

TERM OF COMMISSION: August Session of the July Adjourned Term

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

PRESENT WERE: Presiding Commission Dan Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
Planner Bill Florea  
Planner Uriah Mach  
Assistant County Counselor Ron Sweet  
Deputy County Clerk Mike Yaquinto

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

**REDI**

**1. Second reading; Dana Chapter 100 Project (1<sup>st</sup> read 8-23-16)**

Dave Griggs said he is here tonight to answer any questions that may arise before action is taken on this item. Before that, I have several remarks on news I learned today. The Governor announced today a report from the Brookings Institute, which monitors industrial output production. Missouri is the 6<sup>th</sup> best state in the nation for advanced manufacturing industrial job growth. It is the 8<sup>th</sup> best state in the nation for advanced manufacturing output growth. Private industrial employment in Missouri grew by 6,400 jobs which is precisely why we are here.

The Kaufman Foundation ranks Missouri #9 in the country as the best start up, a place to start a business. Our future, particularly in manufacturing, is bright. Boone County's contribution is in excess of \$153 million. This project will create 135 jobs.

Commissioner Thompson said she would like to clarify that the proposal will maintain the existing 89 jobs and add an additional 135.

Mr. Griggs said that is correct. These will be full time, fully benefited, career type jobs. All will be line jobs.

Commissioner Atwill asked if there will be any additional facility construction as far as this project is concerned.

Mr. Griggs said this only involves the installation of the new equipment. There will be no physical plant changes.

Commissioner Thompson noted that this equipment is not something that will be moved.

Mr. Griggs said that is correct.

Commissioner Miller said the abatement is for 7 years of the life of the equipment.

Mr. Griggs said it is for the depreciable life of the equipment. About 25% has a 3 year life cycle and 75% has a 7 year life cycle.

There were no further comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone, pursuant to its Chapter 100 Policy adopted in Commission Order 600-2010, does hereby receive and accept the recommendation from the Chapter 100 Review Panel to approve the Chapter 100 application from Dana Light Axle Products, LLC, for a 50% abatement for a term not to exceed the personal property's class life or seven (7) years, whichever is shorter, with the new personal property investment details set forth in the application for Chapter 100 benefits filed by Dana Light Axle Products, LLC.

The Commission will effectuate this Chapter 100 abatement approval in documents to be approved at a later time, to include bond issuances, leases, performance agreements, and such other documentation as recommended and approved by Gilmore & Bell, the County's bond counsel, and the County Counselor. The County Commission thanks the representatives from the impacted tax entities (Boone County Family Resources, Boone County, City of Columbia, Columbia Public Schools, and the Boone County Library District) for their service on the Chapter 100 Review Panel in connection with this application.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #391-2016**

### **Resource Management**

- 2. Public hearing and request by Green Thumb Properties LLC on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 37.62 acres, more or less, located at 7474 S Nursery Rd., Columbia.**

Bill Florea read the following staff report:

These requests were considered by the Planning & Zoning Commission during their August 18, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of August 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 these requests during their August 18, 2016 regular meeting. There were nine members of the commission present during the meeting.

The subject properties, which abut Boones Pointe subdivision and University Estates subdivision, are located on the east side of Nursery Road approximately 700 feet south of the intersection of State Route K and Nursery Road. The northern property line of the subject property is the municipal limit line for the City of Columbia. The subject properties consist of approximately 40.4 acres that is zoned A-2 (Agriculture). Property to the east, which is University Estates subdivision, is zoned R-S (Residential Single Family). Property to the south and west is zoned A-1 (Agriculture). All these are original 1973 zonings. The property to the west has a tentative approval for rezoning to A-2P (Planned Agriculture) but said zoning will not go into effect until a Final Development Plan for the property is approved. Property to the north, which is Boones Pointe subdivision, was originally zoned A-2 but was annexed into the City Limits of Columbia and given R-1 zoning. The R-1 is the equivalent of the county R-S designation. The applicant is seeking a rezoning of approximately 37.62 acres of the property to R-S (Residential Single Family) for purposes of subdivision of the property. Approximately 2.74 acres of the property is to retain the existing A-2 zoning. The portion of the property retaining the A-2 designation is the site of an existing cell tower and the exclusion of this area is to allow the tower to remain compliant with the county zoning regulations related to telecommunication facilities. The property scored 68 points on the point rating system.

The Boone County Master Plan has designated this area as being suitable for 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 property is served by Consolidated Public Water District 1 for water service and water is available, the Boone Electric Cooperative for electrical service, and the Boone County Regional Sewer District is proposed for sewer service. The applicant has secured capacity to support the allowed density under the proposed R-S zoning.

Transportation: The majority of the site access comes from Nursery Road which is currently a substandard dead-end county public gravel road. All roads in the Urban Service Area, which this is, whether public or private, are required to be paved. Any development of the subject property will at a minimum require reconstruction of the county section of Nursery Road. Nursery Road is designated on the CATSO Major Roadway Plan as a Neighborhood Collector. Secondary access to the subject property is from Campus Drive to the east which is a hard surface county public road. Campus Drive was created to serve as a public through road connection from its initial creation on Plat 2 of University Estates in 1972. These roadways were initially constructed as gravel public roadways. In the late 90's University Estates went through the NID (Neighborhood Improvement Process) to have the gravel public roads become paved public roadways. This was done because the neighborhood desire to have paved roadways was in advance of when the County was going to consider paving the roadways. The interconnected extension of Campus Drive would be required of any development of the subject property under either its existing or proposed zoning. Beyond Nursery Road and Campus Drive the portion of the road network most directly used will be State Route K, Old Plank Road, and Scott Boulevard. The portion of Old Plank Road most utilized and that historically has had issues with flooding and blockage is now under City jurisdiction. The issues with Old Plank Road emphasize the importance of requiring interconnections such as Campus Drive. State Route K and Scott Boulevard have both seen some level of improvement in recent years and while traffic has increased upon these roads by an amount that is noticeable by those that have historically used these roadways; the traffic is not beyond the capacity of these roadways.

Public Safety: The nearest fire station is located at State Route K near Old Plank Road, approximately 3.8 miles away. Fire hydrants and water extensions will be required for development of the property and these will improve safety in the area overall. The current condition and geometry of Nursery Road is problematic for public safety but would be required to be rebuilt in conjunction with any significant level of development. The fact that there are access points to public roadways from both sides of the property is good for public safety. Additionally, the required extension and interconnection of Campus Drive will provide a secondary access point for University Estates. This is important since the current primary access to University Estates is a section of Old Plank Road that is historically subject to flooding and blockage. The BCFPD has indicated that their regulations would also require the interconnection.

Zoning Analysis: When University Estates was created it was the anomaly in the land use pattern of the area. As time has passed and development in what is known as “Southwest Columbia” has become more suburban in density and form, the R-S zoning designation assigned to University Estates subdivision has become more representative of the area overall as opposed to just the existing subdivision itself. Significant public investment in infrastructure to support the suburban density has been made in the area and the subject property has access to the resources to justify the rezoning and to allow development to utilize this infrastructure. Much of this public infrastructure investment has been available for several years and utilization of it at an R-S density rather than an A-2 density makes the public investment more efficient.

Additionally, if the property were to develop under its current A-2 designation it would be likely that proposed development would have a greater overall impact on Campus Drive because the reduction in density would likely see development of the property “grow” Campus Drive from its current terminus until the 50 lot limit was reached then connect to Nursery Road in the most direct manner to minimize the amount of roadway need to be built. This would likely create a more desirable through traffic path than that

done to utilize the greater density of the R-S zoning. The infrastructure is available to support development of the subject properties at an R-S density and given the R-S and R-1 zonings of the two existing adjoining subdivisions the request appears to be more of an expansion of existing zoning districts in a manner compatible with both the master plan and the evolving development pattern of the area rather than a traditional rezoning.

125 property owners were notified about this request.

Staff recommended approval of the request.

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

Following the public hearing, a motion was made to recommend approval of the rezoning request. A separate motion was made for the Green Thumb property and the Regan property.

Each motion was approved unanimously, so the requests come forward with a recommendation for approval.

Commissioner Atwill asked if staff can outline the process as this is a rezoning issue and does not deal with the number of homes that will be built in the area.

Mr. Florea said that is correct. This is a straight rezoning issue. What we look at in the recommendation is whether there is sufficient resources available to support the density contemplated by that zoning.

Commissioner Atwill asked for an explanation on the next step in the process if this is approved.

Mr. Florea said the next step is the platting process. They have already proposed a preliminary plat. That has gone to the P&Z Commission and has been approved and reported to Commission tonight if the rezoning is approved.

Commissioner Atwill stated that if the rezoning is approved, it does not approve the plat.

Mr. Florea said that is correct.

Commissioner Atwill said the staff report mentioned sewer accessibility. I was at a meeting recently where sewer accessibility for that area of the county was questionable in the minds of those who were there. What was done to analyze the sewer capacity for this project.

Mr. Florea said we asked the Boone County Regional Sewer District whether they had capacity to serve this development. The developer is proposing a pressure line from this site to the South Route K Treatment Plant which has sufficient capacity and the developer has purchased 130 units from the Sewer District for this site. There is no city sewer available for this development.

Commissioner Atwill verified that the BCRSD does have excess capacity.

Mr. Florea said it does.

There were no further comments or questions at this time.

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

Jay Gebhardt said he is with A Civil Group and is here with Jeff Hemme and his wife who are the contract purchasers of the Green Thumb and Regan properties and that is why we are hearing both of them together tonight (items #2 and #3).

Jay Gebhardt said I read into the record my points to support this rezoning at the planning and zoning meeting and will read an abbreviated summary with emphasis on the neighbors' concerns.



This is the public hearing for the zoning from A-2 to R-S and although not required, we have submitted the preliminary plat for you to use and see how the zoning will be used for this property. This was done to provide information and assurances to support the rezoning. This preliminary plat is what we intend to follow should you approve the rezoning.

The subject site is approximately 40 acres, located south of Route K along the East side of Nursery School Road. The site is currently zoned A-2, with an existing cell tower and two residential homes. This land is south of City R-1 zoning and west of County R-S zoning and east of Toalson Estates A2-P neighborhood.

In my presentation for the planning and zoning commission I started with the assumption that the A-2 zoning was correct when it was established in 1973. I presented numerous changes to the infrastructure that have occurred in the last 43 years that support our request to R-S zoning. Roads, fire stations, water towers, schools, water mains, sewer capacity and a city park have all been created since the original zoning and justify the request for R-S zoning.

We considered Annexation to the City of Columbia as an R-1 subdivision similar to our neighbor to the north, Boone's Pointe. However, due to the lack of Sewer capacity and the City's long range plan for providing services, Annexation to the City was not practical.

There are only 34 sites left for city sewer. Boone County Regional Sewer District does have the capacity and we have purchased that capacity. We can sell it back to the Sewer District and no one else if that is needed.

Improvements being proposed to minimize the impact this development will have on the surrounding properties include:

- Rebuilding Nursery Road as a 38 foot wide collector street.
- The approximately 600 feet of Nursery Road within the City of Columbia was recently overlaid by the City to meet the City of Columbia's

requirements for a 30 foot wide Neighborhood Collector street.

- Old Plank was recently overlaid by the City of Columbia from Campus Drive to Route K
- The required Traffic Study for the intersection of Route K and Nursery and Old Plank and Campus Drive was performed and showed minimal impact to those intersections.

It is my opinion that the Nursery/Route K intersection is the safest intersection along the entire length of Route K from Rockbridge Elementary School south, due to the turning lanes and good sight distance. Fire Protection is being enhanced with new water mains within the development and within University Estates.

Regardless of the zoning requested, the improvements to Nursery Road and the water system and the connection to Campus Drive would be required. Quite simply, the cost of these improvements cannot be afforded with the density allowed with the existing A-2 zoning and requires an R-S density to accomplish.

The density being proposed is 3.25 Units per acre. R-S zoning allows up to 6 units per acre so this is not an extreme request. The Cell Tower Lot will remain an open space and be maintained by the Neighborhood Home Owners Association. The storm water measures being utilized will also be on common areas providing more open space for the owners within the subdivision.

The average lot is 60 feet wide and 120 feet deep. Many of today's buyers do not want to spend time doing yard maintenance and seek out small lots to minimize the time required for yard work.

Approximately 50% of the lots will have homes with slab foundations which will start at \$190,000. The remaining lots will have homes with walkout basement foundations and will

start at \$240,000. The minimum house size is 1,450 sq. ft. The lots and homes will be very similar in size to those within Oak Park and Barcus Ridge. Both of these Subdivisions are basically sold out due to the need for this type of housing. We discussed using a planned district for what we are proposing with the County's professional staff. As you know, planned districts can sometimes provide tools that can be used to address concerns by the neighbors. However, after these discussions with the County Staff a residential planned district was found to be inappropriate or ineffective. I explained this in detail in my presentation to the planning and zoning commission and if you have questions about it I would be happy to address them.

Many of the neighbors to our east have concerns about the approval of this request for R-S zoning and Preliminary Plat approval, however University Estates is:

- Zoned R-S which is what we are requesting.
- Consists of a mixture of 22 small lots ranging from 60 foot wide to 80 foot wide, which is very similar to our proposed lots.
- 18 large lots, many of which are approximately 1.5 acres with some 2 acre lots and one 4.5 acre lot.
- These large lots could be further subdivided into smaller lots in the future as the land values in the area continue to increase.

If the zoning is approved, the property will be redeveloped in accordance with the Preliminary Plat we have submitted. We have been working on refining this plan since November of 2015 and have worked very hard to address the issues. We have invited the neighbors to meet with us on two separate occasions taking in their comments and incorporating what we could address. These are the concerns we are aware of.

As I have stated above, the connection to University Estates would be required regardless of the zoning requested. It simply is an important connection for Emergency Response and

provides for neighborhood interconnection and interaction. I understand that this is currently a dead end street and the neighbors do not want to see it change. It looks like a normal cul-de-sac street and many were surprised to find out it was planned as a connecting street to the property to the west. When the N.I.D. was designed, having the cull-de-sac built as it was further lead the neighbors to think this was a dead end street.

University Heights platted Campus Drive all the way to the edge of their plat and quite frankly this is a strange layout for a subdivision, at least, it is, until you look at the sequence of the platting that was done.

In the slide above for University Estates Plat No. 1, you see the developers platted Campus Drive without lots on both sides. They did not plat a cul-de-sac on the end of Campus Drive and they did not plat lots on both sides.

In University Estates Plat No.2 you can see Campus Drive is platted up to and along the west line of Plat No. 2. It is my opinion that the original developers did this so that they could have a future University Estates Plat No. 3 and extend the lots and roads to the west. Plat No. 2 follows the same logic as shown in Plat No. 1. Whether they created the existing gap on purpose or not will never be known for sure, but the gap further reinforces my opinion that the original developers stubbed Campus Drive to the west so that they could develop the land further to the west and the gap insured the original developers controlled the extension of this street.

All of this does not help the neighbors who want the permanent cul-de-sac, but it does explain how this happened. I firmly believe the original developers did extend the right of way to the edge of University Estates No. 2 so that they could extend it in the future for their own benefit. Since 1972 when University Estates No. 2 was created, Boone County has adopted Planning and Zoning and Campus Drive touching the land to the west allows the extension of the roadway to provide the required enhanced access for both neighborhoods.

In an effort to find a compromise for the connection of Campus Drive, we would like to propose the following:

- We will plat up to 49 lots without making the connection to Campus Drive.
- When we plat more than 50 lots we will build the connection to Campus Drive and put up a temporary gate that meets the Boone County Fire District's approval for temporary emergency access.
- Once 100 building permits are issued by the County we will remove the gate and place a sign that states local traffic only.
- It is our hope this will prevent construction traffic from using Campus Drive and help train the future Nursery Heights owners to use Nursery Road and not Campus Drive.
- We are willing to put this into a development agreement with the County so that it is enforceable by the County.

I want to minimize or avoid impacts to existing neighborhoods as much as possible. We met with the County Engineers to investigate traffic calming measures that we could implement on Campus Drive to discourage through traffic and slow cars down. However, during this exercise, we discovered that the narrow 24 foot width was the best design to accomplish these goals. Speed humps, narrowed sections and other traffic calming measures would not provide the same desired effect as well as the existing 24 foot wide pavement. This combined with the above mentioned Gate we will put up during construction of the first 100 buildings will hopefully discourage the frequent use of Campus Drive. The combination of Campus Drive being narrow, Old Plank being narrow and our free flowing design away from Campus Drive encourages the residents of Nursery Heights to use Nursery Road as their primary access.

The proposed zoning does affect the traffic that will be using Campus Drive and your staff required a detailed study of the traffic from this proposed development through Campus Drive. It was determined after careful study and discussions with the County's professional staff that approximately 26 lots would use Campus Drive and the remaining 104 lots would use Nursery Road. The width of Campus Drive and the intersection of Campus Drive and Old Plank will not be adversely affected by this small increase in lots using Campus Drive and does not surpass accepted standards and practices to trigger further improvements to either Campus Drive or Old Plank. This was our goal for the design to achieve, not to create a dangerous condition within University Estates or on Old Plank Road.

After the gate is removed, there will be additional traffic using Campus Drive, but the additional traffic does not create an unsafe condition. It does create a different condition from what exists today and the neighbors are opposed to this change. Traffic is the main safety concern voiced by the neighbors in relation to children and people walking in the streets. I sympathize with the neighbors having to make an adjustment that they do not want to make, but I assure you that the traffic generated by this connection will not exceed what many similar neighborhood's experience and handle safely.

The neighbors are concerned that other people will be using a road they paid to pave through a NID. Campus Drive was a gravel road and was overlaid with asphalt through a Neighborhood Improvement District in the late 1990's which transferred all of the cost of paving to the owners within the neighborhood. The street design of the N.I.D. created the cul-de-sac that exists today. A turn-around was needed and the design engineer used the ex. right of way created with University Estates No. 2 to provide this turn around.

Campus Drive is a part of the Boone County Public Road system and is maintained by Boone County. The neighbors did pay to overlay the road 15 or so years ago, but the public pays to maintain it and the connection to this proposed neighborhood will not create an additional expense to the neighbors. This public road was originally designed to provide

access to the Nursery Heights property for public access between the two properties.

The neighbors firmly believe that Campus Drive is the shortest path to town for the future residents of Nursery Heights, but this is not correct. The travel time is shorter using Nursery Road and Route K than it is using Campus Drive to Old Plank to Route K.

All traffic generated with destinations in the north and west of town will naturally use Nursery Rd to enter and exit the development and continue to travel north along Scott Blvd.

Safety and condition of roads used would also influence decisions. Route K is a wider road with 4' shoulders, and provides a safer feel than Old Plank Road to most drivers.

Nursery Road and Route K do not Flood. If they have a choice most people will take the route they perceive as safer. It is my opinion that many of the residents of University Estates will use the streets in the proposed Nursery Heights rather than the other way around.

The Original Developer of University Estates left a gap and created an overlap between the Nursery Heights property and the surveyed lot south of University Estates Plat No. 2.

The gap is triangular and is now owned by Jeff and Stephanie Hemme. The overlap is south of the Campus Drive connection and we are not putting any part of this overlapped area in our lots. If acceptable to the neighbor, Mr. Hemme will quit claim all of his interest to the adjoining neighbor to resolve any dispute over this small overlap.

The proposed Subdivision will meet all of the requirements of the Boone County Storm Water Ordinance and Storm Water manual. These requirements are quite extensive requiring detention and water quality measures which will result in the following:

Reduction of flows from property to predevelopment flows thru the use of three Detention Ponds, or in other words, the rate of runoff will not increase and will be less than when the former nursery was operated on the site.

Campus Drive within Nursery Heights will not drain into University Estates. The grading of the land will change and the new portion of Campus Drive will drain to the west on to our property where the storm water will be treated and detained before it is released.

Water from Nursery Road will be picked up prior to the transition to the city owned portion of Nursery Road to minimize or avoid adding storm water to the lot just north within Boone's Pointe. This storm water will go to a detention pond and then enter the storm water pipes built in Boone's Pointe. Grading on Nursery Heights will be done to prevent any additional water from flowing onto the lots within Boone's Pointe by re-grading the area to drain to our proposed detention structures. Overall the rate of the storm water leaving this site will be at a lesser rate than when the land was operated as the wholesale Nursery.

Trees are to be saved along a common line with Boone's Pointe. The neighbors within Boone's Pointe have requested that as many trees adjacent to them remain as possible and we have shown saving the trees within the fence line as seen on the preliminary plat. The neighbors, in a letter, have expressed "an overall lack of planning for roadways in a 2 mile radius of Route K and Old Plank Road."

Old Plank road is a narrow, winding road. However, from Campus Drive to Route K, it is within the city limits of Columbia and is under the jurisdiction of the City of Columbia. When the Gates Subdivision was approved, the city found that Old Plank Road was adequate except that it required a left turn lane for the entrance of the Gates Subdivision. A second access to the Gates Subdivision will be built just north of Campus Drive and another left turn lane will be required for this entrance. All right of way for Old Plank was acquired from the Developer of the Gates and Barcus Ridge so that when warranted, improvements to Old Plank can be made. The city recently overlaid Old Plank from Campus Drive to Route K and in 2014 Route K was improved with 4 foot shoulders.



CATSO – The Columbia Area Transportation Study Organization has developed a major Roadway Plan for the area and shows Nursery Road as a Neighborhood Collector Street. This plan is the reason for us building Nursery Road along its entire length within the County to a 38 foot wide collector street. This plan also shows a future East West Neighborhood Collector Street from Nursery Road to Old Plank south of Nursery Heights and University Estates. Old Plank is shown as a Major Collector Street. Planning of roadways have been done in this area. I believe these improvements and plans demonstrate that there is planning for these roads and measures are being taken that are proportionate to the impacts of the development that is occurring. Eventually these impacts will culminate in the construction of these planned roads similar to what we are doing for Nursery Road in Nursery Heights.

In summary, the rezoning from A-2 to R-S is appropriate for the following reasons:

- We have shown you that although appropriate in 1973, after 43 years the A-2 Zoning is no longer appropriate zoning for this property. This is due to all of the changes and improvements that have occurred since the A-2 zoning was put in place.
- The Basic Infrastructure, Roads, Schools, Fire Protection, and City Parks are either currently in place or will be with the construction of Nursery Heights
- The Developer of Nursery Heights is providing improvements to the area Roads and Water Service that are proportional to the requested Zoning and Density.
- We have met with the neighbors two times to keep them informed and listen to their concerns. We have studied these concerns and provided design changes to address these concerns in the Preliminary Plat and will work with the Commission to create a development agreement that will address a gate on Campus Drive.
- We are asking for permission for the same zoning that University Estates and Boones Pointe have been granted and enjoy. Nursery Heights is a logical continuation of

residential zoning granted to its neighbors and fulfills a need in the community.

- At Planning and Zoning we had approximately 23 people who came to lend their support for our request. Tonight we have a handful of people who have come. Many of the people who came for planning and zoning stayed home since they did not have anything new to add to the discussion and the Planning and Zoning Commission voted 9 to 0 to recommend approval of the rezoning request.
- Lastly, Mr. Hemme met with James Coyne yesterday and has agreed to require the homes that back up to Mr. Coyne's property to plant three additional 1.5" caliper trees in their back yards to provide additional screening for the Coyne's. Mr. Hemme respects the existing neighbors' concerns and we have taken a great deal of time to address these as best we can and still provide a quality development that fulfills the demand for new housing in this area of town. We want to be good neighbors.

Commissioner Miller said she has a question for staff. The development agreement that was spoken about tonight, will that come forward with the plat so it is guaranteed that the development agreement happens when the plat is approved.

Stan Shawver said the Subdivision Regulations provide an opportunity for a development agreement between the county and developer tied to off-site improvements that can be attributed to impacts of development such as road improvements, sewer improvements and waterline improvements. They will have to be developed if the Commission decides to approve tonight, then we would take the basis and tie it into other things such as the temporary gate.

Commissioner Miller said it appears that we can guarantee this will happen.

Mr. Shawver said that is correct.

Commissioner Miller said we are not used to doing development agreements and it is a really good idea for straight zoning when there are issues and we just need to understand the

process and make sure others understand as well.

Mr. Gebhardt said he plans on pursuing the development agreement pretty hard in the next several weeks to get this complete before any plat comes before the Commission.

Commissioner Thompson confirmed it will include all the things that have been discussed tonight.

Mr. Gebhardt said it would.

Commissioner Atwill made reference to item number six on the agenda tonight, specifically the Nursery Heights plat and asked what part of this process will be contained in that.

Mr. Shawver said this is a report only. Commission has asked that preliminary plats be reported with situational awareness. The Subdivision Regulations place the power of plat approval in the hands of the P & Z Commission and by direction, it is reported out to the Commission.

Commissioner Atwill asked if this is the plat where the number of homes is identified.

Mr. Shawver said it is. The preliminary plat shows the number of homes, but it is a preliminary plat and as things start to get finalized and the calculations are complete, those numbers can change. At present, there are 130 lots which could become less. The 130 lots is the maximum which would be included in the development agreement.

Commissioner Atwill said he did some checking and it seems like a lot of houses on 42 acres. The Cascades has 321 houses on 182 acres and without allowing for roads and common areas, that allows 24,697 sq. ft. per lot. Boone's Point has 71 houses on 40 acres and that is 24,540 sq. ft. per lot. This current project has 130 houses on 42 acres which is 14,073 sq. ft. per lot or roughly 10,000 sq. ft. less than either Boone's Point or the Cascades. Did you look into that.

Mr. Gebhardt said we did look at that. The subdivisions you mentioned have larger lots. We looked at Barcus Ridge and Oak Park as those lots are the same size lots that we are

proposing. The size of the lot creates the size of the house that is in demand in this area. Not everyone can afford a \$400,000 house which is right down the road. This lesser price point is what we are targeting.

Commissioner Atwill asked where the common areas are for this project.

Mr. Gebhardt said there is 2.5 acres around the cell tower and three retention areas are also common area.

Commissioner Atwill said that the area around the cell tower is fall space and if these are the only common areas.

Mr. Gebhardt said that is it.

Commissioner Atwill said that it was mentioned that there would be minimal traffic impact. Was a traffic study done.

Mr. Gebhardt said it was done in house by A Civil Group.

Commissioner Atwill said that the traffic studies he has seen suggest that for every dwelling, it will generate 10 trips per day. Do you agree with that.

Mr. Gebhardt said that is the general rule of thumb.

Commissioner Thompson asked how you define minimal impact.

Mr. Gebhardt said when you look at the traffic study, you need to look at how many homes will be built off Nursery Road and those from University Heights using this road to get to Route K. We came up with 104 that are going to Nursery Road. We are going to re-build Nursery Road to a 38 foot collector street which is similar to Southhampton Drive or Green Meadows. It has a huge amount of capacity available, around 2,500 cars per day is the threshold for a collector street and most of the traffic is going to go that way.

When you look at the intersections, we don't look at the average daily traffic, we look at peak hours. We reviewed the intersection of Route K and Nursery Road, where there are left

turn lanes now, and it operates at a service level of A. There had been one change when going across Route K and that level changed to a service level of B going from 9.2 seconds to 10.2 seconds. All other movements stayed the same. Also, at the intersection of Campus Drive and Old Plank Road, none of the movements regarding service levels has changed. That's what I mean by minimal impact.

Also, we will be doing some additional work on Nursery Road which will go all the way to the end of the county maintenance which is south of the Regan property line and then build a temporary cul-de-sac for turnarounds. We will be taking an existing county road and making improvements and also adding sidewalks on our side of the road.

Commissioner Atwill asked if it is his opinion that Campus Drive is going to need improvement.

Mr. Gebhardt said no. Improving it, in the form of widening it, would be a mistake. The neighbors are already concerned about speed and the number of cars using it. The most effective form of traffic control is to have the road narrow because they automatically slow down. The street is currently 24 feet wide and if widened, will become a detriment to speed. Also, in building the gate, this will discourage people from developing a habit and will keep construction workers from using it.

Commissioner Thompson verified that there will also be a local traffic only sign.

Mr. Gebhardt said that is correct.

Commissioner Atwill asked if there is a commitment from the BCFPD to agree on the use of the gate.

Mr. Gebhardt said he has spoken to the fire chief several times on what the gate would need to have in order for them to use it and that language should be put in the zoning agreement.

There were no further questions at this time.

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

**James Coyne**

We live in the last house at the end of Campus Drive. Jay and Mr. Hemme have been very good in meeting with us. We have had several meetings and I have been to A Civil Group several times and Mr. Hemme has come to my office and suggested putting in the trees.

Our concerns are not of a personal nature. We feel this would be a bad location for this project. Nothing has changed in our concern or in the plan itself since January. We have been working on this for quite a bit and some of the neighbors have gotten worn out with the process. There have been many meetings. We met with the P&Z in this room and have met with the developer twice. The neighbors feel that they are going to do whatever they want and we appreciate you hearing us tonight and see what we are talking about.

Mr. Coyne began a slide show of the subdivision.

Our subdivision is an old subdivision with large lots as was common in 1972 when it was built. It is 30 homes on three dead end streets and the only access is Campus Drive. It is a friendly and close knit community and many walk in the area during the evenings.

This project will rezone Old Nursery and turn Campus Drive into a major entry point for a dense, 130 home development, in a land locked location. Our subdivision was built in 1972 and at that time, there were no zoning regulations and the original plat has not changed in 44 years. At some point, our subdivision was designated R-S zoning. It has been asserted that Campus Drive was always designed as a through street, but looking at the plat, it appears not.

Why was Old Nursery zoned A-2 in the first place. The purpose for zoning is so certain type developments will occur in locations that are appropriate and not cause problems for those areas.

Commissioner Miller asked what year the picture of the subdivision was taken because it looks like Campus Drive went to the west at one time. That's what roads looked like on these old county maps.

Mr. Coyne said he is not certain on the date. He went on to say the developer is spending a lot of money to re-build Nursery Road out to Route K. Because of the size of the development, they need a second access and the plan is to use Campus Drive which would direct traffic through our subdivision and this would destroy our neighborhood. We have been told that only a few would use this route to get out because it is a bad option. This seems to be backward logic to justify a bad plan.

What we know for sure is that there will be 130 in and out trips and the industry average is 10 trips per day, so that comes to 1,300 trips per day. They will be taking 1 of 2 routes and no one knows which one they will take. As for traffic studies, one could create one to say whatever you want it to say. What we do know is that there will be 1,300 trips.

Campus Drive does not connect to Route K, but to Old Plank Road, a treacherous, winding county road that goes for another mile before it gets to Route K and there is a lot of building going on there.

Mr. Coyne then played a two minute segment from the P&Z meeting that transpired between the developer and the P&Z Commission.

We feel we have not been considered in this process thus far. After a hard rain, the low point of Old Plank floods and that has happened twice in the last two months. It must be mentioned that all of Nursery Heights drains to this point. We are told all the extra runoff will be contained in a holding pond, perhaps true, but one thing is for sure, this site will not be improved. This is not a reasonable entry point for a major development.

Why would anyone insist on building this type of project in this location. The land has not been purchased. There are hundreds of acres of land, zoned for development for sale now, along major roads in the south of town. There are good, major roads available and not disturbing neighborhoods. The developer is going to spend \$500,000 improving Nursery

Road into an access road.

We have made our concerns known since January and the only thing that has changed is the number of homes has increased from 111 to 130. We have a signed petition from the neighbors opposing this project at this location. It has been signed by every resident of the subdivision with the exception of one. All are tax payers and long time residents and it would be wrong to dismiss their concerns.

I would like to address the alternate petition that was just recently signed from the developer. I looked at this and where the people who signed it live and literally, none of them are going to be affected by this. Some of them don't even live in anything touching it. And some are the developer themselves and those selling the land to the developer. Everyone has a right to their opinion, but this is not representative of the people who are adjacent or affected by this.

It has been mentioned about the access for us and how much better it will be if they knock out the end of Campus Drive. You can actually come out of the subdivision by making two right hand turns on Campus Drive. It takes about one mile, but you will end up on Route K. So we already have access. At the P&Z meeting, it was mentioned that the Fire Department would love for us to have a through street in our neighborhood. We would not love it. I have been there for 16 years and we have had a couple of small fires and never had a problem. The Boone County people have been great. I don't know of there ever being an issue. It is not for us.

The other thing is the sewer situation as it has been glossed over a little bit. I am not an engineer, but I do know they are pumping the sewer from that location to basically where New Town is at and some of it is uphill. Also, and I don't know if it has been covered, do they have the easements to put all this in.

In closing, I would ask for your thoughtful consideration of the big picture. I stand with my neighbors in asking you to deny the rezoning request and protect the area we live in and the roads we use every day. Something that makes sense for this tract of land can, and I am sure will be built, but this project can be built in any number of other locations in southern



Columbia. Thank you for your time.

The Commissioners thanked Mr. Coyne for speaking tonight.

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

**John Lessiack**

I would like to address a concern brought up earlier that is appeared that Campus Drive looked like it went through (**slide brought up showing this apparent continuation**). Part of the nursery used it to grow plants to sell and then a tremendous amount of fill was used to level the land and that is what that road was used for. There is actually quite a ditch that runs there that one would not drive over and no one has and no one would ever have. It is 8 to 12 feet deep.

Commissioner Miller said it might have been a tractor road. It just looks like that.

Mr. Lessiack said it probably was because back then it was all agriculture. Another thing discussed was the property or housing density. Commissioner Atwill noted measurements that compared with Cascades and Boone's Point and the developer was comparing with subdivisions not close to the development. We would hope the density was more comparable to the areas closer. Putting 130 homes in this space is tight.

Also, this land is eligible for USDA loans. No money down, 100% financing, minimal credit requirements and that type of thing. My concern is that it is going to become a small ghetto. Yes, they still will be paying for a \$200,000 home, but if you don't have to pay anything down, no closing costs, it is going to become a ghetto of 130 homes right next to our little community. We have people that walk the streets. It is an isolated little gem and I would like to keep it that way.

It doesn't bother us that we only have one entrance and so far it has not bothered the Fire District or ambulance service. UPS knows where it is. Lastly, the density should be more in line with that of the subdivision close by this proposed one.

The Commissioners thanked Mr. Lessiack for speaking.

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

Commissioner Miller asked staff what their process is for reviewing a traffic study that comes to their office.

Mr. Shawver said we have Planning staff and Engineering staff both look at it. They look to see if valid parameters were used, if models used are standardized models and if there are any questions, go back to the engineer for clarification. Some can get very complicated and in that case, we will send it out to a consulting firm for evaluation.

Commissioner Miller asked for verification that MoDOT said Route K could handle these developments with no problem and it meets the road capacity.

Mr. Shawver said that is correct. They said they made a number of improvements such as widening the road, adding shoulders and bike lanes. They felt that it could handle the current and future traffic.

Commissioner Thompson said we have heard two scenarios concerning Campus Drive. We do not have any testimony on the record back when this originally occurred. We would appreciate your input as to the original intent of Campus Drive.

Mr. Shawver said the original intent, short of having the original development design, going back 45 years, is extremely difficult. University Heights has two different sections, one with 7,000 sq. ft. lots and the other with lots ranging from 1.5 to 1.9 acres. Back then, being so far out in the country, the closest development was at Mill Creek Road. Their lots were in the 7,000 sq. ft. range. The way Campus Drive is brought around ending in a cul-de-sac, directly adjacent to the property line suggests they could have bought a section of Nursery and built on the west side of Campus Drive. They had their own sewer. Whether that was the case or not, I just can't answer that.

Commissioner Miller asked if all the drainage will go to Old Plank Road.

Bill Florea said he does not know.

Stan Shawver said we have not seen any drainage data.

Jay Gebhardt said there is a ridge in the middle of the property. The part north of the ridge will drain to Old Plank and the part south of the ridge will drain south.

Commissioner Miller asked Mr. Gebhardt to speak to the sewer easements.

Mr. Gebhardt said the sewer concept was reviewed by the manager of the Boone County Regional Sewer District and he has approved it. All the easements are in place.

Commissioner Miller noted that it has been mentioned that other properties, closer to town, are for sale. The price point of \$190,000 to \$250,000 is badly needed in our community. Could any of these properties have been purchased and that kind of density utilized.

Mr. Gebhardt said the property on Sinclair Road, owned by the University Nursing School, had an offer of \$40,000 per acre and that was turned down. This property is ½ of that. The

other property on 163 is going for \$10 million and it is an environmentally sensitive piece of property and that is going for about \$31,000 an acre.

This development has 3.25 units per acre. I feel strongly that diversity is a very strong component of this. It is important to have people with different means to live in this school district that has a new elementary school. \$190,000 is still a lot of money. It is difficult to build for less and not everyone can afford a \$300,000 home.

Commissioner Miller commended Mr. Gebhardt for coming up with the development agreement compromise which included the gate. Most of the traffic will go to Nursery Road and also, I believe the Campus Drive traffic will use Nursery Road when it is flooded down at Old Plank. Change is hard and this area has a mixture which is good for the community.

The county, state and city have invested in fixing Route K at Nursery and at Scott Blvd. We spent significant dollars to make this a safe intersection several years ago. It is set up for lights in the future. This whole area is going to turn into development. I think a lot of things have been taken into consideration and we rarely get a 9-0 vote from P&Z. It is hard to go against a 9-0 vote. I have read all the minutes and the comments were very thoughtful.

The neighbors have stressed their concerns and I understand their concerns. I think the compromise of the gate and a development agreement sways me enough that I will support this request.

Commissioner Thompson said last year she attended a Housing Summit and was shocked at what was considered affordable housing. They said there is an absolute dearth of housing available for \$200,000 and less. That was what was considered affordable. Our community needs this price point. I also would like to commend you on the development plan and trying to mitigate some of the concerns and impact on the neighbors.

Commissioner Atwill said we would be remiss in not having said that a traffic study is needed for the whole southwest area. This area will continue to grow and we are going to overburden our roads in the future.

My belief is this is property that should be rezoned to residential, but under this proposal, it is too dense, not enough public space and drainage is an issue. I go down Old Plank with some frequency and have been there when it is flooded. There will be more drainage from the Gates and it is going to be a growing problem. It is not our road, it's a city road, but that does not change my opinion. That road needs to be completely re-configured and some real drainage made available.

I would like to know from staff if I can be in favor of changing the zoning and still preserve my objection to the density.

Mr. Shawver said on a straight zoning request, there is not a way you can do that.

Commissioner Atwill said it appears the only choice I have is to vote against it.

Commissioner Thompson asked if the reduction of the number of lots is on the table.

Mr. Gebhardt said not really. To reach this price point, density is an essential part of that. The only other way is not to do the improvements mentioned to Nursery Road and others. We understand the density issue, but without density, we don't get the improvements and larger lots mean higher prices.

There were no further comments or questions.

Commissioner Atwill asked if there is a motion.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Green Thumb Properties LLC on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 37.62 acres, more or less, located at 7474 S Nursery Rd., Columbia.

Commissioner Thompson seconded the motion with a request that at some point we have a traffic plan for this area.

The motion carried 2 to 1 with Commissioner Atwill voting no. **Order #392-2014**

**3. Public hearing and request by David and Angela Regan on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 5.0 acres, more or less, located at 7550 S Nursery Rd., Columbia.**

Stan Shawver said this is part of the Nursery Heights Development so the previous hearing and testimony will also serve for this as well.

Commissioner Atwill asked if there is any additional information to be heard.

Jay Gebhardt said there was no additional information to be offered.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the request by David and Angela Regan on behalf of Nursery Heights Development Group LLC to rezone from A-2 (Agriculture) to R-S (Single Family Residential) on 5.0 acres, more or less, located at 7550 S Nursery Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 2 to 1 with Commissioner Atwill voting no. **Order #393-2014**

4. **Public hearing and request by Ri-Mor Topsoil LLC for a permit for topsoil management, harvesting, conditioning and stockpiling on 52.5 acres, more or less, located at 5353 W Cunningham Dr., Columbia (P & Z 7/21/16).**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during their July 21, 2016 meeting.

The minutes for the Planning and Zoning Commission meeting of July 21, 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 July 21, 2016 regular meeting. There were eight members of the commission present during the meeting.

The subject site is located west of Columbia off of the east end of Cunningham Drive, west of Perche Creek. The property is zoned A-2, which is the original zoning. Adjacent land to the east, under the same ownership, has an approved Review Plan for and tentative rezoning to ML-P and a Conditional Use Permit for Topsoil Management, Conditioning, Harvesting and Stockpiling. A Final Plan has not been approved for the ML-P. The adjacent land not owned by the developer is zoned as follows:

- North A-2
- East A-1
- South A-2
- West A-2

The 52.5 acre site is within the 100-year floodplain of Perche Creek. The site is mostly level and bordered by agricultural/floodplain land and bluffs to the west and Perche Creek to the east. The character of the area is described as agricultural with low density

residential on the bluffs to the west and east. A rezoning of 106.54 acres to A-1 and 20.75 acres to ML-P with a Review Plan was approved in March 2016 on land across Perche Creek to the east. The master plan designates this site as being suitable for residential land uses.

The request is to allow removal, conditioning and export of topsoil. This use has been ongoing at this location for several years. Topsoil will be removed from a portion of the site each year and stockpiled for sale. The operator may utilize equipment such as agricultural tractors, scrapers, bull dozers, loaders, dump trucks and a topsoil screener. Agricultural operations will continue on the site, and will not be subject to the limitations of a conditional use permit (if granted). Truck traffic leaving the site will enter Cunningham Drive at the southern end of the property, then proceed west to the intersection with US 40 across from the Midway Truck Stop. Both roads used to access the site are maintained by Missouri Department of Transportation (MoDOT). Trucks owned and operated by Ri-Mor and 4 or 5 other companies currently haul from the site.

Potential externalities that could result from the use include noise from equipment and traffic and mud/debris on the road caused by trucks hauling soil from the site. With proper conditioning and operations those impacts can be minimized.

The application must meet the criteria for issuance of a conditional use permit. Those criteria are addressed as follows:

*(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.*

Externalities such as noise, dust and exhaust fumes should not impact the public due to the isolated nature of the project site. Conditions of approval requiring dust control on the access road should adequately address the possibility of dust related impacts. Noise will be mitigated by the elevation difference between the project site and nearby residential areas and limited hours of operation.



(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.

Activities in the area that are already permitted include agricultural and residential uses. Much of the project activity will be similar in nature to the agricultural uses that have been occurring on the property for several decades. For example, topsoil removal utilizes mechanical scrapers which will sound like a farm tractor from a distance. The noise will occur over a longer period of time however, because the topsoil removal occurs between harvest and planting.

The limited hours of operation will confine the likely impacts to hours when most homeowners are at work or school. However, topography and conditions of approval will provide additional mitigation of impacts. Previous conditional use permits of this type have been approved with limited hours of operation on the weekend beyond what is proposed on this request. Due to the pre-existing activity and lack of complaints about that activity, broader conditions have been proposed.

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

Due to the limited nature of the potential offsite impacts and the proposed conditions of approval it is unlikely that the use will result in diminished or impaired property values in the area.

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

The proposed use does not require any public utilities. The proposed use will utilize W Cunningham Drive and US 40 for access. Both roads are maintained by the State and should be able to sustain the truck traffic generated from this use.

(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.

Property to the east has an approved Conditional Use Permit for the same use that was granted in June 2016 after being rezoned to A-1 in January 2016. A portion of the same property has an approved ML-P Review Plan.

Property that is adjacent to the north and west is in the Perche Creek Floodplain and in agricultural use.

The closest residential areas are located approximately equidistant to the east and west. Both areas are separated from the site by distance and elevation.

This should provide adequate screening of the topsoil operation from nearby residential uses and any undeveloped properties.

*(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.*

The applicant anticipates approximately 20 to 30 truck trips per day. Averaging 30 trips over the 12 hour per day operating window yields an hourly traffic count of 2.5 trucks per hour. This will not result in traffic congestion on area roads.

*(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.*

Conditions of approval address the need to obtain a Land Disturbance permit and comply with the Stream Buffer Regulations. All other applicable regulations are likewise enforceable.

Staff notified 23 property owners about this request.

Staff recommended approval subject to the following conditions:

1. Hours of operation shall be limited to

- Monday through Saturday 7 AM to 7 PM
- No operation Sunday
- No operation on New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day

2. A land disturbance permit shall be acquired prior to any earth moving on the site. The permit shall specifically identify the portion of the site where topsoil is to be removed on an annual basis.

3. When the topsoil removal site is adjacent to Perche Creek the stream buffer shall be staked so as to prevent removal of soil from within the stream buffer.

4. The operator shall employ the use of management practices to prevent mud, dirt or debris from being deposited on public roads to the satisfaction of the Director of Resource Management.

5. The operator shall maintain the access road in a dust free condition to the satisfaction of the Director of Resource Management.

The Planning & Zoning Commission conducted a public hearing on this request during their July 21, 2016 regular meeting. There were eight members of the commission present during this public hearing.

Following the public hearing, a motion was made to recommend approval of the request with the conditions suggested by staff.

The motion was approved with 5 members voting in favor, and 3 opposed; so the request comes forward with a recommendation for approval with conditions.

Commissioner Thompson asked under item D in the staff report, the written response says in part, both roads, Cunningham and US 40, are maintained by the state and should be able to sustain the truck traffic generated from this use. Can you expound on that.

Mr. Shawver said based on the time of the year, traffic will increase during spring and fall, both times being for agriculture use and this operation. Other times, the traffic on this road will not be as extensive.

There were no further questions at this time.

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

Jay Gebhardt stated the following:

I am here with Mel Smarr and in July I made statements at the planning and zoning commission meeting that were incorrect. I stated that the Smarr's owned the property in 1997 and began removing top soil from the site in 1997. That was incorrect. The Smarr's purchased this property in 2007 and started removing top soil in 2007. They began business as RiMor topsoil in 1997. I apologize for incorrectly stating this at the previous public hearing.

This proposed Topsoil Harvesting consists of harvesting a thin layer of soil from the surface of approximately 40 acres of the ground and stockpiling the material. This is typically

performed in the spring and fall of the year. The time period for the harvesting of top soil is approximately 4 weeks during the spring and 4 weeks during the fall. There is typically no harvesting of topsoil except during this time.

Once enough material to service the anticipated demand for the next 6 months is stockpiled, it remains in the stockpile until a customer requests topsoil to be delivered. At that time the employees of RiMor Topsoil load a Truck by placing the material in a screening machine that loosens and screens the material before being placed in the truck. Then the material is delivered.

In order for a conditional Use permit to be granted it is our job to provide information to you to show that the following 7 items are addressed. These are:

- (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.
- This is a broad category but it is our opinion that the harvesting of topsoil and ancillary uses, such as trucking the material, will not be detrimental or endanger the public.
  - Public health is not affected due to the fact operations occur on private property away from public spaces. Dust, noise and other objections will primarily be contained on the property and will be similar to the noise, dust and other objections that would occur with the agricultural uses permitted on the property. The activity has been occurring since 2007 and no complaints for the Noise or Dust have been logged with Resource Management.
  - Public Safety is not at risk due to trucking of the material as it occurs on public designed and maintained roadways. The widths of these roadways were designed with adequate width for large trucks to use the roadway in conjunction with passenger vehicles. The trucking is primarily performed by employees of RiMor

Topsoil who are professional drivers with the appropriate licensure and training. Although their vehicles are large they are not detrimental to the public's health, safety or welfare.

- The number of loads of material will vary during the year with the spring and fall months being the busiest time. Typically there are two trucks used to make deliveries. In an 8 hour day each truck can make approximately 8 to 10 deliveries depending on the travel distance to the customer. This request will not create a volume of truck traffic that will reduce the safety of the traveling public on the public roadways.
- RiMor currently has two permitted sites and with this site would have third site from which to harvest top soil. It is their intent to rest this site and utilize the other two sites for the short term. After this short period, all three sites will be used and this will reduce the traffic to this site considerably as the trips will be spread over all three sites.
- If the site is not granted a conditional use permit then a viable use for the property besides normal agriculture uses would be for a sod farm with Semi Trucks of Sod being delivered from the site. The semi - trucks used for sod are heavier, longer and larger than the dump trucks used for the top soil deliveries. A sod farm would not require a conditional use permit.

(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 Harvesting Operation started on this property in 2007 and since that time the business has grown resulting in additional trips from the site each year. Resource Management has not received a complaint prior to our request for a conditional use permit.
- We accept the staff's condition on the limited hours of operation. We will operate mainly during the working hours which will limit our impact to the neighbors. We

would also be willing to reduce the hours of operation to 7 am to 7pm Monday thru Friday and 8am to 5 pm on Saturdays (**Commissioner Miller noted the Saturday hours for the other operations is 8am to 3pm and Mr. Gebhardt agreed to that**)

- Distance and topography help to mitigate any impact this activity would have on the surrounding property.
- Property in the immediate proximity will not be injured by the addition of the top soiling operation.

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

- The proposed operations that will occur as a result of approval of this conditional use permit will not adversely affect adjacent property values as these operations already occur in this area.

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

- All of the facilities are currently present on the property for the safe operation for the Topsoil Harvesting
- Cunningham Road is a 24 foot wide MoDOT maintained outer roadway on the north side of I-70.
- As stated above, the width of Cunningham is wide enough to accommodate dump trucks and passenger vehicles, simultaneously.
- The truck traffic from the top soil harvesting is a major concern per the neighbor's comments at the July Planning and Zoning meeting.
- However, the number of current truck trips on average is very low and even without using an average the worst case number of trips, spread over the working day, is very low.

- The amount of traffic on Cunningham road is also very low at this time so the number of trucks may seem to be large in comparison with the total trips for the Roadway.
- This will change with time as the large commercially zoned area to the west will have sewer in the next few years. When this property develops there will be a large increase in traffic.
- Development of this existing commercial area will apply pressure to build the bridge connecting the outer road north of I-70 across Perche Creek.
- The point being that the allowed uses zoned to the west of this property will have a much greater effect to the traffic on Cunningham Road than this conditional use permit.
- As stated above, the business plan is to use all three top soil locations to reduce traffic out of any single one.

(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 topsoil harvesting will not impede the development of the surrounding property. Nothing about the operation will affect the permitted uses in the adjoining zoning districts from being utilized.
- The properties immediately surrounding the site are all agricultural uses and will not be adversely impacted by a top soil harvesting operation.
- The residential property is separated from our site by 1300 feet in distance and 130 feet in elevation; this should mitigate any visual or audible effects the top soil harvesting will have on the residential property to the west.
- The properties further to the West are zoned general commercial and Agriculture and could potentially accommodate commercial and agricultural activities that are visually and audibly more intrusive than the top soil harvesting operation.



(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 point of access to the property is existing MoDOT permitted entrance.
- As stated above, the traffic generated from this operation will be Minimal and will not create traffic congestion on I-70 Dr NW.

(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.

- RiMor Topsoil is the only provider of top soil in large quantities and provides a needed service for all Boone County residents. There is a public necessity for this conditional use permit. All permitting requirements of the County and State will be followed. Mel and Charlotte are committed to providing these services to residents of Boone County in a responsible and safe manner with as little impact to the surrounding environment and neighbors as possible.

In closing, the main issue I heard at the P&Z meeting was about traffic. These trucks are part of the traffic on this road and 2 of the 4 drivers at Ri-Mor have been with them for 18 and 22 years respectively and neither has had a violation while operating the trucks. They are professional drivers and take care in what they do and try to be safe while operating these vehicles.

The Smarrs are committed to doing this in a safe manner. The damage to the road is something that can be attributed to the trucks, but also to the uses allowed on that road. MoDOT does not fix this road because there is not much traffic on this road. The neighbors will talk more about the condition of the road.

Commissioner Miller asked when it was realized a Conditional Use Permit was required.

Mr. Gebhardt said when the Smith farm came in to do the CUP, it was brought up and when they did the CUP across the creek, we had consultations with staff and they said we would need it.

Commissioner Miller asked if the Smith farm was a re-zone.

Mr. Gebhardt said it was not.

Commissioner Miller asked how they knew they needed one.

Mr. Gebhardt said he stands corrected and there was a re-zone and that is why.

Commissioner Miller said she thought that was the case and wanted to clarify.

Commissioner Thompson said she would like to clarify the number of trucks doing the hauling. The report stated two trucks from Ri-Mor and additional trucks from four or five other companies.

Mr. Gebhardt said currently at this site, there are others that haul from this site. In August, 21 loads were hauled by the City of Columbia who use their own trucks and there are agreements with others to haul from this site. In August there was a total of 108 and besides Ri-Mor there were 17 single axle hauls, 21 from the city and 10 from others.

There were no further comments or questions.

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

**Geoffrey Pease**

Cunningham Road is our route to our subdivision. I am here tonight representing the Countryshire Home Owners Association and there are quite a few of us here and I would like them to stand and identify themselves. We are here in opposition to the Conditional Use Permit sought by Ri-Mor. Because of what we heard earlier from Mr. Gebhardt, this changes things and why we are here tonight. The vote was 5 to 3 at the P&Z Commission and part of that was because they talked about being in operation since 1997 and we knew this has only been a problem for the last 2 to 4 years.

We are talking about this tonight because the P&Z did not get all the correct information. Mr. Gebhardt has corrected that tonight. One of the other reasons is the Association assumed the applicant had all the zoning issues taken care of. The fact is, no zoning issues have been taken care of and we have the opportunity to object. We don't want to penalize Mr. Smarr and his small business, but we do want to have a business run legally and without hardship to the neighbors. The Commission should carefully consider if Ri-Mor should be forgiven for not operating correctly in the past and reward them with a permit moving forward.

What Mr. Gebhardt said at the P&Z and here tonight, the fact is I got some soil from Mr. Smarr many years ago and it is very good soil. My concrete guy actually brought the soil to my property and unless they are attached to Mr. Smarr, I ask how many people are actually getting dirt from him.

Commissioner Miller said that is was mentioned tonight there are 10 others besides himself and the city that haul.

Mr. Pease said we are not farmers and we don't think digging up dirt and shipping it is the same as harvesting corn or soy beans. The question we need to ask is this really an agricultural operation. The fact of the matter is all this dirt that is being moved around is playing havoc with our roads and infrastructure. We don't think the infrastructure can handle the current traffic let alone any growth in the Ri-Mor business.

Mr. Smarr says he will let this area rest for a year or two, but that is just temporary. That does not help us with our issue since the state won't make any major repairs/overlay with the heavy truck traffic which will be more in the future. It is stated the road is 24' wide. That is probably right when it was built. We measured it now and there are areas that are less than 24'. It is not safe for two trucks to meet and more importantly, a truck and school bus. There are no dividing lines painted as well as no speed limit signs posted. Those trucks are careful but there are issues with rocks flying off the top of the trucks and cracking windshields.

Commissioner Miller asked if those trucks are from Ri-Mor. There are other trucks on the road.

Mr. Pease said they are large trucks. The road conditions have caused us to zig and zag because of the pot holes and the elevated pavement has caused our cars to bottom out. We don't believe the use is allowed under the A-2 zoning and they have been operating for years without regard to the regulations and now the Commission is considering approving a CUP because we have not complained as a result of us assuming they had been permitted.

Also, property owners, when listing their homes, must disclose any negatives and this is a negative influence as it relates to our properties and values are affected accordingly. We ask that this application be denied.

The Commissioners thanked Mr. Pease for speaking tonight.

Commissioner Atwill asked if there is are others present that would like to speak in opposition to this request come forward once the previous speaker has finished.

**Vickie Lanes**

I have live on Earthland Road since 1972. Our road is crumbling. The sides are crumbling. The state filled a hole on the side and left a cone there and you can't meet a truck at that

particular part of the road. If you do, you are going to fall off. My car comes to a standstill. These are monster trucks and some have up to 12 tires. The dirt is not level and we don't even know what the weight limit is for the road. This should be addressed. If a school bus meets one of these trucks and they fall off, who is responsible. The state is responsible for repairs but they can't fix this road every day. It is absolutely crumbling.

I have lived there since 1972 and have driven that road almost every day. The state is not going to fix it and you are going to let more trucks on it. Someone is going to get killed. We can't have more of these trucks. These trucks, when unloaded, are moving pretty fast and you better watch out.

**Mike Bradshaw**

Definitely, since the trucks have been coming, the roads have noticeably started to crumble. My concern is not for the business. I'm all for that as long as it is legal. My concern is the safety factor and road conditions. The road may be 24' and wide enough for a dump truck and passenger car, but we are not able to use the total width of the road. There are no shoulders and the edges are very dangerous. This is a safety and maintenance concern. We need someone to take care of the road if we are going to allow this type of work to continue.

**Olga McBride**

Since I am retired, I use the road later in the day so I frequently meet those trucks. The road is narrow and there are also deep ditches on each side. The trucks share the road, but they like the center section better than the edges. That leaves very little space. Quite often they are going at a speed and since there are no speed limits posted, are excessive for that type of road. I recommend, before approval, that all of you go out and drive Cunningham and see the condition of the road.

**Roy English**

I have resided in the surrounding area since 1954, more specifically, on Countryside since 1999. Many things said at the P&Z meeting were not correct. When we attempted to rebut some of these things, we were told we can't say anymore because we have already spoken.

My wife and I have no qualms about the processing and sale of the dirt, however, we are concerned about the activity being started without a permit and years later, not as long as we were initially told. First it was 1997, now it is 2007. When they started, there was one lone brown sign, and later it was replaced with another and now there is a white sign describing all the services offered. There is nothing in their request that has anything to do with landscaping equipment, products or anything else as the sign indicates.

After all this time, there is no permit and now they are asking for the permit to do this. Had this request been made at the time of the business inception, we would not be in this predicament regarding Cunningham that we currently have. MoDOT, from the start, should have prevented this. The road has been designated as only a residential access road since construction in 1970 when I-70 was built. The building of the road was for that use only and not for heavy trucks or equipment. It was intended for access to the subdivision.

The talk about the daily trips for each household at 10 per day is more than I would have calculated. Now comes Ri-Mor with their business, which in my judgment, was started in a clandestine way because they did not check if they needed a permit or business license. All I know is that when you do business in this county and sell product, you have to get a license. It may not be true about farm land, I don't know.

The road was never designed and should not have been used by these large and heavy trucks. There are different sizes. There are single axle, double axle, tri axle and even more. If you go to the higher limit, they can go to a 67,000 pound load. The lightest is in the range of 30,000 to 40,000 pounds. That is a great tonnage going across that road. It is not built for that.

Why was this allowed to start. Now we have a torn up road. It's not that MoDOT doesn't want to fix it, they can't in good conscience spend citizens money to fix it properly because the trucks are going to continue to tear it up. Ri-Mor says they do this in the spring. That is not true. They have been doing it all the time. When they started, we went with our pickup and bought some dirt, worked just fine. That was early and we assumed they had the required licenses. The damage is highly visible and unsafe and not easily repaired. To continue this use is not well advised and should be discontinued. The road can then be repaired and serve the families.

MoDOT has told me a lot of things. The basis of the whole thing is that the road was built and intended for cars only, not these heavy trucks. I have measured this road at 22 different points and the average width is 20.1' with no shoulders. This is the only access for the people who live in these homes off Cunningham.

Mr. English presented photos to the Commission for the record.

**Gordon Thmpson**

I worked with the Federal Bureau of Highways to get a permit for a gas line along the north side of I-70. Everything went well except that Cunningham Drive was designated a residential roadway. Putting in a high pressure gas line along that road required special permission from the Federal Bureau of Highways. Because of that, I can state that Cunningham is a residential roadway.

**Ken Hutchinson**

I would like to caution the Commission that if they drive to Cunningham, it may knock off your oil pan if going west. The ruts are so deep that this may occur or even scrap the bottom. The vote at P&Z was 5 to 3, but there were two errors. First, it was stated that this operation had been ongoing since 2001 at its current level and if the homeowners had any concerns,

they should have been raised earlier. Second, in the presentation, the regulations, I believe it was C, state that the property values will not be diminished. If you are trying to sell your house and a real estate agent is taking a buyer along this road, they might not be able to get to it because of all the ruts. My belief is that this will and does affect property values.

**Marckeen English**

I just want to clarify some of the pictures that were given to the Commission and I will put better descriptions on the back so they can be documented properly for the record. Visibility is very bad at the intersection and there are blind curves. It is very dangerous. There are no speed limit signs. We do not object to the business, but this road is a safety hazard.

**Fred Hinshaw**

I am disturbed with staff that they are recommending this for approval. There are some obvious issues that do not meet your criteria. There is loss of value, access and road conditions all brought on by this business and the heavy traffic associated with it.

Any perspective buyer that goes into that area is obviously going to be distracted by the road and the 20 to 40 trucks pounding up and down every day. Businesses are intended to grow and this one certainly has that potential. That amount of trucks may not be the case in the future.

This business is not allowed under A-2 zoning. It has been operating for years and you are now considering approval of a permit. If approved, you are saying I can operate a business for years in violation of your zoning codes and come in here for your blessing. We ask for your very careful consideration of this matter.



**Frank Lamantia**

Something that was left out was the consideration of the dirt roads these trucks travel on. When they come out and drive on these dirt roads, they are creating a cloud of dirt that is going to travel across I-70, both east and west. This will create a problem. I have a picture of one of these trucks since I had to chase it down after it cut me off. **(picture shown to Commission)** These are big trucks and someone is going to get hurt. The Commission needs to go out and drive that road and see if you can do it without zigging and zagging your way down the street.

**Jim Blaska**

I have no issue with Mr. Smarr. I live on Cunningham and my property line goes up to the street and the potholes are so close I am always picking up large chunks of asphalt. I have talked to MoDOT, twice, and they assured me they will not be fixing the road until the business stops hauling dirt. They don't want to waste the time and effort repairing it.

I propose that Mr. Smarr contribute to the repair of the road if he wants to continue hauling dirt out of there. His trucks, and others, are the reason and he is making all the money off our roads and I think some of his money should go back into repairing the roads. I think it should be a condition of approving the permit.

**Brian Brown**

I just want to say I oppose this request.

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

Commissioner Miller asked Mr. Shawver if they have talked to MoDOT.

Mr. Shawver said they have not.

Commissioner Miller said this is a public road and you can't limit anyone from using a public road. There is no authority to limit any kind of traffic.

Mr. Shawver said that when the county has road issues, we have the option of posting load limit signs as does the state.

Commissioner Miller said this is very compelling the way the road is different than that on the other side of the creek. That part is in much better shape and there are more ways out. This is more of a one way in and one way out. This is a problem we need to address, I just don't know how. Even if we deny the permit, they still have a right to use their property as a sod farm and no one can stop them. What are the options for getting the road repaired.

Commissioner Atwill and Commissioner Miller recognized Mr. Gebardt at this point as both indicated he has a right to respond to the testimony heard.

Jay Gebhardt said there is a question on how to mitigate the impact on the road. I was not aware that there was no speed limit posted. I can work with MoDOT and if it is a residential road, 30mph is appropriate and if it needs to be slower, we can look at that. The other limiting thing is the number of trips. I talked in my presentation that not only will there be a rest period for this property for a short period of time, but when it does go back into production, there will be less loads from it than today. Right now, it is the only site they have. They will eventually have three and if we need to look at limiting the number of trips per day, similar to Smith Drive, we can look at that.

Mr. Smarr said he could limit the weight by going from 15 yards a load to 10 yards a load.

Commissioner Miller said she cannot support this carte blanche the way it is today. I don't know what our options are currently.

Mr. Gebhardt said this is a difficult situation. We can go back to what we can do without the CUP and there would be more damage to the road. Mr. Smarr's proposition to reduce the weight load by 1/3 and have a speed limit is a good start. If we can table this until the next meeting, this will give us a chance to sit down with MoDOT so we can get answers to these questions.

Commissioner Thompson said that is an interim step. If MoDOT knows about the weight limit, they might reconsider and improve the road knowing that it might be worth it.

Mr. Gebhardt said we can look at our loads, not just the weight, but the total number of trips.

Commissioner Atwill said he believes the problems are bigger than that. Under the rules, the establishment, maintenance or operation of a CUP will not be detrimental to or endanger the public health, safety, comfort or general welfare. That is pretty broad. What we heard tonight, you are in violation of that.

Sub paragraph B states 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. Well, this is at least injurious to the use and enjoyment the way this has unfolded.

Also, the conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood. That's hard to prove, but it can be proven. You can get an appraiser to tell you that.

Mr. Gebhardt said the question he has is that the CUP is for the topsoil operation. The trucking is ancillary to that use. The harvesting occurs on the property itself. To drive a truck on the road, you do not need a CUP. We need it to harvest the topsoil and the topsoil is not injurious, it is the trucks on the road. That's the problem we need to solve.

Commissioner Thompson said it is the intersection of your issues, the neighbor's issues and finding the solution with MoDOT. Don't know if that can happen, but at least if we can explore it and see what can happen. Most everyone here say the road is the issue. If we get the road improved and safety is not an issue, then we may have something.

Commissioner Atwill proposed that this item be tabled.

Commissioner Miller seconded the proposal.

The proposal carried 3 to 0.

**5. Public hearing and request by Boone County to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) and approve a review plan for Highway 124 and Barnes School Road Planned Development on 6.24 acres, more or less, located at 4221 E Hwy 124, Hallsville.**

- **Order approving rezone**
- **Order approving review plan**

Stan Shawver read the following staff report:

The property is located approximately 1.5 miles west of Hallsville on the northeast quadrant of the intersection of Highway 124 E. and Barnes School Road. The zoning is A-2, which is the original zoning. All of the neighboring property is also zoned A-2 except property adjacent to the north, Tyger Hills Planned Industrial Development that was rezoned to ML-P with an approved Final Plan in 2004. There are three existing structures on the property, two of which are located within the 25-foot perimeter buffer. The fuel shelter in the southeast corner of the property was granted a variance by the Board of Adjustment to remain in that location. The Rock and salt storage building on the west property line will be demolished.

Historically, this site has been used as a Missouri Department of Transportation (MoDOT) maintenance facility since prior to the adoption of zoning regulations in Boone County. Boone County purchased the property in 2010 and has used it for the same purpose and as a satellite office for the Boone County Sheriff's Department. The property is now surplus and the County Commission intends to offer it for sale. This request is to establish permanent ML-P zoning with uses limited by the Review and Final Plan to those that are appropriate for the site and available utilities. Approval of this request would allow the site to continue to be used as it has been for over 43 years.

The Master Plan designates this property as suitable for agriculture and rural residential land use. The Master Plan 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.

Utilities: Public Water District Number 4 provides water service to the property. There is a ¾ inch and a 2 inch water meter on the property. There is a 10-inch line on the south side of 124, a 4-inch line on the north side of 124 and an 8-inch line on Barnes School Road. Commercial fire flows are available to the property.

There is an existing septic system serving the building on the property. A note on the Review Plan indicates that future systems will be engineered specifically for the allowed uses. Boone Electric will provide power.

Transportation: The property has frontage on and existing access points to Highway 124 and Barnes School Road. Comments received from MoDOT indicate that no additional access will be permitted to 124. Barnes School Road is maintained by the county where additional access points may be allowed subject to Boone County Roadway Regulations.

Public Safety Services: The property is approximately three miles from the Boone County Fire station on Route B in Hallsville. The water lines adjacent to the property will provide the necessary fire flows the proposed allowed uses listed on the Review Plan.

Stormwater: The site was developed prior to the establishment of stormwater regulations, therefore, there are currently no stormwater controls on the property. Additional construction and paving will be subject to the Boone County stormwater regulations.

Zoning Analysis: The property has been used as a light industrial site since prior to the establishment of zoning in Boone County and pre-dates most of the residential development in the vicinity. This request seeks to establish zoning that recognizes the historic use. The review plan has been designed so as to limit the impact of industrial uses on the site in the following manner:

- The list of allowed uses has been tailored to limit uses to those that are similar in impact to the established use of the property and that do not generate large quantities of wastewater.
- Maximum building area is limited to 15,000 square feet, which includes the existing 4,360 square feet under roof.
- A note on the plan requires buffering to be established as redevelopment of the site occurs.

Staff notified 13 property owners about this request. The property scored 46 points on the rating system.

The long term industrial use of this site has helped to establish the character of the area. Property to the north was rezoned to ML-P in 2004. Adequate levels of service are in place to meet the needs of the proposed rezoning. Impacts from the site are limited by the Review Plan. Therefore, staff recommended approval of the rezoning and review plan.

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

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

The motion was approved unanimously, so the requests come forward with a recommendation for approval.

The Commission had no questions at this time.

Commissioner Atwill opened up the public hearing and asked if there is anyone present that would like to speak for or in opposition to this request. There were no 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 Boone County to rezone from A-2 (Agriculture) to M-LP (Planned Light Industrial) on 6.24 acres, more or less, located at 4221 E Hwy 124, Hallsville.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #394-2016**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve a review plan for Highway 124 and Barnes School Road Planned Development on 6.24 acres, more or less, located at 4221 E Hwy 124, Hallsville.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #395-2016**

**6. Receive and Accept the following plats:**

- **Trade Winds Park Plat No 2B. S12-T48N-R12W. M-L. Stream's Edge Properties LLC, owner. Christopher M. Sander, surveyor.**
  
- **Burkett. S33-T51N-R11W. A-2. Bruce and Pamela Burkett, owners. Donald E. Bormann, surveyor.**
  
- **JJ McKee. S17-T46N-R12W. A-2. Danny and Pam McKee, owners. Steven R. Proctor, surveyor.**
  
- **Nursery Heights (preliminary plat). S9-T47N-R13W. Green Thumb Properties LLC & David and Angela Regan, owners. Jay Gebhardt, surveyor (report only).**

Stan Shawver said Trade Winds Park Plat No 2B is a two lot division located east of Columbia in Trade Winds Industrial Park. Burkett subdivision is a one lot split located south of Centralia and east of Highway 124. JJ McKee is a two lot subdivision on Fox Hollow Road just west of State Highway M. These have been approved by the P&Z Commission and sent to County Commission with authorization for the Presiding Commissioner to sign. Nursery Heights is a preliminary plat which includes 130 lots and was the subject of the



earlier rezoing. The developer has set this up to be done in five phases at a minimum. The developer has agreed to work on an agreement to cover road improvements to Nursery Road as well as the gate and sign.

There were no comments or questions.

Commissioner Miller 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:

- Trade Winds Park Plat No 2B. S12-T48N-R12W. M-L. Stream's Edge Properties LLC, owner. Christopher M. Sander, surveyor.
- Burkett. S33-T51N-R11W. A-2. Bruce and Pamela Burkett, owners. Donald E. Bormann, surveyor.
- JJ McKee. S17-T46N-R12W. A-2. Danny and Pam McKee, owners. Steven R. Proctor, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #396-2016**

**7. First reading; Consultant Services Agreement with Howe Company for engineering services for New Haven Road Bridge and Dripping Springs Road Bridge**

Stan Shawver said this consultant services agreement is for preliminary engineering for New Haven Road Bridge #BR3430024 and Dripping Springs Road Bridge #BR0420020 not to exceed \$11,500.

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**

**8. Second reading; Cooperative Contract C116048002 – Spacesaver Storage Furniture  
(1<sup>st</sup> read 8-25-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the utilization of the State of Missouri Cooperative Contract C116048002, based on the National Joint Powers Alliance Contract 031715-KII for Spacesaver Storage Furniture with Bradford Systems Corporation.

This is a County-wide Term and Supply contract with terms of the Cooperative Contract 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 #397-2016**

**Joint Communications**

**9. Second reading; Medical Director Professional Services Agreement (1<sup>st</sup> read 8-25-16)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached agreement between Boone County and William L. Womack, DO, FACEP for Medical Director services.

The terms of the Agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said Medical Director Professional Services Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #398-2016**

**10. Second reading; Approval to exceed contract amount for Radio Consulting Services  
(1<sup>st</sup> read 8-25-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the additional cost of \$2,730.76 in excess of the \$75,000 contract amount for the period of August 1, 2015 through July 31, 2016 as stipulated in the original contract approved in Commission Order 402-2014. Additional costs are to cover time and expenses billed by Dave Dunford, Radio Consultant.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #399-2016**

**11. Second reading; Consultant Services Agreement with Engineering Surveys and  
Services for the Rise Building Communication Antenna project (1<sup>st</sup> read 8-25-16)**

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the attached Consultant Services Agreement with Engineering Surveys and Services, LLC for services related to the communication antenna project for The Rise Building.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #400-2016**

### **Sheriff's Department**

#### **12. Second reading; Intergovernmental Agreement between City of Columbia and Boone County relating to the Justice Assistance Program (JAG) (1<sup>st</sup> read 8-25-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the attached Intergovernmental Agreement between the City of Columbia and Boone County regarding the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, FY 2016 Local Solicitation.

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

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #401-2016**

### **Commission**

#### **13. Public Comment**

None

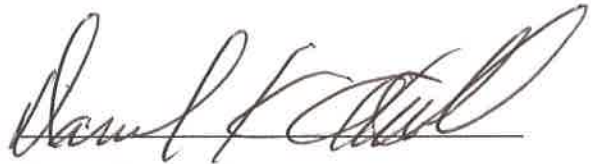
14. Commissioner Reports

None

The meeting adjourned at 10:50 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

