

TERM OF COMMISSION: March Session of the January Adjourned Term

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

PRESENT WERE: Presiding Commissioner Dan Atwill
District I Commissioner Fred Parry
District II Commissioner Janet Thompson
County Counselor CJ Dykhouse
Director Resource Management Stan Shawver
Planner Uriah Mach
Deputy County Clerk Michelle Thompson

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

Resource Management

- 1. Public Hearing: Request by Jerlyn Younger to allow a Duplex in the R-S (Single-Family Residential) zoning district, located at 6004 N Kent Dr., Columbia**

Stan Shawver read the following staff report:

This request was considered by the Planning & Zoning Commission during its February 20, 2020 meeting.

The minutes for the Planning & Zoning Commission meeting of February 20, 2020, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located along the west side of Kent Drive, approximately 300 feet south of the northern intersection of Oakland Gravel Road and Kent Drive. The property is lot 78 of Gregory Heights Subdivision Addition No. 3 Replat No. 1. The property is approximately 70 feet by 150 feet, which equates to

just over 10,500 square feet in size and is zoned R-S (Single-Family Residential), as is all the surrounding property. This is all original 1973 zoning. The building on the property was constructed originally as a duplex, but in 1996, the owner took out a remodeling permit to convert the structure into a single-family home to accommodate use as a family daycare home. In 1997, the permit was closed as "As-Is", meaning no final inspection was requested. This request is to seek permission to re-establish the building as a duplex. The building will need to meet all current building codes for a duplex. The two lots to the north and the five lots to the south of the subject property contain existing duplexes. The applicant is requesting a Conditional Use Permit for a duplex to be allowed in the R-S zoning district.

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

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

If operated in conformance with existing local regulations and appropriate permit conditions, this use should not be detrimental to or endanger the public health, safety, comfort, or general welfare. A new remodeling permit will be required and the building will have to meet current building codes.

- (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 existing duplex structures in the neighborhood have been a fixture in the neighborhood for decades and the required remodeling permit will look at any safety aspects that would impact surrounding property owners. The applicant's testimony, along with that of the public, may be indicative as to whether this criterion is met.

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

If operated in conformance with existing county regulations, the use should comply with this criterion. With the number of existing duplexes in the neighborhood, it is unlikely that there will be any negative impact to the property values of other properties in the neighborhood. Public testimony may be indicative as to whether this criterion is met.

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

The existing infrastructure should be able to be upgraded to allow all the needed facilities to make the lot able to support a duplex structure. The existing structure has public sewer service provided by the BCRSD. Any needed modifications will need to be coordinated between the BCRSD and the Building Inspection Division of the Resource Management Department. The property should have access to water for fire protection and additional hydrants may be required as determined through the building permit process. All necessary facilities will be available to serve the needs of this conditional use permit.

- (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 establishment of this conditional use permit will not impede the normal and orderly development and improvement of surrounding properties. The CUP sought will re-establish a use that had historically been on the property with such use being required to meet current building codes. This will arguably make this structure better than those older surrounding structures that may not meet current code. The existing lots are all already developed so there should be no impact as this use is already a significant feature within the neighborhood. The required remodeling and permitting associated with this CUP will require any improvements needed for compliance, which will only enhance the surrounding neighborhood.

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

The proposed conditional use permit is a minimal traffic generator and should not hinder the flow of traffic or result in traffic congestion on the public streets. The property appears to already have access.

- (g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

The proposal conforms to or will be required to conform to other applicable regulations of the R-S zoning district.

Zoning analysis: The existing building was originally constructed as a duplex and if the CUP is granted, it will be allowed to be restored to a duplex status, but it will also require a remodeling permit and will be required to meet current

building codes in order to obtain this status. Otherwise, duplexes have been part of the neighborhood fabric for decades. Any proposed new buildings will require full compliance with all codes and infrastructure requirements.

Staff recommends approval, subject to the following recommendations/conditions:

A remodeling permit for the existing building will be required to be obtained and inspections obtained to bring the building into compliance with current building codes. A Certificate of Occupancy related to a remodeling permit will be required to be obtained to fully legitimize the structure to legal duplex status.

The Planning & Zoning Commission conducted a public hearing on this request during its February 20, 2020 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the request. That motion was approved unanimously.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Michael Bedford was present on behalf of the applicant.

Bedford explained that when the property was purchased, it was done so under the assumption that it was a duplex. They are wanting to get all the electric updated and get everything to code so that it can be a duplex and be sold.

There were no comments or questions from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the request by Jerlyn Younger to allow a Duplex in the R-S (Single-Family Residential) zoning district located at 6004 N Kent Drive, Columbia, Missouri with the following condition:

That a remodeling permit for the existing building will be required to be obtained and proper inspections obtained to bring the buildings into compliance with current building codes. A Certificate of Occupancy related to a remodeling permit will be required to be obtained to fully legitimize the structure to legal duplex status.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #104-2020**

2. Public Hearing: Request by Liberty Baptist Church on behalf of Howarth Communications for a permit for a Transmission Facility including a 110' tower on 6.5 acres, located at 7461 N Brown Station Rd., Columbia

Stan Shawver read the following Staff report:

The subject property is located near the intersection of State Highway HH and North Brown Station Road, approximately ½ mile to the north of the city limits of Columbia. The property is 6.5 acres in size and currently zoned A-2 (Agriculture) and is surrounded by A-2 zoning. This is all original 1973 zoning. The property currently has a church and two accessory structures located on it. This property applied for a rezoning to A-R in October of 2011. That request was tabled and later abandoned by the applicant. Howarth Communications is applying for a conditional use permit for a 110' communications tower.

A description of the lease area site has been submitted by the applicant in the application material. The lease area for the tower is 4,900 square feet out of the 6.5-acre tract. The proposal for a transmission facility is for a 110' monopole tower with 2' lighting rod and support facilities. The applicants have met the submission requirements identified for a conditional use permit for a transmission facility.

Staff analysis of the request is based upon the application and public comments received from the surrounding property owners following notification of the request. As a conditional use permit, the proposal must meet the following criteria from the zoning ordinance to be eligible for approval:

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort, or general welfare.

If operated in conformance with existing county regulations, the use should comply with this criterion.

- (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.

If operated in conformance with existing regulations, this use should not be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted by the regulations. Public testimony may be indicative as to whether this criterion can be met.

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

The application meets this criterion as per the zoning ordinance Section 15B section 4, subsection (e). However, this is a purely technical analysis as constructed by the regulations. Public testimony may better reflect any impacts on property values.

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

The use has limited needs with respect to utility infrastructure and so the site has adequate facilities to support the proposal.

- (e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

This area is zoned A-2, with residential uses limited to 2.5-acre tracts or larger. The placement of this facility should not impede the normal and orderly development of the surrounding property.

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

The proposed use is a minimal traffic generator and should not hinder traffic or cause congestion on public streets.

- (g) The conditional use permit shall in all respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is public necessity for the conditional use permit.

The proposal conforms to other applicable regulations of the A-2 zoning district, particularly since no land division is proposed. Public necessity has been discussed by the Federal Telecommunications Act of 1997 to allow for widest dissemination of wireless communication services.

Zoning Analysis: This conditional use permit application meets the standards established by the Boone County Zoning Ordinance for a transmission facility.

Staff recommended approval of this request.

The Planning & Zoning Commission conducted a public hearing on this request during its February 20, 2020 regular meeting. There were eight members of the commission present during the meeting.

Following the public hearing, a motion was made to recommend approval of the request. That motion was approved unanimously.

There were no comments or question from the Commission.

Commissioner Atwill opened the public hearing.

Trena Prewitt was present on behalf of Howarth Communications.

Prewitt presented a Power Point to the Commission. That Power Point is included at the end of these minutes.

Commissioner Parry asked if they had met with the neighbors and if there was any opposition to this.

Prewitt explained they did meet with some property owners, none that only owned homes, however.

Stan Shawver said that Staff did notify surrounding homeowners and did not receive any oppositions.

There were no more comments or questions from the Commission.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the request by Liberty Baptist Church on behalf of Howarth Communications for a permit for a Transmission Facility, including a 110' tower on 6.5 acres, located at 7461 N Brown Station Road, Columbia, Missouri.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #105-2020**

3. Plat Acceptance:

- **O'Brian. S13T49N-R12W. A-2. Gregory and Lori O'Brian, owners. Kevin M. Schweikert, surveyor.**
- **Martha's Grove Plat 2-A. S3-T47N-R12W. R-SP. Martha's Grove Home Owner Inc. and Tracey Arey Real Estate LLC, owners. David T. Butcher, surveyor.**
- **Bell Acres. S35-T49N-R12W. A-2. Stephen P. Bell, owner. Steven R. Proctor, surveyor.**
- **Kasmann. S2-T48N-R14W. R-S. Shannon Kasmann and Amir Ziv, owners. Kevin M. Schweikert, surveyor.**

Stan Shawver said O'Brian is located at the intersection of State Highway HH and Kircher Road. This is a one lot subdivision that makes an existing lot larger. Martha's Grove Plat 2-A is part of a planned development located off Boone Femme Church Road. Bell Acres is a

one-lot subdivision located on State Highway PP. Kasmann is a one-lot subdivision located on State Highway 40.

There were no comments or questions from the Commission.

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby receive and accept the following subdivision plats and authorizes the Presiding Commissioner to sign them:

- O'Brian. S13-T49N-R12W. A-2. Gregory and Lori O'Brian, owners. Kevin M. Schweikert, surveyor.
- Martha's Grove Plat 2-A. S3-T47N-R12W. R-SP. Martha's Grove Home Owner, Inc and Tracey Arey Real Estate LLC, owners. David T. Butcher, surveyor.
- Bell Acres. S35-T49N-R12W. A-2. Stephen P. Bell, owner. Steven R. Proctor, surveyor.
- Kasmann. S2-T48N-R14W. R-S. Shannon Kasmann and Amir Ziv, owners. Kevin M. Schweikert, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #106-2020**

4. First Reading; 2020 Consultant Services Agreements with the following:

- **Crockett Geotechnical-Testing Lab**
- **Midwest Engineering Group, LLC**

Stan Shawver explained these are two more of the annual consultant agreements the County

puts in place with approved vendors for a variety of services like engineering, architecture, etc. that any office in the County may use.

There were no comments or questions from the Commission.

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.

County Clerk

5. Public Hearing & Second Reading; Budget Amendment: Increase Funds for the Purchase of Grant Funded Election Scanners (1st read 2-20-20)

Commissioner Atwill opened the public hearing.

There was no one present from the public to speak on this item.

Commissioner Atwill closed the public hearing.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby acknowledge the following budget amendment from the Boone County Clerk's Office to increase funds for the purchase of grant funded Election Scanners.

| Department | Account | Department Name | Account Name | Decrease \$ | Increase \$ |
|------------|---------|-------------------------|------------------------------|-------------|-------------|
| 1132 | 3451 | Election & Registration | State Reimb-Grant/Prog/Other | | 6,785 |
| 1132 | 91301 | Election & Registration | Computer Hardware | | 6,785 |
| | | | | | |
| | | | | | 13,570 |

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #107-2020**

Commission

6. First & Second Reading; Application for Organizational Use of Boone County Conference Rooms: Our Revolution Mid-Missouri

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the Organizational Use of the Boone County Government Center Chambers by Our Revolution Mid-Missouri on the first Thursday of the month beginning on March 5, 2020 and ending on September 3, 2020 from 6:00 pm to 9:00 pm.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #108-2020**

7. First & Second Reading; Board Re-Appointments of the following:

- **Bob Bailey, Boone County Family Resources Board**
- **Dr. Joel Ray, Children's Services Board**
- **Rusty Antel, Judicial & Law Enforcement Task Force**
- **Dr. Lori Popejoy, Senior Citizen Services Corporation**
- **Chuck Wilson, Vicious Dog Board**
- **Dr. Elizabeth Hussey, Vicious Dog Board**

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

| Name | Board | Period |
|----------------------|---------------------------------------|-----------------------------------|
| Bob Bailey | Boone County Family Resources | April 1, 2020 thru March 31, 2023 |
| Dr. Joel Ray | Children's Services | April 1, 2020 thru March 31, 2023 |
| Rusty Antel | Judicial & Law Enforcement Task Force | April 1, 2020 thru March 31, 2023 |
| Dr. Lori Popejoy | Senior Citizen Services Corporation | April 1, 2020 thru March 31, 2023 |
| Chuck Wilson | Vicious Dog | April 1, 2020 thru March 31, 2023 |
| Dr. Elizabeth Hussey | Vicious Dog | April 1, 2020 thru March 31, 2023 |

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #109-2020**

8. Public Comment

None

9. Commission Reports

Commissioner Thompson said she and Commissioner Parry went to the NACo Legislative Conference in Washington D.C. over the weekend and a lot of very good things happened. One thing was that they released the report issued by the task force on the Federal Medicaid Inmate Exclusion Policy. There is hope that members of Congress will come together in a bipartisan way to eliminate that policy that ends up denying people their constitutional rights and causes great hardship for counties across the country.

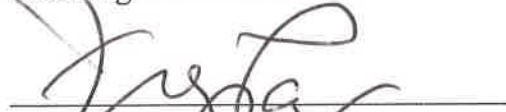
The meeting adjourned at 7:24 p.m.

Attest:

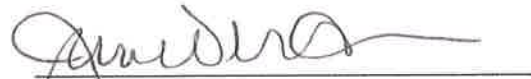

Brianna L. Lennon *DKB*
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner

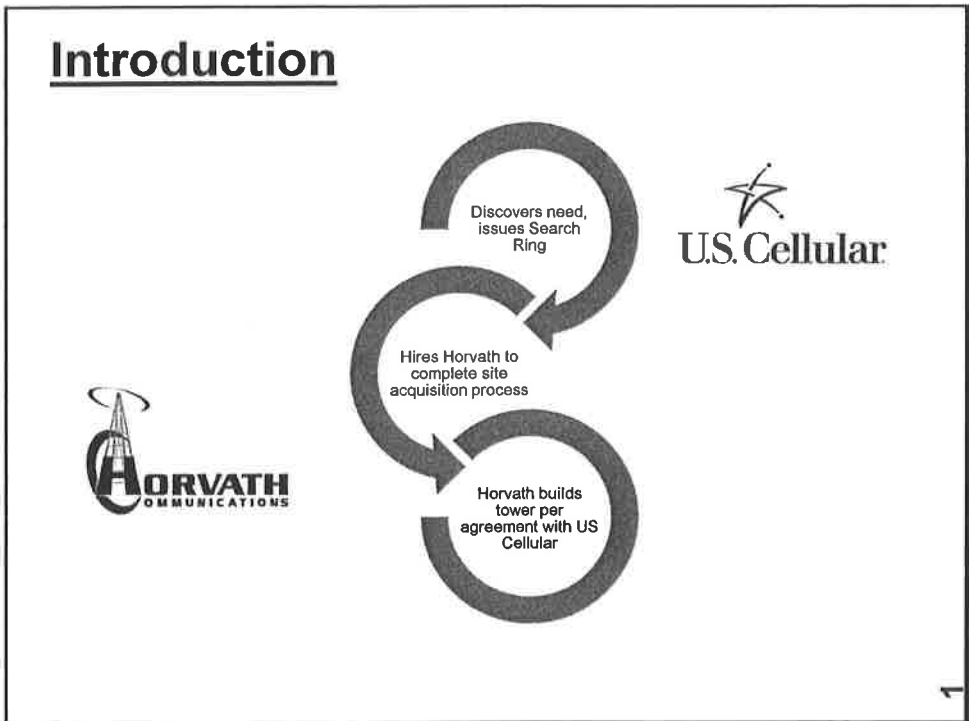


Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

Introduction



1

WIRELESS INDUSTRY UPDATE

- **Daily increased demand on network**
- **Safety and Security – Supports E911 Services**
 - Nationally, > 70% of all calls come from cell phones
- **Mobile data use is up 40X since 2010**
- **With 400 million mobile devices, there are more wireless devices than Americans (1.2 devices per every person in the country)**
- **68% of these devices are smartphones, which average more than 5 GB of data each month (a 2,844% increase from 2010)**
 - Smartphone data will surpass fixed broadband in 2018
- **More than just phones connecting to the network in today's environment**
 - 90% of net new-adds (126.4 million) from Q1'18 were from non-phone connected devices – i.e. health and fitness monitors, cellular connected cars, smartwatches, drones, etc.
- **4G mobile data speeds are more than 38X faster than 3G speeds a decade ago**
 - today's avg. download speed – 22.69 Mbps - is a 60% increase from 2014
- **52.5% of US households are wireless only homes**
- **1 in 5 homes now rely only on their smartphone for home Internet access.**
 - 54% increase from 13% in 2015

Sources: CTIA (<http://www.ctia.org/resource-library/facts-and-figures/infographic>);
Cisco Visual Networking Index: Global Mobile Data Traffic Forecast Update, 2016-2021
CTIA: The State of Wireless 2018

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WHY DOES US CELLULAR NEED A NEW STRUCTURE?

- Exponentially increasing demand on the cellular network requires infrastructure enhancements
- Capacity and Coverage are increasingly important in today's wireless environment to serve the needs of the increasing number of devices competing for space on the network
- Proposed site would help offload traffic from existing US Cellular sites located to the North and South
- With over half of all US households ditching their landlines, safety and security is more important than ever.
 - Additional cell sites/antennas help with e911 triangulation of wireless calls placed through the emergency response system.

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Parcel Map and Search Area



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Boone County, MO: Zoning Code/Section 15

B. CONDITIONAL USE PERMITS FOR TRANSMISSION FACILITIES

(1) PURPOSES AND GENERAL PERMIT REQUIREMENT

- (a) These regulations are intended to regulate the placement and construction of telecommunication transmission towers and transmission facilities in order to protect and promote the public health, safety and welfare, to protect the environment, to promote the efficient use of land and to preserve property values.
- (b) No transmission facility or tower as defined herein shall be constructed, erected, maintained or operated except under conditional use permit issued in accordance with these regulations in areas zoned for such conditional uses.

(2) DEFINITIONS

As used in these regulations, unless the context clearly indicates otherwise, the following terms shall have the following meaning:

- (a) Telecommunications Equipment - telecommunications antenna and accessory electronic equipment not including transmission towers, buildings or other equipment not directly related to the operation of antenna.
- (b) Transmission Facility - Transmission tower, buildings, guy wires, guy anchors, land or site permitted under these regulations, fence and other equipment necessary for the transmission of telecommunication signals authorized by these regulations.
- (c) Transmission Facility Operator - any person(s), partnership, corporation, association, organization or entity of any type or kind that owns or has a legal possessory interest in a transmission facility and the owner of land upon which a transmission facility exists and is permitted under these regulations if different than the owner of the transmission facility, but excluding any person(s), partnership, corporation, association, organization or entity of any type or kind who leases or otherwise is permitted to place

(4) APPROVAL STANDARDS FOR A NEW TRANSMISSION FACILITY

- (a) Applications for new transmission facilities shall be considered only when an existing or approved transmission facility cannot accommodate the telecommunications equipment planned for the proposed transmission facility.
 - (a) 1. Planned telecommunications equipment cannot be accommodated on an existing or approved transmission tower if:
 - (a) 1.1. Planned telecommunications equipment would exceed the structural capacity of an existing or approved transmission tower, and the transmission tower cannot be reinforced to accommodate planned telecommunication equipment at a reasonable cost;
 - (a) 1.2. Planned telecommunications equipment will cause radio frequency interference with other existing or planned telecommunications equipment for that transmission tower and the interference cannot be prevented at a reasonable cost;
 - (a) 1.3. Existing or approved towers do not have space on which planned telecommunication equipment can be placed so it can function effectively and at least in parity with other similar telecommunication equipment in place or approved by the Boone County Commission;
 - (a) 1.4. Addition of planned equipment to an existing or approved transmission tower would result in NIER levels in excess of those permitted under Section (6); or
 - (a) 1.5. Other reasons that make it impracticable to place the telecommunications equipment planned by the applicant on an existing and approved transmission tower.
 - (a) 2. No application for a new transmission facility shall be considered unless the applicant is unable to lease or otherwise secure space on

THIS PAGE MUST BE SUBMITTED WITH THE APPLICATION

APPLICATIONS SHALL INCLUDE THE FOLLOWING MINIMUM INFORMATION. FAILURE TO PROVIDE ANY OF THE REQUIRED INFORMATION WILL RESULT IN THE INVALIDATION OF THE APPLICATION.

Verify that this information is included with your submission by checking the appropriate boxes:

- Line 1: The name, address and telephone number of the property owner and the potential buyer or lessee of the property. Corporate applicants shall list the names, titles and addresses of the officers and the Board of Directors of the corporation. A copy of the corporate certificate of good standing with the state of Missouri shall be attached.
- Line 2: A legal description of the property included in the request. Proof of ownership by the applicant shall be attached to the application.
- Line 3: The present zoning of the land included in the request.
- Line 3: The present use of land included in the request.
- Line 4: The size of the tract included in the request, broken down either by acreage or square feet.
- Line 5: The zoning of land adjacent to the land included in the request.
- Line 6: The classification and proposed use of land if the permit is approved. This description should be as complete as possible, attach additional pages if necessary.
- Line 7: The reason or justification for the request being submitted and a sketch of the tract of land showing existing structures and proposed structures.
- Line 8: The approximate size, use and location of any structures on the property, including wastewater systems. This shall include both existing structures as well as structures that will be built if the permit is approved. Type of wastewater system shall be stated and copies of any existing wastewater operating permits shall be attached.
- Line 9: Type of wastewater system.
- Line 10: Indicate who will be paying additional fees, include name (or business name), address, and phone number.
- The signature of the property owner or their authorized agent and the signature of any potential buyer or lessee or his authorized agent. In the absence of the signature of the owner, the applicant shall attach a written power of attorney signed by the owner.
- The names and addresses of all property owners owning land within 1,000 feet of the property under consideration for

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PLANNED DEVELOPMENT

104' Monopole Structure

- Monopole Steel Structure (Steel Utility/Light Pole is another example of Monopole Design)
- Does not require guy wires
- Tower and all other ground equipment housed inside fenced compound space on subject parcel

Built to current ANSI TIA/EIA-222 Standard

- The EIA (Electronics Industries Alliance) and TIA (Telecommunications Industry Association) are accredited by the American National Standards Institute (ANSI) to develop voluntary industry standards for a wide variety of telecommunications products.

Structure will be designed to accommodate future carriers

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PLANNED DEVELOPMENT CONTINUED

Facility will be designed to FCC standards

- The telecommunication facility will be designed in accordance with FCC regulations on RF emissions

Designed in accordance with County Code

- All sections of Section 15B have been met
- All required CUP items have been submitted

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**Example of
Monopole**



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QUESTIONS?

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