

552 -2023

CERTIFIED COPY OF ORDER

STATE OF MISSOURI

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December Session of the October Adjourned

Term. 20 23

County of Boone

In the County Commission of said county, on the

5th

day of December

20 23

the following, among other proceedings, were had, viz:

Now on this day, the County Commission of the County of Boone does hereby adopt the Findings of Fact and Conclusions of Law relative to a conditional use permit for Briley Investments LLC for a duplex in the Single-Family Residential (R-S) Zoning District located at 2365 E Bearfield Subdivision, Columbia.

It is further ordered that the Presiding Commissioner is hereby authorized to sign the attached Order of Approval.

Done this 5th day of December 2023.

ATTEST:

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

Kip Kendrick
Kip Kendrick
Presiding Commissioner

Justin Aldred
Justin Aldred
District I Commissioner

Janet M. Thompson
Janet M. Thompson
District II Commissioner

CONDITIONAL USE PERMIT BOONE COUNTY, MISSOURI

PROPERTY OWNER: Briley Investments, LLC

ADDRESS: 2365 E Bearfield Subdivision, Columbia

LEGAL DESCRIPTION: Lot 1; Bearfield Subdivision

TAX PARCEL: 21-101-06-01-016.00 01

ZONING: Single-Family Residential (R-S)

DATE APPROVED: November 9, 2023

CONDITIONAL USE: Allow a duplex to be constructed in the Single-Family Residential Zoning District

CONDITIONS OF APPROVAL:

1. That the duplex be constructed in a manner consistent with the plans submitted with the conditional use permit application, with any changes subject to the approval of the Director of Resource Management.
2. Prior to building permit issuance, a parking and vehicular circulation plan shall be submitted for approval by the Director. There shall be a minimum of three parking spaces for each unit located on the same side of the building as the front door for that unit. Each space shall be accessible without the need to move another vehicle. A turnaround area shall be provided for the unit facing Bearfield Road to enable vehicles to exit the lot, onto Bearfield Road, in a forward direction. Implementation of the plan shall be a condition of occupancy for the building.
3. Prior to building permit issuance, an exterior lighting plan shall be submitted for approval by the Director. The plan shall implement "Dark Sky" principles. Implementation of the plan shall be a condition of building occupancy.
4. Prior to building permit issuance, a stormwater mitigation plan shall be submitted for approval by the Director. The plan shall focus on mitigating the increased runoff from new impervious surfaces such as roof and paved areas and may include techniques such as rain barrel systems, raingardens, and incorporating deep rooted native species in the landscaped areas of the lot.
5. The maximum footprint of the structure, which is defined as the product of the longest two dimensions, each perpendicular to the other, shall not exceed 4,400 square feet. The building as shown on the plans submitted with the application has a maximum footprint of 3,999 square feet.

VOID DATE: Void if not used for 12-month period.

EXPIRATION DATE: N/A

ORDER OF APPROVAL

The Boone County Commission through its presiding officer hereby approves issuance of the above conditional use permit as prescribed above, subject to the conditions of approval specified above. Subject to the conditions for issuance and use of this permit, the Commission finds in issuance of this permit that all requirements for issuance are satisfied and that the Commission further makes its findings of fact and conclusions of law in accordance with the provisions, shown below, validating issuance of this permit. This permit shall not be valid unless countersigned by the Director of the Boone County Department of Resource Management and shall expire unless the use authorized hereunder is exercised within one year after the approval date shown above or is discontinued for a continuous period of 12-months. This permit shall also be revocable for violation of any term or condition contained in this permit upon the complaint of the director and a showing of good cause upon order of the Boone County Commission in accordance with the regulations applicable hereto.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Subject to the conditions of approval, the Boone County Commission finds and concludes in issuance of this permit that:

1. As conditioned, the establishment, maintenance, operation and use of the conditional use permit issued hereunder will not be detrimental to or endanger the public health, safety, comfort or general welfare: permit conditions have been added to address concerns related to parking and vehicular access, exterior lighting, building bulk, stormwater management, and building design, and
2. As conditioned, the conditional use permit issued hereunder will not be injurious to the use and enjoyment of other property in the immediate vicinity of the property which is the subject matter of this permit with respect to the purposes already permitted by these regulations: the design of the duplex is such that it will appear as a single family dwelling from all sides, Condition 3 requires adherence to the “Dark Sky” guidelines so as to minimize the impact of exterior lighting, and
3. The conditional use permit and authorized uses thereunder will not substantially diminish or impair property values of existing properties in the neighborhood surrounding the property, which is the subject matter of this permit, and
4. All necessary public facilities for use of the land subject to this permit are or will be available if the conditions for issuance are satisfied: the property is served by public utilities and has frontage on and direct access to two County maintained roadways, there are no known restrictions on utility services available to the property, and
5. The conditional use permit issued hereunder and the authorized uses under such permit will not impede the normal or orderly development or improvement of surrounding property for the uses permitted within the zoning district: the lot is a corner lot that is approximately 25% larger than most of the lots in the neighborhood. The building is designed so that each unit has its access from the street frontage that it faces, which allows the duplex to mimic the look of a single-family dwelling from each street frontage, and
6. As conditioned, the grant of this conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public roads and that adequate access points to the subject property from public streets are available: the property has frontage on and direct access to two County maintained roadways, Condition Number 2 requires development of and adherence to an internal vehicular circulation plan that allows vehicles to access Bearfield Road in a forward direction, and
7. The uses authorized by this conditional use permit are otherwise in conformity with the regulations pertaining to the zoning districts in which the uses are located and that there is a public necessity for the issuance of the conditional use permit hereunder.

The Commission, by authorizing issuance of the conditional use permit hereunder, further concludes as a matter of law that issuance of the permit is proper under the zoning regulations of Boone County in effect at the time of issuance and the general statutes and laws of this state.

Additional Findings:

The County Commission further finds as fact in support of issuance of this conditional use permit the following to be true:

As conditioned, this facility can be operated such that it will meet the criteria for issuance of a conditional use permit in accordance with the Boone County Zoning Regulations, Section 15.A.

ATTEST:


Brianna L. Lennon, County Clerk

BOONE COUNTY, MISSOURI
BOONE COUNTY COMMISSION

by 
Kip Kendrick, Presiding Commissioner

APPROVED:


Director, Boone County Resource Management Department

Dated: 