

CLAY COUNTY PLANNING AND ZONING COMMISSION MINUTES

October 7, 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: Gene Knisley, Mark Beggs, Jim Carlson, Duane Jackson, and Tom Decker

Members Absent: Cecil Troutwine

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

Mr. Knisley: Good evening ladies and gentlemen, I apologize for the little delay here I had homework I had to do. I would like to open the meeting and welcome you to our October 7, 2014 Planning and Zoning regular meeting, I would like to bring it to order, can we have roll call please.

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: Present, thank you. We have before us the September 9, 2014 Planning and Zoning minutes can we have a motion to approve?

Mr. Jackson: I make a motion to approve as written.

Mr. Knisley: Thank you there has been a motion to approve. Do we have a second?

Mr. Decker: I'll second.

Mr. Knisley: Thank you, vote please Director.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Abstain.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 4/0/1 Approve September 9, 2014 Minutes

Mr. Knisley: Here before us is the September report from the staff, if you care to just take a few moments to look at it and review it, if you would and if you have any questions or comments please bring them up at this time. No further comments or questions we will move on with the meeting. We

have three cases for before us tonight and we will be discussing them under our regular agenda meeting and staff reports will be included in the minutes of our meeting and the meeting will be recorded so if you step up to the podium you would state your name and your address and if possible spell your name. That being said the other the other thing I would like to bring up is the cases that we have on our agenda tonight whether we approve them or disapprove they will be forwarded to the Clay County Commission on October 20th at 1:30 and it will be in this same room. So you are welcome to come and voice your opinion at that time. We have three cases this evening, case number one is October of 2014 it's case number 129RZ/F this is a request for rezoning from Neighborhood Commercial (C-1) and Residential Rural District (R-1) to Community Services District (C-3) also a request for the final plat approval for Red Brick Trio Addition this is a request for block one in the town of Gosneyville located at approximately 18422 Collins Road, the applicants are Charles K. and Jody L. Light. Director Tapp can we have a staff report please.

Mr. Tapp: Yes and as you indicated I would like to attach the staff report as part of the record Mr. Chairman.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report Oct 14-129RZ/F dated October 1, 2014.

Mr. Knisley: Thank you Director Tapp. Can we have a representative for this case come up?

Mr. Cowger: Mr. Chairman, Commission members, Ron Cowger, AGC Engineers, 405 South Leonard, Suite D, Liberty, Missouri, here on behalf of Mr. and Mrs. Light, tonight. There's two applications we will just consider this first application that the staff has presented the report on. Although, we support staff's position on almost everything in this report. I think it is extremely unfair and very possible unlawful to require us to go get a neighbor's approval to park on their property. That totally takes away the right of my client to develop their property and open their business and puts it in the hand of the shared parking. Staff presented that in your own Land Development Code section 151-10.1 the parking standards would require 14 parking slots we provide 30 on site plus three off site, 33, by my math that's more than two times what your own Land Development Code requires. I don't see anywhere in your code where we need to go to the ITE manual to establish the number of parking stalls required whenever the Land Development Code Section 151-10.1 clearly says and we've had this conversation with staff multiple times before in the four to five months that my client's been working on this project that this would be considered C-3 and under C-3 it will be considered a non-retail, excuse me let me put that, it will be considered under the C-3 retail all other retail sales and services used not specifically listed, one per 250 square feet parenthetical of building area, that's how you get to the 14 parking spaces. I think it's a really slippery sloop for a county staff, county department, County Commission to start saying Mr. and Mrs. XYZ, I know you meet the code but we are going to require you to go next door to your neighbor, who may or may not like you and get their written approval before we will grant permission to do what you want to do on the property that you own. I think that's really dangerous ground. So we would like to have this case heard, we were not in support of tabling this, like I said we met with staff multiple times on this project worked through multitude of issues prepared a plan twice what Land Development Code, more than twice of what the Land Development Code requires in parking and now we are being asked let's go across the street and get written support from your neighbor. I know most of you, several of you here on this Commission are business owners and that does not sit well with me and I don't think it probably sits well with some of you here. That's all I have to say. Mr. and Mrs. Light are here if you have any specific questions about how the facilities are going to operate. I would be happy to turn the podium over to them so they can talk about how they intend to use the space, but it's going to be an event space it's not going to be a conference center where huge number of people come into this, it's going to be birthday's and kind of a function like that. That would serve the Smithville/Paradise area very nicely. Thank you and I would be happy to entertain any questions.

Mr. Knisley: Are there any questions?

Mr. Beggs: I guess I have a couple, I was just looking at the Smithville's Fire Protection where they established an occupancy load of 224 people and I know you're an Engineer so 224 people show up there and you've got 33 spaces, and we don't schedule or find spaces, where do you think all the rest of those cars are going to park?

Mr. Cowger: I am not sure, they are looking at occupancy from a fire safety standpoint but this would be.

Mr. Beggs: Because they said you could have 224 people there obviously they can go up to that number without violating fire code, and that's kind of the only thing that will be stopping them from, I mean they couldn't go any more than 224 they would be in violation.

Mr. Cowger: Right.

Mr. Beggs: So potentially there is possibility there could be 200 people there and I am just looking at the parking spaces and I'm kind of going they are going to have to park in the street. Where else are they going to park?

Mr. Cowger: At 224 there's 3,600 square foot roughly of event space.

Mr. Beggs: Let's say three people per car that's 75 roughly.

Mr. Cowger: Well even with 33 you've got 99.

Mr. Beggs: So if you put four the numbers seem a little out of kilter. And obviously we don't want to create a traffic problem, we don't want to jam up streets where there's going to be narrow lanes and people crossing streets and create a safety issue there.

Mr. Tapp: Perhaps a point in clarification too. Ron and I had not had a chance to speak to you about this but in our Land Development Code after all the parking schedules it says unlisted uses, which this by its truest definition, event space is not in here and we're interpreting that event space should go in all other retail sales and services, which I would not agree with on that, placing an event center in there, but it says upon receiving a development application for use not specifically listed in off street parking schedule, myself, Planning and Zoning Director shall apply an off street parking standard specified for the listed use that is deemed most similar to the proposed use or require a parking study in accordance with off street parking schedule C. So it could go does the P&Z Commission, County Commission agree that it could go into a retail sales and service, it's not truly a retail sales it not like a Target, it's not a Wal-Mart it's not that kind of retail sales or it could say well okay prove your point and do a parking study based on ITE or other acceptable estimates as approved by myself and show why you think that 33 stalls is enough for X number of people, whatever X may come up to be, that could be an option as well if you don't agree with the 75 or what number you put in the app.

Mr. Beggs: Let me take a little different path, maybe we are approaching this wrong, I guess maybe we should talk about what the use is really going to be here. If you are not planning on having more than 60 or 70 people there and your clients don't have a problem limiting it to that maybe that's enough ground. You've got 33 spaces that will keep people from parking on the streets; I would be more comfortable with that. So that maybe is the question we should be asking instead of zeroing in on some of these other numbers.

Mr. Cowger: Yes and 3,600 square feet Mr. Beggs, is every, that would even be the catering areas I understand, is that correct?

Mr. Light: That's area that is not going to be used for actually people sitting a table in there.

Mr. Cowger: If you take 3,600 divided by 220 whatever the Fire Marshal, 224, come up with 16 square feet so in a four by four area there's one person. I know I am a little bit bigger than most but I don't like anybody in a four by four area with me. So regardless of what the Fire Marshal rates it for I don't think, I mean that would be SRO, that would be standing room only, no question about it. I don't think we have a problem lending it to X number of people.

Mr. Knisley: Just a moment, would you like to come up and share the podium with him so we have it for the record. State your name please.

Mr. Light: My name is Charles Light, L-I-G-H-T, my home address is 14414 NE 137th Street in Kearney and I live in unincorporated Clay County not actually in the City of Kearney. No we don't really have any issue with limiting the spaces and stuff until we can try to secure additional parking and at the point we can look about and I've talked to Matt a lot about it about going and getting, upping the occupancy at that time, but the main occupancy that we feel is a reasonable amount of people and stuff we are actually fine, we've had about eight different people from that area that has come by and what to schedule events and they are stuff like birthday parties, retirement party, someone wanted to do a reception but it was a 75 person reception so I actually have nobody that's actually contacted me, we don't have websites or anything going or anything to go out in the community, further out to the community, just people that's drove by and stopped and we've left the doors open for anybody to come

by and see what we are doing and ask questions and everything else but no we are totally fine with that because right now that's pretty much what our business base would be those smaller events.

Mr. Beggs: So you think 75 is the maximum number.

Mr. Light: Yes, Matt was talking about the ITE whatever it is I don't know what that number translates too but yeah we would be in agreement with that number.

Mr. Beggs: That's all the questions I had.

Mr. Knisley: Any more questions at this point?

Mr. Decker: Did Matt; did you not touch on with no additional parking that 75 people would be the maximum occupancy as it stands right now?

Mr. Tapp: As it stands in the conditions, the condition language right now I believe we, you can add a condition that will state that this approval of rezoning will be for a maximum 75 PAOT, person at one time. If and when the applicant/owner would like to pursue events with more people than that or some language to that extent, you certainly alter the staff recommendations to table to approval with the condition of up to 75 persons at one time. And then later on if they want to pursue that they certainly could obtain, solidify off site parking for the spill over. It all gets back to public health, safety and welfare. We don't want, the roads are very narrow the asphalt width is very narrow through there in Paradise; we don't want people parking on the street, that's a recipe for disaster. There's nothing other than that point of view from staff, so we need to make sure we take care of the off street parking.

Mr. Carlson: Can you tell me how many parking sites are planned on that particular plan?

Mr. Cowger: Yes there's 30 on site and 3 on street.

Mr. Carlson: And there is no infringement upon your septic area?

Mr. Light: No.

Mr. Cowger: The septic area is set back here.

Mr. Carlson: Okay.

Mr. Cowger: Mr. Carlson, there is a retention basin that sits right in this area to handle stormwater management. Here's that vacated right of way that Mr. Tapp discussed earlier and in this area over here will be the septic field.

Mr. Carlson: And that will be a new field or an existing field.

Mr. Light: A new field.

Mr. Carlson: Is the existing field in that parking spot?

Mr. Light: There is no existing, there was nothing there to start with.

Mr. Cowger: It was a road ditch option.

Mr. Carlson: I saw 225 people it scared me to death. I think 75 is more reasonable.

Mr. Tapp: That would calculate out to be about 2.27 people per stall. And that includes the 2 ADA assuming those are used.

Mr. Carlson: I can see people picking that location to park I would be concerned.

Mr. Knisley: I am concerned about that too, we are talking about what you see now this board is always trying to look down the line so you can see what the future brings and luckily Planning and Zoning over the many years have done that very well because now you see where we are with all the growth so I am concerned about the parking because that is an issue and I know it sounds like you are going to do this right and have a nice facility but believe me it can get out of hand real quick we've seen things happen before where all of a sudden you're going to have a different kind of party or whatever and not so much drinking involved but you just get flooded with people and the first thing they want to do is park over here and park over here and it's a lot easier to park out on the street.

Mr. Light: Like I said we're working toward trying to secure some additional parking prior to the meeting and stuff and I have not gotten anything as of yet. But we've got a number of options that we are looking at so we've talked to Matt and we are good with any number saying drop to 75 and at 75 you shouldn't have to park outside anywhere outside the lot.

Mr. Knisley: Well that sounds reasonable but will that happen now, go ahead.

Mr. Jackson: Are there alternate areas in the City of Paradise that can be used for additional parking?

Mr. Light: Well like I said there are churches and there are a couple of spots that are already parking lots that can possible be used. I've talked to my wife a lot about the parking and we're just we have not gone through any of this before and everything we've done all the zoning is totally new to us and you know we're just a husband and wife starting a first business ever, even if we opt to never increase in

size say we do 75 and we weren't looking to make a huge big business type thing going and you know, we have come down to a thing that if there is no other options and this and that we are actually fine with, the building was the size it was when we bought it, it wasn't an option to finding a smaller business it found the building we found the ideal building we've been doing a lot of renovations just trying to fix it up, it had a bad roof, it had bad windows, bricks falling off the side, we've put a lot of work going forward in the building. Knowing there's chances in it we not excluding anything not being approved but like I said we're just kind of fell in love with the old physic of the building, brick and stucco walls and stuff and thought it would be very nice to have as a community center to have events and birthday parties in.

Mr. Beggs: So frequency of events how busy do you think you will be? Couple days a week three days the week?

Mr. Light: If we had one a week I think we would be happy, if we could move forward from there based on the Public Health Departments based on the septic systems and everything else that all has to be in there they were suggesting no more than 200 person events so they were saying no more that like 400 people, so if you have a 60 person party I guess you can have six and withstand what they do there. I don't see the use going to be that heavy like I said I hope we can go one a week or so we can pay bills, but five days a week we're not ready to be that busy yet.

Mr. Knisley: I noticed you had looking at the staff report about a written agreement with a church.

Mr. Light: We had talked to them and the last we talked to them was Monday and to consider it they would have to talk to a lawyer and insurance and variance of stuff like that and that was the last we had talk to them. So I have no idea what they are saying yay or nay. If it is nay then that is okay but we have reached out and it would be monetary thing and we would pay them for the use of their lots and stuff. But it's their call it's their property.

Mr. Knisley: Sure I am personally in favor of you pursuing that and can see if you can come up with an agreement with the church for future parking because it is going to come and if it comes and you don't have it with the church or anybody else that you could get it now, I've been a businessman for years too and sometimes if you don't act now while it's in its infancy you won't be able to get it down the road or it's going to cost you.

Mr. Light: True.

Mr. Knisley: And it may not be in the Land Development Code what have you but again we're here to see what is best for the community and what is best for you and my feeling is I would like to see you have something in writing to back up your parking in the future it gives a comfort level of the people around there I believe and you wouldn't have to worry about on street parking problems you could have but that is my opinion. Any other comments from the Commission before I open it up to the public's comments?

Mr. Jackson: I have one more question is there any studies, maybe Ron you can answer or Matt, like this ITE study that actually gives a number of occupants per car, that can give us based on 33 parking spots, three people per car, 99 people.

Mr. Tapp: Ron you are more than welcome to

Mr. Cowger: There very well could Duane be a, Ron Cowger again, there very well could be a study out there that would prove that. I think whenever you are talking about birthday parties and the things like the Light's are doing of a small wedding you are usually coming in groups and you've got maybe a couple kids and mom and dads, I think that the number I always kind of go back to is somewhere in that 2 ½ to 3 ½ people per car, I think that is a very reasonable, I think to say it's loaded and you've got seven people in there is probably ridiculous. But 2 ½ to 3 ½ I think is a reasonable Engineering judgment; I really don't have anything to back it up right now.

Mr. Tapp: Right and to piggyback off of Ron Cowger's comments there is an ITE or International Technical Engineer the parking generation, I am trying to hunt it down here on our site but like I said it depends on the weekday, weekend they really break it down but like Ron said it's roughly 2 to 2 ½ people per car. And we are right in that wheel house right in 2.27 somewhere in there with 75.

Mr. Knisley: Okay, any more comments to the applicant any questions? I will open it up; alright do we have any comments from the public if you would come forward. Yes

Mr. Holdsworth: Clyde Holdsworth, H-O-L-D-S-W-O-R-T-H, 18408 Elm, Paradise, Missouri, Smithville, Missouri is the main address. I am here and I've been listening what the Lights are doing

as far as the nature I think it is great and I don't see any problem with it being in the area what so ever. The related problem is I don't approve and the town people that I represent approximately the majority I guess I haven't counted everybody, the churches are here both the Baptist and the Methodist church are here and I am including them into my speech I guess. We don't approve of the C-3 rezoning, we feel as though that would open the door forbid if the Light's aren't successful with the business they look to the first person as I would to sell the property and recoup my losses which would be the intelligent thing to do and with the C-3 zoning which is a pretty heavy zoning right in that the area leaves a door open for the bar as Matt talked about my phone call or visit with him. We don't want to leave an open door and though I appreciate your comment about looking down the road because there are a lot of things down the road that a lot of times we can't even see. But one question about the C-3 rezoning that Matt addressed was the 200 foot property line thing and they gave me this to, and I know it's a separate issue and to keep it a separate issue but it is not a separate issue because it's the piece of paper they gave me to go back and tell the townspeople that everything's okay. The salvation and the first person I showed it to the first question he said was "how is the convenient store selling by the drink there?" and I asked Matt and he's going to investigate and I appreciate that but in the mean time they say she's already selling beer there and liquor by the drink and she claims she can, which I guess she can or she thinks she can. And I've heard she's running a straight up operation and I eat in there occasionally and I don't really hardly ever see a beer on the table so I don't think it's an issue and Kelly seems as long as Chuck he's going to run his very controlled with an off duty officer on site and a licensed bartender on site so you bring your own beer and I'm going to hand it back out to you in a respectable manor and I think that's and Kelly's along the same line. So it isn't about crucifying anybody in particular but I just don't own a lot of faith in terms if you sell this 200 foot thing as being the golden rule so it will never be a bar there. To be honest that place would make a hell of a honkey tonk, let's be honest it would be quite a bar and where some people might think that's good I think that close to heavily residential and small community, children and old people I don't feel it being an asset, so we're here basically or the churches and myself for the towns people more or less not oppose to the event center, matter of fact we would like to see it go in, we have an alternative idea and I talk to Matt about it and know it doesn't fit how he reads the statutes but we would like for him to do as them and personally being a person probably have some control over the parking, I can see the parking an issue working out personally, I just have to say that, so I don't put a lot of fear in that at least not for him. But the C-3 thing we just don't want to leave an open door with this and I would like what we've come up with and of course you know I get legal advice but I would like to leave it C-1 and give him a special use variance permit, and I know that isn't there in the little sheet here we have but there again by their own admission there not really a name for this in this thing. An event center really isn't here calling it a recreation entertainment indoor/outdoor well sort of that's close but there is no real name for this event center to rezone, so I think it deserves a special use permit or variance whatever the case may be. And it will be I think will be more economical for the Light's to eliminate the C-3 zoning process and that way it calms everybody in the neighborhood down, that way if they are not successful and I hope they are but in chance they aren't then if someone comes in then they have to go through step one, two, three to acquire liquor by the drink in that spot and there's lots of things that go along with C-3 I think that we probably aren't really aware of I am not even aware of it. You know they have this resort licensing thing and I don't know how that works and that's what Kelly has something to do with that. I don't know how it works but you know if a guy comes in and grills flips some hamburgers he can fire up the beer tap and I know of several situations around that are like that and it's supposed to be a racial food liquor and it's going to be a fine line drawn it's going to be hard just like the governing how many people go into that event center, 80 show up 80's going in. I would let them in, I would hope someone would make them room to let them park, so the opposition here is if you could see your way clear to give them this variance or special use permit or whatever you might call it the town's behind them 100%. I mean what they're doing and the event center I am sure there will be liquor there but it will be a much more control atmosphere than even if there were 200 people in there and all 200 of them drunk it ain't nothing like the same group from last night, it's a different thing. So for special events they will be there for that event and most generally they behave much better than the guy that was in there the night before and got slapped around or whatever the case maybe. So we just don't want an open door for the bar and I really think that down the road does anybody really knows what variances might come

along and I would like to see it left as just a C-1 zoning with and I talked to Chuck and he's fine with that I don't think he has a problem with that.

Mr. Light: I would not have an objection C-1, C-2 I don't know anything about this stuff.

Mr. Holdsworth: He just wants to do business.

Mr. Light: We are trying to open an event center so whatever if I am meeting all that we need if we need C-3 we talked about and met with Matt and given what

Mr. Holdsworth: Well he was given C-3 more or less or nothing and he's already spent, well I'm not watching his pocketbook but I've done sceptics and I've done construction and he's poured a lot of money in the building and it's really looking good so it's going to be an asset to the community but I don't think it will be much of asset as a Roadhouse, it would make a good one. But good is in the eye of the beholder, that and the church's representatives are here they might want to speak or sure can but I talked to them to include them in this and I believe they both agree with what I said, I told them exactly what I was going to say. So it's not real, it's not fallen on fond ears at this point and like I say with the drinking thing within 200 feet I own the house right across from Kelly's and I never said anything and I am within 100 feet of her so it's just hard to use this as a weapon to stop torches and pitch forks when it's already going on and I know it's not Matt's fault but it's not anyone's fault it's just a situation and so if you could use a variance and call this something else because it's not really a recreation entertainment outdoor/indoor. It is in the since by your own admission and several times we've heard tonight there's not real call for this, I mean there's no real name for this in the zoning so now would be a good time to make it a special permit and leave it alone and that way you don't up rise the neighborhood and keep the churches happy and go on from there and everything you've said and everything he's doing I hate for anybody to stop what he's doing it would be wrong in my opinion but we don't want the C-3 zoning and he could operate without it if it was left up to you gentlemen then I wish that would be the way it was done and that way he's out of wax and everybody walks away happy. And that's my talk thank you very much.

Mr. Knisley: Any questions to that gentleman? Yes ma'am.

Ms. Van Wey: My name is Ramona Van Wey and I am here as council chair for the United Methodist Church in Paradise.

Mr. Knisley: Could you spell your last name please?

Ms. Van Wey: V as in Victor, A-N capital W-E-Y.

Mr. Knisley: Thank you.

Ms. Van Wey: I just wanted to touch base on the parking you have been talking about the parking and the available spaces that I believe are including our church, and what I am hearing is that the United Methodist Church would be reluctant to allow parking in their lot we have spaces right in front of the church the space on the south side of the street we lease it doesn't belong to us so I can't speak for that and agree with Clyde to help business in Paradise would be a good thing the C-1 seems adequate to me there is concern about opening the door to alcohol which there is reluctantly in sound. So I did want to touch base on the parking issue and let you know where the church stands.

Mr. Knisley: Thank you, any other comments?

Mr. Cowger: Mr. Chairman can you provide her name, I missed her name and her affiliation.

Mr. Knisley: She is with the Methodist, I believe and

Mr. Cowger: With the Methodist Church?

Mr. Beggs: Van Wey, V-A-N W-E-Y.

Mr. Cowger: And she was representing the Paradise Methodist?

Ms. Van Wey: Correct.

Mr. Cowger: Thank you.

Mr. Knisley: We had another church do they want to come up and speak?

Mr. Florence: How are you doing? My name is Rick Florence F-L-O-R-E-N-C-E, address 19816 Murphy Road, Trimble, Missouri 64492 it is out in the County in Clay County. I am the pastor at Paradise Baptist Church I brought it up with my congregation after I visited with John and their thoughts and comments were we care for the idea of the overflow because of the liability. We own the lot directly across the street from where your parking will be, it's a small lot right to the north, it's a small lot but there is nothing on it but the liability alone somebody fall and get hurt that was enough

they would never go for it not to mention the alcohol and down the road we don't want to be known as the church next to the bar, so that's pretty much it.

Mr. Knisley: Any questions?

Mr. Florence: And I don't any, this is the first time I've been to one of these so I don't know any of these people I am sure they are good people I don't have anything against any of them.

Mr. Knisley: We don't either.

Mr. Light: Just one note to that stuff I had, Charles Light just for the record, I had not gotten in touch with them because talking to Matt and stuff they had deemed that parking lot not a very good parking lot because it was out on a main highway and somebody trying to walk along that part of the road is very dangerous so that was not one of our recommended places to ask about for parking. So just not that I want to put him on the hook for anything I never asked him so I just wanted to say that part.

Mr. Knisley: Okay thank you, any other comments from the public? Do we have any comments from the Commission?

Mr. Beggs: Matt how far, can you draw 200 foot line off to see what is impacted.

Mr. Tapp: Sure, from where?

Mr. Beggs: Well from I assume it's from the building proper the 200 foot? Is that where you are going measure or you going to measure from the property line?

Mr. Tapp: No it's for the premises of the building.

Mr. Beggs: Okay.

Mr. Tapp: And the Residential Zoning is just to the west there is a house so it's obviously within the 200 feet.

Mr. Beggs: So say somebody came in a bought that house are there other places around there, like does it impact the church?

Mr. Tapp: The Methodist Church is to the west.

Mr. Knisley: Where is that?

Mr. Tapp: It should be, like she indicated they lease that parking lot and this is their property right here. So you measure from the total west line right here, I can't read that Tim can you read that? How many feet that is?

Mr. Flook: No I can't read that.

Mr. Tapp: On the bottom number in that little window. 900 something maybe.

Mr. Flook: 342 feet.

Mr. Tapp: You can't really see the line I will kind of move it so you can see it.

Mr. Beggs: What's to the east?

Mr. Tapp: To the east across W Highway is large acreage.

Mr. Beggs: Those houses down the lower left are they going to get within 200?

Mr. Tapp: Yes I would assume it's right across the street.

Mr. Light: From the building you've got a house to the south and then property right behind it, which once you cross the street in about 30 feet there are five homes and Shirley owns that one and from the corner of my building to Collins Road it's only about 150 feet so actually the property to the north and I am sure it actually goes across the road right behind Shirley's house so those two properties and to Dave on the corner I am sure are within 200 feet. There are probable eight different properties.

Mr. Tapp: Well I think what you are getting at is it's almost in impossible for these buildings not to be within 200 feet of, you can see the map, I'll turn the zoning back on, yellow is residential.

Mr. Beggs: So it's the zoning, it's not really the structure.

Mr. Tapp: Exactly.

Mr. Beggs: Okay.

Mr. Tapp: So it's from the premises of where the alcohol will be sold and consumed to a zoning district. So you have to rezone quite a bit of Paradise, Clyde Holdsworth's house, there is just no way.

Mr. Beggs: Is it safe to say that 200 foot applies to any zoning designation that you are going to sell alcohol in, so they are talking about...

Mr. Tapp: The provision they are talking about and I had referenced to it in the staff report section of the discussion is C-2 and C-3 zoning districts code. I don't believe, C-1 might I didn't see if, did not do C-1.

Mr. Cowger: It does.

Mr. Tapp: It does have the same provision? So whole Commercial Zoning Districts they have to be at least 200 feet if you sell and consume alcohol on the same site. You have to be at least 200 feet from property zoned Residential or Agricultural. C-1, C-2, C-3 the problem lies in trying to identify what land use in the Use Table best fits and we kind of came to the conclusion based on definition which I could go into detail the definition of recreation and entertainment, indoor best suites what the Light's first proposed to us and so with that it's only allowed with a Conditional Use Permitting in C-2 zoning or permitted by right in a C-3. And they have chosen a C-3 route. The only other option would be to go to C-2 with a Conditional Use Permit which means as you all may recall CUPs or Conditional Use Permits have a certain time frame and they come back for renewal so whatever time frame you see fit five years ten years whatever many years they would have to come back so there is a little bit of an additional element or overview or oversight but still we will review and enforce zoning code if it's a C-3 and someone is trying to sell alcohol and consume on site I'll be there with the Sheriff's office.

Mr. Knisley: Well I think that was my question is C-3 if he does want to sell or whatever it's not that easy to just go in there ...

Mr. Beggs: Convert it to a bar.

Mr. Knisley: A bar, that's right.

Mr. Cowger: Regardless of the zoning district, because it is unilateral across C..

Mr. Tapp: C-1, C-2 or C-3.

Mr. Knisley: Right.

Mr. Beggs: Are there additional protections in the C-3 for surrounding, I am thinking about the screening, the lights that would be a benefit to the neighborhood. I know you listed screening and something's in here.

Mr. Knisley: *(inaudible)*

Mr. Beggs: Yes.

Mr. Knisley: That is another thing you have to look into down the road what..

Mr. Tapp: The only thing it talks about C-2 or to C-3 the difference is that the outdoor storage or display equipment materials and merchandise is prohibited, so C-2 you can't have your stuff like out on the sidewalk for sale or whatever. C-3 you hypothetically could only it shouldn't harm the health safety welfare that kind of thing. So outdoor storage or display of equipment, material or merchandise prohibited in C-2 not in C-3. But again the buildings are right at the property line and so it doesn't really apply, where are you going to put it?

Mr. Carlson: Matt does C-1 have no provision for special use permits?

Mr. Tapp: No. Recreation plus entertainment indoor is blank in C-1 so it doesn't even support it, but it's blank no in that zone.

Mr. Carlson: Is that something that's in stone?

Mr. Tapp: It could be amended but the time it takes to do that you could, same amount of time.

Mr. Carlson: It doesn't restrict the owner in any way?

Mr. Tapp: What does not?

Mr. Carlson: C-1, you don't put any undo restrictions by leaving it C-1?

Mr. Tapp: It's just they can't have an event center. Their only options are to go to C-2 with a CUP or C-3.

Mr. Carlson: So it does put a restriction.

Mr. Tapp: Yes the current zoning does not allow for an event center, by how we interpret the code, as staff that's a recreation entertainment indoor, if you don't find a direct correlation I'll just read verbatim it actually does not help in this situation but "in the event that a similar use interpretation cannot be made the proposed use type shall be allowed as a conditional use permit (CUP) in the I-1 district and as a use permitted right in I-2" that's industrial zoning, so that doesn't work. You don't want industrial in there, you are going further away from what we are trying to accomplish.

Mr. Carlson: But if, just for instance if they had the special use permit it could override the zoning?

Mr. Tapp: With a C-2, they would still have to pursue the rezoning.

Mr. Carlson: It was C-1 and it did somehow or other get a special use permit, it would allow them to have the event center? With the use of the permit?

Mr. Tapp: C-1 just doesn't allow for recreation entertainment anywhere period. Can't do it, and I don't think Tim would have to review the Land Development Code, but I don't believe Planning and

Zoning Commission has the power to add a C or add a P to the use table, that's not there. Without amending the Land Development Code and going through that process of notification.

Ms. Viviano: The only thing we pulled up in the definitions when we looked and we usually go back to the definitions in Chapter 15, the only one in the definitions that we found that had any reference to an event center was recreation indoor.

Mr. Tapp: Right so let me read the definition real quick and you will see what we are talking about, recreation and entertainment, indoor definition is "Participatory and spectator-oriented recreation and entertainment uses conducted within an enclosed building. Typical uses include but are not limited to event centers, bowling alleys, billiard parlors, ice and roller skating rinks, arcades, video games and theaters." That kind of dates the code right there but the very fact that event center is in the definition that's what it is.

Ms. Viviano: That's all we could find that was events center in our code that would apply in a definition and ..

Mr. Tapp: And that's a CUP and C-2 and permitted right in C-3 and then I-1 and I-2 but again you don't want an industrial classification there. Because that could also allow for burping, belching industrial building which you don't want there.

Mr. Knisley: Yes Clyde.

Mr. Holdsworth: Clyde Holdsworth again, the only thing about the C-2 and C-3 is that I see, they've got to have the same thing on C-1 or C-2, C-3 but this resort licensing.

Mr. Tapp: I don't know you've got to give me more information.

Mr. Holdsworth: Well not where does that fall in the County, did the State give them resort license and then automatically?

Mr. Tapp: I have never heard of that, I don't know what you are talking about?

Mr. Knisley: Can I ask what are we talking about? Are we talking about the other facility where there's....

Mr. Holdsworth: We are talking getting food ...

Mr. Tapp: It sounds like when you say that Clyde it sounds like it's the Health Department, some type of Health Department license.

Mr. Holdsworth: No it's a, they give them the right to, it came from the state and zoned there and the County signed off on it so how did the County sign off on it if it's against the policy?

Mr. Tapp: Well that might (*inaudible*)

Mr. Holdsworth: She's got a thing in her store that's signed by Clay County.

Mr. Tapp: I will have to look at it, it's probably the Health Department. It's probably more like the Health Department all they look at is do you have the proper amount of seat basin and etc. as to preparing food and serving alcohol.

Mr. Holdsworth: The thing of it is what I am saying is she couldn't have gotten it at all if she'd been C-1.

Mr. Tapp: I will definitely take a look at it I just want to make sure that...

Mr. Holdsworth: And so C-2 and C-3 it does open up the door as small as it may be but like I said if someone throwing a grill and start cooking hamburgers and they qualify for the deal, so I just, I don't care what the recreation thing saying an event center you guys have the power and the right to say we are going to have an event center named in here and I think that's what it should be if you are going to get this touchy on it, I mean I don't care if it does, but I think there's different areas for bowling alleys that put in different situations too. It's up to you naturally but I would like to see C-1 retained somehow or other because I feel C-2 and C-3 is opening the door to some sort of variance down the road and without knowing more than you know about the resort deal now that it affects Clay County I would think that would be a something that would be kind of owed to the people to tell us.

Mr. Tapp: We will definitely look into this as part of the investigation once I find out I will be happy to share it with.

Mr. Holdsworth: So how can you make a decision without knowing?

Mr. Tapp: Because that is unrelated piece of property.

Mr. Knisley: I was going to say if that is what you are talking about is unrelated to what we are talking about.

Mr. Holdsworth: Exactly, but it does affect the C-3 zoning.

- Mr. Beggs:** Actually any of the C-1, C-2 and C-3 they all say no alcohol will be sold within 200 feet of any residentially zoned, so any place that's within 200 feet.
- Mr. Holdsworth:** What I am saying, I understand that but somehow or other it is happening.
- Mr. Beggs:** Sounds like this is happening in violation of Clay County zoning code.
- Mr. Holdsworth:** Well if they are that's fine and dandy but they might not be you don't know that, I mean she got something signed by the Clay County and she has a license and it's not her package license this is by the drink.
- Mr. Tapp:** I will get to the bottom of it.
- Mr. Knisley:** We are hearing you and this position where he's Director of Planning and Zoning and I think at this point Matt you handle that separately.
- Mr. Beggs:** We haven't seen anything on this board.
- Mr. Holdsworth:** I understand. Thank you very much.
- Mr. Tapp:** I can promise you it will be dealt with.
- Mr. Knisley:** I am sure you will. I look here and I can see we have been talking about the parking spaces at 33 it looks fine with me at this stage if that is what you want to do and your happy with it and you feel can grow with it, we are here to try and help you as a business owner and we also want to make sure it's liable to the community around you. I know you would want to you don't want to have any problems down the road either, so that being said we have no more comments from the public I close the public hearing and I ask...
- Mr. Beggs:** Before you do that I would like to
- Mr. Knisley:** Yes go ahead.
- Mr. Beggs:** I just wanted to add to Exhibit A conditions of the staff's report; I want to add a couple of conditions basically, seven of twelve. I wanted to add number seven where we added a condition maximum occupancy of 85 persons at one time with the option to increase the occupant load in the future with the procurement of additional onsite parking. And I would also like to add a number eight because it's not stated in the report that they are going to add 30 off street parking stalls plus another three on street side, so I think we need to add a condition as well, so number eight installation of 30 off street parking and three on street stall prior to holding the first event.
- Mr. Knisley:** Very good.
- Mr. Beggs:** And parking lots, I assume they can put in whatever they want gravel?
- Mr. Tapp:** No.
- Mr. Beggs:** Okay so it needs to be a hard surface do we need that to the conditions as well?
- Mr. Tapp:** You certainly may it's in our code; it's got to be dust free and paved. I think the Light's have agreed you are doing concrete with curb and gutters.
- Mr. Light:** Yes we've had the minimum of four inches and (*inaudible*) on a concrete block
- Mr. Beggs:** As long as it's covered somewhere.
- Mr. Knisley:** It's in there.
- Mr. Tapp:** So Mark if we can let's go back and would you like to or someone place a motion of approval with these additional conditions? Or we just discuss these conditions?
- Mr. Beggs:** I thought we discuss..
- Mr. Carlson:** Matt I have one more question for the applicant. What will you have in place to prevent people from driving on your septic system, it's adjacent to your parking lot, I am concerned about your vacating easement.
- Mr. Light:** Right, that whole back part, it's got curves all the way around behind it so you can't drive through the lot to get through it. Where the septic system is up on the top there and a very high incline so it's not like real low anything so there's no way of actually getting to that unless you drive through the neighbor behind yard's or something to get to it.
- Mr. Carlson:** Okay so they can't go through the parking lot.
- Mr. Light:** No they cannot.
- Mr. Carlson:** With those lines on there I was not sure if they were gates or what they were.
- Mr. Cowger:** These are actually storm pipes.
- Mr. Carlson:** Okay.
- Mr. Cowger:** There are storm pipes and a detention facility here, there is another grading sheet that everything starts to make since but that's not the grading sheet.

Mr. Carlson: Okay. I would be concerned that would be an easy way to ruin your business.

Mr. Tapp: That would be a very bad day. So Mark would you like to..

Mr. Beggs: I would just like to enter those before.

Mr. Tapp: Let's be clear on it too, because I did not quite get all the language in the first one that you wanted to add. Maximum occupancy load of ..

Mr. Beggs: 85 persons at one time.

Mr. Tapp: 85 persons at one time, okay.

Mr. Beggs: With an option to increase the occupant load in the future with procurement of additional onsite parking. Can you pull the site plan back up for a minute Matt?

Mr. Jackson: Do you want to say onsite or (*inaudible*)

Mr. Beggs: Yeah maybe, I am just looking at what they've got they don't have a lot of room for anymore onsite parking?

Mr. Tapp: No.

Mr. Beggs: So maybe we should scratch that to additional off site, just additional parking.

Mr. Tapp: Well offsite parking.

Mr. Flook: If you say it just for parking ...

Mr. Beggs: It will cover everything.

Mr. Flook: Yes.

Mr. Beggs: I would say additional parking.

Mr. Tapp: Of additional parking.

Mr. Flook: Yes they arrange for a leased parking that will satisfy.

Mr. Tapp: Maximum occupancy load of 85 persons at one time with an option to increase occupancy load in the future with the procurement of additional parking. And then the second additional condition installation of 30 how about the installation of minimum of

Mr. Beggs: What do you call it 30 off street, so installation of 30 off street stalls and three on street parking stalls prior to holding first event.

Mr. Tapp: How about prior to occupancy permit.

Mr. Beggs: Okay.

Mr. Carlson: I would like to ask the applicant is there space available for three on street? I know the area's a little bit narrow.

Mr. Light: It's already existing so (*inaudible*) it's striped.

Mr. Carlson: Great.

Mr. Tapp: So that would be eight conditions total.

Mr. Decker: So for a little clarification on my behalf, there is no sales of alcohol by the drink if you are C-1, C-2, C-3 regardless, if there is residential properties within 200 feet of the premises?

Mr. Tapp: There is no onsite sale and consumption, you could sell it you just cannot consume it on site that separates a liquor store from a bar. Liquor store you sell and the go off and do your thing.

Mr. Decker: So if they're going to host a wedding reception can the wedding party cannot consume alcohol on the premises?

Mr. Tapp: They can because they are not selling it.

Mr. Decker: Okay.

Mr. Tapp: They're really providing the white space, the space to have that is it.

Mr. Flook: They bring their own or have a caterer or something like that. But it would just be specifically for that event.

Mr. Decker: So to address a future of C-3 and a Road House bar it's not going to happen, because of the (*inaudible*) 200 feet residential property.

Mr. Tapp: They can pursue a variance to vary from the code.

Mr. Decker: They come before this Board?

Mr. Tapp: They come before the Board of Zoning Adjustment, BZA not this Board.

Mr. Decker: Okay, I am good.

Mr. Tapp: And they had to have substantial evidence they it will be contrary to public health, safety welfare and etc.

Mr. Carlson: With the zoning that they have would it be possible for Budweiser to set up a distribution center there?

Mr. Tapp: Distribution center?

Mr. Carlson: Yes.

Mr. Tapp: I could go through a bunch of hypotheticals but I wouldn't want to, but I would be happy to.

Mr. Carlson: I am just curious, by the definition of different parts.

Mr. Tapp: I don't think so because I think that may fall into industrial warehousing, freight movement, or wholesales sales.

Mr. Carlson: I would not say distribution but if they were to supply a permanent supply of alcohol.

Mr. Tapp: To be consumed on that premises?

Mr. Carlson: Yes.

Mr. Tapp: Cannot happen.

Mr. Carlson: Okay.

Mr. Tapp: If you want to make it there like Boulevard Brewery, I guess you could pursue that a brewery but, actually that might even be, no that would be C-3 zoning. Wineries and breweries are C-3 and up. So if they get the C-3 okay I guess they could pursue that, which would draw a lot of people to there.

Mr. Flook: But they would not be able to consume it on site.

Mr. Tapp: Not without getting a variance.

Mr. Flook: They could ship it out but could not sell onsite (*inaudible*).

Mr. Knisley: (*inaudible*)

Mr. Flook: Certainly could not consume it but can buy a case.

Mr. Knisley: Okay any other comments? Discussion with the Commission?

Mr. Flook: Mark made a statement but he didn't make the motion.

Mr. Tapp: Correct.

Mr. Flook: So you probably want to rephrase it in a motion.

Mr. Beggs: I make a motion to add the extra two. Would you hand me exactly what you wrote down.

Mr. Tapp: Oh yeah. Well let's do the rezoning first because these conditions apply to the plat.

Mr. Knisley: This is the final.

Mr. Tapp: You can have my chicken scratch hopefully you can read it. It's my short hand.

Mr. Beggs: I would like to make a motion that we add two additional conditions to the final plat number seven that being the maximum occupancy load 85 persons at one time with an option..

Mr. Tapp: To increase.

Mr. Knisley: Can't see what you wrote.

Mr. Beggs: To increase occupancy load in the future with a procurement of additional parking, and then number eight installation of 30 off street parking stalls and three on street parking stalls prior to occupancy permit.

Mr. Knisley: Alright, so it is read into the record that's for the final plat vote, so we will pursue the rezoning part of the applicant's request here, do I have a motion to approve the rezoning of Red Brick Addition?

Mr. Beggs: Mr. Chairman I would like to make a motion that we approve the rezoning from Neighborhood Commercial (C-1) and Residential Rural District (R-1) to Community Services District (C-3).

Mr. Knisley: Thank you; do I have a second on that motion?

Mr. Jackson: Second.

Mr. Knisley: We have a second vote please Director Tapp.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Yes.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Yes.

Mr. Tapp: There are no conditions on this on. Tom Decker?

Mr. Decker: Approve.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approve.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 5/0/0 Approved, Oct 14-129RZ/F; Red Brick Trio Addition – Rezoning

Mr. Knisley: We will proceed with the final plat.

Mr. Beggs: Mr. Chairman I make a motion we approve the final plat of Red Brick Trio Addition with the following eight conditions as shown in Exhibit A. Do we need to vote on?

Mr. Tapp: Plus the two you added that is the only thing.

Mr. Beggs: Plus the two that we are adding.

Mr. Knisley: We do have a motion to approve the final plat of the addition of two making it eight conditions do I have a second on that vote?

Mr. Jackson: Second.

Mr. Knisley: There has been a second vote please Director Tapp.

Mr. Tapp: Duane Jackson?

Mr. Jackson: Approve with eight conditions.

Mr. Tapp: Jim Carlson?

Mr. Carlson: Approve with conditions.

Mr. Tapp: Tom Decker?

Mr. Decker: Approve with conditions.

Mr. Tapp: Mark Beggs?

Mr. Beggs: Approved with eight conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with eight conditions.

**Final Vote: 5/0/0 Approved, Oct 14-129RZ/F; Red Brick Trio Addition – Final Plat
With Eight (8) Conditions**

Mr. Tapp: We still have the consideration of the vacation of the alleyway Mr. Chairman do you want to take a vote on that as well?

Mr. Knisley: Alright.

Mr. Tapp: I guess unless you want to present it.

Mr. Flook: I would say keep the procedure, call the next case number ask for a for and against.

Mr. Knisley: That's case number two isn't it?

Mr. Tapp: That's the second one you will see on the list.

Mr. Flook: Yeah you have to technically call it to be heard before you can and so if witnesses choice not speak on the alleyway then you can proceed based on what's in front of you.

Mr. Tapp: That's true.

Mr. Knisley: But we do need to call it, alright. We'll proceed to the next case which is 130V it's a request to vacate part of an alleyway between Lot 4 and Lot 7 block one in the Town of Gosneyville, located at approximately 18422 Collins Road, the applicants are Charles K. and Jody L. Light. Are there any discussions about with the Commission on this request to vacate? Being none are there any comments or questions from the public? Being none do I have a motion to approve the request to vacate?

Mr. Decker: I will make the motion to approve the vacated alleyway as stated.

Mr. Knisley: There has been a motion to vacate the alleyway between Lot 4 and Lot 7 can I have a second on that?

Mr. Beggs: Second.

Mr. Knisley: We have a second vote please Director.

Mr. Tapp: Duane Jackson?
Mr. Jackson: Approve.
Mr. Tapp: Jim Carlson?
Mr. Carlson: Approve.
Mr. Tapp: Tom Decker?
Mr. Decker: Approve with condition.
Mr. Tapp: Mark Beggs?
Mr. Beggs: Approve.
Mr. Tapp: Chairman Gene Knisley?
Mr. Knisley: Approve.

**Final Vote: 5/0/0 Approved, Oct 14-130V; Red Brick Trio Addition – Vacate
With One (1) Condition**

Mr. Knisley: Case number three this is case number 131RZ/P it's a request for rezoning from Agricultural (AG) to Residential Ranchette (R-5) District for Lot 1 and Residential Rural (R-1) District with Agricultural Land Preservation (ALP) overlay district for Lot 2, and also a preliminary plat approval for the proposed subdivision of Juniper Hill located at approximately 23820 MM Highway, the applicants are Cynthia L., Brian W. and Melissa D. Phillips. Staff report please Director.

Mr. Tapp: Yes Mr. Chairman I would like to add staff report as part of the record please.

Mr. Knisley: So be it.

Mr. Tapp: Summarized the staff report Oct 14-131RZ/P dated October 1, 2014.

Mr. Knisley: Thank you Director, any comments or discussion from the Commission any questions? Is the representative here you would like to come up and state your name for the record.

Ms. Phillips: I am Melissa Phillips P-H-I-L-L-I-P-S, I live a 9012 N Lewis Ave, Kansas City, MO.

Mr. Knisley: Okay you heard the report and I am sure you read the staff report are you in agreement with what's been said?

Ms. Phillips: Yes.

Mr. Knisley: Okay that is nice. Any comments or questions to the applicant? Any other questions from the public? Being none do I have a motion to approve the preliminary plat of Juniper Hill?

Mr. Beggs: Mr. Chairman I make a motion that we approve the rezoning from Agricultural (AG) District to Residential Ranchette (R-5) District for Lot 1 and Residential Rural (R-1) with an Agricultural Land Preservation overlay district for Lot 2.

Mr. Knisley: Thank you very much there has been a motion to approve rezoning to I have a second?

Mr. Decker: I will second.

Mr. Knisley: Thank you we have a second vote please Director Tapp.

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.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve.

Final Vote: 5/0/0 Approved, Oct 14-131RZ/P; Juniper Hill – Rezoning

Mr. Knisley: We will proceed with the preliminary plat being no other further comments or questions from the public or Commission do I have a motion to approve the preliminary plat of Juniper Hill?

Mr. Beggs: Mr. Chairman I will make a motion that we approve the preliminary plat of Juniper Hill with the following three conditions or four conditions shown in Exhibit A.

Mr. Knisley: Thank you there has been a motion to approve with four conditions second please.

Mr. Tapp: Mr. Chairman if I could interject I would say since they do have a Road Impact Fee waiver you can strike condition one and two becomes one and etc. so there will be three conditions if that is at the digression of the Planning and Zoning Commission.

Mr. Knisley: I think that is good so we have a motion for the three approval of the preliminary plat right?

Mr. Tapp: I would say Mark has a motion he needs to retract and put a new motion out there.

Mr. Beggs: Okay, Mr. Chairman I would like to retract that previous motion and substitute it with making a motion that we approve the preliminary plat of Juniper Hill with the following three conditions shown in Exhibit A. That is striking the first condition shown.

Mr. Knisley: Thank you there has been a motion to approve with three conditions, is that okay?

Mr. Tapp: I would say to retract again to leave the condition on there except take off the Planning and Zoning Commission piece. Because the County Commission still has to ultimately approve it, so I would say keep the four conditions but remove or strike the portion of approved by the Planning and Zoning Commission so remove Planning and Zoning Commission on that condition.

Mr. Beggs: Mr. Chairman I retract the last motion and would like to make a motion we change the condition one under Exhibit A striking Planning and Zoning Commission from the first condition shown, and with that I would like to make a motion that we approve the preliminary plat of Juniper Hill with the following four conditions as amended.

Mr. Knisley: We got it?

Mr. Tapp: We got it.

Mr. Knisley: We have a motion to approve the conditions do I have a second?

Mr. Jackson: Second.

Mr. Knisley: We have a second 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: Mark Beggs?

Mr. Beggs: Approved with four conditions.

Mr. Tapp: Chairman Gene Knisley?

Mr. Knisley: Approve with four conditions.

**Final Vote: 5/0/0 Approved, Oct 14-131RZ/P; Juniper Hill –Preliminary Plat
With Four (4) Conditions**

Mr. Knisley: Alright that is the end of our cases this evening under new business, Director do you have any comments?

Mr. Tapp: None at this time Mr. Chairman.

Mr. Knisley: Any comments from the Public or Commission any other business? Being none do I have a motion to adjourn?

Mr. Beggs: Motion to adjourn.

Mr. Knisley: A second?

Mr. Decker: Second.

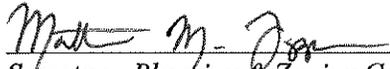
Mr. Knisley: All in favor?

All: Aye

Meeting Adjourned



Chairman, Planning & Zoning Commission



Secretary, Planning & Zoning Commission



Recording Secretary