

TERM OF COMMISSION: March Session of the January Adjourned Term

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

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

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

Resource Management

1. Request by Columbia Lodge No. 594 BPOE et al to approve a Revised Review Plan for Southfork of the Grindstone Plat 1 Lot 1, a Commercial Planned Development, on 3.68 acres located at 4747 E. Elk Park Dr., Columbia (appeal).

Stan Shawver read the following Staff Report:

The minutes for the Planning and Zoning Commission meeting of February 20, 2014, along with the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The subject property is located on Elk Park Drive, just off of State Highway WW, near the City of Columbia. The property is 3.68 acres in size, and is zoned C-GP (Planned General Commercial). Adjacent zoning is as follows: to the south, there is R-S (Residential Single-Family) zoning & the City of Columbia, to the west, there is C-GP (Planned General Commercial), to the north, there is A-R (Agriculture-Residential) zoning, and to the east there is A-1(Agriculture) zoning. This property was rezoned from R-S (Residential Single-

Family) to C-GP in March 2004 as part of a larger planned commercial development. The original review plan was revised in December 2004. The December 2004 plan was approved and the existing private lodge building for the Elks Lodge of Columbia was completed in 2006.

The applicant is seeking an expansion of use from the current Private Lodge/Club to include Reception Facility, with accessory uses such as park area, parking & recreation, and will seek a conditional use permit for an RV/Travel Trailer Parking area with full hook-ups. The owner will be eligible to apply for the RV/Travel Trailer Parking area, a conditional use, once the final plan has been approved by the County Commission.

This expansion will include the construction of three permanent structures, ranging up to a combined total of 5,000 square feet of new structures (one storage/maintenance shed, one building suitable for small gatherings, and one open-sided event stage to serve as a sheltered area for outdoor events). One semi-permanent gazebo-type structure is also proposed, along with space for some recreational activity, such as a horseshoe pit, bocce court, or shuffleboard deck. Additional parking for use of these structures, and for the proposed RV/Travel Trailer Parking, is also indicated, with a maximum of eight RV/Travel Trailer parking spaces. Overlaying some of the proposed parking area is space for a temporary tent site of up to 4,000 square feet. This tent is for additional covered space for single events or receptions at this location. The plan shows a hatched area which designates approximate locations for the proposed structures. The plan proposes that these locations are approximate, and may be revised within the hatched area.

The Boone County Master Plan has indicated that this property is suitable for residential land uses. The master plan also designates a sufficiency of resources test for the approval 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.

Utilities: Electrical service is provided by the Boone Electric Cooperative, water service by Public Water Service District #9, and sewer service by the Boone County Regional Sewer District. Existing infrastructure can support this expansion.

Transportation: The property is located on Elk Park Drive, a county-maintained public road. A traffic study was commissioned to evaluate the needs of the original Southfork of the Grindstone proposal. As that proposal was broader in scope than this proposal, the improvements were phased to move along with the completion of that development. At this time, improvements have been made to support the current level of activity at this site. The expansion with this plan should not substantially tax the existing improvements.

Public Safety: The property is in the Boone County Fire Protection District. The new structures will be required to meet the requirements of the fire code at the building permit stage, but it is expected that existing infrastructure can meet those needs.

Zoning Analysis: This proposal is a natural outgrowth of the success of the Elks Lodge facility as a private club. Expansion into a Reception Facility, along with the additional fully-enclosed space, is appropriate for the level of activity that is present. The potential for expansion into the proposed conditional use is also an acceptable addition, particularly with the self-imposed limitation of no more than eight vehicle slots shown on the plan. However, the event stage creates the potential for some activities that are not consistent with the residential aspect of the surrounding properties. Specifically, the space being able to be used as an outdoor stage venue for music events as well as outdoor receptions creates a potential for substantial crowds, noise, and parking difficulties on this property that will directly impact the neighborhood. Another location in the county that operates under a conditional use permit generated complaints from the surrounding property owners. That facility is located in a more rural area, and has periodically caused irritation for its neighbors. In addition, the applicant has not specified the number of seats that could be accommodated at the event stage, which is necessary to determine parking requirements. Therefore, as

proposed, the applicant has not demonstrated that they have provided adequate parking. Given the location of this site, staff cannot support the placement of the event stage on this plan. Should that structure be removed from the plan or limited in hours of operation, staff could support approving the revised review plan.

The property scores 81 points on the rating system.

Staff recommended **denial** of the request due to the event stage.

However, had the Planning and Zoning Commission desired to **approve** this request, staff recommended the following conditions:

- 1) That the references on the final plan to ‘neighborhood commercial’ be struck and replaced with ‘general commercial.’
- 2) That the Allowed Uses for Lot 1 section be revised to read as follows:
 - Private Club or Lodge (with accessory park area, parking, & recreation)
 - Reception Facility
- 3) That the 1/27/13 Revision Note be struck.
- 4) That outdoor events using the event stage be restricted to daytime hours of operation as defined in the Boone County Zoning Ordinance.
- 5) The note indicating that “building location and parking may be revised” shall be removed from the plan. Any changes in building location will have to be requested as a revision to a planned development.

The Planning & Zoning Commission conducted a public hearing on this request during their February 20, 2014 regular meeting. There were nine members of the commission present during the meeting.

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

The motion to deny the request carried with six members voting to deny the request, and 3 members voting against the motion. The applicant has filed a timely appeal in accordance

with Section 15 F (2) (d) of the Zoning Regulations and so is before the Commission on appeal.

Commissioner Miller said she would like some clarification as to whether the Elks, as of today, were in compliance with their existing zoning.

Mr. Shawver said, until the hearing, there were things that have taken place that we were not aware of. The County has not received a single complaint since the facility opened in 2006 concerning the operation. This leads us to believe there are not issues. If they are going to do the things they are proposing in this plan, they would not be in compliance. But as of today, there is no violation.

Commissioner Atwill stated that he is a member of the Elks Club. His role tonight is as a County Commissioner and not a member of the Elks. Any decision that will be made will be made on the evaluation of the land use and membership will have no bearing on the decision.

Commissioner Miller also stated she is a member of the Elks Club. The job of the Commission is to look at land use knowing that the land use goes with the property and not with the Elks and a decision will be made from that perspective. It is our responsibility to take up these issues and make a decision.

Commissioner Atwill opened the public hearing and asked for those that are proponents of the issue to come forward and speak and after that, those in opposition will speak.

Chad Sayre said he is from Allstate Consultants and is representing the applicant. Mr. Sayre said that in the plan that was approved and recorded, they feel strongly about the note "this area may be used for parking, park area and recreation" and that those uses are already approved and allowed. The land is zoned General Commercial Planned. There has been some revision to the wording to the subdivision ordinances over the years since this was approved and with the parking of Elk member RV's, this has taken up some of the available

parking spaces. There is a demand for RV parking and that is really the issue.

Mr. Sayre said that the Elks Club is in compliance with the required parking ratios that have been approved with this plan. Based on three membership work sessions, there is a need to expand the diversity of the events at the club. The real driver was to take full advantage of the lodge and its reception facilities, especially for weddings. There are not many areas where one can have an outdoor wedding and reception.

Mr. Sayre reported out on the Goals and Targets of the proposal talking about sound design, planning and marketing. The proposal would have flexible themes such as “rustic to chic”, timeless core design, appealing to the largest market, having a modest budget and a 21st century look. Also, multi-use means more return of investment. These uses include RV parking/large tent pad, outside recreation and inside/outside events. The goal is to make the most out of the space but keep revenue generation a top priority per invested dollar.

The construction site already involves a detention area, which was built into the site. This would be enhanced becoming more of a water feature providing aesthetic and stormwater benefits. The area has been sized and approved by Public Works in 2007 after the facility was built. In the handout, there are depictions of architectural design, both for the outside and inside. The theme would be a barn like look. There is hope to get a barn donated which would be re-worked for the outside look. The inside would be remodeled to code.

Mr. Sayre stressed again the parking ratios. With the most challenging case where the temporary tent is in use causing loss of some parking spaces and the additional space previously approved in the plan to expand the facility, it still meets or exceeds the number of parking spaces in the originally approved plan. Those are reasonable in the ratios of 100 – 200 square feet, more of a retail type parking rate. Parking is always a challenge with success and popularity of the facility. As stated before, there is a parking, park area and recreation as an approved use prior to this request.

Mr. Sayre referenced the supplemental report as a way to clarify and offer improvements to the deficiencies noted in the staff report. The outdoor events using the stage area will be

restricted to daytime hours of operation as defined by the Boone County Zoning Ordinance. This is intended to control noise and provide restriction to outdoor event concerns. The stage, if constructed, will be enclosed on the roof and on three sides to further control daytime noise with the open end towards Rt. WW. The allowed uses for the lot 1 section to be revised as Private Club or Lodge (with accessory park area, parking and recreation) Reception Facility. The 1/27/14 revision note will be struck. Per the building locations, parking and building size, this is unknown at this time dependent on donations. The hatched area is shown to restrict a defined area for minor revisions in final building numbers, dimensions and locations. The maximum number of buildings or structures shall be four. The total maximum square footage of all structures in the hatched area shall be 5,000 sq. ft. and shall not be exceeded. The area outside the hatched area shall not be revised beyond minor reductions in square footage of parking lots or reductions in the proposed temporary tent area. Lastly, the proposed RV and travel trailer parking area shall be restricted to Elks members and fundraising events only. This is currently how RV parking and Elks events are being handled and conducted as an existing use. This RV parking use is focused on Elks members from out of town who are in town for short terms for medical treatment, graduations, family functions, etc. The RV area will also provide Elks members parking for a few months of the year to park RV's for SEC football games and other local events. This RV/travel trailer use will be formally applied for as a conditional use, if required, since it is restricted for Elks members. No loud tailgate parties will be allowed, with an effort to increase the use of the Elks Club facilities.

The Elks want to be good neighbors and judging by the minimal number of complaints, it is a good indication they are. Members went to the adjacent area and contacted all but three of the residents. They did not go past Mrs. Perkins tract to the subdivision to the east and go door-to-door. The Elks leadership met on the concerns and that is why the supplemental was offered during this meeting.

Also on display is the additional parking as well as the existing parking with the covered events stage that is enclosed on three sides and the outdoor seating area. That is the proposed

look that the members are looking at currently. The landscape company will put up berms and a covered bridge is a possibility based on donations.

Commissioner Miller inquired about the zoning across WW.

Resource Management, using the overhead projector, reviewed the various zoning for the land around the Elks club.

Mr. Sayre thanked the Commission for allowing him to speak.

Commissioner Atwill asked if there was anyone else present that would like to speak on behalf of this request.

Danny Sapp, president of the Elks Lodge, said all they are asking for are some of the same amenities, same advantages, to have outdoor weddings, that Old Hawthorne and the Vineyards currently have. Our members are not looking for wild parties as depicted in some of the e-mails I have seen. I have canvassed about ½ of the houses in the Vineyards and about 1/3 in Old Hawthorne. The Lodge is looking at a 4,000 sq. ft. events tent. Some of the houses in Old Hawthorne are about 4,000 sq. ft so one can image living in one of those where you can't get more than 200 people in them.

We are not planning on having a lot of noise. The RV members are not looking to tailgate any more than having a backyard BBQ before the football game. Most members will come inside the facility to socialize and we are offering bus service to the games. All we are looking for is an outdoor recreation area for use by all of our members.

Commissioner Atwill asked what control can be exercised over a band that used the stage.

Mr. Sapp said that they have agreed to the daylight conditional use. It is no worse than what is at the Vineyards now. I have been to two birthday parties and one family reunion where bands have played up until 1:30 a.m. It is also the same at Old Hawthorne. Our conditional use on the events stage is limited by the fact we are bound by the County that says there is only operation on the outdoor space during daylight hours. The band can play up to a certain time which is allowed in the County whether we had an open air patio or a closed events

stage. That is currently what is allowed as far as I know.

Commissioner Atwill asked if there is a cost estimate to complete the proposal.

Mr. Sapp said that there will be a \$60,000 landscaping bill. Most everything else will be by donations from members. The leveling of the land for croquet will be through donations. The machinery, black dirt and grass seed will be donated. The biggest cost will be getting a hard surface or permeable surface for the parking lot for the RV's and the concrete, plumbing and electrical for the barn. There is no idea on the cost of the barn based on it being donated and the expenses that will be incurred with getting it in place and bringing it up to code. 90% of the costs will be landscaping. Structural features are not very much as we are only talking about less than one acre.

Commissioner Atwill asked how many people can attend an event.

Mr. Sapp said that based on the proposed size of the outdoor area, anywhere from 300- 450 people.

Commissioner Thompson asked what the total number of parking spaces will eventually be.

Chad Sayre said currently there are 179 spaces. After completion, there will be 173.

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

Robert Young said he is a trustee of the Lodge and is responsible for going door-to-door in the neighborhood. He apologizes to those residents in the Vineyards as he did not think they were within the 1,000 foot radius as specified and that is why they did not get notification. The area west, about 14 acres, is commercial.

The Lodge self restricts in the agreements with clients that use the facility. They sign contracts which restrict the time allowed to be in the facility. We will shut them down if there is a potential for unruly behavior. That would be the same way for the garden area. The garden area is open to the community. We see it as an amenity to the community with green

space where they can come and walk the dogs. The other aspect of the Elks, something that is not publicized, is providing the facility for other non-profit organizations to run fundraisers. With an outdoor facility, this would only be enhanced.

The Commission thanked Mr. Young for speaking.

Commissioner Atwill asked if there is anyone else that would like to speak on behalf of this issue. There were none.

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

Beth Riggert said she lives within 1,000 feet of the re-zoning in the Vineyards. She appreciates the apology from the Elks. She was not aware of the events until attending the Planning & Zoning meeting. Since then, she has been able to communicate with the rest of the neighbors and our leadership has communicated with a number of the surrounding neighborhoods including Old Hawthorne, Concorde Estates, El Chaparrel and the Cedar Grove Blvd. area. The Vineyards has asked me to compile all of the remarks together and present them here tonight.

We are not opposed to the Elks. They do good work for the community. We have not been disturbed by the activities they have conducted to date on their property, mostly which has been done on the inside. The issue now, as stated by one of the Commissioners at the P&Z meeting, despite all the wonderful charitable work they perform, the proposal should be considered as a private commercial enterprise. The impact on the use of the area will be the same whether it is a commercial enterprise or this organization. Also, as Commissioner Miller noted, the object of the zoning request has more to do with the use of the particular land regardless if it is used now by the Elks or in the future by some other entity that may purchase the property.

Ms. Riggert said that she collectively asks that this Commission follow the recommendation of the P&Z Commission to deny the request because it proposes substantially and significant changes in the use of the property. It is not compatible with the surrounding neighborhoods,

poses a noise pollution problem as well as a potential to harm the integrity and property values within the surrounding neighborhoods. The re-zoning request changes the use of the property as testified by the applicant and their proponents. Generally, what the Elks are doing now is predominately a private club as defined by the county zoning regulations for the benefit of their members.

The Elks do offer some reception facilities, all inside. Now they want to expand outside and the primary reason stated is as an income instrument. This is designed to generate additional revenue for the Elks. We believe in doing so, it is to the detriment of the surrounding properties. They are offering self imposed restrictions, but the zoning runs with the property. This plan would transform the property. It is less than one acre, most of the property is taken up with permanent structures and parking. The proposal is to place all these functions onto less than one acre of land that sits 200 feet from someone's house and 1,000 feet from several of our homes.

The proposal calls for a 5,000 sq. ft. building. The current zoning plan has a 15,000 sq. ft. building and the county has already approved potential expansion to the north and south, 5,000 feet on either side, so we are looking at a potential of 25,000 sq. ft. for the inside and 5,000 sq. ft. of outside space plus 4,000 sq. ft. of a tent. As the Commissioners and staff have pointed out, there is a question of sufficient parking. At the P&Z meeting, one of the trustees testified they have events where there is overflow parking into the surrounding streets. Today we heard that they could possibly have an event with 450 people and it is a concern on the noise and how that noise travels.

The issue with limiting the use to daylight hours can be problematic because in the summer that could be quite late. These residents have young children who need to be sleeping during the day. Some work from home, some work shift jobs. Having this outdoor noise so close is a concern and harms the quality of life. Any noise generated by any outdoor events venue is incompatible with the surrounding residential area and there is not a sufficient buffer to mitigate the noise pollution for the residents.

The Vineyards is located within the city limits and subjected to the city noise ordinances

which says that you can't have noise that carries more than 100 feet during general daytime hours. The Vineyards is even more restrictive and I am not aware of any weddings being held outdoors at the Vineyards. The county does not have a noise ordinance and also allows fireworks. We are close to brush which may catch fire and that is another concern. Another noise pollution issue is that there is nothing that stops the Elks from being able to start outdoor events as soon as the weather permits. There is nothing in the zoning to require them to wait until the three sided stage is built. They can put up a tent and have a wedding with a band.

In the staff report, Mr. Shawver noted there is one other facility in the county that also operates as this kind of venture and indicated that there have been complaints from surrounding property owners. That property is on 33 acres. This is one acre and 200 ft. from the nearest house.

Commissioner Atwill asked which house is 200 feet.

Ms. Riggert said it is Mrs. Perkins house which would be 200 feet from the proposed tent and not too much further from the proposed stage. My house, according to county measurement is about 1,000 ft.

Commissioner Atwill asked if Ms. Riggert can see the Lodge from her house.

Ms. Riggert said she can not see the Lodge from her house.

Commissioner Atwill asked if Ms. Riggert is representing Mrs. Perkins.

Ms. Riggert said she is not, just the neighbors around here in the Vineyards.

Commissioner Atwill asked if Ms. Riggert has spoken to Mrs. Perkins.

Ms. Riggert said she has not, but knows she has submitted commentary during the P&Z meeting expressing these same concerns. I am about 1,000 feet and noise, at night, in a rural setting, can carry beyond that.

Commissioner Atwill said that they have agreed to not do it a night.

Ms. Riggert said that county ordinances define day going up to 9 o'clock at night which is night time for young children sleeping. The concern we have is moving to an outdoor facility and using that as a commercial business to generate revenue and their business plan would suggest they would want to rent that out as frequently as they have a demand. The county already has a nice outdoor facility for things like that; it is the Central Missouri Events Center which is adjacent to the highway. This is surrounded by residential areas and the people that moved here did so because it is a quiet residential area.

There is no concern with the Elks performing charitable works and having events inside their facility. The objection is to the expansion of their services and the commercialization of turning themselves from a private lodge into a commercial outdoor events center located on a small tract of land. This does not fit the character of the surrounding land. This is a significant departure from what they have been doing and this is something, to us, encroaches on our neighborhoods and that is the reason we are here to respectfully request that the Boone County Commission follow the recommendation of the Planning & Zoning Commission to deny the zoning request.

The Commissioners thanked Ms. Riggert for speaking tonight on this issue.

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

Matt Jost said he is the president of the Home Owners Association for the Vineyards and also speaking on behalf of the Old Hawthorne community as he has been authorized by the Home Owners Association there. He is also a property owner in the Old Hawthorne area.

In five years, they have never allowed a band to play there. We have very strict rules. There have been outdoor birthday events held for members only. Over the past year we have allowed some outside entities to have functions inside our building, nothing for the outside. There is no benefit for the fastest growing corridor in all of Boone County to adding a commercial structure that will add noise, traffic and possibly other disturbances to the

neighborhoods. There is no value to the County doing this and no value to the almost 2,000 homes in the area. All the members are asking the County to strike down this request and allow us to maintain our homes and property values and peace of mind.

The Commissioners thanked Mr. Jost for speaking on this issue.

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

Mike Moore says he lives just south of the Elks Lodge and has four points to make.

The noise issue has already been addressed. As for parking, I live south and there is only one in/out from WW. The Elks have hosted events in the past that have generated parking overflow so bad, that it blocks the street to all but small cars coming in/out of WW. It makes it impossible for emergency vehicles to access the area and there is parking well down the residential streets. There is not enough parking now and with expansion, it will be worse. There is usually litter after an event and the neighbors usually take care of it so as to not have to look at it. Lastly, the property values, especially the lots closest to the Lodge will be impacted. It is not fair to the people who bought these lots.

The Commissioners thanked Mr. Moore for speaking on this item.

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

Nancy Yang said she lives a mile down the road from the Elks and as a mom of young drivers, WW is not a safe road for young people. There are a lot of families on Cedar Grove Blvd. with teens and 20 something age drivers and with increased traffic, RV use and special events, there will be more of a burden on the road and also a potential hazard for people driving along WW.

The Commissioners thanked Ms. Yang for her comments.

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

Alex Smith said he personally paced off the distance from Mrs. Perkins house to the Elks Lodge and it is 200 feet. The fence line and berm are almost transparent with no significant

deterrent to noise that would come from the Elks. There has been no technical discussion on the noise level. The business of sound is a very precise science and there are ways of setting up sensors and monitoring it to see exactly what happens. If this goes forward, there should be something done to measure the sound. Lastly, the 173 parking spaces will not be enough for the advertised 450 people that could attend an event at the Elks.

The Commissioners thanked Mr. Smith for speaking on this issue.

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

Michele Nix said she has lived in the Vineyards since 2009 and owns a lot in Old Hawthorne. She can hear the noise from Harley Davidson when they have a party and knows she will be able to hear any noise from the Elks.

Commissioner Atwill asked if there are outdoor events at Old Hawthorne.

Ms. Nix said there are but does not know what the rules are for these outdoor events. She can say with certainty that since 2009, there have been no outdoor bands at the Vineyards.

The Commissioners thanked Ms. Nix for speaking.

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

Val De Brunce says he has lived in Old Hawthorne for eight months. There has been one outdoor event and that was on July 4th and there was a band and fireworks. Living about 1,000 feet from the clubhouse, the sound does carry.

The Commissioners thanked Mr. De Brunce for his comments.

Commissioner Atwill asked if there are any other speakers in opposition.

Toni Cummings said she would like to clarify outdoor events at the Elks to the neighborhood events at the Vineyards and Old Hawthorne. There is a difference with these two types of events.

The Commissioners thanked Ms. Cummings.

Commissioner Atwill asked if there were any other speakers in opposition.

Marge Vance said she thought it ironic that the Elks would want an outdoor venue to raise revenue when this would ultimately cause property taxes to go down due to the lowering of property values. This is a net negative to the County. Homes are an investment and property values going down is a lost investment. Also, there are not enough parking spaces if the Elks are going to have an outdoor venue. Lastly, there is an elementary school close by and with daytime events and alcohol served, this is a huge concern. Because of this, I respectfully request that this be denied.

The Commissioners thanked Ms. Vance for speaking.

Commission Atwill asked if there were any other speakers in opposition.

Beth Wiederanders said she has lived on Berkley Drive for 28 years and it has been a quiet neighborhood. The Elks have been good neighbors. There are plans to extend Berkley Drive to WW which would open up parking on the street for the Elks which is a concern.

The Commissioners thanked Ms. Wiederanders.

Commissioner Atwill asked for additional speakers who are opposed.

Kristina Gaddy said she has been in charge of the clubhouse at the Vineyards for four months and it is a purely inside venue. With the possibility of the several events at one time, there will not be enough parking on the Elks property.

The Commissioners thanked Ms. Gaddy for her comments.

Commissioner Thompson said she has received e-mails in opposition and would like to read into the record those that have sent the e-mails. They are Catherine Comley, Leonard D. Smith and JoAnn D. Daniels-Smith, Tim and Linda Taylor, Drew and Rebecca Hilpert, Tim Elliott, Jason Rytlewski, Kerry and Chris McCartney, Ryan Euliss, Adam and Alyson Peipert, Kristina and John Gaddy, Jessica Kempf, Jennifer, Gavin, Paige and Emily Gibbs.

Once again, these are all in opposition to the request.

Commissioner Atwill asked if there were any other speakers in opposition. There were no additional speakers. Commissioner Atwill asked the proponents of the request if they had any rebuttal to the testimony just heard from the opposition.

Chad Sayre from Allstate Consultants said that the property between the Elks and the school is zoned commercial. The Elks property is zoned general commercial planned. Uses that were approved are recreation, parking and parks. This was zoned commercial before the Vineyard came along. The Elks want the same outdoor events use as the Vineyards. They want the same right of use as Old Hawthorne. The land to the east of the Elks is zoned A-1, open agricultural. It is important to note the uses allowed currently in commercial areas, specific uses that were on our recorded plan. There have been no complaints from emergency services. If so, the Elks will always address those concerns. The Elks have agreements with their clients that list the rules and require deposits. These rules don't pass on to the next owner, but the zoning regulations and restrictions do travel with the land.

The folks here have valid complaints and we have tried to address them. They are not Mrs. Perkins whose concern was that people would use her driveway to turn around. Has staff received any subsequent correspondence from Mrs. Perkins other than the driveway issue.

Stan Shawver said a phone call was received from Beverly Dingman-Perkins, the property owner, saying she had intended to come to the meeting tonight but she is ill. She had the following complaints regarding the Elks request:

People turn around in her driveway; police have been called. She had to close her driveway off for two years to keep people from using it.

The berm doesn't help with the noise. When they have dances there it is like they are in her bedroom. Her mother has Alzheimer's and the noise keeps her up all night.

The road in behind the lodge comes to her property line and people park there day and night, about 200 yards from her garage.

After a big snow the lodge had two big trucks removing snow at 5:00 a.m. on Sunday morning.

In summer, people are in and out of the building and you can hear them talking, sometimes over the TV in the house.

Also, during the summer, vehicles are running with their AC day and night.

Ms. Perkins stated this location is already a nuisance and it will only get worse if the request is approved.

Mr. Sayre said that Mrs. Perkins property is zoned A-1. Uses are agricultural activities including greenhouses and nurseries. It could be a lot of things to include equine boarding, equine ranches, bait house, farm dwellings, public parks, home occupation, house of worship or public school. They did not receive any complaints from Mrs. Perkins.

Mr. Shawver said that this was a phone call received prior to the P&Z meeting.

Mr. Sayre said those are concerns for the Elks. The Elks have offered to comply with the same regulations as those at the Vineyards and Old Hawthorne, which would be a noise ordinance. Boone County would tell us that noise was difficult to analyze and control. We have agreed to comply with the noise problem and restrict it to the daytime. We have heard tonight that the Vineyards is not restricted to daytime hours at the clubhouse and we have heard that there have been events in the parking lot although they are focused on inside events. This is also true for Old Hawthorne.

We offer to comply with the noise ordinance of Columbia and to restrict the noise. The Elks goal is to provide revenue for their missions. The land is zoned commercial since 2006. Uses and right of use that are stated on the recorded plan; we are confident of that as long as they are ancillary and restricted to the Elks.

An additional offer would be to have non-amplified music and to remove the stage, but we would still want to have outdoor events. These uses are allowed in commercial zoning and are reasonable. We don't believe that the Elks have brought anything but benefit to property

values.

To clarify several issues, it was mentioned that we could have simultaneous events of 450 people. That is not possible. There is not enough parking. Also, the outdoor seating is designed for 250 people. The intent is to possibly have the wedding outside and move to the indoors based on circumstances such as bad weather. The other intent is to increase the diversity of the event and have larger revenue. Also, the drinking or alcohol comment needs clarification. The lodge is already zoned commercial and zoned for a private lodge and the private lodge is allowed to serve alcohol. Sound is not an exact science. It has to do with the focal direction. With our existing usage, the neighbor most affected would be Mrs. Perkins. Fireworks are not allowed.

Commissioner Miller as if Mr. Sayre could speak to the neighbors count of 140 parking spaces.

Mr. Sayre said on the approved plan which counts what is not painted, the count is 179. Due to equipment and other assorted things, some of the parking spaces did not look like parking spaces.

Stan Shawver said the parking area that is required is based on the use, and specifically the lodge building and its size. The current requirement is 150 spaces. With the proposed addition and based on the use and space, 165 spaces would be necessary. Calculations are based on size of the building.

Mr. Sayre said that the actual amounts required on the approved plan take into consideration amounts for reception area, meeting area, kitchen area and storage area. The plan provided exceeds the amounts for approved parking.

Commissioner Thompson said she wanted to confirm that the Elks would agree to no amplified music and no stage.

Mr. Sayre said that is correct.

Commissioner Thompson said that even though there would be no stage, that would not stop

the Elks from having an outdoor event.

Mr. Sayre said it is possible. The outdoor facility mentioned earlier that operates in the county and has had some complaints is in a rural area and does not have daytime restrictions.

Mr. Shawver said they have until 11:00 p.m.

Mr. Sayre said it appears that it is a customized regulation.

Commissioner Miller asked Mr. Shawver if the Elks, without the zoning, can have the recreation area, such as croquet, that they are proposing.

Mr. Shawver said that these would be ancillary uses, so the answer is yes.

Commissioner Atwill asked County Counselor, C.J. Dykhouse, if we take into consideration the absence of the stage and no amplified music and some sort of sound ordinance, how would we proceed.

Mr. Dykhouse said the Plan Development of the Zoning Regulations, Section 6, at some point the request becomes so principally different from what had been the process earlier that what the regulations contemplate is that the Commission will need additional information to see if those changes to the plan would impact the considerations as to the zoning decision. Section 6.2.12.2 contemplates that the Commission would remand it back to the P&Z Commission for additional hearing and input for recommendation to return to the County Commission.

Commissioner Miller asked Mr. Dykhouse if there is another fee associated with going through this process again.

Mr. Dykhouse said that this is an additional fact finding tool for the County Commission in terms of the recommendation the P & Z would make.

Commissioner Atwill asked Mr. Sayre if he had proposed these three items to the P&Z in this fashion.

Mr. Sayre said he did not due to the timing of the circumstances.

Commissioner Miller said she is concerned about outside events and the traffic around the Elks during these events. The Elks are good members of our community, but this is too big an expansion for that property. There is no issue with the RV's for Elk member use for a limited time as well as the recreation area. Just not sure with the expansion of a barn and another set of noise issues closer to Mrs. Perkins. If there is room for a compromise, then we should look at that.

Commissioner Atwill said that perhaps it should be sent back and see if this generates any change in the process. The land is zoned for commercial.

Commissioner Miller said it is planned commercial which gives us the opportunity to deal with the neighbors and their concerns. This change goes to planned general commercial which is broader.

Commissioner Thompson said that this certainly impacts the neighbors and all the neighborhoods and that she has been to the Elks Lodge during a well attended event and had to park on a nearby street. This is expanded use on a small property.

Commissioner Miller said that the proposed expansion of the building would exceed the available parking. The neighbors don't want this and she has the same concerns. There is no issue with RV's tailgating for six games a year. It is the year round events and the noise that are the concerns.

Mr. Sayre asked Mr. Shawver what the process is to go back to P&Z with the correction of deficiency approach.

Mr. Shawver said that the County Commission refers this back to P&Z for further consideration based on the conclusions drawn from the Commission and present this to P&Z.

Mr. Sayre asked if this is done, what are the costs associated with this.

Mr. Dykhouse said that a public notice of the meeting is required so there will be expenses associated with this process. The non-substantive procedural issue for the Commission is whether they think further investigation and evaluation of these conditions is necessary and to reference it back to P&Z is a useful tool or is there a comfort level with the record tonight to create or amend conditions at this level on the basis of the record before the Commission and then proceed to an alternate decision.

Mr. Shawver said the P&Z recommendation was for denial. In the staff report, there were recommended conditions if the Commission chose to approve those. Since the P&Z recommendation of denial is on the record, if the Commissions want to approve the request, they can add or delete from the conditions as presented in the staff report. There is no change until the final plan is approved. If changes are made, it automatically goes back to P&Z to make sure the final plan complies with all the Commission conditions and that is a public hearing process as well.

Mr. Sayre said that if the Elks don't do the outdoor events as part of this request and just keep the park, parking and recreation area, then the County Commission can agree to that now and the final plan goes back to P&Z.

Mr. Shawver said that they would need to change the plan to meet the County Commission conditions and that revised plan goes back to P&Z.

Mr. Sapp said he would like to enter into the record that his son was married at an outdoor event at the Vineyards on September 7, 2013 and that a band played there in April of 2011 for a birthday party.

Commissioner Atwill said there are two options, deny or approve, but not approve under the current conditions. It can't be modified here.

Commissioner Atwill made a motion to approve the plan with the existing conditions and the addition of no stage, no amplified music and to abide by the equivalent of the city noise ordinances.

Commissioner Miller said that the County does not have the ability to manage the city sound ordinances.

Commissioner Atwill said that the County can write their own.

Commissioner Miller said that monitoring sound is subjective and hard to manage. She is just not comfortable with outdoor events and will not second the motion.

Commissioner Thompson said it fails for lack of a second.

Commissioner Miller asked Mr. Shawver if the RV issue would have to come back as a Conditional Use Permit and for the zoning change as well.

Mr. Shawver said that is correct. The reception facility will need to be listed as indoor only and the CUP include RV hookup.

Commissioner Miller said that is a compromise.

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby **approve** the request by Columbia Lodge No. 594 BPOE et al to approve a Revised Review Plan for Southfork of the Grindstone Plat 1 Lot 1, a Commercial Planned Development, on 3.68 acres located at 4747 E. Elk Park Dr., Columbia, subject to the following conditions:

- That the references on the final plan to ‘Neighborhood Commercial’ be struck and replaced with ‘General Commercial.’
- That the Allowed Uses for Lot 1 section be revised to read as follows:
Private Club or Lodge (with accessory park area, parking, & recreation)
Indoor Only Reception Facility
- That the 1/27/14 Revision Note be struck from the plan.
- A Conditional Use Permit (by separate application only) allowing up to eight (8) RV parking spots restricted to use by Elk Members allowing a maximum of a two week stay.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #93-2014**

2. Public hearing on revision of the Boone County Building Code.

Stan Shawver said this is the third and final public hearing for the adoption of the revisions to the Boone County Building Code.

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

Mr. Shawver said he will prepare and order for adoption.

3. Petition submitted by Basnett Properties LLC for permission to vacate and re-plat Lot 1 of County Downes Subdivision Block I, located at 7801 N Wade School Rd., Columbia.

Stan Shawver said this is a petition request to vacate and re-plat Lot 1 of County Downes Subdivision Block I. Subdivision regulations state that a public hearing is required and the County Commission shall consider the request. All properties owners within 500 feet were notified concerning this request. A letter was received addressed to the County Commission stating two concerns. The first related to a drainage issue to the south side of the property and the second stated that a split lot would result in a lot substantially smaller than the surrounding lots in the area.

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

David Butcher said he is from Crockett Engineering Consultants representing the property

owner.

Arthur Basnett said he is the property owner.

David Butcher said this property is a fairly large lot. The existing house, when purchased, was quite distressed. The property has a grassy area to the south with a fence where there is another area that is ready for division. It has utility frontage in place. There is no flood plain, no issue with regulated flooding. The site distance works, no problem with a driveway. The sewer is there for both if the decision to divide is made. There is not much improvement needed.

Commissioner Miller asked what the size of the area is on the other side of the fence.

Mr. Butcher said his estimate is about ½ acre. We haven't gone to the expense to survey the property until we know if there are issues with the vacation and will await the Commission decision.

Commissioner Atwill asked if there is anyone else to speak on behalf of this issue. There were no other speakers.

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

Jim Spielman said there is a drainage issue on the property. There is a culvert across the street and the land has water running down 3 to 4 lots up to the west and pools at the bottom. Before the lot was purchased, it was swampy and the grass could not be cut. If something is built there, the ground would have to be built up and no telling where the water would then go. The parcel of land is very small compared to the others. It is a concern of a smaller home built on a smaller lot.

On the edge of my property is a sewer pump station. Starting last fall, there were six or seven lagoons that will be taken out and replaced by a gravity fed sewer system. That pump station is coming out so there is a concern about the flooding. Drainage is definitely an issue. That's

all I have and I thank you for letting me speak.

The Commissioners thanked Mr. Spielman for speaking tonight.

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

Jane Hart says she lives adjacent to the lot in question. Every lot in the area is between 1 ½ to 2 acres in size. Splitting this lot will not fit in with the neighborhood plan. The property does have drainage problems and there have been problems with the foundation of the house on the lot. I know the current owner has repaired it and has put it up for sale.

The Commissioners thanked Ms. Hart for speaking. Commissioner Atwill asked if there is anyone else to speak in opposition. There were no other speakers. Commissioner Atwill asked Mr. Butcher if he had anything to add after hearing the opposition.

Mr. Butcher said this is about land division. Even a swamp needs to have a boundary. If there is a drainage issue, it is the best interest of Mr. Basnett to create a property that is saleable. If the division is allowed, the property will be for sale and anyone would have the right to buy it. Property values would not be hurt because new construction revitalizes and regenerates neighborhoods. Mr. Basnett bought the property in a distressed state. He has improved it and wants to build another. The property is zoned RS which allows a minimum of 7,000 sq. ft. Mr. Basnett wants to build one house. The pipe may be undersized. The water must not be getting to the pipe appropriately.

Commissioner Miller said she does not like to break up these lots in the neighborhoods.

Commissioner Thompson said that with the exception of two lots to the north, all the other lots are of substantial size.

There were not further comments or questions.

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby **deny** the petition submitted by Basnett Properties LLC for permission to

vacate and re-plat Lot 1 of County Downes Subdivision Block I, as shown in Plat Book 12, Page 42 of Boone County Records, located at 7801 N Wade School Rd., Columbia.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #94-2014**

Mr. Shawver asked the Commission if they could specify the reason for denial.

Commissioner Thompson said it was due to the drainage issues and the size of the lots in that particular area of the neighborhood relating to character of the neighborhood.

4. Receive and accept the following plats:

- **Old Number 7 Estates Subdivision Plat 1. S35-T51-R13W. A-2. Richard Lee Stone II & Bethany Brook Stone, owners. Dan Brush, surveyor.**
- **Marg Hills. S30-T48-R13W. A-2. Wulff Brothers Masonry, owners. Jason Lortz, surveyor.**
- **Busteed Subdivision. S14-T46-R13W. A-2. Eugene F. Busteed & Linda W. Hancik, owners. Dan Brush, surveyor.**
- **Dennis Subdivision. S10-T49-R12W. R-S & A-2. Brenda Dennis & Ronald Lee Hoffman, owners. Dan Brush, surveyor.**
- **Double Deuce Subdivision. S5-T50-R11W. A-2. Townsquare LLC, owner. Ron Lueck, surveyor.**

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:

- **Old Number 7 Estates Subdivision Plat 1. S35-T51-R13W. A-2. Richard Lee Stone II & Bethany Brook Stone, owners. Dan Brush, surveyor.**

- Marg Hills. S30-T48-R13W. A-2. Wulff Brothers Masonry, owners. Jason Lortz, surveyor.
- Busted Subdivision. S14-T46-R13W. A-2. Eugene F. Busted & Linda W. Hancik, owners. Dan Brush, surveyor.
- Dennis Subdivision. S10-T49-R12W. R-S & A-2. Brenda Dennis & Ronald Lee Hoffman, owners. Dan Brush, surveyor.
- Double Deuce Subdivision. S5-T50-R11W. A-2. Townsquare LLC, owner. Ron Lueck, surveyor.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #95-2014**

5. Second reading; Consultant Services Agreements with: Barlett & West, Inc; Crawford, Bunte, Brammeier; Meco Engineering Company, Inc; Scroggs Architecture, P.C.; Shafer, Kline & Warren; and URS Corporation (1st read 3-4-14)

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Consultant Services Agreements with: Bartlett & West, Inc.; Crawford, Bunte, Brammeier; MECO Engineering Company, Inc.; Scroggs Architecture, P.C.; Shafer, Kline & Warren; and URS Corporation.

It is further ordered the Presiding Commissioner is hereby authorized to sign the attached Consultant Services Agreements.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #96-2014**

Commission

6. 1st & 2nd reading; Repairs on the heating system at the Central Missouri Events Center by Air Systems, LLC for a total of \$168.00

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve maintenance repairs done by Air Systems, LLC at the Central Missouri Events Center in the amount of \$168.00 per attached invoice description.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #97-2014**

7. 1st & 2nd reading; Office of Emergency Management February Expenses

Commissioner Thompson moved on this day the County Commission of the County of Boone does hereby approve the Boone County portion of the February 2014 expenses for the Office of Emergency Management in the amount of \$9,162.82.

Commissioner Miller seconded the motion.

The motion carried 3 to 0. **Order #98-2014**

8. 1st & 2nd reading; Organizational use of the Government Center Chambers by Columbia Home School Speech Class for March 17, 2014

Commissioner Miller moved on this day the County Commission of the County of Boone does hereby approve the Organizational Use of the Government Center Chambers by Columbia Home School Speech Class for March 17, 2014 from 6:30 p.m. to 8:15 p.m. Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #99-2014**

9. Public Comment

None

10. Commissioner Reports

None

The meeting adjourned at 10:02 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