

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

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8  
9 TRANSCRIPT OF PROCEEDINGS  
10 PUBLIC HEARING  
11 MAY 18, 2017  
12 [Commencing at 9:30 a.m.]

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

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A P P E A R A N C E S

COUNTY COMMISSIONERS:

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

PLANNING AND ZONING DEPARTMENT STAFF:

- Ms. Scottie Eagan, Planning Director

LEGAL COUNSEL:

- Mark Vincent, County Attorney

MIDWEST LITIGATION SERVICES:

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

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P R O C E E D I N G S

[MAY 18, 2017]

[Thereupon, the May 18, 2017 meeting of the Franklin County Commission was called to order. Agenda File No. 170050, Catawissa Properties, L. L. C. was heard, being recorded and transcribed in a separate transcript, by Nichole Zielke, County Planner; after which, the proceedings continued as follows:]

CHAIRMAN GRIESHEIMER: Okay. We will go ahead and start the hearing on File No. 170052, Rezoning. The applicant's name is Rick O'Neal.

MS. EAGAN: I will start with by reading the hearing procedures.

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

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

As each case is opened, the staff report will

1 first be read by the Planning and Zoning Department,  
2 followed by the Commissioners' questions for the staff.

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

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

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

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

22 And this is File 170052. The applicant is Rick  
23 O'Neal.

24 The applicant requests to rezone one parcel  
25 from Community Development to Non-Urban and Agricultural.

1                   The property is located at 1731 Hendricks Road,  
2                   approximately 1/2 mile north of Highway 30 in Prairie  
3                   Township.

4                   The Facts: The total parcel is approximately  
5                   80 acres. The total area for the rezoning is approximately  
6                   3.1 acres.

7                   The zoning of this property is Community  
8                   Development. The applicant would like to rezone to  
9                   Non-Urban and Agricultural.

10                  Non-Urban and Agricultural zoning allows  
11                  agricultural, recreational, wildlife, forestry, open space,  
12                  farming and related uses to mix with low-density residential  
13                  development.

14                  The properties around the proposed site are  
15                  zoned Community Development.

16                  The surrounding properties appear to be  
17                  low-density residential land.

18                  To the northeast, across Hendricks Road, are  
19                  some medium-density residential land.

20                  This property will have access to Hendricks  
21                  Road. This is a County-maintained road.

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

24                  Rezoning are allowed in our regulations due to  
25                  the every-changing conditions that exist in the county and

1 elsewhere. According to Article 14, Section 321, any such  
2 change must promote the health, safety, morals, comfort, and  
3 general welfare of Franklin County by conserving and  
4 protecting property and building values, by securing the  
5 most economical use of land and facilitating the adequate  
6 provision of public improvements in accordance with the  
7 master plan adopted by Franklin County.

8 At the April 18, 2017 Planning and Zoning  
9 Commission meeting, the Planning and Zoning Commission voted  
10 to recommend approval with 9 in favor and 1 opposed.

11 CHAIRMAN GRIESHEIMER: Thanks,  
12 Scottie.

13 Is there anyone in the audience wishing to  
14 testify in favor of the rezoning?

15 MR. BRANDON BARDOT: Good morning.  
16 My name is Brandon Bardot, attorney for the applicant, Rick  
17 O'Neal, speaking on his behalf this morning.

18 [Thereupon, the witness was sworn.]

19 Typically I'm not the one making -- swearing to  
20 the oath. My apologies.

21 We're asking you to approve a rezoning of this  
22 portion of Mr. O'Neal's property to Non-Urban and  
23 Agricultural from Community Development. So we're actually  
24 asking to go down to a zoning that has less permitted uses.

25 It's a bit counterintuitive because while we're

1 going from -- or hoping to go from Community Development  
2 down to Non-Urban and Agricultural, Rick's purpose is  
3 actually to bring more economic benefit to the County. He  
4 will be, if approved, operating a small machine shop at this  
5 location, which is not permitted in Community Development  
6 Zoning, that is in the Non-Urban and Agricultural.

7 He will have four employees there. He's  
8 currently operating in Desoto. He suffered a taking from  
9 the Department of Transportation, and so is hoping to move  
10 his shop here.

11 I think this is, as Scottie noted, in  
12 conformity with the Master Plan. The future land use of  
13 this area is designated as Non-Urban and Agricultural. It  
14 is zoned Community Development, but I believe a lot of the  
15 surrounding property is being used for agricultural  
16 purposes. There's a relatively large farm directly to the  
17 north that is farmed, and Mr. O'Neal's 80 acres itself is  
18 very heavily wooded.

19 With regard to public safety and health for the  
20 county, obviously there would be some tax revenue from this  
21 new business operating here. It will be helpful to the  
22 small Lonedale School District. I would imagine other  
23 special purposes districts here in the area.

24 We have four employees coming in from out of  
25 the county to spend some money here.

1 AS I mentioned, the lot is heavily wooded. Mr.  
2 O'Neal's home sets adjacent to Hendricks Road. The building  
3 would be in the center of this heavily wooded 80 acres, not  
4 visible from -- from the -- from Hendricks Road.

5 I think essentially that's all I have to say on  
6 the -- on the -- on the topic. I believe this makes common  
7 sense, and we would appreciate your consideration in this  
8 rezoning.

9 CHAIRMAN GRIESHEIMER: Thank you.

10 Is there anyone else in the audience wish to  
11 testify in favor of the application? [None]

12 Okay. Anyone in the audience wish to testify  
13 in opposition to the rezoning or for informational purposes  
14 only on the rezoning? [None]

15 Commissioners, anybody have any comments?

16 COMMISSIONER BRINKER: No.

17 CHAIRMAN GRIESHEIMER: I don't  
18 either.

19 With that, that will conclude the hearing on  
20 File No. 170052. The applicant being Rick O'Neal.

21 Scottie, next item will be File No. 170053,  
22 Amendments to the Unified Land Use Regulations, Article 7.

23 MS. EAGAN: Okay. I will start with  
24 the hearing procedures.

25 At this time, I would like to place into the

1 record the Franklin County Unified Land Use Regulations as  
2 Exhibit A, the official Zoning Map as Exhibit B, the  
3 official Master Plan as Exhibit C, and the case file for  
4 each case as Exhibit D for all the cases to be heard at this  
5 hearing.

6 [Thereupon, evidence was marked  
7 for identification and submitted for the  
8 record as Exhibits A, B, C and D.]

9 As each case is opened, the staff report will  
10 first be read by the Planning and Zoning Department,  
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17 the front of the room to address the Commission and only the  
18 Commission, not anyone in the audience, with any questions  
19 or comments.

20 Generally, the applicant for the rezoning is  
21 allowed to speak first, followed by those in support of the  
22 rezoning and then those opposed to the rezoning. The  
23 applicant may speak again after comments from the general  
24 public to address any questions or issues brought up during  
25 the hearing.

1           At the conclusion of all questions, comments,  
2 and discussion concerning each case, the public hearing for  
3 each case will conclude. The decision will generally be  
4 made by Commission Order at a later date during the County  
5 Commission's regular meeting time.

6           And this is File 170053. The Planning and  
7 Zoning Department is seeking to amend the regulation  
8 pertaining to Article 7.

9           I don't have an official staff report, but I  
10 will go through here what the changes are for you guys.

11           In your packet, it starts with our definitions  
12 from Article 2. So it just shows that our definition used  
13 to say "Repair Shop, Miscellaneous". We're just deleting  
14 miscellaneous, so it's now just "Repair Shop".

15           Next in the Non-Urban and Agricultural Zoning  
16 District, on page 7.2, it was decided to add a number 35, a  
17 repair shop, as a permitted use because this is our largest  
18 zoning district in Franklin County. And after multiple  
19 conditional use permits and rezonings, we discussed it, and  
20 it just kind of makes sense to have a place where people can  
21 get those things repaired, especially when it comes to guns,  
22 boat propellers, all that kind of activity that actually  
23 takes place in our Non-Urban and Agricultural Zoning  
24 District.

25           The next change is going to be on page 7.4, and

1 this will be changed in every zoning district, except  
2 Industrial. And this is under Combination Uses.

3 What we did is we deleted how it used to read  
4 because it didn't make sense. The way it was written,  
5 there's no situation where we would allow a single-family  
6 residence on the same lot as a two-family or multi-family  
7 dwelling.

8 So we saw Combination Uses as we have a  
9 business and a residence on the same property. So we  
10 changed it to say, when a combination use exists, the total  
11 density permissible on the entire tract shall be determined  
12 by having the developer indicate on the plans the portion of  
13 the total lot that will be developed for each purpose and  
14 calculating the density for each portion as if it were a  
15 separate lot.

16 So in a situation where you have an apartment  
17 complex and a store, they need to calculate how much of that  
18 area is going to be used for the residential portion and how  
19 much they're going to use for the commercial portion.

20 Next in Community Development on page 7.6,  
21 these are just kind of minor changes. We realized in our  
22 regulations we had a "Repair Shop, Miscellaneous" and a  
23 "Repair Shop, General", but we only had one designation.

24 So we're getting rid of "Repair Shop, General"  
25 and/or "Miscellaneous", and we're just having general

1 "Repair Shop".

2 Number 37, towards the end, you can see we're  
3 adding Crematoriums under the "Sale and Rental of Goods,  
4 Merchandise, Services, and Equipment".

5 And the reason we're doing this, we did a lot  
6 of research into crematoriums, and we actually found there's  
7 no rule or law -- I think it's just a rule in Missouri where  
8 crematoriums are supposed to be tied to funeral homes. They  
9 can't stand alone.

10 So with that being said, funeral homes were  
11 already allowed under the "Sale and Rental of Goods,  
12 Merchandise, Services, and Equipment". So it just made  
13 sense to kind of attach those to the funeral homes.

14 CHAIRMAN GRIESHEIMER: You say that's  
15 a -- that's a regulation, not a law?

16 MS. EAGAN: We -- we're not sure.  
17 The article we found just said that it was through -- I  
18 forget which organization that stipulated that crematoriums  
19 have to be with a registered funeral home.

20 There are some funeral homes that do nothing  
21 but cremations, but it's still considered a funeral home.

22 CHAIRMAN GRIESHEIMER: Well, just so  
23 you -- just so you know, you know, now the thing that's kind  
24 of coming -- coming to be is crematoriums for -- for pets.  
25 Okay, and things like that. So that --

1 MS. EAGAN: We're dealing with that  
2 as well.

3 CHAIRMAN GRIESHEIMER: Yeah. Yeah.

4 MS. EAGAN: So that might be  
5 something in the future we address if we want it to be the  
6 same or separated pets and people.

7 COMMISSIONER BRINKER: Scottie, I  
8 didn't hear you reference the striking in -- under Article 2  
9 of the Section 16, Lot lines divided on --

10 MS. EAGAN: I'm going to -- I'm going  
11 to address that when we get to Article 10.

12 COMMISSIONER BRINKER: Oh, okay.  
13 That's -- okay. I thought you went through everything.  
14 Sorry.

15 MS. EAGAN: That's okay.

16 COMMISSIONER BRINKER: Thank you.

17 MS. EAGAN: Let's see. And then  
18 obviously the Combination Uses again in CD.

19 In CA, we did the same changes that we did to  
20 CD. So we're just having the "Repair Shop", adding  
21 "Crematorium", and then altering our "Combination Uses."

22 And then the next change that fact that  
23 "Combination Use" would be in our Industrial Development  
24 category on page 7.22.

25 When we realized there was a discrepancy in our

1 regulations, in the ID Zoning District, we had recycling  
2 centers as permitted, but Article 10 had it as a Conditional  
3 Use Permit. So after discussion in the Department and with  
4 the Planning and Zoning Commission, we decided to go ahead  
5 and change Article 7 and make recycling centers conditional.

6 And then as you can see right above that, we  
7 also got rid of crematoriums as a conditional use because we  
8 moved those to a different category.

9 So those are all the changes to Article 7.

10 CHAIRMAN GRIESHEIMER: All righty.

11 Is there anyone in the audience who wish to  
12 testify in favor of the amendments to Article 7? [None]

13 Is there anyone in the audience who wish to  
14 testify in opposition to the proposed amendments to Article  
15 7, or for informational purposes only to the amendments in  
16 Article 7? [None]

17 Commissioners?

18 MS. EAGAN: John, I have a quick  
19 question.

20 CHAIRMAN GRIESHEIMER: Yes.

21 MS. EAGAN: I talked with Tim a while  
22 ago about the potential of changing the Community  
23 Development Zoning District to allow manufacturing, light  
24 with five or fewer employees.

25 It seems like it's becoming an occurrence where

1 we have these guys doing these real tiny shop that can't  
2 find a place because of zoning. So I didn't know what your  
3 all's thoughts were on changing that. We did amend the Code  
4 to allow it in NUA because the vast majority of our county  
5 is zoned that.

6 So I didn't know how you felt about it being in  
7 the Community Development Zoning District. If that's  
8 something you guys want to think about and come back to, but  
9 it was brought up because there are more and more people  
10 wanting to do that.

11 COMMISSIONER BRINKER: It's  
12 technically not on the agenda today, but you're --

13 MS. EAGAN: Right.

14 COMMISSIONER BRINKER: -- yeah,  
15 bringing up what we certainly would -- I mean, if you guys  
16 feel --

17 CHAIRMAN GRIESHEIMER: Okay.

18 COMMISSIONER BRINKER: -- that was  
19 something you want to talk about.

20 CHAIRMAN GRIESHEIMER: Yeah.

21 MS. EAGAN: So it is something that  
22 will probably come up.

23 CHAIRMAN GRIESHEIMER: For our  
24 information.

25 MS. EAGAN: Right.

1 CHAIRMAN GRIESHEIMER: We'll have to  
2 deal with it in later -- at a later time.

3 All right. Any other comments from the  
4 Commissioners?

5 COMMISSIONER BRINKER: [Negative head  
6 shake.]

7 COMMISSIONER HINSON: [No audible  
8 response.]

9 CHAIRMAN GRIESHEIMER: All right.  
10 Seeing none, that will close the file on File No. 170053,  
11 Amendments to Article 7.

12 The next -- next and last public hearing will  
13 be File No. 170054, Amendments to Unified Land Use  
14 Regulations, Article 10.

15 MS. EAGAN: And I will start again  
16 with the hearing procedures.

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

23 [Thereupon, evidence was marked  
24 for identification and submitted for the  
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1           As each case is opened, the staff report will  
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6 print their name on the sign-in sheet provided and then be  
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9 the front of the room to address the Commission and only the  
10 Commission, not anyone in the audience, with any questions  
11 or comments.

12           Generally, the applicant is allowed to speak  
13 first, followed by those in support and then those opposed.  
14 The applicant may speak again after comments from the  
15 general public to address any questions or issues brought up  
16 during the hearing.

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

22           And this is File 170054. Planning and Zoning  
23 Department is seeking to amend the regulations in relation  
24 to Article 10.

25           So again on the first page of your packet is

1 our Article 2, and we are showing you that we are deleting  
2 Section 16, Lots Divided by District Lines. And we're  
3 adding that to the end of 10, which I will get to when we  
4 get to the end of Article 10.

5 So the first changes in Article 10 are very  
6 minor. They are on page 10.7. What they are is we just  
7 changed the wording.

8 It used to say Agricultural and Non-Urban.  
9 We're changing it to Non-Urban and Agricultural.

10 The next change will be on the next page, 10.8,  
11 in our Home Occupation section. So we deleted part of  
12 letter 'E' where it indicates that the only on the sign can  
13 be the name and occupation of the owner.

14 We -- we feel like if they're already dictating  
15 what the size of the sign can be, then we felt like we  
16 didn't need to say what can be on the sign. They'll put on  
17 there what people can read, we feel like.

18 And then we deleted letter 'I' because in our  
19 definition of Home Occupation, you're allowed to hold that  
20 home occupation in another building other than your house.  
21 So they kind of contradicted each other, and so we just  
22 deleted that letter.

23 And then the next change is going to at the end  
24 of Article 10. It is on page 10.21 where we added "Lots  
25 Divided by District Lines."

1           We didn't make any change to letter 'A', but we  
2 did change letter 'B' to conform with what the law is. So  
3 now it reads:

4                           "Whenever a single lot, 10  
5 acres or less in size, is located  
6 within two or more different zoning  
7 districts, the following shall apply:

8                                   "A. If the initiation  
9 of the zoning change..."

10           I didn't change that. Okay. Sorry.

11                                   "If the zoning change  
12 was initiated by the  
13 County Commission, Planning  
14 and Zoning Commission, Board  
15 of Zoning Adjustment or the  
16 Planning and Zoning Department,  
17 the owner of the property has  
18 their choice to which zoning  
19 district shall apply to the  
20 entire parcel."

21           And then letter 'B': If the zoning change was  
22 initiated by any other person, the zoning of the parcel  
23 shall be in accordance to the Commission Order approved by  
24 the County Commission.

25                                   CHAIRMAN GRIESHEIMER: And you'll --

1 you'll make those changes?

2 MS. EAGAN: Yeah, I will. I -- I had  
3 it changed on the other one, and it just didn't make it to  
4 this one.

5 CHAIRMAN GRIESHEIMER: All right. Is  
6 that all?

7 MS. EAGAN: Yes, those are the  
8 changes.

9 CHAIRMAN GRIESHEIMER: Okay. Is  
10 there anyone -- is there anyone in the audience wishing to  
11 testify in support of the amendments to Article 10? [None]

12 Seeing none, is there anyone in the audience  
13 wishing to testify in opposition to the amendments to  
14 Article 10, or for information purposes only to the  
15 amendments to Article 10? [None]

16 Commissioners, do you have any comments?

17 COMMISSIONER BRINKER: [Negative head  
18 shake.]

19 COMMISSIONER HINSON: [Negative head  
20 shake.]

21 CHAIRMAN GRIESHEIMER: Seeing none,  
22 that will close the hearing on File No. 170054.

23 And that will conclude our hearing.

24 [Thereupon, the proceedings  
25 concluded at 10:28 a.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

**PUBLIC HEARING 5/18/2017**

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