

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Planner Uriah Mach
Director Resource Management Stan Shawver
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

- 1. Request and Public Hearing by Katie Patterson on behalf of John G Grone Family LLC for an Equine Boarding and Training facility on 36.12 acres located at 1801 N Route Z, Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their August 17, 2017 meeting.

The minutes for the Planning and Zoning Commission meeting of August 17, 2017, along with the Boone County Zoning Regulations and Subdivision Regulations, are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their August 17, 2017 regular meeting. There were eight members of the commission present during the meeting.

The subject property is 36.12 acres located approximately 1/2 mile east of Columbia, on State Route Z. The property is zoned A-1(Agriculture). There is A-1 zoning to the north and south, with A-2 (Agriculture) zoning to the west and M-L (Light Industrial) zoning to the east across State Route Z. The M-L was rezoned from A-1 in 2009. The A-1 & A-2 are original 1973 zonings. There is an existing house with several barns scattered around the property.

The applicants are requesting a conditional use permit to operate an equine boarding and training facility for more than six animals on a 10-acre tract. This property has been operating as an equine boarding and training facility for up to six animals for quite some time and the applicants are seeking to expand their level of service.

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 20 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.

The proposed equine facility conditional use is an expansion of the existing activity on site. If expanded in compliance with current county regulations, that request should meet 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 compliance with current county regulation, the equine facility use should not be injurious to the use and enjoyment of other property in the immediate vicinity.

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

The existing equine facility use has gone unremarked within the existing character of the surrounding area. Expansion of that facility should not impair or diminish property values.

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

All necessary facilities will be available to this property. This criterion can be met by this request.

(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.

The surrounding properties either already have developed or are developing in a manner consistent with the character of the area. This criterion can be met by this request.

(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.

An additional access point to the property will likely limit any traffic impacts on the site. The Missouri Department of Transportation should be contacted to locate a suitable location to best serve the use on the property.

(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 A-1 zoning district.

Zoning Analysis: This proposal is an expansion of an existing permitted use. With sufficient improvements, the expanded equine boarding, animal training, and riding school uses can be approved on this site with reasonable consideration.

Staff recommends approval of the conditional use permit for an equine boarding & training facility for more than six animals on a 10-acre tract with the following condition:

1. The number of horses on the property be limited to no more than thirty (30).

The Planning & Zoning Commission conducted a public hearing on this request during their August 17, 2017 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the conditional use permit. That motion carried unanimously.

Commissioner Parry asked what was the suggested condition.

Mr. Shawver said it was to limit the number of horses to 30.

Commissioner Thompson asked if this is for horses actually trained and boarded at the facility.

Mr. Shawver said that is correct and does not include the owner's horses.

Commissioner Thompson asked if this number would be inclusive if they were to have a horse show.

Mr. Shawver said it would not.

Commissioner Parry noted this tract is across the road from the proposed American Outdoor Brands.

Mr. Shawver said that is correct.

Commissioner Thompson said this property has a lot of history here in Boone County. R. P. Glenn, who was a very famous horseman, here in Boone County, trained horses on this property.

There were no further comments or questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this matter.

Katie Patterson said her great grand-father, R.P. Glenn, owned the farm and it has been passed down through the generations and I now own the farm. We have boarded horses here for a very long time and we feel that we do a very good job of not endangering the public.

We take excellent care of our horses. There are so few boarding facilities, especially those that aren't show barns, and people really enjoy horses without the pressure of the commitment to show. We are more than fine with the under 30 number. Our facility, at maximum capacity, including our own horses on-site, is 25. We try to keep our horse per acreage as small as we can. We don't pack our horses in by any means.

Our facility is set up for horse boarding as we are off Route Z. We have two driveways for easy access with a trailer and we do not impede traffic. We have less than 10 vehicles in and out per day.

It is our fault we have not gone for this Conditional Use Permit before as we did not know we needed it to board horses since we have been doing this for so long. We appreciate the opportunity to bring this to Commission and do it the right way.

The Commissioners thanked Ms. Patterson for speaking on this matter.

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

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the request by Katie Patterson on behalf of John G. Grone Family LLC for an Equine Boarding and Training facility on 36.12 acres located at 1801 N Route Z, Columbia., subject to the following condition:

The number of horses on the property be limited to no more than thirty (30).

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #382-2017**

2. Request and Public Hearing by the James-Mary Coats Trust to rezone from R-S (Residential Single-Family) to A-2 (Agriculture) on 11 acres, more or less, located at 10500 S Rte. N, Columbia.

Stan Shawver read the following staff report:

The subject property is located on State Highway N, approximately 5 miles south of Columbia, near Sapp. The subject property is approximately 36 acres in size and split zoned A-2(Agriculture) & R-S (Residential Single-Family). The R-S portion is approximately 11 acres in size. The property has A-2 zoning to the north, south, and east, with R-S to the west. This is all original 1973 zoning. There is a vacant house on this property, along with several accessory structures.

This proposal is seeking to rezone the R-S zoned portion to A-2 in order to allow the applicant to apply for a conditional use permit. The conditional use permit will be for a small animal boarding and day-care facility.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Consolidated Public Water Service District #1, the Boone Electric Cooperative service area, and the Southern Boone County Fire Protection District.

Transportation: The property has direct access on to State Highway N, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Southern Boone County Fire Protection District, with the station in Ashland being closest for service.

Zoning Analysis: Downzoning this property to A-2 is a reasonable request. While the existing R-S was placed at this location to facilitate development of Sapp, that development never arrived. At this time, resources support the A-2 level of development.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their August 17, 2017 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the conditional use permit. That motion carried unanimously.

The Commissioners had no comments or questions at this time. Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this request.

Mary and Joe Coats said they are the owners of the property.

Mary Coats said the farm we currently own has been in our family for approximately 100 years. We bought it 8-9 years ago and our ultimate goal is to bring the farm back to life. This is something that is dear to our hearts and we want to do everything we can to hopefully pass it on to grandkids.

One of the first things we would like to do is build a small boarding and day-care facility for small pets; dogs and cats with perhaps 5 to 10 cats per day on a regular basis and 20 at peak

periods. Lucky Dog Paws is the name of the company. This is something we both wanted to do for a long time. We are both animal lovers and have grown up on a farm.

We started in-house care for dogs and cats only and it has been very well received as people like the fact their pets can stay home and not have to be boarded. When we have the facility, we want it to be where everyone feels just as comfortable as if their pets were at home.

The Commissioners thanked Ms. Coats.

Commissioner Atwill asked if there is anyone else present that would like to speak on this matter. There were no additional 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 James-Mary Coats Trust to rezone from R-S (Residential Single-Family) to A-2 (Agriculture) on 11 acres, more or less, located at 10500 S. Rt. N, Columbia.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #383-2017**

3. Petition and Public Hearing submitted by Tompkins Homes and Development for permission to vacate and re-plat lots 31 and 32 of Sugartree Hill Subdivision as recorded in Plat Book 10, Page 96 of Boone County Records.

Stan Shawver read the following staff report:

This property is located in Sugartree Hill subdivision off of State Highway UU. The petitioner purchased 18 undeveloped lots in Sugartree Hills. The property is zoned R-S (Single Family Residential). This request is for permission to vacate Lots 31 and 32 Sugartree Hill subdivision.

Sugartree Hill was platted in 1970. The original plat shows that lots 31 and 32 are accessed by a public right-of-way that is 20' wide. The petitioner would like to vacate the lots and the right-of-way so that it may be redesigned and will erase the public right-of-way.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find that the vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Staff notified 20 property owners within 500 feet of the subject site.

(the subject plat was displayed on the wall screen)

Commissioner Atwill asked if all the streets shown on the plat are now there.

Mr. Shawver said they are not and detailed which streets are presently there and which will be part of this item.

There were no further comments or questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present to speak on behalf of this request.

David Butcher, Crockett Engineering, said he is here representing Mr. Tompkins.

Mr. Butcher reviewed the plat as displayed on the screen, indicating the current streets and houses and what is proposed and said the goal is to develop the remaining portion of the subdivision by presenting plans which would be acceptable to Engineering and allow us to move forward. The subdivision was created in the late 60's. The development contained rectangular houses and put up very quickly. One of the original partners died and the development came to a halt.

The main focus, in looking at the plat, is on lots 30, 31, 32 and 33. There is a 20' access to get to lots 31 and 32 and that is not feasible from any measure for a county road. The whole purpose is to eliminate the 20' strip of being designated as a county road and we would like to make stem lots. There will be one driveway to access two houses and the two owners would be responsible for that access point. This is the area to be vacated along with lots 31 and 32. (Mr. Butcher then reviewed what the new lots would look like)

Commissioner Atwill asked if there will be room for two houses or one on those lots.

Mr. Butcher said there will be two houses, one on each lot.

Commissioner Thompson asked about access to get to these lots.

Mr. Butcher said the access is off Mockingbird and there will be a driveway access that splits to each lot.

Commissioner Atwill asked if this access will still be 20'.

Mr. Butcher said it will. The issue, right now, is it is dedicated to the public and we would like to eliminate that.

Commissioner Thompson said that this would then be a privately maintained driveway.

Mr. Butcher said that is correct.

There were no further comments or questions for Mr. Butcher.

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

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by Tompkins Homes and Development for permission to vacate and re-plat lots 31 and 32 of Sugartree Hill subdivision as recorded in Plat Book 10, Page 96 of Boone County Records.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #384-2017**

4. Request by RRJK LLC to approve a Final Development Plan for Reeves Development on 90 acres, more or less, located at 7601 N Rte Z, Columbia.

Stan Shawver read the following staff report:

The subject property is located on Route Z, south of State Route HH, near Murray. This site is approximately 4 ½ miles to the east of the city limits of Columbia. The subject property consists of approximately 200 acres and is zoned A-1(Agriculture). The property is undeveloped. There is A-1 zoning to the north, south, east, and west, with C-G (General Commercial) zoning to the northeast. This rezoning and review plan were initially approved by the County Commission on August 1st, 2017.

Mr. Shawver said this is just formalizing the zoning of the property.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by RRJK LLC to approve a Final Development Plan for Reeves Development on 90 acres, more or less, located at 7601 N. Rte. Z, Columbia.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #385-2017**

5. Receive and Accept the following plats:

- **Otten. SS8-T49N-R11W. A-2. Samuel and Chelsea Otten, owners. Kevin M. Schweikert, surveyor.**
- **Reeves. S8-T49N-R11W. A-1P. RRJK LLC, owner. Kevin M. Schweikert, surveyor.**
- **Rokes Bend Plat 2. S20-T47N-R13W. A-2. Tompkins Homes and Development Inc., owner. David W. Borden, surveyor.**

Stan Shawver read the following descriptions of the plats:

Otten subdivision is a two-lot subdivision on Ballew Rd. that is zoned A-2

Reeves is an 8-lot subdivision on Rte. Z that is zoned A-1P.

Rokes Bend Plat 2 is a 5-lot subdivision on Woodie Proctor Rd zoned A-2.

There were no comments or questions.

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorize the Presiding Commissioner to sign them:

- Otten. SS8-T49N-R11W. A-2. Samuel and Chelsea Otten, owners. Kevin M. Schweikert, surveyor.
- Reeves. S8-T49N-R11W. A-1P. RRJK LLC, owner. Kevin M. Schweikert, surveyor.
- Rokes Bend Plat 2. S20-T47N-R13W. A-2. Tompkins Homes and Development Inc., owner. David W. Borden, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #386-2017**

Purchasing

6. Second reading; Cooperative Contract CC 160735003 – Law Enforcement/Public Safety Gear/Supplies/Equipment (1st read 8-24-17)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the State of Missouri Cooperative Contract CC160735003 – Law Enforcement/Public Safety Gear/Supplies/Equipment to purchase discounted law enforcement and public safety gear and supplies from Ed Roehr Auto Radio Company d/b/a Ed Roehr Safety Products Co.

The terms of the Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement for Law Enforcement/Public Safety Gear and Supplies.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order# 387-2017**

County Clerk

7. Second reading; Consultant Services Agreement with Wendy Noren (1st read 8-24-17)

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the attached Consultant Services Agreement with Wendy S. Noren in connection with the pending Request for Proposals (RFP) issued for County depository services as well as as-needed consultation with respect to the operation of the County Clerk's office.

The terms of the Agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Consultant Services Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #388-2017**

Commission

8. 1st & 2nd reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) at 9:30AM on August 31, 2017

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Thursday, August 31, 2017, at 9:00 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 Parry seconded the motion.

The motion carried 3 to 0. **Order #389-2017**

9. 1st & 2nd reading; Organizational use of the Centralia Clinic by First Chance for Children for September 8, 2017

Commissioner Parry moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Centralia Clinic by First Chance for Children for September 8, 2017 from 9:00 a.m. to 2:00 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #390-2017**

10. Public Comment

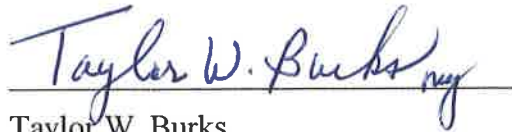
None

11. Commissioner Reports

None


The meeting adjourned at 7:36 p.m.

Attest:


Taylor W. Burks
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner


Fred J. Parry
District I Commissioner


Janet M. Thompson
District II Commissioner

