

TERM OF COMMISSION: November Session of the October Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill  
District I Commissioner Karen Miller  
District II Commissioner Janet Thompson  
Director Resource Management Stan Shawver  
Planner Uriah Mach  
Auditor June Pitchford  
County Counselor C. J. Dykhouse  
Deputy County Clerk Mike Yaquinto

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

#### **Auditor**

##### **1. Public Hearing on the FY2017 Proposed Boone County Budget**

June Pitchford said that Missouri law requires that the County Commission convene at least one public hearing in order to take action on the proposed budget. The County Commission has scheduled three public hearings to occur at each of the meeting times, evening, afternoon and morning. The two subsequent meetings are Thursday, December 1<sup>st</sup> at 2:30 p.m. and Tuesday, December 6<sup>th</sup> at 9:30 a.m. The proposed budget is available on the County web site and has been there since November 15<sup>th</sup>. If there are any questions, I am here for the Commission and the public.

Commissioner Atwill said for the record, the budget has been presented to the County Commission in separate meetings over a period of months, so this is not the first time we have seen or heard of it. The County budget is in the range of \$80 million annually dealing with county services, roads and bridges as well.

Commissioner Atwill opened the public hearing and asked if there is anyone that would like to discuss or comment on the proposed budget. There were no speakers and Commissioner Atwill closed the public hearing and said this is the first of the three public hearings that will be conducted.

## **Resource Management**

- 2. Public hearing and petition submitted by Phillip and Jeri Shindler to vacate and replat Lots 70, 71 and 72 of The Woodlands Subdivision Plat 4A as shown in Plat Book 30, Page 47 of Boone County Records.**

Stan Shawver read the following staff report:

This property is located in The Woodlands subdivision, just east of Columbia near the AC exit from Highway 63. The Woodlands development began in 1991. The subject site includes three lots which are part of The Woodlands Plat 4A, which was filed in 1996. The original zoning for this site is R-S (single Family Residential). There are 6.2 acres included in the three lots. The petitioner would like to consolidate the three lots into two lots.

In accordance with Section 1.8.1.3 of the Boone County Subdivision Regulations in order to vacate or replat a subdivision lot, the County Commission is required to find that the vacation will not adversely affect the character of the neighborhood, traffic conditions, circulation, the proper location, alignment and improvement of streets and roads within and adjacent to the subdivision, property values within the subdivision, public utility facilities and services, and will not generally adversely affect the health, welfare, or safety of person owning or possessing real estate within the subdivision to be vacated or surrounding real estate.

Commissioner Atwill asked if there is anyone here representing the applicant.

Ron Lueck said he is here representing the Shindler's request. He has been working as a surveyor in this subdivision since 1993. This is just a consolidation of three lots down to two lots. There are three building sites, but the owners will forego the northern most site and make this a two lot development. This request is to vacate lots 70, 71 and 72.

The Commission had no questions at this time.

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

John Payne said he is the original developer of the Woodlands and this is the right thing to do for these lots. Originally, when developing, you want to get the most lots you can. There is a common driveway for these three lots. They are beautiful lots and I eventually sold them to Phillip and Jeri Shindler. Once again, this is the right thing to do with these lots.

Commissioner Atwill asked if there is anyone else 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. There were no speakers and Commissioner Atwill closed the public hearing.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** a petition submitted by Phillip and Jeri Shindler to vacate and re-plat Lots 70, 71 and 72 of The Woodlands Subdivision Plat 4A as shown in Plat Book 30, Page 47 of Boone County Records.

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

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #537-2016**

3. **Public hearing and request by Route Z LLC on behalf of Compass Health, Inc. to rezone from A-1 (Agriculture) to A-RP (Planned Agriculture Residential) and approve a review plan for NAVIG8 on 10.0 acres, more or less, located at 3150 N Rte Z, Columbia. (appeal)**

**Order for rezone**

**Order for Review Plan**

Stan Shawver read the following staff report:

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

The minutes for the Planning and Zoning Commission meeting of November 17, 2016, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

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

The subject property is located approximately 2 ½ miles to the east of the city limits of Columbia, 1 ½ miles to the north of Interstate 70 on State Route Z, near Mexico Gravel Road. It is 23.65 acres in size and is zoned A-1(Agriculture). Adjacent zoning includes A-1P (Planned Agriculture) to the southwest which was rezoned from A-1 in 2006.

Otherwise A-1 zoning surrounds the parcel. All the A-1 is original 1973 zoning. The Boone County Master Plan designates this area as being suitable for agriculture and rural residential land uses. The Northeast Area Plan identifies this area as suitable for rural residential land uses. There is currently a house, a large shop building, a horse shed, and a dog kennel on the property. In 2004 and 2013, conditional use permits were granted

for a canine breeding facility, which is no longer in effect, and a canine boarding and training facility, which we understand to no longer be in operation. The property scored 41 points on the rating system.

The applicant is seeking a rezoning to Planned Agriculture Residential (A-RP) for 10-acres of the parcel. The proposed Allowed Uses are Single Family Residence and Institutional Home, Institutional Home is not a use listed in the permitted uses for an A-R zoning district and must be removed from the request. The proposed allowed Conditional Use is Philanthropic Institution. The stated intent of the applicants is to apply for a conditional use permit for a residential care facility and office space in the existing house as the Philanthropic Institution. Issues regarding the proposed Allowed Uses will be addressed in the Zoning Analysis portion of this report. The remaining 13.65 acres, not included in the proposed rezoning, will be divided from the plan area by a future administrative survey.

The Master Plan identifies the use of planned districts in the development of previously low-density areas of Boone County. The Master Plan also identifies a “sufficiency of resources” test for analyzing rezoning requests. The Test asks whether there are sufficient resources available for the needs of the proposed development or whether the services can be provided in a cost effective manner. The 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 used for this analysis can generally be broken down into three categories, Utilities, Transportation, and Public Safety Services.

Utilities:

- Water: The subject property is in Public Water Service District #9. There is an existing 12" line on the west side of State Route Z. A waterline extension to the primary structure on the subject property and installation of fire hydrants and possibly sprinkler systems to satisfy the requirements of the building code and fire code are required for this proposal.
- Sewer: The subject property has an existing on-site wastewater system sized to support residential use for the house on the property. The proposed uses for this property require the system to be evaluated for capacity. Boone County staff, Health Department staff, and Boone County Regional Sewer District staff should review that evaluation. The evaluation must contain the information that shows how it addresses the uses proposed on the plan. The required evaluation has been requested, but not yet provided for review.
- Electric: The subject property is in the Boone Electric Cooperative service area.

Transportation: The subject property has direct access on to State Route Z, publicly-dedicated, publicly-maintained right-of-way. Any improvements to access will be under permit with the Missouri Department of Transportation.

Public Safety Services: The subject property is approximately 3 miles from the nearest fire station. The Boone County Fire Protection District will be responsible for providing fire protection to the site.

In considering the resources available to this site, the limitations of the existing on-site wastewater system restrict the development potential of this property. The capacity of this system, while approved for the existing residential use, is unknown when considering the increase required to support the proposed conditional use. Additional information is required.

Zoning Analysis: This proposal creates an island of increased intensity of use in an area that has been identified as being appropriate for its existing low intensity land uses. An A-R (agriculture-residential) or A-RP (planned agriculture residential) zoning district is a transitional zoning district intended to be used to transition from the A-1 and A-2 agriculture districts to the more intensive districts. The Northeast Area Plan describes this area as an area of rural residential activity. The Boone County Master Plan describes this area as an area of rural residential and agricultural activity.

Granting an A-RP designation to this parcel within the context of the existing A-1 and in conflict with both the Master Plan and Northeast Area Plan constitutes a spot zoning. A spot zoning proposal such as this one creates a precedent and expectation for higher levels of development in this area.

Nearby requests on properties for increased development have been denied by the Planning & Zoning Commission and the County Commission, as seen in the proposals for A-2(Agriculture) in 2000 and A-2P (Planned Agriculture) in 2015 on the Ronnebaum property to the west. In this case the use of a planned district does not mitigate the impact of the proposed uses; the single family dwelling proposed requires no re-zoning so the focus of the rezoning request is on the proposed Conditional Use of Philanthropic Institution for 16 residents, 3 resident staff, and 12 daytime staff..

The Philanthropic Institution Conditional Use is inherently more intensive than the existing A-1 zoning and is really the equivalent of three to four single family dwellings at a minimum. This design attempts to mask the increase in the subject property's intensity of use. While the proposed lot is of a size consistent with surrounding properties, the proposed conditional use of Philanthropic Institution use has far higher needs in regard to utility infrastructure. The potential 19 full-time residents on the property in the institutional setting is more consistent with a commercial activity or 4 single family dwellings.

Staff recommended denial of the rezoning request and the associated review plan for the following reasons:

1. This is a spot zoning. Use of a planned district does not mitigate the impact caused by the intensity of the proposed Conditional Use. The planned district is unnecessary for the proposed allowed use, the intensity of the proposed conditional use is out of character with the area and conflicts with the Master Plan and Northeast Area Plan, no compelling case has been made that the proposed rezoning is more appropriate than the existing zoning.
2. Granting this rezoning will render the kennel an illegal use. No information has been provided as to how the existing kennel will be used if the rezoning is granted.
3. The applicant has failed to provide any information to indicate that there is an adequate sewer plan for the proposed conditional use and therefore fails to pass the sufficiency of resources test.
4. The applicant has failed to provide information regarding the square footage and dimensions of the existing structures and whether additions to the structure are single or multi-story.

If the Commission moves to approve this rezoning request and the associated review plan, staff recommends the following conditions be placed on the review plan:

1. Remove “Institutional Home” from the plan because it is not a defined term under the zoning ordinance as a use.
2. Submit a copy of the wastewater study for review by Boone County Resource Management, Columbia/Boone County Health Department, and Boone County Regional Sewer District prior to submittal of a Final Plan. The proposal for how the



wastewater for the proposed conditional use must be clearly delineated and detailed with respect to the numbers of residents, staff, and possible others such as guests/visitors and such proposal must be acceptable to the Director of Resource Management, the Boone County Health Department, & the Boone County Regional Sewer District. Should the proposal not be found acceptable then the review plan approval is void.

3. The existing dog kennel must be removed or de-commissioned as a kennel and converted to another compliant use prior to Final Plan approval, subject to the approval of the Director.
4. The label "Indoor Recreation Facility" will need to be removed, as that use is not available in the A-R zoning district. The structure that currently has this designation was built as a shop and has not been shown under the current proposal with a use allowable under the proposed rezoning. Therefore, it can be labeled and used only as a shop/garage.
5. Correct the Density note on the plan to indicate one single family home and to specify the floor area of the proposed conditional use.
6. Allowed Uses should read, "One single-family home" and "Agricultural Activity"
7. Conditional Uses should read, "Philanthropic institution with a maximum number of 16 residents, a maximum number of 12 daytime staff, and a maximum number of 3 twenty-four-hour staff."
8. Identify dimensions of proposed parking spaces.
9. Rename office structure as office/dormitory or similar term rather than office with dormitory addition.
10. All accessory existing structures not shown on the plan must be removed prior to submission of any Final Development Plan.

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

Following the public hearing, a motion was made to recommend approval of the rezoning request. That motion died for lack of a second.

A motion was then made to recommend denial of the rezoning request. That motion carried by a vote of 5-2.

The applicants filed a timely appeal to the County Commission so the request comes forward on appeal.

The Commission had no questions at this time.

Commissioner Atwill and asked if there is anyone present representing the applicant.

Dan Brush said he is with Brush and Associates, the engineer on the project. The sewer system on this facility is not your standard, typical farm house, sewer system. It has two septic tanks, 1500 gallon tanks where one has a bio-unit needing a slight upgrade. It has a drip filter irrigation system which will need to double in size.

We have had some conversations with the Sewer District about the possibility of taking out their lagoons at Shaw and putting them elsewhere if economics dictates. We may look at doing a force main there with connection to the Sewer District and also providing some public sewer for the surrounding area. All of the improvements we will be doing will meet Boone County regulations and comply with ADA. The dog kennel will go away and the shop will be used for storage. I can answer any questions you might have.

The Commission had no questions at this time.

Commissioner Atwill asked if there is anyone else present representing the applicant that would like to speak.

Jody Miller said she is an architect and would like to pass out some exhibits of the property. When we looked at the property, the house is pretty well set up for what they want to do, especially with the way the floor plan is set up. There is one hallway with bedrooms off of it and then there is the kitchen, living room and dining room all in the open. There is also the potential to add to the existing bedrooms and this is already set up for a separate area for male and female rooms. The basement also offered a significant amount of recreational space. This property, being in a beautiful area, would be an uplifting place and already has a lot of the needed functions.

We will need to make some modifications to the space. We will need a small addition to get to the number of bedrooms needed. We can do that with about 14 feet of an addition off the garage side of the building. With this plan, we are illustrating the minimal impact we have on the site. There will be no additional buildings, just a small addition to the existing building. The character of the site will remain the same.

Other things to be done involve exterior work to the building, some sort of access to the lower level, perhaps with a residential style elevator. We will need to add access to the front door and pave the driveway and add parking. Even in considering all these things, a quick cost estimate says that modifying this property will be less costly than purchasing land and building new. This makes good economic sense.

In reviewing the exhibits, you can see there are multiple zoning categories. There is close proximity, about 1/3 of a mile, of AR zoning. It is also within one mile, as the crow flies, from Battle High School. This is an area of Columbia that has multiple zoning categories and not an island with A1 zoning surrounding it.

The Commission thanked Ms. Miller for speaking on this issue.

Commissioner Atwill asked if there are any other speakers representing the applicant.

Karen Cade said she is the President of the Family Counseling Center and they have existed in this community for almost 45 years. We have been in our current facility since 2006 and we are trying to relocate our adolescent program. It is in a location that is not a great location for the kids we serve. There is a lot of violence and drug use in that area and is not a place where we want our kids to be. In addition, we only have space for 13 beds and our contract with the State of Missouri says we need to provide 16 beds.

We decided several years ago we needed to move and have been looking for a property for over two years and have not found anything. When we discovered this property, we talked to Stan and he said this would not be very easy. Boone County deserves this service that we are providing. I understand the concern about re-zoning. Change is difficult. The High School is changing things and changing the zoning there. We provide services in that school several days a week.

When we looked at this, we talked about how close we are to the High School, about 1.7 miles by the road. This is very close for us. We just ask that you consider this. It is a need in Boone County and is in a location that the kids we serve need to be in. It is peaceful and quiet. We have very little problems with the kids. One of the issues brought up was if one of the kids ran away, they would be on the busy road, but the High School track team runs on that road as well. We would really like to be at this location.

Commissioner Thompson said that it is her understanding that another property that would already be zoned consistent with what you are looking for might be available in that area. Have you looked there at all for other property.

Ms. Cade said she has had several realtors looking for property. If there is something available, she is not aware of it.

Commissioner Thompson said it was also mentioned in the P&Z hearing about the availability of resources for the kids and the proximity of these resources to this location and available to the kids.

Ms. Cade said the services we provide are all located within the facility. We have school there. A nurse is on staff as well as counselors. We do occasionally take the kids out to doctors, but that is the case for any facility. One other issue was the concern about deliveries. The only delivery we get is from Hy-Vee delivering meals in a small van. There is no damage to the roads.

Commissioner Atwill asked if there is anyone else present representing the applicant that would like to speak. There were no further speakers and Commissioner Atwill opened the public hearing and asked if there is anyone present that would like to speak on behalf of this request.

Libby Brockman-Knight said she is a Clinical Director for public health and oversees the Residential Treatment Center and is here to advocate for our kids. We have been providing services for over 25 years. We have three adolescent centers in the state. Currently, our facility here only provides services for 13 clients. We serve adolescents ages 12 to 17, but typically, our clients are between the ages of 13 and 15, males and females.

About 50% come from Boone County from a variety of referral services with a variety of issues. The average stay is about 56 days and while they are with us, we are providing comprehensive, wrap-around, services. We have three licensed clinicians on staff, a licensed program director and a registered nurse. They are never out of sight. Our goal, when we look at this site and facility, is to provide a safe atmosphere. We want to help these kids in every way possible with education from the Columbia Public Schools, Family Services, Nursing Services, recreation and community support.

Commissioner Atwill asked how the organization is funded.

Ms. Brockman-Knight said they have a contract with the Department of Behavioral Health. Some of the kids have Medicaid funding, some have insurance, some self-pay and some get funding through the Department of Behavioral Health.

Commissioner Thompson asked what percentage is Juvenile referrals.

Ms. Brockman-Knight said it is around 35%. The largest is family referral.

The Commissioners thanked Ms. Brockman-Knight for speaking on this issue.

Commissioner Atwill asked if there is anyone else to speak in support of the request.

Rachel Finch said she would like to provide a perspective as a funder and having done some direct service working for another community support organization. I could see that space is a challenge anytime I was providing services at the site. From a funding and accountability perspective, their program is highly effective. I was very impressed with the outcomes they get, given the current location. This rural, more peaceful setting is a better option and would be a great benefit to the program.

The Commission thanked Ms. Finch for her input on this issue.

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

Ann Peters said she is a former Planning Commissioner with the City of Columbia and had the opportunity to work on the Northeast and East area plans and also as part of the first every joint planning commission between the county and city for the new Battle High School. When the school was built, it was in the County. Everything has been put into play

with the new school. There are 200 to 300 new homes going up near the school and there are many different zoning designations in the Shaw area. We had an open house concerning this and sent out invitations and only six came. There is a dog kennel on the property and it is curious that the county has no limits on the number of dogs one can own, but when an institution with all the guidelines comes forward, it is an issue. A fire hydrant will be added which will be a benefit to the residents and that the zoning they asked for will not allow for any other buildings on the site.

The Commissioners thanked Ms. Peters for speaking.

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

Commissioner Atwill asked for a show of hands those who wish to speak in opposition. Commissioner Atwill asked since there is a large amount of those in opposition, he would like to say that the Commission does understand the issue at hand tonight and that those wishing to speak, not to repeat what was spoken in advance of them speaking.

Commissioner Atwill asked for anyone who would like to speak in opposition of this request please come forward.

Thomas Phillips said he is here tonight as legal council for his parents, Steven and Sally Phillips. Our entire community is united in opposition to this request. However, not a single person here is opposed to the mission of the Navigate Program. This is not the decision in front of the Commission, it is one of zoning and whether the zoning request for this particular property is appropriate in light of the surrounding community, the long-term zoning plans for the community and the Boone County zoning regulations.

We cannot believe this is a now or never transaction. There are other properties in Boone County and surrounding counties that are available that would be appropriate for their use and already have the proper zoning. There is nothing unique about this property. It has a residential house, some out buildings and some acreage. That describes almost every property in our community. The only thing unique about this property is that it is for sale and has been for sale for some time.

The owners of the property have requested the rezoning to complete the sale transaction. Whether for sale or not, should have no bearing on the zoning. My biggest concern with this zoning request is that it does represent spot zoning and we don't think that can be disputed. The zoning staff here in the county has had years and years of experience in analyzing zoning requests and comparing it to the existing community and making a determination and recommendation. This is spot zoning. That is a direct quote from the staff report. The P & Z also recommended denial because it amounts to spot zoning.

Spot zoning is contrary to the very purpose of zoning regulations. We have regulations in order to bring about an ordered development in society and conserve property values, reduce urban sprawl and protect agriculture land all in accordance with the comprehensive plan as stated in the Boone County regulations. This request is contrary to the existing zoning plan in our community. It is contrary to protecting property values and the most dangerous aspect is the precedent that it would establish. As noted in the staff report, a spot zoning such as this one creates a precedent and expectations for higher levels of development in the area.

I have a petition with 73 signatures from community members who oppose this request and would like to submit for the record. We believe very strongly that our community should have a say in its own future and how it will be developed.

Commissioner Miller said we all have read the P&Z minutes and we are clear about people's comments and you have addressed all the different points we have seen in the minutes.



Commissioner Thompson said that you alluded that this should be compared to the existing community and how this would be defined when the exhibits received from the architect shows that 1/3 of a mile to the south is AR and it is one mile to the edge of Battle High School.

Mr. Phillips said I believe those are single family dwellings to the south. My understanding is that the zoning plan is to completely develop an area before moving into another area and the zoning plan is to develop west of Route Z and south of Route B before they move to a higher density zoning in our area. They also spoke about the historical preference of our community of maintaining our A1 agricultural roots and I believe that has been factored into future development plans.

The Commission thanked Mr. Phillips for his presentation.

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

Marie Pasley said her property adjoins the property in question. There is a 13.5 acre portion of this property that is not for sale. It is an open area and our concern is that if this other portion is rezoned, they will eventually ask for that to be rezoned and then sub divide it. It is totally open and owned by Ann Peters. Since a precedent will have been set with the rezoning of this, there is a good possibility that would happen and we don't see how the Commission could reject it. There could be 10 to 20 houses built on that land.

We realize the great need for a facility like this, but we realize the precedent that this spot zoning would create for our area. There are a lot of livestock surrounding our area to the north and south. It is very much an agricultural community. We bought 30 years ago in this area for that reason and very much want it to remain as an agricultural area.

The Commission thanked Ms. Pasley for speaking.

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

Terry Buckley said spot zoning would create an island of AR zoning completely surrounded by A1 land. The owner of the property wants the Commission to consider that there are parcels along St. Charles Road in the unincorporated area of Shaw that should be sufficient to counter the claim of spot zoning. This point was specific and rejected by P&Z. The Shaw area is, as Commissioner Miller once described, a hodgepodge of zoning. The land use in that area developed long before the county had zoning regulations and before any enforcement. Areas like Shaw are the reason why we now have zoning regulations. This would be a huge step backward to use Shaw as a reason to do the spot zoning.

The Commissioners thanked Mr. Buckley for speaking tonight.

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

John Payne said he has two items tonight. First is the rezone itself. Going from A1 to AR would technically allow 10 houses on that 10 acres. In the mid 80's when I tried to rezone some of my property to A1, I failed miserably. If I had come in with an AR zoning, I would have central sewer coming at me asking for plans. I haven't seen any plans by the applicant and am not sure Mr. Shawver has seen the sewer plans for the upgrade.

We all understand the necessity for this kind of service. They do a good job and we are not against the applicant, but the zoning is wrong. If I came in tonight with the same zoning proposal, I would get denied.

Secondly, this is a poor place for the type of use of the property. It should be in the city limits. If you go back to 1996, I believe the address was 9150 N. Route E, a similar scenario was proposed, believed it was for hospice use, and it was totally turned down. Having owned an older nursing home with a sprinkler system and trying to sell it, when it was looked at, the

consensus was that it was cheaper to build new than try to modify and meet all the regulations and codes. This type of use is better in the city and there is property available.

The Commissioners thanked Mr. Payne for speaking.

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

Jay Turner said he owns 160 acres to the east of the property being discussed tonight. This is a case of spot zoning. There are times when spot zoning is appropriate. One that comes to mind is something that has to go in a particular place and can't go somewhere else as in a fire station. I am downstream from this property and we know that Dan Brush will do his very best to take care of the sewage, but I am concerned of the runoff coming my way.

The Commissioners thanked Mr. Turner and Commissioner Atwill asked if there is anyone else to speak in opposition of this request.

John Pasley said that we were told, since the high school was built, that the character of the neighborhood will change. I have no doubt that will happen. It is mentioned that it is 1/3 of a mile from AR zoning. Well, within that 1/3 of a mile are three houses, three families that will be affected by this. That is also a consideration.

The Commissioners thanked Mr. Pasley for his comments.

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

Dave Dickerson said he has equine on his property. His concern is the people staying at the facility. What kind of security is there. We have animals and farm equipment all around the facility. If there are problems, how will they be handled. The response time for me is also a concern.

The Commissioners thanked Mr. Dickerson and Commissioner Atwill asked if there are any other speakers in opposition on this issue.

Fred Spidle said they moved here five years ago due to a job change. I have lived in the agriculture community all my life. I worked for an agriculture company for 35 years and when we moved to Columbia, we could have found housing in the city, but that is not what we wanted. It took us a long time to find property that we liked.

My concern is that in this rezoning, we would have people living next door to us. I don't want people living next to me. I bought this property so that would not be the case and it cost us a little more. When we considered the prospect of living next to somebody, it made us sick. We had never been in that situation. We want to maintain what we currently have in this area.

The Commissioners thanked Mr. Spidle for his comments.

Commissioner Atwill asked if there are any other speakers in opposition to this item. There were no further speakers and Commissioner Atwill asked if the applicant would like rebuttal time.

Dan Brush said the original proposal was for the entire parcel to assure the left over acreage stayed A1 use and only develop as one tract in keeping with the neighborhood. All we are looking for are two residences on 10 acres. The applicant likes the agriculture feel and the agriculture community. That is what drew them to this parcel. There has talk of spot zoning, but where is it spot zoning. Is it when I am right next to the zoning I am asking for or when I am two or three properties away. Zoning requests usually don't come in where I am just adjacent to the zone. Usually, I am some distance away.

We are looking at a zoning request that will limit what can take place on the property. We don't want to add any buildings or change the character of the neighborhood or lot sizes getting bigger or smaller. We want to use the existing residence and out building for a Philanthropic Institution and would like to do it in a farm setting. The security issue was brought up and as mentioned, they have eyes on their people. Very few of the residents leave the facility.

Ann Peters said that Elizabeth Peters is the owner of the property. Ten acres is still the minimum requirement and that will be maintained.

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

Commissioner Thompson said it is her opinion that the services that are provided by this organization are invaluable for our community. They are needed to help get kids back on the right track, get them through traumatic events and get them in a better place physically, emotionally and mentally.

From reading all the documents from P&Z and from hearing things tonight, we are mixing apples and oranges. The use of the property is one thing, the zoning of the property is something else. We need to address the zoning first. I have two concerns and hope that Mr. Shawver can help me.

There is the piece of land that is not to be rezoned and if were to be sold and rezoned, how many houses can be built on that property.

Mr. Shawver said based on the size and the zoning designation, it would be a maximum of 18.

Commissioner Thompson said that is cause for concern for that potential and understand the neighbors point of view concerning this. Secondly, I wonder if the applicant has met the sufficiency of resources test with respect to wastewater.

Commissioner Miller said she believes change is coming and has said that all along since Battle was built and there will come a time this whole area will be developed just like south of town. The applicant has an honorable mission and this reminds me very much of a home that was requested on Cedar Grove Blvd. years ago and I feel the same way today, I don't believe this kind of facility belongs in the middle of the country. It needs to be closer to services. I didn't support it then and I can't support it tonight. The P&Z Commission hit it right. This is the wrong time, wrong place for this facility, so my vote will go to the negative.

Commissioner Atwill said we have, what I believe, to be a very good staff in our P&Z Department headed by Mr. Shawver. They recommended denial and they studied the issue and carefully considered all the things that were important in making that decision. We also have a P&Z Commission and they, likewise, took careful review of all the issues and denied the request also.

We need to understand the P&Z Commission is composed of people who donate their time and they work very hard and spend a lot of their personal effort in trying to reach a fair result. When they reach a result, I am inclined to follow their decision unless they have violated the law or failed to pay attention to any of the important features of the law that apply to that particular property or they have gone completely counter to the weight of the evidence. I don't see either of those things here and agree with everything the other Commissioners have said and I will be voting no.

There were no further comments from the Commission.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **deny** the request by Route Z LLC on behalf of Compass Health, Inc. to rezone from A-1 (Agriculture) to A-RP (Planned Agriculture Residential) on 10.0 acres, more or less, located at 3150 N. Rte Z, Columbia, MO.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #538-2016**

**4. Request by Stephen and Sally Phillips to approve a Final Development Plan for Phillips Farm on 10.0 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.**

Stan Shawver read the following staff report:

The subject property is located on Mexico Gravel Road, 800 feet south of the intersection of Andrews Ln and Mexico Gravel Rd, approximately 7000 feet to the east of the nearest city limits of Columbia. The parent property is 75.9 acres in size and zoned A-1(Agriculture). The rezoning and review plan were approved at the November 1,2016 meeting.

In accordance with the Zoning regulations, a final development plan can be approved by the signature of the P & Z chairperson and secretary in cases where the County Commission has not added or changed conditions of approval agreed to by the P & Z Commission. The Final Development Plan complies with all of the requirements of the regulations and is ready to be approved. There is no public hearing required.

There were no comments or questions.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the request by Stephen and Sally Phillips to approve a Final Development Plan for Phillips Farm on 10.0 acres, more or less, located at 9075 E Mexico Gravel Rd., Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #539-2016**

**5. Cartwright Ridge. S22-T51N-R13W. A-2. John and Julia Martin LLC, owner. James R. Jeffries, surveyor.**

Stan Shawver read the following description:

Cartwright Ridge Subdivision is a one lot subdivision located on Ponderosa Road just north of the intersection with State Route NN, approximately 3 miles to the northeast of Harrisburg.

There were no comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby receive and accept the following subdivision plat and authorize the presiding commissioner to sign it:

Cartwright Ridge. S22-T51N-R13W. A-2. John and Julia Martin LLC, owner. James R. Jeffries, surveyor.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #540-2016**



## Sheriff's Department

### 6. Public Hearing and second reading; Budget Amendment regarding Missouri Internet Crimes Against Children sub-award (1<sup>st</sup> read 11-17-16)

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

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby acknowledge the following budget amendment from the Sheriff's Department to establish an expenditure and revenue budget for the Missouri Internet Crimes Against Children sub-award.

Department	Account	Department Name	Account Name	Decrease \$	Increase \$
1253	23850	Internet Crimes Task Force	Minor Equip & Tools		2,000
1253	37200	Internet Crimes Task Force	Seminars Conf Meeting		1,500
1253	37210	Internet Crimes Task Force	Training Schools		1,500
1253	37220	Internet Crimes Task Force	Travel		1,000
1253	37230	Internet Crimes Task Force	Meals & Lodging		1,000
1253	70050	Internet Crimes Task Force	Software Service Contract		3,000
1253	3411	Internet Crimes Task Force	Federal Grant Reimburse		10,000
					20,000

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #541-2016**

**Purchasing**

**7. Second reading; Sole Source Approval 133-123116SS – Uninterruptible Power Supply Maintenance Plan (1<sup>st</sup> read 11-22-16)**

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve Sole Source Contract 133-123116SS with Eaton Corporation of Raleigh, NC for an Uninterruptible Power Supply Maintenance Plan.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Sole Source Fact Sheet and attached Addendum.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #542-2016**

**Commission**

**8. Public Comment**

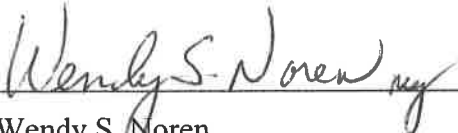
None

**9. Commissioner Reports**

None

The meeting adjourned at 8:41 p.m.

Attest:

  
\_\_\_\_\_  
Wendy S. Noren  
Clerk of the County Commission

  
\_\_\_\_\_

Daniel K. Atwill  
Presiding Commissioner

  
\_\_\_\_\_





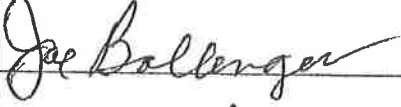








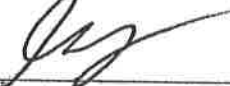
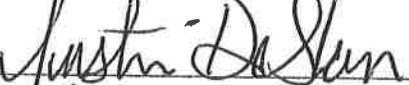


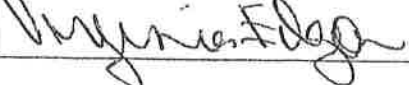
Karen M. Miller  
District I Commissioner






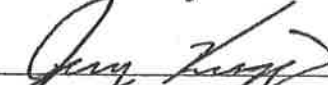
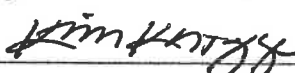



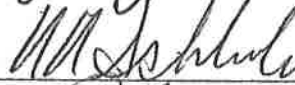
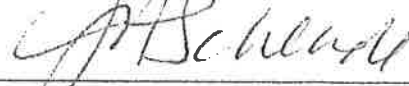
  
\_\_\_\_\_

Janet M. Thompson  
District II Commissioner



The undersigned members of the local community are united in their opposition to the rezoning request to rezone the property located at 3150 North Rt. Z from A1 to A-RP. The signatures that follow represent a substantial majority of the individuals that live in our rural community that surrounds the subject property.

Name	Signature	Address
John Glenn		5151 RT 2
FRANK W. Glenn		11401 E JUDY SCHOOL RD
Maxine Glenn		5151 N RT 2 Col Mo
Maxine Glenn		65202
Joe Ballenger		3645 N Rt 2 Col Mo
Robert Lee Grant		6055 N. Rt. 2 Col Mo
Connie A. Grant		Columbia Mo 6055 N Route 2, 65202
Robert Bedford		6485 N Route 2 65202
Kevin Hull		6825 N. RT. 2 65202
Galen Harper		6851 N Rt 2 65202
Sherry Harper		6851 N. Rt 2 65202
Phil Cathey		7150 RT. 2 65202
John Miller		7010 N Route 2 65202
Greg Mabry		11695 Judy School Rd 65202
Justin DeShon		12001 E Judy School Rd 65202
JEFF DeShon		11805 E Judy School Rd Col. Mo 65202
Jennige DeShon		12001 E. Judy School Rd. Columbia, Mo 65202
Virginia Edgar		12300 E. Judy School Rd Columbia, Mo 65202

Name	Signature	Address
WAIREN BAKER		12401 E. Judy School Rd Columbia, MO 65202
Jessica Baker		12401 E. Judy School Rd. Columbia, MO 65202
TRUDY SOMMERS	Trudy Sommers	12500 E JUDY SCHOOL RD COLUMBIA, MO 65202
Donna Glenn		11401 E. JUDY SCH. RD COLUMBIA, MO 65202
Glenda DeShon	Glenda DeShon	12401 E. Judy School Rd. Columbia, MO 65202
Wayne Sommers		12500 E Judy School Rd Columbia, MO 65202
Kimberly Mabrey		11695 E. Judy School Rd Columbia, MO 65202
Jerry Knigge		11300 E Mexico Gravel Rd Columbia, MO 65202
Kim Knigge		11300 E Mexico Gravel Rd Columbia, MO 65202
Janie Gates	Janie Gates	11105 E. Mexico Gravel Rd. Columbia, MO 65202
Thomas Grant		10550 E Mexico Gravel Columbia, MO 65202
Jason Ballenger		9601 E. Mexico Gravel Rd. Columbia, MO 65202
Terra Ballenger	Terra Ballenger	9601 E. Mexico Gravel Rd. Columbia, MO 65202
Jennifer Grant		10550 E. Mexico Gravel Rd Columbia, MO 65202
Roger Schlude		10365 E. Mexico Gravel Columbia, MO 65202
Jill Schlude		10365 E Mexico Gravel Columbia, MO 65202
Randa Turner	Randa Turner	9000 E. Mexico Gravel Columbia, MO 65202

Name

Signature

Address

Name	Signature	Address
Bob Knoerr	Bob Knoerr	8055 Mexico Blvd Rd
Arlen C Wood Jr	Arlen C Wood	7801 E. Mexico Grand Rd
JAMES Schulte	James Schulte	7605 E. Mexico Grand Rd
Irvin G. Husbelt	Irvin G. Husbelt	71 Mexico Grand Rd
Robert Moran	Robert Moran	7050 Mexico Grand Rd
Marie Pasley	Marie Pasley	3300 N. Hwy 2
Sheela Boyer	Sheela Boyer	2670 N. Rt. 2
JESS BUATCH	Jess Buatch	2810 N. RT. 2
Russell Buaton	Russell Buaton	2865 N RT 2
Lisa Kenneberg Burton	Lisa Kenneberg Burton	2865 N Rt 2 Columbia
JOE HEATH	Joe Heath	2901 N RT 2 (d/w)
CYNTHIA HARTING	Cynthia Harting	3054 N, Rt, 2
Hali Johnson	Hali Johnson	3155 N. Rt 2
Rebbie Richardson	Rebbie L. Richardson	8655 E. Mexico Grand Rd
BOBBY RICHARDSON	Bobby L. Richardson	8655 E. Mexico Gr. Rd
Teresa West	Teresa West	3155 N Route 2
Kenneth J West	Kenneth J West	3155 N RT 2



Name	Signature	Address
Kellen Turner	Kellen T	9000 East Mexico Cr. RD
Rebecca S. Hoyer	[Signature]	8955 E Mexico Cr. Rd
Kevin Belcher	K Belcher	3939 NRTZ
Terri Ballenger Belcher	Terri Ballenger Belcher	3939 N RTZ
Betty Ballenger	Betty Ballenger	3645 NRTZ
Joshua Schutte	Joshua Schutte	3250 W Glendale Drive
Dalton Ballenger	Dalton Ballenger	11101 E. Judy School RD
Gary Ballenger	Gary Ballenger	3000 N. Glendale Dr.
Vicki Humburg	VICKI HUMBURG	12501 E Judy School Rd
Dale Humburg	Dale Humburg	12501 E. Judy School Rd
Susan Cathay	Susan Cathay	7150 N RTZ Columbia Mo
Leurce J. Cox	[Signature]	9350 N. RTZ Centralia, Mo
Robert A. Cox	Robert A. Cox	9250 N. RTZ Centralia, Mo.
Karen Ortis	[Signature]	5210 N. Liddell Ln. Columbia MO 65202
Hunter Ortis	[Signature]	5210 N. Liddell Ln. Columbia MO 65202
Mary Ann Gates	Mary Ann Gates	4251 N. Mendota Dr. Columbia MO 65202
Angela Mings	Angela Mings	5845 N. Hawk Rd. Columbia, MO 65202

Name	Signature	Address
JOHN PASEY	<i>John Pasey</i>	3300 N RTE Z
Linda Watson	<i>Linda Watson</i>	9450 N Rte Z
<i>Norman Cox</i>	Norman Cox	9200 N Rte Z
ROY STERN	<i>Roy Stern</i>	3900 N. GLENDALE DR
Megan Phillips	<i>Megan Phillips</i>	3650 N. Route 2
Stephen Phillips	<i>Stephen Phillips</i>	3656 N. Route 2
Sally Phillips	<i>Sally Phillips</i>	3650 N. RT Z
Barbara Buckley	<i>Barbara Buckley</i>	2914 N RT Z
Terry A. Buckley	<i>Terry Buckley</i>	2914 N RT Z
Tammi Bunch	<i>Tammi Bunch</i>	2810 N Route Z

Name

Signature

Address

Maryann Turner	Maryann Turner	7310 Rogers Rd
JAY TURNER	JAY TURNER	7310 N Rogers Rd Col. MO
Shauna Turner	Shauna Turner	5751 E Heller Rd. Columbia MO 65202
Andy Turner	Andy Turner	5751 E Heller Rd. Columbia MO



Name

Signature

Address

Name	Signature	Address
NATE KNIGGE	Nate Knigg	3093 N. GLANDIE DR.
RICHARD EDGAR	Richard Edgar	12200 E Judy School RD.
Phyllis STONE	Phyllis Stone	6980 N. Route 2
Jerry W. Stone	Jerry W. Stone	6980 N. Rt 2
THOMAS P. KRAMER	Thomas Kramer	8831 E. ST. CHARLES RD.
Mary E Kramer	Mary Kramer	8831 E. ST. CHARLES RD.

