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

TRANSCRIPT OF PROCEEDINGS
PUBLIC MEETING
APRIL 19, 2016
(Commencing at 7:00 p.m.)

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

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E X H I B I T S

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EXHIBIT A	Franklin County Unified Land Use Regulations of 2001	7
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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

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 Donald Voss, Commissioner

7 Bill McLaren, Commissioner

8 Ron Williams, Commissioner

9 Todd Boland, Commissioner

10 Dan Haire, Commissioner

11 Tom Tobben, Commissioner

12 Russell McCreary, Commissioner

13 PLANNING AND ZONING STAFF:

14 Ms. Scottie Eagan, Planning Director

15 LEGAL COUNSEL:

16 Mark Vincent, County Attorney

17

18 MIDWEST LITIGATION SERVICES:

19 By: Patsy A. Hertweck, C. R.

20 711 North Eleventh Street

21 St. Louis, Missouri 63101

22 (314) 644-2191

23

24

25

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

2 [APRIL 19, 2016]

3 CHAIRMAN EVANS: I'd like to go ahead
4 and call to order the meeting of the Franklin County
5 Planning and Zoning Commission.

6 Scottie, if' you please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. EAGAN: Jay Schulteheinrich?

10 COMMISSIONER SCHULTEHENRICH: Here.

11 MS. EAGAN: Todd Boland?

12 COMMISSIONER BOLAND: Here.

13 MS. EAGAN: Tim Reinhold?

14 COMMISSIONER REINHOLD: Here.

15 MS. EAGAN: Ray Cunio?

16 COMMISSIONER CUNIO: [Not present]

17 MS. EAGAN: Tom Tobben?

18 COMMISSIONER TOBBEN Here.

19 MS. EAGAN: Bill McLaren?

20 COMMISSIONER McLAREN: Here.

21 MS. EAGAN: Don Voss?

22 COMMISSIONER VOSS: Here.

23 MS. EAGAN: Dan Haire?

24 COMMISSIONER HAIRE: Here.

25 MS. EAGAN: Russell McCreary?

1 COMMISSIONER McCREARY: Here.

2 MS. EAGAN: And, Ron Williams?

3 COMMISSIONER WILLIAMS: Here.

4 MS. EAGAN: Okay. We have a quorum.

5 CHAIRMAN EVANS: At this time, I want

6 to give the Planning and Zoning Commissioners the

7 opportunity to declare any conflict, communication, or

8 relationship they may have had that might influence their

9 ability to consider today's issues impartially.

10 COMMISSIONER TOBBEN I have a

11 conflict on New Business File 160064. I'll not participate

12 in that file.

13 CHAIRMAN EVANS: All right. The

14 record will indicate that Commissioner Tobben has recused

15 himself from File 160064. Any others? [None]

16 If not, Scottie, will you please give us the

17 presentation of the meeting procedures and exhibits.

18 MS. EAGAN: Tonight's Planning

19 Commission meeting is governed by the Franklin County

20 Unified Land Use Regulations.

21 Some matters on the agenda may be for action by

22 the Planning and Zoning Commission. These matters do not

23 involved public hearing. Other matters on the agenda

24 require public hearings under Missouri law.

25 If a matter involves a public hearing, all

1 individuals who desire to testify will be given an
2 opportunity to do so.

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

8 [Thereupon, evidence was marked
9 for identification and presented for the
10 record as Exhibits A, B, C, and D.)

11 All Old Business items on the agenda will be
12 dealt with first. Once the Old Business issues have been
13 taken care of, each item of New Business will opened.

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

17 Then if anyone in the audience would like to
18 speak or comment on a file that is part of the public
19 hearing, they must first print their name on the sign-in
20 sheet provided, and then be sworn in by the Chairman. When
21 it is your turn to speak, you will come to the front of the
22 room to address the Commission and only the Commission, not
23 anyone in the audience, with your comments.

24 It is possible for this Planning Commission to
25 decide to move a New Business issue to Old Business and vote

1 on it the same night.

2 At the conclusion of all questions, comments,
3 and discussion concerning each case, the Planning Commission
4 will proceed. Any final decision by the Planning and Zoning
5 Commission concerning conditional use permits may be
6 appealed to the Board of Zoning Adjustment anytime within 90
7 days.

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

10 CHAIRMAN EVANS: Thank you.

11 All the Commissioners should have received a
12 copy of the minutes from the March 15th meeting. If there
13 are no additions or corrections, the Chair would entertain a
14 motion to approve.

15 COMMISSIONER McLAREN: Mr. Chairman,
16 I have two corrections.

17 CHAIRMAN EVANS: All right.

18 COMMISSIONER McLAREN: I think I do.
19 On page 57 and 62, I'm down as voting yes on File 160047. I
20 excused myself from that so I could not have voted yes.

21 COMMISSIONER TOBBEN: I did the same,
22 Commission. It's showing me as voting yes, and I was -- did
23 not participate in that file either.

24 CHAIRMAN EVANS: That is true. Both
25 of the Commissioners had recused themselves. So we'll make

1 those changes in the minutes.

2 Any other changes? If not, the Chair would
3 entertain a motion to approve the minutes with the two
4 changes as noted.

5 COMMISSIONER SCHULTEHENRICH: So
6 moved, Mr. Chairman.

7 COMMISSIONER McLAREN: Second.

8 CHAIRMAN EVANS: We have a motion and
9 a second to approve the minutes. All in favor signify by
10 saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER BOLAND: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 COMMISSIONER McCREARY: Aye.

21 CHAIRMAN EVANS: Opposed? [None]

22 The minutes are approved.

23 Communications and Visitor Comments. Is there
24 anyone present wishing address the Commission?

25 If you would state your name and address.

1 MR. NICK NORMAN: Hello. My name is
2 Nick Norman. And my address is 783 Lost Hill Fake Road,
3 Clair, Missouri 63077.

4 CHAIRMAN EVANS: And we can only have
5 one person talk at a time, so go ahead.

6 MR. NORMAN: Dear Franklin County
7 Zoning and Planning Commission. It has come to our
8 attention that on February 16, 2016 Meramec Aggregates,
9 Incorporated was approved for a conditional use permit for a
10 surface mine in Franklin County.

11 This proposed mine is located .3 miles from our
12 home. Several people within our family who own the
13 neighboring land within the .5 miles and in direct line of
14 sight were uninformed. Meramec Aggregates, Incorporated
15 failed to inform us.

16 If we were informed, we would have attended the
17 February 16th meeting and voiced our concerns. Our concerns
18 are as follow:

19 I am a professional zoologist, graduating from
20 the Northwest Missouri State University. Under my own
21 observation, I have seen two known families of Bald Eagles
22 nesting within the vicinity, and with the Bald and Golden
23 Eagle Protect Act, specifically the disturbance portion, we
24 feel as though the proposed surface mine will disturb these
25 protected species.

1 We also propose a scientific field study for
2 the endangered species in the area, including the Pink
3 Mucket, Spectaconeous [ph.], Winged Mapleleaf, the Least
4 Tern that nest specifically two to five hundred feet within
5 gravel and sand mind pits, the Northern Long-Eared Bat that
6 nests in caves and comes out to feed in very finely wooded
7 areas off the river. And also the Decurrent False Aster,
8 which is known to grow within the disturbed soil and eroded
9 soil two to five hundred feet off the riverbank.

10 We're also concerned with noise pollution.
11 We're also concerned with the destroying of the roads on
12 Riverbend Road. We are concerned with the large trucks
13 threatening public safety on small county roads where
14 children play, and pets are present.

15 We are also concerned about the added traffic
16 on Riverbend Road. We observed and read your last -- your
17 minutes from February 16th, and noted that there were two
18 trucks going simultaneously, and there would be around 42
19 trips total per day. We're concerned about the added
20 exhaust and pollution from the trucks.

21 We are concerned about the disturbing of the
22 Meramec River indirectly due to flooding and how it will
23 alter the river. We are deeply concerned with the Meramec
24 slough within 20 feet of the digging site and disturbing
25 this delicate and rare ecco system can have consequential

1 effects.

2 We're also concerned with the disturbance of
3 the boaters, fishermen and floaters within the vicinity. We
4 are concerned with the fuel and oil leakage from the
5 machinery that will go into the Meramec.

6 We are also concerned about the public health
7 and safety. I have a history of bronchitis, and we are
8 concerned sand particulates in the air. And we have many
9 more concerns.

10 We have an estimated 15 public meeting requests
11 made within the last 24 hours with the Land Reclamation
12 Program, and we project that number will grow into the
13 hundreds by the end of April.

14 The citizens of Riverbend Road were not
15 informed of the proposed mining going at the end of the dig
16 site because they are beyond the .5 mile distance. And we
17 feel as though it is our right and also their right to have
18 their voices heard after they have been properly informed.

19 We propose that the Commission puts File 160011
20 back on the agenda so that all citizens can be properly
21 informed and voice their concerns, or according to Article
22 4, Section 99, Subsection No. 1, the permit be revoked for
23 misleading information and not informing correctly.

24 We understand this process must go through its
25 normal checks and balances, but we just wanted to make our

1 voices heard early.

2 We do not want a construction zone in our
3 backyard for the next 2 to 25 years. We left the city to
4 escape that, and now it's creeping on our doorstep. Please
5 ask yourself if you would want the same for your backdoor.

6 Thank you.

7 CHAIRMAN EVANS: Thank you.

8 Is there anyone else wishing to address the
9 Commission?

10 MR. NORMAN: What was that?

11 CHAIRMAN EVANS: I'm sorry. You got
12 something else

13 MR. NORMAN: No, I have also have
14 notified -- actually I do. I have signed letters from the
15 other family members that were within the proposed area
16 within the line of sight within everything. They could not
17 be here today. They are out of state, but they are
18 interested. They will be in future meetings. So I have 12
19 copies of their signature and their letter.

20 CHAIRMAN EVANS: You can give those
21 to Scottie.

22 MR. NORMAN: That's it.

23 CHAIRMAN EVANS: Thank you.

24 MR. NORMAN: Thank you.

25 CHAIRMAN EVANS: Is there anyone else

1 wishing to address File 150277?

2 If not, we'll move on to Old Business File
3 150277. It has been tabled till June 21st.

4 Therefore, we'll move on to New Business File
5 160064, CFMV Ventures, L. L. C. No public comment accepted.

6 Scottie, if you'll give us the details of the
7 MS. EAGAN: This is File 160064 for
8 CFMV Venture, L. L. C.

9 The Applicant requests to rezone one parcel
10 from Suburban Development to Commercial Activity Highway
11 Service.

12 The property is located at 3883 Highway NN,
13 south of the intersection of Highway NN and Old Highway O in
14 Calvey Township.

15 The Facts: The total area for the rezoning is
16 approximately .3 acres.

17 The zoning of this property is Suburban
18 Development. The Applicant would like to rezone to
19 Commercial Activity Highway Service.

20 Commercial Activity Highway Service zoning
21 accommodates commercial uses that draw business primarily
22 along the major highways within the county.

23 The properties around the proposed site are
24 zoned Suburban Development.

25 The property directly south of the proposed

1 rezoning appears to be a commercial shopping center.

2 The properties to the northwest across Old
3 Highway O are a part of a 39-lot medium density, residential
4 subdivision that was platted in 1956.

5 The properties to the east across Highway N
6 appear to be a large-lot residential land or undeveloped
7 land.

8 There is currently an auto repair business on
9 this property. The Applicant states this business has been
10 at this location for 16 years.

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

21 CHAIRMAN EVANS: Thank you.

22 Is the Applicant present? The Applicant is not
23 present.

24 Any discussion from the Commissioners?

25 Scottie, a question on that location having

1 been passed there. There is, I guess, a strip mall directly
2 behind it?

3 MS. EAGAN: Yes.

4 CHAIRMAN EVANS: And right, that
5 whole area is a river development.

6 MS. EAGAN: Correct.

7 CHAIRMAN EVANS: So we don't really
8 know how long the strip mall or repair shop has been there?

9 MS. EAGAN: Not at this moment we
10 don't, no.

11 CHAIRMAN EVANS: Okay. Although they
12 both look like they've been there for some length of time.

13 MS. EAGAN: Right.

14 COMMISSIONER McLAREN: The repair
15 shop has been there since I was a kid, so 50 something
16 years. I can even remember it being built.

17 CHAIRMAN EVANS: Okay.

18 [off-the-record comments]

19 COMMISSIONER McLAREN: I think it
20 started out as a blacksmith shop. It's been there for a
21 long time. The other building behind it there was a fire
22 that burned probably something in the early '90s and was
23 rebuilt at that time.

24 CHAIRMAN EVANS: Okay. Any other
25 discussion?

1 Obviously the Applicant is not present. So if
2 there is no further discussion, the Chair would entertain a
3 motion of some type.

4 COMMISSIONER SCHULTEHENRICH: Let me
5 -- before I make a motion, let me ask. Clearly the
6 requesting party was notified of the meeting and everything,
7 I guess, Scottie? Just being sure.

8 MS. EAGAN: They are sent postcards.
9 Whether or not the mail got it to them I can't guarantee it,
10 but they are mailed a postcard.

11 COMMISSIONER SCHULTEHENRICH: I guess
12 my suggestion, from what I see here, it appears to be a
13 rather simple request to just add something to the business
14 that's already there. Okay. He needs to have it rezoned
15 for that purpose, but it seems pretty simple.

16 With them not being present, I'm not willing to
17 make a motion to approve. I would be in agreement maybe to
18 table it for the next meeting and inform them again that
19 they have that opportunity, they should be here to give us
20 their input. I see some heads nodding the majority wants
21 to...

22 COMMISSIONER HAIRE: I would concur.

23 COMMISSIONER SCHULTEHENRICH: Mr.
24 Chairman, if you're ready for a motion, I'll make a motion
25 that we table File 160064 until the May meeting.

1 COMMISSIONER HAIRE: I'll second
2 that.

3 CHAIRMAN EVANS: We have a motion and
4 a second to table File 160064 until the May meeting. All in
5 favor signify by saying aye.

6 COMMISSIONER REINHOLD: Aye.

7 COMMISSIONER VOSS: Aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER BOLAND: Aye.

12 COMMISSIONER HAIRE: Aye.

13 COMMISSIONER SCHULTEHENRICH: Aye.

14 COMMISSIONER McCREARY: Aye.

15 CHAIRMAN EVANS: Opposed? [None.]

16 The motion is carried.

17 Preliminary Plats. File 160044, Gray Summit
18 Square Club. Scottie has informed me and you all should
19 have received a letter that they have requested that we
20 table this until the May meeting.

21 MS. EAGAN: Yeah. There was a few
22 things they were still missing on their preliminary plat,
23 and they just didn't have time to get on there. So they
24 requested we move it to May.

25 CHAIRMAN EVANS: As I say, it was on

1 last -- officially on last month's also.

2 MS. EAGAN: Correct.

3 CHAIRMAN EVANS: So I don't know if
4 we need a motion to table.

5 COMMISSIONER WILLIAMS: It's till on
6 the table. Wouldn't it still be on --

7 CHAIRMAN EVANS: That's what I would
8 consider a long, so if we don't take action tables under Old
9 Business. But it would simply would still be on the table.
10 So it wouldn't require any action.

11 That concludes that.

12 Planning and Zoning Commission Forum. Any of
13 the Commissioners have anything they'd like to discuss?
14 Dan, anything?

15 COMMISSIONER HAIRE: No, not at this
16 time.

17 CHAIRMAN EVANS: Planning Director's
18 Report.

19 MS. EAGAN: I don't have too much for
20 you guys, I think, next month besides the rezoning and the
21 preliminary plat. We'll also have I know one conditional
22 use permit for sure and potentially another preliminary
23 plat, but probably just another conditional use permit.

24 CHAIRMAN EVANS: Okay.

25 MS. EAGAN: Oh, no. And we do have

1 another rezoning, so...

2 CHAIRMAN EVANS: Another rezoning,
3 okay.

4 If there is nothing else, the Chair would
5 entertain a motion to adjourn.

6 COMMISSIONER HAIRE: I move that we
7 adjourn.

8 COMMISSIONER BOLAND: Second.

9 CHAIRMAN EVANS: We have a motion and
10 a second to adjourn. All in favor signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER BOLAND: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER SCHULTEHENRICH: Aye.

20 COMMISSIONER McCREARY: Aye.

21 CHAIRMAN EVANS: Opposed? [None]

22 The meeting is adjourned.

23 [Thereupon, the proceedings concluded
24 at 7:19 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