

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 Resource Management Stan Shawver
County Counselor C. J. Dykhouse
Deputy County Clerk Mike Yaquinto

The meeting was called to order at 7:01 p.m.

Resource Management

- 1. Public hearing and request by Annice Cone to operate an animal grooming service with incidental kenneling on 2.7 acres located at 3650 E Hidden Ln. Hartsburg.**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their March 17, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of March 17, 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 March 17, 2016 regular meeting. There were seven members of the commission present during the meeting.

The subject property is located on Hidden Lane, approximately two miles to the southwest of the City of Ashland. The subject property is 2.61 acres in size and zoned A-2(Agriculture). It is surrounded by A-2 zoning. This is all original 1973 zoning. The applicant is applying for a conditional use permit to operate an animal grooming business with incidental kenneling. This business came to the attention of Resource Management due to a complaint over signs on the property. The Master Plan describes this area as being suitable for agriculture and rural residential land use. Staff notified 22 property owners about this request. The property scored 30 points on the point rating system

The proposal is to make use of space in the existing house to provide dog grooming services, and kennel dogs on-site pending pick-up by their owners.

Staff analysis of the request is based upon the application and public comments received following notification of the surrounding property owners. 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 requested use has the potential to be injurious to the use and enjoyment of other

property in the immediate vicinity. Animal operations can general noise impacts that negatively impact surrounding properties. Limits on number of animals and hours they are on site will help mitigate noise impacts. Public testimony may be indicative as to whether this criterion is met.

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

The proposed use may have a negative impact on property values in the area. 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 use as proposed has limited needs with respect to utility infrastructure beyond what is present, 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. The surrounding properties have already developed in a manner consistent with the zoning and the existing utility infrastructure. The approval of this conditional use permit will not impede the re-development or improvement of the surrounding property.

(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 will generate more traffic than the existing residential uses on Hidden Lane. The property currently has a circle drive for access. Making use of this drive for drop-off/pick-up traffic will be a necessity to prevent circulation problems on Hidden Lane.

(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.

Zoning Analysis: Animal care facilities can generate negative impacts. Any time there are animals that are unfamiliar with each other are in a confined space, noise can become a problem. A solution to that problem is to limit the number of animals and the amount of time that they are confined on site. Doing so would limit the negative impacts generated by this request, particularly when combined with the use of off-street parking to limit traffic problems on Hidden Lane.

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

- 1) That the number of animals served on site be limited to 6 per day.
- 2) That no animals be kept overnight.
- 3) That hours of operation run no later than 6pm.

The Planning & Zoning Commission conducted a public hearing on this request during their March 17, 2016 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the conditional use permit with the following conditions:

- 1) That the number of animals served on site be limited to 6 per day.
- 2) That no animals be kept overnight.
- 3) That hours of operation run no later than 6pm.

The motion was approved unanimously, so the request comes forward with a recommendation for approval.

Mr. Shawver said that this pertains to client animals. The applicant has her own animals and this does not apply to them.

Mr. Shawver asked if 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.

Annice Cone said she is the applicant for this request. She owned a facility in Ashland and was doing pretty well, but unfortunately she could no longer take care of the overhead in the old building that housed her business.

Ms. Cone said she is seeking to do this so she can stay home with her special needs son and mother who also requires care. She has been in operation since early January and has had no complaints from the neighbors and actually has been asked by several of the neighbors to start taking care of their pups since it is so convenient. All the animals will be kept indoors, so noise should not be an issue. Lastly, the clients have made good use of the circle driveway with the exception of one elderly man, but we have solved that.

The Commissioners had no questions.

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

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Annice Cone to operate an animal grooming service with incidental kenneling on 2.7 acres located at 3650 E Hidden Lane, Hartsburg with the following conditions:

- That the number of animals served on site be limited to 6 per day.
- That no animals be kept overnight.
- That hours of operation run no later than 6pm.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #156-2016**

2. Public hearing and request by Emma and Scott O'Connell to rezone from REC (Recreation) to A-2 (Agriculture) on 11.0 acres, more or less, located at 10 N Roby Farm Rd, Rocheport.

Stan Shawver read the following staff report:

The subject property is located on north Roby Farm Road, approximately 2 miles southeast of Rocheport and 4/10 of a mile south of Interstate 70. The property is approximately 11 acres in size. The property is zoned REC(Recreation), and has REC zoning to east, R-M(Residential Moderate-density) and REC zoning to the north, A-2(Agriculture) zoning to the south, and R-M and A-2 zoning to the east. This is all

original 1973 zoning. The property is located in a Missouri Department of Natural Resources sinkhole area.

The applicant is seeking to rezone to A-2(Agriculture) zoning in order to construct a house on the property.

The Boone County Master Plan identifies this area as being suitable for agriculture and rural residential land uses. The Boone County Master Plan designates a sufficiency of resources test for the evaluation of zoning changes where each proposal is evaluated to see if sufficient utility, transportation, and public safety infrastructure is in place to support the change in zoning. The sufficiency of resources test provides a “gatekeeping” function. Failure to pass the test should result in denial of a request. Success in passing the test should result in further analysis.

Utilities: The subject property is located in Consolidated Public Water Service District #1, however; it should be noted that there are no public waterlines in the area. Electric service is provided by Boone Electric Cooperative.

Transportation: The property has direct access on to Roby Farm Road, a publicly-dedicated, publicly-maintained right-of-way.

Public Safety: The property is located in the Boone County Fire Protection District, with the station in Rocheport being closest for service.

Zoning Analysis: The proposed rezoning is consistent with development in the surrounding area. Available infrastructure can support the proposed rezoning request.

The property scored 38 points on the rating system.

Staff recommended approval of the request.

The Planning & Zoning Commission conducted a public hearing on this request during their March 17, 2016 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the rezoning request.

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 this request.

Emma O'Connell said her and her husband are the owners of the property. They want to build a house and have had it engineered and have picked out a spot. This is the first step in getting this done. There are sink holes in the area and we have had to navigate around them.

Commissioner Atwill asked if there were any other speakers present to address this issue. 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 Emma and Scott O'Connell to rezone from REC (Recreation) to A-2 (Agriculture) on 11.0 acres, more or less, located at 10 N Roby Farm Rd., Rocheport.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #157-2016**

3. Public hearing and petition submitted by the Bradley and Abigail Baker for permission to vacate and re-plat Lots 118B and 118C of Gateway South Plat No. 7-A as shown in Plat Book 49, Page 16 of Boone County Records.

Stan Shawver read the following staff report:

This property is located in Gateway South subdivision off of State Highway K. The petitioner purchased two lots at the end of Allton Park Road. The property is zoned R-S (Single Family Residential). This request is for permission to vacate Lot 118 B and Lot 118 C of Gateway South Plat 7-A. Gateway South Plat 7-A was a replat of lot 118 of Gateway South Plat 7, which was originally platted in 1976. The County Commission authorized the original lot 118 Gateway South Plat 7 to be vacated in 1996. The re-plat was not submitted until 2013. The 2013 submission divided the original Lot 118 into three lots, lots 118 A, lot 118 B and lot 118 C. The petitioner owns lots 118B (2.22 acres) and 118C (5.3 acres) and would like permission to combine the two lots into one lot in order to build a house at the most suitable location.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find 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 person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Staff notified 74 property owners within 500 feet of the subject site.

Uriah Mach highlighted the two lots in question on the overhead screen.

Commissioner Atwill asked about the total acreage.

Mr. Shawver said it was approximately 7.5 acres.

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

David Butcher said he is representing the Baker's. Mr. Butcher reviewed a copy of the plat which was displayed on the overhead screen. The plat was done two years ago and inadvertently, the vacation statement was left off the plat. We were too far in the process at that time to change. It should have been taken care of then, but we will do so now.

Mr. Butcher said his client would like to build a house and discussed the flood plain and building line on the lots in question, as shown on the overhead screen, as well as what will need to be done to get this accomplished.

The Commissioners had no questions for Mr. Butcher.

Commissioner Atwill asked if there is anyone else that would like to speak on behalf of this request. There were no further speakers. Commissioner Atwill asked if there is anyone present that would like to speak in opposition to this request.

Ted Turner said he read on a letter he got about the change of the atmosphere and quality of life in our neighborhood. He has never met Mr. Baker and some of the neighbors have been talking about him negatively. My neighbor talked to him about doing something on his property and he said he did not want him going across there, he did not want anybody going across there.

He went down there on his 4-wheel with a chain saw and weed eater and did not say a word and starting cutting down trees and flowers. I have lived there for 27 years and never have seen a person out there like that. We are good people, we try to be nice. I don't think anyone is objecting to what he wants done. I would like him to tell us what he is going to do. He told one neighbor that he is going to make a mud track and race out there. I did not hear him say that, but I trust my neighbor.

In another area there is a playhouse and he says that it is on his property and he wants to tear it down. Another neighbor across the street has some dog pens for 30 years and he says it is

on his property and wants it gone. This struck us as strange because we all try to talk to each other and see what's going on. I would just like to know what Mr. Baker is going to do out there and he is going to say it is none of my damn business and it probably isn't.

I have never met Mr. Baker and have heard since that he has two little boys and was going to build a track for them to play and run around. I don't see any problem with that. But, if it is a mud track, there is a problem with that. We have no objection to what he is asking for tonight and some of the neighbors have said he has come back with a softer tone.

Commissioner Miller asked if it is the mud tract that is the concern.

Mr. Turner said it is and he is not the only one. My property is not near his, but he has been messing with some of my neighbors and we don't like someone coming in and saying this is going to be this way and this another way or you are on my land, get the hell off or move your fence and putting up no trespassing signs. This is just some of our feelings and our concerns.

The Commissioners thanked Mr. Turner for sharing his thoughts.

Commissioner Atwill asked if there is anyone else that would like to speak in opposition to this request.

Steve Chott said he just wants to verify that nothing is changing in terms of zoning. Every lot is single family, all lots are about 3 to 4 acres and wooded and we would like to keep it that way. Just verifying that it is two lots going to one and none of the zoning is changing.

Mr. Shawver said there are no zoning changes.

The Commissioners thanked Mr. Chott for speaking.

Commissioner Atwill asked if there is anyone else to speak in opposition to this request.

There were no additional speakers. Commissioner Atwill asked Mr. Butcher if he would like to respond to what he has heard.

David Butcher said that the Baker's own both lots and he can't make him be a good

neighbor and there is no law that says he has to be a good neighbor while we hope he does get along with them. The reality is, this is in keeping with the rest of the neighborhood. He owns the land and is going to protect it. We are sorry this got off on the wrong foot, however, he still owns the property.

Commissioner Miller asked if Mr. Butcher could speak to the mud track issue.

Mr. Butcher said he received a call to his office and was told that Mr. Baker was going to do this. I believe this came from an angry neighbor who had a previous conversation with Mr. Baker and in the course of events, he said he would build a mud track if he wanted to. I don't believe that was his intent.

Commissioner Miller asked Stan Shawver what happens if he did build a mud track and used it.

Mr. Shawver said he would be in violation of the zoning regulations. We have no power to arrest but would issue a violation and it would have to go through the court system. If he did want to build the track, it would require a permit which would involve a public hearing and notice to everyone within 1,000 feet. If it continues and he does not apply for the Conditional Use Permit, next step is the County Counselor's office for resolution.

Commissioner Miller said she just wanted that to be known for those that are here tonight. There are limitations to owning the property.

There were no further comments or questions and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by Bradley and Abigail Baker for permission to vacate and re-plat Lots 118B and 118C of Gateway South Plat No. 7-A as shown in Plat Book 49, Page 16 of Boone County Records

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #158-2016**

4. Receive and Accept the following plats:

- **Brandel Meadows. S6-T50N-R12W. A-2. Ronald and Vicci Brandel, owners. Nathanael E. Kohl, surveyor.**
- **Wind River. S27-T48N-R14W. A-2. Tompkins Homes and Development LLC, owner. David T. Butcher, surveyor.**
- **Reeder Estates. S19-T46N-R12W. A-2. Lonnie and Sharon Sapp, owners. Kevin M. Schweikert, surveyor.**

Stan Shawver said Brandel Meadows is a one lot subdivision, Wind River is a two lot subdivision and Reeder Estates is a one lot subdivision. They were approved at the March 17th P & Z meeting and are here tonight to be received and accepted.

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:

- Brandel Meadows. S6-T50N-R12W. A-2. Ronald and Vicci Brandel, owners. Nathanael E. Kohl, surveyor.
- Wind River. S27-T48N-R14W. A-2. Tompkins Homes and Development LLC, owner. David T. Butcher, surveyor.
- Reeder Estates. S19-T46N-R12W. A-2. Lonnie and Sharon Sapp, owners. Kevin M. Schweikert, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #159-2016**

Purchasing

- 5. 1st & 2nd reading; Contract approval 18-123102 – Upgrade to Temperature Control System with Tridium’s License Extension Program for HVAC system located at the Boone County Courthouse**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request from Facilities Maintenance to purchase the upgraded software regarding the Temperature Control System with Tridium’s License Extension Program for the HVAC system located at the Boone County Courthouse.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #160-2016**

- 6. Second reading; Cooperative Contract 3-140214RJ to purchase one (1) Tandem Axle Dump Truck and dispose of one (1) 1990 International 2574 6x4 Road Tractor (1st read 3-24-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the Missouri Department of Transportation Cooperative Contract 3-140214RJ to purchase one (1) Tandem Axle Dump Truck with Henderson Bond from Truck Centers, Inc. and dispose of one (1) 1990 International 2574 6x4 Road Tractor, asset tag 6510.

The terms of the Cooperative Contract are stipulated in the attached Purchase Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Purchase Agreement and Request for Disposal form.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #161-2016**

Commission

7. Second reading; Adopt new War Memorial and the policy by which names will be added to that memorial (1st read 3-24-16)

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby accept and dedicate the War Memorial honoring the service of Boone County veterans in the Cold War, Southwest Asia, and the Global War on Terrorism, as their service had not been previously recognized on the existing War Memorials on the Boone County Courthouse Plaza. In the lower portion of the Memorial, the individual names of veterans who died as a result of enemy action and who were Boone County residents at the time of entry into active duty, or who were Boone County residents at the time of their death, are eligible to be listed, along with the official name of the conflict in which they gave the ultimate sacrifice.

The policy and form by which application for inclusion can be made is available on the Commission website.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #162-2016**

8. 1st & 2nd reading; Organizational Use of the Government Center Conference Room 301 by the Department of Mental Health for June 22, 2016

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Conference Room 301 by the Department of Mental Health for June 22, 2016 from 9:00 a.m. to 2:00 p.m.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #163-2016**

9. 1st & 2nd reading; Organizational Use of the Government Center Chambers by Missouri for Liberty for May 9, June 13 and July 11, 2016

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers by Missouri for Liberty for May 9, June 13 and July 11, 2016 from 7:00 p.m. to 9:00 p.m.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #164-2016**

10. Public Comment

None

11. Commissioner Reports

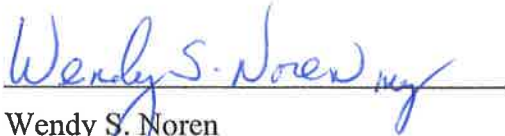
Commissioner Thompson said she attended the CIT (Crisis Intervention Team) annual conference which was organized by our deputy, Tracey Cleeton, who is on the Conference organizing committee. This was also the introduction of Sgt. Jeremy Romo, the CIT coordinator for the state. Sheriff Carey is moving toward having all of his officers CIT trained giving them the ability to de-escalate individuals in crisis which will lead to officers being safer in these confrontations as well as the individual and the community.

Commissioner Atwill said he will be going to Jefferson City tomorrow for some meetings and then meet up with certain Senators in connection with the Chamber of Commerce, Columbia Public Schools, the University and REDI.

There were no further Commissioner Reports.

The meeting adjourned at 7:43 p.m.

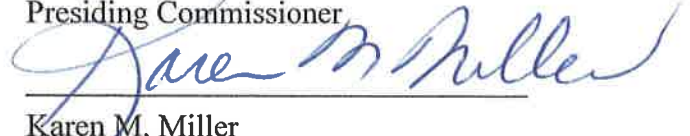
Attest:



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