

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

6
7
8 TRANSCRIPT OF PROCEEDINGS
9 PLANNING AND ZONING COMMISSION
10 PUBLIC HEARING
11 JANUARY 21, 2020
12 (COMMENCING AT 7:00 P.M.)
13
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17
18

19 Reported by:
20 Patsy A. Mayberry, C. R.
21 Alaris Litigation Services
22
23
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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 A P P E A R A N C E S
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 DAN HAIRE, VICE CHAIR
5 TIMOTHY REINHOLD, COMMISSIONER
6 STANLEY VOSS, COMMISSIONER
7 BILL McLAREN, COMMISSIONER
8 JIM GRUTSCH, COMMISSIONER
9 DEBBIE WILLETTE, COMMISSIONER
10 MIKE KLENKE, COMMISSIONER
11 DENNIS HARTMANN, COMMISSIONER
12 MARK FRANKENBERG, COMMISSIONER
13 DENNIS HARTMANN, COMMISSIONER
14 PLANNING AND ZONING STAFF:
15 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
16 NICHOLE ZIELKE, COUNTY PLANNER
17 COUNTY LEGAL COUNSEL:
18 MARK PIONTEK, COUNTY ATTORNEY
19
20 ALARIS LITIGATION SERVICES:
21 PATSY A. MAYBERRY, C. R.
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1 P R O C E E D I N G S

2 (JANUARY 21, 2019)

3 CHAIRMAN EVANS: I'd like to go
4 ahead and call to order the Tuesday, January 21st
5 meeting of the Franklin County Planning and Zoning
6 Commission.

7 Scottie, please take roll.

8 MS. EAGAN: Bill Evans?

9 CHAIRMAN EVANS: Here.

10 MS. EAGAN: Mark Frankenberg?

11 COMMISSIONER FRANKENBERG:

12 Here.

13 MS. EAGAN: Jim Grutsch?

14 COMMISSIONER GRUTSCH: Here.

15 MS. EAGAN: Dan Haire?

16 COMMISSIONER HAIRE: Here.

17 MS. EAGAN: Dennis Hartmann?

18 COMMISSIONER HARTMANN: Here.

19 MS. EAGAN: Mike Klenke?

20 COMMISSIONER KLENKE: Here.

21 MS. EAGAN: Tim Reinhold?

22 COMMISSIONER REINHOLD: Here.

23 MS. EAGAN: Stan Voss?

24 COMMISSIONER VOSS: Here.

25 MS. EAGAN: And, Debbie

1 Willette?

2 COMMISSIONER WILLETTE: Here.

3 MS. EAGAN: Okay. We have a
4 full Board.

5 CHAIRMAN EVANS: Thank you.

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

11 COMMISSIONER REINHOLD: File
12 190257, I have to abstain.

13 CHAIRMAN EVANS: Okay. Let the
14 record show that Commissioner Reinhold is recusing
15 himself from File 190257.

16 COMMISSIONER REINHOLD:
17 (Recused from hearing.)

18 CHAIRMAN EVANS: And if you all
19 haven't met him, we have a new Highway Administrator
20 tonight, Jim Grutsch. Please say hello before the
21 meeting is over.

22 Scottie, will you please give us
23 presentation of the meeting procedures and exhibits.

24 MS. EAGAN: Tonight's Planning
25 Commission meeting is governed by the Franklin County

1 Unified Land Use Regulations.

2 Some matters on the agenda may be for
3 action by the Planning and Zoning Commission. These
4 matters do not involve public hearings.

5 Other matters on the agenda require
6 public hearings under Missouri law. If a matter
7 involves a public hearing, all individuals who desire
8 to testify will be given an opportunity to do so.

9 At this time, I would like to place into
10 the record these regulations as Exhibit A, the
11 official Zoning Map as Exhibit B, the official Master
12 Plan as Exhibit C, and the case file for each case as
13 Exhibit D for all the cases to be heard during the
14 public meeting.

15 (THEREUPON, EVIDENCE WAS
16 MARKED FOR IDENTIFICATION AND
17 SUBMITTED FOR THE RECORD AS
18 EXHIBITS A, B, C, AND D.)

19 All Unfinished Business items on the
20 agenda will be dealt with first. Once the Unfinished
21 Business issues have been taken care of, each item of
22 New Business will be opened.

23 As each case is opened, a staff report
24 will first be read to the Commission, followed by any
25 questions for the staff.

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

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

10 It is possible for the Planning
11 Commission to decide to move a New Business issue to
12 Unfinished Business and vote on it the same night.

13 At the conclusion of all questions,
14 comments, and discussion concerning each case, the
15 Planning Commission will proceed. Any final decision
16 by the Planning and Zoning Commission concerning
17 Conditional Use Permits may be appealed to the Board
18 of Zoning Adjustment any time within 90 days.

19 Applications for such an appeal may be
20 acquired from the Department offices during normal
21 business hours.

22 CHAIRMAN EVANS: Thank you.

23 All the Commissioners should have
24 received a copy of the December 17th minutes. If
25 there are no additions or corrections, the Chair would

1 entertain a motion to approve.

2 COMMISSIONER McLAREN: I make
3 that motion.

4 COMMISSIONER WILLETTE: I'll
5 second it.

6 CHAIRMAN EVANS: We have a
7 motion and a second to approve the December 17th
8 minutes. All in favor signify by saying aye.

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLETTE: Aye.

13 COMMISSIONER GRUTSCH: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER KLENKE: Aye.

16 COMMISSIONER HAIRE: Aye.

17 COMMISSIONER FRANKENBERG: Aye.

18 COMMISSIONER HARTMANN: Aye.

19 CHAIRMAN EVANS: Opposed?

20 (NONE)

21 The minutes are approved.

22 Communications and Visitors Comments. Is
23 there anyone present wishing to address the
24 Commission?

25 (NONE)

1 If not, we'll move on to Unfinished
2 Business. We have none.

3 Moving to New Business. We have none.

4 Moving to Preliminary Plats. Written
5 comments only may be submitted by the public.

6 We have File 190257, Cameron Lueken
7 representing TCR Properties, L. L. C.

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

10 MS. EAGAN: Sure.

11 This is File 190357, TCR Properties in
12 care of Cameron Lueken.

13 The applicant wishes to create a 16-lot
14 subdivision in the Non-Urban and Agricultural zoning
15 district.

16 The property is located on Clonts Road,
17 approximately 0.5 miles north of Spring Bluff Road, in
18 Boone Township.

19 THE FACTS: The property is approximately
20 80 acres in size.

21 The minimum lot size in Non-Urban and
22 Agricultural is 40,000 square feet with central water
23 and 3 acres for on-site water and sewer.

24 The average lot size of this proposed
25 subdivision is approximately 4.76 acres.

1 This subdivision is proposing to be
2 developed in two phases.

3 The applicant is proposing to have
4 individual on-site wells and septic for this
5 development.

6 The applicant shows a 15-foot utility
7 easement along the private road, a 20-foot utility
8 easement along Clonts Road, a 10-foot utility easement
9 on the rear, and a 5-foot utility easement along the
10 side. All are done in accordance with our Franklin
11 County Regulations.

12 A land disturbance permit from DNR is
13 required to disturb more than one acre of land, as
14 well erosion controls during development.

15 The plat shows all roads and
16 rights-of-way and road surface as meeting the
17 standards set forth in the Franklin County Unified
18 Land Use Regulations.

19 All utilities shall be located
20 underground.

21 Because of the size of the development,
22 the applicant shall provide fire protection in
23 accordance with Article 8, Section 175. Because this
24 development is located within Sullivan Fire Protection
25 District, they will be required to meet the standards

1 of that district.

2 The applicant will be required to
3 dedicate additional right-of-way along Clonts Road.
4 The preliminary plat does show a widening strip along
5 Clonts Road that meets our requirements of 25 feet
6 from the centerline.

7 There is an intermittent stream located
8 on Lot 2. The preliminary plat does show the stream
9 buffers as required by the regulations.

10 STAFF COMMENTS: Improvement Plans to be
11 reviewed by Franklin County, should be submitted
12 before final approval.

13 Stormwater plans have been submitted to
14 the Highway Administrator.

15 And Sullivan Fire Protection District has
16 submitted approval for the road width of 26 feet, as
17 well as the use of the Fire District's water shuttle
18 system with water tenders and portable tanks.

19 CHAIRMAN EVANS: Thank you.

20 Is the applicant present? Please state
21 your name and address, and sign in, please.

22 MR. CAMERON LUEKEN: Good
23 evening. My name's Cameron Lueken with the Wunderlich
24 Survey and Engineering representing the TCR
25 Properties.

1 (THEREUPON, THE WITNESS WAS
2 SWORN.)

3 Good evening. So I did not prepare a
4 Power Point presentation for you guys tonight. So I
5 thought I'd just make it brief.

6 No, but as you can see before you, we've
7 got a 16-lot proposed subdivision, kind of as Scottie
8 stated, plus individual on-site wells and drinking --
9 or drain fields, you might say. And we need to
10 applied and got a use permit from the county at the
11 entrance. We submitted stormwater counts. This is
12 kind of just a large lot subdivision.

13 Does anybody have any questions about it?
14 I didn't get the sketch for the preliminary plat in
15 front of me. Does anybody have any questions about
16 anything I can answer?

17 This one -- this one this time is pretty
18 straightforward.

19 CHAIRMAN EVANS: Any questions
20 from the Commissioners?

21 Bill, no questions?

22 COMMISSIONER McLAREN: Yes, I'm
23 waiting for the mic.

24 MR. LUEKEN: Yes, sir.

25 COMMISSIONER McLAREN: Actually

1 this is probably for Scottie.

2 MR. LUEKEN: Okay.

3 COMMISSIONER McLAREN: And I
4 have three questions. Is this considered a major
5 subdivision?

6 MS. EAGAN: Yes.

7 COMMISSIONER McLAREN: Okay.
8 And probably at some meeting I probably have missed
9 getting some paperwork, and I want to address that at
10 the end.

11 But is the gravel road and a on-site
12 water and sewer okay with this?

13 MS. EAGAN: Yes, because of the
14 size of the development, it's okay.

15 COMMISSIONER McLAREN: Okay.
16 Because of the -- the average -- do we do it on the
17 average acres, or how --

18 MS. EAGAN: Based on lot size.

19 COMMISSIONER McLAREN: Okay.

20 MS. EAGAN: And number of lots.

21 COMMISSIONER McLAREN: So based
22 -- my question is do we look at the minimum size lot,
23 the average size lot, or the largest size lot in order
24 to determine?

25 MS. EAGAN: In terms of water

1 and sewer, we look at each individual lot, --

2 COMMISSIONER McLAREN: Okay.

3 MS. EAGAN: -- and count them
4 each up.

5 COMMISSIONER McLAREN: Each.

6 MR. LUEKEN: To answer your
7 question, the first question, seven lots or more is a
8 major subdivision. That's what involves you guys.

9 COMMISSIONER McLAREN: Okay.

10 MR. LUEKEN: Okay. And then I
11 don't want to say for Scottie. Correct me if I'm
12 wrong. But basically, Bill, in this particular type
13 of area without the availability of central water or
14 central sewer, a person is allowed to do up to 25,
15 5-acre lots, and 6, 3-acre lots.

16 COMMISSIONER McLAREN: Based on
17 the fact that those utilities are unavailable?

18 MR. LUEKEN: Correct.

19 COMMISSIONER McLAREN: Okay.

20 MR. LUEKEN: But if they were
21 within -- if you -- and I may get this wrong, but if
22 you have ten lots or more within 2,000 feet of a water
23 or a sewer along public easements, then we'd be
24 obligated to tie into those.

25 COMMISSIONER McLAREN: Okay.

1 MR. LUEKEN: In this case, we
2 have that.

3 COMMISSIONER McLAREN: Okay.
4 What number of lots do you have to put in your own
5 treatment facility? Is there a -- or is it just based
6 on the size of the lot?

7 MS. EAGAN: It is all available
8 in Article 8. Do you have your Code on you at all, or
9 no?

10 So if you go to page 8.18, there's a
11 chart that lays it out. So anytime you have a lot
12 less than three acres, regardless of how many lots,
13 you're required to do central water and sewer.

14 You don't get up to a central water
15 system required until you have a lot size of at least
16 three but less than five and no more than fifteen. So
17 then central water and sewer gets required at a
18 different level as well.

19 So that's why based on water and sewer we
20 look at each individual lot and count them up how many
21 are under three, how many are under five, how many are
22 over five.

23 COMMISSIONER McLAREN: Okay.
24 That was what my question honestly was. So thank you.
25 I'm done.

1 CHAIRMAN EVANS: Any other
2 questions?

3 (NONE)

4 All right. Thank you, Cameron.

5 MR. LUEKEN: Thank you.

6 CHAIRMAN EVANS: Scottie, have
7 you received everything necessary or required for --

8 MS. EAGAN: The only thing I
9 was waiting on was comments from the Highway
10 Department on the stormwater, if they had any
11 comments, but I haven't gotten anything yet. So I'm
12 assuming everything is okay.

13 COMMISSIONER GRUTSCH: Scottie,
14 I can reply to that. We have reviewed it this
15 afternoon, and it does appear that it does meet all of
16 our requirements for stormwater.

17 MS. EAGAN: Then, yes, we're
18 good.

19 CHAIRMAN EVANS: All right.
20 Then we have everything required. And for the new
21 Commissioners, on preliminary plats, they are
22 presented to us, but under Article 8, Section 175,
23 there are about four pages of single-spaced
24 requirements. And as long as everything is submitted
25 to the Planning and Zoning Director, then we're

1 obligated to approve it unless we see some
2 extraordinary circumstances where we would not.

3 And once we approve this, then Scottie
4 will see that everything is done, and the final plat
5 we do not see. It goes directly to the Planning and
6 Zoning office, and they would approve the final plat.

7 Is there any other discussion?

8 (NONE)

9 If not, the Chair would entertain a
10 motion. And this does not have to be sent to
11 Unfinished Business. This can just be approved.

12 COMMISSIONER HAIRE: We don't
13 have to send it to Unfinished Business?

14 CHAIRMAN EVANS: No.

15 COMMISSIONER McLAREN: I make a
16 motion to approve it as presented.

17 COMMISSIONER HAIRE: I'll
18 second that.

19 CHAIRMAN EVANS: Okay. We have
20 a motion and second to approve Preliminary Plat File
21 1900257. All in favor signify by saying aye.

22 COMMISSIONER REINHOLD: Aye.

23 COMMISSIONER VOSS: Aye.

24 COMMISSIONER McLAREN: Aye.

25 COMMISSIONER WILLETTE: Aye.

1 COMMISSIONER GRUTSCH: Aye.

2 CHAIRMAN EVANS: Aye.

3 COMMISSIONER KLENKE: Aye.

4 COMMISSIONER HAIRE: Aye.

5 COMMISSIONER FRANKENBERG: Aye.

6 COMMISSIONER HARTMANN: Aye.

7 CHAIRMAN EVANS: Opposed?

8 (NONE)

9 The motion is carried.

10 Moving on to Planning and Zoning

11 Commission Forum. Anything the Commissioners wish to
12 discuss?

13 COMMISSIONER McLAREN: I'll be
14 really quick. And I want to ask, I think it would be
15 appropriate for most of us, some of us, to get a new
16 copy of the book since the regulations have changed,
17 and as I go through, I think there's been stuff I've
18 missed putting in the book or I've missed a meeting
19 and didn't get it, or I -- I don't feel comfortable
20 that my book has adequately been refilled with the
21 right stuff.

22 And I don't know if anybody else feels
23 like that or not, but I -- I feel like we've made
24 enough changes, and you know, I've been absent a few
25 times that I think we should consider everybody get a

1 new book.

2 That's it.

3 CHAIRMAN EVANS: Scottie, any
4 comment?

5 MS. EAGAN: I mean, I have more
6 regulations coming for you guys next month, so I don't
7 know how long you want to wait to get a new book. I
8 can make everybody a new book, but you guys got to be
9 diligent at changing them because it's going to get
10 expensive if we keep doing --

11 COMMISSIONER HAIRE: I think
12 what I would like to have, if it's possible, each
13 section when the last update was to make sure I have
14 all the updates in correctly. You know, just when the
15 last month, when the date is on those.

16 MS. EAGAN: I mean, it should
17 all be at the bottom of each section.

18 COMMISSIONER HAIRE: But which
19 ones are the last ones is what I'm saying.

20 MS. EAGAN: Okay.

21 COMMISSIONER HAIRE: Because I
22 have one I thought was changed, and was going to --
23 since I was going to do the same thing, ask Nichole or
24 you is that the latest one, because I have one that
25 had kind of an early date yet. So I don't know. I

1 don't see anything that I missed putting it in, so
2 that may be the only one I'm missing. But there's
3 just one I thought might be -- might be out. So I
4 just to make sure I have the updated, the latest
5 version of it.

6 MS. EAGAN: I can tell you
7 probably the worst one to check on you might want to
8 check with Nichole.

9 COMMISSIONER HAIRE: Okay.
10 Nichole, that was my last one.

11 MS. ZIELKE: I got you.

12 CHAIRMAN EVANS: That may be a
13 good idea if we can get a list of when the last --
14 because I think I keep my book up-to-date, but there's
15 one or two that I kind of look at. So if you could
16 just, in the next meeting or send that out to us in an
17 e-mail, the last update, and then anybody who isn't
18 updated or whatever or out of sorts, then we can maybe
19 get new books.

20 MS. EAGAN: Do you want the
21 last update of each section?

22 COMMISSIONER HAIRE: Uh-huh.

23 MS. EAGAN: Okay.

24 MS. ZIELKE: Also all of these
25 are on-line if you ever needed them also. If you

1 found out that they were outdated and you wanted to
2 get the current one --

3 COMMISSIONER HAIRE: We can
4 print off that?

5 MS. ZIELKE: Yeah.

6 COMMISSIONER HAIRE: Okay.

7 MS. ZIELKE: You can check the
8 dates at the bottom if you were unsure. They're all
9 updated.

10 COMMISSIONER HAIRE: Okay.

11 MS. EAGAN: Yeah, those are the
12 most recent because Nichole is really good at getting
13 on to me to keep them current.

14 MS. ZIELKE: Since everyone
15 wants to know, I'll go ahead and compile it this time,
16 but in the future, if you guys want to check your
17 individual sections, that'd be the way to do it.

18 MS. EAGAN: Bill, I can get you
19 a new set next month.

20 COMMISSIONER McLAREN: I just
21 think I've missed a couple of them. The same as Dan,
22 I think I've got most of it, but I think I've missed a
23 couple of things.

24 MS. EAGAN: Do you want to wait
25 and just get the list from Nichole next month --

1 COMMISSIONER McLAREN: Yeah.

2 MS. EAGAN: -- and then we can
3 decide what to do?

4 COMMISSIONER McLAREN: Yeah,
5 that's fine. I just, you know, I just think that I've
6 missed something. Actually I think the one I missed
7 was what I was asking questions about tonight.

8 MS. EAGAN: Okay. The big ones
9 are going to be 7, 8, and 2 that get changed the most.
10 Five hasn't changed. Six hasn't changed. Stuff like
11 that.

12 COMMISSIONER McLAREN: Okay.

13 CHAIRMAN EVANS: Yeah, if we
14 can just start with a list of the latest updates, then
15 we'll go from there.

16 Anything else Commissioners would like to
17 discuss?

18 (NONE) {FLUSH}

19 If not, we'll move on to the Planning
20 Director's Report.

21 MS. EAGAN: So you each have --
22 well, the rezoning got approve last week. So you each
23 have a new Article 7 with the new zoning districts and
24 a new zoning chart.

25 Crystal e-mailed everybody a copy of the

1 new zoning map. If you guys want a big version of it
2 or an 11 by 17 or anything like that, just let us
3 know. We can get you prints of it.

4 Please keep your old Article 7. Don't
5 throw it away just yet just in case we need to use it
6 again. If anything happens with this rezoning,
7 everything would revert back to what we had prior to
8 it.

9 So next month I have two amendments
10 coming before you. The first one is just cleaning up
11 our codes, changing it from our old zoning districts
12 to our new zoning districts, and then we have another
13 FEMA update that we have to do for them.

14 So other than that, I don't think we have
15 anything else on the agenda. But one thing I wanted
16 to bring up which I forgot to last month this summer
17 I'll be out of the office for three months, and
18 Nichole will be in charge of everything.

19 So I'm scheduled to have a baby sometime
20 in May. I should be here for the May meeting, but I
21 might not be, but I won't be here in July potentially
22 August.

23 So other than that, I got nothing.

24 CHAIRMAN EVANS: All right.

25 Thank you.

1 If there's nothing else, the Chair would
2 entertain a motion to adjourn.

3 COMMISSIONER McLAREN: Motion
4 to adjourn.

5 COMMISSIONER HAIRE: Motion --

6 COMMISSIONER KLENKE: I'll
7 second.

8 CHAIRMAN EVANS: Okay. We have
9 a motion and a second to adjourn. All in favor
10 signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLETTE: Aye.

15 COMMISSIONER GRUTSCH: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER KLENKE: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER FRANKENBERG: Aye.

20 COMMISSIONER HARTMANN: Aye.

21 CHAIRMAN EVANS: Opposed?

22 (NONE)

23 We are adjourned.

24 (THEREUPON, THE PROCEEDINGS

25 CONCLUDED AT 7:21 P.M.)

PUBLIC HEARING 1/21/2020

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