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

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
MARCH 21, 2017
[Commencing at 7:00 p.m.]

Reported by:
Patsy A. Hertweck, C. R.
Midwest Litigation Services
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[All exhibits, if any, were retained by the Commission, and will not be attached hereto.]
A P P E A R A N C E S

BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:

William Evans, Jr., Chairman
Jay Schultehenrich, Co-Chairman
Timothy Reinhold, Commissioner
Stanley Voss, Commissioner
Bill McLaren, Commissioner
Ray Cunio, Commissioner
Ron Williams, Commissioner
Todd Boland, Commissioner
Dan Haire, Commissioner
Tom Tobben, 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:

By:  Patsy A. Hertweck, C. R.
711 North Eleventh Street
St. Louis, Missouri 63101
[314] 644-2191
PROCEDINGS

[MARCH 21, 2017]

CHAIRMAN EVANS: Okay. At this time, I'd like to call to order the March 21st meeting of the Franklin County Planning and Zoning Commission.

Scottie, will you please take roll call.

MS. EAGAN: Bill Evans?

CHAIRMAN EVANS: Here.

MS. EAGAN: Jay SchulteHenrich?

COMMISSIONER SCHULTEHENRICH: Here.

MS. EAGAN: Todd Boland?

COMMISSIONER BOLAND: Here.

MS. EAGAN: Tim Reinhold?

COMMISSIONER REINHOLD: Here.

MS. EAGAN: Ray Cunio?

COMMISSIONER CUNIO: Here.

MS. EAGAN: Tom Tobben?

COMMISSIONER TOBBEN: Here.

MS. EAGAN: Bill McLaren?

McLAREN: Here.

MS. EAGAN: Stan Voss?

COMMISSIONER VOSS: Here.

MS. EAGAN: Dan Haire?

COMMISSIONER HAIRE: Here.

MS. EAGAN: Russell McCreary?
RUSS: Here.

MS. EAGAN: And, Ron Williams?

COMMISSIONER WILLIAMS: Here.

MS. EAGAN: Okay. We have a full Board, so we have a quorum.

CHAIRMAN EVANS: Thank you.

At this time give the Planning and zoning Commissioners the opportunity to declare any conflict, communication or relationship they may have had that might influence their ability to consider today's issues impartially. There are no declarations.

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

MS. EAGAN: Tonight's Planning Commission meeting is governed by the Franklin County Unified Land Use Regulations.

Some matters on the agenda may be for action by the Planning and Zoning Commission. These matters do not involve public hearing. Other matters on the agenda require public hearings under Missouri law. If a matter involves a public hearing, all individuals who desire to testify will be given an opportunity to do so.

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

[Thereupon, evidence was marked
for identification and presented for the
record as Planning and Zoning Exhibits A,
B, C, and D.]

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

Once the Old Business issues have been taken
care of, each item of New Business will be opened.

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

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

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

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

At the conclusion of all questions, comments,
and discussion concerning each case, the Planning Commission
will proceed. Any final decision by the Planning and Zoning
Commission concerning conditional use permits may be
appealed to the Board of Zoning Adjustment any time within
90 days.

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

CHAIRMAN EVANS: Thank you.

All Commissioners should have received a copy
of the minutes from the February 21st meeting. If there are
no corrections or additions, the Chair would entertain a
motion to approve.

COMMISSIONER HAIRE: I move that we
approve the minutes as read.

COMMISSIONER SCHULTEHENRICH: I'll
second.

COMMISSIONER TOBBEN: I'll second
that.

CHAIRMAN EVANS: We have a motion and
a second to approve the February 21st minutes. All in favor
signify by saying aye.

COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McCLAREN: Aye.
COMMISSIONER CUNIO: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.

COMMISSIONER BOLAND: Aye.

COMMISSIONER HAIRE: Aye.

COMMISSIONER TOBBEN: Aye.

COMMISSIONER SCHULTEHENRICH: Aye.

COMMISSIONER McCREARY: Aye.

CHAIRMAN EVANS: Opposed? [None]

Motion is approved.

Communications, Visitors and Comments. Anyone present wishing to address the Commission? No.

Then we'll move on to Old Business, which we have none.

New Business File 160205 Rob C. Muckler.

Scottie, will you please give us the details.

MS. EAGAN: This is File 160205 for Robert Muckler.

The Applicant is requesting to host special events, periodic in the Non-Urban and Agricultural zoning district.

The property is located off Highway OO, approximately 3/10 mile north of Spring Valley Road, in Boles Township.

The Facts: On March 7, 2017, the Franklin County Commission passed new Special Occasion Permit regulations.
Because Mr. Muckle applied for the permit prior to the regulations being approved, he is still under the old regulations with regard to Special Events, Periodic, requiring a Conditional Use Permit.

The total area for the rezoning is approximately ten acres.

The zoning of this property is Non-Urban and Agricultural. In this district, Special Events, Periodic require a Conditional Use Permit.

The Applicant wishes to use this property to host weddings or similar uses.

The properties around the proposed site are zoned Suburban Development.

This property is approximately 1,000 feet north of the city limits of Pacific.

This property is surrounded primarily by low-density residential land and undeveloped land.

This property has access to Highway OO, which is a State-maintained road.

The Applicant is not the current owner of the property, but they do have a contract to purchase with the current owner.

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

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

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

All new and/or existing entrances onto Highway
OO will need to be examined by MoDOT for a commercial
entrance. Planning and Zoning shall receive a copy of the
permit prior to the Applicant commencing any activities on
the property.

Parking and parking surface shall be provided
in accordance with the Franklin County Land Use Regulations.

There shall be no music past 10:00 p.m. on
Monday through Thursday and Sunday, and 12:00 a.m. on Friday
and Saturday.

The hours of operation shall be limited to the
following: Monday through Thursday 7:00 a.m. to 10:00 p.m.;
Friday 7:00 a.m. to 12:00 a.m.; Saturday 9:00 a.m. to 12:00
a.m.; and Sunday 10:00 a.m. to 10:00 p.m.

Any lighting associated with the facility shall
be limited to downcast and shielded fixtures.

Any outdoor activity space or parking area
shall be setback at least 100 feet from any property line
and at least 200 feet from any neighboring residence.
Any indoor activity space shall be setback at least 50 feet from any property line and at least 100 feet from any neighboring residence.

CHAIRMAN EVANS: Thank you.

Is the Applicant present?

Will you please come forward state your name and address, and sign in, please.

MR. ROB MUCKLER: Hello. Rob Muckler, 838 Westwood Drive, Ballwin, Missouri 63011.

[Thereupon, the witness was sworn.]

CHAIRMAN EVANS: Will you please give us some detail on what you're proposing.

MR. MUCKLER: Yes. Hello, my name is Rob Muckler, and I own the event company which is a wedding planning and special events company. My wife, Lauren, owns and operates a wedding photography company which is back there. We have recently rezoned a portion of our property from Suburban Development to Non-Urban and Agricultural for the sole purpose to build and operate a wedding venue.

We have recently rezoning a portion of our property -- sorry. The buildings are going to wood barn for the ceremony and a large reception venue that will fit perfectly on top of the hill and that's between an existed wooded and natural areas on our property. We'll make minor tweaks of landscape, while maintaining the natural
aesthetics of the land.

Our property which we already closed on is 31 acres, and we are only using ten acres toward the center and top of our property to host weddings and to keep the rest of the green space for our guests viewing pleasure. Before we purchased the land, we had to get the land rezoned to conform to the Franklin County Future Land Use agenda to operate a wedding venue on our property. While applying for a rezoning, we made it very clear that we were rezoning the property to be able to acquire a CUP to operate our proposed wedding venue.

The new zoning of our land is Non-Urban and Agricultural and Suburban Development. Beyond the obvious, County benefits in generating sales and real estate tax for the community, we are conforming to the future land use of the Master Plan while keeping the landscape and the views.

Our venue designs will fit within the landscape and surrounding areas which people use a great use of the land. I spoke with Andrew Neff of Neff Appraisals, and he is familiar with the area. And said in his opinion, being 1,000 feet away from other houses and being central on the property, that it will not affect or defect the surrounding properties. Neff Appraisals has been in business since the '50s.

Main wedding days are on the weekends, Friday,
Saturday and Sunday. The average wedding is around 150 to 200 people. So we roughly have 50 to 140 cars coming and going that would potentially drive revenue into the surrounding communities. In addition to driving local traffic into the community, our venue will give local businesses the chance to generate revenue by being on jobs that our clients would need: Catering companies, shuttle services, florists, vans, DJs, makeup, hair style stylist, audio, lighting. The list goes on and on. Pretty much anything you would need for a wedding.

When I presented to the City of Pacific Board of Aldermen and Mayor, they were in support of our new business venture, and think it would be the perfect fit for the area. They couldn't be more excited to have a wedding venue in the city of Pacific to help drive local traffic into their local community. And they believe the intended use would be a great way to utilize the land.

Franklin County -- you guys should have a copy of that I believe, they said they'd send over the minutes. And now Andrea from Cochran Engineering is actually going to go through our presentation a little bit more specific.

CHAIRMAN EVANS: Scottie, did we get a copy of that?

MS. EAGAN: I -- I don't believe with that file we have it. We had it for the rezoning file. I
1 don't have it for the CUP.

2 CHAIRMAN EVANS: Okay. But you did

3 get those?

4 MS. EAGAN: For the rezoning file,

5 yes.

6 MS. EAGAN: Bill, Mr. Muckler did

7 actually just turn in an e-mail from the City of Pacific

8 dated 3/21. So I marked that as Muckler Exhibit 1, and put

9 it in the file.

10 [Thereupon, evidence was marked for

11 identification and admitted into the

12 record as Muckler Exhibit Nos. 1 and 2.]

13 CHAIRMAN EVANS: All right. Thank

14 you.

15 Please state your name and address and sign in,

16 please.

17 MS. ANDREA LOHMeyer: Andrea

18 Lohmeyer, 803 Lincoln Street, Washington, Missouri.

19 [Thereupon, the witness was sworn.]

20 Good evening. I am going to give you a little

21 presentation on what Rob and Lauren would like to do on

22 their property.

23 And this is going to be just a brief conceptual

24 overview of what they are trying to do. Some of the images

25 are exiting venues that they would like -- basically their
1 inspiration photos at this point.

   Some information about the site. They are
2 going to have two separate buildings, one for ceremonies and
3 one for the receptions. They are hoping to set theirselves
4 apart in that way that they would offer both those. They
5 would also have a shared courtyard patio space. The
6 capacity is 300 guests, and they're looking for only one
7 wedding venue -- or wedding event a day. So they would have
8 only one wedding going on at a time.
9
10 The hours of operations, and I need to double
11 -- the Sunday will need to be revised because I didn't -- I
12 wasn't aware of the 10:00 p.m. So Monday they will be
13 closed. Tuesday through Thursday 9:00 a.m. to 7:00 p.m.,
14 but those are by appointment only. So they will not be open
15 on those days unless there is an appointment booked on those
16 days. Fridays 10:00 a.m. till 11:00 p.m., Saturday 10:00
17 a.m. to 11:00 p.m., and Sunday 9:00 a.m. to 10:00 p.m.
18
19 Weekends only open if a special event is booked
20 again. If they do not have an event booked on that weekend,
21 then they would not be open. And the gusts rental timeframe
22 would be a 12-hour period. So for instance, 11:00 a.m. till
23 11:00 p.m. or 10:00 a.m. to 10:00 p.m. So even though they
24 are open a little bit longer than that, someone can only
25 rent a 12-hour timeframe.

   This is an example of the ceremony building
1 floor plan. They're looking to have, again, 300 guests and
2 about 4,000 to 5,000 square foot used primarily for the
3 wedding ceremonies. A barn inspired building with a exposed
4 structure and simple white washed walls. You can see here,
5 they have just a single user men's and women's. These will
6 be submitted for a permit. So this is just a conceptual.
7 And then storage and a bridal suite on the main level and
8 then a lofted area with another bridal suite above.
9 In the reception building again, 300 guests
10 seated dinner. Roughly 8,500 to 9,500 square feet. This
11 would be used for wedding receptions and corporate
12 gatherings. The building layout again, a barn inspired
13 building with exposed structure. They would like the
14 potential of a valet drive so for guests to be able to be
15 dropped off closer to the building, and have valet parking
16 with an overhang. And then the courtyard would be adjacent
17 to this building and then the ceremony building.
18 You'll see here there's also an office, a
19 groom's suite, and then some storage. Catering kitchen, a
20 bar and then the men's and women's restroom.
21 this is one of their images that they have
22 collected for inspiration. This existing venue shown is
23 actually 7,500 square feet. So it's quite a bit larger than
24 the ceremony building they were wanting to build because
25 they're looking at about 4,000 square feet. So -- but this
is kind of the look that they're wanting to do. And this is
the idea of what their courtyard and then reception venue
would be like.

So the courtyard itself, they're estimating
would be about 2,000 square feet. Be used for cocktail
parties or an outdoor ceremony, and then overlooks onto the
to hillside to the south and to the east. That was one of
the main reasons why they really liked this property, was
because of those views.

And then again this is just a different
inspiration photo for that reception building. One of the
ends, they would like to have some overhangs for people to
go out and just in case there's inclement weather.

A little bit about the actual property. It is
the -- we just rezoned the 10.03 acres as Non-Urban and
Agricultural, and then the remaining almost 21 acres is
Suburban Development. Under that, we would have to get the
condition use permit, which is why we're here this evening.
And currently, it has no structures on it, and it's about a
thousand feet north of Pacific, as Scottie said.

So this just gives you a vicinity Of where
we're located and some of the other elements that are
located near us, the different subdivisions, the edge of the
city of Pacific, and then the two other event centers that
are close by.
There is a little bit closer view of the site.

So this is just again going over some of the key elements on the site, and we're going to go look at the actual site plan. The parking for the guests is one thing I did want to touch on. Required for the County for 300 guests was 120 spaces. They are going to provide an extra 26 spaces for vendor parking. As they are both currently wedding vendors, they feel that's important that there is parking for those people as well. And then there is also on here, you'll see, a future wooded ceremony site that they are wanting to do.

So you can see the parking here. Again we have 146, and then we'll have some sidewalks coming up. They would like to add that dropoff, as I said. And then this is the courtyard area that again this is very conceptual, that that was between the ceremony building, and then this is the reception hall.

This is that future wooded ceremony site, and then potentially a nice water feature down this hillside to add. So this dash line you'll see here is the edge of the 20 -- or 10.03 acres zoned Non-Urban Agricultural.

Then the proposed new entrance. Currently it's quite a bit further north, and it does not have very good visibility for this type of property. I don't think it would be very save entrance into it. So they would like to
relocate that into something that's a little bit safer and more visible for the event center. We will be working with MoDOT in order to determine an ideal location for that.

This just gives you an idea of the different structures that are within the vicinity around us. Each one of these circles, this starting at 150 feet. This is out in and out 500 feet, a thousand, and 1,500. So you can see some of the structures start to come in around the 800 foot, 900 foot area around the building. So we meet the requirements as far as the structure setbacks, as Scottie read earlier.

This is just the a visual showing some of the wooded areas around us that are existing now, and then particularly on our site. They are looking to really try and not disturb much of the wooded areas that are currently there. They really want to retain as much of that as they can. So they're be disturbing some on the parameter in order to get their structures in there, but they would really like to retain as much of that as they can.

So currently the site has 5.63 acres of woods. So the anticipated structures and parking would occupy about 12 percent of the total site green space. So out of that almost 31 acres, the actual hard surfaces that we're adding is only going to be about 12 percent.

This is just going over why we decided to do
what we did. We could have gone a different path in order
to get the event center there, but we they felt was the fit
in with the area the best.

Utilities. There is nothing on the site. So
everything would either have to be connected to an existing
which is too far away. The -- it's a half a mile to the
city of Pacific closest sanitary line. So they would be
using an engineered septic system. And the -- excuse me.
The 8-inch water main from the public water supply District
No. 3 is about 1.6 miles, and 6-inch water main from the
public Water District No. 3 is about 4.1 miles to the south.
So they're looking at doing a well on the site as well.

Then aerial electric runs along the east border
of the property, so -- but we have not sized what type of
service that we need, but that's where we plan on tying into
the electric.

As far as traffic, I did look at the annual
daily traffic on the Highway 00, and it looks like on an
average, there's a little over 2,100 vehicles on that a day.
At the must if that parking lot was full, that would be
about 146 cars on average a couple of days a week. If
that -- if you averaged it out, it'd actually be less than
what I'm showing here, but for this evening we just did
something simple to show that that would be an increase of
only 7 percent traffic on that road. And again, that would
be, you know, that's the most amount of parking that it would have.

COMMISSIONER REINHOLD: I got a question.

MS. LOHMEYER: Sure.

COMMISSIONER REINHOLD: On the page before that --

MS. LOHMEYER: Oh, yeah.

COMMISSIONER REINHOLD: -- about the water. What are they planning on doing for the sprinkler system? Are they going to put in new sprinklers?

MS. LOHMEYER: More than likely we'll have to do a holding tank. We have not calculated out all that yet. There's a couple of different options. We've done projects like that before. When you're in a rural area, the water supply needed to do something like a sprinkler system, that's pretty -- it's a high demand, but it's not very often, hopefully. And so yeah, we -- we were looking at possibly having to do a holding tank underground in order to meet the sprinkler requirements for that.

The owners would like to offer shuttle services. So they're looking at the potential partnerships with local hotels to offer that as an alternative to guests so there won't be as many people driving on the roads.

As far as noise, if they hold an outdoor
reception, no music will be allowed past 10:30 p.m., and
those would only be on the Friday and Saturday nights. A 90
percent of their events will be held inside, except for
their wedding ceremonies, which usually last about 30
minutes. And again, that would be within that noise
timeframe that was established.

All events will be over by 11:00 p.m.; at which
time, music will be turned off.

And just some additional area data that we put
together. Going over changes to the area. Areas to the
north and south of the property continue to grow. Franklin
County in particular seem to increase in event centers due
to the vicinity to St. Louis individuals seeking the rural
atmosphere that we have here because it's a beautiful
countryside.

Current event centers in the area are booking
events a year in advance due to demand. And Rob said this
earlier. He did speak with an appraiser to get an opinion
on the effect this would have on neighboring properties, and
he said that they did not feel like it would have a positive
or negative effect on the surrounding properties due to its
remoteness on the property.

Some benefits to Franklin County. Increased
taxes due to the business, utilizing local vendors for
anything a wedding or even a corporate event might need,
1 utilizing local contractors for the construction of the
2 actual event center and future maintenance, utilizing local
3 businesses and driving traffic to local businesses
4 surrounding the area, and offering local jobs to keep the
5 center running.

6 As he stated earlier that the City of Pacific
7 Board of Aldermen did show their support by majority for the
8 project, and this is quoted from the "Missourian" that they
9 have no objection to the wedding venue, and in fact,
10 Aldermen saw it as an economic plus for the City.

11 In conclusion, adding a little over 7 percent
12 of paving and buildings out of the 30.94 acres of the
13 property to preserve the existing green space, they really
14 are wanting to retain as much of that green space as they
15 can, and they will be increasing taxes, local revenues and
16 local workforce and local support provided to them by the
17 closest city of the city of City of Pacific.

18 That's all I have. Thank you.

19 CHAIRMAN EVANS: Do any of the
20 Commissioners have any questions for Ms. Lohmeyer? Bill?
21 COMMISSIONER McLaren: I wasn't
22 listening close enough or don't hear well enough.

23 When you first started, you were going over the
24 ceremony venue, and I heard something about loft, but I
25 didn't...
MS. LOHMEYER: So they would like to do a mezzanine type space over that back area. Let me see if I can pull it back up, and basically that would be -- they want to offer a bridal suite for the bride to get ready before the ceremony. So they're going to offer one up on the mezzanine level, and then offer one at that -- on that lower level there underneath the stairs.

COMMISSIONER McLAREN: And so it's getting ready? It's not an overnight accommodation?

MR. LOHMEYER: No, no, no, no. No, it's just for getting ready. Yep.

COMMISSIONER McLAREN: That's what I thought. Thank you.

MS. LOHMEYER: No. Good question.

COMMISSIONER McLAREN: Pardon me?

MS. LOHMEYER: It was a good question, I said. No, their intention was it's just for the bridal party to get ready. So that's why there is the groom's room as well in the ceremony -- or in the reception building.

COMMISSIONER McLAREN: Are you expecting -- I guess I'm kind of curious. There is not going to be -- with two buildings, there will not be more than one ceremony a day.

MS. LOHMEYER: Correct.
COMMISSIONER McLAREN: Okay.

MS. LOHMeyer: They're only wanting one wedding a day.

COMMISSIONER McLAREN: There won't be at each -- a wedding at each location?

MR. LOHMeyer: No, ut-uh.

COMMISSIONER McLAREN: Okay.

CHAIRMAN EVANS: Any other questions?

Jay?

COMMISSIONER SCHULTEHENRICH: On the maps you've submitted on the -- on the north side of the property, there is the treeline that's basically in front of the -- what looks -- appears to be the closest residence that I see to the venue. That treeline, is that -- in one map it shows all of it to be over on the other property, and the one map shows it has some treeline on the property that you're testifying on.

MR. LOHMeyer: Oh, I see what you're saying.

COMMISSIONER SCHULTEHENRICH: Can you tell us whether or not the treeline does mingle in with both property lines or --

MS. LOHMeyer: It does mingle in with -- actually the property line looks to follow a waterway, a creek. So there's some trees on both sides of that property
line from what I can tell.

COMMISSIONER SCHULTEHENRICH: Okay.

Thank you

MS. LOHMEYER: But we have not staked the boundary of the property, so by aerial it looks to be that way.

COMMISSIONER SCHULTEHENRICH: Thank you.

COMMISSIONER HAIRE: Where is their outdoor lighting going to be located at?

MR. LOHMEYER: There will be lighting on the -- sorry, let me pull this up. There will be lighting at the courtyard on the building and then in the parking lot. And then I would -- I have not asked Rob this, but I would assume that we would have some lighting also at the entrance sign so that people to see and when they're coming and going there. But that --

Okay. Rob is saying yes that's true.

CHAIRMAN EVANS: Ray?

COMMISSIONER CUNIO: So there's currently no buildings on any of the property, right?

MR. LOHMEYER: Correct. Uh-huh.

It's mostly open. It looks like maybe somebody is getting hay off of there or they used to.

COMMISSIONER TOBBEN: Can you clarify
where the outdoor reception space will be on the site?

MR. LOHMEYER: So in this initial phase, it would be in this courtyard area. I believe it would also potentially offer if somebody wanted to get out in this grass on the hillside. Similar to what I think it's Mount Pleasant has that, that you can have a true wedding outside and it's out in the grass. But they've talked about putting it in this courtyard here. And then as a future plan, they thought about the idea of adding a small ceremony site in the woods.

MS. EAGAN: Andrea, just to clarify, if they did want to do any outdoor wedding space, it would all have to be on that in 10 acre property. It couldn't be expanded to the remainder of the property at all.

MR. LOHMEYER: Okay. Okay.

CHAIRMAN EVANS: Any other questions?

COMMISSIONER WILLIAMS: I got one.

CHAIRMAN EVANS: Ron.

COMMISSIONER WILLIAMS: Since you are creating some buildings and surface areas, where do you plan on stormwater detention that will be required?

MR. LOHMEYER: We were looking at -- if I can get this to work. We were looking at further down the hill, possibly in this area. Once we've calculated the size of it, it would be go around here. Since the grade
drops off pretty dramatically as you go, this is the highest point of the property, and then it drops quite a bit all the way down to Highway OO. So the -- in laying with the land, we would potentially put it down in this area.

CHAIRMAN EVANS: Any other questions?

[None]

Thank you.

MR. LOHMeyer: Uh-huh.

CHAIRMAN EVANS: Commissioners any have any other questions for Mr. Muckler? Any discussion?

Is there anyone else present wishing to speak in favor of this file? Anyone in favor? [None]

In that case, is there anyone present wishing to speak in opposition to this file?

MR. ANDREW LAMMERT: Excuse me, sir. I do have a couple of words to say in favor of.

CHAIRMAN EVANS: In favor?

MR. LAMMERT: Yes.

CHAIRMAN EVANS: Please state your name and address, and sign in, please.

MR. LAMMERT: Good evening. I'm Andrew Lammert. I'm actually legal representation for Rob Muckler and Brentwood Material Company, the current owner of the property. And my firm address is 825 Merryville Center Drive, Suite 300. That is Town and Country, Missouri 63017.
[Thereupon, the witness was sworn.]

All right.

CHAIRMAN EVANS: Again, I should point out now we have the applicant up here and anyone speaking in favor or against is limited to three minutes.

So...

MR. LAMMERT: Thank you. I'll be brief. If we take a look at Section 91 of the Land Use Regulations, it provides significant precedent for allowing my client's use of the land in the specific use permit they are requesting. Specifically Section 91, Subsection (B) states that subject to Subsection C, the Planning and Zoning Commission shall issue the requested permit unless it concludes based upon information submitted at the hearing that the requested permit is not within the jurisdiction according to Article 7. Take a step back. We've already discussed that the specific use in Article 7 that they are seeking this Conditional Use Permit is for a Special Events, Periodic.

We look at the definition of Special Events, Periodic, it clearly contemplates wedding receptions. That is the specific use they are coming for in seeking the CUP.

Otherwise the application -- they should not -- shall issue unless if the application is incomplete, which my understanding is -- would have already been raised by
this Commission and has not.

Other than that, the only other reasons that it will be denied here today, the CUP, is if there is clear and convincing evidence. I note that standard, clear and convincing evidence. It's one of the highest standards specifically requiring evidence to essentially overturn or deny this conditional use permit.

Basically it says that clear and convincing evidence submitted hearing for the following jurisdictional requirements. The use will be significantly detrimental to public health, safety, morals, or general welfare.

Now, thus far, I haven't seen any written testimony submitted. I suspect there will be some neighbors and others who will speak here after I speak, but I want to remind the Commission that significantly detrimental. The key words there is "significantly detrimental". I'd ask the court to listen -- or court, excuse me -- the Commission to listen to some of the complaints and other people that may speak here today.

The second reason it will be denied is the use will cause serious injury to neighboring property use or values. Again, the key words there, "serious injury to neighboring property use or values". And the use will be compatible -- or will not be compatible with the plan for the area in question will comply with all applicable zoning
1 standards and regulations.
2 Again, the future use plan contemplates that
3 this non-agricultural and urban [sic] development section
4 will be just that, what it's been rezoned to for my clients.
5 So there's clearly some standards which have to
6 be overcome to defeat this conditional use permit, is
7 something I would again -- I would urge the Commission to
8 consider in hearing from the others.
9 There is precedent already in this county.
10 There's three wedding venues which we know of, and I suspect
11 there may be more based upon some of the transcripts that
12 I've read. 2603 Wild Plum Valley, Silver Oaks Chateau, and
13 Hall Valley. Hall Valley goes till 1:00 a.m., and I just
14 want to just note a couple of things, and then I'll be done
15 here with respect to each of these other properties.
16 The -- Ms. Peggy Hope, who came in for 26 [sic]
17 Wild Plum Valley, followed the exact same procedure that my
18 client is following today. She had Suburban Development
19 property rezoned to Non-Urban and Agricultural. She filed
20 for a Conditional Use Permit. The Planning and Zoning
21 Commission granted it. That was ten acres that she used.
22 And then for Silver Oaks Chateau, that was 28
23 acres.
24
25
26 CHAIRMAN EVANS: If you'd please wrap
27 it up.
MR. LAMMERT: Finally for the Hall Valley, another ten acres, and again I'll -- next to that directly west of Hall Valley, what is very significant here is we have two subdivisions that are adjacent to this property. We don't have that here with this specific use that is being requested here today. Specifically I believe one of the neighboring property's neighbors you'll hear from today are 1,450 feet away from my client's proposed use.

Thank you.

CHAIRMAN EVANS: All right, thank you.

Any questions on the way our regulations were explained to us? [None]

Anyone else wishing to speak in favor?

If not, is there anyone present wishing to speak in opposition to this file?

Just chose among yourselves, and come up one at a time. State your name and address and sign in, please.

MR. RON CLINE: My name is Ron Cline. I live at 2844 Spring Valley Road. My property backs right up to that. And I built a hot tub there --

CHAIRMAN EVANS: Just a minute, please.

[Thereupon, the witness was sworn.]

MS. EAGAN: You got to sign in.
MR. CLINE: Oh. As I was saying, my property backs right up to -- right up to where they're going to be putting this. Actually my property adjoins that also with John's. His does too. And I tell you what, when you -- you work hard and you build a nice house out in the woods where you like to be out in the country. I've been out there 30 years, and then I turn around and they're going to put this in my backyard, lights, cars. Double O can't handle all this. Double O is terrible right now.

You get drunks coming out of there, they're going to kill people. I go up to this -- they built another one of these just not five miles from us, and you see the people coming out of there like crazy. I've been to a lot of these, and a lot of drunks. And you know, midnight at night. They're not -- they're not going to be out of there at midnight. You know that. All these lights in the parking lot's going to light up my whole property, and John's also.

I just -- I'm definitely against it. I don't think a septic tank can handle all that sewage either. I'm not a -- you know, I don't know anything about it, but that's a lot of people for a sewer.

CHAIRMAN EVANS: All right, thank you.

Anyone else?
Please state your name and address and sign in, please.

[Thereupon, the witness was sworn.]

MR. JERRY WILDING: Good evening my name is Jerry Wilding. I live at 2182 Timberline Valley Drive in Wildwood, Missouri.

My wife and I own the properties located at 1615 Highway OO, which is adjacent to and immediately south of the subject property.

I'm opposed to this development for a number of reasons. I believe that the burden of proof should not be upon the neighbors of this project to show that it is inappropriate. The petitioners here have provided no studies showing the impact of traffic on Highway OO, which is winding and dangerous. They have shown no studies regarding the impact of the water running off of this property and the non-porous surfaces that they were going to erect.

Last winter without this project being here, my driveway culverts were blown out from rain. If they add to it, it's going to make the condition even worse. There have been no studies regarding the effect of 300 people using a septic symptom, and all of that running downhill directly onto my property.

And they have given no specific studies, other
than hearsay statement, regarding the impact of this project on the value of the neighboring properties. We shouldn't be forced to hire an appraiser. They should be proving to you that it won't affect the value of my property and my neighbors' properties.

I cannot quantify with any data, but it is undeniable that this project will add to noise pollution from amplified music, from car doors being slammed, and the noise of the crowd attending these events. It's undeniable that there will be light pollution coming off lights on the buildings, on the parking lots and on the vehicles entering and exiting this property, including, late hours at night.

There will also be groundwater pollution, as I mentioned, from whatever surfaces are draining and the septic system, which will inevitably drain downhill.

I know you're all aware of an existing facility, Silver Oaks, the wedding facility up on Highway 100. It's a common occurrence that guests of that facility light off fireworks every night as the guests are leaving that wedding venue. I don't want to have to hear that here.

CHAIRMAN EVANS: Please wrap it up.

MR. WILDING: Okay.

There is absolutely nothing periodic about this proposed business. They want to run these events every night of every weekend, and if they can do it during the
1 week, they're going to do it too.

In summary, too much, too loud, too long, and too light.

Thank you.

CHAIRMAN EVANS: Thank you.

MS. REPORTER: Raise your right hand.

CHAIRMAN EVANS: I will have to correct one thing I said is that for comments earlier in the meeting is limited to three for a hearing. It is five minutes. So I apologize to the previous witnesses that were up here.

[Thereupon, the witness was sworn.]

MS. LAURA ELZINGA [ph.]: My name is Laura Elzinga, and I live at 2730 Forrest Glen Drive off of OO. And my husband and I feel there are some concerns about this proposed venue. One, the quality of life. We believe there are some safety issues, and we believe there are some environmental considerations.

My husband and I moved from Illinois about year and a half ago, moved to this area because of the serenity and peace afforded by this area. And we believe that our way of life and property values are founded on this premise.

We believe that this development will alter both the environmental setting and the serenity of the Little Fox Creek Valley and the property values of its
The proposed development will result in significant increases of travelers along Highway OO who are new to the area. They do not recognize the hazards of this narrow and winding roadway. The proposed project setting with respect to roadway conditions and safety is markedly different, we believe, than some of the other venues like Silver Oaks Chateau, a comparable venue located a few miles away from Manchester -- on Manchester Road.

In contrast, the roadway characteristics along Manchester Road, Route OO is geometrically deficient. It has sharp curves, it lacks shoulders, it -- and clear zones. It's very hazardous under normal conditions, particularly treacherous under adverse weather conditions, rain, fog, snow and ice. Accidents have occurred on multiple locations over the last several years, including at least six in the last four months. Some of these accidents are severe because of roadway deficiencies have resulted in at least one vehicle going down the embankment, and that was on December 16th, into an adjacent creek.

It is traveled by light-duty cars and trucks, but is also frequented by heavy-duty semi-trucks and cyclists. The incidence of collisions with deer are particularly high, and we personally had an experience with that last fall after moving to the area, especially dusk and
evening hours.

Visitors for this proposed venue would be both unfamiliar with these hazards and would likely increase the accident rate. A traffic impact analysis study should be performed, we believe, and it should focus on peak traffic flow rather than daily averages. It should consider all relevant factors related to roadway conditions and visibility that may affect safety.

Unfortunately my husband is not here tonight, but he’s an environmental consultant. So these are some considerations that he has, wetlands and surface water resources. Proposed land disturbance and site alteration activities related to grading and construction activities have the potential to both directly and indirectly impact wetlands and other surface water resources by the placement of fill material and by erosion and sedimentation within off-site areas.

The presence of and characteristics of such resources, both on-site and off-site, should be investigated and identified. Additionally, potential authorizations pursuant to applicable regulations should be applied for as appropriate. These include the following: Section 401 of the Clean Water Act, requiring issuance of a water quality certification; Section 402 of the Clean Water Act, requiring issuance of a land disturbance permit, and just a note on
that. Any land disturbance greater than one acre must have this particular Clean Water Act 20CSR.20-6200; and Section 404 of the Clean Water Act regulating discharges and placement of fill material.

The last point of consideration would be the water supply and treatment. Site and facility design are not known totally; however, expecting that a major venue of this magnitude would require substantial water and wastewater supply treatment systems, the following are important concerns.

The water supply. We are assuming that it will obtained as mentioned tonight via well water. The ground water should be properly assessed by conducting appropriate groundwater investigations to understand and verify groundwater yield and production rates, to assess potential depletion, draw down and its effect on nearby groundwater use.

They will need a big well to provide water for a venue of this size. The water treatment notable use levels at the proposed facility will invariably result in the production of large volumes of wastewater. What are the plans for wastewater treatment? Use of septic systems is likely to result in ultimate failure and seepage that will impact and impair sensitive surface water resources, such as Little Fox Creek, including water pollution.
Some concern over sensitive species that should be looked at not as probably as large of a consideration as the water, but endangered species are in this particular area, including the Indiana bat, the Northern Long-Eared bat, and potential development of this site without looking into could -- should consider the potential suitable habitat.

Last thing would be the cultural --

CHAIRMAN EVANS: Please wrap it up.

MS. ELZINGA: -- resources, Section 106 of the National Historic Preservation Act. Because of its position and regional location to the Meramec and Missouri Rivers, this site should be conducted.

We just thank you for your consideration of these issues and matters as part of your decision-making. We value the character and quality of the environmental conditions in this area. That's why we moved there, and we believe that the proposed project is inconsistent with the local setting and the people in the area that would markedly impact property values in a negative way, also representing a safety concerned and adversely affect the environment.

Thank you.

CHAIRMAN EVANS: Thank you.

[APPLAUSE]

Order please. And I should point out that what
we are looking for a conditional use permit is the use of
the particular property that the applicant will still have
to go through whatever studies and permits that are required
for building or moving more than one acre of lands,
lighting, everything else. We're not here about the
permits. If they are required, they will be done as a
condition of the permit.

Anyone else wishing to speak in opposition?

MS. JUDITH LANDVATTER: Judith Landvatter, 2668 Spring Valley Road.

[Thereupon, evidence was marked
for identification and admitted for the
records as Landvatter Exhibit Nos. 1 and
2.]

I'll try and make this brief. I did want to
touch on one issue first off, and that was the --

COUNTY ATTORNEY VINCENT: Ma'am, if
you give me a second. There was something that came up and
this gentleman at this point has to bring up here that's
very simular. Our regulations are quite clear on what
copies can be, what written that's going to be presented.
Yours will not be presented now. You didn't make enough
copies. The e-mail --

MR. MUCKLER: I have adequate copies.

COUNTY ATTORNEY VINCENT: Excuse me.
The e-mail from Pacific cannot be admitted either because it was not provided in time. The testimony is fine. The documents cannot be presented.

MS. EAGAN: He has enough copies.

COUNTY ATTORNEY VINCENT: He didn't submit it to me.

MS. LANDVATTER: Okay. We going to restart my time?

MS. EAGAN: Yes.

MS. LANDVATTER: Okay. And I will try and make this brief, and believe me that's hard for me.

CHAIRMAN EVANS: You were paused.

MS. LANDVATTER: Okay. I did want to comment though on the Pacific Alderman that weighed in in the article that was in the "Missourian" that they were in favor of it. I appreciate that.

I live very close to this venue on Spring Valley Road. I am not in Pacific, and I appreciate their concern, but I don't believe they plow my roads, give me internet, anything like that. So I'm not sure, while it's on their doorstep, exactly what their point was to say that without talking with other people that live in the area.

And as a matter of fact, on March the 7th, Alderman Chlebowski reversed himself on the support of this project, and said that due to the complaints from his constituents,
he was not backing it.

It's true that there's no subdivisions surrounding this wedding event, but there are people that are very involved with this valley that love where they live and spent a lot of money and bought as much property as they probably could, and like living out there. So whether there's 400 subdivision houses or 7, I think is relevant.

The other thing that I'm very concerned with is we keep talking about wedding events, weddings, weddings, weddings, and obviously this will be primarily weddings, but the company is called the Event Company. It's not called the wedding company or I'm just going to do weddings. So that opens it up for events seven days a week with a cutoff time in the evening, but not just weddings. So it can be a lot more than weddings. I'm a little worried about what that could involved. It does allow amplified music.

And of course, we get to really the last thing that I'm very worried about, and that is the concerns on OO. I spoke to Judy Wagner, who's the highway engineer for our area of Franklin County, and she told me that unequivocably there is no money that the State of Missouri has in the foreseeable future to put shoulders on OO. It's not going to happen. MoDOT will also not put a turn lane in. So while they're going to regulate the entrance, the actual road will not be in any way changed.
I made you a handout and it's just -- I'm a visual person. That's 177 cars with 200 people. That's OO. I don't get it. I don't think it'll work. I think it's extremely risky. There's a safety issue. There's also the concern of the average amount of traffic, which I think is impossible to say when you're going to bring about 146 cars in at certain times of the day or night. So while the -- the traffic study is imperative, I feel, I just hope that everybody realizes that no matter the study says, if they are allow the conditional use permit, OO is not going to change. I do not believe that they are going to put shoulders, straighten the road out or put a left-hand turn land in.

So I would hope that everybody would realize that, consider it.

My last point, and maybe it's just a personal issue. We live on -- Spring Valley is a private road. It's owned by all of us that live on Spring Valley. We maintain it. We get no help from anybody. Because of the wonderful electronics that we have, if you look at my little map with the pink line, that's what you get when you Google Spring Valley Road. So everybody has figured out it runs from OO to 100. And even though I don't know how to say private road, no trespassing, keep out, please don't be here, we get a lot of traffic on it already.
Once that event center goes in and the traffic backs up, you pick up your cell phone, and you go where does that road go? It'll tell you it goes right back to 100. That is really unfair to all of us. So that I hope that, at least if nothing else, they are encouraged to put a sign up at Spring Valley that this is not a public thoroughfare.

And I thank you for your time.

CHAIRMAN EVANS: Thank you.

Anyone else wishing to speak about this issue?

[Thereupon, the witness was sworn.]

MS. KATHY KILO PETERSON: Good evening. I'm Kathy Kilo Peterson, Peterson, 12624 Highway 100. Appreciate you hearing my thoughts. I have a -- pass these out.

My property immediate- --

MS. EAGAN: Please wait.

[Thereupon, evidence was marked for identification and admitted into the record as Peterson Exhibit No. 1.]

As I said, so my property also immediately borders this commercial project to the north, as well as Jerry who spoke earlier. And I know a lot of my concerns are simular to the rest, but the pollution is a huge concern. The noise pollution, you know, we do enjoy our peace and quiet. We have -- a lot of us have a very
significant investment in our property, and that investment partially was for the property being peaceful. So the noise pollution, not just the music, the band, but the volume of people attending these events just by being on these decks and being on outside venues also creates noise pollution in addition to the music. And I don't know if 10, 11 o'clock seems late to you, but that's a lot of noise into the evening. And they are proposing maybe a couple of nights a week, but it could be obviously a lot more than that. So there is no limit on to how many nights a week we'll have all this noise pollution and no peace whatsoever.

Light pollution also is really a major concern. The -- I don't know how many lights you have to have for this amount of parking spaces, but with all those regulations, that's a lot of lighting, and it is going to change, completely change our night sky, our natural night sky. And so that light pollution is also of major concern and our reduced property value. Again you know, really a sudden should have been done because, you know, this is going to reduce our property values. There is no way that this could enhance those of us that are neighbors that are going to be next to a commercial venue with all of this noise pollution, light pollution, environmental pollution. Again, the runoff from all the asphalt. Where is that going to go. Well, maybe they're thinking there's
going to be, you know, a place for the water to go. But it
does, as you could see from, I think they gave you an
aerial, that slopes down and where does it slope? Towards
the highway, towards 100 and the creek.

And what impact is there to the environment?
So we've got those three, you know, pollution issues that I
am really concerned about. And then of course, the safety
on 00. I'm sure all of you have been down 00, and just on a
normal day, it's not the easiest route to travel. And then
you're talking about evening, and you know, hey, weddings.
They're going to be drinking. I don't know who -- who's
kidding. People are going to be drinking at -- at these --
at these events, and they're going to be on our roads coming
up against our families, our neighbors, and that puts us all
at risk.

Also you know, some of the assumptions I was a
little concerned about on the statistics. They're all based
on their assumptions show the 7 percent increased traffic
was only based on two days a week. Well, that's, you know,
just two days a week. So what if it's four days a week or
five days a week? Obviously that statistic goes way up.
And also 12 percent of hard surface based on the 30 acres.
Well, do the percentage off of the 10 acres where it was
rezoned, and it's a much higher percentage.

So I appreciate you hearing my thoughts this
1 evening. Thank you.

    CHAIRMAN EVANS: Thank you.

2 Anyone else wishing to speak in opposition?

    MR. JERRY Van DEVEN: My name is

3 Jerry Van Deven. I live at 2738 Forrest Glen Drive.

[Thereupon, the witness was sworn.]

    MR. Van DEVEN: I guess what I'm

4 worried about more than anything else is all the noise it's

5 going to create and the traffic on Highway OO.

6 If this was maybe just a wedding thing, I might

7 not be so much against it, but when they're throwing in an

8 innuendo in there, whatever you want to call it, that means

9 they can just blast all kinds of music. And believe me, I

10 just moved here from north St. Louis County. In north St.

11 Louis County most of the people up there are hard of hearing

12 so that their radios are on one volume, and that's wide

13 open. And please don't make me lose -- have to go through

14 that out here again.

15 And the only question I got, is of you folks on

16 the Board, how many of you people would want this in your

17 backyard?

18 Thank you.

    CHAIRMAN EVANS: Thank you.

19 Anyone else wishing to speak in opposition?

    MR. JOHN HOLDS: John Holds, and I'm
still a legal reside in St. Louis, but moving to 2802 Spring Valley Road in Pacific, which I own outside of Pacific.

And can we distribute this stuff. I have -- so I have a copy of my Power Point presentation and a formal appraisal of the property I'm looking at through that.

[Thereupon, evidence was marked for identification and admitted into the record as Holds Exhibit No. 1.]

All right. And my wife, Sophia Chung, is here with me. We own the 57 acres immediately west of this property. So I'm the little arrow. Paddy Kerr, I've got a little arrow at the top that shows his property, which is incredibly close to this venue. We have a new home that we just finished inspection in December. We've been moving in since January, and I moved to this area for solitude, peace and quiet. This is out of my east-facing window, facing directly towards the venue in the morning.

CHAIRMAN EVANS: I'm sorry, sir. You were not sworn in.

MR. HOLDS: Oh.

[Thereupon, the witness was sworn.]

Do I need to start from scratch or carry on?

CHAIRMAN EVANS: Go -- go ahead and carry on.
MR. HOLDS: Thank you, Mr. Evans.

CHAIRMAN EVANS: You look like an honest man, but rules are rules. So...

MR. HOLDS: Yes, absolutely.

So we moved there for solitude, peace and quiet, and you wonder why are these people just showing up now. Well, this is the first and the other notices look just like this, which basically tells you the applicant wants to rezone his Non-Urban Agricultural. Now I've got to kind of, you know, yellow and green fluorescent colored notice that tells me about this hearing. But the bottom line is no one around knew what was going on really. I guess it was in the Pacific, Missouri, and I'm busy with other stuff. I don't actually read that too much.

And it was contended that Mr. Muckler had spoken to the neighbors, and that we were okay with this. However, I have yet to locate the neighbor spoken to and would be glad for him to identify that person, because everyone around this venue I've now spoken to, and I have yet to find the person.

These notices only go within 600 feet. Only 11 notices went out. Two of them are departing landowners, one being the Portners that sold the property. Paddy Kerr, who is behind me and will speak in a bit probably, never got -- is still not getting notices. So -- so nobody really knew
what was up.

Now, the latest plan I got -- met with Rob Muckler on the 15th, and I appreciate him meeting with me. We went to see if we could find some common ground. The buildings are large. It does impact a good chunk of that forested tract, some -- 20 some percent according to the lady from Cochran. I find the parking to be somewhat excessive, but just the whole plan really is not good from the standpoint of noise, traffic, environmental degradation.

This is a slide from the presentation that was given to the County Commissioners on the zoning, and they say well, 50 to 75 cars. So when I talked with Mr. Muckler, he sort of minimized the impact. "Well, we'll only have one of them per day."

Is that going to be a requirement? Would you accept such a requirement?

"We'll only going to have weekend events."

Would you accept such a requirement? Can we give a CUP that only allows two events a week?

I don't think he would want to see that. They say 50 to 75 cars on average. Well, now we find maybe it'll be 146 cars.

And I think the public officials were sort of pull in on this. I mean, Pacific Aldermen support it.

Well, they talked about how great it would be. Well, let's
look a little more at this local support. You know, we've talked about Nick Chlebowski who's just -- whose district includes Forest Lawn. He's added the caveat he wanted to make sure no adverse effects surrounding properties.

Now, and it's hard to see. It's hiding behind Mr. Evans, but the bottom line is when he corresponded with us by e-mail, Mr. Chlebowski said, "Well, Rob Muckler indicated he had discussed this with the neighbors, and they were not opposed. But it appears that they were less than forthcoming."

So bottom line, I think the interests of the neighbors may have been misrepresented by Mr. Muckler, who basically had the stand at that point. No one else showed up. So the bottom line is Chlebowski, whose district is affected by this has withdrawn his endorsement. The Aldermen are not unanimously in favor of it.

We look at the idea of Non-Urban Agricultural. And this is -- you ladies and gentlemen understand this because this is your terrain, but to me, paving a large part of a property, 21 percent of the subject 10 acres would not seem to be a non-urban or agricultural use. But this is the slide from the presentation that the lady from Cochran gave. The proposed use would keep open space a promote wildlife and forestry.

I don't -- I'm not quite sure how the wildlife
and forestry are promoted by building on this hilltop, and this hilltop does broadcasts. So questions. Is it limited to weddings? It sounds like probably is not.

Who polices numbers of people attending, hours of events? I think once the approval is in, we've been given this Polly Anna explanation that the hours would be limited, but I don't see unless the CUP specifically limits the hours less than the general allowed in the Special Occasions language, I don't see them limiting if somebody wants the wedding to go on until midnight.

Who's going to pay for damage to neighboring property value? Our attorney behind me was looking for some clear and convincing evidence. Well, I have offered you clear and convincing evidence. You each have a written appraisal from Tom Noonan, a well respected local appraiser. He did two site visits to my property. He looked at the potential adverse impact of the wedding venue.

Bottom line, and I pulled out the page on external obsolescence. This is my current appraisal all in for all my property. I am damaged 35 percent of my value. That is a big number. That's one property owner. There are at least 15 properties significantly affected, and if we look at Forest Glen properties who are looking straight at this property and will get the sound and the light, there are quite a number of additional properties. This does not
include potential future damage by inability to profit by subdivision of my larger property.

So bottom conclusions, I think the zoning approval was based on misrepresentations of the neighbors' desires which are now known to be less than forthcoming, the proposed venue will irreversibly and very significantly damage values of surrounding properties. It's an inappropriate location that has severe impacts, lights, sound and traffic. It's inappropriately located, and spot zoned into an entire ocean of suburban development area, which -- and I think the zoning was inappropriate. And some of you may have -- I have a separate action pursuing that. Granting a CUP for this venue would be inconsistent, and I provide clear and convincing evidence of damage to the public health, safety, welfare and the property value of the neighborhood.

Thank you.

CHAIRMAN EVANS: Thank you.

Anyone else wishing to speak in opposition?

[Thereupon, evidence was marked for identification and admitted into the record as Kerr Exhibit No. 1.

Thereupon, the witness was sworn.]

MR. KEENAN KERR: My name is Keenan Kerr, and I live at 1805 Highway OO. I purchased the
property back in October 21st of 2016. I was never notified of anything going on that pertains to the wedding venue going up.

Why did I purchase the property? I purchased it for quiet, peace for my retirement, my well. It’s an investment. You know, in my future I have the possibility of subdividing it to create more wealth by making the property valuable obviously.

Okay. Section 237 Special Occasions permits 237(a)-2. To protect nearby property owners, residents and businesses from special occasions that may be disruptive, unsafe, or inappropriate given site conditions, traffic patterns, land use and nature of the proposed use.

As that's proof it's my property.

Okay. This is a preliminary survey done by Michael Burke, Burke and Associates. It is not deeded yet, but my father is an investor in the company which is also the owner of the property here. 6.1 acres is what we would like to subdivide. If this wedding venue is built, you know, he may not want to build.

If we look at this photograph here, this is the picture taken at the 6.1 acres that we hope to subdivide at a later date. If you look upon the hill just above the black truck there, that is where the wedding venue will be placed, along with the parking lot. If you look down at the
bottom of the hill, the treeline there, that is my property line. If you take a ruler or measuring device of some sort from that line to where the end of that parking lot will be, it will be roughly 600 feet.

This is my property line here. This would be the west side, and then obviously again down at the bottom of the hill there is my -- is the south side of the property lean. And then again, Mr. Holds' property is, if you follow to treeline at the very top all the way to the right, is right there at the edge of the picture there. Then again, that's a much better picture there where the wedding venue would be right there, center left of the photograph.

Then again, same picture roughly just a little bit farther down the hill. As you can see clearly, that wedding venue will be looking right down on top of me.

Possible wedding venues for this -- excuse me. Possible venues for this wedding venue property. Revised on March 7, 2017 Article 2, Special Occasions. Deleted Special Events, Periodic to Special Occasions.

This is not just going to be a wedding venue. It can be set up for celebrations, ceremonies, receptions, corporate function of similar activity, involves the gathering of individuals assembled for the common purpose of attending a special event.

Special Occasions facility under this
Definition include but are not limited to wedding receptions, graduation parties, holiday parties, corporate events, bar mitzvahs, et cetera. This definition covers every possibility -- excuse me. This definition covers every possible party, celebration, gathering, et cetera.

This wedding venue will be open all the time. If you add all the time that this wedding venue will be open during the week, seven days, it'll be 60 percent of the time.

Thank you for listening. Have a good night.

CHAIRMAN EVANS: Thank you.
MR. K. KERR: Yes, sir?
COMMISSIONER McLAREN: Can I ask a question of him?
CHAIRMAN EVANS: Sure.
COMMISSIONER McLAREN: I'm sorry I'm confused. You just purchased this property? Is there -- I'm confused. You own six acres or is that --
MR. K. KERR: I own 36 -- it's 35.6 or something.
COMMISSIONER McLAREN: What's the six acres that you were referring to, to start out with? That -- that's where I'm lost.
MR. K. KERR: Yes, sir.
COMMISSIONER McLAREN: You lost me
altogether.

MR. K. KERR: Okay. So that's my property there -- I'm sorry -- the west property line, along with the south property line with an easement from Ms. Kathy who has already spoken.

So the 6.1 acres is what we hope to subdivide to --

COMMISSIONER McLAREN: Okay.

MR. K. KERR: -- increase property values.

COMMISSIONER McLAREN: That -- that's just a parcel -- an arbitrary drawing of the property that you own?


COMMISSIONER McLAREN: Okay. I was confused there. I'm sorry.

MR. K. KERR: No problem. Glad I can solve it.

MS. EAGAN: Bill, can I clarify some things?

CHAIRMAN EVANS: Yes, Scottie.

MS. EAGAN: This -- this file is under our old regulations. So everything pertaining to Special Occasion permits is not valid for this application.
This application still falls under Special Events, Periodic as it is today.

CHAIRMAN EVANS: Correct, and we are familiar with these regulations since we wrote them. So...

MS. EAGAN: Correct.

CHAIRMAN EVANS: Thank you.

MR. K. KERR: Thank you.

MR. PADRAIC KERR: Good evening. My name's Padraic Kerr. I live at Highway -- 1705 Highway OO, Pacific, Missouri

[Thereupon, evidence was marked for identification and admitted into the record as Kerr Exhibit No. 2.]

Thereupon, the witness was sworn.]

Thank you for hearing me this evening.

Robert and Lauren Muckler asked Franklin County to rezone 31 acres along Highway OO, north of Pacific, for the purpose of operating a wedding venue. We all know this.

The County Planning and Zoning Commission denied the request, but because of its proximately to Pacific, the County asked the Aldermen to comment on the request before the County Commission asked the Planning and Zoning recommendation on December 23rd.

Section 237(a)-2 says, to protect nearby property owners, residents from special occasions that may
be disruptive, unsafe or inappropriate given the site conditions, traffic patterns, and land use, et cetera.

Same section (c)-2 states, no special occasion shall be allowed to exceed an attendance level of over 300 people. The hours of operation are projected in a week are 168. I'm sorry. There's 168 total hours in a week. The hours that it's projected to be open are 99 of those 168. That is 59 percent of the time of the week, for an example.

Plus additional hours for staff, which could be an increase by 7 hours, coming to 106 total hours per week out of the 168, which increases to about 63 percent.

My next few slides refer to page 84 on December 20th Planning and Zoning meeting. Ms. Scottie Eagan is quoted by saying:

"I want to just touch on noise amplified and unamplified noise or music shall end Monday through Thursdays and Sunday at 10:00 p.m; Friday and Saturday at midnight.

"Lighting to go out at 12:45 a.m. at the latest so it is not visible by nearby properties."

I just want to say it'll be visible by my property.

On page 88, she also says:
"I sent this to people, and they both say they don't see any hindrance to it, except that the neighboring residents is the only question that came up."

I'd like to ask what question was that or what -- any questions were those?

Sorry. This is my -- a view from my property about a hundred yards from Highway OO. There is a video along with this slide. I don't know if it'll play.

MS. ZIELKE: We can't play video.

MR. P. KERR: You can't play video.

Well, I would like to play you a video from my cell phone. It's the same --

COUNTY ATTORNEY VINCENT: You got to leave it here. If you're going to make it a part of the record, we got to have a copy of it.

MR. P. KERR: Can I send it via e-mail? I got to leave my phone here? It's almost worth it really.

COUNTY ATTORNEY VINCENT: Okay.

MR. P. KERR: Because it is significantly -- significantly different from six cars passing to zero.

You hear six cars going by at normal speed
limits creating -- I can't quantify the noise level, but it is loud compared to 30 seconds later crickets.

If this is a proposed style of building, it clearly has outside seating, which will equal to plenty of noise. The noise will be coming from talking, singing, toasts to the bride, along with conversations, and all that noise will echo right down the valley.

I'd like to point out a few comments from some of the commissioners from Planning and Zoning. The same date on page 98 about staff leaving.

Commissioner Eagan [sic] said it's Saturday and your event ends at 12:00 a.m., most likely your neighbors want those people out by 1:00 a.m.

Well, I would not like them there at all.

Commissioner Haire says, I've done some because I was a trustee and had property to rent. If you have a property -- if you have a party that ends at midnight, getting out of there by 2:00 a.m. is hard to do if you're cleaning up. Also said, on page 99:

"I'm just going to tell you.

I've been -- we managed that and the property was a pain in the butt.

It's just to manage people, it's hard to manage people, getting them out."
Lights go out at 12:45 a.m. Commissioner Eagan [sic] says, "Yes, all the lights will have to go out at 12:45 a.m."
The City Attorney [sic] is -- states, "Good luck."
Commissioner Haire, "That goes back to the enforceability issue."
Commissioner Reinhold says, "Who's going to enforce?"
On page 103, McLaren, you're probably going to be impacting your neighbors. So the lighting, I think, will -- when the last guest leaves. The lighting will go out when the last guest leaves. Who knows when that's going to be. People do not leave when they're told to, --

CHAIRMAN EVANS: Your time is up.

MR. P. KERR: -- especially if alcohol is being served.

I will end with stating this. I was never approached or received any information in my mailbox about this proposed development. The first time I was notified by this was Mr. Holds' letter that he sent out to all the surrounding neighbors. I believe that was March 6th or 7th.

And I want to go back to one more thing --

CHAIRMAN EVANS: Your time is up.

MR. P. KERR: -- about Andrea from
Cochran -- Cochran Engineering. She said that the creek splits our property line. That is in correct. My property line goes across the creek, on the south side of the creek.

Thank you.

CHAIRMAN EVANS: Thank you. Scottie?

MS. EAGAN: Just to clarify some things again. We're not here talking about Special Occasion permits or the regulations pertaining to those.

CHAIRMAN EVANS: Right.

MS. EAGAN: We're just here talking about the conditional use permit application.

CHAIRMAN EVANS: All right.

MR. P. KERR: Thank you.

CHAIRMAN EVANS: And I assume everybody who did read the minutes is now up-to-date on them?

COMMISSIONER REINHOLD: New information we want.

CHAIRMAN EVANS: And all those were taken out of context.

Anyone else wishing to speak against this please step forward.

COMMISSIONER REINHOLD: Can you ask them about new evidence instead of just the same thing over and over again?
MS. EAGAN: And last name?

MR. ROBERT KERR: Kerr, K-E-R-R.

MS. EAGAN: So we'll do Kerr 3, 4 and 5.

[Thereupon, evidence was marked for identification and was admitted into the record as Kerr Exhibit Nos. 3, 4 and 5.]

CHAIRMAN EVANS: Again, we have anyone who wants to speak this evening, will have the opportunity. But we hope that, rather than just repeating the same thing, that you would offer new evidence or keep your comments as brief as possible, but everyone wishing to speak will have the opportunity.

MR. R. KERR: Good evening. Thanks for having me.

MS. EAGAN: Hold on a minute.

MR. R. KERR: Sure.

[Thereupon, the witness was sworn.]

Good evening. My name is Robert Kerr. I'm involved in the Kicking Grass Lawn Service, which is 1805, and I'd like to make a point. Paddy's property at 1705 is in the direct line-of-sight, less than -- it's about a driver and my 65 degree wedge from about 80 yards. And so -- and he's right underneath the hill.

Okay. If the Planning and Zoning Commission
finds that an application complies with all the provisions, the Planning and Zoning Commission may still deny the permit if it concludes -- which I'm going to refute some of the testimony on the other side on this one -- based upon clear and convincing evidence submitted at the hearing. Which I've done.

And it has to follow: The use will cause serious injury to the neighboring property in the use of that property or the values of them.

In your Section 14 [sic], Section 321, it says: "...conserving and protecting property and the building values of Franklin County citizens."

In Missouri Revised Statute -- sorry. Here we go.

"A parcel of property is a nuisance if such property adversely affects the property values of the neighborhood or the property value; any property owner who owns property within 1,200 feet of the parcel of property alleged to be the nuisance."

On -- in December 21st, Robert Muckler, and by the way, he also repeated this tonight -- I spoke with
Andrew Neff of Neff Appraisals. I assume that's Mueller and Neff on south Lindbergh -- and he is familiar with the area, and said in his opinion -- not a fact or convincing evidence, being that far away from the other houses and being centered on the property, that it will not affect or defect the surrounding properties.

By the way, they've been in business for 50 years. By the way, they presented no evidence about that issue at all. I have presented it tonight for you.

Mrs. Lohmeyer -- Ms. Lohmeyer of Cochran Engineering in the meeting said, "The immediate vicinity of property values," when she was touching on six of the issues that she was going to talk about on page 15 and 16.

"You know there's going to be a lot of things available for the people wanting to use that property. It will improve the area around, and I see those areas continuing to grow."

On page 16 as far as property values are concerned, Robert again already touched on this briefly, but they did speak with an appraiser who has been in the business for a long time, 50 years, so they don't see any negative effect on the surrounding property values.

The property now is zoned Suburban Development.
Obviously that's been changed, and Mr. Muckler said that we'd have to change it to Non-Urban, which apparently that has been done.

On the December 21st meeting, Commissioner Griesheimer said -- I hope I said that name right --

"I have a real concern with this listing, and I have a real concern, you know, rezoning this. If we rezone it into Non-Urban Agriculture so it would be an island unto itself.

"I've got a real problem rezoning this, you know, to fit one particular venue because obviously when you rezone it, that's it. It's a Pandora's Box. So I have a real big concern."

Ms. Eagan said:

"My department -- myself and my department feels like the Suburban Development is not a zoning district where special occasions or special event facilities should be located,
but if it is the wish of the
Commission, we would just have
to amend the regulation."

And obviously, that's exactly what occurred.
The term spot zoning is an ordinarily used when spot zoning
-- sorry. There we go.

Spot zoning is used where a zoning ordinance as
amended by reclassifying one or more tracts of lots for the
uses prohibited by the original zoning ordinance. A
 provision in general plan which benefits a single parcel of
land by creating a zone for the use just for that parcel and
different from the surrounding properties in the area.

Spot zoning is not favored since is smacks of
favoritism and usually annoys neighbors. Spot zoning by
definition seeks to only benefit a single property owner or
a select group, and this type of zoning is an abuse -- I'm
sorry -- of police power delegated by the state to the
municipalities.

It has therefore been declared arbitrary,
discriminatory, and unreasonable most vicious practice that
has been expanded almost to the point where it has become a
cancerous growth on the body politic in many municipalities.

In an Urban Law Annual, courts have called spot
zoning an attempt to rend a single small lot from its
environment, give it a new rating that disturbs the tenor of
the neighborhood, which I do believe we've established this evening.

Singling out a small area for the different treatment than afforded the surrounding properties without justification is invalid. By the way I --

CHAIRMAN EVANS: Please -- wrap it up, please.

MR. R. KERR: I understand. I'm coming to my point.

The Missouri Municipal League in Jefferson City of zoning procedures said:

"Spot Zoning -- the awarding of the use of classification to an isolated parcel of land that is detrimental or incompatible with the uses of the surrounding land area."

I have presented you with two more appraisals from Noonan Appraisals of 1705 and 1805 Highway 00, accompanied with the Holds property, my son at 1805 will lose $300,000 in value. That's not including if he subdivides it. Then it goes to 612. Now, that's their whole investment, and that's their whole equity in the property.

Son number 2, Paddy, he will lose $105,000 in
value of his $170,000, and he's a 30-year-old man. They're going to lose drastically in this deal.

Thank you.

CHAIRMAN EVANS: Thank you.

COUNTY ATTORNEY VINCENT: Bill, I need to point out a few things. Spot zoning is not illegal in Missouri. I'm not sure where that's coming from, but it's not. But more importantly, Chapter 82 does not apply Franklin County. The implication that it did is fully not right, and I must correct that. Chapter 82 is only to rural cities.

MR. R. KERR: I know, but in the Missouri statutes on-line, it says Franklin County is included with other counties in that statute.

COUNTY ATTORNEY VINCENT: Not that one.

MR. R. KERR: Okay. Well, that's what it says on there -- on the Missouri website.

COUNTY ATTORNEY VINCENT: But they're wrong.

MR. R. KERR: Okay.

CHAIRMAN EVANS: Scottie?

MS. EAGAN: Bill, I'd also like to clarify something.

In his testimony, he states that when I said
that I -- we feel like SD is not a zoning district for
special occasions and special events, that it should be
located with the Commission, then with the regulations that
he claims that you guys did, you didn't. The regulations
still don't allow special occasions in SD. That property
was rezoned, but not by you guys, by the County Commission.
    So I just wanted to clarify that.

CHAIRMAN EVANS: All right, thank
you.

Anyone else wishing to speak in opposition?

Please state your name and address.

MS. FLORETA HARRISON: Floreta
Harrison, Spring Valley Road 2668.

[Thereupon, the witness was sworn.]

I'm Floreta Harrison. I'm a retired Missouri
certified real estate appraiser.

In my opinion, I agree with everything that my
neighboring landowners have to say. I own land along Spring
Valley Road. I believe it is not the highest and best use
of lands and it will negatively affect all the land in the
area.

Thank you.

CHAIRMAN EVANS: Thank you.

[Thereupon, the witness was sworn.]

MS. SOPHIE CHUNG: My name is Sophie
Chung. I live at 2802 Spring Valley Road with John Holds, and I don't have a PowerPoint slide, but I do want to say that we are an immediate neighbor. We did receive a pink card. That was the first notification that we received about this property being developed into a commercial venue.

I attended the December 21st meeting, and all of the commissioners at the time were opposed to this commercial venue. I was the only person who knew about it and learned about it, and I voiced my opposition at the time.

Remarkably, less than seven to ten days later all of the counsel of men unanimously approved it. I find that very suspicious when they were all unanimously against it and then in about a week's time they were all unanimously for it. Nonetheless, at the time, none of the neighbors knew until that time, and now all of the immediate neighbors know about this particular venue, and all of us are opposed.

And I would ask that you please consider this because Mr. Muckler, in fact, did not speak to any of us, and we knew nothing about this at the time.

I would ask that the Planning and Zoning Commission in fact represent the constituents of Franklin County and vote to oppose this because all of us are affected adversely. And I think the damages that Mr. Noonan has provided for both the Kerrs as well as ourselves clearly
reflects the significant devaluation of our property by 40
to 45 percent. That is in writing. That is inarguable, and
really significantly devalues property within Franklin
County.

So we appreciate the time that all of you have
shown for all of us, but we would sincerely hope that you
would consider all of our objections and our feelings about
this, because we all feel proud to be, you know, members and
residents of Franklin County, and we oppose a commercial
venue coming in simply for monetary values.

They don't care about the same principles that
we care about, which is the exact reason we moved here.
They care about making money, and that's all they're
interested in. We truly value Franklin County. So we
appreciate your listening.

CHAIRMAN EVANS: Thank you.

Anyone else wishing to speak in opposition?

If not, then the testimony part of the public
hearing is over. Commissioners?

COUNTY ATTORNEY VINCENT: Rebuttal.

MS. EAGAN: Rebuttal.

CHAIRMAN EVANS: Rebuttal. I'm

sorry. Is there anyone wishing to speak in rebuttal?

MR. LAMMERT: Andrew Lammert again,

attorney for the applicants.
Robert and Lauren Muckler bought this property contingent upon the rezoning, which the County Commissioner granted. What's interesting is none of these people who are here tonight, except for one, Mrs. Chung, showed up at that hearing to contest the rezoning or to give their thoughts and opinions on the effect of the properties or the effect of the County altogether.

Upon information and belief, a certain neighbor is incited and solicited most of these people to be here tonight to stand in opposition to my client's application.

I want to point out to the Commission that during the public hearing with respect to 2603 Wild Plum Valley, there was an at-length discussion between the Commissioners regarding developing a standard for wedding venues within Franklin County, I think, given the amount of applicants that have come through in at least the last three or four years.

Because of that and because of the -- I'm not sure where it went from there. I only had that one transcript. I don't know if this Commission has discussed a standard for wedding venues, but I think what's happened with the those other three wedding venues that I mentioned before, I think it behooves this Commission to grant my client the same opportunities afforded to those other applicants.
My firm, McCarthy, Leonard and Kaemmerer, stood up here and represented Home At Farms, Incorporated in 2013 when they were seeking their conditional use permit. Two hundred and fifty notices were sent to the neighboring properties. Again, the adjacent two subdivisions next to that Hall Valley.

There was no evidence presented then how those -- how those residents were going to be affected by Hall Valley, and quite frankly, you would think that, given the clear and convincing evidence standard that must be overcome here, that some of the opposition we've heard here today would show up with comparisons to some of those other wedding venues and how they have had effect on the community surrounding them and the community of Franklin County as a whole. But we haven't heard any evidence of that.

I think one of the -- the second objector stood up here and said that the burden of proof should be on the applicants. Well, that's not -- not the burden that's spoken in the regulations. The burden is on the people who are objecting to show clear and convincing evidence of how this property and this specific proposed use is going to affect them.

My clients still have to comply with the permitting process, the regulations, state statutes, and Franklin County ordinances. I mean, just because they get
this conditional use permit, I'll remind the Commission they have laws to follow. And if they're broken, I assume that the proper authorities are going to deal with them.

One of the objectors said we haven't shown test-- and we haven't shown evidence. Again, it's not our burden, and I -- I ask what -- what evidence has this Commission received today from them that is clear and convincing?

We've heard some appraisers giving hearsay opinions. You know, I -- technically, and I know this is not a court of law, but the clear and convincing evidence standard is the same standard that is used in a court of law, and it's a -- it is a step below the burden of beyond a reasonable doubt. It's one of the highest standards in -- in the law.

What we heard here -- heard here today is a bunch of speculation and, you know, what people think is going to happen to their property. But again, with no evidence. If those appraisers truly believed and gave their opinion under the clear and convincing evidence standard, they should sit here and tell this Commission their theories, their conclusions, maybe talk about some comparisons to the other wedding venues and how they've affected the surrounding properties. But again, we've heard none of that, none of that tonight. All we've heard is just
the hearsay conclusion of those appraisers.

And for the record, Mr. Muckler never stood up here and said that he talked to all the neighbors. That -- that just is a misstatement by many of the people who -- who spoke and objected to this application.

So again, I'd -- I'd urge the Commission to take a look at what is done with past wedding venues, and keep the standard that it recognized was important during the public hearings for 2603 Plum Valley and the other wedding venues that it has approved.

And also I'd encourage everyone here to introduce themselves to Robert and Lauren Muckler. I mean, these -- these people are not here to make everyone's life, you know, hell. I mean, they're -- they're here to run a business, you know, create a livelihood for themselves, and most importantly, they are going to give a benefit back to this county. They're going to generate revenues and tax dollars, you know, and that -- that is the intended future plan for what that specific area denotes. And...

So again, in closing, I'll just say the clear and convincing evidence standard. I don't believe it was met by any of the objectors, and I think I -- we request that the conditional use permit be approved.

Thank you.

CHAIRMAN EVANS: Thank you.
Any discussion? There is no rebuttal from the opposition. Jay?

COMMISSIONER SCHULTHEHENRICH: Well, I'd like to understand something on there, and that is that, when I see in the document filed on behalf of the petitioner here, there is a -- appears to be misleading information that's being provided to us here. Okay? And that concerns me.

When we look at the submittal of professional opinion, when you talk about the improvements to this property should have no negative effect on the surrounding property values, and you reference an Andrew Neff and Mueller and Neff Appraisers. And they -- you don't have any documentation with this whatsoever. And the key word that you presented us, and yet, you say should have no negative effect, implying that that must have come from the Andrew Neff appraisal company, and yet, without documentation.

And yet, I heard you stand up here and say that the documents presented on appraisals by the opponents to this request, you said, they should have the appraisers right here.

Well, I find that a little bit mis- -- maybe a little bit high expectations of the opponents when you all, in my opinion, provided a piece of paper to us which was somewhat -- not somewhat -- which was misleading. Okay?
So I would take exception to what you had said in that regards. Okay? And also, I think you did a disservice by your comment because we had a retired appraiser who stood up and gave her testimony here, testifying that in her opinion the property values would in fact be. So I think there was a lady who had appraisers -- I don't -- she didn't present any evidence of your license or anything like that. Okay? I'm taking your word for that you were. But at least --

MS. HARRISON: I don't have it with me.

COMMISSIONER SCHULTEHENRICH: At least, the individual stood up in that regards.

Those are my comments that I'd like to say in that regards to it being in regards too.

[APPLAUSE]

CHAIRMAN EVANS: Thank you.

Order please.

Any other comments, discussion?

COMMISSIONER McLAREN: Bill.

Which -- which direction do you think most of your customers are going to come from, off of highway 100 or off of Osage Street?

MR. MUCKLER: We think 44.

CHAIRMAN EVANS: That's mr. Muckler.
You still have to come up to answer the questions. And you're still sworn in.

MR. MUCKLER: We believe 44 or Highway 44.

COMMISSIONER McLAREN: Will be the majority of -- of what direction your clients will come from?

MR. MUCKLER: Yeah. I would -- I would assume. You know, we -- we would do a really good job of advertising the directions a hundred percent, and we would say something about Spring Valley Road and make sure. You know, we would list that stuff so people -- obviously, we want them to get to the venue as easy as possible. You know, we don't want to create any headaches for people or our neighbors.

COMMISSIONER McLAREN: Okay. And once again, there is never going to be two events at the same time here; is that correct?

MR. MUCKLER: Oh, a hundred percent. Yeah, we -- we are only doing a one-day rental no matter what.

COMMISSIONER McLAREN: You have -- you have two buildings, but...

MR. MUCKLER: Yes, sir. We actually did that assembly building just to have an indoor ceremony.
space so we aren't outside. That's really why we are doing another building, to keep it inside. Really just that they talked about the patio. We're not really having a patio. Or it's more of a standing patio. So a cocktail hour. There wouldn't be bands out there or anything like that. We're not keeping people out there. It's more for go outside, grab, you know, fresh air, and then head back inside. Everything would be really within inside the buildings, besides if there was an outdoor ceremony on that patio.

COMMISSIONER McLaren: Okay. And I wanted to follow up on a couple of things on the buildings themselves.

And I -- all the Commissioners here know, and you know we -- I'm a part owner of Hall Valley and I'm a part owner of Homack [ph.] Farms, and have stood on the other side of where you're standing.

But I also have daughters and understand the demands of a daughter and a bride. Is it possible that -- that you would have the reception in the -- the young lady comes along and says I really love this barn. Can I have the reception in the barn instead of the other building?

MR. MUCKLER: Actually with my wife, she wants to use more of her inside photos if she would -- you know, so we're -- we really aren't going to use that for
reception space. We really are keeping it -- we want to have our own standards. So we really want to use that as -- you know, what we would suggest if they -- they just have the space for 12 hours. So we would have them -- the way that we're going to basically build the reception venue is we're also going to make it to where if we do have a smaller party of 75 but say a wedding party that they can still feel comfortable in that venue, because really the ceremony -- the barn ceremony is really -- it's built for that. We're not going to have a lot of tables in there. We don't want to scratch up the floor and stuff like that.

COMMISSIONER McLaren: Okay. And we've got a thing from the fire department in here, and to follow up on his earlier comment, I would suspect that both buildings will have to be sprinkled.

MR. MUCKLER: Yeah, that's what Cochran suggested when we originally met, with the size buildings, that we would need to have them.

And again, we want to promote safety as much as we can. So anything that I need to do to make sure that my guests are safe, I -- I mean, we're going to do it.

COMMISSIONER McLaren: Well, and it's important that the residents around you are safe also.

MR. MUCKLER: Correct.

COMMISSIONER McLaren: You know. So
there's other concerns besides just this and -- and --

MR. MUCKLER: And to your point,
something about the drinking. You know, I've been doing
events for over seven years. You have a certain way to get
people out. You don't -- you know, we're not going to just
push people out. If there are people that have been
drinking, there's so many -- there's taxies, there's Uber
now. There's a shuttle services that we're going to be
working with. We're really going to take that into
consider- -- or put that forth. And at the same time
drinking, we're going to stop the bar at around 11:00
anyway. So once the booze stops...

COMMISSIONER McLAREN: I thought
the -- I thought the event was over before 11:00. I'm not
-- I'm not --

MR. MUCKLER: No, yeah. For -- we
put -- we said at 11 o'clock would be basically when our
bar would shut down per her, and that's what we had on
sheet, isn't it? Yeah, that's what we had on our sheet.

COMMISSIONER McLAREN: Okay. I
thought the event was over at --

COMMISSIONER BOLAND: Eleven o'clock.

MR. MUCKLER: Yeah, which is the last
-- so the alcohol I guess would be 15 minutes before that,
you know, is when the last call would be. Because we
basically are having a buffer hour after -- from 11 o'clock to 12 o'clock to make sure that our staff has time to clean up and just make sure that people are out.

COMMISSIONER McCREARY: Okay. So I'm going to -- I have knowledge of the business obviously.

MR. MUCKLER: Yeah.

COMMISSIONER McLAREN: Okay. So I'm going to -- I have knowledge of the business obviously, and your wife did photos in our business this past week.

MR. MUCKLER: Okay.

COMMISSIONER McLAREN: So my opinion is, if it says it's over at 10:30 or if it's over at 11:00, that people are off premise at 10:30 or 11:00. Is that not your premise?

MR. MUCKLER: Well, I guess to your point, we would have to fine tune that to make sure. You know, we would have to find, find out how long it really would take to get them off the property, I guess.

So you know, from my understanding, I guess they said it would be actually midnight is when -- is that what you said, correct, on the weekend? So we wold have ample time in my opinion. That's why I said 11 o'clock, which I could say that we could have our liquor till midnight. But that's not what I want to do. So I decided to cut it at 11:00 to be safe, give our guests the time,
because again, I'm not trying to push everybody out the
door. Say if someone has been drinking, we want to make
sure they get a ride home. We're not allowing anybody to
stay on the property. There's not going to be, you know,
people to stay the night or stuff of that nature.

We actually would lock our gates. You know, I
believe you guys do the same thing to make sure that there
aren't anything happening on the property after it's closed.

COMMISSIONER McLAREN: Right.

MS. EAGAN: I think from my
understanding, the event side of it is ending at 11:00, but
there might be cleanup from 11:00 to 12:00.

MR. MUCKLER: Oh, yeah, exactly. I
guess I wasn't clear. That's what I meant to say.

MS. EAGAN: I'm just saying the party
is over at I'd 11:00.

MR. MUCKLER: Yeah. You know, and
again, I did that out of courtesy to the neighbors just
again to try to cut it down earlier. You know, also not --
you don't want clients in and not come out if you think
it's -- you know, you can't do nine clock obviously. That
would be too early. That's when the party kind of gets
going.

COMMISSIONER McLAREN: Okay.

CHAIRMAN EVANS: Any other questions
for Mr. Muckler while he's up here? [None]

Thank you.

MR. MUCKLER: Thank you.

CHAIRMAN EVANS: Scottie, when we look at the conditions here and obviously we're not looking at Section 237, but they seem relatively close.

MS. EAGAN: Yeah, what I did with my staff report this time, because you did pass new regulations and then the County Commission approved them, I just went ahead and took stuff from those regulations for the conditional use permit. Obviously you can take out, put in, whatever you guys want, but those were just my recommendations since that is what we've all discussed in the past of the consistency we'd like to see.

CHAIRMAN EVANS: So again, since we can hold it to this special occasion permit in 237, as I said, what me put in here -- what Scottie has put in here is pretty simular and simular to what we have seen in other CUP requests.

Any further discussion, comments? If not, obviously we have a lot of information here.

COMMISSIONER HAIRE: If there is no more discussion, I move that we refer File 160205 to Review Committee.

CHAIRMAN EVANS: Then I would suggest
if you wouldn't mind adding a couple of weeks in there to leave the file open.

COMMISSIONER HAIRE: Okay.

CHAIRMAN EVANS: So we can receive additional information and look --

COMMISSIONER HAIRE: Do we have a date here that we can put in there to be exact, Scottie?

MS. EAGAN: I mean, you usually, guys, leave it open for two weeks.

COMMISSIONER HAIRE: Okay.

MS. EAGAN: I'm not sure what that -- we don't have a calendar here.

CHAIRMAN EVANS: That would be the 4th.

COMMISSIONER HAIRE: Amend that to April 4th, yeah.

CHAIRMAN EVANS: We have a motion to send this to Review Committee and leave the file open till April 4th.

MS. EAGAN: April 4th at 4:30?

CHAIRMAN EVANS: At 4:30.

COMMISSIONER CUNIO: I'll second that.

CHAIRMAN EVANS: We have a motion and a second to send File 160205 to Review Committee, the file
will stay open until 4:30 on April 4th. All in favor signify by saying aye.

COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLaren: Aye.
COMMISSIONER CUNIO: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER BOLAND: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER TOBBEN: Aye.
COMMISSIONER SCHULTEHENRICH: Aye.
COMMISSIONER McCREARY: Aye.
CHAIRMAN EVANS: Opposed? [None]

Motion is carried.

I would suggest if any of the Commissioners want to make a motion for a ten-minute recess, now would be a good time.

COMMISSIONER WILLIAMS: So moved.
COMMISSIONER McLaren: Second.
CHAIRMAN EVANS: All in favor.
COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLaren: Aye.
COMMISSIONER CUNIO: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER BOLAND: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER TOBBEN: Aye.
COMMISSIONER SCHULTEHENRICH: Aye.
COMMISSIONER McCREARY: Aye.
CHAIRMAN EVANS: We are in recess till 20 after 9:00.

[Thereupon, a break was taken at 9:07 p.m. until 9:23 p.m.; thereafter, the proceedings continued as follows:]

All right, moving right along. File 170034, Bryant Tubbs. No public comment accepted.

Scottie, will you please give us the details.

MS. EAGAN: This is File 170034 for Bryant Tubbs.

Applicant requests to rezone one parcel from Non-Urban and Agricultural to Commercial Activity 3 - Community Business.

The property is located at 2537 Highway 47, at the northwest corner of the intersection of Highway 47 and Project Road, in Prairie Township.

The Facts: The total parcel is approximately 8.43 acres. The total area for the rezoning is
approximately 5.12 acres.

The zoning of this property is Non-Urban and Agricultural. The Applicant would like to rezone to Commercial Activity 3 - Community Business.

Commercial Activity 3 - Community Business zoning accommodates commercial -- provides locations for a wide range of commercial, retail, service, and manufacturing activities serving a large community trade area.

The properties around the proposed site are zoned Non-Urban and Agricultural.

The surrounding properties appear to be low-density residential land or undeveloped land.

This property will access Highway 47. Highway 47 is a State-maintained road.

Staff Comments: This property appears to be Non-Urban on the Future Land Use Map.

Rezonings are allowed in our regulations due to the ever-changing conditions that exist in the county and elsewhere. According to Article 14, Section 321, any such change must promote the health, safety, morals, comfort, and general welfare of Franklin County by conserving and protecting property and building values, by securing the most economical use of land, and facilitating the adequate provision of public improvements in accordance with the Master Plan adopted by Franklin County.
CHAIRMAN EVANS: Thank you.

Before we bring the Applicant up here, I would like to suspend the rule on our by-laws, just a general consent. If there are no dissenters on how we vote, and I wanted to do it on this file since we'll be addressing this change later in the meeting. But it would be suspending under Rule of Procedure, second paragraph, the first sentence. If there's no dissent, I'll go ahead and suspend for this file.

Is the Applicant present?

MR. BRANDON BARDOT: Mr. Chairman, he is present. Ryan Tubbs is here.

My name is Brandon Barlot. I'm his attorney. He's asked me speak on his behalf, if that'd okay with you.

CHAIRMAN EVANS: That's fine. Please state your name and address and sign in, please.

Sure. My name, as I mentioned, is Brandon Bardo. My office is right over there at 104 South McKinley, Suite B here in Union, Missouri.

[Thereupon, the witness was sworn.]

MR. BARDOT: Members of the Commission --

CHAIRMAN EVANS: Please give us some detail on why your client is -- wants to change the zoning.

MR. BARDOT: My client would
primarily -- primarily wants to change the zoning to open a
gunsmith shop, at professional gunsmith shop, at this
location. His brother-in-law is a professional gunsmith.
He intends to employ him, as well as approximately three
other employees at this location, is the reason for his
request to be rezoned, so that he can engage in that
commercial activity.

I believe most of the justification for that
set forth in the form that we filled out for you all, which
I believe should be submitted as part of the record
essentially speaks for itself. Obviously we are going to
have some increased commercial activity in this area of
county, job growth, tax base improvement, et cetera.

Additionally, I think we're going to be
providing a service which is under provided for here in
county, and especially in this area of county. I am not
aware as a life-long resident of Franklin County of any
ongoing and operating professional gunsmith shop in the
county. My family has lived approximately half a mile to
three-quarters of a mile east of this property on Project
Road since the 1860s. Just as short example, whenever I was
young in one of our old barns there, my grandpa had this old
lever action 22. I asked him if I could have it. I was
probably 12. He said, yeah, you can have it. It's not
worth anything. It's got a broken firing pin on it. If you
can find someone to fix it. Well, I'm 12, got on the phone and called around, and I couldn't. And I think that gun is still sitting in the same corner of that barn, and I hope to be one of Mr. Tubbs' first clients. But -- and again, that's just the illustrate that I don't think there is a lot of folks out there providing professional gunsmith service, and especially not in this area of the county.

I don't think the building that Mr. Tubbs is proposing to build is all that dissimilar from a lot of the agricultural machine sheds and shops, if you will, that you would see in this area of the county. It's just a metal building, I think, 5,000 square feet. Not all that dissimilar to what my family would store their tractors in.

I also think, you know, we've got Highway 47 frontage here. While gunsmithing is valuable to the community, I don't think it drives a whole ton of traffic, and whatever traffic it would be bringing is, you know, is along a major state highway here.

You know, honestly as I mentioned, I think that our justification in large part speaks for itself. I am not -- I won't stand here and profess to be aware of all the particulars of the building and outlining it. Our friends from BFA here who have drawn up the plans would yield those questions, but I'd be happy to yield any other questions, and I'm sure Mr. Tubbs would as well.
CHAIRMAN EVANS: Mr. Tubbs doesn't currently have a business?

MR. BARDOT: Mr. Tubbs does currently operate -- operate businesses, at least one or two, not at this location.

CHAIRMAN EVANS: And he would not operate them at this location?

MR. BARDOT: That's correct. He owns the 80 -- approximately 80 acres directly to the west of this location as his home. He also operates a business out of other locations in St. Louis City.

CHAIRMAN EVANS: Now, at that location it's -- and I thought I was in the right place. Is there a house there on the corner or...

MR. BARDOT: There is a house there on the corner that Mr. Tubbs owns, and that is not going to be a part of this -- of this parcel. That is in the three -- approximately three acres that's going to be subdivided off from the approximately five acres for which the rezoning is being requested.

CHAIRMAN EVANS: I guess my other question is, looking at a gunsmith shop, why would you need five acres just out of curiosity?

MR. BARDOT: Well, he's got the property there, and the building is going to be somewhat
large and, you know, we've talks -- the folks in front of us talked a whole lot about a lot of green space. I don't know that that's necessarily a driving factor, but there is some wooded areas there that are going to sort of hide it from whatever neighbors there may be. Although, Mr. Tubbs is a neighbor to the west and to the south.

CHAIRMAN EVANS: Okay. I just bring it up because he's looking at going C83, which obviously, you know, rezoning that we're not so much interested in what he -- since he's going to do as what he will be able to do.

MR. BARDOT: I understand.

CHAIRMAN EVANS: And that's 55, I think, permitted uses in there, including some -- a lot of them you wouldn't want next door. So --

MR. BARDOT: I understand.

CHAIRMAN EVANS: -- that was my question for about the five acres.

Any questions from any of the Commissioners?

COMMISSIONER WILLIAMS: Sure. Why not. I'll take a stab at it.

Looking at the justifications, and I guess I'm curious here. Get to the one that says compatible with the uses submitted in other property in the immediate vicinity. And I -- I guess I'm having a problem understanding how you can make that statement considering everything around there
is Non-Urban Agricultural and not a lick of commercial property anywhere close to this.

MR. BARDOT: Well, and I would respectfully disagree somewhat, and I suppose it depends on your definition of the immediate vicinity. But my grandfather's neighbors I think just to the east of what's shown in the picture is Pelton Pump Company, which I believe looking at the land use map is zoned commercial. And then again depending on your definition of immediate vicinity, somewhat north of this along 47 is boat repair, there is a automotive repair, I believe it's Bandermann, and some other commercial businesses along 47 that way to the north.

Again, also I think and I recognize as the Chairman has pointed out, that you're not necessarily so concerned with the use that he says he is going to use -- he is going to make, but the building that we've got, the drawings that the gentlemen from BFA have made and the intent is to build a build- -- to make a building and operate a business which would have approximately the same amount of activity as five or six framers coming in and out of their machine shop and doing a little welding. And so that's sort of the basis of that statement.

COMMISSIONER BOLAND: When you said north, are you talking more up highway -- almost towards Highway 30?
MR. BARDOT: Yes, towards Highway 30.

That's correct.

COMMISSIONER BOLAND: Okay. My other question is this corner here where it says 17.1.

MR. BARDOT: My eyes aren't so good.

Yes, that is -- that is Mr. Tubbs' home, 17.1. That parcel is Mr. Tubbs' home.

COMMISSIONER BOLAND: Okay.

MR. BARDOT: And so basically what he's wanting to do here is be able to, you know, if he's going to be working there with his brother-in-law, and he can speak to that. I imagine he will or at least in support, be able to essentially to go to his place of business or to see his lessee less a stone's throw from home.

COMMISSIONER BOLAND: Well, I'm sure not too many people go to the pump place though. Probably more so they go to their customers.

MR. BARDOT: I would imagine that's correct, but I suppose the question then would be which is more of an aggravation, having four or five patrons come into a gunsmith shop or having pump -- drill pump rigs coming in and out. You know I -- respectfully, I would say that the drill pump rigs, et cetera, are worse, and having -- while I've not personally lived there, having been
around that area all the time growing up, I've not really
noticed that would be an issue. And presuming that I don't
do something horrible to get completely disinherited, I may
have a future interest in the property in which I am
referring, and this rezoning doesn't offend me

CHAIRMAN EVANS: Bill?

COMMISSIONER McLAREN: I have a
couple questions. One would be what -- you probable said it
and once again I missed it. The three point whatever acres
that's remaining, what's happening with that?

MR. BARDOT: The person, Ms. Farris,
owns this tract prior to Mr. Tubbs is leasing -- is leasing
the home on that tract from him.

COMMISSIONER McLAREN: Okay.

MR. BARDOT: And you know, I don't
know that I have -- I don't know that I necessarily have the
authority to disclose the terms of the lease, but to my
knowledge, she has no objection whatsoever to this, and
whenever they -- whenever Mr. Tubbs bought the property from
her, she understood there would be some future event.

COMMISSIONER McLAREN: I just assumed
that the three acres was a minimum was to go for a house,
was why it was three acres.

MR. BARDOT: Right. Well, and
that -- and that parcel is being split from the parcel that
you see on the --

COMMISSIONER McLAREN: Right.

MR. BARDOT: -- the map.

COMMISSIONER McLAREN: This is kind of off the subject, but it is on the subject.

COMMISSIONER McLAREN: For rezoning, the benefit to the county is increased taxes, and we -- we heard earlier about the benefit to the county being increase in taxes. What would be the increase in the taxes for the county by doing that? What would be your opinion? I mean, the gunsmith, for the most part, is going to be selling its services, which would are right now not taxable. Correct?

MR. BARDOT: That's correct. I imagine there would be -- I imagine there would be some --

COMMISSIONER McLAREN: So were you just referring to property tax would be --

MR. BARDOT: property tax, yeah.

COMMISSIONER McLAREN: -- the benefit to the county?

MR. BARDOT: Property tax, yes, and I suppose it's possible that there could be some retail sales as well. I don't know that they've got -- delved that deep into the business plan, but I imagine when you're fixing and working on guns, you probably end up with a few around. It's not their intent to have a retail gun store, but -- so
there would be some sales tax involved with that were it to occur.

COMMISSIONER McLaren: But your basic reference is property taxes?

MR. BARDOT: That's correct, yes.

COMMISSIONER McLaren: All right.

MR. BARDOT: Then for, you know, benefiting any and all special purpose districts that are in this area. So St. Clair Fire District, schools, et cetera.

CHAIRMAN EVANS: And I will say just, if you have a gunsmith work on it just to have sights added on, good luck for getting them for under a hundred dollars. So that's -- they can be expensive.

MR. BARDOT: Sometimes when you've got an investment in a really expensive gun it's -- it's worth it.

CHAIRMAN EVANS: Yes.

COMMISSIONER TOBBEN: I'm going to piggy-back on Mr. McLaren. I'm going to claim ignorance. Will you explain the day-to-day in a gunsmith?

What's going happen at this type of business?

MR. BARDOT: I am not -- pardon me for cutting you off. I am not a gunsmith, and Mr. Tubbs might be able to correct me if I'm wrong. But essentially you'll have customers that will bring in weapons that need repair
or they were retro-fitting or modification. I know the
black rifles are very popular. Obviously in this rural
county, I think a lot of our residents are pretty passionate
about their gun rights, and they get excited about that sort
of thing. So it would cater to those types of customers and
people like me who just wanted a firing pin replaced on an
old 22.

COMMISSIONER TOBBEN: So have retail
sales been contemplated at this place of business?

MR. BARDOT: No, not to my knowledge.
I was speculating, you know, there may be some retail sales.
I think you have a similar thing. A guy brings in a gun and
drops it off. There's some trades that goes back and forth
here, but as to the specifics on that, I would have defer to
Mr. Tubbs.

Have you talked at all about retail sales?
He may need to be sworn in. I apologize.

CHAIRMAN EVANS: Any other questions?

COMMISSIONER HAIRE: I guess my
question is --

CHAIRMAN EVANS: Dan?

COMMISSIONER HAIRE: -- if that's the
nature of the business, why do you need a 5,000 square foot
building for it?

MR. BARDOT: Again, I would need to
1 defer to them. I'm not engaged in the practice of
2 gunsmithing.

            CHAIRMAN EVANS: Any other questions?
3 [None]
4 Thank you.
5
6 MR. BARDOT: Thank you.
7
8 to come forward and give us some information. Had a couple
9 of questions. Apparently you're the man who can answer
10 them. State your name, address and sign in, please.
11 [Thereupon, the witness was sworn.]
12
13 MR. BRYANT TUBBS: I'm Bryant Tubbs.
14 I live at 2955 Project Road, Lonedale, Missouri 63060.
15
16 CHAIRMAN EVANS: I think we had a
17 couple of questions. One on --
18
19 COMMISSIONER BOLAND: The building.
20
21 CHAIRMAN EVANS: -- the size of the
22 building, why you require 5,000 square feet.
23
24 COMMISSIONER HAIRE: The nature and
25 the scope of work, why a 5,000 square foot building and
26 again why the five acres, really?
27
28 MR. TUBBS: Well, I believe that Mr.
29 Frankenberg suggested that when we rezoned commercial, I
30 think it's a minimum of five acres, I believe, is what I was
31 told. What I was told. I'm not sure on that. I was just
told that that's what we need, and that's what we rezoned for.

CHAIRMAN EVANS: Scottie, that's not accurate, is it?

MS. EAGAN: No. The only thing we have a minimum for is dividing property.

MR. TUBBS: And then again, I might have been -- misunderstood about that, but we rezoned for five acres, is what I think.

MS. EAGAN: It's possible, because from my understanding, this is going to be divided off. So you're going to have two separate parcels. So one of them has to be three acres. So that could be why the five was left over.

MR. TUBBS: It could be correct, and I'm not too sure I'd have to ask Mr. Frankenberg on that question, but I do believe she, Scottie, is correct.

COMMISSIONER BOLAND: So would you be opposed to -- I mean, can we even go down to an acre?

MS. EAGAN: Rezoning, yes; diving, no, unless he does a major subdivision.

CHAIRMAN EVANS: So zoning we could go down to an acre, just no subdividing? Is that what you're saying?

MS. EAGAN: If that's what he choses,
yes.

CHAIRMAN EVANS: Okay, yeah. So we -- zoning-wise we could get it down to --

MR. TUBBS: I don't know the techni- -- sorry about that. I don't know the technicality of that. Mr. Frankenberg is here to explain to us why we need the five acres on -- on our behalf.

CHAIRMAN EVANS: Okay.

Any other questions for Mr. Tubbs while he's up here?

COMMISSIONER TOBBEN: Yeah. Can you explain the day-to-day of this --

MR. TUBBS: Well, what I'm --

COMMISSIONER TOBBEN: -- type of business?

MR. TUBBS: -- is I'm not a gunsmith by no means. But my brother-in-law states that when he was in the Marine Corpse, he was armorer, and the tools that he needs to provide a professional gunsmith would increase -- or would need a roughly 5,000 square foot area.

Now, this will be for our woodworking shop, this will be to store materials in and to keep everything climatized for the amount of the material that we need for what we provision seeing doing.

COMMISSIONER TOBBEN: I mean, that
I really don't explain what the day-to-day involves. I guess that's what I'm more looking for.

What are you guys doing on a day-to-day inside that building?

MR. TUBBS: Well, day-to-day would be dismantling and repairing guns. You would be building a receiver, I would assume, repairing a wood stock, anything that entails working with a gun is basically what you do. I mean, like I said, I'm not a gunsmith, so I can just give you the basic of what you would do when you take it in to repair the gun. Cleaning, they will offer a bluing service, a full machine shop inside there. I mean, anything that entails a gun is what we'll have inside that shop.

So I think that we need the 5,000 square foot to adequately build our business up to, whether it won't start with 5,000, but if I'm going to ask the bank for some money, I want to do it upfront instead of go back later on, build it all at one time, is what we'd like to do. Not start with 2,000 and go to 5,000.

COMMISSIONER BOLAND: So I guess, Mr. Tubbs, since your brother-in-law, since you're not a gunsmith, and we possibly do this, and you and your brother-in-law don't get along anymore, I guess then the building would be up for sale or some other use?

MR. TUBBS: I don't think I can answer
that question right now, and I hope I don't ever have to
answer that.

COMMISSIONER BOLAND: Well, I don't
either, but there is that possibility?

MR. TUBBS: I think we'd probably
answer that when the time comes, --

COMMISSIONER BOLAND: Okay.

MR. TUBBS: -- if it every does. I
don't foresee that happening, but...

COMMISSIONER BOLAND: We don't
either, I mean, but --

MR. TUBBS: I -- I can't really
answer that. I doubt it.

COMMISSIONER BOLAND: But we're just
trying to figure out then there could be another use for
that building. I mean --

MR. TUBBS: Oh, definitely.

COMMISSIONER BOLAND: -- in this area
or -- and like you're saying if -- I mean, if you're
building a 5,000 square foot building, you could easily
divide in two and have two 2,500 square foot locations too.

So...

MR. TUBBS: Correct. We could
possibly use it for different uses, but right now I think
we're primarily for the gunsmith, and of course, we want to
add something else in the venue, maybe. I'm not too sure,
but if we're going to ask for it, we want to go for
everything now.

CHAIRMAN EVANS: Any other questions?
[None]

Thank you.

MR. TUBBS: Thank you.

CHAIRMAN EVANS: Okay.

MR. MARK FRANKENBERG: Good evening.

Mark Frankenberg with BFA.

[Thereupon, the witness was sworn.]

The reason we were going with five acres was,
it's -- if we get it above five, we're going to have a
septic. We're going to have some kind of water system, and
when we're between three and five, of course, we got to send
in a lot more paperwork for the subdivision, and we will be
subdividing. So we chose a little over five acres to avoid
the three and five. Okay? In other words, don't submit a
perp test right away and get the plans submitted. That's
why we want five acres.

CHAIRMAN EVANS: Okay. I guess
everyone's question about the five acres is that going CD-3
as we said before, you have 55 permitted uses there. So are
we saying it could be a gun shop, it could be a bed and
breakfast, billboards. I mean, you name it, that could be
there. So the larger the piece of property, the more
options you have in those 55 permitted uses.

MR. FRANKENBERG: Well, they also
have eight acres, and we're going to cut three off for the
house, of course, because we have to have that, and that
leaves us five left. We've got 8.24. So we couldn't, if we
only did cut three acres off, we got 2 and a half acres we
can't do anything with, no buildings or anything. So we
just included the whole -- the whole five acres.

CHAIRMAN EVANS: Okay. And I think
that was a concern to some of the commissioners, and again,
that any permitted use in CD or CD3, which is 55 of them
includes a whole lot of stuff.

Are there any questions?

COMMISSIONER McLAREN: I have one. I
have a followup, and I apologize because I don't hear well.
But I thought -- and this is for Mr. Tubbs. I thought the
last word I heard you say was a venue. Is that -- did I
mishear?

MR. TUBBS: A venue? I don't --

COMMISSIONER McLAREN: Last I think I
heard you say venue when you said we could do something else
here.

MR. TUBBS: Yeah, we could possibly
use the building for other applications if the gunsmithing
COMMISSIONER McLAREN: All right.

MR. TUBBS: -- and work out, so we --

COMMISSIONER McLAREN: But I did hear you say venue.

MR. TUBBS: Okay. We -- I don't know if I said venue or not, or we could check later. Okay.

A different venue in my eyes would be a different type of business that we could go to if the gunsmithing didn't work out.

COMMISSIONER McLAREN: I see.

MR. TUBBS: Now, as the -- Mr. Evans said, you know, put a sight on a gun for a hundred dollars. It takes a lot of money just to put that together, and we're hoping that the place that we're in and the atmosphere will generate enough money to make us a profitable business, and that's what we're here to do.

COMMISSIONER McLAREN: And I think we -- we're only supposed to look at the rezoning, but you know, my take on this same thing was something, you know, a shooting systems kind of thing.

MR. TUBBS: Oh, no, sir.

COMMISSIONER McLAREN: Okay.

MR. TUBBS: No. There will be live rounds fired there whatsoever, none. If we need to do that,
1 we can go down to Top Gun down the street.
2                        COMMISSIONER McLAREN: Fair enough.
3                        CHAIRMAN EVANS: I was going to say
4 Top Gun, the gun range and everything is probably what,
5 three miles --
6                        MR. TUBBS: Yes. Yeah.
7                        CHAIRMAN EVANS: -- down the road?
8                        MR. TUBBS: We've already spoken to a
9 few people there about incorporating some of our business
10 with theirs, beings that they are so close. This kind of
11 gave us a better atmosphere to be in and so close.
12              Naturally we don't want to be on top of their
13 -- their business, but we also want to be a stand-alone
14 ourselves and revert back to Thomas Thompson [sic] there.
15 We're not looking just to come out here and throw a business
16 up and here we are, and now we're kind of gone.
17              No, we -- we're here to stay.
18                        CHAIRMAN EVANS: Any other questions?
19 [None]
20              Thank you.
21                        COMMISSIONER VOSS: I guess I have a
22 questions.
23              With this gun shop, I don't understand why you
24 like this piece of property. You're going to start a
25 business like this, wouldn't you want to get one that's
already zoned the way you want it?

MR. TUBBS: I own it.

COMMISSIONER VOSS: Oh, I don't understand why the five acres, you know, on that piece because that kind of zoning.

MR. TUBBS: I already own the property, so why not build it on what I own instead of going and buying something else that I don't own and make a payment on something that may not work and may not --

COMMISSIONER VOSS: I fully understand that part of it.

MR. TUBBS: That's why we went with this piece.

COMMISSIONER VOSS: It just seems like a big chunk. Everybody is already saying that. I understand.

MR. TUBBS: Yeah, it is a lot of money, but we already own the property. So we might as well make the best of what we can with what we have.

MR. BARDOT: If I may too, I didn't mean to cut you off, but --

CHAIRMAN EVANS: We can only have one person talk at a time. So, Mr. Tubbs, if you're done, Mr. Bardot.

MR. BARDOT: Yeah, thank you. And
I'm sorry to cut you off, Bryant. You're testifying. It's sort of a family thing like we talked about. I mean, he live directly to the west parcel. Somewhat directly to the north is where his father live. We're talking a brother-in-law running this business. So it's, yeah -- 17.2 is Mr. Tubbs' father's place. So it's sort of a family thing. It's hopefully going to be a family type business.

Thank you.

CHAIRMAN EVANS: Thank you.

MR. TUBBS: And if I -- let me add one more thing to that there.

This was started for my brother-in-law, who's a veteran of the Marine Corpse, and he wanted to pursue a career in the gunsmithing when he got out of the military. And his recommendations when he came out and went to a Pacific gunsmith school gave him the highest recommendations.

I didn't feel that it was necessary for him to go out and get loans and try and start anything else when were an established company before. We could give him a better option in live besides work for just a regular factory. This is what we entailed to see to do for him as a veteran.

That's why we started it here at this, at our
property that we own.

Thank you.

CHAIRMAN EVANS: Thank you.

And I would agree a gunsmith in the area would be fantastic. I live off of Project Road, so it's -- it's -- again, not the issue what the business will be, but the five acres, I think, because one of the issues and other possible uses.

Any further discussion or questions?

COMMISSIONER McLaren: This automatically has to go to Review Committee; is that correct?

CHAIRMAN EVANS: It can go to Review Committee or be moved to Old Business. So...

COMMISSIONER McLaren: I thought I read somewhere it had to go to Review Committee on zoning.

CHAIRMAN EVANS: That is the part that we --

COMMISSIONER McLaren: Okay.

CHAIRMAN EVANS: -- that we're not using tonight, that we have suspend that rule, because -- only because we're addressing after we get done with this.

So if there is no further discussion, the Chair would entertain a motion to send it to the Review Committee for Old Business.
COMMISSIONER SCHULTEHENRICH: Mr. Chairman, in this case here, I'm not sure -- I'm not sure I would see a need to send it to the Review Committee. I'm not sure what other testimony or evidence would be presented. So we've heard tonight what the request is; so therefore, I'd like to make the motion for this case here that it be sent over to the -- to Old Business for this evening.

COMMISSIONER TOBBEN: I'll second that.

CHAIRMAN EVANS: All right. We have a second to send File 170034 to Old Business. All in favor signify by saying aye.

COMMISSIONER REINHOLD: Aye.
COMMISSIONER VOSS: Aye.
COMMISSIONER McLAREN: Aye.
COMMISSIONER CUNIO: Aye.
COMMISSIONER WILLIAMS: Aye.
CHAIRMAN EVANS: Aye.
COMMISSIONER BOLAND: Aye.
COMMISSIONER HAIRE: Aye.
COMMISSIONER TOBBEN: Aye.
COMMISSIONER SCHULTEHENRICH: Aye.
COMMISSIONER McCREARY: Aye.
CHAIRMAN EVANS: Opposed? [None]

Okay. Moving to Old Business. Again, since it is rezoning, it is recommendations to the Franklin County Commission.

Yes, now it's in Old Business, we have more discussion?

COMMISSIONER WILLIAMS: I guess I'm still having trouble with it being compatible. I just don't see it's a noble -- nothing against the use. I have nothing against the use. I have nothing against the intent of what's happening now. I just look at the Zoning Code and look it before other uses that could be go in there. If this fails for whatever reason, the property could be sold, and then we have no control over it.

And I just I looked at the future land use, and that's not Non-Urban and Agricultural. It's there. So I just have a basic fundamental problem with the rezoning. Not anything against the use or what is proposed, but I have a problem with the rezoning.

CHAIRMAN EVANS: Any other discussion? Jay?

COMMISSIONER SCHULTEHENRICH: Ron, I hear your concern. We don't have testimony of property owners surrounding it here in front of us. Okay? All we have is what's presented to us. I understand your concern and I many times share those.
In case here, it seems as though the matter --
I don't hear any reason, per se, necessarily to deny, okay, to say I don't think it's a good fitting in here. Okay? I don't hear that other than your concern about the size of the property being utilized, is what I think is what I've heard so far. But I think he explained that in regard to the -- it's eight acres minus the three that they're saving for the rental property, the residence, and therefore, it leaves five to be the recommendation.

I think the County Commissioners will have the means of inviting surrounding property owners to hear the testimony, whether they feel this fit would be appropriate or not, and I think that's where -- I think in this case here, it's -- it -- I think -- I think my recommendation would be at least -- and I feel comfortable -- I would feel comfortable, at least right now, to go ahead and allow that to be sent over to County Commissioners and let them proceed with their hearing and testimony to see what they believe from the testimony of the surrounding property owners.

COMMISSIONER BOLAND: Well, I think our real concern here is the other 55 uses. It's not all really about the ground. I mean, again -- and I think what he's doing is presentable, but it's the situation when it comes to a failure and what else he could do with it. That's the problem we have. And the other situation, he may
have only need 2,500 square feet, and there's another 2,500
square feet he can lease out for some unknown, for whatever.

COMMISSIONER SCHULTEHENRICH: I've
always had some concerns in regards to -- we always
basically on this -- on this matter here, it's on a if-come
basis. If this was to occur. If this was to occur.

Are we really going to be that concerned if
this was to occur or not? Or do we take the person who's
presenting it at face value in regards to what his request
is?

I mean, that's the question I think. I mean,
are we -- if we're going to have a give -- our concern is,
okay, then we ought to have that on almost everything in
regards to --

COMMISSIONER BOLAND: And most of the
time you do.

COMMISSIONER SCHULTEHENRICH: Well --
well, what is -- let me ask the question then. What concern
do you have of -- of the, as Bill said, 55 or whatever it is
that can be -- what would be your concern?

COMMISSIONER BOLAND: Well, Ron also
pointed out that the area is not zoned for that. I mean,
there's no zoning right next to it, you know, in that area.
And the other, I don't know. I'd have to look at the 55
that -- I can -- I don't know if I could just pick out one,
and I don't think we need to just sit here and just pick out one. We're just saying that there's more than one use that can be there, and it may -- really may concern the neighbors at that point.

COMMISSIONER SCHULTEHENRICH: It's on a state road, right?

COMMISSIONER BOLAND: So?

COMMISSIONER SCHULTEHENRICH: Okay. Well, many --

COMMISSIONER BOLAND: I don't care if it's on a state road.

COMMISSIONER SCHULTEHENRICH: Many of our -- many of our maps that basically we've looked upon have said on state roads we consider a lot of that to be potentially going to be commercial.

That's what he looked at it on our master plan

COMMISSIONER BOLAND: And this doesn't say that.

COMMISSIONER SCHULTEHENRICH: I know it doesn't say that. This says potentially on our master plan that we've looked on future zoning or future growth, we've looked upon state roads to be some where commercial businesses do occur.

Now, this is where we get into a -- I think, an
argument as to is this valid for other -- for others to come onto it, but if we do, other business to come onto it. But then we go into again, and if-come basis. Okay?

Is there a concern in regards to what, that they're going to put a what on it? That's the question in my mind that I can't answer, because until I answer it, how do you say no to the party yet? You send it over, and you let the County Commissioners at least have a hearing on it.

That's what I look upon it. What am I missing on there? I mean, I'm -- go ahead.

COMMISSIONER WILLIAMS: Well, having dealt with zonings and land use and stuff like that for a number of years, I've always gone by the premise and I've always been taught, even though they come in and they say they got a specific use and the specific thing they want to do with specific buildings, that you never really should look at that.

What you should look at is say, okay, if it's -- would you zone that piece of property that way not given all those facts? Would you consider that a commercial piece of property with those types of uses on there if there Tubbs hadn't presented this to the Commission and come in and asked for it?

And hey, he's got a right to do that. It's his property. I get that. It's his property right to come in
and ask for a rezoning. Just like I live on First Street in Washington, Missouri. If I want to come in to the City of Washington and ask for a rezoning, I -- that's my right. They're going to tell me to go file away, but that's my right.

And it's -- that's why we have this process, is to decipher stuff like this. The way I looked at it and try to look at this thing is look at tunnel vision. Like I said, it's a noble cause. I wish them much success and happiness, but I got to look at the zoning and say, okay, is that compatible with the area, is it in our future land use? And it's not there. I don't -- I don't see it. You know, I apologize. I just don't see it, but you know, if somebody can tell me something different, I don't get it. I don't see it. Sorry.

COMMISSIONER REINHOLD: I guess one thing I see he owns the property around this piece of. So I think he's going to want to protect it as much as he possibly can. He owns all the ground around it, looks like to me.

COMMISSIONER BOLAND: And I agree with you there, but at the same time, you can go there and buy it from him.

COMMISSIONER HAIRE: Uh-huh.

COMMISSIONER BOLAND: And then what's
going to happen?

COMMISSIONER REINHOLD: Right.

COMMISSIONER BOLAND: You know, and then you can do whatever you want because it's zoned for that. That's -- that's the issue, you know, we -- we have.

COMMISSIONER HAIRE: Ten years from now, I mean, that land could be developed for residential property and homes, and all of a sudden you got this one blip. That's something other than what district it is, which is totally agreeable, but ten years from now, that could be Ron's point. Be something that we would have never thought about being in there for the proper reasons.

COMMISSIONER McLAREN: Okay. I'm missing it. What is of the 65 [sic] uses you're talking about, what would be objectionable there?

COMMISSIONER HAIRE: Most of them are not totally objectionable, but you know, we're not the people living around there.

COMMISSIONER McLAREN: I understood that, but I'm just not seeing something.

COMMISSIONER BOLAND: I'm not saying there's --

MS. ZIELKE: First, the heavy manufacturing --

COMMISSIONER HAIRE: Uh-huh.
MS. ZIELKE: -- maybe, --

COMMISSIONER HAIRE: Yeah.

MS. ZIELKE: -- because that's actually taking raw materials and producing. You know, you could put a large facility there with heavy manufacturing, from a raw material and turning it into a product, you know.

COMMISSIONER REINHOLD: He probably is going to do that. He's going to take a hunk of steel and make a --

MS. ZIELKE: No, I --

COMMISSIONER McLAREN: Right, well, you know, with five acres is not a large enough piece of tract to do something like that with.

COMMISSIONER BOLAND: Yeah, but still, Bill, you know, on five acres, you could put a 20,000 square foot building pretty easy.

COMMISSIONER McLAREN: Right. Or more.

COMMISSIONER BOLAND: And then the next thing you know. So...

CHAIRMAN EVANS: Large kennels, heavy construction, industrial equipment. Probably not a golf club, a boarding house, hotel, motel.

COMMISSIONER McCREARY: There are several overlapping uses. I mean, the way it's zoned now,
there's plenty of uses that are -- my question is
gunsmithing, if you look under the way it's zoned now, light
manufacturing, five or less employees is -- they've got it
-- got a special and/or permitted or conditional use. And
I'm wondering if they're going to be machining receivers and
parts like that, what classifies gunsmithing as a repair
shop or light manufacturing.

I mean, that's -- you know, they're pretty
close together. I mean, if it's considered light
manufacturing, like a 3D printer or something and they're
going to just make special parts for a broken 22, they're
going to have the machine right there, would that be
manufacturing? I mean, I know the essence is to repair
things, but I can't see the difference.

You know what I'm saying?

CHAIRMAN EVANS: I mean, they could
make their building look like a house and then it could be a
home occupation.

COMMISSIONER McCREARY: I'm just
saying if it's -- if it's -- what makes gunsmithing a repair
shop instead of light manufacturing, because he wouldn't
have to if it was light manufacturing.

Under -- the note says employing under five
people.

MS. EAGAN: I mean, the way the
regulations you all approved for repair shop, miscellaneous
said that the business establishment primarily engaged in
specialized repair services, such as bicycle repair, leather
goods repair, lock and gun repair, musical instrument
repair, cleaning and furnace cleaning.

COMMISSIONER McCREARY: Okay. So
it's in -- it's very similar, but okay, that's -- what the
definition is. It's in Article 2 then?

MS. EAGAN: Uh-huh.

COMMISSIONER McCREARY: Okay.

Thank you.

CHAIRMAN EVANS: All right. Any
further discussion?

I guess we have some that feel that it's good,
some that feel that it should not be rezoned at all, and
others that feel that the size of the area is too large.

Now, Scottie, if this would go to the
Commission, do they have the ability to -- to request it for
-- to alter his application as far as size of the parcel he
would want to rezone?

MS. EAGAN: From my understanding --
and Mark can correct me if I' wrong, but the County
Commission won't request he amend anything. It's going to
be up to the applicant to do the amending or present an
application. The County Commission won't ask him to.
CHAIRMAN EVANS: Okay. When they have the public hearing and what they see in front of them, they pretty much approve or --

MS. EAGAN: Correct.

CHAIRMAN EVANS: -- or not? Okay.

MS. EAGAN: I mean, Muckler did amend his application at the County Commission level because he went smaller instead of larger, but the County Commission didn't ask him to.

CHAIRMAN EVANS: That was basically working through your office?

MS. EAGAN: Huh?

CHAIRMAN EVANS: That was basically working through your office, that process?

MS. EAGAN: No, it was done at the hearing, and they submitted the written or the legal description and everything.

CHAIRMAN EVANS: Okay.

All right. Any further discussion?

COMMISSIONER REINHOLD: I can see them re-subdividing five acres off. He'd be smart if he took the building and made that one acre only commercial. He'd only pay taxes on the one acre and the building.

I'm saying if that's where the problem is with everybody. I mean, I've seen the do it before.
COUNTY ATTORNEY VINCENT: Say what?

COMMISSIONER REINHOLD: I mean,

they're talking about subdividing the five acres off, and if
they're only going to use the building as one acre and --

COUNTY ATTORNEY VINCENT: That won't

work anymore.

COMMISSIONER REINHOLD: Okay.

CHAIRMAN EVANS: Does that --

COUNTY ATTORNEY VINCENT: Caught that

one.

CHAIRMAN EVANS: He said that you
could rezone it down to one acre, but you couldn't subdivide
below three; is that correct?

COUNTY ATTORNEY VINCENT: You can

subdivide it to one acre. You could do that, but if he
doesn't subdivide, it's five acres and had a commercial
building in the middle of it, you're going to pay commercial
on all of it. We caught that, Bill.

MS. EAGAN: You can divide less than

three. It's just a lot bigger, more expensive process.

COUNTY ATTORNEY VINCENT: Yeah.

CHAIRMAN EVANS: Okay.

MS. EAGAN: All they'll have to have

central water and sewer which I was there, I guess they do.

CHAIRMAN EVANS: Okay.
COMMISSIONER SCHULTEHENRICH: Mr. Chairman, what's the alternative for this individual, though? If he owns the property and he would like to have this on there, we don't go with conditional use permits on there. So we don't have any means of controlling like we would have under a conditional use permit. So therefore, what other option does this participant have other than to try to go out and buy some other property that would already be zoned in that -- with that means of already being able to put up a building?

COMMISSIONER BOLAND: Well, I --

COMMISSIONER SCHULTEHENRICH: What other option does he have?

COMMISSIONER BOLAND: And I agree with you. And I think it's terrible, but at the same time, just because I own 80 acres someplace, just because I own it doesn't mean that I should be able to come in and rezone it and do something I want to do when it's really not permitted already, if it's not okay.

And you're just saying, since he owns it, we ought to let him do what he wants with it.

COMMISSIONER SCHULTEHENRICH: Well --

CHAIRMAN EVANS: Scottie, you have something?

MS. EAGAN: I mean, amendments to the
Code are always options for anybody to amend, whether it's citizens, us, you, BOZA, County Commission.

COUNTY ATTORNEY VINCENT: I want to suggest sitting over here or not, that if they wanted to, they could look at a different building classification and try to change for that type of specific use that's more compatible as well as that level.

MS. EAGAN: And I also have it on my paper, Bill.

COUNTY ATTORNEY VINCENT: If we were in Illinois, we'd have an easy way to do it, but we're not in Illinois.

COMMISSIONER McLAREN: So I won't interrupt.

CHAIRMAN EVANS: Well, would you just write somebody in Illinois?

COUNTY ATTORNEY VINCENT: No, no. They have contract zoning over there. Well, you could in Chicago, but Illinois has contract zoning. You can nego-- -- you can sit down and negotiate and work it out. Missouri doesn't.

We need to talk to the legislators.

COMMISSIONER McLAREN: Can I ask a question, please?

CHAIRMAN EVANS: Sure.
COMMISSIONER McLAREN: I want to follow up on what Russell figured out on his own and I don't understand here. So somebody help me.

Why can't this be done as a conditional use permit with light manufacturing?

MS. EAGAN: I mean, the way I read manufacturing, light, is that that's where you're actually making the product, assembling it, fabricating it, packaging it, processing it, not taking something, taking it apart, repairing it and then putting it back together.

That legit falls under the exact definition of repair shop, miscellaneous.

So it's you can change the definition -- I mean, we can change the definitions, we can change our zoning classifications. I mean, there's lots of options we can do if this -- if this is a specific type of activity we could see in Non-Urban and Agricultural, and actually I think it's something that probably should be in Non-Urban and Agricultural now that we're looking at it. So...

COMMISSIONER McLAREN: Well, and once again, it's just confusing to me. We can have a conditional use permit and have a light manufacturing with more than five employees. We can have it with less than five employees without having a conditional use permit, and we can have -- and I took my glasses off -- farm equipment,
machinery, sales and service. The service would mean repairs to me. That would seem a lot more aggressive of a business than what we're suggesting here.

MS. EAGAN: And the manufacture actually didn't even get into NUA, I think, until earlier last year. Because that's something we did change in the Code when we realized we needed a classification for manufacturing, light than the Non-Urban and Agricultural zoning district.

So this is something else we could do if -- if everyone feels that it's something that should be a Non-Urban and Agricultural, we could do that as the Planning and Zoning Commission or the Planning and Zoning Department to amend the Code and put repair shop, miscellaneous in there.

You know, we could do the same thing we did with manufacturing. If it's X-amount of employees, it's permitted. If it's more than that, it's conditional. You know, I mean, we can toy with it and write it however we want to write it.

COMMISSIONER BOLAND: Well, it seems like we just write it however we want to write it each week, it seems like, you know. It seems like we ought to write the rules and follow by them.

MS. EAGAN: Right.
COMMISSIONER BOLAND: You know, I mean, not just change it every time somebody comes in here.

MS. EAGAN: And a lot of it -- a lot of it doesn't come up until situations like this, stuff we didn't think about when we approached the Code in 2014, and you know. So I'd like to think we get every situation that's going to come up, and then look at all the special events we've had. And now we end up rewriting our Code because of those, you know. So it's hard to think of every possible situation out there.

COUNTY ATTORNEY VINCENT: And we don't just do it willie-nilly. We look to other places and then use a lot of their codes and stuff too. We don't go through it and that use list, the chart. We didn't make that up sitting there one day and said this is what we're going to do. Poof. We stole it from other people, other entities that do the same thing.

It's -- yeah.

COMMISSIONER BOLAND: Yeah, they are, Mark, and that's what I'm saying. I don't think we ought to second guess or every meeting here.

COUNTY ATTORNEY VINCENT: No. That's what we'd end up doing.

COMMISSIONER BOLAND: I mean, it's her rules, and we ought to go by them, you know.
COUNTY ATTORNEY VINCENT: Yeah. And if you really -- what I was going to say, Todd, is that if you guys collectively really feel that there's a misclassification someplace, let's address those very few that are truly misclassified.

Otherwise, you're going to dry us crazy changing this stuff every time we turn around.

COMMISSIONER BOLAND: Right.

COUNTY ATTORNEY VINCENT: Yeah. Yeah, we cannot anticipate -- we got -- that Code would be a thousand pages bigger yet. We just can't do it.

Compatible, there's a legal definition for compatible, Ron. It doesn't have to be zoning the same. It's that use -- I would submit to you that gunsmithing is one of the original compatible uses with farming, but our Code doesn't allow that.

COMMISSIONER WILLIAMS: Bingo. Let me get back to the Code. Ms. Eagan, you've classified this as repair shop, correct?

MS. EAGAN: I did.

COUNTY ATTORNEY VINCENT: You guys did.

COMMISSIONER WILLIAMS: Thank you. I'm saying for the application that came in.

COUNTY ATTORNEY VINCENT: I know
that, but you all did. You voted it.

COMMISSIONER WILLIAMS: I understand.

COUNTY ATTORNEY VINCENT: Yeah. It wasn't her. Don't say her.

COMMISSIONER WILLIAMS: No, I'm saying she has determined --

MS. EAGAN: On the staff, yes, I did.

COUNTY ATTORNEY VINCENT: But to follow the definition that you guys approved.

CHAIRMAN EVANS: I wasn't here that night.

COMMISSIONER WILLIAMS: I understand that, but the definitions there is her venue, her job to interpret it and say yeah, that's a repair shop. That's where we're going with this thing.

COUNTY ATTORNEY VINCENT: But when we're done choosing the definition is pretty -- pretty clear.

COMMISSIONER WILLIAMS: Oh, I agree.

I'm not arguing that point.

COUNTY ATTORNEY VINCENT: Okay. Just don't blame her.

COMMISSIONER WILLIAMS: I'm not blaming her.

COUNTY ATTORNEY VINCENT: Okay.
COMMISSIONER WILLIAMS: I'm just asking her a question.
COUNTY ATTORNEY VINCENT: Okay.

Sorry.

COMMISSIONER WILLIAMS: And the Code is the Code we have to deal with, right.

CHAIRMAN EVANS: All right. So we're done -- we're finished with the issue as far as use. I think everybody thinks it would be a great idea, and it's just laced with a how do we get it done.

COMMISSIONER McLAREN: Okay. And I'm just bullheaded and I'm getting tired and I apologize. But I missed the definition of manufacturing, light. And establishment engaged in indoor manufacture, assembly, fabrication, packaging, and/or processing a finished product or parts primarily from previously prepared materials and incidental storage/distribution of such products, but is not true basic industrial processing from raw materials.

See, that -- that sounds that things like that could pretty much be gunsmithing.

And I'm just reading the definition. I'm sorry.

COMMISSIONER BOLAND: Bill, I think the situation we're all going back to is we can read any
definition we want about anything. But when me go back to it -- and I'm just going to pull this one out, number 18 -- he can put a convenience store there.

COMMISSIONER McLAREN: Okay.

COMMISSIONER BOLAND: So if he came in and said you want a convenience store there, do you feel the same way?

COMMISSIONER McLAREN: I'm not arguing that point. I'm arguing --

COMMISSIONER BOLAND: But that's where we're at. I mean, because what he's asking us for after we say yes you can put a gunsmith there, he can put a convenience store next door.

COMMISSIONER McLAREN: I think he can. I think if it's Non-Urban and Agriculture, I'd have to go back and look at it, he can have a convenience store there right now. And that's what I'm reading is in Non-Urban Agricultural, I'm missing something, it says that you can have a light manufacturing --

COMMISSIONER McCREARY: Yes, it does.

COMMISSIONER McLAREN: -- with a CUP.

COMMISSIONER HAIRE: That's right.

MS. EAGAN: I mean, Bill, what it all comes back to is my interpretation of the Code is what they're basing it off of. If they disagree with what I
classified their business as, they have the right to appeal it. They agreed with my classification that as a repair shop, miscellaneous, and --

COMMISSIONER McLAREN: All right.

MS. EAGAN: -- so they went for the rezoning route.

COUNTY ATTORNEY VINCENT: If they disagree with her, they'll go to the Board of Adjustment to have that issue determined.

COMMISSIONER McLAREN: Fair enough.

MS. EAGAN: But you were correct with the convenience store. It is permitted.

COMMISSIONER McLAREN: Okay. I was pretty sure about that.

COMMISSIONER REINHOLD: Right now.

COUNTY ATTORNEY VINCENT: How about a convenience store and a gunsmith?

CHAIRMAN EVANS: It would looks like a house. So it's a home occupation.

COMMISSIONER HAIRE: I mean, the $64,000 question is did we miss -- should this category have been in, you know, Non-Urban and Agricultural. Is that something we missed? Is this an appropriate classification for that zone district?

MS. EAGAN: Potentially. I think
right now, we need to just focus on the rezoning, get that
squared away, and then if you guys want to continue talking
about it in the Commissioners Forum, we can do that. But
the use is not up for debate right now. So...

CHAIRMAN EVANS: Right. What we have
is the file in front of us, rezoning this acreage, for
whatever use it might be.

Again, we have the -- well, we have already
sent it to Old Business. So...

COMMISSIONER McCREARY: Uh-huh.

CHAIRMAN EVANS: We have to deal with
it. I guess we can still opt to send it to Review
Committee, but I don't know what that would get you. So we
need to make a recommendation. At least it will be tabled
also, but that doesn't give us anything. So...

COMMISSIONER McCREARY: Ut-uh.

COMMISSIONER REINHOLD: So you
looking for a -- for us -- a recommendation to approve it?

CHAIRMAN EVANS: Looking for a motion
to recommend or, you know, not recommend.

MS. EAGAN: Either way, it goes to
the County Commission.

CHAIRMAN EVANS: Right.

COMMISSIONER REINHOLD: Didn't you
have -- didn't you have two of them?
COMMISSIONER TOBBEN: I sent it to Old Business.

CHAIRMAN EVANS: I'm sorry?

COMMISSIONER TOBBEN: Tim was asking me a question.

CHAIRMAN EVANS: Oh, okay.

COMMISSION TOBBEN: What we voted on, that was to send it to Old Business.

CHAIRMAN EVANS: Yeah. So we're looking at either recommending this rezoning for approval or recommending against the rezoning.

COMMISSIONER REINHOLD: Bill, can I ask a question because --

CHAIRMAN EVANS: Sure.

COMMISSIONER REINHOLD: -- I mean, I'm not sure about this.

So if we approve it here, then it goes to the Commissioners, and they give a public hearing for it. All the neighbors get to vote on it.

CHAIRMAN EVANS: No, it will -- it will go to -- it will go to the Commissioners either way. It will just have our recommendation to pass.

COMMISSIONER REINHOLD: Okay.

CHAIRMAN EVANS: But they will have a public hearing. So the only difference is we'll have said
we recommend this or don't recommend it, but their process is the same.

COUNTY ATTORNEY VINCENT: There's one difference in it. If you go from here with a negative recommendation for them to overturn what you say, they have to have a super majority.

CHAIRMAN EVANS: Which is two out of three.

COUNTY ATTORNEY VINCENT: Right, which doesn't make a damn bit of difference.

COMMISSIONER REINHOLD: Oh, I know.

CHAIRMAN EVANS: That may have happened recently.

MS. EAGAN: Sure did.

COMMISSIONER SCHULTEHENRICHT: Bill, I'll make the recommendation then, and that is that we recommend to the County Commissioners that they approve this requested zoning change.

CHAIRMAN EVANS: We have a motion to approve. Do we have a second?

COMMISSIONER CUNIO: I'll second that.

CHAIRMAN EVANS: We have a motion and a second to approve recommending for approval rezoning on File 170034.
1. All in favor signify by saying aye.

2. COMMISSIONER REINHOLD: Aye.
3. COMMISSIONER VOSS: Aye.
4. COMMISSIONER McLAREN: Aye.
5. COMMISSIONER CUNIO: Aye.
6. COMMISSIONER SCHULTEHENRICH: Aye.
7. COMMISSIONER McCREARY: Aye.
8. CHAIRMAN EVANS: Opposed?
9. COMMISSIONER WILLIAMS: Nay.
10. COMMISSIONER BOLAND: Nay.
11. COMMISSIONER HAIRE: Nay.
12. CHAIRMAN EVANS: Nay.
13. COMMISSIONER TOBBEN: Nay.
14. CHAIRMAN EVANS: All right. I think we're -- need a roll call vote.
15. MS. EAGAN: Bill Evans?
16. CHAIRMAN EVANS: No.
17. MS. EAGAN: Jay Schultehenrich?
18. COMMISSIONER SCHULTEHENRICH: Yes.
19. MS. EAGAN: Todd Boland?
20. COMMISSIONER BOLAND: No.
21. MS. EAGAN: Tim Reinhold?
22. COMMISSIONER REINHOLD: Yes.
23. MS. EAGAN: Ray Cunio?
24. COMMISSIONER CUNIO: Yes.
MS. EAGAN: Tom Tobben?
COMMISSIONER TOBBEN: No.
MS. EAGAN: Bill McLaren?
COMMISSIONER McLAREN: Yes.
MS. EAGAN: Stan Voss?
COMMISSIONER VOSS: Yes.
MS. EAGAN: Dan Haire?
COMMISSIONER HAIRE: No.
MS. EAGAN: Russell McCready?
COMMISSIONER McCREADY: Yes.
MS. EAGAN: Ron Williams?
COMMISSIONER WILLIAMS: No.
MS. EAGAN: There's six in favor and five opposed. The recommendation will be for approval.
CHAIRMAN EVANS: Okay. As Scottie said, File 17004 has been approved on a vote of six to five recommending approval. To be forwarded to the Commission.
Moving right along. Preliminary Plats. None.
Planning and Zoning Commission Forum.
Discussion regarding Planning and Zoning Commission By-Laws.
MS. EAGAN: As you guys can see, on page 2 what I did is I just deleted that first part of the first sentence. So then it just -- any request of any applicant or when you guys want to bypass Review Committee, you can do it. Before it just said conditional use permits
in subdivisions, which made it all amendments and rezonings
would have to go to Review Committee.

So by saying at any request of any applicant or
member of the Planning and Zoning Commission, we feel like
that should open it up for you guys to have a little leeway
in whether or not you want the -- the file to go to -- you
know, re- -- you know...

CHAIRMAN EVANS: And then --

MS. EAGAN: Do you want to talk
about, anyone?

CHAIRMAN EVANS: Yeah, I was just
going to say that was something I -- I picked up on. I was
sitting there one evening, and I just finished reading the
phone book and didn't have anything else to do. So I
started the by-laws and the way it read that just by
changing that sentence would fix the entire problem.

MS. EAGAN: And then we also notice
on page 3 it's still under Rule of Procedure in that last
paragraph. It also specified conditional permits. So did
subdivision applications. So it said if -- if in the case
of conditional use permitted subdivision applications any
applicant shall fail to appear and present application, the
Commissioners may evaluate the application as submitted.

We think that should also go for rezoning and
then requests from citizens. So that's why we got rid of
that sentence as well.

Chairman Evans: And those were the only two changes.

Any discussion on those? If not, they are on the agenda. So we can vote on those tonight.

So if there is no further discussion or changes, the Chair would entertain a motion.

Commissioner McCreary: I'd like to make a motion to accept the change as written.

Commissioner Haire: Second.

Chairman Evans: We have a motion and a second to approve the two changes on the Rules of Procedure as submitted by Scottie.

All in favor signify by saying aye.

Commissioner Reinhold: Aye.

Commissioner Voss: Aye.

Commissioner McLaren: Aye.

Commissioner Cunio: Aye.

Commissioner Williams: Aye.

Chairman Evans: Aye.

Commissioner Boland: Aye.

Commissioner Haire: Aye.

Commissioner Tobbenn: Aye.

Commissioner Schultehenrich: Aye.

Commissioner McCreary: Aye.
CHAIRMAN EVANS: Opposed? [None]
The motion is carried.

MS. EAGAN: Okay. The other issue I want to talk to you guys real quick is about recycling centers.

What we realized is that totally contradicts itself. So in Article 7, we have recycling centers as permitted uses, but then if you got to Article 10 where we actually have definitions and regulations pertaining to those, they say they are conditional use permits.

So my question is which way would you guys rather see it go, and if you'd rather see it go permitted, then I'm going to probably write a few more regulations pertaining to recycling centers to present to you guys with that.

COMMISSIONER WILLIAMS: What's the district?

MS. EAGAN: Industrial. When I say write other regulations, the main thing we talked about in the office is simply requiring they put up a site-proof fence if anything is stored outside, like we do with auto repair and auto sales.

CHAIRMAN EVANS: Can you add gunsmithing?

Any discussion?
COMMISSIONER WILLIAMS: Looking in the industrial district, you already have a composting facility and a trash transfer facility as conditional uses. Wouldn't that be a, you know, kind of similar, like kind?

MS. EAGAN: It would be. I think before, for some reason, our recycling -- recycling center and recycling facility were two different ones, and the center was conditional, but the facility was permitted. And so we combined them, and then messed it up when we did that.

COMMISSIONER REINHOLD: I think conditional use would be best because the recycling center could be a number of different things.

COMMISSIONER McCREARY: Scottie, when they were separate, wasn't one larger than the other?

COUNTY ATTORNEY VINCENT: One is where you put the stuff in them and you actually did the recycling.

COMMISSIONER McCREARY: Right, right I think one was like a distribution center, but now we're considering everything?

MS. EAGAN: Yeah. We combined it all into one.

COMMISSIONER McCREARY: That's what I thought. That's -- that's why one was permitted --

MS. EAGAN: Right.
COMMISSIONER McCREARY: -- one was --
yeah. Because it was like I take my newspapers to a
drop-off going cans and everything else, but they never do
it. They just truck it someplace else, and then make into
mulch or whatever they did.

But now everything's together. So I'm -- I'm
with you that we can put conditions on it no matter how it's
enforced or not.

COUNTY ATTORNEY VINCENT: That's
fine.

CHAIRMAN EVANS: Mark, do you think
that's an appropriate use of the CUP?

COUNTY ATTORNEY VINCENT: Yeah.

MS. EAGAN: Okay. So next -- next
month I'll probably come back with --

COMMISSIONER McCREARY: Yeah

MS. EAGAN: -- Article 7 to change
it.

COMMISSIONER REINHOLD: Mark, when it
gets to the recycling center, it can be where you drop your
old car off if you got a junker, right?

COUNTY ATTORNEY VINCENT: It could
be.

MS. EAGAN: Actually you can't drop
off your car.
COUNTY ATTORNEY VINCENT: You can drop off pieces though.

MS. EAGAN: It's not certain ones.

CHAIRMAN EVANS: All right.

Planning Director's Report. Scottie, anything else?

MS. EAGAN: I don't have too much for you. Next month we have a pretty full agenda again. I have two rezonings for sure and a conditional use permit. And now regulation. And then I don't know if I told you guys yet or not, but supposed to have an appeal next month for Meramec Aggregates, both sides appealed. So it should be fun.

CHAIRMAN EVANS: Okay.

COUNTY ATTORNEY VINCENT: Could I have a second, Bill?

CHAIRMAN EVANS: Sure.

COUNTY ATTORNEY VINCENT: There was a lot of talk and discussion about what should or should not be CUPs. Yeah, those are decisions that you guys have approved but based on recommendations that Scottie and Nichole and Tori and myself, we all made together.

If there is a place that you guys feel strongly about that we've mischaracterized as CUP and you want it CUP, just tell us. You know, we'll argue with you if we
think you're wrong, but ultimately you're the ones that have the right to recommend to the County Commission to change those.

Likewise, if we misclassify something like a gun shop or gunsmith in a wrong area and you really feel strongly about it, just do that. But let's not manipulate the regulations every time we turn around because there's then no consistency and there's nothing with stability. And we all lose, but it we looked at it dispassionately, not in front of given set of facts, just use it in your own mind. Is there something we've got in there that's wrong. Don't wait to get an application to determine whether it's wrong or not. Read it them tonight. Enjoy yourselves. Have fun reading them.

MS. EAGAN: You all have a brand new copy to read.

COMMISSIONER HAIRE: We can start changing them now that we have a new copy.

MS. EAGAN: Yeah.

CHAIRMAN EVANS: All right. If there is nothing else, the Chair would entertain a motion to adjourn.

COMMISSIONER BOLAND: So moved.

COMMISSIONER TOBBEN: Second.

COMMISSIONER McLAREN: Second.
CHAIRMAN EVANS: All in favor. We're adjourned.

[Thereupon, the proceedings concluded at 10:30 p.m.]
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.

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