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FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING
MARCH 17, 2016

(Commencing at 10:00 a.m.)

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services

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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

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A P P E A R A N C E S

FRANKLIN COUNTY COMMISSIONERS:

John Griesheimer, Chairman

Timothy Brinker, Commissioner

Jeff Maune, Commissioner

LEGAL COUNSEL AND STAFF:

Mark Vincent, Attorney

Ms. Scottie Eagan, Planning Director

MIDWEST LITIGATION SERVICES:

By: Patsy A. Hertweck, C. R.

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

1 P R O C E E D I N G S

2 [MARCH 17, 2016]

3 CHAIRMAN GRIESHEIMER: All right.
4 Let's get started.

5 COMMISSIONER BRINKER: Off the
6 record.

7 [Off-the-record comments]

8 CHAIRMAN GRIESHEIMER: We're going to
9 do public hearing File Number 160022 to our amendments.

10 MS. EAGAN: Want me to start?

11 CHAIRMAN: Yep, go ahead and start.

12 MS. EAGAN: Okay. I'll start with
13 the hearing procedures.

14 At this time, I would like to place into the
15 record the Franklin County Unified Land Use Regulations as
16 Exhibit A, the official Zoning Map as Exhibit B, the
17 official Master Plan as Exhibit C, and the case file for
18 each case as Exhibit D for all the cases to be heard at this
19 hearing.

20 [Thereupon, evidence was marked
21 for identification and submitted for the
22 record as Exhibits A, B, C and D.]

23 As each case is opened, the staff report will
24 first be read by the Planning and Zoning Department,
25 followed by the Commissioners' questions for the staff.

1 Then if anyone in the audience would like to
2 speak or comment during this public hearing, they must first
3 print their name on the sign-in sheet provided and then be
4 sworn in.

5 When it is your turn to speak, you will come to
6 the front of the room to address the Commission and only the
7 Commission, not anyone in the audience, with any questions
8 or comments.

9 Generally, the Applicant is allowed to speak
10 first, followed by those in support and then those opposed.
11 The Applicant may speak again after comments from the
12 general public to address any questions or issues brought up
13 during the hearing.

14 At the conclusion of all questions, comments,
15 and discussion concerning each case, the public hearing for
16 each case will conclude. The decision will generally be
17 made by Commission order at a later date during the County
18 Commission's regular meeting time.

19 This is File 160022, and this is amendments to
20 the regulations regarding Article 7, Zoning Districts, as
21 well as the related definitions in Article 2.

22 What I'm going to do, I'm not going to read
23 these definitions word for word, but I'm going to tell you
24 guys a little bit of why we're changing them and why we're
25 adding them.

1 The first one I want to talk about is the
2 Animal Feeding Operations, the AFO. What you have in your
3 packet is what was presented to the Planning and Zoning
4 Commission. After talking with them, it was decided that
5 we'd like to completely delete that definition as well as
6 commercial feed lots, and they just couldn't come to an
7 agreement of what an AFO is compared to a CFO and so on and
8 so forth. So since we go by DNR regulations, we decided
9 let's just get rid of the definitions and point everyone to
10 the DNR regulations.

11 Next we went to the commercial slaughterhouses.
12 We changed that a little bit because some people felt our
13 numbers were too high. So I went ahead and I changed them
14 to where they are more realistic.

15 And then another one I want to talk about are
16 the manufacturing heavy and the manufacturing light. Right
17 now the way our definition reads is anything is
18 manufacturing whether you're processing something very small
19 to manufacturing large car parts. So we wanted to have two
20 different categories because we started having calls of the
21 people who wanted to do small, one- to two-man shops, but
22 they were bound by that manufacturing definition. So that's
23 why we split those up.

24 Then lastly, Special Events Periodic. It did
25 say that these events had to be held in an identified

1 facility or structure which is permanent in nature. This
2 really restricts the people who wanted to do more of the
3 outdoor type weddings and show off the beauty of Franklin
4 County. So we wanted to get rid of that.

5 So do you guys have any questions on the
6 definition aspect of Article 7?

7 COMMISSIONER BRINKER: Ut-uh.

8 COMMISSIONER MAUNE: No.

9 MS. EAGAN: Okay. Going on to the
10 actual zoning districts.

11 Starting with the first page, in Non-Urban and
12 Agricultural, we went ahead and added animal auction houses
13 into this district. It's actually something we've gotten
14 quite a few calls about, and we didn't have anything that
15 related to just the auction of animals. So we put that in
16 there.

17 If you flip the page over, we added
18 manufacturing light as a permitted use with five or fewer
19 employees. And then in conditional uses, we did
20 manufacturing light with more than five employees.

21 And something we talked about a while ago that
22 we're finally changing, our regulations with motor vehicle
23 service. That category we added "anything stored outside
24 shall be behind a site-proof stockade type fence."

25 So this would kind of help out all those

1 businesses out there that we're getting complaints on
2 because of all the parts that are being stored or all the
3 junk that's there. Now, even if it's a permitted use, you
4 have to put it behind a site-proof fence.

5 If you look at Community Development on page
6 7.5, we're adding just normal auction houses into this
7 category as a permitted use.

8 And then the only other changes to this
9 district is for the motor vehicle rental or service,
10 "anything stored outside shall be behind a site-proof
11 stockade type fence."

12 In Commercial Activity Highway Service, we
13 added the auction house to it, and the same thing with the
14 motor vehicles.

15 And then Commercial Activity 3, we added as a
16 permitted use manufacturing light and heavy. It used to
17 just say manufacturing. And then again with the motor
18 vehicles, "anything stored outside shall be behind a
19 site-proof fence."

20 We didn't do anything with our Residential
21 Districts. Those will all stay the same.

22 So finally, with Industrial Development, we
23 went ahead and added in that district as a conditional use
24 permit commercial slaughterhouses. We realized we had a
25 definition for it, but we didn't have it listed in any of

1 our categories.

2 So those are the changes to Article 7.

3 CHAIRMAN GRIESHEIMER: Questions?

4 COMMISSIONER BRINKER: [Negative head
5 shake.]

6 CHAIRMAN GRIESHEIMER: I have one on
7 the rezoning application that we had up around
8 Jeffriesburg, --

9 MS. EAGAN: Uh-huh.

10 CHAIRMAN GRIESHEIMER: -- okay. And,
11 Jeff, I know you've talked about this. Would that not be a
12 place to add -- a time and a place to add since we're
13 doing -- since we have repair of motor vehicles here, but
14 also include the repair of --

15 COMMISSIONER MAUNE: ATVs?

16 CHAIRMAN GRIESHEIMER: -- ATVs? And
17 then that would solve -- that would solve that problem.

18 MS. EAGAN: It wouldn't solve the
19 problem.

20 COMMISSIONER MAUNE: Make it
21 conditional.

22 CHAIRMAN GRIESHEIMER: Make it
23 conditional, yeah.

24 MS. EAGAN: But he's selling.

25 CHAIRMAN GRIESHEIMER: Well, that

1 would only solve half the problem, yeah.

2 COMMISSIONER BRINKER: Include the
3 sale and service of said items.

4 CHAIRMAN GRIESHEIMER: Well, just
5 the service. Well, no, we could do the -- no, you can't.

6 MS. EAGAN: I mean, we don't allow
7 motor vehicle sales --

8 CHAIRMAN GRIESHEIMER: Right.

9 MS. EAGAN: -- in the NUA district.
10 So if you're wanting to allow ATV sales, I think you should
11 also allow motor vehicle sales, but personally I don't think
12 the sales should be in that district. I think it's a right
13 district for the sales of those vehicles.

14 CHAIRMAN GRIESHEIMER: Well, we could
15 do the service.

16 MS. EAGAN: If you want to add
17 service, that's fine. I don't think it has to go back
18 before P and Z. Does it?

19 COUNTY ATTORNEY VINCENT: No.

20 COMMISSIONER BRINKER: No. I was
21 going to say the attorney should have said no.

22 CHAIRMAN GRIESHEIMER: I was going to
23 say as a partial. I know it's not going to solve all the
24 problem, but at least we could add this a -- add the service
25 in this category.

1 MS. EAGAN: So that's something you
2 guys want me to add?

3 CHAIRMAN GRIESHEIMER: Uh-huh.

4 COMMISSIONER MAUNE: Uh-huh.

5 COUNTY ATTORNEY VINCENT: Off the
6 record.

7 [Off the record]

8 MS. EAGAN: Anything else?

9 CHAIRMAN GRIESHEIMER: No, I don't
10 believe so. You all have anything?

11 COMMISSIONER BRINKER: No.

12 MS. EAGAN: You want to close that
13 one, and I'll move on to the next one?

14 CHAIRMAN GRIESHEIMER: Okay. Anyone
15 in the audience wish to testify in favor of the amendments
16 to Article 7?

17 AUDIENCE MEMBER: I'm good.

18 CHAIRMAN GRIESHEIMER: Anyone in the
19 audience wish to testify in opposition to the amendments of
20 Article 7 or for informational purposes only of Article 7?

21 [None]

22 Seeing none, that will conclude the hearing of
23 Article 7.

24 Article Number 8, File Number 160024.

25 MS. EAGAN: First I'll read the

1 hearing procedures.

2 At this time, I would like to place into the
3 record the Franklin County Unified Land Use Regulations as
4 Exhibit A, the official Zoning Map as Exhibit B, the
5 official Master Plan as Exhibit C, and the case file for
6 each case as Exhibit D for all the cases to be heard at this
7 hearing.

8 [Thereupon, evidence was marked
9 for identification and submitted for the
10 record as Exhibits A, B, C and D.]

11 As each case is opened, the staff report will
12 first be read by the Planning and Zoning Department,
13 followed by the Commissioners' questions for the staff.

14 Then if anyone in the audience would like to
15 speak or comment during this public hearing, they must first
16 print their name on the sign-in sheet provided and then be
17 sworn in.

18 When it is your turn to speak, you will come to
19 the front of the room to address the Commission and only the
20 Commission, not anyone in the audience, with any questions
21 or comments.

22 Generally, the Applicant for the rezoning is
23 allowed to speak first, followed by those in support and
24 then those opposed. The Applicant may speak again after
25 comments from the general public to address any questions or

1 issues brought up during the hearing.

2 At the conclusion of all questions, comments,
3 and discussion concerning each case, the public hearing for
4 each case will conclude. The decision will generally be
5 made by Commission Order at a later date during the County
6 Commission's regular meeting time.

7 This is File 160024. We are seeking to amend
8 the Land Use Regulations pertaining to Article 8,
9 Subdivisions and amendment to the definitions in Article 2.

10 So the Article 2 definitions, the only ones
11 that we're touching that relate to Article 8 is driveway and
12 to driveway shared. After we had that meeting with Mark and
13 the IT Department, we realized our definition of driveway
14 actually called it a road. So we had to redo the
15 definition.

16 So now it's just a private access for ingress
17 and egress or means of approach to provide physical entrance
18 to a property. That's for a driveway.

19 Driveway shared is a private access for ingress
20 and egress or a means of approach to provide physical
21 entrance to multiple properties. So it's just a simple
22 change on that one.

23 Any questions?

24 CHAIRMAN GRIESHEIMER: Seeing none,
25 proceed.

1 MS. EAGAN: Okay. In Article 8, the
2 first change is on page 8.2 towards the bottom for Partial
3 Exemption.

4 What we are finding out with our combination or
5 boundary adjustment exemption there were times where people
6 would be adjusting their property and they wouldn't
7 necessarily be along a state road, a county road or even
8 have necessarily a recorded easement that goes to their
9 road.

10 So we had in here that if your property lies
11 along one side of a private road with 30 feet or less, that
12 you're required to get the extra right-of-way to meet the 25
13 feet from the center line. But these people's properties
14 weren't touching any roads. So they would have to go
15 through three or four other people's property to try to get
16 those easements, and they just weren't getting them.

17 So with such a minor change of a property line
18 between two unplatted properties, we didn't see any harm in
19 just kind of getting rid of that and not worrying about the
20 access to those pieces at that time.

21 The other addition we did all of our partial
22 exemptions is we added:

23 "The accepted depth in
24 relation to lot width shall
25 be avoided. Lots shall

1 not exceed a depth-to-width
2 proportion of 4:1. Width shall
3 be defined as the width at the
4 mid point of the lot. At no point,
5 shall any lot be less than 50 feet
6 in width."

7 What we were realizing is we started getting
8 all these applications where people were trying to combine
9 properties buying only a 20-foot strip or a 30-foot strip.
10 So we had these really small, narrow areas where, if you do
11 a subdivision, you can't do that.

12 So in our large lot exemption and charter
13 exemption, boundary adjustment and family exemptions, we
14 added that same wording. I think what I'm going to have to
15 do is instead of calling them lots, call them tracts. So
16 I'm going to go ahead and recommend we make what change
17 today.

18 And then the last change to Article 8, this
19 happened this month. It's at the very end of your packet.
20 We realized when we talked about central water and sewer
21 with minor subdivisions that, when we switched back from --
22 when we switched from four lots to six lots, we never added
23 five and six lots back in central water and sewer. So we
24 just added back in the regulations if you have five to six
25 lots that are created and are within a thousand feet of an

1 existing public water or sewer line measured along a public
2 easement, you're required to hook up.

3 So we just added that back into minor
4 subdivisions, and then major subdivisions, we just made that
5 same change, subdivision between seven and ten lots instead
6 of five and ten.

7 So those are the changes to Article 8.

8 CHAIRMAN GRIESHEIMER: All right.

9 Any questions for Scottie? [None]

10 Seeing none, anyone in the audience wish to
11 testify in support of the amendments to Article 8? [None]

12 Anyone in the audience wish to testify in
13 opposition to the amendments to Article 8 or for
14 informational purposes only to the amendments in Article 8?
15 [None]

16 Seeing none, that will conclude the hearing of
17 Article 8, File Number 160024.

18 Any other business before this hearing? [None]

19 Seeing none, that will conclude the public
20 hearing.

21 COMMISSIONER BRINKER: Well done.

22 CHAIRMAN GRIESHEIMER: We're
23 adjourned.

24 [Thereupon, the proceedings concluded
25 at 10:33 a.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter
and Notary Public within and for the State of Missouri,
before whom the foregoing proceeding was taken, do hereby
swear that the aforementioned was held at the time and in
the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 2018