

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION  
2 FRANKLIN COUNTY GOVERNMENT CENTER  
3 SECOND FLOOR COMMISSION CHAMBERS  
4 400 EAST LOCUST STREET  
5 UNION, MISSOURI 63084

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

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23 Reported by:  
24 Patsy A. Hertweck, C. R.  
25 Midwest Litigation Services

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1                                   A P P E A R A N C E S  
2    BOARD OF PLANNING AND ZONING COMMISSION MEMBERS:  
3                   William Evans, Jr., Chairman  
4                   Jay Schulteheinrich, Co-Chairman  
5                   Timothy Reinhold, Commissioner  
6                   Stanley Voss, Commissioner  
7                   Bill McLaren, Commissioner  
8                   Ray Cunio, Commissioner  
9                   Ron Williams, Commissioner  
10                  Todd Boland, Commissioner  
11                  Dan Haire, Commissioner  
12                  Tom Tobben, Commissioner  
13                  Russell McCreary, Commissioner  
14    PLANNING AND ZONING STAFF:  
15                  Ms. Scottie Eagan, Planning Director  
16                  Ms. Nichole Zielke, Administrative Assistant  
17    LEGAL COUNSEL:  
18                  Mark Vincent, County Attorney  
19  
20    MIDWEST LITIGATION SERVICES:  
21                  By: Patsy A. Hertweck, C. R.  
22                  711 North Eleventh Street  
23                  St. Louis, Missouri 63101  
24                  [314] 644-2191  
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P R O C E E D I N G S

[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 Schulteheinrich?

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?

1 RUSS: Here.

2 MS. EAGAN: And, Ron Williams?

3 COMMISSIONER WILLIAMS: Here.

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

6 CHAIRMAN EVANS: Thank you.

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

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

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

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

23 At this time, I would like to place into the  
24 record these Regulations as Exhibit A, the official Zoning  
25 Map as Exhibit B, the official Master Plan as Exhibit C, and

1 the case file for each case as Exhibit D for all the cases  
2 to be heard during the hearing.

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

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

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

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

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

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

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

24 At the conclusion of all questions, comments,  
25 and discussion concerning each case, the Planning Commission

1 will proceed. Any final decision by the Planning and Zoning  
2 Commission concerning conditional use permits may be  
3 appealed to the Board of Zoning Adjustment any time within  
4 90 days.

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

7 CHAIRMAN EVANS: Thank you.

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

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

14 COMMISSIONER SCHULTEHENRICH: I'll  
15 second.

16 COMMISSIONER TOBBEN: I'll second  
17 that.

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

21 COMMISSIONER REINHOLD: Aye.

22 COMMISSIONER VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER CUNIO: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.

2 COMMISSIONER BOLAND: Aye.

3 COMMISSIONER HAIRE: Aye.

4 COMMISSIONER TOBBEN: Aye.

5 COMMISSIONER SCHULTEHENRICH: Aye.

6 COMMISSIONER McCREARY: Aye.

7 CHAIRMAN EVANS: Opposed? [None]

8 Motion is approved.

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

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

13 New Business File 160205 Rob C. Muckler.

14 Scottie, will you please give us the details.

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

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

20 The property is located off Highway 00,  
21 approximately 3/10 mile north of Spring Valley Road, in  
22 Boles Township.

23 The Facts: On March 7, 2017, the Franklin  
24 County Commission passed new Special Occasion Permit  
25 regulations.

1                   Because Mr. Muckle applied for the permit prior  
2 to the regulations being approved, he is still under the old  
3 regulations with regard to Special Events, Periodic,  
4 requiring a Conditional Use Permit.

5                   The total area for the rezoning is  
6 approximately ten acres.

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

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

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

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

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

18                  This property has access to Highway 00, which  
19 is a State-maintained road.

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

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

25                  Staff Comments: Any buildings used or built in

1 connection with this CUP will need to be approved by the  
2 Franklin County Building Department for a commercial  
3 building.

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

7 All new and/or existing entrances onto Highway  
8 00 will need to be examined by MoDOT for a commercial  
9 entrance. Planning and Zoning shall receive a copy of the  
10 permit prior to the Applicant commencing any activities on  
11 the property.

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

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

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

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

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

1                   Any indoor activity space shall be setback at  
2    least 50 feet from any property line and at least 100 feet  
3    from any neighboring residence.

4                   CHAIRMAN EVANS: Thank you.

5                   Is the Applicant present?

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

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

10                   [Thereupon, the witness was sworn.]

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

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

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

1 aesthetics of the land.

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

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

17 Our venue designs will fit within the landscape  
18 and surrounding areas which people use a great use of the  
19 land. I spoke with Andrew Neff of Neff Appraisals, and he  
20 is familiar with the area. And said in his opinion, being  
21 1,000 feet away from other houses and being central on the  
22 property, that it will not affect or defect the surrounding  
23 properties. Neff Appraisals has been in business since the  
24 '50s.

25 Main wedding days are on the weekends, Friday,

1 Saturday and Sunday. The average wedding is around 150 to  
2 200 people. So we roughly have 50 to 140 cars coming and  
3 going that would potentially drive revenue into the  
4 surrounding communities. In addition to driving local  
5 traffic into the community, our venue will give local  
6 businesses the chance to generate revenue by being on jobs  
7 that our clients would need: Catering companies, shuttle  
8 services, florists, vans, DJs, makeup, hair style stylist,  
9 audio, lighting. The list goes on and on. Pretty much  
10 anything you would need for a wedding.

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

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

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

24 MS. EAGAN: I -- I don't believe with  
25 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.

2                   Some information about the site. They are  
3 going to have two separate buildings, one for ceremonies and  
4 one for the receptions. They are hoping to set themselves  
5 apart in that way that they would offer both those. They  
6 would also have a shared courtyard patio space. The  
7 capacity is 300 guests, and they're looking for only one  
8 wedding venue -- or wedding event a day. So they would have  
9 only one wedding going on at a time.

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                   Weekends only open if a special event is booked  
19 again. If they do not have an event booked on that weekend,  
20 then they would not be open. And the gusts rental timeframe  
21 would be a 12-hour period. So for instance, 11:00 a.m. till  
22 11:00 p.m. or 10:00 a.m. to 10:00 p.m. So even though they  
23 are open a little bit longer than that, someone can only  
24 rent a 12-hour timeframe.

25                   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

1 is kind of the look that they're wanting to do. And this is  
2 the idea of what their courtyard and then reception venue  
3 would be like.

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

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

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

21 So this just gives you a vicinity Of where  
22 we're located and some of the other elements that are  
23 located near us, the different subdivisions, the edge of the  
24 city of Pacific, and then the two other event centers that  
25 are close by.

1                   There is a little bit closer view of the site.

2                   So this is just again going over some of the  
3 key elements on the site, and we're going to go look at the  
4 actual site plan. The parking for the guests is one thing I  
5 did want to touch on. Required for the County for 300  
6 guests was 120 spaces. They are going to provide an extra  
7 26 spaces for vendor parking. As they are both currently  
8 wedding vendors, they feel that's important that there is  
9 parking for those people as well. And then there is also on  
10 here, you'll see, a future wooded ceremony site that they  
11 are wanting to do.

12                   So you can see the parking here. Again we have  
13 146, and then we'll have some sidewalks coming up. They  
14 would like to add that dropoff, as I said. And then this is  
15 the courtyard area that again this is very conceptual, that  
16 that was between the ceremony building, and then this is the  
17 reception hall.

18                   This is that future wooded ceremony site, and  
19 then potentially a nice water feature down this hillside to  
20 add. So this dash line you'll see here is the edge of the  
21 20 -- or 10.03 acres zoned Non-Urban Agricultural.

22                   Then the proposed new entrance. Currently it's  
23 quite a bit further north, and it does not have very good  
24 visibility for this type of property. I don't think it  
25 would be very save entrance into it. So they would like to

1 relocate that into something that's a little bit safer and  
2 more visible for the event center. We will be working with  
3 MoDOT in order to determine an ideal location for that.

4           This just gives you an idea of the different  
5 structures that are within the vicinity around us. Each one  
6 of these circles, this starting at 150 feet. This is out in  
7 and out 500 feet, a thousand, and 1,500. So you can see  
8 some of the structures start to come in around the 800 foot,  
9 900 foot ark around the building. So we meet the  
10 requirements as far as the structure setbacks, as Scottie  
11 read earlier.

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

20           So currently the site has 5.63 acres of woods.  
21 So the anticipated structures and parking would occupy about  
22 12 percent of the total site green space. so out of that  
23 almost 31 acres, the actual hard surfaces that we're adding  
24 is only going to be about 12 percent.

25           This is just going over why we decided to do

1 what we did. We could have gone a different path in order  
2 to get the event center there, but we they felt was the fit  
3 in with the area the best.

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

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

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

1 be, you know, that's the most amount of parking that it  
2 would have.

3 COMMISSIONER REINHOLD: I got a  
4 question.

5 MS. LOHMEYER: Sure.

6 COMMISSIONER REINHOLD: On the page  
7 before that --

8 MS. LOHMEYER: Oh, yeah.

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

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

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

25 As far as noise, if they hold an outdoor

1 reception, no music will be allowed past 10:30 p.m., and  
2 those would only be on the Friday and Saturday nights. A 90  
3 percent of their events will be held inside, except for  
4 their wedding ceremonies, which usually last about 30  
5 minutes. And again, that would be within that noise  
6 timeframe that was established.

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

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

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

23 Some benefits to Franklin County. Increased  
24 taxes due to the business, utilizing local vendors for  
25 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...

1 MS. LOHMEYER: So they would like to  
2 do a mezzanine type space over that back area. Let me see  
3 if I can pull it back up, and basically that would be --  
4 they want to offer a bridal suite for the bride to get ready  
5 before the ceremony. So they're going to offer one up on  
6 the mezzanine level, and then offer one at that -- on that  
7 lower level there underneath the stairs.

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

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

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

14 MS. LOHMEYER: No. Good question.

15 COMMISSIONER McLAREN: Pardon me?

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

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

25 MS. LOHMEYER: Correct.

1 COMMISSIONER McLAREN: Okay.

2 MS. LOHMEYER: They're only wanting  
3 one wedding a day.

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

6 MR. LOHMEYER: No, ut-uh.

7 COMMISSIONER McLAREN: Okay.

8 CHAIRMAN EVANS: Any other questions?  
9 Jay?

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

18 MR. LOHMEYER: Oh, I see what you're  
19 saying.

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

23 MS. LOHMEYER: It does mingle in with  
24 -- actually the property line looks to follow a waterway, a  
25 creek. So there's some trees on both sides of that property

1 line from what I can tell.

2 COMMISSIONER SCHULTEHENRICH: Okay.

3 Thank you

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

7 COMMISSIONER SCHULTEHENRICH: Thank  
8 you.

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

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

18 Okay. Rob is saying yes that's true.

19 CHAIRMAN EVANS: Ray?

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

22 MR. LOHMEYER: Correct. Uh-huh.  
23 It's mostly open. It looks like maybe somebody is getting  
24 hay off of there or they used to.

25 COMMISSIONER TOBBEN: Can you clarify

1 where the outdoor reception space will be on the site?

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

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

15 MR. LOHMEYER: Okay. Okay.

16 CHAIRMAN EVANS: Any other questions?

17 COMMISSIONER WILLIAMS: I got one.

18 CHAIRMAN EVANS: Ron.

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

22 MR. LOHMEYER: We were looking at --  
23 if I can get this to work. We were looking at further down  
24 the hill, possibly in this area. Once we've calculated the  
25 size of it, it would be go around here. Since the grade

1 drops off pretty dramatically as you go, this is the highest  
2 point of the property, and then it drops quite a bit all the  
3 way down to Highway 00. So the -- in laying with the land,  
4 we would potentially put it down in this area.

5 CHAIRMAN EVANS: Any other questions?

6 [None]

7 Thank you.

8 MR. LOHMEYER: Uh-huh.

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

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

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

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

17 CHAIRMAN EVANS: In favor?

18 MR. LAMMERT: Yes.

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

21 MR. LAMMERT: Good evening. I'm  
22 Andrew Lammert. I'm actually legal representation for Rob  
23 Muckler and Brentwood Material Company, the current owner of  
24 the property. And my firm address is 825 Merryville Center  
25 Drive, Suite 300. That is Town and Country, Missouri 63017.

1 [Thereupon, the witness was sworn.]

2 All right.

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

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

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

23 Otherwise the application -- they should not --  
24 shall issue unless if the application is incomplete, which  
25 my understanding is -- would have already been raised by

1 this Commission and has not.

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

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

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

20 The second reason it will be denied is the use  
21 will cause serious injury to neighboring property use or  
22 values. Again, the key words there, "serious injury to  
23 neighboring property use or values". And the use will be  
24 compatible -- or will not be compatible with the plan for  
25 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 CHAIRMAN EVANS: If you'd please wrap  
25 it up.

1 MR. LAMMERT: Finally for the Hall  
2 Valley, another ten acres, and again I'll -- next to that  
3 directly west of Hall Valley, what is very significant here  
4 is we have two subdivisions that are adjacent to this  
5 property. We don't have that here with this specific use  
6 that is being requested here today. Specifically I believe  
7 one of the neighboring property's neighbors you'll hear from  
8 today are 1,450 feet away from my client's proposed use.

9 Thank you.

10 CHAIRMAN EVANS: All right, thank  
11 you.

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

14 Anyone else wishing to speak in favor?

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

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

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

22 CHAIRMAN EVANS: Just a minute,  
23 please.

24 [Thereupon, the witness was sworn.]

25 MS. EAGAN: You got to sign in.

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

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

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

23 CHAIRMAN EVANS: All right, thank  
24 you.

25 Anyone else?

1                   Please state your name and address and sign in,  
2 please.

3   [Thereupon, the witness was sworn.]

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

7                   My wife and I own the properties located at  
8 1615 Highway 00, which is adjacent to and immediately south  
9 of the subject property.

10                  I'm opposed to this development for a number of  
11 reasons. I believe that the burden of proof should not be  
12 upon the neighbors of this project to show that it is  
13 inappropriate. The petitioners here have provided no  
14 studies showing the impact of traffic on Highway 00, which  
15 is winding and dangerous. They have shown no studies  
16 regarding the impact of the water running off of this  
17 property and the non-porous surfaces that they were going to  
18 erect.

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

25                  And they have given no specific studies, other

1 than hearsay statement, regarding the impact of this project  
2 on the value of the neighboring properties. We shouldn't be  
3 forced to hire an appraiser. They should be proving to you  
4 that it won't affect the value of my property and my  
5 neighbors' properties.

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

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

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

21 CHAIRMAN EVANS: Please wrap it up.

22 MR. WILDING: Okay.

23 There is absolutely nothing periodic about this  
24 proposed business. They want to run these events every  
25 night of every weekend, and if they can do it during the

1 week, they're going to do it too.

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

4 Thank you.

5 CHAIRMAN EVANS: Thank you.

6 MS. REPORTER: Raise your right hand.

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

12 [Thereupon, the witness was sworn.]

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

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

23 We believe that this development will alter  
24 both the environmental setting and the serenity of the  
25 Little Fox Creek Valley and the property values of its

1 residents.

2                   The proposed development will result in  
3 significant increases of travelers along Highway 00 who are  
4 new to the area. They do not recognize the hazards of this  
5 narrow and winding roadway. The proposed project setting  
6 with respect to roadway conditions and safety is markedly  
7 different, we believe, than some of the other venues like  
8 Silver Oaks Chateau, a comparable venue located a few miles  
9 away from Manchester -- on Manchester Road.

10                   In contrast, the roadway characteristics along  
11 Manchester Road, Route 00 is geometrically deficient. It  
12 has sharp curves, it lacks shoulders, it -- and clear zones.  
13 It's very hazardous under normal conditions, particularly  
14 treacherous under adverse weather conditions, rain, fog,  
15 snow and ice. Accidents have occurred on multiple locations  
16 over the last several years, including at least six in the  
17 last four months. Some of these accidents are severe  
18 because of roadway deficiencies have resulted in at least  
19 one vehicle going down the embankment, and that was on  
20 December 16th, into an adjacent creek.

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

1 evening hours.

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

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

18                   The presence of and characteristics of such  
19 resources, both on-site and off-site, should be investigated  
20 and identified. Additionally, potential authorizations  
21 pursuant to applicable regulations should be applied for as  
22 appropriate. These include the following: Section 401 of  
23 the Clean Water Act, requiring issuance of a water quality  
24 certification; Section 402 of the Clean Water Act, requiring  
25 issuance of a land disturbance permit, and just a note on

1 that. Any land disturbance greater than one acre must have  
2 this particular Clean Water Act 20CSR.20-6200; and Section  
3 404 of the Clean Water Act regulating discharges and  
4 placement of fill material.

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

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

18 They will need a big well to provide water for  
19 a venue of this size. The water treatment notable use  
20 levels at the proposed facility will invariably result in  
21 the production of large volumes of wastewater. What are the  
22 plans for wastewater treatment? Use of septic systems is  
23 likely to result in ultimate failure and seepage that will  
24 impact and impair sensitive surface water resources, such as  
25 Little Fox Creek, including water pollution.

1                   Some concern over sensitive species that should  
2 be looked at not as probably as large of a consideration as  
3 the water, but endangered species are in this particular  
4 area, including the Indiana bat, the Northern Long-Eared  
5 bat, and potential development of this site without looking  
6 into to could -- should consider the potential suitable  
7 habitat.

8                   Last thing would be the cultural --

9                                   CHAIRMAN EVANS: Please wrap it up.

10                                  MS. ELZINGA: -- resources, Section  
11 106 of the National Historic Preservation Act. Because of  
12 its position and regional location to the Meramec and  
13 Missouri Rivers, this site should be conducted.

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

22                   Thank you.

23                                   CHAIRMAN EVANS: Thank you.

24                                   [APPLAUSE]

25                   Order please. And I should point out that what

1 we are looking for a conditional use permit is the use of  
2 the particular property that the applicant will still have  
3 to go through whatever studies and permits that are required  
4 for building or moving more than one acre of lands,  
5 lighting, everything else. We're not here about the  
6 permits. If they are required, they will be done as a  
7 condition of the permit.

8 Anyone else wishing to speak in opposition?

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

11 [Thereupon, evidence was marked  
12 for identification and admitted for the  
13 records as Landvatter Exhibit Nos. 1 and  
14 2.]

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

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

24 MR. MUCKLER: I have adequate copies.

25 COUNTY ATTORNEY VINCENT: Excuse me.

1 The e-mail from Pacific cannot be admitted either because it  
2 was not provided in time. The testimony is fine. The  
3 documents cannot be presented.

4 MS. EAGAN: He has enough copies.

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

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

9 MS. EAGAN: Yes.

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

12 CHAIRMAN EVANS: You were paused.

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

17 I live very close to this venue on Spring  
18 Valley Road. I am not in Pacific, and I appreciate their  
19 concern, but I don't believe they plow my roads, give me  
20 internet, anything like that. So I'm not sure, while it's  
21 on their doorstep, exactly what their point was to say that  
22 without talking with other people that live in the area.  
23 And as a matter of fact, on March the 7th, Alderman  
24 Chlebowski reversed himself on the support of this project,  
25 and said that due to the complaints from his constituents,

1 he was not backing it.

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

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

17                   And of course, we get to really the last thing  
18 that I'm very worried about, and that is the concerns on OO.  
19 I spoke to Judy Wagner, who's the highway engineer for our  
20 area of Franklin County, and she told me that unequivocally  
21 there is no money that the State of Missouri has in the  
22 foreseeable future to put shoulders on OO. It's not going  
23 to happen. MoDOT will also not put a turn lane in. So  
24 while they're going to regulate the entrance, the actual  
25 road will not be in any way changed.

1 I made you a handout and it's just -- I'm a  
2 visual person. That's 177 cars with 200 people. That's OO.  
3 I don't get it. I don't think it'll work. I think it's  
4 extremely risky. There's a safety issue. There's also the  
5 concern of the average amount of traffic, which I think is  
6 impossible to say when you're going to bring about 146 cars  
7 in at certain times of the day or night. So while the --  
8 the traffic study is imperative, I feel, I just hope that  
9 everybody realizes that no matter the study says, if they  
10 are allow the conditional use permit, OO is not going to  
11 change. I do not believe that they are going to put  
12 shoulders, straighten the road out or put a left-hand turn  
13 land in.

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

16 My last point, and maybe it's just a personal  
17 issue. We live on -- Spring Valley is a private road. It's  
18 owned by all of us that live on Spring Valley. We maintain  
19 it. We get no help from anybody. Because of the wonderful  
20 electronics that we have, if you look at my little map with  
21 the pink line, that's what you get when you Google Spring  
22 Valley Road. So everybody has figured out it runs from OO  
23 to 100. And even though I don't know how to say private  
24 road, no trespassing, keep out, please don't be here, we get  
25 a lot of traffic on it already.

1                   Once that event center goes in and the traffic  
2 backs up, you pick up your cell phone, and you go where does  
3 that road go? It'll tell you it goes right back to 100.  
4 That is really unfair to all of us. So that I hope that, at  
5 least if nothing else, they are encouraged to put a sign up  
6 at Spring Valley that this is not a public thoroughfare.

7                   And I thank you for your time.

8                   CHAIRMAN EVANS: Thank you.

9                   Anyone else wishing to speak about this issue?

10                   [Thereupon, the witness was sworn.]

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

15                   My property immediate- --

16                   MS. EAGAN: Please wait.

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

20                   As I said, so my property also immediately  
21 borders this commercial project to the north, as well as  
22 Jerry who spoke earlier. And I know a lot of my concerns  
23 are similar to the rest, but the pollution is a huge  
24 concern. The noise pollution, you know, we do enjoy our  
25 peace and quiet. We have -- a lot of us have a very

1 significant investment in our property, and that investment  
2 partially was for the property being peaceful. So the noise  
3 pollution, not just the music, the band, but the volume of  
4 people attending these events just by being on these decks  
5 and being on outside venues also creates noise pollution in  
6 addition to the music. And I don't know if 10, 11 o'clock  
7 seems late to you, but that's a lot of noise into the  
8 evening. And they are proposing maybe a couple of nights a  
9 week, but it could be obviously a lot more than that. So  
10 there is no limit on to how many nights a week we'll have  
11 all this noise pollution and no peace whatsoever.

12 Light pollution also is really a major concern.  
13 The -- I don't know how many lights you have to have for  
14 this amount of parking spaces, but with all those  
15 regulations, that's a lot of lighting, and it is going to  
16 change, completely change our night sky, our natural night  
17 sky. And so that light pollution is also of major concern  
18 and our reduced property value. Again you know, really a  
19 sudden should have been done because, you know, this is  
20 going to reduce our property values. There is no way that  
21 this could enhance those of us that are neighbors that are  
22 going to be next to a commercial venue with all of this  
23 noise pollution, light pollution, environmental pollution.

24 Again, the runoff from all the asphalt. Where  
25 is that going to go. Well, maybe they're thinking there's

1 going to be, you know, a place for the water to go. But it  
2 does, as you could see from, I think they gave you an  
3 aerial, that slopes down and where does it slope? Towards  
4 the highway, towards 100 and the creek.

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

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

25           So I appreciate you hearing my thoughts this

1 evening. Thank you.

2 CHAIRMAN EVANS: Thank you.

3 Anyone else wishing to speak in opposition?

4 MR. JERRY Van DEVEN: My name is  
5 Jerry Van Deven. I live at 2738 Forrest Glen Drive.

6 [Thereupon, the witness was sworn.]

7 MR. Van DEVEN: I guess what I'm  
8 worried about more than anything else is all the noise it's  
9 going to create and the traffic on Highway 00.

10 If this was maybe just a wedding thing, I might  
11 not be so much against it, but when they're throwing in an  
12 innuendo in there, whatever you want to call it, that means  
13 they can just blast all kinds of music. And believe me, I  
14 just moved here from north St. Louis County. In north St.  
15 Louis County most of the people up there are hard of hearing  
16 so that their radios are on one volume, and that's wide  
17 open. And please don't make me lose -- have to go through  
18 that out here again.

19 And the only question I got, is of you folks on  
20 the Board, how many of you people would want this in your  
21 backyard?

22 Thank you.

23 CHAIRMAN EVANS: Thank you.

24 Anyone else wishing to speak in opposition?

25 MR. JOHN HOLDS: John Holds, and I'm

1 still a legal reside in St. Louis, but moving to 2802 Spring  
2 Valley Road in Pacific, which I own outside of Pacific.

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

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

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

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

20 MR. HOLDS: Oh.

21 [Thereupon, the witness was sworn.]

22 Do I need to start from scratch or carry  
23 on?

24 CHAIRMAN EVANS: Go -- go ahead and  
25 carry on.

1 MR. HOLDS: Thank you, Mr. Evans.

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

4 MR. HOLDS: Yes, absolutely.

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

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

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

1 what was up.

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

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

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

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

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

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

23 And I think the public officials were sort of  
24 pull in on this. I mean, Pacific Aldermen support it.  
25 Well, they talked about how great it would be. Well, let's

1 look a little more at this local support. You know, we've  
2 talked about Nick Chlebowski who's just -- whose district  
3 includes Forest Lawn. He's added the caveat he wanted to  
4 make sure no adverse effects surrounding properties.

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

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

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

25 I don't -- I'm not quite sure how the wildlife

1 and forestry are promoted by building on this hilltop, and  
2 this hilltop does broadcasts. So questions. Is it limited  
3 to weddings? It sounds like probably is not.

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

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

18 Bottom line, and I pulled out the page on  
19 external obsolescence. This is my current appraisal all in  
20 for all my property. I am damaged 35 percent of my value.  
21 That is a big number. That's one property owner. There are  
22 at least 15 properties significantly affected, and if we  
23 look at Forest Glen properties who are looking straight at  
24 this property and will get the sound and the light, there  
25 are quite a number of additional properties. This does not

1 include potential future damage by inability to profit by  
2 subdivision of my larger property.

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

17 Thank you.

18 CHAIRMAN EVANS: Thank you.

19 Anyone else wishing to speak in opposition?

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

23 Thereupon, the witness was sworn.]

24 MR. KEENAN KERR: My name is Keenan  
25 Kerr, and I live at 1805 Highway 00. I purchased the

1 property back in October 21st of 2016. I was never notified  
2 of anything going on that pertains to the wedding venue  
3 going up.

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

9 Okay. Section 237 Special Occasions permits  
10 237(a)-2. To protect nearby property owners, residents and  
11 businesses from special occasions that may be disruptive,  
12 unsafe, or inappropriate given site conditions, traffic  
13 patterns, land use and nature of the proposed use.

14 As that's proof it's my property.

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

21 If we look at this photograph here, this is the  
22 picture taken at the 6.1 acres that we hope to subdivide at  
23 a later date. If you look upon the hill just above the  
24 black truck there, that is where the wedding venue will be  
25 placed, along with the parking lot. If you look down at the

1 bottom of the hill, the treeline there, that is my property  
2 line. If you take a ruler or measuring device of some sort  
3 from that line to where the end of that parking lot will be,  
4 it will be roughly 600 feet.

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

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

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

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

25 Special Occasions facility under this

1 definition include but are not limited to wedding  
2 receptions, graduation parties, holiday parties, corporate  
3 events, bar mitzvahs, et cetera. This definition covers  
4 every possibility -- excuse me. This definition covers  
5 every possible party, celebration, gathering, et cetera.

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

10 Thank you for listening. Have a good night.

11 CHAIRMAN EVANS: Thank you.

12 MR. K. KERR: Yes, sir?

13 COMMISSIONER McLAREN: Can I ask a  
14 question of him?

15 CHAIRMAN EVANS: Sure.

16 COMMISSIONER McLAREN: I'm sorry I'm  
17 confused. You just purchased this property? Is there --  
18 I'm confused. You own six acres or is that --

19 MR. K. KERR: I own 36 -- it's 35.6  
20 or something.

21 COMMISSIONER McLAREN: What's the six  
22 acres that you were referring to, to start out with? That  
23 -- that's where I'm lost.

24 MR. K. KERR: Yes, sir.

25 COMMISSIONER McLAREN: You lost me

1 altogether.

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

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

8 COMMISSIONER McLAREN: Okay.

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

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

14 MR. K. KERR: Yes, sir. A  
15 preliminary survey, yes, sir.

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

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

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

22 CHAIRMAN EVANS: Yes, Scottie.

23 MS. EAGAN: This -- this file is  
24 under our old regulations. So everything pertaining to  
25 Special Occasion permits is not valid for this application.

1 This application still falls under Special Events, Periodic  
2 as it is today.

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

5 MS. EAGAN: Correct.

6 CHAIRMAN EVANS: Thank you.

7 MR. K. KERR: Thank you.

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

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

14 Thereupon, the witness was sworn.]

15 Thank you for hearing me this evening.

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

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

24 Section 237(a)-2 says, to protect nearby  
25 property owners, residents from special occasions that may

1 be disruptive, unsafe or inappropriate given the site  
2 conditions, traffic patterns, and land use, et cetera.

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

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

12 My next few slides refer to page 84 on December  
13 20th Planning and Zoning meeting. Ms. Scottie Eagan is  
14 quoted by saying:

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

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

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

25 On page 88, she also says:

1                    "I sent this to people, and  
2                    they both say they don't see any  
3                    hindrance to it, except that the  
4                    neighboring residents is the only  
5                    question that came up."

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

8                    Sorry. This is my -- a view from my property  
9 about a hundred yards from Highway 00. There is a video  
10 along with this slide. I don't know if it'll play.

11                    MS. ZIELKE: We can't play video.

12                    MR. P. KERR: You can't play video.  
13 Well, I would like to play you a video from my cell phone.  
14 It's the same --

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

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

21                    COUNTY ATTORNEY VINCENT: Okay.

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

25                    You hear six cars going by at normal speed

1 limits creating -- I can't quantify the noise level, but it  
2 is loud compared to 30 seconds later crickets.

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

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

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

14           Well, I would not like them there at all.

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

20                        "I'm just going to tell you.

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

23                        It's just to manage people, it's  
24                        hard to manage people, getting  
25                        them out."

1                   Lights go out at 12:45 a.m. Commissioner Eagan  
2 [sic] says, "Yes, all the lights will have to go out at  
3 12:45 a.m."

4                   The City Attorney [sic] is -- states, "Good  
5 luck."

6                   Commissioner Haire, "That goes back to the  
7 enforceability issue."

8                   Commissioner Reinhold says, "Who's going to  
9 enforce?"

10                  On page 103, McLaren, you're probably going to  
11 be impacting your neighbors. So the lighting, I think, will  
12 -- when the last guest leaves. The lighting will go out  
13 when the last guest leaves. Who knows when that's going to  
14 be. People do not leave when they're told to, --

15                                 CHAIRMAN EVANS: Your time is up.

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

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

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

24                                 CHAIRMAN EVANS: Your time is up.

25                                 MR. P. KERR: -- about Andrea from

1 Cochran -- Cochran Engineering. She said that the creek  
2 splits our property line. That is in correct. My property  
3 line goes across the creek, on the south side of the creek.

4 Thank you.

5 CHAIRMAN EVANS: Thank you. Scottie?

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

9 CHAIRMAN EVANS: Right.

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

12 CHAIRMAN EVANS: All right.

13 MR. P. KERR: Thank you.

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

17 COMMISSIONER REINHOLD: New  
18 information we want.

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

21 Anyone else wishing to speak against this  
22 please step forward.

23 COMMISSIONER REINHOLD: Can you ask  
24 them about new evidence instead of just the same thing over  
25 and over again?

1 MS. EAGAN: And last name?

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

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

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

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

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

16 MS. EAGAN: Hold on a minute.

17 MR. R. KERR: Sure.

18 [Thereupon, the witness was sworn.]

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

25 Okay. If the Planning and Zoning Commission

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

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

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

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

15 "A parcel of property is  
16 a nuisance if such property  
17 adversely affects the property  
18 values of the neighborhood or  
19 the property value; any property  
20 owner who owns property within  
21 1,200 feet of the parcel of  
22 property alleged to be the  
23 nuisance."

24 On -- in December 21st, Robert Muckler, and by  
25 the way, he also repeated this tonight -- I spoke with

1 Andrew Neff of Neff Appraisals. I assume that's Mueller and  
2 Neff on south Lindbergh -- and he is familiar with the area,  
3 and said in his opinion -- not a fact or convincing  
4 evidence, being that far away from the other houses and  
5 being centered on the property, that it will not affect or  
6 defect the surrounding properties.

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

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

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

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

25 The property now is zoned Suburban Development.

1 Obviously that's been changed, and Mr. Muckler said that  
2 we'd have to change it to Non-Urban, which apparently that  
3 has been done.

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

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

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

19 Ms. Eagan said:

20 "My department -- myself  
21 and my department feels like  
22 the Suburban Development is not  
23 a zoning district where special  
24 occasions or special event  
25 facilities should be located,

1 but if it is the wish of the  
2 Commission, we would just have  
3 to amend the regulation."

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

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

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

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

23 In an Urban Law Annual, courts have called spot  
24 zoning an attempt to rend a single small lot from its  
25 environment, give it a new rating that disturbs the tenor of

1 the neighborhood, which I do believe we've established this  
2 evening.

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

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

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

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

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

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

25 Son number 2, Paddy, he will lose \$105,000 in

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

3 Thank you.

4 CHAIRMAN EVANS: Thank you.

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

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

15 COUNTY ATTORNEY VINCENT: Not that  
16 one.

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

19 COUNTY ATTORNEY VINCENT: But they're  
20 wrong.

21 MR. R. KERR: Okay.

22 CHAIRMAN EVANS: Scottie?

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

25 In his testimony, he states that when I said

1 that I -- we feel like SD is not a zoning district for  
2 special occasions and special events, that it should be  
3 located with the Commission, then with the regulations that  
4 he claims that you guys did, you didn't. The regulations  
5 still don't allow special occasions in SD. That property  
6 was rezoned, but not by you guys, by the County Commission.

7 So I just wanted to clarify that.

8 CHAIRMAN EVANS: All right, thank  
9 you.

10 Anyone else wishing to speak in opposition?

11 Please state your name and address.

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

14 [Thereupon, the witness was sworn.]

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

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

22 Thank you.

23 CHAIRMAN EVANS: Thank you.

24 [Thereupon, the witness was sworn.]

25 MS. SOPHIE CHUNG: My name is Sophie

1 Chung. I live at 2802 Spring Valley Road with John Holds,  
2 and I don't have a PowerPoint slide, but I do want to say  
3 that we are an immediate neighbor. We did receive a pink  
4 card. That was the first notification that we received  
5 about this property being developed into a commercial venue.

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

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

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

21 I would ask that the Planning and Zoning  
22 Commission in fact represent the constituents of Franklin  
23 County and vote to oppose this because all of us are  
24 affected adversely. And I think the damages that Mr. Noonan  
25 has provided for both the Kerrs as well as ourselves clearly

1 reflects the significant devaluation of our property by 40  
2 to 45 percent. That is in writing. That is inarguable, and  
3 really significantly devalues property within Franklin  
4 County.

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

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

16 CHAIRMAN EVANS: Thank you.

17 Anyone else wishing to speak in opposition?

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

20 COUNTY ATTORNEY VINCENT: Rebuttal.

21 MS. EAGAN: Rebuttal.

22 CHAIRMAN EVANS: Rebuttal. I'm  
23 sorry. Is there anyone wishing to speak in rebuttal?

24 MR. LAMMERT: Andrew Lammert again,  
25 attorney for the applicants.

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

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

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

18                   Because of that and because of the -- I'm not  
19 sure where it went from there. I only had that one  
20 transcript. I don't know if this Commission has discussed a  
21 standard for wedding venues, but I think what's happened  
22 with the those other three wedding venues that I mentioned  
23 before, I think it behooves this Commission to grant my  
24 client the same opportunities afforded to those other  
25 applicants.

1                   My firm, McCarthy, Leonard and Kaemmerer, stood  
2 up here and represented Home At Farms, Incorporated in 2013  
3 when they were seeking their conditional use permit. Two  
4 hundred and fifty notices were sent to the neighboring  
5 properties. Again, the adjacent two subdivisions next to  
6 that Hall Valley.

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

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

23                   My clients still have to comply with the  
24 permitting process, the regulations, state statutes, and  
25 Franklin County ordinances. I mean, just because they get

1 this conditional use permit, I'll remind the Commission they  
2 have laws to follow. And if they're broken, I assume that  
3 the proper authorities are going to deal with them.

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

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

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

1 the hearsay conclusion of those appraisers.

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

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

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

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

24 Thank you.

25 CHAIRMAN EVANS: Thank you.

1                   Any discussion? There is no rebuttal from the  
2 opposition. Jay?

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

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

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

22                  Well, I find that a little bit mis- -- maybe a  
23 little bit high expectations of the opponents when you all,  
24 in my opinion, provided a piece of paper to us which was  
25 somewhat -- not somewhat -- which was misleading. Okay?

1                   So I would take exception to what you had said  
2   in that regards. Okay? And also, I think you did a  
3   disservice by your comment because we had a retired  
4   appraiser who stood up and gave her testimony here,  
5   testifying that in her opinion the property values would in  
6   fact be. So I think there was a lady who had appraisers --  
7   I don't -- she didn't present any evidence of your license  
8   or anything like that. Okay? I'm taking your word for that  
9   you were. But at least --

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

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

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

16                   [APPLAUSE]

17                   CHAIRMAN EVANS: Thank you.

18                   Order please.

19                   Any other comments, discussion?

20                   COMMISSIONER McLAREN: Bill.

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

24                   MR. MUCKLER: We think 44.

25                   CHAIRMAN EVANS: That's mr. Muckler.

1 You still have to come up to answer the questions. And  
2 you're still sworn in.

3 MR. MUCKLER: We believe 44 or  
4 Highway 44.

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

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

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

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

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

24 MR. MUCKLER: Yes, sir. We actually  
25 did that assembly building just to have an indoor ceremony

1 space so we aren't outside. That's really why we are doing  
2 another building, to keep it inside. Really just that they  
3 talked about the patio. We're not really having a patio.  
4 Or it's more of a standing patio. So a cocktail hour.  
5 There wouldn't be bands out there or anything like that.  
6 We're not keeping people out there. It's more for go  
7 outside, grab, you know, fresh air, and then head back  
8 inside. Everything would be really within inside the  
9 buildings, besides if there was an outdoor ceremony on that  
10 patio.

11 COMMISSIONER McLAREN: Okay. And I  
12 wanted to follow up on a couple of things on the buildings  
13 themselves.

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

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

23 MR. MUCKLER: Actually with my wife,  
24 she wants to use more of her inside photos if she would --  
25 you know, so we're -- we really aren't going to use that for

1 reception space. We really are keeping it -- we want to  
2 have our own standards. So we really want to use that as --  
3 you know, what we would suggest if they -- they just have  
4 the space for 12 hours. So we would have them -- the way  
5 that we're going to basically build the reception venue is  
6 we're also going to make it to where if we do have a smaller  
7 party of 75 but say a wedding party that they can still feel  
8 comfortable in that venue, because really the ceremony --  
9 the barn ceremony is really -- it's built for that. We're  
10 not going to have a lot of tables in there. We don't want  
11 to scratch up the floor and stuff like that.

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

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

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

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

24 MR. MUCKLER: Correct.

25 COMMISSIONER McLAREN: You know. So

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

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

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

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

22 COMMISSIONER BOLAND: Eleven o'clock.

23 MR. MUCKLER: Yeah, which is the last  
24 -- so the alcohol I guess would be 15 minutes before that,  
25 you know, is when the last call would be. Because we

1 basically are having a buffer hour after -- from 11 o'clock  
2 to 12 o'clock to make sure that our staff has time to clean  
3 up and just make sure that people are out.

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

6 MR. MUCKLER: Yeah.

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

10 MR. MUCKLER: Okay.

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

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

19 So you know, from my understanding, I guess  
20 they said it would be actually midnight is when -- is that  
21 what you said, correct, on the weekend? So we would have  
22 ample time in my opinion. That's why I said 11 o'clock,  
23 which I could say that we could have our liquor till  
24 midnight. But that's not what I want to do. So I decided  
25 to cut it at 11:00 to be safe, give our guests the time,

1 because again, I'm not trying to push everybody out the  
2 door. Say if someone has been drinking, we want to make  
3 sure they get a ride home. We're not allowing anybody to  
4 stay on the property. There's not going to be, you know,  
5 people to stay the night or stuff of that nature.

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

9 COMMISSIONER McLAREN: Right.

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

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

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

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

24 COMMISSIONER McLAREN: Okay.

25 CHAIRMAN EVANS: Any other questions

1 for Mr. Muckler while he's up here? [None]

2 Thank you.

3 MR. MUCKLER: Thank you.

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

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

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

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

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

25 CHAIRMAN EVANS: Then I would suggest

1 if you wouldn't mind adding a couple of weeks in there to  
2 leave the file open.

3 COMMISSIONER HAIRE: Okay.

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

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

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

10 COMMISSIONER HAIRE: Okay.

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

13 CHAIRMAN EVANS: That would be the  
14 4th.

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

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

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

21 CHAIRMAN EVANS: At 4:30.

22 COMMISSIONER CUNIO: I'll second  
23 that.

24 CHAIRMAN EVANS: We have a motion and  
25 a second to send File 160205 to Review Committee, the file

1 will stay open until 4:30 on April 4th. All in favor  
2 signify by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER CUNIO: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER BOLAND: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER SCHULTEHENRICH: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN EVANS: Opposed? [None]

15 Motion is carried.

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

19 COMMISSIONER WILLIAMS: So moved.

20 COMMISSIONER McLAREN: Second.

21 CHAIRMAN EVANS: All in favor.

22 COMMISSIONER REINHOLD: Aye.

23 COMMISSIONER VOSS: Aye.

24 COMMISSIONER McLAREN: Aye.

25 COMMISSIONER CUNIO: Aye.

1 COMMISSIONER WILLIAMS: Aye.

2 CHAIRMAN EVANS: Aye.

3 COMMISSIONER BOLAND: Aye.

4 COMMISSIONER HAIRE: Aye.

5 COMMISSIONER TOBBEN: Aye.

6 COMMISSIONER SCHULTEHENRICH: Aye.

7 COMMISSIONER McCREARY: Aye.

8 CHAIRMAN EVANS: We are in recess

9 till 20 after 9:00.

10 [Thereupon, a break was taken at  
11 9:07 p.m. until 9:23 p.m.; thereafter, the  
12 proceedings continued as follows:]

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

15 Scottie, will you please give us the details.

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

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

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

24 The Facts: The total parcel is approximately  
25 8.43 acres. The total area for the rezoning is

1 approximately 5.12 acres.

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

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

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

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

13 This property will access Highway 47. Highway  
14 47 is a State-maintained road.

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

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

1 CHAIRMAN EVANS: Thank you.

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

10 Is the Applicant present?

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

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

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

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

20 [Thereupon, the witness was sworn.]

21 MR. BARDOT: Members of the  
22 Commission --

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

25 MR. BARDOT: My client would

1 primarily -- primarily wants to change the zoning to open a  
2 gunsmith shop, at professional gunsmith shop, at this  
3 location. His brother-in-law is a professional gunsmith.  
4 He intends to employ him, as well as approximately three  
5 other employees at this location, is the reason for his  
6 request to be rezoned, so that he can engage in that  
7 commercial activity.

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

14 Additionally, I think we're going to be  
15 providing a service which is under provided for here in  
16 county, and especially in this area of county. I am not  
17 aware as a life-long resident of Franklin County of any  
18 ongoing and operating professional gunsmith shop in the  
19 county. My family has lived approximately half a mile to  
20 three-quarters of a mile east of this property on Project  
21 Road since the 1860s. Just as short example, whenever I was  
22 young in one of our old barns there, my grandpa had this old  
23 lever action 22. I asked him if I could have it. I was  
24 probably 12. He said, yeah, you can have it. It's not  
25 worth anything. It's got a broken firing pin on it. If you

1 can find someone to fix it. Well, I'm 12, got on the phone  
2 and called around, and I couldn't. And I think that gun is  
3 still sitting in the same corner of that barn, and I hope to  
4 be one of Mr. Tubbs' first clients. But -- and again,  
5 that's just the illustrate that I don't think there is a lot  
6 of folks out there providing professional gunsmith service,  
7 and especially not in this area of the county.

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

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

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

1 CHAIRMAN EVANS: Mr. Tubbs doesn't  
2 currently have a business?

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

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

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

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

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

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

24 MR. BARDOT: Well, he's got the  
25 property there, and the building is going to be somewhat

1 large and, you know, we've talks -- the folks in front of us  
2 talked a whole lot about a lot of green space. I don't know  
3 that that's necessarily a driving factor, but there is some  
4 wooded areas there that are going to sort of hide it from  
5 whatever neighbors there may be. Although, Mr. Tubbs is a  
6 neighbor to the west and to the south.

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

11 MR. BARDOT: I understand.

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

15 MR. BARDOT: I understand.

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

18 Any questions from any of the Commissioners?

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

21 Looking at the justifications, and I guess I'm  
22 curious here. Get to the one that says compatible with the  
23 uses submitted in other property in the immediate vicinity.  
24 And I -- I guess I'm having a problem understanding how you  
25 can make that statement considering everything around there

1 is Non-Urban Agricultural and not a lick of commercial  
2 property anywhere close to this.

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

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

23 COMMISSIONER BOLAND: When you said  
24 north, are you talking more up highway -- almost towards  
25 Highway 30?

1 MR. BARDOT: Yes, towards Highway 30.  
2 That's correct.

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

5 MR. BARDOT: My eyes aren't so good.  
6 Yes, that is -- that is Mr. Tubbs' home, 17.1. That parcel  
7 is Mr. Tubbs' home.

8 COMMISSIONER BOLAND: Okay.

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

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

19 MR. BARDOT: I would imagine that's  
20 correct, but I suppose the question then would be which is  
21 more of an aggravation, having four or five patrons come  
22 into a gunsmith shop or having pump -- drill pump rigs  
23 coming in and out. You know I -- respectfully, I would say  
24 that the drill pump rigs, et cetera, are worse, and  
25 having -- while I've not personally lived there, having been

1 around that area all the time growing up, I've not really  
2 noticed that would be an issue. And presuming that I don't  
3 do something horrible to get completely disinherited, I may  
4 have a future interest in the property in which I am  
5 referring, and this rezoning doesn't offend me

6 CHAIRMAN EVANS: Bill?

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

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

14 COMMISSIONER McLAREN: Okay.

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

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

24 MR. BARDOT: Right. Well, and  
25 that -- and that parcel is being split from the parcel that

1 you see on the --

2 COMMISSIONER McLAREN: Right.

3 MR. BARDOT: -- the map.

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

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

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

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

17 MR. BARDOT: property tax, yeah.

18 COMMISSIONER McLAREN: -- the benefit  
19 to the county?

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

1 there would be some sales tax involved with that were it to  
2 occur.

3 COMMISSIONER McLAREN: But your basic  
4 reference is property taxes?

5 MR. BARDOT: That's correct, yes.

6 COMMISSIONER McLAREN: All right.

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

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

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

17 CHAIRMAN EVANS: Yes.

18 COMMISSIONER TOBBEN: I'm going to  
19 piggy-back on Mr. McLaren. I'm going to claim ignorance.

20 Will you explain the day-to-day in a gunsmith?  
21 What's going happen at this type of business?

22 MR. BARDOT: I am not -- pardon me for  
23 cutting you off. I am not a gunsmith, and Mr. Tubbs might  
24 be able to correct me if I'm wrong. But essentially you'll  
25 have customers that will bring in weapons that need repair

1 or they were retro-fitting or modification. I know the  
2 black rifles are very popular. Obviously in this rural  
3 county, I think a lot of our residents are pretty passionate  
4 about their gun rights, and they get excited about that sort  
5 of thing. So it would cater to those types of customers and  
6 people like me who just wanted a firing pin replaced on an  
7 old 22.

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

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

16 Have you talked at all about retail sales?

17 He may need to be sworn in. I apologize.

18 CHAIRMAN EVANS: Any other questions?

19 COMMISSIONER HAIRE: I guess my  
20 question is --

21 CHAIRMAN EVANS: Dan?

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

25 MR. BARDOT: Again, I would need to

1 defer to them. I'm not engaged in the practice of  
2 gunsmithing.

3 CHAIRMAN EVANS: Any other questions?

4 [None]

5 Thank you.

6 MR. BARDOT: Thank you.

7 CHAIRMAN EVANS: Mr. Tubbs, you want  
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 MR. BRYANT TUBBS: I'm Bryant Tubbs.  
13 I live at 2955 Project Road, Lonedale, Missouri 63060.

14 CHAIRMAN EVANS: I think we had a  
15 couple of questions. One on --

16 COMMISSIONER BOLAND: The building.

17 CHAIRMAN EVANS: -- the size of the  
18 building, why you require 5,000 square feet.

19 COMMISSIONER HAIRE: The nature and  
20 the scope of work, why a 5,000 square foot building and  
21 again why the five acres, really?

22 MR. TUBBS: Well, I believe that Mr.  
23 Frankenberg suggested that when we rezoned commercial, I  
24 think it's a minimum of five acres, I believe, is what I was  
25 told. What I was told. I'm not sure on that. I was just

1 told that that's what we need, and that's what we rezoned  
2 for.

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

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

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

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

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

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

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

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

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

1 yes.

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

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

8 CHAIRMAN EVANS: Okay.

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

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

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

14 COMMISSIONER TOBBEN: -- type of  
15 business?

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

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

25 COMMISSIONER TOBBEN: I mean, that

1 really doesn't explain what the day-to-day involves. I  
2 guess that's what I'm more looking for.

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

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

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

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

25                   MR. TUBBS: I don't think I can answer

1 that question right now, and I hope I don't ever have to  
2 answer that.

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

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

7 COMMISSIONER BOLAND: Okay.

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

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

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

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

17 MR. TUBBS: Oh, definitely.

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

23 MR. TUBBS: Correct. We could  
24 possibly use it for different uses, but right now I think  
25 we're primarily for the gunsmith, and of course, we want to

1 add something else in the venue, maybe. I'm not too sure,  
2 but if we're going to ask for it, we want to go for  
3 everything now.

4 CHAIRMAN EVANS: Any other questions?

5 [None]

6 Thank you.

7 MR. TUBBS: Thank you.

8 CHAIRMAN EVANS: Okay.

9 MR. MARK FRANKENBERG: Good evening.

10 Mark Frankenberg with BFA.

11 [Thereupon, the witness was sworn.]

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

21 CHAIRMAN EVANS: Okay. I guess  
22 everyone's question about the five acres is that going CD-3  
23 as we said before, you have 55 permitted uses there. So are  
24 we saying it could be a gun shop, it could be a bed and  
25 breakfast, billboards. I mean, you name it, that could be

1 there. So the larger the piece of property, the more  
2 options you have in those 55 permitted uses.

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

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

14 Are there any questions?

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

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

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

24 MR. TUBBS: Yeah, we could possibly  
25 use the building for other applications if the gunsmithing

1 did not prevail and --

2 COMMISSIONER McLAREN: All right.

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

4 COMMISSIONER McLAREN: But I did hear  
5 you say venue.

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

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

11 COMMISSIONER McLAREN: I see.

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

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

22 MR. TUBBS: Oh, no, sir.

23 COMMISSIONER McLAREN: Okay.

24 MR. TUBBS: No. There will be live  
25 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

1 already zoned the way you want it?

2 MR. TUBBS: I own it.

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

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

10 COMMISSIONER VOSS: I fully  
11 understand that part of it.

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

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

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

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

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

25 MR. BARDOT: Yeah, thank you. And

1 I'm sorry to cut you off, Bryant. You're testifying.

2 It's sort of a family thing like we talked  
3 about. I mean, he live directly to the west parcel.  
4 Somewhat directly to the north is where his father live.  
5 We're talking a brother-in-law running this business. So  
6 it's, yeah -- 17.2 is Mr. Tubbs' father's place. So it's  
7 sort of a family thing. It's hopefully going to be a family  
8 type business.

9 Thank you.

10 CHAIRMAN EVANS: Thank you.

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

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

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

25 That's why we started it here at this, at our

1 property that we own.

2 Thank you.

3 CHAIRMAN EVANS: Thank you.

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

9 Any further discussion or questions?

10 COMMISSIONER McLAREN: This  
11 automatically has to go to Review Committee; is that  
12 correct?

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

15 COMMISSIONER McLAREN: I thought I  
16 read somewhere it had to go to Review Committee on zoning.

17 CHAIRMAN EVANS: That is the part  
18 that we --

19 COMMISSIONER McLAREN: Okay.

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

23 So if there is no further discussion, the Chair  
24 would entertain a motion to send it to the Review Committee  
25 for Old Business.



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

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

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

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

19                                   CHAIRMAN EVANS: Any other  
20 discussion? Jay?

21                                   COMMISSIONER SCHULTEHENRICH: Ron, I  
22 hear your concern. We don't have testimony of property  
23 owners surrounding it here in front of us. Okay? All we  
24 have is what's presented to us. I understand your concern  
25 and I many times share those.

1                   In case here, it seems as though the matter --  
2 I don't hear any reason, per se, necessarily to deny, okay,  
3 to say I don't think it's a good fitting in here. Okay? I  
4 don't hear that other than your concern about the size of  
5 the property being utilized, is what I think is what I've  
6 heard so far. But I think he explained that in regard to  
7 the -- it's eight acres minus the three that they're saving  
8 for the rental property, the residence, and therefore, it  
9 leaves five to be the recommendation.

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

20                   COMMISSIONER BOLAND: Well, I think  
21 our real concern here is the other 55 uses. It's not all  
22 really about the ground. I mean, again -- and I think what  
23 he's doing is presentable, but it's the situation when it  
24 comes to a failure and what else he could do with it.  
25 That's the problem we have. And the other situation, he may

1 have only need 2,500 square feet, and there's another 2,500  
2 square feet he can lease out for some unknown, for whatever.

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

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

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

15 COMMISSIONER BOLAND: And most of the  
16 time you do.

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

21 COMMISSIONER BOLAND: Well, Ron also  
22 pointed out that the area is not zoned for that. I mean,  
23 there's no zoning right next to it, you know, in that area.  
24 And the other, I don't know. I'd have to look at the 55  
25 that -- I can -- I don't know if I could just pick out one,

1 and I don't think we need to just sit here and just pick out  
2 one.

3 We're just saying that there's more than one  
4 use that can be there, and it may -- really may concern the  
5 neighbors at that point.

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

8 COMMISSIONER BOLAND: So?

9 COMMISSIONER SCHULTEHENRICH: Okay.  
10 Well, many --

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

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

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

18 COMMISSIONER BOLAND: And this  
19 doesn't say that.

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

25 Now, this is where we get into a -- I think, an

1 argument as to is this valid for other -- for others to come  
2 onto it, but if we do, other business to come onto it. But  
3 then we go into again, and if-come basis. Okay?

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

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

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

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

24 And hey, he's got a right to do that. It's his  
25 property. I get that. It's his property right to come in

1 and ask for a rezoning. Just like I live on First Street in  
2 Washington, Missouri. If I want to come in to the City of  
3 Washington and ask for a rezoning, I -- that's my right.  
4 They're going to tell me to go file away, but that's my  
5 right.

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

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

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

24 COMMISSIONER HAIRE: Uh-huh.

25 COMMISSIONER BOLAND: And then what's

1 going to happen?

2 COMMISSIONER REINHOLD: Right.

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

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

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

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

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

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

23 MS. ZIELKE: First, the heavy  
24 manufacturing --

25 COMMISSIONER HAIRE: Uh-huh.

1 MS. ZIELKE: -- maybe, --

2 COMMISSIONER HAIRE: Yeah.

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

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

10 MS. ZIELKE: No, I --

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

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

17 COMMISSIONER McLAREN: Right. Or  
18 more.

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

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

24 COMMISSIONER McCREARY: There are  
25 several overlapping uses. I mean, the way it's zoned now,

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

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

15 You know what I'm saying?

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

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

23 Under -- the note says employing under five  
24 people.

25 MS. EAGAN: I mean, the way the

1 regulations you all approved for repair shop, miscellaneous  
2 said that the business establishment primarily engaged in  
3 specialized repair services, such as bicycle repair, leather  
4 goods repair, lock and gun repair, musical instrument  
5 repair, cleaning and furnace cleaning.

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

9 MS. EAGAN: Uh-huh.

10 COMMISSIONER McCREARY: Okay.  
11 Thank you.

12 CHAIRMAN EVANS: All right. Any  
13 further discussion?

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

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

21 MS. EAGAN: From my understanding --  
22 and Mark can correct me if I' wrong, but the County  
23 Commission won't request he amend anything. It's going to  
24 be up to the applicant to do the amending or present an  
25 application. The County Commission won't ask him to.

1                   CHAIRMAN EVANS: Okay. When they  
2 have the public hearing and what they see in front of them,  
3 they pretty much approve or --

4                   MS. EAGAN: Correct.

5                   CHAIRMAN EVANS: -- or not? Okay.

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

10                  CHAIRMAN EVANS: That was basically  
11 working through your office?

12                  MS. EAGAN: Huh?

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

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

18                  CHAIRMAN EVANS: Okay.

19                  All right. Any further discussion?

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

24                  I'm saying if that's where the problem is with  
25 everybody. I mean, I've seen the do it before.

1 COUNTY ATTORNEY VINCENT: Say what?

2 COMMISSIONER REINHOLD: I mean,  
3 they're talking about subdividing the five acres off, and if  
4 they're only going to use the building as one acre and --

5 COUNTY ATTORNEY VINCENT: That won't  
6 work anymore.

7 COMMISSIONER REINHOLD: Okay.

8 CHAIRMAN EVANS: Does that --

9 COUNTY ATTORNEY VINCENT: Caught that  
10 one.

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

14 COUNTY ATTORNEY VINCENT: You can  
15 subdivide it to one acre. You could do that, but if he  
16 doesn't subdivide, it's five acres and had a commercial  
17 building in the middle of it, you're going to pay commercial  
18 on all of it. We caught that, Bill.

19 MS. EAGAN: You can divide less than  
20 three. It's just a lot bigger, more expensive process.

21 COUNTY ATTORNEY VINCENT: Yeah.

22 CHAIRMAN EVANS: Okay.

23 MS. EAGAN: All they'll have to have  
24 central water and sewer which I was there, I guess they do.

25 CHAIRMAN EVANS: Okay.

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

11 COMMISSIONER BOLAND: Well, I --

12 COMMISSIONER SCHULTEHENRICH: What  
13 other option does he have?

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

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

22 COMMISSIONER SCHULTEHENRICH: Well --

23 CHAIRMAN EVANS: Scottie, you have  
24 something?

25 MS. EAGAN: I mean, amendments to the

1 Code are always options for anybody to amend, whether it's  
2 citizens, us, you, BOZA, County Commission.

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

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

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

13 COMMISSIONER McLAREN: So I won't  
14 interrupt.

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

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

22 We need to talk to the legislators.

23 COMMISSIONER McLAREN: Can I ask a  
24 question, please?

25 CHAIRMAN EVANS: Sure.

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

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

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

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

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

20                  COMMISSIONER McLAREN: Well, and once  
21 again, it's just confusing to me. We can have a conditional  
22 use permit and have a light manufacturing with more than  
23 five employees. We can have it with less than five  
24 employees without having a conditional use permit, and we  
25 can have -- and I took my glasses off -- farm equipment,

1 machinery, sales and service. The service would mean  
2 repairs to me. That would seem a lot more aggressive of a  
3 business than what we're suggesting here.

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

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

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

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

25 MS. EAGAN: Right.

1 COMMISSIONER BOLAND: You know, I  
2 mean, not just change it every time somebody comes in here.

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

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

18 It's -- yeah.

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

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

24 COMMISSIONER BOLAND: I mean, it's  
25 her rules, and we ought to go by them, you know.

1 COUNTY ATTORNEY VINCENT: Yeah. And  
2 if you really -- what I was going to say, Todd, is that if  
3 you guys collectively really feel that there's a  
4 misclassification someplace, let's address those very few  
5 that are truly misclassified.

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

8 COMMISSIONER BOLAND: Right.

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

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

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

20 MS. EAGAN: I did.

21 COUNTY ATTORNEY VINCENT: You guys  
22 did.

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

25 COUNTY ATTORNEY VINCENT: I know

1 that, but you all did. You voted it.

2 COMMISSIONER WILLIAMS: I understand.

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

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

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

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

10 CHAIRMAN EVANS: I wasn't here that  
11 night.

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

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

19 COMMISSIONER WILLIAMS: Oh, I agree.  
20 I'm not arguing that point.

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

23 COMMISSIONER WILLIAMS: I'm not  
24 blaming her.

25 COUNTY ATTORNEY VINCENT: Okay.

1 COMMISSIONER WILLIAMS: I'm just  
2 asking her a question.

3 COUNTY ATTORNEY VINCENT: Okay.  
4 Sorry.

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

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

11 COMMISSIONER McLAREN: Okay. And I'm  
12 just bullheaded and I'm getting tired and I apologize.

13 But I missed the definition of manufacturing,  
14 light. And establishment engaged in indoor manufacture,  
15 assembly, fabrication, packaging, and/or processing a  
16 finished product or parts primarily from previously prepared  
17 materials and incidental storage/distribution of such  
18 products, but is not true basic industrial processing from  
19 raw materials.

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

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

24 COMMISSIONER BOLAND: Bill, I think  
25 the situation we're all going back to is we can read any

1 definition we want about anything. But when me go back to  
2 it -- and I'm just going to pull this one out, number 18 --  
3 he can put a convenience store there.

4 COMMISSIONER McLAREN: Okay.

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

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

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

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

20 COMMISSIONER McCREARY: Yes, it does.

21 COMMISSIONER McLAREN: -- with a CUP.

22 COMMISSIONER HAIRE: That's right.

23 MS. EAGAN: I mean, Bill, what it all  
24 comes back to is my interpretation of the Code is what  
25 they're basing it off of. If they disagree with what I

1 classified their business as, they have the right to appeal  
2 it. They agreed with my classification that as a repair  
3 shop, miscellaneous, and --

4 COMMISSIONER McLAREN: All right.

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

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

10 COMMISSIONER McLAREN: Fair enough.

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

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

15 COMMISSIONER REINHOLD: Right now.

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

18 CHAIRMAN EVANS: It would look like  
19 a house. So it's a home occupation.

20 COMMISSIONER HAIRE: I mean, the  
21 \$64,000 question is did we miss -- should this category have  
22 been in, you know, Non-Urban and Agricultural. Is that  
23 something we missed? Is this an appropriate classification  
24 for that zone district?

25 MS. EAGAN: Potentially. I think

1 right now, we need to just focus on the rezoning, get that  
2 squared away, and then if you guys want to continue talking  
3 about it in the Commissioners Forum, we can do that. But  
4 the use is not up for debate right now. So...

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

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

10 COMMISSIONER McCREARY: Uh-huh.

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

16 COMMISSIONER McCREARY: Ut-uh.

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

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

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

23 CHAIRMAN EVANS: Right.

24 COMMISSIONER REINHOLD: Didn't you  
25 have -- didn't you have two of them?

1 COMMISSIONER TOBBEN: I sent it to  
2 Old Business.

3 CHAIRMAN EVANS: I'm sorry?

4 COMMISSIONER TOBBEN: Tim was asking  
5 me a question.

6 CHAIRMAN EVANS: Oh, okay.

7 COMMISSIONER TOBBEN: What we voted on,  
8 that was to send it to Old Business.

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

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

14 CHAIRMAN EVANS: Sure.

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

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

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

23 COMMISSIONER REINHOLD: Okay.

24 CHAIRMAN EVANS: But they will have a  
25 public hearing. So the only difference is we'll have said

1 we recommend this or don't recommend it, but their process  
2 is the same.

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

7 CHAIRMAN EVANS: Which is two out of  
8 three.

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

11 COMMISSIONER REINHOLD: Oh, I know.

12 CHAIRMAN EVANS: That may have  
13 happened recently.

14 MS. EAGAN: Sure did.

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

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

21 COMMISSIONER CUNIO: I'll second  
22 that.

23 CHAIRMAN EVANS: We have a motion and  
24 a second to approve recommending for approval rezoning on  
25 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  
15 we're -- need a role call vote.  
16 MS. EAGAN: Bill Evans?  
17 CHAIRMAN EVANS: No.  
18 MS. EAGAN: Jay Schulteheinrich?  
19 COMMISSIONER SCHULTEHENRICH: Yes.  
20 MS. EAGAN: Todd Boland?  
21 COMMISSIONER BOLAND: No.  
22 MS. EAGAN: Tim Reinhold?  
23 COMMISSIONER REINHOLD: Yes.  
24 MS. EAGAN: Ray Cunio?  
25 COMMISSIONER CUNIO: Yes.

1 MS. EAGAN: Tom Tobben?  
2 COMMISSIONER TOBBEN: No.  
3 MS. EAGAN: Bill McLaren?  
4 COMMISSIONER McLAREN: Yes.  
5 MS. EAGAN: Stan Voss?  
6 COMMISSIONER VOSS: Yes.  
7 MS. EAGAN: Dan Haire?  
8 COMMISSIONER HAIRE: No.  
9 MS. EAGAN: Russell McCreary?  
10 COMMISSIONER McCREARY: Yes.  
11 MS. EAGAN: Ron Williams?  
12 COMMISSIONER WILLIAMS: No.  
13 MS. EAGAN: There's six in favor and  
14 five opposed. The recommendation will be for approval.  
15 CHAIRMAN EVANS: Okay. As Scottie  
16 said, File 17004 has been approved on a vote of six to five  
17 recommending approval. To be forwarded to the Commission.  
18 Moving right along. Preliminary Plats. None.  
19 Planning and Zoning Commission Forum.  
20 Discussion regarding Planning and Zoning Commission By-Laws.  
21 MS. EAGAN: As you guys can see, on  
22 page 2 what I did is I just deleted that first part of the  
23 first sentence. So then it just -- any request of any  
24 applicant or when you guys want to bypass Review Committee,  
25 you can do it. Before it just said conditional use permits

1 in subdivisions, which made it all amendments and rezonings  
2 would have to go to Review Committee.

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

8 CHAIRMAN EVANS: And then --

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

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

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

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

1 that sentence as well.

2 CHAIRMAN EVANS: And those were the  
3 only two changes.

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

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

8 COMMISSIONER McCREARY: I'd like to  
9 make a motion to accept the change as written.

10 COMMISSIONER HAIRE: Second.

11 CHAIRMAN EVANS: We have a motion and  
12 a second to approve the two changes on the Rules of  
13 Procedure as submitted by Scottie.

14 All in favor signify by saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER VOSS: Aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER CUNIO: Aye.

19 COMMISSIONER WILLIAMS: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 COMMISSIONER SCHULTEHENRICH: Aye.

25 COMMISSIONER McCREARY: Aye.

1 CHAIRMAN EVANS: Opposed? [None]

2 The motion is carried.

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

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

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

16 COMMISSIONER WILLIAMS: What's the  
17 district?

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

23 CHAIRMAN EVANS: Can you add  
24 gunsmithing?

25 Any discussion?

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

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

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

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

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

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

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

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

25                  MS. EAGAN: Right.

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

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

9                   COUNTY ATTORNEY VINCENT:  That's  
10   fine.

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

13                  COUNTY ATTORNEY VINCENT:  Yeah.

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

16                  COMMISSIONER McCREARY:  Yeah

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

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

22                  COUNTY ATTORNEY VINCENT:  It could  
23   be.

24                  MS. EAGAN:  Actually you can't drop  
25   off your car.

1 COUNTY ATTORNEY VINCENT: You can  
2 drop off pieces though.

3 MS. EAGAN: It's not certain ones.

4 CHAIRMAN EVANS: All right.

5 Planning Director's Report. Scottie, anything  
6 else?

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

14 CHAIRMAN EVANS: Okay.

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

17 CHAIRMAN EVANS: Sure.

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

23 If there is a place that you guys feel strongly  
24 about that we've mischaracterized as CUP and you want it  
25 CUP, just tell us. You know, we'll argue with you if we

1 think you're wrong, but ultimately you're the ones that have  
2 the right to recommend to the County Commission to change  
3 those.

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

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

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

19                   MS. EAGAN: Yeah.

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

23                   COMMISSIONER BOLAND: So moved.

24                   COMMISSIONER TOBBEN: Second.

25                   COMMISSIONER McLAREN: Second.

1 CHAIRMAN EVANS: All in favor. We're  
2 adjourned.

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

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter  
and Notary Public within and for the State of Missouri,  
before whom the foregoing proceeding was taken, do hereby  
swear that the aforementioned was held at the time and in  
the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

\_\_\_\_\_  
Patsy A. Hertweck, Court Reporter  
Notary Public, State of Missouri

My Commission Expires:  
August 26, 2018

**PUBLIC MEETING 3/21/2017**

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