

TERM OF COMMISSION: November Session of the October Adjourned Term

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

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

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

Auditor

1. Public hearing – FY2018 County Budget

June Pitchford said that state statute requires the County Auditor to prepare a proposed budget and make it available to the public and provide at least one public hearing to field questions and concerns from the constituents. The County Commission has been very involved in the budget process and has participated in various work sessions over the last couple of months. The proposed budget has been posted to the web site.

Commissioner Atwill noted that Ms. Pitchford was at an earlier meeting and gave an in-depth explanation of the budget and the budget process.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on the proposed 2018 County Budget. There were no speakers and Commissioner Atwill closed the public hearing.

Ms. Pitchford said there will be more public hearing meetings, 1:30 p.m. on November 30th and 9:30 a.m. on December 5th.

Commissioner Thompson said that the people of Boone County should really look at the highlight document provided by the County Auditor.

Ms. Pitchford said she will put that up on the web site.

Resource Management

2. Public Hearing and request by Phoenix Property Development LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) and approve a Review Plan on 36.21 acres, more or less, located at 7851 E New Haven Rd., Columbia.

- **Order for Rezone**
- **Order for Review Plan**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their November 16, 2017 meeting.

The minutes for the Planning and Zoning Commission meeting of November 16, 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 November 16, 2017 regular meeting. There were eight members of the commission present during the meeting.

The subject property is located north of the intersection New Haven Road and Ben Williams Road, approximately 1 ½ miles to the east of the City of Columbia. The property is 36.28 acres in size. It has an existing house, garage, and an outbuilding present on the property. The property is zoned A-1 (Agriculture) and is surrounded by A-1 zoning.

The applicant is seeking a rezoning to A-1P (Planned Agriculture) in order to create two lots smaller than the 10-acre minimum lot size of the A-1(Agriculture) zoning district (5 acres and 5.09 acres) and one larger holding lot (26.19 acres). The A-1 zoning allows for a minimum 10-acre lot. The proposed A-1P plan allows for 1 lot per 10 acres, but without a minimum lot size. Existing zoning allows for 3 lots of 10+ acres each. The proposed plan allows for three lots on 30+ acres with a size set by the plan document.

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 Public Water Service District #9, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access on to New Haven Road, a publicly-dedicated, publicly-maintained right-of-way.

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

Zoning Analysis: This proposal is a reasonable use of the planned rezoning process. Existing infrastructure can support the proposed development and the planned district allows for smaller lots as long as the 1 lot per 10 acres density is not exceeded.

The property scored 36 points on the rating system.

Staff recommended approval of the rezoning request and the review plan.

The Planning & Zoning Commission conducted a public hearing on this request during their November 16, 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 rezoning request and the review plan. That motion carried unanimously.

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

Kevin Schweikert said he is representing the applicant. This tract is zoned A-1 which allows three residences with the current zoning. We are proposing to go to A-1P which will allow two five-acre lots which would be on the front part of New Haven Road. The lots will pretty much match the five-acre lots that are to the west of this property along New Haven Road. This will match the current neighborhood. The back part, 26 acres, will probably have a house built on it.

The Commissioners had no questions for Mr. Schweikert.

Commissioner Atwill asked if there is anyone else that would like to speak to this issue. 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 Phoenix Property Development LLC to rezone from A-1 (Agriculture) to A-1P (Planned Agriculture) on 36.21 acres, more or less, located at 7851 E New Haven Rd., Columbia.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #519-2017**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by Phoenix Property Development LLC for a Review Plan for Ray A-1P on 36.21 acres, more or less, located at 7851 E. New Haven Rd., Columbia.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #520-2017**

- 3. Public Hearing and request by Danny Hill and Greg Logsdon to revise a previously approved Review Plan for Lot 4, Concorde South Plat 2 of Concorde South Phase 3 on 1.81 acres located at 4801 E Meyer Industrial Dr., Columbia.**

Stan Shawver read the following staff report:

The subject property is 1.82 acres in size and located approximately 1/4 mile south of Columbia, on Meyer Industrial Drive. The property is zoned M-GP (Planned General Industrial). There is M-LP (Planned Light Industrial) & M-L zoning to the north, with M-GP zoning to the east, south and west. The M-LP was rezoned in 2012. The M-GP was also rezoned in 2012. The M-L is original 1973 zoning. The property is currently vacant.

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 36 property owners about this request.

The applicants are requesting a revision to the currently vacant M-GP plan for the property to construct a sports training/recreation facility. This facility will allow for indoor baseball & softball training and conditioning.

The Boone County Master Plan identifies this area as being suitable for 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 County Regional Sewer District, the Boone Electric Cooperative service area, and the Boone County Fire Protection District.

Transportation: The property has direct access onto Meyer Industrial Drive, a publicly-dedicated, publicly-maintained Right of Way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station on Tom Bass Road being closest for service.

Zoning Analysis: This revision of the previously vacant approved plan is appropriate. The allowed use list has not been significantly altered from the original approval in 2012. The proposal meets the requirements of a revised review plan and the desired use is reasonable when considering the overall character of the area.

The property scored 83 points on the rating system.

Staff recommended approval of the revised review

The Planning & Zoning Commission conducted a public hearing on this request during their November 16, 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 revised review plan. That motion carried unanimously.

The Commission had no questions.

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

Cody Darr said he is representing the applicant and he has nothing to add to the staff report. This will be an indoor baseball/softball facility.

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 Atwill moved on this day the County Commission of the County of Boone does hereby **approve** the request by Danny Hill and Greg Logsdon to revise a previously approved Review Plan for Lot 4, Concorde South Plat 2 of Concorde South Phase 3 on 1.81 acres located at 4801 E. Meyer Industrial Dr., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 2 to 0. **Order #521-2017**

- 4. Public Hearing and request by T-Vine Enterprises, Inc. to rezone from A-2 (Agriculture) to R-D (Two-Family Residential) on 0.85 acres and from A-2 (Agriculture) to R-S (Single-Family Residential) on 0.12 acres located at 8145 N Browns Station Rd., Columbia.**

Stan Shawver said that there is no one present to represent the applicant on this item and would recommend that we proceed to the next item, #5 with the possibility of returning to this item.

The Commission concurred with Mr. Shawver's recommendation. (The item was considered during discussion of item #6 and is reported out under that item number.)

- 5. Accept a Final Development Plan for Glenn Acres Farm by John G. Grone Family LLC on 12.76 acres located at 1801 N Rte. Z, Columbia.**

Stan Shawver read the following staff report:

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 property received a conditional use permit to operate an equine boarding and training facility for more than six animals on a 10-acre tract on the August 29, 2017 agenda of the Boone County Commission. This property was rezoned to REC-P and had a review plan approved by the County Commission on October 3, 2017.

Staff recommended approval of this request.

The Planning & Zoning Commission approved the Final Development Plan for Glenn Acres Farm during their November 16, 2017 regular meeting. There were eight members of the commission present during the meeting. The Final Development Plan is ready to be accepted by the County Commission.

There were no comments or questions from the Commissioners.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by John G. Grone Family LLC to approve a final development plan for Glenn Acres Farm on 12.76 acres located at 1801 N. Rte. Z, Columbia.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #523-2017**

6. Receive and Accept the following plats:

- **Hidden Creek Estates. S21-T46N-R12W. A-2. Mark and Teresa Paul, owners. Steven R. Proctor, surveyor.**
- **Settlers Ridge Plat 4 preliminary plat. S9-T49N-R12W. Proposed R-S and R-D. T-Vine Enterprises, Inc., owner. James R. Jeffries, surveyor (report only).**

Stan Shawver said Hidden Creek Estates is located at the end of Dee Woods Rd. This is a 6.64-acre parcel being split from a 27-acre tract.

Settlers Ridge, Plat 4, is a preliminary plat and the County Commission has asked that we report on these. The subject property is a portion of an approved review plan and preliminary plat and is located north of Columbia at State Hwy's B and HH. The review plan and preliminary plat were first approved for this property February of 2001. Four of the final plats have been approved, however, one of the final plats was re-worked from a previous final plat.

One final development plan has been approved and established CDP zoning for two lots at the intersection of Settlers Ridge Drive and Rte. HH. The preliminary plat and review plan were re-approved in June of 2007 and expired January, 2012. A revision was submitted in 2011 and part of the 2011 revision was a request to have a five-year approval for both the review plan and preliminary plat. The revision was granted, but expired in 2016. In February, 2017, the applicant submitted a new review plan and preliminary plat for re-approval with some minor re-configuration to the zoning district boundaries. The review plan and preliminary plat were approved.

Within a portion of the approved preliminary plat, the number of RS zoned lots was reduced from 26 to 25 and three RD duplex zoned lots were added. The area containing the three RD lots is the subject of the zoning request which was the earlier item that was not discussed and recommended for discussion later this evening since the applicant was not present. P&Z has the authority to approve preliminary plats and they did in this instance. This brings us back full circle to the re-zoning request and whether County Commission wants to consider it or require the applicant be present. There was no opposition to the re-zoning request at the P&Z meeting.

Commissioner Thompson asked if everyone had been notified of the P&Z meeting.

Mr. Shawver said 117 property owners were notified.

Commissioner Thompson asked if the applicant was the only one in attendance at P&Z on this issue.

Mr. Shawver said he was the only one. There was no opposition and no inquiries.

Commissioner Atwill asked what the options are for this.

Mr. Shawver said the Commission can proceed with the re-zoning request or table it until the applicant can be present. I have no idea why he is not here.

C.J. Dykhouse said the stakes would be higher if there was opposition. Under our zoning regulations, if the applicant is not present and there is opposition present, the Commission has no recourse but to deny the request.

Commissioner Thompson said that since there was no opposition at P&Z and more importantly, no opposition here tonight, we have the ability to consider the request.

Commissioner Atwill and Commissioner Thompson agreed to proceed with the request and asked that the request be re-introduced and the staff report be read.

Mr. Shawver read the following staff report:

The subject property is a portion of an approved Review Plan and Preliminary Plat. It is located north of Columbia on State Highways B and HH. A Review Plan and Preliminary Plat were first approved for this project in February 2001. Four final plats have been approved. One final development plan has been approved that established CG-P zoning for two lots at the intersection of Settlers Ridge Drive and Route HH. The Preliminary Plat and Review Plan were re-approved in 2007, 2011 and 2017

The current proposal is a portion of the current approved Review Plan and Preliminary Plat and is designated as C-GP on the plan. The current zoning is A-2. The request is to rezone 0.12 acres to R-S and 0.85 acres to R-D. The purpose of the request is to accommodate the realignment of Brookhill Drive as a through street and to plat three lots that can be used for construction of either single family or two-family dwellings. The remaining three-acre portion of the tract will retain its A-2 zoning and is designated on the proposed preliminary plat as a Common Lot for Stormwater Detention Pond.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan identifies a “sufficiency of resources” test for determining whether there are sufficient resources available for the needs of the proposal. The sufficiency of resources test provides a “gate-keeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities: Public Water Supply District 4 provides water service. The subdivision will receive sewer service from the City of Columbia via a sewer main that was constructed for this project. A revised annexation agreement was executed on November 25, 2011. The agreement dictates conditions under which sewer service will be provided to the property.

Boone Electric will provide power.

Transportation: A traffic impact analysis was completed in 2000, which identified several offsite road improvements. Those improvements were linked to a development phasing plan so that construction of the improvements would occur concurrently with the phase of the development that created the impact that was being mitigated. Compliance with the phasing plan will be addressed at the time of platting.

Public Safety Services: The property is approximately 1.5 miles from the Boone County Fire station on Route HH. The water lines in the development will provide the necessary fire flows.

Zoning Analysis: This request constitutes a minor revision to the overall development of Settlers Ridge that very little measurable impact.

Staff notified 117 property owners about this request. The property scored 71 points on the rating system.

Staff recommended approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during their November 16, 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 rezoning request. That motion carried unanimously.

The Commissioners had no questions or comments.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by T-Vine Enterprises, Inc. to rezone from A-2 (Agriculture) to R-D (Two-Family Residential) on 0.85 acres and from A-2 (Agriculture) to R-S (Single-Family Residential) on 0.12 acres located at 8145 N. Browns Station Rd., Columbia.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #522-2017**

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:

- Hidden Creek Estates. S21-T46N-R12W. A-2. Mark and Teresa Paul, owners. Steven R. Proctor, surveyor.

Commissioner Atwill seconded the motion.

The motion carried 2 to 0. **Order #524-2017**

7. First reading; Budget Revision to perform Bacterial DNA testing in the Bonne Femme Watershed

Stan Shawver said that in the 2017 budget, we had provided some contingency money in the amount of \$10,000 for bacterial testing of the Bonne Femme Watershed. At that point in time, the USDS had volunteered to do some sampling and some testing for us. They have provided that and identified some things. This request will take these detectable levels of the DNA samples and try to determine the source of the DNA.

This will be done through sole sourcing, Source Molecular Corporation, as they are the only one to provide this service. This budget revision takes the contingency money to pay for these services.

There were no comments or questions.

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

Commission

8. First Reading; Approving a Chapter 100 Industrial Development Plan and Bonds for Dana Light Axle Products, LLC

C. J. Dykhouse said there is an application package of Chapter 100 documents that Commission originally approved back on August 30, 2016 on Commission Order 391-2016. After vetting of the Chapter 100 application by the impacted taxing entities, Commission approved the 50% Chapter 100 abatement for Dana Axle in 2016. We are now at the end of this process.

Gilmore and Bell, our Bond Counsel, has provided a summary letter of the documents that they will ultimately ask for Commission authorization for the Presiding Commission to sign on Thursday. Their plan is to be here on Thursday for the second reading. Counsel from Kansas City will be here with a short presentation and then, in anticipation of your approval, will get signed documents to take back to Kansas City.

There were no comments or questions.

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

9. First Reading; Approving a Chapter 100 Industrial Development Plan and Bonds for Ryan Boone County, LLC (Smith & Wesson Corp. Project, a/k/a American Outdoor Brands Project)

C. J. Dykhouse said this is similar to the previous item. This was originally approved on April 18, 2017 after unanimous recommendation from the impacted taxing entities that participated in the taxing entity review panel.

Bond Counsel will also be here on this as well on Thursday. They have prepared a cover letter summary of all the documents, asking Commission to authorize the Presiding Commissioner to sign. Bond Counsel, as in the other case, will hold all documents until all the requirements have been met to close the bond transfer.

I would like to note that the American Outdoor Brands project relates to the real estate portion of the project. There was both a real estate and personal property component to this particular Chapter 100 project. The personal property portion of the program will happen sometime in 2018 consistent with the development of the construction project.

There were no comments or questions.

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

10. 1st & 2nd reading; Approve Closed Session authorized per RSMo Sec 610.021 (1) at 2:00PM on November 30, 2017

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby authorize a closed meeting on Thursday, November 30, 2017, at 2:00 p.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 Atwill seconded the motion.

The motion carried 2 to 0. **Order #525-2017**

11. Public Comment

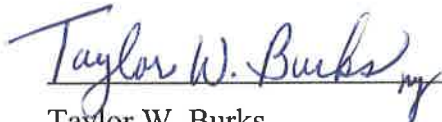
None


12. Commissioner Reports

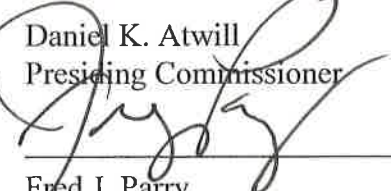
Commissioner Thompson said that Roger Conklin, a lifelong member of our community, died last week, November 23rd. He was an amazing man and for anyone who attended the Boone County Fair Horse Show or the Missouri State Fair, Roger Conklin and the Conklin Family Mule Team Hitch was always present and usually won. Roger Conklin will be missed by the entire community.

The meeting adjourned at 7:33 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

