

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

6
7
8 TRANSCRIPT OF PROCEEDINGS
9 PLANNING AND ZONING COMMISSION
10 AUGUST 18, 2020
11 (COMMENCING AT 7:00 P.M.)

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Reported by:
Patsy A. Mayberry, C. R.
Alaris Litigation Services

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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 DAN HAIRE, VICE CHAIR
5 STANLEY VOSS, COMMISSIONER
6 BILL McLAREN, COMMISSIONER
7 JIM GRUTSCH, COMMISSIONER
8 DEBBIE WILLETTE, COMMISSIONER
9 DENNIS HARTMANN, COMMISSIONER
10 PLANNING AND ZONING STAFF:
11 NICHOLE ZIELKE, COUNTY PLANNER
12 COUNTY LEGAL COUNSEL:
13 MARK PIONTEK, COUNTY ATTORNEY
14
15 ALARIS LITIGATION SERVICES:
16 PATSY A. MAYBERRY, C. R.
17 711 NORTH 11TH STREET
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19 (314) 644-2191
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1 P R O C E E D I N G S

2 (AUGUST 18, 2020)

3 CHAIRMAN EVANS: I will call to
4 order the Tuesday, August 18th, meeting of the
5 Franklin County Planning and Zoning Commission.

6 Nichole, will you please take roll.

7 MS. ZIELKE: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. ZIELKE: Jim Grutsch?

10 COMMISSIONER GRUTSCH: Here.

11 MS. ZIELKE: Dan Haire?

12 COMMISSIONER HAIRE: Here.

13 MS. ZIELKE: Dennis Hartmann?

14 COMMISSIONER HARTMANN: Here.

15 MS. ZIELKE: Mike Klenke?

16 COMMISSIONER KLENKE: (Not

17 present.)

18 MS. ZIELKE: Bill McLaren?

19 COMMISSIONER McLAREN: Here.

20 MS. ZIELKE: Tim Reinhold?

21 COMMISSIONER REINHOLD: (Not

22 present.)

23 MS. ZIELKE: Stan Voss?

24 COMMISSIONER VOSS: Here.

25 MS. ZIELKE: And, Debbie

1 Willette?

2 COMMISSIONER WILLETTE: Here.

3 MS. ZIELKE: We have a quorum.

4 CHAIRMAN EVANS: Thank you.

5 At this time, I will give the Planning
6 and Zoning Commissioners the opportunity to declare
7 any conflict, communication, or relationship they may
8 have had that might influence their ability to
9 consider today's issues impartially.

10 (NONE)

11 If there are no declarations, Nichole,
12 will you please give us the presentation of the
13 meeting procedures and exhibits.

14 MS. ZIELKE: Tonight's Planning
15 Commission meeting is governed by the Franklin County
16 Unified Land Use Regulations.

17 Some matters on the agenda may be for
18 action by the Planning and Zoning Commission. These
19 matters do not involve public hearings.

20 Other matters on the agenda require
21 public hearings under Missouri law. If a matter
22 involves a public hearing, all individuals who desire
23 to testify will be given an opportunity to do so.

24 At this time, I would like to place into
25 the record these regulations as Exhibit A, the

1 official Zoning Map as Exhibit B, the official Master
2 Plan as Exhibit C, and the case file for each case as
3 Exhibit D for all the cases to be heard during the
4 public meeting.

5 (THEREUPON, EVIDENCE WAS
6 MARKED FOR IDENTIFICATION AND
7 SUBMITTED FOR THE RECORD AS
8 EXHIBITS A, B, C, AND D.)

9 All Unfinished Business items on the
10 agenda will be dealt with first. Once the Unfinished
11 Business issues have been taken care of, each item of
12 New Business will be opened.

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

16 Then if anyone in the audience would like
17 to speak or comment on a file that is part of the
18 public hearing, they must first print their name on
19 the sign-in sheet provided, and then be sworn in.

20 When it is your turn to speak, you will
21 come to the front of the room to address the
22 Commission and only the Commission, not anyone in the
23 audience, with your comments.

24 It is possible for the Planning
25 Commission to decide to move a New Business issue to

1 Unfinished Business and vote on it the same night.

2 At the conclusion of all questions,
3 comments, and discussion concerning each case, the
4 Planning Commission will proceed. Any final decision
5 by the Planning and Zoning Commission concerning
6 Conditional Use Permits may be appealed to the Board
7 of Zoning Adjustment any time within 90 days.

8 Applications for such an appeal may be
9 acquired from the Department offices during normal
10 business hours.

11 CHAIRMAN EVANS: Thank you

12 All the Commissioners should have
13 received a copy of the June 16th and July 21st meeting
14 minutes. We'll just add all this together.

15 Any additions or corrections to the June
16 16th minutes?

17 (NONE)

18 Any additions or corrections to the July
19 21st minutes?

20 (NONE)

21 If not, the Chair would entertain a
22 motion to approve.

23 COMMISSIONER GRUTSCH: Mr.
24 Chairman, I would make a motion that we approve the
25 minutes as submitted for both dates.

1 COMMISSIONER HAIRE: I'll
2 second it.

3 CHAIRMAN EVANS: We have a
4 motion and a second to approve the June 16th and July
5 21st meeting. All in favor signify by saying aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLETTE: Aye.

9 COMMISSIONER GRUTSCH: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER HARTMANN: Aye.

13 CHAIRMAN EVANS: Opposed?

14 (NONE)

15 The motion is carried.

16 Communication and Visitors Comments.

17 Anyone present wishing to address the Commission?

18 (NONE)

19 If not, we'll move on to Unfinished
20 Business. We have File 200106, everyone should have,
21 on the agenda. The applicant has withdrawn their
22 application.

23 Moving on then to New Business. We have
24 File 200133, Pin Oak Farms, Inc. Nichole, will you
25 please give us the details.

1 MS. ZIELKE: The applicant is
2 requesting to hold a Special Event, Occasional, a
3 seasonal U-Pick Pumpkin Patch.

4 The property is located on Highway E, at
5 the northeast corner of Highway E and Disson Road in
6 the Boeuf Township.

7 FACTS: The total area for the property
8 is approximately 53 acres.

9 The zoning of this property is W. In
10 this district, Special Events, Occasional require a
11 Conditional Use Permit.

12 The surrounding properties are zoned W,
13 and appear to be low-density resident property and
14 undeveloped land.

15 This property has access to Highway E.
16 This is a State-maintained road with a varying
17 right-of-way width at least 60 feet wide.

18 There is a 100-year floodplain on the
19 property, but it does not appear that any of the
20 existing or proposed structures are located in the
21 floodplain.

22 The applicant indicates on the provided
23 sketch plan that they will be utilizing a 44 by 48
24 foot building and a 20 foot by 20 foot building for
25 the pumpkin patch activity.

1 The applicant is requesting to operate
2 the seasonal pumpkin patch from September 26th through
3 October 31st.

4 The property owner is the Brune Family
5 Trust. Planning and Zoning will need to receive
6 documentation from the owner authorizing Pin Oak
7 Farms, Incorporated to apply for a Conditional Use
8 Permit.

9 Which we did receive that prior to the
10 meeting.

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

15 All new and/or existing entrances onto
16 Highway E will need to be examined by MoDOT for a
17 commercial entrance. Planning and Zoning shall
18 receive a copy of the permit prior to the applicant
19 commencing any activities on the property.

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

24 Hours of operation shall be as follows:
25 Friday, Saturday and Sunday - 12:00 p.m. to 9:00 p.m.

1 with everything cleaned up and closed down by 10:00
2 p.m.

3 The Conditional Use Permit shall be valid
4 annually on Friday, Saturday and Sunday during the
5 last weekend of September and during the month of
6 October.

7 The applicant shall have a minimum of two
8 restrooms, portable toilets, available.

9 No parking shall be allowed on any public
10 or private road and shall only be allowed within the
11 property lines.

12 CHAIRMAN EVANS: Thank you.

13 Is the applicant present?

14 MR. DUAN BRUNE: Yes.

15 CHAIRMAN EVANS: Will you come
16 forward, please. Please state your name and address
17 and tell us a little bit about what you are planning.

18 MR. BRUNE: My name is Duan
19 Brune. I live at 2431 Highway E.

20 (THEREUPON, THE WITNESS WAS
21 SWORN.)

22 CHAIRMAN EVANS: Anything you'd
23 like to tell us about what you're planning?

24 MR. BRUNE: Well, I mean, we've
25 -- we've been holding these events for quite some

1 time. I was just recently brought aware of what I
2 needed to do here I guess when we decided to put up a
3 new building, a 45 by 48 building.

4 So we've been holding the event since
5 1999, and we have had no incidences of any problems
6 that I'm aware of.

7 CHAIRMAN EVANS: Commissioners
8 have any questions for the applicant?

9 COMMISSIONER McLAREN: Sure,
10 I'll go ahead.

11 What are you doing at the event that is
12 more than pumpkins? I've kind of curious if it's
13 truly a pumpkin patch, is that not agricultural sales
14 that would be allowed without having to have a Special
15 Use Permit?

16 MS. ZIELKE: He can probably
17 answer that question better than I can, because if it
18 were truly just a U-pick pumpkin patch, that wouldn't
19 be an issue.

20 However, if they're doing any sort of
21 activities, games things like that, on the property as
22 part of that, that's where you would get into the
23 special event occasional.

24 MR. BRUNE: We are -- we hold a
25 -- like a petting zoo. We do a petting zoo where the

1 kids can, for a quarter, buy a handful of feed to feed
2 the animals. And probably where this comes into play
3 is we've had -- we have three bounce houses, like
4 inflatable bound houses, and we charge to get into
5 that area.

6 We offer wagon rides out to the field to
7 pick your own pumpkins, and yeah, selling pumpkins by
8 the pound. We do sell some jams and jellies. We do
9 not make those jams and jellies. We buy them from the
10 Amish. So where that falls into that, I don't know.
11 That's about the gist of what we do.

12 CHAIRMAN EVANS: But you do
13 have activities unrelated to just picking pumpkins?

14 MR. BRUNE: Right. So that
15 probably be like the bounce house would be the thing I
16 would say maybe isn't so much agriculture, yeah.

17 CHAIRMAN EVANS: Did that
18 answer your question, Bill?

19 COMMISSIONER McLAREN: I guess.
20 I think we're -- I'll shut up.

21 MR. BRUNE: Maybe I should too,
22 but that's where I was for the last 20 years. Yeah, I
23 thought agriculture. Yeah.

24 CHAIRMAN EVANS: Any other
25 questions for the applicant?

1 COMMISSIONER HAIRE: Just one.
2 You're parking is in the field? You're
3 not doing anything special with that?

4 MR. BRUNE: Yeah, we're parking
5 in a hay field. Yeah.

6 COMMISSIONER McLAREN: How many
7 attendees do you have there over the course of a day,
8 a weekend, and how many is kind of the maximum that
9 would be there at one time?

10 MR. BRUNE: Oh, the middle two
11 weekends are our busy weekends. We're probably 400,
12 maybe 500, a day on Saturdays and Sundays. Friday is
13 probably only less than a hundred people.

14 COMMISSIONER GRUTSCH: But
15 those four or five hundred people on a specific
16 Saturday or Sunday, they would not be there all at one
17 time. They would be scattered throughout from your
18 opening and your closing?

19 MR. BRUNE: That is correct,
20 yes.

21 CHAIRMAN EVANS: All right.
22 Any more questions for the applicant?

23 (NONE)

24 All right. Thank you.

25 MR. BRUNE: Thank you for your

1 time.

2 CHAIRMAN EVANS: Anyone else
3 present wishing to speak in support of this file?

4 (NONE)

5 Anyone present who'd like to speak in
6 opposition?

7 (NONE)

8 If not, any discussion among the
9 Commissioners?

10 COMMISSIONER GRUTSCH: Mr.
11 Chairman, I'd like to make a motion to move this to
12 Unfinished Business, and review it after the
13 conclusion of New Business.

14 COMMISSIONER HAIRE: I'll
15 second that.

16 CHAIRMAN EVANS: We have a
17 motion and a second to move File 200133 to Unfinished
18 Business. All in favor signify by saying aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER WILLETTE: Aye.

22 COMMISSIONER GRUTSCH: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER HAIRE: Aye.

25 COMMISSIONER HARTMANN: Aye.

1 CHAIRMAN EVANS: Opposed?

2 (NONE)

3 The motion is carried.

4 Moving on to File 200134, Kathleen
5 Duncan.

6 Nichole, will you please give us the
7 details.

8 MS. ZIELKE: The applicant
9 requests to rezone one parcel from the G Zoning
10 District to the W Zoning District.

11 The property is located just north of
12 Zero Road, approximately 1.9 miles of Berger Bottom
13 Road in the Boeuf Township.

14 I don't know if that's east or west of
15 Berger. I think it's west of Berger Bottom road.
16 Sorry.

17 FACTS: The total area for the rezoning
18 is approximately 26.8 acres.

19 The zoning of this property as of January
20 14, 2020 is G. Prior to January 14, 2020, the
21 property was zoned Industrial Development. The
22 applicant would like to rezone to the W District.

23 In 2014, this property was the subject of
24 a rezoning request, and subsequently was rezoned from
25 Non-Urban and Agricultural to Industrial Development.

1 Two properties to the immediate east are
2 zoned G, and were also the subject of the 2014
3 rezoning. These properties to be industrial in
4 nature.

5 The properties to the north, was, and
6 south are zoned W, and are primarily low-density
7 residential properties and undeveloped land.

8 Just south of this property is A & J
9 Subdivision, which in a one-lot subdivision.

10 This property appears to have access to
11 Zero Road.

12 This property does not appear to be
13 located within a water or sewer district.

14 This property appears to currently
15 vacant.

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

1 County.

2 CHAIRMAN EVANS: Thank you.

3 Is the applicant present? Will you
4 please state your name and address and sign in,
5 please.

6 MR. RANDY LEWIS: My name is
7 Randy Lewis, 1601 Ridgee, Wright City. I am the real
8 estate broker. Ms. Duncan and her partners all live
9 out of state, so I got the short straw to come here.

10 (THEREUPON, THE WITNESS WAS
11 SWORN.)

12 CHAIRMAN EVANS: If you would
13 like to give us some detail on why feel the rezoning
14 of this property would be appropriate?

15 MR. LEWIS: Well, the best way
16 to use of this property is basically residential, and
17 for some reason it got zoned W. I think that was the
18 same as Industrial; is that correct?

19 MS. ZIELKE: It was -- it's
20 actually G that it's zoned currently, and that is --
21 it did used to be referred to as Industrial Zoning
22 District.

23 MR. LEWIS: Yeah. And it's
24 basically farm ground now, and we just want to change
25 it to W so whoever buys it can put a house on it

1 basically.

2 And we're wanting to do this change
3 before we actually sell it because whoever buys it is
4 going to want to make a zoning change so they can put
5 a house on it. And we just want to do it before that
6 happens.

7 CHAIRMAN EVANS: Okay. So it's
8 contiguous property around you and you just want to
9 make it --

10 MR. LEWIS: No, it's G, and we
11 want to make it W. Is that correct?

12 CHAIRMAN EVANS: I was talking
13 about there was contiguous property G around it.

14 MR. LEWIS: It's W around it.
15 I think there's one parcel that's G to the east of it.

16 MS. ZIELKE: There's two
17 properties to the east that are zoned G, and then the
18 rest of the properties to the north, west, and south
19 are all W.

20 CHAIRMAN EVANS: Are already W.
21 That was my question, okay. Nichole, do we know why
22 this was changed in the first place?

23 MS. ZIELKE: Why they requested
24 the rezoning?

25 CHAIRMAN EVANS: Yes.

1 MS. ZIELKE: I believe they had
2 plans for developing an industrial park, but I don't,
3 you know, we wouldn't have based it on what they were
4 planning to do with the property. We would have based
5 it on, you know, what they were -- you the area, the
6 whole, and that was 2014.

7 CHAIRMAN EVANS: Right.

8 MR. LEWIS: This parcel is
9 adjacent to what they call the Zero Building, that
10 large building on Zero Road there, and it abuts up --
11 it does contingent with that property.

12 COMMISSIONER HAIRE: It does
13 bump up to that because I went out there. I was a
14 little confused by Berger Road and -- Berger Bottom
15 Road and Zero. It's a little further down the road
16 from where Zero is, so --

17 MR. LEWIS: No, it's right no
18 Zero Road. Yeah, it sits right on Zero Road, yes,
19 sir.

20 MS. ZIELKE: There is a large
21 industrial building on a tract that's just to --

22 COMMISSIONER HAIRE: And that's
23 the old Zero where we have the contaminated products,
24 correct, I think.

25 MR. LEWIS: Yes, and that got

1 all cleaned up, and the EPA has a 168 page that
2 everything is cleaned up out of there. Yes, sir.

3 COMMISSIONER HAIRE: Got it.

4 CHAIRMAN EVANS: Any other
5 questions for the applicant?

6 COMMISSIONER McLAREN: This is
7 parcel Number 9 on this map, correct?

8 COMMISSIONER GRUTSCH: Yes, it
9 is.

10 CHAIRMAN EVANS: Any other
11 questions?

12 COMMISSIONER GRUTSCH: It
13 appears that a good part of this area to be rezoned is
14 in a floodplain. Are they aware of that as a
15 residential development?

16 MR. LEWIS: Part of that parcel
17 is in a floodplain, but the majority is not in a flood
18 -- out of the floodplain. Right along Zero Road is in
19 a floodplain, but it kind of goes up on the hilltop.

20 Yes, it's all this disclosed and
21 everything what's part of the floodplain and what's
22 not. Yes, sir.

23 CHAIRMAN EVANS: Any other
24 questions?

25 (NONE)

1 Thank you.

2 MR. LEWIS: Thank you very
3 much.

4 CHAIRMAN EVANS: Anyone else
5 wishing to speak in support of this file?

6 (NONE)

7 Anyone present wishing to speak in
8 opposition?

9 (NONE)

10 I'm sorry for or against?

11 MR. CRAIG HOLZEN: Well, I can
12 talk about a point there, but just some general
13 comments.

14 My name is Craig Holzen. I live on 9
15 Lexington, Washington.

16 CHAIRMAN EVANS: Sign in,
17 please.

18 (THEREUPON, THE WITNESS WAS
19 SWORN.)

20 MR. HOLZEN: My name is Craig
21 Holzen. I live at Washington, 9 Lexington Lane, but I
22 own the property adjacent to it. And to clarify
23 things a little bit about why they made the change in
24 2014. His intent at the time was to build a large
25 industrial tract.

1 Well, since I own property next to it, I
2 wasn't thrilled about that, so I talked him into
3 selling me 50 acres of farm land that was part of that
4 original zoning change.

5 So I own the property right next to
6 what's being proposed. And so I have no problems with
7 it being changed from industrial. My concern is what
8 all could be entailed for a W zoning. If it's simply
9 residential, got no problems with that.

10 The only thing if they don't like people
11 hunting in their backyard because that's why we have
12 the property, is for hunting.

13 My concerns looking over all the things
14 that could be included in W, especially the W Zoning
15 if I read it correctly, or even things such as, you
16 know, marijuana, growing marijuana and things like
17 that. I'd have a problem with that because we're very
18 isolated. And like I said, getting someone out there
19 when you need help takes a while.

20 So if it's simply residential and like I
21 said if they don't mind hunting, I'm good with it.
22 Anything else, like I said, hurts our property values
23 and the good of the community.

24 CHAIRMAN EVANS: All right.
25 Thank you.

1 Again, when we're talk about rezoning,
2 that when we rezone, it's not for a particular use but
3 any permitted use in that district that could be
4 allowed.

5 And secondly just to point out, which I
6 should have mentioned before, our rezoning that we
7 make recommendations to the Franklin County
8 Commission. And so we will recommend to them one way
9 or the other, and the Franklin County Commission will
10 in turn have their own public hearing, and they will
11 make the final decision on the zoning.

12 Any discussion of the Commissioners?

13 COMMISSIONER GRUTSCH: Yes.
14 Nichole, G Zoning District, residential is not
15 allowed; is that correct?

16 MS. ZIELKE: Correct.

17 COMMISSIONER GRUTSCH: Okay.

18 And actually the G Zoning is more liberal than the W?

19 MS. ZIELKE: In some areas.

20 For example, the marijuana uses that are listed in our
21 regulations are all permitted. In the G Zoning
22 District, some of them are prohibited in the W Zoning
23 District. So it just depends on what we're talking
24 about.

25 COMMISSIONER GRUTSCH: And you

1 could even have a non-utility waste landfill in the G
2 where you cannot have that in any other zoning
3 district?

4 MS. ZIELKE: Oh, yes,
5 non-utility waste.

6 COMMISSIONER GRUTSCH: Yes.

7 MS. ZIELKE: Correct.

8 COMMISSIONER GRUTSCH: That's
9 all the questions I have.

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

12 (NONE)

13 If there's no further discussion, the
14 Chair would entertain a motion.

15 COMMISSIONER GRUTSCH: Mr.
16 Chairman, I would like to make the motion to move this
17 file to Unfinished Business.

18 CHAIRMAN EVANS: It's a
19 rezoning.

20 COMMISSIONER GRUTSCH: Oh,
21 okay. I'm sorry. For the rezoning?

22 CHAIRMAN EVANS: Yeah.

23 COMMISSIONER GRUTSCH: Okay.

24 For the rezoning, I would like to make a
25 motion to approve the request for the rezoning of File

1 200134 with the facts as listed by Planning and
2 Zoning.

3 COMMISSIONER McLAREN: I think
4 I'll second that motion that we recommend -- I want to
5 add to it, sort of clean it up a little bit -- that we
6 recommend to the Commission to approve -- we recommend
7 to the Commission to rezone this property. I would
8 second that.

9 CHAIRMAN EVANS: Okay. We have
10 a motion and a second to recommend approval of the
11 rezoning request under File 200134. All in favor
12 signify by saying aye.

13 COMMISSIONER VOSS: Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER WILLETTE: Aye.

16 COMMISSIONER GRUTSCH: Aye.

17 CHAIRMAN EVANS: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER HARTMANN: Aye.

20 CHAIRMAN EVANS: Opposed?

21 (NONE)

22 The motion is carried.

23 Moving back to Unfinished Business. We
24 have File 200133 Pin Oak Farms, Inc. Any further
25 discussion?

1 It would seem that this operation has
2 some history and no issues.

3 COMMISSIONER McLAREN: I guess
4 I will make an editorial comment, which I am very much
5 used to doing.

6 I truly think that we should approve
7 this, but I think that our county is an exceptional
8 county for agri-tourism, and we have a lot to offer
9 for agri-tourism. I would think that he's applied for
10 the CUP. I think we should approve it, but I think we
11 should be cautious that we don't confuse what this
12 with -- agri-tourism with what we're doing right now.

13 I think that we need to be very liberal
14 towards agri-tourism in our county because I think we
15 have an exceptional county for agri-tourism.

16 That's my only comment.

17 CHAIRMAN EVANS: Yeah, I would
18 totally agree, and you know, I commend the applicant
19 for coming forward. He's obviously been doing this,
20 and saw this is the right thing to do. I don't see
21 any problem with it, but I think you're right.

22 Any further discussion?

23 (NONE)

24 If not, the Chair would entertain a
25 motion.

1 COMMISSIONER GRUTSCH: I make a
2 motion to approve the file by Pin Oak Farms.

3 COMMISSIONER McLAREN: I would
4 second that.

5 CHAIRMAN EVANS: We have a
6 motion and a second to approve File 200133 with the
7 conditions as submitted. All in favor signify by
8 saying aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLETTE: Aye.

12 COMMISSIONER GRUTSCH: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER HARTMANN: Aye.

16 CHAIRMAN EVANS: Opposed?

17 (NONE)

18 The motion is carried.

19 Moving on to Preliminary Plats. We have
20 none.

21 Planning and Zoning Commission Forum.
22 And I think you all should have gotten an amended copy
23 of the agenda, which would show the two items on here
24 are the modification. Are the bills moving up,
25 Nichole, or just the --

1 MS. ZIELKE: So they were just
2 -- it was just an error that they were listed under
3 Planning Director's Report. They should have both
4 been listed under Planning Commission Forum.

5 CHAIRMAN EVANS: Okay.

6 MS. ZIELKE: So they've just
7 been put in the right spot basically on the agenda.

8 CHAIRMAN EVANS: All right.

9 We have a discussion regarding minor
10 modifications to CUP 130030, Robert Dix.

11 And I think the initial request for
12 modification was that the applicant wanted to get an
13 FFL for the shooting club as I remember, and there
14 were some questions. I know I had some of the
15 questions as to why they would operate for five or six
16 years, and now request the FFL.

17 And Nichole has been in contact with Mr.
18 Dix. I think the e-mail attached pretty much explains
19 his logic behind it in that the gun club is now
20 becoming self-sufficient, and before Mr. Dix was
21 actually taking all the guns personally, everything
22 out there for people to use. And now that it's become
23 self-sufficient, he wanted the FFL out there to
24 separate the two businesses. Which answers the only
25 question I really had.

1 COMMISSIONER HAIRE: The only
2 question I think we discussed earlier was that do we
3 tell him to make sure -- he said he ceased the
4 Group-On proposal in the e-mail. But do we make it
5 conditional that it remains a retail business -- a
6 non-retail business and he only has members involved?
7 That would be my question to the Commission is whether
8 we should make sure that's a stipulation.

9 That's originally how it was. Originally
10 it was supposed to be membership only, no -- you can
11 bring guests, but no -- no retail participation, no
12 retail sales.

13 CHAIRMAN EVANS: And I guess
14 since the original CUP says members only, we have
15 altered that?

16 MS. ZIELKE: Right. That
17 condition would still apply to the Conditional Use
18 Permit. We wouldn't necessarily change that unless
19 that's something the Commission wanted to change.

20 CHAIRMAN EVANS: Okay. And I
21 think it's -- the way it's set up now, and I think he
22 mentions it in this e-mail, I think there's actually a
23 keypad to even access the gun club, and only members
24 have the combination to even access it.

25 And I think he explained it in his e-mail

1 that they were going to cease using the Group-On
2 altogether since apparently they've had a little spike
3 in membership.

4 And, Nichole, I believe that was essence
5 of his request, was to obtain an FFL?

6 MS. ZIELKE: Right. We were
7 contacted originally by AFT who asked us what process
8 he would have to go through in order to be able to
9 sell from the property. So before they issue it, they
10 need to know that he has Planning approval, and so I
11 brought it before the Board -- or before the
12 Commission for your review.

13 CHAIRMAN EVANS: Okay. We
14 don't have an attorney present because I'm not sure
15 that we can vote on this unless there's an agenda
16 item, or can we just --

17 MS. ZIELKE: Because this is
18 just a discussion item, we -- as far as I am concerned
19 or my understanding of the regulations, is this can be
20 voted on as a discussion item because we're not
21 actually issuing a new CUP and it's a minor amendment.

22 CHAIRMAN EVANS: Okay.

23 Any further discussion or questions?

24 COMMISSIONER McLAREN: I may be
25 confused, but didn't we talk about whether we can do

1 this at all or whether the staff can do it?

2 MS. ZIELKE: So there are
3 different options for a conditional use permit. If
4 it's minor enough, the Planning Director can approve a
5 change to a conditional use permit.

6 If it is slightly more than that, then it
7 would go before the Planning and Commission for review
8 and approval, and then if it's a substantial change,
9 they have to start the process over.

10 Because he stated in his original
11 testimony that he would not have a retail sales of
12 firearms on the property, I didn't feel comfortable
13 doing it at an administrative level. I felt like that
14 was something that the Planning Commission would know
15 that he was requesting, and you know, make the
16 decision.

17 CHAIRMAN EVANS: Okay. Did
18 that answer your question?

19 So, Nichole, you basically -- the
20 Planning and Zoning office basically evaluates and
21 decides whether to consider find there are sufficient
22 change --

23 MS. ZIELKE: Yes.

24 CHAIRMAN EVANS: -- to direct
25 us?

1 MS. ZIELKE: Yes.

2 CHAIRMAN EVANS: Any further
3 discussion?

4 (NONE)

5 If not, the Chair would entertain a
6 motion.

7 COMMISSIONER HAIRE: I move we
8 amend the existing CUP to add retail sales to members
9 only.

10 MS. ZIELKE: Retail sales of
11 firearms?

12 COMMISSIONER HAIRE: Yeah,
13 firearms, yeah, to members only.

14 COMMISSIONER WILLETTE: I'll
15 second that.

16 CHAIRMAN EVANS: We have a
17 motion and a second to approve the modification to CUP
18 130030 to add retail sales to club members only. All
19 in favor signify by saying aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER WILLETTE: Aye.

23 COMMISSIONER GRUTSCH: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER HARTMANN: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 The motion is carried.

5 Okay. Discussion regarding modifications
6 to CUP 140140, Paul Cooper. Nichole?

7 MS. ZIELKE: This one is your
8 fault.

9 CHAIRMAN EVANS: Thank you.

10 MS. ZIELKE: So when I
11 contacted him last month to let him know that we were
12 approving the addition to his structure as well as
13 offering him the ability to hire three more employees,
14 he then said, well, could I also do more vehicles?

15 And I said, well, all right, we'll have
16 to take that back to them to find out.

17 So he is proposing increasing the number
18 of vehicles to 30 vehicles and over 15. Oh, an he did
19 say that 30 vehicles would include the vehicles that
20 are parked on the premises that are employee vehicles.

21 CHAIRMAN EVANS: Okay.

22 Any discussion?

23 COMMISSIONER HAIRE: In the
24 original CUP, did we have it that the vehicles had to
25 be licensed and operable or they have to park -- if

1 they're not, they have to be behind a fence or a
2 containment?

3 MS. ZIELKE: No. So what it
4 actually states is that the applicant shall be limited
5 to work on up to 15 vehicles for the business at a
6 time, and we probably didn't get into unlicensed
7 versus licensed because you're not allowed to have
8 more than two unlicensed vehicles on your property.

9 COMMISSIONER McLAREN: Has
10 there been any complaints at all?

11 MS. ZIELKE: Not that I ever
12 remember getting. They received this Conditional Use
13 Permit in 2014. As far as I know, it's been operating
14 without complaints. It's my understanding that he
15 lives on the property, and when I've drove by it, I
16 haven't seen anything that stood out to me as being a
17 problem, but --

18 COMMISSIONER HARTMANN: I don't
19 think he lives on that property.

20 MS. ZIELKE: No, okay. That
21 was my understanding.

22 COMMISSIONER HARTMANN: I think
23 he rents that to somebody.

24 MS. ZIELKE: Okay.

25 COMMISSIONER GRUTSCH: I have

1 been by it, and it does appear that it's pretty clean
2 and well-kept. And he does auto work, and you see some
3 cars that need parts put back on them and what have
4 you, but it doesn't look like an eyesore at all.

5 And as long as he's not just junking up
6 cars, I would have no problem with this.

7 CHAIRMAN EVANS: So basically
8 we have an applicant that's really just growing his
9 business.

10 Anything, Nichole, you mentioned that you
11 can't have more than two unlicensed cars anyway.

12 MS. ZIELKE: Correct.

13 CHAIRMAN EVANS: So that would
14 preclude him from having a bunch of unlicensed junkers
15 there.

16 MS. ZIELKE: And I would have
17 kind of deferred to legal counsel on whether or not
18 that's different for motor vehicle facilities. As far
19 as I know, there is no caveat in our regulations that
20 says that they're above that requirement, and I know
21 that we have imposed the requirement on certain motor
22 vehicle facilities.

23 So it's my understanding that he too
24 could only have up to two unlicensed vehicles.

25 CHAIRMAN EVANS: Okay. Is that

1 something we might want to consider putting in there,
2 or just assume that it's as Nichole says that, for all
3 of their facilities, that seems to be the rule?

4 COMMISSIONER McLAREN: If he's
5 been operating for five or six years without a
6 problem, and he's growing his business. I remember
7 this file was one of the first ones when I came on
8 board. I would make a motion that we approve this
9 modification to his CUP.

10 COMMISSIONER HARTMANN: I'll
11 second.

12 CHAIRMAN EVANS: Okay. We have
13 a motion and a second to approve modification of CUP
14 Number 140140 for Paul Cooper to increase the number
15 of vehicles on the property from 15 to 30.

16 COMMISSIONER McLAREN: As
17 specified.

18 CHAIRMAN EVANS: Yeah, as
19 specified. All in favor signify by saying aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER WILLETTE: Aye.

23 COMMISSIONER GRUTSCH: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER HARTMANN: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 The motion is carried.

5 All right. Anything else the
6 Commissioner wish to discuss?

7 (NONE)

8 I would like to thank Nichole for being
9 here tonight even though Scottie is back at work, and
10 I did send a memo to presiding Commissioner Brinker
11 just telling him how much we appreciated her and
12 Crystal's efforts the last few months.

13 It's one thing to have a leave of
14 absence, but also an unexpected retirement and COVID,
15 and I think that they've done a fantastic job in
16 scheduling our meetings and taking care of all the
17 administrative details. So, Nichole, thank you.

18 MS. ZIELKE: Thank you for
19 that. I'll pass that on to Crystal and Scottie.

20 (OFF-THE-RECORD COMMENTS)

21 CHAIRMAN EVANS: All right.
22 Anything else to discuss?

23 (NONE)

24 If not, the Planning Director's Report.

25 MS. ZIELKE: There's really

1 nothing to say at this point. I haven't heard back
2 from HR about putting out for the job, for Tori's job.
3 So we haven't published anything. We haven't
4 requested any submittals for resumes. I'm hoping that
5 happens soon.

6 Scottie is back, so that's good. I felt
7 a weight lift off my shoulders on Friday, and that was
8 all mental because my in box was still just as full.

9 And then aside from that, I think we are
10 going to have Kennelwood back before us in September.

11 CHAIRMAN EVANS: Okay. Back in
12 front of us?

13 MS. ZIELKE: Uh-huh. So their
14 rezoning was denied by the County Commission, and they
15 are coming back -- they have revised their request
16 somehow and believe it be may be that they're revising
17 it to the W District, but I'm not positive. We just
18 got the application. I just was told that it was going
19 to be on the September agenda, and I will not be here
20 in September, so...

21 COMMISSIONER HAIRE: In Tori's
22 position, are they still thinking of expanding it a
23 little bit?

24 MS. ZIELKE: As far as I know,
25 I had edited the job description to include some minor

1 code enforcement with Building Department. So
2 they're, I guess, restructuring it, whatever HR needs
3 to do, the official reassessment of the position so
4 that we can determine salary and that type of thing.

5 So that's what we're waiting on.

6 CHAIRMAN EVANS: All right.

7 Thank you.

8 If there is nothing else, the Chair would
9 entertain a motion to adjourn.

10 COMMISSIONER McLAREN: Motion
11 to adjourn.

12 COMMISSIONER HAIRE: Second.

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

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLETTE: Aye.

19 COMMISSIONER GRUTSCH: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER HAIRE: Aye.

22 COMMISSIONER HARTMANN: Aye.

23 CHAIRMAN EVANS: Opposed?

24 (NONE)

25 We are adjourned.

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(THEREUPON, THE PROCEEDINGS
CONCLUDED AT 7:48 P.M.)

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

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

Patsy A. Mayberry



14 _____
15 Patsy A. Mayberry, Court Reporter
16 Notary Public, State of Missouri

17 My Commission Expires:
18 August 26, 2022

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