. There is an

existing 4" water line on the north side of Audubon Road. The 4" line is currently considered to be insufficient to serve the permitted density of the existing R-S zoning, but is sufficient to provide for domestic water service if this request is granted. Electric service will be provided by Boone Electric Cooperative. Fire protection will be provided by the Southern Boone County Fire Protection District.

Transportation: This property has direct access on to Audubon Road, which feeds into State Route N.

Public Safety: The nearest fire station is in Ashland, approximately 5 miles to the southeast. The existing road network provides access for public safety services.

This request meets the requirements of the Boone County Master Plan's sufficiency of resources test. While the requested zoning is lower density than what currently exists, the present infrastructure is more suited to that level of development proposed than that which is permitted under the current zoning. Staff recommended approval of this rezoning request.

The Planning and Zoning Commission conducted a public hearing on this request during their December 17, 2009 meeting. There were 7 members of the commission in attendance at the meeting. Following the public hearing, a motion was made to recommend that the rezoning request be approved. That motion received unanimous support. It comes forward with a recommendation for approval.

Skip Walther stated he was representing the owner of the property Anna Marie Albert Lewis. Mr. Walther state she is the daughter of Paul Albert Lewis and he gave this property to his client. She is one of several siblings and it is unclear why Mr. Albert Lewis gave the property to her. Mr. Walther stated Anna Marie does not want to retain ownership of this entire track; she would like to transfer some property to her brother Eric, who lives to the West of this property. To do this that would need to rezone from R-S to A-2. The proposal for what is planned to do is to transfer 7.7 acres of the rezoned property to Eric, and retaining about three acres of this. The decision to rezone the entire piece of property before giving the 7.7 acres away is because leaving the three acres as R-S just does not make any sense. This will be done for the sole purpose of the transfer of property. With the remaining tract of land Mr. Walther stated, his client would like to sell the rest of the land and divide the proceeds up amongst her siblings, so everyone receives an equal share.

Commissioner Miller stated she only received one call and they were satisfied with what the property owner was trying to accomplish there.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request of Anna Marie Albert Lewis to rezone from R-S (Single Family Residential) to A-2 (Agriculture) on 10.3 acres, more or less, located at 60 E. Audubon Rd., Columbia.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order 603-2009**

**2. Stuart Remnant. S2-T51N-R13W. A-2. Karen Stuart, Joshua and Amanda Heath, owners. Nathanael E. Kohl, surveyor.**

Mr. Shawver stated this is a three lot minor subdivision. The zoning is A-2, and it is located off of route F and Crofton Hall Rd. This is a piece of property that several years ago the owner had it surveyed into three tracts for a family transfer. The owner never followed through with any other then lot number 2. Mr. Shawver stated the owner sold the property at auction about a month ago, this and the remainder piece, and they actually offered it as lot 1 and 3.

Unfortunately when family transfers have not been executed or transferred they are not legal lots. Mr. Shawver stated this necessitated the owners to go through the platting process on lots one and three. The owners decided to speak with lot number 2 and they agreed to participate so there is a three lot subdivision. This is one of the things that the County has been discussing with family transfer issues. The Planning and Zoning Commission approved the plat and it is now ready to be received and accepted by the County Commission with an authorization for the Presiding Commissioner to receive the plat.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the presiding commissioner to sign:

Stuart Remnant. S2-T51N-R13W. A-2. Karen Stuart, Joshua and Amanda Heath, owners.  
Nathanael E. Kohl, surveyor.

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order 604-2009**

**Commission Office**

**3. Change Order Authority up to \$5,700.00 for the roof on the Warehouse project (second reading, first read during the day 12/29/2009)  
Change Order Authority up to \$486.00 for siding on the Warehouse project (second reading, first read during the day 12/29/2009)**

Commissioner Miller stated this has to do with a timing issue with getting the building ordered so that the County does not run out of time to get it in here and get it up before the June 1<sup>st</sup> deadline for moving the elections equipment into that space.

Commissioner Pearson stated what the Deputy County Clerk did here was place both orders

which were previously two and put them into one Commission Order.

Commissioner Miller stated yes, one change order makes it is easier to track.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize Commissioner Karen M. Miller to sign the following change orders for the Warehouse Project

Change Order #1: \$5,700.00 – for the roof

Change Order #2: \$486.00 – for the siding

Commissioner Pearson seconded the motion.

There was no discussion or public comment.

The motion carried 2 to 0. **Order 605-2009**

**Miscellaneous**

**4. Public Comment**

**5. Commissioner Reports**

The meeting adjourned at 7:10 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Kenneth M. Pearson  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner