

TERM OF COMMISSION: April Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Daniel Atwill
District I Commissioner Karen Miller
District II Commissioner Janet Thompson
Director Resource Management Stan Shawver
County Counselor C.J. Dykhouse
Deputy County Clerk Mike Yaquinto

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

Resource Management

1. Request by David L, Donna M., and Joshua J. Card for a permit for a duplex in the R-S (residential) zoning district on 3.26 acres located at 7902 & 7904 Rollingwood Blvd., Columbia (P & Z agenda 2/20/14)

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their February 20, 2014 meeting. The applicant requested that it not come before the County Commission until this time.

The minutes for the Planning and Zoning Commission meeting of February 20, 2014, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on Rollingwood Boulevard, across from Northwoods

Court, approximately 2 miles to the west of the city limits of Columbia. The property is 3.26 acres in size and currently has two 'A-frame' rental units present. The property is zoned R-S(Residential Single-Family), and is surrounded by R-S zoning. This is original 1973 zoning.

The applicant is requesting a conditional use permit to construct a duplex. The existing structures are dilapidated and unattractive, and so after demolishing those pre-Planning & Zoning structures, the applicant would like to maintain the previously established two residential units on this site by constructing a new duplex. One portion of the duplex is proposed as owner-occupied, with the other open for rental. Staff notified 56 property owners about this request. The property scored 70 points on the point rating system.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

This use is comparatively non-intrusive. The property has had two dwelling units on it for more than forty years. Reconfiguration of the two dwelling units into a more

attractive form will likely improve the overall appearance of the area.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. Removal of dilapidated structures and replacement with new construction, generally improves the overall appearance of the neighborhood. Public testimony may be indicative as to whether this criterion is met.

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

The site has access to public water, electricity, and roads.

(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 property and the surrounding property have already developed in compliance with the present zoning(R-S). Public testimony may be indicative as to whether this criterion is met.

(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.

This site has direct access to Rollingwood Boulevard, a public street. Any new or improved access to Rollingwood Boulevard would be done under county permit.

(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 R-S zoning district.

Zoning Analysis: The proposed use is approvable at this site. The age and state of the existing 'A-frame' structures is such that their removal and replacement with a new structure would likely enhance the overall appearance of the neighborhood.

Replacement of that lost density with this conditional use permit is appropriate for this site.

Staff recommended approval of the conditional use permit with the following condition:

- 1) That the exterior of the new structure be consistent with a single-family dwelling rather than a traditional duplex.

The Planning & Zoning Commission conducted a public hearing on this request during their February 20, 2014 regular meeting. There were nine members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the request with the suggested condition. The motion passed with a unanimous vote in favor of the motion, so it comes forward with a recommendation for approval.

The Commissioners reviewed an aerial picture of the property.

Commissioner Atwill asked if there is anyone present that would like to speak on behalf of the applicant.

Joshua Card said that David and Donna are his parents who currently reside in Washington state and are planning on retiring and moving back to Columbia. The plan is to remove the existing structures and build a duplex where one side would be rented and the other side would be occupied by his parents. The new structure will be centered on the property. The drives will access off the current driveway so there will be no need for any new access off Rollingwood. The structure is "L" shaped and each side of the "L" is a residence and will look like a single family structure.

Mr. Card said that they are in agreement with the conditions set forth by staff. The only issue was the sewer system. We have been working with the Health Department and have been given approval of an on-site drip system. This has been settled and we are ready to go.

There were no comments or questions for Mr. Card.

Commissioner Atwill asked if there is anyone else present that would like to speak in support or against this request. There were no other speakers.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by David L., Donna M., and Joshua J. Card for a permit for a duplex in the R-S (residential) zoning district on 3.26 acres located at 7902 & 7904 Rollingwood Blvd., Columbia with the following condition:

- That the exterior of the new structure be consistent with a single-family dwelling rather than a traditional duplex.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #137-2014**

2. Request by Jeffrey and Jane Brummet for a permit for a kennel in the A-1 (Agriculture) zoning district on 10.32 acres located at 7071 S Tom Bass Rd, Columbia.

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their March 20, 2014 meeting.

The minutes for the Planning and Zoning Commission meeting of March 20, 2014 are entered into the record of this meeting.

The subject property is located near the southwestern corner of the intersection of Tom Bass Road and Highway 163, approximately 2 ½ miles to the south of the City of Columbia. It is approximately 10.32 acres in size, currently vacant, and zoned A-1 (Agriculture). The proposal is to construct a kennel facility on the property. There is A-1 zoning to the south & west, with Highway 63 to the east, and M-L (Light Industrial) zoning to the north. This is all original 1973 zoning. In 1994, the Planning & Zoning commission denied a request to rezone 3.8 acres of this property to C-GP.

The applicant is requesting a conditional use permit to operate construct a kennel. The applicant proposes to construct a small animal (dogs, cats, birds) kennel at this site. The structure will be 7500 square feet in size, and will have the space to kennel 40 dogs. There will be outside dog runs as part of the structure. Staff notified 17 property owners about this request. The property scored 53 points on the point rating system.

The following criteria are the standards for approval of a conditional use permit, followed by staff analysis of how this application may meet those standards. Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners.

(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.

Kennel facilities have the potential to be injurious to the use and enjoyment of other property in the vicinity due to the noise created by animals that are unfamiliar with each other. In this circumstance, the isolation established by the A-1 density to the south and west, the industrial/commercial property to the north, and the highway to the east may serve to limit the off-site impacts. The use of a building designed to support this conditional use permit, rather than the remodeling of an existing building, may also help mitigate the noise impacts of the kennel operation.

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

The proposed building will have a finished exterior façade. The structure should not look out of place when compared to the buildings across Highway 163. Noise impacts from this facility may be mitigated by design features of the building. Fenced areas will not appear extraordinary in this part of the county and placement of the structure towards the northeastern portion of the property, towards the highways, should also be helpful. If operated in conformance with existing county regulations, the use should comply with this criterion.

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

The subject property has access to utilities via Consolidated Public Water Service District #1 for water, Boone Electric for electrical service, and access to Highway 163 & Tom Bass Road, both publicly-dedicated/publicly-maintained rights of way.

(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 surrounding property, zoned A-1 to the south and west, has already developed into 10+ acre tracts. The property to the north, which has original 1973 zoning of M-L, will not be impacted by the establishment of this conditional use permit.

(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.

Access will be available to Highway 163 & Tom Bass Road, both public rights-of-way. The Missouri Department of Transportation will be the permitting agency for points of access. The proposal is for a 'day-care' type facility with boarding, where drop-off/pick-up traffic may be significant. The location at the corner of Tom Bass & Hwy 163 allows for enhanced access as determined by MoDOT to allow for traffic to flow efficiently.

(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-1 zoning district.

Zoning Analysis: This proposal for a kennel facility is reasonable for this location. Being located at an established commercial/industrial node, as identified by the Boone County Master Plan, the more commercial feel of this proposal fits with the properties to the north. The other surrounding properties are zoned as agricultural. The low density of development in the surrounding properties allows for substantial physical separation of residences from this use and that, combined with proposed design features of the structure, should help to mitigate any negative off-site impacts.

Staff recommended approval of the conditional use permit with the following conditions:

- 1) That development of this site is done in compliance with the requirements of the Boone County Resource Management-Building Inspections division & the Boone County Fire Protection District.
- 2) That the on-site wastewater system proposal be found satisfactory to the Boone County Regional Sewer District, the director of Boone County Resource Management, and the Columbia/Boone County Health Department.

The Planning & Zoning Commission conducted a public hearing on this request during their March 20, 2014 regular meeting. There were eight members of the commission present during that meeting.

Following the public hearing, a motion was made to recommend approval of the request with the suggested condition. The motion passed with a unanimous vote in favor of the motion, so it comes forward with a recommendation for approval.

Commissioner Atwill asked if there was any input from the property owners who were notified of this request.

Mr. Shawver said there was one inquiry from a property owner to the north of Hwy. 163 just asking about the nature of the request for permit on the land.

Commissioner Thompson asked how the score of 53 points was determined.

Mr. Shawver said that it was based on several things, noting it is next to a numbered highway, it has a 12" water line across the front of the property, it is not in a flood plain and it is within approximate distance of the City of Columbia.

There were no questions concerning the staff report.

Commissioner Atwill asked if there is anyone present that would like to speak on behalf of this request.

Kevin Murphy from A Civil Group said he is here with Jacob Brummet, the son of the owners of the property. Jacob will be involved with this project and has many years dealing with animals. The Brummet's sent out letters to all the neighbors explaining this request and have received positive feedback.

Commissioner Miller asked how far off the road will the building be located.

Mr. Murphy said that there is a 50 ft. set back, so it will be a minimum of 50 feet and will be further at Hwy. 163 because that is where the parking will be.

Commissioner Thompson asked about the outdoor dog runs and the fencing.

Jacob Brummett said that everything will be contained indoors that is overnight. There will be seven indoor/outdoor runs, and for overnight, everything is indoors. The runs outside are just for exercise during the day and are fenced.

Mr. Murphy said that this will not only be a kennel, but the main focus is an animal day care facility. Market research shows a need for this type of service. It is a perfect location. Most other facilities are in Columbia or further north. This is right off the highway and because of this, we do not envision any noise concerns.

Mr. Brummett said that they have looked into many sound absorbing materials for both the outside and inside of the building.

Mr. Murphy said that they also agree with the staff recommendations.

There were no further questions for Mr. Murphy and Mr. Brummett.

Commissioner Atwill asked if there is anyone else present that would like to speak on this issue. There were no other speakers.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by Jeffrey and Jane Brummet for a permit for a kennel in the A-1 (Agriculture) zoning district on 10.32 acres located at 7071 S Tom Bass Rd, Columbia with the following conditions:

- That development of this site is done in compliance with the requirements of the Boone County Resource Management-Building Inspections Division & the Boone County Fire Protection District.
- That the on-site wastewater system proposal be found satisfactory to the Boone County Regional Sewer District, the Director of Boone County Resource Management, and the Columbia/Boone County Health Department.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #138-2014**

3. Clearview Plat 8 (preliminary plat). S24-T49N-R13W. R-M. Mila Properties LLC, owner. J. Daniel Brush, surveyor (report only)

Stan Shawver said that during the review of the subdivision regulations, the Commission requested that preliminary plats be presented to the Commission in addition to the Planning & Zoning Commission before final presentation by staff. This would allow the Commission to get a look at the request before it was presented for final action by the Commission. This is a report only on the impending proposal.

Mr. Shawver said this is a five acre tract which fronts on Clearview Drive. It previously had a preliminary plat about seven years ago, but when the economy had a downturn, the owners were not able to follow through with their request.

This proposal is to develop 5 acres into 16 lots with duplexes on each lot. They will need to build some streets and it is anticipated they will do this in phases.

Commissioner Miller asked if Clearview can handle 32 additional sites in addition to what is already there.

Mr. Shawver said it could. There was no requirement for a traffic study as it had already been previously approved. There is no definite timing on this proposal. This is just a head up for the Commission.

There were no further comments or questions.

4. First reading; Cooperative Agreement between Boone County and City of Ashland-Angel Lane Improvement/Repair

Commissioner Miller said that the Commissioners have been advised on this issue in previous meetings.

There were no further comments or questions.

Commissioner Atwill stated this is a first reading and requested the Deputy County Clerk to schedule this item for a second reading at the next available commission meeting with appropriate order for approval.

5. Second reading; Consultant Services Agreement for the SWPPP at CEMO (1st read 3-25-14)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Consultant Services Agreement with A Civil Group to develop an Erosion & Sediment Control Plan and Storm Water Pollution Prevention Plan, conduct site inspections and coordinate activities between contractors.

It is further ordered the Presiding Commissioner is hereby authorized to sign the attached Consultant Services Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #139-2014**

6. Second reading; Adoption of the Boone County Building Code (1st read 1-16-14)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby adopt the Boone County Building Code, including: the International Building Code/2012; the International Residential Code/2012; the International Plumbing

Code/2012; the International Mechanical Code/2012; the International Fuel Gas Code/2012; and, the National Electrical Code/2011.

All codes are adopted as amended, including appendixes and referenced standards, as recommended by the Boone County Building Code Commission and as shown in the attached amendments. All previous versions of the Boone County Building Code are considered to be repealed on the effective date of the code.

This order to take effect April 2, 2014.

Attachments:

1. Notice of County Commission hearings scheduled for 2/25/14, 2/27/14 and 3/6/14, affidavit of publication from Columbia Daily Tribune newspaper.
2. Notice of County Commission hearings, scheduled for 2/25/14, 2/27/14 and 3/6/14, affidavit of publication from Columbia Missourian newspaper.
3. Affidavit of posting employee of posting here in Government Center.
4. Affidavit of posting employee of posting at Centralia City Hall.
5. Affidavit of posting employee of posting at Hallsville City Hall.
6. Affidavit of posting employee of posting Ashland City Hall.
7. Minutes from 2/25/14 County Commission meeting showing the public hearing was opened for the amendment and adoption of the Boone County Building Code as indicated above.
8. Minutes from 2/27/14 County Commission meeting showing the public hearing was opened for the amendment and adoption of the Boone County Building Code as indicated above.
9. Minutes from 3/6/14 County Commission meeting showing the public hearing was opened for the amendment and adoption of the Boone County Building Code as indicated above.

10. COMPLETE copy of the amendments to the Boone County Building Code, including: the International Building Code/2012; the International Residential Code/2012; the International Plumbing Code/2012; the International Mechanical Code/2012; the International Fuel Gas Code/2012; and, the National Electrical Code/2011.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #140-2014**

Commission

7. Second reading; Budget Revision to cover expenses at CEMO for compliance with land disturbance activities (1st read 3-25-14)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the following budget revision to cover expenses related to bringing the Central Missouri Events Center into compliance with land disturbance activities.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
2120	71100	Fairground Maint. Fund	Outside Services		8,200
2120	71101	Fairground Maint. Fund	Professional Services		5,060
2120	86850	Fairground Maint. Fund	Contingency	13,260	
				13,260	13,260

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #141-2014**

8. 1st & 2nd reading; Reappointment of Betty Wilson to the Senior Citizen Services Corporation

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby re-appoint the following:

Name	Board	Period
Betty Wilson	Senior Citizen Services Corporation	March 22, 2014 through March 22, 2017

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #142-2014**

9. 1st & 2nd reading; Reappointment of Robert Bailey to Boone County Family Resources

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby re-appoint the following:

Name	Board	Period
Robert Bailey	Boone County Family Resources	March 22, 2014 through March 22, 2017

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #143-2014**

Commission

10. 1st & 2nd reading; Organizational use of the Government Center Chambers and Courthouse Plaza by Stephanie Stenger and Jason Lampkins for October 3, 2014 and October 4, 2014.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers and Courthouse Plaza by Stephanie Stenger and Jason Lampkins for October 3, 2014 from 5:30 p.m. to 8:00 p.m. and October 4, 2014 from 7:00 a.m. to 8:00 p.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #144-2014**

11. Public Comment

None

12. Commissioner Reports

Commissioner Thompson said she would like to recognize two outstanding members of our community who have given a lot of their time and talents. Betty Wilson and Robert Bailey, who have just been re-appointed to their respective Boards do a remarkable job and the county is very fortunate to have people like them.

Commissioner Miller said that there is a need to formally recognize these board members who contribute so much to the community. Commissioner Miller said that she will look into the possibility of a recognition event some time later this year.

There were no further Commissioner Reports.

The meeting adjourned at 7:37 p.m.

Attest:


Wendy S. Noren
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Karen M. Miller
District I Commissioner



Janet M. Thompson
District II Commissioner