

TERM OF COMMISSION: July Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commissioner Keith Schnarre
District I Commissioner Karen Miller
District II Commissioner Skip Elkin
Deputy County Clerk Helen Sheehan

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

Planning and Zoning

Mr. Stan Shawver, Planning and Zoning was present on behalf of these items.

A. Request by Pendurthi Properties LLC for a permit to allow self-storage units on .65 acres, located at 5954 N. Wagon Trail Rd., Columbia.

Mr. Shawver reported the property is located just north of the city of Columbia on Wagon Trail Road. The property was rezoned from R-M (Residential-Moderate Density) to C-G (General Commercial) in 1984 to allow for the current use as a car wash. There is C-G zoning to the east, south, and west, and R-M zoning to the north. The adjacent zonings are original 1973 zonings.

The proposal is to convert the existing car wash stalls into self-storage units. The property is located inside the Columbia Public School District. Domestic water service is not required for the proposed use. Electric service is provided by Columbia Water & Light. The Master Plan identifies this area as being suitable for residential land uses. Staff notified 41 property owners about this request.

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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

- 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.

The change of use from the carwash to the self-storage units is a transition to a lower intensity use. The proposed use is in scale with the activity on the surrounding properties, and should not have an impact on the use and enjoyment of those properties. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

- 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.

The proposed use will not impede the development of the surrounding properties.

- 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.

The proposed use should not hinder traffic flow in the area.

- 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.

The proposal conforms to other applicable regulations of the C-G zoning district, particularly since no land division is proposed. The County Commission will make the determination of public necessity for this site.

Staff recommends approval of this request with the following conditions:

1. Only the self-storage units created by the conversion from the carwash stalls are permitted by this request. Any expansion will require an additional

- conditional use permit.
2. All driveway, loading, and parking areas are to be dust free (minimum chip and seal). This is already a standard for the property.
 3. Lighting is oriented inward and downward so as to minimize light leaving the site.
 4. Comply with all site requirements of the Boone County Fire Protection District.
 5. Comply with all requirements of the building code.

The Planning and Zoning Commission conducted a public hearing on this request on July 20. Following the public hearing a motion was made to recommend approval of the request with the said conditions. That motion received unanimous support and it now comes forward with a recommendation for approval.

Commissioner Schnarre asked for comments in favor of this request.

There were no comments in favor.

Commissioner Schnarre asked for comments in opposition to this request.

There was no opposition.

Commissioner Schnarre closed the public hearing.

Commissioner Elkin moved now on this day the County Commission of the County of Boone does hereby approve the request by Pendurthi Properties, LLC for a permit to allow self-storage units on .65 acres, located at 5954 N. Wagon Trail Rd., Columbia with the following conditions:

- Only the self-storage units created by the conversion from the carwash stalls are permitted by this request. Any expansion will require an additional conditional use permit.
- All driveway, loading, and parking areas are to be dust free (minimum chip and seal).
- Lighting is oriented inward and downward so as to minimize light leaving the site.
- Comply with all site requirements of the Boone County Fire Protection District.
- Comply with all requirements of the building code.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 299-2006**

B. Request by Helen Quinn on behalf of Verizon Wireless to allow a transmission facility on 84.33 acres, located at 23500 S. Hwy 63 South, Hartsburg.

Mr. Shawver stated this property is located approximately 8 miles to the south of the City of Ashland. The property is zoned A-2 (Agriculture). The property has A-2 zoning to the north, south, and west. Callaway County is to the east. Zoning of the subject tract and the surrounding properties are all original 1973 zoning. A description of the lease area site has been submitted by the applicant as Exhibit F. The lease area for the tower is approximately 5,000 square feet out of the 84.33 acre parent tract. The proposal has been submitted as a subdivided property. The proposed tower location subdivision would be possible. The parent parcel has no structures present. There is a pond to the northeast. A 154' monopole tower and small ground facilities are proposed inside the fenced compound. The property is located inside the South Boone County R-1 School District and the Southern Boone County Fire Protection District. The Master Plan describes this area as being suitable for agricultural or rural residential land use. Staff notified 10 property owners about this request.

Staff analysis of the request is based upon the application and public comment received upon notification of the surrounding property owners. As a conditional use permit, the proposal must meet the following criteria 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.

If operated in conformance with existing county regulations, the use should comply with this criterion.

- 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.

While the surrounding zoning will allow for a significant number of residential units, there is a lack of an adequate public road network to be used by the surrounding properties to support the density allowable under the current zoning. Public testimony may be indicative as to whether those criteria may be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

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.

This area is zoned A-2 with residential uses limited to 2.5 acre tracts or larger. Future development in the area will be accomplished with the existing zoning, or will require rezoning to achieve a higher density of development.

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.

The proposed use is a minimal private generator. It should not hinder traffic or cause congestion on public streets.

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.

The proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. The County Commission will make the determination of public necessity for this site.

Staff recommended approval of this conditional use permit. At their July 20th meeting, the Planning and Zoning Commission made a motion to recommend approval of this request and it received unanimous support.

Commissioner Schnarre asked for comments in favor of this request.

Curtis Holland

Mr. Holland stated he is an attorney representing Verizon Wireless. He stated this tower would be on the property of Helen Quinn. Ms. Quinn owns approximately 500 acres in

this area. Verizon Wireless is attempting to build a new network in Boone County. This particular application would constitute what is essentially the southern leg of the system along Highway 63. This would be an in-between structure between the property to the north and the one to the south in Callaway County. Ms. Quinn does live on the property.

Commissioner Schnarre asked for comments in opposition to this request.

There was no opposition.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Helen Quinn on behalf of Verizon Wireless to allow a transmission facility on 84.33 acres, located at 23500 S. Hwy 63 South, Hartsburg.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 300-2006**

C. Request by Boone County Fire Protection District on behalf of Verizon Wireless to revise an approved Review Plan on 2.4 acres located at 5881 S. Highway 63, Columbia.

Mr. Shawver stated this site is located approximately ¼ mile south of the City of Columbia on Highway 63. The 2.4 acres is currently zoned M-LP (Planned Light Industrial). The site has C-G (General Commercial) to the south and R-M to the north and west. There is a Boone County Fire Protection District station currently on the property. The surrounding properties are all original 1973 zoning. This proposal scored 63 points on the point rating system. The applicants are requesting approval of a revised review plan. The review plan updates the previous plan and includes the location of a transmission facility for Verizon Wireless. The facility was granted a conditional use permit for a height of 166' in May 2006. Construction cannot commence until a revised review plan is approved by the County Commission. Staff notified 15 property owners about this request. The Master Plan indicates this property is suitable for agricultural and rural residential land uses. The Master Plan also identifies a sufficiency of resources test for determining whether there are sufficient resources available for the needs of the proposal. The resources necessary to serve the proposed development can be broken down into 3 general categories; utilities, transportation, and public safety services.

Utilities: Public Water is provided by Consolidated Public Water District #1. The existing infrastructure is capable of supporting the proposed and existing uses. Boone Electric can provide sufficient electric services to the site.

Transportation: Access to the site is by Highway 63. It will not be affected by the rezoning.

Public Safety: The nearest fire station is on this property. The existing road network provides ready access for other emergency service providers.

This site is located in a primarily industrial and commercial area. The revision of the Review Plan should not conflict with any current uses of the subject property or the surrounding properties. Based upon the existing and adjacent zoning, staff recommended approval of this request.

The Planning and Zoning Commission conducted a public hearing on July 20. There was no opposition to the request. A motion was made to recommend approval of the revised review plan. That motion received unanimous support and now comes forward to the County Commission.

Commissioner Schnarre asked for comments in favor of this request.

Curtis Holland

Mr. Holland stated this is to allow Verizon Wireless to place a communication tower on this property. Because there is an existing plan on this property, the regulations require the plan to be reviewed even though we had initial approval to place the tower there.

Commissioner Schnarre asked for comments in opposition to this request.

There was no opposition.

Commissioner Schnarre closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Boone County Fire Protection District on behalf of Verizon Wireless to revise an approved Review Plan on 2.4 acres located at 5881 S. Highway 63, Columbia.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 301-2006**

D. Receive and Accept Plats:

Newton's Glen. S10-T48N-R14W. A-2. James Miller and Erika Griesemer, owners.

Curtis E. Basinger, owner

Monticello Acres. S22-T46N-R12W. A-2. Reba Earl Kraus, owner. James V. Patchett, surveyor.

T. C. Lake Estates. S8-T46N-R12W. A-2. Terry Cole, owner. Curtis E. Basinger, surveyor.

Sunny Side Acres. S21-T46N-R12W. A-2. Sunny Side Slope LLC, owner. Neal R. Slattery, surveyor.

River Ridge Estates. S26-T46N-R13W. A-2. FES, Inc., owner. Neal R. Slattery, surveyor.

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby receive and accept the following plats and authorize the Presiding Commissioner to sign said plats:

- Newton's Glen. S10-T48N-R14W. A-2. James Miller and Erika Griesemer, owners. Curtis E. Basinger, surveyor.
- Monticello Acres. S22-T46N-R12W. A-2. Reba Earl Kraus, owner. James V. Patchett, surveyor.
- T. C. Lake Estates. S8-T46N-R12W. A-2. Terry Cole, owner. Curtis E. Basinger, surveyor.
- Sunny Side Acres. S21-T46N-R12W. A-2. Sunny Side Slope LLC, owner. Neal R. Slattery, surveyor.
- River Ridge Estates. S26-T46N-R13W. A-2. FES, Inc., owner. Neal R. Slattery, surveyor.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 302-2006**

2. Resolutions Supporting the Community Development Block Grant Application

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby authorize the Presiding Commissioner to sign the Grant application and related documents for the Community Development Block Infrastructure Grant for the Prathersville/Wagon Trail Neighborhood Improvement District.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 303-2006**

3. Purchasing

A. Second Reading Bid 58-06JUL06 Erosion Control Term and Supply

Commissioner Elkin moved on this day the County Commission of the County of Boone does hereby award Bid 58-06JUL06 Erosion Control Term and Supply to Custom Fence. It is further ordered that the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 304-2006**

B. Second Reading Bid 60-13JUL06 Micro-Surfacing Application

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby award Bid 60-13JUL06 Micro-Surfacing Application to Donelson Construction Company LLC. It is further ordered that the Presiding Commissioner is hereby authorized to sign said contract.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0 **Order 305-2006**

4. Commissioner Reports

There were no commissioner reports.

5. Public Comment

There was no public comment.

The meeting adjourned at 7:40 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