

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 Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Auditor June Pitchford
County Counselor C. J. Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Mike Yaquinto

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

Auditor

1. Public Hearing; 2016 Boone County Budget

June Pitchford said the purpose of the public hearing is that state law requires the County Commission to hold at least one public hearing and the Commission, in recent years, has conducted three of these public hearings, one at each time that the Commission meets, 9:30 a.m., 1:30 p.m. and 7:00 p.m. This is to provide the public with the opportunity to comment and ask questions. I have highlights of the budget available here tonight and the entire budget proposal is available on the county web site.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to comment on the 2016 Boone County Budget. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Atwill said the next public hearing on the budget will be Tuesday, December

8th at 9:30 a.m.

Resource Management

- 2. Public Hearing and request by The Real Estate Investment LLC on behalf of Islamic School of Columbia MO for a daycare center on 3.82 acres located at 5210 South Cowan Rd., Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their November 19, 2015 meeting.

The minutes for the Planning and Zoning Commission meeting of November 19, 2015, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is 3.82 acres located approximately 1/4 mile south of Columbia, on South Cowen Road. The property is zoned R-S (Residential Single-Family). There is R-S zoning to the north, south and west, with R-M (Residential Moderate Density) zoning to the east. This is all original 1973 zoning. The existing structure pre-dates county land-use regulations and was originally used as a nursing home. In 1976, a permit was granted to allow expansion of the facility. In 2008, a conditional use permit was granted to operate a day-care center. That conditional use permit lapsed due to inactivity. The property is currently in use as a school which is a by-right, permitted use in the R-S zoning district.

The applicants are requesting a conditional use permit to operate a day-care center within the existing structure in conjunction with the permitted use of the building as a school.

They are planning to initially serve approximately 6 children, building up over time to approximately 30 children, consistent with their student growth in the school.

The property is located inside the Columbia school district and the Boone County Fire Protection District. The Master Plan describes this area as being suitable for residential land use. Staff notified 67 property owners about this request.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. 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.

If operated in conformance with existing county regulations, this use should comply with this criterion. Public testimony may be more indicative on whether or not 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 use of the property as a school and a day-care center are keeping the building in a good state of repair. This is an improvement over its past periods of being unoccupied between users. However, public testimony may be indicative as to whether this criterion is met.

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

Electric service, water service, and sewer are currently available. This property has direct access onto South Cowan Road, a public road maintained by Boone County Public Works.

(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.

Much of the surrounding property has already developed as single-family residential lots. The acreage owned by The Real Estate Investment LLC to the south is largely undeveloped, but is limited by the location of existing infrastructure. Future development of the surrounding property will likely require the installation of additional infrastructure, particularly public roads, for use as residential property.

(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 existing circle drive is capable of serving the more intense requirements of the school on the property. Public testimony may be indicative as to whether this criterion is met.

(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 the regulations of the R-S zoning district.

Zoning Analysis: The school use on the property, which is a permitted use, can be considered an intensive use when compared to the residential uses in the general vicinity. As a complementing activity to the school, the day-care facility's needs are greatly eclipsed by the those of the school use. Any potential increase in traffic and activity created by granting this conditional use permit is marginal when compared to the increases associated with the school use. Until such time as the school use is eclipsed by the day-care use, the impacts of the day-care on public infrastructure are minimal.

Staff recommended **approval** of this conditional use permit with the following condition:

- That the number of children enrolled in the day-care center be limited to 40.

The Planning & Zoning Commission conducted a public hearing on this request during their November 19, 2015 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend that the conditional use permit application be approved along with the condition recommended by the staff.

The motion passed so this application comes forward with a recommendation for approval.

Commissioner Miller asked how they settled on no more than 40 children for the school.

Uriah Mach said they talked to the acting principal at the school and she said the broad assessment is that their size sensitivity is 30. We gave them a little wiggle room and set the maximum at 40. That seemed a reasonable number.

Mr. Shawver said the building is 27,000 square feet and most of it is cut up into smaller rooms. This had been a senior housing facility. The Division of Family Services does set standards, but since this is a religious associated day care facility those standards don't apply. We just felt there should be a limit.

Commissioner Miller asked if this number was derived by working with the applicant.

Mr. Shawver said that is correct.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak for or against this request.

Justin McNutt said he is a member of the Board of the school that has applied for the permit. We had our board meeting a few days after the P & Z meeting and the Board unanimously agreed to the 40 child limit. We would like to have the problem of having 40 children in our day care. With our current staffing situation, if we got above 20 children, we would be looking very hard for another teacher. We do agree with the previous findings and have had no complaints from the neighbors.

Commissioner Atwill asked if there is anyone else that would like to speak on this issue. There were no further speakers and Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by The Real Estate Investment LLC on behalf of the Islamic School of Columbia MO for a daycare center on 3.82 acres located at 5210 South Cowan Rd., Columbia with the following condition:

- That the number of children enrolled in the day-care center be limited to 40.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #567-2015**

3. Request to table the following:

- **Public hearing and request by Phillip and Brice Hanberry on behalf of Beacon Street Properties LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia. (APPEAL)**
- **Public hearing and request by Phillip and Brice Hanberry on behalf of Beacon Street Construction LLC to approve a Review Plan and preliminary plat for Heatherhill Estates Planned Development on 49.91 acres located at 7770 S High Point Lane, Columbia. (APPEAL)**

Commissioner Atwill asked if there is anyone present to speak on this request to table the two public hearings and rezone and review plan requests by Phillip and Brice Hanberry.

Jay Gebhardt said he is with A Civil Group and representing the applicants. He is requesting to table these issues until the December 29th meeting so he can meet with the neighbors and address or mitigate their concerns.

Commissioner Miller said that is the wise thing to do.

There were no additional comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby table the request by Phillip and Brice Hanberry on behalf of Beacon Street Properties LLC to rezone from A-2 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a

Review Plan and Preliminary Plat for Heatherhill Estates on 49.91 acres, more or less, located at 7770 S High Point Lane, Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #568-2015**

4. Receive and accept the following plat for K & C. S3-T50N-R14W. A-2. Carla and Kevin Pudenz, owners. Steven R. Proctor, surveyor.

Stan Shawver said this is a subdivision plat that was approved by Commission at the last County Commission P & Z meeting. It is now ready to be received and accepted with the Presiding Commissioner signing the plat.

Commissioner Thompson 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 it:

K & C. S3-T50N-R14W. A-2. Carla and Kevin Pudenz, owners. Steven R. Proctor, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #569-2015**

5. Second reading; Road & Bridge Improvement/Repair Cooperative Agreement with the City of Sturgeon (1st read 10-27-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Road & Bridge Improvement/Repair Cooperative

Agreement between Boone County and the City of Sturgeon regarding the distribution of certain road sales tax and property tax revenues.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Road & Bridge Improvement/Repair Cooperative Contract.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #570-2015**

Purchasing

**6. Second reading; Bid Award 62-02OCT15 – HVAC Units and Parts Term & Supply
(1st read 11-24-15)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 62-02OCT15 – HVAC Units and Parts Term & Supply to the following three vendors based on their ability to sell products of different manufacturers:

- Reliable Products Corporation d/b/a Johnstone Supply
- Comfort Products Distributing
- Riback Supply Company

The terms of the bid award are stipulated in the attached Agreements. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreements.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #571-2015**

Treasurer

7. Second reading; 2013 Tax Sale Surplus for Izzaldin Mustafa (1st read 11-24-15)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the disposition of surplus, per attached summary order description, to Izzaldin Mustafa in the amount of \$1,322.37, as recommended by the County Treasurer.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #572-2015**

Commission

8. First reading; Budget Amendment for 2015 inspections and land disturbance work at the Central Missouri Events Center

Commissioner Thompson said this is to insure that we get some grass to grow where the work had been done. Due to the drought this summer, the grass that was planted did not make it. A little more work will be required to get new grass to grow so there is no runoff into the creek.

There were no comments or questions.

Commissioner Atwill said a public hearing and second reading will occur after the mandatory 10 day waiting period for budget amendments.

9. 1st & 2nd reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) at 8:30AM on December 2, 2015

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Wednesday, December 2, 2015, at 8:30 a.m. The meeting will be held in the Conference Room 338 of the Roger B. Wilson Boone County Government Center at 801 E. Walnut, Columbia, Missouri, as authorized by RSMo 610.021(1), to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #573-2015**

10. Public Comment

None

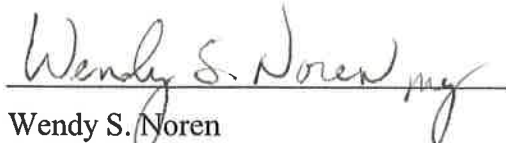
11. Commissioner Reports

Commissioner Thompson said today she attended the funeral of Mary Hubbell Avery, a true icon in the community. She was a riding instructor at the old Christian College and later taught at Stephens College in Equestrian Studies. She touched many people's lives.

There were no additional Commissioners Reports

The meeting adjourned at 7:26 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner