

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION
2 FRANKLIN COUNTY GOVERNMENT CENTER
3 SECOND FLOOR COMMISSION CHAMBERS
4 400 EAST LOCUST STREET
5 UNION, MISSOURI 63084

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9 TRANSCRIPT OF PROCEEDINGS
10 PUBLIC MEETING
11 JANUARY 16, 2018
12 (Commencing at 7:00 p.m.)

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23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Alaris Litigation Services

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1 A P P E A R A N C E S
2 PLANNING AND ZONING COMMISSION MEMBERS:
3 William Evans, Jr., Chairman
4 Jay Schulteheinrich, Co-Chairman
5 Timothy Reinhold, Commissioner
6 Stanley Voss, Commissioner
7 Bill McLaren, Commissioner
8 Ron Williams, Commissioner
9 Todd Boland, Commissioner
10 Dan Haire, Commissioner
11 Tom Tobben, Commissioner
12 Russell McCreary, Commissioner
13 PLANNING AND ZONING STAFF:
14 Ms. Scottie Eagan, Planning Director
15 Ms. Nichole Zielke, Planner
16 LEGAL COUNSEL:
17 Mark Vincent, County Attorney
18 ALARIS LITIGATION SERVICES:
19 By: Patsy A. Hertweck, C. R.
20 711 North Eleventh Street
21 St. Louis, Missouri 63101
22 (314) 644-2191
23
24
25

1 P R O C E E D I N G S
2 (JANUARY 16, 2018)
3 CHAIRMAN EVANS: I'd like to
4 call to order the January 16th meeting of the Franklin
5 County Planning and Zoning Commission.
6 Scottie, will you please take roll.
7 MS. EAGAN: Bill Evans?
8 CHAIRMAN EVANS: Here.
9 MS. EAGAN: Jay Schulteheinrich?
10 COMMISSIONER SCHULTEHENRICH:
11 Here.
12 MS. EAGAN: Todd Boland?
13 COMMISSIONER BOLAND: Here.
14 MS. EAGAN: Tim Reinhold?
15 COMMISSIONER REINHOLD: Here.
16 MS. EAGAN: Ray Cunio?
17 COMMISSIONER CUNIO: (Not
18 present.)
19 MS. EAGAN: Tom Tobben?
20 COMMISSIONER TOBBEN: Here.
21 MS. EAGAN: Bill McLaren?
22 COMMISSIONER McLAREN: Here
23 MS. EAGAN: Stan Voss?
24 COMMISSIONER VOSS: Here.
25 MS. EAGAN: Dan Haire?

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Russell McCreary?

3 COMMISSIONER McCREARY: Here

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Okay, we have a

7 quorum.

8 CHAIRMAN EVANS: Thank you.

9 At this time, I'll give the Planning and
10 Zoning Commissioners the opportunity to declare any
11 conflict, communication or relationship they may have
12 had that might influence their ability to consider
13 today's issues impartially.

14 If there's no declarations, we'll move on
15 to the approval of the minutes of the November 21st
16 meeting.

17 I did notice on page 46, I think it's line
18 2 talks about this came up because we realized in your
19 by-laws it actually states that, and we should put all
20 meetings instead of alternating meetings.

21 And then continuing on to it shall be, and
22 we should insert conducted in accordance with Roberts
23 Rules of Order.

24 Then on page 47, line 6, it says again it
25 was and it says would have affected, and what I said

1 would not have affected or decision. So insert the
2 word not.

3 Anyone else have anything?

4 If not, the Chair will entertain a motion.

5 COMMISSIONER SCHULTEHENRICH:

6 Mr. Chairman, I'll make a motion that we approve the
7 December (sic) minutes with the corrections.

8 COMMISSIONER HAIRE: I'll second
9 it.

10 CHAIRMAN EVANS: We have a
11 motion and a second to approve the minutes. All in
12 favor signify by saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 CHAIRMAN VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER WILLIAMS: Aye.

17 CHAIRMAN EVANS: Aye.

18 COMMISSIONER BOLAND: Aye.

19 COMMISSIONER HAIRE: Aye.

20 COMMISSIONER TOBBEN: Aye.

21 COMMISSIONER SCHULTEHENRICH:

22 Aye.

23 COMMISSIONER McCREARY: Aye.

24 CHAIRMAN EVANS: The minutes are
25 approved.

1 Let's get back to presentation of meeting
2 procedures and exhibits. Scottie?

3 MS. EAGAN: Tonight's Planning
4 Commission hearing is governed by the Franklin County
5 Unified Land Use Regulations of 2001.

6 Some items on the agenda may be for action
7 by the Planning and Zoning Commission. These matters
8 do not involve a public hearing. Other matters on the
9 agenda require public hearing under Missouri law.

10 The matter involved with public hearing,
11 all individuals who desire to testify will be given an
12 opportunity to do so.

13 At this time, I would like to place into
14 the record these Regulations as Exhibit A, the official
15 Zoning Map as Exhibit B, the official Master Plan as
16 Exhibit C, and the case file for each case as Exhibit D
17 for all the cases to be heard during the meeting.

18 (Thereupon, evidence was marked
19 for identification and presented for
20 the record as Planning and Zoning
21 Exhibits A, B, C, and D.)

22 All Old Business items on the agenda will
23 be dealt with first.

24 Once the Old Business issues have been
25 taken care of, each item of New Business will be

1 opened.

2 As each case is opened, a staff report
3 will first be read to the Commission, followed by any
4 questions for the staff.

5 Then if anyone in the audience would like
6 to speak or comment on a file that is a part of the
7 public hearing, they must first print their name on the
8 sign-in sheet provided, and then be sworn in by the
9 Chairman.

10 When it is your turn to speak, you will
11 come to the front of the room to address the Commission
12 and only the Commission, not anyone in the audience,
13 with your comments.

14 It is possible for the Planning Commission
15 to decide to move a New Business issue to Old Business
16 and vote on it the same night.

17 At the conclusion of all questions,
18 comments, and discussion concerning each case, the
19 Planning Commission will proceed. Any final decision
20 by the Planning and Zoning Commission concerning
21 condition use permits may be appealed to the Board of
22 Zoning Adjustment any time within 90 days.

23 Applications for such an appeal may be
24 acquired from the Department offices during normal
25 business hours.

1 CHAIRMAN EVANS: Thank you.
2 Communications and Visitor Comments. Is
3 there anyone wishing to address the Commission?

4 (NONE)

5 If not, we will move on to Old Business.
6 We have none.

7 Moving on to New Business. File 170238,
8 Carl Zerna. No public comment accepted.

9 Is the applicant here?

10 MR. ROBERT SCHMITTGENS: Yes,
11 your Honor.

12 I'm sorry, Scottie. Will you give us the
13 details first.

14 MS. EAGAN: This is File 170238
15 for Carl Zerna, Jr.

16 The applicant requests to rezone one
17 parcel from Community Development to Commercial
18 Activity Highway Service.

19 The property is located at the southwest
20 corner of Old Highway 100 and Northridge Drive in Boles
21 Township.

22 The Facts: The property is approximately
23 26 acres in size.

24 This property is in the Community
25 Development zoning district. The applicant would like

1 to rezone to Commercial Activity Highway Service.

2 The purpose of the Commercial Activity
3 Highway Service zoning district is to accommodate
4 commercial uses that draw business primarily along the
5 major highways in Franklin County.

6 The surrounding properties are zoned
7 Community Development.

8 This property is surrounded by
9 low-to-medium-density residential properties and
10 undeveloped land.

11 The property is surrounded by residential
12 subdivisions. This property is not included in a
13 subdivision.

14 This property will have access to Highway
15 100. Highway 100 is a state-maintained road.

16 This property is located within Public
17 Water Supply District No. 3.

18 Staff Comments: Mr. Zerna received a
19 Conditional Use Permit for this property on July 20,
20 2010 with 13 conditions listed.

21 In December 2015, the Planning and Zoning
22 Department inspected the property and found violations
23 and conditions not being met.

24 Mr. Zerna's CUP was revoked in July 2016
25 for failure to meet conditions or remedy violations.

1 Mr. Zerna appealed the Planning and Zoning
2 Commissioner's decision to revoke his CUP, and the
3 Board of Zoning Adjustment upheld Planning and Zoning's
4 decision in November 2016.

5 This property appears to be medium-density
6 residential on the Future Land Use Map.

7 Rezoning is allowed in our regulations
8 due to the ever-changing conditions that exist in the
9 county and elsewhere. According to Article 14, Section
10 321, any such change must promote the health, safety,
11 morals, comfort and general welfare of Franklin County
12 by conserving and protecting property and building
13 values, by securing the most economical use of land and
14 facilitating the adequate provision of public
15 improvements in accordance with the Master Plan adopted
16 by Franklin County.

17 CHAIRMAN EVANS: Thank you.

18 Will you please state your name and
19 address and sign in.

20 MR. ROBERT SCHMITTGENS: Yes,
21 sir. My name is Rob Schmittgens. I'm an attorney here
22 on behalf of Mr. Zerna. My address is 925 West Fifth
23 Street, Eureka, Missouri 63025.

24 CHAIRMAN EVANS: Would you like
25 to go ahead and give us some detail on what you're

1 proposing in this rezoning?

2 (Thereupon, the witness was
3 sworn.)

4 MR. SCHMITTGENS: Yes.

5 Members of the Commission, my client is
6 looking to move his car -- car dealership, used car
7 dealership, down the road a little bit to this
8 property.

9 It's currently zoned as a Community
10 Development zoning district. In reviewing the Master
11 Plan and the various zoning -- I guess zoning districts
12 that are here in Franklin County, I noticed that the
13 Community Development zoning district allows for things
14 like the all-terrain vehicle sales, all-terrain
15 vehicles both sales and service, agricultural sales and
16 service, and even automotive repair shops without any
17 issues. And so essentially we view this as kind of a
18 rubbery stamp where we just need to get a formality
19 change that is from the Community Development district
20 to the Commercial Activity district with Highway
21 Service.

22 That's kind of where we're at on this
23 issue.

24 CHAIRMAN EVANS: Scottie, does
25 that zoning district include auto repair?

1 MS. EAGAN: The CD district?

2 CHAIRMAN EVANS: Yes.

3 MS. EAGAN: It does allow motor
4 vehicle repair. It does not allow for motor vehicle
5 sales. The motor vehicle service required a
6 Conditional Use Permit in that district. Motor vehicle
7 sale is not permitted in that district.

8 CHAIRMAN EVANS. Okay. So it's
9 not a permitted use in that district?

10 MS. EAGAN: The sales or the
11 service?

12 CHAIRMAN EVANS: The service.

13 MS. EAGAN: Correct, it's a
14 conditional use.

15 CHAIRMAN EVANS: And, Mark,
16 maybe you can answer. I guess what we're looking at is
17 reasonable extension of the zoning rules. That would
18 be policy, would it not?

19 COUNTY ATTORNEY VINCENT: Yes,
20 sir. They would have to do the -- their burden of
21 proof to preventative to the community.

22 CHAIRMAN EVANS: Okay. Then my
23 question is that reasonable extension of the zoning
24 rules is policy not within our purview. That would
25 have to be the Commission?

1 COUNTY ATTORNEY VINCENT: You
2 don't have the power to the boundaries of the
3 districts.

4 CHAIRMAN EVANS: All right.
5 Any questions?

6 COMMISSIONER WILLIAMS: I guess
7 I will have one.

8 Can you explain why this zoning change
9 conforms to the Master Plan and future land use?

10 MR. SCHMITTGENS: Yeah, I can.
11 Based on my research, I believe Franklin County has
12 2,561 miles of roads, and in 95.2 percent of residents
13 drive to work. And that means that for someone to live
14 and work in Franklin Country, they more than likely
15 need a reliable form of transportation.

16 What my client is looking to do is to
17 expand his used car sales lot to allow for, I guess,
18 bud- -- I don't want to say budget in a pejorative
19 sense, but budget in an affordable sense so that people
20 can get reliable vehicles so that they can get to work,
21 get -- run errands in and around the county.

22 There are two economicals (sic) that I
23 thought were applicable based on my research. Strive
24 for diverse economy with a focus on sectors that create
25 jobs and boost the economy, including manufacturing,

1 health care, transportation logistics and retail.

2 All of those sectors of the economy
3 require workers to get to their places of business.
4 And having an affordable car dealership or another
5 affordable car dealership in the area in the county can
6 further that goal.

7 Next, promote multi modes of
8 transportation for the movement of Franklin County's
9 workforce and the delivery of goods for all industry is
10 another applicable Master Plan goal. And I don't think
11 my client would be capable of putting in some type of
12 mass transportation, but he can help again to provide
13 affordable vehicles so that people who are looking to
14 get their first vehicle or new vehicle at a rate that
15 they can afford, you know, that's what my client is
16 looking to do.

17 Perhaps it is a high school student who
18 wants to get his first car and, you know, saves up
19 after several hours of work at, you know, a store or a
20 restaurant. Perhaps it's somebody who's looking to add
21 an additional car if they're doing a lot of driving for
22 work. Anything like that is something that my client
23 is looking to -- to move his -- his auto dealership
24 from a little bit north to a little closer to the
25 highway and expand a little bit and have some more cars

1 and then have more of an inventory to sell to people of
2 Franklin County.

3 COMMISSIONER WILLIAMS: Okay.
4 That's all well and good, but what I'm trying to grill
5 down to is the future land use is shown as CD, and you
6 want to go to CA. Why is that applicable or why should
7 we consider that be applicable? Not necessarily what
8 he wants to use it for, but in the broad zoning sense.

9 MR. SCHMITTGENS: I mean, I think
10 that's sort of a difficult question to kind of nail
11 down. I mean, in reviewing a lot of what -- a lot of
12 what is a permitted use, not a conditional use but a
13 permitted use, of this CD zoning district is
14 all-terrain vehicle sales and service. I mean, that's
15 a permitted use. It's not a conditional use. So I
16 guess in my mind, I'm saying that this is something my
17 client has a very similar business, i.e., selling, you
18 know, motor vehicles. It's just it's a car instead of
19 an all-terrain vehicle.

20 So I guess in my mind, it's really not
21 that much of a change. It's just a technicality so
22 that he can sell cars, you know, because if he had a
23 lot was selling all-terrain vehicles, I don't believe
24 there would be an issue. But because he's looking to
25 sell cars, that's where we get into the issue about the

1 zoning district.

2 CHAIRMAN EVANS: Well, I think
3 it is an issue, and that's why I asked Mark because
4 it's a technicality we're bound by, and that's why
5 those uses are put in there.

6 MR. SCHMITTGENS: Sure I --

7 CHAIRMAN EVANS: And we have to
8 look at all 36 uses because, although -- because what
9 we're really concerned here and what Ron is going off
10 there is that we're all aware of what Mr. Zerna says he
11 may want with it, but this has got a conditional use
12 permit. This is a rezoning, so we don't really care
13 what he does as long as we think changing the zoning
14 would be appropriate for those 36 non-residential uses
15 or the 6 conditional uses or the 7 residential. So...

16 MR. SCHMITTGENS: I'm not sure I
17 understood your questions, Mr. Evans.

18 CHAIRMAN EVANS: I was making the
19 statement that, you know, unfortunately, it's not a
20 technicality when you say you can have off-road
21 vehicles and this is not an extension of that. That
22 was my question to attorney before, --

23 MR. SCHMITTGENS: Yeah.

24 CHAIRMAN EVANS: -- is that we
25 don't have the ability -- you may consider it a

1 technicality, but that's why those uses are there that
2 would come down to the policy to change that, and
3 that's not in our purview. That would belong to the
4 county Commission.

5 MR. SCHMITTGENS: And when I say
6 technicality, I don't mean that in any disrespectful
7 manner. I'm simply saying that it seems to me and I
8 guess from our perspective in making this application,
9 that they're very similar businesses, and so the change
10 in and of itself wouldn't fundamentally change what the
11 property is being used for. That -- that's what I --
12 when I use the word technicality, I didn't, again, mean
13 any disrespect to the Master Plan. I didn't mean any
14 disrespect to the zoning regulations.

15 What I mean is that it would be very
16 similar to what is already allowed under the current
17 zoning district, and that is of all-terrain vehicle
18 sales versus automobile sales.

19 That's all I was getting at. I didn't --
20 certainly didn't mean any disrespect.

21 CHAIRMAN EVANS: Oh, we're used
22 to being disrespected, so that's all right.

23 Bill?

24 COMMISSIONER McLAREN: I'm a
25 little uncomfortable with your argument of your

1 reasoning why that auto sales are going to -- I could
2 take that argument that you're using and say it's okay
3 to put an asphalt plant there because an asphalt plant
4 is going to promote growth, which is going to promote
5 transportation.

6 Or I could promote putting an industry
7 there by that idea that, you know, we could build
8 railroad rails there or, you know, heavy industrial
9 use. So I -- that's a little bit uncomfortable for me,
10 that argument that you're using to say okay, it's for
11 transportation. I can see a lot of things that I would
12 think that would be an appropriate argument for.

13 So that's my comment.

14 CHAIRMAN EVANS: And again, we
15 do make a -- we don't make the final decision. We just
16 make a recommendation, as you know, to the County
17 Commission, and that would be where you may want to
18 make the argument about any similarities.

19 MR. SCHMITTGENS: And in that
20 light then, you know, I do want to add, you know, my
21 client's been a long-time resident of Franklin County.
22 You know, he's owned this property for -- what did you
23 say 2002?

24 MR. ZERNA: 2001.

25 MR. SCHMITTGENS: -- 2001. He

1 has no intention of selling it. You know, he doesn't
2 plan on -- on building anything other than, you know,
3 moving his car lot. And so I, you know, as to your
4 concerns, Mr. McLaren, you know, I think that it's not
5 like we're coming in, you know, at the 11th hour to do
6 this. This is a piece of property that my client has
7 owned for a long time, you know, and he's been a
8 resident of Franklin County for a long time, has no
9 intentions of leaving the county anyway. It's simply
10 he just wants to move his car lot, which is a little
11 bit north. I don't have the --

12 CHAIRMAN EVANS: Half a mile.

13 MR. SCHMITTGENS: Yeah.

14 MR. ZERNA: See if they'll get
15 the map for you.

16 MR. SCHMITTGENS: Yeah. You
17 know, it's less than a half a mile north, a little
18 south. That's all.

19 CHAIRMAN EVANS: Bill?

20 COMMISSIONER McLAREN: My
21 point -- my point's not about this -- this specific
22 thing. It's about use the stretch of this argument and
23 then somebody else comes and says, well, you did this
24 because -- and then it becomes an argument somebody
25 else can use. I'm kind of uncomfortable using this as

1 an argument where the next person can come in and say,
2 well, the silly example I gave. I understand it may be
3 a silly example, but once we use the ability to
4 transpor- -- to increase transportation, we're
5 potentially stuck with that argument for a long time.
6 That's the part that makes me uncomfortable.

7 COMMISSIONER HAIRE: Besides,
8 the main thing that I find is if you look at some of
9 the uses that are in the commercial activity versus CD,
10 there are several items in that commercial activity
11 that I would not want there. With the rezoning, any of
12 those items can go if the auto shop fails or he moves
13 or he doesn't want to do it anymore. We've just
14 permitted a whole range of other items can go into that
15 area that would not be consistent, I would think, with
16 what we would want to see in that location.

17 COMMISSIONER McCREARY:
18 Mr. Chairman, if I could add questions.

19 You stated that he would like to move his
20 business to this spot. So in other words, he's already
21 serving the public in the manner of what you stated?

22 MR. SCHMITTGENS: Sure.

23 COMMISSIONER McCREARY: The staff
24 comments are July 20, 2010 he had that opportunity to
25 do this with 13 conditions.

1 Now, this body decided, yeah, okay, that's
2 a good thing. It'll work. He had in 2010 the
3 opportunity to do this all the way up until last year.
4 And he chose not to do it.

5 Now he's asking us to open it up to a
6 wider range with no conditions whatsoever of other
7 uses.

8 Why would we want to do that when he
9 demonstrated in the past unwillingness to do just
10 exactly what you said he is going to do?

11 MR. SCHMITTGENS: That's a
12 question to answer I would need to confer with my
13 client, mostly basically I truly don't have any
14 knowledge of -- of the past interactions. I -- you
15 know, my understanding was the research with making
16 this complication. So I can ask that question. I just
17 need a moment to talk to my client, or --

18 CHAIRMAN EVANS: I don't think
19 we need an answer. Were you satisfied, Russell?

20 COMMISSIONER McCREARY: I think
21 for now.

22 CHAIRMAN EVANS: I think that
23 question was for rhetorical.

24 COMMISSIONER McCREARY: Yeah.

25 CHAIRMAN EVANS: Any other

1 questions?

2 (NONE)

3 Thank you.

4 MR. SCHMITTGENS: Thank you.

5 CHAIRMAN EVANS: Any discussion?

6 I would say I would have a little of
7 concerning if there was some commercial activity around
8 here, but, Scottie, you said that this is CD and the
9 future less land use would remain CD?

10 MS. EAGAN: The Future Land Use
11 Map shows it as medium-density residential.

12 CHAIRMAN EVANS: And right now
13 everything around it is CD.

14 Any other discussion?

15 (NONE)

16 If there's no further discussion, the
17 Chair would entertain a motion. I think this would be
18 to recommend approval or non-approval and send it on to
19 the Commission.

20 COMMISSIONER HAIRE: I move that
21 we deny the recommendation for rezoning.

22 COMMISSIONER McCREARY: And I'll
23 second that.

24 CHAIRMAN EVANS: Okay. That
25 would be a motion to not recommend rezoning, rather

1 than denial. Okay. We have a motion and a second.

2 COMMISSIONER McCREARY: I'll

3 second it.

4 CHAIRMAN EVANS: All in favor

5 signify by saying aye.

6 COMMISSIONER REINHOLD: Aye.

7 CHAIRMAN VOSS: Aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER BOLAND: Aye.

12 COMMISSIONER HAIRE: Aye.

13 COMMISSIONER TOBBEN: Aye.

14 COMMISSIONER SCHULTEHENRICH:

15 Aye.

16 COMMISSIONER McCREARY: Aye.

17 CHAIRMAN EVANS: Opposed?

18 (NONE)

19 The motion is carried.

20 File 170238 the Commission is recommending
21 against rezoning.

22 Moving on to File 170267, St. Mary Capital
23 Partners, L. L. C. No public comment accepted.

24 Scottie, will you please give us the
25 details.

1 MS. EAGAN: This is File 170267
2 for St. Mary Capital Partners, L. L. C.

3 The applicant requests to rezone one
4 parcel from Non-Urban and Agricultural to Community
5 Development.

6 The property is located on Highway M, at
7 the southwest corner of Highway M and Highway 100, in
8 Boles Township.

9 The Facts: The total area for rezoning is
10 approximately 6.01 acres.

11 The zoning of this property is Non-Urban
12 and Agricultural. The applicant would like to rezone
13 to Community Development.

14 Community Development zoning brings
15 shopping, the workplace, and home closer together by
16 allowing a mixed use of all types of residential
17 density and most forms of commercial development.

18 The properties to the north and south of
19 the proposed rezoning are mostly zoned Non-Urban and
20 Agricultural.

21 The properties directly west of the
22 proposed rezoning got rezoned to Suburban Development
23 in 2006, and then a portion of the property got rezoned
24 to Residential Development 2 as part of a Planned Unit
25 Development in 2015.

1 The properties to the east, across Highway
2 M, are zoned Suburban Development.

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

6 This property will have access to Highway
7 100. Highway 100 is a state-maintained road.

8 This property is located within Public
9 Water Supply District No. 3.

10 This property will either have access to
11 St. Louis Rock Road, which is a county-maintained road,
12 or Highway M, which is a state-maintained road.

13 The applicant is not the current owner of
14 the property, but they do have permission from the
15 owner to apply for the rezoning.

16 Staff Comments: This property appears to
17 be Commercial on the Future Land Map.

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

1 improvement in accordance with the Master Plan adopted
2 by Franklin County.

3 CHAIRMAN EVANS: Thank you.

4 Please state your name and address and
5 sign in, please.

6 MR. BEAU REINBERG: Yes, my name
7 is Beau Reinberg, 7201 Cornell Avenue, St. Louis,
8 Missouri 63130.

9 I would like to note that I grew up on St.
10 Mary's Road in Villa Ridge.

11 MS. REPORTER: Excuse me.

12 (Thereupon, the witness was
13 sworn.)

14 CHAIRMAN EVANS: Will you please
15 give us some detail on what you're proposing on this
16 rezoning.

17 MR. REINBERG: Sure, and
18 Scottie, thank for the information and the production,
19 and I appreciate the Commission's time to listen to
20 this. We are under contract to acquire this property,
21 and have determined that after looking at the Master
22 Plan, that this parcel is more suited for our uses to
23 be a commercially zoned in the CD district as opposed
24 to Urban -- or Non-Urban Agricultural.

25 This parcel creates a natural buffer

1 between Highway 100 to Highway M and some of the
2 residential areas. And again, I think that, you know,
3 it speaks to the thoughtful approach of the Master Plan
4 to consider areas along highways and what their uses
5 are, not only short-term, but also long-term.

6 We're a long-term residence of Franklin
7 County, and believe that this is a piece of property
8 that we'd like to own for a number of years.

9 CHAIRMAN EVANS: You said it
10 would be a natural buffer between?

11 MR. REINBERG: It's a natural --
12 I mean, you know, when you look at zoning like this, a
13 commercially zoned area is a buffer between the highway
14 and the residential areas.

15 CHAIRMAN EVANS: So you're
16 actually on M --

17 MR. REINBERG: We're on M.

18 CHAIRMAN EVANS: -- and 100, but
19 it actually backs up to residential area?

20 MR. REINBERG: That's correct.
21 There's residential. Legacy Lane is the attached
22 family -- the two families.

23 CHAIRMAN EVANS: Any questions
24 from the Commission?

25 COMMISSIONER BOLAND: I guess my

1 question to you, Beau, I mean, do you have a plan for
2 this, or is this just for future?

3 MR. REINBERG: No, we have a
4 plan for it. We're -- we'd like to develop
5 self-storage on the site.

6 COMMISSIONER BOLAND: Got you.
7 Okay.

8 COMMISSIONER McCREARY: Yeah, I
9 don't know if this is a question for Ron or yourself.

10 Would the entrance be off Highway M or
11 Highway 100?

12 MR. REINBERG: It would be
13 off -- it would likely be off Highway M or St. Louis
14 Rock Road, but I would assume our first approach would
15 be off of Highway M. It wouldn't be -- it couldn't be
16 off 100.

17 COMMISSIONER McCREARY: Okay.

18 COMMISSIONER BOLAND: Have you
19 talked to anybody about the entrance, or do you have an
20 entrance off Highway M that you're aware of?

21 MR. REINBERG: There's --
22 currently there's a -- when this parcel was subdivided
23 a number of years ago, there was a cross access
24 easement from it basically goes in between those
25 residential parcels, and the way that that easement

1 reads is that that expires once this parcel receives
2 approval for its entrance either off of St. Louis Rock
3 Road or Highway M.

4 COMMISSIONER WILLIAMS: Yeah.

5 MR. REINBERG: Is the way I -- I
6 mean, that's kind of the way I read the language on
7 that.

8 CHAIRMAN EVANS: Any other
9 questions?

10 (NONE)

11 All right. Thank you.

12 MR. REINBERG: Thank you.

13 COMMISSIONER BOLAND: I mean,
14 with those two intersections there, could he come off
15 Highway M?

16 COMMISSIONER WILLIAMS: The
17 question was could he come out of Highway M.

18 Highway M is not a restricted access, but
19 they do -- the state will have, you know, requirement
20 so far from the intersections, you know. With the
21 length that's there between 100 and St. Louis Rock
22 Road, or I can't see why they couldn't put an entrance
23 in there.

24 COMMISSIONER BOLAND: Got you.

25 MR. REINBERG: Sorry, I just

1 want to address that question. Because our -- our
2 civil engineer at 21 Design has -- has looked at this,
3 and you now, determined that we'd have to be kind of
4 set back from the -- from the interchange, and there is
5 kind of a natural hill there. So we want to make sure
6 that the grade's appropriate, so it'd be closer to St.
7 Louis Rock Road than it would be to Highway 100, again,
8 to -- you know, that's a stop light there. So...

9 COMMISSIONER BOLAND: Right.

10 COMMISSIONER WILLIAMS: You
11 know, if need be, they could come off of -- if that
12 entrance cross access goes away, they could put one,
13 you know, almost adjacent to it on their property.

14 MR. REINBERG: Uh-huh.

15 COMMISSIONER WILLIAMS: And get
16 it from us if they need to, but they're not going to
17 have access to the property --

18 COMMISSIONER BOLAND: Right.

19 COMMISSIONER WILLIAMS: --

20 somehow.

21 COMMISSIONER BOLAND: Right.

22 COMMISSIONER McCREARY: I do have
23 another question.

24 Is this going to be all -- how many units
25 do you expect to go in there? Is it all going to be

1 done at once or maybe in phases, or what's your plans
2 on that?

3 MR. REINBERG: You know, it
4 certainly be phases.

5 COMMISSIONER McCREARY: Okay.

6 MR. REINBERG: We haven't
7 solidified that. I mean, our focus here is really
8 rezoning that property as Non-Urban/Agricultural to
9 Commercial. Once we solidify that, we'll be able to
10 kind of finalize our plan for the --

11 COMMISSIONER McCREARY: Just out
12 of curiosity.

13 MR. REINBERG: -- for the
14 development, but it would be phased.

15 COMMISSIONER McCREARY: Because
16 yeah, I mean, it's not your specific use that we have
17 to take into consideration.

18 MR. REINBERG: That's right.

19 COMMISSIONER McCREARY: Just my
20 curiosity.

21 MR. REINBERG: Yeah.

22 CHAIRMAN EVANS: Okay.

23 COMMISSIONER WILLIAMS: Hold on.
24 His specific use we don't take into consideration in
25 rezoning.

1 COMMISSIONER McCREARY: Right.
2 COMMISSIONER WILLIAMS: Sorry.
3 COMMISSIONER McCREARY: Right,
4 that's why I say that.
5 (CROSSTALK)
6 COMMISSIONER WILLIAMS:
7 (Inaudible)
8 COMMISSIONER McCREARY: That was
9 just my curiosity of the timeline.
10 COMMISSIONER WILLIAMS: Okay.
11 COMMISSIONER McCREARY: So, yeah.
12 CHAIRMAN EVANS: Any other
13 questions?
14 (NONE)
15 Thank you.
16 MR. REINBERG: Thank you.
17 CHAIRMAN EVANS: Any discussion?
18 COMMISSIONER WILLIAMS: Well,
19 obviously I think the Future Land Use Map shows this
20 going commercial, you know, we're proposing a
21 commercial zoning. I don't see why it wouldn't be
22 proper to rezone this one.
23 CHAIRMAN EVANS: Yeah, I think
24 he did a pretty good job on the justification for
25 rezoning and in answering the questions.

1 Any further discussion? Questions?
2 If not, the Chair would entertain a
3 motion.

4 COMMISSIONER SCHULTEHENRICH:
5 Mr. Chairman, I'll make the recommendation that we --
6 that we express our decision for approving the --
7 recommending approval to the County Commissioners to
8 change this to from NUA to CD.

9 COMMISSIONER TOBBEN: I'll
10 second that motion.

11 CHAIRMAN EVANS: We have a
12 motion and a second to recommended approval of rezoning
13 File 170267. All in favor signify by saying aye.

14 COMMISSIONER REINHOLD: Aye.

15 CHAIRMAN VOSS: Aye.

16 COMMISSIONER McLAREN: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER HAIRE: Aye.

21 COMMISSIONER TOBBEN: Aye.

22 COMMISSIONER SCHULTEHENRICH:

23 Aye.

24 COMMISSIONER McCREARY: Aye.

25 CHAIRMAN EVANS: Opposed?

1 (NONE)

2 Motion is carried. File 170267 is
3 approved.

4 Moving right along to File 170231, Villas
5 at Franklin -- FCCC, Inc., final. No public comment
6 accepted.

7 Scottie, will you please give us the
8 details.

9 MS. EAGAN: This is File 170231.
10 The applicant is Cameron Lueken for Villas at FCCC.

11 The applicant wishes to create a Planned
12 Unit Development in the Community Development zoning
13 district.

14 The property is located on Broadmoor Drive
15 off Highway A, in St. John's Township.

16 The Facts: The request involves 25
17 single-family, detached villas and 8 zero-lot line
18 lots. The whole development will consist of a total of
19 41 lots for 41 dwellings.

20 These properties are a part of a larger
21 subdivision, The Villas at Franklin County Country
22 Club, that was originally platted in 2005. This PUD
23 only addresses a portion of the original subdivision.

24 Originally this development was approved
25 as a condo development.

1 To the north, south and east of this
2 property is the Franklin County Country Club and
3 undeveloped land.

4 To the west, across Highway A, there are
5 multiple medium-high-density subdivisions.

6 Common ground and roads meet the Franklin
7 County Land Use Regulations.

8 Staff Comments: This development is
9 unique in that it has existing water lines, existing
10 sewer lines, existing storm sewers and has constructed
11 roads that meet the County standards.

12 Without the approval of a PUD, this
13 development would not be allowed based on the lot sizes
14 in the development. The applicant does not exceed the
15 density requirement allowed in the CD district of one
16 dwelling unit per 5,000 square feet, but the lot size
17 does fall below the minimum for that district.

18 CHAIRMAN EVANS: Thank you.

19 MS. EAGAN: And they did sign --
20 they did turn in everything that is required for the
21 final development plan.

22 CHAIRMAN EVANS: Okay.

23 Is it the applicant present?

24 State your name and sign in, please.

25 (Thereupon, the witness was

1 confirmations from every resident, existing residents,
2 in The Villas at Franklin County Country Club
3 expressing approval. And then to get the final plat
4 actually recorded, we need to have all the existing
5 homeowners sign the plat and their lenders as well sign
6 the plat. So we've got it documented on e-mail, and
7 it'll be documented again on the final development
8 plan.

9 MS. EAGAN: Is it possible to
10 get copies of those e-mails so we can put them in the
11 file?

12 MR. MILLER: Okay, yep.

13 CHAIRMAN EVANS: Scottie, the
14 final plat will be approved later?

15 MS.EAGAN: Right, and he is
16 correct. Those owners will have to sign-off on that
17 plat.

18 CHAIRMAN EVANS: Okay.

19 MS. EAGAN: And the covenants
20 and restrictions as well.

21 MR. MILLER: I wasn't aware that
22 we needed confirmation because we had talked about it
23 in November and we had a lot of residents at that
24 meeting. But it's unanimous consensus.

25 CHAIRMAN EVANS: Thank you.

1 Any questions?

2 (NONE)

3 All right. Thank you.

4 Again, we gave approval for the
5 preliminary development plan, and Scottie says that she
6 had everything for the final development plan except
7 the confirmation. And all the residents have been
8 approved.

9 Are there any questions or discussion?

10 And again, if we would approve this, then
11 there's still a lot of work to be done, but it would be
12 done -- be done by Planning and Zoning Department when
13 they would take care of the final plat.

14 COMMISSIONER SCHULTEHENRICH:

15 Mr. Chairman, how important is it that we have -- that
16 we do see the -- that it is unanimous in regards to it?
17 I mean, can we put a condition upon it that it has to
18 be provided to you that all of them are in there?

19 MS.EAGAN: We have approve it
20 based on we receive that --

21 CHAIRMAN EVANS: Right.

22 MS. EAGAN: -- confirmation.

23 CHAIRMAN EVANS: Approve it in a
24 way that you -- contingent that that information is
25 provided, Scottie?

1 MS. EAGAN: Right.

2 CHAIRMAN EVANS: And again, that
3 final plat would not be approved. As Scottie said,
4 they would have to sign it anyway. So...

5 MR. MILLS: Just wanted to state
6 that per the indentures, we needed to have -- we could
7 have two vote against it and still have it passed by
8 the majority, but we do have a hundred percent
9 approval.

10 But I would -- if we're going to put it in
11 the record, I'd rather put it as the 90 percent, the
12 minimum -- or the minimum required.

13 CHAIRMAN EVANS: Any other
14 questions, discussion?

15 I guess Scottie has everything except for
16 that correspondence stating that all the residents are
17 in agreement. Make a motion contingent in receiving
18 that, if there is no further discussion.

19 COMMISSIONER SCHULTEHENRICH:
20 Mr. Chairman, I'll make a motion then. I make a motion
21 that we approve -- we approved the preliminary plat
22 again, is that what we're --

23 MS.EAGAN: No for the final
24 development plan.

25 COMMISSIONER SCHULTEHENRICH:

1 Final development, okay. Final development. I'll say
2 that it be would conditioned the County receiving the
3 support of the residents in the Villas received with
4 this would be based upon -- I'm going to go with -- the
5 90 percent based upon him saying that the trust
6 indentures -- the trust indentures so say that. Okay.

7 COMMISSIONER McLAREN: I'll
8 second.

9 CHAIRMAN EVANS: All right. We
10 have a motion and a second to approve the final
11 development plan contingent on Scottie receiving the
12 appropriate correspondence indicating that at least 90
13 percent of the residents have agreed to the plan.

14 All in favor signify by saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 CHAIRMAN VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLIAMS: Aye.

19 CHAIRMAN EVANS: Aye.

20 COMMISSIONER BOLAND: Aye.

21 COMMISSIONER HAIRE: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 COMMISSIONER SCHULTEHENRICH:

24 Aye.

25 COMMISSIONER McCREARY: Aye.

1 CHAIRMAN EVANS: Opposed?

2 (NONE)

3 File 170231, Final Development Plan is
4 approved.

5 CHAIRMAN EVANS: Premium Plat.
6 We have one, File 170075, Carla Theissen. Only written
7 comments from the public may be submitted. No oral
8 testimony will be accepted.

9 Scottie, will you please give us the
10 details.

11 MS. EAGAN: This is File 170075
12 for Carla Theissen.

13 The applicant wishes to create a three-lot
14 major subdivision in the Community Development zoning
15 district.

16 The property is located at 201/209 Decker
17 Road, approximately 1,300 feet southeast of the
18 intersection of Highway T and Decker Road, in Boles
19 Township.

20 The Facts: The property is approximately
21 2.7 acres in size.

22 The applicant is wishing to subdivide this
23 property into three lots, each being a little less than
24 one acre in size.

25 This property is located in the Community

1 Development zoning district.

2 The minimum lot size is 22,000 square feet
3 in this zoning district, with a maximum density of one
4 dwelling unit per 5,000 square feet.

5 The density of this development is
6 approximately one dwelling unit per 39,000 per square
7 feet.

8 This property is in Public Water Supply
9 District Number 3, and Labadie Creek Watersheds Sewer
10 District. Public Water Supply District Number 3 has
11 indicated that they have water on the site and is
12 expected the development to connect.

13 Planning and Zoning has not received any
14 stormwater plans for this development.

15 The preliminary plat shows all utility
16 easements meeting the standards set forth in the
17 Franklin County Regulations.

18 All utilities shall be located
19 underground.

20 A land disturbance permit from DNR is
21 required to disturb more than one acre of land as well
22 as erosion controls during development.

23 The applicant shall provide fire
24 protection in accordance with Article 8, Section 175.
25 Because this development is located within Boles Fire

1 Protection District, they will be required to meet the
2 standards of that district.

3 This development has access to Decker
4 Road. This is a county-maintained road with a width of
5 45 feet. The applicant shall be required to dedicate
6 an additional 5 feet of right-of-way for a total of 25
7 feet from the center line.

8 This property is located within the
9 floodplain. Any development will require a floodplain
10 development permit and an elevation certificate.

11 Staff Comments: Improvement plans to be
12 reviewed by Franklin County should be submitted before
13 final approval showing the requirements as set forth in
14 Article 8, Section 175, Subsection D.

15 Prior to recording final plat, Planning
16 and Zoning shall receive proof of an approved access ,
17 either a preexisting or proposed, for any access onto
18 Decker Road.

19 And at the time this Staff Report was
20 written, we had an e-mail in to the Labadie Creek
21 Watershed Sewer District about the hookup to the sewer
22 lines, and we did receive a comment back that they do
23 have the lines there, and they can supply the sewer to
24 the site with no problem.

25 And then there is one other mistake that

1 is in the Staff Report. On Number 11, if the county
2 road is a 45-foot width, the applicant will only be
3 required to dedicate 2.5 feet, not 5 feet. So I'll
4 look at that when we get to the final plat stage.

5 CHAIRMAN EVANS: If you would,
6 state your name and sign in, please.

7 MR. DALE JONES: I'm Dale Jones.
8 I'm standing in for Carla Theissen. She is out of town
9 today.

10 (Thereupon, the witness was
11 sworn.)

12 CHAIRMAN EVANS: If you could,
13 go ahead and give us a little detail on what you're
14 proposing.

15 MR. JONES: What we're basically
16 trying to do is my mom was -- passed away, and what
17 we're trying to do is just subdivide the lots between
18 us three kids. Everything's pretty well staying.
19 There's a house there and a building, and we're just
20 dividing it in three sections. There's no development
21 plans, nothing like that.

22 It's just dividing the property up between
23 the three of us.

24 CHAIRMAN EVANS: Okay. Any
25 questions from the Commission? Bill?

1 COMMISSIONER McLAREN: Is all
2 the property in floodplain?

3 MR. JONES: The center part of
4 it, they're saying it's not, and then the house is set
5 up on top of the bank, and then the upper part is just
6 a -- the farthest upper part, they say that that's in
7 the flood zone -- or not the flood zone, the floodway,
8 I think they call it, where they said that the water
9 coming down off the hill can come across it into the
10 creek.

11 CHAIRMAN EVANS: Now is there a
12 creek that runs behind --

13 MR. JONES: The creek there runs
14 behind it.

15 CHAIRMAN EVANS: Behind all
16 three lots?

17 MR. JONES: Correct.

18 CHAIRMAN EVANS: Okay.

19 MS. EAGAN: Nichole pulled it up
20 on a map if you want to try to take a look at it.

21 COMMISSIONER McLAREN: Okay. So
22 the blue and purple denote what? What flood is it the
23 hundred year flood or is the floodway?

24 MS. EAGAN: Blue is the 100 or 1
25 percent, and then the purply-pink color is the 500.

1 MS. ZIELKE: This does not show
2 floodway.

3 MS. EAGAN: It does not.

4 Ron, have you received anything regarding
5 stormwater on this development or the subdivision?

6 COMMISSIONER WILLIAMS: I have
7 not received anything considering they're in the
8 floodplain. It would be sort of a moot point.

9 MS. EAGAN: I didn't know if
10 you'd want to see any plans or anything or is there --

11 COMMISSIONER WILLIAMS: I'm
12 sorry, but the thing is like, you know, why bother. To
13 me, it's already surrounded by the floodplain.

14 MS. EAGAN: Right.

15 COMMISSIONER WILLIAMS: I mean,
16 they're going to have do not flood-proofing, but maybe
17 flood-proof if they construct any additional buildings
18 on the sites. So they're going to be -- have to put it
19 above the hundred year floodplains. So elevations. I
20 would think that stormwater plan is kind of a moot
21 point. He did say there was existing building. I went
22 down and looked at it. There's some existing buildings
23 already on there. So I don't know if they're planning
24 to build any additional buildings.

25 MR. JONES: There's no plans or

1 anything. We're just dividing the property up. My
2 sister's going to stay in the house. I'm getting the
3 center section. My other sister is taking the upper
4 section.

5 COMMISSIONER WILLIAMS: I would
6 think it would be almost impossible to try to develop
7 something in that property, I mean, you know, on one of
8 the lots or redevelopment even because of the
9 floodplain/floodway. You can't touch the floodway.

10 MS.EAGAN: And there'll be
11 streams buffers as well on that stream.

12 COMMISSIONER WILLIAMS: Pardon
13 me?

14 COMMISSIONER McLAREN: There
15 will be stream buffers that will be required on the
16 final plat.

17 CHAIRMAN EVANS: And those are
18 not deep lots to begin with.

19 MS. EAGAN: Ut-uh.

20 CHAIRMAN EVANS: Any other
21 questions from the applicant?

22 (NONE)

23 Thank you.

24 Scottie, you say you received all the
25 necessary information required for the preliminary

1 plant?

2 MS.EAGAN: Yes.

3 CHAIRMAN EVANS: Any further
4 discussion?

5 (NONE)

6 Okay. Then Scottie has received
7 everything. Then the -- she will take it from here on
8 out if we grant approval.

9 If there is no further discussion, the
10 Chair would entertain a motion.

11 COMMISSIONER BOLAND: I make a
12 motion that we accept File 170075 for the preliminary
13 plat for approval.

14 COMMISSIONER REINHOLD: I second
15 it.

16 CHAIRMAN EVANS: We have a
17 motion and a second to approve File 170075. All in
18 favor signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 CHAIRMAN VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER McCREARY: Aye.

3 CHAIRMAN EVANS: Opposed?

4 COMMISSIONER SCHULTEHENRICH:

5 No.

6 CHAIRMAN EVANS: The motion is
7 carried.

8 Moving on to Planning and Zoning
9 Commission Forum.

10 MS. EAGAN: Correct.

11 CHAIRMAN EVANS: We have a
12 discussion continued from last meeting on whether or
13 not Roberts Rules of Order should continue to be the
14 procedures that we should be using. Right now it is in
15 the by-laws that -- that we have to follow them.

16 And of course, this came up because by
17 violating them, having procedurally -- a procedural
18 mistake that was included in a lawsuit.

19 And I think we discussed last time that we
20 do not follow them strictly, and Mark had offered to
21 bring his book.

22 COUNTY ATTORNEY VINCENT: Yeah,
23 if you wanted it.

24 CHAIRMAN EVANS: And make sure
25 that we stayed on track and followed those explicitly,

1 which would be a painful process, unless we can come up
2 with an alternative. So again it's something to think
3 about unless somebody -- I'm sure over the holidays,
4 may not have given a lot of -- lot of thought.

5 COMMISSIONER HAIRE: I asked to
6 other areas at planning what they did. I just haven't
7 got anything -- haven't followed up on it, so it's just
8 what a couple of people were doing.

9 CHAIRMAN EVANS: Yeah, then
10 looking at those, basically theirs are similar to ours.
11 I think that Scottie and Nichole mentioned that they do
12 have a couple of things in regulations about how they
13 vote. The by-laws are really similar to ours.

14 So we'll just leave that for now unless
15 someone has some ideas or wants to offer to write
16 parliamentary procedure for the Commission. No takers.

17 All right. If there's nothing else,
18 Planning Director's Report?

19 MS. EAGAN: Well, I thought what
20 you guys were going to leave Roberts Rules of Order in
21 your by-laws, or are you still considering taking it
22 out? I guess --

23 CHAIRMAN EVANS: Well, I guess I
24 was getting a consensus that no one wanted to do
25 anything tonight, but we can --

1 MS. EAGAN: Well, I mean, do you
2 want us to draft something with it being taken out to
3 vote on next month? Do you just want to keep talking
4 about it until you get a better idea, because before we
5 take any action, it's going to actually have to be on
6 your agenda for voting as well.

7 COMMISSIONER SCHULTEHENRICH:
8 Well, Mr. Chairman, I -- I thought we were expecting to
9 receive something from the Board of Adjustment and the
10 way they handle it. And I didn't -- I haven't seen
11 anything in that regard. I thought that's what
12 somebody suggested.

13 COMMISSIONER McLAREN: I got
14 mine in an e-mail.

15 COMMISSIONER SCHULTEHENRICH:
16 Okay. I did not. I also thought that there was maybe
17 some suggestion that maybe the attorney and the
18 counselor could put together something that potentially
19 we could look at. I know I -- last meeting or two
20 meetings ago now, said maybe there'd be something that
21 we could just look at on regards to the motions or so
22 in that regards as opposed to all the other formalities
23 of Roberts Rules of Order having to basically always go
24 through the Chairman and the Chairman has to recognize
25 the other Commissioner who wishes to -- et cetera, et

1 cetera.

2 But I think -- I think we still have to
3 have something having to do with some means of --
4 because just throwing Roberts Rules out, in my opinion,
5 because of one -- one occurrence, I don't think that
6 would be the proper way to address that.

7 We need to basically look upon
8 modification or -- or some other avenue, if there is
9 another avenue that another entity within the county
10 has already adopted. That's something for us, I think,
11 to give some consideration to.

12 And I'm not sure we're ready tonight
13 without some of that information to get into a good
14 discussion.

15 COMMISSIONER HAIRE: Mark, if we
16 let's say we went loosey-goosey, okay. We didn't --

17 COUNTY ATTORNEY VINCENT:
18 Loosey-goosey?

19 COMMISSIONER HAIRE: I'm just
20 using that for lack of a better one. Does that leave
21 us more options for people appealing decisions based on
22 that, we do not have a set of rules for procedures?

23 COUNTY ATTORNEY VINCENT: Okay.

24 As long as you have in your by-laws that
25 you're going to follow Roberts Rules, you need to

1 follow Roberts Rules.

2 COMMISSIONER HAIRE: Uh-huh,
3 yeah.

4 COUNTY ATTORNEY VINCENT: Okay.
5 My recommendation is I was under the impression too
6 that you were going to get -- you were going to look at
7 the stuff from BOZA, and if you want me to look at BOZA
8 and make the suggestions to you all by next meeting
9 about how what you currently have could be amended to
10 them -- I mean, that's the best course of action. It
11 won't guarantee it'll be done by next meeting, but I'll
12 at least get something to you in a draft form.

13 You need to have some rules, even if you
14 only cover attendance, voting, conflicts of interest,
15 the basic stuff. We don't need to have the motion --
16 the proper motion to take a bathroom break. We don't
17 need that stuff.

18 But we do need to have quorum, the basic
19 stuff and you're going to have that to withstand a
20 challenge in court.

21 COMMISSIONER HAIRE: Okay.

22 That's what I wanted to know.

23 MS. EAGAN: And I will say if
24 you look at the regulations under appeals or variances
25 with BOZA, they both say in -- let's see. Votes shall

1 be taken in accordance with the by-laws, if any,
2 adopted by the Board. And what BOZA did is they did
3 not put anything in their by-laws about how they vote
4 or why they vote because they wanted to have the
5 freedom to make multiple motions.

6 That's -- that's what Gordon Upchurch
7 wanted with BOZA. So like Bill was saying, their
8 by-laws are very similar to yours, except they don't
9 follow -- they don't have a rule of procedure aspect of
10 their by-laws.

11 COUNTY ATTORNEY VINCENT: That's
12 all I need is guidance on what you want us to do. Do
13 you want us to go forward in that direction, use that
14 as a framework and perhaps -- I think there may be
15 reasonable people can disagree. I think as much as you
16 interact with people, whereas the Board of Zoning
17 Adjustment interacts with parties. They're more of a
18 quasi-judicial body than you are.

19 And you may want to have more things about
20 the hearing process than what they do. You may want to
21 have more set forth more specifically how to handle
22 voting and what a quorum is than what they do. So --
23 but we can do that. That's not a problem. Let me know
24 what your guys' preference is.

25 CHAIRMAN EVANS: Well, are the

1 quorums covered in the by-laws now?

2 MS. EAGAN: Yes. Absolutely.

3 COMMISSIONER McCREARY: Uh-huh.

4 COUNTY ATTORNEY VINCENT: They
5 have a negative motion type thing in one place that you
6 guys want to stay away from.

7 CHAIRMAN EVANS: Yeah, I think
8 it's more kind of get into a public hearing I think is
9 covered in the regulations. It's more the --

10 MS.EAGAN: The quorum section of
11 your by-laws actually refers back to the regulations,
12 which I realize we need to change that number on that.

13 CHAIRMAN EVANS: It's probably
14 more like, Mark, you're saying that the motions --

15 COUNTY ATTORNEY VINCENT: Yeah.

16 CHAIRMAN EVANS: -- how to do
17 those. So...

18 COUNTY ATTORNEY VINCENT: How
19 much -- how the applicants make their presentation, how
20 long are you going to allow for them for public
21 comments, those kinds of things.

22 CHAIRMAN EVANS: Yeah, well,
23 that's -- that's already in there.

24 COUNTY ATTORNEY VINCENT: Like I
25 say, those -- but do those things and get rid of

1 Roberts Rules. We can --

2 CHAIRMAN EVANS: Because they
3 would be in there, it says Roberts Rules unless
4 documented otherwise and that's where we have in there
5 three minutes. So that's by precedent by the change
6 that we made, but that's about all the changes we did
7 make really.

8 COUNTY ATTORNEY VINCENT: I have
9 to look at each one of them in detail, Bill, but I
10 think that we can come up with something that's very
11 simple, very straightforward, very down to earth if you
12 will, not the archaic rules and principles contained in
13 Roberts Rules of Order.

14 CHAIRMAN EVANS: Right, because
15 it's 99 percent of the time it's motions and seconds
16 and approvals without getting into some amendments and
17 amendment elements and the hierarchy and --

18 COUNTY ATTORNEY VINCENT: That's
19 the stuff you do not want to do.

20 CHAIRMAN EVANS: Right. The one
21 we did that caught on was, you know, requesting to
22 reconsider the question.

23 COUNTY ATTORNEY VINCENT: Yeah.

24 COMMISSIONER HAIRE: I think
25 it'd be easier for all of us if you just presented

1 something and give it to us in advance and we can
2 review it.

3 COUNTY ATTORNEY VINCENT: Okay.

4 COMMISSIONER HAIRE: Okay.

5 Instead of everybody trying to go out and get some
6 by-laws. I got one of my friends from another Planning
7 and Zoning to give me, but if they're doing something
8 different now, I'll pass it on.

9 COUNTY ATTORNEY VINCENT: Okay.

10 CHAIRMAN EVANS: I think 90
11 percent of it is the motions.

12 COUNTY ATTORNEY VINCENT: Sure.

13 CHAIRMAN EVANS: Which is what
14 we get challenged on and what did get challenged on
15 anyway. And it's -- it's already in there that the
16 chairman, whoever that may be, is responsible for
17 keeping order and running the meetings. So don't have
18 to get into a lot of detail about that.

19 Jay?

20 COMMISSIONER SCHULTEHENRICH:

21 But I think the issue that I understood that came about
22 brought this about, let's say, is when there was a tie
23 vote and then there was no vote for reconsideration,
24 there was just further discussion, and then there was
25 another vote that took place --

1 CHAIRMAN EVANS: Correct.

2 COMMISSIONER SCHULTEHENRICH --
3 without a reconsideration vote. That's the way I
4 understood it to be at least. Maybe that's not all
5 correct. Okay. But I think -- I think if you're
6 talking about doing away with some of the motions like
7 motion to reconsider, I would certainly potentially
8 have an issue with that because what it does is it
9 keeps -- it keeps a group or so from continuously
10 wanting to bring that issue up, okay, at that meeting
11 or in another meeting down the road or another meeting.
12 I mean, it's one you have to have. I mean, in
13 position, even if I'm on the losing side, the decision
14 has been made. Okay. You let it go, and that's the
15 way it is. Okay.

16 CHAIRMAN EVANS: Right. Well, I
17 mean --

18 COMMISSIONER SCHULTEHENRICH:
19 But if you don't have something that someone --

20 CHAIRMAN EVANS: No, I agree.
21 And I think that's one of the motions that you would
22 have to keep. For a motion to reconsider, you have to
23 be on the winning side to even request a motion to
24 reconsider. You couldn't be on the losing side.

25 COMMISSIONER SCHULTEHENRICH:

1 Right.

2 CHAIRMAN EVANS: But yeah,
3 that's one that would be in there, I think.

4 COMMISSIONER SCHULTEHENRICH:
5 Well, I'm just -- I'm just pointing that out because I
6 --

7 CHAIRMAN EVANS: No, I agree.
8 It's just the way certain of Roberts Rules of Order you
9 get into those 50 some motions.

10 COMMISSIONER SCHULTEHENRICH:
11 Right.

12 CHAIRMAN EVANS: -- and the
13 hierarchy and, you know, does everybody know that you
14 request -- make a motion to adjourn, it overrules
15 everything. You have to adjourn.

16 COMMISSIONER SCHULTEHENRICH:
17 Right then. I'm certain --

18 CHAIRMAN EVANS: Right then.
19 You know, and it's just all innuendo.

20 COMMISSIONER SCHULTEHENRICH:
21 I'm certainly in agreement. I think Mark can put
22 something together and streamline it for us to
23 consider, and then from there, we can work our way
24 through till we see something to be also deleted or
25 added to it. I think we can certainly upon that at

1 that point in time.

2 CHAIRMAN EVANS: Well, I think
3 Mark being an attorney will be able to put it into
4 simple laymen's language for us.

5 COUNTY ATTORNEY VINCENT: Yeah,
6 I can turn -- (inaudible).

7 CHAIRMAN EVANS: Right,
8 something that no one understands but himself.

9 (CROSSTALK)

10 COUNTY ATTORNEY VINCENT:
11 There's a lot of stuff going on in the county right
12 now. I'll do the best I can to have it ready for next
13 month, but there's a lot of stuff going on.

14 CHAIRMAN EVANS: Well, even if
15 somebody has any ideas on a list of options to be, you
16 know, included, Jay, like you said. I think that we
17 can improve it. I think the points of order, things
18 like that, that should be there and that keep us out of
19 trouble, but still, you know, run the process.

20 COUNTY ATTORNEY VINCENT: I can
21 do it. If Scottie and Nikki are still talking to me,
22 I'll have them to help me.

23 MS.EAGAN: I am.

24 CHAIRMAN EVANS: Scottie will
25 have one of her new staff get with you.

1 COUNTY ATTORNEY VINCENT: That
2 may not work.

3 MS.EAGAN: If I have them by the
4 end of the month.

5 CHAIRMAN EVANS: Is there
6 anything else?

7 COMMISSIONER McLAREN: I'd like
8 to ask a question of the attorney real quick.

9 CHAIRMAN EVANS: Sure.

10 COUNTY ATTORNEY VINCENT: Oh,
11 no, not you, Bill.

12 COMMISSIONER McLAREN: Make my
13 day. That's the only reason I come up here, is to get
14 to interact with you.

15 COUNTY ATTORNEY VINCENT: I love
16 you, Bill. I love.

17 COMMISSIONER McLAREN: So when
18 we were on first rezoning we looked at --

19 COUNTY ATTORNEY VINCENT: When?

20 COMMISSIONER McLAREN: Tonight.

21 COUNTY ATTORNEY VINCENT: Okay.

22 COMMISSIONER McLAREN: My
23 comment was it seems to me like it'd be a stretch to
24 say transportation is a proving of a reason to approve
25 a rezoning. My question to you would be if we -- if we

1 approve something and somebody uses that that's kind of
2 a stretch for a reason, can somebody else come back and
3 do the same thing and say, well, there's been a
4 precedent set that you approved a rezoning because of
5 improved transportation qualities in the state or the
6 county?

7 COUNTY ATTORNEY VINCENT: Not
8 selling cars. I mean, that's not a precedential of
9 anything.

10 COMMISSIONER McLAREN: No, but
11 nothing to do with selling cars, but we did the zoning
12 based on the stretch of selling cars helps the count.
13 That somebody had that argument to use again?

14 COUNTY ATTORNEY VINCENT: If
15 somebody came in to you and said we're going to put in
16 a privately owned fast rail system, and we need to redo
17 these zoning areas, that could be a public benefit.

18 COMMISSIONER McLAREN: I get
19 that.

20 COUNTY ATTORNEY VINCENT: Okay.
21 That's what I'm saying. Otherwise, every -- I guess
22 the answer to the question is they have no precedential
23 effect. Every case is decided on its own, on the facts
24 of that case.

25 COMMISSIONER McLAREN: That's

1 what I was trying to ask. Thank you.

2 COUNTY ATTORNEY VINCENT: Yeah,
3 that's what it is.

4 CHAIRMAN EVANS: Anything else?

5 MS. EAGAN: Since our meeting in
6 November, we have officially taken over addressing and
7 GIS and mapping. So we're trying to work through that,
8 but our software is not working. So we're not really
9 working through that.

10 We got new software for Planning and
11 Zoning. So we did our training last week on that.
12 That one wasn't working, but now it is. So it's
13 actually a really neat software because we can actually
14 generate reports right out of the software. So we can
15 get data sets of what files have been approved, you
16 know, what kinds were they, were they permits, were
17 they subdivisions, so we can get them to you like you
18 guys are supposed to get, but we haven't done that in a
19 while.

20 And then, let's see what else. Oh, next
21 week we are starting our interviews for our
22 administrative assistant. So once that's done and over
23 with and we've chosen someone, I'll invite her into
24 whatever meetings you guys have coming up next to
25 introduce you because that will probably be your

1 primary contact after they're hired. So...

2 CHAIRMAN EVANS: Well, you'd
3 probably want to introduce her after you hire her --

4 MS. EAGAN: Right.

5 CHAIRMAN EVANS: -- rather than
6 introduce her before.

7 MS. EAGAN: Correct.

8 CHAIRMAN EVANS: Or at least to
9 Bill anyway.

10 MS. EAGAN: I'll let her work
11 here a couple of months, and then I'll introduce her.
12 I was going to say or him, but we didn't have any hims,
13 so it will be a her.

14 So I think that's all I have right now.
15 Like Mark said, a lot of going on that we're trying to
16 figure out. So...

17 COMMISSIONER McCREARY: This new
18 software, is that going to include new maps on-line?

19 MS.EAGAN: (Negative head
20 shake.)

21 COMMISSIONER McCREARY: Okay.
22 Just hopeful.

23 COUNTY ATTORNEY VINCENT: What
24 the other software is working.

25 MS. EAGAN: But we could

1 potentially work at getting a dummy layer because now
2 we have a GIS technician in our department. So he
3 could potentially teach us how to do it when we get all
4 settled in with all the other stuff we're learning.
5 So...

6 CHAIRMAN EVANS: Well, Scottie,
7 you know it's not directly related to Planning and
8 Zoning, but what is the mapping piece? What do they do
9 actually?

10 MS. EAGAN: I mean, anything
11 that gets recorded, they put in our GIS map search.
12 They put on our mapping system. So any time
13 subdivisions are recorded or deeds are transferred,
14 that's -- that's what they do. They're -- in my
15 opinion, they're the backbone of the county. Without
16 them, stuff would not get done.

17 COUNTY ATTORNEY VINCENT: We
18 even gave the -- Scottie and Nichole gave the
19 Commissioners maps and Crayons to help.

20 MS. ZIELKE: Pencils. Pencils.

21 COUNTY ATTORNEY VINCENT:
22 Pencils.

23 MS. ZIELKE: Yes, I didn't
24 degrade them to Crayons.

25 MS. EAGAN: Your County

1 Commission is supposed to be looking at rezoning and
2 what they want to see. And then give that to us for us
3 to work on an actual zoning map for sometime in the
4 future.

5 CHAIRMAN EVANS: Is this any
6 timeline on that at all?

7 MS. EAGAN: I don't have one
8 right now just because of everything that's going on,
9 but I honestly don't know how far the Commission is
10 with it, if they even started.

11 COUNTY ATTORNEY VINCENT: Right
12 now we're teaching the Commissioners how to hold a
13 pencil. Little steps at a time.

14 (CROSSTALK)

15 But it's true. We gave it to them, and
16 they won't even use it.

17 MS. EAGAN: We bought brand new
18 colored pencils for them.

19 CHAIRMAN EVANS: Anyone else
20 want make any comments about the Commissioners? Anyone
21 that would not want to be reappointed?

22 COMMISSIONER WILLIAMS: How did
23 you get those colored pencils?

24 CHAIRMAN EVANS: All right. If
25 there is nothing else, the Chair would entertain a

1 motion to adjourn.

2 COMMISSIONER McLAREN: Motion to
3 adjourn.

4 COMMISSIONER HAIRE: Second.

5 CHAIRMAN EVANS: We have a
6 motion and a second to adjourn. All in favor signify
7 by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 CHAIRMAN VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER HAIRE: Aye.

15 COMMISSIONER TOBBEN: Aye.

16 COMMISSIONER SCHULTEHENRICH:

17 Aye.

18 COMMISSIONER McCREARY: Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 We're adjourned.

22 (Thereupon, the proceedings
23 concluded at 8:16 p.m.)

24 o8o

25

1 CERTIFICATE OF REPORTER
2 I, PATSY A. HERTWECK, Professional Court
3 Reporter and Notary Public within and for the State of
4 Missouri, before whom the foregoing proceeding was
5 taken, do hereby swear that: the aforementioned was
6 held at the time and in the place previously described;
7 the proceedings were taken down in stenographic notes
8 by me and transcribed by me, or under my supervision,
9 to the best of my ability; and that the aforementioned
10 represents a true and accurate transcript of said
11 proceedings.

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand.

14
15 _____
16 Patsy A. Hertweck, Court Reporter
17 Notary Public, State of Missouri

18 My Commission Expires:
19 August 26, 2018
20
21
22
23
24
25

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