

# CERTIFIED COPY OF ORDER

STATE OF MISSOURI

} ea.

May Session of the April Adjourned

Term. 20 11

County of Boone

3<sup>rd</sup>

May

11

In the County Commission of said county, on the

day of

20

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby **approve** the request of Joseph and Paula Vomund on behalf of Corey Nettles to **rezone** from R-S (Single Family Residential) to C-GP (Planned General Commercial) on 1.82 acres, more or less, being lots 125 and 126 of the Replat of Sunrise Estates Subdivision, located adjacent to 7400 E I-70 Drive SE, Columbia.

Done this 3<sup>rd</sup> day of May, 2011.

ATTEST:

Wendy S. Nosenko  
Wendy S. Nosen  
Clerk of the County Commission

Edward H. Robb

Edward H. Robb  
Presiding Commissioner

Karen M. Miller

Karen M. Miller  
District I Commissioner

Skip Elkin

Skip Elkin  
District II Commissioner

## VOMUND / NETTLES

The minutes for the Planning and Zoning Commission meeting of April 21, 2011 along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located to the east of the City of Columbia, near the intersection of Sunny Vale Drive and I-70 Drive Southeast. The property is identified as lots 125 & 126 of Sunrise Estates Subdivision. The subject property is 1.82 acres in size and is currently zoned R-S (Residential Single-Family). It has R-S zoning to the south and east, C-G (General Commercial) zoning to the west, and A-2 (Agriculture) zoning across I-70 to the north. The R-S & A-2 zonings are original 1973 zoning. The C-G was rezoned from R-S in October of 1988. The applicant is requesting a rezoning from R-S to C-GP (Planned General Commercial) with the use of the property limited to a parking lot and/or a display lot.

This proposal is designed to support the C-G zoned property to the west of the subject tract. The applicant is interested in converting the existing structure to the west of the subject tract for use as an auto body shop for custom vehicles. As a part of that use, additional parking, display space, and space for internal traffic circulation is needed. Since the property is sandwiched between I-70 and a developed residential subdivision, a gravel lot would be inappropriate, and a dust-free hard surface will be needed to help minimize the impact of the proposed uses. The display lot and parking lot uses are available under the C-G zoning district.

Under the Boone County Zoning Ordinance, there are two methods to rezone property, open rezoning and planned rezoning. An open rezoning provides access to a broad list of uses, all of which must be able to be supported, making it more difficult to get approved. A planned rezoning request allows an applicant to propose a specific set of uses, along with a site plan showing how those uses can be supported and function at the proposed location. Any changes from the proposed uses or site plan are required to go back through a full review and public hearings to get approved. In this case, a planned rezoning request will limit the impacts on the large residential neighborhood to the south, and protect the rights of the residents of that neighborhood by giving them notice and the opportunity to oppose or support any future changes.

In the Boone County Master Plan and the East Area Plan, this area is identified as residential. The Boone County Master Plan identifies a "sufficiency of resources test" to be used in determining whether there are sufficient resources available to support the proposed uses. The East Area Plan describes a similar process as desirable for the expansion of existing commercial areas.

The sufficiency of resources test can be broken up into three categories: utilities, transportation, and public safety.

Utilities: This site is served by Public Water Service District #9 for water service, Boone Electric Cooperative for electrical service, and the Boone County Regional Sewer District for wastewater services. There is existing domestic water service along Sunny Vale Drive, but it is insufficient for commercial fire flow requirements. An 8" main would need to be extended for commercial fire flows, either from Broadview Court (approximately 3400 feet to the south) or by boring underneath I-70 to the northern side of the highway. Wastewater services for the proposed parking or display lot uses are minimal, and the existing Boone County Regional Sewer District facility to the west can meet those needs. There is an existing private sewer line in the southeastern portion of this property that serves two lots to the east. There also appear to be old lateral fields on this property. Compliance with the Boone County Stormwater Ordinance is proposed to be handled by a detention and filtration system located in the southern portion of the subject property.

Transportation: This site has direct access on to I-70 Drive Southeast. The plan proposes two new entrances, one from each of the lots being rezoned. I-70 Drive Southeast is Missouri Department of Transportation right of way. MoDOT has requested that the eastern access on the property to the west of the subject tracts (lot 127) be either removed or merged with the driveway proposed on lot 126. The applicant has agreed to that change. Further transportation issues will lie in the hands of MoDOT.

Public Safety: This site is in the Boone County Fire Protection District for fire protection and the Boone County Sheriff's Department for police services. The Boone County Fire Protection District has indicated that fire protection at 1000 gallons per minute pressures for a fire hydrant will need to be present for their approval. At this time, water is not available on-site to meet that need.

Zoning Analysis: This request suffers from a limited ability to meet the sufficiency of resources test in two areas, utilities and public safety. The plan does provide for a buffer between the commercial area and the residential neighborhood in the form of the fencing with the proposed stormwater design. The identified weakness is limited access to public water sufficient to meet fire flow requirements as identified by the Boone County Fire Protection District. The lack of fire protection limits the ability of public safety services to protect the health, property, and well-being of the property owner and residents in the adjacent residential neighborhood. This lack of infrastructure is detrimental to more intense development of this property. Therefore, the property should not be rezoned until the infrastructure issues are resolved.

The property scored 62 points on the rating system.

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

- 1) That fire protection issues are resolved to the satisfaction of the Boone County Fire Protection District prior to approval of the final plan.

2) That easements be created to cover the private sewer line that serves lots 106 & 107 to the east of the subject tract.

3) That the parking area cannot be gravel and must be a dust-free hard surface to minimize off-site impacts to the surrounding residential neighborhood.

4) That no junked, damaged, or inoperable vehicles will be stored on this parking/display lot.

The Planning & Zoning Commission conducted a public hearing on this request during their April 21, 2011 regular meeting. There were eight members of the commission present. Following the public hearing, a motion was made to recommend approval of the rezoning request. That motion received unanimous support so the request comes forward with a recommendation for approval. A second motion was then made to recommend approval of the Review Plan with the following conditions:

1. Fire protection issues are resolved to the satisfaction of the Boone County Fire Protection District prior to approval of the final plan
2. That easements be created to cover the private sewer line that serves lots 106 & 107 to the east of the subject tract.
3. The parking area cannot be gravel and must be a dust-free hard surface to minimize off-site impacts to the surrounding residential neighborhood.
4. That no junked, damaged, or inoperable vehicles will be stored on this parking/display lot.

That motion also received unanimous support and so the Review Plan also comes forward with a recommendation for approval.

**CERTIFIED COPY OF ORDER**

STATE OF MISSOURI }  
 County of Boone } ea.

May Session of the April Adjourned

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3<sup>rd</sup>

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In the County Commission of said county, on the

day of

20


the following, among other proceedings, were had, viz:


Now on this day the County Commission of the County of Boone does hereby **approve** the request of Joseph and Paula Vomund on behalf of Corey Nettles to approve a **Review Plan** on 1.82 acres, more or less, being lots 125 and 126 of the Replat of Sunrise Estates Subdivision, located adjacent to 7400 E I-70 Drive SE, Columbia, with the following conditions:

1. Fire protection issues are resolved to the satisfaction of the Boone County Fire Protection District prior to approval of the final plan
2. That easements be created to cover the private sewer line that serves lots 106 & 107 to the east of the subject tract.
3. The parking area cannot be gravel and must be a dust-free hard surface to minimize off-site impacts to the surrounding residential neighborhood.
4. That no junked, damaged, or inoperable vehicles will be stored on this parking/display lot.

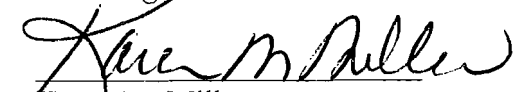
Done this 3<sup>rd</sup> day of May, 2011.

ATTEST:

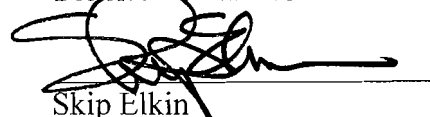
  
 Wendy S. Noren  
 Clerk of the County Commission

  
 Edward H. Robb

Presiding Commissioner



Karen M. Miller  
 District I Commissioner



Skip Elkin  
 District II Commissioner

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In the County Commission of said county, on the

day of

20

the following, among other proceedings, were had, viz:

Now on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the presiding commissioner to sign it:

**River Look.** S16-T45N-R11W. A-2. William D. Rotts, owner. Brian David Dollar, surveyor.

Done this 3<sup>rd</sup> day of May, 2011.

ATTEST:

Wendy S. Noren  
Wendy S. Noren  
Clerk of the County Commission

Edward H. Robb  
Edward H. Robb  
Presiding Commissioner

Karen M. Miller  
Karen M. Miller  
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