

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Auditor June Pitchford
Director of Resource Management Bill Florea
Boone County Counselor CJ Dykhouse

Public: Jodie Pope, Kevin Schweikert – Brush and Associates

Conference Call Information:

Number: 425-585-6224 Access Code: 802-162-168

The meeting was called to order at 7:00pm.

Auditor

1. Budget Public Hearing

Auditor June Pitchford stated this is the public hearing part of the County’s budget process. Auditor Pitchford stated she presented the budget to the Commission on November 16, 2021 at which time it was gone through in a fair amount of detail. Auditor Pitchford stated it has also been posted on the County’s website. Auditor Pitchford stated the County Budget law outlined in the state statute requires that the County Commission hold at least one public hearing prior to adopting the budget. Auditor Pitchford stated Boone County Commission has set three public hearings consisting of tonight, December 2nd and December 7th. Auditor Pitchford stated these public hearings are designed to provide the public an opportunity to address the Commission or identify questions they may have. Commissioner Atwill opened the public hearing. No members of the public were present in person or on the phone to address the Commission regarding the proposed budget. Commissioner Atwill closed the public hearing.

P&Z

2. **Petition to vacate Lots 10, 11, 13, and 15 of County Downes Subdivision Block 1, and Lots 1, and 2 of County Downes Subdivision Block 2.**

Director of Resource Management Bill Florea read the following memo: Petitions have been submitted by Darrel and Kimberly Kemp to vacate Lot 10, Lester O. and Cynthia L. Acton to vacate Lot 11, Matthew and Carisa Kessler to vacate Lot 13, and Norman R. and Francine Anderson to vacate Lot 15. All within the plat of County Downes Subdivision Block 1. Petitions have also been submitted by John William Schultz III and Angela D. Schultz to vacate Lot 1 and, Prescott and Robin Yanez to vacate Lot 2, both in County Downes Subdivision Block 2.

County Downes Block 1 was platted in May of 1978. County Downes Block 2 was platted in June of 1978. If the vacation request is granted, it is the intent of the petitioners to divide a portion of Lot 5 of the subdivision of Pounds Place and replat those portions into their respective lots.

The portion of Pounds Place Lot 5 that is being added to the County Downes lots is designated as not for development. When the replat is complete and recorded, the not for development restriction will no longer be present on the reconfigured Lots 1 & 2 of Block 2 and Lots 10 and 13 of Block 1. The reconfigured lots 11 and 15 of Block 1 and Pounds Place Lot 5 will still have some areas that will remain not for development.

Vacation approval is not required for Pounds Place Lot 5 because a provision allowing it to be replatted had been made at the time of its platting. However, Pounds Place Lot 5 does have to be replatted along with the other lots to complete the process.

In accordance with Boone County Subdivision Regulations Section 1.8 the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services and will not generally adversely affect the health, welfare or safety of persons owning or possessing real estate within the subdivision.

This vacation and replat will result in portions of a platted lot being absorbed by existing platted lots. There are no new lots being created and no new access points to public roadways. Therefore, there will be no adverse effect on the

- Character of the neighborhood;
- Traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision;
- Property values within the subdivision
- Public utility facilities and services;

- Health, welfare or safety of persons owning or possessing real estate within the subdivision.

49 property owners were notified of this request.

Staff recommends approval of the vacation request.

Kevin Schweikert stated he is here to represent the landowners who are going to absorb the property that's listed as "not for development." Mr. Schweikert stated he feels it's a win win situation. It's a win situation for the neighbors on the south side of the lot in that they get to control the area just north of them and absorb it into their lot. Mr. Schweikert stated it's also a win for the County in that it takes the not for development tract that doesn't meet the current subdivision regulations and starts the process of resolving it all into something that does. Commissioner Thompson stated this makes good sense and is a good use of land. Mr. Schweikert stated it will start the ball rolling to get it all resolved. Jodie Pope stated she owns the property on the other side of the land being vacated and wanted to know why the land was not available for other people to purchase. Commissioner Atwill stated, "That's a private deal between the owner and others. The Commission has nothing to do with that." Ms. Pope stated "Fair enough. I guess its not a public thing, that's what it comes down to."

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does approve petitions submitted by Darrel Kemp and Kimberly Kemp to vacate Lot 10 of County Downes Subdivision Block I as recorded in Plat Book 12 Page 42 of Boone County Records, Lester O. Acton and Cynthia L. Acton to vacate Lot 11 of County Downes Subdivision Block I as recorded in Plat Book 12, Page 42 of Boone County Records, Matthew Kessler and Carisa Kessler to vacate Lot 13 of County Downes Subdivision Block I as recorded in Plat Book 12, Page 42 of Boone County Records, Norman R. Anderson and Francine Anderson to vacate Lot 15 of County Downes Subdivision Block I as recorded in Plat Book 12 Page 42 of Boone County Records, John William Schultz, III and Angela D. Schultz to vacate Lot 1 of County Downs Subdivision Block II as recorded in Plat Book 12 Page 51 of Boone County Records, and Prescott Yanez and Robin Yanez to vacate Lot 2 of County Downes Subdivision Block II as recorded in Plat Book 12 Page 51 or Boone County Records.

Said vacations are not effective until the lots proposed to be vacated have been incorporated into a subdivision plat in accordance with Boone County Subdivision Regulations.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #491-2021**

- 3. Request by Ron & Beth Chapman Trust to rezone from R-M (Moderate Density Residential) to M-L (Light Industrial) on 5.08 acres located at 4441 W I-70 Drive Northwest, Columbia.**

Director of Resource Management Bill Florea read the following memo: The Planning and Zoning Commission reviewed this request at its November 18, 2021 meeting and voted to

recommend approval on a unanimous vote. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are entered into the record of this meeting.

This site is located on the north side of I-70 Dr NW and is adjacent to the Columbia municipal limits on the south side of I-70. The site surrounds an industrial property that is at the immediate intersection of I-70 Dr NW and Sorrells Overpass Drive. The property contains several industrial buildings. The applicant would like to rezone 5.08-acres out of 19.81-acres. Since 1972, the property has been used for a heating and air conditioning business. The applicant desires to rezone 5.08 acres to M-L (light industrial) in order to bring the current use into compliance.

The current zoning is R-M (moderate density residential). The proposed rezoning adjoins existing M-L zoned property to its immediate west. The property to the north and east of the proposed zoning is R-M and is owned by the applicant. The property to the south and southwest is zoned M-L. The property to the northwest of the rezoning is zoned R-M. These are all the original 1973 zonings.

The Master Plan designates this property as suitable for residential land use. The sufficiency of resources test was used to analyze this request.

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

Utilities: The site is served by City Water with mains to the south and west. There are 6 -inch water mains across the southern frontage of the property and on the west side of Chapman Lane. These mains may not be capable of producing commercial fire flow. A water study would likely be needed if any new development is proposed.

There is a Boone County Regional Sewer District line on the eastern edge of the eastern parent parcel. This main connects into the City of Columbia system on the south side of I-70.

Boone Electric provides power.

Transportation: The subject tract has frontage on and direct access to I-70 Drive NW and access off Chapman Lane which is a named private roadway. Chapman Lane appears to be shared by at least four properties. The other properties sharing the access are industrial and residentially zoned.

Public Safety Services: The property is approximately 4.8 miles from the Boone County Fire station at 4801 State Highway E.

Stormwater: Any new development or redevelopment on the site will be required to comply with the Boone County Stormwater Regulations.

Zoning Analysis:

The original maps used to establish the zoning for the County have a distortion in this area that makes it hard to determine what the intent was for the district boundaries with respect to different zoning districts and specific underlying properties. This makes the distance between the subdivision and where the district boundary line of the M-L zoning different depending on where and how it is measured. What is clear is that there was supposed to be some amount of the R-M zoning between the subdivision and the industrial zoning district boundary. The current proposal leaves a developable amount of R-M zoning between the subdivision and the new district boundary while encompassing all the existing industrial development within the proper M-L zoning.

The County has issued building permits for the property in question that list the zoning as R-M on some and M-L on others. Permits were issued for commercial/industrial construction and remodeling that could not have been issued under R-M zoning.

The area has been used as an industrial use and has been an established part of the neighborhood since the early 1970's. The property has access to public sewer, public water and access to a State maintained roadway. It is arguable that the property meets the sufficiency of resources test, but in this case the rezoning is more of a clean-up action that clarifies the expectations of the neighborhood and the property owners in a way that will be clear going forward without actually changing any of the physical use of the property and respects the historical use of the property.

Staff notified 61 property owners about this request. The property scored 81 points on the rating system.

Staff recommended approval of the rezoning.

Surveyor Kevin Schweikert stated he is representing Mr. and Mrs. Chapman. Mr. Schweikert stated the staff report is correct and accurate and his office agrees with it all. Mr. Schweikert stated this is a clean up act, and stated he believes in 1973 when it was originally mapped, they intended to put this property within it because it was being used for this since 1972. Mr. Schweikert stated there's a discrepancy in the map that runs north to south which is distorted and moved over about 100 feet from where it really is today. Mr. Schweikert stated they didn't have GIS in 1972 and this is a mapping issue that they are cleaning up and trying to get the use correct.

Commissioner Aldred moved now on this day the County Commission of the County of Boone does approve the request by the Ron and Beth Chapman Trust to rezone from R-M (Moderate Density Residential) to M-L Light Industrial on 5.08 acres located at 4441 W I-70 Drive Northwest, Columbia.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #492-2021**

- 4. Request by 40 & J Development LLC to approve a final development plan on 192.74 acres zoned M-LP (Planned Light Industrial) located at 2200 N Route J, Rocheport.**

Director of Resource Management Bill Florea asks that the following memo be put into the record as if read verbatim: The property is located immediately southeast of the intersection of US Highway 40 and State Route J. In May 2020 the Planning and Zoning Commission Chairman & Secretary signed the Final Plan for this development triggering the zoning change to M-LP. The Final Plan was acknowledged by the County Commission in June of 2020, Commission Order 246-2020.

In September 2021 the Planning and Zoning Commission recommended approval of an M-LP Revised Review Plan. The County Commission approved the Revised Review Plan, Commission Order 408-2021.

The Revised Review Plan was approved with the same conditions as the original Review Plan and are as follows:

1) Prior to Final Plan

- 1) Preliminary grading/landscaping plan to include buffering submitted prior to submission of the Final Plan that will include:
 - i) Mixed evergreens with a minimum of three rows at triangulated 20-foot centers.
 - ii) 5-foot tall at time of planting.
 - iii) Disease-Resistant Long-Living species list/schedule appropriate to the site prepared by an Arborist/Landscape Architect.
 - iv) Planting schedule proposal to mix the species in a manner to promote the health of the proposed buffer.
 - v) Replacement schedule for Diseased/Dead/ Dying planting replacement.
 - vi) Buffers in the three identified areas on the LANDSCAPE AND BUFFER EXHIBIT.
 - vii) The plan must be worked out to the satisfaction of the Director of Resource Management.
- 2) An alternate Landscaping/Buffering Plan may be proposed that provides an appropriate level of buffering that meets or exceeds the standards above subject to the approval of The Director of Resource Management. The Director of Resource Management is the sole arbiter of whether or not any alternate plan meets or exceeds the standards.
- 3) The intent of the Landscaping/Buffering Plan is to break up sight lines and mitigate impacts to the existing residential structures and not to screen the entire project from view off-site.

2) Phase 1

- 1) Construct improved structural shoulder/improved radii at I-70 & Route J off-ramps as part of Phase 1 prior to an Occupancy Permit for the building.
- 2) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

3) Phase 2

- 1) Improvements to the US Highway 40 – Route J intersection must be constructed prior to any building permits for any structures for Phase 2 building being issued. The improvements to this intersection are to include:
 - i) Eastbound Right-Turn Lane on Highway 40 at Route J.
 - ii) Westbound Right-Turn Lane on Highway 40 at Route J.
 - iii) Separate Westbound Left-Turn Lane on Highway 40 at Route J.

- 2) The following improvements are required to be constructed when the corresponding access is created:
 - i) Separate Westbound Left-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - ii) Separate Eastbound Right-Turn Lane on Highway 40 at the Midway USA drive.
{This is already shown on the plan}
 - iii) Separate Northbound Right-Turn Lane on Route J at the Midway USA north drive.
{This is already shown on the plan}
- 3) If not already provided the access connections of Phase 2 must be provided when more than 600,000 square feet of building area for the entire property has been issued permits.
- 4) Lighting shall be shielded and oriented inward and downward as to minimize glare and light trespass.

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All required information is accurately portrayed on the plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the plan. All required information is accurately portrayed, and the plan conforms to the revised review plan.

The conditions for approval of the Final Development Plan, imposed by the County Commission, have been complied with. Conditions for approval associated with Phase 1 and Phase 2 will be enforced at the appropriate time.

Staff recommended **Approval**.

Commissioner Thompson moved now on this day the County Commission of the County of Boone does approve a request by 40 & J Development LLC to approve a Final Plan for 40 & J Development on 192.74 acres zoned M-LP located at 2200 N Route J, Rocheport.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #493-2021**

5. **Thompson Subdivision Plat 2. S7-T49N-R12W. A-2. Kimball & B Shirlee Humphreys, owners. Kevin Schweikert, surveyor.**

Director of Resource Management Bill Florea asks that the following memo be put into the record as if read verbatim: The Planning and Zoning Commission approved the plat of *Thompson Subdivision* by consent. I ask that you waive the reading of the staff report and authorize the clerk to insert it into the meeting minutes.

Thompson Subdivision

The subject property is located at the intersection of Wagon Trail Road and Clay's Fork Road, approximately 1 & ½ miles to the north of the city limits of Columbia. The lot being created will be 7.72 acres in size. This proposal is reconfiguring a portion of the previously platted lot 1 of Thompson Subdivision Plat 1, with an adjacent property to the west. The property is zoned A-2(Agriculture) and is surrounded by A-2 zoning. This property was originally zoned REC(Recreation) and was rezoned in 1974.

The new lot has frontage and access on Wagon Trail Road, a publicly dedicated, publicly maintained right-of-way. The applicant has submitted a request to waive the traffic study requirement.

These lots are located in Public Water Service District #4 for water service, the Boone Electric Cooperative service area, and the Boone County Fire Protection District for fire protection.

This lot is proposed to use an on-site wastewater system. The applicant has requested a waiver to the wastewater cost/benefit analysis requirement.

The property scored **50** points on the rating system.

Staff recommended approval of the plat and granting the requested waivers.

Commissioner Aldred moved now on this day the County Commission of the County of Boone does receive and accept the following subdivision plat and authorizes the Presiding Commissioner to sign it:

Thompson Subdivision Plat 2. S7-T49N-R12W. A-2. Kimball & B Shirlee Humphreys, owners. Kevin Schweikert, surveyor.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #494-2021**

Purchasing

6. Second Reading: Amendment #2 to Contract 45-22AUG19 - Records Shredding & Disposal - Boone County (First Read 11.23.21)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve Amendment #2 to Contract 45-22AUG19 with Shred-It USA, LLC for Records Shredding and Disposal Services that was awarded September 24, 2019 (Commission Order 413-2019). This contract is being amended to delete annual purge service from the contract.

All other terms, conditions and prices of the original agreement as previously amended remain unchanged.

This is a Countywide Term and Supply contract.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #495-2021**

Road & Bridge

7. Second Reading: No Parking sign placements on Log Providence Road (First Read 11.23.21)

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve the placement of “No Parking” signs on Log Providence Road from the end of State Maintenance to Woodson Harris Road as shown in Exhibit A.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #496-2021**

Commission

8. First and Second Reading: Board Appointment – Industrial Development Authority – Richard Shanker

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the following:

Richard Shanker	Industrial Development Authority Board	Re-applying	6 Year Term	December 1, 2021 thru November 30, 2027
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Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #497-2021**

9. Public Comment
None

10. Commissioner Reports
None

Attest:

Daniel K. Atwill

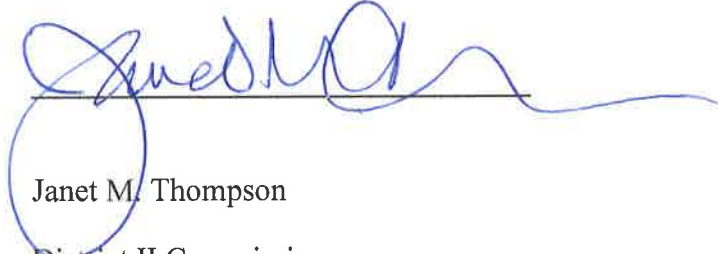
Presiding Commissioner



Brianna L. Lennon
Clerk of the County Commission



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner