

**APPEAL OF A DENIAL BY THE PLANNING COMMISSION
FOR A REVISION TO THE ZONING MAP**

***APPEALS MUST BE SUBMITTED TO RESOURCE MANAGEMENT WITHIN 3 BUSINESS
DAYS FROM THE DATE OF DENIAL**

1. <u>D WHO LAND LLC</u>			
<u>NAME - PROPERTY OWNER</u>		<u>POTENTIAL BUYER/LEASOR</u>	
<u>7611 PLEASANT RD.</u>			
<u>ADDRESS</u>		<u>ADDRESS</u>	
<u>WATERFORD, WI 63185</u>			
<u>CITY - STATE - ZIP</u>	<u>PHONE</u>	<u>CITY - STATE - ZIP</u>	<u>PHONE</u>
<u>jkrogmanpartners@gmail.com</u>			
<u>EMAIL ADDRESS</u>			

2. LEGAL DESCRIPTION of land for which revision to zoning map application is made, including SECTION, TOWNSHIP and RANGE, ADDRESS AND/OR PARCEL NUMBER.
Please see attached document

3. Proposed use should rezoning be approved: (Please be as detailed as possible)
Please see attached document

4. Reason why Planning Commission recommendation for denial is in error:
Please see attached document

5. Name of individual(s) who presented request to Planning Commission:
Please see attached document

6. Date request was denied by Planning Commission. JUNE 16, 2022

7. Who should we contact with questions regarding this request? Please see attached document

<u>NAME</u>	<u>PHONE</u>
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THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT IT IS NECESSARY FOR THE APPLICANT OR THEIR REPRESENTATIVE (WITH WRITTEN AUTHORIZATION) BE PRESENT FOR THE COUNTY COMMISSION HEARING. I ALSO UNDERSTAND THAT NO SIGNIFICANT CHANGES CAN BE MADE TO THE REQUEST BETWEEN THE PLANNING AND ZONING COMMISSION HEARING AND THE COUNTY COMMISSION HEARING.

<u>James F. Harasho</u>	<u>6-21-2022</u>		
<u>OWNER'S SIGNATURE</u>	<u>DATE</u>	<u>POTENTIAL BUYER'S SIGNATURE</u>	<u>DATE</u>

RECEIVED BY:
[Signature] 6/21/22
RESOURCE MANAGEMENT OFFICE DATE



June 21, 2022

RE: Appeal of a Denial by the Planning Commission.

Five Pines Subdivision - JR2 Development LLC.

2. PARCEL ID = 1760013000010001 AND 1840018000050001

LEGAL DESCRIPTION: TRACT 1

A TRACT OF LAND BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 13, TOWNSHIP 48 NORTH, RANGE 12 WEST AND A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 18, TOWNSHIP 48 NORTH, RANGE 11 WEST OF BOONE COUNTY, MISSOURI, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE FOUND AT THE QUARTER CORNER BETWEEN SAID SECTION 13, TOWNSHIP 48 NORTH, RANGE 12 WEST AND SECTION 18, TOWNSHIP 48 NORTH, RANGE 11 WEST;

THENCE N88°03'15"W ALONG THE EAST-WEST QUARTER SECTION LINE, A DISTANCE OF 1842.69 FEET TO THE SOUTHEAST CORNER OF A SURVEY IN BOOK 1010, PAGE 104 (A 1/2" IRON ROD FOUND SOUTH 0.43 FEET);

THENCE N1°18'45"E ALONG THE EAST LINE OF SAID SURVEY, A DISTANCE OF 1567.29 FEET TO A 1/2" IRON ROD FOUND;

THENCE N87°50'25"W, A DISTANCE OF 814.50 FEET TO THE INTERSECTION WITH THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 13 (A 1/2" IRON ROD FOUND 0.76 FEET EAST);

THENCE ALONG SAID NORTH-SOUTH QUARTER SECTION LINE N1°09'50"E, A DISTANCE OF 1080.60 FEET TO A 5/8" IRON ROD FOUND AT THE NORTH QUARTER OF SAID SECTION 13;

THENCE ALONG NORTH LINE OF SAID SECTION 13 S88°07'20"E, A DISTANCE OF 2649.70 FEET TO A COTTON GIN SPINDLE SET AT THE NORTHEAST CORNER OF SAID SECTION 13;

THENCE ALONG THE WEST LINE OF SAID SECTION 18 N1°05'30"E, A DISTANCE OF 26.41 FEET TO A 5/8" IRON ROD FOUND AT THE NORTHWEST CORNER OF SAID SECTION 18;

THENCE ALONG THE NORTH LINE OF SAID SECTION 18 N87°56'30"E, A DISTANCE OF 255.29 FEET TO A 1/2" IRON ROD SET;

THENCE S1°05'30"W PARALLEL WITH THE SECTION LINE BETWEEN SAID SECTIONS 13 AND 18, A DISTANCE OF 2317.42 FEET TO A 1/2" IRON ROD SET;

THENCE S89°36'55"W, A DISTANCE OF 254.99 FEET TO A 1/2" IRON ROD SET AT THE INTERSECTION WITH THE SECTION LINE BETWEEN SAID SECTIONS 13 AND 18;

THENCE ALONG SAID SECTION LINE S1°05'30"W, A DISTANCE OF 370.63 FEET TO THE POINT OF BEGINNING;

THE ABOVE DESCRIBED TRACT OF LAND CONTAINS 145.72 ACRES AND IS A PORTION OF THE SAME LAND DESCRIBED BY DEED RECORDED IN BOOK 5395, PAGE 7 OF THE BOONE COUNTY RECORDS. SUBJECT TO ANY EASEMENT OR RESTRICTION OF RECORD OR NOT OF RECORD, IF ANY.

3. Proposed zoning is R-SP. Proposed 350 single family lot subdivision, with 20 multi-family units. Single family homes are to be entry level along with the multi-family to be ADA accessible. Community to have proposed club house, pool, walking trails and outdoor sport courts.

4. The proposed zoning was requested to staff as a planned development. This zoning category self-imposes a maximum density and provides a review plan to county for layout of streets, lots, location of amenities and multifamily.

We have been working with the neighbor (Mr. Monson) to the west for the last month to resolve a private driveway and utility easement that runs across our property to serve his house. We have guaranteed uninterrupted access and utility service throughout any construction phase or activity on our property. We have relocated a CATSO roadway so it does not run across his property and we have relocated multifamily units away from his property line as he requested. We have offered to provide Mr. Monson access of his desire to a future paved street, new connection of underground utilities and removal of his lagoon and connection to gravity sewer at our expense. About a month ago Mr. Monson requested he wanted us to review buying him out. We have since completed a market study to evaluate his property and have made an offer. We are still in negotiations but believe this option is obtainable.

At planning and zoning meeting on 6/16/22, Mr. Monson and his attorney requested to the commission to vote in denial of the RS-P rezoning with review plan and preliminary plat because the private utility easement and access easement have not been resolved to date. Planning staff recognized that private easements and covenants are not acknowledged by the County and are meant to be resolved by the private landowners. To ensure this would occur Planning staff had provided a conditional approval that would allow for approval contingent that we could not submit final plan and or construction drawings/final plat until the private easements were resolved. I believe there may have been some confusion as to how a review plan functions and what the approval of the review plan allows/means. We ask the commissioners to accept our case for appeal so we can bring clarity to the request.

5. Keenan Simon – Simon & Struempf Engineering (Engineer)
Jim Krogman – JR2 Development (Developer)

6. Date request was denied = June 16th 2022.

7. Keenan Simon – Simon & Struempf Engineering (Engineer) 573-268-2068
Jim Krogman – JR2 Development (Developer) 262-402-8314

Please let me know if you have any questions.

Sincerely,
Keenan Simon, P.E.

