

PUBLIC HEARING 6/16/2015

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| 10 PUBLIC HEARING | 10 not be attached hereto.) |
| 11 JUNE 16, 2015 | 11 |
| 12 (Commencing at 7:05 p.m.) | 12 |
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1 PROCEEDINGS
 2 (JUNE 16, 2015)
 3 CHAIRMAN EVANS: I'd like to call to order
 4 the meeting of the Franklin County Planning and Zoning
 5 Commission. Scottie, would you please take roll.
 6 MS. EAGAN: Bill Evans?
 7 CHAIRMAN EVANS: Here.
 8 MS. EAGAN: Jay SchulteHenrich?
 9 COMMISSIONER SCHULTEHENRICH: Here.
 10 MS. EAGAN: Todd Boland?
 11 COMMISSIONER BOLAND: [Not present.]
 12 MS. EAGAN: Tim Reinhold?
 13 COMMISSIONER REINHOLD: [Not present.]
 14 MS. EAGAN: Ray Cunio?
 15 COMMISSIONER CUNIO: [Not present.]
 16 MS. EAGAN: John Fischer?
 17 COMMISSIONER FISCHER: Here.
 18 MS. EAGAN: Bill McLaren?
 19 COMMISSIONER McLAREN: Here.
 20 MS. EAGAN: Don Voss?
 21 COMMISSIONER VOSS: [Not present.]
 22 MS. EAGAN: Dan Haire?
 23 COMMISSIONER HAIRE: Here.
 24 MS. EAGAN: Russell McCreary?
 25 COMMISSIONER McCREARY: Here.

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1 [Thereupon, evidence was marked
 2 for identification and presented for the record
 3 as Planning and Zoning Exhibits A, B, C,
 4 and D.]
 5 All Old Business items on the agenda will be dealt
 6 with first.
 7 Once the Old Business issues have been taken care
 8 of, each item of New Business will be opened.
 9 As each case is opened, a staff report will first be
 10 read to the Commission, followed by any questions for the staff.
 11 Then if anyone in the audience would like to speak
 12 or comment on a file that is part of the public hearing, they
 13 must first print their name on the sign-in sheet provided, and
 14 then be sworn in by the Chairman.
 15 When it is your turn to speak, you will come to the
 16 front of the room to address the Commission and only the
 17 Commission, not anyone in the audience, with your comments.
 18 It is possible for the Planning Commission to decide
 19 to move a New Business issue to Old and vote on it the same
 20 night.
 21 At the conclusion of all questions, comments, and
 22 discussion concerning each case, the Planning Commission will
 23 proceed. Any final decision by the Planning and Zoning
 24 Commission concerning conditional use permits may be appealed to
 25 the Board of Zoning Adjustment any time within 90 days.

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1 MS. EAGAN: And, Ron William?
 2 COMMISSIONER WILLIAMS: Here.
 3 MS. EAGAN: Okay, we have a quorum.
 4 CHAIRMAN EVANS: Thank you.
 5 Now that we're in session, I would like to make one
 6 change to the agenda. I'm going to take Item Number 9,
 7 Communications and Visitors Comments, and move them up and make
 8 them Item Number 4, which would be immediately after approval of
 9 the minutes.
 10 Scottie, would you please give a presentation of the
 11 hearing procedures and exhibits.
 12 MS. EAGAN: Tonight's Planning Commission
 13 meeting is governed by the Franklin County Unified Land Use
 14 Regulations of 2001.
 15 Some matters on the agenda may be for action by the
 16 Planning and Zoning Commission. These matters do not involve
 17 public hearing. Other matters on the agenda may require public
 18 hearings under Missouri law. If a matter involves a public
 19 hearing, all individuals who desire to testify will be given an
 20 opportunity to do so.
 21 At this time, I would like to place into the record
 22 these Regulations as Exhibit A, the official Zoning Map as
 23 Exhibit B, the official Master Plan as Exhibit C, and the case
 24 file for each case as Exhibit D for all the cases to be heard at
 25 this meeting.

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1 Applications for such an appeal may be acquired from
 2 the Department offices during normal business hours.
 3 CHAIRMAN EVANS: Thank you.
 4 All the Commissioners should have received a copy of
 5 the minutes from the May 19th meeting. If there are no additions
 6 or corrections, the Chair would entertain a motion to approve.
 7 COMMISSIONER McCREARY: I'd like to make a
 8 motion to approve.
 9 COMMISSIONER HAIRE: I'll second.
 10 CHAIRMAN EVANS: We have a motion and a
 11 second to approve the minutes. All in favor signify by saying
 12 aye.
 13 COMMISSIONER McLAREN: Aye.
 14 COMMISSIONER WILLIAMS: Aye.
 15 CHAIRMAN EVANS: Aye.
 16 COMMISSIONER HAIRE: Aye.
 17 COMMISSIONER FISCHER: Aye.
 18 COMMISSIONER SCHULTEHENRICH: Aye.
 19 COMMISSIONER McCREARY: Aye.
 20 CHAIRMAN EVANS: Opposed? [None.]
 21 The minutes are approved.
 22 Item Number 4, Communications and Visitors Comments.
 23 Is there anyone present who wishes to address the Commission on
 24 any of the agenda items? [None.] If not, we'll move on to Old
 25 Business. We have none.

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1 Moving on to New Business. We have File 150116,
 2 Woody Bogler Trucking. No public comments accepted.
 3 Scottie, will you please give us the details.
 4 MS. EAGAN: Okay. I just want to preface
 5 it with I wrote this staff report before I left for vacation, and
 6 I think it's going to be amended. So this is for the original
 7 file prior to the amendment that's going to happen here in a
 8 second.
 9 This is File 150116 for Woody Bogler Trucking.
 10 The Applicant wishes to rezone one, approximately
 11 13.9 acres, parcel from Community Development to Commercial
 12 Activity 3, Community Business.
 13 The property is located at 6048 Highway 50, at the
 14 intersection of Highway 50 and Canann Road, in Boone Township.
 15 The Facts: The total area at the time of the
 16 property was approximately 13.9 acres in size.
 17 The current zoning of this property is Community
 18 Development. The Applicant would like to rezone the parcels to
 19 Commercial Activity 3, Community Business.
 20 Commercial Activity 3, Community Business zoning is
 21 a district that provides locations for a wide range of
 22 commercial, retail, service and manufacturing activities serving
 23 a large community trade area.
 24 The properties to the north, south and east are
 25 zoned Community Development. The properties directly west are in

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1 the city limits of Gerald.
 2 The property is surrounded by low-density
 3 residential land.
 4 This property has access to Old Route 66.
 5 The Applicant is currently running their business at
 6 this location and wanting to expand. According to our current
 7 regulations, a truck terminal is not permitted in Community
 8 Development and is only allowed in Commercial Activity 3,
 9 Community Business.
 10 Staff Comments: Rezoning are allowed in our
 11 regulations due to the ever-changing conditions that exist in the
 12 county and elsewhere. According to Article 14, Section 321, any
 13 such change must promote the health, safety, morals, comfort, and
 14 general welfare of Franklin County by conserving and protecting
 15 property and building values, by securing the most economical use
 16 of land and facilitating the adequate provision of public
 17 improvements in accordance with the Master Plan adopted by
 18 Franklin County.
 19 CHAIRMAN EVANS: Thank you.
 20 Is the Applicant present?
 21 APPLICANT: Yes.
 22 CHAIRMAN EVANS: If you would, please step
 23 forward. If you would, state your name and address and also sign
 24 in.
 25 MR. NICHOLAS WILBURN: My name is Nicholas

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1 Wilburn. I'm maintenance director for Woody Bogler Trucking.
 2 [Thereupon, the witness was sworn.]
 3 CHAIRMAN EVANS: If you would like to give
 4 us a little more detail on the property that you're trying to
 5 rezone.
 6 MR. WILBURN: We already have our trucking
 7 terminal there. We have our maintenance facility there. We want
 8 to expand our maintenance facility so we can take care of our
 9 fleet better. We're always attempting to expand and it's to
 10 provide us with some more space to keep our maintenance up,
 11 provide more jobs for the people in the area, and we like to do
 12 our work ourselves instead of sending it out to other places.
 13 CHAIRMAN EVANS: And that property is
 14 immediately adjoining the existing operation?
 15 MR. WILBURN: Yes. The two parcels -- the
 16 new building is split by the two parcels.
 17 MS. EAGAN: And just for clarification,
 18 the application does want to be amended to include parcel 25.100
 19 for a total of approximately 18.8 acres. Correct?
 20 MR. WILBURN: Yes.
 21 MS. EAGAN: All right.
 22 COMMISSIONER WILLIAMS: Okay. So we get
 23 this straight, it'll encompass all the property you own on both
 24 sides of that private road there; is that correct?
 25 MR. WILBURN: Yes. Canaan Road is a

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1 county road, and the second parcel to the east -- the new
 2 building will connect to the existing shop, the existing
 3 maintenance building. So it will cross the lines. So we want to
 4 consolidate the properties and then get it rezoned so we can add
 5 onto the maintenance facility.
 6 COMMISSIONER WILLIAMS: Okay. But that
 7 site was 13.9 acres, you're also going to take it across the
 8 road?
 9 MR. WILBURN: Across the road is already a
 10 part of the original parcel, the bigger parcel.
 11 COMMISSIONER WILLIAMS: Oh, okay.
 12 MS. EAGAN: Ron, the explain, one parcel
 13 automatically goes across the road, and then the parcel they're
 14 adding to is the east.
 15 COMMISSIONER WILLIAMS: Okay.
 16 MR. WILBURN: Yeah.
 17 COMMISSIONER WILLIAMS: Total 18.8, total?
 18 MR. WILBURN: Yes.
 19 COMMISSIONER WILLIAMS: Okay.
 20 MR. WILBURN: And the county road kind of
 21 makes it a little different.
 22 COMMISSIONER HAIRE: Scottie, since the
 23 terminal is existing already, was it grandfathered earlier in
 24 the...
 25 MS. EAGAN: It's a prior existing,

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1 nonconforming use, but they want to expand the building.
 2 COMMISSIONER HAIRE: Okay.
 3 MS. EAGAN: So now they have to conform.
 4 COMMISSIONER HAIRE: Okay.
 5 CHAIRMAN EVANS: So the entire property
 6 would then go to CA3?
 7 MS. EAGAN: Correct, and we have an
 8 application right now for them to resubdivide this into one
 9 parcel.
 10 COMMISSIONER HAIRE: Okay.
 11 CHAIRMAN EVANS: Any other questions or
 12 comments for the Applicant? [None.]
 13 Thank you.
 14 If there are no other questions or comments, Chair
 15 would be entertain a motion to move this to Old Business, and
 16 again this is a rezoning, so this is a recommendation to the
 17 Commission.
 18 COMMISSIONER McLAREN: I have one question
 19 or one comment I guess. They referenced the Old 66 in here.
 20 [Inaudible.]
 21 MS. EAGAN: I think that's a typo on my
 22 part.
 23 CHAIRMAN EVANS: Living in the past?
 24 MS. EAGAN: Guess so.
 25 CHAIRMAN EVANS: Chair is still looking

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1 for a motion.
 2 COMMISSIONER SCHULTEHENRICH: Mr.
 3 Chairman, I'll make a motion that we move this to Old Business,
 4 this file to Old Business.
 5 COMMISSIONER HAIRE: I'll second.
 6 CHAIRMAN EVANS: We have a motion and a
 7 second to move File 150116 to Old Business. All in favor signify
 8 by saying aye.
 9 COMMISSIONER McLAREN: Aye.
 10 COMMISSIONER WILLIAMS: Aye.
 11 CHAIRMAN EVANS: Aye.
 12 COMMISSIONER HAIRE: Aye.
 13 COMMISSIONER FISCHER: Aye.
 14 COMMISSIONER SCHULTEHENRICH: Aye.
 15 COMMISSIONER McCREARY: Aye.
 16 CHAIRMAN EVANS: Opposed? [None.]
 17 The file is moved to Old Business.
 18 Number 2, Preliminary Plats. We have File 150072,
 19 Radon L. L. C. Only written comments from the public may be
 20 submitted. No oral testimony will be accepted.
 21 Scottie, will you please give us the details.
 22 MS. EAGAN: This is File 150072 for
 23 Raydon, L. L. C.
 24 The Applicant wishes to create a one-lot,
 25 unsubdivided development in the Community Development Zoning

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1 District.
 2 The property is located at 4027 Highway 50,
 3 approximately 500 feet west of the intersection of Highway 50 and
 4 Highway 185 in Lyon Township.
 5 The Facts: The property is approximately .8 acres
 6 in size. This property is located in the Community Development
 7 Zoning District. The minimum lot size is 22,000 square feet in
 8 this zoning district with a maximum density of one dwelling unit
 9 per 5,000 square feet.
 10 The density of this development is one dwelling unit
 11 per 6,900 square feet.
 12 This development is located in Public Water Supply
 13 District No. 4, and the Applicant stated they will be providing
 14 water to this site.
 15 The plat shows all roads in right-of-way meeting the
 16 standards set forth in Franklin County Regulations.
 17 All utilities shall be located underground.
 18 Staff Comments: Any engineered drawings to be
 19 reviewed by Franklin County should be submitted before final
 20 approval.
 21 Nothing is noted on the preliminary plat regarding a
 22 stormwater facility. This development is supposed to have fire
 23 protection per Article 8, Section 175(e). The Applicant does
 24 show one fire hydrant placed across the street that will provide
 25 fire protection. Per the Regulations, fire hydrants are supposed

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1 to be every 600 feet and supplied with an 8-inch water line with
 2 a minimum flow of 1,000 gallons per minute.
 3 As of June 16, 2015, the Planning and Zoning
 4 Department has not received anything from Beauford Leslie Fire
 5 indicating approval for fire protection measures or information
 6 regarding the width of the proposed water line supplying the
 7 water.
 8 Any improvements will need to be complete or
 9 escrowed prior to recording the final plat.
 10 The Planning and Zoning Department has not received
 11 anything from Public Water Supply District 4 indicating they have
 12 the capacity to provide this development with central water.
 13 I was informed today that we have received a letter
 14 since I've been gone from Public Water Supply District No. 4
 15 indicating they do supply water to this site and everything is
 16 fine for their water district.
 17 CHAIRMAN EVANS: Okay. I think all the
 18 Commissioners should have received the sheet on items to look for
 19 in the preliminary plat.
 20 And with the exception of one item then, Scottie,
 21 you've received all of the information necessary?
 22 MS. EAGAN: The only thing I'm missing is
 23 something from the fire protection indicating that the one fire
 24 hydrant is sufficient for them. I don't know what the water
 25 lines are supplying that hydrant to the site, and I show nothing

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1 regarding stormwater facilities, but the Applicant did say they
 2 spoke to Ron and that Ron was fine with everything. But I
 3 haven't received anything.
 4 CHAIRMAN EVANS: Okay.
 5 Is the Applicant present? Would you please step
 6 forward. If you would, state your name and address and sign in,
 7 please.
 8 MR. DOUG VOSS: My name is Doug Voss, 6347
 9 Highway 185, Beauford, Missouri.
 10 MS. EAGAN: And the staff report, I'm
 11 sorry, was handed out tonight.
 12 [Thereupon, the witness was sworn.]
 13 CHAIRMAN EVANS: If you just give us a
 14 little bit more detail on what you're proposing.
 15 MR. VOSS: I want to convert this building
 16 into five apartments, five 2-bedroom apartments, ten bedrooms.
 17 CHAIRMAN EVANS: Is that the existing
 18 building that's there?
 19 MR. VOSS: The existing building. No --
 20 no other roofs to be added. We're going to use -- we're going to
 21 use the building that we have there and just convert it.
 22 CHAIRMAN EVANS: Okay. That's big white
 23 clapboard building?
 24 MR. VOSS: Yeah, like the wing in the
 25 original building, right above the Highway 50. That's it right

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1 there. Uh-huh.
 2 CHAIRMAN EVANS: So you're not adding
 3 anything to it; you're just converting that building?
 4 MR. VOSS: We're not going to add nothing
 5 to that building.
 6 CHAIRMAN EVANS: You're just convert it to
 7 five units?
 8 MR. VOSS: Convert it to five units.
 9 CHAIRMAN EVANS: Jay?
 10 COMMISSIONER SCHULTEHENRICH: What are in
 11 the buildings next to the property there? What is the one on the
 12 right-hand side on the map there?
 13 MR. VOSS: That's a machine shop.
 14 COMMISSIONER SCHULTEHENRICH: There's a
 15 commercial building in that?
 16 MR. VOSS: Commercial.
 17 COMMISSIONER SCHULTEHENRICH: And what's
 18 the building on the left side? What is that building there?
 19 MR. VOSS: I think it's a residence right
 20 now, but it was built originally for a resale shop, and they
 21 converted to living quarters. I remember when they built that
 22 building too.
 23 CHAIRMAN EVANS: And there's a bank
 24 directly across the street?
 25 MR. VOSS: I'm sorry?

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1 CHAIRMAN EVANS: There is a bank across
 2 the street.
 3 MR. VOSS: That would be a bank.
 4 CHAIRMAN EVANS: Right.
 5 MR. VOSS: Uh-huh. I watched them build
 6 that too.
 7 CHAIRMAN EVANS: Any other questions or
 8 comments? I think this building has been about 20 different
 9 things in its lifetime, hasn't it?
 10 MR. VOSS: Mostly a funeral home.
 11 COMMISSIONER SCHULTEHENRICH: Yeah.
 12 CHAIRMAN EVANS: That's what I remember it
 13 as.
 14 MR. VOSS: I think that's mostly a funeral
 15 home, and we've been using it for very little in this last past
 16 few years.
 17 CHAIRMAN EVANS: Jay?
 18 COMMISSIONER SCHULTEHENRICH: Is there --
 19 is there adequate land available for parking to be in conjunction
 20 with this?
 21 MS. EAGAN: Yes. And then also that would
 22 also be addressed during his building permit phase.
 23 COMMISSIONER SCHULTEHENRICH: Okay. So
 24 that will be left?
 25 MS. EAGAN: Uh-huh. Yeah, the only things

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1 that I am missing is something from the fire and then something
 2 about stormwater.
 3 COMMISSIONER SCHULTEHENRICH: Okay.
 4 COMMISSIONER WILLIAMS: Let me address the
 5 stormwater because in talking with Mr. Voss or his surveyor I
 6 should say, it was indicated they were remodeling this building.
 7 They were going to add any additional space to that building, no
 8 more hard surface; hence, it was going to exist as it exists now.
 9 So they wouldn't have to do any stormwater. It's also under an
 10 acre. So you don't need a form swift plan; although they should
 11 have erosion protection if you're going to do anything around the
 12 building itself, and you won't have to get a state permit.
 13 COMMISSIONER HAIRE: So, Ron, at the end
 14 of the parking on that, do they have to address the stormwater?
 15 COMMISSIONER WILLIAMS: Depending on how
 16 much -- you know, right now the site's under an acre. It's .8,
 17 but they won't have to go to the state for anything. It just
 18 depends on where they add their parking and if it's hard surface,
 19 and that's going to be very minor. That won't create hardly
 20 anything.
 21 COMMISSIONER McLAREN: What are the
 22 requirements for hard surface requirement and how many spaces are
 23 required and what are the sanitary facilities for this?
 24 MS. EAGAN: I heard you ask about parking.
 25 I didn't hear the last part.

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1 COMMISSIONER McLAREN: I asked what's
 2 required for parking and what are the -- who supplies the
 3 sanitary services for this?
 4 MS. EAGAN: They have an engineered system
 5 planned for out there for the -- an engineered septic system out
 6 there.
 7 In terms of parking, for multifamily it's two spaces
 8 per dwelling, plus one space per rented room. So it's five --
 9 you said five rooms, correct?
 10 MR. VOSS: Five.
 11 MS. EAGAN: So ten spaces, unless he plans
 12 on renting extra space out of there. So it would be required to
 13 be hard surface.
 14 CHAIRMAN EVANS: You're -- Ron, you're
 15 saying they don't need a stormwater plan then?
 16 COMMISSIONER WILLIAMS: They're going to
 17 create -- do you know where you're going to put your parking?
 18 MR. VOSS: Well, the parking that was
 19 going to be in front of the building like where you see the cars
 20 at right now. You can see two, and I was going to, you know, use
 21 whatever material I thought might work, would be -- I guess,
 22 maybe what you thought may be best, gravel or put concrete in. I
 23 guess I may raise it up or go to toward the highway, put if I
 24 just put gravel in, would it be any different than what it is
 25 now?

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1 COMMISSIONER WILLIAMS: Probably not, but
 2 I'm looking at the front of that building. It looks like it's on
 3 a State right-of-way. I'm not so sure you're going to be able to
 4 do that.
 5 MR. VOSS: Well, as you can see in front
 6 of it, there's concrete poured up to the building where you see
 7 the little white car, and then the left, you see another concrete
 8 pad where they -- that's where they parked their hearses, inside
 9 that building on the end. And that's a concrete pad there, and
 10 that's a concrete pad up toward to the right.
 11 COMMISSIONER WILLIAMS: Are you going do
 12 keep the garage area on the far end?
 13 MR. VOSS: The garage area we're planning
 14 on closing up and making an apartment on that end.
 15 COMMISSIONER WILLIAMS: All right.
 16 COMMISSIONER McCREARY: I have a question.
 17 So we're looking at where the two cars are parked
 18 right there on the north curb of Highway 50. You're going to
 19 have ten cars, up to ten cars. So two cars per unit parking and
 20 they'll be backing out onto Highway 50, and that's the only
 21 parking you'll have?
 22 MR. VOSS: Well, now we're looking to
 23 possibly going -- I went up there and counted 27 and a half feet
 24 from the prop -- to the east to the building is 27 and a half
 25 feet. So we could actually drive cars to the right of that

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1 building down there and we can also go to the left of the
 2 building too, the driveway all the way down the side of that
 3 building to the left side, west.
 4 CHAIRMAN EVANS: Now, Scottie --
 5 MR. VOSS: [Interposing.] It's already
 6 gravel.
 7 COMMISSIONER McCREARY: Oh, to the west
 8 there's a gravel drive?
 9 MR. VOSS: On the west side of the
 10 building is a gravel driveway going to the rear of the building.
 11 CHAIRMAN EVANS: Scottie, when they get
 12 their building permit, will they look at the parking?
 13 MS. EAGAN: Yeah, and as far as we're
 14 concerned, parking will need to be on the property, not on the
 15 right-of-way.
 16 CHAIRMAN EVANS: Well, driving past there,
 17 there is -- it's relatively close to the road. So it's got the
 18 same kind of issue, that it might interfere with the
 19 right-of-way.
 20 MR. VOSS: Well, I went and actually
 21 looked. They're all equal distance through all the properties up
 22 through Beauford. They're all pretty well the same distance. I
 23 actually did measurements, and I was like this is the same way
 24 everywhere.
 25 CHAIRMAN EVANS: All commercial

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1 businesses?
 2 MR. VOSS: You know, I guess you can see,
 3 but the very corner of the building on 185 and 50, they're way
 4 closer than that building there.
 5 CHAIRMAN EVANS: Well, again, that will be
 6 addressed in the building permit. So...
 7 MS. EAGAN: Yeah, I mean, his parking lot
 8 will have to be hard surfaced. And we actually have copies of
 9 the preliminary plat and drawings of the property for you guys to
 10 look at.
 11 CHAIRMAN EVANS: Any other questions or
 12 comments while that's being handed out?
 13 MS. EAGAN: I have one. Have you ever
 14 talked with the fire district again, because I still haven't
 15 received anything from them.
 16 MR. VOSS: Terry never got ahold of you?
 17 He promised me twice that he would --
 18 MS. EAGAN: I don't have any e-mails, and
 19 I don't have any messages that I'm aware of.
 20 MR. VOSS: He made a comment that he had
 21 a -- just didn't want to sign nothing because then his name is on
 22 them, and if something ever happened, they'd come back and
 23 possibly be a lawsuit. He was scared of it.
 24 Where else would you rather have this building, you
 25 know, 500 feet from the fire department and a fire hydrant across

6 (Pages 21 to 24)

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1 the street in sight, or would you rather have it -- I just didn't
 2 know where you'd rather have it.
 3 MS. EAGAN: Do you know what that water
 4 line is from the fire hydrant to the building? Do you know the
 5 size of it?
 6 MR. VOSS: It was a full-sized fire
 7 hydrant.
 8 MS. EAGAN: But do you know what the water
 9 line running from the fire hydrant to the building -- what size
 10 is it, six inches, eight inches?
 11 MR. VOSS: The water feeding the building
 12 itself right now? I talked to the Beauford Water District, and
 13 they were going to check to make sure it was the right size. If
 14 not, they were going to convert it to the right proper size to
 15 feed five apartments.
 16 COUNTY ATTORNEY VINCENT: Doug, have you
 17 submitted a request in writing to the fire guys?
 18 MR. VOSS: I'm sorry?
 19 COUNTY ATTORNEY VINCENT: Have you
 20 submitted a request in writing to the fire guys up there, fire
 21 district?
 22 MR. VOSS: I talked to Terry.
 23 COUNTY ATTORNEY VINCENT: Did you put it
 24 in writing?
 25 MR. VOSS: Did I put it in writing? No, I

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1 did not.
 2 COUNTY ATTORNEY VINCENT: If you put it in
 3 writing, they got to respond.
 4 MR. VOSS: Okay. I called them on the
 5 phone.
 6 COUNTY ATTORNEY VINCENT: If you put it in
 7 writing, they have to respond. That's their duty.
 8 MR. VOSS: Well, I talked to him twice,
 9 and he said he'd take care of it.
 10 CHAIRMAN EVANS: I told my wife that too,
 11 and there's still a lot of stuff not done.
 12 MR. VOSS: I assumed he took care of it.
 13 I took him on his word.
 14 COUNTY ATTORNEY VINCENT: Well, Doug, if
 15 he said he didn't want to put his name on anything, but once you
 16 made a request of the District, the District has got to respond.
 17 MR. VOSS: Got you. Uh-huh. Light bulb.
 18 CHAIRMAN PARSON: Any other questions or
 19 comments? Has everyone seen the additional information?
 20 Again, since this is a preliminary plat, this just
 21 lets him move forward, and it doesn't approve the project. He
 22 has to come back with the final plat. So we can approve this
 23 tonight with the notations that he would have to fill any
 24 additional requires of information on the fire...
 25 MS. EAGAN: Yeah, because we need to know

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1 the width of that water line, as well as that the Fire District
 2 is okay with only one fire hydrant supplying this development.
 3 CHAIRMAN EVANS: Okay. So we approve it
 4 with the notation that the additional information as required by
 5 Scottie is provided by the time the final plat is presented.
 6 So if there is no other comments -- Russ?
 7 COMMISSIONER McCREARY: I do have a
 8 question. Not only the fire and parking, the right-of-way, all
 9 that kind of stuff, all this and anything that the building code
 10 would address, will we have answers on that by next month also?
 11 MS. EAGAN: Our regulations take care of
 12 the parking, and that's all addressed when they do their building
 13 permit. So I mean, if you have specific questions, I can try to
 14 answer them tonight.
 15 COMMISSIONER McCREARY: Well, I'm just
 16 saying that if what Ron brought up about the right-of-way. I
 17 don't think you can park on the right-of-way as a commercial
 18 community US highway, but I mean, that would be addressed whether
 19 we have that question answered or not?
 20 MS. EAGAN: Right.
 21 COMMISSIONER McCREARY: He wouldn't get a
 22 building permit to put the parking there, right, he'd have to
 23 come up with some other --
 24 MS. EAGAN: [Interposing.] The way our
 25 regulations read -- and I'll get it to you guys.

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1 "Unless no other practical
 2 alternative is available, vehicle
 3 accommodation areas shall be designed
 4 so that without resorting to
 5 extraordinary movement, vehicles may
 6 exit such areas without backing onto a
 7 public street. This requirement does
 8 not allow parking areas consisting of
 9 driveways that serve one or two
 10 dwelling units. Although backing onto
 11 arterial streets is discouraged."
 12 So the way our regulations are written, are that
 13 unless no alternative need is necessary, we typically don't
 14 approve parking backing onto a major road like Highway 50. He
 15 does have to get somehow 20 spaces on hard surface. And that
 16 will be taken care of in the building permit phase.
 17 If you look on here, when I count the parking, it's
 18 less than 20. So they're going to have -- or ten. Sorry.
 19 COMMISSIONER McCREARY: Yeah, I have two
 20 per unit, right? Yeah.
 21 MS. EAGAN: So they have 13 shown on their
 22 preliminary plat, but part of it does go into the right-of-way.
 23 So they need to make sure all of that is on their property before
 24 Tori would sign off on the building permit. So they may have to
 25 do some reworking, but that is all taken care of later on.

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1 CHAIRMAN EVANS: That would be by the
 2 Building Department; that's their responsibility?
 3 MS. EAGAN: It would be our department
 4 during the building permit phase.
 5 COMMISSIONER McCREARY: Okay. So when it
 6 comes to the final approval, this will have to change from what
 7 he shows here. We see that?
 8 MS. EAGAN: Uh --
 9 CHAIRMAN EVANS: Yeah, we would approve
 10 the final plat.
 11 MS. EAGAN: You guys do not approve the
 12 final plat. You guys approve the preliminary plat, and I approve
 13 the final plat as long as everything on the preliminary is met.
 14 CHAIRMAN EVANS: Okay. Any other
 15 questions, comments? If not, the Chair would entertain a motion
 16 to move this to Old Business with a notation that additional
 17 information is required by Scottie.
 18 COMMISSIONER SCHULTEHENRICH:
 19 Mr. Chairman.
 20 MS. EAGAN: I will say parking is your
 21 major issue. That's not even something we look at on the
 22 preliminary plat at this point. We have to know that they do
 23 have room for parking, and then we get to the nuts and bolts with
 24 that when it gets further on into the development. If that's
 25 your major hangup, that's nothing you have to worry about

1 they're all similar. We're not anything different. This build
 2 is no different than any of the other places along Highway 50 in
 3 Beauford. We have other buildings down the road. They're the
 4 same distance. They're all compatible. We have another
 5 apartment building with more units in it down the road further
 6 away from the Fire Department.
 7 COMMISSIONER WILLIAMS: No offense, but
 8 that's immaterial. Sorry. You're doing something new, you got a
 9 plat before us, and we're going to look at this and you have to
 10 meet all the regulations if you want approval. And the question
 11 is if you can't put the parking out in front, where does it go?
 12 MR. VOSS: Well, I guess we'll go left and
 13 we'll go right behind the building. We can go left, right and
 14 behind.
 15 COMMISSIONER McLAREN: Well, going to the
 16 left of the building, it looks like you're in the curb drainage
 17 and septic tank. I'm just asking.
 18 MR. VOSS: Well, then we'll have to look
 19 at it and probably just go behind it if we had to.
 20 COUNTY ATTORNEY VINCENT: Doug, if you
 21 have an engineered septic tank, you can have lines run that that
 22 goes underneath the parking lot.
 23 MR. VOSS: I'm not sure about that. I
 24 don't know.
 25 COUNTY ATTORNEY VINCENT: Well, check it

1 tonight.
 2 COMMISSIONER McCREARY: Well, I would say
 3 that and the size of the water main, the Fire Department.
 4 MS. EAGAN: Right.
 5 COMMISSIONER McCREARY: Is there a way we
 6 can keep this open until you possibly -- I mean we'd have to come
 7 back next month on it.
 8 MS. EAGAN: You guys have the right to
 9 table it or move it on.
 10 COMMISSIONER McCREARY: Yeah. That's --
 11 that's the thing. I mean, all the ducks aren't in a row
 12 basically. There's questions of parking and questions for the
 13 Fire Department. We don't have that. I'm just saying I don't
 14 feel comfortable approving it knowing that you're going to have
 15 the final approval. I don't know. Is there a...
 16 CHAIRMAN EVANS: Well, I think we have in
 17 the past approved Lee preliminary plats, recognizing that the
 18 size of the pipe and the parking are things that Scottie will
 19 approve in the final plat.
 20 COMMISSIONER McLAREN: So if you can't
 21 have parking in the front of the building, where would the
 22 parking be? If it turns out you don't have parking in front of
 23 the building without being on the State right-of-way and it
 24 sounds like you can't back cars out on there?
 25 MR. VOSS: Well, you know, the Beauford --

1 out.
 2 COMMISSIONER WILLIAMS: It looks like from
 3 the drawing that the new system -- you're putting in a new septic
 4 system there, is going into the back of the building.
 5 MR. VOSS: Uh-huh.
 6 COMMISSIONER WILLIAMS: So your old drain
 7 field is not going to be utilized anymore. It looks like you're
 8 going to have to an engineered -- no, I take at that back.
 9 That's not existing. That's a new one. You're going to have a
 10 drain field on that side. So you have to -- sorry about that.
 11 MR. VOSS: It might go behind the
 12 building, but it doesn't go totally to the far right, I don't
 13 believe, if we had to. Or I can talk to the man next door. I
 14 don't know.
 15 CHAIRMAN EVANS: Any other questions or
 16 comments? If not, the Chair would --
 17 [Inaudible -- conferring.]
 18 CHAIRMAN EVANS: We'll wait just a minute.
 19 So it looks like we have a number of significant questions that
 20 need to be answered. So we have the option of tabling this, I
 21 guess, or sending it to the Review Committee.
 22 COMMISSIONER SCHULTEHENRICH: Mr.
 23 Chairman, I'll make a motion that we table this matter to the
 24 next meeting, and ask the individual, the Applicant, to come
 25 forward with additional information in regards to parking as well

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1 as information from the Water District in regards to the adequacy
 2 of the water going for supplying the necessary water into the
 3 building. So those are the two requests that I heard. Those are
 4 the two and I would make the motion that you come back to the
 5 next meeting.
 6 CHAIRMAN EVANS: Okay. We have to motion.
 7 Do we have a second?
 8 COMMISSIONER McCREARY: I'll second that.
 9 CHAIRMAN EVANS: Okay. We have a motion
 10 and a second to table File 150072 until the next meeting. All in
 11 a favor signify by saying aye.
 12 COMMISSIONER McLAREN: Aye.
 13 COMMISSIONER WILLIAMS: Aye.
 14 CHAIRMAN EVANS: Aye.
 15 COMMISSIONER HAIRE: Aye.
 16 COMMISSIONER FISCHER: Aye.
 17 COMMISSIONER SCHULTEHENRICH: Aye.
 18 COMMISSIONER McCREARY: Aye.
 19 CHAIRMAN EVANS: Opposed? [None.]
 20 The file is tabled.
 21 MR. VOSS: Thank you.
 22 CHAIRMAN EVANS: And again, I would
 23 suggest getting that information in written format again. Be the
 24 best way to do it.
 25 MR. VOSS: I'll take care of it. Thank

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1 you.
 2 CHAIRMAN EVANS: All right, thank you.
 3 That brings us to File 150113, Mayall Properties.
 4 Only written comments fro the public may be submitted. No oral
 5 testimony will be accepted.
 6 Scottie, will you please give us the details.
 7 MS. EAGAN: This is File 150113, Mayall
 8 Properties, care of Shawn Mayall.
 9 The Applicant wishes to create a one-lot
 10 unsubdivided development in the Residential Development 3 Zoning
 11 District.
 12 The property is located on Pleasant Drive, off of
 13 Pottery Road, approximately 900 feet south of Highway 100, in St.
 14 John's Township.
 15 The Facts: The property is approximately 100,500
 16 square feet in size.
 17 This property is located in the Residential
 18 Development 3 Zoning District. The minimum lot size is 10,000
 19 square feet in this zoning district with a maximum density of one
 20 dwelling unit per 5,000 square feet.
 21 The density of this development is one dwelling unit
 22 per 5,025 square feet.
 23 Applicant states that water service will be provided
 24 by Water District No. 1, and they have an easement to use an
 25 existing wastewater treatment facility that will provide sewer

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1 service.
 2 With a development this size, the Applicant is
 3 supposed to offer 10 percent, 1.2 acres, open space dedication.
 4 Because this is a Phase 1 of a Phase 2, the Applicant may be
 5 using the open space from the previous development, but nothing
 6 is shown or noted on the plat.
 7 According to the preliminary plat, it appears the
 8 stormwater is collected and released onto Potter Road and a
 9 proposed detention basin.
 10 The plat shows all roads and rights-of-way meeting
 11 the standards set forth in the Franklin County Regulations.
 12 All utilities shall be located underground.
 13 Because of the size of the development, the
 14 Applicant shall provide fire protection in accordance with
 15 Article 8, Section 175. Fire protection is not clearly
 16 identified on the preliminary plat. The surveyor said they will
 17 be using a sprinkler system in the apartment complex.
 18 Staff Comments: Any engineered drawings to be
 19 reviewed by Franklin County should be submitted before final
 20 approval.
 21 Per Article 8, the Applicant should be required to
 22 provide 5 percent of open space; however, this lot is a part of a
 23 much larger development, and open space will be addressed when
 24 the rest of this development is developed.
 25 As of June 4, 2015, the Planning and Zoning

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1 Department has not received anything from Washington Fire
 2 District indicating approval for the fire protection measures.
 3 Any improvements will need to be complete or
 4 escrowed prior to recording the final plat.
 5 And I did receive an e-mail from Tim Frankenberg
 6 with Washington Fire, and I think you guys should all have a copy
 7 of it, and they think everything is fine.
 8 CHAIRMAN EVANS: Okay. Is the Applicant
 9 present? You need to please state your name and address and sign
 10 in, please.
 11 MR. CAMERON LUEKEN: My name is Cameron
 12 Lueken with Wunderlich Surveying and Engineering.
 13 [Thereupon, the witness was sworn.]
 14 CHAIRMAN EVANS: Cameron, if you would,
 15 just give us a little bit more detail what's being proposed.
 16 MR. LUEKEN: Yeah. So basically Shawn's
 17 requesting to build a 20-unit apartment complex there. I think
 18 you guys have all got handouts of the preliminary plat and
 19 whatnot. If you don't -- do you have all those I guess, right?
 20 MS. EAGAN: Uh-huh.
 21 MR. LUEKEN: Okay. So I had a
 22 presentation, but I didn't want to take too much of your time.
 23 We'd hashed this out at the rezoning part of it, so I didn't want
 24 to reiterate all this. But as Scottie mentioned, we took care of
 25 the fire, the sewer, the detention, the lot size, density,

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1 ingress/egress, all that. So if you got specific questions, I
2 can address those. If not, if you've got more questions, just
3 let me know.
4 CHAIRMAN EVANS: Now, the new units are
5 going to be along Pottery Road then going towards 100 then back?
6 MR. LUEKEN: Correct.
7 CHAIRMAN EVANS: Rather than go out to the
8 existing property all the way down to the end?
9 MR. LUEKEN: Correct. Yeah. Bill, the --
10 the units will be immediately on the right-hand side as you enter
11 the development.
12 CHAIRMAN EVANS: Okay.
13 MS. EAGAN: I have a question, more for
14 Ron than anybody. Bernie Westholder of the Washington Special
15 Road District called me today about the stormwater being run into
16 the ditch. I wanted him to talk to Ron.
17 Did he have any -- did you get to talk to him today
18 at all?
19 COMMISSIONER WILLIAMS: I did have the
20 pleasure of talking with Mr. Westholder.
21 His concern was the two drain pipes that come out
22 onto Pottery Road. He had two concerns, number one, the amount
23 of water, and number two was the size of the ditch and the
24 ability to hold that water or convey that water.
25 I told Mr. Westholder and I made this assumption and

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1 I want you to confirm it, but the only water that is being taken
2 out to Pottery Road is what's on the very back side of those
3 buildings. The actual buildings, parking lot and everything else
4 going toward --
5 MR. LUEKEN: [Interposing.] West.
6 COMMISSIONER WILLIAMS: -- I guess is
7 southwest, drains toward the detention basin.
8 MR. LUEKEN: That's accurate, Ron. That's
9 correct, yeah.
10 COMMISSIONER WILLIAMS: So you got very
11 minimal water.
12 MR. LUEKEN: Correct.
13 COMMISSIONER WILLIAMS: But the only thing
14 I would suggest is you might want to check out the ditch line and
15 just to make sure that everything is going to be okay. There may
16 have to be some improvements to the ditch line right there. And
17 we can work with the Special Road District with that as far as
18 I'm concerned. It's not our property, but so it is correct,
19 you're just -- those areas you're just taking all on the back
20 side?
21 MR. LUEKEN: Correct.
22 COMMISSIONER WILLIAMS: Okay. I told him
23 right.
24 COMMISSIONER HAIRE: Cameron, the
25 wastewater treatment facility, is it large enough to handle the

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1 additional 20 units?
2 MR. LUEKEN: Yes. Yes, we submitted a...
3 MS. EAGAN: We have their permit that
4 shows the capacity and what the supposed use.
5 MR. LUEKEN: Okay.
6 CHAIRMAN EVANS: As Cameron mentioned, we
7 pretty much went through detail on this before when we went
8 through the rezoning.
9 Scottie, you received everything that you needed
10 then?
11 MS. EAGAN: Yes, we are satisfied in my
12 department.
13 CHAIRMAN EVANS: Okay. Any other comments
14 or questions for the Applicant? [None.]
15 Thank you.
16 MR. LUEKEN: Thank you.
17 CHAIRMAN EVANS: If there is no other
18 comments or questions, the Chair would entertain a motion to move
19 this to Old Business.
20 COMMISSIONER HAIRE: So moved.
21 COMMISSIONER WILLIAMS: Second.
22 CHAIRMAN EVANS: We have a motion and a
23 second to move File 150113, Mayall Properties, to Old Business.
24 All in favor signify by saying aye.
25 COMMISSIONER McLAREN: Aye.

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1 COMMISSIONER WILLIAMS: Aye.
2 CHAIRMAN EVANS: Aye.
3 COMMISSIONER HAIRE: Aye.
4 COMMISSIONER FISCHER: Aye.
5 COMMISSIONER SCHULTEHENRICH: Aye.
6 COMMISSIONER McCREARY: Aye.
7 CHAIRMAN EVANS: Opposed? [None.]
8 Motion is carried.
9 Moving back to Old Business. We have File 150116,
10 Woody Bogler Trucking.
11 Any further comments or discussion? [None.]
12 Okay. If not, the Chair would entertain a motion to
13 approve. Again, this is a rezoning, so this is a recommendation
14 to the County Commission.
15 COMMISSIONER McCREARY: I'd like to make a
16 motion to go ahead and approve the file.
17 COMMISSIONER McLAREN: Second.
18 CHAIRMAN EVANS: We have a motion and a
19 second to approve File 150116. All in favor signify by saying
20 aye.
21 COMMISSIONER McLAREN: Aye.
22 COMMISSIONER WILLIAMS: Aye.
23 CHAIRMAN EVANS: Aye.
24 COMMISSIONER HAIRE: Aye.
25 COMMISSIONER FISCHER: Aye.

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|---|---|
| <p>1 COMMISSIONER SCHULTEHENRICH: Aye. 2 COMMISSIONER McCREARY: Aye. 3 CHAIRMAN EVANS: Opposed? [None.] 4 The motion is carried. 5 Taking us to File 150113, Mayall Properties. Any 6 additional discussion or comments? If not, the Chair would 7 entertain a motion to approve. 8 COMMISSIONER HAIRE: I move that we 9 approve File 150113. 10 COMMISSIONER SCHULTEHENRICH: Second, 11 Mr. Chairman. 12 CHAIRMAN EVANS: We have a motion and a 13 second to approve File 150113, Mayall Properties. All in favor 14 signify by saying aye. 15 COMMISSIONER McLAREN: Aye. 16 CHAIRMAN EVANS: Aye. 17 COMMISSIONER HAIRE: Aye. 18 COMMISSIONER FISCHER: Aye. 19 COMMISSIONER SCHULTEHENRICH: Aye. 20 COMMISSIONER McCREARY: Aye. 21 CHAIRMAN EVANS: Opposed? [None.] 22 Motion is carried. 23 That takes us to Planning and Zoning Commission 24 Forum. And I think there were several Commissioners had items 25 that they wanted to bring up for discussion this evening.</p> | <p>1 issue since it's not sworn testimony, that no -- correct me if 2 I'm wrong, Mark, that you wouldn't really be considering those 3 comments. 4 COMMISSIONER McCREARY: Yeah. 5 COUNTY ATTORNEY VINCENT: It doesn't get 6 sworn and you have it part of the record, but it's going to be a 7 public hearing. But what it's going to allow you to do is to get 8 the concerns and comments that people have so when the applicant 9 is there that you can ask questions. 10 COMMISSIONER HAIRE: So it's a matter of 11 record? 12 COUNTY ATTORNEY VINCENT: It's a matter of 13 record. The record would be there, but would be not be sworn 14 testimony. It would not evidence, per se, but you can't -- once 15 you hear it, how do you get it out of your head? 16 COMMISSIONER McCREARY: Exactly. 17 COUNTY ATTORNEY VINCENT: Yeah. So John 18 and Tim asked me about this today, and I said I have concern of 19 having two public hearings. I talked to Dave Schatz or Senator 20 Schatz about amending the statute because how confusing it's 21 worded right. There's no requirement to have a hearing, but they 22 can have -- the commission could change all the stuff and tell 23 you all they have 15 hearings if they wanted to. But you're only 24 required to have one. When I talked to Tim and John today, they 25 were just concerned about having something where you heard people</p> |
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| <p>1 Number one, I guess we moved the Commission for the 2 Comments and Communications from the number 9 to number 4, which 3 was the Chairman's privilege, but it's been brought to our 4 attention that we may want to do that on a permanent basis. 5 Scottie, do you want to address that? 6 MS. EAGAN: If it's something you guys 7 want to do, we would have to put it on the agenda to amend your 8 by-laws because in your by-laws, it does give an order of how 9 your meeting should go. It's been suggested that maybe move 10 public comments to the front of the meeting. That way, you know, 11 when we have files where there is no public comment, you can 12 technically hear them before the file is even opened rather than 13 after the file. None of it would be sworn in. None of it would 14 be testimony. It would just be strictly public comment. 15 CHAIRMAN EVANS: Any input from the 16 Commissioners on that? Russell? 17 COMMISSIONER McCREARY: So in order that 18 we could hear any opposing views to any file that's come up that 19 night, -- 20 MS. EAGAN: [Interposing.] You technically 21 could. 22 COMMISSIONER McCREARY: -- it would not be 23 submitted, but we would be able to be informed of other people's 24 opinion? I mean, we couldn't use that? 25 CHAIRMAN EVANS: That would be the one</p> | <p>1 talk and give their opinions before you made your vote, made your 2 decision and recommendations. 3 This solves both. You have once the smoke is out of 4 the bottle, you can't put it back in. So if somebody tells you 5 something, you know it's there. 6 COMMISSIONER McCREARY: Well, right. Like 7 last month with the Landvatter deal and I'll just this as an 8 example. You had a condition use permit. We were structured to 9 ignore all the evidence that was submitted under that condition 10 use permit. 11 COUNTY ATTORNEY VINCENT: That's a 12 different case. 13 COMMISSIONER McCREARY: Right. So we were 14 instructed to unlearn that, so to speak, of the testimony, not 15 consider that as part of our decision-making process. 16 COUNTY ATTORNEY VINCENT: Okay. What I've 17 recommended to you guys in the past is that if you know something 18 outside of the record, you need to share it with everybody else. 19 COMMISSIONER McCREARY: Uh-huh. 20 COUNTY ATTORNEY VINCENT: So that -- the 21 record itself was not going to be considered by you guys because 22 it's a different case, it's a different case file. No one is 23 going to brainwash you and take away your memory. If you have 24 concerns or issues that you know about personally, bring those up 25 before the Commission so that if somebody were to come in under</p> |

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1 Landvatter, the same thing, and speak before you voted, they --
 2 but it's not sworn testimony, it's still there in the record.
 3 It's just not -- will not have the persuasion ability in a court
 4 if an appeal is taken.
 5 COMMISSIONER McCREARY: So it would be
 6 similar to having this handed to me tonight?
 7 COUNTY ATTORNEY VINCENT: Yep.
 8 COMMISSIONER McCREARY: I mean, I never
 9 saw this before, any of the drawings or anything like that, and I
 10 want to make a decision tonight, but it's like, well, no, let me
 11 look at this first. So it would be similar to this, only it
 12 wouldn't be written down; it would just be oral testimony?
 13 COUNTY ATTORNEY VINCENT: But let me --
 14 let's play it out. If you had a very contentious issue, --
 15 COMMISSIONER McCREARY: [Interposing.]
 16 Uh-huh.
 17 COUNTY ATTORNEY VINCENT: -- where there
 18 was a lot of people that came forward and just gave public
 19 comments, not sworn testimony but public comments, --
 20 COMMISSIONER McCREARY: [Interposing.]
 21 Right.
 22 COUNTY ATTORNEY VINCENT: -- and you felt
 23 uncomfortable receiving it that night, then you could have to
 24 right to table it. That's going to give you that ability, and
 25 our -- if somebody like tonight with Mr. Bogler, nobody is here.

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1 COMMISSIONER McCREARY: So we would get
 2 more information to be able to ask better questions --
 3 COUNTY ATTORNEY VINCENT: [Interposing.]
 4 Oh, yeah.
 5 COMMISSIONER McCREARY: -- of the
 6 applicant?
 7 COUNTY ATTORNEY VINCENT: Yes, sir.
 8 COMMISSIONER McCREARY: We'd get more
 9 information from the community, basically?
 10 COUNTY ATTORNEY VINCENT: That's -- yeah,
 11 without having a formal public hearing. But you'd still have the
 12 same stuff. It would not be sworn. You're going to -- in
 13 contentious situations, you're going to draw this out a long
 14 time, but that's -- you know, that's what we're here for anyway.
 15 COMMISSIONER McCREARY: Right.
 16 COMMISSIONER HAIRE: I like the idea
 17 because I think it provides us a direction and sense of concerns
 18 that we might not observe ourselves, you know, so we can bring
 19 into play what the --
 20 COUNTY ATTORNEY VINCENT: [Interposing.]
 21 Right.
 22 COMMISSIONER HAIRE: -- what the person
 23 presents.
 24 CHAIRMAN EVANS: Well, and I think this
 25 came up. There were several Commissioners who had concerns,

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1 including myself -- and I happened to call Scottie today --
 2 basically about the same -- same thing.
 3 COUNTY ATTORNEY VINCENT: I'm the one that
 4 sticks my neck out legally on this stuff, and I've checked with
 5 17 lawyers, and all but one agreed with the interpretation that I
 6 have on it. Sixteen to one ain't bad. But to accommodate the
 7 public and to give you guys more information that you can not
 8 necessarily use -- you can't take it out of your head, but you
 9 have it available to either whoa this is stuff I had not
 10 considered, give you basis for perhaps of tabling it, or when the
 11 applicant is up here, a lot more ammunition to ask questions
 12 with, but then again you don't delay things like Mr. Bogler when
 13 there's nobody here to comment.
 14 COMMISSIONER SCHULTEHENRICH: I think -- I
 15 think that's a good idea that we're now going into to hear some
 16 comments in that regard. I mean, after the last meeting, the
 17 true concern that I had was, you know, we sever,e, as we've been
 18 told, in a quasi-judicial --
 19 COUNTY ATTORNEY VINCENT: [Interposing.]
 20 No, you don't. I don't know who told you that. That's not true.
 21 COMMISSIONER SCHULTEHENRICH: I thought
 22 you told us that.
 23 COUNTY ATTORNEY VINCENT: No, no. The
 24 Plan- -- BOZA does. You are a quasi-legislative body, not a
 25 quasi-judicial body. BOZA is quasi-judicial.

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1 COMMISSIONER SCHULTEHENRICH: Okay. I'm
 2 glad you straightened that out.
 3 COUNTY ATTORNEY VINCENT: No, you're
 4 quasi-legislative in that regard.
 5 COMMISSIONER SCHULTEHENRICH: Okay.
 6 COUNTY ATTORNEY VINCENT: You guys are
 7 delegated the powers to make initial permit hearings and do those
 8 and to make recommendations. BOZA is a quasi-judicial because
 9 they function, they hear testimony and evidence and make a
 10 decision similar to what a court does. You guys don't function
 11 in that capacity.
 12 COMMISSIONER SCHULTEHENRICH: Okay. I'm
 13 glad you straightened that out. Thank you.
 14 COUNTY ATTORNEY VINCENT: Yeah.
 15 COMMISSIONER SCHULTEHENRICH: I thought
 16 for sure I had heard you...
 17 COUNTY ATTORNEY VINCENT: No, sir.
 18 COMMISSIONER SCHULTEHENRICH: Sorry about
 19 that.
 20 COUNTY ATTORNEY VINCENT: No, no. I'm
 21 glad you brought it up though, Jay.
 22 COMMISSIONER SCHULTEHENRICH: I heard
 23 that. I want to apologize to you.
 24 COUNTY ATTORNEY VINCENT: Yeah.
 25 COMMISSIONER SCHULTEHENRICH: Then it

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1 appears to me that we're going to be potentially getting into
 2 more and more zoning changes versus conditional use permits.
 3 That's what it just appears to me, like potentially is going to
 4 be happening. If that -- under conditional use permits, we would
 5 basically have knowledge of people around that applicant's
 6 request area would be notified of it. So are we in a position of
 7 notifying on zoning?
 8 MS. EAGAN: We do.
 9 COMMISSIONER SCHULTEHENRICH: To inform
 10 them of a zoning change here?
 11 MS. EAGAN: We notify everyone within
 12 600 feet for them to come and listen to what the applicant has to
 13 say so they are prepared for the public hearing at the County
 14 Commission level.
 15 COMMISSIONER HAIRE: So that the same
 16 rules really apply to us --
 17 MS. EAGAN: [Interposing.] Right, we send
 18 it out. It just says no public comment is allowed at the
 19 hearing.
 20 CHAIRMAN EVANS: Mark, I think that the
 21 concern was on the rezoning since, if you read our rules, we
 22 don't even require the applicant to be here.
 23 COUNTY ATTORNEY VINCENT: You can change
 24 those rules if you like. You can require that they be here.
 25 CHAIRMAN EVANS: Yeah. Well, I mean, and

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1 that's where I'm going with this, is that we don't even require
 2 the applicant to be here, and since some of the applicants give
 3 us more of the story, I mean, the rezoning is basically what is
 4 the physical layout of that plat. And he can tell us what
 5 happened last meeting, but what's the new concrete plat going to
 6 look like. And Scottie saying that's land use versus rezoning.
 7 So it's the whole issue of the rezoning thing is that we can ask
 8 a person, you know, what they are going to do or actually even
 9 why they want to do it. The way the rules are written it just
 10 says rezoning you don't need an applicant, you just need a
 11 physical description in the plat.
 12 COUNTY ATTORNEY VINCENT: From a legal
 13 perspective, you're only required to have, in my opinion, a
 14 public hearing before the County Commission. I want to point out
 15 some things. If you look at the statute on a master plan, that's
 16 the big plan, the whole thing that governs everything. That only
 17 requires a public hearing before the County Commission, not here.
 18 And but you guys make a recommendation on the whole county and
 19 all the regulations and everything else without public hearings.
 20 It's the same -- it's an administrative
 21 recommendation based upon your review of the documents and
 22 information you're provided. Having said that, if it's your
 23 position and your desire to have a public hearing here on
 24 Planning and Zoning matters, about rezoning matters, all you got
 25 to do is ask the County Commission for that.

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1 CHAIRMAN EVANS: Again, using Landvatter
 2 -- bad example since that was going to be zoned commercial
 3 anyway, but when he came in, we're sitting there, we know what
 4 the CUP is. The CUP ruling is here. Now he comes back with a
 5 rezoning, which means we all now it's going to be a concrete
 6 plant, but it could be anything in CA3. And we don't have the
 7 ability to place any conditions on it, and neither does the
 8 County Commission.
 9 COMMISSIONER HAIRE: Could in that case
 10 County Commission refuse the rezoning and bring back to the CUP?
 11 COUNTY ATTORNEY VINCENT: Absolutely.
 12 Well, they can -- they can refuse a rezoning. There is nothing
 13 says that they have to do that. That's what rezoning is. You
 14 never know for certain what somebody -- that's why you can't say
 15 I know you're going to build a cement plant there. He could
 16 rezone it and sell it.
 17 CHAIRMAN EVANS: That's why I brought up
 18 this case where you have a CUP where we could put conditions on
 19 it, and then you come back with a rezoning where we can't and we
 20 make, you know, a recommendation to the Commission all knowing
 21 full well, you know, they can deny it. But they do look for
 22 Planning and Zoning Commission to give them a somewhat due
 23 diligence and give them a recommendation that we believe.
 24 COUNTY ATTORNEY VINCENT: Right. I'm not
 25 to presume to tell you how to do your job, but one of the biggest

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1 things that you need to do is look at your zoning map and
 2 anticipation these kind of things.
 3 CHAIRMAN EVANS: Well, and that's the two
 4 things that I thought about rather than just going and saying
 5 rezone -- doing the rezoning is number one, looking at the map,
 6 number one. And number two pulling out of the book and looking
 7 at all the possible allowable activities that could go on
 8 that, --
 9 COUNTY ATTORNEY VINCENT: [Interposing.]
 10 That's what I'm talking about.
 11 CHAIRMAN EVANS: -- that district and look
 12 at that, and that could vary by property.
 13 COUNTY ATTORNEY VINCENT: It could.
 14 CHAIRMAN EVANS: Meaning in one place you
 15 could say yeah, this is the appropriate with these properties
 16 around it. Over here it wouldn't, and that's something we
 17 haven't done.
 18 COUNTY ATTORNEY VINCENT: You guys should
 19 control zoning, not what things are built where and not have
 20 things -- people can say this is what we want to do after the
 21 fact. That's why it's called planning and zoning. You should be
 22 planning how this -- what is the future of Franklin County going
 23 to look like and what do you want where.
 24 COMMISSIONER McCREARY: Right. Just to --
 25 I understand this is a blueprint. This isn't set in stone. This

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1 is what we've got use-wise, but industrial commercial that's not
2 necessarily goes with our code of the different districts. We
3 can look at something, but I take it we can blow this up on-line
4 because if this is what I got to go by, I got to get a bigger
5 map.
6 MS. EAGAN: We have a larger version we
7 can he-mail to you.
8 COMMISSIONER McCREARY: Well, because to
9 tell you truth, last month when the attorney started passing out
10 stuff and he had this blown up, it's like where is this at? You
11 know, I looked, I said, oh, my gosh, you know, wow, look at
12 that. And he kept talking and kept talking and saying we just
13 want you to go by your map. And I thought wait a minute. You
14 say that, but yet you took this parcel and cut it in half and
15 rezoned part of it.
16 And I'm just wondering how many other parcels in
17 this county need to be cut in half and rezoned?
18 COUNTY ATTORNEY VINCENT: A lot of them.
19 MS. EAGAN: There are a lot of them out
20 there, and both of those districts are commercial which would
21 still follow the Master Plan.
22 COUNTY ATTORNEY VINCENT: Yes.
23 COMMISSIONER McCREARY: Right. This is a
24 guideline. This isn't a cut it stone.
25 COUNTY ATTORNEY VINCENT: Which one?

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1 MS. EAGAN: The Future Land Use map.
2 COMMISSIONER McCREARY: This existing land
3 use --
4 COUNTY ATTORNEY VINCENT: The Future Land
5 -- that's the Future Land Use map, right?
6 COMMISSIONER McCREARY: Right.
7 MS. ZIELKE: Existing Land Use map.
8 COUNTY ATTORNEY VINCENT: I'm sorry.
9 COMMISSIONER McCREARY: The Future Land
10 Use.
11 COUNTY ATTORNEY VINCENT: Okay.
12 COMMISSIONER McCREARY: I mean, that's not
13 written in stone.
14 COUNTY ATTORNEY VINCENT: Well --
15 COMMISSIONER McCREARY: When it comes to
16 zoning changes?
17 MS. EAGAN: You should be looking at the
18 Future Land Use map.
19 COUNTY ATTORNEY VINCENT: Yeah.
20 MS. EAGAN: The existing, that changes
21 every single day.
22 COUNTY ATTORNEY VINCENT: That confuses
23 you.
24 MS. EAGAN: Yes.
25 COUNTY ATTORNEY VINCENT: You need to be

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1 looking at the Future Land Use map.
2 MS. EAGAN: Which is what you all
3 approved. And yeah, it should be in the back of the map, the
4 very back, the last map.
5 CHAIRMAN EVANS: And you're right,
6 Russell, it was -- and it was my point, it should be used as a
7 guide along with the zoning districts we've set up and the
8 permitted uses in there. And look at those rather than listen to
9 the applicant, which we -- who we can't get a lot of information
10 from.
11 COUNTY ATTORNEY VINCENT: The first
12 thing -- when you have a zoning request come to you, the first
13 thing you should do is look at that future use map, --
14 COMMISSIONER McCREARY: [Interposing.]
15 Uh-huh.
16 COUNTY ATTORNEY VINCENT: -- and how does
17 it tie in with what the plan for Franklin County is. That's
18 where you start.
19 COMMISSIONER McCREARY: And how far of a
20 zoning change you're asking.
21 COUNTY ATTORNEY VINCENT: Uh-huh, exactly.
22 COMMISSIONER McCREARY: I mean, from
23 residential to the...
24 COUNTY ATTORNEY VINCENT: Exactly.
25 COMMISSIONER McCREARY: And that's what

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1 I'm looking at.
2 COUNTY ATTORNEY VINCENT: That's how you
3 evaluate them.
4 COMMISSIONER McCREARY: Right, but --
5 okay. Sitting here saying okay, I have enough information to
6 make a decision, that's fine. I don't have enough info- -- I
7 don't feel comfortable with enough information. I like the idea
8 of moving the comments forward --
9 COUNTY ATTORNEY VINCENT: [Interposing.]
10 Right, not a problem.
11 COMMISSIONER McCREARY: -- so that we can
12 get more information. We're not under a timetable.
13 COUNTY ATTORNEY VINCENT: Oh, you're not.
14 COMMISSIONER McCREARY: You know what,
15 we're going to put this off for another month.
16 COUNTY ATTORNEY VINCENT: But remember
17 this.
18 COMMISSIONER McCREARY: We've got
19 questions. We need answers.
20 COUNTY ATTORNEY VINCENT: When you look at
21 rezoning something, when there's a request made by Bogler or
22 whoever else, you look at what the future land -- what that area
23 is zoned now, what you're projecting it to be zoned in the
24 future, and if you're looking at that projecting, you do it by
25 zoning district in the future, right?

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1 MS. EAGAN: No, we do it -- the Future
 2 Land Use map is just industrial, commercial --
 3 COUNTY ATTORNEY VINCENT: [Interposing]
 4 Okay.
 5 MS. EAGAN: -- agricultural,
 6 medium-density, and --
 7 COUNTY ATTORNEY VINCENT: [Interposing.]
 8 Right. So if he's looking at for something that's commercial,
 9 you look at what zoning districts could that be --
 10 COMMISSIONER McCREARY: [Interposing.]
 11 Right.
 12 COUNTY ATTORNEY VINCENT: -- and what uses
 13 are permitted.
 14 COMMISSIONER McCREARY: And that's where
 15 the [unintelligible], which I find really helpful at the table
 16 saying like you pointed out. He doesn't have to put a concrete
 17 plant there. He could put something else.
 18 COUNTY ATTORNEY VINCENT: A lot of stuff
 19 there.
 20 MS. EAGAN: Right.
 21 COMMISSIONER McCREARY: It could be a lot
 22 worse. That's what this zoning district allows.
 23 COUNTY ATTORNEY VINCENT: And that is the
 24 whole point I had.
 25 [Crosstalk]

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1 CHAIRMAN EVANS: And that was I think the
 2 people I talked to and my concern is that we weren't getting --
 3 we didn't have the process correct because we weren't getting
 4 sufficient information. We were getting the rezoning, getting
 5 the application, not hearing comments before.
 6 COUNTY ATTORNEY VINCENT: But, Bill, I
 7 guess that's where I'm heading, guys, is that you know what the
 8 future is because that plan has been adopted. Does what is being
 9 requested, any one of those commercial districts that could be
 10 done there, does that meet with what your vision of the future of
 11 Franklin County is?
 12 CHAIRMAN EVANS: I know. I mean, I agree.
 13 That's what I'm saying we should do. I'm saying that's what we
 14 haven't done.
 15 COUNTY ATTORNEY VINCENT: Right. Well, I
 16 don't know.
 17 CHAIRMAN EVANS: Because what we've
 18 basically done is have the applicant come tell us and, you know,
 19 99 percent of the cases approved it based on the information we
 20 have. And we haven't looked at the Future Land Use map.
 21 COUNTY ATTORNEY VINCENT: That's
 22 what controls.
 23 CHAIRMAN EVANS: And we haven't done the
 24 building districts.
 25 COUNTY ATTORNEY VINCENT: See, if I look

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1 at a future -- if I know that Scottie wants to come in and rezone
 2 this area from something residential to something commercial and
 3 then I know that these are the possibilities of commercial that
 4 could be there and each one of those subcategories of commercial
 5 would allow these uses, then I'm going to go look those my due
 6 diligence before I come to the meeting and say these -- this
 7 zoning classification has stuff I don't want no part of. That's
 8 why. And then if somebody comes and testy, your plan, your
 9 vision of Franklin County, does it meet that future plan.
 10 CHAIRMAN EVANS: Right. No, and I agree.
 11 That's the comments we've done were kind of based on that because
 12 we haven't used that process. It's been more of the rezoning
 13 comes in.
 14 COUNTY ATTORNEY VINCENT: I understand.
 15 CHAIRMAN EVANS: We don't have the
 16 privilege of asking questions or taking testimony on rezonings,
 17 so we are little bit in the blind.
 18 COUNTY ATTORNEY VINCENT: I don't
 19 understand that. Why would you be the blind because you're the
 20 one looking at your own mind, does that request, any of those
 21 possibilities, meet what you think the future of Franklin County
 22 should be?
 23 CHAIRMAN EVANS: Yeah. That is
 24 significant input, but we don't know anything that the Commission
 25 would hear in a public hearing from --

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1 COUNTY ATTORNEY VINCENT: [Interposing.]
 2 So what?
 3 COMMISSIONER McCREARY: Okay, but maybe --
 4 CHAIRMAN EVANS: [Interposing.] Well,
 5 it's so what is the fact that we're not privileged to all the
 6 information?
 7 COMMISSIONER McCREARY: Okay, bottom line,
 8 Mark, is okay, technically -- technically, yeah, we can make this
 9 decision with what we see here.
 10 COUNTY ATTORNEY VINCENT: Right.
 11 COMMISSIONER McCREARY: But can we also
 12 get input from the community? I mean, technically --
 13 [Crosstalk]
 14 COUNTY ATTORNEY VINCENT: To do what?
 15 CHAIRMAN EVANS: I think we would and we
 16 would need the public comments.
 17 MS. EAGAN: But my question --
 18 [Audio interference]
 19 COMMISSIONER HAIRE: Mark, is there a down
 20 side. I mean, I like the public comments, but there is a down
 21 side legally from having -- doing it this way?
 22 COUNTY ATTORNEY VINCENT: No. There's
 23 not a down side legally to having the comments before or if you
 24 guys really want to have a public hearing, having a public
 25 hearing.

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1 COMMISSIONER HAIRE: All we need to do is
2 get permission from the Commission if we want to do that?
3 COUNTY ATTORNEY VINCENT: Uh-huh. Yeah.
4 You will have to change the regulations, and you're going to have
5 to have a recommendation from you guys to the Commission to
6 change the regulations.
7 CHAIRMAN EVANS: So we wouldn't ask them
8 to have a public hearing, we would on an individual basis, we'd
9 change the regs, so...
10 COUNTY ATTORNEY VINCENT: Yeah. If you
11 change -- you can change your own by-laws on how you structure
12 the agenda, but if you want to have a public hearing down here,
13 you're going to have -- on rezonings, you're going to have to
14 have the regulations changed.
15 COMMISSIONER McCREARY: Say that again.
16 COUNTY ATTORNEY VINCENT: You control your
17 agenda.
18 COMMISSIONER McCREARY: Right.
19 COUNTY ATTORNEY VINCENT: You can make
20 your agenda however you want and whatever order.
21 COMMISSIONER McCREARY: Right.
22 COUNTY ATTORNEY VINCENT: So if you have
23 the public comments come early on and you listen to the -- just
24 like the County Commission does.
25 COMMISSIONER McCREARY: Right.

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1 COUNTY ATTORNEY VINCENT: They let people
2 comment on all action items on the agenda.
3 COMMISSIONER McCREARY: So that's up to
4 Bill?
5 COUNTY ATTORNEY VINCENT: Uh-huh, and you
6 guys, why your by-laws.
7 COMMISSIONER McCREARY: We don't have to
8 go to the County to change the agenda?
9 COUNTY ATTORNEY VINCENT: Not on -- not on
10 the agenda.
11 CHAIRMAN EVANS: Not on our agenda.
12 COMMISSIONER McCREARY: Right. It would
13 not be a public comment. It would be public comments, but it
14 would not be a --
15 COUNTY ATTORNEY VINCENT: [Interposing.]
16 Not a public hearing.
17 COMMISSIONER McCREARY: Not a public
18 hearing. That's the difference?
19 COUNTY ATTORNEY VINCENT: Right.
20 CHAIRMAN EVANS: Yeah.
21 COMMISSIONER SCHULTEHENRICH: So we do get
22 comments from the public without sworn testimony, all that kind
23 of stuff?
24 COUNTY ATTORNEY VINCENT: Uh-huh.
25 CHAIRMAN EVANS: The Chairman can change

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1 the agenda any which way they want to. So we changed it tonight,
2 and if we wanted to make it permanent, then we would have to make
3 the agenda item the next time. Or we can go in tonight of where
4 the Chairman just every meeting changes the agenda.
5 COMMISSIONER McCREARY: Well, two things.
6 Like Wagner, okay. We look at that -- Sam Wagner --
7 COUNTY ATTORNEY VINCENT: Right.
8 COMMISSIONER McCREARY: We looked at that.
9 We looked at the plat. I saw this. I had no idea that a
10 neighbor was having storm drainage problems due to that. Okay.
11 That was something that we said, hey, you know what, you ought to
12 address that. Without the public comments section, we would
13 never know that. We'd just simply look at it, look at the map,
14 and well, okay, maybe go out there, and never know that, you
15 know, when a gully washer it's affecting the neighbors. So
16 that's the kind of stuff that I think the public comments
17 section, without having a public hearing, would --
18 COUNTY ATTORNEY VINCENT: [Interposing.]
19 I have no --
20 COMMISSIONER McCREARY: -- give us more
21 information. And like I said, we're not under a timeline. We
22 could say, you know what, let's table this, let's find this out,
23 and one more thing. I got to say this. Just because I got this
24 tonight doesn't mean it's Planning and Zoning's fault. Okay.
25 MS. EAGAN: I didn't get it. We didn't

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1 get it till Friday.
2 COMMISSIONER McCREARY: And that's the
3 problem. Does this happen all the time, people start projects in
4 this county and then at the very last minute go hey approve this,
5 put you all under the gun like this?
6 COUNTY ATTORNEY VINCENT: Yes.
7 COMMISSIONER McCREARY: That's absolutely
8 wrong.
9 MS. EAGAN: That's why we're recommending
10 changing our -- well, you guys approved it to where anything on
11 the agenda, everything has to be in at least 30 days before the
12 next meeting.
13 COUNTY ATTORNEY VINCENT: We get put under
14 the gun a lot.
15 COMMISSIONER McCREARY: Yeah, and that's
16 absolutely...
17 MS. EAGAN: I had to write a staff report
18 in four hours today.
19 COMMISSIONER McCREARY: Yeah. One more
20 question I have.
21 Could we take any kind of issue and any kind of
22 action instead of recommending to approve or disapprove? Could
23 we push it along with no recommendation?
24 COUNTY ATTORNEY VINCENT: Which one you
25 talking about now? A rezoning has to be a recommendation.

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1 COMMISSIONER McCREARY: Right. What about
 2 conditional use? It just to be one or the other just to get it
 3 off our plate.
 4 COUNTY ATTORNEY VINCENT: No, a
 5 conditional use permit you have to either approve it or deny it,
 6 because people are affected, and they have rights in it. If you
 7 just table it forever, they're never getting their issued
 8 decided. A conditional use permit, you make that decision. If
 9 you approve it, the opponents can appeal it. If you disapprove
 10 it --
 11 COMMISSIONER McCREARY: [Interposing.]
 12 That's what I'm saying. That's what I'm saying.
 13 MS. EAGAN: Are you meaning amended?
 14 COUNTY ATTORNEY VINCENT: No. I'm talking
 15 about the CUP now.
 16 MS. EAGAN: Right. I think he said the
 17 wrong thing.
 18 COMMISSIONER McCREARY: Right.
 19 MS. EAGAN: Because you're talking about
 20 conditional use permits.
 21 COMMISSIONER McCREARY: Right.
 22 MS. EAGAN: You make the final decision.
 23 COMMISSIONER McCREARY: Right.
 24 MS. EAGAN: If you're talking about
 25 amendments like the landfill, you're just making a

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1 recommendation.
 2 COMMISSIONER McCREARY: Right, but could
 3 we push it on to the -- where they would have a public hearing to
 4 the Commission without making a recommendation, say, you know
 5 what?
 6 COUNTY ATTORNEY VINCENT: Why would you
 7 want to do that? Your -- consent says you're to make a
 8 recommendation.
 9 COMMISSIONER McCREARY: Okay.
 10 COUNTY ATTORNEY VINCENT: Yea, but your
 11 recommendation -- here's what -- here's what's crazy about it,
 12 Russell...
 13 COMMISSIONER McCREARY: We don't make a
 14 decision, we just -- we just simply move it approve or not.
 15 COUNTY ATTORNEY VINCENT: Here's what's
 16 crazy about it. What happens if you made -- let's take a
 17 hypothetical situation, nothing we have pending now.
 18 COMMISSIONER McCREARY: Yeah.
 19 COUNTY ATTORNEY VINCENT: But every
 20 Commissioner was in favor of, but every one of you guys was
 21 against it, and you made a negative recommendation. What does
 22 the County Commission have to do?
 23 COMMISSIONER McCREARY: They take that
 24 into like --
 25 COUNTY ATTORNEY VINCENT: Yeah, but

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1 what -- to overturn your recommendation, what do they have to
 2 have? A super majority. What's a super majority of three?
 3 COMMISSIONER McCREARY: I don't know.
 4 COUNTY ATTORNEY VINCENT: What's the
 5 majority of three? Ain't no dam difference.
 6 COMMISSIONER McCREARY: Got you.
 7 COMMISSIONER HAIRE: Well, the other thing
 8 that I think is good on the public comments, you know, first is I
 9 think a lot of times people don't think they have input. That
 10 was part of the issue the last time, and it does give the
 11 opportunity to have the citizens look like -- I mean, not look
 12 like but provide input and be part of the process instead of
 13 looking like they're being outside of the process.
 14 COUNTY ATTORNEY VINCENT: Right. I'm going to
 15 see if I can make it as clear as I can. You have three options
 16 tonight. One, do nothing and leave it like it is.
 17 Two, to internally adjust your agenda or your
 18 by-laws by moving the public comment communications earlier on in
 19 the agenda.
 20 Or the third option, is to make a recommendation
 21 yourself to amend the regulations to allow you all to have a
 22 public hearing.
 23 COMMISSIONER McLAREN: Can we do number
 24 two on a trial basis to see how it works?
 25 COUNTY ATTORNEY VINCENT: Sure. You can

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1 make a motion to that effect and the minutes say we want to try
 2 the public comment stuff agenda for a period of three months or
 3 six months or whatever you guys want to do.
 4 COMMISSIONER McLAREN: I think that would
 5 be most appropriate.
 6 MS. EAGAN: Couldn't Bill just do it every
 7 meeting?
 8 COUNTY ATTORNEY VINCENT: He could, but
 9 everybody's guidance to him.
 10 MS. EAGAN: Oh.
 11 COUNTY ATTORNEY VINCENT: That's all
 12 you're doing.
 13 MS. EAGAN: Got you.
 14 COUNTY ATTORNEY VINCENT: It's not a
 15 formal adoption. It just says, hey, Bill, we like this idea and
 16 want to try it for a while. So...
 17 COMMISSIONER McCREARY: But, Mark, about
 18 that option three? If we had a public hearing, they take sworn
 19 testimony, and they could come back when the Commission had a
 20 public hearing and swear to something different?
 21 COUNTY ATTORNEY VINCENT: They've done
 22 that.
 23 COMMISSIONER McCREARY: Okay.
 24 COUNTY ATTORNEY VINCENT: That has
 25 happened, and I can tell you the cases where that has happened.

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1 COMMISSIONER McCREARY: That is a huge
2 problem.
3 COUNTY ATTORNEY VINCENT: And that --
4 what happens then, I have a -- these ladies have to put together
5 what's called a writ of certiorari. We have to put together one
6 case that's 40,000 pages, just from the public hearing part here
7 in -- and for the County Commission. If we had that twice, which
8 we could, that would be 80,000 pages.
9 COMMISSIONER McCREARY: Yeah, I've seen
10 the bank boxes come in on two-wheelers.
11 COUNTY ATTORNEY VINCENT: And then
12 there -- we have had public hearings where one person will come
13 to one hearing and say one thing and the other one says another
14 thing.
15 COMMISSIONER HAIRE: I mean, I don't think
16 that having two public hearings is a good idea.
17 COUNTY ATTORNEY VINCENT: We've had it.
18 COMMISSIONER HAIRE: It's just breads too
19 much conflict, the potential for even gamesmanship.
20 COUNTY ATTORNEY VINCENT: And the time it
21 takes. You know, you -- the hearing is nothing. It's nothing.
22 It's putting the stuff together.
23 Nikki, how hard is it to put together a file to be
24 for a writ of certiorari? How many hours? How many hours will
25 it take you on the one for the landfill if it goes back up?

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1 MS. ZIELKE: Well, I can tell you on the
2 one from before probably took me a week or two.
3 COUNTY ATTORNEY VINCENT: Yeah, that's
4 full time.
5 MS. ZIELKE: Right, full time.
6 COMMISSIONER McCREARY: Yeah, that's what
7 I'm saying, it's...
8 COUNTY ATTORNEY VINCENT: If we had a
9 public hearing at both places, double that.
10 COMMISSIONER McCREARY: Right.
11 MS. EAGAN: We've also had in the past
12 where people testified at Planning and Zoning, not even come to
13 the County Commission meeting because they thought everything was
14 done. They didn't understand you guys didn't make the final
15 decision, the County Commission.
16 COUNTY ATTORNEY VINCENT: So then you've
17 got a record where once somebody testified at here, but that's
18 not the real evidence that the County Commission is hearing and
19 they don't show up.
20 COMMISSIONER McCREARY: Right.
21 COUNTY ATTORNEY VINCENT: It's easy to sit
22 back and say, well, you shouldn't have all this stuff. I
23 understand having public comments that are not part of the
24 record. I have no problem with that whatsoever. In fact, I
25 suggested it to John today, if that's what everybody wants. And

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1 John loved the idea. That's cool. I got no problem with that,
2 but if you're going to have two public hearings, people don't
3 realize the mess that it opens.
4 COMMISSIONER McCREARY: I can just see
5 that can be a nightmare.
6 CHAIRMAN EVANS: I would suggest we go
7 forward with just moving the comment section forward in the
8 meeting.
9 COMMISSIONER McCREARY: Well, Bill, don't
10 you have that power at every single meeting?
11 CHAIRMAN EVANS: Yeah.
12 COMMISSIONER SCHULTEHENRICH: In the
13 by-laws, it said shall. The word in the by-laws is shall.
14 COMMISSIONER McCREARY: Shall.
15 COMMISSIONER SCHULTEHENRICH: The agenda
16 shall...
17 CHAIRMAN EVANS: Yeah, I mean, I can.
18 Yeah, the Chairman can change the agenda
19 COMMISSIONER McCREARY: That's what I
20 thought.
21 COUNTY ATTORNEY VINCENT: He can, but I
22 think wouldn't it be -- would you feel more comfortable, Bill, if
23 everybody --
24 COMMISSIONER McCREARY: On a continual
25 basis. Yeah, that would be...

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1 CHAIRMAN EVANS: Yeah, and that's, you
2 know, which is what I did tonight. But you know, you could do
3 that for months on end, or we could go ahead and do it on a trial
4 basis or make it permanent. That's up to the Commissioners.
5 COMMISSIONER HAIRE: I mean, we can always
6 change that back if we don't like it, I mean. So the only other
7 of what I think someone mentioned earlier though, should we have
8 the person that's making the request in person or someone
9 representing them as part of the process? I think that's a good
10 idea.
11 COUNTY ATTORNEY VINCENT: I do too.
12 COMMISSIONER HAIRE: And having someone,
13 either the individual or representative of the individual here if
14 they're going to make a presentation --
15 CHAIRMAN EVANS: [Interposing.] Again, --
16 COMMISSIONER HAIRE: -- to ask questions.
17 CHAIRMAN EVANS: -- for a rezoning or...
18 COMMISSIONER HAIRE: Yeah, for a rezoning
19 and for the other because I think our ability to ask questions,
20 if there's no one here, we're acting on limited information
21 again, and if we want to make the best decisions, we need to have
22 someone there. And especially if we're doing public comment
23 first, we need to have that individual there because something
24 may come out. And if there is no one there, then we have no one
25 to ask the questions. As far as I'm concerned, then it's tabled.

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1 COMMISSIONER McCREARY: Well, can we
 2 always -- we can always say, you know what, that person is not
 3 here. I recommend to deny.
 4 COMMISSIONER HAIRE: Yeah.
 5 COMMISSIONER McCREARY: We can let them
 6 start over if they want to.
 7 CHAIRMAN EVANS: Well, the way the rules
 8 are really written, is like, you know, we can ask the applicant
 9 to be here, but he is not required to be here. So we can't just
 10 say no because he's not here.
 11 COMMISSIONER McCREARY: Right, no.
 12 CHAIRMAN EVANS: We can request his
 13 presence.
 14 COMMISSIONER McCREARY: Right. If we have
 15 questions and he's not here to answers them, every one of us has
 16 every right to say no my questions haven't been answered. I'd
 17 recommend to deny this, whatever the motion is, whether it be a
 18 zoning, a CUP.
 19 COUNTY ATTORNEY VINCENT: Russell, from a
 20 due process perspective, you'd be lot better off if you change
 21 the regulations on a rezoning to make the applicant or the
 22 representative of the applicant be here in person. On a CUP
 23 you're making the final decision. If they --
 24 COMMISSIONER McCREARY: [Interposing.]
 25 Right.

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1 COUNTY ATTORNEY VINCENT: If they take a
 2 -- if they come here without their case prepared, they get what
 3 they deserve.
 4 COMMISSIONER McCREARY: Right.
 5 COUNTY ATTORNEY VINCENT: Yeah. That's a
 6 public hearing.
 7 COMMISSIONER McCREARY: Well, on either
 8 one, it's like well...
 9 COUNTY ATTORNEY VINCENT: Well, one is a
 10 public hearing and one is not.
 11 COMMISSIONER McCREARY: Right, but I mean,
 12 if -- if the person is not here to ask...
 13 COUNTY ATTORNEY VINCENT: I understand
 14 that, but --
 15 CHAIRMAN EVANS: But he's supplying -- on
 16 a rezoning, all he is doing is supplying the physical plat, and
 17 that's all he's required to supply.
 18 COMMISSIONER McCREARY: Right.
 19 COUNTY ATTORNEY VINCENT: And what you
 20 guys are looking at is what happens here. I have to be concerned
 21 about what happens after this. And if they're -- I'm looking at
 22 from a CUP, the appeal is from you guys to a circuit court -- or
 23 to BOZA rather than the circuit court.
 24 COMMISSIONER McCREARY: Okay.
 25 COUNTY ATTORNEY VINCENT: From a rezoning

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1 from you guys to the County Commission.
 2 COMMISSIONER McCREARY: Right.
 3 COUNTY ATTORNEY VINCENT: So if you don't
 4 have -- I mean, you got to have some records. A lot of what I do
 5 is make Patsy's life miserable to try to build a record.
 6 COMMISSIONER McLAREN: How do you on --
 7 and I'll go back to the Landvatter thing. How do you ahead of
 8 time for -- I don't know. Do you see the real estate contract
 9 that he has that before you -- I mean, before you say, okay,
 10 we're going to rezone somebody else's property he just represents
 11 he has a contract and he's asking a different piece of property
 12 be...
 13 MS. EAGAN: We require either a copy of
 14 the contract that shows it's contingent upon a rezoning or a
 15 letter from the owner.
 16 COMMISSIONER McLAREN: Okay.
 17 CHAIRMAN EVANS: That's for a CUP, against
 18 anything.
 19 COUNTY ATTORNEY VINCENT: Yeah.
 20 CHAIRMAN EVANS: We require proof of
 21 ownership or a letter of agency or whatever you want to call it,
 22 that he is allowed do that on that property.
 23 Well, I would that suggest again the feeling is we
 24 can move the comments up. If you want to do it on a permit basis
 25 for a few months and just have the chairman do it, do we want to

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1 write it in there on a temporary basis, or do we want to do it
 2 permanently and like Dan said, we can always change it back.
 3 So...
 4 COMMISSIONER McCREARY: I like Bill's
 5 idea, to have a trial run at it, maybe three months, maybe till
 6 the end of year. You think three months would be enough?
 7 COMMISSIONER HAIRE: I think we should
 8 move till the end of the year.
 9 COMMISSIONER McLAREN: I think we're going
 10 to wind up tabling more stuff and asking for more information,
 11 but I don't see that being a problem.
 12 COMMISSIONER McCREARY: Yeah, I don't see
 13 that being a bad problem.
 14 CHAIRMAN EVANS: Then I think be approved?
 15 COMMISSIONER McCREARY: Yeah.
 16 CHAIRMAN EVANS: Well, do we want to send
 17 this to the Review Committee to look at or just what?
 18 MS. EAGAN: I mean, if you guys just want
 19 to make a motion tonight to do it on a trial basis, that should
 20 be...
 21 CHAIRMAN EVANS: Well, we can't even vote
 22 on our by-laws, can we, without it's got an agenda.
 23 COUNTY ATTORNEY VINCENT: Fair enough.
 24 MS. EAGAN: So I guess we can make a
 25 motion to put it as an agenda item for next month.

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1 COUNTY ATTORNEY VINCENT: Right.
2 MS. EAGAN: And then you can amend the
3 agenda again next month.
4 COUNTY ATTORNEY VINCENT: Right. What I'm
5 going to recommend to you all too is, sometime when there's not a
6 lot of other stuff on your agenda, to pull out your by-laws and
7 sit here and go through them one by one and make sure they're
8 what you want and should they be changed and make sure everybody
9 understands them.
10 COMMISSIONER McCREARY: Got a question,
11 Mark. Can we do that on our own as a group without having to go
12 through here?
13 COUNTY ATTORNEY VINCENT: You can in a
14 training session, but you can't make the decisions.
15 COMMISSIONER HAIRE: Yeah.
16 COMMISSIONER McCREARY: No, no, no.
17 Just to go through the by-laws.
18 COUNTY ATTORNEY VINCENT; Oh, sure. We
19 can sit down in the training room over there and I can meet with
20 you, Scottie, Nikki, whoever you want and you guys can go through
21 them one by one. And you can come up with recommendations to
22 bring back to yourself officially.
23 COMMISSIONER McCREARY: Right, that's the
24 by-laws, not any of the files, just the by-laws?
25 COUNTY ATTORNEY VINCENT: Just the

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1 by-laws.
2 COMMISSIONER McCREARY: Yeah.
3 COUNTY ATTORNEY VINCENT: Yeah.
4 CHAIRMAN EVANS: And I think that was the
5 other thing was looking at the rezoning versus a CUP. A CUP is
6 very specific on how we handle it, and to get into rezonings and
7 it's just very ambiguous. So instead of doing it this way, it
8 doesn't tell you to do it. So precedent-wise --
9 COUNTY ATTORNEY VINCENT: [Interposing.]
10 Right.
11 CHAIRMAN EVANS: -- we just haven't done
12 it very well.
13 COUNTY ATTORNEY VINCENT: But I'm going to
14 ask you guys in the future, as soon as you get word of the fact
15 somebody wants to rezone, get out of the books, get out the
16 Future Land Use map, and get out the zoning classifications, you
17 know, that's commercial. What is he asking for and look at the
18 chart, and say okay, if I approve this rezoning, the applicant
19 could do all of these things in there, and do I think that that's
20 in the best interest of Franklin County and the future use plans
21 of Franklin County?
22 COMMISSIONER McCREARY: Uh-huh.
23 CHAIRMAN EVANS: In that specific
24 property.
25 COUNTY ATTORNEY VINCENT: In that area,

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1 right.
2 CHAIRMAN EVANS: Because that could vary
3 by property. You could do it -- in one we could decide that's
4 not the best interest of --
5 COUNTY ATTORNEY VINCENT: [Interposing.]
6 Right.
7 CHAIRMAN EVANS: -- the citizens, and over
8 here it could be. So...
9 COMMISSIONER McCREARY: Well, not only
10 that, but say the applicant does come forward and does build what
11 he wants to, goes out of business and gets it bulldozed and all
12 of a sudden now we've zoned it for something totally different.
13 COUNTY ATTORNEY VINCENT: Well, you
14 never -- that's not true.
15 COMMISSIONER McCREARY: I mean, something
16 that would be within that zoning.
17 COUNTY ATTORNEY VINCENT: Right.
18 COMMISSIONER McCREARY: But it's not what
19 was -- you know, what was intended and we passed it.
20 COUNTY ATTORNEY VINCENT: That makes me
21 choke when you guys do that.
22 COMMISSIONER McCREARY: I know.
23 COUNTY ATTORNEY VINCENT: Because when you
24 do a rezoning, it's not for a particular use.
25 COMMISSIONER McCREARY: Right, I

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1 understand, but he -- he's used it that way for ten years.
2 COUNTY ATTORNEY VINCENT: fine.
3 COMMISSIONER McCREARY: It goes away. Now
4 because it's zoned something different, something that we really
5 didn't consider --
6 COUNTY ATTORNEY VINCENT: [Interposing.]
7 And that's why I'm suggesting to you to amend the chart.
8 CHAIRMAN EVANS: Exactly, once you go down
9 that and look at the allowed activities, --
10 COMMISSIONER McCREARY: [Interposing.]
11 Yeah.
12 CHAIRMAN EVANS: -- would you be
13 comfortable with any of the these being done.
14 COUNTY ATTORNEY VINCENT: Any one of
15 those.
16 COMMISSIONER McCREARY: Right.
17 CHAIRMAN EVANS: We haven't done that. So
18 I think that's...
19 COUNTY ATTORNEY VINCENT: Please do that.
20 Okay?
21 CHAIRMAN EVANS: And I don't know that we
22 can really write that down, but that's -- I mean...
23 COUNTY ATTORNEY VINCENT: Well, if you go
24 to class -- if you go to the training of stuff that I've had over
25 30 years, that's what they're going to tell you about planning,

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1 the planning aspect of -- planning and zoning. When they first
 2 start off, you have a planning commission, and then often you
 3 have a zoning commission. The planning commission does the
 4 master plan, and it says this is what we think this county is
 5 going to look like in the future.
 6 Then those things -- that's done. That's the master
 7 plan. Then the zoning guys come in and say okay, how can we zone
 8 this county to work with that plan. Well, you guys do both. So
 9 what I'm asking to do is look at the future, what do you want t
 10 have happen in the future in that area if somebody is wanting to
 11 rezone it, and look at all the uses. Don't just get locked up on
 12 a concrete plan because he could have a whole house in there.
 13 COMMISSIONER McCREARY: I don't think we'd
 14 do that.
 15 [Crosstalk]
 16 CHAIRMAN EVANS: What zone is that in?
 17 MS. EAGAN: That's on the --
 18 COUNTY ATTORNEY VINCENT: I forgot what I
 19 was going to say. I guess that's industrial. I'm going to get
 20 in trouble. I'm sorry, Patsy.
 21 MS. ZIELKE: Strike that.
 22 CHAIRMAN EVANS: So we're all going the
 23 same direction, I think that kind of meets everybody's concerns,
 24 is that the CUP is, again, so specific when it got to the
 25 rezoning and was so ambiguous and with the exception of some of

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1 the really old guys like on the left who have been on here a
 2 really long time, that the rest of us are relatively new. So I
 3 think we'll just -- you know, we'll --
 4 COUNTY ATTORNEY VINCENT: I've been doing
 5 this stuff for 30 years.
 6 COMMISSIONER McCREARY: Well, I -- you
 7 know, looking at -- has anybody read any good newspaper articles
 8 the past month?
 9 COUNTY ATTORNEY VINCENT: I never read
 10 that stuff. Sorry, Joe.
 11 COMMISSIONER McCREARY: There was one
 12 article that mentioned this is a good old boys club, and if it
 13 is, could somebody please show me the secrete handshake because I
 14 don't know any of you hardly at all, but, Bill, I sent you an
 15 e-mail and I think if we set our sights on being the best
 16 Planning and Zoning Commission we can be, this -- even if we fall
 17 short, we're going to get better. And I appreciate the work,
 18 Nichole -- Scottie, Nichole and Tori. I just don't see how this
 19 big a county is going to keep going with just the three of you
 20 and Mark.
 21 I just see this stuff like today, you know, you said
 22 30 days in advance. June 15th you got this letter from the fire.
 23 If there's away we can keep these folks from being under the gun
 24 every single month, like I say, I see the bankers boxes coming in
 25 and some cases are a lot bigger than others. In the meantime, we

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1 have all this other stuff we have to get through. We're
 2 depending on these folks, and if we have to slow it down, I
 3 guess, to get all the information to make a good -- it's not
 4 their fault that this stuff comes in this late. You've got other
 5 projects throughout the county that are underway they know
 6 nothing about, but all of a sudden they dump in their lap and
 7 they have to have it ready by this Tuesday of this month. I
 8 don't know if there is a way we can help assist.
 9 COMMISSIONER HAIRE: I think we just --
 10 you know, we don't enable them to do that. And if we're
 11 enablers, they'll continue to do it the same way they've always
 12 been done. And if we don't the information, then it doesn't go
 13 on the agenda, and it gets moved out a month. I mean, I think
 14 that's the best way to get them to get everything done in a
 15 timely basis.
 16 [Crosstalk]
 17 CHAIRMAN EVANS: Well, Scottie, if they do
 18 have the administrative written testimony procedure policy. Is
 19 that what you use now or...
 20 MS. EAGAN: We do use that, but I think
 21 having -- if the County Commission approves it to where
 22 everything needs to be submitted 30 days prior to the meeting, I
 23 think that's going help out a lot.
 24 COMMISSIONER HAIRE: Yeah.
 25 CHAIRMAN EVANS: Yeah, because when you go

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1 through those procedures, they can get a little confusing.
 2 MS. EAGAN: Right. Because before we
 3 found out that preliminary plats didn't have to be in by any
 4 time, and that's why we had one last Friday. And once before I
 5 tried to have one, get it on Monday before the Tuesday. So it
 6 gets stressful sometimes.
 7 CHAIRMAN EVANS: Okay. Well, I think
 8 that's -- clears up a lot. It gives us some direction,
 9 especially on some of the rezoning.
 10 COMMISSIONER McCREARY: Yeah.
 11 CHAIRMAN EVANS: Anyone have any other
 12 comments? Mark, can we vote at all, because it's not on agenda,
 13 so...
 14 COUNTY ATTORNEY VINCENT: You should not
 15 vote since it's not on the agenda.
 16 CHAIRMAN EVANS: Right.
 17 COMMISSIONER HAIRE: Just make a motion?
 18 COUNTY ATTORNEY VINCENT: Make a motion
 19 not -- just next week -- next month rather, you'll have the
 20 recommendation that you guys -- Scottie will draw them up, as
 21 director to do it. Not vote on them tonight. Next week -- next
 22 month if you want to you do what you did tonight and readjust the
 23 agenda on a one-night basis. Then you vote on the stuff. Yeah.
 24 CHAIRMAN EVANS: Okay. So Scottie will
 25 just draw it up and since that's the only change we're going to

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1 make for the time being, we can do it on a month-by-month basis.
 2 MS. EAGAN: You guys do it until the end
 3 of the year.
 4 COUNTY ATTORNEY VINCENT: But you can't do
 5 that till next month.
 6 MS. EAGAN: Right. That's how you want
 7 it, not month-to-month but a temporary basis.
 8 CHAIRMAN EVANS: I think that's kind of the
 9 consensus, is to the end of the year.
 10 MS. EAGAN: Right.
 11 CHAIRMAN EVANS: Okay. And then we can
 12 just address it at the next meeting.
 13 COMMISSIONER HAIRE: Make sure we have one
 14 of those potentially really fun evenings.
 15 MS. EAGAN: I'll try my best to get
 16 something fun for you guys.
 17 CHAIRMAN EVANS: Okay. So we didn't
 18 really have anything go to Old Business, so we don't have
 19 anything for the Review Committee. So we just be brought up next
 20 meeting, which I will not be here next meeting. So Jay has been
 21 taking copious notes.
 22 COMMISSIONER SCHULTEHENRICH: [Inaudible.]
 23 COMMISSIONER McLAREN: Can I -- I got one.
 24 When we had to change definitions two months ago, I
 25 just happened to read through some of the definitions, and I

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1 can't find the one that's the most, I think, egregious right now,
 2 but I'll have to go through here. But there are just -- I just
 3 picked out a couple of things and the definitions seemed not even
 4 close to reasonable. Is that all right to say?
 5 COUNTY ATTORNEY VINCENT: Absolutely.
 6 COMMISSIONER McLAREN: Well, and it's just
 7 stuff that I have a personal interest in. And one of them would
 8 be what is defined in this county as a commercial feed lot.
 9 When you read the definition of an animal feeding
 10 operation which also says it's a commercial feed lot, anybody --
 11 any farmer that feeds their calves in this county for 45 days,
 12 which is what's recommended, would be considered a part of this
 13 definition it would be a commercial feed lot.
 14 COUNTY ATTORNEY VINCENT: Now, Bill, I
 15 have an excuse for you there. You're dealing with Nichole,
 16 Scottie, and me. Wouldn't know a feed lot if kicked us in the
 17 butt.
 18 COMMISSIONER McLAREN: Well, and I
 19 understand that, but --
 20 COUNTY ATTORNEY VINCENT: [Interposing.]
 21 Help us.
 22 COMMISSIONER McLAREN: Well, any -- this
 23 stays that if doesn't vegetation on it, it doesn't say an amount
 24 of animals, not saying amount of animals, but just says that
 25 you're going to have them on 45 days, and it doesn't have

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1 50 percent of the combined area if it doesn't have growing crops
 2 or -- I mean, and then it says also be referred to as a
 3 commercial feed lot.
 4 COUNTY ATTORNEY VINCENT: I have an idea.
 5 Bill's suggestion to you. If I were the chairman, I would
 6 consider appointing Bill to a one-man committee to review all the
 7 definitions between an ag and a feed lot.
 8 COMMISSIONER McLAREN: Well, and the other
 9 one that's the worst, is what's considered to be an agricultural
 10 slaughterhouse, and I can't find it right now, but that's -- you
 11 can kill 500 animals a week or something like that. I mean,
 12 that's -- they are all way from one end of the extreme to the
 13 other.
 14 COMMISSIONER McCREARY: I remember that.
 15 MS. ZIELKE: [Inaudible.]
 16 MS. EAGAN: That was a tough one.
 17 CHAIRMAN EVANS: Can they be cats.
 18 COMMISSIONER McLAREN: Well, probably.
 19 MS. ZIELKE: Ouch.
 20 [Crosstalk]
 21 COMMISSIONER McLAREN: But I mean, to me,
 22 like I said, they were to the two far extremes of unreasonable.
 23 COUNTY ATTORNEY VINCENT: Bill, those are
 24 very valid points, and we need help in those regards.
 25 COMMISSIONER McLAREN: And then I picked

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1 out one, just another one that's easy for me to remember, and
 2 that's the winery. And a winery, it says you can't -- you can
 3 only sell a prepared -- pre-prepared food product packaged
 4 somewhere else.
 5 MS. EAGAN: Right.
 6 COMMISSIONER McLAREN: You know, and if
 7 you go to the wineries across the river, you know, I mean, you
 8 can buy a cheese and sausage tray. The way I read this that a
 9 winery in Franklin County couldn't even have a prepared-on-site
 10 cheese and sausage tray.
 11 So once again, I think that you would be tying the
 12 hands of a business in this county.
 13 COUNTY ATTORNEY VINCENT: You could have a
 14 different kind of license where you could do both. Different
 15 part of the county.
 16 COMMISSIONER McLAREN: Pardon me?
 17 COUNTY ATTORNEY VINCENT: You could have a
 18 different kind of license to do both in Franklin County.
 19 COMMISSIONER McLAREN: Well, I'm just
 20 saying what the definition of a winery is.
 21 MS. EAGAN: No, I mean, we would allow the
 22 sausage and cheese. It's more you can't do a restaurant types
 23 because that falls under a different cattery.
 24 CHAIRMAN EVANS: With the different codes
 25 and --

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1 MS. EAGAN: [Interposing.] Right.
 2 CHAIRMAN EVANS: -- the Health Department
 3 is why it's done that way.
 4 COMMISSIONER HAIRE: If they go ahead and
 5 get another license?
 6 MS. EAGAN: Right.
 7 COMMISSIONER McLAREN: Well, not -- I
 8 mean, didn't get into your zone work, or it can be handled by
 9 zoning and not --
 10 COUNTY ATTORNEY VINCENT: St. Charles
 11 zoning code, look at their definition.
 12 CHAIRMAN EVANS: Okay. Could you take a
 13 look at that and get back with us.
 14 COMMISSIONER HAIRE: I move that we make
 15 Bill our definition specialist.
 16 COMMISSIONER McLAREN: I'm glad you guys
 17 are having some fun with this. If I come in an agricultural
 18 zoning and build a slaughterhouse as described in this book,
 19 you're going to be unhappy. I will promise you that.
 20 CHAIRMAN EVANS: Now --
 21 MS. EAGAN: Only allowed in certain areas.
 22 COMMISSIONER McLAREN: Fair enough. I've
 23 said my piece.
 24 COUNTY ATTORNEY VINCENT: You can put
 25 those next to the concrete plant.

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1 COMMISSIONER McLAREN: By that adult
 2 entertainment center.
 3 COUNTY ATTORNEY VINCENT: Right. You got
 4 it.
 5 MS. EAGAN: Now, Bill, with this
 6 slaughterhouse definition, we were struggling with that forever.
 7 We had no one to talk to. I talked with somebody who used to
 8 do -- he sold feed to slaughterhouses and different farms, and I
 9 asked him, and he just gave me that number. And I was like, all
 10 right.
 11 COMMISSIONER McLAREN: Like I said, to me,
 12 they're just to the too far extremes, and I just picked something
 13 out that was easy to look at. So I don't know what else exists.
 14 MS. EAGAN: Oh, please, please everybody
 15 look at it and let me know.
 16 CHAIRMAN EVANS: We've changed and
 17 fine-tuned stuff. So if you come across things, then we can
 18 change them.
 19 COMMISSIONER HAIRE: What's the best way
 20 to -- if we find things that we'd like...
 21 MS. EAGAN: Bring them up at the Planning
 22 and Zoning Commission Forum. You can call our office and I can
 23 bring them up. But I mean, it's either way. It doesn't matter.
 24 COUNTY ATTORNEY VINCENT: Help us.
 25 MS. EAGAN: Yeah.

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1 CHAIRMAN EVANS: Yeah, I think people
 2 don't recognize that, you know, almost anybody can come in and
 3 recommend a change, whether to a commission or the staff or us or
 4 citizens can come in. And I mean anybody can recommend or put
 5 forth a change and bring it here. So it's -- that's an important
 6 thing to remember, is that everybody has the opportunity to do
 7 that.
 8 COMMISSIONER HAIRE: Does it make more
 9 sense that as we do it piecemeal, or should we aggregate them at
 10 some point and then...
 11 MS. EAGAN: At least, I mean, once a year
 12 we were supposed to look at our Master Plan I think around
 13 September. If you guys wanted to do it once a year, we can do
 14 it. If you find things throughout the year, and -- I mean, it
 15 seems like right now we're constantly changing these regulations.
 16 CHAIRMAN EVANS: And if we get more than
 17 two or three, then do it every three or four months to any
 18 motion, rather than you think do them one at a time because
 19 holding something for four or five or six months, isn't going to
 20 affect anything at all.
 21 MS. EAGAN: We do our best with what we
 22 have.
 23 CHAIRMAN EVANS: All right.
 24 That was productive. Any comments? Anybody else
 25 have anything they want to bring up? I think the two big things

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1 were moving the Communications and Visitors Comments up to the
 2 front would be a good idea.
 3 COUNTY ATTORNEY VINCENT: Need some more
 4 help?
 5 COMMISSIONER McLAREN: No, I'm good. No,
 6 I won't say another thing.
 7 COMMISSIONER HAIRE: So, Bill, do we need
 8 to make that a motion for next month?
 9 CHAIRMAN EVANS: No, we'll just have
 10 Scottie put it on the agenda because the way our by-laws are
 11 written, that anything that voted on has to be on the agenda.
 12 And it's not. It wasn't an agenda item, and that being
 13 otherwise, you know, we can sneak something on the agenda and
 14 vote ourselves a raise or something, which we wouldn't get, but
 15 we can try.
 16 Anythings else? [None.] All right. Planning
 17 Director's report?
 18 MS. EAGAN: The only thing I have we did
 19 have Landvatter scheduled for Thursday to go before the County
 20 Commission, but he called and asked to cancel or to postpone it,
 21 so the Commission agreed. So right now we don't have a date for
 22 that, but I'll let you guys know as soon as we do.
 23 And apparently the public hearing for the landfill
 24 went really well. Unfortunately, I was on vacation. So I did
 25 not -- I was not the able to attend.

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1 CHAIRMAN EVANS: She says with a big
 2 smiling on her face.
 3 MS. EAGAN: Apparently I planned it really
 4 well, but no, I think -- everything I have heard said everything
 5 went really well and Nichole and Tori did everything for me. So
 6 thank you for that. And Mark apparently did really well. So
 7 thanks, Mark.
 8 COUNTY ATTORNEY VINCENT:
 9 [Unintelligible.]
 10 MS. EAGAN: Good.
 11 COUNTY ATTORNEY VINCENT: Bill, I have
 12 another 20 volume set that you can have if you want.
 13 COMMISSIONER WILLIAMS: [Unintelligible.]
 14 CHAIRMAN EVANS: Does anybody have
 15 anything else? If not, the Chair would entertain a motion to
 16 adjourn.
 17 COMMISSIONER HAIRE: So moved.
 18 COMMISSIONER McLAREN: Second.
 19 CHAIRMAN EVANS: We have a motion and a
 20 second to adjourn. All in favor signify by saying aye.
 21 COMMISSIONER McLAREN: Aye.
 22 COMMISSIONER WILLIAMS: Aye.
 23 CHAIRMAN EVANS: Aye.
 24 COMMISSIONER HAIRE: Aye.
 25 COMMISSIONER FISCHER: Aye.

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1 CERTIFICATE OF REPORTER
 2
 3 I, PATSY A. HERTWECK, Professional Court Reporter and
 4 Notary Public within and for the State of Missouri, before whom
 5 the foregoing proceeding was taken, do hereby swear that the
 6 aforementioned was held at the time and in the place previously
 7 described.
 8 IN WITNESS WHEREOF, I have hereunto set my hand.
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 15 _____
 16 Patsy A. Hertweck, Court Reporter
 17 Notary Public, State of Missouri
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1 COMMISSIONER SCHULTEHENRICH: Aye.
 2 COMMISSIONER McCREARY: Aye.
 3 CHAIRMAN EVANS: Opposed? [None.]
 4 We are adjourned.
 5 [Thereupon, the proceedings concluded
 6 at 8:37 p.m.]
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