

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
2 SECOND FLOOR COMMISSION CHAMBERS
3 400 EAST LOCUST STREET
4 UNION, MISSOURI 63084
5
6
7 TRANSCRIPT OF PROCEEDINGS
8 PUBLIC HEARINGS
9 APRIL 16, 2019
10 (COMMENCING AT 7:00 P.M.)
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14
15
16

17 Reported by:
18 Patsy A. Mayberry, C. R.
19 Alaris Litigation Services
20
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1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 JAY SCHULTEHENRICH, VICE CHAIR
5 TIMOTHY REINHOLD, COMMISSIONER
6 STANLEY VOSS, COMMISSIONER
7 BILL McLAREN, COMMISSIONER
8 DEBBIE WILLETTE, COMMISSIONER
9 RON WILLIAMS, COMMISSIONER
10 MICHAEL KLENKE, COMMISSIONER
11 DAN HAIRE, COMMISSIONER
12 TOM TOBBEN, COMMISSIONER
13 PLANNING AND ZONING STAFF:
14 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
15 NICHOLE ZIELKE, COUNTY PLANNER
16 COUNTY LEGAL COUNSEL:
17 MARK PIONTEK, COUNTY ATTORNEY
18 ALARIS LITIGATION SERVICES:
19 PATSY A. MAYBERRY, C. R.
20 711 NORTH 11TH STREET
21 ST. LOUIS, MISSOURI 63101
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23
24
25

1 P R O C E E D I N G S
2 (APRIL 16, 2019)
3 CHAIRMAN EVANS: I'd like to
4 call to order the Tuesday, April 16th, meeting of the
5 Franklin County Planning and Zoning Commission.
6 Scottie, will you please take roll.
7 MS. EAGAN: Bill Evans?
8 CHAIRMAN EVANS: Here.
9 MS. EAGAN: Kyle Dubbert?
10 COMMISSIONER DUBBERT: (Not
11 present.)
12 MS. EAGAN: Dan Haire?
13 COMMISSIONER HAIRE: Here.
14 MS. EAGAN: Mike Klenke?
15 COMMISSIONER KLENKE: Here.
16 MS. EAGAN: Bill McLaren?
17 COMMISSIONER McLAREN: Here.
18 MS. EAGAN: Tim Reinhold?
19 COMMISSIONER REINHOLD: Here.
20 MS. EAGAN: Jay Schultehenrich?
21 COMMISSIONER SCHULTEHENRICH:
22 Here.
23 MS. EAGAN: Tim Tobben?
24 COMMISSIONER TOBBEN: (Not
25 present.)

1 MS. EAGAN: Stan Voss?

2 COMMISSIONER VOSS: Here.

3 MS. EAGAN: Debbie Willette?

4 COMMISSIONER WILLETTE: Here.

5 MS. EAGAN: And, Ron Williams?

6 COMMISSIONER WILLIAMS: Here.

7 MS. EAGAN: Okay. We have a
8 quorum.

9 CHAIRMAN EVANS: Thank you.

10 At this time, I will give the Planning
11 and Zoning Commissioners the opportunity to declare
12 any conflict, communication or relationship they may
13 have had that might influence their ability to
14 consider today's issues impartially.

15 (NONE)

16 If there are no declarations, Scottie,
17 will you please give us a presentation of the meeting
18 procedures and exhibits.

19 MS. EAGAN: Tonight's Planning
20 Commission meeting is governed by the Franklin County
21 Unified Land Use Regulations.

22 Some matters on the agenda may be for
23 action by the Planning and Zoning Commission. These
24 matters do not involve public hearings.

25 Other matters on the agenda will require

1 public hearings under Missouri law. If a matter
2 involves a public hearing, all individuals who desire
3 to testify will be given an opportunity to do so.

4 At this time, I would like to place into
5 the record these regulations as Exhibit A, the
6 official Zoning Map as Exhibit B, the official Master
7 Plan as Exhibit C, and the case file for each case as
8 Exhibit D for all the cases to be heard during the
9 meeting.

10 (Thereupon, evidence was
11 marked for identification and
12 submitted for the record as
13 Exhibits A, B, C, and D.)

14 All Old Business items on the agenda will
15 be dealt with first. Once the Old Business issues
16 have been taken care of, each item of New Business
17 will be opened.

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

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

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

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

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

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

18 CHAIRMAN EVANS: Thank you.

19 All the Commissioners should have
20 received a copy of our last meeting minutes, which was
21 the January 15th meeting. If there are no
22 corrections, additions or changes, the Chairman would
23 entertain a motion to approve.

24 COMMISSIONER WILLETTE: I'll
25 make a motion.

1 COMMISSIONER HAIRE: I'll
2 second it.
3 CHAIRMAN EVANS: We have a
4 motion and second to approve the meeting minutes. All
5 in favor signify by saying aye.
6 COMMISSIONER REINHOLD: Aye.
7 COMMISSIONER VOSS: Aye.
8 COMMISSIONER McLAREN: Aye.
9 COMMISSIONER WILLETTE: Aye.
10 COMMISSIONER WILLIAMS: Aye.
11 CHAIRMAN EVANS: Aye.
12 COMMISSIONER HAIRE: Aye.
13 COMMISSIONER SCHULTEHENRICH:
14 Aye.
15 CHAIRMAN EVANS: The motion is
16 carried.
17 Communications and Visitors Comments.
18 Anyone present wishing to address the Commission?
19 (NONE)
20 No. If not, we'll move on to Old
21 Business, which we have none.
22 Moving on to New Business. File 190010,
23 Deb Giffin.
24 Scottie, will you please give us the
25 details.

1 MS. EAGAN: This is File
2 190010. The applicant is William Ecklekamp for Deb
3 Giffin.

4 The applicant is requesting to operate a
5 real estate office in the Non-Urban and Agricultural
6 zoning district.

7 The property is located at 5089 Coleman
8 Road, approximately 350 west of Highway MM in Boles
9 Township.

10 THE FACTS: The Conditional Use request
11 involves one lot approximate 11.5 acres in size.

12 The property is currently zoned Non-Urban
13 and Agricultural. In this district office
14 professional requires a conditional use permit. The
15 applicant wishes to use this property to operate a
16 real estate office.

17 The surrounding properties are zoned
18 Non-Urban and Agricultural.

19 This property has access to Coleman Road.
20 This is a County road with a right-of-way width of
21 approximately 40 feet. According to the East/West
22 Gateway Functional Classification of roadways, this
23 road is a local road, and is designed to have a
24 50-foot width.

25 This property is surrounded primarily by

1 undeveloped land.

2 The properties to the east appears to be
3 mobile home park.

4 This property is located within Public
5 Water Supply District No. 3 boundaries.

6 According to the applicant's site plan,
7 the applicant is proposing to build a building that is
8 70 feet by 90 feet.

9 STAFF COMMENTS: Any buildings used or
10 built in connection with this CUP will need to be
11 approved by the Franklin County Building Department
12 for a commercial building.

13 All new and/or existing entrances onto
14 Coleman Road will need to be examined by the Franklin
15 County Highway Department for a commercial entrance.
16 Planning and Zoning shall receive a copy of the permit
17 prior to the applicant commencing any activities on
18 the property.

19 Because Coleman is designed to have a
20 right-of-way width of 50 feet, the applicant shall
21 dedicate an additional 5 feet of right-of-way for a
22 total of 25 feet from the center line.

23 The applicant shall have hours of
24 operation.

25 All conditions shall be completed within

1 one year unless otherwise stated. Failure to meet all
2 conditions may result in the application expiring.

3 The applicant shall be limited to one
4 building no larger than 70 feet by 90 feet.

5 CHAIRMAN EVANS: Thank you.

6 Is the applicant present?

7 Will you please state your name and
8 address and sign in, please.

9 MR. WILLIAM ECKELKAMP: I'm
10 William Eckelkamp from Eckelkamp Kuenzel. I represent
11 Deb Giffin, who is going to be the operator of the
12 office building, the real estate office.

13 I am here tonight obviously to start this
14 presentation, but I'm going to let Cameron Lueken from
15 Wunderlich Surveying give the presentation. Then if
16 you guys have any questions, comments or concerns that
17 I can address, I'll be happy to come back up and do
18 so. But I wanted to introduce myself first and let
19 you know that I'm probably -- going to probably be the
20 one answering questions.

21 Deb's also here. So if you have
22 questions of her, we can get that done also.

23 Thank you.

24 CHAIRMAN EVANS: Thank you.

25 I think everyone is aware with our new

1 rules and regulations that the presentation is limited
2 to 15 minutes.

3 MR. CAMERON LUEKEN: I will
4 honor that.

5 CHAIRMAN EVANS: Thank you,
6 Cameron.

7 (THEREUPON, THE WITNESS WAS
8 SWORN.)

9 CHAIRMAN EVANS: For the
10 record, would you go ahead and state your name and
11 address.

12 MR. LUEKEN: Yes. My name's
13 Cameron Lueken with Wunderlich Surveyor and
14 Engineering, Union, Missouri.

15 Good evening. As Bill had mentioned,
16 basically what we've got here tonight is Deb Giffin.
17 She's the owner of HRM Real Estate Services, and she's
18 here to talk about operating a real estate office in a
19 Non-Urban and Agricultural district. That just kind
20 of summarizes the first slide.

21 So per that article and section as
22 Scottie alluded to, in this area, we have to have a
23 CUP to operate a general and professional office.

24 So obviously the purpose is Deb is going
25 to want to construct a real estate office building

1 with parking in the Non-Urban and Agricultural zoned
2 district.

3 This is kind of an overview of where this
4 actually located at. Here's 44 down here to the
5 south. He's MM coming out of Gray Summit. Basically
6 this whole area in here is Purina Farms. It may be
7 called Nestle too. I'm not for sure exactly, but it's
8 basically this whole area here.

9 And then the property here intersects
10 Coleman Road up here in that triangle that represents
11 the subject property tonight.

12 So we zoom in on the property. That
13 white box that we just saw there represents this --
14 represents this white box. So here's MM, here's
15 Coleman, and there's about 12 acres that lays here.
16 The 70 by 90-foot building that's Scottie alluded to
17 in the opening statement is located here shown in the
18 orange. So the building is about 118 feet and about
19 97 feet off the property line, you might say.

20 So observing this, one might ask, well,
21 why is it in the southeast corner of this property?
22 The reason for that is it's -- it may be hard to tell
23 on this slide here, but these -- these are contour
24 lines. The line that you see that there is a level
25 line, and it's pretty steep from here down to here.

1 If you drive out there, you'll see this
2 existing driveway that's there. In reviewing this
3 with the Fire Department, the Boles Fire Department
4 wishes an apparatus road of no greater than 15
5 percent. So that's the reason why this road kind of
6 serpentine down like it does.

7 So this road will meet the Fire
8 Department rules and regulations of Boles as well as
9 the turnaround, as well as the fire truck turnaround
10 here.

11 So I'm kind of vetted that component.
12 This entrance onto Coleman should meet all the sight
13 distances for the County Highway Department.

14 Associated parking is shown here on the
15 south side.

16 So I guess I'll kind of move along from
17 there. Where is this at in relationship to existing
18 houses?

19 So in looking at this, as Scottie alluded
20 to, there are -- there was mobile home park right
21 here. All those trailers have been removed at the
22 present time. However, they could be put back by the
23 owner. The nearest residence is the existing
24 residence across Highway MM about 1,700 feet away.
25 There's no other residence here about 1,900, another

1 residence about 1,800. So as it relates to existing
2 residences, there are no close residences to the
3 proposed facility.

4 I also want you to notice down here to
5 the south, that's one of those large high-power
6 electric lines. So that easement there is about 200,
7 225 feet wide, something like that. You can observe
8 that as you drive down MM and Coleman Road.

9 So that's kind of where it sits at
10 geographically related to other structures.

11 This is kind of the conclusion. So let
12 me go back, and I'll answer questions off this slide
13 or this slide, I guess, related to any questions you
14 guys might have at this time.

15 CHAIRMAN EVANS: Any questions,
16 Bill?

17 COMMISSIONER McLAREN: Mr.
18 Chairman. I've got a couple of questions.

19 In the corner of the building, I was not
20 able to read in either one of the packets of what I
21 got what that -- it says something in that offset that
22 you just pointed to, but I can't read what that says.
23 At that offset of the building.

24 MR. LUEKEN: Right here.
25 Right here, Bill?

1 COMMISSIONER McLAREN: Yes.

2 MR. LUEKEN: Let me see what it
3 says.

4 COMMISSIONER McLAREN: I can
5 see there's words there, but I can't see what they
6 say.

7 MR. LUEKEN: Yeah, the word --
8 the word there is actually -- sorry. The word there
9 is actually lounge. So basically just an area for the
10 employees to go out and sit, you might say.

11 COMMISSIONER McLAREN: Okay.
12 And looking at the building, looking at the grades.

13 MR. LUEKEN: Yes.

14 COMMISSIONER McLAREN: This is
15 a two-story building?

16 MR. LUEKEN: I believe it's a
17 two-story building, yes, sir.

18 COMMISSIONER McLAREN: So it's
19 up and down?

20 MR. LUEKEN: Correct.

21 COMMISSIONER McLAREN: Okay.

22 And I also noticed that there is a
23 proposed dry hydrant here.

24 MR. LUEKEN: Yes, sir.

25 COMMISSIONER McLAREN: Is that

1 for --

2 MR. LUEKEN: That --

3 COMMISSIONER McLAREN: --

4 purposes of the County? I thought it was in a public
5 water district?

6 MR. LUEKEN: It is, but I don't
7 know that the water is adequate to serve the building
8 in relationship to the fire demands.

9 COMMISSIONER McLAREN: Is there
10 -- is there a fire code on a commercial building like
11 this?

12 MR. LUEKEN: Yes. So basically
13 to answer your -- to jump ahead, the applicant's aware
14 of -- and she can talk about that. But they're aware
15 of the fire suppression system and all that that needs
16 to be installed.

17 COMMISSIONER McLAREN: All
18 right. I didn't know on a commercial building that it
19 had to have a sprinkler -- or a fire suppression --

20 MR. LUEKEN: I believe that's
21 right. I don't know. I better -- I better not say
22 for sure. I don't know.

23 COMMISSIONER McLAREN: All
24 right. Okay. I'll come back.

25 MR. LUEKEN: Okay.

1 CHAIRMAN EVANS: Any other
2 questions for Cameron?

3 (NONE)

4 Thank you.

5 MR. LUEKEN: Okay. So I'll
6 just leave -- I'll just leave that slide up here in
7 case you have any more questions.

8 CHAIRMAN EVANS: Okay.

9 I did one question. Now, the way the CUP
10 is written, it's for 11.5 acres and a building
11 approximately 5,500 square feet all for a real estate
12 office.

13 MR. ECKELKAMP: At this point,
14 yes.

15 CHAIRMAN EVANS: Okay. What
16 will really --

17 MS. REPORTER: Just a moment.
18 I need to swear him in.

19 (THEREUPON, THE WITNESS WAS
20 SWORN.)

21 CHAIRMAN EVANS: Okay. I guess
22 my question is we have 11.5 acres and a 5,000 square
23 foot building. Is it really only going to be a for --
24 it's a going to be a very large real estate office.

25 MR. ECKELKAMP: It's going to

1 be an -- absolutely a large real estate office. She
2 -- right now, everyday employees she has approximately
3 12 that come to work in that building every day, but
4 she employees about 80 other people that will be there
5 occasionally for meetings and other types of event
6 tyle stuff with her business. Event's not the right
7 word, but when they have company-wide meetings, I
8 guess, is what I would say.

9 Yes, it's a big building, but I don't
10 think the building size necessarily has anything to do
11 with -- with whether -- with how much space they
12 really need, you know.

13 CHAIRMAN EVANS: Yeah, I just
14 wondered because it's -- you know, if you were going
15 to say 500 square feet, then you could still build
16 that building and use it for anything else you really
17 wanted to --

18 MR. ECKELKAMP: Right.

19 CHAIRMAN EVANS: -- that's a
20 permitted use. I just didn't know if it was going to
21 be that big a real estate office.

22 MR. ECKELKAMP: Yeah, I mean,
23 at this point I guess, that's the maximum size. Is
24 that right, Scottie? I think you read that earlier,
25 it's 70 by 90, something like that.

1 Whether or not it shrinks down a little
2 bit at the end, I can't tell you, but we know we that
3 we should ask for as big as we would need. Also we
4 know that we need to ask for the amount of parking
5 that we would need for when we have those additional
6 people there for other meetings and whatnot.

7 Again, the reason that it's up there at
8 the top of the hill is because it's the most efficient
9 place to put it. If you look at those contours, you
10 can tell that it slopes off dramatically from the top
11 of that hill down to Coleman Road.

12 So I mean, it's a -- it's a -- it's a
13 nice place to have an office. It's out there in the
14 middle of nowhere, you know. So...

15 CHAIRMAN EVANS: Any other
16 questions from the Commissioners?

17 COMMISSIONER McLAREN: Mr.
18 Chairman, I'll ask a couple other things.

19 I'm afraid that I have a preconceived
20 notion of what a real estate office is, and am I right
21 or -- and you don't know what my preconceived notion
22 is, but to be a real estate office, is somebody that's
23 managing a brokerage and has agents and that kind of
24 stuff.

25 As I look up HRM or whatever, it doesn't

1 seem like that that's really -- that it's a building
2 business or a -- an apartment management business.
3 It's more appropriate that what it is, that we're not
4 thinking there's an agency or that she's a broker and
5 there's -- I'm just asking.

6 I don't know for sure. So my -- my
7 original thought was there's a sign out that says, you
8 know, we sell houses.

9 MR. ECKELKAMP: That's not what
10 she does. She's not going to have -- she's not going
11 to have the -- I mean, you've seen me up here before
12 with Matt McClellan and ReMax is not going to be in
13 there sending agents in and out every day to go show
14 houses and show property.

15 They do -- we call it real estate office
16 because they do real estate development all over the
17 country essentially. It's probably more than midwest.
18 Deb could probably speak to her business better than I
19 could, but they -- they have people that are doing
20 deals, and really what they are I guess is a
21 management company not --

22 COMMISSIONER McLAREN: I kind
23 of took it as a construction management company.

24 MR. ECKELKAMP: Yeah. They're
25 -- and they're not swinging hammers, right. So we're

1 not going to be having -- necessarily having anybody
2 out there with -- with --

3 COMMISSIONER McLAREN: Well,
4 that was the reason for my question earlier --

5 MR. ECKELKAMP: Yeah.

6 COMMISSIONER McLAREN: -- about
7 the dry hydrant. If there was going to be hazardous
8 material stored on -- I'm trying to figure out why
9 there would be a dry hydrant.

10 MR. ECKELKAMP: No, the dry
11 hydrant is -- I mean, it's a -- it's probably at this
12 point, I'm not sure what the fire code exactly is, and
13 I was kind of with you of do you really have to have
14 that sort of fire suppression system.

15 Again, it maybe overkill. We all know --

16 COMMISSIONER McLAREN: Like I
17 said, I started off with real estate office.

18 MR. ECKELKAMP: Okay.

19 COMMISSIONER McLAREN: You
20 know, that was --

21 MR. ECKELKAMP: In your mind --
22 in your mind, you're thinking ReMax.

23 COMMISSIONER McLAREN: Exactly.

24 MR. ECKELKAMP: You're not
25 thinking construction services. Understand. I hope I

1 answered your question, Bill.

2 CHAIRMAN EVANS: So
3 traffic-wise then we're really talking 8:00 to 5:00
4 type of office?

5 MR. ECKELKAMP: Yes. I mean,
6 it's a -- it's an office. I mean, you may have people
7 that come a little earlier than that and people that
8 stay a little later than that, but for the vast
9 majority of the day it's going to be your normal
10 office times.

11 CHAIRMAN EVANS: Okay.
12 And the way you explained it to Bill then
13 you really -- you really don't have a whole lot of
14 clients --

15 MR. ECKELKAMP: No.

16 CHAIRMAN EVANS: -- additional
17 traffic coming in. So it would be employees
18 basically?

19 MR. ECKELKAMP: Correct.

20 CHAIRMAN EVANS: Okay. And
21 what would that hours of operation be?

22 MR. ECKELKAMP: 8:30 to 5:00.

23 CHAIRMAN EVANS: 8:30 to 5:00.

24 MR. ECKELKAMP: I mean, again,
25 they may have people that show up early and then they

1 have people that stay late. I mean, we're all here
2 working at seven o'clock at night still. So...

3 CHAIRMAN EVANS: That's right.

4 MR. ECKELKAMP: But the vast
5 majority of their hours when they're dealing with
6 people across different states would be during
7 business hours.

8 CHAIRMAN EVANS: So Monday
9 through Friday, or would there be some Saturday?

10 MR. ECKELKAMP: Monday through
11 Friday.

12 CHAIRMAN EVANS: Mondays
13 through Fridays.

14 COMMISSIONER McLAREN: So since
15 this is as large a building as it is and does have a
16 downstairs to it, is that storage or -- there's also a
17 delivery thing. Is there going to be delivery trucks
18 coming in here or --

19 MR. ECKELKAMP: Well --

20 COMMISSIONER McLAREN: --
21 something more than Federal Express?

22 MR. ECKELKAMP: Well, again, I
23 mean, it's -- it's a building that is being built that
24 the building is probably overkill. We've already
25 talked about the fire suppression system, and we have

1 a delivery dock on it. Whether or not that delivery
2 dock ends up being built in the final thing, it may be
3 shrunk down. But if we decide to build this building,
4 again, we want to ask for everything that we can or
5 anything that we may need to expand in the future.

6 You know, obviously if we came back. If
7 we had to expand or do something that required coming
8 back towards you guys, we would do it. But right now
9 we have 12 everyday employees, and again, up to 80
10 people that will be there at any given time, not on a
11 regular basis.

12 CHAIRMAN EVANS: Any other
13 questions from the Commissioner?

14 (NONE)

15 All right. Thank you.

16 MR. ECKELKAMP: Thank you.

17 CHAIRMAN EVANS: Any discussion
18 from the Commissioners?

19 Obviously, they needed the business
20 hours, which they're looking at 8:30 to 5:00 Monday
21 through Friday. And I think they addressed the issues
22 as far as employees.

23 Any other concerns or questions?

24 (NONE)

25 MS. EAGAN: Are you going to

1 open it up?

2 CHAIRMAN EVANS: Huh?

3 MS. EAGAN: Are you going to
4 open it up for other comments?

5 CHAIRMAN EVANS: Yeah.

6 Is there anyone else wishing to speak in
7 support of this CUP?

8 (NONE)

9 If not, is there anyone present wishing
10 to speak in opposition?

11 Will you please state your name and
12 address and sign in, please.

13 (THEREUPON, THE WITNESS WAS
14 SWORN.)

15 And I would ask would you please limit
16 your comments to five minutes.

17 MR. ELLERD NIEMEYER:

18 Absolutely.

19 My name is Ellerd Niemeyer. I am
20 presently the business manager for Purina Animal
21 Nutrition and Research Farm at Gray Summit, Missouri.
22 So I represent the Nestle Purina side.

23 So good evening, Franklin County
24 representatives. I was asked on behalf of our company
25 after a consultation with our legal department and our

1 real estate division to come and read a prepared
2 statement that was prepared for me to give on behalf
3 of our company.

4 So I'm going to go from there.

5 My name is Ellerd Niemeyer, and I'm here
6 representing Purina Animal Nutrition, L. L. C. Purina
7 objects to the proposed issuance of the Conditional
8 Use Permit of allowing for a construction and
9 operation of a real estate office and event center on
10 land zoned as Agricultural.

11 By definition, the proposed use is
12 inconsistent with the agricultural designation and the
13 surrounding uses. Some flexibility in zoning usage
14 may be appropriate from time to time. However, this
15 proposed use will increase traffic in the area and
16 will likely lead to negative impacts on the adjacent
17 Purina property, as well as other agricultural uses
18 practice by existing neighbors.

19 As you know, Purina Research Farm is one
20 of the largest -- is one of the world's largest and
21 most advanced facilities devoted to the improvement of
22 animal nutrition. We rely on sensitive field
23 conditions in order to properly develop and evaluate
24 animal feed products.

25 We are very concerned that an event

1 center with corresponding noise and large numbers of
2 people will disrupt our operation. This is a
3 difficult situation for us as we value being helpful
4 neighbors. However, this proposed use is simply
5 inconsistent and detrimental to the existing
6 agricultural zoning designation.

7 Thus, we will take whatever steps
8 necessary in order to protect our substantial
9 investment at Gray Summit.

10 Thank you for your consideration.

11 CHAIRMAN EVANS: Thank you.

12 Okay. Any questions?

13 (NONE)

14 Okay. Thank you.

15 Anyone else wishing to speak in
16 opposition?

17 (NONE)

18 Okay. If not, the public hearing -- oh,
19 no. I'm sorry. Is there any rebuttal?

20 MR. ECKELKAMP: There is no
21 application before you for an event center. It is a
22 strictly for real estate office. So there -- at one
23 point, they -- there was a conversation about an event
24 center. There is no conditional use permit requested
25 in front of you for an event center.

1 The only thing we are asking for is a
2 real estate office.

3 Also just to rebut his statement about
4 event centers, if you've been out to Purina, they have
5 an event center. And they have lots and lots of
6 traffic that comes in and out, and so it is a little
7 hypocritical to come up here and even suggest that it
8 is not or anything in this area is not -- I'm not sure
9 how I want to put it -- is not Kosher with this area.

10 Thank you.

11 CHAIRMAN EVANS: Okay. Thank
12 you.

13 Scottie, in the NUA, is -- are events a
14 permitted use?

15 MS. EAGAN: Special occasion
16 permits would be.

17 CHAIRMAN EVANS: Pardon?

18 MS. EAGAN: Special occasion
19 permits is what we call them.

20 CHAIRMAN EVANS: But are
21 permitted use.

22 MS. EAGAN: (Nodding.)

23 CHAIRMAN EVANS: So as such, if
24 they wanted to have events, they do not have to come
25 to us or we have nothing to restrict --

1 MS. EAGAN: Right.

2 CHAIRMAN EVANS: -- them using
3 that as an event center?

4 MS. EAGAN: As long as they've
5 got --

6 CHAIRMAN EVANS: We wouldn't
7 even -- even see it.

8 MS. EAGAN: Yes.

9 CHAIRMAN EVANS: And as far as
10 someone using, we're looking strictly at the CUP as
11 the real estate office?

12 MS. EAGAN: Right.

13 CHAIRMAN EVANS: And as I said
14 before, the event center can't even be addressed as
15 it's a permitted use.

16 MS. EAGAN: Correct.

17 CHAIRMAN EVANS: Jay?

18 COMMISSIONER SCHULTEHENRICH:
19 Mr. Chairman, can I have Cameron come back? I've got
20 a couple of questions for Cameron.

21 CHAIRMAN EVANS: Go.

22 COMMISSIONER SCHULTEHENRICH:
23 When I look at the drawing up there, I know you've
24 pointed out the steepness of the grade there.

25 MR. LUEKEN: Correct.

1 COMMISSIONER SCHULTEHENRICH: I
2 can't tell from here. Is the -- how steep that it
3 actually is. You don't know how much of a depth that
4 goes from where the building is going to be
5 constructed at to the -- down to Coleman Road?

6 MR. LUEKEN: Yeah. To answer
7 your question, Jay, about in here where it's bare
8 there, that's about -- from memory about an 18 percent
9 grade on average, something like that.

10 Up near the top, that's where the parking
11 and building at, that's on average about -- I think
12 about a 6 -- about -- it just flattens out at the top.

13 Now, granted as you go this way, I'm
14 saying an average grade, you know, across that.

15 As you get west here, it gets steeper.
16 As you get north here, it gets steeper. But up in
17 this general area, it's about an average -- it's --
18 it's going to be about half to as third as steep as
19 the other area here.

20 COMMISSIONER SCHULTEHENRICH: I
21 don't -- I heard it's -- I bet it's a hundred foot
22 difference between Coleman Road there.

23 MR. LUEKEN: Yeah. It's not
24 quite a hundred feet, to answer you. It's about 70
25 some feet, 70 plus feet.

1 COMMISSIONER SCHULTEHENRICH:

2 Well, that brings me to my next question, and that is
3 how many -- how many acres potentially up on top there
4 right around the building, how many are there at less
5 than 10 percent grade?

6 How many acres are up there on the top
7 that are less than 10 percent grade? Is there --
8 again, I can't tell from this one here. But is there
9 -- is there four acres up there on top that's less
10 than or is there only three or how many do you -- do
11 you have an idea?

12 MR. LUEKEN: The steepest area
13 you're seeing is right across here, Jay. That's where
14 -- that's where it gets steep, right here.

15 COMMISSIONER SCHULTEHENRICH:
16 Uh-huh.

17 MR. LUEKEN: So --

18 COMMISSIONER SCHULTEHENRICH:
19 So, what, around the building and the cul de sac, how
20 many other acres?

21 MR. LUEKEN: My -- my best
22 guess, you're looking at it, would be between an acre
23 and a half and two acres, something like that. I
24 don't know for sure without -- because you're asking
25 me basically what's lesser than -- how much area is

1 steeper than -- how much area is less than 10 percent.

2 COMMISSIONER SCHULTEHENRICH:

3 And my question that I'm asking is, is because there's
4 a question that's been raised in regards to whether
5 there could be some other activities that would take
6 place there. Okay.

7 MR. LUEKEN: Right.

8 COMMISSIONER SCHULTEHENRICH:

9 And it appears as though the steepness of the grade
10 would prohibit some of them being able to be for
11 activities. Okay.

12 But I was just curious as to what would
13 potentially be available, and your best would be about
14 another acre and a half, which would be somewhat --
15 somewhat restricting in just the terrain of the -- the
16 landscape of the facility itself.

17 MR. LUEKEN: Correct. Yeah,
18 you can see that -- that we're right on this. This is
19 the same contour right here. So we're tucked in that
20 corner. So yeah, it's -- it's the site prohibits the
21 -- the site is prohibitive for development that's
22 north and west of this line.

23 COMMISSIONER SCHULTEHENRICH:

24 Okay. That answers my question I have.

25 MR. LUEKEN: Okay. Thank you.

1 COMMISSIONER SCHULTEHENRICH:

2 Thank you, Mr. Chairman.

3 CHAIRMAN EVANS: Any other
4 questions?

5 COMMISSIONER McLAREN: Mr.
6 Chairman, I want to challenge you to what you said
7 earlier, and I'm probably not correct.

8 But an event center is a conditional use
9 in Non-Urban and Agricultural and not a permitted use,
10 I think.

11 MS. EAGAN: No, he is correct.
12 Special occasion permits, which would include wedding
13 events facilities are permitted in NUA, with a special
14 occasion permit.

15 COMMISSIONER McLAREN: But --
16 okay. But it has to have the special occasion?

17 MS. EAGAN: Yeah. It's all
18 done in the office. It's not a conditional use permit
19 before you guys. It's all administrative.

20 COMMISSIONER McLAREN: As long
21 as it's less than 300 people?

22 MS. EAGAN: Correct.

23 COMMISSIONER McLAREN: I'm
24 sorry.

25 CHAIRMAN EVANS: That's all

1 right. I was just going to say as what we're
2 addressing tonight is, even if they were going to use
3 it as an event center, because it is a permitted use,
4 we wouldn't address that as far as the CUP or anything
5 this evening.

6 It would be more administrative. Did
7 that make sense?

8 COMMISSIONER McLAREN: Yes,
9 sir. I -- again, I -- you know, as we're just
10 discussing, it is -- it is -- I kind of -- and I
11 probably don't have it right because I don't think I
12 found anything in the regulations.

13 Does having a business office that has
14 potentially 80 people at it challenge the spirit of
15 what a professional business office is kind of? And
16 once again, I have a preconceived notion. I have a
17 preconceived notion of what a real estate office was.
18 I kind of had a preconceived notion of what a
19 professional office was, which would be an accountant
20 or an attorney or you know, more of a home business
21 than something that has potentially 80 people at it.

22 CHAIRMAN EVANS: No. I agree,
23 and then I think then that my initial questions were
24 the size of the building and whatever, you know. And
25 to say if they have their people in, they could have

1 that, and then I had that concern initially also.

2 COMMISSIONER McLAREN: We have
3 the -- you know, if it's a manufacturing office or if
4 it's a car repair shop, we're real critical about how
5 many people in UNA are at that kind of business.

6 And it seems to me like in the spirit of
7 things, we really didn't anticipate an 80-person
8 business office in this kind of setting.

9 CHAIRMAN EVANS: Right. But on
10 the other hand, it's -- it's kind of hard for us to
11 challenge their business plan.

12 COMMISSIONER McLAREN: I agree.

13 CHAIRMAN EVANS: And again, as
14 far as events, all we're addressing tonight is the
15 real estate office. What they may or may not do is --
16 use it for other than that is -- is in this evening is
17 no concern. We can't address it, only the request,
18 the information that's on the CUP and the use there.

19 Jay?

20 COMMISSIONER SCHULTEHENRICH:
21 Let me ask a question for clarification.

22 Since they talked about the operations of
23 the business in this building being from 8:30 to 5
24 o'clock, if there was to be an occasional special
25 occasion permit, okay, issued, would -- that falls

1 under the hours under the special occasion permit? Or
2 does that fall under the hours that's going to be used
3 if it's going to occur in the building, is that going
4 to be under the hours of 8:30 till 5:00?

5 MS. EAGAN: No. Nothing -- if
6 they come in the future for a special occasion permit,
7 that would have its own rules and regulations.
8 Nothing under the Conditional Use Permit would be a
9 part of the special occasions.

10 COMMISSIONER SCHULTEHENRICH:
11 So the only thing we're referring to here on the 8:30
12 to 5:00 is in fact anything that operates within that,
13 as they described it, building management --

14 MS. EAGAN: Right.

15 COMMISSIONER SCHULTEHENRICH:
16 -- operations?

17 MS. EAGAN: Yes.

18 COMMISSIONER SCHULTEHENRICH:
19 Thank you.

20 CHAIRMAN EVANS: Any other
21 questions or discussion?

22 (NONE)

23 I think the only conditions in that we
24 really have are with the applicant volunteering as far
25 as business hours, 8:30 to 5:00 Monday through Friday.

1 CHAIRMAN EVANS: So do we have
2 a number, or do we want to use 51, or...

3 COMMISSIONER McLAREN: Are we
4 considering two stories?

5 COMMISSIONER WILLIAMS: They
6 stated it was two stories, so I'm going by their site
7 plan. If they're proposing 51, I'm willing to say
8 give them 51 spaces.

9 CHAIRMAN EVANS: All right. We
10 can include 51 spaces as a condition. We also have
11 the hours of operation, and really other than the
12 requirements they have to meet as far as easement and
13 whatever, but those are the only conditions.

14 Any other discussion, comments?

15 COMMISSIONER McLAREN: Mr.
16 Chairman, I'd like to make a motion to continue this
17 to next month.

18 CHAIRMAN EVANS: We have a
19 motion to continue this. Are you talking tabling or
20 continuing?

21 COMMISSIONER McLAREN: No, I
22 want to -- as I read the -- our discussion in our last
23 meeting, I want to continue it and leave it open so
24 that more information could be had.

25 CHAIRMAN EVANS: No. No, Mark,

1 since --

2 COMMISSIONER McLAREN: Well,
3 that's what our minutes said that we did, that if we
4 want -- if we table it, we are closing it and public
5 participation is done.

6 If we continue it until next meeting, it
7 stays open, and we can get more information. Unless I
8 read it wrong and understood what he told me last, I'm
9 wrong.

10 COUNTY ATTORNEY PIONTEK: Mr.
11 Chairman, as far as that goes, the public hearing
12 portion of this is essentially closed. You've
13 received information from both the applicant and the
14 one opponent. So there wouldn't be any additional
15 public comment that would be received.

16 If you're just leaving it open for the
17 purpose of gaining additional staff input, I suppose
18 you could do that or for additional discussion, but
19 I'm not sure what other purpose you would leave it
20 open.

21 COMMISSIONER McLAREN: My
22 purpose to leave it open is before, if we had somebody
23 to object and we had a review committee, we sent it to
24 the review committee and they had discussion about it.

25 Since we had somebody object and we don't

1 have a review committee, and I'm going to make a lot
2 of motions to continue stuff since there's not a
3 review committee to send it to to have more time to
4 consider it.

5 COUNTY ATTORNEY PIONTEK: And
6 if that -- you can do if you need additional time to
7 think about it, but in terms of getting additional
8 public input, if you closed your public hearing, which
9 I think you did, you wouldn't receive any input -- any
10 additional public input.

11 The only thing would be if you have
12 questions of staff, staff can address those.

13 COMMISSIONER McLAREN: All
14 right. So is continuing something not the proper way
15 to do it if we want to have -- if we want to discuss
16 this again next month, do I want to continue it or do
17 I want to table it?

18 COUNTY ATTORNEY PIONTEK: You
19 would just continue the discussion of this till the
20 next meeting, but there wouldn't be any additional
21 public comment.

22 COMMISSIONER McLAREN: Right.
23 I'm going to let me motion stand to continue it.

24 COUNTY ATTORNEY PIONTEK: Okay.

25 CHAIRMAN EVANS: So, Mark, as I

1 understand the way the rules are now, once we do in
2 favor and opposing and we have the rebuttal, once that
3 rebuttal is done and there are no more questions from
4 the Commission, then the public hearing is effectively
5 closed?

6 COUNTY ATTORNEY PIONTEK: Yes,
7 it is. You've obtained or received all of the public
8 comment that your rules would allow.

9 CHAIRMAN EVANS: So even if we
10 had additional -- we'd come up with questions later,
11 we should have asked that during the public hearing?

12 COUNTY ATTORNEY PIONTEK: Yes.

13 CHAIRMAN EVANS: And our
14 decision has to be based on the facts that were
15 received in the public hearing?

16 COUNTY ATTORNEY PIONTEK: Yes.

17 CHAIRMAN EVANS: Okay.

18 COMMISSIONER SCHULTEHENRICH:

19 Mr. Chairman, hold on.

20 CHAIRMAN EVANS: Jay.

21 COMMISSIONER SCHULTEHENRICH:

22 If we -- if we were to find certain things out that
23 would be a little bit different than what was
24 expressed here this evening, are you saying we
25 wouldn't have the right to basically ask a question to

1 the petitioner?

2 COUNTY ATTORNEY PIONTEK: I
3 guess I would wonder what would be the source of that
4 additional information, and why wasn't that additional
5 information presented tonight.

6 The other thing I would add is if you're
7 -- if you're essentially going to go outside of the
8 record and you're going to conduct your own
9 independent examinations or independent
10 investigations, I would suggest to you that that would
11 be improper.

12 Your decision is supposed to be made
13 based on what you hear at the public hearing and from
14 staff comments and your own internal discussions.

15 COMMISSIONER SCHULTEHENRICH:
16 And you're expressing very clearly to us that we would
17 not -- we would not be allowing any additional public
18 comments to be made from the -- from now to the point
19 in which the decision would come back in front of --
20 or the file would come back in front of the
21 Commission?

22 COUNTY ATTORNEY PIONTEK:
23 That's correct. The public hearing has essentially
24 been concluded. You've received evidence both -- or
25 testimony both for and against, and then you've had

1 the rebuttal testimony from the applicants. You
2 wouldn't have any additional public hearing. That's
3 the purpose of having the public hearing tonight,
4 anybody who's got comments for or against, should be
5 here tonight.

6 Now, they will get another shot before
7 the Commission when they have a public hearing, but as
8 far as tonight goes --

9 CHAIRMAN EVANS: No, Mark, on
10 this -- this is a CUP.

11 COUNTY ATTORNEY PIONTEK: I'm
12 sorry. I'm sorry. Then as far as tonight goes, that
13 would be the end of it.

14 COMMISSIONER SCHULTEHENRICH:
15 Okay. Thank you.

16 COMMISSIONER McLAREN: I'm
17 going to follow up on Jay. I'm a little bit confused.

18 It used to be when we had a review
19 committee there was a possibility that we let
20 something stay open until that review committee met so
21 if there was other information, it could come.

22 I know we don't have the review committee
23 anymore, but does that mean we've been doing it
24 incorrectly all this time?

25 COUNTY ATTORNEY PIONTEK: Let's

1 just say --

2 COMMISSIONER McLAREN: I'm
3 following -- I'm trying to learn.

4 COUNTY ATTORNEY PIONTEK: Yeah.

5 COMMISSIONER McLAREN: So I
6 apologize, but --

7 COUNTY ATTORNEY PIONTEK: Let's
8 just say you're doing it right now. I don't want to
9 make comments on what occurred in the past, but the --
10 when you eliminated the review committee, that was the
11 appropriate thing to do.

12 CHAIRMAN EVANS: Okay. So just
13 to reiterate, once we have the public hearing and hear
14 from both sides and at the end of the rebuttal, the
15 public hearing is effectively closed.

16 COUNTY ATTORNEY PIONTEK:
17 That's correct.

18 CHAIRMAN EVANS: And it would
19 probably be good fro the chair person to announce that
20 just so everyone is aware of it.

21 COUNTY ATTORNEY PIONTEK: Yes.

22 CHAIRMAN EVANS: Okay.

23 COMMISSIONER HAIRE: So I guess
24 my question is if we did -- just so I'm understanding
25 exactly as I do.

1 If we got any information from outside,
2 it would be improper and there would probably be
3 recourse available to the person?

4 COUNTY ATTORNEY PIONTEK:
5 That's correct. You're -- you're not supposed to go
6 out and conduct your own independent investigation,
7 I'll call it, outside of what you've heard tonight at
8 the public hearing.

9 CHAIRMAN EVANS: So another
10 hypothetical. If we were uncomfortable with the
11 information that we got, I mean, we could table it,
12 and would consider that we don't have sufficient
13 information, we would still have to act on the
14 information that we did have?

15 COUNTY ATTORNEY PIONTEK: If
16 for some reason you felt like the applicant didn't
17 provide enough evidence or enough information to you
18 to support the granting of the permit, then the
19 appropriate decision would be to deny the permit.

20 CHAIRMAN EVANS: Okay. Just
21 wanted to clarify that.

22 COUNTY ATTORNEY PIONTEK: Okay.

23 COMMISSIONER McLAREN: Don't go
24 away.

25 COUNTY ATTORNEY PIONTEK: Okay.

1 I feel like I'm monopolizing the meeting.

2 COMMISSIONER McLAREN: No, I'm
3 going again. I'm sorry.

4 So is me going out and drive -- I've
5 always gone out and drove by some place and looked at
6 it before we -- we voted. Is that gathering
7 information on my own and improper, I shouldn't do
8 that?

9 COUNTY ATTORNEY PIONTEK: If
10 you're going to make a decision based on that, then
11 that needs to be a part of the record at the time of
12 the public hearing, that yes, I went out. I looked at
13 the property. I know where this is. I've seen it,
14 and so forth.

15 COMMISSIONER McLAREN: All
16 right. Because I just -- I thought I wasn't doing my
17 job if I didn't go drive by some place.

18 COUNTY ATTORNEY PIONTEK: And
19 that's not unusual. That's not atypical, but that
20 should be disclosed.

21 CHAIRMAN EVANS: And I think we
22 have before when some -- one of the commissioners
23 that's no longer stated that he drove by a site and
24 the public hearing was closed. It was stopped.

25 COUNTY ATTORNEY PIONTEK: Yeah.

1 CHAIRMAN EVANS: That since
2 then it was after rather than before that his comments
3 couldn't be put in the record.

4 COUNTY ATTORNEY PIONTEK:
5 Right.

6 CHAIRMAN EVANS: So if you want
7 to do a drive by, do it before.

8 COUNTY ATTORNEY PIONTEK: Yes.

9 CHAIRMAN EVANS: Anyone else
10 like to talk to Mark?

11 MS. DEB GIFFIN: I actually
12 have a question for Scottie.

13 COUNTY ATTORNEY PIONTEK: Thank
14 you.

15 MS. GIFFIN: The required
16 parking as per the size of the building, what if the
17 number of people coming to that building is more than
18 -- I have a little bit of a concern. There might be
19 80 people there at one time, and there are only 51
20 spaces.

21 MS. EAGAN: I mean, you can
22 always require more than what the regulations state,
23 but we can only enforce if you don't put down in the
24 code what our regulation state.

25 MS. GIFFIN: If we don't put it

1 in the code?

2 MS. EAGAN: Or on the permit.

3 Sorry.

4 MS. GIFFIN: On the permit.

5 The 51 is what's required?

6 MS. EAGAN: No, what's required
7 is way less than 51. That's why Ron wanted it as a
8 condition to keep the 51.

9 MS. GIFFIN: Oh, I see.

10 COMMISSIONER REINHOLD: If we
11 go by the rules what's in there, it's 19.

12 CHAIRMAN EVANS: Any other
13 discussion?

14 COMMISSIONER WILLIAMS: Bill.

15 CHAIRMAN EVANS: I'm sorry. We
16 still have a motion, and, Mark, can you really have a
17 motion to continue because the public hearing is
18 closed, so you would either have to -- the only option
19 would be to table it?

20 COUNTY ATTORNEY PIONTEK: If
21 you're going to -- and I think I understand what he's
22 suggesting is that you continue this discussion to
23 another meeting so you have additional time to discuss
24 it.

25 Is that close?

1 COMMISSIONER McLAREN: That was
2 close.

3 COUNTY ATTORNEY PIONTEK: Okay.

4 COMMISSIONER McLAREN: Yes,
5 sir.

6 COUNTY ATTORNEY PIONTEK: Okay.
7 So -- I mean, if you want to do that and you don't
8 want to sit here for however long it takes to discuss
9 and make a decision, yeah, you can continue this
10 matter to another meeting and take it up for
11 discussion again. But you're not going to have any
12 additional public testimony or public hearing.

13 CHAIRMAN EVANS: The way I
14 understand it, if you're continuing it, you would be
15 continuing it for a specific date.

16 COUNTY ATTORNEY PIONTEK: Yes.

17 CHAIRMAN EVANS: Where tabling
18 it, you're putting it on the table with no specific
19 date, but effectively it's the same thing. So --

20 COUNTY ATTORNEY PIONTEK: Yeah,
21 it has basically the same effect. If you -- if it --
22 if you were to table it and you bring it -- and then
23 it would have -- there would have to be a motion at
24 the next meeting to take it off the table --

25 CHAIRMAN EVANS: Right.

1 COUNTY ATTORNEY PIONTEK: --
2 for additional discussion or action or whatever that
3 might be.

4 I think what I understand is Bill wants
5 to have some additional discussion on it, but he wants
6 to do that next month, I presume.

7 COMMISSIONER McLAREN: That was
8 my thought.

9 COUNTY ATTORNEY PIONTEK: Okay.

10 COMMISSIONER McLAREN: But I --
11 I mean, I'm kind of curious why the gentleman from
12 Purina Farms came back with what he did. So...

13 COUNTY ATTORNEY PIONTEK: I
14 guess I would ask you what -- and you're free to make
15 whatever motions you want, but what are you going to
16 learn or how are you going to learn between now and
17 next month why Purina made the statement that they
18 did?

19 COMMISSIONER McLAREN: I can't
20 answer that. Like I said, I had preconceived notions
21 to start out with that was, you know, a little bit by
22 a Realtor what we started out about. So I went to HRN
23 Realty and looked at or HRM Projects, Resources,
24 whatever HRM the rest of it is, to learn that it's a
25 different kind of business than what I assumed it was

1 to start out with based on the information that I had
2 in my packet in front of me.

3 So and it was available in a public
4 domain of the internet I guess, and then a public
5 domain of the Secretary of State.

6 Is that appropriate that I went and
7 looked that up?

8 COUNTY ATTORNEY PIONTEK: Yeah.
9 I mean, you're disclosing it on the record that you
10 did in fact do that. So yeah, that's permissible.

11 CHAIRMAN EVANS: And I think he
12 is here when he did it.

13 COUNTY ATTORNEY PIONTEK: Yeah,
14 it was done prior to the meeting tonight. It would
15 not be appropriate to do it after the meeting tonight,
16 go out and conduct additional inquiry. Let's put it
17 that way.

18 COMMISSIONER McLAREN: So
19 whatever I did prior tonight is admissible right now?

20 COUNTY ATTORNEY PIONTEK: It's
21 part of the discussion. Correct. It's part of the
22 record that is occurring prior to the vote. I would
23 not go out after tonight and conduct additional
24 inquiry.

25 COMMISSIONER McLAREN: Can I

1 hand this to you, Mr. Chairman, and it not be in
2 violation of something.

3 CHAIRMAN EVANS: All right.

4 So we have, again, to reiterate, tabling
5 and continuing would effectively do the same thing.
6 To continue it, we have to do it to a specific date.
7 To table it, would put it on a table until which time
8 we could leave it there or take it off at any future
9 date.

10 And we have a motion on the floor to
11 continue, and to continue it, we'd have to list a
12 specific date. So I would assume you're talking about
13 next month's meeting?

14 COMMISSIONER McLAREN: Oh, I
15 was assuming I was talking about next meeting, but
16 what I just handed to you is I'm in a Facebook group
17 that there was a posting about a new venue in it.

18 CHAIRMAN EVANS: And since it
19 wasn't submitted before the hearing is now closed, so
20 if we didn't have received it then, that's --

21 COMMISSIONER McLAREN: Right.

22 CHAIRMAN EVANS: -- that's the
23 rules under which we -- we operate whether we are, you
24 know, all agreed on rules or not. So...

25 MS. EAGAN: And again, this is

1 just the office.

2 CHAIRMAN EVANS: Right. And
3 it's going back to the real estate office. Whatever
4 we, you know -- the only thing we know or no
5 preconceived notions or whatever, it's -- we have to
6 deal with what was presented in the public hearing.
7 And that's it.

8 Okay. Jay, did you have something?

9 COMMISSIONER SCHULTEHENRICH:
10 Well, I was just going to say that I normally would
11 have voted to second Bill's motion because I also
12 have, you know, in the past have been -- if there's
13 option to a conditional use permit, I've been in favor
14 of carrying it over to the next meeting.

15 However, listening to Mark, I think it
16 appears as though we're not entitled -- I'm sorry,
17 that's not the right word to use -- but to any other
18 information to come forward to us on this file.

19 And so therefore, I don't see what the
20 purpose would be to keep the file open if we're not
21 able to -- to review or to look at any additional
22 information on this.

23 CHAIRMAN EVANS: All right. So
24 there file -- the public hearing, the file is closed.
25 It would only be for discussion, and again, as far as

1 the event center, we can't go and address that. Only
2 what was presented in the CUP for a real estate
3 office.

4 That's -- that's -- it may seem narrow,
5 but that's all that was presented in the CUP, and we
6 have to deal with the facts and the input that we got
7 during the public hearing.

8 COMMISSIONER McLAREN: Mr.
9 Chairman, I will rescind my motion if that's
10 potentially a possibility.

11 CHAIRMAN EVANS: That's
12 appropriate, withdraw your motion.

13 Any further discussion?

14 (NONE)

15 So basically we have conditions which
16 included the hours of operations, 8:30 to 5:00 Monday
17 through Friday, requirement for 51 parking spaces.

18 Anything additional?

19 MS. EAGAN: Just what was
20 already listed.

21 CHAIRMAN EVANS: Yeah, in
22 addition to what was already listed.

23 And if there's no further discussion, the
24 Chair would entertain a motion to move this to Old
25 Business.

1 COMMISSIONER REINHOLD: I'll
2 make a motion to move it to Old Business.

3 COMMISSIONER KLENKE: Second.

4 CHAIRMAN EVANS: We have a
5 motion and a second to move File 190010 with the
6 additional conditions to Old Business. All in favor
7 signify by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLETTE: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER KLENKE: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER SCHULTEHENRICH:

18 Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 The motion is carried.

22 Moving to Old Business. We have File
23 190010. Any further discussion, comments?

24 (NONE)

25 If there is none, the Chair would

1 entertain a motion on this file.

2 COMMISSIONER REINHOLD: I'll
3 make a motion to approve File 190010 with the
4 conditions listed of what we talked about tonight.

5 COMMISSIONER WILLIAMS: To
6 clarify, that's with the hours of operation and the --

7 COMMISSIONER REINHOLD: Yes.

8 COMMISSIONER WILLIAMS: --
9 listed parking at 51?

10 COMMISSIONER REINHOLD: Yes,
11 thank you.

12 COMMISSIONER WILLIAMS: With
13 that, I'll second that motion.

14 CHAIRMAN EVANS: Okay. We have
15 a motion and a second to approve File 190010 with the
16 conditions as listed and as added. All in favor
17 signify by saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER KLENKE: Aye.

24 COMMISSIONER HAIRE: Aye.

25 COMMISSIONER TOBBEN: Aye.

1 COMMISSIONER SCHULTEHENRICH:

2 Aye.

3 CHAIRMAN EVANS: Opposed?

4 COMMISSIONER WILLETTE: Nay.

5 CHAIRMAN EVANS: The motion is
6 carried.

7 Moving on to Preliminary Plats. We have
8 none.

9 Planning and Zoning Commission Forum.
10 Discussion of expiration of Conditional Use Permit
11 170191.

12 Scottie, do you want to give us the
13 details.

14 MS. EAGAN: In your packet, you
15 guys have a copy of the written decision that was put
16 into Jacqueline and Nataniel Phillips on November 21,
17 2017. From what we have gathered, nothing has
18 happened on this property, and from what I've heard,
19 they do -- they are not -- no longer on that property,
20 that it is for sale.

21 So we'd like for this permit record of
22 decision to expire.

23 CHAIRMAN EVANS: So it's been a
24 year and they have not fulfilled any of the conditions
25 whatsoever?

1 MS. EAGAN: No.

2 CHAIRMAN EVANS: Any

3 discussion? Bill?

4 COMMISSIONER McLAREN: I guess
5 I need to ask the attorney this too.

6 I originally sat out on this meeting
7 because my property bordered this, and I was noticed
8 on it. Do I need to go sit out now on this?

9 COUNTY ATTORNEY PIONTEK: I'm
10 sorry.

11 COMMISSIONER McLAREN: I didn't
12 think about that earlier when you asked if I had
13 conflict, and I apologize.

14 COUNTY ATTORNEY PIONTEK: I'm
15 sorry. Your property borders this property?

16 COMMISSIONER McLAREN: My
17 property borders this piece of property. So
18 originally when we discussed this the first time, I
19 excused myself because I was noticed on it, but I
20 didn't think about that until just now.

21 Do I need to excuse myself and not
22 participate in this discussion now?

23 COUNTY ATTORNEY PIONTEK: I
24 would recuse yourself.

25 COMMISSIONER McLAREN: Okay. I

1 recuse myself.

2 CHAIRMAN EVANS: Okay. The
3 record will show that Commissioner McLaren has recused
4 himself.

5 (THEREUPON, COMMISSIONER
6 McLAREN RECUSED HIMSELF AND STEPPED
7 DOWN.)

8 COMMISSIONER HAIRE: Scottie,
9 have you had any recent conversation with them since,
10 anything recent?

11 MS. EAGAN: No, nothing.

12 COMMISSIONER HAIRE: Okay.

13 CHAIRMAN EVANS: And apparently
14 have done nothing and the property is up for sale.

15 And I would think since in my opinion
16 they since they've taken no action in 12 months and
17 they're obviously selling the property, so they're not
18 going to do anything. And canceling the CUP then it
19 would not continue on with the future owner.

20 Any thoughts from the Commissioners?

21 (NONE)

22 COMMISSIONER SCHULTEHENRICH:
23 I'll make a motion, Mr. Chairman, if you're looking
24 for a motion. Is the word to remove the conditional
25 permit, Scottie? I'm not sure of the proper word to

1 use on there.

2 COMMISSIONER HAIRE: Or let it
3 expire.

4 MS. EAGAN: Yeah. Let the
5 application expire.

6 COMMISSIONER SCHULTEHENRICH:
7 That we recognize that the application has expired.

8 MS. EAGAN: Yeah.

9 COMMISSIONER SCHULTEHENRICH:
10 Then that would be my motion.

11 COMMISSIONER HAIRE: I'll
12 second it.

13 CHAIRMAN EVANS: Okay. We have
14 a motion and a second to -- on Case 170191 Conditional
15 Use Permit to let it expire since no action has been
16 taken within the required 12 months.

17 All in favor signify by saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER WILLETTE: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER KLENKE: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH:

3 Aye.

4 CHAIRMAN EVANS: Opposed?

5 (NONE)

6 The motion is carried.

7 Anything else we'd like to discuss?

8 (NONE)

9 Commissioner McLaren, you have any
10 questions?

11 COMMISSIONER McLAREN: Since I
12 monopolized the whole evening, I got two more things.

13 (OFF-THE-RECORD COMMENTS)

14 Once again, this for our counselor. I've
15 had two phone calls in the last -- I had one today and
16 one two weeks ago about medical marijuana. And do we
17 have any regulations on medical marijuana, and my
18 reply was none, not to my knowledge.

19 Do we need to have something on that?

20 COUNTY ATTORNEY PIONTEK: We do
21 not yet, but we have had discussions internally. I
22 know Scottie is working on it. Nichole, I'm sure, is
23 working on it.

24 We're looking at doing something to make
25 sure. Number one, we're going to comply with whatever

1 the State adopts. The Department of Health and --
2 State Department of Health and Senior Services is
3 charged with adopting regulations for these, whether
4 it's manufacturing, distributing, selling it retail,
5 whatever it is.

6 There are a number of regulations they've
7 proposed that they've sent out drafts of those
8 regulations. I think the deadline for adoption -- and
9 don't hold me to this -- I want to say it's July 1
10 that they have to have those in place.

11 Whatever we do will have to be consistent
12 with those regulations. And they are fairly
13 extensive.

14 COMMISSIONER McLAREN: That was
15 one. And my other was about the rezoning map. You
16 getting close on the maps?

17 MS. EAGAN: Yeah, actually we
18 have a printed version of the new zoning in our
19 office. This week I'm hoping to sit down with Tori
20 and Nichole because there are quite a few properties
21 that are so large we need to decide are we going to
22 keep them one zoning or separate them, kind of like
23 your property is now, in two different zoning
24 districts.

25 We need to decide how we're going to do

1 that, how we're going to get them on the map. But as
2 of right now, every property is in the system, has a
3 zoning classification, has a color. We have a map. So
4 I'm hoping to get with the Commission maybe sometime
5 in May to discuss how they want to handle it. How
6 many meetings they want to have. You know, where do
7 we put this map.

8 And then I'm hoping to get it before you
9 guys in July or August.

10 CHAIRMAN EVANS: Any other
11 questions or discussion?

12 (NONE)

13 If not, we'll move on to the Planning
14 Director's report.

15 MS. EAGAN: I just gave it to
16 you.

17 CHAIRMAN EVANS: Was that it?

18 MS. EAGAN: Yeah.

19 CHAIRMAN EVANS: Thank you,
20 Scottie.

21 MS. EAGAN: Oh, and we are also
22 working on medical marijuana. So we are aware of it.
23 We get one or two calls every week about it.

24 CHAIRMAN EVANS: Okay. If
25 there's nothing else, the Chair would entertain a

1 motion.

2 COMMISSIONER McLAREN: Motion

3 to adjourn.

4 (SECONDED)

5 CHAIRMAN EVANS: We have a

6 motion and a second to adjourn. All in favor signify

7 by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLETTE: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER KLENKE: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER SCHULTEHENRICH:

18 Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 We're adjourned.

22 (THEREUPON, THE PROCEEDINGS

23 CONCLUDED AT 8:05 P.M.)

24 o8o

25

1 CERTIFICATE OF REPORTER
2 I, PATSY A. MAYBERRY, Professional Court
3 Reporter and Notary Public within and for the State of
4 Missouri, before whom the foregoing proceeding was
5 taken, do hereby swear that: the aforementioned was
6 held at the time and in the place previously
7 described; the proceedings were taken down in
8 stenographic notes by me and transcribed by me, or
9 under my supervision, to the best of my ability; and
10 that the aforementioned represents a true and accurate
11 transcript of said proceedings.

12 IN WITNESS WHEREOF, I have hereunto set my
13 hand.

Patsy A. Mayberry



14
15 Patsy A. Mayberry, Court Reporter
16 Notary Public, State of Missouri
17 My Commission Expires: August 26, 2022

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