

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

July 1, 2014

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, Duane Jackson, and Tom Decker

Members Absent: Gene Knisley and Cecil Troutwine

Staff Present: Matt Tapp, Director
Debbie Viviano, Planner
Tim Flook, Assistant County Counselor
Angie Stokes, Secretary

Mr. Beggs: Good evening everyone I would like to call to order the regular meeting of the Clay County Planning and Zoning Commission July 1, 2014 meeting, can we have a roll call.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Present.

Mr. Tapp: Cecil Troutwine?

Mr. Troutwine: *Absent.*

Mr. Tapp: Jim Carlson

Mr. Carlson: Present.

Mr. Tapp: Tom Decker?

Mr. Decker: Present.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Present.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: *Absent.*

Mr. Beggs: I would like to move the approval of the June 3, 2014 Planning and Zoning Commission meeting minutes.

Mr. Carlson: I'll move that the minutes be approved.

Mr. Beggs: Do I have a second?

Mr. Jackson: Second.

Mr. Beggs: Vote?

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 4/0/0 Approve June 3, 2014 Minutes

Mr. Beggs: With that done we will move on to our regular agenda tonight. I might mention the cases that are considered tonight and are approved will be presented to the County Commission hearing which will be July 21st at 1:30 and it will be in this room. So anyone who is interested can come to that meeting. Also we are recording the meeting tonight so if you come forward to speak we ask that you say your name and your address so that we can get it recorded orally in the minutes. With that, the first

case tonight is case number July 14-121RZ/F a request for rezoning for Suburban Residential District (R-1A) to Residential Rural District (R-1) and final plat approval for the proposed subdivision replat of My Home (A Replat of A Replat of Lot 2, Wood Ridge) located at 11410 NE 136th Street, the applicant is Michael Viglino. And he is present. Does staff have a report?

Mr. Tapp: Yes, Mr. Vice-Chairman I would first like to attach the staff report as part of the record for reference.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report July 14-121RZ/F dated June 25, 2014.

Mr. Beggs: Can I have the applicant come forward please. State your name and address for the record.

Mr. Viglino: Michael Viglino, 11410 NE 136th Street, Liberty, MO.

Mr. Beggs: And you have talked with the staff and you understand all the conditions that they have for this.

Mr. Viglino: I saw the conditions, I'm not entirely clear who actually preforms those on there. I figured I would go to my surveyor and have him rewrite the plat.

Mr. Beggs: Okay, Matt would you like to speak to that?

Mr. Tapp: Yes, you would just speak to the surveyor and they'll make the necessary changes on the recording copies then you would contact Debbie and record the plat with the revisions shown.

Mr. Viglino: Perfect so the application said everything was good.

Mr. Beggs: You agree with everything?

Mr. Viglino: Yes.

Mr. Beggs: Okay very good. Do I have any public comments on the application? Any comments from the Commission?

Mr. Decker: I have a question is tract 1 and tract 2 up on the screen Matt?

Mr. Tapp: Yes it is.

Mr. Decker: The southern tract will be tract one?

Mr. Tapp: It was let me double check that for you. Lots from the recorded plat a tract would be different.

Mr. Decker: I didn't know if there was a common property line existing now and there's a recorded easements, utility easements in that?

Mr. Tapp: Yes, the applicant/owner is aware of those and they chose not to vacate the utility easement at this time, they don't have to.

Mr. Decker: So just those easements will stay in place there.

Mr. Tapp: They would stay there, just run through the middle of the bigger one lot.

Mr. Beggs: I see this west utility easement that shows on the different.

Mr. Tapp: Yes and they can always come back and vacate that anytime.

Mr. Beggs: Any other comments? Do we have a motion?

Mr. Carlson: I will make a motion that we approve the request for rezoning and the approval of Suburban Residential District (R-1A) to Residential Rural District (R-1) for the proposed Lot 2 of My Home (A Replat of A Replat of Lot 2, Wood Ridge) in conjunction with the final plat approval of the replat located at 11410 NE 136th Street.

Mr. Beggs: Okay, can we?

Mr. Tapp: We can do both if you want or you can take it out.

Mr. Flook: He just asked me if he could do both and I said yes just state it in the motion.

Mr. Tapp: Whatever the motion states.

Mr. Beggs: Okay, do I have a second?

Mr. Decker: I will second.

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Vice-Chairman Mark Beggs?

Mr. Beggs: Approve with conditions.

Final Vote: 4/0/ 0 Approved, July 14-121RZ/F; My Home (A Replat of a Replat of Lot 2, Wood Ridge) – Rezoning and Final Plat With One (1) Condition

Mr. Beggs: Motion passes, second case tonight is July 14-122CUP this is a request for a Conditional Use Permit for a public training and riding stable on Agriculturally (AG) and Residential Rural District (R-1) zoned property at 16900 Old BB Highway, the applicant is Patricia Crawford. Is Patricia Crawford here? Okay, can we have a staff report?

Mr. Tapp: Yes, Mr. Vice- Chairman I would first like to attach the staff report as part of the record for reference.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report July 14-122CUP dated June 18, 2014.

Mr. Beggs: Thank you, Ms. Crawford can you come to the front please? State your name and address for the record.

Ms. Crawford: Patty Crawford, 16900 Old BB Highway, Kearney, MO.

Mr. Beggs: And are you familiar with the staff's report and conditions that they have on the CUP and are you in agreement with all of those?

Ms. Crawford: Yes.

Mr. Beggs: Very good thank you.

Mr. Tapp: I have one follow up question Patty; do you have a tractor on site to harrow behind?

Ms. Crawford: No but I have a friend who has one that mows for me every other month or so and he does the harrowing, he blades the driveway.

Mr. Tapp: So he is aware of the once per month then for the harrowing?

Ms. Crawford: Yes, we do it probably every other month anyways and now we will just do it one more time.

Mr. Tapp: Okay, I just wanted to be very clear.

Ms. Crawford: Yes got it.

Mr. Beggs: Any comments from the public?

Ms. Dowdle: Yes, I do.

Mr. Beggs: Please step forward.

Ms. Dowdle: Good evening gentlemen, I'm Gail Dowdle, my husband and I own approximately 109 point something acres adjacent on the south side to this acreage, 16610 Old BB Highway. We have some real serious concerns because of the time length that Patty has been living there as well as Chris. Chris had other people in there before and so some real serious concerns of devaluation of our 100 and approximately nine point something acres because of the abuse and neglect that has taken place and I know in her statements she says that it will be a small quiet low traffic horse pasture boarding facility intended to provide quality care for boarded horses and to be a family friendly place for clients to enjoy their horses in a country atmosphere, that's been anything but for my husband and I. And we've owned that property for 18 years approximately. We have strangers coming up our driveway that we never had before; I have a 160 foot \$350,000 arena that I worked hard for. Its 124 feet wide, 160 long. I have another barn down at the lower section, I have tractors, I have all kinds of implements, I have a lot of money sitting around, they don't know that until the person comes up that driveway. I have never had that, we've been back here 11 years and we've never had that until the last two years. And it's all because of being advertising for horse tact, horse rental, horse pasture, horses for sale and they think they are coming someplace that's going to have some really nice stuff and we are really skeptical of all the traffic that we've had coming. I've conferred with Patty a number of times, asking her to please not do it, she said she didn't advertise her address in the add, said she didn't advertise, and I looked on line and she did, so that's one of our concerns because we have always been able to leave our gate open and we have concurred with the Sheriff's Department that if we are going to keep it closed, we have iron gates with a lot of iron, around the entrance. Then he suggested that we would have to get in and out and so we've always been able to leave it open and fell free to come and go and didn't have any of that traffic and now we have that traffic. And as far as this friendly, I think that my horses certainly deserve the very best they can and the horses next door are hungry, I have pasture she doesn't, anyone who

knows anything about horses, it takes three acres per horse because unlike the cattle that doesn't uproot the root of the grass a horse does. It jerks it out of the ground and so it takes three acres per horse to maintain a suitable grassland for them to graze, consequently they look to my pasture to come over the fences and stuff to try and eat the grass and that has caused some problems and so as far as harrowing regularly we are real careful to do that so we don't uproot the grass so this monthly thing is kind of like, it sounds good but we don't try and uproot the grass by harrowing it. We harrow it and maintain our pastures, likewise we fertilize and seed and I know that I have a lot of ragweed and with the droughts the last couple of years that promotes a lot of things to all of us that have acreage and farmers that have animals on them, but I also know that last year Patty looked into taking care of her pastures with Lawson Ag and she declined to do that, and we are in the process now we go aggressively after weeds with anything that is approved and healthy and will not affect the environment and we spend money on maintaining our pastures and pastures next to us affect us and that has. And as far as the 100 and 200 by outdoor riding area, I don't know where that is because when I added up the acreage she has ten acres over here, 20 acres here, five over here and that's 35 she has 37 point whatever and she has a strip back here that she has all of her outbuildings and everything else so I don't know where they come up with 35 but my husband and I strongly feel that 25 would over run those pastures extremely so and would not be as saying that she makes a statement that "I will continue to use environmentally friendly fertilizers and weed control" we didn't see that. And "I will continue to maintain my fences and buildings" that has not happened on our fences and a pasture management plan shall be followed to assure proper growing conditions for grazing, we haven't seen that. Including them coming across the fence for our grass and the proposed use will not cause substantial injury to the value of other property in the vicinity I talk to someone this afternoon and they said I needed to express the fact to you gentlemen and this ward that, that has not happened, that we are more than concerned about the devaluation of our property. And before that happens because I worked 25 years and saved for this place and for what we are doing and so I have a gator, I have a manure spreader, I have everything that it takes to maintain my property properly and my husband and I have spent a lot of time in evaluating that and what we need to do and how we need to do it. The other thing we are really concerned about is anybody that owns cattle, horses or anything else knows you have to do pasture rotation, it's impossible next door to pasture rest rotation and I don't even think that the back west side of that property is fenced it wasn't three or four years ago, it wasn't fenced because some cattle that was on there when Chris had it rented out, got out. And so we are concerned about the smell and the stink of that many horses and not being able to do it. Not having what you need to do to maintain it and to care for it. I had a diesel tractor explode last week, a diesel tractor within ten minutes of me being by it and yet I was advised to come here tonight and present this to you because I have worked hard and so has my husband, long and hard for this and I have tried to be a good neighbor and it hasn't worked. So I have also had some emergencies the week before that or I would have turned in this paperwork and had the proper people doing it, but I have been under extreme pressure, unaccountable pressure. We are trying to figure it out and so I have said my piece, eight to nine o'clock at night, we've had guns going off in the dark over there and so why would I want somebody living next door and my husband from eight to nine o'clock at night seven days a week with traffic coming up and down my driveway looking for tact and everything and think that I could live in the country atmosphere and ride my horses peacefully and relax, I can't. I cannot do that. I hope you all deny that.

Mr. Beggs: Thank you. Patty can you come back up, I have some questions just to address the concerns. Before I go, I am sorry where is your property located?

Ms. Dowdle: We butt up on the east side of the Jesse James Farm from 164th and Old BB up to that S curve. Across the creek and Jesse James, Jesse James is directly behind us and then the creek crosses over to some other property as well.

Mr. Beggs: Okay so her property is directly south and there is a common fence between the two properties.

Mr. Carlson: There are common fences?

Ms. Dowdle: Yes sir.

Ms. Crawford: Yes that is correct.

Mr. Beggs: I was making some notes as she was talking. Signage, do you have any signage that you are going to put up so you keep unattended traffic going down someone's driveway?

Ms. Crawford: I did not have any signs, I put a sign up per her request because she said someone came up her driveway, she called me about it, come to find out the lady wasn't even looking for me she was looking for somebody else down the road that had wood for sale or something but I had to go through a ten minute long session about that, she wasn't even looking for me.

Mr. Beggs: So how big of sign?

Ms. Crawford: It's a little bigger than what, we talked about this the other day about what I can do to, I would rather not have a sign. I did that because she asked me to. I put the address in my ads because she asked me to. So all those things she's complaining about I did because she asked me to do it. I have done everything I can do to make her happy.

Mr. Beggs: The size of that sign?

Ms. Crawford: Let me figure, it's one foot by two foot. But like I said I would be happy to take it down, I don't even want it.

Mr. Beggs: I think the sign is a good idea, okay, I think we are trying to mitigate the conflicts here and I think the signage would help people find the place they are trying to go. In my opinion that would be a good idea. And that sign is located out by the road?

Ms. Crawford: Yes.

Mr. Beggs: How long has this sign been up?

Ms. Crawford: She asked me to do that sometime in the wintertime, so it's been up for a while.

Mr. Beggs: For six or eight months.

Ms. Crawford: Probably six months.

Mr. Beggs: Okay, the re-vegetation plan, I know nothing about horses I will be the first to admit that, but I do understand what Matt, what the development board is trying to get across here, because they don't want dirt fields or problem with erosion. I don't know what kind of pasture plans you have had in the past but this one is going to be pretty specific and I think it's going to have to be followed. Erosion run off is getting to be a bigger deal to everyone so if it turns out that the twenty-five horse maximum that has been stated in this. If you cannot maintain pastures it going to come back here. So even though this may say 25 all the conditions apply. Whatever that number of animals is that allows you to meet all of this that is really going to be the maximum number.

Ms. Crawford: Okay, I've had 15 to 20 horses since I've been there. There's been no change I'm not asking to add more horses or do anything different than what I've been doing for two and half years. I just found out I had to have a permit to do it. So you are not going to see any change, any added horses, there's not going to be any change to what I am already doing. And I only have 18 horses right now, so 25 we just threw in there because we talked about if something came up later and I wanted to have more but right now I don't plan on doing that.

Mr. Beggs: Okay.

Mr. Tapp: Mr. Vice-Chairman real quick, we actually have standards in our codes for all horses, all large animals for de-vegetation and it's a percentage based on the size of the area, so ten acres or more you can have up to 15% of the total site or two acres of de-vegetated state of an area, whichever is larger, so it would be up to two acres at de-vegetation.

Mr. Beggs: So de-vegetated state is a density?

Mr. Tapp: Per definition it's like 80% de-vegetation, I will check that in the book real quick.

Mr. Beggs: Coverage or uncover?

Mr. Carlson: Does that mean maintain, fertilized and seeded?

Mr. Tapp: It's barren basically.

Mr. Carlson: I have a question, of the 37 acres is any of that acres not fenced for horses?

Ms. Crawford: It's all fenced.

Mr. Beggs: Even the backside that was mentioned?

Ms. Crawford: Yes.

Mr. Tapp: There is a premier fence around the whole entire property. I believe what Gail is getting at is, do you have enough sub fenced areas that you can rotate or cycle the horses around in the pastures?

Ms. Crawford: I don't have enough horses in each pasture that they would need to be rotated. I am having to pay to mow because there is so much grass that we mow it. So I don't need to rotate them at this point, there's not enough horses on anyone pasture. The only de-vegetated pasture I have is just a

small lot probably maybe as big as this room and I have two founder horses on it and they cannot have any grass. So they are on hay only and it's about the size of this room.

Mr. Tapp: Okay.

Mr. Beggs: And the riding area that was mentioned where is that going to be located?

Ms. Crawford: Well it's kind of hard to point out on that, I've got a smaller map I can show you on that. It's about half way up the hill right in the very center.

Mr. Beggs: Like in this corner?

Mr. Tapp: Patty here's a pointer if want you can use the laser. Do you want me to zoom in tighter to your property?

Ms. Crawford: Okay.

Mr. Tapp: You get to use like..

Ms. Crawford: Be like a teacher, it's not working. It's actually up the hill from this just a little, this isn't my whole property, this is about 20 acres of it so there's another piece back here that's the same and so it's going to be to the left more.

Mr. Tapp: Hold down the button you will see it eventually. There you go.

Ms. Crawford: So you are going to come up here to right here and it's going to be right in this area right here, yes right there.

Mr. Tapp: Is on that the...

Ms. Crawford: No because it didn't go back far enough, there is a whole other section.

Mr. Tapp: Okay there's a section there.

Mr. Carlson: And it's a long narrow strip, long narrow piece of property.

Mr. Tapp: Yes.

Ms. Crawford: There's a little pathway to go up, because the back 20 acres is fenced off, just 20 acres and then the front is where the barns and the little pond is at.

Mr. Carlson: On a scale of one to ten what would you say your condition of your fences are?

Ms. Crawford: Very good probably eight other than they are not new, but they are woven wire, three strands of barbwire on top on Gail's side on the other side it's brand new electric wire, four strands of electric and it's the high tinsel wire and then the back its old but it's very adequate it's still the woven wire with barbwire on top. And we actually just went down through our property line, if I'm correct when you stand in the center of your fence line everything to the right is your responsibility. So three weeks ago we went and added new t-post all the way down through to the existing wooden posts because some of them were getting a little bit flimsy from the cattle and the horses rubbing on them, so we added t-post to each one just to make sure they were, but it's tight there's one hole in it where a cow or something went through it and they put a gate to patch it but it's adequate.

Mr. Beggs: Have you had any horses get out lately?

Ms. Crawford: I've never had a horse get out.

Mr. Beggs: Okay. This harrowing plan for the manure that is harrowed in the field, you are going to harrow it in the field?

Mr. Tapp: That's standard language from previous public stables; it's whatever the Planning and Zoning Commission, County Commission see fit as to adequate manure management.

Mr. Beggs: Okay, so my question is if you harrow that in conjunction with the re-vegetation plan and you are doing this every month seems like to me you are going to have a lot of un-vegetated areas. I guess my question is how do you do that?

Mr. Carlson: I don't think it is a true harrowing.

Ms. Crawford: No you can adjust it to where it doesn't dig into, we are not trying to dig into and break the soil.

Mr. Tapp: Just like spreading.

Ms. Crawford: We're just trying to knock the piles down and spread them out.

Mr. Beggs: Okay.

Ms. Crawford: We are not actually trying to dig in or dig up any root of grass or anything, I really don't want to scratch the surface of the ground at all, just drag it to break up the manure.

Mr. Tapp: Maybe it's just a (*inaudible*)

Mr. Beggs: When I think of harrowing I think of pretty aggressive (*inaudible*)

Ms. Crawford: No it's not like that.

Mr. Beggs: I know the CUP is giving operating hours from 8 am, let me go back here.

Mr. Tapp: 8 AM to 9 PM.

Mr. Beggs: 8 to 9 what is your expected operating hours?

Ms. Crawford: Most people don't get out there until noon and they leave at, in the summertime they stay a little bit longer because it's cooler out at night, but they're out of there by 8 or 8:30.

Mr. Beggs: Okay.

Mr. Tapp: You can see on page 12 of 15 of the Staff Report that the applicant has stated hours of operation 7 days a week 8 AM to 9 PM.

Mr. Beggs: Right I just wanted to know if those were just being extended to cover all situations. People really were out there until 9 o'clock at night.

Mr. Decker: Patty I have a question, I just saw this tonight sorry, you mentioned that you are selling tact; I think the little sign that you had that you were selling used tact and saddles and in your business plan doesn't say anything about that?

Ms. Crawford: That's a different....

Mr. Tapp: Perhaps a little bit of background, Patty has a Home Occupation for the tact so it's kind of covered under a separate deal. It certainly could be added if so desired.

Mr. Decker: She has a separate?

Mr. Tapp: It's a Home Occupation, so it's like a home business.

Ms. Crawford: And a lot of that is not done there, I have a trailer that I load and take to like horse shows and rodeos and stuff like that and I sell a lot of stuff online and I sell a lot of stuff at auctions. So a lot of it's not even done there.

Mr. Tapp: So this is for the public stable, the public horses.

Mr. Decker: But the County was aware of the home business already?

Mr. Tapp: Yes, she already has Home Occupation Permit. But you can certainly lump that in here and be part of it for the ten year review, but Home Occupation is good for as long as you live there. And don't expand.

Mr. Decker: It doesn't exchange hands. That is all that I have thank you.

Ms. Crawford: Thank you.

Mr. Carlson: Are you going to provide the service of storage for the trailers?

Ms. Crawford: Yes, I only have two trailers there now that belong to boarders and there's a picture. We've put all the rock down and a place for them to park.

Mr. Tapp: Commissioner Carlson, on page 14 and 15 of the Staff Report I know it's not the greatest quality but it's an image of Patty's site plan. You can see up by the shop towards the north there's an orange kind of shaded area that's car parking, is that where the parking actually is?

Ms. Crawford: See you added this; this is what's been done.

Mr. Tapp: Did you move that or is this updated?

Ms. Crawford: Yes this is what, this is this right there and then this we just put all new rock because you said you wanted the new dust free.

Mr. Tapp: So this is after.

Ms. Crawford: Yes this one is after.

Mr. Tapp: Trailer parking is to the north of the shop. And so like Patty said on the next page is the picture showing where the trailers are at. And that's the shop building she is referencing on the second photograph.

Mr. Beggs: Any other questions?

Ms. Dowdle: I have a comment.

Mr. Beggs: Thank you, you can sit back down, thank you very much. Go ahead and approach the podium please.

Ms. Dowdle: I would like to clarify something while you think it's a good idea about the sign, I did not have anything to do with that. That would not be my business, in fact she mentioned to me that someone had complained about her having a sign as though she was asking me but I didn't know anything about it. She is around the bad S curve and I don't typically go that way a lot. So as far as the signs concerned, what I kept appealing to her was is how are these people knowing to come to my place, and I wasn't looking online that's not high priority for me, and so enough of it, and there's been at least 50 people and all 50 except that one lady that came up last month she was looking for a garage

sale, a man was right behind her and I instructed me on the tact I lost it and I said lady you want the place next door blah, blah, blah. She called to tell me “and by the way Gail it’s not been a peaceful, I started out with cupcakes and here we are” but I will tell you this I didn’t have anything to do with that sign I was appealing to her to stop whatever it was that was creating this traffic up my driveway. So again the thought of 8 to 9 for typical hours are noon to 6:30 or something else, why are we permitting seven days a week? You know for 8 to 9 o’clock so that I can have that kind of traffic, you know every 50 people have come up that drive way, 50 people now have been on my private property and know what I have back there. And so an exploding diesel tractor that is nine years old last week has a bunch of my people afraid for me and my husband is down in Arkansas running another one of my businesses. And so I am trying to stop something that voids my privacy and what I pay for in Clay County, my right my right that I established there and I tried to be peaceful with her and you cannot be and so when I appeal to her the last time she goes “there you go, there you go”. I understood that law when you stand and you face north that right is mine you ought to see she went off on me last month, you know you can never satisfy you, stop tearing my fence down, because there was nothing wrong with my fence until Chris had renters in there and then Patty came along. And so I have a right for my horses not to be in faces of those horses when they are on my side of the fence looking for grass, she’s got lush grass thank you God we have lots of rain and we are so blessed because the last two years has been scary. But I give right to and so do my horses in those haven’t been maintained, and so as far as last fall I didn’t have anything to do with that sign and I know that somebody told me that somebody complained and that the sign had come down I don’t what about that sign. I was just saying who was telling these people to come to this place and somebody and she said wasn’t sure but her sons were taking some of the calls if it was the first house on the left. You make a left hand turn you are going north you hope that’s it you look up and see that 160 foot barn and you’re rodeo cowboy. But 50 at least have wanted tact so that’s not true what was stated. And I’m tired of it, I’m tired of my horses and not being able to relax about that this thing about harrowing the pasture and everything else, you go after those things every month and you are going to tear those pastures up and there’s no way it’s going to be maintained.

Mr. Beggs: Let me ask you, do you have address block or sign on the front of your drive so that it’s pretty obvious?

Ms. Dowdle: It’s right on the mailbox. Yes sir it’s on both sides of my mailbox.

Mr. Beggs: And when you advertise, Patty, do you state the address and your address is pretty prominent?

Ms. Crawford: I do now and it’s on my mailbox.

Mr. Beggs: And the mailbox is close to your drive?

Ms. Crawford: Yes and now I have a sign.

Mr. Beggs: And your mailbox is close to your drive?

Ms. Dowdle: It’s right by the drive. And whose ever taking the phone calls that’s a key right there you know, they’re not telling them that you have to go up past the S curve and look for the address because it’s not the first house but the second because I now have now sought advice and so I’ve had enough. I’ve had enough of the guns firing, I lost a calf last winter in an interior pasture I lost a nice five or six month old with a bullet wound in her side and she was still warm. And I do a one to two time pasture check, they had guns right after they moved in down there on a pond that was laced with rocks and my husband said “for God’s sakes what are you doing” and I said “my horses are down there by this fence line”, he said “get the hell out of there, Gail”. He said because if they are firing like that they are going to ricochet on you. And I was raised with guns in my life my grandfather was mounted police officer in Saint Louis, I am an excellent marksmen and I know safety and I was trying to see what they were doing to stop them from doing that. So...

Mr. Beggs: Have you ever called the police or had the law-enforcement come out?

Ms. Dowdle: No I took my calf pictures to my veterinary two weeks later and he told me he said if this ever happens again, he said it was rapid fire that afternoon and that afternoon and I found her the next morning and she was cold and so my husband said it sounds like a .22 and it looked like a .22, it looked like it and my vet said the next time you hear rapid fire any kind of firing get out there and see where it’s coming from and you call me or any other vet you ask for an autopsy and you call the Sheriff right away. So that’s where I am sir.

Mr. Beggs: Okay I have one question. Condition of fence we asked her what she thought the condition of her fence is. What's your opinion?

Ms. Dowdle: It's really bad, and it started with (*inaudible*)

Mr. Beggs: On a scale of 1 to 10. One being the worst ten being the best.

Ms. Dowdle: Now it's down to six it was a ten in the back it's a under a year old fence I mended within the last couple of weeks I took a piece of wire out like this because there was a big hole in it, took it out and laced it all around the fence.

Mr. Beggs: But that's not the common fence?

Ms. Dowdle: That's her's.

Mr. Beggs: Okay.

Ms. Dowdle: I didn't put any kind of, she said I put something in there, that was there when we bought the property, a piece that was pieced in there.

Mr. Beggs: Any other questions from the Board?

Ms. Dowdle: Thank you gentlemen.

Mr. Beggs: Any more public comments? Okay I will close the public comment. Any comments from the Board and discussion? We have a motion?

Ms. Crawford: I do have one more thing to say.

Mr. Beggs: Okay I will open it back up.

Ms. Crawford: I think you can obviously tell this isn't about whether I have a boarding permit or not it's about a feud between neighbors and I could respond to all the things she saying but I'm not going to bore you with that. I have had to call the police before on her because she comes to my house and threatens me and won't let me go back in my house when I would like to go back in the house stops the door so all these things. So I would just like for you to recognize that it is a neighbor feud and it doesn't have anything to do with how I run my business or how I manage my property and that's just all that I would like for you to take into consideration. Thank you.

Mr. Beggs: Thank you.

Ms. Dowdle: Response to that because she brought up the law. This is what really happened, I was asked her to back off my fences because my horses would Velcro and brand new 26 masks five were jerked off of their heads and on her property over there which took extreme pressure from her horses over on that side and through it over and they were pawing and stomping my fences down and I took a skid steer last year and pulled them back up and had my 20 year old grandson and a man helping me in that drought trying to fix it and then they came along and did it again. I went over there and I was appealing to her. I even used my stuff, my materials, my fence post and everything and I would pay for it to back them up off that like 24 inches to keep them off from doing that to my animals and eroding my fence and she said "f" to me. She has a short little porch and she said get off my "f-ing" porch or I am going to call the Sheriff" and when she moved to me my husband taught me you move into them because otherwise I was going off backwards. So if we are talking about neighbor to neighbor feud I have tried and tried until where my legal counsel has advised me to come here tonight and then we will go further from this because I can't try anymore. You can't work with her and I am sorry but that's the God's truth so help me God on my mother and father's grave. When she came at me like that it was me appealing to pay for the \$1,000 to fence my fence to save it and use my materials to have a good guy come in and fence it and back it off and she said "I'm not giving you 24 inches" I said you are not giving me 24 inches, it's going to be on your property. They are just to back your horses from coming after my horses and stuff and that is the truth gentlemen.

Mr. Beggs: Thank you. Okay I am going to close public comments, anymore comments from the Board, discussion? Do I have a motion?

Mr. Carlson: I will a motion that we approve the request for the Conditional Use Permit for a public training and riding stable located at 16900 Old BB Highway the property is 37.29 acres zoned R-1/AG with conditions.

Mr. Beggs: Do we have a vote.

Mr. Tapp: I think we just have a motion we need a second.

Mr. Beggs: Oh sorry, second?

Mr. Decker: I'll second.

Mr. Beggs: Vote please.

Mr. Tapp: Duane Jackson?
Mr. Jackson: Approve with conditions.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve with conditions.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve with conditions.
Mr. Tapp: Vice-Chairman Mark Beggs?
Mr. Beggs: I am going to disapprove.

**Final Vote: 3/1/ 0 Approved, July 14-122CUP; Public Stable – Crawford
With Eight (8) Conditions**

Mr. Beggs: Motion passes again this will be brought up to the County Commission on July 21st at 1:30. The next case is July 14-123RZ/F with is a request for rezoning from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for proposed Lot 2 only and Suburban Residential District (R-1A) to Agricultural (AG) for proposed Lot 1 for the subdivision replat of Elizabeth Acres (A Replat of Lot 5A and 5B Bonnie Acres) located at approximately 10008 NE 124th Street, the applicant is Dennis L. Schmidt, representing Elizabeth S. Roberts. Is Mr. Schmidt here?

Mr. Schmidt: Yes.

Mr. Beggs: Okay thank you, staff report please.

Mr. Tapp: Yes Mr. Vice-Chairman, first I would like to attach the staff report as part of the record.

Mr. Beggs: So be it.

Mr. Tapp: Summarized the staff report July 14-123RZ/F dated June 25, 2014. That being said they would like to request to vacate the old utility easements and it was not submitted on time with this rezoning and final plat so staff recommends tabling Elizabeth Acres to next month so they have time to get us the vacation request and give the proper public notice so you will hear that next month.

Mr. Beggs: Okay, do I have public comment? Please come forward.

Mr. Crawford: My name is Edward Crawford, I live 12410 Northern Ave, it's Lot 3 Bonnie Acres, you can't really see on that picture. Our property is directly to the east where there are four 3 acres lots and I just wondered since the information that was sent out was so tiny that you can't even read it. Could we have some clarification in lay terms what they want to do? I can see from the map the 21 acres to the north is lot 1 then there's the old farmhouse that's on the lower right, there's a building in the center between the two homes that's used as a I suppose it's a business because the plumbing outfit runs equipment in and out of there. So we since have four private residences on Northern Ave we are trying to figure out what actually is going to happen to that property? Is it the greater portion 21 acres and then coming down on the right that's going to be changed combined?

Mr. Tapp: Yes. So real quick, the old lot line if you follow the map is this is the old lot line so the old farmhouse is a separate lot, smaller acreage. And then the larger accessory structure and the larger acreage is with this. They're flip-flopping that basically the smaller lot will look like this and the larger accessory building stays with the old farmhouse in the overall acres. So this is one big lot and this is the other lot. And you are one of these houses, over here not exactly which one on the eastside.

Mr. Crawford: So this now becomes 24 acres and it's going to be residential?

Mr. Tapp: Agricultural.

Mr. Crawford: Agricultural.

Mr. Tapp: Is that correct Debbie?

Ms. Viviano: The larger acreage is going to be agricultural.

Mr. Tapp: And the smaller one will be R-1.

Ms. Viviano: RU-80.

Mr. Tapp: RU-80 okay so it's not at least five acres.

Mr. Crawford: The reason I am asking the question maybe this will help answer for me, is we are concerned whether or not they are going to subdivide and build homes.

Mr. Tapp: If they were to further subdivide beyond this you would be notified again and then you get a copy of the plat and you would see a cul-de-sac going in there and lots but they are not planning on doing that at all.

Mr. Crawford: Okay that answers my question, thank you.

Mr. Beggs: I assume he could get a larger copy of the plat.

Mr. Tapp: We would be happy to supply a larger copy if he would like.

Mr. Beggs: Do you want one like this if they have them available so if you need a larger other than what you've got it is available. Angie's got one she'll let you have it.

Mr. Tapp: If you would like a larger copy. Do we have enough?

Mr. Beggs: Of course that will be revised next month they are going to make a few changes.

Mr. Crawford: My neighbor directly to the south and I are just concerned what kind of activities are going to take place right behind us?

Mr. Tapp: Nothing should really change by the eye.

Mr. Crawford: It's been basically cow pasture.

Mr. Tapp: I am sure it will stay that way.

Mr. Crawford: So far it's not really been maintained this year like it has been in the past so we were just curious what's in our future?

Mr. Beggs: We understand, thank you. Any discussion from the Board? Do I have a motion to table?

Mr. Decker: I make a motion to table the case of July 14-123RZ/F a request for rezoning from Agricultural to Residential Urban Rural Single-Family District (RU-80) for proposed Lot 2 only and table it until the vacated utility easements come back and show next month.

Mr. Beggs: Do I have a second?

Mr. Jackson: Second.

Mr. Carlson: I'll second.

Mr. Beggs: Vote please?

Mr. Tapp: Who does it go to it's a tie, neck and neck?

Mr. Carlson: He can have it.

Mr. Tapp: Okay it just has to be specific for the record. Okay the motion is to table the case July 14-123RZ/F. Duane Jackson?

Mr. Jackson: Table with conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Agree to table with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Agree.

Mr. Tapp: Vice-Chairman Mark Beggs?

Mr. Beggs: Approve.

Final Vote: 4/0/ 0 Table; July 14-123RZ/F; Elizabeth Acres, (A Replat of Lot 5A and 5B Bonnie Acres) – Rezoning and Final Plat With Two (2) Condition

Mr. Beggs: That is all of the cases we have tonight I did not draw everyone's attention to the Planning and Zoning Departments Monthly Report, we might review that and if there is any questions now would be the time to get them answered.

Mr. Carlson: Looks good to me.

Mr. Tapp: We are doing better than previous years to date.

Mr. Beggs: Any other questions? Any other business that we need to take care of?

Mr. Tapp: No Mr. Vice-Chairman.

Mr. Beggs: Do I have a motion to adjourn.

Mr. Decker: I will make a motion to adjourn.

Mr. Beggs: Second?

Mr. Jackson: Second.

Mr. Beggs: Vote.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve.

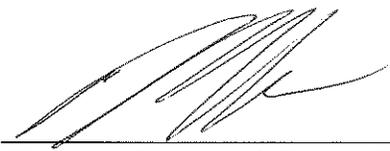
Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

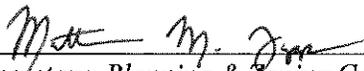
Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve. Thank you everybody for coming.

Meeting Adjourned



Vice Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary