

FRANKLIN COUNTY PLANNING AND ZONING  
FRANKLIN COUNTY GOVERNMENT CENTER  
SECOND FLOOR COMMISSION CHAMBERS  
400 EAST LOCUST STREET  
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS  
FRANKLIN COUNTY COMMISSION  
PUBLIC HEARINGS  
FEBRUARY 23, 2023  
(COMMENCING AT 10:30 A.M.)

REPORTED BY:

PATSY A. MAYBERRY, C. R.

COMPLETE REPORTING SERVICES

19 BROOKMOORE DRIVE

UNION, MISSOURI 63084

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

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## A P P E A R A N C E

## FRANKLIN COUNTY COMMISSIONERS:

DAVE HINSON, CO-CHAIRMAN

TODD BOLAND, COMMISSIONER

## PLANNING AND ZONING STAFF:

SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

## COMPLETE REPORTING SERVICES:

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

2 (FEBRUARY 23, 2023)

3 CO-CHAIRMAN HINSON: I call  
4 this public hearing to order.

5 I turn it over to you, our P and Z  
6 Director, Scottie.

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

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

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

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

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

1 provided, and then be sworn in.

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

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

12           At the conclusion of all questions,  
13 comments, and discussion concerning each case, the  
14 public hearing for each case will conclude.

15           The decision will generally be made by  
16 Commission Order at a later date during the County  
17 Commission's regular meeting time.

18           The first file we are going to do is  
19 File 220294, Planning and Zoning.

20           The applicant is seeking to amend the  
21 Unified Land Use Regulations of Franklin County.

22           The proposal includes amendments to  
23 Article 2, Definitions.

24           In Article 2, the main changes we're  
25 doing include the definitions of towers. So we're

1 deleting the definition of commercial antenna/tower  
2 on page 226, communications tower on 227, and tower  
3 on 2.32.

4 And we combined them all into one  
5 definition, which is now Wireless Support Structures  
6 on page 2.34.

7 And then on page 2.28, we are modifying  
8 the definition of single-family dwelling to read, "A  
9 building occupied by one family."

10 It used to say "designed exclusively for  
11 and occupied by one family", but we realized that was  
12 causing us some issues when people wanted to run  
13 businesses out of their home.

14 So those are the only changes to Article  
15 2.

16 CO-CHAIRMAN HINSON: Is there  
17 anyone here to testify in favor of the amendment?

18 (NONE)

19 Anybody here in opposition?

20 (NONE)

21 Anyone for information only?

22 (NONE)

23 Any comments from the Commission?

24 COMMISSIONER BOLAND: I have  
25 none.

1 CO-CHAIRMAN HINSON: I have  
2 none.

3 You may proceed.

4 MS. EAGAN: Okay. I will  
5 start with the hearing procedures again.

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

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2 audience, with any questions or comments.

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6 speak again after comments from the general public to  
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8 hearing.

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

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

15 This is File 220295, Planning and Zoning.

16 The applicant is seeking to amend the  
17 Unified Land Use Regulations of Franklin County.  
18 The proposal includes amendment to Article 7, Zoning  
19 District.

20 So the changes in Article 7 kind of ties  
21 with our definition Single-Family Dwelling. We  
22 wanted to clarify what our combination uses were. So  
23 at the end of every zoning district in Article 7,  
24 except G, under Combination Uses, we added,  
25 "Combination uses can exist in the same structure

1 or in multiple structures on the same parcel."

2 So we just wanted to clarify they can  
3 have a business and live in the same structure, and  
4 that's the only change to Article 7.

5 CO-CHAIRMAN HINSON: Is there  
6 anyone here to testify in favor of the amendment?

7 (NONE)

8 Anyone here to testify in opposition of  
9 the amendment?

10 (NONE)

11 Anyone for informational purposes?

12 (NONE)

13 Commission questions?

14 COMMISSIONER BOLAND: I have  
15 none.

16 CO-CHAIRMAN HINSON: I have  
17 none.

18 You may proceed.

19 MS. EAGAN: Okay. I'll start  
20 with the hearing procedures one more time.

21 At this time, I would like to place into  
22 the record the Franklin County Unified Land Use  
23 Regulations as Exhibit A, the official Zoning Map as  
24 Exhibit B, the official Master Plan as Exhibit C, and  
25 the case file for each case as Exhibit D for all the

1 cases to be heard at this hearing.

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25 comments, and discussion concerning each case, the

1 public hearing for each case will conclude.

2 The decision will generally be made by  
3 Commission Order at a later date during the County  
4 Commission's regular meeting time.

5 This is File 220296, Planning and Zoning.

6 The applicant is seeking to amend the  
7 Unified Land Use Regulations of Franklin County.

8 The proposal includes amendments to  
9 Article 19, Telecommunication Towers.

10 So with this change to the Code, the  
11 majority of it is based on State statute. We are  
12 behind the times with our wireless code.

13 First and foremost, Mark said they no  
14 longer are called telecommunication towers. They're  
15 called wireless support structures. So that's a  
16 lot of the changes we see throughout the Article.

17 The only change that our department is  
18 proposing that's not regulated by State statute is  
19 the height of the towers. We are proposing to do a  
20 250 max for commercial towers versus the 200 foot  
21 that we have now, a hundred foot for cell structures  
22 versus 80 foot in non-commercially zoned areas, and  
23 150 foot max for cell structures versus 120 feet in  
24 commercial and industrial zoned areas.

25 The Planning and Zoning Commission did

1 vote to amend the Code but to keep the height  
2 restrictions with what we currently have because they  
3 said they don't see any need to change it if someone  
4 didn't come forward to request it.

5 I am requesting we change it because  
6 I have talked with telecommunication businesses and  
7 people who build them, and that with the size of the  
8 antennae now, they're so big, the towers need to be  
9 higher in order to put them on there.

10 So we have had a few variances come  
11 through for heights of towers to go taller than the  
12 200 foot, but ultimately P&Z said keep it at 200.  
13 I'm proposing to increase it.

14 COMMISSIONER BOLAND: When  
15 they come in for a variance, how much are they asking  
16 for?

17 MS. EAGAN: The first one was  
18 the total height of the tower was about 230 feet  
19 with the lightning rod. The second one was at 225.

20 When I talked with the different  
21 companies, they said most people do 250, and then  
22 there aren't many towers that are higher than that.

23 CO-CHAIRMAN HINSON: Well,  
24 you're dealing with the issue of the tower, the  
25 communication tower, down on E Ridge, where they just

1 put the -- was that 500 feet?

2 COMMISSIONER BOLAND: Five  
3 hundred feet.

4 CO-CHAIRMAN HINSON: Yeah, so  
5 we may want to follow back up around with him too  
6 because we do have a lot of dead spots out in the  
7 southern part of the county.

8 MS. EAGAN: Okay.

9 CO-CHAIRMAN HINSON: So I can  
10 see where the communication people would probably  
11 want at least 250.

12 MS. EAGAN: Right.

13 CO-CHAIRMAN HINSON: Is there  
14 anyone here to testify in favor of the amendment?

15 (NONE)

16 Anyone here to testify in opposition?

17 (NONE)

18 Anyone here for information only?

19 (NONE)

20 Any further questions?

21 COMMISSIONER BOLAND: No,  
22 thank you.

23 CO-CHAIRMAN HINSON: I have  
24 none either.

25 MS. EAGAN: All right. That's

1 all I have.

2 CO-CHAIRMAN HINSON: This  
3 hearing has adjourned. Thank you.

4 (THEREUPON, THE PROCEEDINGS  
5 CONCLUDED AT 10:45 A.M.)

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CERTIFICATE OF REPORTER

STATE OF MISSOURI            )  
  ) SS  
COUNTY OF FRANKLIN        )

I, PATSY A. MAYBERRY, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that: the aforementioned was held at the time and in the place previously described; the witness whose testimony appears in the foregoing transcript was duly sworn by me; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken; further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

\_\_\_\_\_

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