

TERM OF COMMISSION: July Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
Chief Engineer Jeff McCann
Director Joint Communications Chad Martin
Director Public Works Greg Edington
Director Resource Management Stan Shawver
Planner Uriah Mach
Legal Counsel CJ Dykhouse
Deputy County Clerk Michelle Thompson

The meeting was called to order at 7:01 p.m.

New Adjourned Term

Resource Management

- 1. Request by 2801 S Olivet LLC for a permit to expand to expand a previously approved Riding School and Equine Boarding Facility on 100.98 acres located at 2801 S. Olivet Rd., Columbia.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their June 21, 2018 meeting.

The minutes for the Planning and Zoning Commission meeting of June 21, 2018, 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 June 21, 2018 regular meeting. There were eight members of the commission present during the meeting.

The subject property is located two miles east of the City of Columbia, and ½ mile south of State Highway WW, to the northwest of the intersection of Olivet Road and New Haven Road. It is 100 acres in size and is currently zoned A-1(Agriculture) and is surrounded by A-1 zoning. All of this is original 1973 zoning. This property received a conditional use permit in 2002 for an Animal Training and Boarding Facility. This property received a conditional use permit for a covered riding arena in June of 2010 that lapsed due to inactivity. After the first conditional use permit was granted in 2002, boarding stable and two run-in sheds were constructed as part of that use. An outdoor riding area is also in use on this property. The 2010 conditional use permit proposed an enclosed riding arena. The enclosed arena was not constructed, and that conditional use permit lapsed as a result. The applicants are requesting an expansion to their original (2002) permit to allow them to construct a 90' x 180' indoor riding arena for use in this conditional use.

The property is in the Columbia Public School District, is served by Public Water Service District #9, Boone Electric, and the Boone County Fire Protection District. The property scored 47 points on the rating system.

The criteria for approval of a conditional use permit are as follows:

(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 regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. The current equine activities on the property have not generated any complaints. Enclosing the existing outdoor arena should not impact the surrounding properties. 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.

Utilities are available to serve the needs of this 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-1, with residential uses limited to 10-acre tracts or larger. The surrounding properties are varied in size. Any development in this area will be more limited by the presence or lack of utility services than the establishment of this conditional use permit.

(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-1 zoning district, particularly since no land division is proposed.

In 2002 and 2010, staff found that this request was able to meet the criteria with the following conditions:

1. Any lighting installed on-site is focused inward and downward.
2. The driveway and required parking area be dust free with a minimum of a chip seal surface. The required parking area will be determined by the area of the stables. Dust free surface to be completed within six months of opening to the public.
3. Animal waste to be disposed of in an appropriate manner.

Since the 2002 approval, staff has had no complaints and is aware of no issues with the operation of the current conditional use permit.

While the proposed indoor riding arena is substantial in size, the property is 100 acres in size and the site for this structure is approximately 750 feet from Olivet Road.

Additionally, the applicants own 50 acres to the north, and the adjacent 53 acres to the south and southeast. This allows for substantial buffering from adjacent properties. Any off-site impacts should be effectively mitigated by this.

Staff recommends approval of this request with the following conditions:

1. Any lighting installed on-site is focused inward and downward.
2. The driveway and required parking area be dust free with a minimum of a chip seal surface. The required parking area will be determined by the area of the stables. Dust free surface to be completed within six months of opening to the public.
3. Animal waste is to be disposed of in an appropriate manner.

The Planning & Zoning Commission conducted a public hearing on this request during their June 21, 2018 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 with the suggested conditions. That motion carried unanimously.

Commissioner Parry asked if they could show on the Power Point slide the property that is owned by the applicant adjacent to the other properties.

Commissioner Atwill asked if it was said how many horses will be housed on the property.

Stan Shawver said that was not mentioned in his report.

Commissioner Thompson wanted to clarify that the riding arena will now be covered, to take the place of an existing outdoor arena.

Stan Shawver said that was his understanding of it. He stated that the applicant was present to answer any questions.

There were no more questions from the Commission to Staff.

Commissioner Atwill asked if there was anyone there representing the applicant.

Terri Wright is the owner of 2801 S Olivet LLC. She stated that the oval arena they see in the Power Point slide is there arena in discussion, and she basically just wanted to put a cover over the top of it.

Commissioner Atwill asked how many horses will be there.

Terri Wright explained that no horses will be in there. It is not where they live, it is just a place to ride in that will be out of the sun.

Commissioner Atwill wanted to confirm that there would be horses on the property.

Terri Wright there will be the existing horses, about 30.

Commissioner Thompson asked if she anticipated any increase in the number of horses that might be there.

Terri Wright said not really, maybe five to ten more horses, but no big increase.

Commissioner Thompson asked if the horses live outside.

Terri Wright explained that there is a combination. Some of them are stalled and then some live in the run-in sheds on pasture board.

Commissioner Thompson asked how many stalls she has.

Terri Wright said 15.

Commissioner Atwill asked if the Power Point showed the access to Olivet.

Stan Shawver said yes, and it was pointed on the slide.

Commissioner Atwill asked if people with horse trailers will be able to navigate that.

Terri Wright said yes, it is a wide road. They actually bring in semis when they bring in horses.

There were no more questions from the Commission.

Commissioner Atwill asked if there was anyone else present to speak in support of this item.

There were none.

Commissioner Atwill asked if there was anyone present to speak in oppose of this item.

There were none.

The public hearing was closed.

Commissioner Parry moved on this day the Boone County Commission does **approve** the request by 2801 S Olivet LLC for a permit to expand a previously approved Riding School and Equine Boarding Facility on 100.98 acres located at 2801 S. Olivet Rd., Columbia with the following conditions:

- Any lighting installed on-site is focused inward and downward.
- The driveway and required parking area be dust free with a minimum of a chip seal surface. The required parking area will be determined by the area of the stables. Dust free surface to be completed within six months of opening to the public.
- Animal waste to be disposed of in an appropriate manner.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #320-2018**

2. Request by Boone County for a permit for a transmission facility (180' tower) on 20.06 acres, located at 780 E Hwy 124, Hallsville.

Stan Shawver read the following staff report:

The subject property is located on Highway 124, west of Hallsville, at the intersection of Highway 124 with Highway 63. The property is approximately 20 acres in size and is zoned A-2(Agriculture). The property is surrounded by A-2 zoning. This property is all original 1973 zoning. There was a conditional use permit for a temporary asphalt plan for the property to the south in 1996. The subject property is used by Boone County as a Public Works maintenance facility. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 10 property owners about this request. The property scored 36 points on the point rating system

A description of the lease area site has been submitted by the applicant in the application materials. The proposal for a transmission facility is for a 180' tower and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

- (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 regulations, this use should not be injurious to the use & enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. 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 2.5-acre tracts or larger. The

surrounding properties are varied in size. Any development in this area will be more limited by the presence or lack thereof utility services than the establishment of this conditional use permit.

(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

Staff recommends approval of this conditional use permit as it meets the criteria identified in the Boone County Zoning Ordinance.

The Planning & Zoning Commission conducted a public hearing on this request during their June 21, 2018 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.

There were no comments or questions from the Commission.

Commissioner Atwill asked if there was anyone present to represent the County besides the

Commission.

Chad Martin and Dave Dunford were present.

Chad Martin explained that this was one of their sites in an effort to enhance the public safety radio network for all of the first responders in Boone County. Utilizing an already owned piece of Boone County land and working with Public Works to place it at that site.

Commissioner Thompson asked where on the site will it go.

It was pointed out on the Power Point slide.

Dave Dunford stated that it would be fairly close to the LP Tank that is on the site. He explained that they wanted to place it fairly near the building to help with utilities, and so they also had to be responsive to the require by the county for onsite fault combination.

There were no more comments or questions from the Commission.

Commission Atwill asked if there was anyone else present to address the Commission on this matter.

There were none.

The public hearing was closed.

Commissioner Thompson moved on this day the Boone County Commission does **approve** the request by Boone County for a permit for a transmission facility (180' tower) on 20.06 acres, located at 780 E Hwy 124, Hallsville.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #321-2018**

3. **Request by Tompkins Homes & Development, Inc. for variances from design and construction standards of the Boone County Roadway Regulations, Chapter 2, for property located in Sugartree Hill Subdivision, W Ravens Rd, S Mockingbird Ln. and Oriole Dr.**

Stan Shawver stated that before they start the staff report, he wanted to explain that the traffic regulations provide for variances to initially be heard by the Road and Bridge Advisory Commission. The Commission disbanded a few years back as it was very hard to find members to fill that Commission Board. Since they were supposed to make a report of recommendation for variances and ultimately the County Commission could act on the variance, before we brought this forward, we asked that the applicant sign a waiver stating that he understands that this is not going before the Road and Bridge Advisory Commission, it is going directly to the County Commission. He wanted that waiver to go on record.

Commissioner Atwill stated the waiver will be accepted into the record.

Jeff McCann wanted to enter into the record the Boone County Missouri Roadway Regulations Chapters I & II.

Commissioner Atwill said they will take notice of that.

Jeff McCann read the following staff report:

Mr. Kyle Miller with Crockett Engineering Consultants is requesting three (3) variances to the Boone County Chapter II Roadway Regulations for the Sugartree

Hill subdivision on behalf of Tompkins Homes and Development Inc. Mr. Miller's request letter, dated November 1, 2017, is attached for reference. One (1) additional variance request not included in the letter (Request #4) was added by Resource Management based on the proposed construction plans submitted for review.

Background:

Sugartree hill is a 47 lot, single-family residential subdivision that was platted in 1970 prior to the adoption of County subdivision roadway standards. The average lot size is approximately 1/6 acre (60' wide x 120' dee). The street right-of-ways (R.W) are 40' wide in the straight segments, 80' diameter in the cul-de-sac bulbs, and have no truncations at the intersections. Cardinal Court and Blue Jay Way were constructed in the 1970's for the development of Lots 1-21 and are County maintained. Raven Road, Mockingbird Lane, and oriole Circle were never constructed to serve the 26 remaining platted lots. Tompkins Homes and Development Inc. owns Lots 22-43 and is proposing to construct streets and utilities to develop those lots. Lots 44-47 are owned by three individual, adjacent property owners to the west (17 owns 44, 18 owns 45 and 46, and 19 owns 47). Proposed construction plans for the Tompkins development do no indicate sanitary sewer main or water service extensions to Lots 44-47.

Resource Management staff has had several meetings with Mr. Tompkins and members of Crockett Engineering to discuss the proposed development and recommended two alternatives that would reduce or eliminate the need to ask for variances. Staff has recommended the applicant talk to the owners of Lots 44-47 to try and obtain temporary construction easements which would allow roadway construction to meet current standards and obtain 5' of additional roadway easement to meet the current 25' half-width R/W standard. The request letter

states it was never their intention to grade on adjacent properties in order to complete this development. To our knowledge, no conversations have taken place between Mr. Tompkins and those owners. Staff also recommended replatting the lots under Mr. Tompkins ownership into a layout that would meet current standards and offered to waiver stormwater treatment and detention requirement if the replatted development had the same or less impervious area than the current plat. The applicant did not wish to replat either, so he is making these variance requests.

Variance Criteria:

As set forth in Paragraph 2.16 of the Boone Count Chapter II Roadway Regulations;

“No variance from any requirement contained within Appendices of these regulations shall be granted unless the Committee finds: (a) the applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations (b) grant of a variance will not endanger the health, safety or welfare of the public, and (c) grant of a variance will not hinder, thwart or circumvent the general intent or any specific purpose of these regulations.”

Request #1:

Allow a 26' wide pavement with curb and gutter for the wester 115' +/- of Ravens Road (between Lots 19 and 20) transitioning to a 28' wide pavement with curb and gutter for Mockingbird Lane and Oriole Circle. Standard Construction Drawing 110.02 for Local Roads With Curb and Gutter in Appendix 'B-1'

requires a 32' wide pavement.

The applicant states the additional 4' of street width (32'-28') would cause driveways to be shorter, reduce yard space, and require grading on neighboring properties they do not own. That statement would be correct if the proposed street was centered in the existing R/W (29' driveway length versus 31' respectively). However, to avoid grading on Lots 44-47, which the developer does not own, the approximately 6' north and 6' east respectively from centerline of the existing R/W (see the attached Exhibits 1, 2, and 3). The offset itself causes the driveway length on the developer's lots along Ravens Road and Mockingbird Lane to be reduced to 25'. Street pavement not being centered in the R/W is undesirable for long-term maintenance and it would require longer driveways for Lots 44-47 if they were to be developed in the future.

Narrower street standards are currently being discussed for low density, larger lot developments as part of the Subdivision Regulations update. However, given the high density, small lots and dead-end street configuration of this development, narrower streets raise public safety concerns. The attached Exhibit 4-Autoturn Exhibit illustrates the minimum wheel path area required by the design fire apparatus moving through the proposed street layout with parking limited to one side of the street. Comments on the narrower pavement were requested from the Boone County Fire Protection District, Boone County Public Works, and Boone County Sheriff's Department. BCFPD does not support the narrower pavement and requests no parking on both sides of all streets in this development if the narrower pavement variance is approved. Public Works was concerned about snow removal with their 10' wide plows unless no parking was required on at least one side. The Sheriff's Department does not have any large vehicles but would echo any concerns expressed by BCFPD or Public Works due to multi-agency emergency response calls. Enforcing no parking signs could be done but

would be another item on their list of duties.

Staff does not support this variance request and recommends denial for all requested street segments except the western 115' +/- of Ravens Road between Lots 19 and 20. Staff would support approval of a 26' wide pavement in that section due to the confined R/W between the existing homes and the elevations difference between the street and the existing homes. Temporary construction easements will be required from Lots 19 and 20 to accomplish the necessary grading.

Request #2:

Allow 20' radius truncations on all street pavement intersections and cul-de-sac bulb entrances. Tab A in Appendix A requires a 30' minimum radius.

The applicant states the larger radii would reduce yard space on corner lots and require temporary construction easements and road easements on adjacent lots not owned by the developer. Both statements are true, but the extra pavement width provides better vehicle maneuverability and public safety. Exhibit 4 illustrates how much turning area is required for an emergency vehicle.

Staff does not support this variance request and recommends denial.

Request #3:

All a 46' wide right-of-way for Ravens Road, Mockingbird Lane, and Oriole Circle. Table 'A' in Appendix 'A' requires a 50' minimum right-of-way. The applicant states the proposed 46' R/W and 28' pavement will provide the same 9' green space between back of cub and R/W as the standard 50' R/W and

32' pavement. This statement is true if Request #1 is granted. However, due to the proposed centerline pavement being offset in the R/W, additional green space width would be created along Lots 44-47.

Staff does not support this variance request and recommends denial.

Request #4 (Added by Staff):

Allow ground slope between back of curb and R/W line to exceed the maximum standard slope and direction. Standard Construction Drawing 110.02 for Local Roads With Curb and Gutter in Appendix 'B-1' requires a ¼" per foot minimum to ¾" per foot maximum slope draining from R/W towards back of curb.

The proposed grading plan submitted for the development indicates several areas where slopes appear to exceed the maximum with some being as steep as 3:1. Standardized slopes within the R/W were established to aide in driveway connections to the street. Steeper slopes are also harder to establish grass on and mow. Several areas also appear to drain away from back of curb instead of to the street which could cause poor drainage and ongoing maintenance issues.

Staff does not support this variance and recommends denial.

Commissioner Atwill asked if the departments mentioned early responded in writing about this issue.

Jeff McCann said yes, they did. I have emails from all three of them.

Commissioner Atwill stated they should be entered in as part of the record as part of the process that has been utilized.

Commissioner Thompson asked if Jeff McCann could explain more on the topic of it being undesirable for long term maintenance for the right-of-way not being centered.

Jeff McCann explained that usually when a subdivision is being constructed, the road is constructed in the center of the right-of-way. It creates a symmetrical situation on both sides of the road. Even though utilities and our own Public Works people should look to see where the right-of-way is, it is kind of standard practice that people expect things to be a certain distance off the back of the curb. Utilities, if they install, sometimes they don't check the right-of-way, they go off the back of the curb. Our maintenance guys may think they have 9 feet behind the curb and this one could be different because it is not centered in the right-of-way. So, long term wise, it could pose a problem because it wouldn't be standard. It wouldn't be like every other subdivision that is out there.

Commissioner Parry asked if it was known what the history of the county's 32-foot street standard if the city's is 28, why is there a difference, and how long has the county had the 32-foot standard.

Stan Shawver said that the 32-foot standard has been in the regulations since the regulations were written. The city has modified theirs. It was originally based on what the city had at that point and time but then the city had modified theirs.

Commissioner Parry asked if he knew what the reasoning was for the city to change their standard.

Stan Shawver said no, I do not.

There were no more questions by the Commission to Staff.

Commission Atwill opened the public hearing.

Tim Crockett and Mike Tompkins were present to speak on the matter.

Tim Crockett explained that Mr. McCann was correct in his explanation that they were seeking four variances. One for the standard street width, one for truncation radii, one for right-of-way widths, and one for the grate to the back of the curb to the right-of-way. He presented a Power Point slide that included some of the same slides Staff had presented in their report. The Power Point presentations from both the Staff and Mr. Crockett are included at the end of these minutes.

Tim Crockett said that Mr. McCann was correct, it was platted in the early 1970's. It was plotted for a 47-lot subdivision. My client owns 22 of the lots with streets that are not built in the development. We have submitted design plans to construct the development as platted. There are some issues at hand as you are certainly aware of.

For the first variance regarding the standard street width, we are asking to drop from a 32-foot wide street to a 28-foot wide street. When this project started several years ago we asked for it to be 24 feet. That idea got thrown around for a while and then it was decided that we needed to increase that. So, we went to the 28-foot mark. We are asking for the 28-foot due to the reduction of the right-of-way. The right-of-way width is 40 feet out there and are going to expand that right-of-way to some degree, but not to the full 50-foot right-of-way. The issues that we have are basically due to some issues with neighboring lots that we don't own and don't control. Mr. McCann's letter did state the two options that they presented to us. One was to talk to the neighbors to see if we could get additional right-of-way from them and see if would could grade on their property. The second option was for us to replat with a new layout. Mr. Tompkins did meet with the neighbors and they gave a respectful but definite no. They are not interested in giving an additional easement for their property across the rear of their lots. Then, we looked at replatting this some time ago. We looked at how we could re lay out the subdivision to still obtain the same goal as this development. We still feel that this issue is these lots while they are owned by residents over

here, they are still separate lots. They are separate properties and they must maintain adequate right-of-way frontage. If they were replatted all together into one lot right here and this lot here had frontage onto the streets onto the west, then maybe we wouldn't have to do that. But, they are separated platted properties, separate lots that we feel that we must provide adequate right-of-way access to. So, when you take that into account, we have got a street that has to come through here, we have a street that must come through here, it limits what we can and cannot do.

Mr. McCann talked about driveway length. What we are showing here is a minimal driveway difference in what we have asked to build, just a matter of a few feet. That has kind of come to the fact that if you don't want to give additional right-of-way by easements, then if we can, we would like to shove the street a little bit further north and that is going to come as a consequence. It is not a major situation, we are not talking a lot, we are just talking a matter of a few feet. But when we do that and try to re-lay out the subdivision it is simply is very difficult at best. So, we feel this configuration, given the fact that we must provide access to those lots as well as the access point that we have, it is probably the best suited situation to try to work best with what we have.

The second variance requested is the truncation radii on the streets. Yes, we are asking for 20-foot rather than the 30-foot. We have run what we call auto turn, which is basically a program that takes a fire truck and a trash truck, or anything other truck that you want, or say a school bus, and we can drive it through the subdivision. It looks to see where the front bumper is, where the rear bumper is, where the front axle is, and any associated axle in the vehicle itself. Can we get through here? Yes. It is a little tight, but we can run it through here with parking on one side. Staff has indicated that maybe we don't have parking at all. In talking to Mr. Tompkins, it's the Commission's desire. If the Commission wants parking on both sides, that's fine. If the Commission wants to limit it to one side, that's fine. If the Commission wants to eliminate all on street parking, we are okay with that too. It makes no difference to us. 28-foot wide streets, again, are common in the city of Columbia as well as

other communities, and as you may know, the Boone County Fire Protection District serves some of those city of Columbia developments with 28-foot wide streets. So, it's no uncommon, not something new that Boone County has and does provide service on 28-foot wide streets.

The issue that we have, if we go off 30-foot truncation, you can see how large of an area that is. Given the cul-de-sac bulb, given the street coming in this location, this 30-foot truncation, now this area on the cul-de-sac is over 40 feet wide. So, now we have gone well beyond the 32-foot. So, I think 30-foot is to an extreme. Now, on the opposite corner it would work simply because the street is off set from the center line of the road. If it was centered, then we would come across and it would be into this lot, and that is the concern we have on several occasions is if we have to center the street, especially with a 32-foot wide street, then put a 30-foot truncation on it, then we are on property that we don't own. So, that is the reason for the variance on this location.

Next is the variance for the right-of-way widths. There is no hiding the fact that it is 40-foot. It was platted back in 1970 before there were regulations that required 50 feet. That is the situation that we are in. So, what we are asking is to allow us to develop with that 40-foot right-of-way, but we want to do is grant street easement where we can on the lots that we have control over. Now, granting 6-foot of right-of-way and making it 46, there is some rhyme to that reason. It's not all that we can get, but what we are looking at is at Mr. McCann indicated, what we want to do is maintain the distance between the back of curb and the right-of-way at 9 feet. If it was a 32-foot wide street centered at a 50-foot right-of-way, you would have 9 feet from the back of curb to the right-of-way line. What we are asking is to have a 28-foot wide street and still maintain the same 9 feet of distance. That will help with snow removal. Staff talked about having a place to push snow and all of that. I understand that these snow plows are 10-foot wide, maybe we have to eliminate parking on one side or two sides. We are okay with that. So, that is the reason for the right-of-way going from a 40 to a 46. We want to do it the easement and then that would give the county the

ability to get in there and maintain the streets. We talk about maintaining the streets in the right-of-way, we believe that the county can still go in there and maintain the streets. They are a little narrower street, but it's the same distance that you have from back of curb to the property line. So, the county can still maintain those streets. I would like to point out, just for clarification, that the streets are going to be built cross sections wise to the county standards. So, it's going to be the same quality as any other development or any other street that the county has. So, are not going to try to come in and cheapen that, we are just asking for a little narrower street.

The fourth variance would be the grading from the right-of-way. Mr. McCann is right, that was an added variance that came later from Staff, he indicated there were a few locations where there are some possible potential drainage issues that drain away from the street. That is not uncommon. We do it in every development. When we have transitions from lots and streets and intersections that are going into different grades. Where do we go from that point? Mr. McCann talks about we have a point here that should drain to the street, well from this point on, typically drains through the yard. So, we are taking a little more property that would drain through the yard. It's not a substantial amount of water. It's not taking any of the street water. So, we are not talking about a vast amount of water, we are talking about what I would say is an insignificant amount of water. It's a very, very small amount that would drain through there. So, I don't see that being a big issue.

So, again, I believe that the variances are appropriate. I think they are appropriate in this location. The variances will not negatively impact the neighbors. We are not going to detract away from their property, we are going to still provide their legal access to a public street that my client is building, so if they so desire they could construct homes on those lots now where previously they couldn't. They can't build a home with no street. This will allow those home owners can build homes on those properties if they desire. It will not cost or be problematic to the public. We are not going to build a sub-standard street with regard to cross section. We are asking for it to be a little narrower. If we could make this work with

32-foot wide streets, we would. It is not a cost issue for my client to build 32, it's the fact that it's just not working out geometrically. And of course, it will not decrease public safety. Boone County Fire District can access this entire property. We believe they can make it with or without parking. That is at the Commission's discretion if you want to eliminate parking. So, we believe it is not going to take away from public safety, and it will not set a precedent.

This is a unique situation. There may be other instances like this in the county, I am not aware of any, but Staff may know of some. We are trying to solve the problem that is before us. This is a plat that was done in the 70's with sub-standard right-of-way widths. We are trying to make the best situation work for this piece of property. I think by having these variances and working together to come to a common ground, I think that solves this issue. Yes, it is unique, but it will not set a precedent. I think it is something that is justified for this piece of property. One thing that Mr. McCann said was typically the street is center, and he is exactly right, typically the street is centered in a project in a new development. This project is anything but typical. We have a lot of issues out here. We don't have a plat that has truncations on the intersections, we have 40-foot of right-of-way, we have a lot of non-standard or non-typical situations out here. In this case here we are asking to slide the street out just a little bit to make it work for this piece of property.

Mike Tompkins explained that he has been working on this project for three years. When they started out, they were thinking 24-foot was appropriate for what was drawn and that was what we began talking about. We had several conversations and meetings occurred over those three years that culminated in a sit-down meeting with Staff in the middle of last year. I had thought we had figured out a way to solve all these problems and really nothing that I know of is different than what you are seeing here tonight. I know minor things such as the centering, but we have been talking all along about that width. Staff wanted me to eliminate the little stem on the drawing here, there were two lots, 30 and 31, to make it a private drive that the county would not have to maintain and then we would move into the 28-foot width. We have been here twice as part of this process. You guys did the vacating, we did the

variance on the lots, so those two are fixed. That has been released as far as I know. I just wanted to tell you the history of this because I'm feeling like this was the plan for moving forward. Now we are here, 28 feet, and we have kind of lost support. I say why did I get lead down a path by the county causing me to spend tens of thousands of dollars in several years just to not be supported?

I think Tim has kind of gone over the proposals to get to the neighbors. I have talked to all three neighbors and they don't really have a whole lot of reason to do this and are not interested in it. Part of that is that it is hard with the size of the lots. These are really small lots. Trying to cram a really wide street in here one way or another does push back the driveway. It pushes everything back and it makes it harder to fit anything. It is kind of another why these landowners aren't willing. It hurts. It hurts them, and it's hard on me too to fit these other houses in here. I just want you to realize how small the lots are, and a wider road just makes it even harder to fit everything we need to fit.

The streets in Old Hawthorne and the Vineyards are exactly 28 feet wide. There are people living there, things seem to be going fine, fire and police as far as I know don't have any problems. So, don't fool yourselves, these are newer neighborhoods in Columbia, and I don't really see a problem. This is really going to be no different. As Tim said, I am willing to eliminate parking on one or both sides if that is what you guys want to do as a safety concern. I figure these are going to be newer, nice houses, they will have plenty of off street parking anyway. They will have driveways and garages. If you think about it, there will be a few people that will park on the street, but most people are going to use their driveways and garages. I really don't think this will be any different than current city standards.

Lastly, I just want to point out that this will help a little bit with some affordable housing. We are going to be added 22 brand new houses in here that we hope are going to be on the more affordable end. At the same time, I think we will help that neighborhood appreciate in value. We are going to double the size of it and so there is going to be more new houses than

old house in there and that can't hurt their property values. I just hope you guys realize that my options are truly limited here, and I think we have made a compelling case and I hope you will grant approval.

Commissioner Atwill asked if there was anyone else present to speak on the matter.

Mike Trial explained that he was a property owner to the north side of the area. The triangle area on the slide is his property. He wanted to understand what would happen to lots 23-26 if everything is being pushed to the side. He was worried that they will be coming into his property. He is concerned of the consequences of all of these variances.

Commissioner Parry asked if the property had been surveyed.

Tim Crockett said that was correct.

Mike Trial said that he had also had the property surveyed, and he believes there is an encroachment now.

David Butcher with Crockett Engineering spoke on the survey issue. He explained that there was a survey from 1986 that shows a slight encroachment over the two property boundaries, around 6 feet or so. He also stated that they will not encroach on Mr. Trial's property with regards to the development. Whether or not that overlap exists, is something that would have to be settled in court by a judge. It is not something that a surveyor can determine. The important that to keep in mind is there is a rear yard setback that far exceeds what this setback would require, which is about 25 feet. This overlap that we have is significantly less. So, the area of conflict would not be something that would be affecting these variances.

Commissioner Parry asked if it was correct that they could adjust their plan so that they would no be encroaching on Mr. Trial's property and still have a legal lot.

David Butcher said that is correct.

Mike Trial said that he wanted to make sure he understood that the backset from lots 23-26 will be 25 feet.

David Butcher pointed out on the Power Point slide where Mr. Trial's property was and where the area in question was and showed that there would be a setback of 25 feet there that would prevent anyone from building anything structures that would encroach on that area.

Stan Shawver explained that if there were houses built, they wouldn't meet the setback then if there is no longer 25 feet back there.

David Butcher said that is something a judge would take into account when he grants that property.

Stand Shawver said it would then drop down to 19 feet.

David Butcher said either way, if it dropped down to 12 feet, it is still not going to have a building in that encroachment.

Commissioner Thompson said there won't be a building but whether something can happen in those lots then becomes entirely problematic, but that's on Mr. Tompkins, not you Mr. Trial.

Mike Trial said that he understands but the property owner won't know that. They will think their backyard is where the development ends.

David Butcher said that was something that Mr. Trial and Mr. Tompkins would have to work out because ultimately, that is where he thinks his boundary is and you think it is

somewhere different.

Commissioner Thompson or before those properties go up for sale you will need to go across the plaza to the courthouse.

David Butcher said that he was certain they would be able to sort that out, right now they were just trying to figure out if they could build some streets.

Commissioner Parry asked if the two conflicting surveys were done by local surveyors.

David Butcher said one was done by D.E. Hill back in 1969 or somewhere around there and the other was in 1986 by Ron Luke.

Mike Trial said the third one was done by Brush in December of 2017.

David Butcher said he did survey the property himself and I did not want to take sides as to which one I agreed was the right one. I will say that the development has one line and his boundary has another, and we will be able to sort it out either through amicable reasons for themselves or we will adjudicate if we have to.

Commissioner Atwill asked if there was anyone else present to address the Commission on this matter.

There were none.

Commissioner Atwill closed the public hearing.

Commissioner Atwill asked if Staff had anything further they wanted to address on this issue.

Jeff McCann said he wanted to clarify that since the concept review of this plan to current date, that the Engineering Staff has not supported anything less than the 32-foot wide street. They are correct, they started with 24 and then 28. We have always been at 32, so the agree to disagree thing was the only option we had left which was to come before you with this variance request because we did not support anything less than 32. Another point Mr. Crockett made was the existing 4 lots, that they had to keep the right-of-way access for those. I wanted to check with Stan and Uriah to see if that was a correct statement.

Stan Shawver said they are individual lots regardless of how they are owned, they are individual lots. So, since they have platted access which what was originally envisioned, they would still need to have access to the right-of-way.

Commissioner Parry asked Mr. Tompkins if he did communicate with the neighbors, as the staff report indicates he did not. He was wondering about the homes on Blue Jay Way. He wanted to know if they were owner occupied or not.

Mike Tompkins said that all three were owner occupied.

Commissioner Parry said so you dealt with the owners.

Mike Tompkins said correct.

Commissioner Parry wanted to know if the test with the fire truck was conducted by Crockett.

Tim Crockett said yes, they conduct the test and submit the results directly to Boone County Fire Protection District or maybe directly to the County.

Jeff McCann said they were sent to him and he forwarded them out.

Tim Crockett said yes. It is called Auto Turn, it is an engineering program that is commonly used in the engineering industry for that purpose. So, we perform them and then submit them for review.

Commissioner Parry asked if first response was Boone County Fire Protection District.

Tim Crockett said that is correct.

Commissioner Parry asked if the apparatus shown on the map in the packets was one of their trucks.

Tim Crockett said yes, it is the largest truck they have.

Commissioner Parry asked if it was a ladder truck.

Tim Crockett said he couldn't remember if it was a ladder truck or not.

Jeff McCann said it was their standard vehicle that they use.

Commissioner Parry asked Tim Crockett if it was correct that he worked on the Toalson project.

Tim Crockett said yes, that is correct.

Commissioner Parry asked what the final street widths were on that.

Tim Crockett said 20-foot. What we all agreed on there was a 20-foot wide street. The paving and the gravel shoulders was the questionable part in that. The County Staff and Fire District wanted us to have 20-foot of area that would support a fire truck. So, what Mr.

Toalson proposed was 13-foot of pavement and then gravel shoulders on both sides that would support the vehicle.

Commissioner Parry said so, all total it equals 20-foot.

Time Crockett said yes, all total.

Stan Shawver said those are private roads, Commissioner.

Commissioner Atwill said they are private roads and the density was a whole lot different.

Stan Shawver said it is a planned development.

Commissioner Parry said okay. He asked if there were no parking on the streets if the plans for the development would be impacted.

Tim Crockett said no, not all.

Commissioner Thompson wanted to clarify that it was proposed that there would be garages for these houses.

Mike Tompkins said yes.

Commissioner Thompson asked what these lots will sustain as he called them “really small” lots in his statement earlier.

Mike Tompkins said yes, they are right the bare minimum for zoning from what I understand.

Commissioner Thompson said so, I'm thinking logistically. I know that even with my house in my land on gravel roads that finding places for people to park if I had a party or something is hard. They have had to park in my pasture. There is not a pasture in the development. So, when people come over, where are they going to park?

Mike Tompkins said that he views this again, as any new subdivision that you see. The driveways will be big enough to fit two or three cars.

Commissioner Thompson said on "really small" lots. I am just trying to figure out where people are going to park.

Mike Tompkins said yeah, these are lots are standard size lots are far as minimal, I think they match what the City's are, the 60-foot width. A driveway width for two cars is about 20-22 feet. So, we are going to have plenty of room, and that is about how wide a garage is. I would like enough depth, and we are approaching a 25-foot driveway and a garage is usually only about 20. So, two cars are going to fit on a two-car driveway out front.

Commissioner Thompson said I'm just trying to visualize this because when you say you are okay with no parking on the streets and these people are going to have friends over, they are going to park on the streets.

Mike Tompkins said if I was choosing, I would not want to eliminate street parking at all. Because I have see lots of neighborhoods that have this exact street width and no restricted parking with this width of lots, so they have got driveways, they have got garages, and they are parking off street and life goes on. The study they did shows the truck can get in with parking on one side. I am feeling like it is up to you guys on the parking. If you guys do decide to do no parking, I would probably up on my driveway widths a little bit just, so I can get a little bit more in there, but I think most people would like it if they at least had the ability to park on the street.

Tim Crockett said and just for a point of clarification on these lots, there are a few that are 60 feet wide, but a lot of them are 65 feet plus, some are 68 feet and 72 feet. With that being said, we do development that have 60-foot. Bearfield is one that comes to mind, they all have 60-foot lots and every house out there has a two-car garage, some have a three-car garage. So, yes, they are very small, but when I say that, I don't want it to be perceived that they are outside the ordinary. There are lots we develop every day that are this width that get a two-car garage and a driveway that supports two or threes cars as well.

Commissioner Thompson said that both Mr. Tompkins and Mr. Crockett said that the neighbors were not interested in giving the easement. This may be a poor choice of words, give.

Mike Tompkins said when I went to talk to them, I see the same situation that I see for me, it hurts them. Here I am trying to sell them on giving me some of their land, but it is eating away at their lot. It hurts fitting a house, a driveway, and all that kind of stuff. And it is the same for me. That is the reason we are trying to get the street width down a little bit, so we don't have to cram everything in. Who knows, I could probably go offer them enough money, but should I?

Commissioner Thompson just wanted clarification on if he said give versus sell.

Mike Tompkins said I got a lot of negative responses. I don't know what it would take.

Commissioner Parry asked what he thought the price point of these houses would be for reasonable housing on these.

Mike Tompkins said that keeps changing day to day based on inflation, but right now I am thinking something like \$130,000 to \$150,000. That is something that is realistic to be able to build a brand-new house that is somewhere around 1,200-1,400 square feet, and I think

most of the other houses there are around 1,100 square feet. I think we will probably have to do some story and half house because of the foot print size and that will also help a little with the driveways.

Commissioner Parry asked Tim Crockett if they were going to need an easement for lot 19.

Tim Crockett said he was not so sure they would have to get an easement as the natural flow of the water goes in the direction already. We are going to change that, we are actually going to be reducing the amount of water that runs through there.

Jeff McCann pointed to the Power Point slide and explained that right now the water was draining this direction, what would happen is that the water that runs along here is going to get picked up in the street and they are proposing a storm ending here to try and catch this part and send it this way. The water here though is going to come out into the street and then get carried all the way down and discharged into this existing ditch, go through these three driveway culverts and then on into the flood plain. So, there is definitely going to be a least a temporary construction easement on this corner and probably along here to create this grading even if that was a 26-foot wide street because this right-of-way here, just like all the others, does not have the rounded truncation. It is basically a 90-degree corner. So, this spot you see right here is a proposed culvert and rip rat, all of that is actually on this lot. So, I think at the minimum, this person that owns this home here will have to grant a temporary construction easement and possibly a drainage easement to make the construction plans approved. Whether the variances are granted or not.

Tim Crockett said yes, and that is common. If we are going to do work on the neighbor's property whether it is grating, temporary, or drainage easement, that would be required regardless. So, Commissioner Parry, to answer your question, no, we don't need another variance for it, but we may need to work with him on getting some improvements made in the front.

Jeff McCann pointed to the Power Point slide and said this lot here is the lot that owns this one. So, if they have told you no, maybe it will be different over here, but you are dealing with the same person there which I assume you realize that.

Tim Crockett said he also has expressed the desire to improve the road across from his house too, so that may be something that would be able to improve it for him in exchange for assistance in getting that built.

Mike Tompkins said I think he is in favor of this, I just don't think he wants to give anything up. He realizes he is going to get a buildable lot out of this. I think the others are less inclined, it is just their backyard.

Commissioner Atwill closed the public hearing again.

Commissioner Atwill asked the Commissioner for their thoughts.

Commissioner Parry explained that he stood in support of the proposal and it's too bad that it has taken this project so long as it is, and it will probably take longer. There are not any life safety issues that they need to worry about. If the developer is willing to allow restricted parking that is a step in the right direction. There is no cooperation from adjacent property owners, which is a shame and leaves the applicant with his hands tied. The allowance that has been made for off-street parking addresses concerns raised by the Boone County Fire Protection District. This community gives a lot of lip service to affordable housing and then when something that is truly affordable comes along, it seems like we trip all over ourselves finding ways to keep it from happening. There are four issues where variances are going to be required, but in the grand scheme of things, they are not major issues. Cars parking on the streets happens. It is one of those things that is not avoidable. If it is demonstrated that fire trucks can get through, that satisfied that requirement. 28-foot versus 32-foot is not a major thing. Nobody seems to know the history of the change, but you have to assume there was a

valid reason for doing so. He is in favor in the proposal and when the time comes to vote, he will vote in favor of it.

Commissioner Thompson explained that first we need to look at the Roadway Regulations which state “No variance from any requirement contained within appendices of these regulations shall be granted unless the committee finds: a) the applicant will incur unreasonable and unnecessary hardship if a variance is not granted and the variance is not sought primarily to avoid financial expense in complying with the requirements of these regulations. b) grant of a variance will not endanger the health, safety, or welfare of the public. c) grant of a variance will not hinder, thwart, or circumvent the general intent or any specific purpose of these regulations”. We have to look at this with that regulation in mind. Look at the record as it currently exists. We have statements from the Boone County Fire Protection District saying they do not support the narrower road. Only if the narrower road variance is approved would they request no parking on both sides of the street. That is significant in terms of health and safety. That is critical that those people are saying they don’t support the narrower road. The Sheriff’s Department echoes concerns due to multi agency emergency response calls. When 911 is called for something such as a heart attack, you get a fire truck, you get an ambulance, you get everybody. That is what concerns me when there is a narrower road and where people are parking on the streets and it is difficult to get those people in and out. Looking at the roadway regulations, if you cannot find all three, no variance shall be granted. You have to find all three, and so there is a problem with that given the record that has developed here. She would not support the grant of the variance.

Commissioner Atwill explained that Mr. Tompkins is one of the top developers in the area and he is a little surprised that he has undertaken this project give that he is trying to shoehorn a housing development into a plan that is almost 50 years old. He stated he doesn’t know why he has put them in this position. This raises a question of whether or not we should even have rules. The reason we have rules is for safety and for consistency so that

builders know without asking anyone what is expected of them. Mr. Tompkins knows that, but he has put on the Commission asking for changes that are significant when you look at the existing rules. The rules were adopted some time ago, maybe they are out of date, but if they are, this is not the way to change rules. If we were to grant this, it is a precedent. What is to stop the next builder from coming in and saying you gave Tompkins 20-foot roads. What is the response? That there was a special circumstance of a 50-year-old plat? We would be waffling if we were to be flexible on these rules and we would be sending a message. A message to all the developers that if you don't like the result you are getting from the Staff, then take it to the Commission. We don't need to get involved in one of these after another. Everyone can have special reasons on why they need variances on a road width. That is a concern. What are we telling Staff and developers? What message are we sending in taking an action that asks for four things that aren't covered by the rules? If we approve this, aren't we ignoring the Fire Department? It is clear they do not recommend it. Then we say to the Fire Department that what they say doesn't matter. Do you see what you are asking us to do? You are asking us to tell these other people that it doesn't matter what they say. We have to think about the next case that comes along and the rules and regulations and whether they mean anything, and whether we have an obligation to enforce them, particularly as the way it's written with needing to find certain factors. Those factors aren't available in this case. Commissioner Atwill explained that he thought Mr. Tompkins has other alternatives with the property. He didn't have the plans drawn, they were drawn 50 years ago. He suggested that Mr. Tompkins withdrawal his request and go back and rework it the way it has been suggested to him and then come back. It will cut out some lots, but that is going to be necessary, because Commissioner Atwill would vote against it. That is the option and if Mr. Tompkins would like to do that, he should say so now. If he does not want to do that, the Commission will vote on the issue.

Mr. Tompkins withdrew his request.

Commissioner Atwill stated that with his withdrawal there was nothing further for them to

review right now. He thanked Mr. Tompkins and told him that they will work with him, but things need to be looked at.

Commissioner Parry asked Staff what the timeline was on the status of subdivision regulations.

Stan Shawver said that every time he has been asked to give a timeline, he has never been able to deliver. It is a very extreme and tedious task because we want to get it right.

Commissioner Parry asked if he could say whether or not street width is on the table.

Stan Shawver said street widths are suggested in the subdivision regulations in a table, but really the traffic regulations are the ones that set those forward and the subdivision regulations just reflect those.

CJ Dykhouse explained to Commissioner Parry that he would have a chance to look over directly because they will be looking at revision of the Roadway Regulations. That was one of the things Commission wanted him and Mr. Shawver to work on after the handling of this variance request. What's driving it is the Road and Bridge Advisory Committee, contemplated in regulations is essentially defuncted, we cannot get a quorum. We will be coming to you with some drafts on how you want to set up the administrative process and who we want to take that role and what their relationship will be with the Commission in terms of deciding and appeals to the County Commission and things. While we are getting procedural direction from you on that, the exhibits are part of the road regulations. So, if we needed to look at that, that would be germane to that effort.

There were no more comments or questions by the Commission or Staff.

4. Request by Fred Overton Development to approve a Final Development Plan for Ravenwood on 88.71 acres located at 7200 W Hwy 40, Columbia.

Stan Shawver read the following staff report:

The subject property is located on the east side of Rollingwood Boulevard, at the intersection of Rollingwood & US Highway 40. The subject property is approximately 91 acres in size. The property is split-zoned, with 69.58 acres is currently zoned A-R(Agriculture-Residential) and 21.5 acres is currently zoned R-S (Residential-Single Family). The property is currently vacant. There is R-S zoning to the west, A-R zoning to the south, A-R and C-GP (Planned General Commercial) zoning to the east, and A-R, R-S, and C-G (General Commercial) zoning to the north across US Highway 40. With the exception of the C-GP zoning, which was rezoned in 1985, this is all original 1973 zoning.

The approved review plan for this property shows R-SP(Planned Residential Single-Family) and C-GP zoning and it was approved in 2014. This final plan locks the zoning in place.

The Boone County Master Plan identifies this area as suitable for residential land uses. The Boone County Zoning Ordinance identifies three standards for approval of a Final Development Plan: all required information is accurately portrayed on the Final Plan, the Final Plan conforms to the approved Review Plan, and the Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

After review of the submitted Final Plan, staff has determined that the Final Plan meets the identified standards.

Commissioner Parry moved on this day the Boone County Commission does approve the request by Request by Fred Overton Development to approve a Final Development Plan for Ravenwood on 88.71 acres located at 7200 W Hwy 40, Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #322-2018**

5. **Zumwalt Road. S2-T45N-R12W. A-2. Joshua and Brianna Lindsey, owners. Curtis E. Basinger, surveyor.**

Stand Shawver said Zumwalt Road subdivision is located 3 ½ miles south of Ashland on Zumwalt Road. This is a one lot subdivision.

6. **Wren Creek Estates Plat 1. S31-T50N-R13W. Eric-Lori Kurzejeski Trust, owner. J. Daniel Brush, surveyor.**

Stand Shawver said Wren Creek Estates is a three-lot subdivision located on State Highway E near the Swearingen Rd intersection.

7. **Rangeline Investment. M-L. S7-T48N-R11W. Rangeline Investments LLC, owner. Christopher M. Sander, surveyor.**

Stan Shawver said Rangeline Investment is a 4-lot subdivision on Rangeline Road just east of the Richland Road intersection.

All plats done on one order

Commissioner Thompson moved on this day the Boone County Commission does receive and accept the following subdivision plats and authorize the presiding commissioner to sign them:

- Zumwalt Road. S2-T45N-R12W. A-2. Joshua and Brianna Lindsey, owners. Curtis E. Basinger, surveyor.
- Wren Creek Estates Plat 1. S31-T50N-R13W. Eric-Lori Kurzejeski Trust, owner. J. Daniel Brush, surveyor.
- Rangeline Investment. M-L. S7-T48N-R11W. Rangeline Investments LLC, owner. Christopher M. Sander, surveyor.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. Order #323-2018

8. American Outdoor Brands preliminary plat. S6-T48N-R11W. David Butcher, surveyor (report only)

Stan Shawver stated American Outdoor Brands preliminary plat is on State Highway Z and consists of three lots zoned M-L (Light Industrial). This is the location of the American Outdoor Brands facility currently under construction. Planning and Zoning Commission approved the preliminary plat. They have submitted the final plat and it is scheduled to be on the July 19th P & Z agenda. There is no action necessary.

9. First & Second reading; Utility Agreement with Centurylink

Jeff McCann explained that this was the utility relocation agreement necessary to relocate the fiberoptic line of Centurylink in order to construct Enterprise Drive and the Route Z improvements for the grant off site improvements.

Commission Parry asked what the costs were associated with this.

Jeff McCann stated it is \$50,000 to \$70,000 estimated with a not to exceed of \$60,000.

Commissioner Parry asked if that comes out of the CBG money.

Jeff McCann said yes, that is correct.

There were no more comments or questions from the Commission.

Commissioner Parry moved Now on this day the County Commission of the County of Boone does hereby approve the attached Utility Agreement between Boone County and Centurylink.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #324-2018**

**10. First & Second reading; Extension Agreement: Letter of Credit for Rokes Bend
Southwest Private Drive**

Stan Shawver explained that this was extending the letter of credit for the lane disturbance and such. This is the second extension for this development. This extends it for another year.

Commissioner Thompson moved Now on this day the County Commission of the County of Boone does hereby approve attached Extension Agreement for the Erosion and Sediment Control Security Agreement and the Irrevocable Letter of Credit Agreement between the

County of Boone and Tompkins Home & Development Inc.

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

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #325-2018**

**11. First & Second reading; Request to hire above the Authorized Transfer Salary –
Building Inspector**

Stan Shawver explained that they recently had a long time building inspector retire, and they have advertised to fill the position. One of the applicants had previously been a building inspector. He left the department back in February of this year. He came back to the County and is currently in another department. He has re-applied, he is already a trained building inspector, he was a building inspector for us for two years previously, he is a very good inspector. I would like to be able to offer him the same amount he was being paid when he left the department before. I have submitted it to the Auditor and there is funding available. It is above the Flexible Hiring Limit, but only by about 39 cents above it.

Commissioner Parry moved Now on this day the County Commission of the County of Boone does hereby approve the request to transfer above the Authorized Transfer Salary for position 268, Building Inspector, Resource Management, and does hereby authorize and appropriation of \$41,392 for the salary of said position, which will be paid at a rate of \$19.90 per hour

It is further ordered the Boone County Commissioners are hereby authorized to sign the attached Request to Transfer Above (Authorized Transfer Salary) Form.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #326-2018**

Purchasing

**12. First reading Bid Report; 32-28JUN18 – Route Z and Enterprise Drive
Improvements a/k/a Route Z and Clark Lane Improvements**

Commissioner Thompson stated that this is the first reading on the bid report. Three bids were received. She asked Mr. McCann to speak on the matter.

Jeff McCann explained there were three bids submitted. They were the same three companies that are holding plans through the American Documents Solutions website, they are our plan document people. The low bid was submitted by Emery, Sapp, & Sons. You should have the actual numbers in front of you.

Commissioner Thompson said yes, I do. It is \$1,339,954.78. Which comes in below the \$1.8 million for the CBG Grant.

Jeff McCann said yes. With the utility relocation agreements taken out of that road fund, we still came in with that bid about \$233,000 below the allotted amount. So, we will be able to award the base bid and bid alternative number one, which was everything that we bid and still have roughly a \$200,000 contingency which is a lot larger than we normally have. So, we are in a good position. We have to send off to the Department of Economic Development to request them to allow us to extend the contract because that is part of the procedure you have to go through with a grant like this. We can't follow our own department procedure, or we would already be filling in the contract and sending it out to the contractor. So, we have that extra step in here, with the holiday it may be an extra couple of days to get that taken

care of, but they are working on that and it a priority for them.

13. First reading; Contract Amendment One: Cooperative Contract: 05715 – Radio Tower

Commissioner Thompson read the following memo:

Dave Dunford, Radio Consultant for Boone County, requests that Boone County Joint Communications utilize the NASPO Value-Point cooperative contract *05715* to purchase a 180' Sabre Model S3R Self-Supporting Radio Tower from Sabre Communications Corporation of Sioux City, Iowa.

Cost is \$54,609.05 and invoice will be paid from department 2706 – Radio Network Improvements, account 91300 – Machinery & Equipment. The budget for the Boone County Barn (BCB) tower site project is \$504,194.00.

Commissioner Atwill stated this is 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.

14. First & Second reading; Cooperative Contract: MNWNC-116 – IBM Computer Equipment Maintenance

Commissioner Thompson read the following memo:

Information Technology requests permission to utilize the Western States Contracting Alliance / National Association of State Procurement Officials (WSCA/NASPO) cooperative term and supply contract *MNWNC-116* with Huber & Associates, Inc. of Jefferson City, Missouri for IBM Computer Equipment

Maintenance.

This is a Term and Supply contract and the initial maintenance order is \$21,574.92. It will be paid from the following accounts:

Department: 1170 – Information Technology, Account: 60050 - Equipment Service Contract: \$9,392.96

Department: 2010 – Assessment, Account: 60050 – Equipment Service Contract: \$3,379.62

Department: 1170 – Information Technology, Account: 70050 – Software Service Contract: \$6,473.25

Department: 2010 – Assessment, Account: 70050 - Software Service Contract: \$2,329.10

Commissioner Parry moved Now on this day the County Commission of the County of Boone does hereby approve the utilization of the Western States Contracting Alliance/National Association of State Procurement Officials (WSCA/NASPO) cooperative term and supply contract MNWNC-116 with Huber & Associates, Inc. of Jefferson City, Missouri for IBM Computer Equipment Maintenance.

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.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #327-2018**

Commission

15. First & Second reading; Application for Organizational Use of Boone County

Conference Rooms: Baha'i

Commissioner Thompson moved Now on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Chambers by Baha'i Faith Community on August 10, 2018 from 6:00 pm to 9:00 pm.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #328-2018**

16. First & Second reading; Application for Organizational Use of Boone County

Conference Rooms: Sizable Band

Commissioner Parry moved Now on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Courthouse Plaza by Sizable Band on August 3, 2018 from 3:30 pm to 8:00 pm.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #329-2018**

17. Public Comment

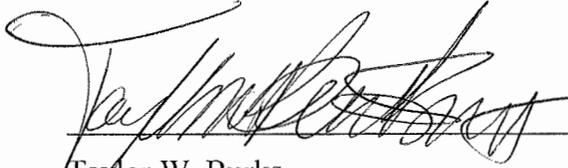
None

18. Commission Reports

None

The meeting adjourned at 9:02 p.m.

Attest:



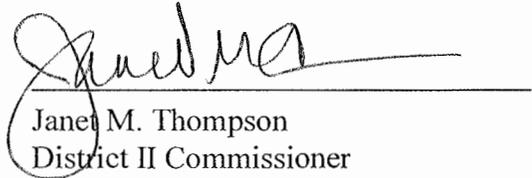
Taylor W. Burks
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

Boone County, Missouri

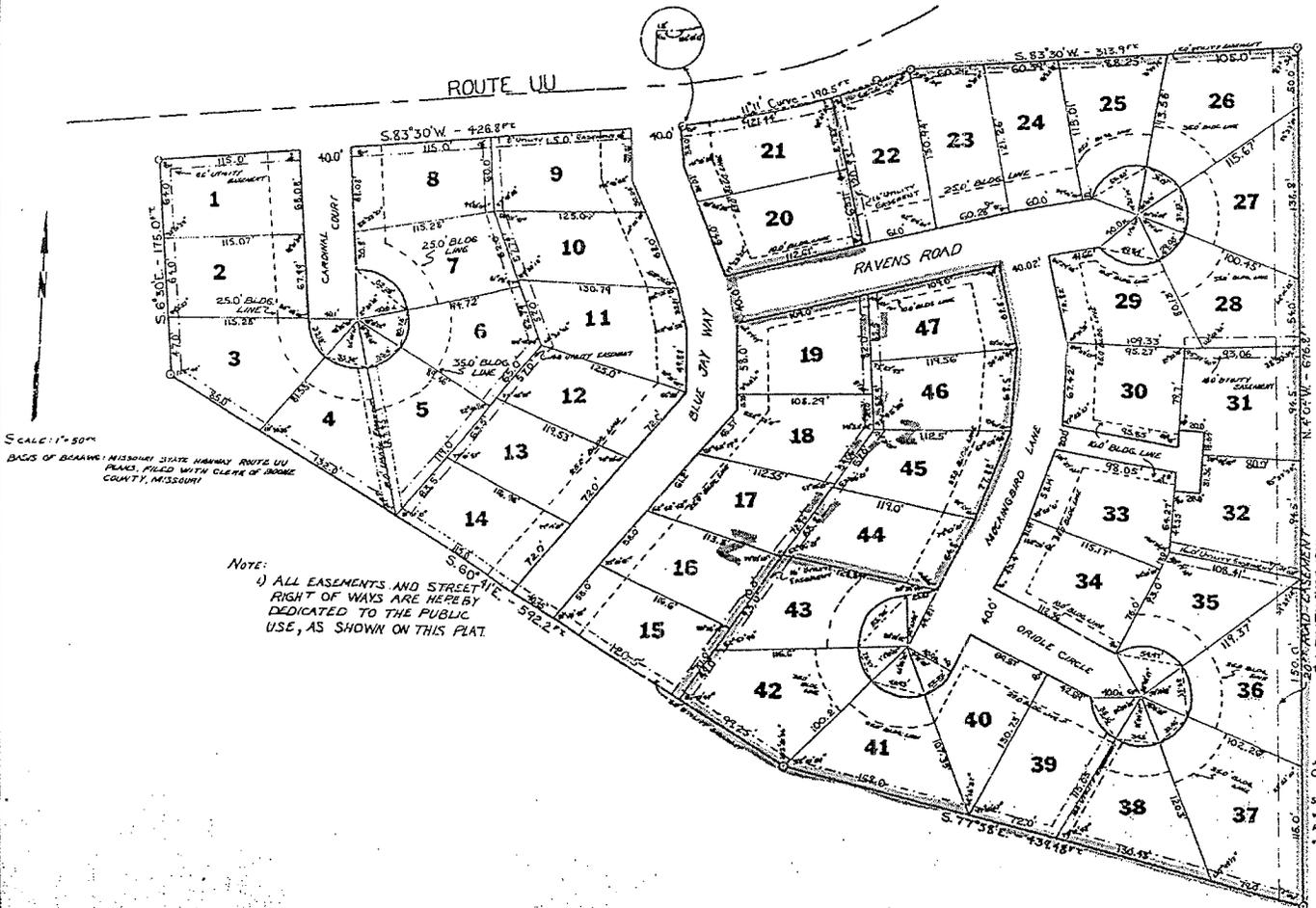
CERTIFICATE OF SURVEY MISSOURI LAND SURVEY COMPANY Unofficial Document

THIS IS TO CERTIFY THAT WE HAVE MADE A SURVEY OF THE PREMISES HEREIN DESCRIBED AND THAT THE RESULTS OF SAID SURVEY ARE REPRESENTED ON THIS PLAT.

A 20.263 acre tract of land in the S 1/2 of the NW Fractional 1/4 of Section 26, Twp. 18 N., R. 23 W., Boone County, Missouri, and as described in the survey recorded in Page 599, Book 389, records of Boone County, Missouri. The distances and angles within this subdivision of said tract are as shown on this plat.

Filed for record on July 9, 1973 at 11 o'clock A.M. in Boone Co. Mo.
Document No. 662 recorded in Book 20 page 96. Betty Saunders, Rec. order of Deeds.

SUGARTREE HILL



I, the undersigned, do hereby certify that the original plat, hereon shown, is the true and correct copy of the original plat of land and has been filed for record in the office of the Recorder of Deeds for Boone County, Missouri, and that the same is a true and correct copy of the original plat of land and has been filed for record in the office of the Recorder of Deeds for Boone County, Missouri, and that the same is a true and correct copy of the original plat of land and has been filed for record in the office of the Recorder of Deeds for Boone County, Missouri.

Benny J. ...
Recorder of Deeds

Subscribed and sworn to before me as a Notary Public this 9th day of July, 1973.

Johnnie ...
Notary Public

My commission expires 9-7-73

Subscribed and sworn to before me as a Notary Public this 9th day of July, 1973.

Johnnie ...
Notary Public

My commission expires August 7, 1973

made at Missouri, Mo.
County of Boone
I, the undersigned, Recorder of Deeds for said County and Secretary of the Board of Supervisors of said County, do hereby certify that the foregoing instrument of writing was filed for record in my office on the 9th day of July, A.D. 1973, at 11 o'clock and 02 minutes A.M. and is truly recorded in Book 20, page 96.
Betty Saunders
Recorder of Deeds

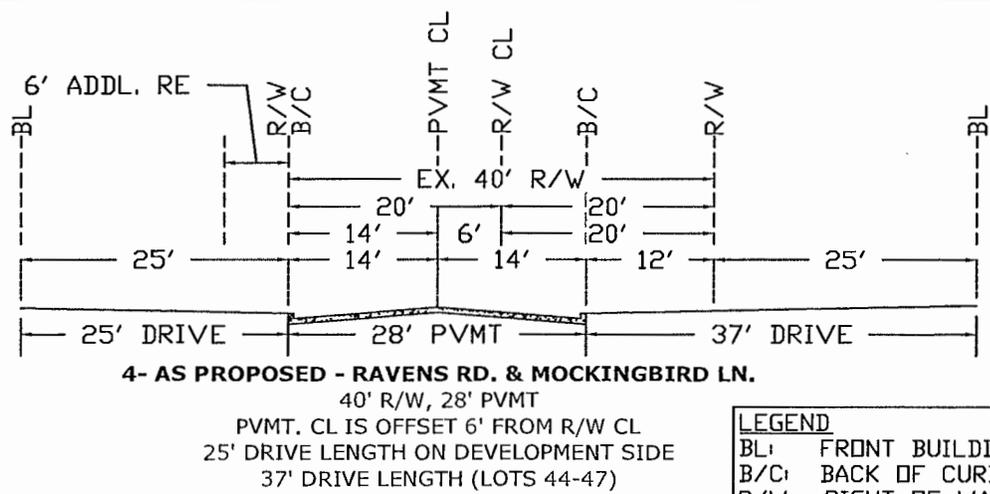
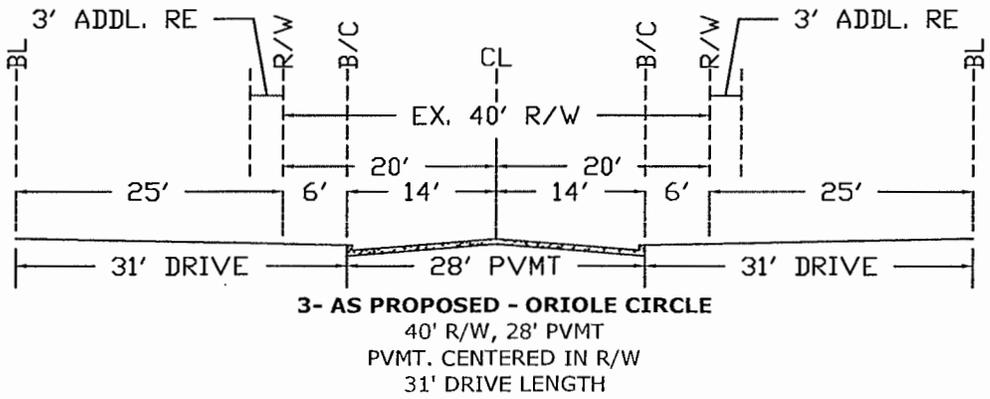
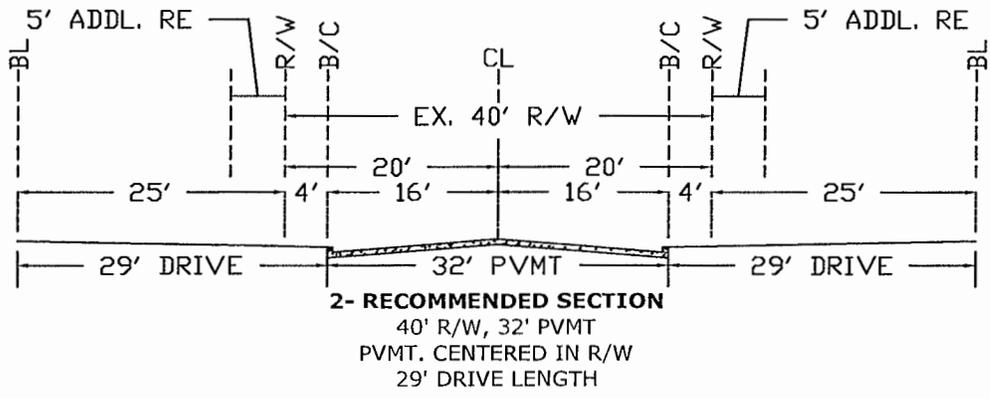
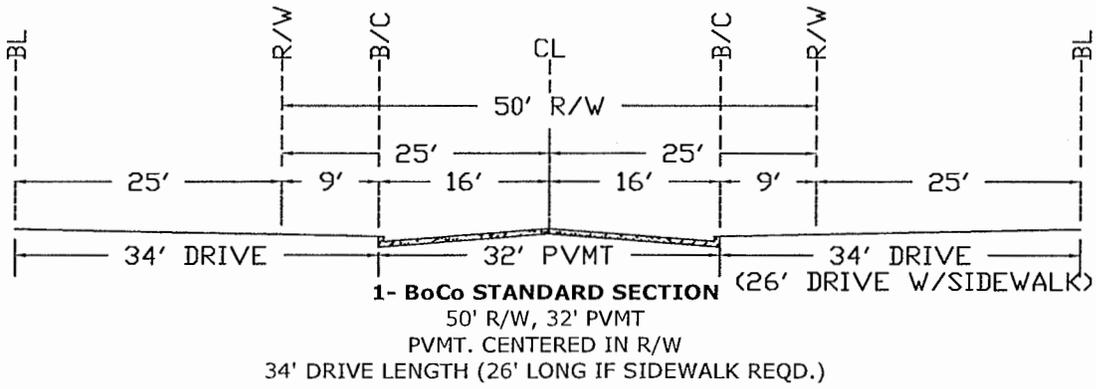
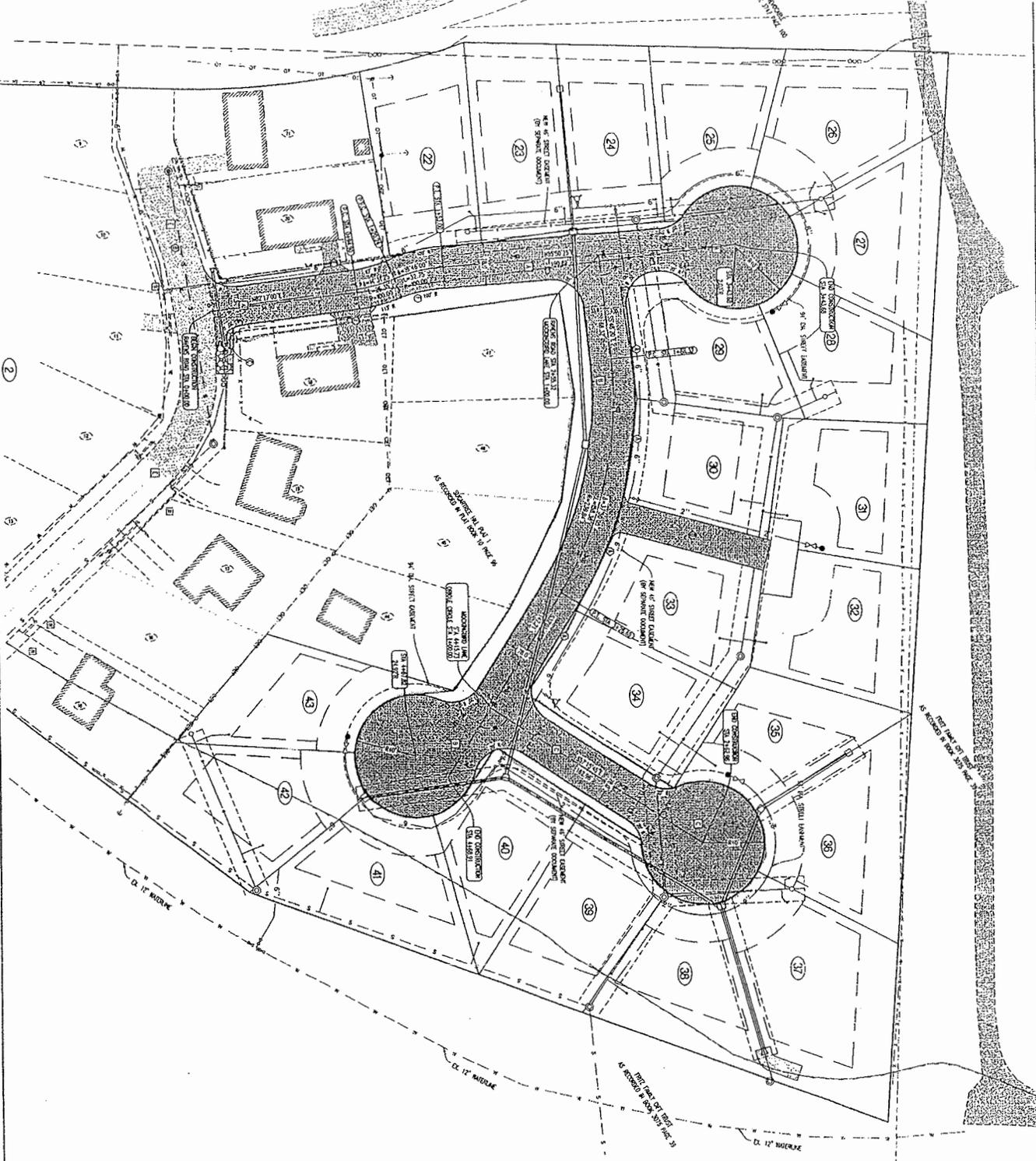


EXHIBIT 1

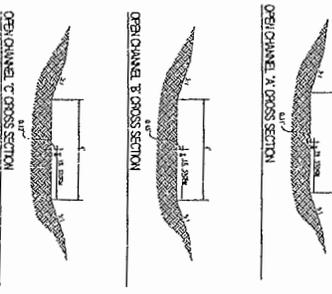
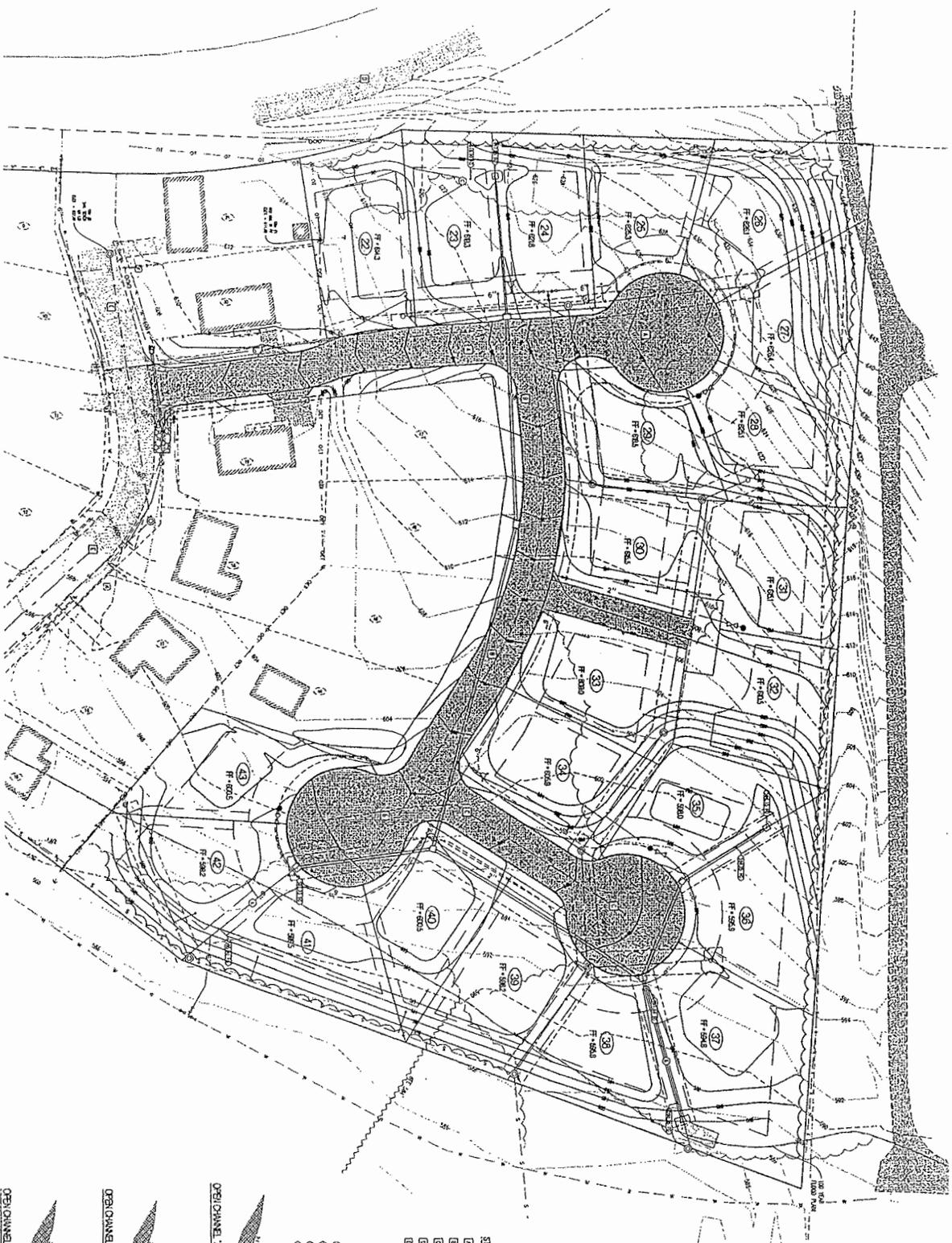
LEGEND	
BL:	FRONT BUILDING SETBACK LINE
B/C:	BACK OF CURB
R/W:	RIGHT OF WAY LINE
CL:	CENTER LINE
PVMT:	PAVEMENT
RE:	ROADWAY EASEMENT.



- LEGEND OF LABELS**
- 1. METAL TO FINISH SIDE OF STREET
 - 2. METAL TO FINISH SIDE OF DRIVE
 - 3. METAL TO FINISH SIDE OF ALLEY
 - 4. METAL TO FINISH SIDE OF DRIVE
 - 5. METAL TO FINISH SIDE OF DRIVE
 - 6. METAL TO FINISH SIDE OF DRIVE
 - 7. METAL TO FINISH SIDE OF DRIVE
 - 8. METAL TO FINISH SIDE OF DRIVE
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 - 40. METAL TO FINISH SIDE OF DRIVE
 - 41. METAL TO FINISH SIDE OF DRIVE
 - 42. METAL TO FINISH SIDE OF DRIVE
 - 43. METAL TO FINISH SIDE OF DRIVE
- STREETS LEGEND**
- 1. WIDE ROAD (40'-0" TO 60'-0" WIDE) (Paved Drive Cross Section)
 - 2. MODERATE ROAD (30'-0" TO 40'-0" WIDE) (Paved Drive Cross Section)
 - 3. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 4. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 5. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 6. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 7. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
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 - 40. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 41. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 42. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)
 - 43. DRIVE (20'-0" TO 30'-0" WIDE) (Paved Drive Cross Section)

SUGARTREE HILL	A SUBDIVISION LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 13 WEST COLUMBIA, BOONE COUNTY, MISSOURI	OWNER: TOMPKINS HOMES & DEVELOPMENT, INC. 800 S. HIGHWAY 66 COLUMBIA, MO 65202	SITE/CIVIL ENGINEER: CROCKETT PROFESSIONAL ENGINEERS 1001 N. GARDEN STREET, SUITE 100 COLUMBIA, MISSOURI 65203 (620) 735-1100 www.crockettingeering.com <small>Missouri Engineering & Surveying License No. 10000 Missouri Equivalency of Licensure Registration</small>	
SHEET: CE 7	DATE: 11/11/11	DRAWN: KSA	CHECKED: HTE	PROJECT NO.: 2008

PLAN 18

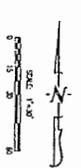


CHANNEL LEGEND - SEE TO CROSS SECTION TO BE USED

- ① 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ② 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ③ 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ④ 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED

STREET LEGEND

- ① 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ② 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ③ 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED
- ④ 1:1 TO 1:1 (1:1) SIDE SLOPE TO BE USED



Proposed Building Footprint from 3/16

SUGARTREE HILL

A SUBMISSION LOCATED IN SECTION 18, TOWNSHIP 48 NORTH, RANGE 13 WEST COLUMBIA, BOONE COUNTY, MISSOURI

OWNER:
TOWNHOMES DEVELOPMENT, INC.
1815 S. HIGHWAY 10
COLUMBIA, MO 65202

REGISTERED PROFESSIONAL ENGINEER
CROCKETT
CROCKETT ENGINEERING & ARCHITECTURE, P.C.
1015 S. HIGHWAY 10
COLUMBIA, MO 65202
www.crockettengineering.com



NO.	DATE
REVISIONS	
DATE	
BY	
FOR	

DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
PROJECT NO.	SCALE
SHEET	

PLAN 3

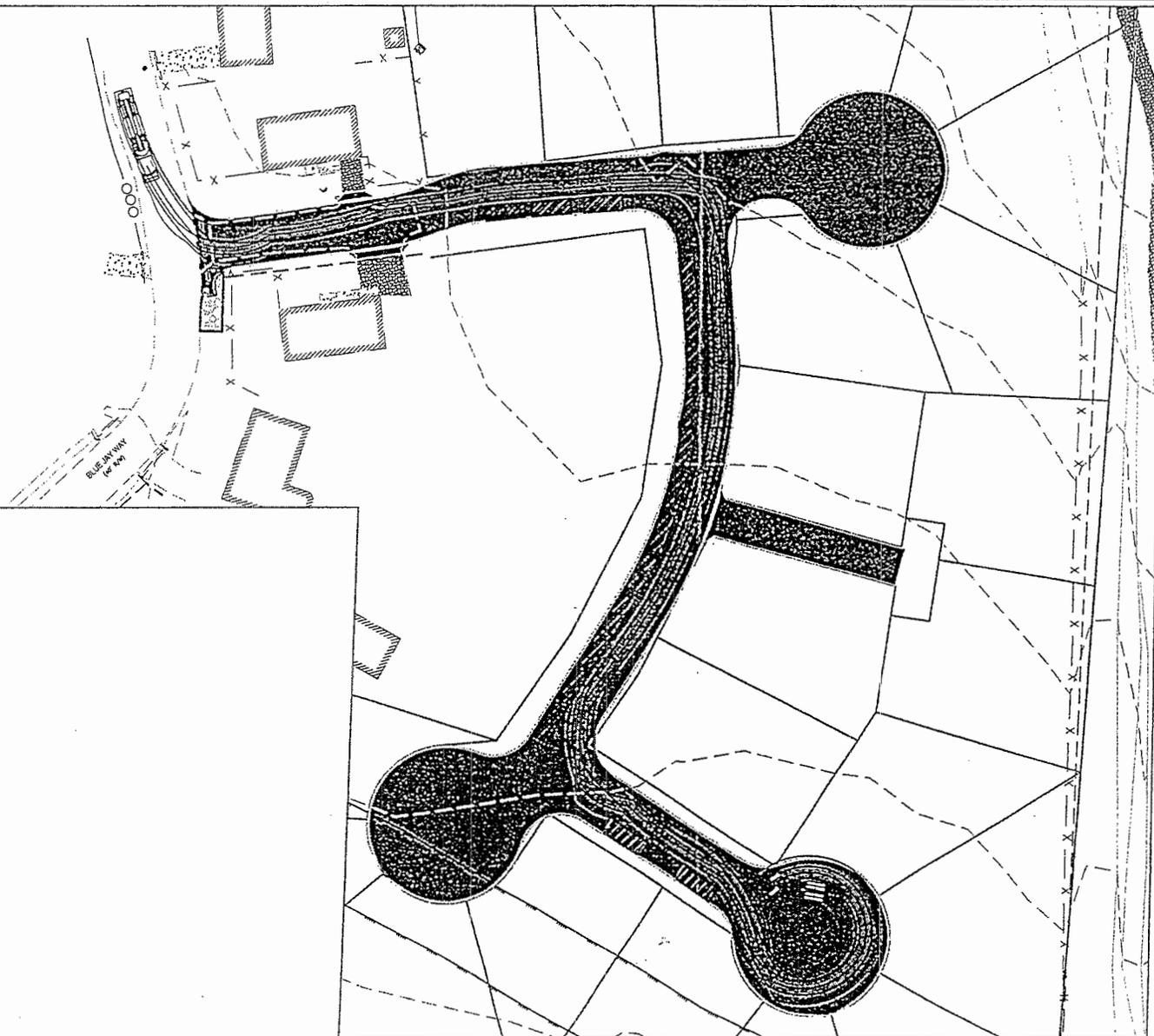
EXHIBIT 4

SUGARTREE HILL

AUTOTURN EXHIBIT

SCALE: 1"=60'

- FIRE APPARATUS VEHICLE/BODY LINE
- FIRE APPARATUS FRONT WHEEL BASE LINE
- FIRE APPARATUS REAR WHEEL BASE LINE
- ▨ 20' X 8' LARGE TRUCK—TYPICAL FOR ALL



Sugartree Hill

Variance Requests
Boone County Commission

July 2, 2018

Sugartree Hill

Representatives

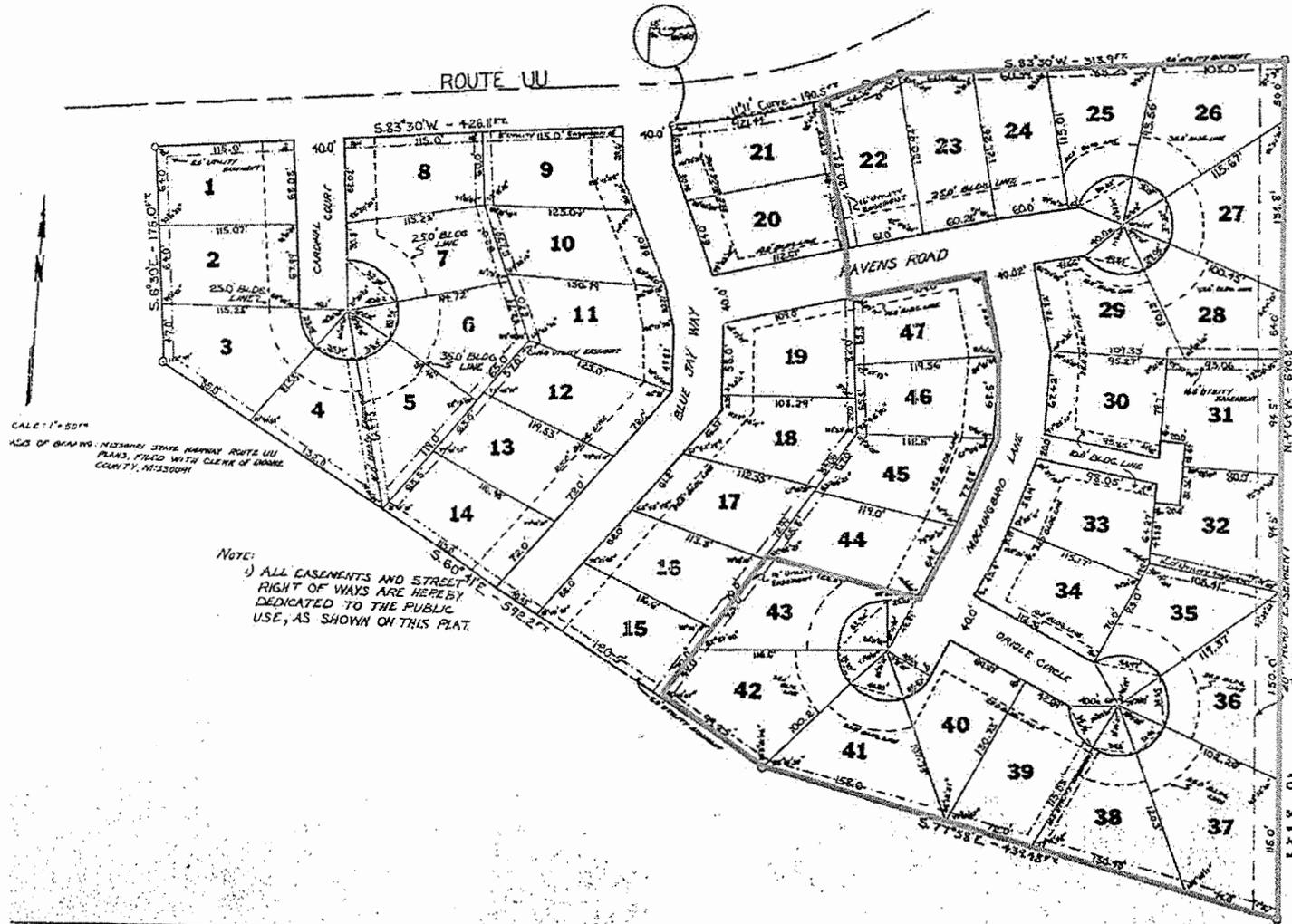
- Tim Crockett, PE – Crockett Engineering Consultants
- Mike Tompkins - Applicant

Overview

Seeking 4 Variance for an existing subdivision.

- Standard street widths
- Truncation Radius
- Right-of-way widths
- Grades from back of curb to R/W

Sugartree Hill



Variance #1

Standard Street Width

- Current county standard street width is 32 feet.
- Proposed variance would allow for streets to be 28 feet
- Requesting reduction of the street widths due to reduced right-of-way widths.
- Proposed 28 foot street is not an uncommon width.

Variance #1

Standard Street Width



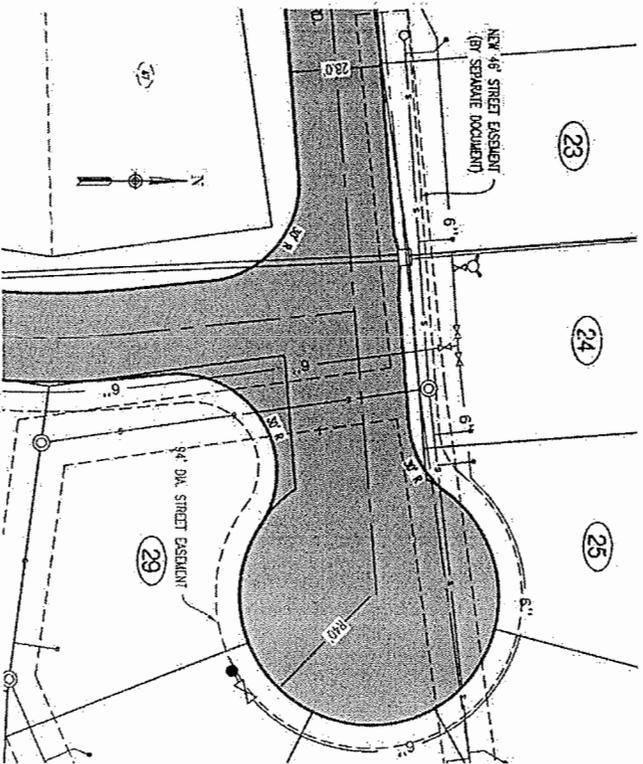
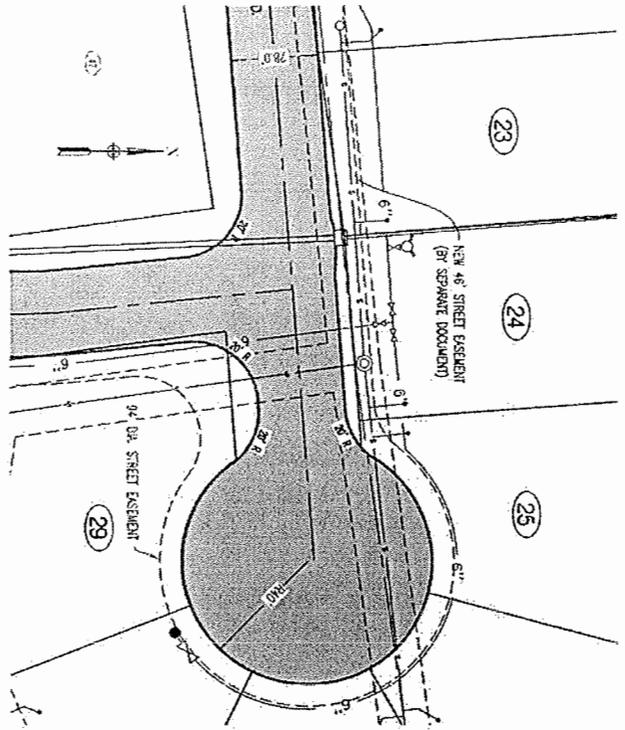
Variance #2

Truncation Radii

- Current County standard is a 30 foot radius.
- Proposed variance would allow for 20 foot radii at street intersections
- A reduction in the radii would not cause any pavement to be placed outside of existing right-of-way or proposed street easements.

Variance #2

Truncation Radii



Variance #3

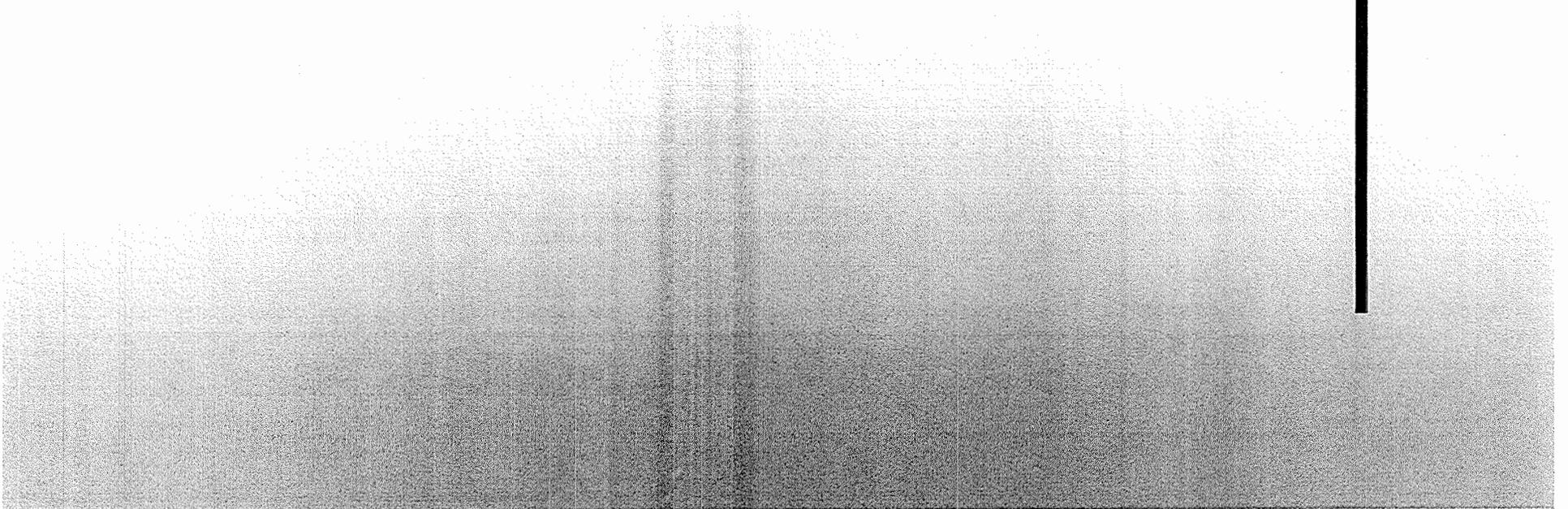
Right-of-Way Widths

- Existing Plat granted 40 feet of right-of-way
- Current County Standard calls for 50 feet in width
- Applicant granting additional street easements where possible to increase width of dedicated area for public street

Variance #4

Grading of Right-of-way

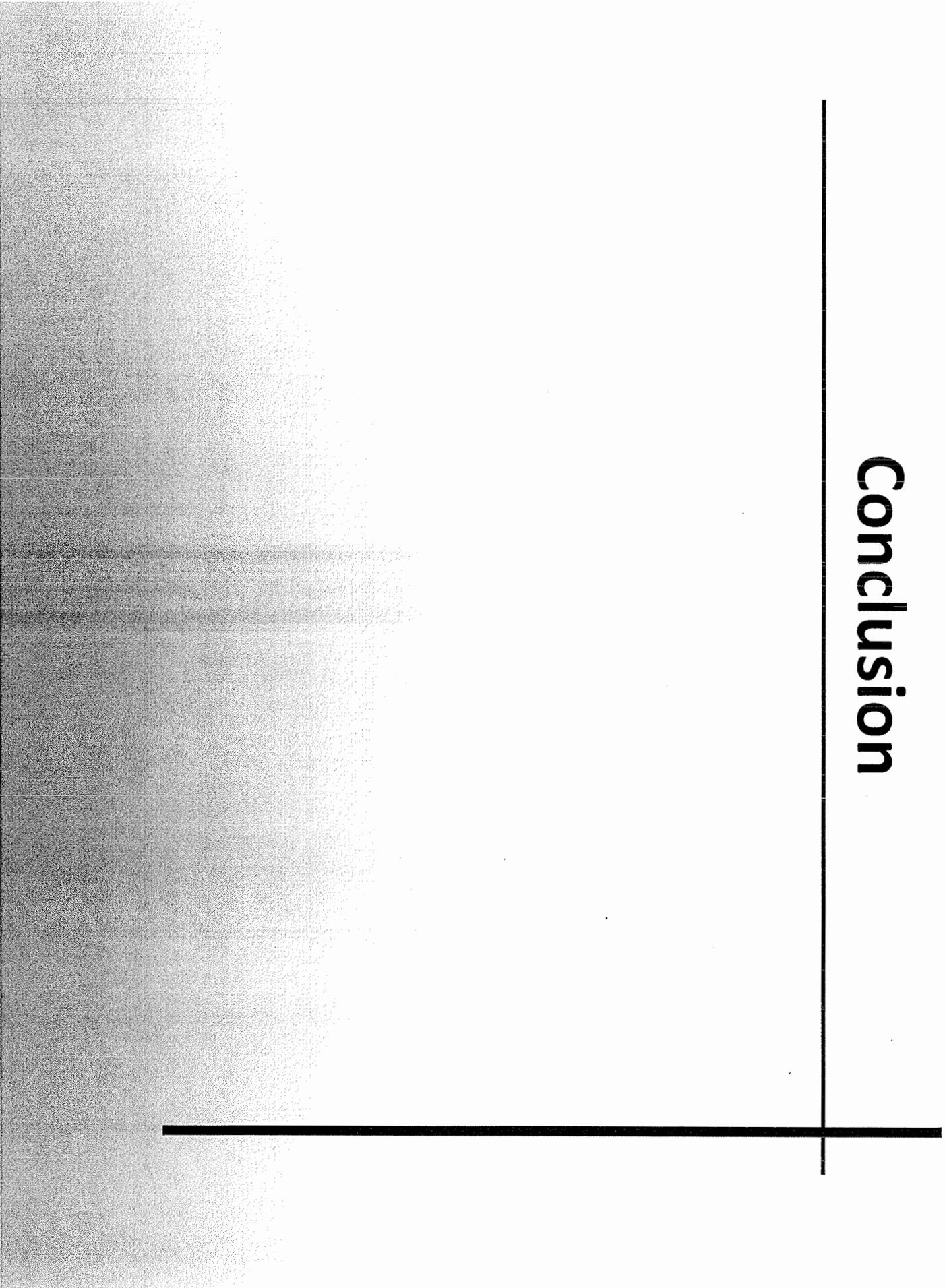
- Not able to grade typical cross-section
- Without sidewalks, grading will work



Variations are Appropriate

- Variations will not negatively impact neighbors.
- Variations will not cost or be problematic to the public.
- Variations will not decrease public safety .
- Variations will not set a precedent.

Conclusion



Questions

