

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 SECOND FLOOR COMMISSION CHAMBERS
4 400 EAST LOCUST STREET
5 UNION, MISSOURI 63084

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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING
11 MARCH 15, 2016
12 (Commencing at 7:00 p.m.)

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23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Midwest Litigation Services

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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

1 A P P E A R A N C E S

2 BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:

3 William Evans, Jr., Chairman

4 Jay Schulteheinrich, Co-Chairman

5 Timothy Reinhold, Commissioner

6 Donald Voss, Commissioner

7 Bill McLaren, Commissioner

8 Ray Cunio, Commissioner

9 Ron Williams, Commissioner

10 Todd Boland, Commissioner

11 Dan Haire, Commissioner

12 Tom Tobben, Commissioner

13 Russell McCreary, Commissioner

14 PLANNING AND ZONING STAFF:

15 Ms. Scottie Eagan, Planning Director

16 Ms. Nichole Zielke, Administrative Assistant

17 LEGAL COUNSEL:

18 Mark Vincent, County Attorney

19 MIDWEST LITIGATION SERVICES:

20 By: Patsy A. Hertweck, C. R.

21 711 North Eleventh Street

22 St. Louis, Missouri 63101

23 (314) 644-2191

24

25

1 P R O C E E D I N G S

2 [MARCH 15, 2016]

3 CHAIRMAN EVANS: I'd like to go ahead and
4 call to order the Tuesday, March 15th meeting of the Franklin
5 County Planning and Zoning Committee. At this time, I want to
6 give the Planning and Zoning Commissioners the opportunity to
7 declare any conflict, communication or relationship they may have
8 had that might influence their ability to consider today's issues
9 impartially.

10 COMMISSIONER TOBBEN: Mr. Chairman, I
11 choose not to participate on File 160047, New Business, the last
12 item in New Business.

13 CHAIRMAN EVANS: All right. It is so
14 noted that Commissioner Tobben has recused himself from that
15 file.

16 COMMISSIONER McLAREN: Mr. Chairman, I'm
17 going to have to recuse myself too, but my file is messed up so
18 at this very moment it is the rezoning at -- wrong one. It's
19 57-acre rezoning catalyst I wish to excuse myself from.

20 MS. ZIELKE: Same one?

21 MS. EAGAN: Same one.

22 CHAIRMAN EVANS: All Right. So noted that
23 Commissioner McLaren is recusing himself from File 160047.

24 Scottie, will you please take roll.

25 MS. EAGAN: Bill Evans?

1 CHAIRMAN EVANS: Here.

2 MS. EAGAN: Jay Schulteheinrich?

3 COMMISSIONER SCHULTEHENRICH: Here

4 MS. EAGAN: Todd Boland?

5 COMMISSIONER BOLAND: Here.

6 MS. EAGAN: Tim Reinhold?

7 COMMISSIONER REINHOLD: Here.

8 MS. EAGAN: Ray Cunio?

9 COMMISSIONER CUNIO: Here.

10 MS. EAGAN: Tom Tobben?

11 COMMISSIONER TOBBEN: Here.

12 MS. EAGAN: Bill McLaren?

13 COMMISSIONER McLAREN: Here.

14 MS. EAGAN: Don Voss?

15 COMMISSIONER VOSS: Here.

16 MS. EAGAN: Dan Haire?

17 COMMISSIONER HAIRE: Here.

18 MS. EAGAN: Russell McCreary?

19 COMMISSIONER McCREARY: Here.

20 MS. EAGAN: And, Ron Williams?

21 COMMISSIONER WILLIAMS: Here.

22 MS. EAGAN: Okay. We have a full board

23 and a quorum.

24 CHAIRMAN EVANS: Thank you. Scottie, will

25 you please give us in your presentation the meeting procedures

1 and exhibits.

2 MS. EAGAN: Tonight's Planning Commission
3 meeting is governed by the Franklin County Unified Land Use
4 Regulations of 2001.

5 Some matters on the agenda may be for action by the
6 Planning and Zoning Commission. These matters do not involve
7 public hearing. Other matters on the agenda require public
8 hearings under Missouri law. If a matter involves a public
9 hearing, all individuals who desire to testify will be given an
10 opportunity to do so.

11 At this time, I would like to place into the record
12 these Regulations as Exhibit A, the official Zoning Map as
13 Exhibit B, the official Master Plan as Exhibit C, and the case
14 file for each case as Exhibit D for all the cases to be heard
15 during the meeting.

16 [Thereupon, evidence was marked
17 for identification and presented for the record
18 as Planning and Zoning Exhibits A, B, C,
19 and D.]

20 All Old Business items on the agenda will be dealt
21 with first.

22 Once the Old Business issues have been taken care
23 of, each item of New Business will be opened.

24 As each case is opened, a staff report will first be
25 read to the Commission, followed by any questions for the staff.

1 Then if anyone in the audience would like to speak
2 or comment on a file that is part of a public hearing, they must
3 first print their name on the sign-in sheet provided, and then be
4 sworn in by the Chairman.

5 When it is your turn to speak, you will come to the
6 front of the room to address the Commission and only the
7 Commission, not anyone in the audience, with your comments.

8 It is possible for the Planning Commission to decide
9 to move a New Business issue to Old Business and vote on it the
10 same night.

11 At the conclusion of all questions, comments, and
12 discussion concerning each case, the Planning Commission will
13 proceed. Any final decision by the Planning and Zoning
14 Commission concerning conditional use permits may be appealed to
15 the Board of Zoning Adjustment any time within 90 days.

16 Applications for such an appeal may be acquired from
17 the Department offices during normal business hours.

18 CHAIRMAN EVANS: Thank you.

19 All of the Commissioners should have received a copy
20 of the February 16th minutes. If there are no additions or
21 corrections, the Chair would entertain a motion to approve them.

22 COMMISSIONER SCHULTEHENRICH: Mr. Chairman,
23 I do have a couple of corrections to this.

24 CHAIRMAN EVANS: All right, Jay. Go
25 ahead.

1 COMMISSIONER SCHULTEHENRICH: Page 71, it
2 was on the motion to move a file over to new business indicates
3 my vote of being an aye. It was nay. And on page 72 upon the
4 motion to move it over to the review committee, if my
5 recollection is correct -- I'm going to look to Mr. Boland on
6 that -- I think Mr. Boland voted nay on that, if I remember.

7 COMMISSIONER BOLAND: Thank you.

8 COMMISSIONER SCHULTEHENRICH: Those are
9 the two that I would submit as changes for the minutes.

10 CHAIRMAN EVANS: Okay. We have those
11 noted then.

12 Any other additions or corrections? If not the
13 Chair would entertain a motion to approve the minutes with the
14 two changes.

15 COMMISSIONER McCREARY: Make a motion to
16 approve the minutes with the changes.

17 COMMISSIONER BOLAND: Second it.

18 CHAIRMAN EVANS: We have a motion and a
19 second to approve the minutes. All in favor signify by saying
20 aye.

21 COMMISSIONER REINHOLD: Aye.

22 COMMISSIONER VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER CUNIO: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.

2 COMMISSIONER BOLAND: Aye.

3 COMMISSIONER HAIRE: Aye.

4 COMMISSIONER TOBBEN: Aye.

5 COMMISSIONER SCHULTEHENRICH: Aye.

6 COMMISSIONER McCREARY: Aye.

7 CHAIRMAN EVANS: Opposed? [None]

8 Minutes are approved.

9 Communication and Visitors comments. Is there
10 anyone present wishing to address the Commission? If so, please
11 step forward. (None.)

12 In that case, we will move on to Old Business File
13 150277 is tabled until the June 21st meeting.

14 Next file in Old Business is File 160014, Frederick
15 D. Long, II.

16 Scottie, can you give us the details.

17 MS. EAGAN: This is File 160014, Frederick
18 Long, II.

19 The Applicant is requesting to host special events,
20 periodic in the Non-Urban and Agricultural Zoning District.

21 The property is located at 1775 Bieker Road,
22 approximately one mile south of South Point Road in St. John's
23 Township.

24 The Facts: The total area for the property is
25 approximately 20 acres.

1 The zoning of this property is Non-Urban and
2 Agricultural. In this district, Special Events Periodic require
3 a Conditional Use Permit.

4 The surrounding properties are zoned Non-Urban and
5 Agricultural.

6 The property is surrounded by low-density
7 residential land mainly to the south and undeveloped/farm land to
8 the north, west, and east.

9 This property has access to Bieker Road. This is a
10 county road with a right-of-way width of approximately 40 feet.

11 The property is located in Water District No. 3.

12 The Applicant wishes to use this property to host
13 weddings or similar uses with up to 200 people.

14 The Applicant states all events would not run later
15 than 10:00 p.m.

16 The Applicant states he owns a restroom trailer with
17 four bathrooms that would be used for the events.

18 Staff Comments: Any buildings used or built in
19 connection with this CUP will need to be approved by the Franklin
20 County Building Department for a commercial building.

21 All conditions shall be completed within one year of
22 approval, unless otherwise stated. Failure to meet all
23 conditions may result in the application expiring.

24 All new and/or existing entrances on to Bieker Road
25 will need to be examined by the Franklin County Highway

1 Department for a commercial entrance.

2 Planning and Zoning shall receive a copy of the
3 permit prior to the applicant commencing any activities on the
4 property.

5 Parking and parking surface shall be provided in
6 accordance with the Franklin County Land Use Regulations.

7 There shall be no music past 11:00 p.m., and all
8 events shall end by 12:00 a.m.

9 According to the sketch, it appears there is one way
10 in and one way out. If Applicant wishes to use this road for
11 ingress and egress, the width shall be at least 18 feet wide.

12 There shall be use of the existing house for any
13 part of the proposed events.

14 And the Review Committee met on this, and they voted
15 with 3 in favor and 0 opposed to recommending approval of this.

16 CHAIRMAN EVANS: Any comments or
17 discussion from any of the Commissioners?

18 COMMISSIONER McLAREN: Mr. Chairman, I
19 still have the same concern about an 18-foot roadway that I did
20 last month.

21 MS. EAGAN: Your mic isn't on.

22 COMMISSIONER McLAREN: Oh, I'm sorry.

23 Mr. Chairman, I still have the same concern about an
24 18-foot width roadway that I had last month.

25 CHAIRMAN EVANS: Any other discussion or

1 comment on that point?

2 COMMISSIONER SCHULTEHENRICH: What are you
3 looking for, Bill.

4 COMMISSIONER McLAREN: You know, I think
5 20 or 22 foot would be more appropriate, and it's just purely
6 based on my experience of watching events go on. We had an event
7 last week that we had two ambulances at, and it was -- wasn't --
8 it was a power of the purse event, so the ambulance drivers were
9 there as part of the help. But if they would have had leave and
10 meet somebody on the road, an 18-foot roadway is not very good
11 for, you know, an emergency vehicle to pass somebody else.

12 So I mean, I can understand there could be places
13 that could only be 18 foot wide, but I think in general there
14 should be some 20- and 22-foot wide places for emergency vehicles
15 to go in and out.

16 COMMISSIONER SCHULTEHENRICH: I haven't
17 been out there, but I thought on the testimony -- correct me if
18 I'm wrong, but I thought the individual said there were some
19 spots that you could pull over, and there would be the passage of
20 the both vehicles at that point.

21 COMMISSIONER McLAREN: And I believe that
22 was said, but if a guest that's never been there before or I'm a
23 first responder coming in there, you know, I don't know what
24 those spots are. That's my only concern, is I fear that we are
25 setting a precedent that, you know, a road that's that long

1 should be wider than 18 foot.

2 COMMISSIONER SCHULTEHENRICH: How long is
3 the actual driveway into this -- into this place where it would
4 be?

5 COMMISSIONER CUNIO: I -- I don't think
6 it's more. You know, it kind of winds around the quarry, but I'd
7 say it's not more a quarter of the mile, if that. You've been
8 out there haven't you, Bill?

9 COMMISSIONER McLAREN: I've just looked at
10 it on -- from their photographs.

11 COMMISSIONER CUNIO: I don't know. My
12 recollection is that, you know, there are some wide spots there.
13 I guess what I hear you saying you think it ought to be wider,
14 but just how wide?

15 COMMISSIONER McLAREN: Well, I think 20 to
16 22 feet is what -- I mean, a fire truck is 8 and a half foot
17 wide. So 8 and a half foot wide takes without any, you know,
18 sitting on the shoulder, takes up more than half the road.

19 CHAIRMAN EVANS: Any other discussion or
20 comments?

21 COMMISSIONER SCHULTEHENRICH: Not on the
22 road on that.

23 I have a different question to ask though if I
24 could. What, I addressed the road issue first, or how do you
25 want to hand that, Bill?

1 CHAIRMAN EVANS: Yeah, I'm looking for
2 some consensus from the Commission on whether if they think 18
3 foot is sufficient, or if we should go the 20 or 22.

4 COMMISSIONER McLAREN: I would, you know,
5 I personally would be happy to defer to the Highway Department.

6 COMMISSIONER WILLIAMS: Having been out
7 there, 18 foot is probably the minimal it is at one spot. It's
8 open. There is no object structures all there. There is nothing
9 to get in the way. I think the intent was to make sure it was at
10 least 18 foot of some sort of approved surface, but if you have
11 been out there, there are spots that have got to be at least -- I
12 didn't get out and measure them -- 24 or 25-foot white line, or
13 wider. I mean, it -- I think

14 COMMISSIONER CUNIO: Or wider.

15 COMMISSIONER WILLIAMS: I think 18 foot
16 was to say that's a minimum that we could get by with, but if you
17 go out there and look at the facility, that's all wide open in
18 there, and I don't think it's a member of the Review Committee
19 may had any issues with that after everyone of us went out there
20 and looked at the facility

21 COMMISSIONER McLAREN: If you're satisfied
22 with that 18 foot wide, I just -- I'm worried about setting a
23 precedent that 18 foot wide is all right for public use and
24 people that have had a beer or something.

25 CHAIRMAN EVANS: All right.

1 COMMISSIONER McLAREN: Or they don't know
2 exactly where they're at.

3 CHAIRMAN EVANS: All right. Do you feel
4 more comfortable because the Review Committee did go out and look
5 at it?

6 Jay, you had a question.

7 COMMISSIONER SCHULTEHENRICH: Yeah.

8 As was reported at the last meeting, I thought the
9 existing house there was in fact used for some bed and breakfast
10 or was going to be used for bed and breakfast. So the only
11 question I would have is when I see this wording here, does that
12 take away from somebody who is coming from out to attend a
13 function there, and potentially over there through a bed and
14 breakfast because they're going to be attending that event?

15 CHAIRMAN EVANS: Yeah, and it wasn't bed
16 and breakfast because there was no breakfast. It was more
17 vacation rental.

18 COMMISSIONER WILLIAMS: In the Review
19 Committee, the proponent was there, and indicated that the house
20 itself would not be used for the actual event. The events are
21 doing to be held outside, under a tent, away from the house.

22 The idea for the house being used in any connection
23 would be like if a wedding party wanted to stay there for the
24 night before or something like that and use for that type of
25 activity, that's what it would be used for. There is no

1 breakfast to be involved. The only thing that would happy might
2 be a wedding party stayed for that evening. Now, they're talking
3 about maybe also having for a retreat during the week with a lot
4 lesser crowd in a way. You know, it'd be like your corporate
5 retreats or something for a small office or something. But the
6 event we're talking about is the actual wedding receptions, those
7 types of events where you got those possible 200 people being out
8 there.

9 COMMISSIONER SCHULTEHENRICH: Okay. Thank
10 you.

11 CHAIRMAN EVANS: Thank you. Bill?

12 COMMISSIONER McLAREN: I will follow up
13 with one more question. There was conversation and it's in the
14 minutes about whether a tent gets inspected or not. Was that
15 determined, whether a tent is inspected or not?

16 COMMISSIONER CUNIO: Is that the Building
17 Department?

18 CHAIRMAN EVANS: I was going to say I
19 think we left that that they had to go to the Building
20 Department, --

21 COMMISSIONER McLAREN: All right.

22 CHAIRMAN EVANS: -- because there was
23 something said whether they need a permit every time they put the
24 tent up.

25 MS. EAGAN: That's a Building Department

1 rule, not a Planning and Zoning rule.

2 CHAIRMAN EVANS: Okay.

3 Any other questions or comments? (None.)

4 If not, the Chair would entertain a motion.

5 COMMISSIONER TOBBEN: I'll make a motion.

6 COMMISSIONER HAIRE: I'll second it.

7 CHAIRMAN EVANS: We have a motion and
8 second to approve File 160014. All in favor signify by saying
9 aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER BOLAND: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 COMMISSIONER McCREARY: Aye.

21 CHAIRMAN EVANS: Opposed? [None]

22 The motion is carried.

23 Next item of business is File 160016, Meramec
24 Aggregates, Inc.

25 Scottie, would you please give us the detail.

1 MS. EAGAN: This is File 160016 for
2 Meramec Aggregates.

3 The Applicant wishes to mine Meramec sand and gravel
4 in the Non-Urban and Agricultural Zoning District.

5 The property is located at 1200 Ely Road,
6 approximately 6/10 of a mile north of River Ben Road in Calvey
7 Township.

8 The Facts: The total acreage of the property is
9 approximately 195 acres in size. According to the sketch of the
10 property, the Applicant only plans to use a portion of the
11 property, approximately 10 acres.

12 The property is in the Non-Urban and Agricultural
13 Zoning District. The extraction, quarrying or mining of sand,
14 gravel, topsoil or other material requires a Conditional Use
15 Permit in this zoning district.

16 This operation would take materials from the area
17 where they will be creating a small one-acre pond.

18 The area surrounding the property is primarily
19 undeveloped land with a few low-density residential properties
20 nearby.

21 This property has access to Ely Road. Ely Road is
22 both a public and private road with a portion of it being platted
23 at 30 feet.

24 The Applicant states this project will be regulated
25 by state and federal agencies.

1 Staff Comments: Because this property is in the
2 floodplain, the Applicant shall apply for and receive a
3 floodplain development permit and elevation certificate from the
4 Franklin County Planning and Zoning Department prior to issuance
5 of the Conditional Use Permit.

6 Because this property is in the floodway, the
7 Applicant shall obtain a No-Rise Certificate from a Certified
8 Engineer for regulatory Floodway.

9 The Applicant must comply with the Department of
10 Natural Resources' Water Pollution Department and the Army Corps
11 of Engineers' requirements and provide Planning and Zoning with a
12 404 and 40 1 permit prior to issuing the Conditional Use Permit
13 if required.

14 The Applicant is not the owner of the current own of
15 the property, but we do have a letter from the current owner
16 giving Meramec Aggregates permission.

17 The Applicant shall operate according to all state
18 and federal regulations.

19 The Applicant's hours of operation shall be Monday
20 through Friday, 7:30 a.m. to 3:30 p.m.

21 The Applicant shall be limited to only
22 mining/excavating the 10 acres as proposed and shown on the
23 submitted Operations Plan.

24 There shall be a 200-foot buffer from the existing
25 bank to the mining site as proposed and shown on the submitted

1 Operations Plan.

2 There shall be no fuel stored on the proposed site.

3 There shall be no sale of material from the proposed
4 site.

5 The site shall be limited to one excavator being
6 used or stored on the property.

7 There shall be no overnight truck storage or staging
8 at the site.

9 The Review Committee met and recommended approval
10 with 3 in favor and 0 opposed to the Conditional Use Permit.

11 CHAIRMAN EVANS: Thank you.

12 And I think in your packet you should have all
13 received a letter from Griggs who was the one party who had some
14 questions about it. His letter states he has now talked to the
15 property owner and is in support. Should also have pictures of
16 the proposed site. And Ray made sure to have this picture taken
17 so we know he was there.

18 COMMISSIONER CUNIO: My goodness, Mr.
19 Chairman, I just explained. Does everybody have a copy of the...

20 That was taken of this gravel deposit, which is
21 quite extensive and it's all in what we farmers call the bottom
22 area or the floodplains. And this picture was taken looking
23 upriver, if you will. You know, this is the downriver side of
24 it. And I think it's pretty obvious from these pictures here
25 just the extent of gravel deposit there is there, and it appears

1 it goes the full width and length of the proposed 10-acre site.

2 So as far as getting to that location and
3 everything, I mean, it's all on the owner's property. And I
4 think if there is any gravel removal operation makes sense here
5 does. I think the situation is to get gravel out of there.

6 CHAIRMAN EVANS: Thank you.

7 Any other comments or questions? [None]

8 If not, the Chair would entertain a motion to
9 approve.

10 COMMISSIONER TOBEN: I make a motion to
11 approve.

12 COMMISSIONER McCREARY: I'll second it.

13 CHAIRMAN EVANS: We have a motion and
14 second to approve File 160016. All in favor signify by saying
15 aye.

16 CHAIRMAN EVANS: Opposed? [None]

17 The motion is carried.

18 Moving on to New Business File 160024, Planning and
19 Zoning Department. No public comment accepted. Scottie?

20 MS. EAGAN: This is another change to
21 Article 8 that we realized we forgot to make a change when we
22 switched over regulations.

23 On page 8.8, this is the minor subdivision
24 standards. We realized that under our "central water and sewer
25 shall be required if sectioned," we stopped at four lots, and we

1 forgot to add back five or six lots. So I added back No. 3. It
2 says, "If five to six lots are created and they are within a
3 thousand feet of existing public water or sewer lines, made it
4 along public easements, they are going to be required to hook on
5 to central water and sewer."

6 And then if you flip it over, on page 8.16, this is
7 the minor subdivision requirements. We began in oversight, we
8 forgot to put over here subdivisions between 7 and 10 lots. So
9 it's the same distance, the thousand feet, but it's just over
10 here. And Major Subdivisions because anything 7 lots or more is
11 considered a major subdivision.

12 So those are the only changes to Article 8.

13 CHAIRMAN EVANS: Any questions on those?

14 [None]

15 If not, the Chair would entertain a motion to move
16 this to Old Business.

17 COMMISSIONER CUNIO: So moved.

18 COMMISSIONER McCREARY: Second.

19 COMMISSIONER SCHULTEHENRICH: Second.

20 CHAIRMAN EVANS: We have a motion and
21 second to move File 160024 to Old Business. All in favor
22 signifying big saying aye.

23 COMMISSIONER REINHOLD: Aye.

24 COMMISSIONER VOSS: Aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER CUNIO: Aye.

2 COMMISSIONER WILLIAMS: Aye.

3 CHAIRMAN EVANS: Aye.

4 COMMISSIONER BOLAND: Aye.

5 COMMISSIONER HAIRE: Aye.

6 COMMISSIONER TOBBEN: Aye.

7 COMMISSIONER SCHULTEHENRICH: Aye.

8 COMMISSIONER McCREARY: Aye.

9 CHAIRMAN EVANS: Opposed? [None]

10 Motion is carried.

11 Moving on to New Business File 160028 Robert Smith.

12 No public comment accepted.

13 Scottie, give us the details.

14 MS. EAGAN: This is File 160028 for Robert
15 Smith.

16 The Applicant requests to rezone one parcel from
17 Suburban Development to Community Development.

18 The property is located at 1854 Highway 100,
19 approximately 100 feet west of Horseshoe Valley Drive, in Boles
20 Township.

21 The Facts: The total area for the rezoning is
22 approximately 5.3 acres.

23 The zoning of this property is Suburban Development.
24 The Applicant would like to rezone to Community Development.

25 Community Development zoning brings shopping, the

1 workplace and home closer together by allowing a mixed use of all
2 types of residential density and most forms of commercial
3 development.

4 The properties around the proposed site are zoned
5 Suburban Development.

6 This property is surrounded by medium-density, by
7 medium-density residential land to the least and south and
8 low-density.

9 Just to the south of this property is an 18-lot
10 medium-density subdivision, Country Acres, that was platted in
11 1969.

12 To the east of this property is a 28-lot
13 medium-density subdivision, Horseshoe Valley, that was platted in
14 2007.

15 Staff Comments: Rezoning are allowed in our
16 regulations due to the every-changing conditions that exist in
17 the county and elsewhere. According to Article 14, Section 321,
18 any such change must promote the health, safety, morals, comfort
19 and general welfare of Franklin County by conserving and
20 protecting property and building values, by securing the most
21 economical use of land and facilitating the adequate provision of
22 public improvements in accordance with the Master Plan adopted by
23 Franklin County.

24 CHAIRMAN EVANS: Thank you.

25 Is the Applicant present? If you would step forward

1 place it state your name and address and sign in, please.

2 MR. ROBERT SMITH: Okay. Robert Smith,
3 1863 Highway 100.

4 [Thereupon, the witness was sworn.]

5 CHAIRMAN EVANS: Thank you. Would you
6 give us a little bit more detail on the rezoning of the property?

7 MR. SMITH: Yes, sir. We're trying to put
8 together an exterior camper storage lot there. It's all going to
9 be fenced in with a six-foot chain link fence, and there's
10 already road access coming in from the corner at Highway 100 and
11 Thornton. It already has a road access right there coming off
12 the highway.

13 CHAIRMAN EVANS: Any questions for the
14 witness?

15 COMMISSIONER HAIRE: So you plan on coming
16 in off Thornton Street for the property used for the storage lot?

17 MR. SMITH: Well, right now it's right on
18 the corner and it's already all graveled. And people come in
19 from 100, and they come in from Thornton. And there's another
20 access down by the barn that you come in right from 100, but it's
21 been cabled off.

22 COMMISSIONER HAIRE: Okay. What's going
23 to happen to the cemetery that's on that property?

24 MR. SMITH: I think it's already been taken
25 off.

1 COMMISSIONER HAIRE: Has it? Okay.

2 MR. SMITH: Yeah.

3 COMMISSIONER HAIRE: All right.

4 CHAIRMAN EVANS: And that property other
5 than the big barn up at the corner is pretty much just open?

6 MR. SMITH: Yes. It's all filled. It's
7 been being filled for years before I owned it.

8 CHAIRMAN EVANS: Any other questions for
9 the Applicant?

10 COMMISSIONER HAIRE: That communications
11 tower that's there, that's on your property?

12 MR. SMITH: Uh-huh.

13 COMMISSIONER HAIRE: Is that -- what type
14 of collapse -- is that one of those collapsable towers? Do you
15 know what I'm talking -- that newer structure that collapses in?

16 MS. EAGAN: No, that I don't know what
17 kind of tower it is.

18 COMMISSIONER McLAREN: No, it's not.

19 COMMISSIONER HAIRE: It's not.

20 COMMISSIONER McLAREN: I don't believe so.
21 It's one of the kind that they put a flagpole on.

22 MR. SMITH: Yeah.

23 COMMISSIONER McLAREN: That's what it
24 looks like, a flagpole.

25 COMMISSIONER HAIRE: That's what I'm

1 thinking. So...

2 MR. SMITH: That tower is actually on a
3 different lot that I own like further down Thornton Road. It's
4 on 6606 Thornton Road.

5 COMMISSIONER HAIRE: Okay. So it's not on
6 the actual --

7 MR. SMITH: No.

8 COMMISSIONER HAIRE: -- lot that you're
9 looking at rezoning?

10 MR. SMITH: No. It's not part of it.

11 COMMISSIONER HAIRE: Is there a liability
12 issue on that, if the lot falls on the property connected to it?

13 MS. EAGAN: If what falls?

14 COMMISSIONER HAIRE: If the tower falls
15 and collapses on another property connected to that lot, I mean,
16 I thought was some liability issues when we have those other
17 towers.

18 COMMISSIONER McCREARY: Ron, I thought
19 there was something in the Code about one and a half times
20 height, --

21 MS. EAGAN: There is now.

22 COMMISSIONER McCREARY: -- that there
23 could be no permanent structure around it. Now, if you're just
24 going to park things, that's --

25 MS. EAGAN: That's not necessarily true.

1 If they've been existing, they can go whatever they want on their
2 property.

3 COMMISSIONER McCREARY: Okay.

4 COMMISSIONER HAIRE: Okay. That's what I
5 wanted to know.

6 COMMISSIONER McCREARY: Now, it depends on
7 what it -- yeah, at that time when that was a record approved.
8 Okay. But as of now, I mean, he couldn't -- even though he's not
9 -- he doesn't own it, it's not on his property, he would be in
10 violation of what we -- what we have now, right, if he was to
11 build something within radius? No?

12 MS. EAGAN: No, because the tower is
13 there. So he's come into the nuisance.

14 COMMISSIONER McCREARY: Okay. Okay. I
15 got you. I got you.

16 COMMISSIONER McLAREN: I have a question,
17 and I don't know if it's appropriate or not.

18 CHAIRMAN EVANS: Bill?

19 COMMISSIONER McLAREN: But I'm assuming
20 that you also own Parcel 18.1, 19, 20, and 24?

21 MR. SMITH: Yes.

22 COMMISSIONER McLAREN: Is that correct?

23 MR. SMITH: Yes, sir.

24 COMMISSIONER McLAREN: I know that -- and
25 I guess I have one more follow-up question. I know the entrance

1 off of Thornton Road has been there forever and ever and ever.

2 MR. SMITH: Uh-huh.

3 COMMISSIONER McLAREN: But it's a
4 pretty -- not a very good entrance, I wouldn't think, the way
5 Thornton Road is on that hillside and the stop sign and whatever.

6 Would it be more appropriate to have the entrance at
7 a different place, or is that even a reason to talk about, or is
8 that...

9 MR. SMITH: The only reason that we want
10 it there is because my home is right across the street there.
11 That only one way in and one way out. There is another entrance
12 at the other end of the property, but we are just trying to like
13 minimize where the gate is or where -- where they're going to
14 come and go.

15 COMMISSIONER WILLIAMS: [Conferring]

16 CHAIRMAN EVANS: Sorry for the side bar,
17 but on 100 the State would -- we're getting to make it was
18 acceptable as a commercial entrance. The county road, the
19 highway director would review it.

20 Any other questions for the Applicant. (None.)

21 Thank you.

22 MR. SMITH: Thank you.

23 CHAIRMAN EVANS: When we look at
24 rezonings, we have to look at all the permitted uses that could
25 be used on that piece of property.

1 Scottie, what is the map look like, the Future Land
2 Use map? What --

3 MS. EAGAN: I looked at it today, and it
4 looks like this area's future land use is medium-density
5 residential.

6 CHAIRMAN EVANS: But what we're really
7 doing is going from SD to CD would be subdivisions and the CD
8 really allows more businesses. I don't know if it's -- if you
9 all have looked at those other possible uses or not.

10 Again, if they are of concern -- and once again,
11 this is a recommendation to the Commission who would hold a
12 public hearing. If none of the Commissioners have a concern
13 about other possible uses, then the Chair would entertain a
14 motion to move this to Old Business or send it to the Review
15 Committee.

16 COMMISSIONER SCHULTEHENRICH: I'll make a
17 motion, Mr. Chairman, that we move this to -- this file to Old
18 Business.

19 CHAIRMAN EVANS: We have a motion. Do we
20 have a second?

21 COMMISSIONER CUNIO: Second.

22 CHAIRMAN EVANS: We have a motion and
23 second to move File 160028 to Old Business. All in favor signify
24 by saying aye.

25 COMMISSIONER REINHOLD: Aye.

1 COMMISSIONER VOSS: Aye.

2 COMMISSIONER McLAREN: Aye.

3 COMMISSIONER CUNIO: Aye.

4 COMMISSIONER WILLIAMS: Aye.

5 CHAIRMAN EVANS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER HAIRE: Aye.

8 COMMISSIONER TOBBEN: Aye.

9 COMMISSIONER SCHULTEHENRICH: Aye.

10 COMMISSIONER McCREARY: Aye.

11 CHAIRMAN EVANS: Opposed? [None]

12 The motion carried.

13 Moving on to File 160033 Kevin Allmeroth. No public
14 comment accepted.

15 Scottie, if you please give us the details.

16 MS. EAGAN: This is File 160033 for Kevin
17 Allmeroth.

18 The Applicant requests to rezone two parcels from
19 Residential Development to Commercial Activity 3, Community
20 Business.

21 The property is located at 846 Highway AT,
22 approximately 1,000 feet east of Bridgewater Crossing in Boles
23 Township.

24 The Facts: The total area for the rezoning two
25 parcels totaling approximate 9 acres.

1 The zoning of this property is Residential
2 Development. The Applicant would like to rezone to Commercial
3 Activity 3, Community Business. Commercial Activity 3, Community
4 Business zoning provides locations for a wide range of
5 commercial, retail, service and manufacturing activities serving
6 a large community trade area.

7 The properties around the proposed site are zoned
8 Residential Development.

9 This property is surrounded primarily by
10 medium-density residential land to the north and east and
11 low-density residential land to the west and Interstate 44 to the
12 south.

13 Just to the north of this property across Highway AT
14 are two large medium-density subdivisions. Bridgewater Estates
15 is a 146-lot subdivision platted in four phases in 1996, 1997,
16 2002, and 2003. Baliwick Acres is a 50-lot subdivision platted
17 in two phases in 1969.

18 This property does not have frontage on Highway AT.
19 It appears the property is accessed through a private property to
20 the north owned by Gene Femmer.

21 Staff Comments: Rezoning are allowed in our
22 regulations due to the ever-changing conditions that exist in the
23 county and elsewhere. According to Article 14, Section 321, any
24 such change must promote the health, safety, morals, comfort, and
25 general welfare of Franklin County by conserving and protecting

1 property and building values, by securing the most economical use
2 of land and facilitating the adequate provision of public
3 improvements in accordance with the Master Plan adopted by
4 Franklin County.

5 CHAIRMAN EVANS: Thank you.

6 Is the Applicant present? Can you please state your
7 name and address and sign in.

8 MR. KEVIN ALLMEROOTH: Kevin Allmeroth.
9 It's 846 Highway AT.

10 [Thereupon, the witness was sworn.]

11 CHAIRMAN EVANS: If you please, give us a
12 little bit more detail of the property you're requesting to
13 rezone.

14 MR. ALLMEROOTH: You guys mentioned that it
15 doesn't have access to the AT, but I have an easement. I was
16 told it was sufficient. I don't really know how wide it is, but
17 I paid for an easement to get in and out of that property. The
18 property, it has a -- I don't want to build anything. I just was
19 told it wasn't zoned properly for what it's been used in the
20 past, and I just -- I purchased the property a year and a half
21 ago. And there is a couple offices and things that are already
22 on the property with warehouse space. And I just want it to be
23 zoned proper for what it's been used for for years.

24 CHAIRMAN EVANS: I was just going to say
25 all those buildings are currently there?

1 MR. ALLMEROOTH: Yes.

2 CHAIRMAN EVANS: And how long have they
3 been there, Scottie?

4 MS. EAGAN: Well, I know this property got
5 a Conditional Use Permit back in -- I want to say -- '96.

6 COMMISSIONER CUNIO: Yeah, it was way
7 back.

8 MS. EAGAN: Yeah.

9 COMMISSIONER CUNIO: Yeah.

10 MS. EAGAN: So I know some of them have
11 been there well before that was, but some of them were built on
12 or after that.

13 CHAIRMAN EVANS: Okay. I guess my
14 question would be if any of it would be grandfathered.

15 MS. EAGAN: I mean, it's under a
16 Conditional Use Permit right now, so yes.

17 CHAIRMAN EVANS: Okay. And for the
18 purposes do we know that?

19 MS. EAGAN: I think the Conditional Use
20 Permit is for storage and for whatever -- whatever business was
21 there was already doing, but I don't know what that business was.

22 CHAIRMAN EVANS: Okay. And some I know in
23 looking at the signs out there part of it is storage.

24 MR. ALLMEROOTH: Yes, there are storage
25 sheds on there also.

1 CHAIRMAN EVANS: I guess my question would
2 if it's under a CUP and we have other uses and in looking at this
3 again, it's like those buildings look like they have been there
4 for quite a while, and I know we have to look again jumping from
5 I think RD to CA3 includes again a whole of things, heavy
6 equipment, things like that.

7 But once again, looking at those buildings that are
8 out there, it looks -- they actually kind of sit back a little
9 bit in the woods. So there's not what you call noticeable from
10 the residences, which there are a lot around.

11 COMMISSIONER REINHOLD: I built the
12 buildings in 1996.

13 CHAIRMAN EVANS: '96?

14 COMMISSIONER REINHOLD: And the other two
15 buildings that were up there on the left, they've been there for
16 ten years before I bought it. I sold it 15 years ago to somebody
17 a long time ago. So I mean, I know pretty much the history of
18 it.

19 CHAIRMAN EVANS: Okay.

20 COMMISSIONER REINHOLD: And there's been
21 everything from storage buildings in there to office, warehouses,
22 and then that long, big building was built for -- they
23 manufactured tanks there. So I know they were in there for a
24 long time.

25 CHAIRMAN EVANS: As I said, in going out

1 there, you really don't see the buildings from the road. It's
2 pretty much on both sides covered by -- two sides anyway -- by
3 trees.

4 Any other questions for the Applicant? Ron?

5 COMMISSIONER WILLIAMS: Is the intent just
6 to remain as you are?

7 MR. ALLMEROOTH: Yes.

8 COMMISSIONER WILLIAMS: You know, and
9 basically, if I get the gist of what we're going here, you're
10 rezoning this property in order to make it, lack of a better
11 term, legit?

12 MR. ALLMEROOTH: Right, I'm just trying to
13 make --

14 COMMISSIONER WILLIAMS: Like we're talking
15 you're doing on that property --

16 MR. ALLMEROOTH: Exactly. Yeah.

17 COMMISSIONER WILLIAMS: -- you know, I
18 mean, it's zoned Suburban Development right now, which obviously
19 nothing on there whether you got a Conditional Use Permit or not.
20 There may be other uses it looks like that may be applicable to a
21 commercial building.

22 So if you -- there are no expansion, you're just --

23 MR. ALLMEROOTH: No, I'm just trying to
24 maintain.

25 COMMISSIONER WILLIAMS: -- possibility of

1 the property?

2 MR. ALLMERTH: I'm just trying to
3 maintain the income that I'm getting off the property. I'm just
4 trying to maintain that. That's all I'm trying to do.

5 COMMISSIONER HAIRE: Scottie, we can
6 continue to work off the CUP that's there now? That's one of our
7 options, is it not?

8 MS. EAGAN: Yeah, he just wouldn't be able
9 to expand or anything like that.

10 COMMISSIONER HAIRE: Beyond the scope of
11 without then coming back to the...

12 MS. EAGAN: Yeah, I mean, and Suburban
13 Development businesses aren't allowed.

14 COMMISSIONER HAIRE: Okay.

15 MS. EAGAN: So he'd have to rezone at that
16 time if he wanted to do something different in the Conditional
17 Use Permit or expand at all.

18 CHAIRMAN EVANS: And that's why I asked
19 that question about the CUP, because if it says storage, then if
20 you do anything else, then he'd be in violation.

21 MS. EAGAN: Yeah.

22 CHAIRMAN EVANS: So that'd --

23 COMMISSIONER HAIRE: My only concern there
24 is a couple of items in that Commercial Activity that would -- I
25 can see as a potential problem.

1 CHAIRMAN EVANS: Yeah, and I think again,
2 looking far dow in the future, looking down with those existing
3 buildings, he would be hard pressed to do once I would consider a
4 problem, including heavy equipment and same or whatever. Ron,
5 did you have a point?

6 COMMISSIONER WILLIAMS: I don't.

7 CHAIRMAN EVANS: All right.

8 Thank you.

9 MR. ALLMEROOTH: Okay. Thanks.

10 CHAIRMAN EVANS: Any other discussion from
11 the Commissioners?

12 Again, it's a rezoning. So it would be a
13 recommendation to the County Commission, who would hold a public
14 hearing.

15 If there is no other comments, the Chair would
16 entertain a motion to move this to Old Business.

17 COMMISSIONER TOBBEN: I'll make what
18 motion.

19 COMMISSIONER McCREARY: I'll second it.

20 CHAIRMAN EVANS: We have a motion and
21 second to move File 160033 to Old Business. All in favor
22 signify by saying aye.

23 COMMISSIONER REINHOLD: Aye.

24 COMMISSIONER VOSS: Aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER CUNIO: Aye.

2 COMMISSIONER WILLIAMS: Aye.

3 CHAIRMAN EVANS: Aye.

4 COMMISSIONER BOLAND: Aye.

5 COMMISSIONER HAIRE: Aye.

6 COMMISSIONER TOBBEN: Aye.

7 COMMISSIONER SCHULTEHENRICH: Aye.

8 COMMISSIONER McCREARY: Aye.

9 CHAIRMAN EVANS: Opposed? [None]

10 Motion is carried.

11 File 160047, Jacqueline and Nathaniel Phillips. No
12 public comments accepted.

13 Scottie, please give us the details.

14 MS. EAGAN: This is File 160047 for
15 Jacqueline and Nathaniel Phillips.

16 The Applicant requests to rezone six parcels from
17 Non-Urban and Agricultural and Suburban Development to Community
18 Development.

19 The property is located at Highway N/Wild Plum
20 Valley, approximately 500 feet north of Highway O in Calvey
21 Township.

22 The Facts: The total area for the rezoning two
23 parcels is approximately 57 acres.

24 The zoning of this property is Non-Urban and
25 Agricultural and Suburban Development. The Application would

1 like to rezone to Community Development.

2 Community Development Zoning brings shopping, the
3 workplace and home closer together by allowing a mixed use of all
4 types of residential density and most forms of commercial
5 development.

6 The properties around the proposed site to the west
7 are zoned Non-Urban and Agricultural.

8 The properties to the south are zoned Community
9 Development and Suburban Development.

10 The properties to the east have a mixture of zoning
11 districts, including Residential Development 2, Suburban
12 Development and Commercial Activity Highway Service.

13 This property is surrounded primarily by
14 low-density residential land and undeveloped land.

15 This property has access to Highway N, which is a
16 State maintained road.

17 The Applicant is not the current owner of the
18 property, but they do have a lease agreement with option to
19 purchase from the owner.

20 A large portion of these properties are located
21 within the floodplain.

22 Staff Comments: Rezoning are allowed in our
23 regulations due to the ever-changing conditions that exist in the
24 county and elsewhere. According to Article 14, Section 321, any
25 such change must promote the health, safety, morals, comfort, and

1 general welfare of Franklin County by conserving and protecting
2 property and building values, by securing the most economical use
3 of land and facilitating the adequate provision of public
4 improvements in accordance with the Master Plan adopted by
5 Franklin County.

6 CHAIRMAN EVANS: Thank you.

7 Is the Applicant present? We can only have one
8 person at the podium, please. Can you please state your name and
9 address and sign in.

10 MS. JACQUELINE PHILLIPS: Sure.

11 Jacqueline Phillips, 2919 Wild One Valley.

12 CHAIRMAN EVANS: Thank you.

13 [Thereupon, the witness was sworn.]

14 Can you please give us a little more detail on the
15 property you're rezoning?

16 MS. PHILLIPS: Sure. What we would like
17 to do is rezone it to be able to do bed and breakfast and special
18 events.

19 CHAIRMAN EVANS: All right. What is --
20 what buildings are on there now?

21 MS. PHILLIPS: What building?

22 CHAIRMAN EVANS: Yeah, would you use
23 existing?

24 MS. PHILLIPS: Yeah, there's a home there.

25 CHAIRMAN EVANS: Scottie, without looking,

1 I assume those are permitted uses then?

2 MS. EAGAN: Bed and breakfast and special
3 events are, yes, periodic.

4 CHAIRMAN EVANS: Any questions for the
5 Applicant?

6 COMMISSIONER HAIRE: Yeah. Any additional
7 structures or temporary structures in the property for the event
8 planning?

9 MS. PHILLIPS: I'm sorry, I didn't hear.

10 COMMISSIONER HAIRE: Are you going to put
11 any additional permanent or temporary structures for these
12 events?

13 MS. PHILLIPS: No, not currently. No,
14 sir.

15 MS. EAGAN: I have a question, Bill.

16 The property that houses -- or that has the house on
17 it where you want to do the B and B and the events, is that the
18 Suburban Development side of it?

19 MS. PHILLIPS: Correct.

20 MS. EAGAN: Okay.

21 MS. PHILLIPS: That's part of it.

22 CHAIRMAN EVANS: And actually moving it to
23 CD from it's more business and multifamily. Curiosity. I'm
24 sorry, go ahead, Todd.

25 COMMISSIONER BOLAND: What it's already

1 zoned you can do bed and breakfast there and special events.

2 MS. EAGAN: On the Non-Urband and
3 Agricultural side, not the Suburban Development side. So it
4 depends on where those events would be taking place.

5 COMMISSIONER BOLAND: Okay.

6 CHAIRMAN EVANS: Yeah, because the
7 property has --

8 COMMISSIONER BOLAND: Right.

9 CHAIRMAN EVANS: -- two zonings districts.

10 COMMISSIONER BOLAND: Right.

11 COMMISSIONER McCREARY: I see.

12 COMMISSIONER BOLAND: So why wouldn't we
13 just take Suburban Development and go back to the Non-Urban
14 Agricultural if that's what she's wanting to do as opposed to the
15 CD, which opens up a whole, you know -- just a thought.

16 MS. PHILLIPS: I'm sorry I'm not
17 understanding what you're saying.

18 MS. EAGAN: Oh, what he's saying in the
19 Non-Urban and Agricultural Zoning District, which half of it is
20 zoned, you can do bed and breakfast as a permitted use. And then
21 Special Events Periodic would be allowed under a Conditional Use.

22 So he's thinking maybe just do the whole property as
23 that Non-Urban rather than making it all Community Development,
24 which would open it up to a lot more other businesses out there.

25 MS. PHILLIPS: Okay. So what portion of

1 the land is allowed the conditional?

2 MS. ZIELKE: Scottie, I have a map in the
3 file that should show Suburban and where Suburban Development
4 begins and where Non-Urban and Agricultural end. It's a little
5 different.

6 COMMISSIONER HAIRE: A little different,
7 okay.

8 MS. ZIELKE: Because of our definitions.
9 No, not that. I guess some properties are over and some are
10 under. It changed.

11 MS. EAGAN: Okay. It looks like if you go
12 on the map that she has up there, the triangle piece with all the
13 trees is Non-Urban and Agricultural. The property to the east of
14 that is Suburban Development. The properties just south of that
15 is Suburban Development. That little rectangle piece, I don't
16 know if you guys can see it, it has section lines running through
17 it. That's all Suburban Development, and then the piece below
18 that is Suburban Development. So only that triangle piece is
19 Non-Urban and Agricultural.

20 MS. PHILLIPS: Which is all I wanted.

21 MS. EAGAN: Right, correct. So all the
22 activity you want to do would be on that Suburban Development
23 side.

24 MS. PHILLIPS: That's correct.

25 CHAIRMAN EVANS: So, Scottie, could a bed

1 and breakfast could be done under NUA?

2 COMMISSIONER BOLAND: Yes.

3 MS. EAGAN: Yes.

4 CHAIRMAN EVANS: Okay. As would the
5 events piece of it. So again, it comes down to the process to
6 achieve what you want.

7 Scottie, is there one way or would you suggest one
8 way over the other?

9 MS. EAGAN: I mean, it's really up to
10 guys. In that area on the Future Land Use map, it shows it as
11 Non-Urban and Agricultural. Just to the east of it is
12 medium-density residential, and two properties over is
13 Commercial.

14 So it's really a hodgepodge area of zoning and
15 future land use.

16 CHAIRMAN EVANS: Any questions for the
17 Applicant?

18 COMMISSIONER WILLIAMS: Yeah, real quick.

19 CHAIRMAN EVANS: Ron.

20 COMMISSIONER WILLIAMS: What type of
21 events are you going to have out there?

22 MS. PHILLIPS: Weddings, picnics, family
23 reunions, things of that nature.

24 COMMISSIONER WILLIAMS: That would be all
25 outside and under -- outside on the property, --

1 MS. PHILLIPS: Yes, correct.

2 COMMISSIONER WILLIAMS: -- under tents,
3 something like that?

4 MS. PHILLIPS: Yes, sir.

5 COMMISSIONER WILLIAMS: Okay.

6 CHAIRMAN EVANS: Any other questions for
7 the Applicant?

8 COMMISSIONER McCREARY: Yeah. Does it
9 matter to you what it's zoned as long as it's zoned for what your
10 intended purposes are of special events?

11 MS. PHILLIPS: As long as I clearly
12 understand, clearly just of everything, correct.

13 COMMISSIONER McCREARY: But see what
14 happens is what you've asked for is there's a lot of other
15 different things that we can open it up to in that
16 classification. There's a lot more other things if you were to
17 sell it off or something. We couldn't stop any kind of...

18 MS. PHILLIPS: Such as what?

19 COMMISSIONER McCREARY: Well...

20 MS. EAGAN: Restaurants, bars, anything of
21 that nature.

22 MS. PHILLIPS: Oh, no, we don't plan to
23 open up a bar.

24 MS. EAGAN: Right, but that's what they
25 have to look at and think of, --

1 COMMISSIONER McCREARY: Right.

2 MS. EAGAN: -- if you sold it in two years
3 what could be there.

4 CHAIRMAN EVANS: Yeah, when we look at
5 rezoning, we have to look at not what you want to do, but we have
6 to every allowable --

7 COMMISSIONER McCREARY: What could
8 possibly be done.

9 CHAIRMAN EVANS: -- process that --

10 COMMISSIONER McCREARY: Yeah.

11 CHAIRMAN EVANS: -- could be used for that
12 property.

13 MS. PHILLIPS: So would there be a problem
14 if we decided to do a restaurant later on?

15 CHAIRMAN EVANS: If the -- if it was
16 rezoned, anything under CD would be allowed, which includes a
17 whole lot of stuff. Hotels, motels, golf courses, archery
18 ranges, kennels, preschools, parks, repair shops, convenience
19 stores, schools, agricultural sales and services, ATV sales and
20 services would all be allowed.

21 So when we look at rezoning, we have to again know
22 what you'll want use it for, but --

23 MS. PHILLIPS: I understand, but there's
24 really nothing on the -- there's really nothing around. I mean,
25 there is 60 something acres that we would have, and I believe to

1 -- I don't know if it's the east or the west -- it's commercial
2 already.

3 CHAIRMAN EVANS: And I understand. So
4 we're talking administratively here. But when we look at
5 rezoning, like we know what you want to do, but you may sell it,
6 we'll all be gone, anything I just read could be allowed once
7 it's rezoned.

8 MS. PHILLIPS: I understand.

9 CHAIRMAN EVANS: As opposed to a
10 Conditional Use Permit, which would allow it to be done if we
11 just left -- left it.

12 So again, any other questions or comments for the
13 Applicant? Because I'm assuming you just want to be able to do
14 your events, again, as long as you understand how --

15 MS. PHILLIPS: Correct.

16 CHAIRMAN EVANS: -- how we're getting
17 there.

18 MS. PHILLIPS: Right special events,
19 weddings, bed and breakfast and so on.

20 CHAIRMAN EVANS: Okay.

21 Any other questions for the Applicant?

22 COMMISSIONER McCREARY: Which brings us
23 back to the original question. If you had a different zone -- a
24 different type of zone, you could do your bed and breakfast
25 instead of CD that would be permitted, would you have a problem

1 with that, or would you be just acceptable to have it all zoned
2 with just a -- Agricultural and Non-Urban the one triangle is
3 permitting what she wants to do?

4 MS. EAGAN: The Non-Urban and Agricultural
5 is permitted B and B. The Special Events Periodic a Conditional
6 Use Permit.

7 COMMISSIONER McCREARY: Okay. So you
8 could get that with a Conditional Use Permit, which allows us to
9 say the neighbors are next door and they don't want to have
10 certain manufacturing done on weekends or whatever, we can put
11 limits to say, okay, you have a stop at 10 o'clock or like
12 earlier today the quarrying will only be between 7:30 and 3:30,
13 Monday through Friday. And it allows us to put limitations on
14 the use of land, even though you can go ahead and do it.

15 What she's saying is under the one parcel, you
16 can -- we can get you a Conditional Use Permit to do what you
17 need to do as opposed to opening up all that area to something
18 that you have no intention of doing, but tomorrow, next day,
19 whatever further down the road anybody could do heavy industrial,
20 everything that Bill listed there. And there'd be no way to stop
21 that. So see what we're saying here? You're asking for an
22 all-inclusive zone that has a lot more options --

23 MS. PHILLIPS: Okay.

24 COMMISSIONER McCREARY: -- that the
25 surrounding area may not benefit from.

1 MS. PHILLIPS: Okay.

2 COMMISSIONER McCREARY: And that's why
3 we're kind of skeptical to go -- it'll open that up.

4 MS. PHILLIPS: Okay.

5 COMMISSIONER McCREARY: So that's the
6 question. And what I have for you is -- is this exactly what you
7 really need or what you want?

8 MS. PHILLIPS: We just want to be able to
9 do things that we want to do, such as the bed and breakfast.

10 COMMISSIONER McCREARY: Right.

11 MS. PHILLIPS: The events. Later on
12 perhaps a winery, restaurant, and that's basically it.

13 COMMISSIONER McCREARY: Okay.

14 MS. PHILLIPS: But no bar, no tavern, no
15 archery, no guns or none of that.

16 COMMISSIONER McCREARY: Now you see where
17 we are coming from. If we allow this to go that, all that stuff
18 can be done.

19 COMMISSIONER REINHOLD: Not the
20 restaurant.

21 MS. EAGAN: I mean, if she eventually
22 wants to do a restaurant, then she'll have to go to CD --

23 COMMISSIONER McCREARY: Okay.

24 MS. EAGAN: -- anyway.

25 COMMISSIONER McCREARY: Right. That's the

1 thing. That's -- you said maybe a restaurant later then, so...

2 MS. EAGAN: Yeah.

3 COMMISSIONER McCREARY: But if you're just
4 going for a bed and breakfast, we don't have to go there.

5 MS. PHILLIPS: Okay.

6 COMMISSIONER McCREARY: I'm just kind of
7 wondering if that would fit your need or if this is what you
8 really need.

9 MS. PHILLIPS: Okay.

10 COMMISSIONER McCREARY: So that's my
11 question.

12 MS. EAGAN: I guess you just need to look
13 at what do you see yourself doing in the future. If a restaurant
14 is potentially something on your radar that you could
15 potentially want to do, you're going to want to stay with CD and
16 not go to NUA.

17 COMMISSIONER McCREARY: Yeah.

18 MS. EAGAN: Because that would be allowed
19 then.

20 MS. PHILLIPS: Regardless as to how long
21 in the future?

22 MS. EAGAN: Right, uh-huh.

23 MS. PHILLIPS: Looking at my husband.

24 CHAIRMAN EVANS: He'll have to come up and
25 be sworn in if he's going to speak at all.

1 MS. PHILLIPS: All right.

2 CHAIRMAN EVANS: But it is a hodgepodge of
3 zoning out there, number one. So it's not like we are moving
4 something and --

5 COMMISSIONER McCREARY: Right.

6 CHAIRMAN EVANS: -- and plopping a CA3
7 right in the middle of an RD area.

8 COMMISSIONER McCREARY: Right.

9 CHAIRMAN EVANS: And the CD would be
10 giving her what she wants again, rather than the NUA CUP, which
11 is more restrictive so...

12 COMMISSIONER McCREARY: Uh-huh.

13 CHAIRMAN EVANS: Again, I know we're back
14 to what she wants to do may be the easiest way to do it, and she
15 has requested the CD rezoning.

16 Scottie, I mean, would you based on what you see
17 with that zoning around there, that would be the most
18 appropriate?

19 COUNTY ATTORNEY VINCENT: Guys, be careful
20 here.

21 MS. EAGAN: Right.

22 COUNTY ATTORNEY VINCENT: You're almost
23 getting to the point where you're advising her what to do now.
24 That's not...

25 COMMISSIONER McCREARY: Yeah.

1 CHAIRMAN EVANS: I'm talking about
2 administrative would she have to refile for a CUP if she wanted
3 that?

4 COUNTY ATTORNEY VINCENT: Yes.

5 MS. EAGAN: If she went CD or NUA?

6 CHAIRMAN EVANS: CD.

7 MS. EAGAN: If she went CD, the Special
8 Events Periodic and bed and breakfast would be permitted.

9 COMMISSIONER WILLIAMS: That's what she's
10 asking for now.

11 CHAIRMAN EVANS: Okay.

12 MS. EAGAN: Yes.

13 CHAIRMAN EVANS: Okay.

14 MS. EAGAN: Right.

15 COMMISSIONER REINHOLD: It sounds to me
16 that she needs to leave it the way it is.

17 CHAIRMAN EVANS: That's would seem to be
18 the simplest thing, especially given that that area, if we look
19 at that area, that's -- I don't think it's conflicting.

20 COMMISSIONER McCREARY: Yeah.

21 CHAIRMAN EVANS: Any other questions for
22 the Applicant?

23 Thank you. I hope we didn't give you a headache.

24 MS. PHILLIPS: Can I ask a question?

25 CHAIRMAN EVANS: Yes.

1 MS. PHILLIPS: So you're saying basically
2 right now it's already zoned for us to be able to do those
3 things?

4 MS. EAGAN: On that triangle piece, the
5 wooded piece, that's zoned to where you can get a Conditional Use
6 Permit for Special Events Periodic.

7 MS. PHILLIPS: In the wooded area?

8 MS. EAGAN: Yes.

9 MS. PHILLIPS: Okay. All right.

10 MS. EAGAN: Yes, but the bed and
11 breakfast' regardless of your zoning, you're fine with that
12 because it's allowed in the SD district as well. So it's just
13 the Special Events Periodic that you can't do in that district.

14 MS. PHILLIPS: Okay. Thank you.

15 CHAIRMAN EVANS: All right. Thank you.

16 Any other discussion? Again, I think the -- given
17 that area if anybody has been out there, we can always move this
18 to look at it again. But it is kind of an open hodgepodge type
19 area. There is some commercial activity relatively close.

20 If there is no further discussion, the Chair would
21 entertain a motion to move this to Old Business.

22 COMMISSIONER HAIRE: I make a motion to
23 move File 160047 to Old Business.

24 COMMISSIONER REINHOLD: I second it.

25 CHAIRMAN EVANS: We have a motion and a

1 second to move File 160047 to Old Business. All in favor signify
2 by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER CUNIO: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN EVANS: Opposed? [None]

15 The motion is carried.

16 That is all the New Business.

17 Moving on to Preliminary Plats. Scottie has
18 some comments. Only written comments from the public may be
19 submitted. No oral testimony will be accepted.

20 Scottie has some comments.

21 MS. EAGAN: If you guys noticed, there is
22 no staff report for this Preliminary Plat. We had a Preliminary
23 Plat meeting with the Fire District, the Highway Department and
24 the School District. And basically what it comes down to is this
25 development is in the Brush Creek Sewer District.

1 So this gentleman either needs to hook onto Brush
2 Creek sewer or provide his own wastewater treatment facility, and
3 I think he is still working with the Commissioners at figuring
4 out what's going on with Brush Creek and whether or not he can
5 hook onto it.

6 So I'd like to table this preliminary plat until
7 next month, until we know for sure what he's doing with his
8 sewer.

9 CHAIRMAN EVANS: And since we don't have
10 all the information, the Chair would entertain a motion to table
11 this as requested by the Planning and Zoning director.

12 COMMISSIONER SCHULTEHENRICH: Make that
13 motion, Mr. Chairman, that we table this file until meeting next
14 month.

15 COMMISSIONER REINHOLD: I second it.

16 CHAIRMAN EVANS: We have a motion and
17 second to table File 160044 until the April meeting.
18 Planning and Zoning Commission forum.

19 MS. EAGAN: Are we going to go back to Old
20 Business?

21 CHAIRMAN EVANS: I'm sorry. We'll do
22 that.

23 Going back to Old Business. File 160024, Planning
24 and Zoning Department, the administrative changes that were made.

25 If there's no comments or discussion, the Chair

1 would entertain a motion to approve.

2 COMMISSIONER HAIRE: So moved.

3 COMMISSIONER McCREARY: Second.

4 CHAIRMAN EVANS: We have a motion and a
5 second to approve File 160024. All in favor signify by saying
6 aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER CUNIO: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER TOBBEN: Aye.

16 COMMISSIONER SCHULTEHENRICH: Aye.

17 COMMISSIONER McCREARY: Aye.

18 CHAIRMAN EVANS: Opposed? [None]

19 Motion is carried.

20 Moving on to File 160028, Robert Smith.

21 Any additional comments, questions? [None]

22 If not, the Chair would entertain a motion.

23 COMMISSIONER SCHULTEHENRICH:

24 Mr. Chairman, I'll make a motion that we, on File 160028, give
25 our recommendation to -- for approval to the County

1 Commissioners, and that's my motion.

2 COMMISSIONER McCREARY: Second that.

3 CHAIRMAN EVANS: We have a motion and a
4 second to approve File 160028 recommendation rezoning and send to
5 the County Commissioners.

6 All in favor signify by saying aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER CUNIO: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER TOBBEN: Aye.

16 COMMISSIONER SCHULTEHENRICH: Aye.

17 COMMISSIONER McCREARY: Aye.

18 CHAIRMAN EVANS: Opposed? [None]

19 The motion is carried.

20 CHAIRMAN EVANS: File 160033, Kevin

21 Allmeroth.

22 Any additional comments or questions? [None]

23 If not, the Chair would entertain a motion.

24 COMMISSIONER TOBBEN: I'll make that

25 motion.

1 COMMISSIONER REINHOLD: I'll second.

2 CHAIRMAN EVANS: And that is a motion to
3 approve?

4 COMMISSIONER REINHOLD: Yes.

5 CHAIRMAN EVANS: We have a motion and a
6 second to approve File 160033. All in favor signify by saying
7 aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER CUNIO: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER BOLAND: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER SCHULTEHENRICH: Aye.

18 COMMISSIONER McCREARY: Aye.

19 CHAIRMAN EVANS: Opposed? [None]

20 The motion is carried.

21 Moving on to File 160047, Jacqueline and Nathaniel
22 Phillips.

23 Any additional comments or questions? [None]

24 If not, the Chair would entertain a motion.

25 COMMISSIONER REINHOLD: I'll make a motion to

1 approve it.

2 COMMISSIONER BOLAND: To approve it?

3 COMMISSIONER HAIRE: No, to recommend.

4 COMMISSIONER REINHOLD: Yeah.

5 CHAIRMAN EVANS: To recommend it.

6 COMMISSIONER BOLAND: To change it.

7 CHAIRMAN EVANS: Right, as submitted to --

8 since we made no changes, it would move that land NUA and

9 Suburban to CD. I assume that's your motion?

10 COMMISSIONER REINHOLD: Yes.

11 CHAIRMAN EVANS: We have a motion. Do we

12 have a second?

13 COMMISSIONER McCREARY: I'll second that.

14 CHAIRMAN EVANS: We have a motion and a

15 second to approve File 160047. All in favor signify by saying

16 aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER CUNIO: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 COMMISSIONER SCHULTEHENRICH: Aye.

1 COMMISSIONER McCREARY: Aye.

2 CHAIRMAN EVANS: Opposed?

3 COMMISSIONER BOLAND: Nay.

4 CHAIRMAN EVANS: Motion is carried.

5 Planning and Zoning Commission Forum. Is there
6 anything the Commissioners wish to discussion?

7 I would like to welcome Commissioner McCreary back
8 from his successful knee surgery.

9 COMMISSIONER McCREARY: Thank you.

10 CHAIRMAN EVANS: Planning and Zoning
11 Director's Report. Scottie?

12 MS. EAGAN: I really don't have too much
13 for you guys. I potentially have some more regulation changes
14 for you next month. Other than that, I'm trying to do some
15 monthly reports for you guys like I used to, but my program that
16 I usually use is no longer working for me. So I'm trying to get
17 IT over so I can get back on there and look at the plats and see
18 what's all been recorded by month. So once I get that fixed,
19 I'll have all the previous months for you guys for this year.

20 So other than that, I got nothing.

21 CHAIRMAN EVANS: If there is nothing else,
22 the Chair would entertain a motion to adjourn.

23 COMMISSIONER CUNIO: So moved.

24 COMMISSIONER McLAREN: Second.

25 CHAIRMAN EVANS: We have had a motion and

1 second to adjourn. All those in favor signify by saying aye.

2 COMMISSIONER REINHOLD: Aye.

3 COMMISSIONER VOSS: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER CUNIO: Aye.

6 COMMISSIONER WILLIAMS: Aye.

7 CHAIRMAN EVANS: Aye.

8 COMMISSIONER BOLAND: Aye.

9 COMMISSIONER HAIRE: Aye.

10 COMMISSIONER TOBBEN: Aye.

11 COMMISSIONER SCHULTEHENRICH: Aye.

12 COMMISSIONER McCREARY: Aye.

13 CHAIRMAN EVANS: The meeting is adjourned.

14 [Thereupon, the proceedings concluded at

15 8:11 p.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 2018