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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

JUNE 16, 2015

(Commencing at 1:30 p.m.)

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

PUBLIC HEARING 6/16/2015

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A P P E A R A N C E S

COMMISSION MEMBERS:

- John Griesheimer, Chairman
- Timothy Brinker, Commissioner
- Jeff Maune, Commissioner

PLANNING AND ZONING STAFF:

- Ms. Scottie Eagan, Planning Director

MIDWEST LITIGATION SERVICES:

- By: Patsy A. Hertweck, C. R.
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- St. Louis, Missouri 63101
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1 P R O C E E D I N G S

2 (June 16, 2015)

3 CHAIRMAN GRIESHEIMER: We are here today.
4 We have two public hearings. The first of which is the File No.
5 140249 Sam Wagner.

6 Scottie, if you would.

7 MS. EAGAN: Sure. First I'll start with
8 the hearing procedures.

9 At this time, I would like to place into the record
10 the Franklin County Unified Land Use Regulations of 2001 as
11 Exhibit A, the official Zoning Map as Exhibit B, the official
12 Master Plan as Exhibit C, and the case file for each case as
13 Exhibit D for all the cases to be heard at this hearing.

14 [Thereupon, evidence was marked for
15 identification and presented for the record
16 as Exhibits A, B, C, and D.]

17 As each case is opened, a staff report will first be
18 read by the Planning and Zoning Department, followed by the
19 Commissioners' questions for the staff.

20 Then if anyone in the audience would like to speak
21 or comment during the hearing, they must first print their name
22 on the sign-in sheet provided, and then be sworn in. When it is
23 your turn to speak, you will come to the front of the room to
24 address the Commission and only the Commission, not anyone in the
25 audience, with any questions or comments.

1 Generally, the applicant for the rezoning is allowed
2 to speak first, followed by those in support and then those
3 opposed.

4 The applicant may speak again after comments from
5 the general public to address any questions or issues brought up
6 during the hearing.

7 At the conclusion of all questions, comments, and
8 discussion concerning each case, the public hearing for each case
9 will conclude. The decision will generally be made by Commission
10 Order at a later date during the County Commission's regular
11 meeting time.

12 The first file is File 140249. The Applicant is Sam
13 Wagner.

14 The Applicant wishes to rezone and create a Planned
15 Unit Development with 23 lots in the proposed Residential
16 Development 2 Zoning District.

17 The property is located on Legacy Lane,
18 approximately 500 feet west of Highway M in Boles Township.

19 The Facts: This request involves two different
20 actions. The first is a rezoning from Suburban Development to
21 Residential Development 2. The second action we are looking at
22 is the creation of a 23-lot zero lot line PUD.

23 This request involves 12 existing lots and a section
24 of open space totaling approximately 10 acres.

25 These properties are part of a large subdivision,

1 Lake Wood Estates, that was platted in 2006.

2 These lots are part of a long process of rezoning.

3 In November of 2004, the Applicant applied to rezone these
4 properties, along with the rest of the current subdivision, to
5 Residential Development 2. This was voted down in December of
6 2004.

7 The Applicant then applied to have these properties,
8 along with the rest of the current subdivision, rezoned to
9 Community Development in April 2005. The County Commission again
10 denied this request.

11 In December 2005, the Applicant applied to rezone
12 these properties, along with the rest of the current subdivision,
13 to Suburban Development to build 28 high-quality, single-family
14 homes. This rezoning was approved in May 2006.

15 At the previous rezoning meeting, the rezoning to
16 Suburban Development, it was stated that there should be no
17 objections to this rezoning because in this district, it limits
18 the Applicant to building only single-family homes. No duplexes
19 or apartments may be built in that zoning district. The RD2
20 zoning district would allow the Applicant to build duplexes and
21 apartments.

22 The property surrounding the proposed rezoning are
23 mostly zoned Non-Urban and Agricultural. The remaining part of
24 the subdivision and the property to the east of Highway M are
25 zoned Suburban Development.

1 The surrounding properties are primarily
2 medium-density residential, with a few low-density residential
3 properties to the south and west.

4 Today the Applicant wishes to rezone the 12 lots to
5 Residential Development 2 in order to do a zero lot line
6 development. The Residential Development 2 zoning district
7 allows a minimum lot size of 10,000 square feet for major
8 subdivisions and three acres for minor subdivisions. The maximum
9 density in RD2 is one dwelling per 5,000 square feet.

10 The density in the proposed PUD is approximately one
11 dwelling unit per 19,000 square feet.

12 The PUD is proposing to have 11 zero lot line lots,
13 1 single-family dwelling lot, and dedicated open space.

14 This development has an existing on-site wastewater
15 treatment facility and central water.

16 Staff Comments: Rezoning are allowed in our
17 regulations due to the ever-changing conditions that exist in the
18 county and elsewhere. According to Article 14, Section 321, any
19 such change must promote the health, safety, morals, comfort, and
20 general welfare of Franklin County by conserving and protecting
21 property and building values, by securing the most economical use
22 of land and facilitating the adequate provision of public
23 improvements in accordance with the Master Plan adopted by
24 Franklin County.

25 Because this is a Planned Unit Development with a

1 rezoning, the Planning and Zoning Commission only made a
2 recommendation of both the rezoning and the PUD. The County
3 Commission will make the final determination.

4 We have received information regarding the
5 stormwater detention and have been informed that it appears to
6 meet our Code requirements.

7 We have received a letter from Chris Boone, an
8 engineer for Cochran Engineering, verifying the existing sanitary
9 sewer and potable water system has adequate capacity for the
10 additional homes.

11 We have received a letter from Public Water Supply
12 District No. 3 indicating they currently provide water to this
13 development, and will continue to do so in the future.

14 We have received a letter from the bank financing
15 the project that they are aware of the development and have no
16 issues with such development.

17 The Planning and Zoning Commission had the following
18 recommendations:

19 Any path that leads to the common ground shall be
20 hard-surfaced and free of any sort of significant dip;

21 The walkway shall be mostly level with a maximum
22 grade of 5 percent;

23 Any water drainage onto other properties needs to be
24 addressed and an erosion prevention and protection plan shall be
25 submitted and approved by the Highway Department.

1 And that's all I got.

2 CHAIRMAN GRIESHEIMER: Okay.

3 Anyone wishing to testify in support of the
4 rezoning? Come forward.

5 [Thereupon, the witness was sworn.]

6 MR. SAM WAGNER: My name is Sam Wagner,
7 and I'm the one that is trying to see if I can get you all's help
8 with this.

9 We are -- we'd like to do something, and we've been
10 -- you know, I live on that property, by the way. One of my
11 homes is on one of the lots. I built -- developed this back in
12 -- we started probably in '05, I believe. It took us a couple of
13 years to get all this, just before the housing market went down,
14 and we kind of gotten in a situation where nothing sold for quite
15 a few years. We've been holding on to it with God's help and
16 grace, you know, working hard to pay the bills.

17 We started last October because we saw the need for,
18 number one, every time or every month or every year that these
19 lots sit empty, there's no benefit for anybody, Villa Ridge or
20 Franklin County, school district. Everybody that we spoke with
21 is in favor of us doing what we're doing, including the Rodney --
22 Jones, Mr. Jones for the -- I'm sorry. I'm drawing a blank here.
23 The school district for Coleman. I forget his -- Mr. Rodney
24 Jackson, yeah, who's in support of us.

25 They want to see, you know, more growth in Villa

1 Ridge, more families, more kids. I understand.

2 We have, you know, a desire to build nice two-family
3 dwellings is what we're asking for. We've already committed to
4 not only the size but the type of units. The units that we're
5 going to bring to Villa Ridge are beautiful two-family dwellings.
6 We're not doing, you know, housing that's going to acquire or
7 attract people that maybe Villa Ridge may not desire, but we want
8 to do something that's going to attract people that pay taxes
9 that are going to benefit Villa Ridge.

10 You know, sitting empty is not going to help, again,
11 Villa Ridge or anybody. I think you all have -- I don't know if
12 they gave you a copy of the plans that we've submitted. We're
13 locked into basically the type of building, the size of building,
14 and the appearance of the building.

15 So we can't build something that I believe everybody
16 is concerned or they show or say that they're concerned, that
17 we're going to put trailer parks or trailer homes or -- there's
18 not even a way to do that even if we wanted to, which I would
19 never obviously want because I live in that subdivision. My
20 parents own a home on that same street, Lot 3, and everybody that
21 has purchased has -- we've sold to two other people several lots.
22 All are in favor of us, and I think you should have a letter from
23 the different people that own the lots in the subdivision that
24 are in support of us doing this rezoning because again, sitting
25 empty is not going to benefit anybody.

1 CHAIRMAN GRIESHEIMER: I've just got a
2 question for Scottie. Scottie, what is a zero lot line?

3 MS. EAGAN: A zero lot line is basically
4 where they build a duplex over the property line so each side of
5 the duplex can own their own section of a property.

6 CHAIRMAN GRIESHEIMER: Okay. So you got a
7 property line, and then you've got the duplex, and one side of
8 the duplex is -- one side of the duplex is on one side of the
9 line and the other one...

10 MS. EAGAN: Correct. So each duplex has
11 their own lot.

12 COMMISSIONER BRINKER: So they're divvied
13 in half right along the lot line.

14 CHAIRMAN GRIESHEIMER: Okay.

15 MS. EAGAN: Yeah.

16 CHAIRMAN GRIESHEIMER: Just for curiosity,
17 do you know -- were you here when this was originally denied?

18 MS. EAGAN: No, I was not.

19 CHAIRMAN GRIESHEIMER: Just wondering why
20 -- what their reasoning was back then, but I guess it doesn't
21 matter anyway.

22 Tim, Jeff, you got any questions?

23 COMMISSIONER MAUNE: I got a couple of
24 questions.

25 MR. WAGNER: Sure.

1 COMMISSIONER MAUNE: When you're -- it
2 says you got existing sewer system.

3 MR. WAGNER: Uh-huh.

4 COMMISSIONER MAUNE: And do you know what
5 that sewer system is right now?

6 MR. WAGNER: Yes, sir. Yeah, we built it.
7 We spent quite a bit to do it. It's -- it met all of DNR's
8 regulations, but just the other day I bumped into Bob Hathcock
9 (phonetically), who's over the Water District, and come to find
10 out in the next couple of years that's not going to even be used
11 anymore. They're going to have one central sewer; they're all
12 going to tie in, our subdivision, Terra Place, and I believe a
13 couple of other subdivisions. So -- but we do have -- what we
14 built back then was according to the latest that DNR required of
15 us.

16 And Cochran Engineering was the one that done it.

17 COMMISSIONER MAUNE: Do you know if you
18 have ammonia limits right now, or if you're ammonia monitoring?

19 MR. WAGNER: We are. I mean, I'm not
20 doing it myself. We turned that over to the Water District.
21 They do all that.

22 COMMISSIONER MAUNE: They do all that. Do
23 you know what your permit requires?

24 MR. WAGNER: As far as?

25 COMMISSIONER MAUNE: Do you have ammonia

1 monitoring or ammonia limiting?

2 MR. WAGNER: Yes, I'm sure they -- we do.
3 I believe we have all that, but I do not get involved. I don't
4 -- I don't know anything about it. I'm a builder, and that's all
5 I do.

6 COMMISSIONER MAUNE: Okay. Do you know if
7 you do disinfection?

8 MR. WAGNER: It -- I know that the water
9 gets treated. It comes out. It goes through the chlorination
10 process, and then it gets actually also through another process
11 where the chlorine is supposed to be taken out so that when it
12 comes it out...

13 COMMISSIONER MAUNE: You do chlorinating
14 and dechlorinating?

15 MR. WAGNER: Correct.

16 COMMISSIONER MAUNE: That's disinfection.
17 The other -- you said the magic word there.

18 MR. WAGNER: Yes, it does.

19 COMMISSIONER MAUNE: The other thing would
20 have been UV.

21 MR. WAGNER: That I do remember because I
22 was --

23 COMMISSIONER MAUNE: [Interposing]
24 Disinfection is either UV or chlorination.

25 MR. WAGNER: Correct.

1 COMMISSIONER MAUNE: Okay.

2 MR. WAGNER: Yes.

3 COMMISSIONER MAUNE: So -- okay. Which
4 that means that you are within a mile of a full body contact
5 stream because that would be a requirement to disinfect if you
6 were within a mile of a full body contact stream.

7 The ammonia limits, I'm guessing that you don't have
8 an ammonia limit right now, but the next time your permit renews,
9 you'll be required to have an ammonia limit. Do you have enough
10 space there around that plant to add additional equipment for
11 ammonia removal?

12 MR. WAGNER: I believe the lot's large
13 enough if that is the case. I believe it's large enough.

14 COMMISSIONER MAUNE: The treatment plant
15 is in, I'm guessing, that would be the north end of the property,
16 that --

17 MR. WAGNER: [Interposing] Uh-huh.

18 COMMISSIONER MAUNE: -- cul de sac?

19 MR. WAGNER: Yes, sir.

20 COMMISSIONER MAUNE: Okay. What's the
21 topography of that piece? Is it relatively level or...

22 MR. WAGNER: It's -- it's got a little bit
23 -- obviously it drains into a dry -- hydraulic -- a dry creek.
24 It's not really a wet creek. It's not like it's all year long,
25 that water doesn't flow through it, only rainwater typically.

1 COMMISSIONER MAUNE: Do you know what the
2 capacity of that land is?

3 MR. WAGNER: That's something that maybe
4 Brian might know.

5 MR. BRIAN GERTGEE: Yeah. I could
6 probably answer the question.

7 MR. WAGNER: He's with Cochran. I don't
8 know. Sorry, I don't get with the technical stuff. I don't know
9 for sure. The capacity of it, you're saying?

10 COMMISSIONER MAUNE: Right.

11 MR. WAGNER: When we first built it, I
12 know it was built to over -- over the capacity of it. It could
13 handle more. In fact, initially -- because that's what we tried
14 to rezone it to where we could do smaller lots. So initially the
15 -- I think they downsized it a little bit, but according to Chris
16 Boone for Cochran, and he did write a letter, and he did say that
17 it's plenty sufficient to handle what we're wanting to do and
18 much more, I believe. So...

19 COMMISSIONER MAUNE: Okay. Thank you.

20 CHAIRMAN GRIESHEIMER: Tim, you got any
21 questions?

22 COMMISSIONER BRINKER: No, I don't have
23 any questions.

24 CHAIRMAN GRIESHEIMER: Okay.

25 MR. WAGNER: One -- one request. I know

1 that -- I think that we've always had a couple of people in
2 opposition. I'd like to -- in the past, since last October, you
3 know, I've been --

4 CHAIRMAN GRIESHEIMER: [Interposing]
5 You'll get an opportunity to do --

6 MR. WAGNER: [Interposing] Appreciate
7 that. Thank you.

8 CHAIRMAN GRIESHEIMER: -- do a rebuttal.

9 Anyone else wish to testify in support of the
10 rezoning request? You want to bring your expert up?

11 MR. WAGNER: Yes.

12 [Thereupon, the witness was sworn.]

13 MR. GERTGEE: Hi, Brian Gertgee with
14 Cochran.

15 So I was going to -- Sam answered that question for
16 that. I mean, I think off the top of my hand, that plant is
17 sized for 16,000 gallons a day, and actually we -- you know,
18 Cochran does work for Public Water District No. 3. And Bob
19 actually did talk to me about taking that plant off line in Terra
20 Place. They're going to actually send it to -- there's a lift
21 station we did for them two years ago at Villa Village, and we're
22 going to actually go gravity, I think, down to Terra Place,
23 collect it there, a lift station and pump it over to the lift
24 station at Villa Village. And Villa Village pumps it over to a
25 lagoon they have on the south side there is what their plan is.

1 COMMISSIONER MAUNE: Is that a lagoon
2 system or a sand filter behind it?

3 MR. GERTGEE: It's a lagoon system. I've
4 never actually been to it, but to my knowledge, it's a lagoon
5 system.

6 COMMISSIONER MAUNE: It's been a while
7 since I've driven down there, but --

8 MR. GERTGEE: [Interposing] Yeah, me too.

9 COMMISSIONER MAUNE: -- I'm familiar with
10 that behind Villa Village.

11 MR. GERTGEE: Okay. Yeah, I've never been
12 there, but that's where I was talking to Terry McDaniel about.
13 He said yeah, they just want to get it over there to that lagoon,
14 but that's been their plan anyway.

15 CHAIRMAN GRIESHEIMER: So will you
16 eventually take it off line and --

17 MR. GERTGEE: [Interposing] Yeah.

18 CHAIRMAN GRIESHEIMER: -- substitute it
19 with a sewer line?

20 MR. GERTGEE: Uh-huh.

21 CHAIRMAN GRIESHEIMER: Tim, any questions?

22 COMMISSIONER BRINKER: No.

23 CHAIRMAN GRIESHEIMER: Okay.

24 MR. GERTGEE: Okay.

25 CHAIRMAN GRIESHEIMER: All right. Thank

1 you, guys.

2 MR. GERTGEE: Okay. Thanks.

3 CHAIRMAN GRIESHEIMER: Anyone else in the
4 audience wish to testify in support of the rezoning? [None]
5 Okay.

6 Anyone in the audience wish to testify in opposition
7 to the rezoning? Come forward.

8 [Thereupon, the witness was sworn.]

9 MS. HUNT: Can you hear?

10 CHAIRMAN GRIESHEIMER: Uh-huh.

11 MS. JUDITH HUNT: We county residents have
12 a history with this rezoning over the past, it appears now, 12
13 years, and we have responded to calls for hearings during snow,
14 pre-Christmas, darkness, heat, everything. So we have several
15 stakes in these request, but most importantly, resulting
16 consequences.

17 This request should not have reached the Commission
18 level. Actually, the present one is ironically the same as the
19 original, which proposed to go from horse pasture to RD2, high
20 density, only for the benefit of the owner, not the neighborhood
21 or the county.

22 Obviously, such a change is drastic. It's setting
23 down a hamlet in the agricultural area. It's an example of spot
24 zoning. Spot zoning is not strictly illegal, but should be, in
25 my opinion. It is out of character with its surroundings.

1 Further, spot zoning negates Planning and Zoning altogether. Why
2 pay for a Planning and Zoning Department if it can be canceled
3 without good reason. We can save the expense of Planning and
4 Zoning and let things happen as they will, a les a faire policy.

5 It has its advantages in, at least being known, that
6 there are no rules and no protection for existing landowners.

7 Planning and Zoning's reason to exist is protecting
8 the landowners who have been paying the taxes and maintaining
9 property all the years. The Wood property has been registered
10 since 1831. That deserves respect, surely. The current owner,
11 Wagner, could sell at any time and leave the zoning granted in
12 place. The consequences to the neighbors and to the county
13 considering -- I do wish you'd seriously consider the present and
14 the future.

15 Thank you.

16 CHAIRMAN GRIESHEIMER: Thank you. Any
17 questions for the witness?

18 MS. REPORTER: I have a question. What's
19 your name, please.

20 CHAIRMAN GRIESHEIMER: Oh, yeah.

21 MS. HUNT: It's on the paper.

22 MS. REPORTER: I need you to state it for
23 me, please.

24 MS. HUNT: Judith Hunt.

25 MS. REPORTER: Judith Hunt. Thank you.

1 CHAIRMAN GRIESHEIMER: Any questions, Tim,
2 Jeff?

3 Judith, I believe Commissioner Maune has a question
4 for you.

5 COMMISSIONER MAUNE: Where is your
6 property in location to these lots?

7 MS. HUNT: It's across the road. Across
8 100, that is.

9 COMMISSIONER MAUNE: Cross 100?

10 MS. HUNT: Yes.

11 CHAIRMAN GRIESHEIMER: To the east?

12 MS. HUNT: To the north.

13 COMMISSIONER MAUNE: To the north. Is
14 that near the T and V intersection?

15 MS. HUNT: Oh, no, no, no. That would be
16 west. We're talking about north across new 100 and old 100 for
17 that matter.

18 COMMISSIONER MAUNE: Right.

19 MS. HUNT: Yeah.

20 COMMISSIONER MAUNE: Okay. There was a
21 Kwik Market on that corner there.

22 MS. HUNT: On that corner, yeah.

23 COMMISSIONER MAUNE: And then you go a
24 little west from there is where your property would be?

25 MS. HUNT: No, no, no. East.

1 COMMISSIONER MAUNE: Go east from there?

2 MS. HUNT: Yeah. It's the old Wood farm.

3 CHAIRMAN GRIESHEIMER: She's kind of up
4 here over here up on top of the bluff.

5 COMMISSIONER MAUNE: By the water tower.

6 No, that's on the other side of the highway.

7 MS. HUNT: The water tower is gone.

8 COMMISSIONER MAUNE: Okay. The old water
9 tower.

10 MS. HUNT: Thank goodness.

11 CHAIRMAN GRIESHEIMER: It was taken by
12 MoDOT. It was for sale for a while and they approved the
13 highway. That's kind of too far, but she's back a little bit
14 this way, but she's on top of the -- I guess we want to call it
15 -- bluff there.

16 COMMISSIONER MAUNE: Well, I'm looking at
17 this map here, and that like backs up to Terra Place, and across
18 the highway, you're going to have Straatmann Storage.

19 CHAIRMAN GRIESHEIMER: Yeah. You know,
20 you got to go -- you got to go to 100. You got to go to dual
21 lane 100.

22 COMMISSIONER MAUNE: Right. Well, that's
23 what's showing up on here.

24 MS. HUNT: Just cross over. You just
25 cross over.

1 COMMISSIONER MAUNE: Yeah, you just cross
2 over the highway from there to north.

3 MS. HUNT: To old 100, and then you turn
4 on Homestead.

5 COMMISSIONER MAUNE: Oh, you're in
6 Homestead?

7 CHAIRMAN GRIESHEIMER: Uh-huh.

8 MS. HUNT: Yeah.

9 CHAIRMAN GRIESHEIMER: To the right.

10 COMMISSIONER MAUNE: Okay. What's the
11 square footage of the lots in Homestead?

12 MS. HUNT: Oh, it starts at -- along the
13 front they tried one acre before they changed the rules on
14 septic. Then they had to go to two acres. So it goes pretty
15 much from two acres to six acres.

16 COMMISSIONER MAUNE: As you get deeper
17 into Homestead?

18 MS. HUNT: Yes.

19 COMMISSIONER MAUNE: Okay. Okay.

20 MS. HUNT: So we are neighbors. Our
21 property values are definitely affected by what happens across
22 the road.

23 COMMISSIONER MAUNE: Okay. And -- but
24 looking at this here, you've got the mobile home parks on down
25 the road --

1 MS. HUNT: [Interposing] Right.

2 COMMISSIONER MAUNE: -- from this
3 development.

4 MS. HUNT: It's further away than -- than
5 this property is.

6 COMMISSIONER MAUNE: Yeah, except you got
7 the highway in between. I'm looking at the highway sort of as a
8 barrier there, and so on your side of the highway, the next thing
9 down the road is a mobile home park. I'm sorry. From this
10 development, the next thing down that road is a mobile home
11 parks.

12 AUDIENCE MEMBER: Horse farm.

13 MS. HUNT: No, there's another horse farm.

14 COMMISSIONER MAUNE: Yeah, a horse farm.

15 And then the next development there is --

16 MS. HUNT: [Interposing] Yes, which is
17 rather discrete actually. I've never been in there, and I don't
18 know the size of their properties. It could be on acreage for
19 all I know.

20 COMMISSIONER MAUNE: Yeah, Lake Wood Park
21 has larger lots, and --

22 MS. HUNT: [Interposing] Lake Wood does,
23 yes.

24 COMMISSIONER MAUNE: -- it's a typical
25 mobile home park, small lots, five or so per acre.

1 MS. HUNT: But it's very discrete. One
2 hardly sees it when one passes.

3 [Off-the-record comments.]

4 COMMISSIONER MAUNE: Okay. So, okay.
5 Well, thank you. I appreciate it.

6 MS. HUNT: Uh-huh.

7 COMMISSIONER BRINKER: Could I ask one
8 more question, ma'am?

9 CHAIRMAN GRIESHEIMER: Judith.

10 COMMISSIONER BRINKER: Judith, can I ask
11 one question.

12 CHAIRMAN GRIESHEIMER: Not done with you
13 yet.

14 COMMISSIONER BRINKER: Just for my clear
15 understanding, not to put you through a grinder here because I
16 know it's difficult enough, but I wanted to ask.

17 So your main contention is that you wish to keep the
18 land as it is?

19 MS. HUNT: I wouldn't say as it was, but
20 we don't want high density of anything.

21 COMMISSIONER BRINKER: You don't want high
22 density across the highway from you?

23 MS. HUNT: No.

24 COMMISSIONER BRINKER: Okay.

25 MS. HUNT: There is no precedent.

1 COMMISSIONER BRINKER: No.

2 MS. HUNT: There's no need.

3 COMMISSIONER BRINKER: All right. Thank
4 you. All right.

5 CHAIRMAN GRIESHEIMER: Okay. Anyone in the
6 audience wish -- anyone else in the audience wish to testify in
7 opposition? Come on up.

8 [Thereupon, the witness was sworn.]

9 MS. SUZANNE BULLOCK: I'm the packet, yes.

10 CHAIRMAN GRIESHEIMER: What's your name
11 again?

12 MS. BULLOCK: My name is Suzanne Bullock.

13 CHAIRMAN GRIESHEIMER: Thanks.

14 MS. BULLOCK: And I live where the water
15 tower used to be on 30 acres. We've been here before. I see no
16 reason not to abide by the Franklin County Master Plan and the
17 zoning designation.

18 All the reasons to keep Villa Ridge suburban and
19 agricultural continue, 2003, 2007, 2015. Yesterday I consciously
20 drove St. Louis Rock Road. I use that road all the time. You
21 probably do too. It's a beautiful road, and three horse or
22 corning farms, one cemetery that dates back to the 1820s, two
23 trailer manufactured parks, one which my elderly cousin who died
24 last year lived in because he could always see more birds than
25 even out of my windows, and the trailer park that he lived in --

1 manufactured homes he always called it -- has a pond that is
2 about four times larger than Mr. Wagner's.

3 Corn, alfalfa, soy beans, milo -- I want you to see
4 what I saw -- two cow/calf herds, one dairy herd, and one very
5 lonely cow in the middle of the field; chickens along the way;
6 the zoo breeding facility; lots and lots of single-family homes,
7 little ones, bigger ones, new ones, old ones, some probably
8 dating into the 1800s, one that I know dates to 1860, most of
9 them with a truck in the driveway, sometimes a car somebody was
10 working on -- got to say -- one, five, ten, twenty-five acres
11 around them; lots of green hills and trees, oak and hickory
12 forests; and two recent developments. One I knew and one I
13 didn't. Rainbow Village, lovely place. Graceful, treed, well
14 kept, mowed every time I've been there, and the new one that I
15 hadn't seen was Ocala. Houses that were set into the landscape
16 and provided privacy for each owner, graceful streets, large
17 lots, and both along with Bridgewater, which is down Highway M,
18 subdivision that even in the recession of 2007 and '8 couldn't
19 build their houses fast enough.

20 Now, they had a little trouble, but they were
21 successful, and I asked myself why. Villa Ridge is a mixed bag
22 from high to low, and that's one of the things that appeals
23 mostly to people who live there and who move there. Mr. Wagner's
24 request for subdivision rezoning was approved in 2007 because he
25 and his family said they would build houses on two quarter-acre

1 lots. He also told the Planning and Zoning Department and the
2 Planning and Zoning Board that he has sold several lots, but the
3 tax rolls register all the lots that are on that property
4 registered to people with his name or his family's name or one
5 person who receives their mail at those addresses.

6 So he is maybe not lying, but at least
7 misrepresenting or stretching the truth. Mr. Wagner's idea of
8 curb appeal is to mow these plots he's trying to sell twice a
9 year, when I'm mowing my yard every two days when it rains. See
10 the photos, please. They don't look appealing.

11 The population in Franklin County last year in 2014
12 increased, according to the "Missourian" by 327. That's not a
13 flood of people coming here, but people do need places to live.
14 They need good jobs. They need, as I said, places to live, and
15 according to Realtor.com today, this morning, there were 87
16 properties in the 63089 zip code available. Some of them were
17 lots for as little as \$3,000. Some were houses for many -- for
18 as much as \$500,000.

19 So any rezoning will set a bad precedent for land
20 along St. Louis Rock Road and Villa Ridge that one of the things
21 that I saw in all the drive of yesterday and today is that
22 there's lots of land around every house, even the ones that are
23 close together, even in the developments.

24 So the rezoning would set a precedent. There are
25 also five, count them, five acreages for sale that could be

1 developed that are as much as 150 acres and as small as 50 acres.
2 Five, just in -- what is that? -- seven miles of St. Louis Rock
3 Road.

4 Although in 2007, there was a stormwater retention
5 plan filed and the pond is up here and the land they're asking to
6 rezone is down here, so retention pond may hold some rainwater,
7 but I don't know. That doesn't make sense to me. I'm not an
8 engineer. The water runoff pictures that are in the packet are
9 onto Terra Place, and Larry and Clarice who are affected by it
10 more than most everybody else are out of town on a trip they
11 planned with their grandkids for a year and a half. But he told
12 the neighbors in 2007 he would do something about the problem,
13 and he hasn't.

14 After the Planning and Zoning meeting, he went and
15 talked to them again, and said, oh, I'll do something. If you --
16 if you -- I can't imagine you saying okay to this, but if you
17 okay it, make sure he has something in writing that he has to
18 have a new retention pond for that acreage or he has to do
19 erosion control and mitigation of stormwater runoff because
20 that's unconscionable. Get it in writing.

21 And the idea of duplexes, I don't know about you,
22 but there are duplexes in Franklin County, but I always think of
23 them as an urban development. I lived in South St. Louis growing
24 up. We lived in a duplex. We owned it. We rented half of it,
25 paid the mortgage and we lived upstairs.

1 A duplex according to a planning and zoning website
2 I found is an urban construction because it efficiently houses
3 people close to jobs, bus routes, mass transit, shopping and
4 schools. Some of those things are not applicable here. It's not
5 rural Franklin County anymore, but it's closer to being suburban
6 than urban.

7 According to the Building Department, you guys, in
8 Franklin County, one duplex was built in 2014. Between 2009 and
9 2013, seven were built. All were in incorporated areas or within
10 two miles of Washington, Union and Sullivan. I see the one on
11 the way into Union on Highway 50. In Franklin County, according
12 to the Assessor's office, there are 527 duplexes in incorporated
13 areas such as Washington, Union and Sullivan. I got those
14 statistics from your people.

15 There are a few duplexes in unincorporated Franklin
16 County, but almost all are single duplexes that have been a
17 family home that was turned into a mother-in-law apartment,
18 either downstairs or side-by-side.

19 A duplex, that's one word for it, a townhouse,
20 notice the word town, a two-family flat, a two-family home. It
21 just seems wrong. What is the problem? Duplexes are not the
22 problem, but where is the problem, especially in an area of
23 single-family homes, farms, subdivisions and developments? The
24 zero lot line gives me pause, but that's your job to figure out.

25 In a planned unit development -- I just learned

1 about this concept -- there are two in unincorporated Franklin
2 County that you guys know about. One of them is St. Albans,
3 okay, golf course, use of the Missouri River. We're not talking
4 about that one. But Holt Grievie Farms [phonetically] near
5 Washington has, according to somebody, 24 acres of common ground.
6 If you approve this PUD, please ask for more common ground than
7 this much, or ask for a little bit more common ground than the
8 pond that is in the backyard of Mr. Wagner's house and I couldn't
9 reach with hiking poles and the help of all three of you getting
10 up the grade.

11 Two more things. One of the reasons that this was
12 not approved in 2007 and 2003 is because it increased traffic.
13 Highway M and St. Louis Rock Road is a blind corner. There have
14 been fatal accidents there. Highway M and Highway 100 is the
15 strangest intersection I've ever come across, and accidents
16 happen with great regularity. And my dog doesn't any longer run
17 down the hill to see what's going on they happen so often.

18 So increased traffic is a problem.

19 Article 14, Section 321, "Any change must promote
20 the health, safety, morals, comfort, general welfare of Franklin
21 County in conserving and protecting property and building
22 values..."

23 I live where the water tower used to be, and I have
24 turned my lawn chairs the other direction because -- this isn't a
25 fact, it's an opinion -- that place is ugly, and I would not want

1 to live there. And that's the question.

2 I am grateful that you all have listened and heard
3 me out. I hope you are wiser than I am and know what the future
4 holds for Villa Ridge and Franklin County, and it will be
5 developed slow. Slow is okay. Slow is actually really good, but
6 this seems like such just a bad idea.

7 Thank you.

8 CHAIRMAN GRIESHEIMER: Any questions for
9 the witness?

10 COMMISSIONER BRINKER: No.

11 CHAIRMAN GRIESHEIMER: Okay. Thank you
12 very much.

13 Anyone else wish to testify in opposition to the
14 rezoning? In opposition? [None] Okay.

15 Anyone wishing to testify for informational purposes
16 only on the rezoning? [None] Seeing none, okay.

17 Mr. Wagner, would you like to do a rebuttal?

18 MR. WAGNER: Thank you. And that's one of
19 the reasons why, because in the last -- since last October, I've
20 been insulted and belittled and lied about, and I have pictures
21 to prove. They took pictures of -- those pictures that you see
22 there, those are probably when we were doing the development. We
23 had a major storm. Is that okay if I pass you pictures as the
24 latest what it looks like now? Do you mind?

25 CHAIRMAN GRIESHEIMER: You want to

1 introduce them --

2 MR. WAGNER: [Interposing] So you can
3 look at what they gave you, which is, you know, we -- I raised my
4 hand, I know she did, to swear to tell the whole truth, nothing
5 but the truth. And a lot of lies mixed with truth is
6 unacceptable in my opinion. So I would please consider that you
7 guys would look at these pictures.

8 This Terra Place, and this is behind that house that
9 one of the gals here mentioned that the homeowners weren't home
10 because they're out of the country, which I did speak with them,
11 and we're on great grounds. She would have come here, and I
12 think this time she would have been in favor of us doing what
13 we're doing because one of the things we want to do is we -- we
14 try to maintain the property.

15 And if you take -- I can send you tons of pictures.
16 We don't trim, cut the entire property because it's very
17 expensive. We've been doing this for like six, seven years sure.
18 But if she -- she lies about our property -- I live on that
19 property. We groom and we cut not only my grass but all the
20 houses that are built and a ton of other lots that are not built
21 that are by the road that we want to try to create a curb appeal.
22 Obviously I can't cut every little bit of the grass at this
23 point.

24 I mean, the more we build, the more people are going
25 to buy and the more they're going to take care of their property.

1 I mean, that just makes sense. So what they're doing is they're
2 wanting to prolong, if she calls it ugly and she would never live
3 there, which I'm glad, but that would make no sense. Right? I
4 mean, you would want to build, and the people that build and buy
5 and they would groom and cut their grass. I mean, that's just
6 common sense. Right?

7 So these are the pictures.

8 MS. EAGAN: John, can we enter those --

9 CHAIRMAN GRIESHEIMER: [Interposing] Yes,
10 please do.

11 MS. EAGAN: -- as exhibits?

12 MR. WAGNER: I have copies. I made Xerox
13 copies, and these are the actual --

14 CHAIRMAN GRIESHEIMER: [Interposing] Just
15 give them to Scottie there.

16 MR. WAGNER: So this is -- I wanted to
17 show you. This is, for example, the back of Terra Place where
18 she's showing --

19 MS. EAGAN: [Interposing] Let me get them
20 marked, and then you can talk about them.

21 MR. WAGNER: Sure. And I --

22 MS. EAGAN: [Interposing] Just a moment.
23 We got to get them marked.

24 MR. WAGNER: Sure.

25 (Thereupon, evidence was marked for

1 identification and submitted for the record

2 as Wagner Exhibit No. 1.]

3 These are pictures I took today.

4 MS. EAGAN: Hold on.

5 MS. REPORTER: I can't take your testimony
6 yet.

7 MR. WAGNER: Okay.

8 CHAIRMAN GRIESHEIMER: Got to wait till
9 she gets done. Good to go?

10 MS. REPORTER: Okay.

11 MR. WAGNER: So what you're seeing there,
12 sir, is pictures I took today, and I went to Walgreen's to make
13 copies of them. And pictures that she sent to you guys, and I
14 believe you have a copy of it, showing this erosion, water
15 erosion, which is completely misleading and lie. It's a lie.
16 There's no other way to say it, and I have not been able to say
17 anything because they get their last word, and they make people
18 believe. And last time, in fact, we had a big audience and they
19 all clapped and they gave her a standing ovation for making me
20 look like an ass and an idiot, like a bad person, which I've only
21 done what I could to take care of the property.

22 You know, talk to everybody that knows us, the
23 building I do, the construction I do. It's all positive. The
24 people that are here, for some reason, I have no idea other than
25 they like to, I guess as she said, to get together this time of

1 the year with the neighbors. But just to address a couple of the
2 misleading statements, for example, the fact that one of the gals
3 is on the other side of 100, which does not even neighbor our
4 subdivision. Right?

5 People that are opposite of ours like Tom DeGrant
6 who owns the other lake, the horse farm next to us, they're all
7 in favor, right, and she says it's only my family that -- again,
8 another lie -- that has purchased the lots, which is again a
9 misleading and a lie. And I don't -- I don't appreciate that.

10 But she commented about -- even though she has no
11 skin in the game, if you will -- it won't benefit her in a
12 negative way, if anything, in a positive way because we're going
13 to build nice homes that we've already committed to. I can't
14 just go and build any home. They got to meet the requirements.
15 And so it would only benefit them. It wouldn't hurt them, if any
16 -- if anything.

17 There's eight, nine trailer parks in Villa Ridge.
18 That they should need to be in opposition of because that only
19 hurts the subdivision. One of the reasons why I have a hard time
20 selling lots because nobody wants to come with their kids and put
21 them in Coleman at this point. My desire is to make the Coleman
22 School District better. Everybody wants to be in Washington.
23 She pointed out all these hundreds of -- or several hundred
24 duplexes, as she calls them, or two-family dwellings, whatever
25 you want to call them. They're built in Washington. Washington

1 is attractive. People want to move in Washington.

2 If I would build the same houses in Washington, I'd
3 have the subdivision done and sold a long time ago. I'm in Villa
4 Ridge. It's a risk that I took. I stuck to it, sir. I've not
5 -- I've been a man of my word.

6 You talk to Mike Elliott, President of Bank of
7 Union. I've never been late one time with the payment, with the
8 interest payment. We do what we can. I have to work. You know,
9 I can't help the economy and the housing market collapsing and
10 it's just now slowly coming back up. I have three or four people
11 that are very interested in building a duplex. They started
12 showing interest when we first talked about it.

13 I have real estate agents that keep asking me when
14 is this going to get done? Well, I don't know. We're still
15 trying to get it done. We have people that want to move. The
16 quicker we build, the quicker we move people in, the quicker some
17 of that area will be taking more care of.

18 But again, the biggest thing is the erosion. That's
19 just a misleading and a lie because the pictures that you see of
20 the green grass that I took today are the pictures we took -- a
21 lot of rain -- are the pictures that they sent to you showing the
22 silt fence. The silt fence was when we first did the
23 subdivision. There's no silt fence on our property. There's
24 nothing.

25 But yet she's claiming that we've taken terrible

1 care. I mean, our berms -- I have four berms. I spent literally
2 thousands of dollars every year to maintain them, put fresh mulch
3 on them, cut them, trim them. We have trees. We have bushes.
4 It's beautiful. I can send you all e-mail pictures of all the
5 subdivision.

6 For her to insult my subdivision to say that Rainbow
7 Lake is much prettier than ours, even -- even Rainbow Lake, they
8 don't trim and cut all their grass. They only trim the
9 subdivision, the entries and a few other lots and the homes.
10 It's just -- it's just the way it is at this point. I mean, I'd
11 love to be able to.

12 COMMISSIONER BRINKER: Okay. Mr. Wagner,
13 you are aware of the Planning and Zoning's recommendations if
14 this would go through, the two recommendations stating that any
15 paths that lead to common ground should be hard surfaced and free
16 of any significant dips, walkways, maximum grade of 5 percent?

17 MR. WAGNER: Yes, sir.

18 COMMISSIONER BRINKER: And also erosion
19 control, drainage into other properties addressed, protection
20 submitted and approved by our Highway Administrator?

21 MR. WAGNER: Yes, sir. Like I said, the
22 erosion, most of that you're seeing is something from the past,
23 so -- but yeah, of course.

24 COMMISSIONER BRINKER: I'm not worried
25 about what I see. I'm worried about what could be.

1 MR. WAGNER: Yes, absolutely.

2 CHAIRMAN GRIESHEIMER: I just want to ask
3 Scottie. If this were rezoned and we got those two conditions,
4 we can -- we can re-enforce that with our regulations that -- on
5 a rezoning, obviously you rezone or you don't, but those two
6 restrictions can be enforced?

7 MS. EAGAN: Right. And it will be in part
8 of the Planned Unit Development.

9 CHAIRMAN GRIESHEIMER: There you go.

10 MS. EAGAN: So before you would sign off
11 on the final plat, this stuff would have to be done or escrowed
12 that it's going to be completed.

13 CHAIRMAN GRIESHEIMER: Okay. That's all I
14 need. Jeff?

15 COMMISSIONER MAUNE: Scottie, is this spot
16 zoning?

17 MS. EAGAN: I mean, in all reality,
18 anytime you do a rezoning, it could technically be considered
19 spot zoning unless you're doing a large swath of area. But
20 anytime you do a single piece of property, you are technically
21 spot zoning, but it's nothing --

22 COMMISSIONER MAUNE: [Interposing] Unless
23 it joins that zone?

24 MS. EAGAN: Right. Unless he -- right.
25 Unless he's rezoning -- well, but even him, he's separated by a

1 road. So if you went to Non-Urban and Agricultural, which is
2 across the road, would you consider that contiguous, or would you
3 consider it separated if you went back to Non-Urban and
4 Agricultural?

5 COMMISSIONER MAUNE: Okay. And just
6 Planned Unit Development, is that typically a spot zoning
7 situation?

8 MS. EAGAN: It depends on what they want
9 to do with the PUD. Some PUDs have come through without even
10 attempting to rezone. Some PUDs, I think Holgrit [phonetically]
11 did rezone and did a PUD at the same time. Was it spot rezoning?
12 Technically, yes, because it was just one spot that was getting
13 rezoning.

14 COMMISSIONER MAUNE: Okay.

15 CHAIRMAN GRIESHEIMER: One more question I
16 have. Where is this in regard to the Master Plan?

17 MS. EAGAN: I believe it still falls under
18 the residential area. [Reviewing document]

19 I believe it's in the orange, which is
20 medium-density residential, lots less than three acres.

21 CHAIRMAN GRIESHEIMER: So it would be in
22 the plan?

23 MS. EAGAN: Right.

24 COMMISSIONER MAUNE: Okay. I have another
25 question.

1 MS. EAGAN: Uh-huh.

2 COMMISSIONER MAUNE: With the Sewer
3 District planning on combining several of these developments and
4 putting in a larger -- or taking this to a central system, is
5 there some other sort of a plan for generally putting sewers in
6 brings development and higher density? Because that's one of the
7 restrictions to higher densities, is wastewater.

8 MS. EAGAN: Right.

9 COMMISSIONER MAUNE: So is there more plan
10 in this area, is this why the Sewer District is combining these?

11 MS. EAGAN: I mean, nothing has come
12 through our office besides this for any sort of high-density
13 development in this area.

14 COMMISSIONER MAUNE: All right. But that
15 is a desirable area --

16 MS. EAGAN: [Interposing] Uh-huh.

17 COMMISSIONER MAUNE: -- east of Washington
18 near the interstate for a bedroom community?

19 MS. EAGAN: Right.

20 COMMISSIONER MAUNE: Now, it looked to me
21 that these units were about 1,500 square feet?

22 MR. WAGNER: Fifteen to eighteen hundred,
23 sir, per unit.

24 COMMISSIONER MAUNE: Okay. So they're
25 going to be marketed at 150 -- 150,000?

1 MR. WAGNER: Probably 170 right now.

2 COMMISSIONER MAUNE: Okay.

3 MR. WAGNER: We -- I do quality work. I
4 mean, I prefer to do a little nicer, to be honest. I mean, I --
5 I guess if you go the cheapest and bare bone, you probably can
6 get in one. We still want to keep the curb appeal nice, brick,
7 stone.

8 COMMISSIONER MAUNE: Okay. So the
9 existing home there in that development, what's the value on it?

10 MR. WAGNER: My home is probably about
11 450,000.

12 COMMISSIONER MAUNE: Okay. So if you
13 don't do nice buildings around it, you're going to hurt the value
14 of your own home?

15 MR. WAGNER: Absolutely, and that's --
16 that's something I would never do.

17 COMMISSIONER MAUNE: Okay. Thank you.

18 MR. WAGNER: Not only that, but the house
19 across the street from mine is about 300,000 I built. I would
20 never do that to harm -- harm the value.

21 Thank you very much. I appreciate you all taking
22 this --

23 CHAIRMAN GRIESHEIMER: [Interposing] Tim,
24 you got any questions?

25 COMMISSIONER BRINKER: No.

1 CHAIRMAN GRIESHEIMER: Okay.

2 MR. WAGNER: -- taking this into
3 consideration, and I'd like to thank you very much for your time.

4 CHAIRMAN GRIESHEIMER: Thank you.

5 That will conclude the hearing on File No. 140249.

6 Next hearing is for File No. 150079, Big Elm, L. L.
7 C.

8 MS. EAGAN: I will start with reading the
9 hearing procedures.

10 At this time, I would like to place into the record
11 the Franklin County Unified Land Use Regulations of 2001 as
12 Exhibit A, the official Zoning Map as Exhibit B, the official
13 Master Plan as Exhibit C, and the case file for each case as
14 Exhibit D for all the cases to be heard at this hearing.

15 [Thereupon, evidence was marked
16 for identification as Exhibits A, B, C,
17 and D.]

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

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

24 When it is your turn to speak, you will come to the
25 front of the room to address the Commission and only the

1 Commission, not anyone in the audience, with any questions or
2 comments.

3 Generally, the Applicant for the rezoning is allowed
4 to speak first, followed by those in support of the rezoning and
5 then those opposed. The Applicant may speak again after comments
6 from the general public to address any questions or issues
7 brought up during the hearing.

8 At the conclusion of all questions, comments, and
9 discussion concerning each case, the public hearing for each case
10 will conclude. The decision will generally be made by Commission
11 Order at a later date during the County Commission's regular
12 meeting time.

13 This is File 150079 for Big Elm, L. L. C.

14 The Applicant requests to rezone one parcel from
15 Residential Development 2 to Non-Urban and Agricultural.

16 The property is located at 6320 Highway 100
17 approximately 3/4 mile south of the intersection of Highway 100
18 and High Street in St. John's Township.

19 The Facts: The total area for the rezoning is
20 approximately 38 acres.

21 The zoning of this property is Residential
22 Development 2. The Applicant would like to rezone to Non-Urban
23 and Agricultural.

24 Non-Urban and Agricultural zoning allows
25 agricultural, recreational, wildlife, forestry, open space,

1 farming and related uses to mix with low-density residential
2 development.

3 Non-Urban and Agricultural requires a minimum of at
4 least one acre, with central water and sewer, for any subdivision
5 development with a maximum density of 1 dwelling unit per 40,000
6 square feet.

7 This property was rezoned in 2006 from Suburban
8 Development to Residential Development 2.

9 The properties around the proposed site are zoned
10 Suburban Development.

11 This property is surrounded by low-density
12 residential land, which is density that is equal to or less than
13 one 1 dwelling unit per 40,000 square feet, to the west, and then
14 the City of Washington on the north and east, and undeveloped
15 land to the south.

16 Staff Comments: At the May 19, 2015 Planning and
17 Zoning meeting, the Planning and Zoning Commission voted to
18 recommend approval with 7 in favor and 3 opposed.

19 Rezoning are allowed in our regulations due to the
20 ever-changing conditions that exist in the county and elsewhere.
21 According to Article 14, Section 321, any such change must
22 promote the health, safety, morals, comfort, and general welfare
23 of Franklin County by conserving and protecting property and
24 building values by securing the most economical use of land and
25 facilitating the adequate provision of public improvements in

1 accordance with the Master Plan adopted by Franklin County.

2 CHAIRMAN GRIESHEIMER: Okay. Is there
3 anyone in the audience wishing to testify in favor of the
4 rezoning?

5 [Thereupon, the witness was sworn.]

6 MR. SAM UNNERSTALL: Good afternoon. My
7 name is Sam Unnerstall, and I am representing the LLC requesting
8 the rezoning in order to operate two seasonal retail businesses
9 on the proposed site.

10 The one is a fireworks stand that would operate from
11 July -- or June 20th to July 10th of each year, and another would
12 be like a pumpkin patch, seasonal business. It usually is open
13 from late -- mid to late September through the end of October
14 just usually on Fridays, Saturdays and Sundays.

15 COMMISSIONER BRINKER: And getting this
16 zoning then would allow for these two businesses then to take
17 place in accordance with the Code?

18 MR. UNNERSTALL: That's correct.

19 COMMISSIONER BRINKER: Okay.

20 COMMISSIONER MAUNE: This is outside the
21 city limits of Washington?

22 MR. UNNERSTALL: Yeah, it is. The parcel
23 just to the north was annexed in late -- late Fall of last year,
24 and this parcel remained in the County.

25 CHAIRMAN GRIESHEIMER: That was kind of a

1 problem. I thought all of it was annexed, but they split it.

2 COMMISSIONER MAUNE: I can't imagine that
3 not being part of Washington.

4 COMMISSIONER BRINKER: That not being part
5 of Washington. The City of Washington wrote a letter
6 recommending approval. That's good to hear.

7 CHAIRMAN GRIESHEIMER: And I think the
8 City is -- correct me if I'm wrong. The City has looked at it
9 and they -- they have a review of a mile and a half within the
10 city limits of Washington. I think they have signed off on it.

11 COMMISSIONER BRINKER: That's what he
12 said.

13 CHAIRMAN GRIESHEIMER: Yeah. Well, you
14 said city engineer, but yeah, the city itself.

15 MR. UNNERSTALL: I brought a thing on
16 Washington letterhead.

17 COMMISSIONER MAUNE: Okay. And also when
18 I'm looking at this, this backs up to Meadow Lake Farm or it's
19 within --

20 MR. UNNERSTALL: [Interposing] This
21 parcel is separated by another parcel that backs up to Meadow
22 Lake.

23 COMMISSIONER MAUNE: Okay.

24 COMMISSIONER BRINKER: It doesn't back up
25 to it.

1 COMMISSIONER MAUNE: So with this zoning,
2 you would be allowed to do rural type homes on one acre or 40,000
3 square foot plus lots if -- with that zoning?

4 MR. UNNERSTALL: Yes, we could.

5 COMMISSIONER MAUNE: Okay.

6 MR. UNNERSTALL: I mean, I can more or
7 less speak for the developer that that's not his intention at
8 this time.

9 COMMISSIONER MAUNE: I was just looking
10 for a potential backdoor issue there, and...

11 CHAIRMAN GRIESHEIMER: Well, and just so
12 you know, Jeff, the reason why the vote I think was 7:3 is no one
13 turned up at the Planning and Zoning Commission to testify and
14 make the presentation. So that's what happened.

15 COMMISSIONER MAUNE: Okay.

16 CHAIRMAN GRIESHEIMER: So...

17 COMMISSIONER BRINKER: Snafu.

18 CHAIRMAN GRIESHEIMER: Snafu, yeah.

19 COMMISSIONER BRINKER: I don't have any
20 further questions.

21 CHAIRMAN GRIESHEIMER: Okay.

22 Thank you very much.

23 MR. UNNERSTALL: Thank you.

24 CHAIRMAN GRIESHEIMER: Anyone else in the
25 audience wish to testify in support of the rezoning? [None]

1 Anyone in the audience wish to testify in opposition
2 to the rezoning, or for informational purposes or for
3 informational purposes for the rezoning? [None]

4 Seeing none, that will conclude the hearing on File
5 No. 150079.

6 COMMISSIONER BRINKER: I think we can vote
7 on this particular one, the rezoning. It's the PUD we can't vote
8 on now. So we close this and vote on it?

9 CHAIRMAN GRIESHEIMER: Yes. We will close
10 the --

11 COMMISSIONER BRINKER: [Interposing] I
12 didn't know if there was a procedure or not.

13 CHAIRMAN GRIESHEIMER: Yeah, yeah. We
14 will close the hearing on File No. 150079. And do you have a
15 motion?

16 COMMISSIONER BRINKER: Yes, sir. I move
17 to approve accordingly on the Big Elm, L. L. C.

18 CHAIRMAN GRIESHEIMER: And place it on the
19 agenda for next week?

20 COMMISSIONER BRINKER: Yes.

21 CHAIRMAN GRIESHEIMER: Okay.

22 COMMISSIONER MAUNE: I'll second that.

23 CHAIRMAN GRIESHEIMER: Okay. We have
24 motion made by Commissioner Brinker and second by Commissioner
25 Maune to approve the rezoning and to put it on -- place it on the

1 agenda for the Commissioner meeting for the April 23rd Commission
2 meeting.

3 COMMISSIONER BRINKER: April?

4 MS. EAGAN: June.

5 CHAIRMAN GRIESHEIMER: I'm sorry. June.

6 Anyway I got the day right. Anyway, questions?

7 All those in favor...

8 COMMISSIONER MAUNE: Aye.

9 CHAIRMAN GRIESHEIMER: Aye.

10 COMMISSIONER BRINKER: Aye.

11 CHAIRMAN GRIESHEIMER: All those opposed?

12 [None] The ayes have it. It will be on next week's agenda.

13 COMMISSIONER BRINKER: Could I get a -- do

14 we have an idea when we are going to vote on the first issue

15 today?

16 CHAIRMAN GRIESHEIMER: We need to probably

17 discuss it in a working session with Mark. So...

18 COMMISSIONER BRINKER: So we can all...

19 CHAIRMAN GRIESHEIMER: We need, when Mark

20 gets here, I guess tomorrow, then we need to discuss it and maybe

21 put it on the working agenda and discuss it. So that's how we do

22 that. And it will be posted out here and on the internet.

23 COMMISSIONER BRINKER: Okay.

24 CHAIRMAN GRIESHEIMER: All righty. Unless

25 there's a motion right now. So -- okay. All right.

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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

PUBLIC HEARING 6/16/2015

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