

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

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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING
11 SEPTEMBER 19, 2017
12 (Commencing at 7:00 p.m.)

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

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1 P R O C E E D I N G S
2 (SEPTEMBER 19, 2017)
3 CHAIRMAN EVANS: All right. I'd
4 liked to go ahead and call to order the September 19th
5 meetings of the Franklin County Planning and Zoning
6 Commission.
7 Scottie, will you please take role.
8 MS. EAGAN: Bill Evans?
9 CHAIRMAN EVANS: Here.
10 MS. EAGAN: Jay Schulteheinrich?
11 COMMISSIONER SCHULTEHENRICH:
12 Here.
13 MS. EAGAN: Todd Boland?
14 COMMISSIONER BOLAND: Here.
15 MS. EAGAN: Tim Reinhold?
16 COMMISSIONER REINHOLD: (Not
17 present.)
18 MS. EAGAN: Ray Cunio?
19 COMMISSIONER CUNIO: Here.
20 MS. EAGAN: Tom Tobben?
21 COMMISSIONER TOBBEN: (Not
22 present.)
23 MS. EAGAN: Bill McLaren?
24 COMMISSIONER McLAREN: Here.
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Here.

2 MS. EAGAN: Dan Haire?

3 COMMISSIONER HAIRE: Here.

4 MS. EAGAN: Russell McCreary?

5 COMMISSIONER McCREARY: (Not
6 present.)

7 MS. EAGAN: And, Ron Williams?

8 COMMISSIONER WILLIAMS: Here.

9 MS. EAGAN: Okay. We have a
10 quorum.

11 CHAIRMAN EVANS: Thank you.

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

17 COMMISSIONER McLAREN: I have to
18 recuse myself from File 170191.

19 CHAIRMAN EVANS: Okay. The
20 record will indicate that Commissioner McLaren has
21 recused himself from File 170191.

22 No other declarations. We'll move on.

23 Scottie, will you please give us a
24 presentation of the meeting procedures and exhibits.

25 MS. EAGAN: Tonight's Planning

1 Commission meeting is governed by the Franklin County
2 Unified Land Use Regulations.

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

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

15 (Thereupon, evidence was marked
16 for identification and presented for
17 the record as Planning and Zoning
18 Exhibits A, B, C, and D.)

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

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

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

1 questions for the staff.

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

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

11 It is possible for the Planning Commission
12 to decide to move a New Business issue to Old Business
13 and vote on it the same night.

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

20 Applications for such an appeal may be
21 acquired from the Department offices during normal
22 business hours.

23 CHAIRMAN EVANS: Thank you.

24 All the Commissioners should have received
25 a copy of the August 15th meeting minutes. If there

1 are no correction or a additions, the Chair would
2 entertain a motion to approve.

3 COMMISSIONER BOLAND: I make a
4 motion to approve the minutes.

5 COMMISSIONER HAIRE: I'll second
6 it.

7 CHAIRMAN EVANS: We have a
8 motion and second to approve the August 15th meeting
9 minutes. All in favor signify by saying aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER SCHULTEHENRICH:
12 Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER CUNIO: Aye.

15 COMMISSIONER WILLIAMS: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER BOLAND: Aye.

18 COMMISSIONER HAIRE: Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 The minutes are approved.

22 Communication and Visitor Comments: Is
23 there anyone present wishing to address the Commission?

24 (NONE)

25 Moving on to Old Business. We have

1 anyone.

2 New Business File 170175, Sam Salamah. No
3 public comment accepted.

4 Scottie, will you please give us the
5 details.

6 MS. EAGAN: This is File 170175
7 for Sam Salamah.

8 The applicant requests to rezone one
9 parcel from Suburban Development to Community
10 Development.

11 The property is located at 1300 Highway
12 100, approximately 900 feet west of Highway 00, in
13 Boles Township.

14 The Facts: The total area for the
15 rezoning is approximately three acres in size.

16 The zoning of this property is Suburban
17 Development. The applicant would like to rezone to
18 Community Development.

19 Community Development zoning brings
20 shopping, the workplace and home closer together by
21 allowing a mixed use of all types of residential
22 density and most forms of commercial development.

23 The two parcels directly east of this
24 parcel got rezoned in 1991 or 1992, and are now zoned
25 Community Development.

1 The properties around the proposed site,
2 north, west and south, are zoned Suburban Development.

3 The property is surrounded primarily by
4 low-density residential land.

5 To the west approximately 950 feet, there
6 is a mobile home park, "Country Air Mobile Park". This
7 is a 152-pad park that was platted in 1979.

8 Directly southwest of the proposed
9 rezoning is a two-lot low-density subdivision, "Locust
10 Lane", that was platted in 1986.

11 This property has access to Highway 100,
12 which is a State-maintained road.

13 This property is located within Public
14 Water Supply District No. 3 boundaries.

15 Staff Comments: The future land use map
16 shows this property, and the properties to the east, as
17 being commercial. The properties to the north, south,
18 and west are shown as non-urban.

19 Rezoning are allowed in our regulations
20 due to the every-changing conditions that exist in the
21 county and elsewhere. According to Article 14, Section
22 321, any such change must promote the health, safety,
23 morals, comfort and general welfare of Franklin County
24 by conserving and protecting property and building
25 values, by securing the most economical use of land and

1 facilitating the adequate provision of public
2 improvements in accordance with the master plan adopted
3 by Franklin County.

4 CHAIRMAN EVANS: Thank you.

5 Again, this is a rezoning. So we're
6 making recommendations to itself Franklin commission
7 who have make the financial decision and hold a public
8 hearing. Is the applicant present?

9 MR. ROB BITTICK: Yes. I'm not
10 Sam Salamah.

11 CHAIRMAN EVANS: Would you
12 please come forward. If you would, state your name and
13 address, and sign in.

14 MR. BITTICK: My name's Rob
15 Bittick, and I live at 450 Lindenwood, St. Charles.

16 (Thereupon, the witness was
17 sworn.)

18 CHAIRMAN EVANS: Please give us
19 a little detail on what you're proposal.

20 MR. BITTICK: Sam is proposing,
21 like Scottie said, the acreage to the east has already
22 been rezoned years ago. And when we started this
23 project in January, he was under the impression that
24 this three acres was also, and we really didn't realize
25 that till probably six weeks ago that this property had

1 a not been rezoned. So Sam has in his plans to put a
2 7,000-square-foot convenience store gas station at the
3 corner of 00 and 100. And then the property where this
4 three acres is, the main reason we need to get that
5 rezoned is the lift station we're putting in for the
6 development would actually sit in the corner, which
7 would be the southwest corner of that property is where
8 the lift station for all the sanitary sewage would be,
9 and then it would be pumped up to the treatment plant
10 at the trailer park.

11 We have talked to District 3 about it
12 probable three months ago, and they were -- said that
13 the treatment plant could handle it right now the load
14 that we would put on with the convenience store and
15 then to make it feasible to do at that, because that's
16 probably about a quarter of a million dollars to do
17 that lift station and then extend the water down
18 Highway 00 from the last hydrant, which is about 1,600
19 feet to the west, we would -- he would also like to put
20 apartments in there in the lower half.

21 And with the grade there, the apartments
22 really were not going to be seen from Highway 100 or 00
23 but, they're -- he initially wanted to do 8 apartments,
24 which would be 160 units, but after talking to Scottie
25 with the square footage needed for each residence, he

1 would probable only be able to do 7 apartment
2 buildings, which would eliminate 12 of those units. So
3 we'd be somewhere around 94.

4 CHAIRMAN EVANS: Any questions
5 from the Commissioners?

6 Again, that other property was rezoned
7 when?

8 MR. BITTICK: In nine...

9 MS. EAGAN: '91 or '92.

10 COMMISSIONER BOLAND: All that.

11 COMMISSIONER HAIRE: All that,
12 okay.

13 AUDIENCE MEMBER: You allowed
14 this to take place and whoever has on that corner from
15 here on out --

16 CHAIRMAN EVANS: There please.
17 There's no comments. There are no comments.

18 Questions? Bill?

19 COMMISSIONER McLAREN: Do you
20 have an agreement with the sewer district?

21 MR. BITTICK: I did not have it
22 in writing. I was going to call -- Cochran Engineering
23 is the company we hired to do the design of the lift
24 station and the water main extension, and I tried to
25 get a hold of John, and he'd already left for today, to

1 set that up. But I've already submitted for plans,
2 which I know would be contingent on this approval being
3 done, but I do not have the agreement with me tonight.

4 COMMISSIONER McLAREN: So I
5 mean --

6 MR. BITTICK: But we met with
7 them, and they were onboard with saying that they could
8 handle it, and they would -- you know, if we were
9 willing to pay for it, they would be with us on it.
10 But I had that -- I not have that in writing, but I can
11 produce that I guess at another time.

12 COMMISSIONER McLAREN: You know,
13 I would think that's extremely important to talk about
14 the -- I don't know how you can do it without --

15 MR. BITTICK: We would not be
16 able -- it would not even be a project if they do not
17 give us the letter.

18 AUDIENCE MEMBER: We can't hear.
19 Bill, can you turn your mic on?

20 MS. EAGAN: It's on. It's just
21 not picking him up yet.

22 COMMISSIONER McLAREN: Sorry.

23 I don't know how you can do a project like
24 this with this kind of density without having that
25 agreement in place. And I mean, I understand that

1 we're not supposed to the look at anything besides the
2 fact of the rezoning and the possible land uses. But
3 to -- that's an extreme density for the way the
4 situation is up there right now.

5 MR. BITTICK: Yeah. Also with
6 speaking with Doug over at Boles Fire District, we're
7 going to have to put a pump on. The main right now has
8 700 gallons per minute, and they're going to require
9 1500. So we can get the water to the site, but we're
10 going to have to increase the flow once we get it to
11 the site in order to do the apartments, because he
12 would not let us sprinkle the buildings and have the
13 hydrants that would be throughout the facility without
14 the 1500.

15 So Cochran is in the process of designing
16 that right now.

17 CHAIRMAN EVANS: Any other
18 questions, comments?

19 Scottie, I guess one question is that if
20 we would recommend approval of this, would they have to
21 have all their letters and everything by the time that
22 goes to the public --

23 MS. EAGAN: No.

24 CHAIRMAN EVANS: -- to the
25 County Commission?

1 MS. EAGAN: We are only here to
2 talk about the zoning of the property. We're not here
3 to talk about the proposed development.

4 CHAIRMAN EVANS: And also they
5 would --

6 MS. EAGAN: That would take
7 place when they come in with their application to do
8 the development.

9 CHAIRMAN EVANS: Okay.

10 MS. EAGAN: All of that would
11 take place then.

12 CHAIRMAN EVANS: So only for the
13 development those would be required?

14 MS. EAGAN: Right.

15 CHAIRMAN EVANS: Okay.

16 MR. BITTICK: The Building
17 Department did ask for those letters when I turned in
18 plans. So I do have to produce that before they would
19 even give us a building permit.

20 CHAIRMAN EVANS: Right. As far
21 as Planning and Zoning --

22 MR. BITTICK: Correct.

23 CHAIRMAN EVANS: -- we don't
24 care about the permits. We just care about the
25 rezoning.

1 COMMISSIONER McLAREN: Can I ask
2 another question?

3 CHAIRMAN EVANS: Yes.

4 COMMISSIONER McLAREN: This
5 actually is of Ron.

6 COUNTY ATTORNEY VINCENT: Bill,
7 we can't hear you.

8 MS. EAGAN: Yeah. You -- just
9 make sure you tap your mic or something. It just
10 doesn't like to pick you up.

11 COMMISSIONER McLAREN: I want to
12 ask another question of Ron.

13 With the density that's on there and maybe
14 their planning on using a lake for storage and
15 detention, would that many rooftops and with --is
16 detention going to be a problem on that? That's my
17 ultimate question.

18 MR. BITTICK: Actually the lake
19 is to be drained.

20 COMMISSIONER McLAREN: So the
21 lake's going away?

22 MR. BITTICK: Going away.

23 COMMISSIONER WILLIAMS: They're
24 still going to have to provide detention as per the
25 development regulations.

1 MR. BITTICK: Yes, we will have
2 underground detention behind building number four,
3 which sits in the lowest part of the property.

4 MS. EAGAN: And all of that will
5 be handled when the development comes through Planning
6 and Zoning. This is just the rezoning, again.

7 And Ron will sit in on meetings, and he'll
8 see plans and all of that stuff when the primary plat
9 comes through.

10 COMMISSIONER WILLIAMS: And
11 they'll have the detention calculations with the
12 development.

13 MR. BITTICK: Yes.

14 COMMISSIONER WILLIAMS: That's
15 the bottom line.

16 MR. BITTICK: Yes.

17 CHAIRMAN EVANS: So that
18 adjoining property is currently in CD?

19 MS. EAGAN: Parcel 16.1 and
20 parcel 8 are both Community Development.

21 CHAIRMAN EVANS: Okay.

22 Any other questions or comments? Again,
23 we are looking strictly at the rezoning.

24 Do ahead, Todd.

25 COMMISSIONER BOLAND: What did

1 you say, Scottie, about 16 and 16.1?

2 MS. EAGAN: Parcel 16.1 and
3 parcel 8.

4 COMMISSIONER BOLAND: Oh.

5 MS. EAGAN: I'm sorry if I said
6 16.

7 COMMISSIONER BOLAND: Okay. All
8 right.

9 COMMISSIONER HAIRE: And that
10 was done when?

11 MS. EAGAN: '91 or '92.

12 CHAIRMAN EVANS: So they are
13 already zoned CD. We just have to be adding these
14 three plus acres to it.

15 Other questions, comments?

16 (NONE)

17 Thank you. If there's no additional
18 questions or comments, the Chair would entertain a
19 motion.

20 COMMISSIONER BOLAND: I guess my
21 only comment before we go that far is leaving 16 as it
22 is the 3.6 acres, it makes a very nice buffer.

23 I don't know, Ron?

24 COMMISSIONER WILLIAMS: I don't
25 know. You got the flip side of that where -- and I'm

1 not arguing pro or con. I'm just saying.

2 COMMISSIONER BOLAND: Yeah.

3 COMMISSIONER WILLIAMS: The
4 future land use map shows this going commercial at some
5 point in time. So that's always been one of the
6 guiding principles when we look at whether rezoning is,
7 you know, justified or not is what does the future land
8 use map say this properly should be or is going to be.

9 That's my quandary.

10 MS. EAGAN: You also want to
11 look at the evidence that the applicant presented to
12 you of why it should be rezoned.

13 CHAIRMAN EVANS: Okay. In those
14 answers, he did state that is directly adjacent to
15 existing commercial property.

16 Any other questions, comments?

17 If not, the Chair would entertain a
18 motion.

19 COMMISSIONER McLAREN: Bill,
20 isn't it -- on a rezoning doesn't it go automatically
21 to the Review Committee?

22 CHAIRMAN EVANS: No, not on a
23 rezoning. We either recommend approval or not
24 approval, and then it goes directly to the Commission.

25 COMMISSIONER McLAREN: Okay.

1 CHAIRMAN EVANS: And the
2 Franklin County Commission would hold a public hearing,
3 and they make the final decision. So it doesn't go to
4 Old Business. It's just we recommend for or against
5 and then send it to the Commission.

6 AUDIENCE MEMBER: I know we're
7 not allowed to speak, but -- but can we --

8 CHAIRMAN EVANS: No, ma'am.
9 You're not allowed to speak.

10 AUDIENCE MEMBER: Okay.

11 CITY ATTORNEY: But you'll get a
12 chance at the public hearing. That's the way it works.

13 CHAIRMAN EVANS: If there is
14 nobody for a motion...

15 COMMISSIONER BOLAND: I'll make
16 a motion that we deny the request.

17 COMMISSIONER HAIRE: I'll second
18 it.

19 (APPLAUSE)

20 CHAIRMAN EVANS: Quiet please.

21 We have a motion and a second to
22 recommended disapproval of File 170175. All in favor
23 signify by saying aye.

24 COMMISSIONER VOSS: Aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER CUNIO: Aye.
2 COMMISSIONER WILLIAMS: Aye.
3 CHAIRMAN EVANS: Aye.
4 COMMISSIONER BOLAND: Aye.
5 COMMISSIONER HAIRE: Aye.
6 CHAIRMAN EVANS: Opposed?
7 Nay.
8 COMMISSIONER SCHULTEHENRICH:
9 Nay.
10 CHAIRMAN EVANS: Scottie, take a
11 roll call please.
12 MS. EAGAN: Bill Evans?
13 CHAIRMAN EVANS: Okay, and
14 again, we are voting for not recommending.
15 And I would vote no.
16 MS. EAGAN: Jay SchulteHenrich?
17 COMMISSIONER SCHULTEHENRICH: I
18 vote no.
19 MS. EAGAN: Todd Boland?
20 COMMISSIONER BOLAND: Yes.
21 MS. EAGAN: Ray Cunio?
22 COMMISSIONER CUNIO: Yes.
23 MS. EAGAN: Bill McLaren?
24 COMMISSIONER McLAREN: Yes.
25 MS. EAGAN: Stan Voss?

1 COMMISSIONER VOSS: Yes.

2 MS. EAGAN: Dan Haire?

3 COMMISSIONER HAIRE: Yes.

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Yes.

6 MS. EAGAN: All right. That's
7 six in favor of the recommending of denial. So that is
8 what will go before the County Commission.

9 CHAIRMAN EVANS: All right,
10 thank you.

11 Moving on to File 170187, Kuenzel
12 Construction, Incorporated.

13 Scottie, will you please give us the
14 details.

15 MS. EAGAN: This is File 170187
16 for Kuenzel Construction.

17 The applicant wishes to operate an office,
18 independent contractor with an accessories of storage
19 in the Non-Urban and Agricultural Zoning District.

20 The property is located on Highway V
21 approximately 1,000 feet northeast of Old St. Louis
22 Rock Road in Union Township.

23 The Facts: The property is approximately
24 41 acres in size.

25 This property is in the Non-Urban and

1 Agricultural Zoning District.

2 In this district, offices, general,
3 professional, medical, dental, and independent
4 contractor/construction business requires a conditional
5 use permit.

6 The definition of office independent
7 contractor construction business is an office primarily
8 engaged in the provision of services relating to an
9 independent contractor or construction business. The
10 use of any building or premise primarily for conducting
11 the affairs of the business. All offices can have
12 commercial vehicles stored on premise.

13 The surrounding properties are zoned
14 Non-Urban and Agricultural.

15 This property is surrounded primarily by
16 low-density residential land.

17 Just south of the proposed property is a
18 three-lot low-density subdivision with lot sizes
19 between five and six acres.

20 The property has access by Highway V.
21 This is a State-maintained road.

22 The property is within Public Water Supply
23 District No. 3.

24 The applicant is not the current owner of
25 the property, but they do have permission from the

1 current owner.

2 Staff Comments: All conditions shall be
3 completed within one year of approval, unless otherwise
4 stated.

5 Failure to meet all conditions will result
6 in the application expiring.

7 Any buildings used or built in connection
8 with the CUP will need to be approved by the Franklin
9 County Building Department for a commercial building.

10 All new and/or existing entrances onto
11 Highway V will need to be examined by MoDOT for a
12 commercial entrance.

13 Planning and Zoning shall receive a copy
14 of the permit prior to the applicant commencing any
15 activities on the property.

16 CHAIRMAN EVANS: Thank you.

17 Is the applicant present?

18 MR. BRENT KUENZEL: Yes, I am.

19 CHAIRMAN EVANS: Will you please
20 come forward. If you would, state your name and
21 address and sign in please.

22 MR. KUENZEL: Brent Kuenzel, 224
23 Maune Drive, Washington, Missouri. Basically --

24 (Thereupon, the witness was
25 sworn.)

1 CHAIRMAN EVANS: Will you please
2 give us some little detail on what you're proposing.

3 MR. KUENZEL: What we're
4 proposing to do, right now existing on the property
5 there is a 60 by 80 barn. We're looking to make that
6 barn kind into the storage for the tools and stuff.
7 And there's also a small two-bedroom, one-bath house
8 located on the property, which we are going to kind of
9 use that for the offices.

10 Primarily, the surrounding acreage we are
11 going to leave for cattle and running horses and stuff
12 of that nature. We were just going to, you know, use
13 the existing buildings, you know, for our office area.

14 CHAIRMAN EVANS: I guess I would
15 have one question.

16 You've included all 41.3 acres in
17 conditional use permit, and for the business, you're
18 actually -- the way it sounds, you're actually looking
19 using three or four acres?

20 MR. KUENZEL: Yeah. I don't
21 know how to, you know, kind of spread that or, you
22 know, take that apart from, you know, since it's one
23 deed and one plat. And the barn and the office area is
24 right smack in the middle, you know, so there is quite
25 a bit of buffer from any surrounding neighbors.

1 CHAIRMAN EVANS: Well, again,
2 the reason I asked that if you get a conditional use
3 permit, you would have access to all 41.3 acres. So
4 you would take your buildings and put them anywhere you
5 wanted to.

6 MR. KUENZEL: Yeah.

7 CHAIRMAN EVANS: So it's with
8 the permit with the conditions we put on it, if you
9 have all that 41 acres you could theoretically -- not
10 theoretically -- literally put your buildings and
11 anything anywhere. So --

12 Scottie, what is the easiest way to limit
13 the acreage so he doesn't have to re-deed it?

14 MS. EAGAN: I mean, if you guys
15 put a condition on there that you only wanted a certain
16 size, then he would have to go through some sort of
17 subdivision process whether you make it three acres or
18 ten acres would depend on whether he needed a
19 subdivision plat or a survey, but if you want it to be
20 a smaller separate piece, he would have to deed it off.

21 COMMISSIONER WILLIAMS: Could we
22 limit it to the existing buildings?

23 MS. EAGAN: You could limit it
24 to the buildings only. Then if he ever grows, he would
25 just have to come back and amend his conditional use

1 permit.

2 COMMISSIONER WILLIAMS: That
3 would work.

4 CHAIRMAN EVANS: With the
5 existing buildings provide you enough space?

6 MR. KUENZEL: Yes, they would.
7 I would like to possibly do another small building just
8 to the south side of that main barn. There's a --
9 basically a concrete pad there.

10 If you look real, real closely -- I don't
11 know if you can see it or not. It's just south, but
12 there is a concrete pad, you know, that kind of goes
13 along there. I would possibly, you know, want to maybe
14 put a shed there for, you know, storage of any lumber
15 or something so it's not stored out in the open.

16 CHAIRMAN EVANS: We could do
17 that as a condition actually also, just existing
18 buildings plus possibility of one additional building.

19 MR. KUENZEL: That would be
20 fine.

21 CHAIRMAN EVANS: Any questions,
22 comments from the Commissioners?

23 COMMISSIONER CUNIO: Bill?

24 CHAIRMAN EVANS: Ray.

25 COMMISSIONER CUNIO: Planning to

1 store everything inside, right?

2 MR. KUENZEL: Yes, I do.

3 COMMISSIONER CUNIO: And you're
4 an independent contractor. Are you going to have any
5 type of equipment? I mean, like track equipment,
6 rubber tire equipment, anything you'd use in
7 construction?

8 MR. KUENZEL: Right now we have
9 two skid loaders and, you know, a few different office
10 trailers -- I mean, not office trailers, but trailers
11 and such. But normally those are stored out on the
12 site, you know.

13 However, if, you know, we would, you know,
14 want to bring some of the skid loaders and stuff back
15 into the shop, you know, to kind of work on those.

16 COMMISSIONER CUNIO: But you
17 would have room to store them in the barn?

18 MR. KUENZEL: Yes, except for
19 maybe a few trailers or something that, but yes.

20 COMMISSIONER McLAREN: What's on
21 the site right now? It looks like the house has
22 already been turned into an office from the pictures
23 that you presented, unless I'm don't understand. It
24 looks to me like the building's already --

25 MR. KUENZEL: Right now there

1 are trailers out on site. There is a hi-lift in the
2 front yard, you know. There is quite a bit of trash
3 that's going need to be cleaned up. The pictures that
4 I showed, that is our existing office in Union.

5 COMMISSIONER McLAREN: Okay.

6 MR. KUENZEL: What we're
7 planning on doing, you know, upon getting approval for
8 the conditional use permit and buying this land, we're
9 planning, you know, working on fixing this up and then
10 eventually we'll probably sell our shop in Union and go
11 directly -- or strictly there.

12 COMMISSIONER McLAREN: I'm
13 sorry. I was confused. And so the last two pictures
14 that you attached that where it says existing shop and
15 office, that's not on this site?

16 MR. KUENZEL: No, no.

17 COMMISSIONER McLAREN: That's
18 where you are now?

19 MR. KUENZEL: That's just kind
20 of an example of what we're going to do or what we're
21 planning on doing.

22 CHAIRMAN EVANS: And, Ray, I
23 guess you were asking because even with the CUP, there
24 would be no outdoor storage. So I assume trailers
25 would probably be all right, but --

1 COMMISSIONER CUNIO: What type
2 of trailers are you talking about?

3 MR. KUENZEL: Just a utility
4 trailer like a flatbed skid loader trailer or a
5 gooseneck or something like that.

6 COMMISSIONER CUNIO: Not semis
7 or --

8 MR. KUENZEL: No, no, not
9 semis-trailers, just something to move the skid loader
10 around or, you know, some lumber from one job site to
11 another. But there won't be any skid loader trailers
12 at all. I mean, semi-trailers.

13 MS. EAGAN: Are you planning on
14 any sort of fencing on the property at all?

15 MR. KUENZEL: Yes. We will --
16 right now it's fenced for cattle. We're going to redo
17 some of the fencing. Some of the fencing is used, old,
18 you know, and kind of falling down a little bit. Our
19 goal is to kind of straighten up that driveway a little
20 bit, and then there is a fence along that driveway, you
21 know, that we're going to redo that fence so that that
22 driveway comes -- instead of a turn, it comes more
23 straight perpendicular to the highway.

24 And then that driveway you can kind of see
25 on the pictures and stuff I did kind of measure out

1 490 feet each direction of that driveway as far as the
2 site distance. On the north side there's quite a bit
3 more than 490 feet for site distance. On the south
4 side realistically I think it's more like 590 feet, but
5 there's one tree in the way, but -- and I think, you
6 know, once -- you know, once we purchase it and kind of
7 clean up that ditch line, I'd like to possibly put a
8 fancier fence up to make it more appealing.

9 CHAIRMAN EVANS: And it looks
10 like, while you have your office there, that pretty
11 much all your work is done off-site.

12 MR. KUENZEL: Yes.

13 CHAIRMAN EVANS: So your
14 employees would show up there?

15 MR. KUENZEL: Yeah, we have --
16 right now we have three foremen. They normally show
17 up, pick up a truck, and you know, head to the job
18 sites. All of the tool trailers are out on job sites,
19 and the employees primarily just show up at the job
20 sites, you know, to start work.

21 CHAIRMAN EVANS: Any other
22 questions, comments?

23 COMMISSIONER HAIRE: I just
24 think if we are going to add the other building as part
25 of these, then we just need to put it in proximity to

1 the existing building so it doesn't, you know, all of
2 sudden, we're moving in the far corner of the 41 acres.

3 CHAIRMAN EVANS: Right, and I
4 think that could even include the approximate size that
5 would be appropriate. Do you have any idea the size of
6 building?

7 MR. KUENZEL: I would say
8 40 feet by 80 feet.

9 MS. EAGAN: Do you know about
10 how far it is from existing building?

11 MR. KUENZEL: From the existing
12 building, it'll be less than 200 feet. It'll be right
13 there in that brown area.

14 MS. EAGAN: I'm sorry. Did you
15 say 40 by 80?

16 MR. KUENZEL: Yeah, 40 by 80.

17 MS. EAGAN: All right.

18 MR. KUENZEL: And that would
19 primarily be used to store trailers and, you know, that
20 kind of stuff to kind of keep that out from the open.

21 CHAIRMAN EVANS: Any other
22 questions, comments?

23 (NONE)

24 All right. Now we have one condition on
25 here, and that would be the -- or actually two

1 conditions, I guess. One would be that the business
2 would be limited to the existing buildings, and
3 secondly that one additional building could be built no
4 larger than 40 by 80 and within 200 feet of the
5 existing buildings.

6 MS. EAGAN: I just did that as
7 one.

8 CHAIRMAN EVANS: As one big
9 condition, okay.

10 MS. EAGAN: And I did a little
11 more than 200 just in case it is a little further, I
12 went to 300 as a just in case.

13 CHAIRMAN EVANS: Okay. The 40
14 by 80 would be, you wouldn't do anything bigger than
15 that?

16 MR. KUENZEL: That should be
17 sufficient.

18 CHAIRMAN EVANS: Because if you
19 do anything bigger, you would have to come back here.

20 MR. KUENZEL: Can we make it 60
21 by 100 just to make sure?

22 CHAIRMAN EVANS: Now would be
23 the time to do that.

24 MR. KUENZEL: Thank you.

25 CHAIRMAN EVANS: Or actually,

1 the condition would be that the building would be
2 within 300 feet of existing buildings, and would be no
3 larger than 60 by 100.

4 COMMISSIONER SCHULTEHENRICH:
5 Bill, left me ask one other because I know we're
6 getting pretty restrictive on the size of the building
7 and other things, but I mean, I don't know -- but the
8 building -- the existing building that you're going to
9 have offices in and have you thoroughly checked to
10 whether or not that is structurally sound enough for
11 that office to exist in there? Or my concern is if we
12 say the existing building, are we saying you can't tear
13 that building down potentially and put another building
14 up in its place?

15 Or do we have an understanding that if
16 that building is structurally unsound, he would have
17 the means of doing it, but it would have to be in this
18 location? Is that what we're saying?

19 So I can only turn to you and ask you if
20 it's structurally sound? Have you checked that enough
21 to make sure it is?

22 MR. KUENZEL: Yes, the building
23 on there is structurally sound.

24 COMMISSIONER SCHULTEHENRICH:
25 Okay.

1 MR. KUENZEL: You know, it's
2 going to need new siding, you know, so -- new siding,
3 new windows, and you know, cosmetic stuff on the inside
4 to make that happen. But structurally it is sound.

5 COMMISSIONER SCHULTEHENRICH:
6 That's fine, because I'm just thinking of other things
7 that could potentially -- I mean, seems like we're
8 getting a little, potentially a little restrictive in
9 regards to what we're expressing to you. So my concern
10 is just to make sure that we're not overly tying your
11 hands potentially. Okay? Thank you.

12 MR. KUENZEL: Okay.

13 COMMISSIONER SCHULTEHENRICH:
14 Thank you.

15 MS. ZIELKE: I only have one
16 comment, Bill, if you don't mind.

17 About the typically we're going to say
18 that they have to meet all the conditions within a
19 year. If he's not building ready to build that
20 building within a year, do you want to put a different
21 deadline on that one in particular?

22 MS. EAGAN: We could or we could
23 just state in the first condition that it, you know,
24 may expires, and then if he's working towards it or we
25 come back here during Commissioner's forum and say it's

1 been a year -- oh, no, we have a new process now. So
2 we'd have to notify you to where you come and tell us
3 where you are in the process.

4 MR. KUENZEL: Okay.

5 CHAIRMAN EVANS: Yeah, the way
6 the conditional use permits are done, and you probably
7 talking to Scottie or Nichole, that it has to be done
8 within a year or the majority of the working towards
9 completion within a year. So that's the issue, is on
10 it building.

11 MS. EAGAN: And you could put a
12 different time limit on just that building, and have
13 all the other conditions meet within a year.

14 COMMISSIONER HAIRE: Could we
15 question just eliminate the size of it. I'm not
16 concerned about the size of the building, you know,
17 being too restrictive. I'm more concerned about
18 scattering buildings over the whole 41 acres as long as
19 it's in some reasonable site, then he can just do
20 whatever he wants with it at some future date.

21 MS. EAGAN: Right, but what
22 Nichole is saying, within a year, if he hasn't built
23 that new building, that's a condition he hasn't met
24 then. And if he's not ready to build it, how do you
25 guys want to address it? Do you want to give him two

1 years? Do you want him to come back in a year and talk
2 to you and go through the whole expiration process and
3 do it that way?

4 CHAIRMAN EVANS: Mr. Kuenzel,
5 what's your feeling on it.

6 MR. KUENZEL: Well, at this
7 point in time, you know, we're a small construction
8 company. You know, I don't know if we necessarily need
9 a 60 by 100 building nor was I really planning on
10 putting one there right away. My only thing, you know,
11 as we grow, you know, I'd like the opportunity to be
12 able to, you know, add that 60 by 100 building in the
13 future as we grow. But there was no immediate plan to
14 do that right away.

15 COMMISSIONER BOLAND: I think
16 what we ought to do is just be consistent and it's a
17 year, you know, not to make things difficult for you,
18 we'll put that in there. And if it's not done in a
19 year and you've started in year two, you're just going
20 to have to come back.

21 MR. KUENZEL: Okay.

22 COMMISSIONER BOLAND: Then we're
23 consistent with what it says, you know, that we're
24 doing.

25 COMMISSIONER McLAREN: Well, I'm

1 going to go way off the rails from where everybody else
2 is here, but that's the way I tend to do things.

3 You know, when we do a conditional use
4 permit, if he decides to sell the property, the
5 conditional use permit follows the property. Is that
6 not correct? So I think he's being very sincere about
7 what he's saying, but if he decides to sell it to
8 another construction company and we've said okay, we've
9 done all 41 acres through a conditional use permit, you
10 know, we've really probably gone further than we
11 should.

12 What is the minimum -- and I'm going to go
13 back to what you didn't want to do to start out with.
14 What's a minimum amount of acreage that you can do with
15 a deed in order to satisfy that the conditional use
16 permit would be on this amount of acres?

17 MS. EAGAN: Are you asking me or
18 him?

19 COMMISSIONER McLAREN: Yes, I'm
20 asking you, please, Scottie.

21 MS. EAGAN: I mean, to divide
22 off, he needs at least three acres to do on-site well
23 and septic. If he wants to go -- he can go bigger than
24 that. He can go ten acres, and the rest would be
25 exempt, and then the ten acres would be partially

1 exempt to where he would only need to do a survey
2 instead of a subdivision plat. So there is -- there's
3 lost of options.

4 COMMISSIONER McLAREN: What
5 acreage can you do just to survey?

6 MS. EAGAN: Anything over ten
7 acres net.

8 COMMISSIONER McLAREN: Okay. So
9 at ten acers it has to be survey. Anything less than
10 ten acres has to be a subdivision?

11 MS. EAGAN: Yes.

12 COMMISSIONER McLAREN: Ten acres
13 can just be a survey?

14 MS. EAGAN: That's correct, yes.

15 MS. ZIELKE: Bill? Do you know
16 that under Section 96, you can --

17 COUNTY ATTORNEY VINCENT: You
18 got to use the microphone too. We can't hear you out
19 here.

20 MS. ZIELKE: Okay. Sorry.
21 Under Section 96, you guys can limit the
22 transferability of a permit also.

23 COMMISSIONER WILLIAMS: Well,
24 let's go back to put this thing back on the rails. If
25 we limit it -- if we put a condition on there that says

1 he can only use the existing buildings, and he is bound
2 to only one additional building within 300 feet, I
3 can't care what the size is, if that's a condition,
4 that stays with it.

5 I don't see why you would make him go
6 through the process of putting in a dividing off
7 property. If we can put that condition on there, and
8 then whoever owns it would still be bound by those
9 conditions.

10 COUNTY ATTORNEY VINCENT: You
11 can do it.

12 CHAIRMAN EVANS: Any other
13 questions, comment?

14 So right now we're left with the condition
15 that it would be the existing building with the option
16 of adding one additional building within 300 feet, no
17 bigger than -- what did we say -- 50 by 100 -- 60 by
18 100?

19 Dan?

20 COMMISSIONER HAIRE: Do we even
21 need to restrict the size of the building? I just
22 think we say within 300 feet. That's going to restrict
23 size of that building right there.

24 CHAIRMAN EVANS: No, no. If you
25 started within 300 feet, you could go out

1 theoretically, you could put a hangar there. It
2 doesn't have to be all inclusive within 300 feet, is
3 the way I'm reading it.

4 MS. EAGAN: Yeah, the way I am
5 writing it would enforce it if the building itself
6 within that 300 feet.

7 CHAIRMAN EVANS: Within that
8 300 feet?

9 MS. EAGAN: Right.

10 CHAIRMAN EVANS: So we can say
11 one additional building, and exclude the size with one
12 other question and was it if the building isn't
13 complete within one year, the best way to handle that.

14 And, Scottie, you're saying to put, you
15 know, if he's substantially done, does that building
16 have to be complete within the year? If he is
17 occupying the house, the office, any other building, he
18 doesn't have to have 100 percent one. He just has to
19 have significant progress, doesn't he?

20 MS. EAGAN: I mean, we would
21 work with him if he was working on it within the year,
22 yes. If nothing has been built within that year, and
23 you guys say all conditions expire after -- or all
24 conditions have to be met within one year, then we
25 might start the expiration process, which would be just

1 coming before you guys.

2 CHAIRMAN EVANS: And requesting
3 an extension, and you have no timeframe of when you
4 might even need that building?

5 MR. KUENZEL: No, I do not. I
6 do have a question for you guys in regards to that.

7 So if I don't build that building, would
8 that make my conditional use permit for the
9 construction business expire then?

10 CHAIRMAN EVANS: No.

11 MR. KUENZEL: No, okay.

12 CHAIRMAN EVANS: You would have
13 to come back again if you didn't start that building.
14 Scottie, correct me if I'm wrong. You would have to
15 start that building within a year.

16 MS. EAGAN: I'm still just
17 trying to figure it out because, if we're saying that
18 he's allowed to build one building in the future, I
19 don't see how we can say he doesn't meet his conditions
20 because when is the future. Is it one year? Is it
21 five years? Is it ten years? So -- and, Mark, correct
22 me if I'm wrong. That one would not necessarily be
23 limited to that year because they're saying in the
24 future.

25 COUNTY ATTORNEY VINCENT: That's

1 the problem, Scottie. That's what -- when Nikki came
2 over and asked me. It's not a question of timing a
3 condition to another building.

4 MS. EAGAN: Right.

5 COUNTY ATTORNEY VINCENT: It's a
6 question of timing how long. If you said another
7 building could be built -- started over that year and
8 if he did not start it, to make you come back, that
9 would be fine. But to say that it starts sometime in
10 the future --

11 MS. EAGAN: Right.

12 COUNTY ATTORNEY VINCENT: -- is
13 too vague to be enforceable --

14 MS. EAGAN: Right.

15 COUNTY ATTORNEY VINCENT: --
16 because it's too vague.

17 COMMISSIONER WILLIAMS: So,
18 Mark, could we put a different timeframe on that future
19 building, like five years, ten years?

20 COUNTY ATTORNEY VINCENT: You
21 could put a specific time. To me it doesn't matter,
22 but it can't be sometime in the future. That's what
23 I -- it's just too vague to be -- what does that mean?
24 If you said six months, one year or two years, that's
25 fine. It's a set time that everybody can understand.

1 COMMISSIONER WILLIAMS: Okay.

2 Thank you.

3 COMMISSIONER BOLAND: So could
4 we put on there three years, and then at that point, if
5 you haven't built the building yet, he'd have to come
6 back after that? Do you think that's reasonable?

7 MR. KUENZEL: That would be fine
8 as long as it doesn't make the --

9 MS. EAGAN: It doesn't
10 automatically wipe it out.

11 MR. KUENZEL: Okay. That would
12 be fine.

13 COMMISSIONER BOLAND: Okay.

14 COUNTY ATTORNEY VINCENT: All's
15 I'm saying is it can't be limited to some unknown time.
16 That's it. Otherwise, you guys can do what you want.

17 CHAIRMAN EVANS: So when my wife
18 told me I could have a (unintelligible) sometime in the
19 future --

20 COUNTY ATTORNEY VINCENT: That
21 was -- you're wife's not responsible for that.

22 CHAIRMAN EVANS: Yeah, that's
23 what I thought.

24 COUNTY ATTORNEY VINCENT: But if
25 you said you were going to buy her a diamond sometime

1 in the future, that's enforceable.

2 CHAIRMAN EVANS: Hope she
3 doesn't read these minutes.

4 MS. ZIELKE: Scottie, will there
5 be an issue with issuing the conditional use permit
6 within the year, or will we have to wait three years to
7 issue it?

8 COUNTY ATTORNEY VINCENT: No.

9 MS. ZIELKE: Okay.

10 COUNTY ATTORNEY VINCENT: You're
11 issuing it today or whenever. If approve it. I don't
12 know if you're going to do that. If you're saying
13 we're approving it, the one building was controlling
14 it, and then once he completes that, if he -- if that's
15 the trigger, the three years goes from the date of
16 either tonight or the date of that building, whichever
17 you prefer. It makes at that sense to not issue a
18 conditional use permit until three years from now.

19 CHAIRMAN EVANS: So basically
20 again we're saying existing buildings, one additional
21 building within 300 feet, and that it would be started
22 within three years?

23 COUNTY ATTORNEY VINCENT: Then
24 you got to put a date. Three years from the date of
25 the permit tonight, or three years from the date other

1 building is completed?

2 MS. EAGAN: I think you would
3 want to say three years from the date of approval.

4 CHAIRMAN EVANS: Of approval.

5 MS. EAGAN: Whether you approve
6 it tonight or next month, that would be the date of
7 approval.

8 CHAIRMAN EVANS: Right.

9 COUNTY ATTORNEY VINCENT: Also
10 like Todd said a while ago, consistency. We want to
11 have things that are not subject to interpretation by
12 some other body later. We want it starts this time,
13 and this is the time period. Bingo. We're all dead,
14 somebody can still understand it.

15 COMMISSIONER BOLAND: Yeah.

16 COMMISSIONER McLAREN: And I'm
17 going to follow upon that. Three hundred -- within 300
18 feet of what?

19 MS. EAGAN: The existing
20 buildings.

21 COMMISSIONER McLAREN: Of main
22 building, okay.

23 MS. EAGAN: And I mean, we still
24 have to hear from people in favor and in opposition.
25 So we can re-talk about it again.

1 CHAIRMAN EVANS: Right.

2 MS. EAGAN: If you chose to vote
3 on it tonight.

4 CHAIRMAN EVANS: Right.

5 Are there any other questions?

6 (NONE)

7 Thank you.

8 MR. KUENZEL: Thank you.

9 CHAIRMAN EVANS: Is there anyone
10 else present wishing to speak in favor of this CUP,
11 speaking in favor?

12 (NONE)

13 Anyone present wishing to speak in
14 opposition? Step forward, please.

15 If you would state your name and address
16 and sign in, please.

17 MR. JUSTIN CHILDS: Justin
18 Childs. I live at 5421 Highway V, which is across the
19 street from Mr. Kuenzel's.

20 CHAIRMAN EVANS: Please keep all
21 comments to three minutes or less. Thank you.

22 (Thereupon, the witness was
23 sworn.)

24 MR. CHILDS: I live across the
25 street there, so at Gateway.

1 AUDIENCE MEMBER: Microphone.

2 COUNTY ATTORNEY VINCENT: I
3 don't know what you guys have opposed to using the
4 microphone.

5 MR. CHILDS: I'm shy.

6 COUNTY ATTORNEY VINCENT: Well,
7 sorry. We want to hear you.

8 MR. CHILDS: Okay.

9 There is a gate right across the street
10 from my driveway, and I just wonder if that's going to
11 be included in there or not, because that's a lot more
12 traffic on my street, and I don't know if that's part
13 of it or not.

14 CHAIRMAN EVANS: Okay. So your
15 concern is traffic?

16 MR. CHILDS: Well, is he going
17 to keep the driveway he's got, or is he going to go
18 along the fence and then use that gate too?

19 I don't know how you guys do things, if
20 it's restricted to that one area, to that one driveway.

21 CHAIRMAN EVANS: We'll ask Mr.
22 Kuenzel to come back up and answer that. Is that your
23 only concern then?

24 MR. CHILDS: Yeah, it's --
25 everything else is okay. I just had a problem with

1 that.

2 CHAIRMAN EVANS: Okay. We'll
3 address it. Thank you.

4 MR. CHILDS: Okay. Thank you.

5 CHAIRMAN EVANS: Mr. Kuenzel?

6 MR. KUENZEL: That drive that
7 he's talking about directly across from his house, that
8 will be basically right now it's used just for
9 agricultural purposes to get cows and stuff out of that
10 field. It will be used for nothing other than those
11 purposes.

12 CHAIRMAN EVANS: All right.

13 Any other questions of the applicant?

14 Anyone else wishing to speak in
15 opposition? Please step forward. If you would, state
16 your name and address and sign in, please.

17 MR. KEVIN MAUNE: I live at 3002
18 Goods Mill Road. It's off St. Louis Rock Road across
19 from the subdivision three-plot subdivision from the
20 acres that are on their zoning.

21 (Thereupon, the witness was
22 sworn.)

23 I was wondering. You going to -- do you
24 want to rezone the whole 41 acres into commercial?

25 CHAIRMAN EVANS: No, it won't be

1 rezoned at all. A conditional use permit is a use that
2 can be allowed in the existing zoning district. It
3 just requires a permit.

4 MR. MAUNE: Okay.

5 CHAIRMAN EVANS: So we won't be
6 rezoning anything.

7 MR. MAUNE: It's all be
8 agricultural, yeah.

9 CHAIRMAN EVANS: It will still
10 be the same zoning. It's just certain uses require a
11 permit within that zoning district.

12 MR. MAUNE: But then if he sells
13 his property, would it -- the rest of the property
14 still be able to --

15 CHAIRMAN EVANS: The zoning
16 would not change. The conditional use permit goes
17 with the property, which I mentioned before. So --

18 MR. MAUNE: After he sells it,
19 another applicant could come in --

20 CHAIRMAN EVANS: It does not
21 affect zoning.

22 MR. MAUNE: But they could still
23 use it as a commercial, the whole 41 acres?

24 CHAIRMAN EVANS: No. Only for
25 that particular use with those conditions in the

1 conditional use permit. That's why we have a
2 conditional use permanent, so we can allow people to do
3 certain things with conditions. So we didn't want he
4 to use the whole 41 acres. So if he sold the property,
5 whoever bought the property would still have to comply
6 with the conditions we put on there, which was the
7 existing building plus one.

8 MR. MAUNE: All right. That's
9 all I wanted to clarify.

10 CHAIRMAN EVANS: Sure.

11 MR. MAUNE: Thank you.

12 CHAIRMAN EVANS: Thank you.

13 Anyone else wishing to speak in
14 opposition? Step forward. State your name and address
15 and sign in, please.

16 MR. PAUL GRISHAM: My name is
17 Paul Grisham. My address is 5285 St. Louis Rock Road.

18 (Thereupon, the witness was
19 sworn.)

20 Okay. My question or concern is a -- this
21 is a commercial business going into a rural urban area.
22 I know construction companies generate a lot of refuse
23 and trash and discarded material. Will this permit
24 allow them to store that material on this property and
25 any part of it because there is a watershed that runs

1 into a creek that intersects several properties. I
2 don't think mine is included, but I know my two
3 neighbors to the west, I do brief that creek intersects
4 there.

5 That is one concern, and the other is I
6 think you kind of answered the question there is with
7 the other gentleman that if the property was sold, then
8 the -- this permit would be null and void. But what it
9 he say -- say, if he is bought out by Bill Evans
10 Construction. Would this permit allow Bill Evans
11 Construction, so to speak, continue with this permit
12 and expand?

13 CHAIRMAN EVANS: No. If he
14 would sell the property, the conditional use permit is
15 not null and void. It goes with the property.

16 MR. GRISHAM: If he sold his
17 business to you --

18 CHAIRMAN EVANS: If he sells the
19 property --

20 MR. GRISHAM: -- and continued
21 as a construction company, just basically maybe merged
22 with another company, would they have access to this
23 permit?

24 CHAIRMAN EVANS: That
25 conditional use permit goes with that property no

1 matter who owns it, and whoever owns it can use that
2 conditional use permit as long as they adhere to the
3 conditions.

4 MR. GRISHAM: As long as he's a
5 part owner of that business?

6 CHAIRMAN EVANS: No, no. No, it
7 goes with the property. Those conditions go with the
8 property. We don't care who owns it.

9 MR. GRISHAM: Oh, I see. Okay.

10 CHAIRMAN EVANS: So it goes with
11 the property. It has nothing to do with who owns it or
12 the name of the construction company.

13 MR. GRISHAM: All right. Yeah,
14 but my main concern was the disposal of construction
15 equipment or construction supplies.

16 CHAIRMAN EVANS: What type of
17 construction supplies?

18 MR. GRISHAM: Well, drywall,
19 lumber, moldy lumber, all the refuse, asphalt shingles.
20 I don't know.

21 MS. EAGAN: He's not going to be
22 allowed to store trash on this property.

23 MR. GRISHAM: To store trash or
24 dispose of it in any way?

25 MS. EAGAN: Right. That's

1 against a different section of our code.

2 MR. GRISHAM: Okay. Well, that
3 answers my question, as long as he is not going to be
4 able to dispose the trash on that property, that's what
5 I wanted to know.

6 CHAIRMAN EVANS: Okay.

7 MR. GRISHAM: Thank you.

8 CHAIRMAN EVANS: Thank you.

9 Anyone else wishing to speak in
10 opposition?

11 (NONE)

12 If not, Mr. Kuenzel, is there anything you
13 would care to add?

14 MR. KUENZEL: No, not at this
15 time.

16 CHAIRMAN EVANS: Okay, thank
17 you.

18 Any questions, comments, issues from the
19 Commission?

20 Jay, looks like you're reaching for the
21 mic.

22 COMMISSIONER SCHULTEHENRICH: The
23 only comment I have is normally I think it's been a
24 practice at least when there's opposition we usually
25 send it over to the Review Committee. But I did not

1 hear opposition. These were just inquiries, I believe,
2 okay, not opposition necessarily to the conditional use
3 permit.

4 So I mean, if you're looking for a motion
5 or something at this time, I'll be happy to make a
6 motion, if that's what you're looking for, Bill.

7 CHAIRMAN EVANS: I think if
8 there's no additional discussion, I would be looking
9 for a motion. And again, the motion is either to send
10 it to Review Committee or to Old Business.

11 COMMISSIONER SCHULTEHENRICH:
12 I'll make a motion that we send File 170187 to Old
13 Business. That's my motion.

14 COMMISSIONER BOLAND: Second.

15 CHAIRMAN EVANS: We have a
16 motion and a second to send File 170187 to Old
17 Business. All in favor signify by saying aye.

18 CHAIRMAN EVANS: Opposed?

19 (NONE)

20 Motion is carried.

21 And again, under Old Business, after we
22 finish the other files, we will go back to Old Business
23 and take a vote on that file tonight.

24 Moving on to File 1750191, Jacqueline and
25 Nathaniel Phillips.

1 Scottie, will you please give us the
2 details.

3 MS. EAGAN: This is File 170191,
4 Jacqueline and Nathaniel Phillips.

5 The applicant requests to operate a
6 Special Event, Occasional in the Community Development
7 Zoning District.

8 The property is located at Highway N/Wild
9 Plum Valley, approximately 600 feet north of Highway O,
10 in Calvey Township.

11 The Facts: The total area for the
12 conditional use permit consists of four parcels
13 totaling approximately 67 acres.

14 The zoning of this property is Community
15 Development. In this district, Special Events,
16 Occasional require a conditional use permit.

17 The applicant is requesting to host an
18 annual haunted hayride. The Community Development
19 zoning brings shopping, the workplace and home closer
20 together by allowing a mixed use of all types of
21 residential density and most forms of commercial
22 development.

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

25 The properties to the south are zoned

1 Community Development and Suburban Development.

2 The properties to the east have a mixture
3 of zoning districts including Residential Development
4 2, Suburban Development, and Commercial Activity
5 Highway Service.

6 This property is surrounded primarily by
7 low-density residential land and undeveloped land.

8 This property has access to Highway N.
9 This is a State-maintained road.

10 The applicant is not the current owner of
11 the property, but they do have permission from the
12 current owner.

13 A large portion of these properties are
14 located within the floodplain.

15 Staff Comments: All conditions shall be
16 completed within one year of approval, unless otherwise
17 stated. Failure to meet all conditions will result in
18 the application expiring.

19 Any building used or built in connection
20 with the CUP will need to be approved by the Franklin
21 County Building Department for commercial buildings.

22 All new and/or existing entrances onto
23 Wild Plum Valley will need to be examined by the
24 Franklin County Highway Department for a commercial
25 entrance.

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

4 Any activity in the floodplain will need
5 to be reviewed by the floodplain administrator.

6 There shall be hours of operation.

7 Parking shall be in compliance with the
8 Franklin County Unified Land Use Regulations.

9 The conditional use permit shall only be
10 valid during the month of October.

11 COMMISSIONER McLAREN: (Stepped
12 down from Commission for this file.)

13 CHAIRMAN EVANS: Thank you.

14 Is the applicant present?

15 COUNTY ATTORNEY VINCENT: Bill,
16 before you state, I want to make sure the record
17 reflects that Mr. McLaren stepped down.

18 I want to make sure that's in the record,
19 Patsy.

20 MS. REPORTER: Yes.

21 CHAIRMAN EVANS: All right. The
22 record should reflect that Commissioner McLaren has
23 recused himself on this file.

24 Please state your name and address and
25 sign in, please.

1 MS. JACQUELINE PHILLIPS:

2 Jacqueline Phillips, 2919 Wild Plum Valley.

3 (Thereupon, the witness was
4 sworn.)

5 CHAIRMAN EVANS: If you would,
6 please give us some detail on what you're proposing.

7 MS. PHILLIPS: We've been
8 approached by several people asking us to do a haunted
9 hayride. I was told me that the previous owner did
10 things like this before. We already do different
11 events, small events, like we just did a Make a Wish
12 event for a young lady that's passing away of cancer,
13 seven years old. And we just want to be able to do
14 this in the month of October, not necessarily this year
15 because it's kind of too late to do it for this year.

16 But going forward just for the month of
17 October was kind of vague as far a gray area. I was
18 under the impression that we could do various different
19 events due to us getting it rezoned.

20 So in the end it would be from probably
21 the hours of 8:00 to 12:00, open to the public, no
22 changing of buildings or anything like that. We have
23 ample amount of parking. We would have security if
24 need be. There is vendors if need be, but it's just a
25 hayride.

1 CHAIRMAN EVANS: Now, you have
2 it listed for -- annually for the month of October.
3 Are you talking about a single event, one weekend, one
4 night as in the special event?

5 MS. PHILLIPS: I haven't even
6 really thought that far. I just wanted to be able to
7 do for the month of October.

8 MS. EAGAN: Would it be just
9 weekends or --

10 MS. PHILLIPS: Yeah, just
11 weekends.

12 MS. EAGAN: So Friday, Saturday
13 or Sunday or just Friday and Saturday?

14 MS. PHILLIPS: Probably Friday,
15 Saturday, Sunday.

16 CHAIRMAN EVANS: Would it be
17 multiple weekends in October or just one?

18 MS. PHILLIPS: Multiple
19 weekends.

20 MS. EAGAN: I took it as every
21 weekend in October would be the haunted hayride.

22 CHAIRMAN EVANS: All right.

23 MS. PHILLIPS: That's correct.

24 MS. EAGAN: So...

25 CHAIRMAN EVANS: All right. And

1 so that would be permitted under that?

2 MS. EAGAN: Uh-huh.

3 CHAIRMAN EVANS: Okay.

4 Any questions? Dan.

5 COMMISSIONER HAIRE: What type
6 of vendors are you looking at having there?

7 MS. PHILLIPS: Well, it's
8 October. So we're talking about like pumpkin patch,
9 food vendors, different crafts, things that they would
10 do at a hayride.

11 CHAIRMAN EVANS: Just out of
12 curiosity.

13 MS. PHILLIPS: I mean, we don't
14 have a liquor license. So there wouldn't be any
15 alcohol, if you're concerned about that.

16 CHAIRMAN EVANS: From 8:00 to
17 12:00 with the different vendors in October it will be
18 dark, right. So just out of curiosity, how would
19 the -- where would the vendors be -- would be set up?

20 MS. PHILLIPS: Well, we have a
21 blacktop area, so we could set them up in the blacktop
22 area. Or we have -- I mean, we have plenty of land.

23 CHAIRMAN EVANS: Is it lit,
24 though, is I guess I'm asking.

25 MS. PHILLIPS: Oh, yeah. Yeah,

1 there's -- there's light.

2 CHAIRMAN EVANS: Okay.

3 MS. PHILLIPS: There is two tall
4 electrical poles, and there is additional lighting out
5 there as well.

6 COMMISSIONER BOLAND: Now, I
7 think then what you ought to do is put it from 6:00 to
8 12:00. The only reason I'm saying that so you -- if
9 you say 8:00 to 12:00 and then your vendors get there
10 at 6:00 to set up --

11 MS. PHILLIPS: Okay.

12 COMMISSIONER BOLAND: --
13 somebody, you know...

14 MS. PHILLIPS: Well, how about
15 we do it from 5:00 to 12:00?

16 COMMISSIONER BOLAND: There we
17 go.

18 MS. EAGAN: Would you go to
19 midnight on Sunday as well?

20 MS. PHILLIPS: No, ma'am.

21 MS. EAGAN: Okay.

22 MS. PHILLIPS: It will probably
23 end about 10:00.

24 MS. EAGAN: Okay. Just out of
25 the curiosity, are you looking at this as strictly

1 pretty much the haunted hayride with some vendors or
2 kind of like the pumpkin patch feeling where people
3 come during the day, get pumpkins, then stay till night
4 and get on the haunted hayride?

5 MS. PHILLIPS: Yes, ma'am.

6 MS. EAGAN: Okay. So it would
7 be a day activity as well potentially?

8 MS. PHILLIPS: Yes, ma'am.

9 MS. EAGAN: Okay. So you might
10 want to rethink your hours of operation if you want
11 people to be able to come out and enjoy the daytime
12 activities as well as the haunted hayride that night.

13 MS. PHILLIPS: Okay.

14 MS. EAGAN: Just something to
15 consider.

16 MS. PHILLIPS: Okay. Can we do
17 12:00 to 12:00?

18 CHAIRMAN EVANS: Twelve to ten
19 on Sunday?

20 MS. PHILLIPS: Correct.

21 CHAIRMAN EVANS: Any other
22 questions of the Commissioners? Ray?

23 COMMISSIONER CUNIO: I take it
24 one the events will be the actual hayride?

25 MS. PHILLIPS: Yes, sir.

1 COMMISSIONER CUNIO: Will the
2 hayride itself stay on the 67 acres?

3 MS. PHILLIPS: Yes, sir.

4 COMMISSIONER CUNIO: And I guess
5 how many wagons or whatever you use for the hayride
6 will be determined by the amount of people you have?

7 MS. PHILLIPS: Most definitely.

8 COMMISSIONER CUNIO: What about
9 rest room facilities?

10 MS. PHILLIPS: Porta Potties, as
11 well as hand washing sinks.

12 COMMISSIONER CUNIO: Okay.

13 CHAIRMAN EVANS: Any other
14 questions?

15 COMMISSIONER SCHULTEHENRICH:
16 Bill, just if I could just for clarification.

17 CHAIRMAN EVANS: Sure.

18 COMMISSIONER SCHULTEHENRICH:
19 When we say all the weekends in October, are we -- if a
20 weekend -- I'm just talking about a Friday. I haven't
21 looked at a calendar or anything. But if Friday ends
22 the month and October 1st starts on a Saturday, is that
23 considered to be a weekend in October?

24 MS. EAGAN: Saturday would be.
25 Saturday and Sunday would be.

1 COMMISSIONER SCHULTEHENRICH: So
2 -- so it wouldn't be considered, you'd say the weekends
3 would have to occur -- the days of the weekends would
4 have to occur within the month of October then? Then
5 just for clarification purposes.

6 MS. EAGAN: Yeah, if the
7 condition states that they're only allowed during the
8 weekends of the month of October, then yes. If
9 October 1st is a Saturday, then that's when they can
10 start.

11 COMMISSIONER SCHULTEHENRICH:
12 Okay. Thank you.

13 CHAIRMAN EVANS: Actually for
14 the next three years, that's not an issue, four years
15 or three years anyway.

16 COMMISSIONER HAIRE: You
17 mentioned security when you talked to us earlier.

18 MS. PHILLIPS: Yes, uh-huh.

19 COMMISSIONER HAIRE: About how
20 many people do you expect on a given day?

21 MS. PHILLIPS: At this time, I
22 can't give you a number. It would depend. Again, it
23 would be open to the public. It's an outdoor event,
24 and the security would be based on the number of people
25 that would attend. I mean, it is a family event, but

1 we have security just in case.

2 CHAIRMAN EVANS: Any other
3 questions, comments?

4 (NONE)

5 All right. Thank you.

6 MS. PHILLIPS: Thank you.

7 CHAIRMAN EVANS: Is there anyone
8 else wishing to speak in support of this File 170191?
9 Anyone wishing to speak in support?

10 MS. EAGAN: Bill, we have one.

11 CHAIRMAN EVANS: Sorry. Come
12 forward, please. State your name and address and sign
13 in, please.

14 MR. COURTLAND OLIVERINES:
15 Courtland Oliverines. And the address 2919 Wild Plum
16 Valley.

17 (Thereupon, the witness was
18 sworn.)

19 I just wanted to say I have several --
20 well, an extensive background in music festivals,
21 family events. I'm talking about huge events for
22 hundreds of thousands of people, and I will be
23 supporting Ms. Jacqueline Phillips -- she's my
24 mother -- with these events. So as far as like with --
25 with the permits, insurance, security, all those type

1 of things. I have extensive background in doing things
2 like that to support them with the event to make sure
3 it's all secured for any guests entering, you know, the
4 gates of the facility.

5 CHAIRMAN EVANS: All right. Thank
6 you.

7 Anyone else wishing to speak in support?
8 Anyone present? I'm sorry. You'll have to wait now
9 you've had your turn. So you'll have a chance for
10 rebuttal.

11 Is there anyone wishing to speak in
12 opposition? Anyone wishing to speak in opposition?

13 Please state your name and address and
14 sign in, please.

15 MR. BILL McLAREN: Bill McLaren,
16 684 Phelan Road, Pacific, Missouri.

17 (Thereupon, the witness was
18 sworn.)

19 I'm not necessarily opposed or in favor of
20 this. I own the property that is due south and west of
21 this property. So where the -- that -- yeah, that all
22 the way over to the railroad tracks, all the green
23 field through there. All that's our property. So
24 that's why I had to excuse myself and speak this way.

25 I'm not opposed to the event at all. I am

1 kind of -- first of all, in testimony that Scottie said
2 she said there was access to Highway N. I don't
3 believe there's any access to Highway N here. Highway
4 N is quite a ways away. Just for the record.

5 MS. EAGAN: You're right.

6 MR. McLAREN: But the -- my only
7 concern with this whole thing, and I have two concerns,
8 and they both relate to parking. They -- to the best
9 of my knowledge, they have only had one large event
10 since the -- since the rezoning and the inception of
11 their doing events. And the one large event, they did
12 not have adequate parking, I don't believe. I think
13 they were parked on both sides of Plum Valley Road all
14 the way out to Highway O and parked on the shoulder of
15 Highway O.

16 There's a enough property there to have
17 adequate parking, but right now it's just purely a
18 field that was not opened up for adequate parking for
19 that event. So that's my real concern, is to make sure
20 there's adequate parking, and if you're doing this in
21 October, what do you need to anticipate some kind of a
22 hard surface parking.

23 There's two entrances into the property.
24 Which entrance will they use for parking, and you know,
25 my final concern is to make this be a multiple-year

1 event, I would like to see that the parking was
2 adequate before it became a multiple-year event.

3 And that's my only comments. I'm just
4 worried about the parking. Thank you.

5 CHAIRMAN EVANS: Thank you.

6 Anyone else wishing to speak in
7 opposition? Anyone else wishing to speak in
8 opposition?

9 (NONE)

10 Mrs. Phillips, do you have any rebuttal.?

11 MS. PHILLIPS: As he related to
12 the parking, there's actually four entrances to the
13 property. And he speaks about the event that we had.

14 There is plenty of parking. We have it
15 where it's one way, one entrance in and one way out.
16 So we have plenty of parking, and I don't think that it
17 needs to be a gravel road or anything, if that's what
18 he's pertaining (sic) to, because it's grass. And they
19 -- the people park on the grass.

20 They enter, they park on the grass, and
21 then they exit on another area.

22 CHAIRMAN EVANS: So you wouldn't
23 have parking along the county road or anything?

24 MS. PHILLIPS: Oh, no, no, no,
25 not at all, not at all. Parking would be primarily on

1 our property.

2 CHAIRMAN EVANS: Okay. And
3 basically grass?

4 MS. PHILLIPS: Grass, correct.

5 MS. EAGAN: Do you designate it
6 with flags or cones or anything so people know were to
7 go?

8 MS. PHILLIPS: Yes, ma'am, and
9 parking sign.

10 CHAIRMAN EVANS: Any other
11 questions? Jay?

12 COMMISSIONER SCHULTEHENRICH: I
13 guess if it's an overflow of traffic, do you -- do they
14 park on the road then?

15 MS. PHILLIPS: No, sir. They
16 wouldn't be allowed to come in.

17 COMMISSIONER SCHULTEHENRICH: So
18 you'd make sure that the people who attend the event
19 are informed that they cannot park on the road; is that
20 what --

21 MS. PHILLIPS: Most definitely.
22 We would have someone maintain the roads on the outside
23 as well as the inside if it got that big.

24 COMMISSIONER SCHULTEHENRICH: I
25 understand, but you never know as you said before.

1 MS. PHILLIPS: Most definitely.

2 COMMISSIONER SCHULTEHENRICH: I
3 mean, the size could vary depending upon how many. It
4 might be a nice day and more people would show up.

5 MS. PHILLIPS: Right. And if
6 that is the case where there are hundreds, then we
7 would make sure we have enough manpower to man that on
8 the outside as well as the inside.

9 COMMISSIONER SCHULTEHENRICH: Do
10 you own this property, or is this going to be property
11 that you would basically be the -- just allowed by the
12 owner to utilize?

13 MS. PHILLIPS: We're allowed by
14 the owner until purchase.

15 COMMISSIONER SCHULTEHENRICH:
16 Okay. I mean, the concern -- the concern that's
17 expressed is that October can be somewhat of a wet
18 month, where you could have some of that grassy area
19 it could in fact be a little bit soft, and -- but
20 again, I emphasize we're saying you can't park on the
21 street. So --

22 MS. PHILLIPS: Then you can't
23 park on the street. We would make sure of that.

24 COMMISSIONER SCHULTEHENRICH:
25 Okay. So if it falls on your responsibility, then --

1 MS. PHILLIPS: It's on us.

2 COMMISSIONER SCHULTEHENRICH: So
3 we're clear on that then?

4 MS. PHILLIPS: Very well, sir.

5 COMMISSIONER SCHULTEHENRICH: All
6 right. Thank you.

7 MS. PHILLIPS: You're welcome.

8 CHAIRMAN EVANS: Any other
9 questions?

10 COMMISSIONER VOSS: Yes.

11 CHAIRMAN EVANS: Ms. Phillips.

12 COMMISSIONER VOSS: I'm sorry.

13 You mentioned you had an asphalt area with some
14 lighting.

15 MS. PHILLIPS: Yes, sir.

16 COMMISSIONER VOSS: How large is
17 that?

18 MS. PHILLIPS: Oh, I -- I don't
19 know. It's the entire back of the premises.

20 COMMISSIONER VOSS: So what made
21 me think when you first said it. That was the parking
22 area, but evidently not.

23 MS. PHILLIPS: No, it's not the
24 parking area. It's not large enough to --

25 COMMISSIONER VOSS: Is it

1 asphalted?

2 MS. PHILLIPS: Yes, correct.

3 COMMISSIONER VOSS: With

4 lighting?

5 MS. PHILLIPS: Blacktop with --

6 with lighting.

7 COMMISSIONER VOSS: So it

8 doesn't matter how big it is because you don't use it

9 anyway. That's all I was thinking.

10 MS. PHILLIPS: We don't use it

11 for parking for an event. We use it for personal

12 parking.

13 COMMISSIONER VOSS: Okay. Okay.

14 CHAIRMAN EVANS: Any other

15 questions?

16 MS. EAGAN: I just have one for

17 Ron.

18 CHAIRMAN EVANS: Scottie.

19 MS. EAGAN: Our maps say it's

20 Highway N. Who controls that? Does the State or do

21 you guys?

22 COMMISSIONER WILLIAMS: That

23 area is going to be MoDOT.

24 MS. EAGAN: Okay. So I'll have

25 to change that on my staff report.

1 CHAIRMAN EVANS: So those would
2 be MoDOT's responsibility as far as entrances or
3 anything?

4 COMMISSIONER WILLIAMS: They
5 would control the access. So in they desire to -- if
6 there is existing entrances there, I'm going to assume
7 MoDOT would say you could use them. If they look to
8 enlarge them, they'd have to go to MoDOT and get a
9 permit.

10 CHAIRMAN EVANS: Any other
11 questions?

12 (NONE)

13 Thank you.

14 MS. PHILLIPS: Thank you.

15 CHAIRMAN EVANS: Any discussion
16 among the Commissioners, questions, comments?

17 The only alteration we have made to the
18 requested CUP would be ours of operation 12:00 to 12:00
19 on Saturday and Sunday, and 12:00 to 10:00 -- I'm
20 sorry -- 12:00 to 12:00 Friday and Saturday, and 12:00
21 to 10:00 on Sunday. No additional conditions.

22 COMMISSIONER SCHULTEHENRICH: I think
23 are -- are we not putting no alcohol on as a condition,
24 or are we not putting that on there, or is that
25 something that, again, goes beyond what our

1 responsibility falls in?

2 MS. EAGAN: You guys have made
3 that restriction before, but we don't have -- we don't
4 have codes that say yes or no.

5 COUNTY ATTORNEY VINCENT: You
6 can.

7 MS. EAGAN: Right.

8 COMMISSIONER SCHULTEHENRICH:
9 think it was -- the comment was is that there would not
10 be alcohol on the activities on there. So I assume
11 that that will be adhered to by the applicant herself
12 on this. So then -- okay.

13 COMMISSIONER WILLIAMS: If
14 that's a concern, why not put it as a condition?

15 COMMISSIONER SCHULTEHENRICH: I
16 thought I just heard that's not something we put on
17 there.

18 MS. EAGAN: No, I said you have
19 in the past. We don't have -- I'm sorry. I was
20 telling you we don't have rules on the side that's a
21 yes or no.

22 COMMISSIONER SCHULTEHENRICH:
23 Oh, okay. If we do, I wasn't sure what Mark said.

24 COUNTY ATTORNEY VINCENT: I said you
25 can do it.

1 MS. EAGAN: Right.

2 COMMISSIONER SCHULTEHENRICH:

3 Oh, okay.

4 MS. EAGAN: Yeah.

5 COMMISSIONER SCHULTEHENRICH:

6 Sorry. I would suggest that we add that onto there and
7 then no alcohol would be allowed in these activities.

8 So if it's going to be a family affair as the applicant
9 says it will be, I think that what we should adhere to
10 and have it with no alcohol in these activities.

11 COMMISSIONER WILLIAMS: I think
12 we may want to consider one other, and that might be
13 for security. If they get popular, which they tend to
14 get as they get well known, and this is supposed to --
15 I mean, we're going to issue a conditional use permit
16 that's going to be valid for every October, maybe you
17 ought to put a stipulation you ought to have security
18 out there.

19 COMMISSIONER SCHULTEHENRICH: I
20 think parking becomes the question also, and parking
21 should be on premise and should not would be -- not be
22 permitted on the -- on the county or state roads, I
23 guess, that would be proximity to this event. So the
24 parking is to be self-contained within the -- within
25 the -- within the area in which the conditional use

1 permit is being applied to.

2 CHAIRMAN EVANS: Any other
3 questions comments?

4 So we have added the condition that there
5 be no alcohol on premise. Again, security. How would
6 we evaluate the level of security?

7 And as they said they'd have some, but how
8 would we word that to put it in as a condition? I
9 mean, we can state they have security, but again,
10 that's a little bit ambiguous. Mark, can we just state
11 it as that or --

12 COUNTY ATTORNEY VINCENT: It
13 goes back to what we were talking about before, you can
14 certainly put something to the effect that security of
15 such nature that it's full-time on the premises during
16 any activity. So I'm not sure if you need more than
17 one person or if you need -- I don't think so, but
18 that's up to guys. You can set the number of private
19 security force that you want there. Otherwise, how are
20 you going to enforce it. That's the issue that always
21 comes up.

22 CHAIRMAN EVANS: That was my
23 question, because depending on the number and
24 everything, how do he evaluate the appropriate number,
25 but we could include that just state full-time

1 security.

2 COUNTY ATTORNEY VINCENT: Yeah.

3 CHAIRMAN EVANS: Let the
4 applicant determine what is reasonable.

5 COMMISSIONER BOLAND: Well, Bill,
6 haven't we also put a number per people per event?

7 COUNTY ATTORNEY VINCENT: There
8 you go.

9 COMMISSIONER BOLAND: Then if
10 you do that, then you can say so many security people
11 per 50 or per 100 people. And we have put a number or
12 limit on events.

13 MS. EAGAN: I'm confused by --
14 what do you mean limiting the number of events?

15 COMMISSIONER BOLAND: No, not
16 the number of events, but the number of people at the
17 events.

18 MS. EAGAN: Oh, yes, you can put
19 no more than X-amount of people at this event. Yes.

20 COMMISSIONER BOLAND: Sorry.

21 MS. EAGAN: Yes. I'll say the
22 only -- since I've been here, the only time we
23 addressed the number of security was with Buchanan Mud
24 Fest, and that I think was two.

25 MS. ZIELKE: Also Buell.

1 MS. EAGAN: Oh, yeah. William
2 Buell, but I wasn't at the meeting when you decided
3 that. But yeah. And he was looking at having 2,000
4 people out there.

5 CHAIRMAN EVANS: Ms. Phillips
6 would you come back up. I have one additional question
7 for you.

8 MS. PHILLIPS: Yes, sir.

9 CHAIRMAN EVANS: What is a
10 number that you feel you would have to be at capacity
11 of the number of attendees you could handle?

12 MS. PHILLIPS: I mean, it's 67
13 acres. So I mean, I don't know. I have not done the
14 math as far as how many people is able to occupy the
15 property minus the parking. If I had to guess at the
16 top of my head, 2,500, 3,000 people I don't know. I
17 have no idea. I would I guess have to sit down and do
18 some division as far as number of people dividend by
19 the square footage of the property.

20 COMMISSIONER BOLAND: Ma'am, do
21 you have your equipment in place for the hayride?

22 MS. PHILLIPS: Not right now.
23 No, sir.

24 COMMISSIONER BOLAND: Okay. I
25 mean, I guess my question to you in regards to that was

1 if your wagon is X-amount of size, you could put 20
2 people on it, do you plan on taking one hour? That's
3 what -- you know, I guess that's kind of what we're
4 asking you.

5 MS. PHILLIPS: Well, I'm not
6 planning on doing this until perhaps maybe next year
7 so. Even if I do it this year, maybe like you say, you
8 can only get so many people on a wagon. So even if I
9 had a trailer and put some hay on it and I'm able to
10 take 20 people on one trailer, and I have four
11 trailers. That's 60, but you have people that are not
12 necessarily on the hayride that's hanging around,
13 walking around, visiting with the different vendors,
14 doing the pumpkin patch. So if you're talking about
15 specific number of people on the premises, not just
16 necessarily on the hayride, 3,000. I rather shoot high
17 than low.

18 MS. EAGAN: Sorry. Have you
19 thought anything about how much acreage you're going to
20 be using strictly for the haunted hayride, because I
21 know it's going to have to be a decent amount for you
22 to -- I assume people will be dressed up and that type
23 of haunted hayride, unless I'm just excited and hoping
24 it's that.

25 MS. PHILLIPS: Correct. It is

1 that.

2 MS. EAGAN: Okay. So you'll
3 have acreage that you'll have to go around. Have you
4 thought anything about how much of that is going to be
5 not utilized for people to be walking around and how
6 much will be left for parking and vendors and waiting
7 around?

8 MS. PHILLIPS: Well, mainly the
9 eight acres in the front of the fencing area is going
10 to be utilized for ven- -- perhaps vendors, people to
11 walk around, and the rest would be primarily utilized
12 for the haunted hayride. So I guess if you subtract
13 the 67 from the 80, I get what, 59 acres.

14 COMMISSIONER CUNIO: Ma'am, you
15 -- you had an event last year. Have you had one event
16 prior to this on this property?

17 MS. PHILLIPS: Yes, sir.

18 COMMISSIONER CUNIO: What was
19 your experience with that? Was that -- did you
20 advertise that, was the public was invited? What was
21 your experience with the turnout for that?

22 MS. PHILLIPS: It was a nice
23 experience. It was a pool party.

24 COMMISSIONER CUNIO: And how
25 many people?

1 MS. PHILLIPS: We had about 500.

2 COMMISSIONER CUNIO: Okay. And
3 did you advertise that or just word of mouth or --

4 MS. PHILLIPS: Word of mouth and
5 social media.

6 COMMISSIONER CUNIO: Okay. And
7 you're going to do social media for this -- for any
8 event in the future then?

9 MS. PHILLIPS: Social media and
10 advertising.

11 COMMISSIONER CUNIO: Yeah, I
12 mean, I would think -- I know it's difficult to try to
13 pin a number down if you just invite the public by
14 various means, but wouldn't you have to -- in addition
15 to security, you'd also -- you mentioned having Porta
16 Potties. You're going to have a plan, make some kid of
17 guesstimate on that?

18 MS. PHILLIPS: Most definitely.
19 I mean, the number Porta Potties is going to depend
20 upon the number of participants that are going to come.

21 COMMISSIONER CUNIO: Right.

22 MS. PHILLIPS: As well as the
23 security.

24 COMMISSIONER CUNIO: Right.

25 MS. PHILLIPS: Again, we've done

1 these events before.

2 COMMISSIONER CUNIO: Right.

3 MS. PHILLIPS: Several of them,
4 not this location, and the number of security is going
5 to depend on number of people that show up.

6 COMMISSIONER CUNIO: So I guess
7 what I'm saying is -- maybe you said it before and I
8 missed it, but you will make some kind of calculation
9 or guesstimate at how many people you're going to have?

10 MS. PHILLIPS: Right. That's
11 going to depend upon what type of reaction that we're
12 getting from the advertisement, what type of presale
13 tickets, that sort of thing.

14 COMMISSIONER CUNIO: Right.

15 MS. PHILLIPS: And if I could
16 say something else. When I speak about the family
17 event, I was stating that we don't a liquor license
18 currently, so that there would be no alcohol currently.
19 But in the near future, we do plant to get our liquor
20 license. So in the future, we do plan to have to have
21 alcohol if wants alcohol.

22 CHAIRMAN EVANS: Okay. Right
23 now we've added as a condition on this permit no
24 alcohol. So you have other events and everything, they
25 have another permit, right?

1 MS. EAGAN: No, they rezoned, so
2 they don't need another permit.

3 CHAIRMAN EVANS: It rezoned,
4 okay.

5 MS. EAGAN: So the way I worded
6 it, it's just that no alcohol will be allowed during
7 the Special Event, Occasional hours of operation. So
8 this event only. If they have a wedding out there,
9 obviously this has nothing to do with that.

10 CHAIRMAN EVANS: Okay.

11 MS. EAGAN: And if it is
12 something -- if this gets passed with that condition,
13 if in the future you do get your liquor license and
14 it's something you want too, you can always come back
15 to try to amend your conditional use permit.

16 MS. PHILLIPS: Okay. Another
17 650?

18 MS. EAGAN: I don't think we have
19 had people pay to amend them.

20 MS. PHILLIPS: Is that it?

21 CHAIRMAN EVANS: What percentage
22 of people do you think would be like advance purchase
23 tickets versus it's a nice day in October, why don't me
24 take a ride?

25 MS. PHILLIPS: Our main purpose

1 is to try to get the people to purchase ahead of time
2 so that we would have a projection number beforehand,
3 because that would give us a determination as far as
4 the number of vendors we're going to need, the number
5 of security we're going to need, as well as Porta
6 Potties.

7 So when you do your presales to kind of
8 get your preliminary ideal (sic) of what number of
9 people that you're going to expect.

10 CHAIRMAN EVANS: Okay. That was
11 my concern, is since you have to have security and more
12 of the Porta Potties and whatever, you need a specific
13 number depending on the number of attendees. So you
14 would say all right we expect 2,000. Then you would
15 have enough Porta Potties for 2,000 and --

16 MS. PHILLIPS: Most definitely.

17 CHAIRMAN EVANS: -- and more.

18 MS. PHILLIPS: As well as
19 security.

20 CHAIRMAN EVANS: Okay. To the
21 vast majority of these are advance ticket purchases?

22 MS. PHILLIPS> That's our goal.

23 COMMISSIONER HAIRE: Okay.

24 MS. EAGAN: I think with the
25 security, you could use something similar to what Todd

1 was saying. Base it on one per X-amount of people, and
2 then say you do 1 per 500 people, and they have sold
3 2,000 tickets ahead of time. They would need four
4 security then or something of that nature you could tie
5 it to.

6 I think I think Buchanan had two security
7 guards, and Bill Buell with the eclipse event had, I
8 think, four. So those are the two large events that
9 we've had in Franklin County that I'm aware of.

10 CHAIRMAN EVANS: And Buell was
11 what, 2500 or --

12 MS. EAGAN: I thought his limit
13 was 2,000.

14 CHAIRMAN EVANS: Two thousand.

15 So what we're saying is one security
16 person for every 500 people?

17 MS. EAGAN: That's up to you
18 guys, but we need to tie it to something.

19 CHAIRMAN EVANS: Just sorting
20 that out. Anybody else have a number?

21 COMMISSIONER SCHULTEHENRICH: I
22 guess are we saying that there will be one security
23 person on premise at all times, and then when you go
24 above 500, that every 500 would be the requirement of a
25 second, and every 500 after that would be a requirement

1 of an additional one?

2 CHAIRMAN EVANS: Well, I would
3 just say one per 500 because the first 500 is going to
4 get you one.

5 COMMISSIONER SCHULTEHENRICH:
6 Well, I just want to be clarified because I thought the
7 way you were making -- stating that, Bill, I thought it
8 was you had to have 500 before you had a security
9 guard.

10 CHAIRMAN EVANS: No, once you
11 cross over the 500 is the way I --

12 COMMISSIONER SCHULTEHENRICH:
13 That's what saying to you. You're saying cross over
14 the 500. I'm saying there would be one security at all
15 times on premise. Okay?

16 COMMISSIONER BOLAND: That's
17 what Bill is saying. He's saying the second 500 then
18 there would be another one for 500.

19 CHAIRMAN EVANS: Yeah, the first
20 500 is one. So once you have one person to 499, I see
21 what your saying, Jay. No, I meant it as you said that
22 you have the first 500, you have one at. Once you get
23 the second 500, is what you're saying, when you get to
24 a thousand, you have the second.

25 COMMISSIONER SCHULTEHENRICH:

1 Then you would have any -- you'd have one for the --
2 one for up to 500. Then you'd have two after you
3 reached 500. You'd have three after in fact you would
4 reach a thousand. Okay? So that's the way I was
5 looking at it, Bill, which is again slightly different
6 than what you were saying.

7 CHAIRMAN EVANS: Right.

8 COMMISSIONER SCHULTEHENRICH:
9 Okay. Just wanting to be clear on that.

10 CHAIRMAN EVANS: Other
11 Commissioners have thoughts?

12 COMMISSIONER VOSS: I have one
13 more thought.

14 CHAIRMAN EVANS: Stan.

15 COMMISSIONER VOSS: You expect
16 maybe 3,000 people.

17 MS. PHILLIPS: No, not
18 necessarily. I just gave you a number.

19 COMMISSIONER VOSS: Well, what
20 bother me was, let's just say four people per car.
21 That's 750 cars. That's my biggest concern. I wish
22 you luck. I mean, I'm just take 3,000 people.

23 MS. PHILLIPS: I just threw out
24 a number, but again it would be what we can take upon
25 the property because everything will be inside the

1 property.

2 COMMISSIONER VOSS: Yes, ma'am.

3 CHAIRMAN EVANS: Any other

4 questions?

5 Scottie, you have something?

6 MS. EAGAN: I was just thinking
7 back to the eclipse event where you guys did put a
8 stipulation that, you know, no more than 2,000 people
9 at one time on the property. I think what is happening
10 is everyone is thinking all 3,000 people are going to
11 be there at one time, which on an event like this it's
12 going to spread out throughout the day. Everybody will
13 not be there at the same time. So if you put a
14 stipulation of how many people can be there at one time
15 and then base your security potentially on that, we can
16 go that route like we did with the eclipse.

17 CHAIRMAN EVANS: Good point.

18 Ron, do you have something?

19 COMMISSIONER WILLIAMS: I'm
20 going to go back to the parking. What parking is
21 required?

22 MS. ZIELKE: It's 20 paces for
23 Special Occasional, otherwise stated on the conditional
24 use permit.

25 COMMISSIONER WILLIAMS: Thank

1 you.

2 CHAIRMAN EVANS: Any other
3 questions of the applicant?

4 (NONE)

5 Okay. You can sit down one more time.

6 MS. PHILLIPS: Thank you.

7 CHAIRMAN EVANS: Any more
8 discussion?

9 MS. EAGAN: Sounds like you
10 might want to stipulate parking.

11 COMMISSIONER BOLAND: I was
12 going to say so. Twenty paces -- say that again.

13 MS. ZIELKE: Twenty spaces for a
14 Special Event, Occasional, unless otherwise specified
15 on the conditional use permit.

16 MS. EAGAN: And I'll tell you
17 the reason we did that, is because the Special Event,
18 Occasional, I believe is conditional in all our
19 district. So if it's something that did get passed up,
20 we would at least have the specified amount.

21 COMMISSIONER BOLAND: Okay.

22 CHAIRMAN EVANS: I guess it's
23 just a little bit harder to be parking on the grass to
24 stipulate exactly how many spaces you're going to have.
25 So right now we have hours of operation, no alcohol,

1 and then security.

2 MS. EAGAN: And that parking
3 should be on premise and not allowed on any publicly
4 maintained road.

5 CHAIRMAN EVANS: Okay. Those
6 are the four conditions. Anything else? And we have
7 not put a maximum to number of people who can be there?

8 MS. EAGAN: We really haven't
9 addressed security. So far all I just have is
10 applicant shall provide.

11 COMMISSIONER BOLAND: Let's go
12 back to the eclipse. What did we say about parking for
13 him? Did we say anything?

14 MS. EAGAN: I didn't think we
15 stipulated parking for him.

16 CHAIRMAN EVANS: Well, he had so
17 many RVs --

18 MS. EAGAN: Because his was all
19 the majority of campsite.

20 CHAIRMAN EVANS: Yeah, campsite.

21 MS. EAGAN: But yeah, we didn't
22 address parking.

23 CHAIRMAN EVANS: If we wanted to
24 look at security, do we want to site that again, two
25 ways of looking at it. One security guard up to 499,

1 second security guard between that and the, you know,
2 1,000, third one, put, 1,000, 1,500 for each 500
3 people.

4 COMMISSIONER WILLIAMS: Let's
5 keep this simple. Let's just say one security guard up
6 to 500, and then one additional one for every 500 over
7 that.

8 CHAIRMAN EVANS: I like that.

9 MS. EAGAN: I -- I would rather
10 you just put a number on it of this many security
11 guards, because otherwise, every time there's an event,
12 I'm going to have to send Tori out to start counting
13 people to see if they have enough security. So that's
14 going to be every weekend in October I'm going to give
15 Tori overtime to go to these haunted hayrides and
16 count.

17 COMMISSIONER BOLAND: So what
18 you're saying is you want like four security guards?

19 MS. EAGAN: I would rather they
20 need to provide two full-time security guards during
21 the event or three or four, whatever you guys choose.

22 COMMISSIONER BOLAND: Okay.

23 MS. EAGAN: I just feel like with
24 a event that's coming and going like this, it's going
25 to be hard to tell how many people are there at one

1 time. It'd be different if it was a wedding. You can
2 say all 300 people are going to be there at one time.

3 CHAIRMAN EVANS: For Buell, we
4 got four security guards.

5 MS. EAGAN: Yeah. Buell I think
6 had two at the gate and two within the event, and then
7 you can have I know one at the gate for sure, and I
8 think one kind of in the parking area.

9 CHAIRMAN EVANS: Okay. And I
10 know Buell, they have the 24-hour picnic event and
11 everything.

12 MS. EAGAN: Right.

13 CHAIRMAN EVANS: So it's -- but
14 he was still four security guards 24/7. So at least
15 two up to four. So what do the Commissioners think the
16 number probably would be easy?

17 COMMISSIONER HAIRE: Well, even
18 if they had let's say 3,000, which I think is probably
19 a little aggressive, it's going to be over a 12-hour
20 period. So it would be kind of just use some basic
21 math. I think probably two security guards, one at the
22 gate and one roaming the property would probably be
23 sufficient.

24 CHAIRMAN EVANS: Okay. Any
25 other comment, questions?

1 COMMISSIONER BOLAND: Well
2 don't -- don't we need to then also address the
3 parking, Ron, or they have -- they just need three
4 acres for parking? I mean, is that how we do it, or we
5 designate so much for 300 cars?

6 COMMISSIONER WILLIAMS: Well,
7 parking in the grass. So what's going to have happen
8 is they got to have some sort order or idea as to how
9 they're going to park that in aisles.

10 So you know, we're debating this here
11 tonight and trying to put these stipulations on here
12 when I'm starting to think maybe we ought to send it to
13 the Review Committee and look at it and decide exactly.
14 Let them come back and tell us. It's a concern.

15 MS. EAGAN: I mean, we could
16 potentially leave the file open to where they could
17 present you a plan either before our next meeting or
18 before the Review Committee where they would anticipate
19 the parking and the hayride and the vendors so you guys
20 can actually see on the property what's happening.

21 CHAIRMAN EVANS: Any comments?
22 I think there are enough questions and open issues that
23 it probably should go to the Review Committee and leave
24 the file open for at least a couple of three weeks.
25 But that's just a thought.

1 Any other discussion?

2 (NONE)

3 If not the Chair would entertain a motion.
4 The options are to send to Old Business or send it to
5 Review Committee.

6 COMMISSIONER HAIRE: I move that
7 we send it to Review Committee, File 170191 and we
8 leave the file open until the Review Committee meeting.

9 COMMISSIONER WILLIAMS: Second.

10 CHAIRMAN EVANS: Okay. And to
11 the Review Committee so we can leave it open when you
12 saying so that up until the Review Committee meets?

13 COMMISSIONER HAIRE: Uh-huh.

14 CHAIRMAN EVANS: Okay. So we
15 have a --

16 COMMISSIONER BOLAND: Okay.

17 What goods it going to do to go to the
18 Review Committee if we don't -- if we don't have the
19 their plan?

20 CHAIRMAN EVANS: Well, it's
21 going to be they'll get it to us before that. We can't
22 keep it open past the Review Committee.

23 MS. EAGAN: I mean, you could
24 leave it open till the next meeting.

25 COMMISSIONER BOLAND: Could give

1 them a deadline when they have to have a planned in.

2 MS. EAGAN: Right.

3 COMMISSIONER HAIRE: Yeah.

4 MS. EAGAN: So you could leave
5 it open for the plan to be turned if by X-date.

6 COMMISSIONER BOLAND: So just
7 leave it open till next meeting.

8 MS. EAGAN: You could do that.
9 I think Review Committee wanted it prior to their
10 meeting --

11 CHAIRMAN EVANS: Right.

12 MS. EAGAN: -- so they could
13 look at it.

14 (CROSSTALK)

15 CHAIRMAN EVANS: It would defeat
16 the purpose to have the Review Committee approve this
17 or not.

18 COMMISSIONER HAIRE: I mean, I
19 guess we could ask me to rescind my motion, but I was
20 assuming they would give us a plan before the Review
21 Committee. But if they need more time, then just leave
22 it open till the next meeting. I agree, the time that
23 they can supply us the additional information.

24 COMMISSIONER BOLAND: Agree.

25 MS. EAGAN: Okay. It's up to

1 you guys.

2 CHAIRMAN EVANS: All right.
3 Again, I think it defeats the purpose of Review
4 Committee to at least look at it and make some
5 judgment, but you mean rather than sending it to the
6 Review Committee, we're just going to what, table it or
7 postpone it? I mean, there's no sense for Review
8 Committee to meet.

9 COMMISSIONER HAIRE: Unless we
10 have the information. I agree.

11 COMMISSIONER CUNIO: You're
12 rescinding your motion?

13 COMMISSIONER HAIRE: I'll
14 rescind my motion.

15 COMMISSIONER CUNIO: I rescind
16 the second.

17 CHAIRMAN EVANS: So basically we
18 are going to -- do we have that option or do we have to
19 go to -- again, we are getting into Robert's here now.
20 So they don't want to send to Review Committee. So
21 they have the option of sending it -- it's not Old
22 Business yet. So we'd have to send to Old Business, or
23 then postpone or table.

24 COMMISSIONER SCHULTEHENRICH:
25 Mr. Chairman, I'm a little unclear on this. Why -- you

1 can send it to the Review Committee and say that there
2 shall be the deadline established from the applicant to
3 submit a plan that would be where the activities and
4 parking will all be on the premises. And that plan
5 shall be submitted to the Review Committee no later
6 than three days or four days before the meeting of the
7 Review Committee. Okay?

8 And I think you can continue to keep the
9 file open, but you place the applicant upon having to
10 complete the plan or the drawings at least to the
11 Review Committee and put that -- put that stipulation
12 upon a condition in there. I think we can certainly do
13 that.

14 CHAIRMAN EVANS: Okay. But the
15 discussion up here was to leave it open to the next
16 meeting, in which case you can meet with the Review
17 Committee, but as long as the file is open, everything
18 could change.

19 COMMISSIONER SCHULTEHENRICH:
20 Yeah.

21 CHAIRMAN EVANS: And my point is
22 why should the Review Committee meet if you want to
23 bypass it, that's fine. I mean, we could all get
24 together and look at what's there.

25 COMMISSIONER SCHULTEHENRICH:

1 Well, my only thinking was is that if by chance there
2 is something else that occurs after the Review
3 Committee meets, then we would have the opportunity to
4 at least review whatever that -- that additional
5 information may be. That's my only thinking, is that I
6 thought that was probably why they wanted to keep the
7 file open.

8 But I don't have an issue having to do
9 with the applicant submitting the layout of the plans
10 on the property to Review Committee and give a deadline
11 for that to do and they have their file closed at the
12 completed after or closed after the Review Committee
13 meets, whenever that occurs. I don't have a problem
14 with that. So I think that's probable.

15 I think we asked the -- Mr. Chairman, if I
16 might suggest, the applicant whether they can provide
17 us with a drawing or something like that by that period
18 of time with the Review Committee meeting. That may be
19 a point which you want to start at potential or so.
20 Just my thoughts.

21 CHAIRMAN EVANS: Mrs. Phillips,
22 do you want to address that?

23 MS. PHILLIPS: So we have
24 already a parking and everything in place as far as
25 where everything is going to be. As far as parking,

1 the vendors, all that's in place already.

2 CHAIRMAN EVANS: I think
3 contingent on we're talking -- we're getting into the
4 numbers here. How many cars based on how many people
5 based on the number of security guards required.

6 MS. PHILLIPS: Okay. But you
7 guys already said there was a previous event 2,000 you
8 only require four security people. Our plans are to
9 have more than four security officers, but you're
10 requirement said four up to the 2,000. But we still in
11 all, we plan to have more than four. Me personally, I
12 don't think four is enough. But...

13 COMMISSIONER HAIRE: I guess
14 what we're looking for, can you give us a little bit
15 more an outline of your plan with the details like
16 that.

17 MS. PHILLIPS: Okay. So --

18 COMMISSIONER HAIRE: It would
19 help us.

20 MS. PHILLIPS: So we need to
21 look at the property. There is four entrances to the
22 property. We have a main gate, which is gated. We put
23 a private gate up there. We have to get buzzed in. So
24 we plan to have a security guard at the front gate.
25 Okay. Cars will enter through that gate. They will be

1 issued a wrist band, and they would park on the, let's
2 see here, to my right. I don't know which direction
3 that is.

4 COMMISSIONER BOLAND: Ma'am. Is
5 this the main gate?

6 MS. PHILLIPS: That's the main
7 gate.

8 COMMISSIONER BOLAND: Okay. So
9 this is the main gate?

10 MS. PHILLIPS: Correct. They
11 would enter that way.

12 COMMISSIONER BOLAND: Okay.

13 MS. PHILLIPS: And then there's
14 parking to the right of that, all that field. All the
15 way over to the property line ends, there's parking all
16 up there. And there is another gate for them to exit
17 out of that gate onto the main road.

18 COMMISSIONER BOLAND: Over here?

19 MS. PHILLIPS: Yes, sir, that
20 they will come out upon exiting.

21 COMMISSIONER BOLAND: But you're
22 saying they come in here, come through here, park, exit
23 out this way?

24 MS. PHILLIPS: That's correct.

25 COMMISSIONER BOLAND: Okay. As

1 far as the vendors, again, there's blacktop behind the
2 house itself. That blacktop area, we would have the
3 vendors, all the vendors would be there. The Porta
4 Potties would be along the other fenceline towards the
5 parking area. And the haunted hayrides would be on the
6 outskirts of the fence towards the wooded area.

7 COMMISSIONER HAIRE: I would just
8 be more comfortable if I had the details kind of
9 written and presented in some form, you know, to us, so
10 the Review Committee can look at the detail and make
11 some decisions about it.

12 MS. EAGAN: Bill, I think we
13 have an issue with the parcels that were included on
14 the conditional use permit do not include the parcels
15 where she's saying the parking is going to be taking
16 place.

17 So I think what we need to do at this
18 point, we need to renotify. So how would we table it,
19 would we do a new name, Mark?

20 COUNTY ATTORNEY VINCENT: Well,
21 you guys. I didn't know before that issue came up if
22 you're going to not do something tonight. You have two
23 issues there. Are you going to keep the file open, or
24 the public hearing open? Because if you're going to
25 keep it for the public hearing open, then you continue

1 it and anybody can submit stuff yet. And you may have
2 to have another hearing whenever that is.

3 If you're going to conclude the public
4 hearing but keep the file open, then you can require
5 her or them to present something to you all for the
6 Review Committee by a certain date. With this coming
7 on right now, you can't consider that part, --

8 MS. EAGAN: Right.

9 COUNTY ATTORNEY VINCENT: -- the
10 parking part.

11 MS. EAGAN: So would we do a new
12 file?

13 COUNTY ATTORNEY VINCENT: She
14 needs to start over.

15 MS. EAGAN: So just do a new
16 file?

17 COUNTY ATTORNEY VINCENT: Yeah.

18 MS. EAGAN: And we'll --

19 COUNTY ATTORNEY VINCENT: You
20 can amend this one.

21 MS. EAGAN: And then we'll do it
22 next month with all the parcels included, where you're
23 parking and all that information.

24 COUNTY ATTORNEY VINCENT: But
25 that's does, has to be notified.

1 MS. EAGAN: Right. So we'll
2 basically re-hear it next month. You're not out any
3 money. You don't have to repay for anything. We'll
4 just have to amend your application to include the
5 parcels where the parking is going to be taking place.

6 MS. PHILLIPS: Okay. Is it
7 this -- is it just this parking area because this --

8 MS. EAGAN: This is all that's
9 included on your application right now. And from what
10 you were showing Todd up on the map is these parcels
11 north of what's on this map is also included.

12 COUNTY ATTORNEY VINCENT: Ma'am,
13 it's not us to tell you what to do. It's for you to
14 tell us what you're going to do.

15 MS. PHILLIPS: Correct. I
16 understand.

17 COUNTY ATTORNEY VINCENT: So you
18 need to go back and look at the map and seeing what you
19 plan on doing. And so if you're asking for a
20 conditional use permit, the parking, everything that
21 you're going to use as part of that has to be included.

22 MS. PHILLIPS: Exactly.

23 COUNTY ATTORNEY VINCENT: And
24 it's not --

25 MS. PHILLIPS: I got it.

1 COUNTY ATTORNEY VINCENT: Okay.

2 MS. EAGAN: So I'd recommend you
3 or your husband or your son come in tomorrow, and then
4 we can sit down with you and go over what exactly
5 you're using to get this application amended.

6 MS. PHILLIPS: Okay.

7 MS. EAGAN: And then I -- you're
8 not out any more time because they were going to not
9 make a decision anyway until next month. So at least
10 we'll start over fresh, clean, and you can present your
11 plan.

12 MS. PHILLIPS: Okay.

13 CHAIRMAN EVANS: So, Mark, we'd
14 be tabling this then?

15 COUNTY ATTORNEY VINCENT:
16 Actually you're going to do -- you're going to table
17 the hearing, but not so that you can keep it open and
18 send out new notices. Who's going pay for the new
19 notices, Scottie?

20 MS. EAGAN: I'll just cover that
21 cost.

22 COUNTY ATTORNEY VINCENT: Okay.

23 CHAIRMAN EVANS: Okay. Based on
24 what we've got down that the Chair would entertain a
25 motion to table this file until the -- table the file.

1 Would we want to conclude the public hearing or we have
2 to -- you have to renotify, so we have to have a new
3 public hearing. So --

4 COUNTY ATTORNEY VINCENT: Or
5 continue the public hearing.

6 CHAIRMAN EVANS: Okay.

7 COUNTY ATTORNEY VINCENT: You
8 may get notice of when -- when you increase the area,
9 you may get other people who want to come testify now.

10 CHAIRMAN EVANS: Okay. So the
11 Chair would entertain a motion to table this file until
12 the October meeting.

13 COMMISSIONER BOLAND: I make a
14 motion to table this File Number 170191 till the
15 October meeting.

16 COMMISSIONER HAIRE: Second.

17 CHAIRMAN EVANS: We have a
18 motion and a second to table File 170191, and really we
19 don't even have to put October on it. Once it's
20 tabled, it's tabled until we take it off. So...

21 All in favor signify by saying aye.

22 CHAIRMAN VOSS: Aye.

23 COMMISSIONER CUNIO: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN EVANS: Aye.

1 COMMISSIONER BOLAND: Aye.

2 COMMISSIONER HAIRE: Aye.

3 COMMISSIONER SCHULTEHENRICH:

4 Aye.

5 CHAIRMAN EVANS: Opposed?

6 (NONE)

7 Motion is carried.

8 Preliminary Plats. File 170075, Carla
9 Theissen. Seeing that this file was going to show it
10 was tabled, but it is and it has been on the table for
11 three or four months. Scottie, have we gotten any
12 additional information?

13 MS. EAGAN: I received nothing
14 from the applicant.

15 CHAIRMAN EVANS: All right. So
16 we have to evaluate this file based on the information
17 that we have, which is nothing.

18 Any discussion on nothing?

19 COMMISSIONER SCHULTEHENRICH: I
20 think we have to make a recommendation though, Mr.
21 Chairman, on the file. So I think we're in position of
22 doing that. So based upon what we have in front of us,
23 I would make a motion that our recommendation is, is
24 that a request for rezoning as contained within --

25 MS. EAGAN: No. We're doing a

1 preliminary plat.

2 COMMISSIONER SCHULTEHENRICH:

3 Oh, I'm sorry. I'm sorry. I thought we were done with
4 that.

5 CHAIRMAN EVANS: Yeah, it's a
6 preliminary plat. So it's not a recommendation. It
7 would just be a motion to --

8 COMMISSIONER SCHULTEHENRICH:
9 I'm sorry.

10 CHAIRMAN EVANS: -- deny. Want
11 to make that motion?

12 COMMISSIONER SCHULTEHENRICH:
13 I'll still make a motion to that extent. I'm sorry.
14 But I was thinking it was something else, but it's a
15 preliminary plat, so okay.

16 Motion to deny.

17 COMMISSIONER HAIRE: I'll
18 second.

19 CHAIRMAN EVANS: We have a
20 motion and a second to deny preliminary plat File
21 170075. All in favor signify by saying aye.

22 COMMISSIONER VOSS: Aye.

23 CHAIRMAN EVANS: Aye.

24 CO-CHAIRMAN SCHULTEHENRICH:
25 Aye.

1 COMMISSIONER McLAREN: Aye.

2 COMMISSIONER CUNIO: Aye.

3 COMMISSIONER WILLIAMS: Aye.

4 COMMISSIONER BOLAND: Aye.

5 COMMISSIONER HAIRE: Aye.

6 CHAIRMAN EVANS: Opposed?

7 (NONE)

8 Motion is carried.

9 Moving back to Old Business. File 170187,

10 Kuenzel Construction. Any further discussion?

11 (NONE)

12 If not, the Chair would entertain a

13 motion.

14 COMMISSIONER SCHULTEHENRICH:

15 Mr. Chairman, I'll make a motion tat we approve the
16 conditional use permit as outlined and we have placed
17 upon File 170187. My motion therefore is to approve.

18 CHAIRMAN EVANS: With the
19 conditions?

20 COMMISSIONER SCHULTEHENRICH:
21 With the additional conditions that we placed upon it.

22 COMMISSIONER BOLAND: Second.

23 CHAIRMAN EVANS: We have a
24 motion and a second to approve File 170187. All in
25 favor signify by saying aye.

1 COMMISSIONER VOSS: Aye.
2 CHAIRMAN EVANS: Aye.
3 CO-CHAIRMAN SCHULTEHENRICH:
4 Aye.
5 COMMISSIONER McLAREN: Aye.
6 COMMISSIONER CUNIO: Aye.
7 COMMISSIONER WILLIAMS: Aye.
8 COMMISSIONER BOLAND: Aye.
9 COMMISSIONER HAIRE: Aye.
10 CHAIRMAN EVANS: Opposed?
11 (NONE)
12 Motion is carried.
13 Moving right along. Planning and Zoning
14 Commission Forum.
15 Commissioners have anything they wish to
16 discuss? No?
17 Moving on to election of officers. It's
18 the September meeting, so we do need to electric
19 officers and Review Committee members. So there's
20 chairman, co-chairman and then Review Committee
21 members.
22 So the floor is open for nomination for
23 chairman.
24 COMMISSIONER SCHULTEHENRICH: Mr.
25 Chairman, I'll make a -- I would like to nominate Bill

1 Evans for the position of chairman of Franklin County
2 Planning and Zoning Commission.

3 COMMISSIONER HAIRE: I will
4 second it.

5 CHAIRMAN EVANS: Any other
6 nominations?

7 (NONE)

8 Nominations are closed.

9 All in favor of appointing Bill Evans as
10 chairman, please signify by saying aye.

11 COMMISSIONER VOSS: Aye.

12 CO-CHAIRMAN SCHULTEHENRICH:
13 Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER CUNIO: Aye.

16 COMMISSIONER WILLIAMS: Aye.

17 COMMISSIONER BOLAND: Aye.

18 COMMISSIONER HAIRE: Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 COUNTY ATTORNEY VINCENT: Was
22 that was Bill Evans or Bill McLaren?

23 COMMISSIONER McLAREN: Okay.

24 For vice-chairman is currently Jay. The floor is open
25 for nominations for vice-chair.

1 COMMISSIONER HAIRE: I move that
2 we nominate Jay.

3 COMMISSIONER BOLAND: Second.

4 CHAIRMAN EVANS: Any other
5 nominations?

6 (NONE)

7 Nominations for vice-chair are closed.

8 All in favor of Jay vice-chairman signify
9 by saying aye.

10 COMMISSIONER VOSS: Aye.

11 CHAIRMAN EVANS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER CUNIO: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 COMMISSIONER BOLAND: Aye.

16 COMMISSIONER HAIRE: Aye.

17 CHAIRMAN EVANS: Opposed?

18 (NONE)

19 Congratulations.

20 That leaves us with the Review Committee
21 and we just did change the by-laws so that the chairman
22 and highway administrator are permit members. And so
23 we still need a third member. So we need to elect one
24 member. That member is currently Dan.

25 So the floor is open for nominations for

1 the Review Committee.

2 COMMISSIONER BOLAND: You want
3 it?

4 COMMISSIONER HAIRE: I'll do it,
5 but I mean, I just -- I think it's good to rotate.
6 I've learned some things mainly that you sink your
7 teeth in it. So I -- it's good to let other people,
8 you know, kind of see what that is and get involved in
9 it if they want. So someone step up.

10 COMMISSIONER BOLAND: Well, then
11 I'll just nominate Tommy Tobben.

12 COUNTY ATTORNEY VINCENT: Good
13 move.

14 COMMISSIONER HAIRE: I'll second
15 it.

16 CHAIRMAN EVANS: Any other
17 nominations?

18 (NONE)

19 Nominations are closed. All in favor of
20 Tom Tobben as Review Committee member please signify by
21 saying aye.

22 COMMISSIONER VOSS: Aye.

23 CHAIRMAN EVANS: Aye.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 Aye.

1 COMMISSIONER McLAREN: Aye.
2 COMMISSIONER CUNIO: Aye.
3 COMMISSIONER WILLIAMS: Aye.
4 COMMISSIONER BOLAND: Aye.
5 COMMISSIONER HAIRE: Aye.
6 CHAIRMAN EVANS: Opposed?
7 (NONE)
8 Congratulations, Tom.
9 COUNTY ATTORNEY VINCENT:
10 Wherever you are.
11 CHAIRMAN EVANS: All right. Now
12 we need two alternates for the Review Committee. They
13 are currently Russell and Tom, who will to have of
14 abdicate that position to take the full-time job of it.
15 So...
16 COMMISSIONER BOLAND: I nominate
17 Russell and Bill McLaren.
18 COMMISSIONER CUNIO: Second.
19 CHAIRMAN EVANS: Any others?
20 (NONE)
21 Nominations are closed. All in favor of
22 electing Russell McCreary and Bill McLaren as Review
23 Committee alternates, please signify by saying aye.
24 COMMISSIONER VOSS: Aye.
25 CHAIRMAN EVANS: Aye.

1 CO-CHAIRMAN SCHULTEHENRICH:

2 Aye.

3 COMMISSIONER McLAREN: Aye.

4 COMMISSIONER CUNIO: Aye.

5 COMMISSIONER WILLIAMS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER HAIRE: Aye.

8 CHAIRMAN EVANS: Opposed?

9 (NONE)

10 Congratulations, Bill.

11 COUNTY ATTORNEY VINCENT: They
12 just did that because you weren't here.

13 CHAIRMAN EVANS: And that will
14 complete the election.

15 Planning Director's Report.

16 MS. EAGAN: I do have some more
17 regulation changes coming before you guys next month,
18 and also with preliminary plats, if they are denied,
19 they do have three months to fix the issues. So if she
20 does submit one within three months, it will be coming
21 back before you. After that she has to start over from
22 scratch.

23 CHAIRMAN EVANS: Thank you.

24 Is there anything else?

25 (NONE)

1 If not, the Chair would entertain a motion
2 to adjourn.
3 COMMISSIONER BOLAND: I make a
4 motion to adjourn.
5 COMMISSIONER McLAREN: Second.
6 CHAIRMAN EVANS: Motion and a
7 second to adjourn. All in favor signify by saying aye.
8 COMMISSIONER VOSS: Aye.
9 CHAIRMAN EVANS: Aye.
10 CO-CHAIRMAN SCHULTEHENRICH:
11 Aye.
12 COMMISSIONER McLAREN: Aye.
13 COMMISSIONER CUNIO: Aye.
14 COMMISSIONER WILLIAMS: Aye.
15 COMMISSIONER BOLAND: Aye.
16 COMMISSIONER HAIRE: Aye.
17 CHAIRMAN EVANS: Opposed?
18 (NONE)
19 We're adjourned.
20 (Thereupon, the hearing
21 procedures were concluded at
22 9:10 p.m.)
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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that: the aforementioned was held at the time and in the place previously described; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:
August 26, 2018

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