

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Shawna Victor

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

Subject: Planning and Zoning

Commissioner Schnarre noted that during Planning and Zoning sessions, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

A. Request by Scott-Poe Properties LLC for a go-kart track and a paintball field on property located at 5500 W Van Horn Tavern Rd., Columbia

Stan Shawver stated this property is located just west of Columbia on the south side of Interstate 70 at the end of Van Horne Tavern Rd. The property is zoned REC. Land to the north, across I-70, is zoned A-2. Land to the east, across Perche Creek is zoned R-S and M-L. Land to the south is zoned A-1. Land to the west is zoned A-R. The subject site is the Perche Creek Golf Club, which currently includes a golf driving range, miniature golf course, par 3 golf course, batting cages and a club house. This request is to add a go-cart track to the facility and a paintball game area. The original zoning for this site is A-1. It was rezoned to REC in 1993. The master plan designates this area as being suitable for residential land uses. The proposed additional uses are consistent with the established recreational activities occurring on the site however staff has concerns about the potential for noise generated by the go-carts. The applicant has submitted a sound study conducted by a consulting engineer on a similar facility in Michigan. Review of that material would seem to indicate that the operation of a go-cart track could be compatible with the

surrounding area, weighing in such factors as the proximity to the interstate highway and the distance between the track and residential properties in the area. The closest residence would be more than 800 feet away from the track, if installed as shown on the site plan. Staff did receive an e-mail from a property owner in the Hamlet subdivision to the southeast stating that they can hear farm equipment operating in the Perche Creek bottoms in the evening. They expressed concern that noise from the go-carts would be a problem.

Perche Creek Criteria:

- a) **The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety or general welfare.** If conditioned as proposed the use should not be detrimental to the public health, safety or welfare.
- b) **The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.** By placing limits on the hours of operation and the horsepower of the go-carts this use should be compatible with surrounding properties.
- c) **The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.** There is no indication that this use will diminish property values in the neighborhood.
- d) **All necessary facilities will be available, including, but not limited to utilities, roads, road access and drainage.** The proposed uses should not increase demand on utilities.
- e) **The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.** Property to the east is across Perche Creek and is primarily used for commercial uses. Land to the south is agricultural and floodplain. Land to the east is partially in the floodplain and is primarily commercial. The proposed uses should not impede normal development of such properties.
- f) **The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.** Van Horne Tavern Road dead ends at this property, which is a destination point. It is not anticipated that the proposed use will cause congestion on the public streets.
- g) **The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located.**

Staff's analysis of this request is based on the uses described in the application.

Staff recommends approval of the go-cart track with the following conditions:

- Track open from 10 a.m. to 10 p.m.
- Additional lighting be directed inward and downward.
- No privately owned go-carts allowed on the track.
- Go-carts are restricted to 6.5 horsepower.

Staff recommends approval of the paintball facility with the following conditions:

- Hours of operation from 10 AM to 10 PM.
- Additional lighting be directed inward and downward.

Mr. Shawver stated the Planning and Zoning Commission conducted a public hearing on this request on March 18, 2004. There were nine members of the Planning and Zoning Commission present. After public comment, the Planning and Zoning Commission made a motion to approve the request with the staff conditions plus one additional condition for the go-cart track of "go-cart engines must be four cycle engines" and changed the wording for the paintball facility to be "no additional lighting to be allowed". This motion received unanimous approval.

Richard Poe, 1201 Danforth Circle, Columbia, was present on behalf of this request.

Richard Poe stated when the land was rezoned to REC; they wanted to create a family recreational center and believes they have done that to this point. The go-cart track will be 70'x140' and built out of the flood plain. The paintball field will be at the end of the street where it dead-ends, which is isolated from other landowners. Neither of these activities exists in Boone County at this time. They have received a lot of requests about these two specific activities.

Mr. Poe stated he believes these two activities fit in with the existing operations and will provide additional recreational opportunities for the community.

Commissioner Schnarre asked Mr. Poe if the conditions are satisfactory. Mr. Poe stated he believes the conditions will work. The hours of operation should work but will see since these will be new activities. Their main activity is golf and they will not do anything that will be detrimental to that.

Commissioner Schnarre asked what the operating hours now are. Mr. Poe stated the hours vary according to the time of the year. During the summer, they open as early as 8:00 a.m. on the weekends for the par 3 golf course and may stay open on Friday and Saturday

nights until 11:00 or 11:30 p.m. He believes the 10:00 a.m. to 10:00 p.m. will work for the go-carts.

Commissioner Schnarre asked if there is lighting on the par 3 golf course. Mr. Poe stated they are in the process of putting up lighting and the driving range already has lighting. These two activities will not require any more lighting, in other words, where the go-cart track will be is lit by the lights from the driving range. Those lights will be adjusted downward.

Commissioner Elkin asked what the distance is for the paintballs and if there is a potential for one to possibly hit a vehicle on I-70. Mr. Poe stated it will be too far from where they will be putting the field. There will also be netting around the field to help reduce the possibility of a stray paintball going to I-70.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

There was no further discussion on this item.

Commissioner Elkin moved to approve the request by Scott-Poe Properties LLC for a go-kart track and a paintball field on property located at 5500 W Van Horn Tavern Rd., Columbia with the following conditions:

For the go-cart track:

- Track open from 10 a.m. to 10 p.m.
- Any additional lighting is to be directed inward and downward.
- No privately owned go-carts allowed on the track.
- Go-carts are restricted to 6.5 horsepower maximum size.
- Go-cart engines must be four cycle engines.

For the paintball facility:

- Hours of operation from 10 a.m. to 10 p.m.
- No Additional lighting to be allowed.

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 121-2004**

B. Receive and Accept the following plats:

- **T-Bone. S2-T48N-R12W. R-S. Richard-Joan Sorrels Trust, owners.**
- **Hart Creek Estates Plat 1. S28-T46N-R12W. A-2. Hart Creek Development, Inc., owner.**
- **Vera Ridge. S4-T48N-R13W. R-S. Roxie Grant Revocable Trust, owner.**
- **Lazy Acres. S23-T49N-R12W. A-2. Gary and Cathy Nowlin, owner.**

Mr. Shawver stated all four plats were approved by the Planning and Zoning Commission and are ready to be received and accepted by the County Commission.

T-Bone is a two lot subdivision located on Lake of the Woods Road.

Hart Creek Estates Plat 1 is located on Christian School Road in Hartsburg.

Vera Ridge is a one lot subdivision located on Gibbs Road.

Lazy Acres is a two lot subdivision located on Guy Nowlin Road, off Kircher Road.

Commissioner Elkin moved to receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- T-Bone
- Hart Creek Estates Plat 1
- Vera Ridge
- Lazy Acres

Commissioner Schnarre seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0. **Order 122-2004**

There was no public comment.

The meeting adjourned at 7:12 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner