

TERM OF COMMISSION: April Session of the February Adjourned Term

PLACE OF MEETING: Roger B. Wilson Boone County Government Center  
Commission Chambers

PRESENT WERE: Presiding Commissioner Don Stamper  
District I Commissioner Karen M. Miller  
District II Commissioner Skip Elkin  
Planning and Zoning Director Stan Shawver  
County Counsel John Patton  
Deputy County Clerk Shawna Victor

The meeting was called to order at 7:07 p.m.

**Subject: Presentation from the National Association of Counties to Missouri Task Force One**

Chief Steve Paulsell, Boone County Fire Protection District, was present on behalf of this item.

Commissioner Miller stated at the National Association of Counties legislative conference held a luncheon for the First Responders that responded to the events of September 11. There were 112 counties that responded to the event and the majority of them were from New York, New Jersey, Pennsylvania, and Virginia where the events occurred. Our own Boone County Missouri was there at Ground Zero. At the luncheon, each county was given a First Responder Award Plaque. The plaque reads as follows:

“A First Responder Award to Boone County Missouri, in recognition of the protection and security that counties provide to America and in gratitude to for the team work and cooperation displayed in response to the terrorist attacks that took place on September 11, 2001. The bravery and heroics by the county’s public safety workers will always be remembered.”

The plaque is signed by the National President and Executive Director of NACo in March 2002.

Since there was not anyone able to be at the luncheon, Commissioner Miller presented the plaque to Chief Paulsell today. She is pleased and honored to accept the plaque on behalf of the Fire Protection District and Missouri Task Force One.

Chief Paulsell stated it was an honor yet a challenge to be at Ground Zero in New York City. Missouri Task Force One was one of 28 federal task forces in a system that was mobilized on September 11. The opportunity to work side-by-side with the firefighters of New York was one of the highest privileges the Task Force has ever had. None of this

would have been possible if there were not people in Boone County who had a vision in the mid-1990's. They are proud of their affiliation with the County Commission and County government. The Commission committed a training facility for the Task Force and it has been very intrical to their development process. It is rewarding when a plan comes together and functions well. They are proud to represent the community and the state. It is a humbling experience to receive awards like this and they are honored to receive the award. The Task Force has been called heroes and they do not view themselves as that. The real heroes are the over 300 firefighters that lost their lives in New York. The Task Force was proud and honored to do their part in the recovery process. Chief Paulsell is proud that Commissioner Miller is serving as a president of NACo and he will be addressing this body in a few months. The plaque will be displayed at the Fire Protection District Headquarters.

Commissioner Stamper congratulated Chief Paulsell and those who are members of Task Force One.

**Subject: Purchasing Department**

Melinda Bobbitt, Purchasing Department Director, was present on behalf of these items.

**A. Opening of Request for Proposal 20-30APR02 (Ground Lease for Multi-Purpose Sports Facility Development of Boone County Fairgrounds)**

Melinda Bobbitt stated this is the opening of proposal 20-30APR02 for Ground Lease for Multi-Purpose Sports Facility Development of Boone County Fairgrounds. Only Offeror's names will be read today and the information will become public knowledge upon execution of contracts. The anticipated date for this will be in three to four weeks.

Commissioner Stamper asked if these are public documents. Mrs. Bobbitt stated not until execution of contracts. Proposals are different from bids; bids are public upon bid opening and proposals are public upon execution of contract.

Mrs. Bobbitt stated three proposals have been received.

Commissioner Stamper stated *NO PROPOSALS* were received from the following:

- The Bread Basket Café of Columbia, Missouri
- James Economou and Associates, LTD of Illinois
- Edward Jones of St. Louis, Missouri

Commissioner Stamper opened a proposal from Mid-Missouri Sports and Entertainment, L.L.C.

Commissioner Elkin opened a proposal from Columbia Sports Ventures of Boone County,

MO.

Commissioner Miller opened a proposal from International Coliseums Company.

Commissioner Elkin noted the Commission has formed an Evaluation and Selection Committee. These proposals will be referred to the Purchasing Department where the proposals will be reviewed to check the minimum requirements have been met as specified. The Purchasing Department will then refer these to the Evaluation and Selection Committee. There are a series of worksessions scheduled with the Committee over the next two weeks. It is his hope that the Committee will select an organization that best fits the needs and overall plans of the Boone County Fairgrounds. The target date is May 17, 2002, however, if it takes longer then that will be fine. The Commission wanted to make sure there is a detailed evaluation and there is a fair and concise deliberation on all proposals received.

Commissioner Stamper noted the Evaluation and Selection Committee is a recommending body to the County Commission and the final decision will be made by the County Commission.

There was no further discussion on this issue.

**B. Second Reading and Award of Bid 15-13MAR02 (Photocopiers)**

Melinda Bobbitt stated the Purchasing and Planning and Building Inspections Departments reviewed the bids received and recommends award as follows:

- Photocopier #1: Awarded to IKON Office Solutions for a Canon Digital IR 5000 (Located in Purchasing).

The total cost of the photocopier is \$15,115.00 with six months maintenance included in the initial purchase. The department is requesting a budget revision in the amount of \$3,115.00. The department is also requesting the disposal of a Canon NP 6030 NP Photocopier, fixed asset tag #03907, as a trade-in.

- Photocopier #2: Awarded to K.O.P.I. for a Gestetner 3502 (Located in Planning and Building Inspections)

The total cost of the photocopier is \$7,831.00 for the initial purchase. The department is requesting a budget revision in the amount of \$361.00. The department is also requesting the disposal of a Canon NP 6030 Photocopier, fixed asset tag #09311, as a trade-in.

Commissioner Elkin moved to award bid 15-13MAR02 for photocopiers per the recommendation from the Purchasing Department as follows:

- Photocopier #1: Awarded to IKON Office Solutions for a Canon Digital IR 5000 (Located in Purchasing)
- Photocopier #2: Awarded to K.O.P.I. for a Gestetner 3502 (Located in Planning and Building Inspections)

The County Commission of the County of Boone does hereby approve the following budget revisions:

| Department Account and Title                    | Amount Decrease | Amount Increase |
|---|-----------------|-----------------|
| 1720-92400: Replacement Truck                   | \$361.00        |                 |
| 1720-92000: Replacement Office Equipment        |                 | \$361.00        |
| 1123-86800: Emergency and Contingency           | \$3,115.00      |                 |
| 1118-92300: Replacement Machinery and Equipment |                 | \$3,115.00      |

The County Commission of the County of Boone does hereby authorize the disposal through trade-in of the following:

- Canon NP 6030 Photocopier Fixed Asset Tag #03907 (Located in Planning and Building Inspections)
- Canon NP 6030 Photocopier Fixed Asset Tag #09311 (Located in Purchasing)

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 194-2002**

**C. Second Reading and Award of Bid 27-17APR02 (IFB – Sale of Computers, Peripherals, and Hardware)**

Melinda Bobbitt stated three bids were received. The Purchasing and Information Technology Departments recommends award to Surplus City of Columbia for all lots of equipment for a total sale price of \$1,100, to be deposited into account 3835 (sale of fixed asset), department 1190 (non-departmental).

Commissioner Miller stated this was something that needed to be done. The County had an excess of surplus equipment that needed to be moved through the process to give the department an idea of what kind of return could be received from this equipment. This is not much different than taking the equipment to Kemper Auction per piece but this is an

easy way to remove a lot of property at one time. She thanked Mrs. Bobbitt for her work.

Commissioner Miller moved to award bid 27-17APR02 for IFB – Sale of Computers, Peripherals and Hardware to Surplus City of Columbia, Missouri.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 195-2002**

Mrs. Bobbitt introduced her daughter, Adrienne Vought, who is a 9<sup>th</sup> grader at Jeff Jr. Commissioner Stamper welcomed Adrian to the meeting and noted she is a rodeo star.

**Subject: Human Resources – Second Reading and Approval of Recommendation from Personnel Advisory Committee (Increase Appropriation for Retirement Receptions)**

Commissioner Elkin stated when some people retire from the County, their department may have a lot of people, like Public Works that has fifty employees. It is difficult to do a retirement reception for fifty people for \$50. At the recommendation of the Personnel Advisory Committee, they would like to increase the amount from \$50 to \$100 per reception.

Commissioner Miller noted the parameter of this recommendation is the employees must be vested in CERF. There have been some employees who have recently retired that were with the County for over 30 years.

Commissioner Elkin moved to approve the recommendation from the Personnel Advisory Committee to increase the appropriation for retirement receptions from \$50.00 to \$100.00.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 196-2002**

**Subject: Clerk's Office – Second Reading and Approval of Amendment #1 and #2 to Boone County Matching Pension Profit Sharing**

Commissioner Miller stated this is being done to keep the County in compliance with federal laws that changed the way pension plans are monitored by the government.

Commissioner Miller moved to authorize the Presiding Commissioner to sign

amendments #1 and #2 to the Boone County Matching Pension Profit Sharing Plan.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 197-2002**

**Subject: Planning and Zoning**

**A. Request by Sharon Savage for an animal training facility on 10.00 acres located at 6301 S. Scott's Boulevard, Columbia**

Stan Shawver stated this property is located in River Hills Subdivision, just south of the Columbia municipal limits off of State Highway KK. The property is zoned A-1, as is all of the surrounding property. There is a house and above ground swimming pool on the property. This request is for a permit for an animal training facility. The applicant provides obedience or agility training to dogs. The property is located within Consolidated Public Water District No. 1. Electric service is provided by Boone Electric Cooperative. The site is within the Columbia Public School District. Access to the site is from Scott's Boulevard. River Hills Estates subdivision was platted in 1978. The master plan designates this area as being suitable for residential land uses. In forming a recommendation, the staff notes the close proximity of residential land uses to the site, but also takes notice of the large tract of land involved in the request. Staff recommends approval with the condition that the driveway and required parking area be dust free with a minimum of a chip seal surface.

The applicant has indicated that class size for agility training is a maximum of 8 dogs, and obedience training is restricted to 6 dogs. The applicant does have special events when as many as 30 dogs may be present. This lot was originally developed as a residential property, and the applicant lives in the house. Staff is of the opinion that 10 parking spaces will accommodate most activities that take place on this site.

All Conditional Use Permit proposals must meet the following criteria from the zoning ordinance to be eligible for approval.

- (a) The establishment, maintenance or operation of a conditional use permit will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (b) The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted by these regulations.
- (c) The conditional use permit will not substantially diminish or impair property values of existing properties in the neighborhood.

(d) All necessary facilities will be available, including, but not limited to, utilities, roads, road access and drainage.

(e) The establishment of a conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district.

(f) The establishment of a conditional use permit will not hinder the flow of traffic or result in traffic congestion on the public streets. This will include the provision of points of access to the subject property.

(g) The conditional use permit shall in all other respects conform to the applicable regulations of the zoning district in which it is located. The County Commission shall find that there is a public necessity for the conditional use permit.

Planning and Zoning Commission held a hearing on April 18, 2002 where seven members were present. The applicant made a presentation explaining the request to the Planning and Zoning Commissioners. There was one person who expressed concern about parking that he had observed on Scott Boulevard. The Planning and Zoning Commission recommended approval of the facility with the following conditions:

- There be no boarding or kenneling allowed,
- Within 2 years the driveway and parking area which is to include a minimum of 5 spaces be dust free with a minimum of chip seal surface and additional overflow parking must be on site,
- Hours of operation are to be 10:00 a.m. to 9:00 p.m.,
- This conditional use permit is non-transferable to a new owner, and
- Applicant maintains proper landscaping to shield the area.

This motion received seven “yes” votes and comes forward with a recommendation for approval.

There were no questions of staff.

Sharon Savage, 6301 S. Scott’s Blvd., Columbia, was present on behalf of this issue.

Sharon Savage stated she has been teaching dog training classes, usually through local kennel clubs, in Wisconsin and England, where she has lived in the past. When they moved to Columbia, they realized that the Columbia Kennel Club does not offer classes nor does it have a building to teach classes in so she decided she would continue training in her own home as more of a hobby. The training is done for a few hours a couple of evenings a week and four hours on Saturdays. These are usually small groups of people. There has only been one special event so far and does not have any future events planned

but would like to keep that option open. At that event, she was only expecting six people with dogs to show up but there were actually twenty-six. During that event, a photograph was taken to show there was no cars parked on the road. After the Planning and Zoning meeting, she spoke with the gentleman who owns the lot across the street from the Savages, and he had concerns about parking. There have been no problems with parking. They already have a space that will hold ten cars, which is like a parking lot. This area is stone but there is a gravel drive going to the parking lot. They are happy to do chip seal as requested. The classes are held during reasonable hours; 6:00 to 8:00 p.m. on Mondays and Tuesdays, 10:00 to 11:00 a.m. on Wednesdays, and the agility classes are from 10:00 a.m. to 3:00 p.m. on Saturdays.

Commissioner Stamper opened a public hearing on this request.

There was no one present wishing to speak.

Commissioner Stamper closed the public hearing.

Commissioner Miller stated she believed this was a reasonable request.

Commissioner Miller moved to approve the request by Sharon Savage for an animal training facility on 10.00 acres located at 6301 S. Scott's Boulevard, Columbia, with the following conditions:

- There be no boarding or kenneling allowed,
- Within 2 years the driveway and parking area which is to include a minimum of 5 spaces be dust free with a minimum of chip seal surface and additional overflow parking must be on site,
- Hours of operation are to be 10:00 a.m. to 9:00 p.m.,
- This conditional use permit is non-transferable to a new owner, and
- Applicant maintains proper landscaping to shield the area.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 198-2002**

**B. Request by Janice Schuerman for an animal boarding and training facility and for a privately operated outdoor recreational facility on 43.22 acres located at 4701 W. Chapel Rd., Columbia**

Mr. Shawver stated this property is located 2 miles northwest of Columbia. Access to the site is from Chapel Drive. The property is zoned A-2 (Agriculture), as is all of the surrounding land. There is a house, barn, carriage shelter, outdoor deck, shop, hay barn



and mobile home on the property. The applicant is requesting a conditional use permit for an animal boarding and training facility, and a permit for an outdoor recreational facility. The applicants board horses, give riding lessons, provide instruction on driving horse drawn carriages. In addition, the property is used for birthday parties, hay rides, social functions, weddings and receptions. This site is within the Columbia Public School District. Electric service is provided by Boone Electric Cooperative. This property lies within the boundaries of Consolidated Public Water District No. 1. The master plan designates this area as being suitable for residential land uses. Staff notified 32 property owners about this request. The use of this property will require that the driveway and required parking area have a dust free surface, which has a minimum standard of chip and seal. Generally, the required parking area for animal training and boarding facilities is determined by the size of the stables or the number of stalls. This is a dual request, which includes the outdoor recreation facility. Past requests have set a required parking area based upon the number of people the applicant projects will typically attend events. The application as submitted does not include a number of participants, so staff did not make a recommendation as to the number of parking spaces that must be provided. The commission should consider the applicant's testimony and base the required parking area on that information.

Staff recommends approval of the horse boarding/training facility with the following conditions:

- Driveway and parking area to have a dust free surface within six months of approval of permit.

The staff recommends approval of the outdoor recreational facility with the following conditions:

- No overnight camping is permitted.
- Hours restricted to 10 P.M. weekdays, 11 P.M. weekends.

As a conditional use permit, the proposal must meet the criteria for the zoning ordinance to be eligible for approval. (The criteria are listed in the previous request.)

The Planning and Zoning Commission acted on both requests. Following a public hearing, with extensive testimony, Planning and Zoning made a motion to approve the animal boarding and training facility with the following conditions:

- Staff recommendations of providing a dust free surface driveway and parking area within six months,
- The maximum number of horses to be boarded is not to exceed 25, and
- The property must be properly fenced and maintained.

This motion received seven "yes" votes and comes forward with a recommendation for approval.

A motion was made for approval for the request for the privately operated outdoor recreational facility with the following conditions:

- No overnight camping,
- The hours of operations be limited to 9:00 p.m. Sunday through Thursday and 10:00 p.m. Friday and Saturday,
- The conditional use permit is non-transferable,
- A minimum of 10 chip seal parking spaces shall be provided; any additional parking spaces be contained within the owners property and not on right-of-way or public roads, and
- Owner's private or personal functions are not subject to these conditions.

This motion received five "yes" votes and two "no" votes and comes forward with a recommendation for approval.

Commissioner Stamper stated in the past the Commission has placed, at times, review periods on requests of this nature and asked Mr. Shawver to elaborate on this for the Commission. Mr. Shawver stated reviews have been placed on just about every type of conditional use permit the Commission has seen in the past, from mobile home parks to outdoor recreational facilities. These are cyclical. The Commission will place a review on the requests, some are full reviews, some are staff reviews, and some are reviewed by the Planning and Zoning Commission. He noted there are times when there is no review placed on a conditional use permit.

Janice Schuerman, 4701 W. Chapel Dr., Columbia, was present on behalf of this issue.

Janice Schuerman stated she has lived and operated a *horse operation* for more than 19 years. For the past 8 years, she has also held *outdoor recreational activities*. The name of the business is Chapel View Stables. It recently came to her attention that she needed a "conditional use permit" to comply with County Regulations.

The stable is located on slightly more than 43 acres; 4.5 miles North of Interstate 70; just off Route E; on acreage adjacent to Billy's General Store.

The Stable has grown from a breeding operation 19 years ago to include boarding, training, buying, retooling and selling of all breeds of horses. We give recreational horseback riding lessons and horse driving instructions. Horses are their primary business. The number and mix of horses varies by the season. Normally there are 15-20 horses on-site. They currently have ponies, Quarter Horses, Paints, Saddlebreeds, Belgians and Percherons. There are three boarders and several training horses. The others are used for lessons, birthday party pony rides, horse driving instructions and horse-drawn wagon rides.

Chapel View Stables consist of a 14-stall barn; one of which has been converted to sawdust storage and another to harness storage. The Stable also consist of an indoor arena, an outdoor riding arena, an outdoor driving arena, a shelter for the carriage, job cart and wagons, a 1,250 square foot open air deck, hay bale storage and a combination tractor/farm equipment/hay/miscellaneous storage/shop.

There are four individual paddocks and four fenced pastures surrounded by carriage lanes for recreational horseback riding and wagon rides. There is also a large field for open riding. That, and the carriage lanes, is where manure is spread with a manure spreader.

Although they have running water at the barn, they do not have restrooms. They rent port-a-potties by the month. They use the Kansas office of the same port-a-potty vendor that Nancy and Bill Laurie use for functions at Crown Center. They have talked about adding a “janitor’s sink” (floor mounted) in the wash rack for clean up, but they do not have plans to add restrooms.

There is a gravel road off Route E – next to the Johnson’s house – from which three residents’ and another barn owner access their properties. The road cuts through the middle of their property. They do not use that access to Route E. They use Chapel Drive.

For the past 19 years, the barn is where they have spent most of their available waking hours. That is where their family and friends would come to see them. They have always loved to entertain. They would go horseback riding. The kids would ride ponies. There would be bonfires, wiener roasts, and horsedrawn wagon rides. Out of those activities evolved the outdoor recreational functions that they have hosted for others for the past 8 years. Over the course of those 8 years, they have hosted a variety of functions. They have hosted preschoolers, held a horse-harnessing team building event for a 9-person office, they have provided several 2-person carriage rides, they have set up a TV/VCR with a line-dance tape for entertainment at a family’s gathering, they have donated use of the facility for community service groups. It has been an evolution. Over the years, they have sharply narrowed their focus.

To give an idea of the types of functions they consider to be their niche, Mrs. Schuerman went through the Stable’s calendar for the past tax year. Eighty percent (80%) of the outdoor functions were 2-hour children’s pony-ride birthday parties. Those functions are held on scattered weekends between the hours of 10:00 a.m. and noon, 1:00 p.m. to 3:00 p.m., or 3:30 p.m. to 5:30 p.m. Those functions, and the others, are held either on the open-air deck or at the shelter next to it. If there was even any over-flow parking, it was contained on their property.

During those 12 months, the remaining outdoor activities predominantly consisted of small, customized functions.

Early last spring, a local Girl Scout Troop of seven girls and their leader had a wiener

roast and hayride after school.

Shortly after that, they donated use of the deck to the Study Exchange Committee of Mrs. Schuerman's Rotary Club. The Committee wanted to treat visiting South African Rotarians in the Study Exchange Group to a catered BBQ dinner and a hayride. The Rotarians and their six South African guests were gone before 8:00 p.m.

Another event consisted of 123 middle-aged couples who had a Saturday night "carrying-in" chili dinner at 5:30 p.m. Dinner was followed by roasting marshmallows and a hayride. They left before 9:00 p.m.

On another Saturday evening, there was a 3-hour, surprise 40<sup>th</sup> birthday party. Nine couples arrived with obnoxious age-related gifts. They ate a catered BBQ dinner, had a hayride and left before 10:00 p.m.

In August, they donated the use of the deck to the City of Columbia's Salt Drive Committee. This marked the end of the "Columbia loves Kutaisi" campaign. (Mr. Schuerman was a member of the committee.) The 90-minute Thursday evening event began at 7:00 p.m. and included recognition of various volunteers by Mayor Hindman. A barbershop quartet entertained as the 30 guests had cake and punch.

That same month, a wife arranged a Thursday evening 50<sup>th</sup> birthday family event for her husband. He had undergone open-heart surgery earlier in the year and the family wanted him to know "they were glad he was still around". Their three adult sons and their families BBQ'ed hamburgers. The kids rode the ponies and the family ended the evening at 8:30 p.m. after a group wagon ride.

In early September, there was a small wedding and reception. The 7:00 p.m. ceremony began as the bride and her two daughters arrived by horse-drawn carriage. Their arrival was announced by the only music of the evening; a cello and two violins. Following the ceremony, the 40 guests had a catered dinner on the deck. Afterwards, the children all had a pony ride before the group departed.

Two weeks later, they hosted a 5:30 p.m. wedding reception where the couple provided a catered taco buffet. There were 50 guests; many of them children. Entertainment consisted of a piñata for the children followed by wedding cake. All guests were gone and the tables were put away before 10:00 p.m.

In early December, one of the departments at the University had a Saturday afternoon Open House between 2:00 to 5:00 p.m. They brought hot chocolate and cookies. They roasted marshmallows and went on horse-drawn wagon rides while they waited for Santa to arrive. Each of the children shared their wish list with Santa before leaving with a special gift.

A week later, they invited a dozen of their friends to the Stable to do the same thing.

In addition to those customized events, last summer, she and Bob got married after an 18-year courtship. It was the biggest event they have held. It was on the Saturday night of the 4<sup>th</sup> of July week. The ceremony was at 6:00 p.m. Dinner was at 7:00 p.m. Cake was at 8:00 p.m. A Disc Jockey played music until 9:30 p.m. at which time they had a fireworks display. The DJ played again until 11:30 p.m. It goes without saying, (like three of the events previously mentioned), their wedding was not a commercial event and it is not an event either of them plan to do again. It did make noise.

Another event that created noise was in October. That event was for a college student who had been a long-term employee. He graduated in December. His house and their dates were bused out for a bonfire and hayride with a DJ. The music stopped at 11:30 p.m. The students were all gone by 12 midnight. That event did make noise.

Over the course of their 8 years of outdoor functions, there have only been 6 with a DJ. Two of those were just mentioned and another function had musicians who entertained for one hour after dinner.

Over the course of 8 years, we have held a total of 7 Fall student hayride/bonfire events. In each case, the hours and the group size were tightly controlled. The DJ's music was always off by 11:30 p.m. and the students gone by 12 midnight. In every case, students were bused out. Not one student was permitted to drive. In fact, for every one of the 7 functions, they hired an off-duty sheriff's department deputy to enforce that – if necessary – by being stationed at the property entrance to turn away any would-be student party crashers. In addition, a licensed third-party vendor was contracted to provide refreshments.

Those student functions were very lucrative. They determined sometime ago that they are not interested in large noisy events. This past winter, they returned a deposit for a summer wedding reception that planned to have a DJ. The DJ events are not functions that they plan to hold in the future. In fact, last year, they turned down 17 of those functions. They are targeting kids, families, co-workers, and couples.

It is unfortunate that the word “party” conjures up the image of drunken rebel-rousers. However, participants at their events consume far more iced tea and soda than alcoholic beverages. These are kids, families, and co-workers – usually with their children.

The County Planning Department staff recommended approval of this permit as did the vote of the Commission. Restrictions that they added in terms of hours of operation (9:00 p.m. Sunday through Thursday; 10:00 p.m. Friday and Saturday) and group size (60) are consistent with the types of events that have been held for the past 1 ½ years (with the exception of their wedding and one hayride event).

Their focus is on horse activities and small customized outdoor functions; the pony ride birthday parties with 8-10 kids and their parents and functions of 9-10 couples.

Prior to applying for this permit, Mrs. Schuerman visited with every neighbor she could reach. She wrote to the rest (those with addresses in St. Louis, Florida, and Columbia property owners who are not Route E residents). During those visits, a couple of neighbors mentioned the music from their 4<sup>th</sup> of July wedding and the October hayrides. Until that point, no one had voiced a complaint.

Another neighbor informed her that he was opposed to *any* commercial activity and would mobilize the neighborhood to fight his application.

Their outdoor recreational target markets are pony ride birthday parties and intimate functions for couples, friends and families. Those events can be simple and inexpensive or elaborate and more costly. For example, a child's pony ride birthday party can be expanded to include a candy and toy stuffed piñata and a horse drawn versus a tractor drawn hayride. Weddings can range from a simple setting with Dockers and sundresses with catered BBQ buffet to a formal setting with a rented gazebo, long gowns and black ties with a gourmet restaurant catered dinner which is served on battenburg lace covered tables by tuxedo-shirted waiters and waitresses.

Mrs. Schuerman concluded by saying that if one drives down Route E they probably would not notice that Chapel View Stables is there. They do not have a sign along the roadway because they are not open to general public traffic. Their traffic consists of those who board horses, potential horse buyers, riding students, and the attendees of private customized outdoor activities.

Even though there is no a sign, Chapel View Stables is a well-known member of the business community. They are not operating in the shadows. They have been very public about who they are and what they do. They do run television ads. They have been featured in the Columbia HOME Magazine. They advertise with display ads in the Columbia Daily Tribune. They have hosted a live broadcast of the Paul Pepper Show. They are prominently identified in the yellow pages. The Stable was featured as the cover story in the Business News section of the Tribune. They have been featured on KFRU radio as part of a month-long promotion. They have been the cover story in the Columbia Business Times. The Stable was named the 2000 Small Business of the Year by the Chamber of Commerce.

They have been in business for years but they did not realize they needed a "conditional use permit" to be in compliance.

Mrs. Schuerman submitted the letter just read, her application for a conditional use permit, a diagram and photographs of Chapel View Stables land to the Public Record.

Commissioner Stamper opened a public hearing on this request.

George Gasper, 5555 Murray Lane, Columbia, stated he lives across the street from Chapel View Stables. He stated this is a wonderful, first class facility. He has had nothing but positive times there. He has two young children. They are planning a birthday party for his oldest daughter. There will be 12-15 kids at the party, which will be held at Chapel View Stables. He is in favor of the request.

Dean Lakin, 5220 W. Hatton Chapel Rd., Columbia, stated his property is just west of Chapel View Stables. This is a rural area with good neighbors and these are the type of people who do not want to get involved or complain. They basically go with the flow. In visiting with the Schuerman's, they did not realize they could do anything with the noise problem. He stated they figured it is an agriculture area and until a notice was received about the request for a conditional use permit Mrs. Schuerman, they did not do anything about the problem.

There were 19 people present at the Planning and Zoning meeting in opposition to this request. He believes many of these people that were present at the Planning and Zoning meeting did not know that was only a recommendation by Planning and Zoning and the County Commission had the final say on this issue. There was no one at the meeting who expressed any concerns about the horse operation but did show concerns with the weddings, sorority/fraternity/company parties.

Mr. Lakin stated not only is noise a problem but alcohol is also a concern. Route E is a big enough problem when drivers are sober.

Mr. Lakin noted that he is concerned about parking, sanitation, and security. Since the University has become a dry campus, the drinking problem has moved to places like Hartsburg and McBaine. He believes those towns have taken care of that situation and he expects more parties to be held at Chapel View Stables. There have already been some parties there. In regards to sanitation, this area is a sinkhole area.

Mr. Lakin stated since the business has been operating eight years with out a conditional use permit, he believes they have been operating illegally for that time.

There are seven criteria the Commissioners have to believe have been met and Mr. Lakin believes six of those seven are not being met. He does not believe a permit should not be issued but thinks the Commission should look at alternatives. If the Commission does approve the request for a conditional use permit for an outdoor recreational facility, he hopes the Commission would consider placing restrictions and limitations on the facility so the neighbors can live with the facility.

Commissioner Stamper asked Mr. Lakin what he believes the restrictions should be. Mr. Lakin stated the facility should be limited to kids birthday parties and the number of

people at the facility. He stated he read an article on the Internet, which stated there was a 400-person party at the facility. There is not that much parking out there.

Mr. Lakin stated he is not sure how sound would be restricted. The majority of the people that live in the area go to bed before 10:00 p.m. The music shakes the whole countryside. He believes there should not be any sorority or fraternity parties allowed at all because those parties lead to trouble. At these parties, there is alcohol and alcohol cannot be limited. He believes this will lead to a security problem in the County. As far as limiting noise levels that can be done with setting decibel levels but does not believe this is a necessity. He believes the restrictions should be reasonable and fair.

James McMenemy, 5100 N. Route E, Columbia, stated he can see Chapel View Stables from his backyard. His biggest concern is the level of party activity at Chapel View Stables. There have been a few times, between four and seven, when people cannot go to sleep because of the bass of the music travelling across the fields. An issue raised at the Planning and Zoning meeting was the police have never been contacted. Mr. McMenemy noted there have been at least two times he has thought about contacting the police because of the noise level. He did not call because he did not want to stir the pot and wanted to be neighborly. With late night party activities, there is a possibility of people driving home drunk. Another concern is about the gravel lane that goes between Richard Johnson's and Mr. McMenemy's property is a one-car road. It is not lit and he would like to see that when there are parties that this lane is not used at all. There have been times that he has seen litter while walking through the woods. He is unsure if this is from the neighbors or the litter is related to the parties held at Chapel View Stables.

Mr. McMenemy is self-employed, likes to see entrepreneurs, and does not want to step in the way of seeing people making a good living, enjoying themselves and serving the community. His main concern is about the noise level. He believes if he does not speak out now who knows what will be allowed to happen at the facility.

Commissioner Miller asked if the noise is after dark. Mr. McMenemy stated he has not counted the times but there is at least three to four times when he has gone to bed about 10:00 to 10:30 p.m. and the music is still playing. He and his wife go square dancing, which end around 9:30 to 10:00 p.m. and when they return the music is still playing.

Commissioner Miller asked if there was a restriction of no music after dark would that be acceptable. Mr. McMenemy stated he believed this would be fine but is unsure of what the neighbors would think about it.

Commissioner Elkin asked what the period was of Mr. McMenemy's problem with the music. Mr. McMenemy stated he moved to this location in 1994 from Callaway County, which does not have any Planning and Zoning regulations.

Commissioner Elkin asked if the music was a problem a few times per year. Mr.



McMenamy stated most of the events at Chapel View Stables take place during the day but there have been four times, to the best of his knowledge, the music has been a problem. At least two times when he had strongly considered calling the police but he did not. He does not know what the future plans are for Chapel View Stables but if there are more problems with music he would not be happy.

Commissioner Miller stated that the Commission has no control over the private lane that Mr. McMenemy spoke of earlier. This is a civil issue. Mr. McMenemy stated this has not been a problem but this is a possible problem.

Commissioner Stamper closed the public hearing.

Commissioner Stamper invited Mrs. Schuerman forward to offer any additional testimony or rebuttal to any of the comments made during the public hearing.

Mrs. Schuerman stated on the issue of sanitation, they use "Johnny-On-The-Spots". They are used at a month at a time, if more than one is needed at a time, they will have additional ones brought in. One is on-site all the time.

Regarding the back lane, Mrs. Schuerman stated they do not use that for any party functions. A map is given on how to get to Chapel View Stables by using the front entrance. This should never be an issue.

There were several people at the Planning and Zoning meeting that expressed concerns about the conditional use permit not being expanded to allow for go-carts or shooting ranges by having this type of permit accepted. They wanted to make sure the permit would not be open and she understands their concerns.

Regarding Mr. Lakin's statement about having a 400-person party, they have never had 400 people on-site. Anytime they had a college function, which would have been the biggest function at the facility other than their own wedding, buses were used to shuttle people back and forth from the facility back to town. A bus holds only 50 people, approximately, and two buses were used, so there would have been a total of 100 people present.

She believes the restrictions that were put on and forwarded to Commission from Planning and Zoning do answer some concerns of the neighbors. By limiting the number of people to 60 will limit the type of functions. No amplification of music will eliminate the concern about bass. The Friday and Saturday night limitation of 10:00 p.m. will eliminate the college parties because college students hardly ever begin their night activities until 9:00 p.m. The Sunday through Thursday limitation of 9:00 p.m. will guarantee people will be gone before most peoples bedtime. These restrictions are consistent for their future target activities. It is true there have been some noisy parties but only one noisy party has been held at the facility besides their wedding.

Commissioner Miller stated the 400-person party was from a Tim Higgins article that was in the Columbia Daily Tribune on 22 July 2000 and she understands where people got this number. Mrs. Schuerman asked Commissioner Miller if she has ever been misquoted.

Commissioner Miller stated the concerns of noise should be taken care of by a restriction of no amplification of music. She believes a 9:00 p.m. maximum for activities will be consistent with what Mrs. Schuerman is trying to do and eliminate concerns from the neighbors. The time limitation will eliminate the fraternity/sorority parties.

Commissioner Miller is concerned about the restroom facilities. She believes if there are consistent parties, of any kind, that there should be a requirement of placing permanent restroom facilities on the grounds. She has spoken with Mr. Shawver about this issue and believes this is in the best interest of the environment.

Commissioner Miller stated her last concern is about parking. She asked Mr. Shawver what is considered to be the parking and driveway for the stable area for the conditional use permit. Mr. Shawver stated the stables are where the main parking is. Commissioner Miller asked if this would be chip and sealed and all the drives coming into the facility. Mr. Shawver stated this was correct.

Commissioner Miller asked in the second conditional use permit request if there would be additional parking spaces. Mr. Shawver stated this was correct. Commissioner Miller stated when she and Mr. Shawver were at the facility earlier in the day, she only noticed ten chip and seal parking places and this did not seem adequate. However, if the whole stable area and an additional ten spaces, this would be adequate.

Commissioner Elkin asked if this was the intent. Mr. Shawver stated the staff recommendation was to specify that parking spaces be based on the number of stalls, similar to what was done with the Coats' request earlier in the month. The Coats' had four rental stalls, so there would be four parking spaces. The Planning and Zoning Commission did not pick this up. The way Mr. Shawver interpreted what was said is there would be a total of ten, which would only be half of the current parking spaces. Commissioner Miller stated this is not adequate.

Mr. Shawver stated Zoning Regulations specify how large a parking space has to be, a minimum of 250 square feet. He believes the Commission should specify the number of parking spaces that will be required in the Commission Order, which has been done in previous Commission Orders. Commissioner Miller asked if there were 60 people at a function there would probably be 30 vehicles. Mr. Shawver stated that number of people should have between 20 to 30 cars.

Commissioner Stamper asked Mr. Shawver to review what the Commission had done with parking facilities in the past. Mr. Shawver stated the Commission has specified a specific

number of parking places have to be provided with a minimum of chip and seal. The Commission has not prohibited overflow parking on grassed areas as long as the parking is maintained on the applicant's property.

Commissioner Stamper asked Mr. Shawver to review how the Commission has determined the number of parking places. Mr. Shawver stated in the past it has been based on the applicants application or testimony.

Commissioner Elkin asked Mrs. Schuerman what percentage of the operation is horse operation and party operation. Mrs. Schuerman stated horses require seven-day per week attention. The best way to break it down is by revenue; horse sales are their biggest revenue item, then horse boarding, parties, then lessons.

Commissioner Elkin asked if it is his understanding that there will be no more University type parties. Mrs. Schuerman stated absolutely not. As she stated previously, they turned down 17 very lucrative parties last year.

Commissioner Elkin stated he has received public comment on this issue related to alcohol, speeding and careless driving, and noise. He believes these issues have been discussed and wanted to note the public comment he has received.

Commissioner Stamper stated there was a quote attributed to Mrs. Schuerman, that he will paraphrase, which has created some concerns with many people. The quote was something about the only limits were a persons imagination and their pocket book. He requested a response to this statement. Mrs. Schuerman stated this was marketing. If one wanted a kids birthday party but did not want the party to be a "cookie-cutter" party then one can tell her what they have in mind. If someone would like to have pumpkin painting or apple bobbing, every time the cost is increased someone will pay for it. If one wants to have a different slant on a party then they can do it.

Commissioner Stamper stated the County has had some experience with the noise issue. The County has found that many times noise relates to atmospheric, environmental, and topographic conditions than anything else. If it is a hot humid summer night, the sound will not travel, or sound as loud, as well as it would on a cool crisp fall evening. When the Commission has set decibel levels on something, it relates to atmospheric conditions on whether or not the levels were achieved. For example, at the Fairgrounds, which has a decibel level set on it, the level can be violated by slamming a car door during the fall versus a hot and humid August night when there is a rock band playing and the decibel level is not reached. This is a science but there are many unforeseen conditions that relate to it that it is difficult to manage.

Commissioner Stamper stated if this is to be approved that there should be a periodic review so the neighbors feel as though there is a review process that is occurring. Traditionally, the Commission will leave this at the staff level and the staff will bring

forward any problems or complaints that they are receiving. The Commission will also periodically review the use to make sure that it is conforming with what was expressed as intent at the Commission table. Mrs. Schuerman stated this sounds fair.

Commissioner Stamper stated if the Commission added a condition of an annual review by the Commission and periodic review by staff, there would be no objection to this. Mrs. Schuerman stated there would be no objection.

Mrs. Schuerman asked how long the annual review would be. Commissioner Stamper stated he did not know how long the annual review would be. There are some reviews that were done on a five-year basis and others that are done annually. The frequency of this review would be decided by the Commission. Commissioner Stamper asked Mr. Shawver to comment on this issue.

Mr. Shawver stated the longest conditional use permit that a review was placed on was the ball fields, which were reviewed annually for about seven years. Commissioner Stamper stated Midway also had an extensive review process placed upon it.

Commissioner Miller stated she has concerns about the amount of traffic on Chapel Drive and does not think it is unreasonable to have a dust free surface. Commissioner Elkin had asked David Mink, Public Works Director, to research the kind of cost it would be to have different types of dust free surfaces applied.

Commissioner Elkin stated the Public Works Department measured the road, which is 800' to the turn-around area. They made the total lineal footage 900', which takes into consideration the turn-around area. There are several different options for dust control that were recommended by the Public Works Department as follows:

- Chip Seal Surface. This would be consistent with the driveway and parking area dust free surface. The estimated cost for this would be the County standard \$4/lineal footage. This would be a \$3,600 one-time charge to the applicant. The County would maintain a Chip Seal Surface from that point forward. This would be consistent with other private paid Chip Seal policy that the County currently has.

- Private Paid Penetrating Emulsified Prim (PEP) Oil. This would be applied by County staff and would cost \$900 annually. This lasts about one year.

- Private Contractor/Vendor applied Dust Bond. There would be a \$450 charge and would last, depending upon moisture content, 2 to 3 months.

These are the options that were recommendations from Public Works.

Commissioner Stamper stated it would not be the Commission's intent to dictate an option but just to outline the options. The only dictation the Commission would provide is there

be a dust free surface. Commissioner Elkin stated this is correct.

Commissioner Stamper asked Mrs. Schuerman if she had any concerns about this. Mrs. Schuerman asked about annual costs. Commissioner Elkin stated the \$3,600 cost for Chip Seal would be a one-time cost and the County's current policy is to maintain a Chip Seal Surface. Commissioner Stamper noted the future maintenance would be at the people's expense.

Commissioner Stamper stated the second and third recommendations are periodic costs.

Mrs. Schuerman asked if this was something that could be worked out with staff. Commissioner Stamper stated the Commission's requirement that there be a dust free surface and understands this was an expense that has not been previously mentioned.

Commissioner Stamper stated there seems to be concern about the size of the parking area. Commissioner Miller stated she believes 30 chip and seal spaces would be adequate but she sees the parking area by the stables as the parking lot for the whole facility. Mrs. Schuerman stated that is the parking area. Commissioner Miller does not believe it is unreasonable to have the whole parking area chip and sealed.

Commissioner Miller asked Mr. Shawver if that area would meet the 20 to 30 parking space requirement. Mr. Shawver stated that area would hold 20 parking spaces but is unsure if it would hold anymore.

Commissioner Miller listed her concerns about this request and how they might read in a possible motion:

- No overnight camping
- The hours be limited to 9:00 p.m. or sunset.

Commissioner Stamper stated that sunset during winter is around 4:00 p.m. Commissioner Miller stated that 9:00 p.m. would be the maximum. Mrs. Schuerman asked if that would be limited to Friday and Saturday. Commissioner Miller stated this would be a limit all the time.

Commissioner Miller continued her list of concerns:

- This Conditional Use Permit is non-transferable,
- A minimum of 20 chip and seal parking spaces shall be provided

Mr. Shawver noted the Commission should specify at least 20 parking spaces.

Commissioner Miller continued her list of concerns:

- Any additional parking spaces must be contained within the owners property and not on right-of-way or public roads
- Annual review process with periodic staff review
- Minimum of dust control on Chapel Drive
- No amplification allowed
- Permanent restroom facility after one year

Commissioner Stamper stated with the periodic staff reviews that information would let the Commission know if there is any environmental problems with the restroom facilities. Commissioner Miller stated she is concerned about the environment and the number of people that are at the Stables. She noted this is a business and all other businesses have to have restrooms.

Commissioner Stamper asked Commissioner Miller what she was proposing, because she originally proposed there be permanent restroom facilities after one year. He noted the applicant has requested this be longer than one year. Commissioner Miller stated she is sympathetic to the request but once the conditional use is passed, the business is liable to grow because there is more comfort.

Mr. Shawver stated he is concerned because this is a sinkhole area. A wastewater system would have to be designed by an engineer and installed under their supervision. He is not sure if “port-a-potties” are not the best solution because of the sinkhole area; those will make sure nothing is deposited on the property. Commissioner Miller stated if there is 60 people using one “port-a-potty”, it will be deposited on the property whether it is in a restroom or behind a tree. Mr. Shawver stated this is true.

Commissioner Stamper stated if he remembered correctly in Mrs. Schuerman’s testimony, additional “port-a-potties” are brought in depending on the size of the groups. He asked if this is an issue that could be monitored with the periodic staff reviews. Commissioner Miller stated she is willing to allow this to be monitored but her preference would be, if it was environmentally sound, she would prefer to have permanent restroom facilities.

Commissioner Stamper stated Commissioner Miller is willing to work with the “port-a-potties” for a while but if there are problems in the reviews, the continuation of the conditional use permit could require that Mrs. Schuerman install permanent restroom facilities.

Commissioner Elkin stated the only other concern he has is the possibility of the alcohol-related activities at the facilities. He noted Mrs. Schuerman’s comment about it is not her intent to have those type of activities. However, Commissioner Elkin stated he did not know how the Commission could monitor. Commissioner Stamper stated this is difficult to regulate.

Commissioner Stamper asked if this was about alcohol sales. Commissioner Miller stated

it is all catered and provided by third-party vendors.

Commissioner Miller stated if the hours of operation are limited to 9:00 p.m. then people that really want to get drunk are not going to go have a party at the Stables, they will go somewhere they can drink all night long. She believes this will monitor itself. If there is a 40<sup>th</sup> birthday party but there is not going to be any alcohol then this will cut into the facility's business. She believes this is unreasonable and it is also unreasonable that there were fraternity parties there.

Commissioner Elkin stated he is more concerned about the fraternity keg parties, he is not worried about wine and cheese parties.

Commissioner Stamper stated he believes the Commission has positioned themselves that through a periodic staff review and an annual review by the Commission the parties will be monitored. Commissioner Miller stated with a condition of no amplification of the music, this will limit the type of parties that are held at the facility.

Commissioner Stamper stated through public comment and other comments from constituents, the concern over alcohol will be limited by the conditions.

There was no further discussion on this issue.

Commissioner Miller moved to approve the request by Janice Schuerman for an animal boarding and training facility on 43.22 acres, located at 4701 W. Chapel Dr., Columbia, with the following conditions:

- Staff recommendation of providing a dust free surface driveway and parking area within six months,
- The maximum number of horses to be boarded is not to exceed 25, and
- The property must be properly fenced and maintained.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 199-2002**

Commissioner Miller moved to approve the request by Janice Schuerman for a privately operated outdoor recreational facility on 43.22 acres, located at 4701 W. Chapel Dr., Columbia, with the following conditions:

- No overnight camping,
- The hours of operation be limited to 9:00 p.m.,
- This Conditional Use Permit is non-transferable,

- A minimum of 20 chip and seal parking spaces shall be provided; any additional parking spaces be contained within the owners property and not on right-of-way or public roads,
- An annual review by the County Commission and a periodic review by staff,
- Provide approved dust control for Chapel Drive,
- No amplified music, and
- Provision of permanent restroom facilities are subject to part of the annual review.

Commissioner Elkin seconded the motion.

Commissioner Elkin asked if the condition of “owner’s private and personal functions are not subject to these conditions” was part of Commissioner Miller’s motion.

Commissioner Miller stated no it was not.

Commissioner Stamper noted the motion that Commissioner Elkin seconded did not include that condition. Mrs. Schuerman asked if this means they could have no family functions on their property. Commissioner Miller stated the motion can be amended but she wanted to discuss this condition.

Commissioner Miller stated she was concerned about what did “private and personal functions” consist of. Commissioner Stamper stated he did not know but anyone sitting in the Chambers is entitled to have a group of people at their house to have a party and why would the Commission deny the Schuerman’s that right? Commissioner Miller asked why then did this condition have to be put in the motion.

Commissioner Stamper stated he liked the wording the way it was offered by the Planning and Zoning Commission. If one goes to non-commercial, it imply that the property owners could not charge for anything. Authorizing the Schuerman’s to be able to do what any other neighbor could do on their property.

Commissioner Miller asked John Patton, County Counsel, if this was the best way to word the motion. Mr. Patton stated yes.

Commissioner Miller moved to amend the motion to include “Owner’s private and personal functions are not subject to these conditions.”

Commissioner Stamper asked if the secondor agree to the amendment to the motion. Commissioner Elkin agreed.

Commissioner Stamper stated there is now an amended motion on the table and asked for discussion of the motion.

Commissioner Elkin stated this is a balance between a neighborhood and the rights of a property owner. The Commission has to be balanced. The Schuerman’s have certain



rights as property owners. The neighborhood is entitled to peace and tranquility. He hopes that this is a compromise that is acceptable to all parties involved.

Commissioner Miller stated Chapel View Stables is a beautiful facility. She understands why people come to enjoy the tranquility and why most parties do not have loud music. She is not trying to be hard but it trying to address all issues. She believes the annual review will allow the neighbors to feel comfortable that staff is able to identify exactly what is going on at the facility. She wishes the Schuerman's luck and that they continue to enjoy entertaining.

Commissioner Stamper asked Mr. Shawver if the Commission is being consistent with other requests. Mr. Shawver stated he believed so. It is ironic sitting at the table because people that own and live on A-2 land adjacent to one another in the country, often become concerned when there is a proposal to expand the use to quasi-agriculture or another use. Sometimes people forget what could happen to A-2 property that might not be nearly as friendly as this request. He thought of hog and cattle operations. He is always amazed that there is a tendency in the community when there is an alternative or different use that concerns arise. He thanked the neighbors for their willingness to come to this meeting. He thanked the Schuermans for their willingness to bring a property into conforming use under County policy that had been operating outside the conforming use. There have been some that have not done this and it has been difficult for the Commission. In recognizing if this motion passes, the Schuermans will be spending more money than had been spent before.

Commissioner Stamper noted what Commissioner Elkin and Commissioner Miller said about balance. He receive a telephone call from a neighbor and discussed how there was 20 people were present at the Planning and Zoning meeting in opposition to the request. He informed the neighbor that this is not a popularity contest and the number of people in opposition to a request, it is based upon whether it is appropriate land use. As the Commissioners sit at the table and make judgements, they are able to establish the criteria in which people have to meet to use the land but ultimately the right to use the land is the property owners. If the property owners are willing to meet the terms and conditions the Commission sets then they typically get to use the land. He believes the Planning and Zoning Commission and the County Commission have both been very careful to hear and respond to the concerns by limiting the use. This request will be controlled and will have focus. He recognizes not everyone will be happy with the decision but he believes the Commission has done the right thing and the best way they knew how.

There was no further discussion and no public comment.

The motion passed 3-0. **Order 200-2001**

**C. Receive and Accept the following plats:**

**i. Lazy K. S22-T46N-R12W. A-2. John King, Susan King, James P. Wilson and Reba Earl Kraus, owners. James V. Patchett, surveyor.**

Mr. Shawver stated this is a two-lot subdivision plat located on Old Highway 63 South, south of Dee Wood Road. The zoning is A-2. Planning and Zoning Commission approved the plat and comes forward with a recommendation for the Commission to receive and accept the plat.

Commissioner Miller moved to receive and accept Lazy K plat.

Commissioner Elkin seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 201-2002**

**ii. Nirmaier's Estate. S24-T50N-R13W. Mary Nirmaier, Clarence and Barbara Castelmen, owners. J. Daniel Brush, surveyor.**

Mr. Shawver stated this is located near Lipscomb Road, which is just off Highway 124 West. The zoning is A-2. This is a one-lot subdivision. Planning and Zoning Commission approved the plat and comes forward with a recommendation for the Commission to receive and accept the plat.

Commissioner Elkin stated this is on the road that the Commission approved to vacate a portion of the road in February.

Commissioner Elkin moved to receive and accept Nirmaier's Estate plat.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 202-2002**

**iii. Cagle's Place. S24-T50N-R13W. Elgan and Pauline Castleman, owners. Nathaneal Kohl, surveyor.**

Mr. Shawver stated this is a one-lot subdivision zoned A-2. This is located on Old Highway 63 North. Planning and Zoning Commission approved the plat and comes forward with a recommendation for the Commission to receive and accept the plat.

Commissioner Elkin moved to receive and accept Cagle's Place plat.

Commissioner Miller seconded the motion.

There was no discussion and no public comment.

The motion passed 3-0. **Order 203-2002**

There was no public comment.

The meeting was adjourned at 8:42 p.m.

Attest:

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Wendy S. Noren  
Clerk of the County Commission

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Don Stamper  
Presiding Commissioner

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Karen M. Miller  
District I Commissioner

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Skip Elkin  
District II Commissioner