

TERM OF COMMISSION: July 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 Skip Elkin
Planning and Building Director Stan Shawver
County Attorney John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:01 p.m.

Subject: Public Hearing on Possible Annexation of the Boone County Fairgrounds

Commissioner Stamper stated that the county commission has drafted a letter to the City of Columbia. He stated that a few years ago the county commission acquired 134 acres of property known as the Boone County Fairgrounds. There is also approximately another 200 acres in that area that is county owned property. This 200 acres is known as the Boone County Law Enforcement Compound, which includes the jail, National Guard Armory, Fire Protection District Training Facility, Juvenile Justice Center, and the Reality House. There is also a 54-acre tract, which is also adjacent to the fairgrounds but across Oakland Gravel Road which extends from Prathersville Road to approximately the intersection of Oakland Gravel Road. There is 134 acres, which are the fairgrounds.

Commissioner Stamper stated that the commission had determined that this property is contiguous and compact with the City of Columbia and that they were paying a 15 % premium for water supply. The water cost for this approximate 200-acre area was almost \$22,000 a year. The jail and the fairgrounds are the largest users of water in the area.

Commissioner Stamper stated that the commission began investigating the issues of annexation and found that the addition of street light, bus service, trash service, public utilities, and other services would benefit this area. In work session format, the commission came up with eleven issues that are expressed in a draft exploratory letter to the City of Columbia concerning the possible annexation of the County Fairgrounds and other County owned property.

Commissioner Stamper read the following letter:

Dear Mayor Hindman and Mr. Beck:

This exploratory letter will address the possibility of annexation by the city of county owned property. The specific properties addressed in this letter are: the Boone County Fairgrounds and

the Boone County Law Enforcement Compound (374 acres more or less) and are located adjacent to US Highway 63N, Oakland Gravel Road, Stark Lane and Prathersville Road.

We have received and reviewed the city's voluntary annexation procedures, and we believe the economic benefits to the citizens of Boone County make this annexation a viable option. We are respectfully requesting if annexed, that county property be treated in a similar fashion as state property, university property or as the county treats city owned property (e.g., unincorporated areas such as the airport, water treatment and sewer facilities all of which exist outside the city limits of Columbia).

The Commission has thoroughly examined the annexation issues, but expect the following considerations before any such annexation may occur:

1. The property to be annexed will be designated for the city's land use planning efforts as light industrial type of land use.
2. The county will maintain full ownership of the property and have control over all zoning and land use decisions.
3. The city will accept and maintain all the streets associated with the property to include, but not be limited to, the addition of streetlights to the area.
4. The county will receive the benefit of reduced utility rates especially in the area of of water and sewer for the properties that are annexed.
5. Bus service will be provided on a routine basis to the Law Enforcement Compound and related facilities, JJC and Reality House. City bus schedule will have to be altered as necessary to accommodate major events that will occur at the Boone County Fairgrounds.
6. The properties in question will be governed by county ordinances (land use, health and sound, etc).
7. City sales tax rate will apply to the property.
8. The city will make a good faith effort to interconnect existing sewer facilities in the area, and all utilities would be made available to the site as the acreage develops.
9. Any Additional acreage donated or acquired by the county in the area, which is contiguous and compact would receive similar conditions.
10. Fire service and water provisions will be handled according to territorial agreements. Law enforcement protocols which have been made on existing county lands between the city of Columbia and the County of Boone will be followed.
11. The fees normally associated with voluntary annexation will be waived.

Please give our annexation requests your consideration and let us know if they are agreeable. A formal annexation request will be submitted if and when there is consensus between the city and the commission.

If you have further questions or need clarifications, please contact us directly.

Sincerely yours,

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner

Commissioner Stamper said that this is the intent that is expressed on this issue. He stated that the commission would now take public comment concerning this issue.

Waldo Palmer, 414 Alexander, Columbia, stated that he has been involved with the fair since 1947. There was much discussion to get the fair out of the city limits, which was done. Mr. Palmer stated that the City would not annex this land into the city per the recommendations from the County Commissioners. Even though the Commission wants bus service to this area, there is no demand for the bus service. Mr. Palmer stated that the fairgrounds have become one of the best rental properties in Boone County. He stated that the Commission must understand and know the financial standing of the fairgrounds to protect them from having complaints about spending so much money on the fairgrounds. Mr. Palmer told the Commissioners that if they did not know what they were financially then they should not have bought the fairgrounds. He stated that he was against the annexation of the fairgrounds into the city.

Mr. Palmer stated that if the Commission waited 5 years to ask for annexation because in that amount of time, then they would know where their finances were going. In addition, by waiting, the Commissioners would be able to defend themselves to the press and the public.

Jerry Carrington, 729 Demaret, Columbia, stated that when this property was purchased, this commission has the bundle of rights. The bundle of rights is when someone has the rights of taxation, police power, condemnation power, and other powers. It took one year to buy this land. He stated that the commission did not know what they were getting into when they bought this property and he agreed with Mr. Palmer in the fact that he did not agree with annexation.

Mr. Carrington stated that with a 15.7% savings on water rates, on the \$22,477 spent on water there would be a \$3,528 savings each year. Mr. Carrington has converted this current amount spent on water into gallons and has come up with the figure of 1,000,000 per month. He asked where this million gallons of water is going. Mr. Carrington asked the commissioners why there has not been consideration of building a county owned well so that the county jail could be self-sustaining.

Mr. Carrington asked if the National Guard was willing to be a part of this annexation. Commissioner Stamper replied that this matter only addresses county owned property and to be annexed by the city would be a decision made by the National Guard. Mr. Carrington asked if the National Guard had been contacted. Commissioner Stamper stated that the commission had contacted the National Guard and they are not opposed to the annexation of the surrounding lands.

Commissioner Stamper closed the public hearing on this item.

Commissioner Stamper stated that due to territorial agreement and pre-annexation agreement, it is not too far off that the county owned property would be encompassed by the city. He also stated that the commission decided that since this land would soon be surrounded by the city, then the county owned lands should benefit also.

Commissioner Stamper stated that the five-year suggestion that was brought up is a meaningful suggestion but this five-year period is ticking away. The second year anniversary is soon for the county owning the fairgrounds.

Commissioner Miller stated that this is no different then the University of Missouri property, which does not go through planning and zoning, they create their own rules, they determine what will be on that property, and they do not fall under city ordinances but do have city street services. Moreover, this is similar to what the commission is asking from the city in the annexation of the fairgrounds.

Commissioner Elkin stated that he agrees with the other commissioners. The conditions have been outlined. This issue has been brought forward as a discussion item and will be awaiting the City's response to the letter.

Subject: Planning and Zoning

Stan Shawver, Director of Planning and Building Inspections, present on behalf of this item.

1. Request by William S. Regan on behalf of Telecorp Realty LLC for a transmission tower facility, including a 190' tower, located at 7466 Nursery Rd., Columbia

Stan Shawver stated that that this property is located on Nursery Rd., approximately 1 mile south of Columbia. Nursery Rd intersects with State Highway K. The property is zoned A-2 (Agriculture), as is all of the property to the north, south and west. Property to the east is zoned R-S. The property owner operates a nursery and green house business from his property. This request is for a transmission facility, which will include a 190' monopole tower. The tower will be unlighted. This site is served by Boone Electric Cooperative. The site is located within the service are for Consolidated Public Water District No.1, however, the proposed use will not require water service. The site is also within the Columbia Public School District. The master plan designates this area as being suitable for residential land uses. 57 property owners were notified of this request. The proposed use can be compatible with residential uses in the area, and will provide broader service area for communications devices. Staff recommends approval of this request with the following conditions:

- Plans be approved by a Registered Professional Engineer.
- Facility must comply with all requirements of the zoning regulations prior to a construction permit being issued.

The Planning and Zoning Commission conducted a public hearing on this request on July 19, 2001, with seven members of the Planning and Zoning Commission present. There was a motion to recommend approval of request with the staff conditions and the motion carried unanimously.

Stacey Mathis, employee of Wayland & Co., who is contracted through Telecorp as a construction management company stated that Telecorp, is retailing in the Columbia area as Suncom Wireless. He stated that the city of Columbia has a good coverage area and they are now looking toward the outlying and developing residential areas of Boone County in trying to provide quality service in those areas. Mr. Mathis stated that Telecorp has been looking in the Southwest section of Columbia for a location for a tower. There were no existing towers that would satisfy the needs of Telecorp. This proposed 190' monopole tower would provide for at least three other carriers. This location was chosen because it is on a hill, which would offer better coverage, fairly remote to residential areas with the exception of Mr. Regan. The tracts of land owned by Mr. Regan are being re-platted to create a fall zone of 200' from the tower and Mr. Regan's residence.

Commissioner Stamper asked Stan Shawver if this application meets all the requirements of the zoning ordinances. Stan Shawver stated yes.

Commissioner Miller asked if all provocation studies had been reviewed to see if the service being requested could not be met by any of the other towers. Stan Shawver stated yes.

There was no public comment at the public hearing on this item.

Commissioner Miller moved to approve the request by William S. Regan on behalf of Telecorp Realty LLC for a transmission tower facility, including a 190' tower located at 7466 Nursery Rd., Columbia, with the following conditions:

- Plans be approved by a Register Professional Engineer, and
- Facility must comply with all requirements of the zoning regulations prior to a construction permit being used.

Commissioner Elkin seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 347-2001**

2. Request by Godas Development, Inc., to approve a review plan for Lakeview Mall Phase II, located at the northwest corner of Clark Lane and Lakewood Drive

Stan Shawver stated that this property is located just east of the Columbia City Limits at the intersection of Clark Lane, St. Charles Rd and Lakewood Dr. The site is zoned R-M (moderate

density residential) with a pending C-GP (planned commercial) designation and with a current review plan in effect for this portion of the property showing it as vacant. The C-GP designation will not go into effect until a Final Development Plan is approved for this portion of the property. Property to the immediate west is zoned C-GP. Property further to the west is zoned R-M as is property to the north. Property to the south is zoned C-G, (general commercial). Property to the east is zoned C-N, (neighborhood commercial). The site is currently vacant.

In 1973, this site was originally zoned C-N. In July 1974, a 0.152-acre parcel was rezoned to R-M. In December 1976, an additional 4.29-acre parcel was rezoned to R-M. Both requests indicated the zoning change was to utilize the land in conjunction with the developing Lakewood Estates Condominium Development. In April 1995, a rezoning request and Review Plan were submitted for a Planned Commercial Development. In approving the request, a number of development and use restrictions were placed on the review plan by the Planning and Zoning Commission and the County Commission. (See file for Certified Copy of Order).

The proposed Revised Review Plan shows a single 4000 square feet structure with an attached drive thru canopy. It should be noted at this time that the shown drive thru canopy can be proposed if the intended use is allowable under the use restriction in effect for the property, for example for a bank. It cannot be proposed as a canopy for gas pumps or as a drive thru for a restaurant, however, as these uses are prohibited. The plan indicates a single 30' driveway connection to Lakewood Drive and a traffic connection into Lakeview Mall Phase 1. The plan shows 39 parking spaces that should be adequate; however, final parking requirements cannot be determined until a specific use is proposed. Sewer service will be from a connection into an existing BCRSD facility with ultimate treatment by the City of Columbia. Additional ROW to provide the required ROW widths will be dedicated by plat. Fire hydrants and commercial fire flows are required for this development. This development is in the Columbia School District and Boone Electric service areas. There have been erosion control and stormwater complaints and problems associated with this property. Subsequently proper approvable erosion control and stormwater plans and mitigation practices will need to be submitted in conjunction with a Final Plan.

Since this development is proposed as a separate lot within the overall development and there is an inter-relatedness of the total development of the property, approval will need to be conditioned upon the recording of an appropriate plat or plats for the entire parent parcel. The master plan shows this area as being suitable for residential development but also indicates that where commercial development is proposed it should be of a planned nature. The plat has 88 points on the point rating scale. Staff notified 246 property owners were notified concerning this request.

Staff recommends approval of the revised review plan subject to the following 5 conditions, including 11 sub-conditions:

1. That the approval is contingent upon the recording of appropriate and acceptable plats for the entire property and that said plats for the entire property be fully ready for recording

before any approval for this review plan goes into effect.

2. That it be recognized that no building permits can be issued until an acceptable Final Development Plan and any plans required to be approved in conjunction with said Final Plan are approved.
3. That it be recognized that the following 4 conditions of the Final Development Plan for Lakeview Mall Phase 1 are in effect for this Review Plan as requirements:
 1. Dedication documents be acceptable to utilities and public works and be recorded prior to the issuance of any building permits.
 2. Fire hydrants be in place and operational prior to the issuance of building permits.
 3. Improvements to Lakewood Drive be completed and approved for acceptance by the Public Works Department prior to occupancy of the building.
 4. No temporary occupancy permits be issued for this structure, unless the above conditions have been met.
4. That it be recognized that the following 7 conditions of the original approved Review Plan for Lakeview Mall Phase 1 are in effect for this Revised Review Plan as requirements:
 1. Uses on the site are limited to the permitted uses included in the neighborhood commercial (C-N) classification; excluding all conditional uses and the following permitted uses: veterinary offices, mortuaries, agricultural activities and private clubs.
 2. Applicant will submit an acceptable landscape plan showing exact location, species, caliber and size of all plant material with the Final Development Plan.
 3. Final Development Plan shall include an acceptable lighting plan showing type of fixture, location of fixture, direction of fixture; lighting shall be directed inward on the property.
 4. Final Development Plan shall show all signage, type and location.
 5. Final Development Plan shall include an acceptable erosion control plan.
 6. Godas Development, Inc. shall, along with Lakeview Villa Neighborhood Association and Lakewood Estates Neighborhood Association, agree on a solution for the existing road impacted by the Lakeview Mall development--bringing the road to County standards in order that it be accepted for public maintenance.
 7. Appropriate Elevation views of the building be submitted with the Final Development Plan, including exterior building materials.

That an acceptable detailed layout plan of the area under the drive thru canopy be shown on the Final Development Plan along with the traffic flow and proposed lanes.

Stan Shawver stated that following a public hearing on July 19, 2001, the Planning and Zoning commission recommended that the review plan be approved with the conditions listed above.

Rod Stevens, was present on behalf of the applicant, Godas Development, Inc.

Commissioner Miller asked if Mr. Godas understood all the conditions that were read by Stan

Shawver. Mr. Stevens stated that Mr. Godas is in total agreement with all conditions.

Glenna Kilfoil, representative of the Lakewood Estates Homes Association, stated that they have been in contact with Mr. Godas regarding these plans. They have agreed to work with Mr. Godas on this item and feel that what he will do will work well with the association.

Susan Clark, manager of Lakewood Villa, stated that they are also in favor of this project.

There was no further comment.

Commissioner Elkin moved to approve the review plan for Lakeview Mall Phase II, located at the northwest corner of Clark Lane and Lakewood Drive.

Commissioner Miller seconded the motion.

The motion passed 3-0. **Order 348-2001**

3. Request by Suzanne King and Charles Edward King to vacate and re-plat Tract A and Tract B of Helen Lewis Subdivision

Stan Shawver stated that Helen Lewis Subdivision is a two-lot subdivision located in the Riggs area of Columbia off of Highway 63. It was platted a number of years ago. Mr. Shawver stated that they had received a petition from Suzanne King requesting a permit to vacate Tract A and Tract B of Helen Lewis Subdivision for the purposes of re-platting. The intent of the Kings is to combine that area with a separate five-acre tract and then the re-plat will split the five-acres into two pieces.

Charles E. King, resident of this land, stated that the reason for this vacation and re-plat was for purposes of selling their home on 2.5 acres and still have the additional remainder of the land to build a house on.

Commissioner Elkin moved to approve the request by Suzanne King and Charles Edward King to vacate and re-plat Tract A and Tract B of Helen Lewis Subdivision.

There was no discussion.

Commissioner Miller seconded the motion.

The motion passed 3-0. **Order 349-2001**

4. Cook's Estate. S12-T49N-R13W. A-R. Jerry and Bridget Cook, owners. J. Daniel Brush, surveyor.

Stan Shawver stated that this is a three-lot subdivision located off of Highway HH and is zoned

A-2. The Planning and Zoning commission approved a plat for the approval of a lagoon location. Mr. Shawver stated that this plat is ready to be received and accepted by the County Commission with the authorization of the Presiding Commissioner to sign the said plat.

There was no discussion or public comment.

Commissioner Elkin moved to receive and accept the Subdivision Plat for Cook's Estate.

Commissioner Miller seconded the motion.

The motion passed 3-0. **Order 350-2001**

5. Frost Estate. S2-T49N-R13W. Troy and Jane Frost, owners. J. Daniel Brush, surveyor.

Stan Shawver stated that this is a two-lot subdivision on Worstell Lane, north of Columbia. Planning and Zoning commission approved the re-plat and that this item is ready to be received and accepted by the County Commission with the authorization of the Presiding Commissioner to sign the said plat.

Commissioner Elkin moved to receive and accept the Subdivision Plat for Cook's Estate.

Commissioner Miller seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 351-2001**

6. Windy Knob Estates Plat 1. S14-T45N-R12W. William and Joy Barton, owners. Curtis E. Basinger, surveyor.

Stan Shawver stated that this is located south of Columbia, off of West Brook Drive. He stated that in June, the Barton's requested and were approved for a vacate and re-plat. This is a combination of lots three and four of the original plat. Planning and Zoning commission approved the re-plat and that this item is ready to be received and accepted by the County Commission with the authorization of the Presiding Commissioner to sign the said plat.

Commissioner Miller moved to receive and accept the Subdivision Plat for Frost Estates.

Commissioner Elkin seconded the motion.

There was no discussion or public comment.

The motion passed 3-0. **Order 352-2001**

There was no public comment.

The meeting was adjourned at 7:54 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner