

Bill No. 4938

Ordinance No. _____

Requested by: Michael Hurlbert

Sponsored by: Joe Brazil

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, AS PER APPLICATION RZ21-02

WHEREAS, the St. Charles County Charter, Article II, Section 2.529, grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, a change in zoning of land known as Highway N and located on the north side of Highway N, approximately 1,100 feet east of Ellerman Oaks Drive was requested by Carol J. Glass, Kathryn Barclay-Glass, and Thomas E. Glass, property owner(s), through Application RZ21-02; and

WHEREAS, the tract to be rezoned is a 120.318-acre parcel currently zoned A, Agricultural District; and

WHEREAS, the zoning sought for the tract to be rezoned is RR, Single-Family Residential District; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District and is the site of a single-family residence, and vacant land; adjacent land to the south is zoned A, Agricultural District and RR, Rural Residential District, and is the site of single-family residences, forested land,

and vacant land; adjacent land to the east is zoned A, Agricultural District and RR, Rural Residential District, and is the site of single-family residences; and adjacent land to the west is zoned A, Agricultural District, and is the site of single-family residences; and

WHEREAS, St. Charles County's 2030 Future Land Use Map recommends low density residential land uses (1 to 4 dwellings per acre); and

WHEREAS, the proposed RR District zoning regulations would allow a residential density lower than recommended by the 2030 Land Use Plan; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 9 ayes to 0 nays recommended the matter for approval to the County Council. A simple majority of the County Council is required for passage of this bill.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Zoning District Map of the County of St. Charles, Missouri, is hereby amended by making the following change:

A 120.318-acre tract located at Highway N, and identified as Parcel ID No. 4-0029-S004-00-0016.0000000 in the records of the St. Charles County Assessor, and located north of Highway N and approximately 1,100 feet east of Ellerman Oaks Drive, is hereby rezoned from A, Agricultural District, to RR, Single-Family Residential District. The tract of land is

more particularly described on **EXHIBIT A**, attached hereto.

Section 2. The Director of the Planning and Zoning Division is hereby authorized to acknowledge approval on Application RZ21-02 as set forth in Section 1., above.

Section 3. The Council hereby receives the following documents into the record: the St. Charles County Master Plan Year 2030; the Unified Development Ordinance of St. Charles County, Missouri; and the documents attached hereto as **EXHIBIT B**, which exhibit contains the plats and plans and any other documents relied on in reaching this determination of the Council.

Section 4. This ordinance will be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR

EXHIBIT A

APPLICATION RZ21-02

AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER:	RZ21-02
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THE PROPERTY IS PRESENTLY ZONED:	A, AGRICULTURAL DISTRICT
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IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT:	RR, SINGLE-FAMILY RESIDENTIAL DISTRICT
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OWNER OR OWNERS OF PROPERTY TO BE REZONED:	CAROL J. GLASS, KATHRYN BARCLAY-GLASS, AND THOMAS E. GLASS
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LOCATION OF PROPERTY:	THE PROPERTY IS KNOWN ‘THE GLASS TRACT’ AND IS LOCATED NORTH OF HIGHWAY N AND APPROXIMATELY 1,100 FEET EAST OF ELLERMAN OAKS DRIVE. THE PROPERTY CONSISTS OF 120.318 ACRES AND IS LOCATED IN COUNCIL DISTRICT 2.
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LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (NW 1/4 NW 1/4) OF SECTION FOUR (4) OF TOWNSHIP FORTY-SIX (46) NORTH, RANGE ONE (1) EAST; ALSO, THE EAST HALF OF THE NORTHWEST QUARTER (E 1/2 NW 1/4) OF SECTION FOUR (4), TOWNSHIP FORTY-SIX (46) NORTH, RANGE ONE (1) EAST; ALSO, ALL THE PART OF THE EAST HALF OF THE SOUTHWEST QUARTER (E 1/2 SW 1/4) OF SECTION FOUR (4) TOWNSHIP FORTYSIX (46) NORTH, RANGE ONE (1) EAST, LYING NORTH OF THE BOONSLICK ROAD, CONTAINING THE AGREGATE 168.48 ACRES, MORE OR LESS . EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TRACT CONVEYED TO EDDIE KUJAWA AND CLARA M. KUJAWA, HUSBAND AND WIFE, BY DEED DATED APRIL 12, 1963 RECORDED IN BOOK 388 AT PAGE 672 IN THE OFFICE OF THE RECORDER OF DEEDS FOR THE COUNTY OF ST. CHARLES, MISSOURI, TO-WIT: A TRACT OF LAND BEING PART OF THAT PART OF THE EAST HALF OF THE SOUTH-WEST QUARTER (E 1/ 2 SW 1/4) OF SECTION FOUR (4), TOWNSHIP FORTY-SIX (46) NORTH, RANGE ONE (1) EAST, LYING NORTH OF BOOSLICK ROAD AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER (E 1/2 SW 1/4); THENCE SOUTH AND ALONG THE DIVISION LINE BETWEEN THE EAST ONE-HALF AND THE WEST ONE-HALF OF SAID SOUTHWEST QUARTER (SW 1/4) TO THE NORTH LINE OF BOONSLICK ROAD; THENCE ALONG THE NORTHERN LINE OF BOONESLICK ROAD, IN AN EASTERLY DIRECTION TO A POINT WHICH IS 100 FEET DISTANT FROM THE NORTH AND SOUTH CENTER SECTION LINE OF SAID SECTION FOUR (4); THENCE NORTH AND PARALLEL WITH SAID NORTH AND SOUTH SECTION LINE TO A POINT WHICH IS DISTANT 250 FEET FROM THE EAST AND WEST CENTER SECTION LINE OF SAID SECTION FOUR (4); THENCE WEST AND PARALLEL WITH SAID EAST AND WEST CENTER SECTION LINE, 610 FEET; THENCE NORTH AND PARALLEL WITH THE NORTH AND SOUTH CENTER SECTION LINE OF SAID SECTION FOUR (4), 250 FEET TO THE EAST AND WEST CENTER SECTION LINE OF SAID SECTION FOUR (4); THENCE WEST AND ALONG SAID EAST AND WEST CENTER SECTION LINE TO THE PLACE OF BEGINNING.

EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ21-02

REZONING REQUEST – HIGHWAY N

Application No:	RZ21-02
Property Owners:	Carol J. Glass, Kathryn Barclay-Glass, and Thomas E. Glass
Developer:	DCM Development, LLC
Current Zoning:	A, Agricultural District (5 acre minimum lot size)
Requested Zoning:	RR, Single-Family Residential District (3 acre minimum lot size)
2030 Master Plan:	Recommends low density residential uses (1 to 4 dwellings per acre)
Parcel Size:	120.318 acres
Location:	On the north side of Highway N, approximately 1,100 feet east of Ellerman Oaks Drive; near the City of Wentzville
County Council District:	2
Account No.:	745470A000

CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Notification Area Map
- Letters received
 - ◆ Opposition - Ben Branch
- Planning and Zoning Commission minutes from the February 17, 2021 meeting

February 24, 2021

This communication summarizes the following bill to be introduced at the March 8, 2021 County Council meeting:

REZONING REQUEST - HIGHWAY N

Application No:	RZ21-02
Property Owner:	Carol J. Glass, Kathryn Barclay-Glass, and Thomas E. Glass
Developer:	DCM Development, LLC
Current Zoning:	A, Agricultural District (5 acre minimum lot size)
Requested Zoning:	RR, Single-Family Residential District (3 acre minimum lot size)
2030 Master Plan:	Recommends low density residential uses (1 to 4 dwellings per acre)
Parcel Size:	120.318 acres
Location:	On the north side of Highway N, approximately 1,100 feet east of Ellerman Oaks Drive; near the City of Wentzville
County Council District:	2
Account No.:	745470A000

Approval of this bill would rezone a 120.318-acre parcel of land from A, Agricultural District (5 acre minimum lot size) to RR, Single-Family Residential District (3 acre minimum lot size). The property owner wishes to subdivide the property and create 32 lots for single-family homes with a minimum lot size of 3 acres.

This property has been zoned A, Agriculture District, since the adoption of the County's first zoning map in 1959. The existing A, Agriculture District zoning would allow for a maximum of 23 parcels and the requested RR, Rural Residential District zoning would allow for a maximum of 39 lots. This application would follow the development pattern in this area for larger tracts to be converted into 3 acre lot subdivisions.

Access to this parcel is through a 100-foot-wide strip of land that is approximately 1,560 feet long. The strip of land is wide enough to allow 42 foot wide street right-of-way. Any issues regarding entering and exiting the property would be addressed during the permitting phase with the Missouri Department of Transportation and with the County's review processes. The parcel is bisected by several natural drainageways which must be protected by vegetative watercourse buffers when platted. During the preliminary plat and subdivision improvement plan phases, regulatory requirements will be met to ensure the protection of natural waterway, water quality, and tree stands.

The 2030 Land Use Plan for this area recommends Low Density Residential land uses (1-4 dwellings per acre) with applicable zoning districts ranging from R1A to R1D, Single Family Residential Districts. The proposed zoning would allow a residential density lower than recommended by the 2030 Land Use Plan.

The Planning and Zoning Commission held a public hearing on this rezoning application on February 17, 2021 and received the following public input:

Speakers: 2 Support 1 Opposed 2 Concerns

Letters on file: 0 Support 1 Opposed 0 Concerns

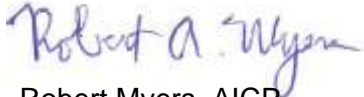
Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

 9 Approval 0 Denial 0 Abstentions

Recommendation:

The Planning and Zoning Commission recommends that the Council approve this rezoning request. The Planning and Zoning Division concurs with this recommendation.

Sincerely,



Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration
Rory O'Sullivan, Acting County Counselor

STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Application No.: RZ21-02

Prepared by: Mark Price Jr. AICP, CFM
Date: February 9, 2021

BACKGROUND INFORMATION

Owner: Carol Glass, Kathryn Glass-Barclay, Thomas Glass
Applicant/Developer: DCM Development, LLC
Requested Action: A zoning map amendment to rezone 118.48 acres from A, Agriculture District (5-acre minimum lot size), to RR, Rural Residential District (3-acre minimum lot size)
Location: North of Highway N, approximately 400 feet west of Klaas Lane; near the Cities of Wentzville and Foristell
Current Zoning: A, Agricultural (5-acre minimum lot size)
Current Land Use: Vacant agricultural
Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural District	Single Family Residence and agricultural
South	A, Agricultural District and RR, Rural Residential District	Single Family Residences, agricultural and Forested Lands
East	A, Agricultural District and RR, Rural Residential District	Single Family Residences
West	A, Agricultural District	Single Family Residences

2030 Master Plan: Recommends Low Density Residential (1 - 4 dwellings per acre)
Public Services: County Council District 2 - Joe Brazil
School District - Wentzville School District
Fire District - Wentzville Fire District
Utilities: Water - Water District 2 Service Area, Individual Wells
Sewer - Individual Wastewater Treatment Systems

The subject parcel consists of 118.48 acres that is currently zoned A, Agriculture. The applicant proposes to rezone the property from A, Agriculture District to RR, Rural Residential District. The property owner wishes to subdivide the property and create 32 lots for single-family homes with a minimum lot size of 3 acres.

This property has been zoned A, Agriculture District, since the adoption of the County's first zoning map in 1959.

REZONING ANALYSIS

The existing A, Agriculture District zoning would allow for a maximum of 23 parcels and the requested RR, Rural Residential District zoning would allow for a maximum of 39 lots. The proposed zoning would allow a residential density of approximately 1 dwelling per 3 to 4 acres.

The surrounding development pattern on the east varies between 3-acre and 12-acre parcels. The development on the north includes large-lot (26-69 acres) residential and agriculture parcels. Development on the west is one large lot consisting of 122 acres. Further west is a 3-acre Ellerman Oaks Subdivision. The development patterns on the south are larger lots consisting of lots between 5 acres and 12 acres. The development in this area is trending towards smaller lots as the area develops. This application would follow the development pattern in this area for larger tracts to be converted into 3 acre lot subdivisions.

Access to this parcel is through a 100-foot-wide strip of land that is approximately 1,560 feet long. The strip of land is wide enough to allow 42 foot wide street right-of-way. Any issues regarding entering and exiting the property would be addressed during the permitting phase with the Missouri Department of Transportation and with the County's review processes.

The parcel is bisected by several natural drainageways which must be protected by vegetative watercourse buffers when platted. During the preliminary plat and subdivision improvement plan phases, regulatory requirements will be met to ensure the protection of natural waterway, water quality, and tree stands.

The 2030 Land Use Plan for this area recommends Low Density Residential land uses (1-4 dwellings per acre). The proposed zoning would allow a residential density lower than recommended by the 2030 Land Use Plan recommendation.

RECOMMENDATION

County staff recommends that the Planning and Zoning Commission recommend approval.



Looking across Highway N Southeast



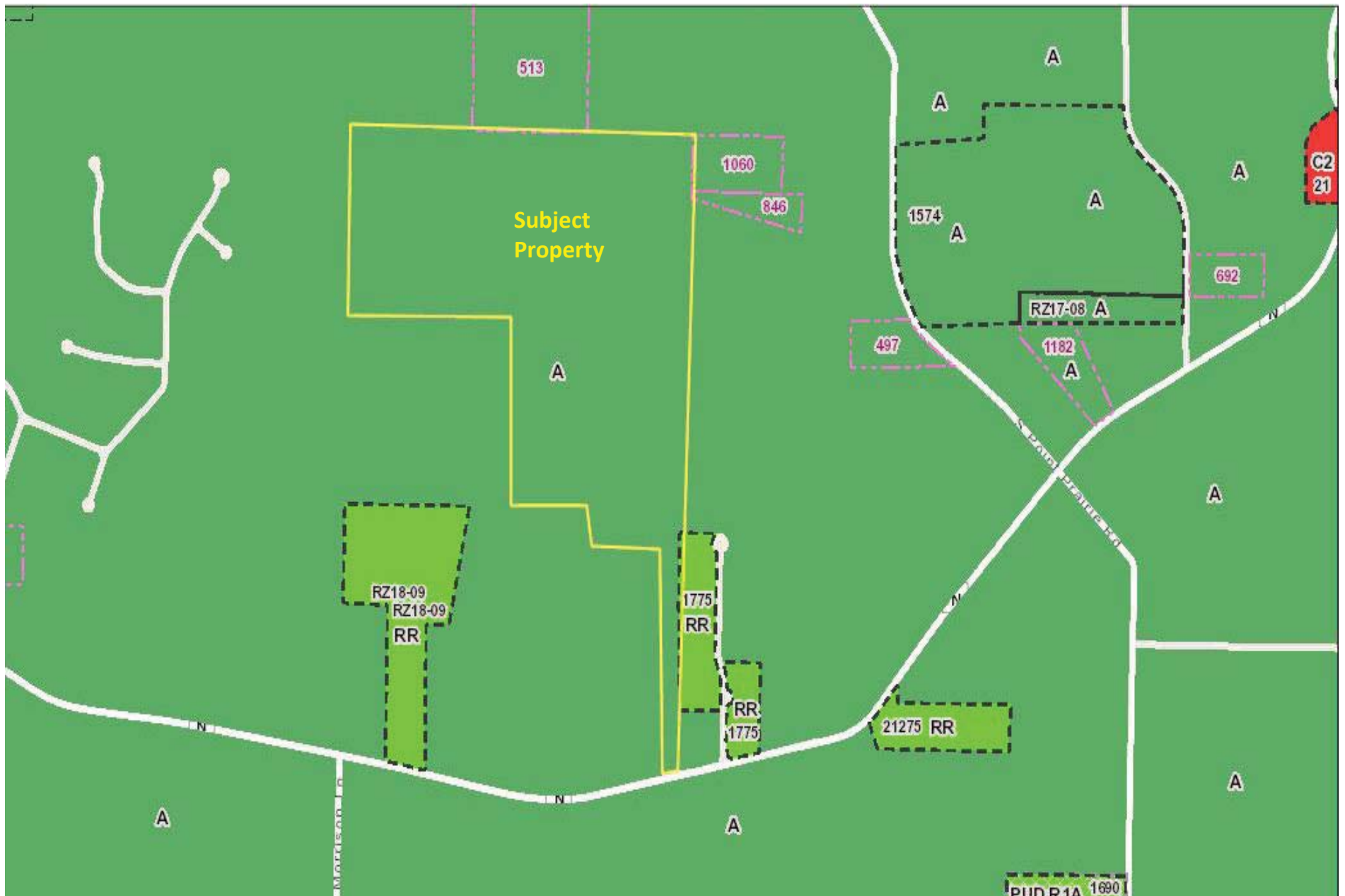
Looking across Highway N Southwest



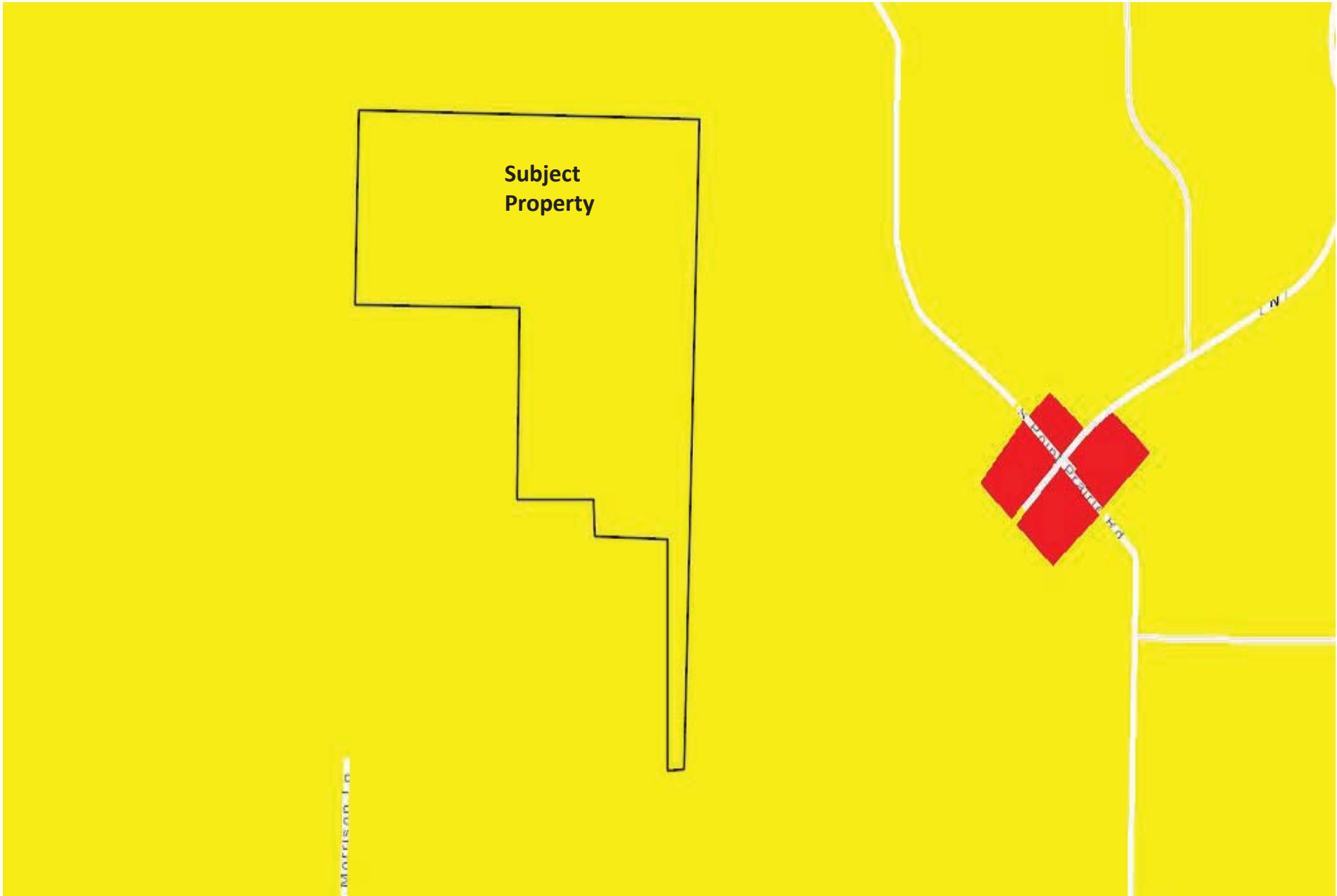
Looking West on Highway N



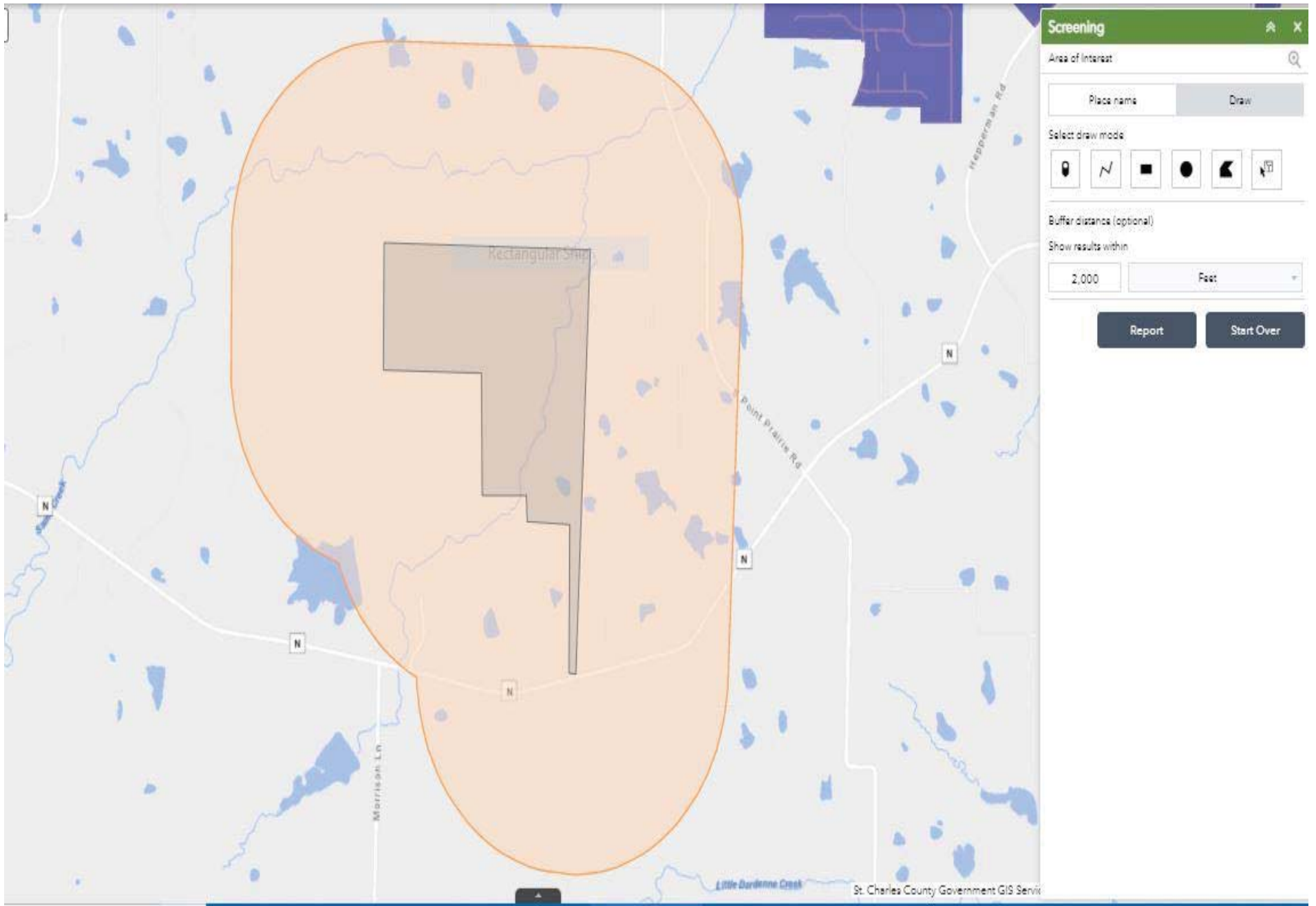
RZ21-02 - Aerial



RZ21-02 - Zoning



RZ21-02 – 2030 Land Use



RZ21-02 - Notification Area Map

From: Lonewolffk9@gmail.com
To: [Planning](#)
Subject: Rz21-02
Date: Thursday, February 4, 2021 7:30:20 AM

CAUTION: This email originated from outside of St. Charles County Government. Always use CAUTION when opening attachments or clicking links from unknown senders or when receiving unexpected emails. - IS Dept.

I will be out of town day of meeting.

I reside 1363 hwy n my name Ben Branch.

I strongly object to this change.

I would hope that you reject this request.

We do not need to compromise the zoning for a builder to make money!

You know exactly what this can cause anyone with acreage Will want rezoning then we will have houses on top of each other.

Not good for our area!!

Thank you.

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: FEBRUARY 17, 2021

TIME: 7:00 P.M.

PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Tracy Boehmer (Attended Virtually); Diane Saale (Attended Virtually); Jamaal Jackson; Kevin Cleary; Roger Ellis (Attended Virtually); Craig Frahm; Chad Cornwell; Jennifer Bahr; and Terry Hollander, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, County Planner; Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS: **RZ21-02:** Dale Bax, Applicant's Representative, 221 Point West Blvd., St. Charles, MO 63301; Joshua Klaas, 49 Klaas Lane, Foristell, MO 63348; Vince Klaas, Foristell, MO 63348; Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

CALL TO ORDER

Vice-Chairman Kevin Cleary called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Mr. Cleary welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council. He explained to the audience that the Planning & Zoning Commission will make a recommendation on applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision.

Vice-Chairman Cleary introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

PUBLIC HEARINGS

REZONING REQUEST - HIGHWAY N

Application No: RZ21-02
Property Owner: Carol J. Glass, Kathryn Barclay-Glass, and Thomas E. Glass
Developer: DCM Development, LLC
Current Zoning: A, Agricultural District (5 acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3 acre minimum lot size)
2030 Master Plan: Recommends low density residential uses (1 to 4 dwellings per acre)
Parcel Size: 120.318 acres
Location: On the north side of Highway N, approximately 1,100 feet east of Ellerman Oaks Drive; near the City of Wentzville
County Council District: 2
Account No.: 745470A000

Ellie Marr stated this property is 120 acres it's currently zoned agricultural. The applicant is asking for RR zoning district which you see there's a few of these scattered around this property. The RR does allow the development of three acre lots instead of five acre lots. The land use for the area does call for low density residential which is up to 1 - 4 units per acre. This will be 1 unit per 3 acres. A preliminary plat will be presented later. Currently under the agricultural zoning the subdivision could have up to 21 or 22 lots but with the rezoning would allow for 32 lots. The difference between the agricultural development of property and RR development of property is in agricultural actually they would do a minor subdivision plat and there would be no improvement of streets unless they decided. Under RR they are required to put in paved streets and certain other developmental requirements such as tree preservation and runoff.

Vice-Chairman Cleary asked if the Commission had any questions for the Planning and Zoning staff.

Craig Frahm asked if there were two letters of opposition.

Ellie Marr answered in the affirmative.

Dale Bax was sworn in. Mr. Bax said he is representing DCM Development, LLC. Mr. Jeff Cole a member of that company is here this evening for the Glass Tract, which is 120 acres on the North side of Highway N. It is just West of South Point Prairie Road and East of Morrison Lane. There is a 100-foot frontage along Highway N, and we have already reviewed the site distance and have included a sight distance profile and a sightline profile with our preliminary plat that will be presented a little bit later. That does give us access to Highway N we can build an approvable County entrance into this development. As mentioned, it is 32 lots and are asking for rezoning from agricultural to RR. Mr. Bax stated he was not sure for sake of time if the Commission would you like for him to get into the site plan.

Vice-Chairman Cleary said a brief overview of the preliminary plat for the Glass Tract would be appreciated.

Mr. Bax said its 32 lots and all the lots are 3 acres minimum. The largest lot is 7.45 acres and the average lot size in this development is 3.35 acres. We are proposing a 42-foot wide right away with

pavement for the streets, 20 foot wide. We are going to make those a public street. We do plan on providing a storm water prevention plan to Saint Charles County Highway Department upon review of the construction plans if we're so fortunate to get the rezoning of site plan approved. We will follow all tree preservation and meet the County's requirements for that. We only intend to cut down the trees that we would need to do to build the roadway system itself any other tree removal will be done by the private builder however for the particular homes that we're building these will all be custom home lots and they'll be custom built with further specifications other proposed buyer all the homes will be served on private sanitary sewer systems and water wells as there is no sanitary system out here. Actually, we are going to put a water system on this so Public Water Sewer District #2 has a line down on Hwy N and will be putting water into this development so that's a plus for the residents that are going to move in here. Unfortunately, sanitary services yet to be available in this area and there will be a Homeowners Association established for the maintenance of the common ground. and any type of monument they might have at the entrance. We are going to record a record plat which will establish natural water courses that will be required along with the 32 lots. Mr. Bax asked if anyone had any questions for him.

Vice-Chairman Cleary asked if there would be multiple builders on this project.

Mr. Bax stated typically in a three-acre lot development you have multiple builders. It's typically blocked by the person and they select their building that they choose to build their house in this particular case we have Fischer and Frichtel that's going to purchase all 32 lots. The homes are going to be ranging anywhere from \$750,000 way up into the \$1,000,000 range for these three-acre lot homes. We're very happy about Fischer and Frichtel coming in here to build beautiful homes in the area right now. They're building very similar homes in The Woodlands in the Cottleville area there on one acre lots, so they'd like to take that same type of product that they're building at The Woodlands and put it on these three-acre lot developments.

Chairman Ellis asked if the streets would be public or private.

Mr. Bax stated they will be public streets.

Vice-Chairman Cleary asked if the Commission had any more questions for the applicant.

Seeing none. Vice-Chairman Cleary asked if there was anyone in the audience who wished to speak regarding this application.

Josh Klaas was sworn in. Mr. Klaas stated I live in Klaas Lane which sits along the southeastern section of the property that's being discussed tonight. During this development we've had surveyors from Bax Engineering come down our private road multiple times to set up surveying equipment on our property. On one occasion they even brought an ATV and appeared to be prepping it for activity. I had to leave for work and didn't see the final result of what they did the ATV and never asked if any of this was ok. We had to go ask them what was going on when we woke up to them doing these things at 7:30 am. When they were questioned about their business, they politely informed us that they were serving the property next door to us. When asked why they were set up in my yard they said there was no other way to complete their tasks without coming down our road and entering our property. It's not been a big deal yet, because it's only been a few guys with surveying equipment. My concern is if a small surveying crew has to enter our private property in order to complete tasks regarding this development how are we expecting the bulldozers and heavy equipment to do their tasks while leaving myself and residents of Klaas Lane undisturbed and unviolated. We are concerned about the precedent that has already been set. Our property is free for these developers to tread upon when they feel. That skinny strip of land is his property line and doesn't see how it is 100 foot. Mr. Klaas asked how far away from

my property line is that road going to be from his property. He also asked why they aren't using that easement right now that is given.

Vince Klaas was sworn in. Mr. Klaas lives on Klaas Lane too. He expressed concern for the 2030 Master plan to rezone this land for low density residential uses with 1 – 4 dwellings per acre. His family has lived on this land for over 70 years and have watched farmers prosper, suffer and divide their land for generations. Families have divided this land to allow more families to work on the same land. Light pollution, degradation of wildlife, increased traffic on the two-lane State Highway N., fast growing school districts are all immediate concerns. He requests the Commission not to approve Application RZ21-02.

Arnie C. Dienoff was sworn in. Mr. Dienoff brought up the 2030 Land Use Plan which was controversial two years ago at the time and basically the border is Highway N and South of there could be developed in the 3 acre lots and anything southwest in the County would be five acre lots. Mr. Dienoff can sympathize with the two speakers and understand their concern, but he feels this is a good compromise but is against their judgment. The County's future growth is going down this corridor through Highway Z and Highway N. He would rather have 3 acre lots rather than a dense development. He is glad to hear the builder will be Fischer and Frichtel and asks the Commission to approve this application.

Kevin Bahr was sworn in. Mr. Bahr said his property is on the other side of the easement. I'm fine with the development they bought the ground, but the County made it 5 acres for a reason and then when you start going down just so they can get nine more houses back just to make more money is not right.

Vice-Chairman Cleary asked for the applicant to come back to the podium.

Mr. Bax said as a co-owner of Bax Engineering and you had to hear somebody state that one of our employees is abusing their property or trespassing on their property it certainly hits home pretty hard. We don't have the intent to do that as surveyors and when we survey a piece of property not only do, we survey the subject property, but we survey every piece of property that surrounds that tract. Therefore the calculations and the determinations by that that licensed land surveyor can determine that this particular property truly is the property as a whole and we're not taking any additional ground from anybody else and we are not giving any of property away by also serving is somewhat kind of flex but we do have to survey other people's property and I do apologize that we were using your lane of Klaas Lane. Saying that we survey other people's property every time they survey ground, the State gives us rights to "trespass" if you want it for say on other people's property to locate their boundary corners and any encroachments that would be along with property lines. We certainly don't want to abuse that right that we have and the access to this development is truly going to be on this hundred-foot-wide strip of ground from Highway N up into the property. From now on we won't need to be surveying other people's property because we already performed a boundary survey and took a graphic survey on the subject property which is under 120 acres so we will not be needing to go on to other people's property and or use Klaas Lane again. I will inform my survey Department about that. The access, equipment and construction and everything will be done on this property, it will be accessed from Hwy N within that 100-foot corridor. We will not be on other people's property and we're not going to be cutting other people's trees down. Like I had mentioned previously, we want to maintain and keep as many trees as possible because trees sell houses. We want them to have the same privacy that we have as well. Lighting pollution, the builder only wants to put nine street lights in and that's their request at all intersections and cul-de-sacs and that would probably not meet the County's ordinance or regulation of spacing between light standards but as it was mentioned in a previous development there are certain guidelines that have to be followed and I think it's 5 candle watts of power at the property line and so will certainly have to follow those guidelines. I don't believe we will be decreasing anybody's property values with the size of the houses in the lots that would be proposing on this. We are requesting rezoning to RR which would allow us to build a three-acre lot development.

Vice-Chairman Cleary asked Mr. Bax, I know you said that the license surveyors would have that right, but would they typically ask for permission though.

Mr. Bax said typically they would ask permission but if it was very early in the morning, I'm not sure you would want to go and wake the whole family to tell them their property will be surveyed. We do ask our surveyors to contact the owner prior to entering on their property so I will make sure to point that out to my employees.

Vice-Chairman Cleary stated the biggest issue was tree preservation, but you addressed earlier that you plan to keep as many trees as possible.

Vice-Chairman Cleary asked if there were any other questions for the applicant.

Craig Frahm asked why not stay with 5 acres.

Mr. Bax responded developers want three acre lots we are trying to get them that. A three-acre lot is in more demand than a five-acre lot.

Craig Frahm asked would a two-million-dollar house have to be built on a five-acre lot.

Mr. Bax said that would be up to the discretion of the buyer. A good starting range for a home on a three-acre lot is \$500,000.

There being no further audience speakers, Vice-Chairman Cleary closed the public hearing and called for discussion from the Commission.

There being no further discussion, Vice-Chairman Cleary entertained a motion to recommend approval of RZ221-02.

Terry Hollander made a motion to approve Application RZ21-02; and Chad Cornwell seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Dianne Saale	- Yes	Craig Frahm	- Yes
Chad Cornwell	-Yes	Terry Hollander	-Yes	Jamaal Jackson	-Yes

Application RZ21-02 was **APPROVED**;

The vote count was 9 Yeas, 0 Nays, and 0 Abstentions.