

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 FEBRUARY 17, 2015
12 (Commencing at 7:00 p.m.)
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23 Reported by:
24 Patsy A. Hertweck, C. R.
25 Midwest Litigation Services

PUBLIC MEETING 2/17/2015

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E X H I B I T S

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

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A P P E A R A N C E S

PLANNING AND ZONING COMMISSION MEMBERS:

- Jay Schulteheinrich, Co-Chairman
- Timothy Reinhold, Commissioner
- Donald Voss, Commissioner
- Ron Williams, Commissioner
- William McLaren, Commissioner
- Todd Boland, Commissioner
- John Fischer, Commissioner
- Russell McCreary, Commissioner

PLANNING AND ZONING STAFF:

- Ms. Scottie Eagan, Planning Director
- Ms. Nichole Zielke, Administrative Assistant

LEGAL COUNSEL:

- Mark Vincent, County Attorney

MIDWEST LITIGATION SERVICES:

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

2 (February 17, 2015)

3 CHAIRMAN SCHULTEHENRICH: It's 7 o'clock.

4 We'll call the Franklin County Planning and Zoning Commission

5 meeting to order. First order of business will be roll call.

6 Scottie.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: (Not present.)

9 MS. EAGAN: Jay Schulteheinrich?

10 CHAIRMAN SCHULTEHENRICH: Here.

11 MS. EAGAN: Todd Boland?

12 COMMISSIONER BOLAND: Here.

13 MS. EAGAN: Tim Reinhold?

14 COMMISSIONER REINHOLD: Here.

15 MS. EAGAN: Ray Cunio?

16 COMMISSIONER CUNIO: (Not present.)

17 MS. EAGAN: John Fischer?

18 COMMISSIONER FISCHER: Here.

19 MS. EAGAN: Bill McLaren?

20 COMMISSIONER McLAREN: Here.

21 MS. EAGAN: Don Voss?

22 COMMISSIONER VOSS: Here.

23 MS. EAGAN: Dan Haire?

24 COMMISSIONER HAIRE: (Not present.)

25 MS. EAGAN: Russell McCreary?

1 COMMISSIONER McCREARY: Here.

2 MS. EAGAN: And, Ron Williams?

3 COMMISSIONER WILLIAMS: Here.

4 MS. EAGAN: Okay. We have quorum.

5 CHAIRMAN SCHULTEHENRICH: With that, we'll
6 have the hearing procedures and then the exhibits. Scottie, I'll
7 turn to you also on this.

8 MS. EAGAN: Tonight's Planning Commission
9 hearing is governed by the Franklin County Unified Land Use
10 Regulations of 2001.

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

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

20 All Old Business items on the agenda will be dealt
21 with first.

22 Once the Old Business issues have been taken care
23 of, each item of New Business will be opened for public hearing.

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

1 for the staff.

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

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

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

13 At the conclusion of all questions, comments, and
14 discussion concerning each case, the public hearing for that case
15 will conclude, and the Planning Commission will proceed. Any
16 decision by the Planning Commission may be appealed to the Board
17 of Zoning Adjustment any time within 90 days.

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

20 CHAIRMAN SCHULTEHENRICH: Thank you,
21 Scottie. Thank you, Scottie.

22 Now we'll move on to the approval of the minutes for
23 the meeting December 16, 2014. Any comments for discussion on
24 those minutes? (None.)

25 Hearing none, the Chairman would entertain a motion

1 to approve.

2 COMMISSIONER McCREARY: I make a motion to
3 approve the minutes from December.

4 CHAIRMAN SCHULTEHENRICH: Thank you. Do I
5 have a second?

6 COMMISSIONER McLAREN: Second.

7 CHAIRMAN SCHULTEHENRICH: I have a motion
8 and a second to approve the minutes of the December 16, 2014
9 minutes. All those in favor signify by saying aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER WILLIAMS: Aye.

14 COMMISSIONER BOLAND: Aye.

15 COMMISSIONER FISCHER: Aye.

16 COMMISSIONER SCHULTEHENRICH: Aye.

17 COMMISSIONER McCREARY: Aye.

18 CHAIRMAN SCHULTEHENRICH: All opposed to
19 the negative. (None.) The ayes will have it.

20 Moving on. Old Business. We have none for
21 discussion tonight. So we'll move on to New Business.

22 With that, the first matter to discuss will be File
23 140249, Sam Wagner. Scottie?

24 MS. EAGAN: Again, this is File 140249 for
25 Sam Wagner.

1 The Applicant wishes to rezone and create a Planned
2 Unit Development with 24 lots in the proposed Residential
3 Development 2 Zoning District.

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

6 The Facts: This request involves two different
7 actions. The first is a rezoning from Suburban Development to
8 Residential Development 2. The second action we are looking at
9 is the creation of a 24-lot PUD.

10 The requests involve 13 existing lots totaling
11 approximately 10.49 acres.

12 These properties are a part of a larger subdivision,
13 Lake Wood Estates, that was platted in 2006.

14 These lots are a part of a long process of
15 rezonings. In November 2004, the Applicant applied to rezone
16 these properties, along with the rest of the current subdivision,
17 to Residential Development 2. This was voted down in December of
18 2004.

19 The Applicant then applied to have these properties,
20 along with the rest of the current subdivision, rezoned to
21 Community Development in April of 2005, and the County Commission
22 denied this request.

23 In December of 2005, the Applicant applied to rezone
24 these properties, along with the rest of the current subdivision,
25 to Suburban Development to build 28 high-quality, single-family

1 homes. This rezoning was approved in May 2006.

2 At the previous rezoning meeting, the rezoning to
3 Suburban Development, it was stated that there would be no
4 objections to this rezoning to this district because the district
5 limits the applicant to building only single-family homes. No
6 duplexes or apartments may be built in that zoning district. The
7 RD2 Zoning District would allow the Applicant to build duplexes
8 and apartments.

9 The properties surrounding the proposed rezoning
10 are mostly zoned Non-Urban and Agricultural. The remaining part
11 of the subdivision and the properties to the east of Highway M
12 are zoned Suburban Development.

13 The surrounding properties are primarily
14 medium-density residential with a few low-density residential
15 properties to the south and west.

16 There appears to be three homes built in the current
17 subdivision. There is a fourth home proposed in the subdivision
18 that is now classified as a handicapped home as determined by
19 BOZA in an appeal in 2013.

20 Today the Applicant wishes to rezone the 13 lots to
21 Residential Development 2 in order to do a zero lot line
22 development in the PUD. The Residential Development 2 Zoning
23 District allows a minimum lot size of 10,000 square feet for
24 major subdivisions and three acres for minor subdivisions. The
25 maximum density in RD2 is one dwelling unit per 5,000 square

1 feet.

2 The density in the proposed PUD is one dwelling per
3 19,009 square feet.

4 The PUD is proposing to have 11 zero lot lines and
5 two single-family dwelling lots.

6 This development has an existing on-site wastewater
7 treatment facility and central water.

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

17 Because the area to be disturbed is greater than one
18 acre, Planning and Zoning shall receive a land disturbance permit
19 prior to construction.

20 Because this is a PUD with a rezoning, the Planning
21 and Zoning Commission only makes a recommendation of both the
22 rezoning and the PUD. The County Commission will make the final
23 determination.

24 And what I want to explain tonight is just the
25 preliminary development plan. If you guys go ahead and hear it

1 and vote on it tonight on whether or not you want to approve the
2 preliminary development plan, then next month he would give you
3 his final development plan, and we'd have a public hearing on
4 that as well.

5 CHAIRMAN SCHULTEHENRICH: Thank you,
6 Scottie.

7 Is Mr. Wagner or his representative here to present?

8 Would you come forward and please present. Would
9 you please sign in, and you will be sworn in as well.

10 (Thereupon, the witness was sworn.)

11 MS. REPORTER: Would you state your name
12 for the record, please.

13 MR. WAGNER: Sam Wagner.

14 MS. REPORTER: Thank you.

15 CHAIRMAN SCHULTEHENRICH: Mr. Wagner, we'd
16 like to hear from you then in regards to what you're proposing.

17 MR. WAGNER: So we -- what we want to do
18 is we've been obviously trying to sell the lots or build on these
19 lots for several years now. There hasn't been much of a need.
20 We've had a lot of interest in two-family dwellings, and we've
21 been, you know, quite a few people that are actually wanting us
22 to, you know, maybe build a couple of, you know, units --
23 two-family dwellings for them. And since the need is, you know,
24 much more for a two-family dwelling, we wanted to see if we could
25 be able to, you know, rezone a few of these lots to be able to do

1 that.

2 I -- we submitted some plans so the houses that
3 we're wanting to build are two-family dwellings are very part of
4 the subdivision. I live in the subdivision. So I wouldn't do
5 anything to harm our subdivision. We've conformed to all
6 requirements and request that you all have made. We've met last
7 time with different officials, like Randy George and the Fire
8 District, and everybody was okay with us or in favor of us doing
9 that. You know, they had a lot of questions that we were able to
10 answer, and that's basically what we're wanting to do.

11 CHAIRMAN SCHULTEHENRICH: And you have
12 submitted three items for our review, the proposed Lake Wood
13 Estates PUD and existing PUD and the existing drain plan and the
14 existing utility plan. I take it all three of these are
15 preliminary, Scottie, from what you indicated?

16 MR. WAGNER: You should have, I believe,
17 right, some blueprints of the homes that we're wanting to build.

18 CHAIRMAN SCHULTEHENRICH: Yeah, we do.

19 MR. WAGNER: And they locked us in. We've
20 locked into that, so we're committed to that type of building or
21 homes, if you will.

22 I know one big concerns last time was that if you
23 all were to approve it, that we would somehow -- or somehow or
24 some -- by some situation be able to put, you know, mobile homes
25 and that was I think everybody's dilemma or concern or fear.

1 CHAIRMAN SCHULTEHENRICH: Based upon these
2 preliminary blueprints, what price range are you looking at for
3 these villas to be in?

4 MR. WAGNER: Well, probably 180 up to 300,
5 depending on the size. We have several sizes, options for people
6 to chose. So 180 to 300, 350 thousand, depending on, you know,
7 the size and all the amenities and the extras that the people
8 want to put in.

9 CHAIRMAN SCHULTEHENRICH: I understand from
10 the drawings here that there is an existing house that is part of
11 this development.

12 MR. WAGNER: Correct. My mom and my
13 parents own it and we have a letter from them approving it. I
14 think you all have a copy of it.

15 CHAIRMAN SCHULTEHENRICH: So you're not
16 indicating to do anything with it, that house will remain as is
17 right there?

18 MR. WAGNER: Correct. Yes, sir.

19 CHAIRMAN SCHULTEHENRICH: Any other
20 Commissioners have any questions or so? And you say you've had
21 some inquiries. I would assume that's a number of inquiries in
22 regards to --

23 MR. WAGNER: Absolutely. In fact, I have
24 a gentleman here, Mr. Allan Seals, who happens to be a real
25 estate agent also who has some people too very interested.

1 I have two couples myself that are interested in the
2 two-family dwellings. I think it's more feasible, more
3 economical and more affordable for people. And it's a shame for
4 the land to sit. It's been sitting like that. We've tried
5 everything. I -- I've listed it with multiple different real
6 estate agents. We've spent you know, a ton of money trying to
7 advertise and so for and so on, and it hasn't taken. I know
8 we've gone through a difficult, you know, economic time, but I
9 believe that the interest for two-family dwellings is a lot
10 greater and the need is there. There is nothing in -- in Villa
11 Ridge. There's a lot of them in Washington, but I don't see any
12 of this sort -- correct me if I'm wrong -- that exist two-family
13 dwellings that were wanting to be able to build.

14 CHAIRMAN SCHULTEHENRICH: The existing --
15 the lots that are not part of your planned development, are there
16 lots that -- there are lots that will butt up to your
17 development. Are there any existing homes that are on those lots
18 by chance?

19 MR. WAGNER: The closest one would be my
20 home, number 35, a kind of a corner of it would butt up to it,
21 but the other ones, no there's nothing built on them. Number 35
22 which is really lot 15 --

23 CHAIRMAN SCHULTEHENRICH: That'll help me
24 out when I'm looking at this here.

25 MR. WAGNER: Sure.

1 CHAIRMAN SCHULTEHENRICH: Do I see that
2 there is an existing road that would be between the two, your
3 proposed development as well as the existing lots on this?

4 MR. WAGNER: Correct, we have Destiny
5 Drive. Then there is the Legacy Lane, and then we're doing a --
6 on the Legacy Lane, we're proposing the two-family dwellings.

7 CHAIRMAN SCHULTEHENRICH: I've not been
8 there yet. Is the road already existing in the --

9 MR. WAGNER: Yes.

10 CHAIRMAN SCHULTEHENRICH: -- subdivision?

11 MR. WAGNER: Yes, yes.

12 CHAIRMAN SCHULTEHENRICH: And the road fits
13 the purpose? Scottie, I'll turn that question over to you. Does
14 the road, I guess, fit what is being proposed here, --

15 MS. EAGAN: Yes.

16 CHAIRMAN SCHULTEHENRICH: -- the current
17 road that's in there? Okay.

18 MR. WAGNER: And the -- and the treatment
19 plant that we put in is sufficient to handle. We had Bob
20 Hadvocker (ph.), who is over the water District of our area there
21 and he -- you know, he's all for us too.

22 CHAIRMAN SCHULTEHENRICH: How far is this
23 development from Highway 100 by chance?

24 MR. WAGNER: Well, there's another lot
25 five point something, I believe, to the right of it that

1 separates that from Highway M, and then I guess the shortest
2 point I really don't know. I can't tell you. I would say a few
3 hundred feet. I'm not sure. I never really thought about it.

4 CHAIRMAN SCHULTEHENRICH: Is there an
5 existing sewer line or anything that would be along Highway 100
6 at this point in time that we're aware of?

7 MS. EAGAN: Existing sewer line along
8 Highway 100?

9 CHAIRMAN SCHULTEHENRICH: That's correct.

10 MS. EAGAN: I'm not sure.

11 CHAIRMAN SCHULTEHENRICH: Not aware of it,
12 okay. Any questions from the Commissioners? Bill?

13 COMMISSIONER McLAREN: I have two
14 questions. I have two questions. One is, how come if there is a
15 demand you're only doing half the subdivision instead of doing
16 the whole subdivision to villas? And I guess I'll ask --
17 actually I have three questions.

18 This is a villa project some zero lot lines are
19 still single-family houses, but there is a separate -- a side
20 yard and the house is built right on that zero lot line. So
21 that's what I'm more familiar with is the zero lot line.

22 These as villas, does that change the subdivision
23 covenants to have a maintenance program. When you have attached
24 houses, the maintenance program I think becomes a more critical
25 and how does that reflect with the part of the subdivision that

1 you're not asking to amend?

2 MS. EAGAN: Bill, I can actually answer
3 that. With a zero lot line development, one of the requirements
4 that is going to be for his final development plan is turning in
5 covenants restrictions. So covenant restrictions we do have a
6 section in our Code that deals strictly with zero lot lines, what
7 needs to be included in those. So he'd kind of have to mesh
8 those two together, but yes, there is amendment that needs to be
9 down in the covenant restrictions for our zero lot line.

10 COMMISSIONER McLAREN: So there would be
11 two differ maintenance agreements for the --

12 MS. EAGAN: There'd be one for the PUD and
13 then one for whatever he currently has in place.

14 COMMISSIONER McLAREN: Okay. And my other
15 question was, if it's in demand, why don't you just want to do
16 both side.

17 MR. WAGNER: Well, we wanted to mix a
18 little bit of kind of like in Stone Crest, you know, where you
19 have a section that's villas and then another section that's
20 single family. To leave the options open, I guess. I don't
21 really have -- plus if I was to try to do everything else, I
22 don't, know you. There's really not a specific reason. I think
23 we did it to conform with amount, just enough to conform with the
24 amount in order to be able to, you know -- Scottie knows better.
25 I'm not really familiar with all the different, you know,

1 regulations that the Planning and Zoning has. So --

2 CHAIRMAN SCHULTEHENRICH: Any other
3 questions?

4 MS. EAGAN: I have a quick one, Jay.

5 CHAIRMAN SCHULTEHENRICH: Okay.

6 MS. EAGAN: Are you doing this, the actual
7 platting of the PUD in phases, or are you going to do it all at
8 once, the platting of the lots?

9 MR. WAGNER: Well --

10 MS. EAGAN: I know you're going to build
11 as they come in. But this subdivision are you going to plat it
12 as one PUD or are you going to have --

13 MR. WAGNER: Yeah, that's something that
14 Scott, Scott Benninger (ph.), can answer that better for us I
15 think. I don't know if he's able to or later or what, but --

16 CHAIRMAN SCHULTEHENRICH: So is he going to
17 speak following you by chance?

18 MR. WAGNER: Sure. If it's --

19 CHAIRMAN SCHULTEHENRICH: Then we'll hold
20 that question until --

21 MR. WAGNER: Yeah.

22 CHAIRMAN SCHULTEHENRICH: -- he's up and
23 he's sworn in. Okay

24 COMMISSIONER WILLIAMS: You show in your
25 floor plans you got a front elevation.

1 MR. WAGNER: Uh-huh.

2 COMMISSIONER WILLIAMS: Is that -- it
3 looks like they're all brick.

4 MR. WAGNER: Yes, brick and stone. Yes.

5 COMMISSIONER WILLIAMS: Okay, thank you.

6 MR. WAGNER: Again, we want to make the
7 area -- I don't want to deter from the value of my home first of
8 all and the homes that I've already built and my parents' home.

9 CHAIRMAN SCHULTEHENRICH: Any other
10 questions for Mr. Wagner? (None.)

11 Hearing none, thank you, Mr. Wagner.

12 MR. WAGNER: Thank you.

13 CHAIRMAN SCHULTEHENRICH: Do we have anyone
14 else here to speak in support of this file?

15 If you would, sign in please, be sworn and then
16 state your name, please.

17 (Thereupon, the witness was sworn.)

18 MR. LAUDE: Steve Laude. I guess I just
19 need to answer your question, but yes, we'll probably plat the
20 whole thing, that side, as a subdivision plat with the zero lot
21 line all as one. It would be more economical and more -- it'd
22 make more sense.

23 MS. EAGAN: Right. Okay.

24 MR. LAUDE: That's all I have.

25 COMMISSIONER BOLAND: I just have a

1 question while you're up here. Is the sewer system, was it
2 capable of handling the other lots in regards if you do collect
3 then too?

4 MR. LAUDE: It -- it was -- in the
5 beginning it was oversized per the DNR regs to handle, I
6 believe, 50 percent more than what was planned. I think it was
7 total of 40 lots, if I'm not mistaken. I don't know if it's
8 large enough to do the entirety. I know it -- I know it is large
9 enough to accommodate what we're doing here. I'd have to
10 investigate further if they go that route, if does expand. But
11 it is -- also it is available to be expanded, and it was designed
12 with that ability.

13 COMMISSIONER BOLAND: Okay.

14 So your option is -- what you're telling me is you
15 do have the option to take the other lots next door if this sells
16 out and --

17 MR. LAUDE: If -- if we get that far,
18 we'll address it then, but yeah.

19 COMMISSIONER BOLAND: Okay, thank you.

20 CHAIRMAN SCHULTEHENRICH: I think you raise
21 an interesting point. Scottie, if by chance, with the approval
22 already being there for the development of the property that is
23 not being proposed to be changed now, if there were to be
24 development into there plus this development and it does not have
25 enough sewer capacity, okay, are we positioned potentially to

1 address that?

2 MS. EAGAN: One of the requirements of the
3 PUD final development plan is letters from the utility okaying
4 the development. So one thing we would need is something from
5 the water district or who's ever maintaining that, that it is
6 designed to handle X amount of lots. If they then go into the
7 next section of the subdivision, and if it's not up to code to
8 handle that, then they would have to get something and able to
9 handle that. So yes, we don't -- every time they come in to try
10 to change anything or do a PUD, they have to meet the current
11 regulations. So if that wastewater treatment facility isn't
12 adequate to hold it, then they have to get one that is adequate.

13 CHAIRMAN SCHULTEHENRICH: I understand if
14 there's a change there, but let's say that there is no change
15 being requested and all those lots are then developed in
16 accordance to what it's zoned for at this point in time.

17 MS. EAGAN: It's only zoned for
18 single-family homes.

19 CHAIRMAN SCHULTEHENRICH: Okay.

20 MS. EAGAN: So he can't do duplexes on
21 that side, which is why he's rezoning to do the PUD on that side.
22 So the other side he only do single-family homes. So there won't
23 be more than what it was designed for on that side.

24 CHAIRMAN SCHULTEHENRICH: On that side?

25 MS. EAGAN: Right.

1 CHAIRMAN SCHULTEHENRICH: Okay. What you
2 are agreeing is that we are potentially allowing redesigning on
3 the PUD at this point in time, okay, on what's being proposed to
4 us?

5 MS. EAGAN: Right, and that we need a
6 letter from the utility saying everything is adequate to
7 withstand what is being proposed, and that comes at the final
8 development phase.

9 CHAIRMAN SCHULTEHENRICH: That would be
10 made upon the Department of Natural Resources then for the -- for
11 DNR per sewer? Is that what you're saying, because I -- what
12 other utility is on there other than water.

13 MS. EAGAN: I know public water has to
14 give us something. Typically we go with an engineer. If an
15 engineer signs off that it was designed to meet that standard,
16 that's typically what we go with.

17 CHAIRMAN SCHULTEHENRICH: Okay. So we
18 would require potentially an engineer to give us that letter of
19 support?

20 MS. EAGAN: Right. We need something
21 besides just the owner saying it can handle it. We won't accept
22 that.

23 CHAIRMAN SCHULTEHENRICH: Okay, thank you.
24 Any other questions?

25 COMMISSIONER McCREARY: Yeah, just some

1 clarification. You're talking about 11 extra homes on this
2 property with an approximate size from a little over 1,500 square
3 feet to around 2,500 of all brick elevations. So they'll be the
4 same basically? You're not going to have a mishmash of whatever
5 what everyone wants to build whatever they want? It'll have to
6 be one these houses, correct?

7 MR. LAUDE: No, I believe Sam's got
8 control over that, and it's going to be conform to those plans.

9 COMMISSIONER McCREARY: Okay. Well, this
10 is just preliminary. This isn't the final. We'll have that at
11 the end if it gets that far, correct?

12 MS. EAGAN: Right. What he gave us
13 tonight is their preliminary drawings of what the homes would
14 like look.

15 COMMISSIONER McCREARY: Right, and --

16 MS. EAGAN: And then if you guys agree
17 with that, next month they give us the final. So everything that
18 is set as preliminary it will say final.

19 COMMISSIONER McCREARY: Right. The fire,
20 school bus, you know, any problem with anything in there?

21 MS. EAGAN: No.

22 COMMISSIONER McCREARY: Okay, thanks.

23 CHAIRMAN SCHULTEHENRICH: Any other
24 questions? (None.)

25 Hearing none, thank you. Is there anyone else here

1 that wishes to speak in favor please come on up.

2 MR. SEALS: Thank you. My name is Allan
3 Seals. A-L-L-A-N S-E-A-L-S. And --

4 CHAIRMAN SCHULTEHENRICH: Mr. Seals, we're
5 going to have to swear you in first --

6 MR. SEALS: Okay.

7 CHAIRMAN SCHULTEHENRICH: -- before you
8 start on anything.

9 MR. SEALS: Sure.

10 (Thereupon, the witness was sworn.)

11 I'm a real estate broker developer for the last 20
12 -- actually 46 years, and the reason I'm here tonight is to speak
13 on behalf of Sam because I think there is an urgent need for this
14 type of housing. I already have buyers that are interested. I
15 have young people that can't afford housing like in Stone Crest
16 and would like to get a duplex. I have buyers that are looking
17 to put their mother next door to them, and there's not such --
18 there's -- there is nothing available. So this would meet a
19 need.

20 I have a lot of people that live into the St. Louis
21 area that don't want to drive all the way into Washington, but
22 want to be close to the highway. So I think Villa Ridge is an
23 excellent area, and I feel that the -- I've worked and I've known
24 Sam for many years, and I know he does quality work, and I feel
25 that it would be an asset. It's not an asset to have these

1 vacant lots in a neighborhood that's just sitting. And I think
2 if you had a new development, not only an asset appearance-wise,
3 but it's an asset taxwise. But I do believe there is a high
4 market for that price range in this area.

5 I'll take any questions if anybody has any.

6 CHAIRMAN SCHULTEHENRICH: Any questions
7 from the Commission? (None.) Hearing none, We thank you for
8 your comments.

9 MR. SEALS: Thank you.

10 CHAIRMAN SCHULTEHENRICH: Anyone else here
11 to speak in favor of this file? (None.) Seeing no one rise,
12 that'll conclude on the positive or the supporting side.

13 Is anyone here in opposition to this proposed
14 development? If you are, would you please step forward.

15 You need to sign in and be sworn in and then state
16 your name, please.

17 (Thereupon, the witness was sworn.)

18 MS. LOEHR: My name is Clarice Lehr.
19 L-O-E-H-R. And you'll have to excuse me, I get shaky talking.

20 CHAIRMAN SCHULTEHENRICH: I'm sorry. What
21 was -- what was your last name again?

22 MS. LOEHR: Loehr. L-O-E-H-R.

23 CHAIRMAN SCHULTEHENRICH: Okay. Thank
24 you.

25 MS. LOEHR: Okay. Well, first of all,

1 we've lived in Terra Place subdivision which backs up to Sam's
2 new supposedly subdivision. We've lived there since 2004, just
3 about the time he was starting to do this. We've really never
4 been opposed to a subdivision with single-family homes, but that
5 kind of changed through the last few years.

6 The first thing that happened that kind of really
7 upset us was in 2008 when he started plowing his yards and
8 everything. He promised us that he would keep it in good shape,
9 that we wouldn't have any problems from it. But I have pictures
10 to prove that we had severe runoff and basically it ruined my
11 house side yard between my daughter's and our house and the other
12 side of our house and that neighbor that just recently moved in
13 within the last four years.

14 We approached Sam about it because we wanted to be
15 nice, and he told us that come next Spring he would come and get
16 right on it and fix it. It was in 2008. He has yet not come and
17 fixed it. So therefore, I don't believe anything he tells you
18 he's going to do. I totally believe that after he gets this
19 duplex section in, he is going to ask for the section of the big
20 section to do the same. My concern mostly is what is that going
21 to do to our subdivision with the runoff because he is not
22 containing it.

23 The second thing that bothers me really bad is when
24 we had the drought a couple of years ago. He does not keep up
25 the property that he now owns. He never cuts it unless he knows

1 someone is going to come out and look at it. And then he cuts
2 it. Since 2008, he has cut it one time, and that was in July of
3 last year.

4 The reason I know it is that we were gone on
5 vacation one week. It wasn't cut. We came back. It was cut
6 because he was planning this session right now. When that
7 drought was on, our daughter was -- our other daughter lives up
8 in the other part of the subdivision, and the field behind her
9 caught on fire and came into her yard and destroyed things in her
10 yard and the neighbor's yard. They were told to evacuate. I
11 talked to the fire chief. He came down and went into Sam's
12 subdivision and stood in lot 22 behind our house, and he told us
13 because of his lack of caring of the property that he lives in,
14 our house would be burnt down because they could not get to our
15 house before it got because it was so high. If he could --

16 CHAIRMAN SCHULTEHENRICH: Mrs. Loehr --

17 MS. LOEHR: Yes, ma'am -- yes, sir.

18 CHAIRMAN SCHULTEHENRICH: I think you've
19 made your point in regard to character, and that was --

20 MS. LOEHR: Yeah.

21 CHAIRMAN SCHULTEHENRICH: Would you want
22 to just --

23 MS. LOEHR: And I just don't trust him.

24 CHAIRMAN SCHULTEHENRICH: Just stay on
25 point now with which is what is the matter that we're here on is

1 on the PUD.

2 MS. LOEHR: Base -- basically the future
3 runoff of 22 new roofs and everything that are going to runoff
4 into all of that side yard that comes down by the sewer system
5 and then comes into our subdivision. It's totally eroding our
6 yard, and he isn't doing anything to fix it. That's my problem.
7 He's not true to his word.

8 CHAIRMAN SCHULTEHENRICH: Okay, thank you.

9 MS. LOEHR: And I don't trust him to do
10 that he says he's going to do.

11 CHAIRMAN SCHULTEHENRICH: Okay. Thank you
12 for your comment. Would you please hold on just a second.

13 Commissioners have any questions? (None.)

14 Hearing none, thank you.

15 Is anyone else here to speak in opposition to this
16 file for this PUD?

17 (Thereupon, the witness was sworn.)

18 Please state your name, please.

19 MS. HUNT: Judith Hunt.

20 CHAIRMAN SCHULTEHENRICH: I'm sorry. What
21 was the last name again?

22 MS. HUNT: Hunt, H-U-N-T.

23 CHAIRMAN SCHULTEHENRICH: Okay.

24 MS. HUNT: First I would refer you to
25 this-called vicinity map, and even a passing look at the overall

1 view of this proposed rezoning shows that any approval would
2 result in the flagrant spot zoning offense. It's what Planning
3 and Zoning is intentioned to prevent; that is, land usage
4 contrary to its surroundings, and in this case, largely
5 agricultural.

6 It is apparent in the title of the rezoning request,
7 an RD2 high-density with PUD couldn't be more out of place. Also
8 see Article 9 PUD, Section 203 standards, as to promoting
9 "health, safety, and welfare of the county." It doesn't even
10 promote those things in the neighborhood.

11 The question has been asked is this a HUH project.
12 Copy of the file at Planning and Zoning shows rezoning request
13 began in 2004. Apparently none of the consequent rezonings
14 resulted in satisfaction to the applicant. Chances for success
15 for present proposal is questionable. But it is potentially
16 perilous for property values in the neighborhood.

17 Regarding Planning and Zoning Article 9 PUD, Section
18 202 Goals of Regulations: "... by allowing development that would
19 not be possible under the strict application of Franklin County's
20 subdivision and zoning regs...", "this proposal should not have
21 proceeded to the current level of consideration. It must be
22 rejected now.

23 CHAIRMAN SCHULTEHENRICH: Thank you, Mrs.
24 Hunt.

25 MS. HUNT: Thank you.

1 CHAIRMAN SCHULTEHENRICH: Any questions
2 from the Commission?

3 COMMISSIONER WILLIAMS: I do. Can you
4 elaborate on why the proposal does not promote the health,
5 safety, and welfare of the county in specific terms, please?

6 MS. HUNT: Yes. We just heard about
7 runoff, which is a serious problem there, and it will only be
8 exacerbated, I believe, with more hard surfaces and certainly
9 plunking down a hamlet, let's say, in an agricultural rural area
10 is just not compatible. It is not good for property values. I
11 would think that the people in that subdivision would not wish to
12 see rows of close-knit houses in their front yard, back yard,
13 side yard. If you drive down St. Louis Rock Road, what you see
14 largely is farm ground in that area. So how can you not say that
15 this has to be spot zoning, which is a no-no. Not good for
16 property values. In fact, if we're going to have spot zoning
17 allowed, we might as well not have any Planning and Zoning at
18 all. Laissez faire.

19 COMMISSIONER WILLIAMS: Thank you.

20 CHAIRMAN SCHULTEHENRICH: Any other
21 questions? (None.)

22 Hearing none, do we have anybody else who would like
23 to speak in opposition to this file, the PUD?

24 MS. BULLOCK: My name is Suzanne Bullock.

25 (Thereupon, the witness was sworn.)

1 Hello, my name is Suzanne Bullock, and as I said
2 earlier, I -- we've got to stop meeting like this.

3 MS. EAGAN: You might want to pull the mic
4 up. There you go.

5 Before I begin, I would like you -- like to thank
6 you for this opportunity. Thank you for your service. Attending
7 P and Z meetings are better than TV, I tell my neighbors. It
8 reminds me of the edge of civic responsibility. You appreciate
9 your contributing your time and energy, and also taking the flack
10 for all of us and from all of us. I do not know why any of you
11 live in Franklin County. I would sort of like to find out some
12 day. Either you were born here, went to school here, married
13 here, have kin here, might have found a job here, but it was
14 probably minimum wage and maybe you wanted a little bit more
15 countryside than St. Louis, maybe more countryside than St. Louis
16 County.

17 My land is kitty-corner from Mr. Wagner's and the
18 people he represents. It's 30 acres of family land. My
19 grandparents grew up and raised their families here. I visited
20 when I was a kid. I came here as an adult, and decided to stay
21 for all sorts of reasons. My grandparents were going to
22 subdivide that land into five-acre tracts in 1970, and Planning
23 and Zoning changed it into suburban. They were turned out by the
24 bank. They were in their 70s. Of course, they lived to 95 and
25 96, but they were turned out by the bank. I farm 25 acres.

1 I live here because I get to know my neighbors. I
2 waive to them. When zoning issues come up, we find out about
3 babies and funerals and vacations. Otherwise, we talk when we
4 need a new roof and need a name or when an election is coming up.
5 That's about enough for me, got to say. But I'm not development.
6 I would rather have that farmland, but you know, I wouldn't mind
7 single-family homes. I would like single-family homes with
8 yards, and if they're going to make a subdivision, sidewalks, not
9 a pond but a lake, a ballpark, a place for kids to play, and
10 streets wide enough that if as in Sam Wagner's house there were
11 cars in the garage, five cars in the driveway and two on the
12 street that a fire truck can get by if it needs to.

13 In the history of this property's rezoning, it was
14 not mentioned that Mr. Wagner and his group paid too much for
15 this land. I feel real sorry for him. I wish he'd asked me. He
16 didn't. This property was rezoned from agriculture to suburban
17 development, and that sounds like a good idea. They can have
18 three-quarter acres lots. And then he started asking for RD2.
19 He was turned down. Why should you say yes if it was turned down
20 before? He requested community development. Last year he
21 requested RD2 to build duplexes. I have concerns about this
22 plan, and I am not alone.

23 I'm going to talk about traffic. You heard about
24 water runoff. That's already an issue. Fire safety, that's
25 already an issue. Increased traffic.

1 At Highway 100 and M, there have been traffic
2 fatalities even with all those lights. I don't know who designed
3 that interchange, but I think he was drinking a little bit too
4 much. At Highway M and St. Louis Rook Road, there have also been
5 and traffic accidents because if you're going south or north you
6 can't see the other car coming over the hill. It's not the worst
7 interchange in Franklin County, but it is dangerous. And that's
8 a concern.

9 There are -- somebody asked the question of
10 Mr. Wagner if there are sewer lines along 100. No, they are not.
11 You know, 20 years from now maybe. Nowhere on his plan that I
12 saw was a retention pond in this plat.

13 Economics: Why hasn't he sold any of the houses?
14 He had bad luck. Times were tough the last ten years, don't you
15 think. Okay. That's true, but he's charging between \$42,000 and
16 \$67,000 for three-quarters of an acre of land. That's St. Albans
17 property values, not Villa Ridge. Not Villa Ridge. If you drive
18 in there -- okay. If you go down St. Louis Rock Road and you go
19 to Rainbow Estates, which is about the same size as Mr. Wagner's
20 property, it's inviting, it's beautiful. It has lots of trees.
21 The houses are approximately the same size, same cost as
22 Mr. Wagner's. Which would you rather live in? That's the
23 question.

24 In -- I looked on the internet at Re/Max Homes.
25 There are 91 homes for sale in 63089. That's great. I hope they

1 all sell. I hope we get some new people in because we are losing
2 population in St. Louis, in Villa Ridge, approximately 10 percent
3 in the last five years.

4 I don't think Mr. Wagner has done everything to sell
5 his houses. He may believe that, but I don't think so because
6 every time I look that way, it's ugly. The houses aren't bad,
7 but it's ugly. And duplexes really in the middle of Villa Ridge.
8 Now, what I love about Villa Ridge is there is a little bit of
9 everything. There are trailers, yes, there are trailers. There
10 are house that I couldn't afford on double my salary. There are
11 beautiful houses that are all by themselves. There are --
12 there's Bridgewater down the road that has lots of houses that
13 the people can raise their family in.

14 The duplexes are urban construction. I lived in
15 south St. Louis when I was kid. I lived in a duplex. We owned
16 it. We lived upstairs. We rented the downstairs and after seven
17 o'clock, we could not wear shoes because we were being
18 considerate of our renters. But a duplex --

19 CHAIRMAN SCHULTEHENRICH: Ma'am, I'm not
20 sure.

21 MS. BULLOCK: Okay.

22 CHAIRMAN SCHULTEHENRICH: Stay on the
23 subject here.

24 MS. BULLOCK: Okay. I will do my best.

25 CHAIRMAN SCHULTEHENRICH: The drawings

1 that we have here do not show what you're now talking about.

2 MS. BULLOCK: Okay.

3 CHAIRMAN SCHULTEHENRICH: So I want you to
4 stay on the subject matter.

5 MS. BULLOCK: Okay. You're not the first
6 one to tell me that.

7 According to the Building Department in Franklin
8 County, in Franklin County in 2014 one duplex was built. Guess
9 where it was -- Washington. Between 2009 and 2013 seven were
10 built. What does that tell you? And they were not altogether.
11 They were all spread out, but they were in towns. It's an urban
12 construction, Washington, Union, Pacific, Sullivan.

13 In Franklin County, according to the assessor's
14 office, there are 527 duplexes in incorporated Franklin County --
15 Washington, Union, Sullivan. There are a few duplexes in
16 unincorporated Franklin County, which is where Villa Ridge is,
17 but they are conversions, houses that were built as one-family
18 converted into two-family. Of these in unincorporated Franklin
19 County, almost all are older homes converted into the duplexes.

20 CHAIRMAN SCHULTEHENRICH: Ma'am, you're
21 again going off of your --

22 MS. BULLOCK: Okay.

23 CHAIRMAN SCHULTEHENRICH: We have drawings
24 that show a new house being built. We're not here to discuss old
25 houses being turned into duplexes. That's not what's being

1 proposed here.

2 MS. BULLOCK: Okay.

3 CHAIRMAN SCHULTEHENRICH: So let's stay on
4 focus again.

5 MS. BULLOCK: Okay. The duplex is not the
6 problem.

7 CHAIRMAN SCHULTEHENRICH: Okay.

8 MS. BULLOCK: Where is the problem?

9 CHAIRMAN SCHULTEHENRICH: I think you've
10 already made your point --

11 MS. BULLOCK: Okay.

12 CHAIRMAN SCHULTEHENRICH: -- into where it
13 was.

14 MS. BULLOCK: How many in a row is a
15 problem? You know the old 1960 song, "Little Ticky Tacky Houses
16 Built in a Row"? Okay. Zero lot lines is the problem. With a
17 shared wall, think about it. Increased complaints from neighbors
18 about noise, landscaping, fire safety, parking, termites,
19 privacy, roof lines, vermin.

20 CHAIRMAN SCHULTEHENRICH: Ma'am -- ma'am,
21 I -- that's -- this is your opinion in regards to what is good or
22 bad in regards to a duplex. Okay. In this case they're villa.
23 Okay.

24 The point we're asking you is make a comment on it.
25 We've had enough time to get your point across now. Okay.

1 MS. BULLOCK: Okay.

2 CHAIRMAN SCHULTEHENRICH: -- is whether or
3 not there is reasonable objection on your part in regards to
4 this, not personal views in regards to whether or not they happen
5 to be a good thing or a bad thing to live in. Okay. We would
6 appreciate again -- I'm going to give you one more minute to get
7 through with your comments. Okay.

8 MS. BULLOCK: I have a question for you.

9 CHAIRMAN SCHULTEHENRICH: Okay.

10 MS. BULLOCK: Would you live there?

11 CHAIRMAN SCHULTEHENRICH: Ma'am, my mother
12 lived in a villa and she loved it. Okay.

13 MS BULLOCK: It's a duplex. Did it have
14 sidewalks?

15 CHAIRMAN SCHULTEHENRICH: Yes, it did.

16 MS. BULLOCK: These don't.

17 CHAIRMAN SCHULTEHENRICH: Well, it happens
18 to be --

19 MS. BULLOCK: Did it have common ground?
20 This doesn't.

21 CHAIRMAN SCHULTEHENRICH: Ma'am, Let me
22 again say you asked me the first question. I answered it. Okay.

23 MS. BULLOCK: Okay.

24 CHAIRMAN SCHULTEHENRICH: So let's not get
25 into a question and answer here.

1 MS. BULLOCK: Okay. PUDs -- I'm saying I
2 have been talking about why RD2 is a bad idea. Why is the PUD
3 here a bad idea? The reason this is a PUD is because there's one
4 house in the very corner that was added to make it 10.4. acres to
5 qualify under PUD, and then there is another single-family
6 residence. Otherwise, it might have been something else. The
7 PUDs that are successful in Franklin County, and there are a
8 couple, St. Albans. And one in Washington called Whole Food
9 Farms. Notice in Washington. St. Albans, in St. Albans.

10 CHAIRMAN SCHULTEHENRICH: Ma'am, you've
11 made those points already.

12 MS. BULLOCK: Okay.

13 CHAIRMAN SCHULTEHENRICH: Is there any
14 other point that you wish to make, but then you must conclude
15 things.

16 MS. BULLOCK: I have two more. RD2 is not
17 an improvement in Villa Ridge or Franklin County. It might be in
18 the Washington. It might be in Union. It might be somewhere
19 else. PUD is not a good idea, and will not improve the wellbeing
20 of the neighborhood or the county, and is approving RD2 or PUD is
21 not good for anyone.

22 In the end, you have to decide and I appreciate the
23 work you're doing. In the end, would you wanted to live there?

24 CHAIRMAN SCHULTEHENRICH: Thank you.
25 Commissioners have any questions?

1 MS. EAGAN: Jay, just to clarify. Those
2 are the PUDs she mentioned are in unincorporated Franklin County.

3 CHAIRMAN SCHULTEHENRICH: Okay. Any other
4 questions from the Commissioners?

5 COMMISSIONER BOLAND: I guess my one
6 question here.

7 CHAIRMAN SCHULTEHENRICH: Okay.

8 COMMISSIONER BOLAND: Scottie, I was
9 looking at this too. I was wondering why this one lot was --

10 MS. EAGAN: Originally they just turned in
11 what was, I guess, on the right side of the map. It didn't meet
12 the ten-acre minimum, so they added the other lot to meet the
13 ten-acre minimum.

14 COMMISSIONER BOLAND: So will that duplex
15 there then I guess it'll face --

16 MS. EAGAN: That won't be a duplex. That
17 will be a single-family home.

18 COMMISSIONER BOLAND: So in this
19 development, there's going to be two single-family homes.

20 MS. EAGAN: Yes.

21 COMMISSIONER McCREARY: Uh-huh. One.

22 COMMISSIONER BOLAND: Then to get back to
23 her question since this is changing, you don't need a retention
24 pond?

25 COMMISSIONER WILLIAMS: No, you do not.

1 But to elaborate on that, --

2 COMMISSIONER BOLAND: Yeah, I think I'd
3 would like that.

4 COMMISSIONER WILLIAMS: Obviously, we've
5 heard some comments about increasing the hard surface. If you
6 look at the square footages that are proposed, which is anywhere
7 from 1500 up to or over 2100 square foot and compare it to the
8 size of the house, they are very -- so really there isn't any
9 more runoff being generated because there's just not that much
10 roof being built.

11 COMMISSIONER BOLAND: Oh, I understood
12 that, Ron.

13 COMMISSIONER WILLIAMS: Okay.

14 COMMISSIONER BOLAND: But I guess since we
15 were changing, you know, the development, I didn't know if now
16 they had -- since that question was asked, clarify and make sure
17 that they understand that.

18 COMMISSIONER WILLIAMS: They do not.

19 CHAIRMAN SCHULTEHENRICH: Again, make
20 sure, this is preliminary drawings that we've seen. My hope
21 would be that some comments that would be made here tonight may
22 be taken into consideration potentially. If they have not been
23 by those going to present the drawings for the plans for us to
24 look at possibly at another meeting here. Yes.

25 COMMISSIONER McLAREN: Can I ask

1 another -- can I ask another question?

2 CHAIRMAN SCHULTEHENRICH: And that's going
3 to be a followup on the detention pond also. You know, I would
4 make an argument the driveways are going to be double in size.
5 So that's going to add to the runoff and would you be allowed to
6 build a subdivision now with 20, however many units this is,
7 without retention?

8 COMMISSIONER WILLIAMS: Again, it has
9 nothing to do with unit numbers. It has everything to do with
10 surface area and the size of the property.

11 COMMISSIONER McLAREN: Okay.

12 COMMISSIONER WILLIAMS: You're looking at
13 percentages. Coverage is what you're looking at and saying okay.
14 And I agree with you.

15 COMMISSIONER McLAREN: We bot two now
16 without detention.

17 COMMISSIONER WILLIAMS: That's correct.

18 COMMISSIONER McLAREN: You could build
19 this without any detention?

20 COMMISSIONER WILLIAMS: Right.

21 COMMISSIONER McLAREN: Okay. I have one
22 other question.

23 CHAIRMAN SCHULTEHENRICH: Go ahead, Bill.

24 COMMISSIONER McLAREN: And I guess that
25 would be probably for the attorney. When somebody gives us a set

1 of house plans like this and says this is what we're going to
2 build, is that a reasonable thing that you can expect that to be
3 done?

4 COUNTY ATTORNEY VINCENT: PUD are all a
5 little different. If you build a subdivision of single-family
6 residence, you're not locked into any kind of architectural plans
7 as long as you meet the square footage requirements. Right,
8 Scottie?

9 MS. EAGAN: Uh-huh.

10 COUNTY ATTORNEY VINCENT: Plus PUD
11 developments are a different breed of cat. It's an overlay
12 district into a zoning classification district, and when you
13 commit to doing something, you're pretty much bound to do that.
14 That's why the PUD overlay would preclude the types of -- you
15 know, mobile homes and that sort of thing.

16 One other point I'd like while I'm up here, spot
17 zoning is not illegal. That's a myth. Don't get focused on
18 that. Okay. I'm not sure where people learned that, but it is
19 not Missouri law.

20 CHAIRMAN SCHULTEHENRICH: Thank you.

21 MS. EAGAN: Jay, this goes along with this
22 whole stormwater thing. The PUD regulations state that after
23 approval of the final development plan, which could be
24 potentially be next month, but prior to us recording the final
25 plat, they are required to submit engineering and construction

1 plans detailing the improvement that will be built within the
2 subdivision. So we are required to see something in regards to
3 any improvement for stormwater per the Code.

4 CHAIRMAN SCHULTEHENRICH: Okay. Thank you,
5 Scottie.

6 Is there anyone else who would like to speak in
7 opposition? (None.) Seeing no one rise, that will conclude in
8 regards to the hearing.

9 Since this is a preliminary discussion, I am not
10 sure, do we -- we need to recognize and ask the presenter to come
11 back or anything on there or so, or would we like the presenter
12 to come up? Let me ask the Commissioners that question. (None.)
13 Hearing none, Mr. Wagner, would you like to make a comment or so
14 since you indicated that to me?

15 MR. WAGNER: Yes. I want to just quick
16 one that I was --

17 CHAIRMAN SCHULTEHENRICH: I want to let
18 you know, sir, you're still under oath.

19 MR. WAGNER: -- we have -- yeah. We have
20 several lots on the other subdivision. One of the questions was
21 why didn't we didn't want to do that or why won't we do that
22 later.

23 One of the reasons there is four -- five lots sold
24 on that subdivision. One of them I built a house on for
25 somebody. So it would not only -- I would -- you know, I'm

1 trying to keep my word obviously, even though I was insulted and
2 I came here for something different, I was accused and insulted,
3 but we do have five lots that we sold that we want to keep the
4 homeowners that bought the lots. One has built on it, but the
5 other ones have not yet. We're not going to go over their, you
6 know, reason for purchasing the lot.

7 So that's not going to be in question for future
8 rezoning, because we won't even be able to really do that even if
9 we, let's say, wanted to.

10 CHAIRMAN SCHULTEHENRICH: Okay. Thank
11 you, Mr. Wagner.

12 Okay. And do I hear -- let's see, I guess, Scottie,
13 it would be to the point of hearing support and opposition to
14 this file that this would be carried over to the Review Committee
15 meeting next month? Will that will be --

16 MS. EAGAN: I mean, since it is just the
17 preliminary development and you guys only make a recommendation
18 in the end, I don't think it needs to go to Review Committee, but
19 that's up the Board to decide.

20 CHAIRMAN SCHULTEHENRICH: Okay. So what
21 action are we requesting -- or you will be requesting from us to
22 give you?

23 MS. EAGAN: You would need to approve the
24 preliminary development plan so they can turn in their final
25 development plan for you guys to review. But if you're not doing

1 it tonight, I can't force you to do it. But again, you do only
2 make a recommendation in this case.

3 CHAIRMAN SCHULTEHENRICH: What's the
4 wishes of the Commission? Someone wishing to speak to move this
5 forward?

6 MS. EAGAN: Can I recommend to you guys to
7 move it to Old Business tonight?

8 COMMISSIONER McCREARY: I was going to say
9 don't we first have to move it to Old Business or take a vote
10 that if we want to move it to Old Business tonight?

11 MS. EAGAN: Uh-huh.

12 COMMISSIONER McCREARY: I'd like to make a
13 motion to move it to Old Business tonight.

14 CHAIRMAN SCHULTEHENRICH: Okay. I have a
15 motion. Do I have a second?

16 COMMISSIONER BOLAND: Second.

17 CHAIRMAN SCHULTEHENRICH: I have a motion
18 and a second to move it to Old Business. All in favor signify by
19 saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER WILLIAMS: Aye.

24 COMMISSIONER BOLAND: Aye.

25 COMMISSIONER FISCHER: Aye.

1 COMMISSIONER SCHULTEHENRICH: Aye.

2 COMMISSIONER McCREARY: Aye.

3 COMMISSIONER SCHULTEHENRICH: To the
4 negative nay. (None.) The ayes have it. To be moved to Old
5 Business.

6 With that, we'll move on to the next file or next
7 hearing, and that will be on File 150005 Clayton Kossuth.
8 Scottie, we'll turn to you.

9 MS. EAGAN: This is File 150005.

10 The Applicant wishes to open and operate an
11 automobile sales and repair business in the Community Development
12 Zoning District.

13 This property is located at 674 Wideman Road,
14 approximately .5 miles east of Highway HH in Calvey Township.

15 The Facts: The property is approximately 43 acres
16 in size. A portion of this parcel, approximately 3.3 acres, is
17 assessed as commercial while the other 40 acres is assessed as
18 residential.

19 This property is in the Community Development Zoning
20 District. In this district, motor vehicle related rental and
21 service to include installation of parts and repair and
22 maintenance require a Conditional Use Permit.

23 The surrounding properties are zoned Community
24 Development.

25 This property is surrounded by undeveloped land and

1 low-density residential land.

2 There are two commercial buildings on the property
3 and one residential building on the property.

4 The Applicant states that at the present time he has
5 one full-time employee and two part-time employees and would like
6 to hopefully add another one later this year.

7 Staff Comments: The Applicant states in his
8 application that this business is going to be for motor vehicle
9 sales and service, and his business has been restoring cars for
10 35 years.

11 Motor vehicle related sales are not allowed in this
12 zoning district. If this CUP is approved, it will only be for
13 the automobile service. Any sales of automobiles will be in
14 violation.

15 Applicant is currently in violation for running a
16 commercial business and for having material public nuisances on
17 the property. Before this CUP can be voted on, all material
18 public nuisances will need to be removed from the property.

19 After doing some on-line research, it appears this
20 business, Clay and Sons, is an auto salvage business that sells
21 parts and restorable cars. Salvage yards are not permitted in
22 Franklin County, and the selling of parts or selling of cars are
23 not allowed in this zoning district.

24 CHAIRMAN SCHULTEHENRICH: Mr. Kossuth, you
25 or your representative, would you please step forward. Please

1 sign, please, and be sworn in, and then state your name.

2 (Thereupon, the witness was sworn.)

3 MR. KOSSUTH: My name is Clayton Kossuth,
4 Jr.

5 CHAIRMAN SCHULTEHENRICH: Go ahead,
6 Mr. Kossuth.

7 MR. KOSSUTH: Okay. I have -- you've
8 already read a little bit of what I had to say. But anyway I just
9 wanted to say that we've been restoring cars for over 35 years
10 where we live at 674 Wideman Road in Catawissa, Missouri. Clay
11 and Sons business address is 676 Wideman Road, and you already
12 touched base on the employees that we have.

13 Our restoration projects have one some of the most
14 prestigious shows in the country, such as Detroit Autorama,
15 Chrysler at Carlisle, World of Wheels, et cetera. Our customers
16 are Great Financial Benefit for the Franklin County area staying
17 in local motels and dining in area restaurants. We recently had
18 our annual Christmas party and had enough people staying over to
19 the Quality Inn in Pacific was booked full.

20 The legendary racer performed our best week, and
21 noted author Jim Shields were among the attendees.

22 We're planning on hosting the Missouri/Illinois
23 Plymouth Owners Club on April 11th at our shop. We also have an
24 auto-related museum that highlights the rich auto history in the
25 Franklin County area. If you remember the old Pacific Missouri

1 Drag Strip across the Nike school, we have movies with famous
2 races there, as well as several trophies and other memorabilia.

3 Our collection of cars and parts are strictly
4 Plymouth, Dodge and Chrysler from the '40s, '50s, '60s and early
5 '70s, and we don't -- it's not a salvage yard. We use these cars
6 strictly for restoration purposes. We don't do like what we
7 consider a salvage yard. We treat these -- the parts where you
8 have to really be careful with the parts. They're worth --
9 they're very valuable. You can't -- I mean, we can't -- I mean,
10 we don't pull motors in the cars. We do all that in the shop.
11 The cars go out back without the motors, transmission, and gas
12 tanks. They're all pulled before they go out, and we don't pick
13 cars up with a fork truck or whatever, and contaminate the soil.
14 We're very environmentally conscious.

15 And I'm sure if you guys are familiar with going to
16 car shows, a lot of people in Union there, you have been dealing
17 with us for years on their auto-related needs. And we were
18 unaware -- actually, we were unaware that we were even out of
19 compliance with Planning and Zoning because we were told before
20 that we were grandfathered in, but I don't what's changed, but
21 something has I guess. But all of our neighbors, all our close
22 neighbors are all agreeable with what we do. They're all --
23 they're all really happy with the way we do things.

24 CHAIRMAN SCHULTEHENRICH: Do you have any
25 letters of support from them by chance?

1 MR. KOSSUTH: I can get them. Jim Buxton,
2 Bob Buxton, they're a lifelong residents of the area, and then a
3 couple of people over in the Honey Stone subdivision that are
4 very supportive.

5 CHAIRMAN SCHULTEHENRICH: Appreciate your
6 comment and your words on that, but --

7 MR. KOSSUTH: Oh, I can get that for you
8 if you want it.

9 CHAIRMAN SCHULTEHENRICH: I ask you to
10 accept that and we need to see the documentation on their behalf.

11 MR. KOSSUTH: Oh, I can get that for you.
12 Yes, sir.

13 CHAIRMAN SCHULTEHENRICH: Do you have a
14 fence around your place of business, by chance, at this point in
15 time?

16 MR. KOSSUTH: Yes, I do.

17 CHAIRMAN SCHULTEHENRICH: Is that enclosing
18 where you store these cars for parts?

19 MR. KOSSUTH: It's around our whole
20 property, but we only have a portion of the property where the
21 cars are at.

22 CHAIRMAN SCHULTEHENRICH: Let me ask you.
23 What type of a fence do you have there by chance?

24 MR. KOSSUTH: It's a barbed wire and woven
25 wire.

1 CHAIRMAN SCHULTEHENRICH: So you don't have
2 a high fence hiding anything, --

3 MR. KOSSUTH: Well, you can't --

4 CHAIRMAN SCHULTEHENRICH: -- any parts or
5 anything?

6 MR. KOSSUTH: You can't see it from any --
7 you'd have to fly over in a helicopter to see it.

8 CHAIRMAN SCHULTEHENRICH: How far off the
9 road is it by chance?

10 MR. KOSSUTH: It's probably three-quarters
11 of a mile.

12 CHAIRMAN SCHULTEHENRICH: Surrounded by
13 trees?

14 MR. KOSSUTH: Correct. You can drive down
15 Highway HH and look directly towards them, and you can't see any
16 cars at all.

17 CHAIRMAN SCHULTEHENRICH: Anything else on
18 your 43 acres by chance?

19 MS. EAGAN: We have a big garden. That's
20 about it right now. We used to -- we used to have cattle and,
21 you know, the usual.

22 CHAIRMAN SCHULTEHENRICH: Do you -- do you
23 reside there at this --

24 MR. KOSSUTH: Yes, we do.

25 CHAIRMAN SCHULTEHENRICH: -- property and

1 everything?

2 MS. EAGAN: We've lived there. My wife's
3 lived her whole life, and I've lived there since -- I've been in
4 this area in '68 when I moved from St. James to go to work at
5 Chrysler here.

6 CHAIRMAN SCHULTEHENRICH: And when did you
7 start your business here by chance?

8 MR. KOSSUTH: Probably around '79, '80 at
9 the latest.

10 CHAIRMAN SCHULTEHENRICH: Okay. Questions
11 from the Commissioners first?

12 COMMISSIONER BOLAND: Yes, I have.

13 Really to Scottie. Why is this even here if this --
14 sorry, but it says before this can be voted on all material
15 nuisances -- so I mean, why are we even discussing this if we
16 can't do anything?

17 MS. EAGAN: What we've done in the past is
18 held a public hearing, and then you guys table it until he comes
19 back and says it's clean. It kind of gives them the motivation
20 to get it cleaned up if they want a Conditional Use Permanent to
21 get it approved.

22 And that's a suggestion. Like we've done in the
23 past. That's what I'm suggesting to you guys. It's nothing you
24 have to abide by.

25 CHAIRMAN SCHULTEHENRICH: Todd, if the

1 County is considered there to be a violation, then in the past,
2 side we have said okay we'll consider this potentially favorably
3 providing the violation is addressed and cleaned up.

4 COMMISSIONER BOLAND: Okay. Looking at
5 this picture, what do you want him to clean up?

6 MS. EAGAN: From my understanding, Tori
7 would want all the cars, tires, parts off the property.

8 MS. EAGAN: That's not what Tori told me.

9 MS. EAGAN: What did Tori tell you?

10 MR. KOSSUTH: Well, I don't want to -- I
11 don't want to -- I'd rather talk to you guys first and then --

12 MS. EAGAN: That's fine. We can do that.

13 MR. KOSSUTH: -- because I was in to see
14 him obviously, and he was very supportive.

15 CHAIRMAN SCHULTEHENRICH: Let me ask you
16 one question. Did Tori bring up tires on your property?

17 MS. EAGAN: Well, we -- we've already
18 taken care of that. As far as tires go, we -- we have receipts.
19 the same guys that gets them from Mazine's comes over and picks
20 them up from us. We have receipts from that, and I believe they
21 turn in records to the State and also to the County.

22 CHAIRMAN SCHULTEHENRICH: How often are
23 those picked up?

24 MR. KOSSUTH: We get them picked up about
25 once a year because they want us to accumulate at least 150 for

1 them to come out. And there are no tires laying around, you
2 know. We have --

3 CHAIRMAN SCHULTEHENRICH: Those tires are
4 not there for the purpose of rebuilding.

5 MR. KOSSUTH: No, I understood that. When
6 we go an accumulation, we get rid of them and we get rid of them
7 properly.

8 CHAIRMAN SCHULTEHENRICH: Did you say there
9 are tires on your property at this point in time?

10 MR. KOSSUTH: I'd say that there might be
11 five or six that aren't mounted on wheels aired up.

12 CHAIRMAN SCHULTEHENRICH: How many cars
13 that you have on your property that you consider there for the
14 purpose of using the parts for? How many?

15 MR. KOSSUTH: I would say -- I don't know.
16 There is probably -- it's a 35-year accumulation. There is
17 probably somewhere around 750 cars, but you can take one piece of
18 chrome off of a certain car and it's worth two or three hundred
19 dol- -- a hundred dollars. You know, it's worth -- here you're
20 taking about \$2 million worth of the inventory.

21 CHAIRMAN SCHULTEHENRICH: How many acres
22 are these cars covering on that site?

23 MR. KOSSUTH: I'd say probably eight
24 acres. I mean, we could get them more congested than that little
25 bit, and they're not in exact rows like I'd like for them to be,

1 but we can make it that way.

2 CHAIRMAN SCHULTEHENRICH: I'm listening to
3 you and I heard you at the beginning of your presentation talk
4 about how proud you were with the cars that you refurbish and you
5 put them in shows and basically other things, and how you invite
6 the people from other areas of the country to come in basically
7 look at these cars. Okay.

8 It sounds as though -- from what I'm hearing, it
9 sounds as though -- I'm surprised that you wouldn't have your
10 property at least potentially looking more presentable to people
11 coming in to look at your facility. It's just somewhat seems to
12 contradict a little bit there.

13 MR. KOSSUTH: If you want to -- I don't
14 know if you've ever restored a car, but let's say you going to
15 restore a car. It's getting more and more difficult throughout
16 the country to find the parts that you need to restore a certain
17 car. And if you don't have the inventory, you're really going to
18 have a difficult time because more and more the cars are being
19 crushed down, destroyed, and as that happens, they don't
20 reproduce every part for them to restore one.

21 CHAIRMAN SCHULTEHENRICH: In your mind and
22 with your experience that you have in this business, when does a
23 car really become to the point of being unusable for parts?

24 MR. KOSSUTH: Well, in this day and age,
25 there's always something left on a body that you can use. I

1 mean, I can give you a for instance. Say you're restoring a 1969
2 Charger. and the deck lid is rotted out -- or not the deck lid,
3 but the trunk floor. The reproduce the trunk floor and most
4 people will cut that piece out, throw it away and then figure out
5 that there's three brackets on that trunk pan that they have to
6 have. And nobody reproduces them.

7 And you know, just things like that. It's really
8 difficult to find the parts you need. And like I said, what I'd
9 like to reiterate the fact that we're not like a junk yard like
10 you think about. We're very careful with what we do, and the
11 parts are worth so much money you have to really be careful with
12 the cars.

13 CHAIRMAN SCHULTEHENRICH: Any questions
14 from the Commissioners?

15 MS. EAGAN: I have a question.

16 CHAIRMAN SCHULTEHENRICH: Scottie?

17 MS. EAGAN: I just kind of want to
18 understand what you do a little better. So you purchase a car.

19 MR. KOSSUTH: Uh-huh.

20 MS. EAGAN: You sell the part or you use
21 the parts to restore cars?

22 MR. KOSSUTH: Little of both.

23 MS. EAGAN: And the what happens when
24 nothing is left on the car that's usable? What happens to the
25 car?

1 MR. KOSSUTH: Then it gets crushed and it
2 gets hauled in for scrap.

3 MS. EAGAN: And you take it somewhere
4 else?

5 MR. KOSSUTH: Yes, we do. We take it in
6 to the scrap yard. We use the one down on -- off of Hampton.

7 MS. EAGAN: So you sell cars to be
8 restored, you restores cars and you sell parts --

9 MR. KOSSUTH: Correct.

10 MS. EAGAN: -- for cars?

11 MR. KOSSUTH: That's what we've done in
12 the past, and we pay -- you know, we pay a lot of taxes.

13 MS. EAGAN: Okay.

14 MR. KOSSUTH: We have a business license
15 and everything. We thought -- like I said, we thought we were in
16 compliance years ago because we've been doing this for so long.
17 I mean, I've got a lot of local people coming in the Catawissa
18 area that can verify that I've been doing this for -- since 1979
19 or '80 right in that area, you know.

20 CHAIRMAN SCHULTEHENRICH: I'm curious to
21 know. How many cars do you usually buy a year for parts?

22 MR. KOSSUTH: It depends. Well, I'll tell
23 you. I'll be honest.

24 CHAIRMAN SCHULTEHENRICH: What's your --
25 what's your average?

1 MR. KOSSUTH: I'd say probably 35 or 40.
2 I'll be honest. What we've been doing lately is trying to save
3 as many as we can because once the cars of are all crushed out,
4 there -- there won't be any more car shows. Eventually it'll
5 just everything will go away. Because if you can't get the parts
6 to restore your car, then -- I mean, I guess I'm guilty because
7 I've tried so save some many, but somebody has to.

8 CHAIRMAN SCHULTEHENRICH: Okay. Appreciate
9 that. I can appreciate the comment you made.

10 MR. KOSSUTH: Yeah.

11 COMMISSIONER WILLIAMS: Let me go a
12 different way here. How many cars did you take to get crushed
13 out last year?

14 MR. KOSSUTH: Probably not very many. I'd
15 say maybe ten.

16 COMMISSIONER WILLIAMS: Okay, thank you.

17 MR. KOSSUTH: But you know, if they're not
18 used up, we don't get rid of them.

19 MS. EAGAN: Yeah. And, Jay, from -- from
20 what I can remember, this is one that grandfathered or not, I
21 can't verify 100 percent, but I know it's expanded if you look at
22 the maps in the pass. So once you expand your business,
23 grandfathered or not, you have to meet current regulations.

24 CHAIRMAN SCHULTEHENRICH: Okay.

25 COMMISSIONER WILLIAMS: I have a question.

1 CHAIRMAN SCHULTEHENRICH: Go ahead.

2 COMMISSIONER WILLIAMS: Scottie, what's
3 the definition of expand in that case, like enlarge?

4 MS. EAGAN: Yes.

5 COMMISSIONER WILLIAMS: Okay.

6 MS. EAGAN: So I guess in this case, say
7 he had a hundred cars in 1986 and now he has 200 cars. Obviously
8 that's expanded.

9 CHAIRMAN SCHULTEHENRICH: I admire what
10 you're doing with parts and remodeling cars. I appreciate that,
11 but, sir, I think it's expressed as where do you cross that line
12 to where you have cars that are just there for potentially --

13 COMMISSIONER McCREARY: Salvage.

14 CHAIRMAN SCHULTEHENRICH: -- storage or
15 salvage or whatever, and that -- that I think is the question
16 that I think would be in our minds here, at least mine.

17 MR. KOSSUTH: I'm sure we could go through
18 and get -- can get rid of some and there's not a lot of left of
19 usable parts, but I'll tell you what. It's part of the heritage
20 of -- heritage of this country, you know, and this is not like a
21 regular junk yard at all.

22 And Tori knows that. He's been there. But that's
23 why I'm surprised you said what you did.

24 MS. EAGAN: I mean, --

25 CHAIRMAN SCHULTEHENRICH: Scottie, go

1 ahead.

2 MS. EAGAN: We'll have to talk to Tori
3 tomorrow or whenever we can set up a meeting, but if this goes
4 forward as a Condition Use Permit, you can't sell anything from
5 this property. I just want to make sure you know that. You can
6 only restore cars from this property.

7 MR. KOSSUTH: Okay. Well, that's -- okay.
8 I'll tell you what I'd like to do then, maybe we can postpone
9 this until I have time to talk to Tori. Would that be possible?

10 CHAIRMAN SCHULTEHENRICH: That may be a
11 very good idea.

12 MR. KOSSUTH: Okay. I sure appreciate
13 that because this is different than what --

14 MS. EAGAN: I thought there was something
15 fishy when your application stated sales, and this zoning
16 district doesn't allow that.

17 MR. KOSSUTH: Okay.

18 MS. EAGAN: So yeah, we can call tomorrow
19 any time after 10:00. I have a meeting in the morning, and we
20 can try to set something up.

21 MR. KOSSUTH: All right. Will Tori be
22 there?

23 MS. EAGAN: He should be there, but we'll
24 set something up when we're both there.

25 MR. KOSSUTH: Okay.

1 CHAIRMAN SCHULTEHENRICH: Thank you.

2 MR. KOSSUTH: Thank you very much.

3 CHAIRMAN SCHULTEHENRICH: Okay.

4 Okay. We'll move on to the next file. That will be
5 File 150006 Rob and Gina Taylor.

6 COUNTY ATTORNEY VINCENT: Jay, can I
7 interrupt?

8 CHAIRMAN SCHULTEHENRICH: Yes.

9 COUNTY ATTORNEY VINCENT: Was there
10 anybody here tonight that was opposed to this? If you're going
11 to continue the hearing, they need to be notified.

12 CHAIRMAN SCHULTEHENRICH: Even with him
13 withdrawing it?

14 COUNTY ATTORNEY VINCENT: As far as
15 postponing it.

16 CHAIRMAN SCHULTEHENRICH: Postponing.
17 Wouldn't our -- wouldn't our -- wouldn't our -- if we -- if he
18 brings it back up, wouldn't we then have the hearing at that
19 point in time of any supporters or opponents to it on there?

20 COUNTY ATTORNEY VINCENT: Only if they're
21 notified, unless we find out tonight. That's what I'm getting
22 at. We're not planning on doing new notification, new
23 publication, of this.

24 CHAIRMAN SCHULTEHENRICH: Okay.

25 COUNTY ATTORNEY VINCENT: Is there anybody

1 that --

2 CHAIRMAN SCHULTEHENRICH: Let me back up.
3 What we'll first go through then within regards to is there
4 anyone else here to speak in favor of this file, this proposed
5 change? (None.) Seeing no one rise, we'll move on to anybody
6 who would be here to oppose. Is there anyone here to oppose this
7 file?

8 COUNTY ATTORNEY VINCENT: Now I feel a lot
9 better.

10 COMMISSIONER BOLAND: It's all about you,
11 Mark.

12 COUNTY ATTORNEY VINCENT: I know.
13 Appreciate it, Todd.

14 CHAIRMAN SCHULTEHENRICH: Thank you. And
15 from there, we'll consider it to have been postponed. Is that
16 the word to be used or withdrawn?

17 COUNTY ATTORNEY VINCENT: Postponed and
18 continued.

19 CHAIRMAN SCHULTEHENRICH: Postponed, okay.
20 All right.

21 Again, we'll go to the next file. That's File
22 150006 Rob and Gina Taylor. Rob and Gina, are one of you here?
23 Please step forward.

24 MS. EAGAN: Would you like me to read
25 staff record first?

1 CHAIRMAN SCHULTEHENRICH: Oh, I'm sorry.

2 Yes, I would. I'm sorry about that, Scottie.

3 You can stay right there and let her read and then
4 we'll go -- come right back to you. Okay.

5 MS. EAGAN: This is File 150006, Rob and
6 Gina Taylor.

7 The Applicant wishes to operate a heating and
8 cooling business in the Non-Urban and Agricultural Zoning
9 District.

10 The property is located at 2410 Rockford School
11 Road, approximately 250 feet west of Highway 47 in Prairie
12 Township.

13 The Facts: The property is approximately 27.9 acres
14 in size.

15 This property is in the Non-Urban and Agricultural
16 Zoning District. In this district offices, general,
17 professional, medical or dental and independent
18 contractor/construction business, with no outdoor machinery,
19 equipment or commercial storage, requires a Conditional Use
20 Permit.

21 The definition of office, independent contraction or
22 construction business is an office primarily engaged in the
23 provision of service relating to an independent contractor or
24 construction business. The use of any building or premise
25 primarily for conducting the affairs of a business. All offices

1 can have up to two commercial vehicles stored on the premise.

2 The surrounding properties are zoned Non-Urban and
3 Agricultural.

4 This property is primarily low-density residential
5 land.

6 The Applicant plans to build a new building to house
7 their equipment.

8 Staff Comments: The Applicant's proposed hours of
9 operation are Monday through Friday 8:00 a.m. to 4:30.

10 All new and/or existing entrances will need to be
11 examined by the Franklin County Highway Department for a
12 commercial entrance. Planning and Zoning shall receive
13 documentation of final construction prior to issuance of a CUP.

14 Any buildings used or built in connection with this
15 CUP will need to be approved by the Franklin County Building
16 Department for a commercial building.

17 All conditions shall be completed within one year of
18 approval, unless otherwise stated. Failure to meet all
19 conditions will result in the application expiring.

20 The Applicant states in their application they will
21 have two additional employees.

22 CHAIRMAN SCHULTEHENRICH: Now, if you would
23 sign in, get sworn in, then state your name, we'd appreciate it.

24 (Thereupon, the witness was sworn.)

25 MR. TAYLOR: My name is Rob Taylor, and I

1 would like to build a new building at the house.

2 CHAIRMAN SCHULTEHENRICH: So you'd like to
3 build a new building.

4 MR. TAYLOR: Yeah, I would.

5 CHAIRMAN SCHULTEHENRICH: Start a new
6 business?

7 MR. TAYLOR: No, it's an existing
8 business.

9 CHAIRMAN SCHULTEHENRICH: An existing
10 business.

11 MR. TAYLOR: I currently have a shop in
12 St. Clair. I would rather walk across my yard to go to work.

13 CHAIRMAN SCHULTEHENRICH: Is it your plan
14 to store anything in this new building that you're planning on
15 building?

16 MR. TAYLOR: Parts, a few air conditioners
17 and furnaces, material, sheet metal.

18 CHAIRMAN SCHULTEHENRICH: Building going to
19 be there for any retail purposes by chance?

20 MR. TAYLOR: To sell out of? No, I don't
21 sell.

22 CHAIRMAN SCHULTEHENRICH: You going to
23 invite any public participation in buying any heating and air
24 conditioning units from you out of your building?

25 MR. TAYLOR: No.

1 CHAIRMAN SCHULTEHENRICH: So your plans
2 strictly for repair and?

3 MR. TAYLOR: We do new construction,
4 service. We make ductwork.

5 CHAIRMAN SCHULTEHENRICH: Okay.

6 MR. TAYLOR: Small --

7 CHAIRMAN SCHULTEHENRICH: Those things you
8 plan on doing inside of your building?

9 MR. TAYLOR: Yes.

10 CHAIRMAN SCHULTEHENRICH: Okay. Where is
11 all the neighbors -- Nichole, do you have that up here on there
12 by chance? Let me ask you the question on there. I see the lots
13 up there. Is there property owners around that have houses
14 around you by chance or so?

15 MR. TAYLOR: Yes.

16 CHAIRMAN SCHULTEHENRICH: Okay. Where on
17 your lot are you planning on building your new building?

18 MR. TAYLOR: On the Rockford School. Okay.
19 So my house is right there, right there where she's at, right
20 there.

21 CHAIRMAN SCHULTEHENRICH: Parcel -- or
22 number one and number two are separate lots. Are they owned by
23 you by chance?

24 MR. TAYLOR: No, they're not.

25 CHAIRMAN SCHULTEHENRICH: Okay. You have

1 a nice pond on it. Catching any fish?

2 MR. TAYLOR: Yes, we do.

3 CHAIRMAN SCHULTEHENRICH: Questions from
4 the Commissioners by chance?

5 COMMISSIONER WILLIAMS: Really quick.

6 CHAIRMAN SCHULTEHENRICH: Go ahead.

7 COMMISSIONERS WILLIAMS: You have
8 employees that will be coming to the property?

9 MR. TAYLOR: I have -- I currently have
10 two.

11 COMMISSIONER WILLIAMS: Are they in
12 service trucks out on the road all the time, do they come into
13 the shop? What type of arrangement?

14 MR. TAYLOR: Yeah, they're both service
15 trucks. We have a total of three. Mine would probably be the
16 only one staying there. The other two would be taken home.
17 We're in and out.

18 COMMISSIONER WILLIAMS: You hope to expand
19 your business in the future?

20 MR. TAYLOR: Sure.

21 COMMISSIONER WILLIAMS: Would that be --
22 I'll turn to Scottie. Would that be allowed if he had more than
23 two commercial vehicles on the property?

24 MS. EAGAN: I mean, the way the
25 regulations are written, he can't have more than two. If he

1 wants to have more than two, he'd have to rezone his property.

2 COMMISSIONER WILLIAMS: Just making sure
3 that's clear. Thank you.

4 MR. TAYLOR: Thank you.

5 CHAIRMAN SCHULTEHENRICH: Any questions
6 from the Commissioners? Just wanted to make sure you are aware
7 of the hours of operation being 8:00 a.m. to 4:30 p.m. that
8 what's was in the staff report. You're comfortable with those
9 hours? That would be the hours being worked in the building and
10 service trucks or so.

11 MR. TAYLOR: So there will be a -- you
12 know, I do Saturday. I work on the weekends. It's just if
13 someone was to stop by Saturday, I'm not going to -- you know,
14 the door's not open, but I would personally be working. If you
15 were to call me, I'd come to your house on Saturday and work on
16 your air conditioner.

17 CHAIRMAN SCHULTEHENRICH: I think we might
18 want to address your hours on here then. Okay.

19 MR. TAYLOR: Okay.

20 CHAIRMAN SCHULTEHENRICH: So I think we --
21 if you want flexibility, I think potentially we need to be
22 addressing that on your behalf here. Okay.

23 MR. TAYLOR: Okay.

24 CHAIRMAN SCHULTEHENRICH: Because that's
25 what you had put down as your proposed hours, and that basically

1 may be what we would adopt here, and then you'd be limited to
2 those hours. So okay.

3 MR. TAYLOR: Okay.

4 CHAIRMAN SCHULTEHENRICH: Okay. What
5 would you say would be Saturday would be normally? Every
6 Saturday or occasional Saturdays, or what would you describe that
7 as?

8 MR. TAYLOR: Occasional Saturdays. It's,
9 you know, not every Saturday. My phone doesn't ring every
10 Saturday to go to a service call.

11 CHAIRMAN SCHULTEHENRICH: Okay. And is
12 4:30 still a good time for to finish during the day?

13 MR. TAYLOR: I really think the reason it
14 was 8:00 to 4:30 because that's my current hours at the -- at my
15 office now. So you know, at 4:30 we leave. I go home. I guess
16 being at home it would be easier, you know, to -- if I needed
17 something, I could just run over there instead of going all the
18 way to town to get it.

19 CHAIRMAN SCHULTEHENRICH: Would you wish
20 that to be maybe 5:30 or 6 o'clock or something along those
21 lines?

22 MR. TAYLOR: So if I say that it's at
23 4:30, technically am I not allowed to go over there to get my
24 stuff or --

25 CHAIRMAN SCHULTEHENRICH: You can go over

1 there and get your stuff. I believe the question would be is
2 whether or not you can do any repair work or have any of your
3 other employees that would be over there doing work with you.

4 MR. TAYLOR: Okay.

5 CHAIRMAN SCHULTEHENRICH: I think that's
6 the question that we would ask. So if you think your employees
7 going to work beyond 4:30 to potentially 5:30 or 6 o'clock, I
8 think you'd like for us to be addressing that for you now.

9 MR. TAYLOR: That is possible in the
10 summer time.

11 CHAIRMAN SCHULTEHENRICH: So 5:30 or
12 6 o'clock, what would you suggest?

13 MR. TAYLOR: Six.

14 CHAIRMAN SCHULTEHENRICH: Six o'clock,
15 okay. Other comments or anything or questions by the
16 Commissioners? (None.) Hearing none, Mr. Taylor, thank you.

17 MR. TAYLOR: Thank you.

18 CHAIRMAN SCHULTEHENRICH: Anybody here that
19 would like to speak in favor of this file? (None.) Seeing no
20 one rise, is there anyone here to speak in opposition to this
21 file? (None.) Seeing no one rise, Chair would entertain a
22 motion to move this to Old Business if the commission so desires.

23 COMMISSIONER McCREARY: I'd like to move
24 to Old Business with the change in hours of operation noted.

25 CHAIRMAN SCHULTEHENRICH: Okay. We have a

1 motion. Do we have a second?

2 COMMISSIONER REINHOLD: I'll second.

3 CHAIRMAN SCHULTEHENRICH: Okay. All those
4 in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLIAMS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER FISCHER: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN SCHULTEHENRICH: All opposed nay.

15 (None.) The ayes will have it.

16 Moving on to the next file hearing this evening.

17 This is a rezoning request. Therefore, there will be
18 presentation. There will be no public comments in regards to
19 this rezoning request.

20 This is File 150013, Mayall Properties, L. L. C.

21 Scottie, I'll turn to you.

22 MS. EAGAN: Again, this is File 150013,
23 Mayall Properties, care of Shawn Mayall.

24 The Applicant requests to rezone two parcels from
25 Suburban Development to Community Development.

1 This property is located on Pleasant Drive off of
2 Pottery Road, approximately 900 feet south of Highway 100 in St.
3 John's Township.

4 The Facts: The total area for the rezoning is
5 approximately 17.94 acres, and encompasses two separate parcels.

6 The zoning of this property is Suburban Development.
7 Applicant would like to rezone to Community Development.

8 Community Development zoning provides a district
9 that brings shopping, the workplace and home closer together by
10 allowing a mixed use of all types of residential density and most
11 forms of commercial development.

12 The properties around the proposed site are
13 primarily zoned Suburban Development.

14 This property is surrounded by low-density
15 residential land and the City of Washington to the north at
16 Highway 100 and to the east.

17 One of these parcels is a part of a subdivision,
18 Pleasant View Condominiums.

19 These parcels currently house eight apartment
20 complexes.

21 The previous owner received a Conditional Use Permit
22 in 1997 to build an additional apartment building, making the
23 total buildings at eight.

24 Staff Comments: The Applicant currently has a
25 building permit application to build another apartment complex.

1 Community Development zoning does not seem to fit
2 that area as it will open it up to most forms of commercial
3 development. Planning and Zoning Department staff would
4 recommend rezoning to a similar district to Suburban Development
5 that is primarily residential in nature.

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

14 And then also we handed out two e-mails we got, one
15 from the City of Washington, and one from the Washington Fire
16 Department.

17 CHAIRMAN SCHULTEHENRICH: Okay. Is the
18 Applicant Mayall Properties or their representative here by
19 chance?

20 MR. LUEKEN: I was going to say if you
21 want to give me time to set up, we'll take a small break for me
22 to set up.

23 CHAIRMAN SCHULTEHENRICH: How long do you
24 think it will take you, about five minutes?

25 MR. LUEKEN: Three to five minutes, yeah.

1 CHAIRMAN SCHULTEHENRICH: We can take a
2 break for that.

3 MR. LUEKEN: Thank you.

4 COUNTY ATTORNEY VINCENT: Take a brake.

5 CHAIRMAN SCHULTEHENRICH: Yeah, we can take
6 a break.

7 MR. LUEKEN: Thank you.

8 (Thereupon, a break was taken at 8:20 p.m.
9 to at 8:37; after which, the proceedings
10 continued as follows:)

11 CHAIRMAN SCHULTEHENRICH: Okay. Let's
12 reconvene the meeting.

13 So this again, will be File 150013. Again, this is
14 a rezoning request. With that, why don't we -- you've signed in,
15 Cameron, I take it.

16 MR. LUEKEN: Yes.

17 CHAIRMAN SCHULTEHENRICH: Be sworn in and
18 state your name, please.

19 MR. LUEKEN: My name is Cameron Lueken.

20 (Thereupon, the witness was sworn.)

21 Okay. Good evening. My name is Cameron Lueken with
22 Wonderlick Surveying and Engineering representing Shawn Mayall
23 tonight. As you mentioned, this is the goal tonight is to rezone
24 this property that Shawn has recently purchased.

25 It's this slide is an error. I apologize. It says

1 CUP, but it should say rezoning. The purpose is to obviously
2 rezone this tract from SD to CD. I'll do that in a minute why we
3 chose that. We're trying to improve consistency with the current
4 use and potential land use. There is, as Scottie mentioned,
5 there are eight existing multi-family structures on the property.
6 This is kind of a map of the property. I guess that's the -- at
7 one point what happened was that the previous owner assembled
8 some property here. When Shawn negotiated to purchase it, this
9 area outlined here is the area that was negotiated for that
10 purchase you might say.

11 So the area that we're dealing with the rezoning is
12 the 17.94 acres as outlined there. So which is that? This is
13 100 and Pottery. I guess those of you that are familiar with --
14 let me see if I have a bigger slide here. Hang on a second.
15 Basically just west of High Street. So High Street is going to
16 be further this way. So -- does anybody have any questions about
17 where the property is at? All makes sense? All right.

18 So as was mentioned earlier, there is eight
19 structures on this property, which is comprised of 63 units in
20 total. So in these eight multi-family structures, there's 63
21 units. As Scottie mentioned earlier, there is -- there's plans
22 been submitted for this area here to build another multiple
23 family structure.

24 Scottie mentioned in her staff comments that staff
25 would say well, why are you rezoning from SD to CD, and I guess

1 the difference between the two in the goal for this use -- the
2 goal for this use is Shawn's wanting to build a structure here.
3 As you can see, there's an existing wastewater treatment plant
4 down here. There are pads gridded out down this area here for
5 other future additional structures.

6 So the reason why we chose CD and the owner -- the
7 owner here, Shawn Mayall is here tonight, he can speak to this
8 also -- is not to do something outside this current use. The
9 reason why is the density between CD and RD is 5,000 square feet
10 per unit and 10,000 square feet per unit. So what that -- what
11 I'm trying to say on potential build-out of this 17.94 acres, the
12 RD district would not allow for the potential build-out of the
13 property as CD would. So that's the reason why we chose CD over
14 RD, not to do something silly and put a -- something in the CD
15 that's not in RD district. And like I said, Shawn is here. You
16 can ask him questions about that. Basically this is on an
17 unsubdivided lot here. Scottie mentioned this is a condo, and I
18 guess at some point condos were advantageous. People chose to do
19 condos for years for different reasons, for collateralization for
20 loans, for all kinds of things.

21 I'm not sure why they chose to make it a condo at
22 that time, but basically there's two parcels that exist, this
23 parcel inside of this parcel. So Shawn as he owns it, it's being
24 operated as an apartment complex. I guess to the speak to more
25 things about infrastructure, you know, right here is 100 and

1 Pottery Road. The entrance has been approved by the County. The
2 existing wastewater treatment facility has capacity to serve
3 these additional units. Public Water District Number One is
4 running along here. I'm trying to think what else. You guys
5 might have questions about that. I guess the need for this --
6 there's a need for this in the Washington area because of the
7 fact that the workforce housing, they need units to occupy. As
8 you know, this is on the west side of town next -- not that far
9 away from the industrial park to the west.

10 So this type of housing to provide what's needed for
11 that workforce housing. A testament to that is this occupancy
12 rate of this facility, you know, Shawn can speak to that. They
13 have a very high occupancy rate, and there is demand for more of
14 that. That's what Shawn's goal is, to do that. So I guess there
15 is a need for that workforce housing. That's why Shawn is trying
16 to create that.

17 So in conclusion, it's currently zoned SD. I just
18 kind of touched on -- does anyone have a question about the
19 reason why, you know, the RD versus the CD? You know, basically
20 in a multi-family zoning district RD does allow. You're allowed
21 one unit per 10,000 square feet. In a CD district, you're
22 allowed one per 5,000 square feet. So that's the difference, and
23 as I mentioned, the infrastructure, the water, the sewer, the
24 roads, the draining has been planned for that type of
25 development. So that's the reason why we chose CD rather than

1 RD. Like I said, the SD, you know, staying consistent with the
2 existing and the potential land use, and the infrastructure is in
3 place for CD planned use.

4 Does anybody have any questions?

5 MS. EAGAN: I have a question.

6 MR. LUEKEN: Yes.

7 MS. EAGAN: How many more besides the
8 proposed one that's already in our office is he thinking of
9 building? You said there's other pads available.

10 MR. LUEKEN: Right. So let me skip
11 forward to something like that, what you're asking about. So,
12 Scottie, what you've seen is -- is that this it's kind of hard to
13 see on this slide, but I'll break it down here. This tan area
14 that is the unit that you saw applied for. So --

15 MS. EAGAN: That has eight units in it?

16 MR. LUEKEN: That has 20 units in it.

17 MS. EAGAN: That's 20 units?

18 MR. LUEKEN: Correct. And then there is a
19 facility shown here, a facility shown here, units here and units
20 here. And that -- that sketch produces a -- potentially that
21 sketch, Scottie, that shows 58 additional units, which would
22 yield a density of one unit per 60 -- 500 square feet. So that's
23 the reason why we can't do the RD.

24 MS. EAGAN: Okay.

25 MR. LUEKEN: So I guess since we're on

1 this slide, I just wanted to bring up the fact that for those
2 that -- of you that are familiar with the property, this is RD.
3 This is the top of the hill. It's a pretty level site. As you
4 enter the building, you go down the hill, down the hill to the
5 left and all the infrastructure, the water, the sewer is all in
6 this area. As a "buffer", you know, the nearest structure to an
7 existing structure is about 350 feet through here. There's a
8 ravine right here. There's no reason why Mayall would cross this
9 ravine here to build anything over this way, this area.

10 We put this structure here as a depiction of where
11 that structure would be built at, and it's about 480 feet across
12 the ravine in through the woods from the existing house. So
13 that's giving you an idea of what potentially it could look like.
14 So this is Old Peer Road running around here that's if you come
15 down to Old Grand and then run around back here.

16 MS. EAGAN: And then I don't know if
17 you'll answer it or Shawn, but the reason RD2 wasn't chosen?

18 MR. LUEKEN: RD2 allows mobile home parks,
19 doesn't it?

20 MS. EAGAN: I just wanted to specify
21 because I know somebody will say well there's RD2 also. So I
22 wanted to know why you didn't chose that.

23 MR. LUEKEN: We didn't chose RD2 because
24 it allows mobile home parks.

25 COMMISSIONER BLAND: Because?

1 MR. LUEKEN: Because it allows -- RD2
2 allows mobile home parks. That's not the intent. The intent is,
3 and Shawn will speak to this. Why don't you come up now, and the
4 intent is to do what's just shown on this map.

5 (Thereupon, the witness was sworn.)

6 MR. MAYALL: My name is Shawn Mayall with
7 Mayall Properties. And like Cameron had said the intent of the
8 property is for multi-use for the apartment building. I don't
9 believe the property was ever, through all the years, properly
10 zoned. You know, we already have the eight buildings there. And
11 you know, the intent is no type of commercial buildings or
12 anything. I mean, it's strictly apartment rentals. I purchased
13 the property in October from Mr. Ecklekamp, which is here. He
14 owned the property for about 40 years, and I bought the property
15 intent. We are remodeling the current buildings that are there,
16 redoing landscaping. And we want to add some more buildings. I
17 do have 63 units, like he said, and I'm 63 units full. I've got
18 about a ten people on the list for a waiting list. And we're
19 going to be building -- we'd like to build all two-bedroom
20 apartments, and basically like I say, we just -- I want to
21 remodel the existing buildings that are there.

22 So there's a lot of buffer there. You can see down
23 through the woods there. All the trees you see there will never
24 be developed. It's too large of a ravine there. It's basically
25 just filling out what was somewhat of a plan that Mr. Ecklekamp

1 had with the sites that were there. And that's pretty much the
2 intent of the property.

3 I have a lot of rental property in Washington. I'm
4 also a home builder. So we do all the construction and
5 everything I do with my company, SK Contractors. We do have a
6 lot of commercial and residential rental properties. So that's
7 definitely in my business plan as well.

8 So any questions I can answer or any concerns?

9 CHAIRMAN SCHULTEHENRICH: Is this federal
10 funded?

11 MR. MAYALL: It is not. This is no HUD
12 project. This is strictly -- I have a strict application you
13 fill out and you have to meet certain criteria as far as income,
14 as far as, you know, do you have a job, basically that you're
15 going to pay the rent. There's no government subsidize. I don't
16 accept any HUD. You -- basically you pay your own rent, and
17 you're at about 550 to 650 dollars per month per unit is what the
18 rent will be going for.

19 CHAIRMAN SCHULTEHENRICH: Do you currently
20 own the other buildings that are in there?

21 MR. MAYALL: Yes, I do. Yes, I purchased
22 the whole property from Mr. Ecklekamp in October of last year.

23 CHAIRMAN SCHULTEHENRICH: Those are rental
24 properties as well?

25 MR. MAYALL: Yes. Yes, they're eight

1 buildings, and they consist of one bedrooms and two bedroom
2 units.

3 CHAIRMAN SCHULTEHENRICH: And what is your
4 price that you're getting currently on that rent?

5 MR. MAYALL: Oh, we get anywhere from 495
6 to 575.

7 CHAIRMAN SCHULTEHENRICH: Scottie, how
8 would we address a buffer on the side in which there are
9 residents that stay? Is that by footage because that's the way
10 we have normally done it in the past or so?

11 MS. EAGAN: With our new buffer
12 regulations, we really haven't gotten into it. So I couldn't
13 tell you a hundred percent right now. But whenever building
14 permits come in is when we address the buffer.

15 MR. MAYALL: I will tell you that I don't
16 know if everybody is exactly familiar with this project. A lot
17 of people for years didn't realize how many buildings were in
18 there and didn't realize that the complex was there because it
19 is -- it is very hidden. What I have are proposed are a 20-unit
20 building there in the beginning right there where Cam is. Behind
21 it on Pottery Road, there's a very large buffer already there
22 with trees that I'm going to be leaving there. So to be totally
23 honest, you can drive down Pottery Road, and you won't even see
24 the new building that we're going to be building.

25 Now, you might see just a little bit of it, possibly

1 in the wintertime, but that is a nice thing about this apartment
2 complex. It's a very nice country setting. It's very close to
3 town, and I think that's why it's appealing to a lot of renters,
4 is they're not stuck in the middle of town. They -- you know,
5 they're close to town and have a little bit of privacy, a little
6 bit of country setting. So it is very uniquely laid out for
7 privacy and doesn't really stick out as far as when you drive by.
8 I mean, you really have to look to notice the buildings even when
9 you drive by Pottery Road.

10 CHAIRMAN SCHULTEHENRICH: And what is the
11 height of these going to be? I mean, are they --

12 MR. MAYALL: Just two stories.

13 CHAIRMAN SCHULTEHENRICH: Two stories?

14 MR. MAYALL: Yeah, just two levels.

15 Nothing over two levels.

16 CHAIRMAN SCHULTEHENRICH: Okay.

17 MR. MAYALL: Okay.

18 CHAIRMAN SCHULTEHENRICH: There was an
19 e-mail that we've been presented, and in the e-mail it mentions
20 that there was going to be a meeting with the City of Washington.
21 The City of Washington had a meeting about this property last
22 Thursday. They have to followup meeting tomorrow, meaning
23 yesterday.

24 MS. EAGAN: And I didn't get any comments,
25 just so you're aware.

1 CHAIRMAN SCHULTEHENRICH: Do we know if
2 that meeting did take place?

3 MS. EAGAN: That I don't know, but the
4 City -- Dan knew that they weren't going to have their Planning
5 and Zoning meeting before you guys had yours. So he sent the
6 City comments for you guys.

7 CHAIRMAN SCHULTEHENRICH: This was not a
8 meeting involving you?

9 MR. MAYALL: No, I'm not aware of it. I
10 mean, I think Cameron is reading this for the first time.

11 MR. LUEKEN: Yeah.

12 MR. MAYALL: One thing -- I don't know if
13 there's any -- it might be related to -- I don't know if there is
14 anything on the fire. We are going to sprinkle the buildings.
15 All the new buildings are going to have sprinkler systems in
16 them. So they're going to be very safe buildings. So I don't
17 know if that was a concern.

18 CHAIRMAN SCHULTEHENRICH: Let's be clear on
19 the sanitary facility. Cameron, I thought I heard you say that
20 would accommodate the proposed number of units that's --

21 MR. LUEKEN: That's correct. That's
22 correct.

23 MR. MAYALL: And again, you'll have
24 documentation just like we took -- you know, we talked about
25 earlier.

1 CHAIRMAN SCHULTEHENRICH: How about the
2 water runoff because of the size of the parking lots that you
3 guys are potentially putting up?

4 MR. LUEKEN: Correct, Jay. So if -- you
5 know, if -- what we do -- what we would do is during the building
6 process and the site plan process, we work with Scottie and the
7 county engineer. If we, you know, go over the threshold of
8 having to create more stormwater runoff, we've got a area, you
9 know, down there by the treatment plant to put the retention
10 basin in or a small way up the hill. And we've got areas. It's
11 a big property to do that, if needed, Jay.

12 CHAIRMAN SCHULTEHENRICH: Okay. So there
13 could be retention ponds. Your plans are not at this time to let
14 them just -- or run it off over towards the ravine? I guess
15 that's my question I guess is what I'm -- in a roundabout way.

16 MR. LUEKEN: Basically the plans were
17 submitted, but hasn't been vetted yet at the County because
18 obviously the zoning didn't permit the use.

19 CHAIRMAN SCHULTEHENRICH: All right.
20 Thank you.

21 Questions from the Commissioners?

22 MS. EAGAN: I just want to stress that
23 we're looking at rezoning the property not necessarily what
24 they're proposing. They can propose anything they want, but once
25 rezoned to CD, it's rezoned to CD which opens it up to a bunch of

1 commercial activities, which is why my department is not keen on
2 recommending approval to that zoning district. One thing Mark
3 did mention to me when he was over here is the last time we had
4 issues with rezoning to something the recommendation was to do a
5 PUD. So just talking points for you guys.

6 CHAIRMAN SCHULTEHENRICH: Be a little bit
7 more clear for me on there, will you, Scottie. You're saying
8 that in your opinion the facility is not there to accommodate the
9 zoning request? Is that what you're saying?

10 MS. EAGAN: The Planning and Zoning
11 Department wouldn't recommend rezoning to Community Development
12 which would open it up to a number of commercial activities.
13 This asking to go from our most strict zoning district to one of
14 our most lenient zoning districts. And that's in my opinion is a
15 big leap. I know what they want to do. I know what they're
16 telling us they're going to do. I'm applied of what could
17 happen.

18 CHAIRMAN SCHULTEHENRICH: Questions,
19 comments from the Commissioners?

20 COMMISSIONER WILLIAMS: I have a question.
21 Mr. Mayall, --

22 MR. MAYALL: Yes, sir.

23 COMMISSIONER WILLIAMS: -- I'm -- included
24 on something you said you said the property was improperly
25 rezoned. Can you amplify upon that, why you feel it isn't

1 properly zoned, other than your not going to be able to build as
2 many units as you want to get on the property.

3 MR. MAYALL: Well, what if I was to
4 propose that new -- I mean, what should that be in your mind,
5 what should that be? How should that be zoned? How should that
6 property be zoned?

7 MR. LUEKEN: To answer your question, Ron,
8 that's zoned SD, and currently SD does not allow multi-family
9 structures. So that's the reason why initially it was rezoned
10 the wrong way.

11 MS. EAGAN: It was never rezoned. It's
12 always been Suburban Development. In the past, Suburban
13 Development allowed multi-family as a conditional use. So it did
14 get rezoned. I just wanted to clarify that for you.

15 MR. LUEKEN: Okay. Well, at some -- at
16 some -- I guess to answer that question, at some point, the CUP
17 was taken out of the S --

18 MS. EAGAN: That's right.

19 MR. LUEKEN: -- the SD district. It
20 should have been left in I guess for situations like this, but it
21 was not. So that's -- at some point, the County changed the use
22 of the property with the regulation.

23 CHAIRMAN SCHULTEHENRICH: But there are
24 existing condominiums on the property -- on the premise now?

25 MS. EAGAN: There's eight existing

1 buildings. And the last CUP I think I said was in '94 -- no '97.
2 So at that time, there was still a conditional use permit in that
3 zoning district. Today you can't do it with a Conditional Use
4 Permit or without a Conditional Use Permit.

5 COMMISSIONER WILLIAMS: So this is a
6 non-conforming use we got there now, currently.

7 MS. EAGAN: Currently it is a prior
8 existing non-conforming use.

9 CHAIRMAN SCHULTEHENRICH: But it would
10 seem, at least to me, that -- and I understand it potentially
11 opens it up to other matters or other development. But -- but as
12 existing condos already there, the supporting development
13 potentially would be, and if there was a development, have gone
14 over well with them rented in their capacity, what appears though
15 it has appeal for that to be pursued along those lines. That
16 would be at least what I would see from a -- from an individual
17 who wishes to develop that property. So at least that comes to
18 my mind or am I -- or am I thinking wrong? Let me ask you that
19 question.

20 MR. MAYALL: No, you're exactly right. I
21 mean, you're looking at probably somewhere of about a \$4 million
22 project when I'm all done rebuilding everything and remodeling.
23 So I mean, the minute that I -- which we want to file for the
24 permit once we get the proper zoning for the first building.
25 Once that build is in, I mean, there is really no way to add any

1 other type of use to this property with as uniquely as it's laid
2 out. I mean, you would never -- I mean, any road frontage, which
3 would be probably the most valuable if you were going to have a
4 business or add something. That's why I'm going to put the first
5 building there. So there is no -- there is absolutely no way you
6 would be able to with the investment that was there use the land
7 for anything else than the apartment buildings. I mean, it's
8 just -- there is just no -- it's not -- it's not feasible. You
9 could never put any -- mix any type of use with what's currently
10 there and what we're going to be adding. I don't -- I mean, I've
11 been building in this business a long time, and I don't --
12 there's just no way.

13 COMMISSIONER BOLAND: Shawn, I have to
14 disagree with you there very hard due to the fact that tomorrow
15 you may sell this property. And then if it's zoned this,
16 somebody else has a completely different ideal than you. So I --
17 I understand what you're saying, but if we rezone it for the next
18 commercial zone, who knows what the next guy does.

19 MR. MAYALL: But what I'm saying is, Todd,
20 once I build the buildings, nobody is going to tear down millions
21 of dollars worth of buildings.

22 COMMISSIONER BOLAND: I'm not saying
23 they're going to tear them down. I'm just --

24 MR. MAYALL: Right.

25 COMMISSIONER BOLAND: I'm just saying once

1 you build that one building, I'm just saying the next guy that
2 comes in and it's zoned --

3 MR. MAYALL: Right.

4 COMMISSIONER BOLAND: -- he doesn't have
5 the same thought process or anything that you do.

6 MR. MAYALL: Right.

7 COMMISSIONER BOLAND: That's all I'm
8 pointing out.

9 MR. MAYALL: No, I understand the point,
10 Todd. I understand the point, but we are going to -- we do want
11 to build these buildings aggressively. Like I said, I've got a
12 waiting list now, and I want build the first building, and I want
13 to move right into the second building so this is nothing drawn
14 out over ten years. The intentions are to build very
15 aggressively and do the project.

16 CHAIRMAN SCHULTEHENRICH: Further questions
17 from the Commission?

18 COMMISSIONER McCREARY: Scottie, got a
19 question. Is there a mechanism we could not rezone this and lock
20 him into what he has proposed in front of us?

21 MS. EAGAN: The only way to lock him into
22 what is proposed in front of you is the PUD.

23 COMMISSIONER McCREARY: Okay. So I mean,
24 it looks he says, you know, tomorrow you could -- you could not
25 be here and somebody else inherits, takes over, buys, whatever

1 the property, and once it's zoned, you can see our -- the concern
2 we go from one the basically restrictive residential and trades
3 to commercial development, and once that's done, no matter if
4 you're involved with the sale of the property or not, we kept
5 stop anybody else from doing what is in the CD statute. So
6 that's where we're at. We can't really say well, yeah, okay, go
7 ahead and do it. We understand your intentions, but then all of a
8 sudden something changes, and then we're left with well, maybe we
9 shouldn't have done that.

10 And again, you don't have to tear down a building to
11 make it a different use. There are apartments that used to be
12 old office buildings and vice versa, old apartments that are now
13 office building. So under that Community Development, you could
14 see no matter what the building is, it's a different purpose, and
15 that's not stated. You know, that's what we're trying to avoid.

16 MR. MAYALL: I understand.

17 COMMISSIONER McCREARY: So I don't know if
18 maybe the rezoning or a PUD would be the way to go.

19 MR. MAYALL: There's a lot of extra
20 expenses that are incurred in a PUD as well.

21 COMMISSIONER McCREARY: Right.

22 MR. MAYALL: And you know, we're just
23 looking to do what's suitable best for the property and all my
24 intensions to build the buildings and currently it needs to be
25 rezoned the way it sits.

1 COMMISSIONER McCREARY: Right, I
2 understood. When it was started to being developed, it was -- it
3 was okay to do what is there, and you want to continue what's
4 there.

5 MR. MAYALL: Correct.

6 COMMISSIONER McCREARY: However, the
7 statutes have changed. Our zoning has changed. So we can't just
8 let you do that. And the only reason why you want to change what
9 is there is because again it's, like Cameron pointed out, the
10 density. You could build stuff like that, but you can't get as
11 many on it as you want evidently under the current zoning. So
12 that's why you wanted to change it in order to continue what was
13 supposed to be there in the first place. However, due to the
14 fact that whatever, you know, it had the window close on that
15 particular thing due to the laws that we've changed. So I think
16 maybe the mechanism that you want to pursue, you know, might be
17 more expensive would be a PUD on this. That way we're protected,
18 and you're protected.

19 CHAIRMAN SCHULTEHENRICH: Let me ask you,
20 Mr. Mayall, a question on that. You say you're -- and I don't
21 know you at all, okay, never have met you. You say you have
22 built in the City of Washington?

23 MR. MAYALL: Yes.

24 CHAIRMAN SCHULTEHENRICH: Okay. And have
25 your buildings been of residential or have they been of a apart-

1 single-family residential or have they been apartments or
2 duplexes or what type?

3 MR. MAYALL: We have -- we have built and
4 own and sell and maintain all type of properties, commercial,
5 multi-family residential, pretty much any type of -- I mean, from
6 the commercial to residential. We've been a contractor in
7 Washington for over 30 years. My dad started the business. We
8 do a lot of work over there. So I'm very familiar with all types
9 of rental properties from, you know, management of rental
10 properties to owning rental properties to maintaining rental
11 properties. And I have the unique setup that I have is obviously
12 with the maintenance and taking care of the apartments. You
13 know, that's what I do for a living also. So I don't have to
14 hire all that stuff done, we do all stuff in-house. We take care
15 of our properties and maintain them in an orderly fashion. So
16 I'm overly familiar with that type of market, yes.

17 CHAIRMAN SCHULTEHENRICH: Any requested
18 permits that you've asked the City of Washington have any been
19 denied?

20 MR. MAYALL: Never been denied.

21 CHAIRMAN SCHULTEHENRICH: Any of those
22 permits?

23 MR. MAYALL: Never been denied. I have --
24 I have a hundred percent excellent rapport with the City of
25 Washington and the City of Union. I have done some stuff over

1 here. I've never been denied any type of permit. We do
2 everything by the book. And we just -- we like to run a good
3 clean apartment complex here and have it zoned properly. And
4 again, I can't reiterate enough how it's not possible after I put
5 the rest of the investment to do anything else with the property,
6 but I understand, you know, like if I died tomorrow. I mean --

7 CHAIRMAN SCHULTEHENRICH: And you
8 understand the concern that we as commissioners have on the
9 comments that have been raised.

10 MR. MAYALL: I do understand. However, I
11 do, you know, ask for a little bit of consideration on -- this is
12 going to be a very large, what I say -- call economic impact on
13 the community. I mean, you know, four or five million dollar
14 project that I am using all local people to build the complex. I
15 use all local suppliers on the apartments, and you know, I'm all
16 about keeping everything local. So this goes much farther beyond
17 just myself and, you know, how -- how we operated

18 CHAIRMAN SCHULTEHENRICH: What you're
19 describing to us right now, do you have any idea as to what or do
20 you have any plans for an additional phase of it, and if you have
21 so, is there additional potential buildings that you would be
22 thinking in the future to build on?

23 MR. MAYALL: Just the ones that Cameron
24 showed there. That's -- I mean, we're not going to -- we're not
25 going to build 500 apartments here. It's not designed for that.

1 I think we possibly could do up to maybe 58. I have a real good
2 number in my head. It's probably only going to be about 40, but
3 it's -- the prop- -- it's not designed for several hundred. So
4 that's not a concern, not possible. You know, so hopefully that,
5 you know, puts everybody at ease as far as that goes.

6 CHAIRMAN SCHULTEHENRICH: Any other
7 questions --

8 MR. MAYALL: And again, I reiterate this.
9 These are not boxes with siding. These are not HUD. They're --
10 they're very nice, clean units, very appealing, and we take care
11 of the property.

12 CHAIRMAN SCHULTEHENRICH: Okay. Any other
13 questions? (None.) Hearing none, thank you for your
14 presentation.

15 MR. MAYALL: Thank you.

16 CHAIRMAN SCHULTEHENRICH: I guess our next
17 step is to request for that to be moved over to Old Business. Is
18 that would be the next request on this rezoning, Scottie? We
19 look to you for some guidance on this one.

20 MS. EAGAN: Yes, with rezonings and
21 amendments, since it's not a public hearing, you guys typically
22 make the recommendation that night, one way or the other.

23 CHAIRMAN SCHULTEHENRICH: Okay. Then I'll
24 entertain a motion to move this file to Old Business.
25 Do I hear a motion?

1 COMMISSIONER REINHOLD: I make a motion to
2 move it to Old Business.

3 CHAIRMAN SCHULTEHENRICH: Do I hear a
4 second?

5 COMMISSIONER BOLAND: Second.

6 CHAIRMAN SCHULTEHENRICH: All in favor
7 signify by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER FISCHER: Aye.

14 COMMISSIONER SCHULTEHENRICH: Aye.

15 All opposed nay.

16 COMMISSIONER McCREARY: No.

17 CHAIRMAN SCHULTEHENRICH: The ayes will
18 have it. So that will be moved over to Old Business.

19 MS. EAGAN: No, I think the way --

20 COMMISSIONER McCREARY: It has to go to
21 Review Committee.

22 CHAIRMAN SCHULTEHENRICH: I'm sorry.

23 MS. EAGAN: I think the way the by-laws and regulations are
24 written, it has to go to Review Committee.

25 CHAIRMAN SCHULTEHENRICH: Yeah. Sorry.

1 Hold it off. I'll entertain a motion then to send it to the
2 Review Committee.

3 COMMISSIONER BOLAND: So moved.

4 CHAIRMAN SCHULTEHENRICH: Do I hear a
5 second?

6 COMMISSIONER WILLIAMS: Second.

7 CHAIRMAN SCHULTEHENRICH: All in favor of
8 sending it to the Review Committee please signify by saying aye.

9 CHAIRMAN SCHULTEHENRICH: All opposed?
10 (None.)

11 MS. EAGAN: Hold on, Jay.

12 CHAIRMAN SCHULTEHENRICH: Okay.

13 MS. EAGAN: Anyone have a copy of the
14 by-laws?

15 COMMISSIONER BOLAND: She's talking to
16 you. I mean come on. I left mine at home.

17 CHAIRMAN SCHULTEHENRICH: I think that's
18 the most current. Scottie, I got a copy for you.

19 MS. ZIELKE: Oh, thank you, Jay.

20 MS. EAGAN: Thank you.

21 CHAIRMAN SCHULTEHENRICH: I guess the
22 question, Scottie, at least in my mind, is this is only a
23 recommendation; therefore, it doesn't need to go to Planning and
24 Zoning. Does it need to go to Review Committee, or is it an up
25 and down vote?

1 MS. EAGAN: That's what I wanted to see,
2 if it says public hearings. It says when a case of a Conditional
3 Use Permit and Subdivision application. Either at the request of
4 any applicant or when any member of the Planning and Zoning
5 Commission feels for good reason that it would be in the best
6 interest of said application to bypass the Review Committee.

7 So it only talks about Conditional Use Permits and
8 subdivisions.
9 Did you see anything different?

10 COMMISSIONER McCREARY: No.

11 MS. EAGAN: So rezonings, it doesn't
12 matter.

13 COUNTY ATTORNEY VINCENT: You can either
14 vote on it tonight or you can pull it apart at the month and vote
15 on it. That's what you can do.

16 CHAIRMAN SCHULTEHENRICH: Okay. What's the
17 recommendation of the Commission then? As Mark indicated, it can
18 be postponed or basically up and down vote this evening.

19 I'll entertain a motion for either, to postpone or a
20 motion to approve or a motion to deny it. Those three options.
21 Do I hear a motion from any of the commissioners?

22 COMMISSIONER McLAREN: I guess based on
23 the comments that appear and not knowing what the City of
24 Washington said in their final comments, I would probably make a
25 motion to postpone till we've read the final comments.

1 CHAIRMAN SCHULTEHENRICH: Okay. We have a
2 motion to postpone. That'll be until the next meeting. Okay.
3 Do I hear a second to postpone?

4 COMMISSIONER McCREARY: I'd second that.

5 CHAIRMAN SCHULTEHENRICH: We have a motion
6 to postpone and a second. All those in favor of the motion
7 please indicate by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 COMMISSIONER BOLAND: Aye.

13 COMMISSIONER FISCHER: Aye.

14 COMMISSIONER SCHULTEHENRICH: Aye.

15 COMMISSIONER McCREARY: Aye.

16 CHAIRMAN SCHULTEHENRICH: All opposed nay.

17 (None.) Ayes will have it.

18 With that, we'll move on to --

19 MR. LUEKEN: Can I make another comment?

20 CHAIRMAN SCHULTEHENRICH: Cam, under public
21 comments, which will be following our business meeting, you can
22 stay around and ask comments -- or make a comment at that point
23 in time. Otherwise, the file right now is considered to be
24 closed.

25 With that, we'll move on to the next rezoning

1 request, which is File 150014. It's a rezoning request, and,
2 Scottie, I'll turn to you.

3 MS. EAGAN: This is File 150014.

4 The Applicant is Bridgewater Estates, Inc., Don
5 Hagedorn.

6 The Applicant requests to rezone one parcel from
7 Commercial Activity 3 Community Business to Residential
8 Development 1.

9 The property is located on Bridgewater Chase, at the
10 southeast corner of Bridgewater Chase and Rock Bridge Road in
11 Boles Township.

12 The Facts: The total area for the rezoning is
13 approximately 7.2 acres.

14 The zoning of this property is Commercial Activity 3
15 Community Business. The Applicant would like to rezone to
16 Residential Development 1.

17 Residential Development 1 allows for single-family
18 residential developments in areas that are primarily served by
19 central utilities.

20 Residential Development 1 allows for lot sizes as
21 small as 10,000 square feet if the property has central water and
22 sewer.

23 The properties around the proposed site are zoned
24 Commercial Activity 3 Community Business and Residential
25 Development.

1 This property is surrounded by medium-density, which
2 is the density between 10,000 and 40,000 square feet of
3 residential land.

4 Directly west of this parcel is Villa Ridge Estates
5 Plat 2. This is a 10-lot subdivision with the average lot size
6 of 13,612 square feet. To the north and the east of this parcel
7 is Bridgewater Estate Plat 2 with an average lot size of 19,600
8 square feet.

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

18 One thing I wanted to point out really quick is
19 their application said it was zone RD. All of our records show
20 it was CA3. So that's why your staff report says CA3.

21 CHAIRMAN SCHULTEHENRICH: Thank you,
22 Scottie.

23 That -- is Don Hagedorn here or if so is his
24 representative here?

25 Cameron, you must be his representative. I guess

1 you're going to tell us that. Same procedure, as you know, sign,
2 swear, and state your name.

3 (Thereupon, the witness was sworn.)

4 MR. LUEKEN: Okay. My name is Cameron
5 Lueken, and I'm with Wonderlick Survey Engineering. I'm here to
6 represent Mr. Don Hagedorn here tonight in the rezoning of a
7 portion of ground at Bridgewater Estates. There again, I guess
8 we're consistent. It says CUP, but it should say rezoning. I'll
9 go ahead and change that, but -- okay.

10 So we're going to be -- we want to rezone this tract
11 from CA3 Community Activity to RD1. Why would we want to do
12 that? We want to improve the consistency with the current
13 adjoining land use.

14 So where is this property at? So here's the
15 property shown here. Bridgewater Estates -- this is Bridgewater
16 Estates right here. This is also considered Bridgewater Estates.
17 Don Hagedorn, for those of you don't know, Don developed this
18 entire subdivision here. This goes back out over here. So Don
19 developed all these lots. Don built a portion of these houses
20 that are in here. Don also built a portion of these houses that
21 are here. So I guess that's, I guess, Don's familiarity with the
22 site with this location.

23 And Don has owned this property down here in this
24 vicinity since that time.

25 So as Scottie said, the County has made the

1 determination that the property, the subject property, is right
2 here. It's, they determined, to be CA3. So what can you do in
3 CA3? That's the location right there.

4 Permitted uses in a CA3 are a kennel, storage
5 units, manufacturing, repair shop, convenience stores,
6 agricultural, motor vehicle sales, looks like. Those as you can
7 see from the map aren't in not like use -- no similar use of
8 what's around them. So you know, what we're asking to do is go
9 to RD1. So what's that mean?

10 This is a blowup of the property. So basically
11 there's about 7.2 acres here, and there's a -- as Don built these
12 houses and developed this, he retained the 50-foot road easement
13 coming in here to this property. These lots here that front this
14 area here they're about 12,000 square foot average -- average
15 area for the lots. As Scottie alluded to, these -- I think she
16 said the average in Bridgewater is around 19 around. I think in
17 this area right here, I think, they're around 18. So 19 versus
18 18. So I guess what I'm saying is that's about the average in
19 the immediate area of the development.

20 So I guess, you know, Don -- and Don can speak to
21 this. Don's here tonight also. He can speak to what he wants to
22 do here. But essentially we want to put some homes here and
23 rezone this to -- rezone it from CA3 to RD1. So why did we pick
24 the RD1 zoning district? It allows a single-family structure to
25 be built on a 10,000 square foot lot. So it doesn't duplexes, it

1 doesn't allow multiple family, it doesn't allow a lot of things.
2 Basically the RD1 is similar to R1A in Washington. I think we
3 actually worked to create that district back about two years ago
4 or three years ago now. So you might remember that because we
5 kept having a problem with the RD district, RD2 district. It
6 allowed mobile home parks. It allowed duplexes. It allowed a
7 lot of stuff. So we worked with you guys to help create that RD1
8 zoning so it's not Don can't come in here or a successor of sign
9 can't come in here and say hey, I want to build duplexes now. So
10 that RD1 zoning is specific for single-family site-built
11 structures.

12 As you can see, as I pointed out, the -- you know,
13 there's some other uses in CA that you could do. It's just
14 Community Activity just doesn't make sense in that area where
15 it's at. It's not consistent with the existing or the potential
16 land use. I mean, you don't want someone to go in there -- I
17 mean, none of these people are going to want anybody to go in
18 there and build a -- you know, a gas station or a gym or
19 whatever. So we're trying to basically duplicate, you know,
20 what's shown here back in here.

21 The tract, you know, obviously joins residential
22 subdivisions. And do you have any questions for me? Don's here.
23 I'll call him up here to talk about that.

24 I guess backing up -- let me back up a little bit.
25 I didn't even look at this. The wastewater treatment facility is

1 right here for this entire development. There is adequate
2 capacity in the treatment plant to accommodate this additional
3 ground. As you can image, Don had a master plan when he started
4 this. So there's additional capacity for all this to be
5 developed. The water is served by Public Water District Number
6 3. So this is going to be -- you know, obviously based on the
7 rezoning of their preliminary plan, improvement plans, and have
8 all to meet your subdivision guidelines. So based on this
9 successful rezoning of this, Don will submit preliminary plans,
10 infrastructure plans to show you street width, fire and spacing,
11 sewer, storm sewer, all that.

12 So does anybody have any questions for me? (None.

13 Don's here tonight. I'll let him go ahead and come
14 up.

15 COMMISSIONER McCREARY: I got a question
16 about the dam. You want to put that back up there, --

17 MR. LUEKEN: Yeah.

18 COMMISSIONER McCREARY: -- that picture
19 back up there.

20 MR. LUEKEN: Yeah.

21 COMMISSIONER McCREARY: Yeah, I can see
22 where the spillway is. It's on the lower -- lower corner of the
23 lake right there.

24 MR. LUEKEN: Right.

25 COMMISSIONER McCREARY: I take it -- I

1 might -- I wish you had a contour map and that's because I take
2 it the lay of the land, that's basically the lowest part as you
3 go north on the picture there, but the land goes up higher and
4 higher?

5 MR. LUEKEN: Correct.

6 COMMISSIONER McCREARY: Okay. Yeah,
7 that's -- that would be my only concern, is what kind of housing
8 if that dam was to -- and how tall that dam is. If it's under 25
9 feed, I think, there are different --

10 MR. LUEKEN: Yeah, 35 feet is actually the
11 regulated height.

12 COMMISSIONER McCREARY: It might be
13 because I know they changed it a few years ago. So that -- that
14 was -- that would be my only concern. Maybe Mr. Hagedorn could
15 talk about that.

16 MR. LUEKEN: Yeah. Like I said, I'll let
17 Don come up and kind of talk about some things, and I'll try to
18 address that question, Russell, for you.

19 COMMISSIONER McCREARY: Thanks.

20 MS. EAGAN: Jay, I do want to stress again
21 we're only looking at the rezoning, nothing potentially proposed
22 because like Cameron said, we will have a plat for anything where
23 we address stormwater, wastewater. Again, this is just the
24 rezoning. So we don't want to get too focused on potentials of
25 what could be there.

1 CHAIRMAN SCHULTEHENRICH: Use of the
2 property. Okay, thank you.

3 Mr. Hagedorn, would you sign in and swear in and
4 officially state your name.

5 (Thereupon, the witness was sworn.)

6 MR. HAGEDORN: My name is Don Hagedorn.
7 I'm the developer of Bridgewater Estates. I've also done a
8 couple of other ones. Recently Rainbow Lake Estates and also
9 Pine Lake Estates. We have a little history of developing in
10 Franklin County.

11 What we're wanting to do, plain and simple, there's
12 a little over seven acres left. I got to do something with it.
13 If I put a kennel or something down there, those neighbors are
14 going to shoot me. And we -- this makes the most sense for the
15 land use.

16 Basically that's it.

17 CHAIRMAN SCHULTEHENRICH: Mr. Hagedorn,
18 that is short and to the point.

19 MR. HAGEDORN: I'm open for the questions.

20 CHAIRMAN SCHULTEHENRICH: Any questions
21 from the Commissioners by chance?

22 COMMISSIONER WILLIAMS: I have one. Maybe
23 not of Mr. Hagedorn, but what's the zoning, Scottie, of
24 Bridgewater Estates?

25 MS. EAGAN: I believe Bridgewater Estates

1 is residential development.

2 COMMISSIONER WILLIAMS: Just curious.

3 MS. EAGAN: Majority of it is. Part of it
4 is CA3.

5 COMMISSIONER WILLIAMS: Okay, thank you.

6 CHAIRMAN SCHULTEHENRICH: So any other
7 questions on there from the Commissioners first?

8 COMMISSIONER McCREARY: No.

9 MR. HAGEDORN: I might comment that Jim
10 Casey called me yesterday and asked me about it, which is Boles
11 Fire District. They had no opposition to it.

12 CHAIRMAN SCHULTEHENRICH: Questions?
13 (None.) Hearing none, we thank you for your presentation.

14 Back to the Commission. The Chairman will
15 entertain, as I did the last time, a motion needed to postpone, a
16 motion to approve, or a motion to deny on the recommendation of
17 the rezoning change request.

18 COMMISSIONER BOLAND: I make a motion to
19 approve.

20 CHAIRMAN SCHULTEHENRICH: We have a motion
21 to approve. Is there a second to the motion to approve?

22 COMMISSIONER REINHOLD: I second.

23 MS. EAGAN: Recommend approval.

24 CHAIRMAN SCHULTEHENRICH: Pardon?

25 MS. EAGAN: Recommend approval.

1 CHAIRMAN SCHULTEHENRICH: Recommend
2 approval. Sorry. Recommend approval. So we have a motion and
3 we have a second to recommend approval of the rezoning request
4 change. Everybody in favor signify by say aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLIAMS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER FISCHER: Aye.

11 COMMISSIONER SCHULTEHENRICH: Aye.

12 COMMISSIONER McCREARY: Aye.

13 CHAIRMAN SCHULTEHENRICH: Anyone opposed
14 signify by saying no. (None.) The ayes will have it. That will
15 be a recommendation again to the County Commissioners, it is up
16 to them to make the final decision.

17 With that, Scottie, that concludes the files at
18 least for the evening.

19 MS. EAGAN: No, we have one more.

20 CHAIRMAN SCHULTEHENRICH: Oh, we do have
21 one more. Let me see here.

22 MS. EAGAN: It's mine.

23 CHAIRMAN SCHULTEHENRICH: Oh, it's yours.
24 Okay.

25 MS. EAGAN: Yes.

1 CHAIRMAN SCHULTEHENRICH: Okay. Then
2 we'll go ahead and proceed to File 150016. That again is -- it
3 is seeking to amend 2001 Unified Land Use Regulations of Franklin
4 County. No public comments accepted on this file.

5 Therefore, Scottie, give your presentation.

6 MS. EAGAN: When we redid our regulations
7 last year, we originally started talking about major and minor
8 subdivisions where minors would be four lots, but then they
9 switched it to six lots. And that change never made it to
10 central water and sewer table. So it still said four lots and
11 five lots. So we wanted to change it to six and seven to be
12 consistent with what the Code actually is.

13 CHAIRMAN SCHULTEHENRICH: Any questions?
14 (None.) Hearing none, I'll entertain a motion to approve the
15 recommended (sic) on the amendments as requested by Scottie. Do
16 I hear a motion to approve?

17 COMMISSIONER McCREARY: I make a motion to
18 approve.

19 CHAIRMAN SCHULTEHENRICH: Do I hear a
20 second to the motion?

21 COMMISSIONER BOLAND: Second.

22 CHAIRMAN SCHULTEHENRICH: There's a motion
23 and there's a second to approve the amendments to Article 8,
24 Section 172, Subsection 10, Table 1. All in those in favor
25 signify by saying aye.

1 COMMISSIONER REINHOLD: Aye.

2 COMMISSIONER VOSS: Aye.

3 COMMISSIONER McLAREN: Aye.

4 COMMISSIONER WILLIAMS: Aye.

5 COMMISSIONER BOLAND: Aye.

6 COMMISSIONER FISCHER: Aye.

7 COMMISSIONER SCHULTEHENRICH: Aye.

8 COMMISSIONER McCREARY: Aye.

9 CHAIRMAN SCHULTEHENRICH: All opposed do
10 the nay. (None.) Ayes will have it.

11 Now we have had some motions to move to Old
12 Business. Why don't we go back and revisit Old Business.

13 MS. EAGAN: I believe Sam Wagner was the
14 first one.

15 CHAIRMAN SCHULTEHENRICH: File 140249 would
16 be the first one we moved to Old Business having to do with the
17 request from Sam Wagner.

18 MS. EAGAN: This would be their
19 preliminary development plan. This would be allowing him to go
20 to his final development plan for next month.

21 CHAIRMAN SCHULTEHENRICH: Further comments
22 or anything in that regard?

23 COMMISSIONER McLAREN: You know, as I've
24 sat here and looked at this, I'd like to make a comment, and
25 that's probably as it moves forward would be a comment for the

1 developer and his engineer. You know, the common ground area on
2 here does not have any access from the PUD, and I would, unless
3 I'm missing it and I could be, but it would look to me like it'd
4 be appropriate if you're going to have a PUD that the common
5 ground area would have access from that plan or the development.

6 Usually when you're doing -- in my opinion, that's
7 only my opinion, if you're doing a planned urban development,
8 you're asking for something and you usually give something up
9 because you're trying to concentrate your lot area. So usually
10 something happens, and you get some more common ground or
11 something to compensate for that, and I for sure would like to at
12 least see access to the common ground as it exists from that --
13 that street.

14 CHAIRMAN SCHULTEHENRICH: Or to potentially
15 address common ground in the proposed PUD?

16 COMMISSIONER McLAREN: Yes.

17 CHAIRMAN SCHULTEHENRICH: Either way, I
18 think it goes to basically what you're saying.

19 COMMISSIONER McLAREN: Correct.

20 CHAIRMAN SCHULTEHENRICH: Any other
21 comments or anything?

22 COMMISSIONER BOLAND: My other comment is
23 I understood what he did here with trying to get that ten acres,
24 but you know, for that one lot down there coming in, I'm not
25 really crazy about that. You're coming through residential to

1 get to the duplex, you know. I think they ought to figure
2 something else out there.

3 CHAIRMAN SCHULTEHENRICH: Okay. Make that
4 other request. Any other comments for discussion? (None.)

5 Hearing none, then I'll -- the Chairman will
6 entertain a motion to approve the preliminary application on this
7 requested PUD. I hear a motion to approve. Hearing no motion to
8 approve --

9 COMMISSIONER McCREARY: I'd make a motion
10 to approve the preliminary PUD for File 140249.

11 CHAIRMAN SCHULTEHENRICH: Okay. We have a
12 motion to approve File 140249. Do I hear a second to the motion?

13 COMMISSIONER FISCHER: Second.

14 MS. EAGAN: That was John.

15 CHAIRMAN SCHULTEHENRICH: Is that a
16 second, John?

17 MS. EAGAN: Yes.

18 CHAIRMAN SCHULTEHENRICH: Okay. All right.
19 And there is a motion and a second to approve. And this is
20 approving of the preliminary plans for the PUD. All in favor
21 signify by saying aye.

22 COMMISSIONER REINHOLD: Aye.

23 COMMISSIONER VOSS: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN SCHULTEHENRICH: All opposed

1 signify by saying no.

2 COMMISSIONER McCREARY: No.

3 COMMISSIONER McLAREN: No.

4 COMMISSIONER BOLAND: No.

5 COMMISSIONER FISCHER: No.

6 CHAIRMAN SCHULTEHENRICH: Nos are in the
7 majority. The matter will not be given preliminary approval --
8 or approval of the preliminary plans at this evening's meeting.
9 That will conclude File 140249.

10 The next matter that was moved to Old Business was
11 File 150006, Rob and Gina Taylor. Do we have any discussion, any
12 comments in regards to that file? (None.) Hearing none.

13 MS. EAGAN: You might want to make sure
14 that it includes the new hours of operation, the Monday through
15 Friday 8:00 to 6:00 and occasional Saturday.

16 CHAIRMAN SCHULTEHENRICH: That's a very
17 good point, Scottie. Okay. So the Chairman will entertain a
18 motion then to approve the Conditional Use Permit with staff
19 recommendation and the changes as so discussed. Motion is in
20 order.

21 COMMISSIONER REINHOLD: Motion to approve
22 it.

23 CHAIRMAN SCHULTEHENRICH: Motion to
24 approve. Do we have a second to approve?

25 COMMISSIONER McCREARY: I'll second.

1 CHAIRMAN SCHULTEHENRICH: We have a motion
2 and a second. All those in favor signify by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER WILLIAMS: Aye.

7 COMMISSIONER BOLAND: Aye.

8 COMMISSIONER FISCHER: Aye.

9 COMMISSIONER SCHULTEHENRICH: Aye.

10 COMMISSIONER McCREARY: Aye.

11 CHAIRMAN SCHULTEHENRICH: All opposed the
12 negative. (None.) Ayes will have it. That will conclude that
13 file.

14 And any preliminary plats, Scottie?

15 MS. EAGAN: None.

16 CHAIRMAN SCHULTEHENRICH: Anything under
17 Planning and Zoning Commission Forum? Open comments to be made.
18 Anyone wishing to make public comments before us this evening?
19 (None.) Seeing no one rise, we'll move to the next one, that's
20 the Planning Director's report. Any at this point in time?

21 MS. EAGAN Next month you guys will have
22 another busy month. We'll have I'm not sure about this PUD yet.
23 You might being hearing that again next month. I wish Mark was
24 here, but I know we have a rezoning and regulation amendment.

25 So next month must be might be a little full for you

1 guys.

2 MS. ZIELKE: Shouldn't we wait for Mark to
3 come back?

4 MS. EAGAN: I don't know where he is.

5 CHAIRMAN SCHULTEHENRICH: Anything more to
6 be brought in front of the Commission?

7 MS. EAGAN: I have a question for Mark.

8 COUNTY ATTORNEY VINCENT: I'm here.

9 MS. EAGAN: They didn't approve the
10 preliminary development plan.

11 COUNTY ATTORNEY VINCENT: Okay.

12 MS. EAGAN: So what happens next?

13 COUNTY ATTORNEY VINCENT: They have to
14 re- -- they have to try the preliminary development plan over.

15 MS. EAGAN: So they resubmit the
16 preliminary development -- --

17 COUNTY ATTORNEY VINCENT: Yeah.

18 MS. EAGAN: -- plan?

19 COUNTY ATTORNEY VINCENT: Yeah.

20 MS. EAGAN: Okay. So you might have next
21 week -- I mean next month.

22 COUNTY ATTORNEY VINCENT: Yeah. So if
23 there's things that you didn't like about them, you can tell
24 them.

25 MS. EAGAN: They did.

1 COUNTY ATTORNEY VINCENT: Okay.

2 MS. EAGAN: Okay.

3 COUNTY ATTORNEY VINCENT: Yeah, that's --
4 and then may never make something that you guys are satisfied
5 with.

6 MS. EAGAN: Okay.

7 COUNTY ATTORNEY VINCENT: Yeah. It's life
8 in the big city.

9 MS. EAGAN: That's it. You can go
10 wherever you were.

11 COUNTY ATTORNEY VINCENT: All right.

12 CHAIRMAN SCHULTEHENRICH: Anything else for
13 this evening?

14 MS. EAGAN: Oh, sorry. One more final
15 thing. Next month is Haven Materials again. So that's the third
16 file for next month.

17 CHAIRMAN SCHULTEHENRICH: That file is on a
18 matter already approved or --

19 MS. EAGAN: This is new one.

20 CHAIRMAN SCHULTEHENRICH: A new one.

21 Okay.

22 COMMISSIONER McCREARY: This is Meramec
23 Aggregate?

24 MS. EAGAN: A knew file, yes.

25 COMMISSIONER McCREARY: Yes, okay.

1 CHAIRMAN SCHULTEHENRICH: Okay.

2 COUNTY ATTORNEY VINCENT: If I could, I
3 think I'll try to clarify at least in my mind things that Scottie
4 said earlier about the Review Committee and the motions and
5 stuff.

6 You guys have the final say on subdivision plats and
7 CUPs. That way when you go back to the Review Committee, it's an
8 option because that's where you make recommendations and discuss
9 what you're going to do in your final action. You don't have the
10 final say on the zoning. That's why they're not applicable to
11 that. That's what I was telling Shaw. Shawn didn't understand
12 what the motions and stuff were. I wanted to make sure that I
13 convey the same thing to you that I was telling him, and that's
14 just the way it is. I mean, that's -- if you guys have -- send
15 it to Old Business, it's contrary to your by-laws. It would have
16 been out of order. So --

17 MS. ZIELKE: One more thing. In our
18 regulations it says that three actions can be taken for a planned
19 development -- approval, tabling or denial. Nothing happened
20 here because the motion died.

21 COUNTY ATTORNEY VINCENT: That's correct.

22 MS. ZIELKE: So they need to make a motion
23 to table it?

24 COUNTY ATTORNEY VINCENT: They need to
25 make a motion to table it.

1 MS. ZIELKE: Okay.

2 COUNTY ATTORNEY VINCENT: They could deny
3 it if you want to deny it.

4 MS. ZIELKE: I understand, but if they're
5 saying that if revisions could be made, which this actually
6 says --

7 COUNTY ATTORNEY VINCENT: Then they're --

8 MS. ZIELKE: -- that could be made, --

9 COUNTY ATTORNEY VINCENT: -- postponing it.

10 MS. ZIELKE: -- then they need to table
11 it.

12 COUNTY ATTORNEY VINCENT: That's correct.

13 Yes.

14 CHAIRMAN SCHULTEHENRICH: We consider
15 tabling the same as postponing the same as tabling it.

16 COUNTY ATTORNEY VINCENT: I would think
17 so.

18 CHAIRMAN SCHULTEHENRICH: That's the way I
19 would think.

20 COUNTY ATTORNEY VINCENT: I would think so
21 too.

22 MS. ZIELKE: So no one votes on anything.

23 COUNTY ATTORNEY VINCENT: I'm sorry? You
24 have to vote to table.

25 COMMISSIONER BOLAND: Well, we voted to

1 postpone it.

2 COUNTY ATTORNEY VINCENT: That's the same
3 as tabling.

4 MS. EAGAN: No. She's talking about the
5 PUD.

6 MS. ZIELKE: Yeah, the PUD.

7 COMMISSIONER BOLAND: Oh, I'm sorry.

8 COUNTY ATTORNEY VINCENT: Now I'm
9 confused.

10 MS. EAGAN: The motion died and they
11 didn't make another motion.

12 COUNTY ATTORNEY VINCENT: What motion was
13 that?

14 MS. EAGAN: The motion to recommend -- no,
15 to approve the preliminary development plan failed --

16 COUNTY ATTORNEY VINCENT: Okay, fine.

17 MS. EAGAN: -- because they didn't receive
18 a second.

19 COUNTY ATTORNEY VINCENT: Okay, cool.

20 MS. EAGAN: So now they need to make a
21 motion to either deny or table or --

22 COUNTY ATTORNEY VINCENT: Yes. And to
23 table or postpone, to me that's the same thing.

24 MS. EAGAN: Okay.

25 COUNTY ATTORNEY VINCENT: I'm not sure

1 what you're saying, Nikki.

2 COMMISSIONER BOLAND: We're talking about
3 Wagner's?

4 MS. EAGAN: Yes.

5 COMMISSIONER McCREARY: Yeah.

6 COMMISSIONER BOLAND: I thought we made
7 the motion to deny.

8 COUNTY ATTORNEY VINCENT: Okay.

9 COMMISSIONER McCREARY: No. We got a
10 motion to approve it, and it was seconded, but then it voted
11 down.

12 COMMISSIONER BOLAND: Then voted down.

13 COUNTY ATTORNEY VINCENT: Because that's
14 not a denial. That's just not an approval.

15 COMMISSIONER McCREARY: Yeah.

16 COMMISSIONER BOLAND: Okay.

17 COUNTY ATTORNEY VINCENT: So your options
18 still are you could vote now to -- a motion to deny it and be
19 done with it, or you can postpone it, table it.

20 MS. EAGAN: For revision.

21 COUNTY ATTORNEY VINCENT: For revision if
22 that's what you guys wanted to see.

23 COMMISSIONER REINHOLD: I make a motion to
24 deny it.

25 COUNTY ATTORNEY VINCENT: That's pretty

1 clear.

2 MS. EAGAN: That's right to the point.

3 CHAIRMAN SCHULTEHENRICH: Okay. Before you
4 do that, the Chairman will first will then go back and will
5 reopen the file. Okay.

6 MS. EAGAN: Yeah.

7 COUNTY ATTORNEY VINCENT: Thank you.

8 CHAIRMAN SCHULTEHENRICH: So it would be
9 reopening File 140- --

10 COMMISSIONER BOLAND: Wait.

11 MS. ZIELKE: It says the denial can be
12 done upon finding that it does not and cannot meet the criteria
13 for approval of a PUD.

14 COUNTY ATTORNEY VINCENT: Okay.

15 MS. ZIELKE: So are there specific reasons
16 that they would have --

17 COUNTY ATTORNEY VINCENT: Say that again.

18 MS. ZIELKE: It says that upon finding
19 that the preliminary --

20 COUNTY ATTORNEY VINCENT: No, no. Go back
21 before that.

22 MS. ZIELKE: To the denial?

23 COUNTY ATTORNEY VINCENT: Yeah.

24 MS. ZIELKE: Okay. Upon finding the
25 preliminary plan does not and cannot meet the criteria for

1 approval of a PUD, the Planning and Zoning Commission shall deny
2 preliminary development plan approval.

3 COUNTY ATTORNEY VINCENT: Okay. They have
4 to meet those findings.

5 MS. EAGAN: This is a brand new PUD
6 regulation.

7 COUNTY ATTORNEY VINCENT: I understand
8 that. But listen to what she's saying.

9 MS. EAGAN: No, I understand what she's
10 saying. So we have to go through all the goals of the PUD and
11 see if they meet them?

12 COUNTY ATTORNEY VINCENT: Okay. Read it
13 one more, Nikki, slowly for me. I'm a little slow in my head.

14 MS. ZIELKE: Sure. This is the third
15 option, denial. Upon finding that the preliminary development
16 plan does not and cannot meet criteria for approval of the PUD,
17 the Planning and Zoning Commission shall deny preliminary
18 development plan approval.

19 COUNTY ATTORNEY VINCENT: Okay. So you
20 have to find that it does not and it cannot. Can you -- can you
21 guys conclude tonight that it cannot meet those with revisions?

22 CHAIRMAN SCHULTEHENRICH: I'm going to now
23 go back and I'm going to now open File 140249 and further discuss
24 applicant's request for a planned unit development.

25 MS. EAGAN: So it says here looking at

1 Section 202 and 203 of the Code, 203 they've met everything in
2 terms of what they were supposed to give us, but it also says the
3 development shall not result in an unamenable and negative
4 environmental or economic impact on the surrounding properties.
5 The development shall promote the health, safety, and welfare of
6 Franklin County, shall not result in an unreasonable increased
7 burden upon public services facilities, roads and utilities.

8 It shall be in the best interest of the County and
9 the developer and agreed to by both parties. It shall provide a
10 benefit to the users of the project and the general community
11 consistent with the goals stated in Section 202, and be
12 consistent with the Master Plan.

13 So those are things you guys will have to consider.

14 COUNTY ATTORNEY VINCENT: If you find that
15 any of those latter ones that you believe -- if I believe or a
16 majority believe that no matter what they do, they can't meet
17 some of those latter ones, then you can deny it based on that.

18 But if you think with revisions that they could meet
19 that, then you can take that into consideration and do what you
20 want to it -- with it.

21 CHAIRMAN SCHULTEHENRICH: One consideration
22 was not being able to have access to common ground area, was one
23 of the considerations that was being expressed in that regards.

24 COUNTY ATTORNEY VINCENT: Then the
25 question becomes then are common grounds required.

1 MS. EAGAN: For this type of development,
2 not necessarily. But typically with PUDs, we kind of work around
3 it.

4 COUNTY ATTORNEY VINCENT: I understand
5 that, but the reason why I asked that is that if you're going to
6 deny it for something that they don't have to have, I don't know
7 that that's going to -- would stand up if someone challenged it.

8 COMMISSIONER BOLAND: My question on the
9 project, Mark, was they added the other lot --

10 COUNTY ATTORNEY VINCENT: That's kind of
11 hocus pocus.

12 COMMISSIONER BOLAND -- so that they could
13 get --

14 COUNTY ATTORNEY VINCENT: Ten acres.

15 COMMISSIONER BOLAND: -- the ten acres,
16 but you get to that property through the residential.

17 COUNTY ATTORNEY VINCENT: Well, then when
18 I looked at the map a while ago, I saw that. And these are
19 preliminary plats. If I were -- a recommendation to you all is
20 that okay, if we approve -- we won't -- we cannot approve these
21 as they are because you're going to have to show us some way that
22 you can serve that lot from within the PUD.

23 MS. EAGAN: So in another recommendation
24 that I was considering before it died was somehow incorporating
25 the open space lot with a PUD instead of the single-family lot.

1 COUNTY ATTORNEY VINCENT: Fair enough.

2 MS. EAGAN: Then you get the open space
3 and lose that lot.

4 COUNTY ATTORNEY VINCENT: Yeah.

5 COMMISSIONER BOLAND: And that's what I
6 thought too.

7 COUNTY ATTORNEY VINCENT: Yeah.

8 COMMISSIONER BOLAND: So that --

9 COUNTY ATTORNEY VINCENT: With those
10 revisions that could be done. That's what I was saying about the
11 denial aspect of it. Todd, what you bring up and what said
12 there, you know, I saw is that you can't get to that lot. And a
13 PUD is all inclusive, so how are you going to service that lot?
14 Okay, maybe they can fix it with the final plat.

15 COMMISSIONER BOLAND: Okay.

16 COUNTY ATTORNEY VINCENT: But they're
17 going to lose some land. Tough. So anything else?

18 COMMISSIONER McLAREN: While we're talking
19 about this, when you do the PUD, the P-U-D, --

20 COUNTY ATTORNEY VINCENT: Uh-huh.

21 COMMISSIONER McLAREN: -- and we looked at
22 these house plans that are all brick, and this developer chooses
23 to sell these lots, are this next developer bound to the
24 easements?

25 COUNTY ATTORNEY VINCENT: Yes, they are.

1 And in fact, a PUD is -- it's one of those deals that I was
2 talking to Sean and Cameron about the same thing. A PUD is good
3 sometimes for the developer and good sometimes for the public
4 entity. They're good because you're certain what you're going to
5 be able to do forever, but once it's done as a PUD, it stays as a
6 PUD. And there is some latitude as far as you can go with de
7 minimis type changes on a PUD, but that's usually dealing with
8 area and size or whatnot like that.

9 You can go down, but you can't go up, and if he
10 comes in and says we are going -- it's almost like a contract.
11 Contract zoning is illegal in Missouri. So the way some
12 governments have gotten around it is by doing planned unit
13 developments, which are open district over a zoning
14 classification district. And by doing that, you're almost
15 getting them to have a contract because they're saying we're
16 going to build these things and these things alone. Now,
17 sometime what you'll end up with is guys up to the maximum that
18 they can support in that area knowing that they better be high
19 and come down because it becomes less obtrusive than it would be
20 to start low and trying to get high because then you have to go
21 back and get approval from you guys. A PUD the restrictions are
22 binding upon the property. They get recorded, and they can't get
23 changed unless you guys change it.

24 COMMISSIONER McLAREN: So then the
25 appropriate motion is probably not to table of the R2 but to

1 postpone it?

2 COUNTY ATTORNEY VINCENT: Do you have a
3 table -- what you have is postponed.

4 CHAIRMAN SCHULTEHENRICH: Either to table,
5 which is also to postpone.

6 COUNTY ATTORNEY VINCENT: Right.

7 CHAIRMAN SCHULTEHENRICH: Table or
8 basically to approve or to deny.

9 COUNTY ATTORNEY VINCENT: But Tim made a
10 motion. So you have a motion on the floor.

11 CHAIRMAN SCHULTEHENRICH: Tim, would you
12 repeat your motion.

13 COMMISSIONER REINHOLD: I had a motion to
14 deny it.

15 COMMISSIONER BOLAND: To deny the Wagner
16 PUD?

17 COMMISSIONER REINHOLD: Yes.

18 COMMISSIONER BOLAND: But --

19 CHAIRMAN SCHULTEHENRICH: Under this I
20 think is what we're asking for.

21 COUNTY ATTORNEY VINCENT: What I'm trying
22 to get you to do is --

23 COMMISSIONER BOLAND: So what you need to
24 do is take your motion off the table.

25 COUNTY ATTORNEY VINCENT: Either that or

1 have you're going to have it die for lack of second.

2 COMMISSIONER BOLAND: Right, okay.

3 COUNTY ATTORNEY VINCENT: And then you
4 guys can postpone it and see what he can revise. If he can't
5 revise it, yeah, that's cool, but he's going to lose land --

6 COMMISSIONER BOLAND: Right.

7 COUNTY ATTORNEY VINCENT: -- that he
8 thinks he can develop. Can't do it otherwise.

9 COMMISSIONER BOLAND: Ask for a second.

10 CHAIRMAN SCHULTEHENRICH: Are you willing
11 to withdraw your motion?

12 COMMISSIONER REINHOLD: I'll withdraw it.
13 The reason I think is because there's residential homes already
14 in there, and I think it's -- I mean, I know nobody complained
15 about it, but I think you got a residential home already in
16 there, and it was designed for residential lots. I think it's
17 not a good use for that subdivision.

18 COMMISSIONER BOLAND: Is that substantive?

19 COUNTY ATTORNEY VINCENT: It's just purely
20 in the eyes of the beholder. A PUD is designed to have different
21 classifications in its uses. If you look at the biggest PUD that
22 we have in Franklin County is St. Albans. And you have areas
23 where there's gigantic houses, and you have cluster home
24 development where they have no -- they have zero lot setbacks and
25 they have -- they almost have -- they're like shared wall, per

1 se, but they're very close. I mean, you have some mixed use.

2 That's why you do a PUD. So you can have --

3 COMMISSIONER REINHOLD: And there's a
4 residential home right in the middle of these, what he's planning
5 on developing duplexes. I drove through it, and it was just
6 clean what there's that he could sell. So that's my opinion.

7 COUNTY ATTORNEY VINCENT: Any other
8 questions for me so I can go back and --

9 MS. EAGAN: They're out.

10 CHAIRMAN SCHULTEHENRICH: We're going to
11 ask for -- again, I'll ask for a motion on this file. Okay. The
12 motion on the file will either be a motion to deny with reason --

13 COUNTY ATTORNEY VINCENT: Right.

14 CHAIRMAN SCHULTEHENRICH: -- or a motion
15 to table to the next meeting. Either one of the two basically or
16 a motion to approve I guess would also be acceptable.

17 COUNTY ATTORNEY VINCENT: Right.

18 CHAIRMAN SCHULTEHENRICH: So I'll turn to
19 the Commissioners and who wishes to make a motion?

20 COMMISSIONER McCREARY: I'd like to make a
21 motion to table this.

22 CHAIRMAN SCHULTEHENRICH: Okay. We have a
23 motion to table. Do I hear a second to table?

24 COMMISSIONER McLAREN: DO we still have a
25 standing motion that's --

1 CHAIRMAN SCHULTEHENRICH: We do not have a
2 standing motion.

3 COMMISSIONER REINHOLD: I pulled my
4 motion.

5 COMMISSIONER McLAREN: Second.

6 CHAIRMAN SCHULTEHENRICH: All right. We
7 have a motion to table and a second. All those in favor of
8 tabling this file indicate by saying aye.

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 COMMISSIONER BOLAND: Aye.

14 COMMISSIONER FISCHER: Aye.

15 COMMISSIONER SCHULTEHENRICH: Aye.

16 COMMISSIONER McCREARY: Aye.

17 CHAIRMAN SCHULTEHENRICH: All opposed
18 indicate by saying no. (None.) The ayes will have it. That
19 will be now tabled till next meeting.

20 MS. ZIELKE: What it actually says is you
21 can table it until a revised preliminary building plan is
22 submitted, and we have to provide specific instructions to them
23 in writing for what needs to be revised.

24 MS. EAGAN: I would just say what they
25 already talked about.

1 COMMISSIONER BOLAND: They made to move no
2 residential line.

3 COMMISSIONER McCREARY: So there weren't
4 any access to the additional single-family lot? And that's what
5 the question is going to for him ask -- answer?

6 MS. EAGAN: Or lose that lot and
7 incorporate open space.

8 COMMISSIONER McCREARY: Right. Okay.

9 CHAIRMAN SCHULTEHENRICH: Okay. That
10 having been the case and since I opened the file back up, then
11 I'm going to open it up again. Any visitor comments or any
12 comments from anybody that wishes to make any comments again to
13 us this evening.

14 MR. MAYALL: Uh-huh. The only comment I
15 have -- Shawn Mayall.

16 MS. REPORTER: Thank you.

17 MR. MAYALL: The only comment I have and
18 it's obviously with my file. I know it's closed, but the comment
19 I had is I guess the question I forgot to ask is what exactly is
20 wrong with Community Development if I do choose to -- if I die
21 tomorrow and somebody puts up a strip mall or a little, you know,
22 commercial use for that area? I mean it's close, right there off
23 of -- I can throw a rock and hit Highway 100. There's a lot of
24 rural strip malls. So I guess what I did forget to ask is what
25 is so wrong with that. I'd like to see if there's any opposition

1 to that. I don't -- if it's not a bar, not a strip club, so I
2 guess I'd like to see what is so wrong with that, or maybe we
3 didn't really talk about that.

4 MS. EAGAN: I mean, the problem is it
5 could be a bar, it could be in strip club. That's only alluded
6 in ID, but it could be a bar, it could be a restaurant, it could
7 be, you know, an auto sales. It could be, you know, --

8 COMMISSIONER VOSS: Filling station.

9 MS. EAGAN: Community Development opens it
10 up to so many permitted uses that wouldn't even need to come
11 before this Board. And that area is primarily residential, and
12 the future of it even with Washington is seeing it as a mainly
13 residential area, not a commercial area.

14 MR. MAYALL: Okay.

15 MS. EAGAN: That's my fear. I don't know
16 what -- if the Commissioners agree with me or disagree with me,
17 but that's -- that's why I wrote the staff report the way I did.

18 MR. MAYALL: Okay. Does anybody else have
19 any comment on that? I just -- I mean, I'm just curious.

20 COMMISSIONER McCREARY: Yeah, I have a
21 comment. RD2 Section E says maximum of one dwelling per 5,000
22 square feet. That's the same as --

23 COUNTY ATTORNEY VINCENT: Mobile homes.

24 MS. EAGAN: Yeah. Mobile home parks.

25 COMMISSIONER McCREARY: Oh, that's for

1 mobile homes?

2 MS. EAGAN: Yes.

3 COUNTY ATTORNEY VINCENT: You can do
4 mobile homes there.

5 COMMISSIONER McCREARY: Okay. Because
6 that Community Development is saying 5,000 square feet. Okay.

7 COUNTY ATTORNEY VINCENT: Community
8 Development you get business. R2 -- R2D2. You get mobile homes.

9 COMMISSIONER McCREARY: Uh-huh.

10 MR. MAYALL: That's the only comment I
11 had. So thanks.

12 CHAIRMAN SCHULTEHENRICH: Thank you.

13 MR. LUEKEN: I -- I have a question -- I
14 have a question also. I guess we kept running into the same
15 problem with RD2 versus RD1. That's why we created the RD1,
16 single-family only built on a 10,000 square foot lot. My
17 question to you is that we created a CD1.

18 MS. EAGAN: I would believe another
19 residential would even be better.

20 MR. LUEKEN: Okay.

21 MS. EAGAN: That would allow --

22 MR. LUEKEN: That's fine.

23 MS. EAGAN: -- the smaller lot with the
24 multiple-family.

25 MR. LUEKEN: So RD3. So would this

1 Commission support an RD3 with the same density as CD, but
2 specific to multiple-family? That's my question. Just like me
3 made RD1 specific to a site-built single-family home, if we made
4 a new zoning district, RD3, specifically for multiple-family with
5 the same density that CD has but you can't put auto sales, you
6 can't put a kennel, you can't put all this stuff you're worried
7 about with the conditions for that.

8 COMMISSIONER McCREARY: Cameron, are you
9 suggesting that we're actually going to make a new zone that is
10 similar to what it was zoned at when it was started as a
11 development?

12 MR. LUEKEN: Yeah, basically.

13 COMMISSIONER McCREARY: Yeah, how about
14 that.

15 MR. LUEKEN: Yeah, basically that's right.

16 COMMISSIONER McCREARY: Yeah. I mean,
17 that's -- that's basically what it was approved and intended the
18 use for that parcel of land for, and due to the fact that they
19 chose not to develop it -- they being the owner at the time --
20 with the new owner you'd like to continue with what's there. I
21 would -- I don't know how you would go about doing that. But I
22 thought the only -- his only option would be a PUD to protect us.

23 MS. EAGAN: Anyone can file to amend the
24 Code.

25 COMMISSIONER McCREARY: Pardon?

1 MS. EAGAN: Anyone can file to amend the
2 Code.

3 COMMISSIONER McCREARY: Okay.

4 MS EAGAN: They did it last time.

5 COMMISSIONER McCREARY: We would -- we
6 would need some wording on that, wouldn't we.

7 COUNTY ATTORNEY VINCENT: Oh, that's not a
8 problem.

9 MS. EAGAN: Yeah.

10 COUNTY ATTORNEY VINCENT: I have lot of
11 words.

12 MS. EAGAN: They would typically turn in
13 what they are envisioning for it, and then we would put our input
14 into it.

15 COMMISSIONER McCREARY: Let me ask you
16 something. Can you see this new zone also being used elsewhere
17 in the county where possibly the same thing has happened,
18 developments have started like this --

19 MS. EAGAN: Well, I mean --

20 COMMISSIONER McCREARY: -- and not being
21 completed?

22 MS. EAGAN: Tonight you have Sam Wagner
23 and Shawn Mayall, who basically wanted to do the same thing but
24 there is no district that allows them to do it that doesn't have
25 mobile home park subdivisions.

1 COMMISSIONER McCREARY: Right.

2 MS. EAGAN: So here alone you have two
3 examples.

4 COMMISSIONER McCREARY: So this might be
5 useful to the people in the county?

6 MS. EAGAN: Uh-huh.

7 COUNTY ATTORNEY VINCENT: By Jove, you may
8 have something there.

9 MR. LUEKEN: How about we explore the idea
10 of the County making the application since they changed the SD to
11 CUP, put that out, Russell. You know what I'm saying?

12 COMMISSIONER McCREARY: Yeah.

13 COUNTY ATTORNEY VINCENT: Well, alls you
14 have to do is make the application and say hey, we'd like to do
15 this. Then I got to do all the work. Scottie --

16 MR. LUEKEN: I know, but it's the way the
17 application fee is 650 for that.

18 MS. ZIELKE: It's 750.

19 COUNTY ATTORNEY VINCENT: We need all the
20 money we can get, Cameron.

21 MR. LUEKEN: Yeah, yeah.

22 CHAIRMAN SCHULTEHENRICH: Doesn't the --
23 doesn't the -- regarding that, doesn't that request somewhat fall
24 upon the County basically to come back and then propose something
25 to that extent now? Seriously, I'm talking about.

1 MS. EAGAN: I mean, we'll talk about it
2 later whether it's going to be my department or Cameron doing it,
3 but --

4 CHAIRMAN SCHULTEHENRICH: Okay.

5 MS. EAGAN: -- anyone can recommend a
6 zoning change or an amendment.

7 CHAIRMAN SCHULTEHENRICH: Well, Let's --
8 let's let it come from the Commission here. We'd like to make a
9 request that that be looked into by staff to do so. I think the
10 Commission can make that recommendation to staff to look into
11 that.

12 COMMISSIONER BOLAND: I think the problem
13 with doing that, nothing against you, Cameron, but of we do it
14 for you, the next guy comes in here we're going to waive it too.

15 MR. LUEKEN: What do you mean waive it?
16 You'd utilize it.

17 COMMISSIONER BOLAND: It would with the
18 fees and everything else.

19 MR. LUEKEN: Well, I'm saying --

20 COMMISSIONER BOLAND: You know what I'm
21 saying.

22 MR. LUEKEN: I understand.

23 COMMISSIONER BOLAND: The next guy hears
24 it, he goes all I got to do is go in there and whine a little
25 bit.

1 MR. LUEKEN: Right. No, I appreciate what
2 you're saying, Todd. I guess -- I guess my rebuttal to that
3 would be in this situation here's the unique characteristic about
4 that, and it is a benefit to not just us. It's a benefit to
5 everybody. It's not --

6 COMMISSIONER BOLAND: But each code we do
7 is a benefit for everybody.

8 CHAIRMAN SCHULTEHENRICH: What this
9 County -- what we've done is we have restricted certain things,
10 and we have a fear of mobile home parks coming in. Okay. It's
11 like we have been too generous at times on consideration of
12 that -- of that subject.

13 MS. EAGAN: I wouldn't say we've been too
14 restrictive. We have a zoning district they can rezone to, but
15 they want to do more units. So they need the -- that density to
16 be -- I don't know if I should say higher or lower.

17 COUNTY ATTORNEY VINCENT: Higher.

18 COMMISSIONER McCREARY: Higher.

19 MS. EAGAN: Higher. So we -- we have an
20 option they can utilize, but they want to do however many units
21 they said. So it's a benefit to him to get it changed as well as
22 it might be a benefit for other people. I understood what
23 Todd's saying if somebody coming in and saying, well, I want to
24 do seven apartment buildings, and the zoning district only allows
25 me to do five. Is it going to benefit other people out there>

1 I'm just saying there is a -- there is a zoning
2 district they can utilize and only do say ten buildings instead
3 of fourteen.

4 CHAIRMAN SCHULTEHENRICH: Okay.

5 MS. EAGAN: I'm just playing devil's
6 advocate to put it in our department or --

7 CHAIRMAN SCHULTEHENRICH: I hear your
8 comments in that regard. So I'll pull back a little bit in my
9 comments then, but I do think we, as a Commission based upon
10 staff recommendations, have brought into this situation, okay,
11 under the zoning request, okay, and --

12 MS. EAGAN: You have, but it wasn't my
13 recommendation. It was Cameron asking me a question, and then
14 you guys taking that as a recommendation.

15 CHAIRMAN SCHULTEHENRICH: Okay. Okay.
16 With that then, further discussion on it at all?

17 MR. LUEKEN: I guess my question is would
18 you guys support what we proposed if we -- someone applies, us,
19 you, whatever? We'll work that out after we talk about.

20 CHAIRMAN SCHULTEHENRICH: I think, Cameron,
21 in all due respect, I think your question here is asking us for a
22 vote. Okay. And I don't think we're in a position of giving a
23 vote tonight on the matter. Okay.

24 MR. LUEKEN: That's fine.

25 CHAIRMAN SCHULTEHENRICH: I think it would

1 be best that we would -- we don't have any strong negative. I
2 think you can perceive that, you know, in a manner.

3 MR. LUEKEN: Okay.

4 CHAIRMAN SCHULTEHENRICH: So I don't think
5 I'm going to allow a vote on it. Okay.

6 MR. LUEKEN: Okay.

7 CHAIRMAN SCHULTEHENRICH: With that, is
8 there any further discussions? (None.) Hearing none, I'll
9 accept a motion to adjourn.

10 COMMISSIONER McLAREN: Motion to adjourn.

11 CHAIRMAN SCHULTEHENRICH: Have a second?

12 COMMISSIONER REINHOLD: Second.

13 CHAIRMAN SCHULTEHENRICH: All those in
14 favor signify by saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLIAMS: Aye.

19 COMMISSIONER BOLAND: Aye.

20 COMMISSIONER FISCHER: Aye.

21 COMMISSIONER SCHULTEHENRICH: Aye.

22 COMMISSIONER McCREARY: Aye.

23 CHAIRMAN SCHULTEHENRICH: Opposed?

24 (None.) The ayes have it. The meeting is hereby adjourned.

25 (Thereupon, the proceedings concluded

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CERTIFICATE OF REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand.

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

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