

- TERM OF COMMISSION: September Session of the July 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
Director Resource Management Bill Florea
County Counselor CJ Dykhouse
Planner Uriah Mach
Deputy County Clerk Michelle Thompson

The meeting was called to order at 7:03 p.m.

**Conference Call Information:
Number: 425-585-6224 Access Code: 802-162-168**

ACCESS TO COMMISSION CHAMBERS WILL BE MINIMIZED TO NO MORE THAN 10 PEOPLE AT ONE TIME, THIS INCLUDES COMMISSIONERS, STAFF AND SPEAKERS. SPEAKERS WILL BE CYCLED IN AND OUT

Resource Management

- 1. Continuation of a public hearing on a petition submitted by Shan Rich to vacate Lots 1-3 of Shalimar Gardens Block 1 as recorded in Plat Book 11, Page 126 of Boone County Records (tabled 9/1/2020)**

Bill Florea read the following staff report:

Shan Rich has submitted a petition requesting permission to vacate and replat Lots 1-3 of Shalimar Gardens Block 1. The County Commission held a public hearing on this matter at its September 1, 2020 meeting and voted to table the request. The minutes of that meeting and the Boone County Zoning and Subdivision Regulations are introduced into this record.

Testimony by neighboring property owner, Faye Pugh, indicated that drainage from an unpermitted culvert on the Rich property is pooling on her property and making a portion of it unusable. Staff has identified two drainpipes that discharge onto the Rich property that could be impacting the Pugh property. One discharges from the stormwater retention facility on the MD Storage property that is immediately north of the Pugh property. The other pipe carries water from Shalimar Drive. Both pipes were built according to plans approved by Resource Management that were determined to comply with County Stormwater Regulations.

The Rich property includes three platted lots that are zoned General Commercial. Re-development of the Rich property can be accomplished without the requested vacation, although not in the manner desired by the owner. All redevelopment will require compliance with the Boone County Stormwater Regulations.

Knowledge of a downstream problem can inform that design and review process and its outcome. Resource Management staff is working with the design engineer to regrade a portion of the Rich property to improve conveyance of the stormwater to the ditch on Nance Drive, which should improve the problem reported by Ms. Pugh.

Commissioner Thompson said that, according to the staff report, the vacation of the lots would actually help with stormwater.

Florea said yes.

There were no more comments or questions from the Commission.

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 Parry moved now on this day, the County Commission of the County of Boone does hereby approve a petition submitted by Shan Rich to vacate Lots 1-3 of Shalimar Gardens Block 1 recorded in Plat Book 11, Page 126 of Boone County Records.

Said vacation is not to take place until the lots proposed to be vacated have been incorporated into a subdivision plat in accordance with Boone County Subdivision Regulations.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #430-2020**

2. Public hearing on a petition submitted by Jason Sutherland to vacate Tract 2 of Rayfield Subdivision as recorded in Plat Book 11 Page 193 as amended by Survey recorded in Book 497 Page 894 of the Boone County Records

Bill Florea read the following staff report:

A petition has been submitted by Jason Sutherland to vacate Tract 2 of Rayfield Subdivision recorded in Plat Book 11 Page 193 as amended by Survey recorded in Book 497 Page 894 of the Boone County Records. The approximate property address is 5147 N. Creasy Springs Road.

Rayfield Acres was platted in 1976. Tract 2 was altered by survey in 1983 to create areas for sanitary sewer and lagoon maintenance. Those facilities have

been removed. It is the intent of the petitioners to re-establish Tract 2, by plat, for the purpose of constructing one single-family dwelling.

In accordance with Boone County Subdivision Regulations Section 1.8, the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action 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 persons owning or possessing real estate within the subdivision.

If the vacation request is granted, the subsequent replatting will consolidate Tract 2 into its original configuration. This action should have no adverse impact to the character, infrastructure, or property values of the neighborhood and will not adversely affect the health, welfare, or safety of persons owning or possessing real estate within the subdivision.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

There was no one present 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 approve a petition submitted by Jason Sutherland to vacate Tract 2 of

Rayfield Subdivision as recorded in Plat Book 11 Page 193 as amended by Survey recorded in Book 497 Page 894 of the Boone County Records.

Said vacation is not to take place until the lots proposed to be vacated have been incorporated into a subdivision plat in accordance with Boone County Subdivision Regulations.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #431-2020**

3. Public hearing on a petition submitted by Tim I. Mueller, Jackie S. Mueller, and Glenda Ann Stone to vacate Lots 1 and 2 of Pettus Place Subdivision recorded in Plat Book 21, Page 55 of the Boone County Records

Bill Florea read the following staff report:

A petition has been submitted by Tim I. Mueller, Jackie S. Mueller, and Glenda Ann Stone to vacate Lots 1 and 2 of Pettus Place Subdivision recorded in Plat Book 21, Page 55 of the Boone County Records. The property is located in the southwest quadrant of the intersection of Woodson Harris Road and Bartel Lane, 4,000 feet west of US 63.

Pettus Place was platted as a planned development in 1987. The plat created one 2.1 acre building lot and a 7.9-acre remainder that does not qualify for a building permit. The petitioner's intent is to enlarge the 2.1-acre lot to 2.5 acres and subdivide the remainder into two lots: one of 2.5 acres and one of 4.88 acres. Vacation of the plat is the first step, which will also require rezoning the property to A-2 and filing a subdivision plat.

In accordance with Boone County Subdivision Regulations Section 1.8, the County Commission is required to conduct a public hearing prior to granting permission to vacate and replat a subdivision. Before granting permission, the Commission must find that the action 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 persons owning or possessing real estate within the subdivision.

The character of the area is mixed rural and rural residential. The subdivision to the north, Eagle Ridge Estates, was platted into 3-acre lots in 1975. Eagle Ridge Estates is a discreet block of A-2 and there are several other small blocks of A-2 in the vicinity, all of which are surrounded by A-1 zoning.

The property has frontage on Woodson Harris and Bartel Lane. The vacation request will not adversely affect traffic and circulation. There is only one home in the subdivision. The value of that home will likely be enhanced if the vacation is approved as it will facilitate replatting the lot on which it is located as a 2.5-acre lot.

If the vacation is granted, existing utility easements will be reestablished on future subdivision plats. There is no public sewer in the area. Consolidated Water has adequate infrastructure in place for domestic service. Granting the vacation should not impact the health, safety, and welfare of persons within the subdivision.

There were no comments or questions from the Commission.

Ron Shy was present to speak on behalf of the applicants.

Shy explained the applicants' desire to vacate the lot and have it replatted so that the Muellers' son may build on the lot after it gets subdivided.

Commissioner Thompson said the Commission received a letter from a concerned neighbor who feared this action would adversely affect the character of the neighborhood.

Shy explained that there would only be one extra house put on the property and it would not affect the character of the neighborhood.

There were no more comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Rich Martin was present to speak on this item.

Martin explained he lives to the southeast of this property. All the properties in the area maintain 10 acres and making a change to one of the tracts of land would change the neighborhood. The roads out there are in horrible condition as it is, and he is wary of adding more homes and more traffic. The road needs major improvement before there is more development in the area. This will affect all who live there.

Tim Mueller, the applicant, stated that they would like to withdraw their request. They want to be good neighbors and did not realize this would cause such a fuss.

There were no more comments or questions from the public.

Commissioner Atwill closed the public hearing.

4. **Continuation of a public hearing on a request by Bryan Crump, on behalf of the Gary F. Fisher Family Trust to rezone from A-1 (Agriculture) to A-2 (Agriculture) on 50 acres, located at 14203 S. Crump Lane, Ashland. (tabled 9/1/2020)**

Bill Florea stated this request was tabled at the September 1, 2020 County Commission meeting. The applicant has requested that the tabling be continued until the October 27th meeting due to a family medical issue that requires him to be out of town and, likely, to be quarantined on his return.

There were no comments or questions from the Commission.

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby table the request by Bryan Crump, on behalf of the Gary F. Fisher Family Trust to rezone from A-1(Agriculture) to A-2(Agriculture) on 50-acres, located at 14203 S. Crump Lane, Ashland until the October 27, 2020 Commission meeting.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #432-2020**

5. **Request by Timothy & Christine Beerup to rezone from A-1 (Agriculture) to REC-P (Planned Recreational) and to approve a review plan on 15.41 acres, located at 5360 E Hwy 163, Columbia (Appeal of a recommendation of denial by the Planning and Zoning Commission)**

Bill Florea read the following staff report:

The Planning and Zoning Commission conducted a public hearing on this request at its September 17 meeting. After closing the hearing, the Commission voted to recommend denial of the rezoning on a 4 to 3 vote. The minutes of that meeting and the Boone County Zoning Regulations and Subdivision Regulations are entered into the record of this meeting.

The 15.42-acre property is located 5360 E. Highway 163. The property is zoned A-1 and is surrounded by A-1 zoning. There is Light Industrial zoning 600 feet to the northeast and a kennel that is operated under a Conditional Use Permit 2000 feet to the east. The requested zoning is REC-P (Planned Recreation). Proposed Allowed Uses include reception/meeting facility, guest ranch with overnight accommodations, and agriculture. The property scored 55 points on the rating system.

The plan indicates no new structures. The existing home will be remodeled to accommodate the use. Site improvements, such as a parking lot, expanded wastewater treatment, and paved drive surfaces will be required.

The Boone County Master Plan has designated this area as being suitable for rural residential & agricultural land uses. The sufficiency of resources test, as outlined in the Boone County Master Plan, has been used to analyze this request.

Utilities: The subject property is located in Consolidated Public Water Service District #1 and Boone Electric Cooperative service areas. There is a 12" waterline on the south side of Highway 163 that can be extended to provide service to this property. Wastewater is proposed to be treated through an on-site system regulated by the Columbia/Boone County Health Department. There is no public sewer currently available in this area. Since this is in an environmentally sensitive area, connection to a public wastewater facility should be required, in the future, if one becomes reasonably available.

Transportation: The property has direct access onto Highway 163. Points of access will be evaluated and permitted by the Missouri Department of Transportation.

Public Safety: The property is approximately 1 mile from the Boone County Fire Protection District Station located on Tom Bass Road near Meyer Industrial Drive. Compliance with the Fire Code as administered by the Boone County Fire Protection District will be required.

Zoning Analysis: The size limitation, imposed by the plan, creates a limit to the size of events that could occur on the property and, in turn, impact to neighboring properties if proper buffering is provided. This mitigation is further reinforced by limiting events to a maximum of 130 people and limiting the hours of operation to 7 AM to 10:30 PM, with cleanup operations permitted until 12 AM. The proposed plan shows a gravel drive area near the buildings; this area is required to be paved.

The plan shows that the required 25-foot perimeter setback does not currently exist near building #2 and that an additional 5 feet of land is proposed to be acquired from the adjoining property to the east. This is a prescribed zoning standard; failure to obtain the required setback will prevent approval of the Final Plan and establishment of the requested zoning.

It is likely that the outdoor portions of the property will be used, either actively or passively, as part of the reception facility even though the graphic does not show any areas dedicated to this activity. Landscape buffering can provide mitigation for properties to the west, so some buffering in this area is needed.

Since this site is located in an environmentally sensitive area, higher standards for stormwater and land disturbance will apply when these improvements are installed. While the reception facility can generate visual and sound impacts to surrounding property owners, improving vegetative screening should limit visual impacts. Limiting hours of operation as proposed, 7:00 am to 10:30 pm with clean-up activities allowed from 10:30 pm to midnight, will limit sound intrusion to those hours. Barring the use of additional structures, temporary or permanent, and implementing a schedule in regard to holidays may also limit offsite impacts.

Staff recommended approval of the rezoning request and the review plan subject to the following conditions:

1. It is recognized that no gravel driving, parking, or loading surfaces are allowed for this development and that the Final Development Plan reflects this requirement.
2. Note number 9.2 with respect to building #2 be removed from the Final Development Plan. (Designated for agricultural use)
3. The 25-foot perimeter setback is a non-discretionary standard and that the full 25-foot perimeter buffer must be provided prior to approval of the Final Plan.
4. A buffering/landscaping plan shall be submitted showing all buffering/landscaping for the site, including adding buffering along the western portion of the property. This plan shall be created and shown on the Final Development Plan to the satisfaction of the Director of Resource Management.
5. There is recognition that the existing buildings will be required to obtain remodeling permits for a change of use overseen by an Architect licensed to practice in the State of Missouri and that a certificate of occupancy for the commercial uses must be obtained for the structure prior to the buildings use.
6. Because of the greater level of oversight and accountability provided by a governmental entity and due to this being an environmentally sensitive area, the development should utilize a publicly maintained sewer if reasonably available. Reasonability as to the availability of BCRSD public sewer is exclusively that of the Director of Resource Management in consultation with the Health Department and the BCRSD.
 - a. If a BCRSD facility becomes available to reasonably provide wastewater services to this facility, then this facility is required to connect to said BCRSD facility within 5 years of the service becoming available.
 - b. If a BCRSD facility becomes available prior to the installation of the up-graded engineered on-site wastewater system proposed by the

development, then this property must be connected prior to initial use or occupancy of the property under this plan.

Commissioner Thompson expressed concerns about the proposed use of the land with the Boone County Regional Sewer District provisions. If up to 130 people could be on this property at one time using the on-site sewer system until sewer is installed, there could be some issues.

Florea explained that this is the only option for sewer right now. It would be up to Health Department standards. Drip irrigation might be an option.

Commissioner Thompson said this could just be getting ahead of ourselves without sewer.

There were no more comments or questions from the Commission.

Ryan Fuller, the engineer for the applicants, and the applicants, Timothy and Christine Beerup, were present to speak on this item.

Fuller explained that there were several more steps to go before everything will be ready if this gets approved. He assured the Commission standards and regulations will be followed.

The Beerups presented a Power Point presentation that explained the plans for the property. That Power Point Presentation is included at the end of these minutes.

There were no comments or questions from the Commission.

Commissioner Atwill opened the public hearing.

Rich Germinder was present to speak on this item.

Germinder explained he was a member of the HOA and many of the neighbors were in support of this project now, although they weren't at first. They want to protect the rural esthetic and the plan the Beerups presented has put minds at ease. Knowing that the Beerups are willing to change the hours of operation also helps to ease worries.

Commissioner Thompson asked the Beerups if they would be okay with adding the hours of operation to the order to ensure that if they sold the property one day, the new owners would have to follow these same regulations.

The Beerups agreed to add the hours of operations to the regulations in the order of approval.

Florea stated that all the conditions on this order would apply to new owners if this property sold and that if changes were wanted under new owners, they would have to follow this same process.

Vince and Amy Bentinganan were present to speak on this item.

The Bentinganans expressed their support of this project now that they had more information. They were against it when it was first reviewed at the P & Z meeting, but the Beerups gave a great explanation of what their plans are and the Bentinganans have gotten to know the Beerups over this time and they believe they will keep the property in line with the neighborhood.

Rachel Wise was present to speak on this item.

Wise said she was present to speak on behalf of the Davises, who could not make it to the meeting. They were originally against this request but are now in favor of it.

Chris Hamilton was present to speak on this item.

Hamilton explained he is a Professor of Wildlife Biology. The Beerups have been talking about doing this with this property for years. They will work to develop the land appropriately for conservation.

There was no one else 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 approve the request by Timothy & Christine Beerup to rezone from A-1 (Agriculture) to REC-P (Planned Recreational), as well as the request for a Review Plan for Beerup Property 163 located at 5360 E. Highway 163, Columbia with the following conditions:

1. It is recognized that no gravel driving, parking or loading surfaces are allowed for this development and that the Final Development Plan reflects this requirement.
2. Note number 9.2 with respect to building #2 be removed from the Final Development Plan. (Designated for agricultural use)
3. The 25-foot perimeter setback is a non-discretionary standard and that the full 25-foot perimeter buffer must be provided prior to approval of the Final Plan.
4. A buffering/landscaping plan shall be submitted showing all buffering/landscaping for the site, including adding buffering along the western portion of the property. This plan shall be created and shown on the Final Development Plan to the satisfaction of the Director of Resource Management.
5. There is recognition that the existing buildings will be required to obtain remodeling permits for a change of use overseen by an Architect licensed to practice in the State of Missouri and that a certificate of occupancy for the commercial uses must be obtained for the structure prior to the buildings use.
6. Because of the greater level of oversight and accountability provided by a governmental entity and due to this being an environmentally sensitive area, the development should utilize a publicly maintained sewer if reasonably available. Reasonability as to the availability of BCRSD public sewer is exclusively that of the Director of Resource Management in consultation with the Health Department and the BCRSD.

- a. If a BCRSD facility becomes available to reasonably provide wastewater services to this facility, then this facility is required to connect to said BCRSD facility within 5 years of the service becoming available.
- b. If a BCRSD facility becomes available prior to the installation of the upgraded engineered on-site wastewater system proposed by the development, then this property must be connected prior to initial use or occupancy of the property under this plan.
- c. Hours of operation shall be limited Sunday through Wednesday, 8:00am through 9:00pm, Thursday through Saturday 8:00am and 10:30pm, with additional hour for cleanup.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #433-2020**

6. Request by Bruce and Kathleen Maier to approve a Final Development Plan for Lot C-4 of Newtown Subdivision, Block 4 on 1.35 acres located at 1850 W Rt. K, Columbia

Bill Florea read the following staff report:

This property is located at 1850 State Route K. In July 2020, the Planning and Zoning Commission recommended approval of a rezoning and a revised C-GP PCD Review Plan for Lot C-4 of New Town Subdivision Block 4. The County Commission approved the rezoning and Review Plan, Commission Order 330-2020. The Review Plan was approved with the following conditions:

1. The building construction materials are to meet a quality minimum of masonry.

2. All lighting on the property is required to be shielded or oriented in such a manner as to minimize glare or light trespass off the property.
3. That it is recognized that the Director of Resource Management can approve minor alterations in the approved plan administratively if the Director believes that the change is not substantive. Determination of whether a proposed change is substantive is solely the discretion of the Director.

The Zoning Regulations state that the Commission shall approve a Final Development Plan when it is satisfied that:

- All required information is accurately portrayed on the plan
- The Final Plan conforms to the approved review plan
- The Final Plan demonstrates compliance with all conditions, which the County Commission may have imposed on the Review Plan.

Staff has reviewed the plan. All required information is accurately portrayed, and the plan conforms to the review plan. The conditions imposed by the County Commission have been met and will continue to be monitored.

Staff recommends Approval.

There were no comments or questions from the Commission.

Commissioner Parry moved now on this day, the Boone County Commission does hereby approve the request by Bruce and Kathleen Maier to approve a Final Development Plan for Lot C-4 of Newtown Subdivision, Block 4 on 1.35 acres located at 1850 W Rt. K, Columbia.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #434-2020**

**7. First Reading; Contract for services: The Missouri Department of Agriculture
Contract No. 21-03, County Surveyor Re-monumentation Program**

Bill Florea said this is for the Surveyor Matt Thomas. The re-monumentation program is something that has been done for many years. It is pretty standard.

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.

**8. Second Reading; Stormwater Security Agreement and Irrevocable Letter of
Credit: Oak Hill Estates (1st read 9-24-20)**

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached Erosion and Sediment Control Security Agreement and Irrevocable Letter of Credit between the County of Boone and IUVO Constructum, LLC. The terms of the agreement are stipulated in the attached security agreement.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #435-2020**

9. Second Reading; Stormwater Security Agreement and Cash Deposit: Sycamore Hollow Plat 3 (1st read 9-24-20)

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the attached Erosion and Sediment Control Security Agreement and Cash Deposit between the County of Boone and Frederick & Susan Hill. The terms of the agreement are stipulated in the attached security agreement.

It is further ordered the Presiding Commissioner is hereby authorized to sign said Agreement.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #436-2020**

Sheriff's Department

10. Second Reading; K-9 Basic Training Contract: City of St. Charles (1st read 9-24-20)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the attached K-9 Training Agreement between Boone County and the following:

City of St. Charles – K-9 Training

Terms of the agreement are stipulated in the attached Agreement. It is further ordered the Presiding Commissioner is hereby authorized to sign said K-9 Training Agreement.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #437-2020**

11. Second Reading; Grant Application of the following 2020 to 2021 Missouri Department of Transportation Highway Safety & Traffic Division Grants: (1st read 9-24-20)

- **Dedicated HMV Enforcement**
- **Dedicated Impaired Driving Enforcement**
- **DWI Saturation Enforcement**
- **HMV Enforcement**
- **Youth Alcohol Enforcement**

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the following 2020-2021 Missouri Department of Transportation Highway Safety & Traffic Division Grants:

- Dedicated HMV Enforcement
- Dedicated Impaired Driving Enforcement
- DWI Saturation Enforcement
- HMV Enforcement
- Youth Alcohol Enforcement

It is further ordered the Presiding Commissioner is hereby authorized to sign the attached authorization forms for said grant applications.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #438-2020**

12. Second Reading; Grant Acceptance: FY20 Edward Byrne Memorial Justice Assistance Grant (JAG) (1st read 9-24-20)

Commissioner Thompson moved now on this day, the County Commission of the County of Boone does hereby approve the acceptance of the 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) awarded to the Boone County Sheriff's Department.

It is further ordered the Presiding Commissioner is hereby authorized to sign said grant award.

Commissioner Parry seconded the motion.

The motion carried 3 to 0. **Order #439-2020**

13. Second Reading; Grant Acceptance: 2020 to 2021 State Cyber Crime Grant (1st read 9-24-20)

Commissioner Parry moved now on this day, the County Commission of the County of Boone does hereby approve the acceptance of the 2020-2021 State Cyber Crime Grant awarded to the Sheriff's Department.

It is further ordered the Presiding Commissioner is hereby authorized to sign said grant award.

Commissioner Thompson seconded the motion.

The motion carried 3 to 0. **Order #440-2020**

Commission

14. Public Comment

None

15. Commissioner Reports

None

The meeting adjourned at 8:29 p.m.

Attest:



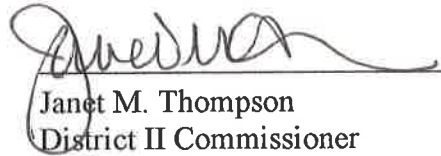
Brianna L. Lennon
Clerk of the County Commission



Daniel K. Atwill
Presiding Commissioner



Fred J. Parry
District I Commissioner



Janet M. Thompson
District II Commissioner

TO: Boone County Commission; Mr. Bill Florea

FROM: Deretha A. Darrow and Daniel T. Zekor

DATE: September 28, 2020

SUBJECT: Public Input - Mueller Petition to vacate Lots 01 & 02 of Pettus Place Subdivision

Dear Commissioners:

Ordinarily, we would be there in person to present our thoughts, but we are not attending due to COVID-19 concerns. If you have questions or need clarification, you may contact us at any time before, during, or after the hearing at 573-808-1953, or by email at dcdarr@outlook.com.

We are property owners sharing a common boundary of the Mueller property in the petition (we share the south boundary of the tract in the petition). We are friends with the owners, and have discussed with them their plans for the property. As we understand their intentions, they are requesting to vacate the current two-tract subdivision, and to create a three-tract subdivision for the purpose of building an additional house for a family member on the resulting vacant ~2.5-acre tract. When completed, this new house would sit on Bartel Lane, facing east with one or more entries on to our private drive easement, and drive that we have shared and maintained with one other residence to the west for the past 27 years of our ownership.

When our land was purchased nearly 30 years ago, one of the selling points was the zoning that only allowed one house on 10 acres. The seller assured that even though Pettus Place was set up as a two-tract subdivision, it still had to adhere to A1 zoning, and, as it already had a house with a barn/garage built on one tract, no house could be built on the remaining second tract.

At the time our house was built, there were relatively few houses in the area. Gradually, however, more homes have been built in nearby subdivisions, especially over the past few years. The result has been substantially more traffic on the dusty gravel roads, more noise, and curious people, and free ranging dogs wandering down our drive.

Fortunately, our property location relative to our neighbors to the east and south has been comparatively isolated and private due to the A1 zoning that currently exists. Despite the noise and other distractions, week-days still offer some semblance of a country neighborhood.

Fundamentally, we understand and appreciate the Mueller's desire to allow their son to have a small tract and house nearby. Family is important to us too; however, we believe that the impact to our home, property, and immediate neighbors would be great if this change was allowed.

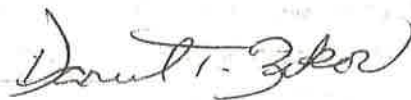
We oppose the petition to create a three-tract Pettus Place Subdivision and to subsequently build a house on the SE 2.5 acres for the following reasons:

- Loss of privacy and security – we live on a private driveway off a dead-end road for a reason. A home at the entrance of our driveway will result in a diminishment of privacy and security. Invariably, more people will also wander down our drive to look around.
- Additional, unwanted traffic - ingress and egress off our private driveway will result in additional, unwanted traffic. Our driveway and Bartel Lane are relatively quiet, and we'd like to keep it that way.
- Subdivision encroachment - apart from the single house on the corner of Woodson Harris and Bartel Lane, this would be the only small tract home on Bartel Lane. This encroachment will diminish the character of our immediate neighborhood.
- Loss of character – currently the immediate neighborhood (east and south) has a country feel. The proposed change will result in more noise, lights, traffic, another waste lagoon, mowing, pets, and all the other things that go along with the establishment of a new home.
- Uncertainty – While the new home will be for a young college age son, there are no guarantees this home will be only for him, or that he would remain there after graduating from college. While impossible to predict, too many future possibilities add to our concerns – e.g., roommates, noise, additional construction, rental of the property, etc.

Being opposed to this petition does not make us happy. The Mueller's are nice people and long-standing neighbors; however, this change to the area would be disruptive to our home, lifestyle, and peace of mind.

Thank you for the opportunity to provide input on this important matter.

Respectfully submitted,



**Deretha Darrow and Daniel Zekor
10151 S Bartel Lane
Columbia, MO 65201**

NORTH



borders and other items in the 3D viewer

Proposed New Home

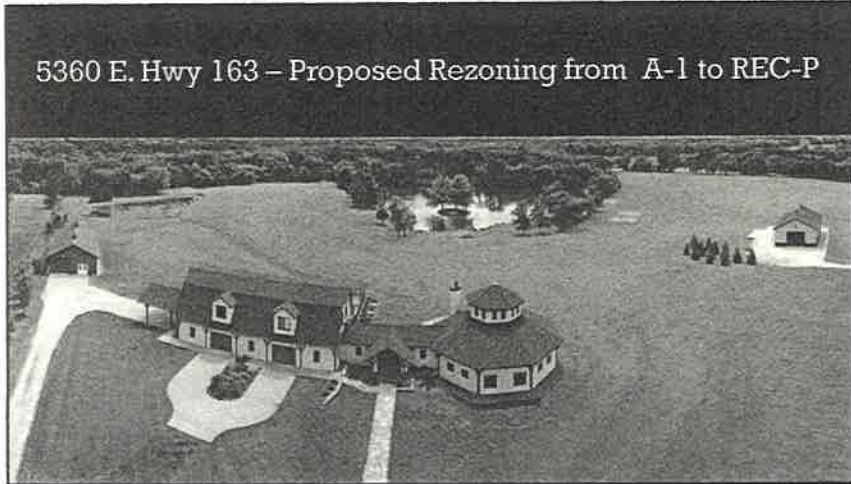
Darrow/Zekor Property

C. Barber Ln

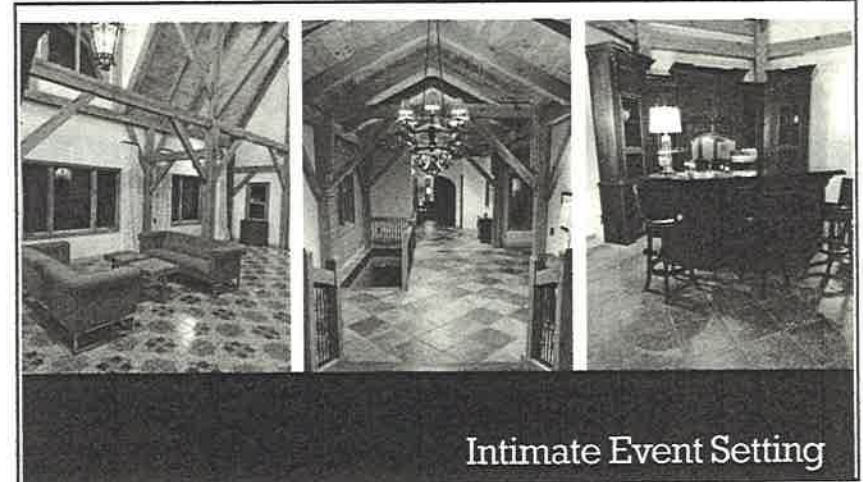
© 2020 Google

Google Earth

Imagery Date: 11/9/2019 38°49'49.55" N 92°15'59.30" W elev 854 ft eye alt 2947 ft



1



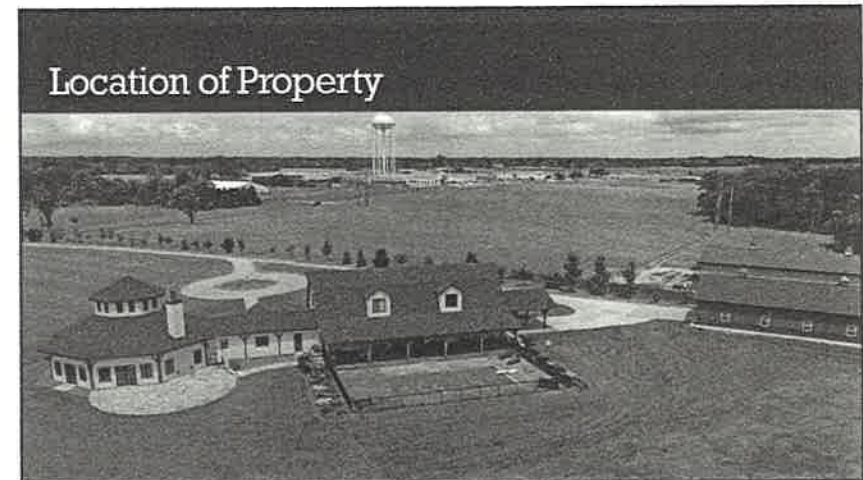
2

Overview

Event Venue Overview

- High-end, intimate gatherings
 - Receptions
 - Corporate meetings
- Maximum capacity of 130
 - Dining capacity 80
 - Meeting capacity 130
- Office hours by appointment from 9AM to 5PM weekdays
 - Event hours
 - Sunday through Wednesday – 8 am to 9 pm
 - Thursday through Saturday – 8 am to 10:30 pm
 - One additional hour each day for clean-up
- Catered events
- Two guest rooms available for overnight accommodations

3



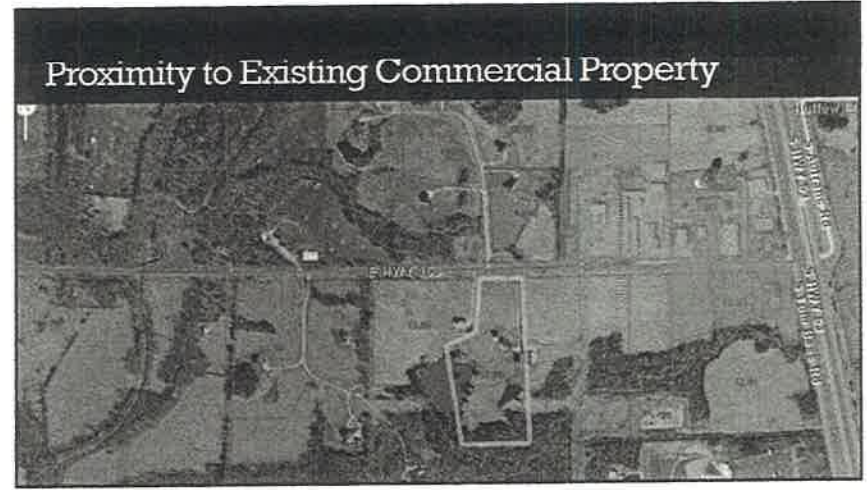
4

Location of Property

Site Overview

- Unique structure, well known in Columbia
- Location of property
 - Easy access to highway and surrounding amenities
 - Highway 63 and Columbia Regional Airport
 - Several hotels
 - Downtown Columbia
 - Rockbridge State Park
- Focus towards the rear of the property
 - Property is tree-lined
 - Noise abatement
 - Astatically pleasing surroundings
- No additional structures necessary

5



6

Proximity to Existing Commercial Property

Transition from residential to commercial

- Property is surrounded by a mix of commercial and residential properties
 - Commercial property to the Northeast
 - Light industrial properties zoned since 1999 (Jones Power Sports)
 - Adjacent property due East has applied for commercial zoning
 - Residential to the North and West
 - Residential zoning since 2012 (Walden Pointe and Autumn Ridge)
- Adheres to all Walden Pointe HOA covenants
- Nearby home structures are over 1,000 feet from proposed event structure
- Safe, well maintained highway location
 - Great visibility in both directions on Hwy 163
 - Will not hinder traffic flow
- Plans to enhance current agricultural setting
- Meets all criteria set forth by Boone County Planning and Zoning

7

Experience & Professionalism

Donald McGinnis
 Physical Therapist
 Physical Therapist

Testimonial:

I am writing to support of your license and our support to have the property listed in the local business directory.

I have worked with you for several years and your professionalism and expertise in the field of physical therapy is well known in the community. I have seen you in action and your dedication to your patients is evident. I am happy to have you as a professional and your commitment to your patients is well known in the community.

I have a professional and the ability to provide an exceptional service and your commitment to your patients is well known in the community.

I encourage you to apply for the license.

Don McGinnis
 Physical Therapist

KEEPING FAMILIES CLOSE

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Experience & Community Involvement

Event and meeting planning since 1989

- Experience makes a difference
 - Degree in marketing from Texas A&M University
 - Worked with non-profits in event planning and public relations in Columbia
 - Worked with events in the commercial sector for several years on a national basis
- Currently director of business relations with Ronald McDonald House Charities of Mid-Missouri
 - Oversee all events and corporate fundraising
- Host most prestigious fundraising event in Columbia
- High regard for those in the community
 - Held additional meetings with neighbors since planning & zoning
- There is a need for this type of space in this community

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Planning & Zoning Condition Compliance

Staff recommends approval of the rezoning request and the review plan subject to the following conditions:

1. It is recognized that no gravel driving, parking or loading surfaces are allowed for this development and that the Final Development Plan reflect this requirement.
2. Note number 9.2 with respect to building #2 be removed from the Final Development Plan.
3. It is recognized that the 25 feet perimeter setback is a non-discretionary standard and that the full 25-foot perimeter buffer must be provided prior to approval of the Final Plan.
4. A buffering/landscaping plan shall be submitted showing all buffering/landscaping for the site, including adding buffering along the western portion of the property. This plan shall be created and shown on the Final Development Plan to the satisfaction of the Director of Resource Management.
5. There is recognition that the existing buildings will be required to obtain remodeling permits for a change of use overseen by an Architect licensed to practice in the State of Missouri and that a certificate of occupancy for the commercial uses must be obtained for the structure prior to the buildings use.
6. Because of the greater level of oversight and accountability provided by a governmental entity and due to this being an environmentally sensitive area the development should utilize a publicly maintained sewer if reasonably available.

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Ronald McDonald
House Charities
Mid-Missouri

2020 OFFICERS

John States, President
Little Dixie Construction

Kathleen Bruegenhemke, VP
Hawthorn Bank

Tom Schwarz, Treasurer
Military United Insurance

Harriet Most Yelon, Secretary
Community Leader

Sally Silvers, Past-President
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DIRECTORS

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Jacob T. Rowe
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of OrthoPediatrics*

Jolene Schulz
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Keri Simon
MU Women's & Children's Hospital

Larissa Wollard
Veterans United

Mel Zelenak
Maly Commercial Realty

Terri Gray, RMHC Executive Director

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September 25, 2020

To Whom It May Concern:

I am writing in support of Chris Beerup and her request to rezone the property from A-1 to REC-P located at 5360 E. Hwy. 163 in Boone County, MO.

I have known Chris for more than 30 years, both personally and professionally. Her experience in planning exclusive, high-end events is the reason I offered her a position with Ronald McDonald House Charities. For the past five years, she has expanded our two main fundraising events – the Red Shoe Gala and the Fore the House Golf Tournament, both of which are incredibly successful. In 2018, our Red Shoe Gala was recognized as the most impactful fundraiser in Columbia by COMO magazine.

I have visited the property she wants to use as an events venue and believe it is well suited for small, intimate gatherings. I feel there is a need for event space such as this in our community and I am hoping to host an event there for the Ronald McDonald House as soon as it is available.

Chris is a professional and the events she coordinates are exceptional – they are well organized and conducted with the utmost care and consideration for her clients and guests.

I encourage you to approve her request.

Thank you,

Terri Gray
Executive Director

