

**Christian County
Planning and Zoning Commission Minutes
March 16, 2015**

Chairperson Christie Hirsch called the meeting to order at 7:00 PM and called roll. All members were present. A quorum was present.

Chairperson Christie Hirsch explained the meeting process and swore in the witnesses.

No Old Business

Hearings

Chairperson Christie Hirsch called for the staff report on Case No. 2015-0028 Danny & Julie Penick, Proposed Rezoning from A-1 (Agriculture) to R-1 (Suburban Residence), NW corner of Westwind Dr. and N. Fremont Road, Ozark. Todd Wiesehan gave the report. Chairperson Christie Hirsch called for the applicant or a representative to come forward and present their case. Jared Rasmussen and Steve Monsanto came forward and stated they had been sworn in. Mr. Rasmussen explained that the rezoning request is to allow for three acre lots in the proposed subdivision and the water is going to be supplied by shared wells. Phil Short asked about the number of shared wells. Mr. Rasmussen stated there would be one well for every three lots. Chairperson Christie Hirsch called for any comments or questions from the gallery. Mary Behrens Bischoff came forward and stated she had been sworn in and questioned the septic systems. Chairperson Christie Hirsch stated that would be addressed in the next case. Ms. Bischoff questioned how many houses will be built in the proposed subdivision. Chairperson Christie Hirsch stated it would be a twelve lot subdivision. Robert Thomas came forward and stated he had been sworn in. Mr. Thomas stated that he knew this property would someday be developed and he would like to see five acre lots instead of three. Mr. Thomas stated he and the surrounding property owners are all against apartment buildings being built on the property and stated he would like to see a plat of the proposed subdivision. Chairperson Christie Hirsch explained that the plat would be discussed in the next case. Curtis Inman came forward and questioned the right-of-way improvements on Westwind and Fremont Roads. Chairperson Christie Hirsch stated that would be discussed in the next case. Patricia Edwards came forward and stated she lives in the nearby apartments and stated there is a grove of trees on the proposed property that provides her privacy and questioned if that grove of trees could be torn down. Chairperson Christie Hirsch stated that the property owner could do whatever they want with the trees. Ms. Edwards expressed concern about traffic, noise and the effect on the area wildlife. Chairperson Christie Hirsch called for any additional comments or questions. Being none, Chairperson Christie Hirsch closed the public portion of the hearing and called for comments or questions from the Commission. Being none, a Commissioner made a motion to recommend approval. A Commissioner 2nd the motion. The roll call vote was unanimous.

Chairperson Christie Hirsch called for the staff report on Case No. 2015-0007 Danny & Julie Penick, Preliminary Plat Review of proposed Montreux Estates Subdivision, NW corner of Westwind Dr. and N. Fremont Road, Ozark. Todd Wiesehan gave the report. Chairperson Christie Hirsch called for the applicant or a representative to come forward and present their case. Jared Rasmussen came forward and stated that it was a large acre lot subdivision

similar to other subdivisions in the area. Mr. Rasmussen also stated that because of the large lots stormwater runoff would have little or no impact. Commissioner Ray Weter stated the preliminary plat shows dedication of five feet additional right-of-way along Westwind Road and N. Fremont Road and question if additional right-of-way would have to be dedicated along Fremont Road. Todd Wiesehan stated that the staff had met with the Ozarks Transportation Organization and its Major Thoroughfare Plan indicates Fremont Road as a future Primary Arterial which requires 110 foot right-of-way and compliance would require an additional 30 feet beyond what is currently depicted on the preliminary plat. Chairperson Christie Hirsch stated the subdivision would have underground utilities, approximately four shared wells, no detention basin and individual propane tanks. Mr. Rasmussen also stated the general layout of the subdivision was designed around the existing wooded landscape. Phil Short questioned what price range would the houses in the proposed subdivision be in. Mr. Rasmussen stated it would be similar to Fremont Springs Subdivision and they would be nice homes in the 3000 or 4000 square foot range. Chairperson Christie Hirsch called for any comments or questions from the gallery. Mary Behrens Bischoff came forward and questioned the additional right-of-way and the lot sizes. Ms. Bischoff expressed concern about the wells and stated she was already having trouble with well depth serving her house. Discussion was held on the proposed utilities. Robert Thomas came forward and stated the area is full of underground caverns and an underground river. Cindy Moore came forward and stated she is the owner of the nearby apartments and is generally happy with the proposed subdivision. Ms. Moore expressed concern that public utilities were not being offered. Curtis Inman came forward and questioned if there will be a homeowners association. Chairperson Christie Hirsch stated the Commission did not know at this point. Mr. Inman stated he would like to see a homeowners association along with covenants and restrictions. Mr. Inman also stated it was the County's responsibility to protect the existing homeowners in the future concerning the patchwork of utilities in the area. Jay Holstein came forward and stated the proposed subdivision would increase property values and it is good for the County and the existing homeowners. Chairperson Christie Hirsch called for any additional comments or questions from the gallery. Being none, Chairperson Christie Hirsch closed the public portion of the hearing and called for comments or questions from the Commission. Discussion was held on the additional right-of-way and the utilities. Phil Short asked the staff if there were any conditions needed for this proposal. Todd Wiesehan stated that the additional road right-of-way needed to be depicted on the plat. Phil Short questioned if covenants and restrictions should be required. Todd Wiesehan stated that he was sure covenants and restrictions would be submitted and reviewed by the County attorney. Discussion was held on a homeowners association and the construction of the internal road. Michael White stated if the Commission approved the preliminary plat, that approval would be contingent on the County Commission's approval of the rezoning. Todd Wiesehan stated that was correct. Michael White made a motion to approve the preliminary plat with the condition that the additional right-of-way is shown on the final plat. Brenda Hobbs 2nd the motion. The roll call vote was unanimous.

Chairperson Christie Hirsch called for a review of the January 20, 2015 minutes. Vance Jenkins made a motion to approve the minutes. Phil Short 2nd the motion. The roll call vote was unanimous with Ray Weter recusing himself. The minutes were approved as presented.

Chairperson Christie Hirsch called for the staff report on Case No. 2015-0031 Kevin & Robin Wilkerson, Proposed Conditional Use Permit (Verizon Wireless Tower), 270 State Highway U, Rogersville. Todd Wiesehan gave the report. Chairperson Christie Hirsch called for the

applicant or a representative to come forward and present their case. Brett Blackhurst came forward and stated he had been sworn in. Mr. Blackhurst stated he is representing Verizon Wireless and explained the detailed process that goes into determining the right location for a new cell tower. Mr. Blackhurst further explained the new cell tower through a powerpoint presentation to the Commission. The tower will be a 190 foot self-supporting and will be lit. Discussion was held on the road bore needed to provide electric to the tower. Chairperson Christie Hirsch called for any comments or questions from the gallery. Being none, Chairperson Christie Hirsch closed the public portion of the hearing and called for comments or questions from the Commission. Phil Short made a motion to approve recommendation with the condition that electric is provided by boring under the road and No Trespassing signs are posted at the site. Vance Jenkins 2nd the motion. The roll call vote was unanimous.

Chairperson Christie Hirsch called for the staff report on Case No. 2015-0032 Marsha Lawrence, Proposed Conditional Use Permit (Verizon Wireless Tower), 3273 State Highway N, Clever. Todd Wiesehan gave the report. Chairperson Christie Hirsch called for the applicant or a representative to come forward and present their case. Brett Blackhurst came forward and stated the tower will be a 250 foot self-supporting cell tower and will be lit according to FCC standards. Mr. Blackhurst further explained the new cell tower through a powerpoint presentation to the Commission. Discussion was held on the buffering. Chairperson Christie Hirsch called for comments and questions from the gallery. Mark Hahn came forward and stated he had been sworn in. Mr. Hahn stated he owned the property directly across from the proposed site. Mr. Hahn expressed concern about property values, the location of the access to the tower and long term health concerns due to the tower being so close to his home. Mr. Hahn also expressed concern about how the tower will change the landscape of the area. Discussion was held on the new state laws regarding cell towers which limit the power of the local County government. Patrick Sanders came forward and questioned if all three towers meet the requirements of the state laws. Chairperson Christie Hirsch stated they had. Johnny Davidson came forward and stated he and his family will benefit from the tower with better internet and phone service. Marsha Lawrence came forward and stated she owned the property where the proposed cell tower will be located and she feels everyone will benefit from the tower. Chairperson Christie Hirsch called for additional comments or questions from the gallery. Being none, Chairperson Christie Hirsch closed the public portion of the hearing and called for comments or questions from the Commission. Brenda Hobbs made a motion to recommend approval with the condition that all four sides of the fenced area be clearly marked "No Trespassing". Matt Aton 2nd the motion. The roll call vote was unanimous.

Chairperson Christie Hirsch called for the staff report on Case No. 2015-0033 Leslie Joe & Betty Young, Proposed Conditional Use Permit (Verizon Wireless Tower), 267 Petunia Lane, Clever. Todd Wiesehan gave the report. Chairperson Christie Hirsch called for the applicant or a representative to come forward and present their case. Brett Blackhurst came forward and the tower will be a 300 foot self-supporting cell tower and will be lit according to FCC standards. Mr. Blackhurst further explained the new cell tower through a powerpoint presentation to the Commission. Mr. Blackhurst stated that as far as health concerns go, by the time the signal from the antennas reach the ground, they give off less radiation than a microwave. Chairperson Christie Hirsch called for comments or questions from the gallery. Patrick Sanders came forward and expressed concern about the flashing lights on the tower. Alice Sanders came forward and stated she has been sworn in. Mrs. Sanders stated that she suffers from debilitating migraines that are sometimes brought on by flashing lights.

Chairperson Christie Hirsch asked Mr. Blackhurst if the FAA regulates the lights on a tower. Mr. Blackhurst stated that they do regulate the required lights. Amy Peebles came forward and stated that she had been sworn in. Ms. Peebles expressed concern about the flashing lights and stated she will see the lights 24/7 from her front porch and the location of the tower. Chairperson Christie Hirsch called for any additional comments or questions from the gallery. Being none, Chairperson Christie Hirsch closed the public portion of the meeting and called for comments or questions from the Commission. Phil Short questioned if there was anything that could be done so the lights on the tower did not reflect down to ground. Mr. Blackhurst stated he did not know but would find out. Discussion was held on whether something could be done about the flashing lights on the tower. Phil Short made a motion to recommend approval with the staff's condition and also research on the lighting situation. Brenda Hobbs 2nd the motion. The roll call vote was unanimous.

No New Business

No Closed Session

Adjournment

Vance Jenkins made a motion to adjourn. Brenda Hobbs 2nd the motion. The meeting adjourned at 9:45 PM.

**Todd M. Wiesehan, Administrator
Christian County Planning & Zoning**

**Brenda Hobbs, Secretary
Christian County Planning & Zoning Commission**