

TERM OF COMMISSION: December Session of the November Adjourned Term

PLACE OF MEETING: Boone County Government Center Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper
District I Commissioner Karen M. Miller
District II Commissioner Linda Vogt
County Counsel John Patton
Deputy County Clerk Melanie Stapleton

The meeting was called to order by the Presiding Commissioner at 1:06pm.

Commissioner Stamper stated that the primary purpose of this meeting was to discuss the Windy Point issue.

Subject: Discussion on Windy Point LLC and B-SIB

Commissioner Stamper stated that the County Commission met ten days ago in a work session. He stated that they found at that time that there was not sufficient support to approve this request. He stated that County Counsel was directed to draw up finding of fact and conclusions of law for denial of the request.

Commissioner Stamper stated that the County Commission concerns about this request included the following:

- ✓ 154 units do not have sufficient quality open space or recreational facilities, especially for children, to accommodate the density of the development.
- ✓ The plan for the 154 units does not provide sufficient quantity of open space or recreational space to compensate for the decreased lot size
- ✓ The planned development is too dense overall considering surrounding land uses
- ✓ The proposed landscaping will likely not provide a permanent buffer adequate to the adjoining properties
- ✓ The establishment of a conditional use permit will impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district
- ✓ The public infrastructure in the area is barely adequate to support existing development
- ✓ There has been no credible evidence presented to show a public necessity for this development in general and no public necessity for the CUP on this site specifically
- ✓ The developer has submitted graphics and other exhibits to “show” the type of development that they are intending. Many of these exhibits show modular or “doublewide” manufactured housing units. If this is truly representative of the type of development proposed there is no need for the CUP as “doublewides” or modular units are allowed in subdivisions and standards developments without any need for a CUP
- ✓ The public infrastructure in the area is clearly inadequate to accommodate the development. The infrastructure upgrades proposed by the developer do not constitute justification as a public necessity for the CUP as these same upgrades will be required of virtually any development proposed on the property.

Commissioner Stamper stated that there were significant differences of opinion between the County Commission and the developer on how this development would proceed and its end result.

Commissioner Stamper stated that the County Commission reviewed this request more carefully and thoroughly than any other request that the County Commission had considered in his ten years as a County Commission, with perhaps the exception of the CenterState issue.

Commissioner Stamper moved to deny the Conditional Use Permit, Review Plan, and Preliminary Plat submitted under the name of Windy Point LLC and B-SIB, LLC.

Commissioner Vogt seconded the motion.

Discussion: Commissioner Vogt stated that one of her reasons for denial of the request was that the request seemed to be “such a moving target, that it was hard to determine what the development actually wanted.” She also stated that her vote and second of this motion did not represent her desire for people in Boone County to have affordable housing.

Commissioner Miller stated that there is a need in Boone County for affordable housing of this nature. She stated that this would have been a quality development if it were in a better location. She stated for the residents of the area, that “this area is going to be dense because of the zoning that is already in place.” She stated that this motion for denial would not take away the traffic or other concerns of the neighborhood.

The motion passed 3-0. **Order 503A-2000**

Commissioner Stamper recognized Craig Van Matre, agent of the applicant for comments.

Craig Van Matre stated that he would like the opportunity to complete the record on this matter. He submitted the finalized Transcript of Proceedings for the Appeal to Boone County Commission of Windy Point, LLC and B-SIB, LLC of Denial by Planning and Zoning Commission for a Conditional Use Permit for the public record..

Craig Van Matre asked if it was accurate that but for the mobile home component, the PRD plan would have been approved.

Commissioner Stamper stated that the County Commission voted on the request that was before them. He stated that he did not know that it would be possible to separate the PRD from the rest of the request.

Craig Van Matre stated that the PRD and the Conditional Use Permit were two separate applications.

Craig Van Matre stated that he felt the applicant was entitled to know if the mobile home component of the request resulted in the County Commission’s denial. He requested for the public record that the applicant be given a response to that question.

Commissioner Stamper requested that County Counsel’s legal recommendation identify the findings of fact and conclusions of law. He stated that the findings of fact and conclusions of law would be presented in a formal session for adoption.

Craig Van Matre asked if it was correct that the final findings of fact and conclusions of law would be approved by the County Commission.

Commissioner Stamper answered affirmatively

Craig Van Matre asked if today’s motion was the final decision.

Commissioner Stamper stated that today’s motion was one of intent and a communication of the County Commission’s decision. He stated that the County Counsel has been asked to draft the final documentation for adoption.

County Counsel John Patton stated that this request is considered “a contested case on administrative procedure” and therefore the County Commission must render a formal decision including findings of fact and conclusions of law. He stated however that he would be unable to draw up those findings of fact and conclusions of law without knowing what the County Commission’s decision on the matter.

Craig Van Matre asked for a timetable on the findings of facts and conclusions of law.

Commissioner Stamper stated that the document would be ready by the end of the year.

Craig Van Matre submitted the findings of fact and conclusions of law that he prepared on behalf of the applicant for the public record.

Commissioner Stamper stated that this document would be included in the public record.

Craig Van Matre requested that the findings of fact not be based on hearsay evidence as submitted by the opponents. He renewed his objection to the use of the September 1999 Journal of Real Estate Finance and Deputy Stone’s letter toward a decision in this matter.

Subject: Adopt a Resolution for a Cash Account Agreement with the U. S. Bancorp Investments, Inc.

Commissioner Stamper moved to adopt a **Resolution** for an Institutional Cash Account Agreement with U. S. Bancorp Investments, Inc.

Now Therefore Be It Resolved that Kay R. Murray, Boone County Treasurer is hereby authorized to sell, assign and endorse for transfer bonds or other securities now registered or hereafter registered in the name of this Boone County, Missouri.

Commissioner Vogt seconded the motion.

There was no discussion.

The motion passed 3-0. **Order 504-2000**

There was no further business to be acted upon by the County Commission.

The meeting adjourned at 1:30pm

Attest:

Don Stamper
Presiding Commissioner

Wendy S. Noren
Clerk of the County Commission

Karen M. Miller
District I Commissioner

Linda Vogt
District II Commissioner