

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Kerry Patton

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

1. Planning and Zoning

Mr. Stan Shawver, Director of Planning and Zoning was present on behalf of these items.

Mr. Shawver gave the following staff report. The property is on the north side of Henderson Road approximately 500 feet east of the intersection with Locust Grove Church Road. The original zoning for the property is R-S. In January of 2001 a rezoning of the property to CG-P was approved with conditions for the purpose of allowing an optical amplifier to be located. The required Review and Final Plans were not submitted. The tract was subsequently platted as Lot 1 of Midway Communications Subdivision Plat 1, also in 2001. A request to rezone to ML-P and a Review Plan was approved in February 2005. An original review plan was never submitted for signature. A Final Development Plan has not been approved. Therefore, the zoning of the property remains R-S. Construction of the building to the east is underway; a building permit was issued with the understanding that the Final Plan would be approved before construction was complete.

The previous review plan showed a location for a light industrial or warehouse structure of 6,000 to 14,000 square feet and a car wash of 3,000 to 6,250 square feet. The owner would like to change the use of the smaller building from car wash to warehouse/light industrial. This requires a revision to the review plan. In addition, the previous plan was approved with several conditions, some of which were linked to the proposed car wash use. Removal of those conditions also requires a revision to the Review Plan.

The site plan shows one entrance onto Henderson Road. This entrance is unchanged relative to the previous Review Plan. Traffic patterns internal to the development appear to be adequate.

Water service will be provided by Consolidated Public Water District Number 1. There is

an existing 4-inch waterline along Henderson Road that can be tapped for domestic service and fire flow. The water district reports that the existing waterline is capable of provide the necessary 500-gallons per minute for fire protection. The developer has paid for the installation of one fire hydrant, the location of which is shown on the plan. The Water District is in the process of scheduling the hydrant installation.

The proposed allowed uses are the same as those on the previous review plan with the exception that car wash has been removed. All of the currently proposed Allowed Uses appear to be appropriate to the site.

A buffering and landscape plan has been included on the review plan. This includes fencing and plantings to minimize visual and noise impacts to the residence bordering the property to the west. Landscaping along the Henderson Road frontage is also provided to minimize the visual impact from properties to the south. The developer has requested flexibility in the landscaping plan in order to accommodate comments from Boone Electric. Those comments indicate a desire to keep trees out from under electric lines.

A stream crosses the northwest corner of the property. The Natural Resources Conservation Service has recommended a vegetated buffer be established along the stream. The buffer should be a minimum of 25-feet wide on each side of the stream. The developer has shown the buffer on the plan. Clearing has occurred within the designated buffer in some cases to within less than 5-feet of the stream bank. The buffer will provide water quality benefits to the stream and mitigate visual impact on the historic church to the north. A mitigation plan should be required in order to restore the buffer.

In order for the buffer to function more efficiently as a filter it is important that water sheet flow through it rather than flow through in a linear fashion. The drainage plan uses open ditches to convey stormwater to the stream, with a rip rap pad to dissipate energy at the end of the ditch at a point. A spreader structure is shown on the plan to distribute the stormwater that leaves the ditch so that it sheet flows through the buffer. That structure has not been installed. There are no erosion control BMPs visible on site except for a rock check dam in the tributary channel that is just to the west of the elevated drip field. .

The property scored 78 points on the rating system; staff notified 41 property owners about this request.

Staff recommends approval of the Review Plan subject to the following conditions:

1. There shall be no occupancy of any building on the property until a Final Development Plan is approved and recorded.
2. The developer shall submit an engineered erosion control plan for review and approval by Boone County Planning and/or it's designee. Installation of the erosion control measures shall be completed prior to Final Plan approval. The erosion control measures shall be maintained until the entire site has been

stabilized.

3. The developer shall submit a mitigation plan for the stream buffer. The plan shall be developed under consultation with the Missouri Department of Natural Resources and/or the Missouri Department of Conservation. Boone County Planning will retain final approval authority over the plan.
4. The stream buffer shall be installed in compliance with the approved mitigation plan prior to Final Plan approval. All plantings shall be maintained; dead or dying plants shall be replaced within one growing season. The buffer shall be maintained in perpetuity or until the requirement is removed through a Revised Review Plan.
5. Prior to final plan approval, an engineered wastewater system design shall be submitted to and approved by the Columbia/Boone County Health Department.
6. The level spreader shall be installed prior to Final Plan approval so that stormwater leaving the site flows through the stream buffer in a sheet rather than linear form. Direct discharge of stormwater into the tributary channel shall be avoided.
7. Since land clearing has already commenced at the site, all erosion control practices shall be installed prior to final plan approval.
8. A landscaping/buffer plan is shown on the Review Plan. Landscaping as shown on the plan shall be installed prior to Final Plan approval. The landscaping plan may be modified, upon approval by Boone County Planning, in order to address conflicts with overhead utilities. The vegetated buffer as shown along the west property line shall be installed as shown except within 25-feet of the Henderson Road right of way. All landscape/buffer plantings shall be maintained, dead and dying plants shall be replaced within one growing season.
9. All exterior lighting shall be directed inward and downward in order to prevent offsite glare.

A. Request by Brandon Spry for a revised Review Plan Midway Electric (zoned M-LP, Planned Industrial) on 3.0 acres located at 7301 W. Henderson Rd., Columbia.

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby approve the request by Brandon Spry for a revised Review Plan Midway Electric (zoned M-LP, Planned Industrial) on 3.0 acres located at 7301 W. Henderson Rd., Columbia with the following:

- There shall be no occupancy of any building on the property until a Final Development Plan is approved and recorded.
- The developer shall submit an engineered erosion control plan for review and approval by Boone County Planning and/or its designee. Installation of the erosion control measures shall be completed prior to Final Plan approval. The erosion control measures shall be maintained until the entire site has been

- stabilized.
- The developer shall submit a mitigation plan for the stream buffer. The plan shall be developed under consultation with the Missouri Department of Natural Resources and/or the Missouri Department of Conservation. Boone County Planning will retain final approval authority over the plan.
 - The stream buffer shall be installed in compliance with the approved mitigation plan prior to Final Plan approval. All plantings shall be maintained; dead or dying plants shall be replaced within one growing season. The buffer shall be maintained in perpetuity or until the requirement is removed through a Revised Review Plan.
 - Prior to final plan approval, an engineered wastewater system design shall be submitted to and approved by the Columbia/Boone County Health Department.
 - The level spreader shall be installed prior to Final Plan approval so that stormwater leaving the site flows through the stream buffer in a sheet rather than linear form. Direct discharge of storm water into the tributary channel shall be avoided.
 - Since land clearing has already commenced at the site, all erosion control practices shall be installed prior to final plan approval.
 - A landscaping/buffer plan is shown on the Review Plan. Landscaping as shown on the plan shall be installed prior to Final Plan approval. The landscaping plan may be modified, upon approval by Boone County Planning, in order to address conflicts with overhead utilities. The vegetated buffer as shown along the west property line shall be installed as shown except within 25-feet of the Henderson Road right of way. All landscape/buffer plantings shall be maintained, dead and dying plants shall be replaced within one growing season.
 - All exterior lighting shall be directed inward and downward in order to prevent offsite glare.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 Order 176-2006

B. Petition submitted by Elias & Elias LLC to vacate and replat lot 18 and part of lot 17 of Country Farms subdivision (located on Arbor Way and Harvest Rd.)

Commissioner Miller moved that now on this day the County Commission of the County of Boone does hereby approve the petition submitted by Elias & Elias LLC to vacate and re-plat lot 18 and part of lot 17 of Country Farms subdivision (located on Arbor Way and Harvest Rd.)

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 177-2006**

C. Request by Larry & Brenda Sample on behalf of Verizon Wireless for a transmission facility including a 150' tower on 10.36 acres, located at 10440 I-70 Drive SE, Columbia. (appeal)

Mr. Shawver gave the staff report. The property is approximately 3 and ¼ miles to the east of the City of Columbia. The property is zoned A-2 (Agricultural). This property has A-2 zoning to the south, east, and west, with R-M (Residential-Moderate Density) and M-LP (Planned Light Industrial) zoning across I-70 to the north. The zoning of the subject property and the surrounding tracts are all original 1973 zonings, with the exception of the M-LP, which was rezoned in 2000.

A description of the lease area site has been submitted by the applicant as Exhibit A in the application materials. The lease area for the tower is approximately 10,000 square feet out of the 10.36 acre parent tract. No proposal has been submitted to subdivide the property. Given the proposed tower location, subdivision would likely be impossible. The parent parcel has a single-family dwelling and two accessory structures present. A 150' monopole tower and small ground facilities are proposed inside a fenced compound. The application is technically incomplete, but was reviewed at the director's discretion. After review, the application is missing the following information:

The submitted site maps lack information on the structures and zoning of adjoining tracts, and the location of nearest public recreation and wildlife areas as required by Section 15C(a)1 of the Zoning Ordinance.

Search area information is lacking on the AAT site in Calloway County, approximately 4 and ½ miles to the east. The submitted engineer's report is unclear on whether the construction of the tower meets the 1996 BOCA National Building Code.

The property is located inside the Columbia C-1 school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural and rural residential land use. Staff notified 30 property owners about this request.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

(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.

The subject site is within a western line of site with one residence on an adjoining property. While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to the surrounding properties to support the densities allowable under the current zoning. Screening or adjustment in the tower location within the parent parcel could help mitigate potential impact to the one residence near the proposed site. Adjustment of the tower location will require a new conditional use permit application. Public testimony may be indicative as to whether this criterion can be met.

(c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

(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.

This area is zoned A-2, with residential uses limited to 2-½ acre tracts or larger. Future development of the area will be accomplished through the existing zoning, or will require rezoning to achieve a higher density of development. The nature of the site and its location with respect to road infrastructure will likely have a greater negative impact on the area development than the proposal. However, public testimony may be indicative as to whether this criterion is met.

(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.

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on 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. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. It is staff's belief that public necessity for the conditional use permit is dubious based on the information provided in the applicant's propagation maps.

The applicant's propagation maps would indicate that the dead zones in Verizon's coverage areas can be served by co-locations at the AT&T, Spectrasite, and ATC towers, and the construction of a new tower across the county line in Callaway County .

Staff recommends denial of this conditional use permit.

Curtis Holland 6201 College Blvd # 500 Overland Park, KS 66211

Mr. Holland stated there was a 10 mile stretch of Hwy on I-70 were there is no cell service. When possible, Verizon will use existing cell towers. The tower they propose on the Sample property will take care of the area on the highway that does not have cell service now. It is a 150' mono pole and does not need to be lit. He stated Verizon has an "F" license in Boone County and "A" and "E" license in Calloway Co.

Commissioner Schnarre asked if anyone was in favor to come forward.

Larry Sample 10440 E I-70 Drive SE, Columbia, Missouri

Mr. Sample stated before they agreed to the tower they wanted to make sure that it was not lit at night and asked how tall it would be. He also spoke with his neighbor and told him that this tower was a possibility.

He also addressed the accusations made that he and his wife were greedy. He explained there was no doubt that extra income was a plus and maintains he did not agree to the tower to inconvenience his neighbors.

Commissioner Schnarre asked if anyone was in opposition to please come forward.

Lester Bealmear 10510 I-70 Dr. SE. Columbia, MO

Mr. Bealmear stated several reasons why he did not want the tower in his backyard. He is concerned about the perceived health risks associated with cell towers. He is also concerned about property value's decreasing.

David Huddlestonsmith 10901 E Bozarth Lane Columbia, MO

Mr. Huddlestowsmith stated his main concern was also for the health of his neighbors. Verizon has not proven that magnetic waves will not harm people who live close to the tower. He points out that there is a lot of land that is available that is not in close

proximity to any homes. He would like to see that option pursued.

Mr. Tandy stated he appreciated the financial reasons the Samples want to put a tower on their property. He echo's the feelings of the previous neighbors and would like to add for aesthetic reasons he would not like to see a tower placed so close to his home. He is concerned about the tower becoming a lightning rod. There is land around the area that is already zoned commercial and he would like to see that possibility being pursued

Commissioner Schnarre asked if anyone else would like to speak in opposition.

With no response he asked the applicant to come back and respond.

Mr. Holland responded to several of the comments. He realized that not everyone will be happy but will try to relieve some of the concerns. The tower is not a lightning rod. If lightning should hit it the current would go straight into the ground. It should not have an impact to the homes.

This system is not an EMF system such as a microwave, but a 1900 Megahertz system.

After additional discussion, Commissioner Miller suggested they table the request, allowing Verizon time to supply improved propagation maps and other information requested by the commissioners.

Commissioner Elkin seconded the motion.

D. Receive and Accept Plats

Commissioner Miller moved now on this day the County Commission of the County of Boone does hereby receive and accept the following plat and authorize the Presiding Commissioner to sign said plat:

SFMC. S1-T48N-R14W. A-R. Sidney and Wanda Powell and Lewis and Delores Mead, owners. James V. Patchett, surveyor.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 178-2006**

Commissioner Elkin moved that now on this day the County Commission of the County of Boone does hereby receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Rocky Creek Estates. S23-T46N-R12W. A-2. GEM Property LLC, owner. Steven R. Proctor, surveyor.
- Sunny Side Acres. S21-T46N-R12W. A-2. Sunny Side Slope LLC, owner. Neal R. Slattery, surveyor.
- Campbell Acres. S16-T50N-R13W. A-2. Linda Lipscomb, Ronald Campbell and Robin Hall, owners. Steven R. Proctor, surveyor.
- Rybolt Acres. S33-T46N-R12W. A-2. Lois J. Rybolt, owner. Brian David Dollar, surveyor.
- Hall. S10-T48N-R14W. A-2. Jack and Betty Hall, owners. J Daniel Brush, surveyor.
- River Ridge Estates. S26-T46N-R13W. A-2. FES, Inc., owner. Neal R. Slattery, surveyor.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 179-2006**

2. Public Works – First Reading of Shared Road Maintenance Agreement with City of Columbia

There was no discussion and no public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for authorization.

3. Purchasing

A. First Reading of 22-28MAR06 – Street Name Signs

The Bid for Street Name Signs for the Public Works Department closed on March 28, 2006. Eight bids were received. Purchasing and the Public Works Department recommend award to the lowest bidder, Subcon International, LLC.

This Term & Supply contract will be paid out of Department 2040-PW Maintenance Operations, Account Number 26600-Street/Traffic/Construction Signs. The budgeted amount for FY 2006 is \$56,000.00.

There was no discussion and no public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for authorization.

B. First Reading of 28-18APR06 – Motor Grader, Snow Plow and Mower Blades

The Bid for Motor Grader, Mower, and Snow Plow Blades closed on April 18, 2006. Six bids were received. Purchasing and the Public Work's Department recommend awarding low bids by category as follows:

Tri-State Construction Equipment: 4.8.1. Motor Grader Blades

Lacal Equipment: 4.8.3. – 4.8.7. Tiger TRB50 Mower Blades and Parts and 4.8.9. – 4.8.14. Tiger Saber Mower Blades and Parts

Cooke Sales and Service: 4.8.16. – 4.8.18. Large Snow Plow Blades and 4.8.20. – 4.8.21. Small Snow Plow Blades

Total cost of the contracts is \$41,266.61 to be paid out of department 2040 - PW Maintenance Operations, account number 60200 – Equipment Repairs/Maintenance. There is approximately \$200,000.00 remaining in the account at this time.

There was no discussion and no public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for authorization.

C. First Reading of 41902 – Electrical Products

Purchasing requests permission to utilize the U.S. Communities cooperative contract for electrical products with Graybar Electric. The Purchasing Department issued a bid for Electrical Supplies that closed March 1, 2006. The intent of this bid was to establish a contract with a local vendor so we could purchase electrical supplies at the counter, thereby saving delivery costs. We received two bids. Both bids were from out of town vendors. One vendor (Voss Lighting) did not bid all items outlined on the Response Form. The 2nd vendor (Graybar Electric) provided us with U.S. Communities pricing from their current contract. Therefore, Purchasing would like to 'no award' the current bid and utilize the U.S. Communities contract, instead.

This is a county-wide term and supply contract.

There was no discussion and no public comment.

Commissioner Schnarre stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available meeting with an appropriate order for authorization.

D. First Reading of 25-11APR06 State Route K

The Bid for State Route K Improvements at Scott Boulevard/CWSD #1 Water Line Relocation Project closed on April 11, 2006. Two bids were received. Purchasing and the Public Work's department recommend award to C.L. Richardson Construction Co. for submitting the low bid.

Total cost of contract is \$574,079.80 with a 10% contingency of \$57,407.98 for a total Purchase Order amount of \$631,487.78. This contract will be paid out of department 2045 – Public Works Design and Construction, account number 71100 – Outside Services. The original budget was \$557,000.00 . Please see the attached memo from Don Abell outlining where the additional funding will come from in the County budget as well as the portions of the project which will be funded by the City of Columbia and the Missouri Highway and Transportation Commission.

4. Commissioner Reports

There were no commissioner reports

5. Public Comment

There was no public comment

The meeting adjourned at 9:10 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Keith Schnarre
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner