

TERM OF COMMISSION: July Session of the May Adjourned Term

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

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counsel John Patton
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:03 p.m.

Commissioner Stamper stated during Planning and Zoning issues, the Commission will receive a report from staff and then the Commission will have the opportunity to ask staff any questions. The Commission will then move to a presentation from the applicant or agent of the applicant on behalf of their request. After that, the Commission will convene a public hearing where any testimony in favor of or in opposition to will be welcome. Following the public hearing, the Commission will discuss the issue and then vote on the issue.

Subject: Public Hearing on Appeal by Teddy Ray Trust regarding Nuisance Ordinance Violation

Chris Smith, Senior Environmental Health Specialist with the Health Department, was present on behalf of this item.

John Patton asked the Deputy County Clerk if Elton Fay, Attorney for the Teddy Ray Trust, received a copy of the notice of this meeting. Shawna Victor, Deputy County Clerk, stated no. Mr. Patton asked Ms. Victor if she contacted the office verbally. Ms. Victor stated no.

Mr. Patton asked if anyone had contacted Mr. Fay. Commissioner Stamper stated the Commission Office called Mr. Fay to give notice of the hearing. Mr. Patton stated he believes notice should have been given in writing.

Mr. Patton asked Chris Smith where the property that is subject to the violation is located. Ms. Smith stated the property is located on Demaret Drive, Lot 18.

Mr. Patton asked Ms. Smith if she verified the ownership of the property. Ms. Smith stated she verified the ownership through the Assessor's records. Mr. Patton asked what the Assessor's records reflect as the owner of the property. Ms. Smith stated the owner is Teddy Janet Ray Trust

Mr. Patton asked what the nature of the violation is. Ms. Smith stated she received complaints about the weeds on the lot, the weeds being over twelve inches tall and she sent a notice.

Mr. Patton asked when the notice was sent. Ms. Smith stated she did an inspection on June 4, 2002. Mr. Patton asked if the subject property was re-inspected today. Ms. Smith stated she did re-inspect the property today. Mr. Patton asked if there has been any change in the status of the property. Ms. Smith stated no.

Mr. Patton asked if Ms. Smith brought photographs for the Commission to review of the property. Ms. Smith stated she did. These photographs were submitted to the Public Record.

Mr. Patton asked Ms. Smith if through her observations the lot has weeds of twelve inches or taller. Ms. Smith stated that was correct.

Mr. Patton asked what this property is zoned. Ms. Smith stated it is residential. Mr. Patton asked if this property is in a subdivision. Ms. Smith stated that was correct.

Mr. Patton stated the Health Department received a notice of appeal from the property owner's attorney, Elton Fay. The basis of the appeal is through the chapter of the Health Regulations, is to determine whether a nuisance exists. He is unsure if the property owners are contesting this but a notice of appeal was sent. Mr. Patton recommends tabling this issue to the next available meeting and Mr. Fay is notified in writing. There was no objection from the Commission to table this issue.

There was no public present to comment on this issue.

Subject: Planning and Zoning

Stan Shawver, Director of the Planning and Building Inspection Department, stated that the Boone County Zoning Regulations and the Subdivision Regulations are entered into the record. (note - the file copy is retained in the Planning and Building Inspection Department).

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.
- 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.

C. The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

D. All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

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.

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.

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.

A. Request by Terri Wright for an Animal Training and Boarding Facility on 150 acres, located at 2801 S Olivet Road, Columbia

Stan Shawver stated this property is located two miles east of Columbia and ½ mile south of Highway WW on Olivet Road. The property is zoned A-1 (Agriculture) as is all of the surrounding property. The site is presently undeveloped and has been used for pasture. The applicant would like to board and train horses on the property. This tract is located in the Columbia Public School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by Public Water District No. 9. The original zoning for this tract is A-1. The master plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified 24 property owners about this request. Staff recommends approval of this request with the following conditions:

- 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.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on June 20, 2002. A motion was made to approve the request with one additional condition from the staff recommendation. The additional condition is “any outdoor lighting is to be directed inward and downward”. This motion received six “yes” votes and comes forward to the Commission with a recommendation for approval.

There were no questions from the Commission for the staff.

Terri Wright, 4017 Citation Drive, Columbia, was present on behalf of this request.

There were no comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Elkin moved to approve the request by Terri Wright for an animal training and boarding facility on 150 acres, more or less, located at 2801 S Olivet Road, Columbia, with the following conditions:

- The driveway and required parking area be dust free with a minimum of chip and seal surface. The required parking area will be determined by the area of the number of 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.
- Any outdoor lighting is to be directed inward and downward.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 290-2002**

B. Request by Kenneth and Kathryn Davis for an Agri-Business on 17.33 acres located at 8641 St. Charles Road, Columbia

Mr. Shawver stated this property is located at the intersection of St. Charles Rd. and State Highway Z approximately 2 ½ miles east of Columbia. The property is zoned A-2 (Agriculture). Property to the north is zoned A-1, to the east the land is zoned A-R, to the south the zoning is R-S and A-2 and to the west the land is zoned A-2. There is a house and two barns on this property. The applicants would like to open a farm market. This tract is located in the Columbia Public School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by Public Water District No. 9. The original zoning for this tract is A-2. The master plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified 43 property owners about this request. Staff recommends approval of this request with the following conditions:

- The driveway and required parking area be dust free with a minimum of a chip and seal surface.
- Permit is restricted to the sale of agriculture and horticultural related items.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on June 20, 2002. A motion was made to approve the request with the recommended staff conditions. The motion received six “yes” votes and comes forward to the Commission with a recommendation for approval.

There were no questions from the Commission for the staff.

Ken Davis, 8641 E St. Charles Road, Columbia, was present on behalf of this request.

There were no comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Elkin moved to approve the request by Kenneth and Kathryn Davis for an Agri-Business on 17.33 acres located at 8641 St. Charles Road, Columbia, with the following conditions:

- The driveway and parking area be dust free with a minimum of chip and seal surface.
- Permit is restricted to the sale of agriculture and horticultural related items.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 291-2002**

C. Request by Patty Orscheln for a Bed and Breakfast on 0.26 acres located at 8809 Sarr Street, Huntsdale (Columbia)

Mr. Shawver stated this property is located in Huntsdale, approximately 5 miles southwest of Columbia and 7 miles by road from Interstate 70. The property is zoned R-S (Residential Single Family) as is all of the adjoining property. There is a 3 bedroom house on the property. The applicant would like to convert the house into a “Bed and Breakfast” facility having two bedrooms. This tract is located in the Columbia Public School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by

Consolidated Public Water District No. 1. The original zoning for this tract is R-S. The master plan designates this area as being suitable for residential land uses. Staff notified 26 property owners about this request. Staff recommends approval of this request with the following conditions:

- Structure complies with building code requirements.
- Structure is approved for occupancy by the fire marshal.
- Chip and seal the parking area and driveway.
- A single on-premise sign no larger than 6 sq. ft.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on June 20, 2002. A motion was made to approve the request with the recommended staff conditions. The motion received unanimous support and comes forward to the Commission with a recommendation for approval.

There were no questions from the Commission for the staff.

Patty Orscheln, 8809 Sarr Street, Columbia, was present on behalf of this request.

Patty Orscheln stated she believes this is an appropriate use because of the location on the MKT Trail.

There were no comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the request by Patty Orscheln for a Bed and Breakfast on 0.26 acres located at 8809 Sarr Street, Huntsdale (Columbia), with the following conditions:

- Structure complies with building code requirements.
- Structure is approved for occupancy by the fire marshal.
- Chip and seal the parking area and driveway.
- A single on-premise sign no larger than 6 sq ft.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 292-2002**

D. Request by D.M. and V.L. Riehn Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 3.08 acres, more or less, located at 9950 S South Millsite Road, Ashland

Mr. Shawver stated This site is located about 5 miles northeast of Ashland in the Englewood area, at the intersection of Johnson Cemetery Road and South Millsite Road. The property is zoned A-1, as is all of the surrounding property. There is a house and a mobile home on the property. The applicant originally requested that their entire parcel of land be rezoned to A-2. However, that request has been reduced to only include 3.08 acres, which is where the mobile home is located. If approved, the applicant will deed the 3.08 acres to his son as a family transfer. This tract is located in the Southern Boone County R-1 Public School District. Electric service is provided by Boone Electric Cooperative. Water service is provided by Consolidated Public Water District No. 1. The original zoning for this tract is A-1. The master plan designates this area as being suitable for agricultural and rural residential land uses. Staff notified seven property owners about this request. Staff recommends that this request be approved.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on June 20, 2002. A motion was made to approve the request. The motion received unanimous support and comes forward to the Commission with a recommendation for approval.

There were no questions from the Commission for the staff.

Virginia and Dewey Riehn, 9950 S Millsite Road, Ashland, was present on behalf of this request.

There were no comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller noted this is consistent with other family transfers.

Commissioner Miller moved to approve the request by D.M. and V.L. Riehn Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) of 3.08 acres, more or less, located at 9950 S South Millsite Road, Ashland.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 293-2002**

E. Request by Boone County Commission to rezone as follows: Tract A, 93.8 acres (A-2); Tract B, 47.2 acres, (R-S); Tract C, 41 acres (A-2); Tract D, 12.2 acres (R-S); Tract E, 65.6 acres (A-2); Tract F, 68.27 acres, (C-GP). All tracts to be rezoned to M-L (Light Industrial). All tracts are “more or less”. Property is commonly known as Boone County Fairgrounds, Boone County Sheriff’s Department, Juvenile Justice Center, Fire District Training Facility, and Reality House.

Mr. Shawver stated this property is located just north of the Columbia municipal limits and includes the Boone County Sheriff’s Administration center, the Reality House, The Juvenile Justice Center, the shop for Boone County Facilities Maintenance Department, The Boone County Fire District Training Center and the Boone County Fairgrounds. For purposes of this request, property owned by Boone County is divided into 6 tracts. Tract A consists of 93.8 acres zoned A-2; Tract B is 47.2 acres of R-S; Tract C is 41 acres of A-2; Tract D is 12.2 acres of R-S; Tract E is 65.6 acres of A-2; Tract F is 68.27 acres of C-GP. The County Commission has requested that all of the county owned land be rezoned M-L (light Industrial). All of the facilities will continue to be used as they have been, with the exception of the fairgrounds. The County is currently engaged in negotiating the development of the area that comprises the fairgrounds. Suggested uses at this time include sports fields, picnic areas, ice skating facility and a possible minor league baseball team. Electric service is provided by Boone Electric Cooperative. Water service and wastewater service is provided by the city of Columbia. The Master Plan calls for the use of a “Sufficiency of Resources Test” when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: The City of Columbia will provide water service, to these properties. The water lines are interconnected with waterlines owned by Public Water District 4.

All of these properties are served by the city of Columbia wastewater system.

Boone Electric will provide electricity.

There is an excellent road network serving these sites. The property is surrounded by State Highways and County Maintained Roads.

The property is in the Boone County Fire Protection District. A district fire station is located within ½ mile of this site.

Staff recommends approval of this request.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this request on June 20, 2002. A motion was made to approve the request. The motion received six “yes” votes and comes forward to the Commission with a recommendation for approval.

Commissioner Stamper represented the applicants of this request. Commissioner Stamper stated the County Commission made a decision to begin the process of rezoning County owned property, which is a first. In doing so, the Commission has submitted and suggested to the Planning and Zoning Commission, and they concurred, that the County owned property in the Prathersville area, should be rezoned to an M-L designation.

The purpose of this is to express the intended use of the property and to physically rezone the property. Commissioner Stamper noted this property is exempt from rezoning but the Commission felt it was important to bring forward this intended use to the public to allow for public comment. They believe the M-L zoning is consistent with the type of use that the County would have on the property.

Commissioner Miller opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Miller closed the public hearing.

Commissioner Elkin moved to approve the request by Boone County Commission to rezone as follows: Tract A, 93.8 acres (A-2); Tract B, 47.2 acres, (R-S); Tract C, 41 acres (A-2); Tract D, 12.2 acres (R-S); Tract E, 65.6 acres (A-2); Tract F, 68.27 acres, (C-GP). All tracts to be rezoned to M-L (Light Industrial). All tracts are “more or less”. Property is commonly known as Boone County Fairgrounds, Boone County Sheriff’s Department, Juvenile Justice Center, Fire District Training Facility, and Reality House.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 2-0, as follows: Commissioner Miller – Yes, Commissioner Elkin – Yes, Commissioner Stamper – Abstained from the vote. **Order 294-2002**

F. Request by Thomas E. Atkins III to rezone form A-2 (Agriculture) to M-LP (Planned Industrial) of 80 acres, more or less, located at 5250 N Oakland Gravel Road, Columbia

Mr. Shawver stated this property is located just north of the Columbia municipal limits

and is adjacent to the Boone County Fairgrounds. The applicant has requested that this tract be zoned M-LP. The applicant has not submitted a review plan at this time. The zoning regulations permit an applicant to submit a request to rezone land to Planned Commercial or Planned Industrial without a review plan. However, it should be noted that a new zoning classification does not take effect until a review plan and a final development plan have been approved. Electric service is provided by Boone Electric Cooperative. Water service and wastewater service is provided by the city of Columbia. The Master Plan calls for the use of a "Sufficiency of Resources Test" when considering the rezoning of land. The purpose of the test is to determine whether there are sufficient resources available to support the proposed zoning, or whether services could be made available in an efficient manner. The resources necessary to serve the proposed development can be broken down into 3 general categories, utilities, transportation and public safety services.

Utilities: The City of Columbia will provide water service, to these properties. The water lines are interconnected with waterlines owned by Public Water District 4.

This property can be served by the city of Columbia wastewater system.

Boone Electric will provide electricity.

Access to this site is through the Boone County Fairgrounds. The fairgrounds have good access to public roads.

The property is in the Boone County Fire Protection District. A district fire station is located within 1 mile of this site.

In general, staff is concerned with proposals for planned commercial or industrial developments that do not provide an initial review plan with which to work. However, staff sees that the ultimate development of this tract is closely tied to the development of the fairgrounds, which creates problems for the owner. Staff recommends approval of this request with the following conditions:

- No development may take place until a review plan and final development plan is approved.
- A minimum buffer of 100 feet to be provided on the north, east, and west boundary of the property.
- A traffic analysis may be required prior to development of this site.
- Additional conditions may be added once a review plan is submitted.

Mr. Shawver stated the Planning and Zoning Commission held a public hearing on this

request on June 20, 2002. A motion was made to approve the request with the with the recommended staff conditions. The motion received five “yes” votes, one “no” vote and comes forward to the Commission with a recommendation for approval.

Bruce Beckett, 111 S. 9th Street, Columbia, was present on behalf the applicant.

Bruce Beckett stated staff indicated this property is tied closely to what happens at the Fairgrounds. In 1999, when the County purchased the Fairgrounds from the Boone County Agricultural and Mechanical Society, Mr. Atkins purchased this 80 acres tract before the County made their purchase. Mr. Atkins’ land is totally landlocked by the Fairgrounds and its only access is through easements, which have been reserved, through the Fairgrounds. Anything that happens on Mr. Atkins’ 80 acre tract will have to pass through the rather intense use at the County Fairgrounds. Mr. Beckett and Mr. Atkins’ believe it is an appropriate use to have a Light Industrial classification of this property, which stands at the back of the Fairgrounds. Mr. Beckett doubts as to whether the land would be suitable for any other purpose other than an industrial purpose that has daytime traffic and very little nighttime traffic. They are aware of the fact that Gregory Heights is located to the Northwest of the Fairgrounds. Staff has indicated that some conditions would be placed upon approval of this rezoning request, primarily to buffer any industrial activities on this site from the surrounding properties. This is acceptable to Mr. Atkins.

Mr. Beckett noted at the Northwest corner of the subject property, the corner closest to Gregory Heights, there substantial tree cover which runs along Bear Creek. This is a natural buffer to the residential areas Northwest of the property. It is their intention, when they return with a plan, to preserve this as a natural buffer to the neighborhood. They are not requesting “open zoning”, they are requesting “planned zoning”. They realize they will have to return with a plan. Mr. Beckett stated it is difficult for anyone to come up with a plan for this property since they do not know what will happen with the Fairgrounds.

Commissioner Miller stated this is a difficult situation because this property is landlocked by the Fairgrounds and believes that the rezoning request is consistent with what will happen with the Fairgrounds. She understands the reason why no plan has been brought forward because of the unknown aspect of what will happen at the Fairgrounds. Commissioner Elkin agreed with Commissioner Miller.

Commissioner Stamper opened the floor for a public hearing.

There was no one wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller moved to approve the request by Thomas Atkins III to rezone form A-2 (Agriculture) to M-LP (Planned Industrial) of 80 acres, more or less, located at 5250

N Oakland Gravel Road, Columbia, with the following conditions:

- No development may take place until a *Review Plan* and *Final Development Plan* is approved.
- A minimum buffer of 100 feet to be provided on the North, East, and West boundary of the property.
- A traffic analysis may be required prior to the development of this site.
- Additional conditions may be added once a review plan is submitted.

Commissioner Elkin seconded the motion.

Commissioner Elkin stated he believes the 100 foot buffer is more than adequate.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 295-2002**

G. Petition on behalf of Louis and Betty Frech to vacate and re-plat Pin Oak Subdivision, Block II, Lot 5

Mr. Shawver stated the department has received a petition to vacate Lot 5 of Pin Oak Subdivision. In accordance with the requirements of Section 1.8.1.3 of the Boone County Subdivision Regulations, before this lot can be vacated, the County Commission is required to conduct a public hearing to consider the request. In conjunction with the request to vacate Lot 5, the department received a request to re-plat the lot into two lots following the vacation. Before land can be re-platted, the Commission must hold a public hearing in accordance with Section 1.8.2 of the Subdivision Regulations. The Commission must take into consideration the following criteria:

- 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 in the subdivision
- Public utility facilities and services
- Will not generally adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision to be vacated or surrounding real estate

Mr. Shawver noted Pin Oak Subdivision is located east of Lake of the Woods Road and north of St. Charles Road. This development was stated before there were any zoning regulations in Boone County. This development was also subject to a Neighborhood Improvement District for wastewater.

There were no questions from the Commission for the staff.

Tim Reed, Land Surveyor with Engineering Surveys and Services, was present on behalf of this request.

Tim Reed stated Mr. and Mrs. Frech requested this lot be split in half. He believes they will build a home for their daughter on one half and sell the other half. The width is still good for the lot and some lots in this area have been split in this fashion.

There were no comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

Kirk Doolady, 1505 Pin Oak, Columbia, stated his property is located just to the south of the subject property. He does not have a problem with the request to divide into two separate lots. He is concerned with the location of the homes to which would be built on the property in relation to the other homes on that street in the neighborhood. In the recent past, he noted the Commission approved a rezoning request at St. Charles and Pin Oak, to a zoning which allows two-acre tracts. Those lots were divided and four homes were placed on the tract. Those homes were placed on the lots in accordance with County codes, how far back from the street the homes were placed. Mr. Doolady stated his home is 95' from the street and the Frech home sits even further back than this. He is concerned with his property value because of the appearance of that portion of the street.

Commissioner Stamper closed the public hearing.

Mr. Reed stated the original plat for this lot had a 50' building line and the new plat will also have a 50' building line.

Mr. Doolady showed Mr. Reed and the Commissioners what his area of concern is on a plat map. Mr. Doolady asked how far the house would have to be placed from the road in order to comply with County Regulations. Mr. Shawver stated in the Zoning Regulations set a minimum of 25' but the original plat has the building line set as 50' and that is what the building line must be for that lot.

Mr. Doolady stated he is trying to preserve the look of the houses in the area. He is concerned with property values and how they could be affected by houses that are built too close to the road.

Mr. Reed offered to have a meeting with Mr. Doolady and Mr. Frech to discuss this issue.

Commissioner Stamper stated this is a vacation hearing and Mr. Doolady's concern is more applicable during the platting process. There is substance to Mr. Doolady's

comment and concerns.

Commissioner Miller stated she believes Mr. Doolady has legitimate concerns and Mr. Reed has agreed to work with Mr. Doolady on his concerns.

There was no further comment.

Commissioner Elkin moved to approve the petition on behalf of Louis and Betty Frech to vacate and re-plat Pin Oak Subdivision, Block II, Lot 5. The vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 296-2002**

H. Request by Jerry and Angie Gerzen for an Animal Training Facility on 39.17 acres, located at 5650 N Boothe Lane, Rocheport

Mr. Shawver noted this is a request for a Conditional Use Permit and reminded of the points of consideration listed at the beginning of this meeting. The request originally went before the Planning and Zoning Commission on May 16, 2002.

Mr. Shawver stated this property is located 6 miles northeast of Rocheport on Boothe Lane. The property is zoned A-1, Agriculture, as is all of the surrounding land. The applicants operate a horse training and boarding facility on their property, which includes a number of structures related to the business. This site is located within the Columbia School District, Boone Electric and Consolidated Public Water District Number 1 service areas. The original zoning for this tract is A-1. There have been no previous requests submitted on behalf of this site. The master plan designates this area as being suitable for agriculture and rural residential land uses. The proposed use is consistent with the master plan. Staff notified 11 property owners about this request. Staff recommends approval with the following conditions:

- 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.
- Animal waste to be disposed of in an appropriate manner.
- Maintain fences in an appropriate manner.

Planning and Zoning Commission conducted a hearing on this request on May 16, 2002.

A decision was not reached at that meeting and the issue was tabled. At the June 20, 2002 Planning and Zoning meeting, a motion was made to recommend denial of the request. This motion received four "yes" votes, one "no" vote and one abstention. The applicants filed an appeal in a timely fashion. This request comes forward to the Commission with a recommendation for denial.

David Kurtz, 111 S. 9th Street, Columbia, was present on behalf the applicant.

David Kurtz reviewed the subject property, owned by the Gerzen's to the adjoining property, owned by the Chenault's. He used an aerial photography to explain how the properties are laid out. He noted the agricultural zoning currently in place allows for more intense uses of this land than what is being requested. There were restricted deeds on the subject property and the adjoining properties that were imposed by the Fetner's before they sold the property. Lots 2 and 3 are the Gerzen's property and Lot 1 is the Chenault's property. A portion of the restricted deeds for both properties gave the right to conduct equestrian activities with permitted equestrian activities being deemed to include a commercial horse stable, training, breeding, and instruction activities, and other commercial equestrian activities. Mr. Kurtz does not see this as a big surprise that these types of uses would be possible on this land and believes the question at hand is what steps the Gerzen's can take to limit any adverse effects this request might have on their neighbors. They are ready and willing to accept the staff recommended conditions.

Staff recommended chip and seal on the driveway and parking lot. One of the concern's the Chenault's had is people inadvertently using their driveway, mistaking it for the Gerzen's. He believes chip and seal will help this issue. Staff also recommended a sign at the foot of the driveway, which is currently in place. A fence has recently been put up by the Gerzen's which runs the entire length of the driveways, separating the Gerzen's and Chenault's property and another fence has also been recently built. The commercial horse activity will take place behind the residential areas. Also, the Gerzen's have purchased and are preparing to build a wooden privacy fence between the stables and the Chenault's home.

The Chenault's had also expressed concerns about manure. There was a manure pile on the side of the Gerzen's stable closest to the Chenault's residence. The Gerzen's have agreed to limit the size of the pile and to move the pile back from the property line.

Mr. Kurtz noted staff's suggestion of downward and inward lighting for the outdoor riding facility. The Gerzen's do not have a problem with this condition. The six horses that are currently being boarded at the stable are on the side furthest away from the Chenault's property. There is no plan to board horses on the other side of the stable.

Mr. Kurtz stated the Gerzen's are willing to agree to all conditions so any concerns the Chenault's have can be addressed. Also, the Gerzen's agreed to the condition of lights out at 10:00 p.m.

Mr. Kurtz submitted the following to the Public Record:

- Aerial photograph of property on Boothe Lane, Rocheport, regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit A)
- A map from the Assessor's Office of property on Boothe Lane, Rocheport, regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit B)
- A survey of property on Boothe Lane, Rocheport, regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit C)
- The Declaration of Restrictions of property on Boothe Lane, Rocheport, regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit D)
- Aerial photograph (taken from a different direction from Exhibit A) of property on Boothe Lane, Rocheport, regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit E)
- Four letters of support regarding the request by Jerry and Angie Gerzen for an Animal Boarding and Training Facility on 39.17 acres, located at 5650 N Booth Lane, Rocheport. (Exhibit F)
- Certified Copy of the Boone County Zoning Ordinances (Exhibit G)

Mr. Kurtz asked those present to stand if they support this request by the Gerzen's. Ten people stood up.

Commissioner Elkin asked Mr. Kurtz what was meant by the statement of handling the manure appropriately. Previously, there was a large manure pile on the fence line, close to the Chenault's residence. Commissioner Elkin asked if there is an acceptable plan to move the pile. Mr. Kurtz stated he visited the property last week and noticed the manure pile is substantially smaller to his understanding of the previous pile and it has been moved. The Gerzen's intention is to maintain a smaller manure pile and they do not want this to be an impediment to the Chenault's enjoying their property. The Gerzen's are prepared to take whatever steps are necessary to manage that in an appropriate and proper manner.

Commissioner Miller asked what is the number of actual stables built on the property. Mr. Kurtz stated he believes there are currently 22 stable built on the property with plans to be able to expand an additional dozen stables. There has already been ground work done to be able to add additional stables near the indoor riding facility. This is supposed to be Mr. Gerzen's retirement plan to run this operation. Mr. Kurtz was corrected by Mr. Gerzen on the number of stables; there are currently 21 stables.

Commissioner Stamper stated that Mr. Kurtz identified covenant on this property that allows for equestrian use. It is typically not the Commission's position to give acknowledgement or a standing to a covenant as such. Mr. Kurtz stated he understands that the requirements for a Conditional Use Permit would trump any covenant. He noted at the time when the Gerzen's and Chenault's bought the property, they were aware of that permitted use under the deed restrictions. He knows the Commission is not bound to this in any way but he believes it is a little late to be crying foul.

Commissioner Stamper stated he wanted it known that the Commission does not typically acknowledge or include covenant provisions within discussions. They rely on what is allowed and tolerated in the Zoning Regulations.

There were no further comments or questions from the Commission for the applicant.

Commissioner Stamper opened the floor for a public hearing.

Virgil Gardner, 5251 Route J, Rocheport, stated the Gerzen's and the Chenault's are his neighbors and he is not taking sides on this issue because he has to live with both families. Mr. Gardner's parents bought this farm in 1925 as agricultural land and they moved to the property in 1929. This has been agricultural land ever since they purchased the property. He does not believe that horses will make that much of a difference. When they lived there they had eight mules. The property has been broken up into lots since he lived there. Mr. Gerzen has kept up the property very well. Mr. Gardner believes the differences between the Gerzen's and Chenault's can be resolved without having to resort to this situation. He believes Mr. Gerzen will do as he says. He noted the barn is in the same location as it was when the Chenault's bought their property.

John Gerzen, 204 W. Phyllis, Columbia, stated he is at this meeting to support his family. He noted he was at the Gerzen's on Saturday and there was no manure pile there. There is one horse in the barn currently and the rest are in the pasture. The manure pile will be moved at least 100 yards from the Chenault's house and it is also on a downhill slope. Mr. John Gerzen is in favor of this request and supports his family.

Jim Chenault, 5600 N. Boothe Lane, Rocheport, stated the manure pile has been moved but the first effort to dispose of the manure was made after the Planning and Zoning Commission denied the request. The previous efforts to move the manure was by bulldozing the pile on to the Chenault's land, some of it was burned, and some was used for gardening use. This is the only manure management that has taken place to date.

Mr. Chenault noted the covenant also did specifically provide that the covenant was subject to all applicable statutes, ordinances, and regulations.

Mr. Chenault stated he and his wife do not have a problem with horses being on the

property. There have previously been a few problems with horses getting on to their property from the Gerzen's. Their primary concern is the traffic that will be coming for the horses, between 20-22 and possibly 32 horses being boarded. He explained the layout of the properties using the aerial photograph submitted to the Public Record by Mr. Kurtz. The traffic going to the stables will be passing by the Chenault's home, on the side where three of their bedrooms are. The traffic has been a distraction in the past. All of the parking will be just behind the Chenault's home.

The traffic poses a significant disruption to their property and the use and enjoyment of their property. Mr. Chenault agrees with Mr. Gardner's statement of issues like this should be settled between the neighbors. Mr. Chenault noted Mr. Gerzen's responses to their concerns from 1997 until last Friday, June 28, 2002, have been ignored. Mr. Chenault submitted a letter to the Planning and Zoning Commission, dated May 16, 2002 and a letter to the County Commission, dated June 27, 2002, regarding the request by the Gerzen's to the Public Record.

Mr. Chenault stated they received a letter in October, 2001 from the Gerzen's previous attorney. The Chenault's concerns were presented to that attorney and there was no attempt made to respond to that letter. The first contact the Chenault's had with a representative of the Gerzen's was last Friday, June 28, 2002. They also had a meeting with Mr. Kurtz to see if there was anything that could be done with this issue and nothing was presented by the Gerzen's as an improvement over the original staff recommendations. They are not present at this meeting because they wanted neighbor relations to get to this point, they are present because they have gotten to this point and this is their last recourse. The information filed with Planning and Zoning has presented a detailed history of this situation.

Mr. Chenault stated in the original application submitted by the Gerzen's, the property was listed as being zoned A-2 (Agriculture). They have researched this and found the property is actually zoned A-1 (Agriculture). The Chenault's are concerned about this because of the difference in what is allowed to be developed on different zoning areas.

When the Chenault's purchased the property, the barn directly behind their house was an open barn or a pole barn. This structure was designed for the storage of hay and equipment. Another structure behind their barn was built for the purpose of keeping horses and this is where their previous neighbor kept their horses. They do not have problems with horses; they are concerned with people driving past their house all the time.

There was a suggestion of posting a sign on the Gerzen's driveway and putting chip and seal on the driveway. The sign is not visible until after the Chenault's driveway. He does not believe a sign will eliminate the previous problems of people turning down the first driveway they get to on the road. He noted there are only two driveways for approximately one-half mile on this portion of Boothe Lane. He believes there would be more problems with people needing to turn around in their driveway because of the fence

that has been built by the Gerzens. Even though there is a sign posted and the driveway is chip and sealed, he does not believe this will help the traffic problems.

Mr. Chenault noted the Conditional Use Permit Criteria G in the review process for approving a request. This was from a case brought to the Missouri Court of Appeals by the County Commission approximately 10 years ago. The case was Columbia Tower versus Boone County Commission. The Court discussed the public necessity aspect of granting a conditional use permit. The Court of Appeals heard that in the issuance of a Conditional Use Permit, the public interest and welfare must be great enough to outweigh the individual interest, which is affected if the Conditional Use Permit is granted. He does not believe there has been any showing that there will be any public interest or benefit the public welfare if this permit is granted. He noted the agenda for this meeting and the agendas for recent meetings show there is no shortage of animal boarding and training facilities in Boone County. He believes the public benefit will be limited to 20 to 30 members of the public.

Mr. Chenault also does not believe this benefit can outweigh the past and possible future problems for the Chenault's under Criteria B, which is the request should not be injurious to the use and enjoyment of other property in the immediate vicinity. If the term immediately is used as it was defined in the Columbia Tower case, then the Chenault's are the only property owners in the immediate vicinity. They have researched and have not found anything showing any other request for a boarding and training facility as close to another residence. He believes the close proximity of the facility to their home would be injurious to the use and enjoyment of their property.

Joanie Chenault, 5600 Boothe Lane, Rocheport, stated the reason why she and her husband are at this meeting in opposition to this request even though there is a whole room of people who support this request is because this request directly affects them. All of the activity that has happened on the Gerzen's property has been right next to the Chenault's property, even though the Gerzen's own 40 acres. There has been no manure management plan presented. She believes this is not about problems between neighbors, it is about appropriate land use and the impact it will have on them due to the close proximity. During their meeting with the Gerzen's attorney, nothing was brought forward in addition that could be done to lessen the potential impact on their property. She believes until there is a manure management plan, until an understanding has been reached about people boarding their horses and there has been no plan for human waste disposal. The Chenault's have voiced their concerns and they are present because they filed a complaint letter in October, 2001. Nothing was done at that time. Another complaint letter was written in February, 2002. She hopes the impact will be viewed and taken into consideration and identify what can be done to limit the impact on their property.

Mike McMillen, 5800 N. Boothe Lane, Rocheport, stated his property adjoins the Gerzen's property to the North. He has no reservations about this request. They would suggest as it is suggested on their restrictive deed to having one cow per acre, to restrict

them to having one horse per acre. He does not believe the land could sustain more than more horses per acre.

Mr. McMillen stated he has not had any problems with people turning into his driveway looking for the Gerzen property. Also, from his experience, most people who have horses have more than one horse and they do not visit their horses everyday. He has owned horses, he knows that people can go weeks without seeing their horses because someone else is taking care of them.

Jim Hansen, 6801 Lakota Ridge, Columbia, stated he does not live in the area but does have a daughter who boards two horses at the Gerzen property. He believes this is an appropriate land use in terms of the history in an agricultural area. He agrees that the one horse per acres is a good suggestion in terms of this property. In the times he has been to the Gerzen property, he has not seen anyone else come up the road to the stable while he is there. He agrees that people who do board horses will go see their horses a few times per month. He believes what the Gerzen's are willing to do with the road, the fences, and the manure pile is a reasonable gesture to make this a viable deal for all parties involved.

Jeff Cook, 4550 N. Boothe Lane, Rocheport, stated he lives approximately one-half mile south of the Gerzen property. He has lived in this area his whole life and when he was a child, this property was a large horse facility, known as Melody Acres. When those owners sold, the next property owner had a large sheep facility. The current stables were the barn where the sheep were kept. Last summer, Mr. Cook's son took riding lessons from Mr. Gerzen. During the lessons, which he believes lasted for two to three months, he never saw anyone come tend to their horses they had boarded at this facility. This is a clean facility.

Commissioner Stamper closed the public hearing.

Mr. Kurtz stated his clients are willing to keep the manure pile to a minimum. He just spoke with Mr. Gerzen and he informed Mr. Kurtz that they are intending to spread the manure in the fields and to give it away. He understands how a manure pile could pose a concern to the neighbors but does not believe this is something that is insurmountable likewise with the driveway problem. He believes the Chenault's could place a "private drive" sign on their property could solve some of the issues. Mr. Gerzen would be willing to put up a larger sign advertising his stables at the foot of the driveway.

Mr. Kurtz stated he did meet with the Chenault's to discuss their concerns but they did not get very far. He was lead to believe the Chenault's did not want any horses in the barn directly behind their house. He is not sure this is a reasonable request but the Gerzens do want to do everything they can to make this work. The Gerzens and Chenaults will have to live next to each other regardless of whether there is a Conditional Use Permit or not.

Mr. Shawver stated the Commission has required that animal waste be disposed of off

property on several other occasions. The Commission has never asked for a specific plan to be filed.

There was no additional rebuttal or clarification.

Commissioner Stamper asked Mr. Shawver if this land is zoned A-1 or A-2. Mr. Shawver stated the applicant put A-2 on their original application but the zoning on the staff report and the cover sheet he provided for the Commissioners noted that the property is zoned A-1.

Commissioner Stamper asked if A-2 zoning included the uses under A-1 zoning except the location of houses. Mr. Shawver stated the only difference between A-1 and A-2 zoning is the minimum lot size; A-1 zoning is 10 acres and A-2 is 2.5 acres.

Mr. Kurtz stated the first letter that notified the Gerzen's from Planning that a Conditional Use Permit is required mentioned A-2 zoning and he believes this is where the confusion began.

Commissioner Stamper read the permitted uses in A-1 zoning from the Boone County Zoning Ordinances. He noted there are items that are permitted in A-1 zoning that could have a far greater impact on the neighborhood and living circumstances than what has been requested. He stated he thinks about the nature of the living situation if there were 1,500 head of sheep or hogs on this property. He is not taken back by the impact of the traffic because he believes there are things that could happen to the neighbors that they would have no recourse on or no control over that are far worse than this request. He understands that the Chenaults do not desire this but people have to be aware of what could happen with no checks and balances.

Commissioner Miller stated she and Mr. Shawver toured the property this week. She believes this is a poor way to break up a farm; the barns should have been with the house and if the land was divided that way, this would not be a problem. She believes that this is an agriculture area, boarding horses in an agriculture area, even though it does require a Conditional Use Permit is reasonable. Many of the problems identified have been brought on by the landowner himself. When the manure pile is placed next to the neighbor's property line, there will be problems. She believes this request can be conditioned in a way that will make all parties happy.

Commissioner Elkin stated he agrees with Mr. Gardner that this is agricultural land even though there was testimony during the Planning and Zoning Commission that called this a residential area. Given the aerial photographs, this area is not residential as far as he is concerned. He believes horses are an appropriate use on agricultural lands. He also has comments when the conditions are being discussed.

Commissioner Miller stated there were comments about this not having public interest.

She has heard from many 4-H members who have used this property and she looks at this as a public interest. She believes things need to be done in the community to find ways for the youth to have recreational and educational activities. It is not required of anyone to open their property to the public for these activities.

There was no further discussion by the Commission.

Commissioner Miller read the following possible conditions:

- Any outdoor lighting would be directed inward and downward.
- The driveway and required parking area must be dust free with a minimum of chip and seal surface. The required parking area will be determined by the number of stables.
- Manure must be kept 100' away from adjoining property and disposed of in a proper manner. NO BURNING.
- A privacy fence will be installed between the stable and adjacent property. All fences will continue to be maintained in an appropriate manner.
- The hours of operation will cease at 9:00 p.m.
- The number of horses will be limited to the stable availability, which are 21.
- A sign be required with a maximum of 3 sq. feet.
- A port-a-potty is required on-site as long as the stables are being leased.
- This permit would be up for Commission review in one year with periodic staff review.

Commissioner Elkin agreed with the conditions listed by Commissioner Miller. He asked if staff addressed the restroom facility issue and if this would be similar to other boarding facilities. Mr. Shawver stated staff has not done this in the past. Generally with boarding facilities, people will allow restroom use in the home. A riding or training facility may have restrooms in the facility. Commissioner Stamper noted Commissioner Miller included a condition of having a port-a-potty on-site.

Commissioner Elkin stated there have been questions regarding the weed control along the fencing. He believes a fence was erected on Mr. Gerzen's property. He is unsure if the law allows for access on weed control on the neighbor's side of that fence. Commissioner Stamper stated this is A-1 zoning and weed control would be difficult in any circumstance in an A-1 zoning district.

Commissioner Elkin stated there was a question about the weeds growing on the Chenault's side of the fence even though the fence is completely on the Gerzen property. Commissioner Miller stated the fence was built 12" away from the property line and one could not get a mower through that area.

Commissioner Elkin agreed with Commissioner Miller and asked if there is no control for weeds in this zoning district he wanted to know what could be done. Commissioner

Stamper stated the weeds are obnoxious but he is not aware of any requirement that can be placed on agricultural lands that can control weeds. He believes this is a restriction that belongs in a residential area. Mr. Patton stated under the Health Regulations, the weed ordinance applies to residential areas and not-agricultural areas.

Commissioner Miller asked as a Conditional Use this could not be a requirement. Mr. Patton stated it could be added as a condition. Commissioner Miller stated the weeds could become unsightly but there is a proposed conditions requiring a privacy fence and this would make the unsightly weeds on the Gerzen's property.

Commissioner Elkin stated the weeds would be on the Gerzen's property but the current fence is 12" away from the property line. Commissioner Miller stated the privacy fence could be on the property line. Commissioner Elkin stated there is currently the privacy fence on the Gerzen's property. Commissioner Miller stated if the privacy fence is on the property line then there is an open area of 12" and then the other fence, the only people who would see the weeds would be the Gerzens.

Commissioner Stamper stated his reluctance is more fundamental than this and is concerned with the Commission attempting to make conditions to regulation weeds on agricultural land and believes this is a Pandora's Box.

Commissioner Elkin stated he is concerned with the proposed condition of the 21 stalls. He would prefer a lesser amount and subject to review by Planning and Zoning staff to make sure the conditions have been conformed to after one year.

Commissioner Stamper asked if the number of stalls should be reduced from the current number. Commissioner Elkin stated he wants there to be a restriction on the number of horses.

Commissioner Miller asked if the restriction should be on the number of horses in leased stalls. Commissioner Elkin stated that was correct. The Gerzens could have as many horses as they wanted. Commissioner Miller stated the number of horses in leased stalls could be, for example, 15 and the Gerzens could fill the remaining stall with their own horses that would be okay.

Commissioner Stamper asked what would be accomplished by this because the number of horses could be restricted but the amount of manure and the traffic problems still have not been taken care of.

Commissioner Elkin stated the Gerzens could have as many of their own horses within reason. This suggestion is just to make sure that all conditions are being conformed to and they run a clean operation.

Commissioner Stamper asked the applicant if they had any comments or concerns

regarding the proposed conditions. Mr. Kurtz stated the main concern would be with the number of horses. He believes since there are 21 existing stalls on a 40 acre parcel and the one horse per acre suggestion is a reasonable land use. If the Commission is concerned with the applicants complying with the conditions, he believes there is enforcement mechanisms that Mr. Shawver could comment on that would take care of any concerns before the year is up. If the applicants are in violation of the Conditional Use Permit in one month, then he believes there are mechanisms that Planning and Zoning can use to revoke the permit. He does not want this issue to come back forward in one year to go through this process again.

Commissioner Stamper asked Mr. Shawver if he was aware of any regulation or criteria that suggests one horse per acre. Mr. Shawver stated no. Commissioner Stamper stated if the Commission did follow the one horse per acre, it would allow for approximately 40 horses on this property. The request, as the Commission has known it, has been for 21 horses.

Commissioner Miller stated she is comfortable with the 21 horse limit since there is existing stables for 21 horses. Commissioner Elkin agreed.

Commissioner Miller moved to approve the request by Jerry and Angie Gerzen for an Animal Training and Boarding Facility on 39.17 acres, located at 5650 N Boothe Lane, Rocheport, with the following conditions:

- Require appropriate signage- maximum of 3 square feet
- Limit number of horses to 21.
- Hours of operation cease at 9:00 p.m.
- Privacy fence to be installed between the stable and (West/East) property line of the adjoining property.
- All fences will be maintained in an appropriate manner.
- Commission to review conditional use in one year with periodic staff reviews.
- Manure must be kept 100' away from adjoining properties and disposed in a proper manner- no burning.
- The driveway and required parking area to be dust free with a minimum of chip and seal surface. The required parking area will be determined by the area of the stables.
- Any outdoor lighting must be directed inward and downward.
- A portable toilet must be on site as long as any stables are leased.

Commissioner Stamper seconded the motion.

There were no objections by the applicant to the conditions.

Commissioner Stamper stated the Commission always tries to approach these issues in the spirit of giving a fair and open opportunities to the applicant and all those that have an opinion, in support or opposition, to the request. It is never easy when issues are debated

that impact people's lives and the relationship between neighbors. This is the place where many neighbor relations cannot be agreed upon and he agrees with Mr. Gardner. The Commission almost always puts on blinders, as a group, and look at the land use and whether it is an appropriate land use. This is a very conforming land use. Like it or not, this is an agricultural district and there could be other activities that could have a far worse impact on the neighbors than this request. The point is, this is a consistent use of the land and a good use of the land for the community. It has been suggested to him that people who are involved in horse activities are not involved in negative activities. The Commission believes this allows for a blended community and this is something that is a sustainable agricultural activity. The Commission's debate and discussion of this request was in that spirit. He believes the Commission has been very attentive and tried to place what the Commission believes are reasonable conditions on this request. The Commission has the authority to review the permit. He does not have a hesitancy to vote in favor of this request.

Commissioner Elkin stated the Commission tries to strike a balance. In his opinion, landowners have reasonable rights to fulfill their dreams with their own land. It is difficult for him to tell a landowner they cannot do something with their land. He believes the Commission has given this request due diligence and a balance has been reached. He hopes Mr. Gerzen will follow the conditions as set forth by the Commission. He believes this will be a quality facility. He thanked the Chenaults for their efforts in speaking with the Commission and trying to work out an arrangement and hope they can live with these conditions also.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 297-2002**

I. Report from Staff on Brown/Lenau Request

Mr. Shawver stated staff and the Commission had a meeting last week to review the 24 conditions he developed at the Commission's request to encompass the concerns of the Commission and the public for the Brown/Lenau request for a campground and boat ramp in Huntsdale. One condition was deleted regarding parking of vehicles without boat trailers at the boat ramp area. The Commission suggested some language clarification from Mr. Shawver and he believes he has addressed those concerns.

Mr. Shawver noted Commissioner Miller had asked about the boat excursions and he believes this issue has been addressed. The ninth condition has been changed from "no boat excursions for compensation" to "no motorized boat excursions for compensation." Commissioner Miller stated she would like to have no boat excursions begin at this location because she does not want people to drive to the location. She does not mind people ending their excursions there or stopping there but does not want them to begin there.

Commissioner Stamper asked for clarification. Commissioner Miller stated this would eliminate all the vehicles coming to the property but would allow for one vehicle to get the people and return them to their starting point. Mr. Shawver stated this could be accomplished with some editing, allowing for no excursions to begin at the boat ramp at all.

Mr. Shawver stated the Commission had asked about the condition on the limited camping season, "The camping season is restricted to April 1 through October 31." He did some research with the Missouri Department of Natural Resources (DNR) and forwarded that information to the Commissioners. The DNR has open camping year around with the exception of a few campgrounds. He noted that DNR parks do have potable water between October 31 and April 1, the water is shut off to make sure there is no freezing. One of the requirements is that a source of potable be provided to the campground. He believes there is a balance between those two. The MKT trail, which this development is geared towards, is open year around, and he believes the biking and camping opportunities are diminished during those winter months. He suggested the Commission may want to delete the requirement or make modifications to it.

Mr. Shawver stated he had a meeting with Mr. Brown and Ms. Lenau this morning and he provided them with the current list of conditions. The only change that was made was regarding the boat excursion versus the motorized boat excursions. They also discussed the survey done by Mr. Brush in July, 2001 and how the Commission wanted the plan to be superimposed or overlaid on to the survey.

Commissioner Stamper asked if the 23 restrictions reflect the consensus of the Commission. Commissioner Miller stated she would like to strike restriction 13, "The campground season is restricted to April 1 to October 31." Commissioner Elkin agreed.

Commissioner Stamper noted restriction 13 has been stricken from the list.

Commissioner Stamper opened the floor for public comment.

Linda Lenau and Robert Brown, 4001 S. Foxglove, Columbia, were present on behalf of this item.

Linda Lenau stated she did not understand condition nine and asked if this had been changed to "no motorized boat excursions for compensation or consideration may originate, dock, or end on the subject property". Commissioner Miller stated that was correct and that "no excursions may originate at the property". Commissioner Stamper stated this would be motorized or non-motorized excursions.

Ms. Lenau asked what was the reason for not having excursions originate from the property. Commissioner Miller stated the reason is because the Commission does not want a lot of cars bringing canoes to the property. They may start in Rocheport, end at the

subject property, someone can pick up the patrons. The Commission does not want the car traffic.

Ms. Lenau stated this was alright with her but she has thought of a way to avoid the car traffic. The people could camp at the site then they could pick up their canoes. These people would then be on the campsite and they would not be on the boat ramp. Commissioner Miller stated this restriction is for a group of people.

Ms. Lenau asked about a bus with a boat trailer. Commissioner Miller stated she did not want any excursions to begin there.

Ms. Lenau asked if this could be clarified and asked if people could camp at the site if they came off the river there. Commissioner Miller stated that was correct.

Commissioner Stamper asked how many campsites were at the campgrounds. Ms. Lenau stated she believes it is eighteen. Commissioner Stamper stated eighteen people could float on the river, get off the river at the campsite, call a cab to take them into town for supper and have the cab drive them back to the campsite after. Everyone was alright with this idea.

Ms. Lenau stated restriction thirteen has been deleted. The Commissioners stated that was correct. Ms. Lenau stated they would not be having camping in the winter.

There was no further comments on this issue.

Commissioner Stamper closed the public hearing.

Commissioner Stamper asked when this item should be brought forward again to the agenda. Commissioner Miller stated the Commission has to wait until the applicants have the survey superimposed to the plan, so this will be on the applicants' timeline.

Commissioner Stamper requested Mr. Shawver to bring this back as an agenda item when the survey and plan have been completed.

Subject: Purchasing Department

A. Second Reading and Award of Bid 50-14JUN02 (Damaged Buildings Demolition and Removal – Boone County Fairgrounds)

Commissioner Elkin moved to award bid 50-14JUN02 for Damaged Buildings Demolition and Removal – Boone County Fairgrounds to Michael's Demolition.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 298-2002**

Commissioner Stamper asked what will happen with the insurance proceeds from this issue. He believes when the proceeds come back they should go into a fund related to the Fairgrounds and the Commission should take action to do this. He requested Commissioner Elkin to draft an order for a first reading at the next available meeting requiring any proceeds from the insurance to be acknowledged in an account to be reinvested or in support of the Fairgrounds. Commissioners Miller and Elkin both agreed to this request.

B. Second Reading and Award of Bid 33-05JUN02 (Automotive Parts Term and Supply)

Commissioner Elkin moved to award bid 33-05JUN02 for Automotive Parts Term and Supply as follows:

LINE ITEM	RECOMMENDED AWARD
4.9.1 – Spark Plugs	O’Reilly Auto Parts
4.9.2 – Filters	New Haven Filter Company
4.9.3 – Starting Circuit	American Auto Supply
4.9.4 – Clutch Assembly, Heavy Truck	Midway Ford Truck Center
4.9.5 – Brakes, Part I (Pads and Rotors)	O’Reilly Auto Parts
4.9.6 – Brakes, Part II (Drums and Shoes)	Midway Ford Truck Center
4.9.7 – Windshield Wipers	O’Reilly Auto Parts
4.9.8 – Lamps	O’Reilly Auto Parts
4.9.9 – Batteries	O’Reilly Auto Parts
4.9.10 – Windshield Washer/Antifreeze Solvent (Premixed Winter)	O’Reilly Auto Parts
4.9.10.1 – Windshield Washer/Antifreeze Solvent (Premixed Summer)	O’Reilly Auto Parts
4.9.11 – Brake Cleaner	O’Reilly Auto Parts
4.9.11.1 – PB Blaster	American Auto Supply
4.9.12 – Choke Cleaner	O’Reilly Auto Parts

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 299-2002**

Subject: Planning and Zoning – Receive and Accept Plats

A. Bearfield Valley

Commissioner Miller moved to receive and accept Bearfield Valley Plat.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 300-2002**

B. El Chaparral Plat 7 Replat Tract 1

Commissioner Miller moved to receive and accept El Chaparral Plat 7 Replat Tract 1.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 301-2002**

There was no public comment.

The meeting was adjourned at 9:07 p.m.

Attest:

Wendy S. Noren
Clerk of the County Commission

Don Stamper
Presiding Commissioner

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner