

TERM OF COMMISSION: May Session of the April Adjourned Term

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

PRESENT WERE: Presiding Commissioner Kip Kendrick
District I Commissioner Justin Aldred
District II Commissioner Janet Thompson
Director of Resource Management Bill Florea
Boone County Deputy County Clerk Jodi Vanskike

Public: Christina Lubbert, Lubbert Engineering

Conference Call Information:

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

The meeting was called to order at 7:00pm and roll call was taken.

P & Z

1. Consent Agenda

Request by Robert W. Kilgore Jr to approve a Final Development Plan in the pending Planned Light-Industrial (M-LP) zoning district for Como West Storage on 6.7 acres located at 7190 W Henderson Rd, Columbia.

Director of Resource Management Bill Florea read the following staff report:

The Planning and Zoning Commission reviewed the item on the consent agenda at its May 18, 2023, meeting. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are incorporated into the record of this meeting. The final plan listed below was approved by consent and is recommended for your approval.

A. Como West Storage. M-LP. 6.7 acres located at 7190 W Henderson Rd, Columbia.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the final plan listed in the attached consent agenda (Attachment A) and authorizes the Clerk to insert the associated staff report into the minutes of this meeting.

Attachment A:

Request by Robert W. Kilgore Jr to approve a Final Development Plan in the pending Planned Light-Industrial (M-LP) zoning district for Como West Storage on 6.7 acres located at 7190 W Henderson Rd, Columbia.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #251-2023**

2. **Request by Quayd C. Robertson and Rachel P. Robertson to vacate Lot 14 of County Downes Subdivision Block 1, Recorded in Plat Book 12, Page 42 of the Boone County Records (tabled from 5/2/2023). (Open public hearing)**

Director of Resource Management Bill Florea read the following staff report:

A petition has been submitted by Quayd and Rachel Robertson to vacate Lot 14 of County Downes Subdivision Block I as recorded in Plat Book 12 Page 42 of Boone County Records.

County Downes Block I was platted in May of 1978. The petitioner's property is west and south of Lot 15A of County Downes and Pounds Place Subdivision Replat. It is the intent of the petitioners to obtain a portion of the neighboring lot, which adjoins their north property line, and incorporate it into their lot. The donating lot does not require vacation approval, but it will have to be replatted. This request is a subset of the previous vacation and replat, to clean-up some previous platting inconsistencies, that created the plat of County Downes and Pounds Place Subdivision Replat.

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.

Character: The original character of the area was rectangular lots along the north side of Colchester Rd with a long narrow strip of land of limited utility. This strip was platted into Pounds Place as a "not for development" area several years later. In 2022, several of the owners of lots that adjoined this narrow strip used the vacation and replat process to acquire portions of the narrow strip and incorporate that portion into their lots. Lot 14 did not avail itself of the opportunity at that time and has now come forward to acquire the portion of the narrow strip

immediately north of the current property line. The request is consistent with the current neighborhood character.

Traffic: Granting the vacation request will not adversely affect future traffic conditions, circulation, location and alignment of streets within and adjacent to the subdivision. The result will have no net effect on traffic and circulation in the area.

Utilities and Property Values: County Downes is served by BCRSD with central sewer, Water District water, and Boone Electric power. This request should have no effect on utilities nor property values.

Public Health, Safety, and Welfare: The vacation will not adversely affect public health, safety, and welfare. Since there is no net increase in density, there is no net change to fire and other emergency services.

The proposed concept is not detrimental to the character of the neighborhood; will not adversely affect future traffic conditions, circulation, location and alignment of streets within and adjacent to the subdivision; or adversely impact property values within the subdivision. There is no adverse effect on the public health and safety. Therefore, Staff recommends approval of this request subject to the following condition:

1. Said vacation is not effective until the lot proposed to be vacated has been incorporated into a subdivision plat in accordance with Boone County Subdivision Regulations.

Commissioner Kendrick opened and closed the public hearing.

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

3. **Request by Bradley L. Irwin and Dawnde A. Irwin to vacate Lots 5 and 6 of Hartley Properties Tract D subdivision, Recorded in Plat Book 11, Page 12 of the Boone County Records. (Open public hearing)**

Director of Resource Management Bill Florea read the following staff report:

A petition has been submitted by Bradley and Dawnde Irwin to vacate Lots 5 & 6 of Hartley Properties Tract D Subdivision as recorded in Plat Book 11 Page 12 of Boone County Records.

Hartley Properties Tract D Subdivision was platted in March of 1973. The petitioner's property is the two northern most lots of the plat. It is the intent of the petitioners to combine the two lots into a single platted lot.

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.

Character: The original character of the area is a cluster of small properties located near the crossroads of Mount Zion Church Road, Hartley Road, and Flynt Lane. The area was given an Agriculture-Residential (A-R) zoning designation when the original zoning was designated in 1973, which would imply that the expectation was that the area would continue to develop with more density than the surrounding agricultural districts. The two lots proposed to be combined are to the north of a platted right-of-way for a public street that has yet to be built. The request is consistent with the current neighborhood character.

Traffic: Granting the vacation request will not adversely affect future traffic conditions, circulation, or location and alignment of streets within and adjacent to the subdivision. The result will have no net effect on traffic and circulation in the area.

Utilities and Property Values: Hartley Properties Tract D Subdivision is served by individual onsite wastewater systems as no BCRSD central sewer is close, Water District #4 water and Boone Electric power. This request should have no effect on utilities nor property values.

Public Health, Safety, and Welfare: The vacation will not adversely affect public health, safety, and welfare. Since there is no net increase in density, there is no net change to fire and other emergency services.

The proposed concept is not detrimental to the character of the neighborhood; will not adversely affect future traffic conditions, circulation, location and alignment of streets within and adjacent to the subdivision; or adversely impact property values within the subdivision. There is no adverse effect on the public health and safety. Therefore, Staff recommends approval of this request subject to the following condition:

1. Said vacation is not effective until the lot proposed to be vacated has been incorporated into a subdivision plat in accordance with Boone County Subdivision Regulations.

Commissioner Kendrick opened the public hearing. Christina Lubbert from Lubbert Engineering stated she has been helping to get these two lots combined into one lot. Ms. Lubbert stated it is an unusual shape and they have been working around what currently exists out there.

Commissioner Kendrick closed the public hearing.

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

4. **Request by Faye Nowell on behalf of Linda Munden for a conditional use permit for a boarding kennel/daycare facility for dogs on 3.65 acres (according to Assessor) A-2 (agriculture) zoning district located at 5550 W Gillespie Bridge Road, Columbia. (Open public hearing)**

Director of Resource Management Bill Florea read the following staff report:

The property is located off Gillespie Bridge Road and adjacent to the boundaries of the City of Columbia to the north and the south. The property is zoned A-2 agriculture. Adjacent zoning is as follows:

- North – City of Columbia Planned Development (PD)
- South – City of Columbia One-Family Dwelling (R-1)
- East – Single Family Residential (R-S)
- West – A-2

The zoning history is as follows:

- 2001 Rezoning from R-S to A-2 (Order 3-2001).
- May 2001 issuance of a Conditional Use Permit (CUP) for a dog kennel and dog day care facility
- December 2022 revision of Conditional Use Permit (Order 600-2022)

The CUP, as updated in 2022, includes the following conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Robin Diebold after a real estate transaction.
3. Business hours will be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

The application for the current CUP indicates that Ms. Nowell is retiring and would like to sell the property and the business to Ms. Munden. The current CUP is only transferable to Robin Diebold after a real estate transaction. In order to modify the ownership condition, the applicants have applied for a revised CUP and identify Ms. Munden as the potential buyer.

The purpose of the condition that restricts transfer of the CUP is to ensure that any new owner/operator is aware of and agrees to abide by the operating restrictions under the CUP. With that assurance, the change of ownership will have no impact on the regulatory analysis that is based on the CUP criteria.

The applicants have not indicated an intent to modify any of the other conditions placed on the current CUP. Those conditions should not be changed and should be applied to this CUP request.

Staff notified 150 property owners of the request. The proposal scored 53 points on the point rating system.

Staff recommends **approval** of the request with the following conditions:

1. There be no more than fifteen (15) dogs at any one time on the property.
2. The permit is issued to Faye Nowell and shall be transferrable only to Linda Munden after a real estate transaction.
3. Business hours be by appointment only seven days a week.
4. No breeding or selling of animals would ever occur.

Commissioner Kendrick opened and closed the public hearing.

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

Purchasing

5. Second Reading: Cooperative Contract: C000633 - City of Columbia contract #69/2023 - Ready-Mix Concrete and Cement Products Term and Supply with Columbia Ready-Mix, Inc – First Read 05.25.23

Commissioner Aldred moved now on this day, the County Commission of the County of Boone does hereby approve an agreement with Columbia Ready-Mix, Inc. for Ready-Mix Concrete and Cement Products.

The terms of the Agreement are set out in the attached contract and the Presiding Commissioner is authorized to sign the same.

Commissioner Thompson seconded the motion.
The motion carried 3 to 0. **Order #252-2023**

Collector

6. Second Reading: Budget Amendment for Dept 2110/1190 - Transfer Excess Tax Maintenance Fund to General Fund – First Read 05.18.23

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the Budget Amendment for Dept 2110/1190 to approve the transfer of the excess Tax Maintenance Fund balance to the General Fund, per RSMo 52.317.

Commissioner Aldred seconded the motion.
The motion carried 3 to 0. **Order #253-2023**

Commission

7. Public Comment

None

8. Commissioner Reports

None

Attest:



Brianna L. Lennon
Clerk of the County Commission

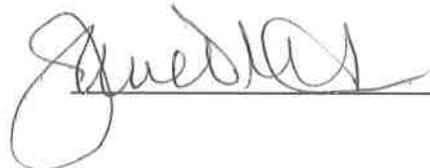


Kip Kendrick

Presiding Commissioner



Justin Aldred
District I Commissioner



Janet M. Thompson
District II Commissioner