

TERM OF COMMISSION: March Session of the January Adjourned Term

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

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

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

Resource Management

- 1. Public Hearing and Petition submitted by the Keithahn Living Trust, Arrowhead Lake Estates Homeowners Assoc. Inc and 3WT Properties LLC for permission to vacate and re-plat Lots 20 and 37 of Arrowhead Lakes Estates Subdivision as shown in Plat Book 28, Page 99 of Boone County Records and Lot 1, Deerfield Ridge Plat 1 as recorded in Plat Book 34, Page 76 of Boone County Records.**

Stan Shawver said this is a petition to vacate and re-plat. The petitioners are Keithahn Family Trust and Arrowhead Lake Estates Homeowners Association. 3WT Properties are the owners of lot 20 and the Deerfield Ridge Plat 1 and lot 37 is owned by the Arrowhead Homeowners Association. They are requesting permission to vacate those three lots and then join into a development. The properties are all zoned A-2. Lots 20 and 37 were plated in 1994 and Deerfield Ridge Plat 1 was plated in 2000.

According to Subdivision Regulations 1.8.1.2, the County Commission is ordered to conduct a public hearing to determine that the vacation will not adversely affect 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 within the subdivision, public utility facilities and services, and 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.

Commissioner Miller asked that if this is approved tonight, what the next steps are so that everyone can understand what will happen after approval.

Mr. Shawver said that this would clear the lots out and the order states that the vacation does not take effect until a re-plat is submitted that complies with the zoning and subdivision regulations. This is an A-2 area of land and the lots would have to be a minimum of 2.5 acres in size.

Commissioner Miller said that if this is not vacated tonight and not allowed to re-plat, they can still do 2.5 acres on everything. This is to make sure all options are known in the event the Commission denies the request.

Mr. Shawver said that is correct. Also, the way the Deerfield and common lots are situated, it restricts access to the property and development and will make it difficult to develop.

Commissioner Miller asked where Lake Sundance is and how large are the lots there.

Mr. Shawver pointed out the lake and said those lots are A-1 and are 10 acres. The original Deerfield Ridge lots are 2.5 acres and the new ones are now within the city limits and are smaller.

Commissioner Miller asked about the access points and verification that it is 50 households before a second access is required.

Mr. Shawver said they hope to have an access out to Arrowhead Road and a secondary access off Route K and yes, it is 50 households before a second access is required.

There were no further comments or questions at this time.

Commissioner Atwill asked for a show of hands those that are for this request and those opposed. There were no persons in attendance that were opposed to this request.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

David Butcher said he is with Crockett Engineering and is representing Steve Keithahn. The whole purpose of this request is for a re-plat of property purchased by Dr. Keithahn which he did to protect himself. There was speculation, when this was for sale, that it was going to be annexed into the city and become high density along with all other types of discussions on the final outcome of this property.

This was purchased with the hopes they could mimic what is going on at Arrowhead Lake Estates. (Mr. Butcher reviewed the overhead map and what lots would be included with the development)

Commissioner Miller asked why all the lots were not included.

Mr. Butcher said he can't control who comes in and who doesn't. That is up to the Homeowners Association.

The property sewer system is with the Boone County Regional Sewer District who has a territorial agreement with the city. We are working with the District to get this so it is not annexed into the city and can be with the BCRSD. This will pave the way for this development to be along the same lines as Arrowhead Estates. (Mr. Butcher reviewed a map

of the area with the Commissioners detailing the lots and the access point for those lots)

We have the sewer and the utilities as well as the support of the neighbors to make this a viable request.

Commissioner Atwill said that since there is no opposition to this request, those that wish to speak on behalf of this request, come up, one at a time, sign in, and let us know your thoughts.

Keith Miller said he is a member of the Board of Directors of the Association and are in support of this request. The Keithahn's have done their homework and in a straw vote, we have over 75% that are willing to support this change. Our request is that this is approved.

David Shorr said he resides on Arrowhead Drive and is in support of this and would appreciate that the Commission does as well.

Kristen Jeffries said she lives in Deerfield Estates and was given a plat map to share with those in Deerfield Estates. There was nothing negative said concerning this request and we are in favor of the development.

Nick Peckham said he once owned all this property. He had a number of possible buyers, most of whom wanted to build like what we have on the south side of Route K, a density of houses. Many of you know how I feel about the environment, sustainability and natural resources and I think what Steve is proposing to do is a very good idea and he has my support.

John States said his is a member of the Homeowners Association and it is important that everyone knows the work that the Keithahn's have done. They did a great job getting everyone together and did their homework. They met with all the neighbors and I am in support of this request.

Matt Bennett said he would like to ask what determines whether or not a property can be annexed into the city or stays within the county.

Stan Shawver said that the City of Columbia has a policy that if you are going to connect to their waste water sewer system, you must sign an annexation agreement or a pre annexation agreement to come in. These connection agreements are negotiated with the city. There is no cookie cutter agreement, no two are alike.

Mr. Bennett asked if there is no certainty this would stay in the county.

Mr. Shawver said it is not certain. That is up to the developers. They may decide to leave it as it is.

Mr. Bennett asked what that means.

Mr. Shawver said that as mentioned earlier, the plat is not vacated until the re-plat is approved. Lot 20 and 37 and Lot 1 in Deerfield will remain the same until then. No one can make them annex.

Mr. Bennett said assuming there is no opposition, will this be a county property.

Mr. Shawver said he cannot answer that.

Mr. Bennett asked whether the deal is over if it is annexed into the city. The development won't happen.

Mr. Shawver said that is something you would have to ask them.

There were no additional speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller said she would like to submit a letter received from residents concerning Lake Sundance. They are concerned about the liability on the lake. As this goes forward, the lots that abut Lake Arrowhead, there is some concern about separation so that there are no liability issues for Sundance. They are supportive of this, but have concerns.

There were no further comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by the Keithahn Living Trust, Arrowhead Lake Estates Homeowners Assoc. Inc. and 3WT Properties LLC for permission to vacate and re-plat Lots 20 and 37 of Arrowhead Lakes Estates Subdivision as shown in Plat Book 28, Page 99 of Boone County Records and Lot 1, Deerfield Ridge Plat 1 as recorded in Plat Book 34, Page 76 of Boone County Records.

Said vacation is not to take place until the re-plat is approved.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #92-2016**

- 2. Public Hearing and Request by Keeven Columbia LLC on behalf of Smarr Family Farms to rezone 127.29 acres more or less, from the following: Tract 1- 72.27 acres of R-S (Single Family Residential), 26.19 acres of REC (Recreation) and 8.08 acres of R-M (Moderate Density Residential) to A-1 (Agriculture); Tract 2 – 12.50 acres of REC (Recreation), 3.71 acres of R-M (Moderate Density Residential) and 2.03 acres of A-R (Agriculture-Residential) to M-LP (Planned Light Industrial); Tract 3 - 2.51 acres of REC (Recreation) to M-LP (Planned Light Industrial) and approve a Review Plan for Smarr Family Farms Planned Development, all located at 4949 W I-70 Dr NW, Columbia.**
 - **Commission Order to Rezone**
 - **Commission Order for Review Plan**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their February 18, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of February 18, 2016, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The Planning & Zoning Commission conducted a public hearing on this request during their February 18, 2016 regular meeting. There were seven members of the commission present during the meeting.

The subject property is located on the north side of I-70 Drive Northwest just west of the Columbia City limits and east of Perche Creek. The property is currently being used for agricultural purposes. It is also occupied by an 80' x 120' steel building.

The current zoning of the property is R-S Single Family Residential (72.27 acres, REC Recreation (41.2 acres), A-R Agriculture Residential (2.03 acres) and R-M Residential Moderate Density (11.79 acres).

Adjacent zoning is as follows:

- North A-2
- East R-S/R-M
- South A-R, R-M
- South of I-70 REC, M-L, City of Columbia R1
- West R-S and A-2

Previous zoning requests include 5-acres of R-M to A-R in 1986, which was approved and 38 acres of R-S to REC in 2000, which was approved.

The request has been broken down into three tracts:

Tract 1 is 106.54 acres. The requested zoning is A-1 Agriculture. As an open zoning district the owner would have the right to any use allowed in the A-1 District. The applicant has indicated an intent to conduct agricultural uses and top soil mining. The top soil mining operation will require approval of a conditional use permit that can only be approved after additional public hearings with notice to neighbors within 1000 feet.

Tract 2 is 18.24 acres. The requested zoning is M-LP. The requested allowed uses for this tract are agriculture and composting/mulching.

Tract 3 is 2.51 acres and contains the existing building. The requested zoning is M-LP. The requested allowed uses for this tract are contractor storage and office.

The proposed plan also identifies several "Future Uses." Those are uses identified by the proponent that are desirable to them in the future. They are not appropriate now due to lack of infrastructure. The note is advisory only, in that approval of this plan does not result in approval of those uses on this property. When the infrastructure issues are resolved, those uses can only be approved if the developer submits a revised review plan and rezoning application. Then the Commission and County Commission can consider those uses as part of a public rezoning process.

The Master Plan designates this property as suitable for residential land use. 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 sufficiency of resources test provides a "gate-keeping" function. Failure to pass the test should result in denial of a request. Success in passing the test should allow the request to be considered and evaluated based on accepted planning principles.

The resources typically used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Access issues

The property has frontage on and direct access to I-70 Drive Northwest. That road is maintained by Missouri Department of Transportation. MoDOT was notified of this request, attended the pre-submittal concept review meeting and was given the opportunity to comment on the request. MoDOT did not indicate any objection to the application other than to state that a permit will be required for any work that is to be done in the right of way.

Water Service/Fire Protection (if applicable)

The property is in the Columbia Water and Light service area. There are also two private wells on the property. There is insufficient water available to the property to provide fire protection uses.

The existing 12,000 square foot structure on Tract 3 is the only structure on the property and, for purposes of the current proposed development plan, fire protection requirements will pertain specifically to it. The Boone County Fire Protection District has approved a plan to install a two hour fire wall between the office and the shop. Fire protection will be addressed in this manner until such time as fire flow is available at the property.

Sewer

There is a City of Columbia sewer main at the property. The City normally requires annexation as a condition of sewer service. However, the property is not contiguous with the city limits. The applicant has submitted an annexation agreement application to the City. The Columbia City Council has not acted on that application. If the annexation agreement is not approved there is sufficient land area for on-site wastewater disposal. A condition of approval requiring resolution of the sewer issue will appear in the

recommendation section of this report.

Zoning Analysis:

The breakdown of requested zoning changes is as follows:

- REC to A-1 26.19 acres
- R-S to A-1 72.27 acres
- R-M to A-1 8.08 acres
- Total to A-1 106.54

- REC to M-LP 15.01 acres
- R-M to M-LP 3.71 acres
- A-R to M-LP 2.03 acres
- Total to M-LP 20.75 acres

Neighboring land uses in the area include agriculture and residential. There is an undeveloped subdivision adjacent to the east that is zoned for residential use. There are approximately 16 single family dwellings within 1,000 feet of the property. Since the subject property has been used primarily for agriculture, the rezoning of Tract 1 to A-1 should not create any conflicts with existing land uses. An additional benefit of rezoning Tract 1 is to maintain open space and preserve agricultural uses which aligns with policies in the City of Columbia Master Plan and Boone County Master Plan respectively.

The majority of the land being requested for M-LP is zoned Recreation. Recreation is similar to a commercial zoning district that allows a range of recreation oriented commercial uses that could generate traffic, noise and exterior lighting impacts. Conditional uses in the REC district include restaurants, race tracks, shooting ranges and travel trailer parks.

The use of planned districts is a tool that can be used to mitigate impacts to surrounding land uses. The proposal limits the uses allowed on Tract 2 (18.24 acres) to composting, mulching and agriculture. The area where composting is allowed is shown on the plan with a containment berm and a collection area for the runoff.

The impacts of the composting operation such as odor and water quality can be influenced by the type of material being composted and the manner in which runoff is handled. Notes on the plan limit the type of material used for composting to horse manure, cow manure and yard waste. An engineered design for handling runoff is also stipulated in the notes. A recommended condition of approval is contained in the recommendation section of this report to ensure that the design notes are complied with.

The future land use map in the Master Plan identifies this property as suitable for residential land use. Comments from the City of Columbia indicate its Master Plan identifies the property as Greenbelt/Open Space and does not support Industrial Use. It should be noted that all of the property is within the 100-year flood plain and approximately 85-acres is in the floodway. Rezoning of 106 acres from recreation and residential zoning districts is recognition that the land is not well suited for residential use. It will also promote the retention of open space and result in a net increase in land retained for agricultural use, which is an objective of the County Master Plan.

The property scored 68 points on the rating system. Staff notified 37 property owners about this request.

Staff recommended approval of the rezoning and review plan as submitted February 18, 2016 and presented to the Planning and Zoning Commission subject to the following conditions:

1. Prior to approval of the Final Plan the developer shall submit a copy of the permit for

the composting operation from Missouri Department of Natural Resources or a letter from MDNR stating that a permit is not required.

2. If MDNR does not require a permit, the developer shall submit documentation from a Registered Professional Engineer licensed to practice in the State of Missouri to prove compliance with the Composting and Irrigation Notes on sheet C301 of the Review Plan.

3. Modify the Stream Buffer Statement on page C101 of the review plan to state that the stream buffer extends 100' each side of the creek from the ordinary high water mark, not the center of the creek.

4. Prior to final plan approval the applicant shall submit an approved copy of the annexation and sewer connection agreement from the City of Columbia. If the connection is not approved the applicant shall provide documentation that an on-site wastewater system has been approved by the Health Department.

Following the public hearing, a motion was made to recommend approval of the rezoning request and the review plan with staff conditions. That motion was approved by a vote of 5-2, so the request comes forward with a recommendation for approval.

Are there any questions about the staff report?

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Jay Gebhardt said he is a Civil Engineer with A Civil Group and is representing the requester. This request is a compromise by the down zoning of the Recreational, the R-S, R-

M and A-R to A-1 in exchange for the M-LP zoning. The M-LP zoning sounds scary, but the key here is that it is a planned district and the uses we are asking for are limited. Of the 20 acres zoned M-LP, three acres will be used for soil excavating, an office and shop. This is not unlike the current existing use of the building which is full of agriculture equipment for the sod farm. The remaining acres will be used for farming and composting. The crux of the problem with the neighbors appears to be the composting.

Mr. Gebhardt said that is his presentation and would like some rebuttal time after the opposition has spoken. Commissioner Atwill granted Mr. Gebhardt his request.

The Commissioners had no questions at this time and Commissioner Atwill asked if there is anyone else that would like to speak on behalf of this request. There were no further speakers and Commissioner Atwill asked if there is anyone present that would like to speak in opposition to this request.

George Garner said he owns five lots to the south end of the Percy Bluff Estates each of which extends into the 100 year flood plain at Perche Creek. To the east there is an 80 foot bluff and on top of that is some pasture land for cattle.

I have been at this location since 1973 and have seen and heard various activities in the flood plain over the years such as gun fire during target practice and baseball games. The bluffs will not keep the noise from the truck traffic down and the safety of the roads from the proposed activity in the flood plain that requires large trucks is in question. The surface of I-70 NW is in poor condition as well. The A-1 zoning for the total tract would be best for all concerned and not the open ended plans before you tonight.

Allen Garner said he is an attorney in Independence, MO and is here tonight on behalf of his father, George Garner, and several of his neighbors to point out a few differences with this proposal tonight.

There are several slides that are presented along with my presentation as we go along. The first is the need to follow a Master Plan and the purpose of zoning is to use a suitable district taking into consideration the area and uses in that area. The City of Columbia does not project any industrial use in the area and they are very concerned with protecting string corridors and have suggested this is not an appropriate use in this place. Columbia is in a catch 22 if there is an annexation agreement to allow them to hook-up and if they get to that point which allows a zoning to occur, they have allowed something that is contrary to their Master Plan in an area that should be green and the alternative that is proposed is surface application and some type of contained process and all of that would take place next to a flood plain.

The other thing to remember in terms of the general zoning application is that this is an industrial zoning and you need to separate the zoning from the plat. The zoning is Light Industrial with all the possible uses permitted in that zone. With the P addition, you need to come back for a plan, but once you give that zoning, it is attached to the two tracts they asked for and any future owners can come back and say idea A was not good and now want idea B and the list to pick from is the entire list in the zoning code for Light Industrial.

Also, another problem with this site is that zoning uses buffering and screening to shelter different uses from each other. This is not practical in this case. Driving down I-70, especially now without leaves on the trees, you can see the building. This is also true from the east as well. Because of the elevation there is nothing to apply those (buffering and screening) to this. I can't emphasize enough that the grant of the zoning will go with the land. If the land is sold, the zoning would go with it.

I would like to point out there seems to be a number of conditional items to carry out this proposal such as obtaining a 404 permit, a land disturbance permit as well as rectifying the fire suppression problem. The fix is to fire proof the building to a higher level which still does not make it fire proof.

Regarding infrastructure, there is a very narrow front which balloons back into the 127 acres. The access point is very small and with the slope at 80 feet, the trucks going up that elevation difference will contribute to the noise factor in the area. (Mr. Garner continued to show various slides continuing with pictures of flooding in the area)

There is also a wetlands description specifying remediation if touched and also prohibitions about disturbing the area. In addition, there are a number of acres with various soil types and since part of this will be soil harvesting, there will be soil changes. There is also a chart that displays the frequency of flooding within different parts of the proposed area showing that 96.2% of the area floods at any one time which is not a place to build a building or structure, let alone an industrial park.

A slide displaying the MoDOT Functional Classification System of Roads within Columbia highlighted the fact that roads are classified differently by different agencies. The portion of I-70 NW Drive in question is not classified as a collector road and is no wider than when it was originally put in. They are already experiencing heavy truck traffic due to it being used as a bypass due to several construction projects. Projections show another 60 to 70 dump trucks per day. There is not much shoulder on the road and guardrails have been put up in some areas. The Sorrels bridge overpass is rated a 3 on a scale of 2 to 9 by MoDOT with 9 being a new bridge. A 4 rating is where part of the bridge is in critical condition and we know there are no funds to fix this and the Scott Blvd. extension is not a reality.

To recap, there is not enough water, the roads are narrow, there will be additional usage of an overpass that is in critical condition and there is no fire suppression.

It was stated that this is a compromise. It is actually a compromise between owners, not a compromise between those who live next to it and those who want to develop. This appears to be a one party compromise. Agriculture is the most appropriate zoning and preserves the neighborhood and addresses environmental concerns.

Janet Krause said she is a nearby property owner and a realtor for over 30 years. The pungent odor and traffic noise will decrease the value of our property and surrounding properties. Most of our land abuts the land to be re-zoned, included is the private land zoned residential, some of it is mine, some of others. Buyers will not be interested in building any homes within ½ mile or more of a large horse manure compost. If zoning is industrial, the city will not want to annex it in the future.

John Relles said he resides on Gibbs Road where it makes a 90 degree turn to the south. It is one of the highest points in the area and overlooks the entire property. I can hear a tree fall or a gunshot and anything else that happens down there. There will be a noise factor when running dump trucks, tub grinders and loaders. It will have quite an impact with an industrial area next to a residential area.

The only way out right now is using I-70 NW. One could say it is maintained by the state, but if one has driven this road recently, it is not being maintained along with the Sorrels overpass bridge which has to be the worst bridge in the county. Traffic gets backed up because cars and trucks can't pass at the same time on this bridge. It is my belief that the Scott Blvd. extension will happen quicker than expected because when the bridge collapses, the state will find the money to do the extension. When that happens, there will be no access to I-70 NW and the traffic will be directed through the middle of Perche Bluff Estates. That will be the only access and all those trucks, 60 to 80 a day, will be going right through the neighborhood.

Finally, if you want to see the impact that trucks will have on the road, you just need to drive across the creek, onto Earthland Road, where Mr. Smarr has his business now, and you will see from his property, to Hwy. 40, tremendous potholes and sunken and uneven pavement. This not only impacts safety, but the money required to fix these roads.

Commissioner Miller said she did not understand that if Sorrels overpass goes away, all traffic would have to go through the neighborhood.

Mr. Relles said there will not be an I-70, and it will all come right through Perche Bluff Estates.

Commissioner Atwill asked why one could not go from the area of the overpass all the way to Stadium Blvd on I-70 NW.

Commissioner Miller said even if the construction lead traffic in that direction, it is a long way off and there would be many public hearings on this because of concerns with traffic going through a neighborhood.

Anthony Holmes said lives he in the neighborhood and his main concern is the traffic. He has two daughters attending Hickman and they use this outer road because it is the main access. It is a roller coaster through there with a speed limit of 45 mph, but because of the hills, one can go much slower or faster. There are several subdivisions and a church that empty onto the road and with no median or shoulder that go down to ditches on both sides, up to 20 feet in some areas.

The traffic starts before 8:00 a.m. with heavy concrete and gravel trucks. There are also all the school busses as well. The road is in such bad shape at the edges that it is a necessity to gravitate toward the middle of the road to avoid the steep drop offs. There are no sidewalks and there are bikers which add to the safety concern. This property is not ready because of the current infrastructure. I bought residential and didn't think it would go to industrial, especially this close to the city and with a new park going up across the road.

Commissioner Miller said a good portion of this is zoned Recreational and asked Mr. Shawver for the options on this type of zoning.

Mr. Shawver stated some of the permitted uses for the zoning of REC such as agriculture, golf range, marina, skating rink, swimming park, shooting preserve, skeet shooting range, restaurant, cafeteria and drag strip.

Commissioner Miller says she recalls that the reason for the original zoning was for ball fields.

Mr. Shawver said that was discussed, but the primary reason was for basketball and tennis courts.

Commissioner Miller said that the current zoning could also create some traffic concerns.

Mr. Holmes said he understands that as well as the dangers of that type of zoning.

Commissioner Miller said that a shooting range or drag strip would be much more disruptive than what is being proposed now.

Steve Sheriff said he is a life-long friend of the Krause family. He has worked with them for the last eight months tending to their land that is adjacent to this property and am here tonight to speak against the re-zoning. He has lived and worked on a farm, taking care of horses and can say that the manure does smell and can become very overwhelming.

The land in question is in the Perche Creek flood plain and the soil is alluvial in nature and saturated with water and within a wetlands area. These areas are restricted. It is said that the 100 year flood plain will protect the operation, but how many times have we seen a 100 year flood in the last 20 years. Since 1993, there have been many. If the zoning is granted, there are many uses and how will these uses, along with the composting, affect the water, runoff and ground water of the Perche Creek drainage. Think of the potential ramifications. Who will be responsible for the contamination of the water wells. I am concerned and I live three

miles down the road and for that, I am opposed to this request.

There were no other speakers opposing the request and Commissioner Atwill asked Mr. Gebhardt if he would like to exercise his request for rebuttal.

Jay Gebhardt said he would like to go through some of the things that were stated. There seems to be a misunderstanding. This is for industrial use because of the composting and the soil harvesting. These are the only uses we are asking for and to have any other use we would have to come back before the Commission. There is some confusion that when it is zoned industrial, all the uses for that type of zoning are available to us. That is true regardless, any piece of property could have multiple uses based on the zoning.

The compost area will be filled above the 100 year flood plain and will be protected by a berm to minimize water into this area. If water did fall in the compost area, it will be collected in a holding basin that will be designed to hold average rainfall for 6 – 12 months. This will be used to irrigate the crops during the summer.

There is also some confusion concerning the 100 year flood plain. The fringe can be filled with no limitations whereas there can be no fill in the floodway. This floodway is all be re-zoned A-1. We don't propose to do anything in there but farm and then come back to Commission for a Conditional Use Permit to harvest the topsoil.

When I said compromise, that was the incorrect wording. My gauge on that is not how it is being used today, but how it could be used under existing zoning. What are the rights of the property owners and how they could develop that and the impact of that. Scott Blvd. extension will change the neighborhood. It is so far in the future it was only brought up to show our re-zoning would still be acceptable if that were to occur.

I looked at the MoDOT traffic crash report for 2009-2015, a seven year span where there were six crashes on I-70 NW. Three of these occurred during the Stadium Blvd. construction when this created large volumes of traffic on this road. One was over by the Sorrels overpass and two were at a location much further east than this property. I don't know if six is a lot or not, but it shows that crashes do occur on this road, but no reported truck involvement. I understand the fear of trucks, but these are professional drivers.

Current zoning has the potential to create more noise than what we are proposing. Ball fields, target shooting and camping trailers can create a lot of noise. We don't propose to have offensive lighting of the kind that a ball field would have. We will have no lights.

I understand the property value argument, but the current zoning has an equal undesirable effect on these values as well.

The infrastructure for the water does support the usage we propose and the Fire District concurs with that and only for the usages we propose.

Concerning wetlands and flood plains, all this work we do must be permitted by the state and county along with land disturbance permits. We are also required to obtain permits from the DNR for the irrigation and composting.

The Smarr operation is an excavation business where people will arrive early and then leave the site. There are a few office personnel and that is it. The topsoil operation, a future operation requiring a CUP will involve two trucks and is a seasonal operation.

Commissioner Miller said the topsoil operation will not happen until the future and there is no guarantee the CUP will be granted. In terms of what we have today, that is 20-22 employees, with a total of 44 cars for a round trip and the trucks for the composting. The compost will be in containers and how many would that be per day.

Mr. Gebhardt said it is about 20 each month, about one per day.

There were no further comments or questions.

Commissioner Atwill closed the public hearing and asked for discussion.

Commissioner Miller asked Stan Shawver that if this is approved tonight, would the planned M-LP have to come back with a plan.

Mr. Shawver said that the review plan is included for tonight.

Commissioner Miller asked if it is just limited to the composting.

Mr. Shawver said it is.

Commissioner Atwill said we are always confronted with what is the best use of land in re-zoning issues. I have been to see this property and am aware of the bluff on the east side of the property which, as explained earlier, there would be more noise because of its height, it might also be a benefit in being as close to anything that is noxious that might evolve out of it which I think would be very little.

It appears to be very difficult to figure out what that property should be used for. If it had been developed as a ball field, there certainly would have been lots of traffic. There also is no way it would be developed for industrial because of the potential flooding. It actually has not been flooded for a long time, since 1993 I believe.

We are very aware of the MoDOT problems with the improvement of our roads. The access road is a state road and they are responsible for that part of the road and the bridge referenced. We would like to see the road and bridge improved. In fact, there are a lot of roads and bridges in the county that need serious attention. We have regular meetings with MoDOT about this very thing and you are correct, it will not happen very soon. Eventually,

hopefully, there will be major improvements on that particular road and that particular bridge.

My consideration is that the Planning & Zoning Commission has heard this issue. We have a good P & Z Commission. They were in favor in moving ahead with it and I think we have to have something very significant to change that tract once the P & Z Commission has agreed that this is an appropriate thing to do. I would hold that to a high standard of an objection and I don't see that here tonight. All of you have good points and taken with all seriousness, but I am going to agree that it should be re-zoned for these reasons.

Commissioner Miller said this is a good use of this property. I like that it is going back to agriculture and even in the long term, if there was to be harvesting of dirt, it is seasonal, it's a limited time with limited trucks, so, I don't see it any more onerous than when they were working on Stadium Blvd. and traffic was re-routed to I-70 NW. I support this request.

Commissioner Thompson said she has friends that have lived on Gibbs Road for the past 40 years and she is aware of that valley because these friends have hunted down there for some time. I think, as Commissioner Atwill has pointed out, the rise will keep some of the noise and whatever smell that may arise, should there be any, minimizing the affect on the houses built on the top of the bluff.

As Commissioner Miller noted, the kind of usage the current zoning leaves the land open to, this is probably the best use to which it could be put. Therefore, I too approve moving forward and I think the protections suggested by staff will lend themselves to the protection of the land in terms of the ecological impact of their activities.

There were no further comments or questions.

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby **approve** the request by Keeven Columbia LLC on behalf of Smarr Family Farms to rezone 127.29 acres more or less, from the following: Tract 1- 72.27 acres of R-S (Single Family Residential), 26.19 acres of REC (Recreation) and 8.08 acres of R-M (Moderate Density Residential) to A-1 (Agriculture); Tract 2 – 12.50 acres of REC (Recreation), 3.71 acres of R-M (Moderate Density Residential) and 2.03 acres of A-R (Agriculture-Residential) to M-LP (Planned Light Industrial); Tract 3 - 2.51 acres of REC (Recreation) to M-LP (Planned Light Industrial) all located at 4949 W I-70 Dr NW, Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #93-2016**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by Keeven Columbia LLC on behalf of Smarr Family Farms for a Review Plan for Smarr Family Farms Planned Development on 20.75 acres, more or less, located at 4949 W I-70 Dr NW, Columbia, subject to the following conditions:

1. Prior to approval of the Final Plan the developer shall submit a copy of the permit for the composting operation from Missouri Department of Natural Resources or a letter from MDNR stating that a permit is not required.
2. If MDNR does not require a permit, the developer shall submit documentation from a Registered Professional Engineer licensed to practice in the State of Missouri to prove compliance with the Composting and Irrigation Notes on sheet C301 of the Review Plan.
3. Modify the Stream Buffer Statement on page C101 of the review plan to state that the stream buffer extends 100' each side of the creek from the ordinary high water mark, not

the center of the creek.

4. Prior to final plan approval the applicant shall submit an approved copy of the annexation and sewer connection agreement from the City of Columbia. If the connection is not approved the applicant shall provide documentation that an on-site wastewater system has been approved by the Health Department.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #94-2016**

3. Public Hearing and Request by Spring Creek Properties LLC to rezone from M-LP (Planned Light Industrial) to M-GP (Planned General Industrial) and approve a Review Plan for Spring Creek planned development on 3.00 acres, located at 6655 N Farrar Rd., Columbia.

- **Commission Order to Rezone**
- **Commission Order for Review Plan**

Stan Shawver read the following staff report:

The property is located in the west side of Farrar Road about 2/3 of a mile north of the intersection with Route VV. The property is three acres in size. The current zoning of the property is M-LP(Planned Light Industrial). The applicant is requesting a change in zoning to M-GP(Planned General Industrial) and revision to the development plan that was approved in 2005, due to a zoning complaint and change in use of the property. The review plan that accompanies this rezoning application shows the following uses: office & distribution facility for a wholesale distributorship, trailer and vehicle towing yard & temporary storage facility, and temporary storage of trailers and storage containers. Staff notified 27 property owners about this request. The property scored 65 points on the rating system.

The Master Plan designates this property as suitable for residential land use. The Master Plan identifies the use of planned districts to establish new commercial and industrial areas. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner.

The resources used for this analysis can generally be broken down into three categories, Utilities, Transportation and Public Safety Services.

Utilities:

Water: The property is in the service area of Consolidated Public Water District Number They cannot provide fire protection to this site.

Sewer: There is an existing engineered system permitted by the Columbia/Boone County Health Department.

Electric: 3-Phase electric service is available to the property.

Transportation:

The lot will access on to Farrar Road, which is a state maintained roadway.

Public Safety Services:

The site is within 3-miles of a fire station and is easily accessed by emergency services. Most of the site is currently wooded.

Zoning Analysis: This proposal has been effectively tailored to limit the off-site impacts of the proposed storage facility conditional uses. Approval of this plan will allow the desired uses, but also allow for those uses to be controlled. Specifically, the fenced storage area will be prevent the off-site visual impacts that would be considered obnoxious and also restrict the use to a controllable level. Expansion beyond what is proposed on this plan should be limited until improvements in water and sewer infrastructure are made to this site.

Staff recommended approval of the rezoning and revised review plan with the following condition:

- 1) That the installation of the of the 12' privacy fence identified on the plan occur prior to County Commission approval of the Final Development Plan.

The Planning & Zoning Commission conducted a public hearing on this request during their February 18, 2016 regular meeting. There were seven members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request and review plan. The motion was approved unanimously, so the request comes forward with a recommendation for approval.

Are there any questions about the staff report?

The Commissioners had no questions at this time.

Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Dan Brush said he is speaking on behalf of the owners. This is basically I-70 Towing and Recovery. They are looking at using this area more for their container storage and occasionally they will have a necessity to bring in a truck/trailer rack in to park it during the insurance adjustment timeframe which is normally one month at most. The wrecked vehicles and trailers area will accommodate about six trucks.

Commissioner Atwill asked if there is anyone else present that would like to speak on this request, for or against. There were no further speakers and Commissioner Atwill closed the public hearing.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **approve** the request by Spring Creek Properties LLC to rezone from M-LP (Planned Light Industrial) to M-GP (Planned General Industrial) on 3.00 acres, located at 6655 N Farrar Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #95-2016**

Commissioner Atwill moved on this day the County Commission of the County of Boone does hereby **approve** the request by Spring Creek Properties LLC for a Review Plan for Spring Creek Planned Development on 3.00 acres, located at 6655 N Farrar Rd., Columbia, subject to the following condition:

- That the installation of the 12' privacy fence identified on the plan occurs prior to County Commission approval of the Final Development Plan.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #96-2016**

4. Delmar Estates preliminary plat. S18/19-T49N-R13W. A-2. Hunter's Creek Farms LLC, owner. James R. Jeffries, surveyor.

Stan Shawver said this is just a preliminary report and per requested by the Commission, a staff report will be presented.

This property is located approximately 3.5 miles northwest of the nearest City of Columbia municipal limits. The property was previously platted as Nature Trail Ranchettes which received approval for vacation and replat at the December 29, 2015 commission meeting.

The property has frontage on the north side of Hatton Chapel Rd. The subject property includes 229 acres zoned A-2 (Agriculture) which will be split into 45 lots ranging in size from 2.9 acres to 21.7 acres.

There were no comments or questions.

5. Receive and Accept the following plats:

- **Walker. S25-T50N-R13W. A-2. Edward and Jean Walker, owners. Steven R. Proctor, surveyor.**
- **Shelton Acres. S24-T46N-R12W. A-2. Mark Child, Jessica Child, Harold Huff, Monica Huff, owners. Steven R. Proctor, surveyor.**
- **Locust Grove Hill. S2-T48N-R12W. R-S. Locust Grove Development LLC, owner. David T. Butcher, surveyor.**

Stan Shawver said these are straight forward plats and approved by the Planning & Zoning Commission. They have been brought forward tonight for the Commission to receive and accept them.

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

1. Walker. S25-T50N-R13W. A-2. Edward and Jean Walker, owners. Steven R. Proctor, surveyor.
2. Shelton Acres. S24-T46N-R12W. A-2. Mark Child, Jessica Child, Harold Huff, Monica Huff, owners. Steven R. Proctor, surveyor.

3. Locust Grove Hill. S2-T48N-R12W. R-S. Locust Grove Development LLC, owner.
David T. Butcher, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #97-2016**

6. First reading; Consultant Services Agreement with Shafer, Kline & Warren for Engineering Design Services

Stan Shawver said this is an agreement for preliminary engineering design services for structure replacement on E. St. Charles Road over Little Cedar Creek. It is a hydrology design and will not exceed \$6,850.

There were no 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.

Human Resources

7. 1st & 2nd reading; Hire above the flexible hiring limit for Security Technician position

Jenna Redel said she is presenting this on behalf of Facilities Maintenance. They have a candidate for the Security Technician position. That individual is very qualified in this field with 19 years of experience.

The flexible hiring limit for this position is \$42,972.00. He has agreed to take the job for that salary amount, but has requested he be reviewed at six months with a possibility of a pay increase at that time. In order for Facilities Maintenance to do this, they have to require this kind of hire have authority from the Auditor's Office to budget up to whatever amount that increase would be. They have requested authority up to \$46,000 for this position. The applicant was not guaranteed that he would get that amount, but they just wanted to budget for that amount. He currently earns \$45,000.

There were no comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request to hire above the flexible hiring rate for position number 908, Security Technician, Facilities Security, and does hereby authorize an appropriation of \$46,000 for the salary of said position. The designated appropriation will cover the hiring salary of \$42,972.80 and any probationary and/or merit increase for the position in 2016.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #98-2016**

County Counselor

8. First reading; Approve Depository Agreement between Boone County and Landmark Bank

C. J. Dykhouse said that back in August of 2015, Commission gave an intent to award the Bank Depository to Landmark Bank after an extensive bidding process. This agreement is the work product of myself and four elected officials, the County Clerk, Treasurer, Auditor

and Collector. We have come to agreeable terms with the Depository and the agreement before you reflects that.

There were no 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.

Purchasing

9. Second reading; Contract Amendment Number One to 71-12NOV15 – Radio Tower Assembly and Erection at the Emergency Communication Center (1st read 2-25-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number One to 71-12NOV15 – Radio Tower Assembly and Erection at the Emergency Communication Center.

The terms of this amendment are stipulated in the attached Contract Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number One.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #99-2016**

10. Second reading; Contract Amendment Number Four to 49-27OCT08 – Financial and Compliance Auditing Services (1st read 2-25-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Contract Amendment Number Four to 49-27OCT08 – Financial and Compliance Auditing Services.

The terms of this amendment are stipulated in the attached Contract Amendment. It is further ordered the Presiding Commissioner is hereby authorized to sign said Contract Amendment Number Four.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #100-2016**

11. Second reading; Bid Award 04-22JAN16 – Dishwasher at the Juvenile Justice Center (1st read 2-25-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby award bid 04-22JAN16 – Dishwasher at the Juvenile Justice Center to Stafford-Smith, Inc. of Bay City, MI.

The terms of the bid award are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #101-2016**

12. Second reading; Sole Source Approval – 125-043017SS – Watershed Monitoring Equipment (1st read 2-25-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve Sole Source Contract 125-043017SS for the purchase of Watershed Monitoring Equipment from Sutron Corporation of Sterling, VA.

The terms of the agreement are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement and Sole Source Fact Sheet.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #102-2016**

13. Second reading; Computer and Peripheral Surplus Disposal (1st read 2-25-16)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by the Purchasing Department to dispose of the attached list of Computer and Peripheral equipment through MRC Recycling Center.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Request for Disposal forms.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #103-2016**

Commission

14. 1st & 2nd reading; Rescind Commission Order 14-2016 due to date change and approve Organizational Use of the Government Center Conference Room 301 by the Department of Mental Health for March 16, 2016

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby rescind Commission Order 14-2016 due to a date change and approves the Organizational Use of the Government Center Chambers by the Department of Mental Health for March 16, 2016 from 9:00 a.m. to 2:00 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #104-2016**

15. 1st & 2nd reading; Rescind Commission Order 20-2016 due to incorrect expiration dates and approve re-appointment of June Pitchford, Tom Schauwecker and Karen Miller to the Health Trust Committee with corrected dates

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby rescind Commission Order 20-2016 due to incorrect term expiration dates and approves the re-appointment of the following with corrected term expiration dates for June Pitchford and Tom Schauwecker.

Name	Board	Period
June Pitchford	Health Trust Committee	January 1, 2016 through December 31, 2019
Tom Schauwecker	Health Trust Committee	January 1, 2016 through December 31, 2019
Karen Miller	Health Trust Committee	January 1, 2016 through December 21, 2016

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #105-2016**

16. Public Comment

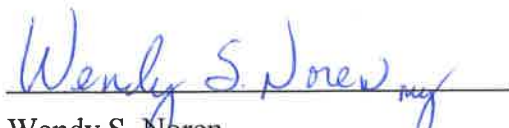
None

17. Commissioner Reports

None

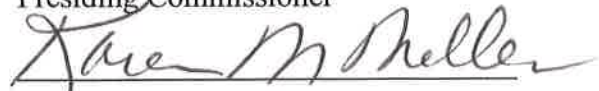
The meeting adjourned at 9:09 p.m.

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

