

TERM OF COMMISSION: September Session of the August Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen M. Miller
District II Commissioner Skip Elkin
Planning and Zoning Director Stan Shawver
County Counselor John Patton
Deputy County Clerk Helen Sheehan

The meeting was called to order at 7:00 p.m.

Subject: Planning and Zoning

Commissioner Schnarre noted that during Planning and Zoning sessions, 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.

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).

A. Approve Request by James and Donna McManama to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of 1.53 acres, more or less, located at 10901 E Highway 22, Centralia

Stan Shawver stated this site is located approximately 1 mile west of Centralia at the intersection of State Highway 22 and March Road. The property is zoned A-2 (Agriculture) as is all the surrounding property. The property is currently vacant. This site is within the Centralia R-6 school district. Water is provided by Public Water District No. 10. There have been no previous requests submitted on behalf of this property. This request is to rezone 1.53 acres to A-R zoning. If approved, the applicant will seek a conditional use permit for a day care center. The Master Plan designates this area as being suitable for agriculture and rural residential land uses. The Master Plan identifies a sufficiency of resources test as a means to judge the suitability of land proposed for rezoning. The resources necessary to support the proposed rezoning can be broken down into three general categories, Utilities, Public Safety Services and Transportation.

Utilities currently available to the property include electricity, telephone and water.

- Boone Electric has adequate infrastructure in place for the needs for the development.
- Public Water District Number 10 provides water service.

The property is located within 1/2 mile of a Boone County Fire District Station. Law enforcement and emergency medical services can easily access the property due to its proximity to Highway 124 and Highway 22. The proposed rezoning is consistent with the master plan. Staff recommends approval of this request.

The Planning and Zoning Commission held a public hearing on this request on August 21, 2003. The Planning and Zoning Commission made a motion to recommend approval of the rezoning request. The motion received 10 "yes" votes and there were 10 members present.

Harold Gooding, 20150 Highway 124, Centralia, was present on behalf of the applicants. Harold Gooding stated the applicants want to open a State Certified Daycare Center, which is much needed in this area of the County.

Mr. Gooding presented a drawing of the proposed daycare on the property.

Commissioner Elkin asked if the applicants would wait to apply for the Conditional Use Permit at a future date. Mr. Shawver stated the applicants have submitted a Conditional Use Permit application and it will be presented at the September Planning and Zoning Commission meeting.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by James and Donna McManama to rezone from A-2 (Agriculture) to A-R (Agriculture Residential) of 1.53 acres, more or less, located at 10901 E Highway 22, Centralia.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 418-2003**

B. Approve Request by Robert Kinkead on behalf of Fabick Companies to revise an approved Review Plan for M-LP zoning on 22.3 acres, located at 7841 E ABC Lane, Columbia

Mr. Shawver stated this property is located approximately 2 miles east of the Columbia municipal limits on ABC Lane. The subject tract is zoned M-LP (Planned Light Industrial) as a previous Final Development Plan has been approved. The property was rezoned from A-2 (agriculture) effective in May 2001. Land to the north of the site is zoned A-2. To the east, north, and west of the subject tract the zoning is also A-2. These are all original 1973 zonings. Property to the south across I-70 is zoned R-S (residential single-family) with a small pocket of C-G (general commercial) zoning. The R-S is an original 1973 zoning with the small C-G property having been rezoned from the original R-S zoning in 1987. The current final plan was for an auto auction within the area previously used for a veterinary facility that primarily handled large animals such as cattle. The veterinary use was certified by a variance from the Boone County Board of Adjustment in 1986 with the stipulation that no part of the property south of the southerly wall of the veterinary facility building be used for the veterinary use. In July 2000 a request was made to rezone 4.89 acres to C-GP and 17.49 acres to M-LP. That request was denied. In September of 2000 the applicant requested that the property be rezoned to M-LP along with a review plan. The total property encompasses 22.38 acres. It is our understanding that the auto auction is no longer in operation and that a new purchaser is interested in the property for a different use. The applicant has submitted a revised review plan that will change the allowed uses of tract B1. The new proposed uses are Heavy Equipment Rental, Sales, and Repair. Since no other uses are listed approval will limit the use to that proposed and even the previous use as an auto auction would be prohibited. Tract B2 is required to be shown but is proposed to remain exactly as it is currently approved including the conditions that are currently in effect.

This property is located within the Boone Electric service area, the Columbia School District, and the Boone County Fire Protection District. Water service is provided by Public Water District No.9. The Master Plan designates this area as being suitable for residential land uses, but since the property has been rezoned to M-LP the only issue remaining is the specific uses and specific design of the current proposal. 45 property

owners were notified of this request. This plan has 74 points on the point rating scale. Staff recommends that the request be approved with the condition that all the signs shown on the plan be moved to be outside the required set back area.

The Planning and Zoning Commission has forwarded a recommendation for approval to the County Commission with a condition that all signs shown on the plan be moved to be outside the required set back area. This motion received unanimous approval.

Tim Reed and Dave Bennett, Engineering Surveys and Services, 1113 Fay Street, Columbia, and Joe Schuster, Fabick Companies, 5320 Highway 763 N, Columbia, were present on behalf of this item.

Tim Reed stated they did conduct a neighborhood meeting approximately one week before the Planning and Zoning meeting. There were a few neighbors that were present at the meeting to look over the plan.

Commissioner Miller asked if the tree buffer is currently in place. Mr. Shawver stated a portion of the buffer is in place.

Commissioner Schnarre asked if the back portion of the lot will be light industrial. Mr. Shawver stated the entire tract will be light industrial.

There was discussion about the possible conditions that could be placed on this request.

Commissioner Elkin asked if ABC Lane is a State or County maintained road. Mr. Shawver stated it is a State maintained road.

Commissioner Schnarre asked if they would be able to store equipment behind the facility. Mr. Shawver stated that is what the applicant is planning to do.

Commissioner Schnarre opened the floor for a public hearing on this request.

There was no one wishing to speak on this request.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved to approve the request by Robert Kinkead on behalf of Fabick Companies to revise an approved *Review Plan* for M-LP zoning on 22.3 acres, located at 7841 E ABC Lane, Columbia, with the following condition:

- All the signs shown on the Plan be moved to be outside the required set back area.

Commissioner Miller seconded the motion.

There was discussion regarding possibly amending the motion to include language to have the signs be in compliances with the ordinance.

Mr. Reed stated he did not want to see Fabick Companies restricted to something that could change. Fabick Companies desires to have a 5' x 20' sign and this has been noted on the plan.

The size of this proposed sign is within the current regulations.

Commissioner Elkin noted the amendment is not necessary to this motion.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 419-2003**

C. Receive and Accept the following Plats:

- i. Voeller. S29-T50N-R12W. A-2. Ben and Teresa Voeller, owners.**
- ii. Maxwell Acres. S2-T48N-R14W. A-2. Letta Dell Cunningham, owner.**
- iii. Crutchfield Subdivision. S13-T49-R13. Daniel D. and Debra J. Crutchfield, owners.**

Mr. Shawver stated the Voeller plat is a six acre lot zoned A-2 (Agriculture) located on Kemper Road and Robinson Road. The Planning and Zoning Commission approved this plat and it is ready to be received and accepted by the County Commission.

The Maxwell Acres plat is located on Highway 40 west of Trailswest Drive. The owners would like to have this attached to another property because of wastewater issues. The Planning and Zoning Commission approved this plat and it is ready to be received and accepted by the County Commission.

The Crutchfield Subdivision plat came before the Planning and Zoning Commission in 2001. This is located on Highway VV. The surveyor did not come back with a plat. Changes were made to the plat without Planning and Zoning Commission approval. Now all items have been taken care of and the plat is ready to be received and accepted by the County Commission.

Commissioner Miller moved to receive and accept the following plats:

- Voeller
- Maxwell Acres
- Crutchfield Subdivision

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 420-2003**

Subject: Juvenile Justice Center – Second Reading and Public Hearing to Approve Budget Amendment and Authorize Presiding Commissioner to sign Award of Contract

Commissioner Schnarre stated this is a budget amendment to establish a budget for the 2003 portion of the JAIBG Grant.

Commissioner Miller moved to approve the following budget amendment:

DEPARTMENT ACCOUNT AND TITLE	AMOUNT INCREASE
1243-03411: Judicial Grants and Contracts – Federal Reimbursement	\$11,207.00
1243-10100: Judicial Grants and Contracts – Salary and Wages	\$9,523.00
1243-10200: Judicial Grants and Contracts – FICA	\$728.00
1243-10325: Judicial Grants and Contracts – Disability Insurance	\$26.00

Said budget amendment is to establish a budget for the Juvenile Accountability Incentive Block Grant for 2003-2004 Grant Year for 2003 portion.

The County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Missouri Department of Public Safety Award of Contract and Special Conditions for Contract Number 2002-JAIBG-LG-04.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 421-2003**

There was no public comment.

The meeting adjourned at 7:20 p.m.

Attest:

Keith Schnarre
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Skip Elkin
District II Commissioner