

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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7
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9 TRANSCRIPT OF PROCEEDINGS
10

11 PUBLIC HEARING

12 FEBRUARY 22, 2018

13 (Commencing at 10:00 a.m.)
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21 Reported by:
22 Patsy A. Hertweck, C. R.
23 Alaris Litigation Services
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A P P E A R A N C E S

COUNTY COMMISSIONERS:

John Griesheimer, Chairman
Timothy Brinker, Commissioner
Dave Hinson, Commissioner

PLANNING AND ZONING DEPARTMENT STAFF:

Ms. Scottie Eagan, Planning Director

LEGAL COUNSEL:

Mark Vincent, County Attorney

ALARIS LITIGATION SERVICES:

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

2 (FEBRUARY 22, 2018)

3 CHAIRMAN GRIESHEIMER: We'll
4 go ahead and get this public hearing started.
5 Something we never do I guess we ought to do is kind
6 of introduce ourselves.

7 I'm presiding Commissioner John
8 Griesheimer. To my left is First District
9 Commissioner Tim Brinker, and then to my right is the
10 Second District Commissioner Dave Hinson, and we will
11 be conducting two public hearings today. The first
12 one being File Number 170238 rezoning, Carl Zerna.

13 Scottie, if you want to go ahead and
14 proceed.

15 MS. EAGAN: Okay. First I'll
16 start with the hearing procedures.

17 At this time, I would like to place into
18 the record the Franklin County Unified Land Use
19 Regulations as Exhibit A, the official Zoning Map as
20 Exhibit B, the official Master Plan as Exhibit C, and
21 the case file for each case as Exhibit D for all the
22 cases to be heard at this hearing.

23 (Thereupon, evidence was marked
24 for identification and submitted for
25 the record as Exhibits A, B, C and

1 D.)

2 As each case is opened, a staff report
3 will first be read by the Planning and Zoning
4 Department, followed by the Commissioners' questions
5 for the staff.

6 Then if anyone in the audience would like
7 to speak or comment during the hearing, they must
8 first print their name on the sign-in sheet provided
9 and then be sworn in.

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

14 Generally, the Applicant for the rezoning
15 is allowed to speak first, followed by those in
16 support of the rezoning and then those opposed to the
17 rezoning. The Applicant may speak again after
18 comments from the general public to address any
19 questions or issues brought up during the hearing.

20 At the conclusion of all questions,
21 comments, and discussion concerning each case, the
22 public hearing for each case will conclude. The
23 decision will generally be made by Commission Order at
24 a later date during the County Commission's regular
25 meeting time.

1 This is File 170238. The applicant is
2 Carl Zerna, Jr.

3 The applicant requests to rezone one
4 parcel from Community Development to Commercial
5 Activity Highway Service.

6 The property is located at the southwest
7 corner of Old Highway 100 and North Ridge Drive in
8 Boles Township.

9 The Facts: The property is
10 approximately 26 acres in size.

11 This property is in a Community
12 Development zoning district. The applicant would
13 like to rezone to Commercial Activity Highway
14 Service. The purpose of the Commercial Activity
15 Highway Service zoning district is to accommodate
16 commercial uses that draw business primarily along
17 the major highways within the County.

18 The surrounding properties are zoned
19 Community Development.

20 This property is surrounded by low- to
21 medium-density residential property and undeveloped
22 land.

23 The property is surrounded by
24 residential subdivisions. This property is not
25 included in a subdivision.

1 This property will have access to
2 Highway 100. Highway 100 is a state-maintained road.

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

5 Staff Comments: Mr. Zerna received a
6 Conditional Use Permit for this property on July 20,
7 2010 with 13 conditions listed.

8 In December 2015, the Planning and
9 Zoning Department inspected the property and found
10 violations and conditions not being met.

11 Mr. Zerna's CUP was revoked in July 2016
12 for failure to meet conditions or violations.

13 Mr. Zerna appealed the Planning and
14 Zoning Commission's decision to revoke his
15 Conditional Use Permit, and the Board of Zoning
16 Adjustment upheld Planning and Zoning's decision in
17 November 2016.

18 This property appears to be
19 medium-density residential on the Future Land Use
20 Map.

21 The Planning and Zoning Commission voted
22 to recommend denial with 10 in favor and 0 opposed at
23 the January 16, 2018 Planning and Zoning Commission
24 meeting.

25 Rezoning are allowed in our regulations

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

10 CHAIRMAN GRIESHEIMER: First
11 of all, let me just sort of -- Patsy, the audio is
12 kind of broken, muffled. Is that -- can you hear
13 everybody all right?

14 MS. REPORTER: Yeah

15 CHAIRMAN GRIESHEIMER: Okay.
16 Just wanted to make sure, and hopefully the audience
17 can too.

18 So first off, would anybody like to
19 testify in favor of the rezoning, in favor?

20 And what you need to do is sign up at
21 the podium, and then have Patsy swear you in.

22 MR. DOUGLAS SALSBURY: Yes,
23 sir, I represent Mr. Zerna.

24 CHAIRMAN GRIESHEIMER: Sir.

25 MR. SALSBURY: Are you talking

1 about -- I have already signed in.

2 CHAIRMAN GRIESHEIMER: Okay.

3 You need to stand at the podium --

4 MR. SALSBURY: Okay.

5 CHAIRMAN GRIESHEIMER: -- and
6 be sworn in by Patsy. Give your name and address.

7 (Thereupon, the witness was
8 sworn.)

9 MR. SALSBURY: May it please
10 the Commission, I'm here in the capacity of Mr.
11 Zerna's attorney.

12 CHAIRMAN GRIESHEIMER: I
13 apologize. Your name?

14 MR. SALSBURY: Douglas
15 Salsbury.

16 CHAIRMAN GRIESHEIMER: Okay.
17 Thank you.

18 MR. SALSBURY: Thank you.

19 And again, I'm here as his
20 representative, and we helped him to prepare the
21 application for the zoning change.

22 I am aware of the history as was
23 recited, and I thought it was a pretty concise
24 statement of the facts. I -- I think it important to
25 bear in mind that in this stage of the process, it's

1 not supposed to be based upon a vendetta against Mr.
2 Zerna for what may be perceived violations of past
3 practice.

4 But the determination here is supposed
5 to be based upon whether or not it is appropriate to
6 change the zoning given his intended use, bearing in
7 mind that zoning is, in a fundamental sense, land
8 control. The legislature divides the community into
9 districts, and therefore, it is actually a -- an
10 exercise of police power, or so said the case of the
11 City of Moline Acres versus Heidrider, 367 SW 2nd,
12 568. Is why that the Commission is encouraged to use
13 special scrutiny in determining whether or not the
14 zoning classification as it exists constitutes and
15 unreasonable infringement upon Mr. Zerna's right to
16 use his property.

17 The question is whether or not the
18 impingement is onerous, too onerous given his private
19 interest and common law rights to use his property as
20 contrasted with whatever effect that may have on the
21 benefit to the general public.

22 This guidance from Loomstein versus St.
23 Louis County, 609 SW 2nd, 443 of Missouri Appellate
24 Court decision from 1980.

25 Again, the -- the zoning in this

1 particular case allows for Mr. Zerna currently to
2 sell all-terrain vehicles if he should like. The
3 difference between the CD classification and the CA
4 classification is really very little. Not only could
5 Mr. Zerna, under the current classification, sell
6 all-terrain vehicles, he'd also be permitted to -- to
7 service them.

8 Indeed, not too far from Mr. Zerna's
9 property, there is a repair shop. Also close to his
10 property, there is a construction company. There's
11 also Mr. Zerna's own business, which has sold
12 automobiles legally for some time in close proximity
13 to the 26 or 27 acres that is in issue here. And
14 it's that section for which we are requesting the
15 zoning change.

16 It is said that if the public interest
17 served by zoning is greatly outweighed by the
18 detriment to the private interest of the property
19 holder, the zoning is deemed arbitrary, unreasonable,
20 and violates due process.

21 Conversely, a refusal to rezone based
22 upon a desire to benefit or refrain from injuring a
23 few adjacent landowners is not substantially related
24 to the public interest, and cannot be justified on
25 that basis. This from the case of Despotis --

1 D-E-S-P-O-T-I-S -- versus City of Sunset Hills, 619
2 SW 2nd, 814.

3 We have tried to explain in the
4 application that Mr. Zerna filed why we think this
5 would in fact be in the public interest to allow this
6 zoning change from the CD to the CA.

7 Mr. Zerna paid \$280,000 for this
8 property approximately 17 years ago. Since that
9 time, he has invested considerable money and energy
10 in trying to prepare the property in order that he
11 might sell cars.

12 The Franklin County Master Plan
13 emphasizes the importance of providing transportation
14 for the residents of the community. Mr. Zerna is in
15 a position to offer affordable transportation to
16 residents of Franklin County and to save them having
17 to venture rather far to find transportation.

18 He's in a good location. He's on a busy
19 thoroughfare, which is Highway 100, also in close
20 proximity to Highway 44 so that the travel of
21 vehicles in that area is extensive.

22 The Franklin County Master Plan, as we
23 pointed out in the application, is to encourage
24 commerce, and Mr. Zerna believes he can be an
25 important part of that if permitted to sell vehicles

1 from that location.

2 The relevant factors to consider in a
3 rezoning request such as this were spelled out in the
4 case of Ewing versus the City of Springfield, 449 SW
5 2nd, 681. It's a Missouri Appellate Court decision
6 from the Southern District 1970.

7 The first factor is the use to which the
8 nearby property is put, and the authorized land usage
9 in the nearby area. In this case, as I say, there
10 are other businesses which we maintain are consistent
11 with the use that Mr. Zerna would want to put this
12 property to. There's nothing that would contrast
13 harshly with his expected use of the property.

14 The second element is the hardship
15 imposed on the applicant and the extent to which the
16 value of property is diminished under present zoning.
17 As I say, Mr. Zerna put a substantial amount of money
18 into purchasing the property, and this is someone who
19 paid that property off over a rather long period of
20 time, consistently making the payments, something
21 exhibiting I think dedication and determination to
22 fulfill a dream.

23 He's been in the auto sales business for
24 a number of years. At the request of the County, he
25 -- he expanded the entrance to the property. He also

1 put in -- or removed quite a few of the trees and the
2 brush and leveled the land in order to prepare it and
3 to make the site more appropriate for the purpose to
4 which he wanted to put it. Again, in accordance with
5 directions from Franklin County.

6 He put in a drain system near the
7 entrance, which was larger than what was required. I
8 think another manifestation of his good faith.

9 If he were to be denied the zoning
10 change and not be permitted to sell cars there, would
11 certainly constitute the sort of hardship that was
12 spelled out in the Ewing case as one of the
13 considerations. That would be a hardship on Mr.
14 Zerna that would diminish the value of his property.

15 The third element to be considered is
16 the effect of the removal of the restriction, the
17 change of the zoning, on other property in the area.
18 There is no suggestion that by allowing Mr. Zerna to
19 put a car lot on this property would have any
20 different effect than what his -- his property down
21 the road by just a short distance has had on the
22 general area.

23 In fact, I think the -- it's clear that
24 he was a stable business in an area that is
25 under-serviced. And so we would maintain that there

1 would be no adverse effect on the adjacent property
2 owners by permitting him to utilize this property
3 under the revised zoning classification.

4 Fourth, the final factor, is the
5 relative gain to the public as compared to the
6 hardship imposed on the property owner if the zoning
7 change were not approved. And in that regard, as I
8 say, while the impact upon Mr. Zerna and his effort
9 to foster and develop a business there would be
10 substantial, there's nothing to indicate that the
11 public's interest would be adversely affected, and on
12 the contrary, I think it is, again, consistent with
13 the purpose and design of the Franklin County Master
14 Plan, something that would be harmonious with that.

15 This case is somewhat similar to the
16 Despotis versus City of Sunset Hills case in there a
17 property owner had sought rezoning of a tract also
18 wanting to change it, in that instance from
19 residential to commercial. And he showed that the
20 residential development of that property was not
21 something that would be economically feasible like in
22 this case. Mr. Zerna would not be able to develop
23 this property in a way that would be economically
24 feasible given the goals and what we think are
25 consistent goals with Franklin County Master Plan.

1 Secondly, the property fronted a
2 heavily-trafficed commercial thoroughfare. That's
3 the same situation as Mr. Zerna is in. He is on a
4 heavily-traveled commercial thoroughfare, and indeed,
5 I think it -- it clear that the times are changing,
6 and that area will ultimately be developed, and the
7 use to which Mr. Zerna envisions the property being
8 put is -- is probably very benign compared to other
9 applications that might be sought in months and years
10 to come by others.

11 But the fact is that area will be
12 developed. It's a major Highway. There's a lot of
13 traffic there, and again, this was a similar
14 condition to that shown in the Despotis case.

15 And thirdly, finally, the owners of
16 adjacent property had used their property, some of
17 their property, for commercial purposes, and that's
18 similar here.

19 Now, of course, again, Franklin County
20 and this area that we're talking about, the relative
21 development is admittedly less than it was in the
22 City of Sunset Hills, which is, of course, you know,
23 a St. Louis County area. But nevertheless, the
24 principle is -- is the same.

25 And the Court in Despotis had emphasized

1 the benefit to -- to look at the benefit to the
2 public at large to determine whether or not there is
3 anything adverse to the public interest here, and we
4 maintain that a fair and objective assessment would
5 lead you to conclude that there is nothing in
6 consistent with the public welfare and benefit by
7 making the zone reclassification.

8 As I mentioned, it was brought out in
9 the Loomstein case, judging by the number of folks in
10 the room here, I don't know if there are those who
11 may want to speak to oppose this, but the -- the
12 importance of the Loomstein case was the fact that it
13 isn't proper to look at simply the fact that some
14 people may not want the change.

15 That is going to be true in any zoning
16 circumstance. We think we've put forth very sound
17 logical and reasonable grounds for making the zoning
18 change. It will boost the local economy. Mr. Zerna
19 employs other people in Franklin County. He will
20 provide other people -- or will provide the public
21 with an option, the important option, they don't
22 currently have for securing affordable vehicles.

23 And for all of those reasons, we would
24 ask you to approve -- to approve the change in zoning
25 from the current CD to the CA classification.

1 Thank you very much.

2 CHAIRMAN GRIESHEIMER: Any
3 questions for the witness?

4 COMMISSIONER BRINKER: I'm
5 sorry. Can I get your name again, sir. I apologize.

6 MR. SALSBURY: Yes, sir. No,
7 it's Doug Salsbury. I'm with the Miller Salsbury Law
8 firm in Eureka.

9 COMMISSIONER BRINKER: Great.
10 I got just a few questions, first of
11 Scottie.

12 On the current CD zoning allowances, as
13 it relates to the current use or desired use, what
14 are the typical allowances for CD zoning in gentle
15 terms in that district?

16 MS. EAGAN: The CD is one of
17 our most lenient zoning districts still. You can do
18 motor vehicle service. You can restaurants, you can
19 did bars, wineries, all that stuff.

20 And then in this CA --

21 COMMISSIONER BRINKER: Mainly
22 CD. Was this property always zoned CD?

23 MS. EAGAN: Yes.

24 COMMISSIONER BRINKER: So even
25 when Mr. Zerna purchased it?

1 MS. EAGAN: Correct.

2 COMMISSIONER BRINKER: Okay.

3 So I'm just trying to establish that
4 because there was a statement made that there's been
5 a substantial reduction in value of the current
6 zoning although, it was purchased under the current
7 zoning at said particular value, obviously it was
8 thought to be of that value at the time.

9 I just wanted to make that very clear,
10 that nothing has changed in terms of zoning since the
11 first purchase of that.

12 MS. EAGAN: Can I --

13 COMMISSIONER BRINKER: And it
14 says also -- pardon me.

15 MS. EAGAN: May I make one
16 statement.

17 COMMISSIONER BRINKER: Yes.

18 MS. EAGAN: Our regulations
19 did change after --

20 COMMISSIONER BRINKER: The
21 regs changed, okay.

22 MS. EAGAN: Correct.

23 COMMISSIONER BRINKER: How, in
24 what way?

25 MS. EAGAN: For instance,

1 motor vehicle sales was taken out of CD. It used to
2 be a conditional use permit in that district. In
3 2014 it was removed from Community Development.

4 COMMISSIONER BRINKER: Wasn't
5 the CUP allowed though?

6 MS. EAGAN: The CUP in 2010
7 was still under the code when it was allowed, yes.

8 COMMISSIONER BRINKER: Because
9 of December 15th is when P and Z inspected the
10 property at such time was after the 14th.

11 MS. EAGAN: Correct.

12 COMMISSIONER BRINKER: So that
13 CUP was still intact?

14 MS. EAGAN: Correct, yes.

15 COMMISSIONER BRINKER: Okay.

16 And is the information relative to our Master Plan
17 accurate and submitted by the proposer that the
18 Master Plan contemplates or spends time considering a
19 balance between residential and commercial sectors of
20 the county, or to the thought for a long time, which
21 is the definition of contemplates, the contemplated
22 Master Plan is really not why we have a master plan.

23 We have a master plan with which to
24 provide structure with which to follow and implement
25 for this county's growth as it relates to desire and

1 definition of P and Z and reason for us to get this
2 input.

3 I -- I'm just trying to make sure these
4 words are actual and factual.

5 And citing all these cases as you have,
6 Mr. Salsbury, I -- I image it's your intent to give
7 examples of previous decisions made to support those
8 points made during your discussion/presentation, and
9 to be -- to be referred to as a police action is
10 Planning and Zoning itself, I think this body, I
11 guess quasi-dictatorial if we tried to do something
12 that you or your client were not desirous of.

13 And that is not the intention of myself
14 as a member of this body. So I just wanted to make
15 it very clear --

16 MR. SALSBURY: Well, thank
17 you.

18 COMMISSIONER BRINKER: -- it's
19 not.

20 MR. SALSBURY: If I may
21 respond to that. The -- I was citing a reference in
22 the case of City of Moline Acres versus Heid- --
23 versus Heidrider.

24 COMMISSIONER BRINKER: And I
25 looked that up from 1963.

1 MR. SALSBURY: Right. Where
2 it -- where it says that it is founded -- zoning
3 determination is founded on the exercise of police
4 power and therefore, it's using that as an
5 explanation that because of that power, it's not
6 unlimited and unfettered.

7 This wasn't meant to be, and I hope it
8 wasn't interpreted that way. I wasn't casting
9 dispersions at the Commission. I was simply --

10 COMMISSIONER BRINKER: I'm not
11 going to be -- I'm not going to be dishonest though
12 to taken aback.

13 MR. SALSBURY: Well, I'm
14 sorry. That was not my point in quoting that from
15 the case. My point was to explain, I guess to make
16 it simple, with great power comes great
17 responsibility, and the fact is --

18 (CROSSTALK)

19 COMMISSIONER BRINKER: And
20 that wasn't --

21 MR. SALSBURY: The fact is --
22 the fact that it's -- the fact is it's not unfettered
23 because of the fact that it is -- is this special
24 power, it's not unfettered, and I think that was the
25 point of the City of Moline's case. But no, it

1 certainly wasn't meant as a dispersion. And I
2 apologize if it was so interpreted.

3 COMMISSIONER BRINKER: Not
4 necessary. I was just clarifying.

5 All right. Thank you. I don't have any
6 further questions.

7 CHAIRMAN GRIESHEIMER: Dave,
8 do you have anything?

9 COMMISSIONER HINSON: No.

10 MR. SALSURY: I did, if I
11 may, Commissioners, want to respond to the point
12 about the zoning change, because indeed, and I know
13 you directed that to the Planner, but indeed, it was
14 changed. And in fact, the fact that a conditional
15 use permit had been allowed under the previous
16 classification is evidence as to why it would be
17 arbitrary and capricious if this would not be allowed
18 now.

19 COMMISSIONER BRINKER: But my
20 interpretation of the explanation I heard was the fact
21 that zoning has not changed but the allowed uses
22 under that current zoning that it was under the time
23 had changed. The zoning has not changed.

24 MR. SALSURY: Well --

25 COMMISSIONER BRINKER: The

1 allowable uses have. It was a conditional use permit
2 issued, with which there were violations found
3 thereof --

4 MR. SALSURY: I --

5 COMMISSIONER BRINKER -- on
6 prior -- past inspections by our P and Z Department
7 of your client.

8 MR. SALSURY: I understand
9 that. That's the point.

10 COMMISSIONER BRINKER: That's
11 the facts. That's the actual facts.

12 MR. SALSURY: No, I
13 understand. But the fact that it was allowed then
14 under the CD is an indication that if one were to
15 argue, for example, that somehow auto sales of the
16 type envisioned here would be inconsistent with the
17 Franklin County Master Plan, you have to look no
18 further than the fact that a conditional use permit
19 was allowed to say, okay. It wouldn't have been
20 allowed if it was considered entirely inconsistent
21 with the Franklin County Master Plan. That it was is
22 evidence of the fact that it would be consistent with
23 the designs of the Master Plan, and therefore, that's
24 a factor that you gentlemen need to consider as you
25 determine whether or not it would be appropriate to

1 change the zoning or whether that would be arbitrary
2 to deny it.

3 COMMISSIONER BRINKER: I hear
4 your objection.

5 MR. SALSURY: Okay.

6 COMMISSIONER BRINKER: And I
7 appreciate it.

8 MR. SALSURY: Thank you, sir.
9 That's all I have.

10 CHAIRMAN GRIESHEIMER: Scottie,
11 why -- why was the conditional use provision taken
12 out of -- taken out of this zoning category?

13 MS. EAGAN: Well, I will -- I
14 will say the Master Plan was officially adopted in
15 2012. Once that passed, we looked at our complete
16 set of regulations and worked two years to change
17 those in accordance with the Master Plan.

18 But one of the reasons why we did take
19 it out of the Community Development zoning district
20 is based on where community development is on our
21 zoning map, for us to have automotive sales made more
22 sense to be in the more commercial areas of the
23 Highway service, the CA3 Community Business.

24 It didn't make sense for us to have auto
25 sales allowed in all the areas of the county where

1 the -- where the blue is. It made more sense to be
2 along 47, 44, all of those areas which are zoned
3 Commercial Activity Highway Service function of like
4 community business.

5 CHAIRMAN GRIESHEIMER: One
6 thing we are supposed to look -- make sure that the
7 health, safety, morals, comfort and welfare of the
8 adjoining property owners is -- is protected also.

9 To allow -- to allow a rezoning where --
10 especially with the traffic along Highway 100, that
11 would increase the traffic. It would be a low
12 volume, one thing, but this potentially could be a
13 high traffic volume type of activity that we would
14 allow.

15 I would think so in -- in CD, you cannot
16 -- if you want to run an automobile business, you
17 cannot get a conditional use permit.

18 MS. EAGAN: Correct.

19 CHAIRMAN GRIESHEIMER: Okay.

20 Personally I would rather -- I would
21 rather go back amend -- amend the regs and allow for
22 a condition use for "automobile retail business" in a
23 CD versus rezoning in an area, especially again,
24 considering the amount of traffic that that Highway
25 has in driving volumes.

1 We all know, I mean, especially, you
2 know, it's with -- with Highway 100 being the only
3 major route in and out of the St. Louis area that
4 doesn't have a bridge, there are certainly times, as
5 last year, where congestion is absolutely was a
6 gridlock. And to -- to allow -- and to say at least
7 to rezone a property and -- and allow any --
8 basically any type of activity regard -- that
9 disregards any type of volume, traffic volumes, I
10 have a -- I have a real problem with that.

11 Like I say, I would rather -- I would
12 rather, in other words, go back, amend -- amend the
13 CD -- which we have CD zoning surrounding that -- I
14 would rather go back, amend it, and allow the
15 automobile retail sales versus, you know, rezoning
16 this property and -- and open it up to -- to you
17 know, a lot more activity that would be maybe double
18 -- number one, detrimental to the adjoining property
19 owners.

20 But number two, that the -- especially
21 with the traffic volumes there would be less higher
22 traffic volumes.

23 MS. EAGAN: The only issue I
24 have with completely changing the entire zoning
25 district would be community development zoning isn't

1 only along major highways in Franklin County. It's
2 in -- it's rural areas of the county right now.
3 They're going to open up to these types of
4 businesses.

5 I mean, if you're talking about this
6 Highway being so highly trafficed, it sounds like
7 it's what you consider a major Highway within the
8 county, which then you need to look at is the zoning
9 correct for that area.

10 CHAIRMAN GRIESHEIMER: Yeah,
11 and I --

12 MS. EAGAN: Which is why we're
13 also looking at rezoning the county.

14 CHAIRMAN GRIESHEIMER: Yeah.
15 And I that's -- that to me is a big issue, is the
16 zoning -- especially the Master Plan, is that the
17 correct use for that -- those properties along there.

18 COMMISSIONER BRINKER: But
19 this public hearing is just for this presentation
20 right now.

21 CHAIRMAN GRIESHEIMER:
22 Correct. Correct.

23 COMMISSIONER BRINKER: This is
24 not for what we --

25 CHAIRMAN GRIESHEIMER: No, I

1 understand.

2 COMMISSIONER BRINKER: So this
3 is what we have in front of us now.

4 CHAIRMAN GRIESHEIMER: Right.

5 COMMISSIONER BRINKER: -- on
6 this application.

7 CHAIRMAN GRIESHEIMER: Right,
8 but that's a concern that I have there. But anyway.

9 I guess is there anyone else in the
10 audience who wish to testify in favor of the
11 rezoning, in favor, or for informational -- well,
12 excuse me.

13 Anyone in the audience wish to testify
14 in opposition to the rezoning?

15 By the way, we have do have a letter --
16 we did receive a letter from a Ryan Hemberger (ph.)
17 in opposition. So okay. That'll go in the record.

18 (NONE)

19 Anybody in the audience wish to testify
20 it opposition to the rezoning?

21 Okay. Anyone in the audience wish to
22 for in oppo- -- excuse me -- for informational
23 purposes only on the rezoning?

24 (NONE)

25 Seeing none, nobody testified in

1 opposition, so we don't have a rebuttal.

2 I guess then will conclude the
3 hearing on File Number 170238 for rezoning.

4 Next hearing is File Number 170267, ST.
5 Mary Capital Partners, L. L. C.

6 MS. EAGAN: Okay. I will
7 start with the hearing procedures.

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

14 (Thereupon, evidence was marked
15 for identification and submitted for
16 the record as Exhibits A, B, C and
17 D.)

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

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

1 When it is your turn to speak, you will
2 come to the front of the room to address the
3 Commission and only the Commission, not anyone in the
4 audience, with any questions or comments.

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

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

17 This is File 170267. The applicant is
18 St. Mary Capital Partners, L. L. C.

19 The applicant requests to rezone one
20 parcel from Non-Urban and Agricultural to Community
21 Development.

22 The property is located on Highway M at
23 the southwest corner of Highway M and Highway 100 in
24 Boles Township.

25 The Facts: The total area for the

1 rezoning is approximately six acres.

2 The zoning of this property is Non-Urban
3 and Agricultural. The applicant would like to rezone
4 to Community Development.

5 Community Development zoning brings
6 shopping, the workplace and home closer together by
7 allowing a mixed use of all types of residential
8 density and most forms of commercial development.

9 The properties to the north and south of
10 the proposed rezoning are primarily zoned Non-Urban
11 and Agricultural.

12 The properties directly west of the
13 proposed rezoning got rezoned to Suburban Development
14 in 2006, and then a portion of those properties got
15 rezoned to Residential Development 2 as a part of a
16 Planned Unit Development in 2015.

17 The properties to the east across
18 Highway M are zoned Suburban Development.

19 The surround properties are primarily
20 medium-density residential land with a few
21 low-density residential properties to the south and
22 west.

23 This property will have access to
24 Highway 100. Highway 100 is a state-maintained road.

25 This property is located within Public

1 Water Supply District No. 3.

2 This property -- sorry. Number 8 was
3 incorrect when I stated that.

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

7 The applicant is not the current owner
8 of the property, but they do have permission from the
9 owner to apply for the rezoning.

10 Staff Comments: This property appears
11 to be commercial on the Future Land Use Map.

12 The Planning and Zoning Commission voted
13 to recommend approval of this rezoning with 10 in
14 favor and 0 opposed.

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

25 CHAIRMAN GRIESHEIMER: All

1 right.

2 Anyone in the audience wish to testify
3 in favor of the rezoning? Come on forward. Sign up
4 at the podium, and then give your name. And then be
5 sworn in by Patsy.

6 MR. BO REINBURG (ph.): My
7 name is Bo Reinburg (ph.).

8 (Thereupon, the witness was
9 sworn.)

10 CHAIRMAN GRIESHEIMER: Good
11 morning.

12 MR. REINBURG (ph.): Good
13 morning. I appreciate your time today,
14 Commissioners, and I also appreciate the time that
15 Planning and Zoning and Scottie and her staff puts
16 into one application of this nature, but also that
17 master plan process I think is really important for
18 the county as the county continues to experience
19 growth and growth in the right ways.

20 This parcel, as described by Scottie, is
21 at the intersection of the Highway M and Highway 100.
22 And it's really in the future land use a commercial
23 piece of property.

24 It doesn't really at this point fit as a
25 urban or non-urban agricultural. The way I see it,

1 the way we see it is that it's very important for a
2 commercial property to be in areas that act as
3 buffers for residential areas. That's -- that's part
4 of what's good about having a commercially zoned
5 area, is that it acts as a buffer to those
6 residential areas.

7 And there's not a more important place
8 for those buffers than on two highways that
9 intersection, especially as you increase the size of
10 Highway 100 from two lanes to four lanes, you
11 increase the traffic. And at an intersection of this
12 nature, we feel that this property, to be
13 appropriately zoned, would be in the CD district and
14 to move it from urban or Non-Urban Agricultural to
15 the CD zoning district.

16 Again, it fits with the future land use
17 and master plan of the county in that the Master Plan
18 shows this as a commercial -- commercially zoning.

19 CHAIRMAN GRIESHEIMER: All
20 right. Any questions for the witness, the applicant?

21 (NONE)

22 Seeing none, thank you very much.

23 MR. REINBURG (ph.): I got a
24 few cases that I wanted to -- I'm just kidding.

25 CHAIRMAN GRIESHEIMER: Go

1 ahead.

2 MR. REINBURG (ph.): I'm
3 kidding. I don't have anything. I wish I did at
4 this point, but...

5 CHAIRMAN GRIESHEIMER: All
6 right.

7 I guess we'll see if anyone else wishes
8 to testify in favor of the rezoning, in favor.

9 You can sit down if you want.

10 (OFF-THE-RECORD COMMENTS)

11 Anyone in the audience wish to testify
12 in opposition to the rezoning? Come on forward.

13 Again, name, sign up at the podium, and
14 then give your name and be sworn in.

15 (Thereupon, the witness was
16 sworn.)

17 MS. REPORTER: Then state your
18 name.

19 MS. SUZANNA BULLOCK: Hi. My
20 name is Suzanna Bullock, and I live at St. Louis Rock
21 Road and Highway M. My property is 30 acres from
22 Highway 100 to the bottom of the hill, and I've lived
23 in Villa Ridge or known about it all my life. My
24 family has owned that land since 1833.

25 So I have a institutional memory, and

1 although the land -- that little strip of land is
2 probably going to be something someday, right now
3 it's across from my soy bean fields. It's also --

4 COMMISSIONER BRINKER: Do you
5 have the corner across from it right now?

6 MS. BULLOCK: I have the
7 corner and the top of the hill, the woods and to the
8 railroad tracks.

9 COMMISSIONER BRINKER: If you
10 flipped this property over, you would have the other
11 corner --

12 MS. BULLOCK: Yes.

13 COMMISSIONER BRINKER: -- in
14 other words?

15 MS. BULLOCK: Yes.

16 COMMISSIONER BRINKER: Okay.

17 MS. BULLOCK: Yeah.

18 Slowly the last -- since about 1990,
19 Villa Ridge has grown. It's a little bit of
20 everything. That's the best part of it, and every
21 time I come to a Commission meeting or every time I
22 got to a Planning and Zoning meeting, residential
23 development creeps up, and you say residential
24 development is needed in this area. And I agree.
25 Slowly, I have come to agree.

1 Adjacent to this property is our
2 duplexes and a family house and suburb, and then a
3 little bit farther down are trailers. And if you go
4 down St. Louis Rock Road, there are single-family
5 houses, there are horse farms. I saw some very sad
6 looking cattle in the fields as I drove to Union
7 today.

8 There are cars in the yard where
9 somebody is working on them. It's a life. It's a
10 community, and when I heard about the plan for this,
11 they didn't talk about it today, but they said they
12 were going to put storage units on that strip of
13 property.

14 Well, less than a half a mile away is
15 Straatmann Storage. Less than two miles away is
16 Route 66 Storage, and there's another one that's
17 about three miles away called Access, and within 15
18 miles, there are 15 more.

19 I called three of them this morning, and
20 they all had storage units available for rent. So
21 I'm not even sure that these young men have a really
22 good business plan.

23 That's not -- I always think I want to
24 be a good neighbor, and I wish people would ask me
25 what they're going to do with land around me. I

1 always have suggestions. And since I've lived there
2 so long, I also know the problems involved in the
3 property.

4 Some of it is traffic. At the
5 intersection of Highway 100 and Highway M, in the
6 last year, there have been four major accidents. You
7 know, helicopters to excavate people to hospitals.

8 At Highway M and St. Louis Rock Road,
9 right at the -- sort of the edge of my driveway, so
10 to speak, there have been three. They've been bumper
11 crunchers, but there is -- it's the top of a hill or
12 a rise, and it's blind. You -- if you turn, you have
13 to really go -- if you're a stranger, you're out of
14 luck.

15 But if you know the area, you go to the
16 very top of the hill and you look over it, and then
17 you sweep whichever way you're going.

18 The property is also at an angle like
19 this. So I always worry about drainage. Villa Ridge
20 was named years and years ago because at the top of
21 the ridge, which is about where the hill is, on the
22 south side, it drains into the Bourbeuse. On the
23 north side, it drains into the Missouri and
24 tributaries.

25 I do not think that commercial

1 development on the corner will increase my property
2 values or anybody's property values around me. I
3 talked to one real estate agent, Jay Columbini (ph.),
4 and I asked if a storage unit in a residential
5 section would help property values. It will not add
6 value, and will detract as an eyesore.

7 That's the quote.

8 I know you guys have a tough job. You
9 have to decide what it's going to look like when none
10 of us are here. And I hope you take these things
11 into consideration and consider the community that
12 Villa Ridge is.

13 It has two churches, a church school.
14 It has a horse farm. It has a little bit of St.
15 Louis Zoo breeding facility down St. Louis Rock Road.
16 It has a railroad track, and it has a history. And I
17 would like some of that considered when you make this
18 decision.

19 I really appreciate your time and all
20 you do.

21 CHAIRMAN GRIESHEIMER: Thank
22 you. First of all, questions for the witness?

23 COMMISSIONER BRINKER: Ut-uh.

24 CHAIRMAN GRIESHEIMER: Okay.

25 Thank you very much.

1 many years.

2 Thank you.

3 CHAIRMAN GRIESHEIMER: Thank
4 you.

5 COMMISSIONER BRINKER: Thank
6 you.

7 CHAIRMAN GREISHEIMER: Seeing
8 no other business, seeing no other -- that will
9 conclude the hearing on File Number 170267, St. Mary
10 Capital Partners, L. L. C.

11 Before we go, Scottie, would you like to
12 introduce your new Planning Commissions employee.

13 MS. EAGAN: This is Crystal
14 Holdmeier. She started on Tuesday with us. She's
15 going to be our new administrative assistant down in
16 Planning and Zoning. And I just kind of wanted her
17 to see what we do up here in rezoning public
18 hearings. So I brought her.

19 CHAIRMAN GRIESHEIMER:
20 Welcome.

21 MS. HOLDMEIER: Thank you.

22 CHAIRMAN GRIESHEIMER:
23 Welcome, Crystal.

24 COMMISSIONER BRINKER: We're
25 all counting on you.

1 MS. HOLDMEIER: No pressure.
2 COMMISSIONER BRINKER: Right.
3 CHAIRMAN GRIESHEIMER: With
4 that, we will -- we will conclude the public hearing
5 for today, Planning and Zoning public hearing.
6 We're adjourned.
7 (Thereupon, the proceedings
8 concluded at 10:46 a.m.)
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1 CERTIFICATE OF REPORTER
2 I, PATSY A. HERTWECK, Professional Court
3 Reporter and Notary Public within and for the State of
4 Missouri, before whom the foregoing proceeding was
5 taken, do hereby swear that: the aforementioned was
6 held at the time and in the place previously
7 described; the proceedings were taken down in
8 stenographic notes by me and transcribed by me, or
9 under my supervision, to the best of my ability; and
10 that the aforementioned represents a true and accurate
11 transcript of said proceedings.

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

14

15

16

Patsy A. Hertweck, Court Reporter

17

Notary Public, State of Missouri

18

19

20 My Commission Expires:

21 August 26, 2018

22

23

24

25

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