

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

September 13, 2016

Regular meeting of the Clay County Planning and Zoning Commission, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, MO.

Call to Order at 6:30 pm.

Roll Call

Members Present: Mark Beggs, Jim Carlson, Chris Higgins, Tom Decker, and David Rhodus

Members Absent: Darin Sanders

Staff Present: Kipp Jones, Planning and Zoning Manager
Debbie Viviano, Planner
Angie Stokes, Secretary
Andy Roffman, Assistant County Counselor

Mr. Beggs: Good evening ladies and gentlemen I would like to call to order the Tuesday, September 13, 2016 meeting of the Planning and Zoning Commission of Clay County, roll call.

Mr. Jones: Darn Sanders?

Mr. Sanders: Absent.

Mr. Jones: David Rhodus?

Mr. Rhodus: Present.

Mr. Jones: Jim Carlson

Mr. Carlson: Present.

Mr. Jones: Tom Decker?

Mr. Decker: Present.

Mr. Jones: Chris Higgins?

Mr. Higgins: Present.

Mr. Jones: Mark Beggs?

Mr. Beggs: Present.

Mr. Beggs: Just some housekeeping, we will be recording tonight's meeting, so if you are going to speak we ask that you step to the podium and state your name and address that way it makes it easier when they are transcribing the meeting, who is speaking. All the cases that will be considered tonight will go before the County Commission hearing on October 3, 2016, 10 am that will be in this room. So basically our job, we make recommendations to the County Commission and they have the final say. So our recommendations go from here to them, so your case will be heard by them on October 3rd. First item on our agenda is the approval of the July 12, 2016 minutes of the Clay County Planning and Zoning Commission.

Mr. Carlson: I will make a motion that we approve the July 12th P&Z meeting as presented.

Mr. Beggs: Do I have a second?

Mr. Decker: I will second.

Mr. Beggs: Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Abstain.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 4/0/1 Approve July 12, 2016 Minutes

Mr. Beggs: Motion passes. We have four cases tonight on our regular agenda, the first case is case number September 16-126F, this is a request for Final Plat approval of the proposed subdivision of Hatcher Farms located at approximately the southwest corner of NE 144th Street and Nation Road, the applicant is Danny Hatcher. Is there a representative of the applicant here present? We will go ahead and have a staff report then we will ask you to come forward.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report September 16-126F dated August 30, 2016.

Mr. Beggs: Commission have any questions for staff on the report? Okay can we have a representative of the applicant step forward, state your name and address for the record.

Mr. Hatcher: Dan Hatcher, 1129 Chestnut Ln, Liberty, MO.

Mr. Beggs: And are you familiar with the staff's report?

Mr. Hatcher: Yes I am.

Mr. Beggs: Are you in agreement with the conditions that they have set forth for the final plat?

Mr. Hatcher: Yes I am.

Mr. Beggs: Do you have any questions for us or the staff?

Mr. Hatcher: No.

Mr. Beggs: Thank you. I will open it up to public comment on that application. I will close that public comment any questions for the applicant from the Commission? Okay I will entertain a motion.

Mr. Carlson: I will make a motion to approve the final plat for Hatcher Farms with the following conditions in Exhibit A.

Mr. Beggs: Thank you do we have a second?

Mr. Decker: Second.

Mr. Beggs: Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; September 16-126F; Hatcher Farms– Final Plat
With two (2) Conditions**

Mr. Beggs: Motion passes, thank you. Second case tonight is case number September 16-127P, this is a request for Preliminary Plat approval for the proposed subdivision of Nebo Hill Estates-Sixth Plat located at approximately 7022 Nebo Hills Road, the applicant Kristie Stuewe, President-KC First Missouri Bank, you are a representative for the applicant? Okay, staff?

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report September 16-127P dated September 1, 2016.

Mr. Beggs: Any questions from the Commission to the staff? Can I have a representative of the applicant step forward please, state your name and address for the record.

Ms. Stuewe: Kristie Stuewe, 1925 Burlington, North Kansas City, MO.

Mr. Beggs: And you are familiar with the staff's report?

Ms. Stuewe: I am.

Mr. Beggs: Are you in agreement with the conditions they have set forth?

Ms. Stuewe: Yes.

Mr. Beggs: Do you have any questions for the Commission or staff?

Ms. Stuewe: I do not.

Mr. Beggs: Okay thank you. I guess I should ask Commission do you have any questions for the applicant. Okay thank you, I will open the floor up for public comment on this application. No questions from the public I will close the public comment. Any discussion from the Commission? I will entertain a motion.

Mr. Decker: I will make a motion to approve the request for preliminary plat for proposed subdivision Nebo Hills-Sixth Plat located at approximately 7022 Nebo Hills Rd.

Mr. Carlson: I will second it.

Mr. Beggs: I would like to amend that to include the conditions shown in Exhibit A.

Mr. Decker: Very good.

Mr. Beggs: Thank you, any discussion on the motion that is on the table? Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; September 16-127P; Nebo Hill Estates-Sixth Plat–
Preliminary Plat With four (4) Conditions**

Mr. Beggs: Motion passes. Our third case tonight is September 16-128F, this is a request for final plat approval of the proposed subdivision of Nebo Hill Estates-Sixth Plat located at approximately 7022 Nebo Hills Road, the applicant is Kristi Stuewe, President-KC First Missouri Bank, staff report.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report September 16-128F dated September 1, 2016. (Debbie did point out that the condition three has been met so the clearing the brush has been done at this point, just so you know.)

Mr. Beggs: So would we like to delete condition three so we don't have to worry about that?

Mr. Jones: You can, it is up to you.

Ms. Viviano: We can leave it or we will just note it when it gets to the recording it has been taken care of.

Mr. Higgins: It kind of struck me they left all of this..

Mr. Jones: Roughly 40 acres, yes it was 80 acres total.

Mr. Higgins: I didn't see that so that is why I asked.

Mr. Jones: It is not part of the plat, they did not divide this. The north property has an existing house on it.

Mr. Carlson: In the zoning there is no grandfather in of the use of that building? Just out of curiosity.

Mr. Jones: If they go through the platting process they have to meet the current standards. If somebody did want to use that building to house animals they can try and get a variance from the Board of Zoning Adjustment. So there are options for them if they decide to do that.

Mr. Beggs: How would the new property owner know they can't house livestock, because I would assume a buyer walking in seeing a barn they would assume they could put cattle in there?

Mr. Jones: Since there is not a house on it we should catch it in office when they pull the building permit for their house.

Mr. Beggs: But it would be kind of late in the game after they bought the property.

Mr. Jones: Yes and the applicant is aware of it so hopefully there is some communication on their end as well.

Mr. Beggs: We don't want to list that on the plat? Put a red flag or would that create a problem getting the various?

Ms. Viviano: I have asked and if Kristie would like to come up, she can maybe explain or talk about,

Ms. Stuewe: Kristie Stuewe, First Missouri Bank, 1925 Burlington, North Kansas City, MO. We have the property with the barn located on it under contract subject to getting approval of what we presented this evening, we are aware of this and the prospective buyer is also aware of this restriction.

Mr. Beggs: I am more concerned, I know you have a current buyer and they understand but because this will probably out live everyone in this room, I am worried about the next buyer. Or the third or fourth buyer and if it's not obvious it's....

Mr. Jones: We probably have those all through the County, unfortunately. We wouldn't know about it until someone complains about it and then it becomes a code enforcement issue at that point.

Ms. Viviano: I did not know it's my questioning as to whether it could go on some type of title policy or in the title work?

Mr. Beggs: Deed restriction.

Ms. Viviano: Deed work, is that?

Mr. Roffman: *(Inaudible)*

Ms. Viviano: I am sorry would that be able to be done?

Mr. Roffman: Between the bank and their buyer there can be something included in there.

Ms. Viviano: Yes and that's what would be my preference because it's in the title work then it could be, then it could go forward with consecutive buyers then if it's in the title work, would that be correct?

Mr. Roffman: Yes.

Mr. Beggs: I don't think a deed restriction; because it's a Clay County code I mean the deeds going to read it has to be in compliance with all Clay County codes, it would have to pull out that structure and say this is not in conformance with livestock housing or is that how that would read? I am just a little concerned because it's a Clay County, it's an issue so if the deed is going to cover it because it is nonconforming anyway and I was just wondering if the title company would be willing to but that in the...

Ms. Viviano: Yeah I don't know.

Mr. Roffman: I can't speak for the title company but think they could but whether or not they will be willing to do it. I am not sure having it part of the plat would be the right thing to do.

Mr. Beggs: Yeah.

Mr. Carlson: I think if it's part of a disclosure.

Mr. Higgins: I was going to ask if the bank provided a disclosure too.

Mr. Carlson: You have to disclose this, so I don't think it's an issue.

Ms. Stuewe: And that is not an issue and we have disclosed that to our buyer, to your point I ...

Mr. Beggs: I am worried about on down the road for the third or fourth buyer.

Ms. Stuewe: Right, but whether that is a title issue or compliance with a code I am not sure how I can differentiate between the two of them.

Mr. Jones: And I get what you are saying about the plat but the property could change hands and nobody would pull the plat and look at it.

Mr. Beggs: I don't think the plats the place, but I am just trying to think of some place obvious to put that so people don't buy a piece of property and then they have to move a barn. I am going to take advice from counsel and I am going to let you.

Mr. Roffman: I don't think it should be part of the plat, any future buyer has the duty also to their own due diligence to make sure what they are buying and what their intentions are and it complies with the zoning that is in effect at that time and any restrictions that are in effect and each of the owners are also going to have to disclose if they know about those things so that would be specific between the buyer and the seller, I know the County needs to be involved in that (*inaudible*).

Mr. Beggs: I guess my issue is us approving it; it kind of makes it less obvious I guess. You have a structure there.

Mr. Decker: Well Kipp mentioned it, it would be part of the approval process tonight, if it became an issue or a public nuisance years from now it will researched at that time.

Mr. Jones: And if they want to add on to the barn or did anything to that barn it will have to come to our office and hopefully it will be caught at that point. So there are a few ways like I said earlier there's probably quite a few of those that were put up years ago that probably violate that as well.

Mr. Beggs: Okay, thank you. I will open the floor up for public comments. Being none I will close the floor for public comments. I will entertain a motion.

Mr. Decker: I will make a motion to approve the final plat of proposed subdivision of Nebo Hills Estates- Sixth Plat located at approximately 7022 Nebo Hills Road with the conditions set forth in Exhibit A (*inaudible*)

Mr. Beggs: Thank you do I have a second?

Mr. Rhodus: Second.

Mr. Beggs: Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Jackson: Approve with conditions.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

Final Vote: 5/0/0 Approve; September 16-128F; Nebo Hills Estate-Sixth Plat-Final Plat With four (4) Conditions

Mr. Beggs: Our fourth case tonight is case number September 16-129CUP this is a request for a Conditional Use Permit (CUP) to operate an Indoor and Outdoor Recreation and Entertainment facility, specifically a barn venue for weddings, fundraisers, reunions, corporate outings and other special events, on Agriculturally (AG) zoned property at 17206 NE 184th Street, the applicant is Jewelee Cox, representing Connie Stoffle. Is the representative here? Very good, staff report.

Mr. Jones: I would like to add the staff report as part of the official record.

Mr. Beggs: So be it.

Mr. Jones: Summarized the staff report September 16-129CUP dated August 30, 2016.

Probably the best way to look at this when Debbie has it up on the screen, there should be a site plan included in your packet and that area there is where the event space is going to be and the shaded area is the roughly three and a half acres that is going to be used for this venue and all the trees, I believe they are listed on that site plan are existing at this point, there may be existing or additional screening that we need from 33 Highway and 184th and that would be conducted if approved by Planning and Zoning staff, we would check that as we do our inspections on the property and like I said we will be happy to answer any questions you may have.

Mr. Beggs: I do have one question, I see maximum occupancy of 220 people yet the county code is only requiring 17 parking spaces. That makes me think we need to review our parking space calculator.

Mr. Jones: Well that occupant load came from the applicant so when we get building plans for the building we will figure an occupant load more at that point but the parking comes straight out of the Land Development Code and that's per the square footage of that building and I would agree that sounds a little low.

Mr. Beggs: Yes considerably low, it seems like that is always seems to be the issue with these types of applications is the parking typically. So they are over, so you've got the 17 spaces shown roughly four or five are shown on the drawing is that other area that is shaded dark grey is that also going to be available for parking?

Mr. Jones: There is over flow parking in the pasture and I will probably have Ms. Cox point that out where that is, I am not exactly sure I think it's in that same area where that parking lot is. But in relation to the Land Development Code there's a table that we use and I used the most restrictive square footage there is one spot for 200 square feet for that building and that's as low as that chart will allow me to go.

Mr. Beggs: And what is the usage of that?

Mr. Jones: It's basically a recreation entertainment indoor/outdoor and it sends you to this chart.

Mr. Beggs: We might want to review that.

Mr. Jones: I agree.

Mr. Beggs: Something doesn't sound quite right but if it's in there, it's in there, okay.

Mr. Carlson: I understand your question but I don't understand your answer, are you saying that you talked to the people who are proposing this representing Mrs. Stoffle have you talked to them and explained to them that they may be required to increase the parking space extensively and actually shouldn't it be able to be calculated if the barn is existing.

Mr. Jones: Yes, I calculated the number of parking spaces off the square footage of the barn and that's where the 17 spaces come from. I cannot require them per the Land Development Code to put more than 17 spaces than that because that is what the Land Development Code states that they have.

Mr. Carlson: That is a lot different than the one we had up at Smithville, I mean in Paradise.

Mr. Beggs: I think that was the same kind of issue.

Mr. Jones: Well that was offsite parking so that's probably a different part of the parking chapter so the formulas would be different, unfortunately.

Mr. Higgins: This might not be relevant but with that much traffic coming in off of 33, the Highway Department approved and access point there is that correct?

Mr. Jones: MoDot did.

Mr. Higgins: On this road out here?

Mr. Jones: Yes since this is a state highway.

Mr. Higgins: Are they going to require a shoulder or turn lane there?

Mr. Jones: They did not state that so no. There is a farm entrance there now that they would decommission that's further to the north and then the commercial approach is roughly where it is on your site plan.

Mr. Beggs: And the land application of the effluent will be monitored by Missouri DNR?

Mr. Jones: It will be it is not permitted but they will fall under DNR regulations for that yes.

Mr. Beggs: So we are going to require a building permit for renovations of the barn.

Mr. Jones: Yes.

Mr. Beggs: And will that Missouri DNR permit be part of that building permit approval?

Mr. Jones: My understanding is there will not be a permit through DNR because of the amount of ..

Mr. Beggs: It did say it was (*inaudible*)

Mr. Jones: It was under the amount that they need for a permit but they still have to follow the regulations as far as land applying and designing the system.

Mr. Beggs: Again who monitors that and how often is that monitored.

Mr. Jones: That is a good question I don't know the answer to that. We through the building permit process and doing our inspections we would have regular contact with DNR to make sure that what we are seeing out there is correct. Now how often DNR shows up on site I can't answer that.

Mr. Beggs: And so this CUP would be subject to the operation of that under number five, the applicant shall comply with and meet all building codes and regulations adopted by Clay County, so I assume if we get a bad report from Missouri DNR that CUP would be in jeopardy, is that correct?

Mr. Jones: Yes and there is a condition I have to get to it now, there is a condition on there that states, number three; ‘This CUP may be revoked at any time based on validated public complaints for violations to the Land Development Code substantiated by County staff’, and I would but that if there is a complaint from DNR that would probably be handled by DNR but they would make them fix it or I am sure they would shut it down at that point.

Mr. Beggs: Okay I just want to make sure we have teeth in this because I think that’s a fairly substantial risk to the public health and safety.

Mr. Jones: I think that is a good point, if the Commission would like to add extra conditions that states DNR, if there is any complaints by, I don’t know how you would word it if Planning and Zoning staff receives a violation complaint from DNR that the CUP would be revoked at that time.

Mr. Beggs: I would be comfortable with that, because it doesn’t seem like a lot of the conditions are exactly addressing that. So I am going to lean on counsel if you would come up with some verbiage for that condition, basically for the disposal of the effluent, the wastewater it has to be Missouri DNR compliant. The CUP I don’t think it will go away but I think there needs to be a time to get that right before the CUP will go away, a period of time to remedy any inefficiencies.

Mr. Roffman: Do you already have a procedure when you get a notice of inefficiencies form DNR, like you would a public complaint?

Mr. Jones: It would be but it would be DNR’s regulations so I cannot enforce them.

Mr. Beggs: It wouldn’t be the County.

Mr. Roffman: No I am just saying they’ve already got the time from DNR right?

Mr. Beggs: To remedy it.

Mr. Roffman: To remedy it.

Mr. Beggs: So we can say if they...

Mr. Roffman: If they don’t remedy it with DNR then it applies, is that what they normally do then they would notify you or (*inaudible*)

Mr. Jones: No, typically we have to contact the state, I have not received since I have been here, I have not received a complaint from DNR notifying us of any of anything. I don’t know if they would.

Mr. Beggs: Let me back up, would this be inspected on some kind of periodic bases?

Mr. Jones: I would assume through DNR but I cannot speak for them, I don’t know what their.

Mr. Beggs: Because I would like to see somebody overseeing this, I would like to see they’re getting an inspection something coming back to the County so we have verification that everything is right out here and they are doing what Missouri DNR requires.

Mr. Jones: I would like to see that too, I don’t know if we can get that from DNR though.

Mr. Beggs: But can we get it from the applicants? To keep their CUP the applicant...

Mr. Jones: Yes we can word, I would assume we word a condition that says do you want it DNR inspected or do you want it just inspected by registered....

Mr. Beggs: I just want to make sure that it’s in compliant with Missouri DNR regulations, I think if its in compliance with those regulations I think we can, pretty sure that it’s being done correctly.

Mr. Jones: So we require the applicant give us a yearly or every two years inspection report approval or do we say we can just put a condition that says the system must be in DNR compliant, but I don’t know if we would know if it wasn’t DNR compliant without it, so I will write down with an inspection report.

Mr. Beggs: And the problem with that is if they don’t do the inspections they are asking something they can’t provide.

Mr. Jones: Well do we make them get the inspection through DNR or can a certified septic inspector, inspect it.

Mr. Beggs: I guess we can do that, DNR or someone else that’s approved to inspect it, yes that would be good.

Mr. Jones: I would be good with that.

Mr. Beggs: Yes that would be a good idea. And I will put that to the Commission I think that ought to be included as a motion so that everyone has a voice here and make sure that’s the way the Commission wants to go.

Mr. Decker: I would want a little clarification, we are contemplating a conditional use permit for an entity that’s going produce up to less than or up to 3,000 gallons for the effluent that they can land

apply and be in compliance with DNR and be in compliance with the County, but they have a residential application that's going to produce 200 gallons a day or 300 gallons a day or one-tenth in some cases they are forced to put in a \$30,000 LPG low pressure pipe system is that what I am hearing?

Mr. Beggs: I agree with you but I think it's residential well I guess it could be as small as 20 acres, we typically see smaller tracts, but I am going to agree with...

Mr. Decker: It applies as long as the effluent does not run off the property.

Mr. Beggs: Right.

Mr. Decker: I live on 80 acres and I had to have a, I had do the full real deal.

Mr. Jones: Yes for this one relying on DNR's regulations it's, the health department has the septic regulations this doesn't fall under their jurisdiction so it goes to DNR at Planning and Zoning we don't have any septic regulations we can fall back on.

Mr. Decker: DNR follow up and compliance is basically is going to be zero.

Mr. Beggs: That was my concern.

Mr. Decker: So I mean nothing against the applicant but they can land apply up to 3,000 gallons a day with no run off they will be in compliance.

Mr. Jones: Yes.

Mr. Carlson: I agree with that issue and I also have a real issue with the parking.

Mr. Jones: And Debbie did bring up a good point about parking and based on their occupant load if there is something in the Building Code that requires them to have more parking then we will require them to have more parking.

Mr. Carlson: Well we require people that have a construction company have a dust free surface actually asphalt surface for moving in and out of their construction equipment which was a small concrete company they had to asphalt their whole parking area and this is talking about 200 people talking about parking taking that whole area if that's going to be there..

Mr. Jones: And they will be required have dust free if the condition is approved it will be dust free.

Mr. Carlson: Two inch rock will not be very comfortable to walk on.

Mr. Rhodus: (*inaudible*)

Mr. Carlson: But they are asking for a permit for this.

Mr. Beggs: I think on page 6 of 32 the fourth paragraph says section 151-10.1 F sub-paragraph four states that all off-street parking areas shall be paved and kept in a dust-free conditions at all times. Paving shall consist of asphaltic concrete with a minimum thickness of four inches. Portland cement concrete with an equivalent thickness or bricks or paving blocks intended for outdoor use by motor vehicles. But then I guess we do say large two inch clean rock is also considered an acceptable application, but I think it falls back to dust free.

Mr. Jones: And the reason that the two inch clean rock there has been previous conditional use permits that have been allowed to use that large two inch rock. So kind of like I said the previous condition if it is the will of Commission to take that out I think you would have how you recommend that it has to be paved.

Mr. Beggs: So what I would like to do is just so we can keep on track here is a motion, it sounds like we have two issues, we have the effluent that we need to consider and the parking area. I think the number of parking spaces because they are meeting the Land Development Code, they meet it so I don't think there is any discussion there, so I think if someone wants to make a motion on let's just start with the effluent and how we are going to handle that whether it's going to be we have an inspection of the area by Missouri DNR or someone else that is licensed and certified to inspect septic systems, I will let whoever is going to make the motion word that but I think it needs to be I would like to see something like that.

Mr. Roffman: So you are talking about putting it on the applicants to supply the County Planning and Zoning office with an annual inspection, either by DNR or a license certified inspector.

Mr. Beggs: I think there needs to be some oversight of this, yes and I think it needs to be the applicant that needs to provide that.

Mr. Roffman: We can't make the state do anything.

Mr. Beggs: I think unless there is a plan I don't think you will see DNR out there. What is downstream? I know we are talking about keeping all the effluent on site but what is downstream of this property?

Mr. Jones: Well it's a 40 acre piece, my recollection is...

Mr. Beggs: It looks like there is some drainage that leaves there to the east.

Mr. Jones: Yes I think it flows this ways.

Mr. Beggs: Its flowing back toward the...

Mr. Jones: The applicant could probably speak to this better than I could, but I believe there is a low spot where these trees are if I remember correctly.

Mr. Beggs: But that creek doesn't go to the east because it looks like it's, just looking at the trees it's higher on the west side it looks like it gets heavier as you flow east, I'd be surprised if flows back towards the west.

Mr. Jones: Yes I believe it flows to the east there's a, I am not sure how big these parcels are, but there is a house here and a house back in here. The applicant owns this parcel, which I believe is another 40 acre parcel to the north but my recollection is it flows down to a ditch to kind of the east-ish.

Mr. Rhodus: It looks like they own the property that is east of them.

Mr. Jones: Yes that is correct they own quite a bit around there as well.

Mr. Beggs: (*inaudible*) in this packet? So it looks like the Reeds to the east

Mr. Jones: I believe that's old, I don't know if the Reed's still own that, that attachment A is not an updated, I am not for sure.

Mr. Beggs: It looks like a fairly large tract of ground.

Mr. Jones: If you look at attachment B that might be a better one to look at the subject parcel is highlighted in yellow there's two smaller parcels that have single family residences to the east and then the bigger parcel that is the northeast is own by the applicant if that makes since.

Mr. Beggs: So that L shape..

Mr. Jones: Yes that is the applicant's and then there is two, I believe there's a single family house on each of those two smaller pieces to the east.

Mr. Beggs: So eventually it gets to Crooked River.

Mr. Jones: Yes.

Mr. Beggs: Okay, this Crooked River is it dry most of the time?

Mr. Jones: That is a good question I would not know the answer to that.

Mr. Beggs: Okay, so let's jump back to original question on the effluent.

Mr. Decker: Well the outside agency review indicates a holding tank, DNR's has indicated five gallons per day per guest, 220 persons (*inaudible*)

Mr. Rhodus: We have a venue and usually three maybe four events per month, about average through the year I have about three, four would be the max.

Mr. Beggs: So do you use a holding tank? How do you handle..

Mr. Rhodus: We are inside the city limits.

Mr. Beggs: So you are hooked to sewers.

Mr. Rhodus: But I am just saying how many events you have per month it's not like its being used every day.

Mr. Beggs: Everyday right, so you have five or six days to spray that and get your tank emptied.

Mr. Rhodus: I assume that's what they do; I am just looking at how many events you have if you have one a weekend probably three weekends a month.

Mr. Jones: And there is an event schedule and it's not as many for the first year and there is more in the second year it is part of the business plan if you want to review that as well.

Mr. Beggs: Was it 47 if I remember that correctly.

Mr. Jones: It was a total of 57 from May 2017 through February 2019, but the business plan breaks it down a little more and I can get to that if you like. So from May through November of 2017 they are estimating they are having 14 events, second year they anticipate one event per weekend March through November and then one event per month during the winter December through February, so obviously a little bit busier during the summer.

Mr. Beggs: So it is under 50.

Mr. Jones: Yes.

Mr. Beggs: Well in any case I think there needs to be some oversight of the distribution of the effluent, maybe I am barking up the wrong tree but I think there needs to be somebody just watching out or making sure it's spread over a large area and not concentrated in one spot and causing or making the

guest sick that is not something you take lightly I don't think. So I would like to hear a motion so that we can at least get some direction here how Commission would like to proceed whether it's, like I said, have outside independent inspection, Missouri DNR or given the choice one or the other I just would like to see something like that that we could add.

Mr. Decker: I will make a motion.

Mr. Beggs: Okay very good, thank you.

Mr. Decker: That there's no effluent.

Mr. Beggs: That there's no effluent.

Mr. Decker: Yes.

Mr. Beggs: That they put in some kind of treatment plant similar to what we require residential.

Mr. Decker: If a developer comes in we're going to have him present an engineered treatment system, it can be a lift station that's going to have to be a peak day demand or a treatment system that's peak day demand and I think to give an individual a conditional use permit to openly discharge up to 3,000 gallons a day of effluent with no harm no foul, I disagree with that. When I say no effluent I am just talking about (inaudible) there's a way by a honey wagon so to speak.

Mr. Beggs: Have it pumped out and hauled off. So the motion, I would like you to condense that down to...

Mr. Decker: No effluent.

Mr. Beggs: No effluent.

Mr. Carlson: I'll second that.

Mr. Beggs: Okay, so I am going to open that up for discussion. My first question is according to the LDC can this Commission even require that? Or maybe that is a question for Council, I am not sure which..

Mr. Jones: You can add conditions.

Mr. Beggs: But can we go beyond something that is not in the LDC?

Mr. Roffman: The code we are talking about here is in consideration of page four you have to consider the public health, safety or general welfare you can substantialize adverse impact.

Mr. Beggs: Okay.

Mr. Roffman: And if the Commission believes the topic here is going to create a substantial adverse impact on the public health then I don't think this will be outside the scope of your abilities to add that type of condition.

Mr. Beggs: It would not be outside.

Mr. Roffman: It would not be outside your scope of your powers.

Mr. Beggs: Even though Missouri DNR has said here is a solution.

Mr. Roffman: DNR said that was a solution does staff have a comment on that.

Mr. Jones: That was our questions we are kind of going against what DNR said, I totally get...

Mr. Carlson: I think that's their recommendation...

Mr. Jones: That is through their regulations, through their regulations there is an exemption and as long as they install this holding tank and land apply it per their regulations it's allowed. That would be my...

Mr. Carlson: I think when it's controlled development in the County pretty much it is the disposable effluent and I think if we open this up as we are saying we can or they are asking for permission I think we are going to be flooded with, I mean I would love to have one but how can you turn me down.

Mr. Beggs: Let me back up maybe I've got a solution, what if we have the applicant, I thinking maybe table this, have them take this to a professional Engineer, have a professional Engineer put his stamp on it saying this is the way they need to handle effluent and if they can get a PE, registered Professional Engineer in the state of Missouri to sign off on that, because his number one priority is safety, health and welfare of the general public. Would that be something the Commission would be open too? Or not I am just throwing that out as a discussion point, then we are not relying on Missouri DNR we actually have an Engineer putting his license on the line for that.

Audience: Excuse me.

Mr. Beggs: Just a second, we will get to you in just a minute I want to make sure the Commission's on the same page here just for a minute. So I'm going to throw that out there if we want to vote on this

motion we can go ahead and vote on it, I understand where everybody is coming from but I think we have to get a little bit careful going against Missouri DNR.

Audience: (*inaudible*)

Mr. Beggs: Ma'am we'll have public comment here in just a minute, just give us a minute until we get this resolved. We will get to everybody and everybody will have a chance to speak.

Mr. Carlson: I will rescind my second (*inaudible*).

Mr. Beggs: Do we want to amend Tom or Commissioner Decker, I will ask you do you want to amend is that something you think is a workable solution?

Mr. Decker: Yes, for a Missouri Professional Registered Engineer to review the case the peak days remains in the condition, from a Missouri PE.

Mr. Beggs: The motion on the table is that the applicant will go to a registered Professional Engineer in the State of Missouri have this effluent issue reviewed by that Professional Engineer and come up with a solution, a design treatment system for the effluent, whether that's land applied or whatever they feel is appropriate. Is that, I don't want to put words in your mouth.

Mr. Decker: I concur.

Mr. Beggs: Do I have a second?

Mr. Carlson: I'll second.

Mr. Beggs: Vote please on the amended condition.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve; Amended Condition

Mr. Beggs: Okay the second issue we've got is the surfacing, there seems to be some questions on the asphalt, two inch clean rock is that still an issue that you want to discuss or add additional conditions?

Mr. Carlson: I think we ought to let the applicant explain some of the information.

Mr. Beggs: Okay, so let's just leave that issue and we'll have the applicant come forward and we will have some questions and let you make comments, so if you would state your name and address for the record.

Ms. Cox: Jewelee Cox, 17808 NE 184th St.

Mr. Beggs: I am going to start off with your familiar with the staff's report?

Ms. Cox: Yes I am.

Mr. Beggs: And do you agree with, I am going to ask the first eight conditions that they have previous to this meeting.

Ms. Cox: Yes.

Mr. Beggs: Okay you so are in agreement with those and you understand the Commission has voted to add an additional condition that is going to require you to go out to a Missouri registered Professional Engineer to design a system for you effluent before.

Ms. Cox: We have had a professional engineer come and he did our morphology test and also supported the solution of the holding tank.

Mr. Beggs: Okay we will need a letter from him or something with his seal on that, because that puts his license on the line if something goes wrong on it, puts the liability on them. I think we will feel much more comfortable if we have a properly designed effluent system by a registered professional engineer.

Ms. Cox: Okay we did provide it was when we were still speaking with the Health Department.

Mr. Jones: We have the e-mail from him but it's not something he stamped to the best of my recollections.

Ms. Cox: *(inaudible)*

Mr. Jones: I don't think it will have the detail that the Commission wants, it needs to be more of a design than just an email saying, I am assuming that's what you want.

Mr. Beggs: Yes even if it's going to be land applied I would like to see some more detail, how big of an area are you putting it in, the size of lines, what is the

Ms. Cox: We actually live downstream so we would definitely be very conscious of, we would move it around so it's not always in the same one spot.

Mr. Jones: We don't want you to get sick either.

Ms. Cox: Exactly, we have kids we care about that as well.

Mr. Beggs: So as it stands right now there's an additional condition added to go out and get outside review of the effluent and design a proper system or tell us whatever method they think is applicable or is safe, are you in agreement with that?

Ms. Cox: *(inaudible)*

Mr. Beggs: If you would want to come up and speak please state your name and address.

Mr. Cox: My name is Luke Cox, 17808 NE 184th St, Holt, MO. I guess my concern is us working with the Health Department, they wanted nothing to; they gave us no direction at all. They passed us to DNR who gives us all the direction that we need and we have system set for what they recommend what's in their regulations and I guess that's, we're a little concerned to be tabled for that reason, I don't have a problem putting an attachment in saying no effluent on the property, that's fine. We'll put a 2,000 gallon holding tank in and pump it out for each event and like one of the guys said, I don't remember who said it, this is 3,000 gallons a day but you've got to take in consideration this isn't a daily used venue.

Ms. Cox: Even if the occupancy is 224 it will probably be mostly 100.

Mr. Beggs: But you are also talking about 50 events, it could be 50,000 gallons in a year. When you look at it in that scale, that's quite a bit of effluent.

Mr. Decker: DNR has approved 2,999 gallons a day for open discharge. *(inaudible)*

Mr. Beggs: Yes, I am going to back up, the details that you got from Missouri DNR, what kind of detail did they give you? Did they give you line sizes, pump sizes, areas to distribute, number of gallons per day?

Mr. Cox: Yes he wanted to know the area available which is 40 acres on that piece of property or a little less than that with the low area and the downstream stuff and then he wanted to know usage per day or people and the max occupancy, he gave us the usage per day we fall in their category of the design that they gave us, we have to stay within all of their regulations on tank size and however it is land applied. And in all of reality really we would not rather to land apply any of it; it's just what is in the verbiage. Best case scenario is to have it pumped out after the events and not land apply any of it; nobody really wants to do that anyway, that is what their regulation is.

Mr. Beggs: Let me just stop you right there, now we have an applicant that says they are willing to do no effluent, which is where you were going initially, so maybe we want to back up and just say no effluent if that's agreeable with you guys.

Mr. Decker: That is agreeable with us, yes *(inaudible)*.

Mr. Cox: I don't really want to land apply any of it.

Mr. Beggs: Okay very good; so any other questions for the applicants from the Commission?

Mr. Decker: Yes, we put the septic for a restaurant in here.

Mr. Beggs: Well I guess I was going to kind of leave it and then we will come back and make a motion and then we will have a discussion about that.

Mr. Decker: The parking it never really calls out in the business plan or in the application if there is going to be a hard surface for the 16 or 17 spaces or two inch clean rock, I don't know what you are going to put down?

Mr. Cox: Typar.

Ms. Cox: The Typar was a product that I learned about when researching green materials and it's a green parking solution that a lot of cities and counties are actually starting to use for their own buildings at venues and stadiums mostly for overflow parking so it's an option. I was thinking for the ADA

parking right next to the barn that is ADA compliant so that the green space is there and it's not just a parking pad right next to the barn and it's close to the entrance for those customers. We originally thought asphalt for the pad itself, for the parking pad, the two inch clean rock came up, which it is hard to walk on and if people are in nice shoes and it's not easy in high heels. So if I need to say one choice now I can but we were kind of leaving it.

Mr. Decker: I guess I got the impression the Typar was for your overflow parking or Typar would be your main 17 spaces.

Ms. Cox: I wasn't particularly thinking for the 17 spaces.

Mr. Beggs: I think the required asphalt or some kind of hard surface for the 17 spaces.

Ms. Cox: Hard surface that's what I pretty much did here and it's very flexible and expandable so it's something that we can kind of grow with and see that it's a need. Because we have a lot of space we can kind of more the parking, the overflows around so it doesn't become money or we lose the grass, we don't want that either if that is decidedly not great, but the Typar is something we can add a roll here kind of expand with as we grow and see what the need is and see how the ground wears. It is a very high level part of the land so it is dryer area and not so muddy, but for the pad itself it will be a hard surface.

Mr. Decker: What is the definition of a hard surface?

Mr. Jones: Can I add something?

Mr. Beggs: Yes please.

Mr. Jones: Technically by the Land Development Code on page six right above recommendations section 151-10.1F(4) it states the off street parking area shall be paved and kept in dust free conditions at all times and paving shall consist of asphaltic concrete with a minimum thickness of four inches, Portland cement concrete with an equivalent thickness or bricks or paving blocks intended for outdoor use, so technically by the code it has to be one of those three. We threw in the large two inch rock because for whatever reason that has been allowed in the past, for this use it probably maybe not the best but that is up to the Commission, but technically by the code those are the three choices for the off street parking.

Mr. Jones: So is Typar not allowed?

Mr. Higgins: That would be for the overflow, yes it is not allowed for the 17 spaces.

Mr. Jones: It's not allowed...

Mr. Beggs: It says off street parking doesn't say..

Ms. Cox: The parking that it requires...

Mr. Jones: But I don't think I can, if they satisfy the required parking my interpretation would be if they get the 17 spaces with one of those three materials they can use the Typar for the overflow.

Mr. Beggs: Okay.

Ms. Carlson: You've gotten a permit or a conditional permit from the Highway Department for your entrance.

Ms. Cox: I do.

Mr. Carlson: Do you have a specification on that?

Ms. Cox: When we pull the permit he will provide us with specifications, I know we need the radius.

Mr. Carlson: I am pretty sure they are going to require you to have concrete surface.

Ms. Cox: Yes it is a hard surface entrance he did allow a construction entrance so gravel during construction and then a hard surface yes and then the culvert.

Mr. Carlson: The only problem I have is I think it's a great idea but if you count the number of seats around the table, you are going to need more spaces than 17 parking spaces to put these families that sit here and I am just concerned about that on that piece of property we are not showing more than 17 parking spaces.

Ms. Cox: Those are concept from neighboring counties and they largely just have grass parking areas.

Mr. Carlson: They have grass parking areas.

Ms. Cox: And gravel.

Mr. Cox: We have actually worked with Kipp and Debbie and also questioned the number of parking spaces just making sure we put in the right about in the plan so that is what the recommend or require.

Mr. Beggs: Okay thank you, appreciate it.

Ms. Cox: Thank you.

Mr. Beggs: So before I open this up for public comment I am going to jump back to our effluent, the ninth condition we want to add to this application, now that the applicants are in agreement to no effluent being discharged that maybe is the best solution. I make a motion to revise this ninth condition, we are going to add, I think the way counsel, do you have maybe some verbiage for maybe that ninth, so basically no effluent?

Mr. Roffman: Would that be for ten?

Mr. Beggs: Number nine was the one we voted on to have it designed; we are going to amend number nine.

Mr. Jones: Mark hopefully you have nine in the conditions already and here is where the tenth.

Mr. Beggs: I am so sorry, I haven't flipped the page.

Mr. Jones: We did not remove one right?

Mr. Beggs: Yes I did not remove one so I am sorry the one we voted on was number ten so this would be to amend the tenth condition and I will let if council wants to give us some verbiage for that tenth.

Mr. Roffman: Yes I need to work on that for a second, because we are not really amending one..

Mr. Beggs: It was one that we added by motion so we are just going...

Mr. Roffman: For the Engineer.

Mr. Jones: Can we remove, is it easier if would it be cleaner if we remove it?

Mr. Roffman: I think we are going to need to remove the Engineer requirement.

Mr. Beggs: Somebody give me a motion to...

Mr. Decker: I will make a motion to rescind the tenth condition for Exhibit A

Mr. Beggs: Regarding the design..

Mr. Decker: Regarding the PE design of the effluent application.

Mr. Beggs: Very good, do we have a second? Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve; Rescind 10th Condition

Mr. Beggs: Okay very good, so we will add a tenth condition based on what the Counsel is going to come up with, in the mean time I am going to open this up for public comment, if there is anyone from the public that would like to come forward and discuss, no okay. We have no public comment.

Mr. Carlson: I will make a motion that we approve the condition..

Mr. Beggs: We are going to wait for Counsel to add the tenth condition.

Mr. Roffman: We need to take a five minute break I just want to talk to Kipp about this.

Mr. Beggs: Okay so we will just take a five or 10 minute break, we will reconvene back in here at 7:50.

Mr. Beggs: Issue on the table is the effluent or adding a condition to case number September 16-129CUP in regards to effluent, we are going to add a condition for no effluent to be discharged on the property or off the property and Counsel is going to give us that verbiage.

Mr. Roffman: So the Board needs to make sure when you address this the concerns you have with this "By the agreement of the applicant, the applicant shall not land apply any wastewater on the subject parcel. The CUP may be revoked at any time based on validated complaint from the public or state agency for violations to this condition substantiated by County staff."

Mr. Beggs: I agree that will cover it when we were taking about no land application whether it is treated or untreated I think that will cover it. We want to have a motion and you can incorporate that verbiage or you can change it if you like.

Mr. Decker: I will make a motion to attach condition number 10 as stated by P&Z Counsel in reference to the no effluent.

Mr. Beggs: Okay thank you.

Mr. Carlson: I will second that.

Mr. Beggs: Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve; Add 10th Condition

Mr. Beggs: And I am going to ask the applicants to come back up one more time. If you would state your name and address.

Ms. Cox: Jewelee Cox. 17808 NE 184th St.

Mr. Beggs: Okay very good, so you understand we added a tenth condition that the Counsel read, are you in agreement with all ten conditions of the application.

Ms. Cox: Yes.

Mr. Beggs: Okay, I think we had some other questions on paving, we wanted to clarify that the paving that you are going to put in the 17 parking spots, is it going to be asphalt?

Ms. Cox: Is chip and seal acceptable?

Mr. Beggs: You are going to do chip and seal? I don't think that's going to fit asphalt to concrete, because it has to be four inches thick. Chip and seal is typically put down on base rock that's not really asphalt what they are calling for is a hard surface. Kipp or Director I am going to ask you what the staff's interpretation of hard surface.

Mr. Jones: Kind of going along with large two inch rock Debbie says we have allowed chip and seal in the past so we would accept that if the Commission would accept that.

Ms. Viviano: If I could speak to some of the history of what's happen with the concrete and the large concrete and why it's allowed.

Mr. Beggs: Okay please.

Ms. Viviano: I will give you a little history, if you would like it that's up to you Commission. The clean rock was mainly allowed in the past at the beginning on horse conditional use permits and that's where it started.

Mr. Carlson: On what?

Ms. Viviano: On conditional use permits for horse stables.

Mr. Carlson: Oh for horse stables.

Ms. Viviano: And then the condition did allow on a couple other ones and I don't remember specifically what they were allowed on but they did on some conditional use permits depending on the amount of traffic that they did allow chip and seal because it was considered dust free.

Mr. Roffman: Doesn't condition eight allow that.

Mr. Jones: Yes I was going to say this actually comes from conditions that were part of other conditional use permits, if you read condition eight it does include chip and seal of equal thickness. Now I am not going to proclaim to be an expert on chip and seal and how thick it goes down but condition eight says chip and seal of equal thickness so that has been allowed in the past.

Mr. Beggs: Okay, I put down chip and seal on a lot of roads and it's not usually put down on two inch rock, it's usually put using a base rock has a lot of fines in it roll that down and usually chip and seal is a couple courses of asphalted material with chip size rocks put in it. So if you are wanting asphalt continually through the pavement that's not really what you are getting with chip and seal and so if that's; I agree it is dust free but if that's what the County wants or is going to allow we probably ought to say that, because the way this reads I wouldn't interpret this to allow chip and seal, your two inch clean rock would have to be choked with smaller aggregates because you just can't go and spray two inch rock with asphalt.

Ms. Cox: We wouldn't put the two inch rock down.

Mr. Beggs: You are not putting two inch rock down.

Ms. Cox: That was just initially because of the horse stable and it was an option.

Mr. Decker: What do you guys have for a base for you chip and seal?

Ms. Cox: The base for chip and seal?

Mr. Cox: Base rock.

Mr. Beggs: So that...

Mr. Jones: My understanding is that chip and seal is just put over base layer of gravel down and spray it over the top.

Mr. Beggs: That is correct yes it covers rock but that is not asphalt to concrete at least that is my point.

Mr. Jones: I would agree but if we have allowed two inch clean rock by itself in the past with conditional use permits to me chip and seal is a step up from that.

Mr. Beggs: I would agree or its dust free to us, I would agree.

Mr. Carlson: I will make just a comment here, I think the market is going to tell you what to put on the parking surface and I don't think chip and seal will work and I don't think two inch rock will work that is just my opinion but since our guidelines say that, chip and seal will turn to dust probably in four or five years of freeze and thaw but I don't think that is for us to decide.

Mr. Jones: So Commissioner Decker I want to make sure you got your question answered sufficiently, so basically it sounds like they are going to put down base rock with chip and seal on top of that.

Mr. Decker: And that should be condition eleven.

Mr. Beggs: Okay or do we want to change...

Mr. Jones: Can we change eight?

Mr. Beggs: Change staff's ...

Mr. Decker: Change it from two inch rock.

Mr. Jones: Can we remove it or amend it?

Mr. Decker: We have used two inch rock before as Debbie says for horse stables or RV storage parking..

Mr. Jones: And the one that comes to my mind is the Recreation Conditional Use Permit for the training center for the kids training center that came through last year. I know large two inch rock was allowed on that one that's the main reason I included it in this one.

Mr. Carlson: But on the other end it comes to my mind is the one from last that we required them to approve a hard surface on parking for their construction equipment.

Ms. Viviano: That was C-3 or C-2 zoning.

Mr. Beggs: So moving forward, condition eight reads "Off-street parking area and drive aisles shall consist of a minimum of large 2-inch clean rock surfacing." What we are talking about is amending that to say "shall consist of chip and seal surface" and we are going to take out large two inch rock and say chip and seal surface? Are you okay with that?

Ms. Cox: Yes.

Mr. Beggs: Okay I will let you stand there for just a moment, I will entertain a motion to change condition eight which will omit the words "minimum of large 2-inch clean rock surfacing" and replace that with just "chip and seal surface", I think that's is how it needs to read.

Mr. Decker: Leave the two inch clean rock that is also addressing the paved condition for just a concrete asphalt or chip and seal.

Mr. Beggs: Should we change "shall consist" to "may consist"? So that will allow them to do what it says in the staff's report as well as the option to do chip and seal. Can I get someone to verbalize a motion to that?

Mr. Jones: Can we delete the chip and seal at the end of that condition, it talks about chip and seal?

Mr. Beggs: Where does it say?

Mr. Carlson: No we are keeping it in.

Mr. Beggs: Oh hang on just a second.

Mr. Jones: It doesn't make sense if we leave chip and seal in.

Mr. Beggs: Okay, I am sorry I didn't realize we actually had a condition that had a chip and seal option in it.

Mr. Roffman: Accentually you want it to be off-street parking area and drive aisles may...

Mr. Jones: Leave it at the start of it but delete the chip and seal and equal thickness at the end because if ...

Mr. Beggs: I think you can say of equal thickness, because they want to do chip and seal.

Mr. Jones: Right but the beginning of that sentence says "However, if reasonable and prudent nuisance complaints are received" it talks about complaints then it should be improved to the paved conditions which include, don't we want to say off-street parking areas and drive aisle may consist "of chip and seal" or "shall consist of" which every way you decide "however, if reasonable" do you want to leave in the "however, reasonable and prudent complaints" do you want to leave that part in?

Mr. Carlson: I would.

Mr. Higgins: Is that for the two inch rock?

Mr. Beggs: Let's just..

Mr. Decker: How about, "off-street parking areas and drive aisles shall consist of paved conditions which may include 4-inch concrete, asphalt or chip and seal of equal thickness"

Mr. Beggs: I think that is where I was going.

Mr. Decker: That is pretty short and to the point.

Mr. Beggs: So Commissioner Decker can I have you state that in a motion for me so we can get that all down for the record.

Mr. Decker: I make a motion to amend item eight in Exhibit A to state "Off-street parking areas and drive aisle shall consist of a paved condition which may include 4-inch concrete, asphalt or chip and seal of equal thickness".

Mr. Beggs: Should it say shall instead of may, it's got to be one of those.

Mr. Decker: Shall include.

Mr. Beggs: So applicant I am going to ask are in agreement with that? So your paving has to be 4-inch asphalt, concrete or chip and seal.

Ms. Cox: Yes I agree.

Mr. Beggs: You are good with that, very good. So do I have a second on the motion?

Mr. Carlson: I will second.

Mr. Beggs: Vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve.

Mr. Jones: Tom Decker?

Mr. Decker: Approve.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 5/0/0 Approve; Amendment to Condition 8

Mr. Beggs: Okay I think we have all our conditions taken care of is there any other discussion on the application Commission? I will entertain a motion on the application.

Mr. Carlson: I will make a motion that we approve the Conditional Use Permit with the conditions attached in Exhibit A with the revision to eight and the addition of ten.

Mr. Beggs: Very good do I have a second?

Mr. Decker: Second.

Mr. Beggs: Thank you, vote please.

Mr. Jones: David Rhodus?

Mr. Rhodus: Approve with conditions.

Mr. Jones: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Jones: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Jones: Chris Higgins?

Mr. Higgins: Approve with conditions.

Mr. Jones: Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

**Final Vote: 5/0/0 Approve; September 16-129CUP; Jewelee Cox– Conditional Use Permit
With ten (10) Condition**

Mr. Beggs: Motion passes, again these will be considered by the County Commission on the 3rd at 10 am in this room, good luck thank you.

Mr. Decker: I have been driving by and saw that place for over 30 years and always admired your property how well kept it is and I am glad to see some young blood come in and wanting to really do something, more power to you. Good job.

Ms. Cox: Thank you.

Mr. Beggs: So I am going to go on to our next item on our agenda we've got Director comments which are to talk about the meeting dates for 2017.

Mr. Jones: Yes, first I would like to welcome Chris Higgins on his first meeting, so appreciate Chris for being here. Darin was just absent today so next time we will have a full staff. Meeting dates for next year we would like to reserve the room as soon as possible, typically we do the first Tuesday of every month the three that kind of conflict with holidays are January 3rd which is not a holiday but falls right after a holiday and then July 4th our meeting falls on July 4th so we need to move that one and then September 5th is right after Labor Day.

Mr. Beggs: So I would encourage or suggest moving January 3rd to the 10th, the week following and July 4th meeting move it a week to July 11th and September 5th moving it to September 12th basically shifting everything a week is everybody okay with that?

Mr. Carlson: I agree.

Mr. Jones: Okay we will do that and all the cases from last meeting which was roughly two months ago they were approved by the County Commission, they all went through and then I believe we still have some updated floodplain code for most of you, I think Tom you have yours, but everybody else's we have updated floodplain so you have your Land Development Code today great we will put them in there if not try and bring your Land Development Code next meeting and Mr. Roffman did you get Mr. Flook's Land Development Code book or do we need to get one for you?

Mr. Roffman: I will take a look tomorrow.

Mr. Jones: Okay and that's all I have.

Mr. Beggs: Okay, any executive session advice from Counsel that we need to address? Okay I will entertain a motion for adjournment.

Mr. Carlson: So be it.

Mr. Beggs: All in favor?

All: Aye.

Mr. Beggs: Meeting is adjourned.

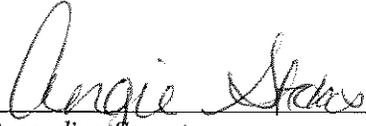
Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary