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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
FRANKLIN COUNTY COMMISSION
PUBLIC HEARINGS
FEBRUARY 8, 2024
(COMMENCING AT 10:30 A.M.)

REPORTED BY:
PATSY A. MAYBERRY, C. R.
COMPLETE REPORTING SERVICES

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COMPLETE REPORTING SERVICES
19 BROOKMOORE DRIVE
UNION, MISSOURI 63084
(636)221-0418

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A P P E A R A N C E

PLANNING AND ZONING COMMISSION:

TIM BRINKER, CHAIRMAN

TODD BOLAND, COMMISSIONER

DAVE HINSON, COMMISSIONER

PLANNING AND ZONING STAFF:

SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

CRYSTAL HOLDMEIER, STAFF ASSISTANT

LEGAL COUNSEL:

MARK PIONTEK, COUNTY ATTORNEY

COMPLETE REPORTING SERVICES:

PATSY A. MAYBERRY, C. R.

19 BROOKMOORE DRIVE

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(636)221-0418/pamayberrygm1@gmail.com

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

2 (FEBRUARY 8, 2024)

3 CHAIRMAN BRINKER: Let's call
4 this public hearing to order of the County
5 Commission to consider File Number 230272. Scottie.

6 MS. EAGAN: Sure. First of
7 all, I do the hearing procedures.

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

14 (THEREUPON, EVIDENCE WAS
15 MARKED FOR IDENTIFICATION AS
16 BOARD EXHIBITS A, B, C, AND D.)

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

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

25 When it is your turn to speak, you will

1 come to the front of the room and address the
2 Commission and only the Commission, not anyone in
3 the audience, with any questions or comments.

4 Generally the applicant for the
5 rezoning is allowed to speak first, followed by
6 those in support, and then those opposes.

7 The applicant may speak again after
8 comments from the general public to address any
9 questions or issues brought up during the hearing.

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

16 This is for File 230272, Frederick
17 Hoven.

18 The applicant is requesting to rezone a
19 9.7 acre tract from the W Zoning District to the B
20 Zoning District.

21 The property is located at the
22 intersection of High Street and North Columbus
23 Street, south of the right-of-way of Interstate 44,
24 in Township 43 North, Range 2 East, Section 1 of
25 Boles township.

1 And now I will read you the staff
2 report.

3 Again, this is File 230272, Fred Hoven.

4 The applicant requests to rezone one
5 parcel from the W District to the B Zoning District.

6 THE FACTS: Total for the rezoning is
7 approximately nine acres.

8 The zoning of this property, as of
9 January 14, 2020, is W. The applicant would like to
10 rezone it to the B District.

11 The properties around the site are in
12 the City of Pacific or in St. Louis County.

13 The properties to the south of the
14 propose site appear to be low-density residential
15 properties. Just north of this property is
16 Interstate 44.

17 This property appears to have access to
18 North Columbus Street. This road appears to have a
19 right-of-way width of 40 feet.

20 STAFF COMMENTS: At the December 19,
21 2023 Planning and Zoning Commission meeting, the
22 Planning and Zoning Commission unanimously voted to
23 recommend approval.

24 Rezoning are allowed in our
25 regulations due to the ever-changing conditions that

1 exist in the county and elsewhere. According to
2 Article 14, Section 321, any such change must
3 promote the health, safety, morals, comfort, and
4 general welfare of Franklin County by conserving and
5 protecting property and building values, by securing
6 the most economical use of land and facilitating the
7 adequate provision of public improvements in
8 accordance with the Master Plan adopted by Franklin
9 County.

10 CHAIRMAN BRINKER: Thank you,
11 Scottie. You got through it. All right.

12 Is there anybody in the audience wish
13 to speak in favor of the proposed change?

14 MR. FREDERICK HOVEN: Should
15 I do that since I'm --

16 CHAIRMAN BRINKER: If you'd
17 like to, you may. If you do, sign in and be sworn
18 in, sir, for testimony. Thank you.

19 MR. HOVEN: I mean, is that
20 normal procedure for me to defend it?

21 MS. EAGAN: Well,
22 typically --

23 MR. HOVEN: Is it necessary,
24 or should I just wait till --

25 MS. EAGAN: It's your turn to

1 speak.

2 MR. HOVEN: I don't do this
3 very often, so --

4 CHAIRMAN BRINKER:
5 Understood.

6 (THEREUPON, THE WITNESS WAS
7 SWORN.)

8 MR. HOVEN: Frederick Hoven.

9 CHAIRMAN BRINKER: Now you're
10 good to go.

11 MR. HOVEN: Okay.

12 As Scottie said, I'm just here to get
13 it rezoned. I'm pretty sure, 100 percent sure
14 actually that it was zoned CD before it was rezoned,
15 I think it was, 2020. And I just want to get it
16 back, but what it was about -- I think B is the
17 closest thing to CD, the closet zoning to CD.

18 So I'd just like to go ahead and get it
19 back to there. As somebody said at the prior
20 meeting that I went to -- I don't know his name,
21 forget his name -- he said something about that he
22 thought it should be zoned that anyway because it
23 was -- in the past there had been businesses back in
24 that area.

25 I think what happened was the

1 interstate went through there, and it was zoned CD
2 just like the other side the interstate is now, but
3 when the interstate went through there years ago,
4 they cut that piece off and it just stated CD until
5 2020.

6 CHAIRMAN BRINKER: So you
7 support the proposal?

8 MR. HOVEN: Yes, I do.

9 CHAIRMAN BRINKER: Okay. All
10 right.

11 Anybody in the audience, any other
12 folks in the audience, who wish to speak in favor of
13 the proposal?

14 (NONE)

15 Anybody who wishes to speak in
16 opposition of the proposed change?

17 (NONE)

18 Commission questions?

19 COMMISSIONER BOLAND: I have
20 none.

21 COMMISSIONER HINSON: I have
22 none.

23 CHAIRMAN BRINKER: Okay.
24 With that, we will conclude this public hearing
25 today. Thank you.

1 Next we have File Number 230245,
2 Planning and Zoning request that's seeking to amend
3 the Unified Land Use Regulations.

4 Go ahead, Scottie.

5 MS. EAGAN: All right. So
6 I'll start with the hearing procedures.

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

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7 comments from the general public to address any
8 questions or issues brought up during the hearing.

9 At the conclusion of all questions,
10 comments, and discussion concerning each case, the
11 public hearing for that case will conclude.

12 The decision will generally be made by
13 Commission Order at a later date during the County
14 Commission's regular meeting time.

15 This is File 230245. The applicant is
16 seeking to amend the Unified Land Use Regulations of
17 Franklin County.

18 Proposals include amendments to Article
19 10, Supplementary Use Regulations.

20 So the changes we are proposing to make
21 in Article 10 is to add a new section, Section 231,
22 which would then be called shipping containers.

23 What we're trying to do is create
24 regulations which would be a compromise between
25 allowing shipping containers as storage units and

1 not allowing them at all, which is currently what
2 our code reads.

3 So what we are proposing is that we
4 will allow for shipping containers to be accessory
5 storage building in Franklin County in the A
6 District, G District, R District and B District
7 which are more manufacturing and commercial
8 districts.

9 We are proposing to permit them to have
10 one shipping container per 22,000 square feet with a
11 maximum of two, and there must be a principal
12 building on the property as well. It can't just be
13 a vacant piece of the property.

14 In O District, P District, T District
15 and Y District, which are more of our residential
16 districts, we are permitting you to have one
17 shipping container per acre with a maximum of one.

18 Again, there must be a principal
19 dwelling or building on the property.

20 And then in the W District, which is
21 our more agricultural district, we wrote the
22 regulations to permit one shipping container per
23 five acres with a maximum of three.

24 The Planning and Zoning Commission felt
25 like we should change that to one shipping container

1 per three acres because that is our minimum to
2 divide in the W District, with a maximum of three.

3 And then we say that no person shall
4 place a shipping container on a parcel without first
5 obtaining a permit from our department and from the
6 Building Department if applicable. And I know
7 they're in the works of also amending their codes to
8 address shipping containers.

9 And then we have just some general
10 requirements for them. We say that they shall not
11 be located in front of or on the side of the
12 principal dwelling. They need to be installed or
13 placed in accordance with their 2021 International
14 Building Code.

15 They're subject to all state, local and
16 federal permits.

17 Here we say semi-trailers, buses,
18 mobile homes and similar structures are not to be
19 allowed as accessory storage buildings. They cannot
20 be stacked, used for advertising.

21 They need to be properly maintained,
22 and they need to be of one color. They can't
23 graffiti, murals or logos on them, and then we added
24 a section for violations here, which is a little
25 different than what Article 5 would allow us to do.

1 Here we say that if your found to be in
2 violation, we'll issue you a written notice
3 indicating what the violation is and the actions
4 necessary to correct it.

5 If they don't correct the violation in
6 the time specified, then Franklin County has the
7 right to go in and remove the container at the
8 expense of the property owner.

9 So --

10 CHAIRMAN BRINKER: All right.

11 COMMISSIONER BOLAND: So I
12 have a question.

13 MS. EAGAN: Uh-huh.

14 COMMISSIONER BOLAND:
15 Semi-trailer or buses. So for the past 25 years,
16 I've had a semi-trailer sitting on the farm. Am I
17 in violation now?

18 MS. EAGAN: You are. You are
19 currently in violation. Right now we don't permit
20 any mobile storage of any kind.

21 Again, they are complaint driven, so if
22 nobody has informed us that you have it on your
23 property, we wouldn't know.

24 CHAIRMAN BRINKER: Okay.

25 COMMISSIONER HINSON: I have

1 a question.

2 MS. EAGAN: Uh-huh.

3 COMMISSIONER HINSON: So I
4 have a hundred acres that I'm running cattle on.
5 There's no buildings or anything, but I have two
6 storage, meaning two containers, located on there to
7 put feed in and cause a wind break for the cattle.

8 I can't do that --

9 MS. EAGAN: The way that --

10 COMMISSIONER HINSON: -- if
11 there's no building on there?

12 MS. EAGAN: The way we're
13 proposing it, correct.

14 COMMISSIONER HINSON: I'm
15 good with that.

16 MS. EAGAN: I mean, if you
17 guys want to go on vacant properties, you can always
18 change that, and then if you want it just in the W
19 District, where that probably would be more than
20 likely to happen than in the residential or
21 commercial districts.

22 COMMISSIONER HINSON: Right.

23 MS. EAGAN: We can always
24 have it in just that district.

25 COMMISSIONER HINSON: Well, I

1 feel like we're chasing a problem that's only really
2 a problem in the high-density areas.

3 MS. EAGAN: Well, I said at
4 the P and Z meeting, there was a lot of discussion.
5 Currently everything is in violation.

6 COMMISSIONER BOLAND: Yeah.

7 COMMISSIONER HINSON: Yeah.

8 MS. EAGAN: We need a place
9 to start. We know this is going to be amended. We
10 know this isn't, you know, the perfect set of
11 regulations, but we need a starting point that we
12 can then see where are the problems, you know, is
13 this working the way we thought it would, and then
14 amend it as necessary as we go along.

15 COMMISSIONER BOLAND: Well, I
16 think there's somehow you have to put in here the
17 guy that has ten trailers that he's built a dock and
18 everything else, and he's using those ten trailers
19 for storage, nobody is complaining about them at
20 this point. And we have to, you know, go back to
21 the old grandfather rule.

22 MS. EAGAN: Uh-huh.

23 COMMISSIONER BOLAND: All
24 right. That somehow has to be -- you know, I can
25 tell you four or five places right now, name them.

1 And nobody is complaining about them.

2 COMMISSIONER HINSON: No,
3 because they've been there for years.

4 COMMISSIONER BOLAND: Yeah.

5 MS. EAGAN: I mean, it's
6 going to be hard to go back and say who is
7 grandfathered in and who is not. Just consider
8 technically everything is in violation now.

9 I don't know how we would put in here a
10 grandfathered clause to protect those types of
11 people.

12 CHAIRMAN BRINKER: So,
13 Counselor, correct me if I'm wrong this being a
14 public hearing, this is something we're just hearing
15 the proposed changes on today with our determination
16 to come at a later date.

17 COUNTY ATTORNEY PIONTEK:
18 Correct.

19 CHAIRMAN BRINKER: Thank you.

20 So thanks for the questions.

21 Anybody wish to speak in favor or in
22 opposition of the proposal?

23 (NONE)

24 Thank you. I close that File 230245.

25 Now File 230244, Planning and Zoning.

1 MS. EAGAN: At this time, I
2 would like to place into the record the Franklin
3 County Unified Land Use Regulations as Exhibit A,
4 the official Zoning Map as Exhibit B, the official
5 Master Plan as Exhibit C, and the case file for each
6 case as Exhibit D for all the cases to be heard at
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25 speak first, followed by those in support and then

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2 comments from the general public to address any
3 questions or issues brought up during the hearing.

4 At the conclusion of all questions,
5 comments, and discussion concerning each case, the
6 public hearing for that case will conclude.

7 The decision will generally be made by
8 Commission Order at a later date during the County
9 Commission's regular meeting time.

10 This is File 230244. The applicant is
11 seeking to amend the Unified Land Use Regulations of
12 Franklin County. Proposals include amendments to
13 Article 2, Definitions.

14 So these are just the definitions we're
15 proposing to include that go with our shipping
16 container sections.

17 So we'll now have a definition for
18 container, full trailer, principal building,
19 semi-trailer, shipping container, and
20 tractor-trailer. So those will all be added to
21 Article 2.

22 CHAIRMAN BRINKER: Anybody
23 want to speak in opposition or in favor of the
24 proposed change?

25 (NONE)

1 Seeing none, hearing none, thank you
2 very much.

3 That concludes all three of our public
4 hearings today.

5 (THEREUPON, THE PROCEEDING
6 CONCLUDED AT 10:57 A.M.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI)
) SS
COUNTY OF FRANKLIN)

I, PATSY A. MAYBERRY, 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; the witness whose testimony appears in the foregoing transcript was duly sworn by me; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken; further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Mayberry, Court Reporter
Notary Public, State of Missouri
My Commission Expires: September 14, 2026