

1 FRANKLIN COUNTY PLANNING AND ZONING
2 PLANNING AND ZONING COMMISSION
3 FRANKLIN COUNTY GOVERNMENT CENTER
4 SECOND FLOOR COMMISSION CHAMBERS
5 400 EAST LOCUST STREET
6 UNION, MISSOURI 63084
7
8
9 TRANSCRIPT OF PROCEEDINGS
10 JULY 16, 2019
11 (COMMENCING AT 7:00 P.M.)
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17

18 Reported by:
19 Patsy A. Mayberry, C. R.
20 Alaris Litigation Services
21
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1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 TIMOTHY REINHOLD, COMMISSIONER
5 STANLEY VOSS, COMMISSIONER
6 BILL McLAREN, COMMISSIONER
7 DEBBIE WILLETTE, COMMISSIONER
8 RON WILLIAMS, COMMISSIONER
9 MIKE KLENKE, COMMISSIONER
10 DAN HAIRE, COMMISSIONER
11 TOM TOBBEN, COMMISSIONER
12 KYLE DUBBERT, COMMISSIONER
13 PLANNING AND ZONING STAFF:
14 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
15 COUNTY LEGAL COUNSEL:
16 MARK PIONTEK, COUNTY ATTORNEY
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1 P R O C E E D I N G S

2 (JULY 16, 2019)

3 CHAIRMAN EVANS: I'd like to go
4 ahead to call to order the Tuesday, July 16th meeting
5 of the Franklin County Planning and Zoning Commission.

6 Scottie, will you please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. EAGAN: Kyle Dubbert?

10 COMMISSIONER DUBBERT: Here.

11 MS. EAGAN: Dan Haire?

12 COMMISSIONER HAIRE: Here.

13 MS. EAGAN: Mike Klenke?

14 COMMISSIONER KLENKE: Here.

15 MS. EAGAN: Bill McLaren?

16 COMMISSIONER McLAREN: Here.

17 MS. EAGAN: Tim Reinhold?

18 COMMISSIONER REINHOLD: Here.

19 MS. EAGAN: Tom Tobben?

20 COMMISSIONER TOBBEN: Here.

21 MS. EAGAN: Stan Voss?

22 COMMISSIONER VOSS: Here.

23 MS. EAGAN: Debbie Willette?

24 COMMISSIONER WILLETTE: Here.

25 MS. EAGAN: And, Ron Williams?

1 COMMISSIONER WILLIAMS: Here.

2 MS. EAGAN: Okay. We have a
3 quorum.

4 CHAIRMAN EVANS: Thank you.

5 At this time, I will give the Planning
6 and Zoning Commissioners the opportunity to declare
7 any conflict, communication, or relationship they may
8 have had that might influence their ability to
9 consider today's issues impartially.

10 (NONE)

11 If there's no declarations, Scottie, will
12 you please give us a presentation of the meeting
13 procedures and the 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
18 action by the Planning and Zoning Commission. These
19 matters do not involve public hearings.

20 Other matters on the agenda will require
21 public hearings under Missouri law. If a matter
22 involves a public hearing, all individuals who desire
23 to testify will be given an opportunity to do so.

24 At this time, I would like to place into
25 the record these regulations as Exhibit A, the

1 official Zoning Map as Exhibit B, the official Master
2 Plan as Exhibit C, and the case file for each case as
3 Exhibit D for all the cases to be heard during the
4 meeting.

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

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

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

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

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

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

4 At the conclusion of all questions,
5 comments, and discussion concerning each case, the
6 Planning Commission will proceed. Any final decision
7 by the Planning and Zoning Commission concerning
8 Conditional Use Permits may be appealed to the Board
9 of Zoning Adjustment any time within 90 days.

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

13 CHAIRMAN EVANS: Thank you.

14 All the Commissioners should have
15 received a copy of the June 18th minutes. If there
16 are no addition or corrections, the Chair would
17 entertain a motion to approve.

18 COMMISSIONER DUBBERT: I make a
19 motion to approve the minutes.

20 COMMISSIONER KLENKE: Second.

21 CHAIRMAN EVANS: We have a
22 motion and a second to approve the June 18th minutes.
23 All in favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER VOSS: Aye.

1 COMMISSIONER McLAREN: Aye.
2 COMMISSIONER WILLETTE: Aye.
3 COMMISSIONER WILLIAMS: Aye.
4 CHAIRMAN EVANS: Aye.
5 COMMISSIONER KLENKE: Aye.
6 COMMISSIONER HAIRE: Aye.
7 COMMISSIONER TOBBEN: Aye.
8 COMMISSIONER SCHULTEHENRICH:
9 Aye.

10 COMMISSIONER DUBBERT: Aye.
11 CHAIRMAN EVANS: Opposed?
12 (NONE)

13 The minutes are approved.
14 Communication and Visitors Comments. Is
15 there anyone present wishing to address the
16 Commission?

17 Please step forward.
18 I would make the comment that these are
19 just general comments and communications, and it's not
20 part of the public hearing. It's not taken as
21 testimony for any file that we have on the agenda.

22 AUDIENCE MEMBER: Should we
23 wait?

24 MS. EAGAN: If it's about a
25 specific file, it should wait until that file comes

1 up.

2 CHAIRMAN EVANS: And you may
3 make comments now, but it's not taken as testimony and
4 won't be included in the file, is what I'm saying.

5 MR. PAUL COCKRUM: So I just
6 wanted to sign up so I could talk. All right.

7 MS. EAGAN: I think he's
8 specific to a file.

9 CHAIRMAN EVANS: Okay. Yeah.
10 Unfinished Business. We have none.

11 New Business. File 190144, Farn
12 Washington, L. L. C., Mark Farner.

13 Scottie, will you please give us the
14 details.

15 MS. EAGAN: This is File
16 190144.

17 The applicant is Farn Washington, L. L.
18 C., Mark Farner.

19 The applicant requests to rezone one
20 parcel from Non-Urban and Agricultural to Commercial
21 Activity Highway Service.

22 The property is located at 3012 Old
23 Highway 100, at the northwest corner of Highway 100
24 and Old Highway 100, in Boles Township.

25 THE FACTS: The total area for the

1 rezoning is approximately .9 acres. This is one
2 parcel separated by a private road.

3 The zoning of this property is Non-Urban
4 and Agricultural. The applicant would like to rezone
5 to Commercial Activity Highway Service.

6 Commercial Activity Highway Service
7 accommodates commercial uses that draw business
8 primarily along the major highways within Franklin
9 County.

10 The properties to the north between Old
11 Highway 100 and Highway 100 are zoned Non-Urban and
12 Agricultural.

13 The properties to the east are zoned
14 Suburban Development.

15 The property directly across Highway 100
16 got rezoned to Community Development.

17 The surrounding properties are a mix of
18 low-density and medium-density residential properties.

19 This property will have access to Old
20 Highway 100.

21 This property is located in Public Water
22 Supply District No. 3.

23 According to the assessor records, there
24 appears to be one building currently on the property.

25 STAFF COMMENTS: This property is

1 currently in violation for running a motor vehicle
2 sales business on a property that does not permit such
3 an activity.

4 This property appears to be Commercial on
5 the Future Land Use Map.

6 Rezoning is allowed in our regulations
7 due to the every-changing conditions that exist in the
8 county and elsewhere. According to Article 14,
9 Section 321, any such change must promote the health,
10 safety, morals, comfort, and general welfare of
11 Franklin County by conserving and protecting property
12 and building values, by securing the most economical
13 use of land and facilitating the adequate provision of
14 public improvements in accordance with the mast plan
15 adopted by Franklin County.

16 CHAIRMAN EVANS: Thank you.

17 Is the applicant present?

18 MR. CHARLES DUFOUR: Yes, sir.

19 CHAIRMAN EVANS: Please come
20 up. State your name and address.

21 MR. DUFOUR: My name is Charles
22 Dufour, and I go by Skip Dufour. I am an attorney,
23 and I represent the applicant Farn Washington, L. L.
24 C., and Mark Farner.

25 CHAIRMAN EVANS: Would you

1 please sign in also.

2 MR. DUFOUR: My office address
3 is 8011 Clayton Road, St. Louis, 63117.

4 With me this evening is Mark Farner, who
5 is the sole owner of Farn Washington, L. L. C., and he
6 is also the sole owner of Wildwood Motors, which is
7 the used car business that is operating presently at
8 that location.

9 I won't repeat any of the facts because
10 you already have those before you. This is the first
11 time that I've been here in Franklin County, so I'm
12 not familiar, I don't think, with any of you.

13 But in any event --

14 MS. EAGAN: I'm sorry.

15 Bill, did he need to be sworn?

16 MR. DUFOUR: Oh, I'm sorry.

17 CHAIRMAN EVANS: Yes.

18 (THEREUPON, THE WITNESS WAS
19 SWORN.)

20 MR. DUFOUR: And I also swear
21 and affirm that what I've previously said is said
22 under oath.

23 So I did want to explain the background
24 for the operation of the used car business on the
25 property, and make sure that this Commission was aware

1 of how that circumstance developed.

2 But Mr. Farner has owned this property, I
3 think, since a least 2013 when he acquired the second
4 piece to the west, which is a -- the grassy piece that
5 abuts the road, which also was part of his ownership
6 to the extent that it runs parallel with the property
7 line with the triangular piece.

8 And in the application, there is a map
9 that shows the ownership of the property, and it is
10 about .9 acres.

11 But -- so previously Wildwood Motors had
12 conducted its business in Wildwood, and Mr. Farner
13 leased that property to another automobile deal
14 operator, and it was his plan to move his operation
15 here in Franklin County.

16 So there was some work that needed to be
17 done on the one building structure that's located on
18 the property, and he did obtain a building permit from
19 Franklin County Building Department in September of
20 2018 to do certain work.

21 In September of 2018, the property was
22 also inspected by the Boles Fire Protection District
23 for an occupancy and use permit, and was granted.

24 Also in 2018, this is January
25 application, but he was approved by the Missouri

1 Department of Revenue to relocate his business from
2 Wildwood to the 3012 Old Highway 100 location in Villa
3 Ridge. And at the time, it was fair to say Mr. Farner
4 believed he was under the jurisdiction of Villa Ridge
5 without understanding at that point in time that Villa
6 Ridge is under the jurisdiction of Unincorporated
7 Franklin County.

8 But in any event, the Missouri Highway
9 Department approved that location as an approved
10 location for the conduct of a used car lot, and I have
11 all these documents. I can -- be happy to make --
12 give you copies of them and introduce those into
13 record.

14 And he was issued a merchant's
15 manufacturer's license, business license, by Franklin
16 County for the conduct of Mark Motors at the 3012 Old
17 Highway 100 location in -- for the year of 2019 with
18 the license being good through December 31st of 2019.

19 So Mr. Farner actually believed that he
20 had obtained all of the permits that he needed to
21 conduct that operation at that location. And it
22 wasn't until he was cited with violations that he
23 realized that he had the situation where the use of
24 the property was not zoned for used cars.

25 So upon being notified of that, we

1 proceeded to file the rezoning application that is
2 before you this evening.

3 We are requesting that it be rezoned from
4 NUA to Commercial Highway Activity Service. There was
5 some discussion about what would be perhaps the
6 property request to make before this Board, whether it
7 was CA or CA3, and our zoning application was filed
8 and amended, then amended again, and it's under -- it
9 is under the CA zoning district. It is clearly our
10 understanding that on the land use plan that this is
11 designated as a commercial area in designation.

12 Mr. Farner has been in business 40 years,
13 45 -- 40 to 45 years as a used car dealer at various
14 locations. And this is the only location that he
15 presently conducts business.

16 He takes pride in his operation. The
17 cars, they are kept clean on the site, and he's
18 actually doing fairly well at servicing the public in
19 the area, and we do believe that would promote the
20 health and safety, welfare of the city -- I mean, of
21 the County. It's a good commercial use for that
22 location.

23 It generates only one or two jobs because
24 there's -- it's always manned with a sales person,
25 which is required under the -- by Missouri Department

1 of Revenue, but to the extent that sales tax is
2 collectable and applicable when people registers their
3 vehicles, that's something, I would think, that the
4 County should benefit from.

5 So I'm here to answer questions. I think
6 the application shows the property, and you know, I
7 was concerned, didn't want the Commission to think
8 that Mr. Farner just automatically thought he could
9 set up shop anywhere and not have to attend to zoning
10 regulations, because that's clearly not the case.

11 But by going through this whole process,
12 and I would like to introduce copies of these
13 documents that I referred to into evidence. They've
14 been provided to Mr. Ecklekamp because the violations
15 are pending.

16 And I think the next court date for the
17 violations is maybe this week on Thursday. And I
18 wanted the prosecuting attorney to have copies of
19 these to see that -- I'm not saying that this makes it
20 right. So don't misunderstand what I'm saying. But I
21 am trying to say that it was unwittingly done, as I
22 stated in the application. And we're here to try to
23 right the ship.

24 We do believe, clearly believe, that this
25 is a property use for the property, and that is should

1 be rezoned Commercial under the CA district.

2 I clearly don't know the procedure of
3 ident- -- of introducing these documents, but maybe
4 I'll just hand them to the --

5 MS. EAGAN: She'll need to mark
6 them --

7 MR. DUFOUR: Mark them?

8 MS. EAGAN: -- as an exhibit.
9 Yes.

10 MR. DUFOUR: You could just
11 mark them as Applicant's Group Exhibit. I don't know
12 if it's A or 1, and it consists of --

13 MS. REPORTER: Give me just a
14 second.

15 (THEREUPON, EVIDENCE WAS MARKED
16 FOR IDENTIFICATION AND PRESENTED FOR
17 THE RECORD AS APPLICANT'S GROUP
18 EXHIBIT NUMBER 1.)

19 MR. DUFOUR: So it'll be
20 Applicant's Group Exhibit 1, and for the record, it
21 consists of five pages.

22 Franklin County Building Permit, Boles
23 Fire Protection District Occupancy Use Permit,
24 Missouri Department of Revenue Used Motor Vehicle
25 Dealer License, and the 2019 Merchants Manufacturer's

1 License from Franklin County, and actually there's two
2 pages of that because copying it one way didn't
3 display the information fully. So that's actually
4 consists of two different pages.

5 I don't think I have any more formal
6 comments to make. I mean, we're her to answer
7 questions. Mr. Farner is also here to answer
8 questions.

9 CHAIRMAN EVANS: While we
10 appreciate you providing the documentation, but again,
11 we don't -- we don't show intent on this part, but we
12 don't really care about licenses or anything. We're
13 just concerned with land use and zoning.

14 MR. DUFOUR: I clearly
15 understand that, sir. And it's only offered with
16 respect to the comment that is in the record of staff
17 comments that there's a business in operation there
18 that not in compliance with zoning. And I wanted to
19 at least this Commission to understand the background
20 of how and why that developed. So...

21 And I understand it's not the land use
22 regulation consideration. Clearly understand that.

23 CHAIRMAN EVANS: I guess,
24 unwittingly conducting business sounds like an
25 ignorance of the law argument.

1 MR. DUFOUR: You know, to say
2 it's ignorance of law, I realize of course an
3 ignorance of law if not really a defense to anything.
4 Okay. I get that.

5 But with all the permits that were issued
6 and the licenses that were granted, I wouldn't say it
7 was ignorance of law. I think Mr. Farner believed that
8 he was in compliance with the law.

9 So I guess it's definitional, if you
10 will, but I mean, it certainly wasn't in disregard or
11 flagrant disregard of law. And that's simply the
12 point. And the land use regulation, I mean, it's
13 clearly commercial is developing in the area. I
14 understand that there's residential to the north and
15 to the east. The -- but we would submit Old Highway
16 100 and new Highway 100 right -- being right at the
17 intersection of that, it is a business that services
18 and relies upon highway traffic, and it's right at
19 that intersection. And we believe it's appropriate
20 for zoning.

21 CHAIRMAN EVANS: Commissioners
22 have any questions?

23 COMMISSIONER WILLIAMS: One
24 very specific question. Why out of any of the
25 commercial zoning districts is -- do you feel CA is

1 the most appropriate?

2 MR. DUFOUR: Well, I only smile
3 in that regard because I looked, of course, at the
4 various zoning districts that are allowable in the
5 county. And quite frankly in my mind reading them, I
6 was having a hard time distinguishing between CA3 and
7 CA.

8 And initially I thought that those were
9 the two most appropriate, sir. The initial
10 application that I filed said we're okay with CA or
11 CA3 because both of them allow sale of motor vehicles,
12 and then I was notified, of course, by the Commission
13 that I can't come before the body and ask for either
14 one. I have to make a selection.

15 So I filed the first amended petition
16 under CA3, and I thought that's how we would proceed.
17 Then I received a call from the Planning Commission,
18 and I was then -- it was then suggested to me that CA
19 is the more appropriate classification for this to go
20 forward, and that there, as I understood -- and I
21 don't know this for sure, but I think I'm recalling
22 the conversation -- that under the Future Land Use Map
23 that CA was more appropriate for this area than CA3.

24 So I again then filed the second amended
25 petition asking for CA zoning. So I don't know if

1 that answers your question, but that's the history of
2 how the application developed.

3 COMMISSIONER McLAREN: Mr.
4 Chairman, can I?

5 CHAIRMAN EVANS: Bill?

6 COMMISSIONER McLAREN: My
7 questions are probably going to be more for Scottie.

8 By the fact that we're rezoning the
9 county in the very near future, is it appropriate that
10 we even consider a zoning on this property right now?

11 MS. EAGAN: The phone call he's
12 referring to is a call from our department letting him
13 know we are in the process of rezoning the county.
14 Our stuff probably won't get done until the first of
15 the year, 2020.

16 So we gave them the option to move
17 forward and pay for it themselves, potentially get it
18 done quicker. Or wait and see what happens with the
19 County, and they chose to move forward.

20 MR. DUFOUR: That's an exact
21 representation of that conversation, because I didn't
22 know how quickly any other zoning might proceed,
23 county rezoning. I didn't know the certainty of any
24 of that.

25 COMMISSIONER McLAREN: Well, I

1 understand that you and the owner recognize that
2 there's a problem and they're trying to correct it,
3 you and they are trying to correct the problem.

4 MR. DUFOUR: That's correct.

5 COMMISSIONER McLAREN: And I
6 drive by there fairly often, but I may be incorrect at
7 what I've looked at the last few times.

8 It's more than auto sales. Aren't there
9 bucket trucks for sale and heavy trucks for sale and
10 some of that on that site?

11 MR. DUFOUR: I'd have to defer
12 that question to Mr. Farner. I'm not aware to answer
13 that question.

14 COMMISSIONER McLAREN: Well,
15 the next question would be, are there not trucks that
16 would be on the west side of the street -- I think it
17 was trucks the last time I looked over there -- on a
18 grass lot?

19 MR. DUFOUR: I went by there
20 this evening before the hearing tonight, and there are
21 two SUVs on the grassy area to the west.

22 COMMISSIONER McLAREN: Right.

23 MR. DUFOUR: And there are some
24 vehicles on that paved private road, which is actually
25 part of the ground owned by Farn Washington. That was

1 part of the remnant that was acquired from the State
2 Highway Commission after the roadwork was done.

3 COMMISSIONER McLAREN: Right.

4 MR. DUFOUR: The grassy area is
5 a triangular piece, so the most northern, I guess,
6 boundary of that triangular piece, if you'd extend
7 that across the private road area that you call
8 private road, that's part of that parcel. So that's
9 -- that ground where those vehicles are parked are in
10 the ownership, as I understand it, of Farn Washington.

11 COMMISSIONER McLAREN: Well, I
12 guess, you know, I'm usually wrong and I'm in the
13 wrong place. You know, I don't know that I feel it's
14 real appropriate to have car sales on grass lots. So
15 I don't feel real comfortable with zoning something
16 and now I understand there may be a change in that,
17 that it wouldn't be a grass lot.

18 But that just doesn't seem like an
19 appropriate use to me that maybe -- I'm more
20 comfortable with not moving forward with the zoning
21 changes coming that we have. But if we were going to
22 move forward, looking at the fact that there's
23 vehicles on a grass lot, I would be more inclined to
24 want to consider a lesser zoning district that would
25 require a conditional use permit so there would not be

1 vehicles on a grass lot.

2 That's my comments.

3 COMMISSIONER DUBBERT: Can I
4 piggyback off of what Bill just asked.

5 Scottie, does -- how does this compare to
6 the restrictions on other car lots that are in
7 Franklin County? Does this meet similar restrictions
8 like setbacks and not having a lot of grass and things
9 like this?

10 MS. EAGAN: I mean, as far as
11 County Codes go, we don't have any regulations
12 pertaining to lots surface necessarily.

13 We do have parking requirements that
14 people do have to meet, and it all depends on the size
15 of the building and on outdoor space in use for the
16 vehicles. It's a requirement of 10 spaces, then it
17 all has to be hard surfaced. All that stuff, we
18 haven't even gotten in to that with the property yet.

19 COMMISSIONER DUBBERT: So their
20 site plan hasn't even been reviewed under those
21 standards?

22 MS. EAGAN: It's an interesting
23 case. When the Building Permit came through, it came
24 through as an office. So that's how it was reviewed
25 by my department. It didn't come through as motor

1 vehicle sales.

2 So we haven't looked at this property as
3 motor vehicle sales.

4 COMMISSIONER DUBBERT: Okay. I
5 guess the obvious followup then would be what happens
6 if we don't rezone it? What happens to the current
7 use or since they have a valid license through the end
8 of the year, but they would be in violation of the
9 zoning? Is there -- what's the remedy there? What's
10 that look like?

11 MS. EAGAN: I mean, they're in
12 municipal court right now with Billy Eckelkamp. So it
13 would be up to him to determine how we wanted to move
14 forward with it.

15 From what I understand, they would have
16 to shut down and not do sales until the problem is
17 remedied.

18 COMMISSIONER DUBBERT: Okay.
19 Thank you.

20 CHAIRMAN EVANS: And again,
21 since this is a rezoning -- I should have mentioned
22 this before -- that we make a recommendation to the
23 County Commission, who will then have their own public
24 hearing and actually makes the final decision.

25 So what we're doing is making a

1 recommendation to the Commission here.

2 MR. DUFOUR: In followup on Mr.
3 McLaren's comments, in terms of seeking or requesting
4 the rezoning, I was not aware, so my client wasn't
5 aware of any type of conditional use permit that
6 attached to the sale of motor vehicles. And if there
7 is a zoning district that imposing that type of
8 process, I know it's not this one, I understand that,
9 but we're not trying, again, to circumvent any other
10 requirements that the City would normally have for a
11 used car lot operation.

12 CHAIRMAN EVANS: Scottie, there
13 are zoning districts that a CUP Is required -- not
14 anymore, but there were.

15 MS. EAGAN: Yeah.

16 CHAIRMAN EVANS: And I think
17 it's referencing the one we had before where we did
18 require a hard surface. But that particular CUP was
19 -- or the zoning was changed, and so car lots are no
20 longer CUPs. But the one you're referring to is -- we
21 did require a hard surface.

22 MR. DUFOUR: Mr. McLaren, I did
23 look for it when I was trying to select a zoning
24 category in further response to Mr. Williams'
25 question. I didn't see it, and I've stood before

1 bodies like this previously for other clients that I
2 represent. So I'm aware to look for conditional use
3 permit requirements for automobile lots, and I didn't
4 see it.

5 So -- but my earlier comments when I said
6 as far as I understood, I mean there's always the
7 possibility of having missed something.

8 COMMISSIONER KLENKE: I have --
9 Scottie, I have a question.

10 Had they put on there other than an
11 office building, if they had put used car lot,
12 wouldn't that have raised more flags to you?

13 MS. EAGAN: The building permit
14 wouldn't have been issued.

15 COMMISSIONER KLENKE: So had
16 they put that on there, then that would have flagged a
17 bunch of different things?

18 MS. EAGAN: Correct.

19 COMMISSIONER KLENKE: Okay.

20 MS. EAGAN: Yes.

21 CHAIRMAN EVANS: Ron.

22 COMMISSIONER REINHOLD: Can I
23 ask a question. Was that a car dealer, car lot
24 before?

25 MR. DUFOUR: Before Mr.

1 Farner's operation?

2 COMMISSIONER REINHOLD: Yes.

3 MR. DUFOUR: He says yes. He
4 can come up and be sworn. I don't have that knowledge
5 personally, so...

6 CHAIRMAN EVANS: Ron.

7 COMMISSIONER WILLIAMS: I've
8 still got to get back to my question. You're asking
9 for a CA zoning. What I want to know is why is it
10 appropriate on that particular parcel to allow 7
11 permitted uses, residential uses, the 35
12 non-residential uses and the 6 conditional uses, why
13 is that zoning district applicable to that property?

14 MR. DUFOUR: You've asked the
15 same question, I think, and I'm not looking to repeat
16 myself, but I'll try to answer it further as best as I
17 can.

18 It was obviously being used as a used car
19 lot. Certain approvals had been granted for that, as
20 we understood it, certain the one from the State of
21 Missouri is a license for that.

22 But -- so I looked at the zoning district
23 to see which uses allowed the sale of motor vehicles,
24 and as I recall my search, I came across two, CA3 and
25 CA.

1 I didn't find in my search anything that
2 pertain to conditional use permits for used motor
3 vehicles. And then I went through the process of
4 really, as I said before, not knowing which one may be
5 more appropriate. And ultimately I received what I
6 thought was some direction or suggestion from the
7 Planning Commission to switch back to CA.

8 And when I read the -- you know, the
9 purpose of CA, I thought that it fit in terms of
10 drawing upon -- a business of drawing upon the, you
11 know, highway usage, which this clearly does.

12 So that's the best answer I think I can
13 give you, sir.

14 COMMISSIONER WILLIAMS: I am --
15 I am trying to get to the heart of the zoning here.
16 Forget about the uses there. Forget about that for a
17 moment.

18 Let's say you've got a vacant piece of
19 ground. Why is that an appropriate zoning district?
20 Why is CA the right zoning district for that piece of
21 property, no matter what goes on there?

22 MR. DUFOUR: Oh, no matter what
23 goes on there?

24 COMMISSIONER WILLIAMS: Well,
25 everything allowed in the CA district, because that's

1 what we got to look at. That's what I'm getting at.

2 MR. DUFOUR: Well, I --
3 honestly, I don't know that I'm prepared to go through
4 all of the uses under the CA district, but those are
5 the permitted uses within in that district, one of
6 which was the used car. So we -- we backed into it,
7 rather than asking for a rezoning that without a
8 specific use, and I have encountered circumstances
9 where I've sought rezonings without a specific use,
10 and been chastised for that, saying well, tell us what
11 you're going to use it for so we have a better feel of
12 what the use may be in this particular zoning
13 district.

14 CHAIRMAN EVANS: I mean, I
15 think Ron's point, and this has come up in previous
16 meetings, is that when we look at rezoning, before we
17 even ask what it's going to be used for, we have to
18 consider every permitted use in that zoning district,
19 would it be appropriate on that piece of land.

20 And you can say it's going to be auto
21 sales, tomorrow you could put a golf course there,
22 theoretically. So we have to look at every permitted
23 use and the conditional uses also when we look at
24 rezoning.

25 MR. DUFOUR: I understand your

1 comment.

2 COMMISSIONER TOBBEN: One
3 question here. Just for clarification here, on the
4 map that we were provided, you know, it's highlighted
5 and boundaried, but there's two different parcels
6 there. It appears to be two parcels.

7 Is it all one parcel that you're asking
8 to go from NUA to CA3, or is it this one piece of
9 property that has the building constructed on it?
10 What -- your application said request to rezone one
11 parcel. What is the one parcel?

12 MR. DUFOUR: Another
13 complication. A good question. There is only one
14 parcel number that is ascribed to the property.

15 COMMISSIONER TOBBEN: Both
16 these highlighted areas here?

17 MR. DUFOUR: Yes. One tax
18 locator parcel number, and that may be because the
19 property to the west, which is located to the west of
20 what's been called the private road, was acquired
21 through the State Highway Commission. I think we
22 provided a copy of that deed, and I don't know that it
23 ever was ascribed a parcel number.

24 So when it came time to filling out the
25 application, it was "designated" as one parcel because

1 of one parcel number, but they were acquired at two
2 distinct times. So if you're asking with respect to
3 the application that is before you this evening, I
4 think it includes everything, yes, sir, --

5 COMMISSIONER TOBBEN: Okay.

6 All right.

7 MR. DUFOUR: -- that you see on
8 your map.

9 COMMISSIONER TOBBEN: Point of
10 clarification. Thank you.

11 CHAIRMAN EVANS: Kyle.

12 COMMISSIONER DUBBERT: Was your
13 desired use always to put a car lot here when you
14 first came in?

15 MR. DUFOUR: Again, I'll have
16 to ask Mr. Farner that, but I think -- I would say
17 that he would know definitively. I think the answer
18 to that question is yes because he's always been in
19 that business. But when I -- when we finish with me,
20 I'm going to ask him to come up and be sworn so he can
21 answer those questions that I can't affirmatively tell
22 you the correct answer.

23 COMMISSIONER DUBBERT: Okay. I
24 guess would it now be the appropriate time --

25 CHAIRMAN EVANS: We can only

1 have one person --

2 MR. DUFOUR: Oh, I'm sorry.

3 CHAIRMAN EVANS: -- at a time
4 at the podium.

5 MR. DUFOUR: Sure. Yes, sir.

6 COMMISSIONER DUBBERT: Well, I
7 guess the followup, of course, would be if that were
8 the intent, why did you come in as an office?

9 MR. DUFOUR: Again, the only
10 explanation that I know for that to answer your
11 question is that because it is the office of the used
12 car lot, and I don't believe there was any
13 understanding that it needed to be designated anything
14 different than the office.

15 I think that's the answer.

16 COMMISSIONER DUBBERT: Is that
17 common in the other places where an office and a car
18 lot are viewed as the same thing?

19 MR. DUFOUR: I can only tell
20 you from my experience through these applications for
21 automobile dealerships. They typically, the ones I've
22 been involved with and there have been two of the more
23 recently, involved a conditional use permit. And
24 because of that, there is a lot more in the
25 application. Because this was done before my

1 involvement, this building permit, my personal
2 involvement. That was something Mr. Farner did as he
3 was bringing the property up to compliance so that
4 when inspected by the Missouri Department of Revenue,
5 it would be approved as a used car location, because
6 they require building permit, occupancy permit, fire
7 protection. They require that as part of their
8 approval process.

9 But in the conditional use permit
10 process, these types of questions that are being asked
11 here now come forth in the application itself.

12 So again, I don't believe there was
13 anything at all subversive done just to "call it the
14 office" because it was considered to be the office, as
15 far as I know.

16 COMMISSIONER DUBBERT: Okay.

17 CHAIRMAN EVANS: Sorry. Are
18 there any more questions?

19 (NONE)

20 Thank you.

21 MR. DUFOUR: Mr. Chairman, if I
22 may ask Mr. Farner to speak also in support of the
23 application, answer any direct questions. I
24 apologize, I don't have, you know, direct information
25 to convey.

1 CHAIRMAN EVANS: Thank you.

2 Mr. Farner, if you'd please step forward.
3 state your name and address and sign in, please.

4 MR. MARK FARNER: Mark Farner.
5 My home address or my business address?

6 CHAIRMAN EVANS: Either one.

7 MR. FARNER: 3012 Old Highway
8 100, Villa Ridge, Missouri 63089.

9 (THEREUPON, THE WITNESS WAS
10 SWORN.)

11 CHAIRMAN EVANS: Go ahead and
12 question. Kyle, was it your question or questions?

13 COMMISSIONER DUBBERT: My
14 question was, was the intent always to have a used car
15 lot on this spot?

16 MR. FARNER: Yes, when I bought
17 -- first bought the property, it was a car lot when I
18 bought it, and then shortly after that, I leased it
19 out to a gentleman who had a car lot there, you know,
20 after I bought the property.

21 COMMISSIONER DUBBERT: So what
22 was the thought process as coming in as an office?

23 MR. FARNER: I don't have my
24 business license in front of me right now, but
25 whenever I applied for it, it was an office for

1 preowned sales.

2 COMMISSIONER DUBBERT: Okay.

3 CHAIRMAN EVANS: Any other
4 questions?

5 (NONE)

6 Thank you.

7 MR. FARNER: Thank you.

8 CHAIRMAN EVANS: Any discussion
9 for the Commission?

10 COMMISSIONER HAIRE: My only
11 primary concern is the other uses in this district
12 which would be consistent with what I see in that
13 parcel, and that's where I have the issues because
14 there are several of those other permitted uses I
15 don't think would be appropriate, whether we're doing
16 it for this or whether we're doing it for the Master
17 Plan.

18 CHAIRMAN EVANS: Scottie, you
19 were saying that the Future Land Use Map, it looks,
20 this would be a CA?

21 MS. EAGAN: The Future Land Use
22 Map showed that as commercial.

23 CHAIRMAN EVANS: Commercial.

24 MS. EAGAN: And don't forget to
25 talk to the opposition.

1 CHAIRMAN EVANS: Correct.

2 Any other discussion?

3 Anyone else wishing to speak in support?

4 Oh, I'm sorry.

5 COMMISSIONER TOBBEN: You know,
6 this rezoning comes before us, and every single one I
7 look at the purpose of each of the zoning districts,
8 and I know we've got to fit each parcel into kind of
9 one of those defined boxes. In looking through the
10 purposes of each of our zoning districts, I really
11 don't see any one that fits more appropriately or more
12 reasonably than what the applicant is requesting at
13 this point in time.

14 The purpose of this commercial zoning
15 district is to accompany commercial uses that draw
16 business primarily along the major highways within the
17 county.

18 To me, I Highway 100 is a four-lane
19 highway, heavily traversed highway in our county. And
20 I would consider that zoning classification, based
21 upon that definition, to be appropriate and
22 reasonable.

23 COMMISSIONER HAIRE: Normally I
24 would, but looking at where the parcel is located and
25 the surrounding properties, that's what gives me some

1 confusion whether this would be appropriate.

2 COMMISSIONER TOBBEN: And I
3 understand that, Dan. That's why I wanted
4 clarification, based upon how the property is a little
5 bit chopped up by that vacated road. You know, it
6 seems appropriate, maybe, you know, to have a buffer
7 there, the west highlighted property and the east side
8 of the property being CA.

9 So that's my problem. So...

10 CHAIRMAN EVANS: Any other
11 discussion?

12 (NONE)

13 Is there anyone else present who wishes
14 to speak in support of this file?

15 (NONE)

16 If not, is anyone present wishing to
17 speak in opposition? Please step forward. And you
18 have five minutes.

19 MR. PAUL COCKRUM: My name is
20 Paul Cockrum. I've already signed in. I live at
21 30 --

22 MS. REPORTER: I'm sorry.

23 (THEREUPON, THE WITNESS WAS
24 SWORN.)

25 I live at 3130 Old Highway 100 within 600

1 feet of the property.

2 If you recognize me, this is my third
3 attempt here. I was called here. Somebody wanted a
4 -- a guy wanted to have a kennel with German shepherd
5 dogs right behind my house. Thank you very much. It
6 didn't work out because. The guy got a divorce. The
7 old lady left him, and that's the problem with this
8 kind of stuff.

9 Then the guy next door wanted a diesel
10 truck, you know, and you guys put enough restrictions
11 on him that after a year they did nothing. He's gone.
12 He's not even a mechanic anymore.

13 My concern is the same that you have.
14 It's a car dealership. Now it's a golf course. All
15 right. I didn't understand. Does Mark own the road?
16 He does, right? Because he must own that road because
17 that's a Franklin Country Road, and then he must own
18 the State-owned property that Carol lived. They tore
19 he house down.

20 I understand he does that, and he's been
21 a used car salesman for 40 years. My problem is how
22 come he doesn't have a business somewhere for 40
23 years?

24 Why do you keep moving around, and -- and
25 I have other problems with this. When you turn down

1 the street, I am a lighting designer for 20 years. I
2 am an electrician for BOCO (ph.) Electric.

3 You turn down by Elder Road, you're
4 blinded by these lights. My wish is, Mark, give me a
5 bucket truck. Focus the light down. Do it at night.
6 It is right in the windows of all of our homes. It is
7 bright. It is bright.

8 Somebody come out there at night and
9 check it out. That should be turned off. It's turned
10 off late at night, I know, because I'm a musician in
11 the area. I come home late at night. They're -- late
12 they're off, but their bright. That's got to change.
13 That's simple.

14 I know I can't do nothing about it. It's
15 a stoplight. There's going to be business there. But
16 the future is not a double-laned highway. It's a
17 three-laned doubled highway. That's the future of
18 Franklin County going out Highway 100.

19 We can't deny it. Some day there's going
20 to be off-ramps there. That's the future. The future
21 is not this guy having a business right there, and I
22 have three words. Mark, location, location, location.

23 I've been there 40 years. I've seen a
24 gas station, I've seen Quick Shops, small engine
25 there, car dealers. Nobody's going to make it there.

1 You're more than willing to try, but my
2 concern is you guys are going to make it -- if there's
3 restrictions that in a year we can come back and say
4 you didn't do nothing, you did not put down a hard
5 surface there, you know, because that's what happened
6 to the last person. And you guys come down on him,
7 and it was wonderful. You did a great job.

8 The guy rents there. He's a mechanic.
9 He still works for the same guy, but there's no
10 mechanic stuff going on next door to my house.
11 There's not 30 cars sitting there.

12 I don't know what else. They guy, he
13 owns the property. He can have a business, but you're
14 right, it should be zoned correctly, you know. And
15 you're going to change the zoning coming up. I just
16 don't know why this has to be so quick, and then
17 everything you asked the lawyer, I'm here to safe Mark
18 some money.

19 He didn't know anything. He gave you I
20 don't know, I don't know. Well, you know, that could
21 be, I don't know, that could be. That's what we've
22 heard, you know, and I rep- -- I don't represent
23 anybody here. But there's neighbors. They live right
24 there. They live right there. They live right there.
25 She lives right there. She lives right there.

1 Help us out. We don't want all that
2 there. It shouldn't be -- it's agriculture. It's
3 zoned agriculture. My house is agriculture. The next
4 door is agriculture. The next one. Johnnie's
5 Trailers, agriculture. Across the street is
6 residential.

7 Why do we have to -- why do we have to
8 have a business there on that corner? The future is
9 going to knock that business right out. Once it goes
10 three lanes, the State's going to buy that property
11 just like they did when they put the two lanes in,
12 they bought Carol's house. That was right in the way,
13 next door to these people. There was a house there.

14 They bought them out. As soon as the
15 next lane comes in, you're going to be bought -- he's
16 going to be bought out. So what's the point?

17 You know, as far as I'm concerned, if you
18 could focus your light not into these people's house
19 at night, Mark. Just focus it --

20 CHAIRMAN EVANS: You can only
21 address the Commission.

22 MR. COCKRUM: Yeah, that's
23 basically what there is.

24 CHAIRMAN EVANS: Your time is
25 up now.

1 MR. COCKRUM: Okay. Thank you
2 very much. I appreciate it.

3 CHAIRMAN EVANS: Thank you.

4 MR. COCKRUM: Thank you.

5 CHAIRMAN EVANS: Anyone else in
6 opposition? Please step forward, state your name and
7 address. Sign in, please.

8 MR. LANCE MATTHIS: My name is
9 Lance Matthis. My address is 3016 Old Highway 100.
10 And that's in Villa Ridge, Missouri 63089.

11 (THEREUPON, THE WITNESS WAS
12 SWORN.)

13 Commissioners, I have prepared an
14 oppositional testament that I did submit with this
15 filing earlier this afternoon.

16 In this document, presenter Wildwood
17 Motors has continued to violate Franklin County
18 Unified Usage Regulations, Article 7 and 16, in a way
19 that has allowed him to profit off of illicit business
20 operations and infringe on personal property rights
21 and the obligations under the law.

22 This document should be used as material
23 evidence necessary to aid in the decisions to deny his
24 request to rezone; thus, protecting community values,
25 individual rights, and ensuring the moral standards of

1 Villa Ridge are being upheld.

2 Good evening, my esteemed Commissioners.
3 My name is Lance Matthis, and I stand here tonight in
4 opposition of the request to rezone a parcel of land
5 located at 3012 Old Highway 100.

6 This request should be denied due to
7 Wildwood Motors' open violation of current zoning
8 regulations, continued dissidence with the Villa Ridge
9 community and encroachment on personal properties.

10 In summary, when I purchased my home in
11 July of 2018, it was purchased with the intent to put
12 down roots and ensure that the large investment for my
13 family as pertains.

14 This is, at its heart, the core of the
15 American dream. I could have lived anywhere. Closer
16 to my employer, for example, but I based my decision
17 in a large part on the neighborhood and the current
18 zoning regulations that would provide an excellent
19 environment for my family to grow.

20 At the time I purchased my home, Wildwood
21 Motors was not a functioning car lot, nor was there
22 any indication provided from the home seller, assessor
23 or Realtor that this would change. That is because
24 the law had not been followed, but this was also not
25 part of the discovery during the title also appraisal

1 work. I am sure this story is repeated many times by
2 the other property owners.

3 Wildwood Motors should not be permitted
4 to rezone Lot 3012 because they openly operate in
5 violation of the multiple Unified Land Use
6 Regulations. If you look at your attachments, that's
7 Appendix 1.

8 This begins to form a pattern. By this
9 open flaunting, Wildwood Motors demonstrates disregard
10 in the face of these regulations that we have elected
11 you to uphold for the order and discipline of our
12 community.

13 Their actions have clearly demonstrated
14 their methods that neglect the community desires.
15 Wildwood Motors demonstrates a lack of character,
16 striking at the heart of due regard to the individual,
17 the community, and the values that ensure our success.

18 Motor vehicle sales are not permitted in
19 the current zoning, and while the motor's request
20 should be denied, for he has been operating since
21 October of 2018. You can see that in Appendix 2.
22 That also shows the bucket trucks that are still for
23 sale on the front lot.

24 Additionally, Non-Urban and Agricultural
25 zoned properties only allow for a mini billboard.

1 Article 16 articulates that a mini billboard shall be
2 no taller than ten feet and that it may not be
3 lighted.

4 The zoning enforcement officer could
5 inform of these violations and would have provided 30
6 days for Wildwood Motors to remedy such billboards,
7 confirm to the County Article. Otherwise, the County
8 could have it removed.

9 I do not question the motives of the
10 County for allowing these offenses to continue, as I
11 trust the County will stand up to protect its
12 residents from illicit activities and public
13 wrong-doers.

14 Now that I've completed my summary, I'd
15 like to offer some additional background.

16 Multiple issues with Wildwood Motors
17 began in September of '18, just two shorts months
18 after my family and I moved into our home.

19 The first issue has been a perpetual one.
20 Wildwood Motors had began parking their cars on both
21 sides of the dead-end road the connects my driveway to
22 the back of their lot. That's Appendix 3.

23 I responded by allowing the event to take
24 a natural course, giving my neighbor some time to sort
25 through the vehicles that were being parked in front

1 of my house and in front of my driveway.

2 When it became clear to me that this
3 event was not going to resolve itself, I initially
4 called and left a voice mail, and I was texted back by
5 Tanya. See our communication on Appendix 4.

6 The cars were moved in a timely manner;
7 however, the issue persisted, and I have had to
8 request that they move the vehicles from in front of
9 my home multiple times.

10 I have strived to be considerate, and
11 even let them know that having strange and random cars
12 parked in front of my home makes my wife feel
13 uncomfortable with concerns about here safety and
14 well-being.

15 When these levels of communication proved
16 to be unproductive, I was forced to notify law
17 enforcement about the cars parked in front of my
18 house. Now this has happened as recently as within
19 the last two months.

20 This issue has been a continual issue for
21 the past ten months. If Lot 3012 is rezoned, this
22 would only continue to compound this persistent issue.

23 The activities --

24 CHAIRMAN EVANS: I don't mean
25 to interrupt you. You have one minute left.

1 MR. MATTHIS: I'll be done.

2 These activities by Wildwood Motors is a
3 detriment to the cultural fabric of Villa Ridge as
4 well as my personal property value. The operation of
5 Wildwood Motors will reduce my personal property value
6 and the perceived safety of my family.

7 Their request to rezone must be denied
8 for many reasons, including their continued failure to
9 adhere to the current zoning regulations, persistent
10 obstruction of my driveway, and damage to private
11 property.

12 For the final fact the -- one of the
13 employees' brindle pit bull was allowed to run freely.
14 The dog had entered my yard, and although it was
15 friendly, there was still the risk to my outside cat,
16 who by the way is now an inside cat.

17 But my main concern about allowing an
18 animal to run free is that it could have been
19 aggressive, and what if it were my kids outside
20 instead of my wife and I?

21 So this zoning decision comes down to
22 either allowing illicit businesses to operate or to
23 protect family families and an individual's right to
24 privacy.

25 Thank you for your time and attention in

1 this matter and all that you do to protect the Villa
2 Ridge community.

3 CHAIRMAN EVANS: Thank you.

4 Any questions of this witness?

5 COMMISSIONER WILLIAMS: I have
6 a question.

7 MR. MATTHIS: Yes.

8 COMMISSIONER WILLIAMS: Just as
9 I put the proposer on the spot, I'll put the opposer
10 on the spot.

11 And I'll ask you to step outside your
12 issues, which are the violations and the parking and
13 all that stuff. Let's get down to the heart of the
14 matter, and that's the zoning.

15 Why would the CA zoning district not be
16 appropriate for that specific location? And remember
17 that zoning district encompasses 30-odd uses that are
18 allowed and 7 that are conditional uses.

19 MR. MATTHIS: I believe that
20 the CA zoning does allow for adult entertainment to be
21 an option. So I don't know about you guys, but I
22 wouldn't be comfortable if there was that sort of
23 establishment allowed to operate in front of my home.

24 COMMISSIONER WILLIAMS: Thank
25 you.

1 CHAIRMAN EVANS: Any other
2 questions?

3 (NONE)

4 Thank you.

5 MR. MATTHIS: Thank you.

6 CHAIRMAN EVANS: Anyone else
7 wishing to speak in opposition? Step forward, please.
8 State your name and address and sign in, please.

9 MR. JOHN HASSLER: My name's
10 John Hassler. I live at 3022 Old Highway 100.

11 (THEREUPON, THE WITNESS WAS
12 SWORN.)

13 I want to go over the same stuff my
14 neighbor said, and I want to go over any new -- I
15 don't have any new material. It's all the stuff they
16 said are the same things I have problems with.

17 I just want to back up their story,
18 because I've seen, you know, the use. I mean, anybody
19 that has a car lot, I mean it's causing a lot of
20 problems, having a lot of people parking at the end of
21 my driveway and my girlfriend's scared to go get in in
22 her car. She's disabled. I'm disabled. We ain't got
23 nothing to fight back with.

24 And there's pretty rough customers, and
25 pretty bad when you can't leave your driveway.

1 That's all I got. Thank you. Got any
2 questions for me?

3 CHAIRMAN EVANS: Any questions?
4 (NONE)

5 Thank you.

6 MR. HASSLER: Okay.

7 CHAIRMAN EVANS: Anyone else
8 wishing to speak in opposition? Will you please state
9 your name and address and sign in, please.

10 MS. SUSANNA BULLOCK: My name is
11 Susanna Bullock. I live at 3550 St. Louis Rock Road.
12 My 30 acres goes along 100 and Highway M to the
13 railroad.

14 (THEREUPON, THE WITNESS WAS
15 SWORN.)

16 I don't know about you all, but would you
17 like a used car lot with lights on way past your
18 bedtime on right across your front yard, because
19 that's what this is. Even though my yards kind of
20 big, that's what I see when I go out to either walk
21 the dog or try and see the night sky. There are
22 lights on. And as I drove by there tonight, there
23 were cars hiddledy piggedly. There were the bucket
24 trucks, and it looked tacky. And it said Wildwood
25 Motors, and I had to think why it would say Wildwood

1 Motors. And then I thought about it. I remember a
2 neighbor who moved saying that Wildwood had the most
3 difficult to deal with planning and zoning ordinances,
4 and that it didn't allow anything that you might want
5 to do.

6 And I thought, oh, that's what, because
7 in Franklin County, it has been my experience, as much
8 as you guys try, as much as you all work to make
9 things livable and play this game of civilization,
10 sometimes you make mistakes. And we have to live with
11 it and across the road from it.

12 This is a neighborhood. Even though my
13 land is zoned Suburban Development, most of it's in
14 alfalfa and soy beans. Across the road from me is
15 land that was my great grandparents' that's
16 residential. Down Highway Old 100 is residential with
17 friends and neighbors on that road.

18 Now, by the time I die, I know that
19 Highway 100 will be Manchester Road in St. Louis. I'm
20 not happy about that fact. I wish you would slow it
21 down just a bit.

22 Thank you.

23 CHAIRMAN EVANS: Thank you.

24 Are there any questions?

25 (NONE)

1 If not, is there anyone else wishing to
2 speak in opposition?

3 (NONE) {FLUSH}

4 If not, the applicant has five minutes if
5 they have any rebuttal.

6 MR. DUFOUR: Thank you, Mr.
7 Chairman. I won't take five minutes, but...

8 While I was listening to the opposing
9 comments, I was reviewing the zoning regulations, and
10 I clearly do believe as far as motor vehicles sales
11 that the CA district is the most appropriate for
12 rezoning for that category.

13 I recognize that there's 7 residential
14 uses and whatever, 36 non-residential uses all within
15 that zoning category that are permitted uses, one of
16 which, of course, is the motor vehicle sales.

17 I can't explain why all of these uses are
18 in this district as permitted uses. I did not see the
19 adult entertainment item as a permitted use in this
20 district, but there's a wide variety of uses that I
21 guess if you lived nearby residentially that you could
22 have an objection, and some of which in my view would
23 be more objectionable than the one that's being asked
24 for.

25 So you know, we come before this Board

1 somewhat constrained by asking for zoning permission
2 and zoning change within the zoning districts that are
3 allowed within the county. And I do believe that the
4 request that we're making before you this evening is
5 the most appropriate one under the circumstances of
6 the regulations that we presently have to deal with.

7 CHAIRMAN EVANS: Thank you.

8 Any questions?

9 (NONE)

10 Thank you very much.

11 MR. DUFOUR: Thank you.

12 CHAIRMAN EVANS: Any discussion
13 from the Commissioners?

14 Scottie, one point of clarification.

15 Going back to what was the request that was going to
16 be an office?

17 MS. EAGAN: How our office
18 received a building permit application back in 2018.

19 CHAIRMAN EVANS: Okay. And
20 that's --

21 MS. EAGAN: Also I would like
22 to clarify adult entertainment is not permitted in CA.

23 CHAIRMAN EVANS: I just looked
24 at it. It is not as a CUP or a permitted use.

25 MS. EAGAN: It's only in

1 industrial.

2 COMMISSIONER WILLIAMS: As a
3 conditional use.

4 (CROSSTALK)

5 MS. EAGAN: I just needed to
6 clarify.

7 CHAIRMAN EVANS: Any further
8 discussion?

9 COMMISSIONER WILLIAMS: Sure.
10 I've tried to view this from both sides, trying to say
11 okay what's -- because looking at the future land use,
12 it's commercial. But at the same time, I look at the
13 uses allowed under the CA district, and it's just
14 overwhelming for that small piece of property.

15 I agree with Commissioner Tobben's
16 comments that it's probably the appropriate -- it's
17 going to be a commercial lot. It's just not a big
18 enough commercial lot for what people want to do on
19 it, and I think that has some bearing on us rezoning
20 it. Personal opinion.

21 And I've tried to extract from both sides
22 of the argument why it's proper zoning or why it's not
23 proper zoning. Nobody addressed that clearly enough
24 for me, so I'm formulating my own opinion here that
25 it's probably not proper to zone that to CA based --

1 forget the use that's there now -- for any of those
2 uses that there's only a couple of them that I see
3 appropriate that would fit on that property.

4 COMMISSIONER VOSS: I've got
5 one question.

6 Why are we saying it's going to be
7 rezoned in the future to commercial if we're all
8 getting together now saying is this something on this
9 end?

10 CHAIRMAN EVANS: Scottie.

11 MS. EAGAN: You're saying
12 future land use, what our Master Plan shows.

13 COMMISSIONER VOSS: Okay.

14 MS. EAGAN: But we're also
15 working on rezoning all of Franklin County. I don't
16 have any maps posted for anyone to see yet. I haven't
17 divulged to many people what we've done yet because
18 it's not for the public to view at this stage.

19 CHAIRMAN EVANS: And --

20 COMMISSIONER VOSS: We're not
21 saying it going to be done now. We're saying --

22 MS. EAGAN: Right.

23 CHAIRMAN EVANS: Right, and
24 that gets back to the point that I think Bill
25 mentioned early on, because we are doing this

1 rezoning, and the attorney also addressed it that
2 rather than wait for rezoning, they decided to move
3 forward now. And that's their option.

4 COMMISSIONER VOSS: Thank you.

5 COMMISSIONER REINHOLD: I got a
6 question.

7 I know nobody wants it to be in
8 commercial, but as far as I ever remember that place,
9 it's been commercial. It's been a gas station. It's
10 been an automotive repair place. It's been another
11 car dealer there before.

12 I don't know how you guys -- how we can
13 say no to commercial there. It's been commercial as
14 long as I've ever been there.

15 CHAIRMAN EVANS: Kyle.

16 COMMISSIONER DUBBERT: Tim kind
17 of answered one of the questions I was going to bring
18 up, but like Ron, I'm really trying to see this from
19 both points of view. And I think my biggest problem
20 with it is it didn't come in the right way. So we
21 never really got a chance to look at not just yes, it
22 fits the Comprehensive Plan or the Future Land Use
23 Plan, but I think part of our responsibility is to
24 look at uses like this on a lot-by-lot basis. But we
25 never really got that opportunity.

1 So I'm having a hard time remedying that.
2 That's my only comment.

3 CHAIRMAN EVANS: Any other
4 discussion?

5 (NONE)

6 Well again, we're faced with the task of
7 recommending something to the Commission, and it's
8 fairly we've seen both sides of the argument that it
9 is a commercial property. It's appropriate for all CA
10 permitted uses. And this is unusual in that it is in
11 violation at this point in time, which shouldn't
12 really bear on our decision. Other than, as you
13 mentioned before, Bill, it's going to be addressed in
14 a few months anyway.

15 COMMISSIONER McLAREN: Well,
16 we've got second parties who are supposed to make sure
17 that a zoning promotes the safety and the welfare of
18 the county.

19 CHAIRMAN EVANS: Right.

20 COMMISSIONER McLAREN: So I
21 don't know that I've been adequately convinced that it
22 promotes the safety and welfare yet.

23 CHAIRMAN EVANS: Any other
24 discussion?

25 COMMISSIONER DUBBERT: I assume

1 that if we rezone this, we're going to have a chance
2 to set some restrictions on this piece of ground too,
3 right, or is it --

4 CHAIRMAN EVANS: No.

5 COMMISSIONER DUBBERT: -- just
6 done?

7 CHAIRMAN EVANS: No. Any --
8 and that's the point that Ron kept bringing up,
9 anything under CA, any use there is permitted, and
10 it's not like a CUP. We can place no restrictions on
11 it. If it's zoned CA --

12 COMMISSIONER DUBBERT: Not even
13 like lighting standards or setbacks or any of the
14 sort?

15 CHAIRMAN EVANS: No. If it's a
16 permitted use, it's a permitted use. Very much end of
17 story.

18 COMMISSIONER DUBBERT: Okay.

19 COMMISSIONER REINHOLD: The
20 Building Department has restrictions on it, though.

21 CHAIRMAN EVANS: Yes, there's
22 restrictions on -- Scottie can address.

23 MS. EAGAN: We have other codes
24 that have to be met, yeah.

25 COMMISSIONER HAIRE: Yeah.

1 MS. EAGAN: Lighting is not one
2 of them.

3 CHAIRMAN EVANS: Yeah, so
4 again, getting back. If it's a permitted use, then
5 it's a permitted use, unlike a conditional use permit
6 where we can put conditions on it. This is not one of
7 those.

8 COMMISSIONER DUBBERT: This is
9 a unique piece of property, and I just -- I'm
10 struggling with that. I'm struggling with the size of
11 the lots and its use.

12 CHAIRMAN EVANS: Yeah, I agree
13 because I think that location -- I'm not sure you can
14 pick out many more intersections in Franklin County
15 unincorporated that have that much traffic.

16 COMMISSIONER DUBBERT: That's
17 true.

18 CHAIRMAN EVANS: Any other
19 discussion?

20 (NONE)

21 All right. And just to make sure I have
22 this right, we can move this to Unfinished Business.
23 We can vote to -- well, we don't have to move it to
24 Unfinished Business if we deny, do we?

25 MS. EAGAN: You still have to

1 go to Unfinished Business.

2 CHAIRMAN EVANS: Unfinished
3 Business. So we need a motion to move this to
4 Unfinished Business. Obviously the other option would
5 be to table or postpone.

6 COMMISSIONER McLAREN: What
7 would be the -- if we're six months away from rezoning
8 the county, what -- and if we tabled it, would they
9 not -- by the fact they came here -- my words are not
10 working at all.

11 But by the fact that they came here and
12 they've made the attempt to rezone and we would table
13 it because of the fact that we're working on rezoning
14 the county, not by the Planning and Zoning
15 Department's hands, what would be the result if we
16 just tabled it until we saw what you all did?

17 CHAIRMAN EVANS: Well, I think
18 by tabling it, means we've taken no action. Which
19 means they would still be in violation.

20 COMMISSIONER DUBBERT: That's
21 correct.

22 CHAIRMAN EVANS: So if that
23 answers your question.

24 So the best option then would be to move
25 it to Unfinished Business, at which time, we can come

1 back and vote on the recommendation, either yea or
2 nay.

3 COMMISSIONER HAIRE: I move to
4 move File 190144 to Unfinished Business.

5 COMMISSIONER WILLIAMS: I'll
6 second that.

7 CHAIRMAN EVANS: We have a
8 motion and second to move File 190144 to Unfinished
9 Business. All in favor signify by saying aye.

10 COMMISSIONER REINHOLD: Aye.

11 COMMISSIONER VOSS: Aye.

12 COMMISSIONER McLAREN: Aye.

13 COMMISSIONER WILLETTE: Aye.

14 COMMISSIONER WILLIAMS: Aye.

15 CHAIRMAN EVANS: Aye.

16 COMMISSIONER KLENKE: Aye.

17 COMMISSIONER HAIRE: Aye.

18 COMMISSIONER TOBBEN: Aye.

19 COMMISSIONER DUBBERT: Aye.

20 CHAIRMAN EVANS: Opposed?

21 (NONE)

22 The motion is carried.

23 Moving on to File 190152, Planning and
24 Zoning.

25 Scottie.

1 MS. EAGAN: This is File
2 190152.

3 The applicant is seeking to amend the
4 2001 Unified Land Use Regulations of Franklin County.

5 The proposal includes amendment to
6 Article 2, Definitions.

7 The bulk of the changes in Article 2 have
8 to do with the definition of medical marijuana,
9 medical marijuana facilities, dispensaries, flowering
10 plant, patient and care giver, all that sort. All
11 those definitions were taken directly out of State
12 statute. Nothing was changed out of any of them,
13 except that we state that it's licenses as issued by
14 the State of Missouri, stuff of that nature.

15 The only other definition that I am
16 proposing to change is acreage and net. We are having
17 some issues with this definition at the beginning of
18 the year. So I wanted to just kind of start new and
19 get a new definition in our Code.

20 So now the definition will read the total
21 for net acreage, for acreage net:

22 "The total acreage of a
23 lot, tract or parcel of land
24 excluding land in existing
25 roads, streets, roadway

1 easements or rights-of-way,
2 unless clearly indicated to
3 the contrary, the use of the
4 term acreage in these
5 regulations is referring to
6 acreage net."

7 So those are the changes. If you want,
8 we can go through all the medical marijuana
9 definitions that we're putting in here, but they are
10 just taken directly out of State statute and put in
11 our code.

12 CHAIRMAN EVANS: I think all
13 the Commissioners have had a draft of this Article and
14 have looked at it. Are there any questions or
15 comments about it?

16 COMMISSIONER TOBBEN: Scottie,
17 the only thing I have is on page 20, under Medical
18 Marijuana Testing Facility. I think it just leaves
19 out Missouri Department of Health and Senior Services.
20 It says a facility certified by the State of Missouri
21 and --

22 MS. EAGAN: Oh. Yeah, it
23 should just say the State of Missouri.

24 COMMISSIONER TOBBEN: Okay,
25 just --

1 MS. EAGAN: And then we'll get
2 rid of "and Senior Services."

3 COMMISSIONER TOBBEN: Okay.
4 And this is from State statute; this isn't from the
5 Missouri Department of Health and Senior Services,
6 because they're the governing body, right?

7 MS. EAGAN: I thought it was
8 from State statute. I could be wrong.

9 COUNTY ATTORNEY PIONTEK: It
10 is.

11 MS. EAGAN: Okay.

12 CHAIRMAN EVANS: That was your
13 question?

14 COMMISSIONER WILLETTE: That
15 was my question.

16 COMMISSIONER HAIRE: That
17 section where we have all medical conditions, is that
18 out of the same source?

19 MS. EAGAN: Yes, all of these
20 are out of the same source.

21 COMMISSIONER HAIRE: Okay.

22 MS. EAGAN: A lot of this stuff
23 we won't get into, but our other definition refer to
24 it, so I thought we should have these definitions in
25 there just in case people ask questions.

1 CHAIRMAN EVANS: Any other
2 questions or comments on Article 2?

3 (NONE)

4 If not, the Chair would entertain a
5 motion to move this to Unfinished Business.

6 COMMISSIONER McLAREN: I'd make
7 that motion. I would make my motion to move this to
8 Unfinished Business.

9 COMMISSIONER HAIRE: I'll
10 second it.

11 CHAIRMAN EVANS: We have a
12 motion and a second to move File 190152 to Unfinished
13 Business. All in favor signify by saying aye.

14 COMMISSIONER REINHOLD: Aye.

15 COMMISSIONER VOSS: Aye.

16 COMMISSIONER McLAREN: Aye.

17 COMMISSIONER WILLETTE: Aye.

18 COMMISSIONER WILLIAMS: Aye.

19 CHAIRMAN EVANS: Aye.

20 COMMISSIONER KLENKE: Aye.

21 COMMISSIONER HAIRE: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 COMMISSIONER DUBBERT: Aye.

24 CHAIRMAN EVANS: Opposed?

25 (NONE)

1 The motion is carried.

2 File 190153, Planning and Zoning.

3 MS. EAGAN: This is File --

4 CHAIRMAN EVANS: Sorry. I
5 should have -- these are public hearings, aren't they?

6 MS. EAGAN: Oh, yeah, sorry.

7 CHAIRMAN EVANS: Is there
8 anyone wishing to comment on File 190152?

9 (NONE)

10 If not, we will move on. Scottie.

11 MS. EAGAN: This is File
12 190153.

13 The applicant is seeking to amend the
14 2001 Unified Land Use Regulations of Franklin County.

15 The proposal includes amendments to
16 Article 7, Zoning Districts.

17 This is the part of the Code where we're
18 now going to stipulate where these different
19 facilities can go. So we were tasked with finding
20 zoning districts for medical marijuana cultivation,
21 dispensing, manufacturing and testing.

22 So what we came up with is in Non-Urban
23 and Agricultural, we would permit medical marijuana
24 cultivation facilities, indoor only.

25 Medical marijuana infused products

1 manufacturing facilities with five or fewer employees.
2 So we kind of looked at that more like our
3 manufacturing light classification, and then added the
4 conditional use permit.

5 In the NUA district, we have medical
6 marijuana infused product manufacturing, testing or
7 manufacturing facility with more than five employees.

8 In our Community Development zoning
9 district, we are permitting all four of them in that
10 district except for the medical marijuana infused
11 products manufacturing facility with fewer than five
12 employees is permitted, with more than five employees
13 as a conditional use.

14 COMMISSIONER HAIRE: On that
15 one, I do have a question.

16 MS. EAGAN: Uh-huh.

17 COMMISSIONER HAIRE: In the CD,
18 I was reading some articles where there is potential a
19 lot of aromas coming out of the ventilation in those
20 systems; mean, a CD is -- it would be my question is,
21 would that be appropriate in a CD area if that's true?

22 MS. EAGAN: For the cultivation
23 or which one?

24 COMMISSIONER HAIRE:
25 Cultivation and infusion.

1 MS. EAGAN: I mean, it's up to
2 you guys. The Community Development zoning district
3 is one of our broader districts.

4 COMMISSIONER HAIRE: Uh-huh.

5 MS. EAGAN: It does allow a lot
6 of commercial activity as well as residential. It
7 doesn't -- I don't think it's a problem being in that
8 district, but if you guys think otherwise, we can
9 obviously amend it when we send it on.

10 I honestly don't know too much about
11 this.

12 COMMISSIONER HAIRE: I just
13 read one article. That's why I'm just bringing it up
14 for questioning.

15 MS. EAGAN: Yeah.

16 Let's see here. And then in the
17 Commercial Activity Highway Service, we have medical
18 marijuana dispensing facilities and medical marijuana
19 testing facilities. We aren't allowing the
20 cultivation or the manufacturing in that district.

21 And then in the CA3 district anything
22 that was permitted in CD is allowed in CA3. So all
23 three of them will be allowed in that district.

24 Nothing will be allowed in any of our
25 residential districts and nothing in SD, RD, RD1, RD2

1 or RD3.

2 And then in Industrial, we're allowing
3 everything under CA3, which would be all four
4 facilities and the cultivation -- or not the
5 cultivation facilities.

6 COMMISSIONER HAIRE: My one
7 question is: In the -- we're looking at the CD
8 district, is there -- what are we addressing the
9 closeness to schools such as --

10 MS. EAGAN: That's all done
11 with State regulations. We're not --

12 COMMISSIONER HAIRE: Touching
13 those?

14 MS. EAGAN: Yeah.

15 COMMISSIONER HAIRE: Okay.

16 MS. EAGAN: I believe it's a
17 thousand feet.

18 COUNTY ATTORNEY PIONTEK: A
19 thousand feet from any church, school, or existing day
20 care.

21 COMMISSIONER HAIRE: Okay.

22 So that's addressed?

23 MS. EAGAN: That's addressed in
24 the State statute, yes.

25 COMMISSIONER HAIRE: Okay.

1 CHAIRMAN EVANS: Any other
2 questions, comments? Ron.

3 COMMISSIONER WILLIAMS: Real
4 quick. Scottie, was there -- can you go over the
5 reasoning that we left out or didn't want to put the
6 cultivation or manufacturing in a CA district?

7 MS. EAGAN: The CA district, we
8 just saw it more as the retail side of it. That's
9 more of what's allowed in those districts to begin
10 with. So that's the only reason why we left them out.

11 COMMISSIONER McLAREN: And why
12 in Industrial Development we do not allow cultivation?

13 MS. EAGAN: Because we
14 currently -- hold on a second. Let me get back there.

15 It's again just another one of those
16 districts that, in my opinion, should be reserved for
17 those manufacturing -- heavier manufacturing
18 activities and shouldn't be open to cultivation.

19 But --

20 COMMISSIONER McLAREN: Well, if
21 it's going to be indoor cultivation, it's going to
22 take a lot of energy.

23 MS. EAGAN: That's true.

24 COMMISSIONER McLAREN: And
25 it's, you know, three-phase energy is more readily

1 available in Industrial than it is in Agricultural.
2 So I would argue the point that it fits better in
3 Industrial than it does in Agricultural. But I guess
4 the point that I want to argue the most is you made a
5 comment that we don't know too much about this yet.

6 I truly believe that everything ought to
7 be a conditional use right now until we know more
8 about it. I don't think anything should be a
9 permitted use on any of this, and we should have an
10 opportunity to listen and learn, and it should be a
11 conditional use in all these districts until we have a
12 better understanding of what we're doing.

13 Does -- do the banks allow deposits yet
14 from --

15 COMMISSIONER TOBBEN: No. It
16 is -- it's not federally legal, you know.

17 COMMISSIONER McLAREN: So --

18 COMMISSIONER TOBBEN: It's on
19 state level, state-by-state level, yes. But on a
20 federal level --

21 COMMISSIONER McLAREN: I
22 understand there's just warehouses of cash in
23 Colorado.

24 COMMISSIONER TOBBEN: I don't
25 know what they're doing there, but absolutely -- I

1 mean, institutions have come out and said that they
2 will, banks, those types of businesses. But that's a
3 business decision that's -- it's not federally
4 recognized yet.

5 And that's the problem. There's a tear
6 between states and the federal government, and then,
7 Mark, maybe you'll speak more to that. But you know,
8 there's legislation that's going on right now, but
9 there's nothing concrete.

10 COMMISSIONER McLAREN: I
11 personally believe we've hurt ourselves in a lot of
12 aspects of more permitted uses and less conditional
13 use permits that we can -- and I know I was part of
14 the reason we did that.

15 I understand that, but I think we've gone
16 to the extreme of well, how do we help all parties
17 here and come to a happy agreement if we don't do
18 stuff with conditional use permits. And I can see
19 there's going to be some unhappy neighbors that are
20 assuming with marijuana cultivation, that they're not
21 going to be safe or they're going to assume a lot of
22 things that may not be true.

23 But the fact that you can't bank the
24 money is a real interesting dilemma in this also. So
25 I truly want to be very strong and vocal and say that

1 I think it should be CUP in every district.

2 Thank you.

3 COMMISSIONER TOBBEN: I'll kind
4 of piggy back with Bill. I was thinking the same
5 thing about what my focus was the manufacturing of it.
6 And, Scottie, you said exactly what -- when I started
7 to read these, was we have no idea of what effects
8 this it going to have on property values or anything
9 of that sort.

10 So I thought the appropriate place, and i
11 appreciate you and your team working hard and putting
12 these in the zoning codes that you did because talking
13 about it. But Bill took it to a CUP all of them
14 should be.

15 I was thinking, you know, maybe all of it
16 should be -- at least the manufacturing aspect should
17 be in the Industrial. That seemed more appropriate,
18 you know. Start small until we understand really
19 what's the effects of this industry on our community.

20 MS. EAGAN: I will say that
21 your point, when I met with the Commission to talk
22 about this and we talked about -- and I said openly I
23 don't know what they do in a manufacturing facility.
24 I don't know what it looks like, and one of the
25 Commissioners said he's been in there, and he's been a

1 part of it, and he said they're making different
2 products like lolly-pops and stuff like that, and said
3 it's not much different than what our Manufacturing
4 Light is.

5 So that's kind of the -- why I went the
6 way I did.

7 COMMISSIONER TOBBEN: I
8 understand. It's kind of like dipping our toes in it,
9 you know, like put it restricted at this point in time
10 until we really know the effects.

11 That's my thought.

12 CHAIRMAN EVANS: Now, Scottie
13 says we are changing the permitted uses in zoning
14 districts that would go to the Commission. So again,
15 we would be making the recommendation, so --

16 MS. EAGAN: Right.

17 CHAIRMAN EVANS: -- to the
18 Commission. This is not the final say.

19 COMMISSIONER DUBBERT: Scottie,
20 do we have any applications for either cultivation or
21 dispensaries?

22 MS. EAGAN: Last I checked on
23 this website that keeps track of them, there were four
24 -- I think 14 cultivation applications, 6 dispensing
25 applications -- no, 6 manufacturing applications and 2

1 dispensing applications.

2 Where in the county, I don't know.

3 COMMISSIONER DUBBERT: It
4 doesn't matter.

5 CHAIRMAN EVANS: And, Scottie,
6 or, Mark, you may know this. Have most of the other
7 Counties and Municipalities in the general area
8 already adopted their zoning and regulations?

9 I know -- I think Chesterfield has, just
10 for example, but...

11 COUNTY ATTORNEY PIONTEK: There
12 are some that I know of that have adopted specific
13 regulations for this industry. There are others that
14 are just treating them like any other manufacturing or
15 agricultural or retail use. And they're not
16 specifically identifying medical marijuana facilities
17 in their codes.

18 So it's being done different ways
19 different places. I would -- and I have a little bit
20 of knowledge about this only because it's been a very
21 hot topic over the last six to nine months, and I've
22 been to a number of seminars on these issues.

23 From a State perspective, this industry
24 is very highly regulated, and there is about 41 pages
25 of regulations that have been adopted by the

1 Department of Health and Senior Services on these
2 facilities.

3 They will be extensively regulated, and
4 cannot operate basically without a significant amount
5 of oversight, for whatever that's worth.

6 Okay. And like Tom mentioned, I know
7 there -- he's more aware of this than I am. I know
8 there are supposedly some banks out in Colorado that
9 are accepting deposits from these particular
10 businesses, but again, it's not legal under federal
11 law.

12 Although, there is supposed to be a
13 directive in the Department -- U. S. Department of
14 Justice that they are not going to enforce those
15 regulations in states where medical marijuana or even
16 recreational marijuana has been approved.

17 But that can change at any time.

18 COMMISSIONER HAIRE: I was
19 reading some articles on states that have already
20 adoption of this. Most of the production facilities
21 said there was a lot of hoppy outdoor farming of
22 marijuana where a lot of the issues were.

23 Indoor seemed to have less volitary as
24 far as issues and compliance. And so I was wondering
25 whether we could allow indoor only at this point.

1 Is that an issue or a problem?

2 COUNTY ATTORNEY PIONTEK: And I
3 think that's what we are proposing, that this would
4 all be indoor, nothing outside.

5 CHAIRMAN EVANS: Thank you.

6 COMMISSIONER DUBBERT: I think
7 Bill made a good point about the use being in our
8 Industrial zoning, and I agree with that completely.

9 I think this is an issue that we should
10 probably address sooner than later though. So I have
11 pause in making people come for a conditional use
12 permit every time they want to get an application
13 through that has -- that touches this in some way.

14 From where I sit, I think it's a mistake
15 to be more restrictive than the State because it seems
16 like they're doing their due diligence in establishing
17 pretty rigid standards for this. And I would just
18 hate for Franklin County to be on the outside looking
19 in on something like this.

20 COMMISSIONER WILLIAMS: I'll go
21 ahead and concur with that. I'd hate for us to put
22 these in CUPs in all cases. I think -- I just think
23 they are so heavily regulated at the State level that
24 all we're doing is putting them into a zoning district
25 and say you can do what you can do, what's allowed by

1 the State in that figurative.

2 COMMISSIONER DUBBERT: And
3 that's where I am now.

4 COMMISSIONER WILLIAMS: That's
5 all we're doing.

6 MS. EAGAN: I have a question.

7 When you guys state that you would like
8 to see manufacturing to be only in our Industrial
9 areas, are you talking to just industrial zoning
10 district or also like the CA3 zoning district that
11 allows manufacturing, heavy as well?

12 COMMISSIONER DUBBERT: Well,
13 what I was suggesting was in addition to. We allow it
14 Industrial zoning districts in addition to what you've
15 already done.

16 MS. EAGAN: Oh.

17 COMMISSIONER DUBBERT: Not in
18 lieu of.

19 MS. EAGAN: Got you.

20 COMMISSIONER REINHOLD: In
21 other parts of the country where these big box stores
22 that went bankrupt, a lot of these places are going
23 into big box stores.

24 So you got to look at that too, the
25 retail giants that went bankrupt. They're going to go

1 into big box stores where they, you know, built around
2 the United States where they accepted it.

3 That's what they're doing.

4 COMMISSIONER WILLIAMS: Are you
5 saying that's good or bad?

6 COMMISSIONER REINHOLD: Well, I
7 think about that.

8 COMMISSIONER WILLIAMS: Just a
9 comment.

10 COMMISSIONER REINHOLD: Just a
11 comment. They're not just going in the industrial
12 park.

13 COMMISSIONER HAIRE: Well,
14 that's my concern about CD. Is that appropriate for a
15 CD at this point, and I have to agree with Bill.
16 Maybe we put it in where we know it would be not an
17 issue, and we can always amend it and extend it at
18 some future time that we see that it's -- some of the
19 issues are not as big a concern as we thought that
20 they might be.

21 CHAIRMAN EVANS: Personally I
22 kind of like the way that Scottie has laid it out with
23 the addition of industrial, because again, it's a
24 public hearing for the Commission, and they are going
25 to have a public hearing on this, and they are going

1 to decide.

2 So I don't think we want to be too
3 restrictive. I think we want to get something that we
4 think is fairly well open to the Commission so that
5 they can address it, take testimony, and make the
6 decision.

7 COMMISSIONER McLAREN: May I
8 ask one more question, please.

9 Can you tell what a definition of indoor
10 cultivation is?

11 MS. EAGAN: Indoor elevation?

12 COMMISSIONER McLAREN: Indoor
13 cultivation. I'm sorry.

14 MS. EAGAN: So a medical
15 marijuana cultivation facility is a facility licensed
16 by the State of Missouri to acquire, cultivate,
17 process, store, transport and sell marijuana to a
18 medical marijuana dispensary facility, medical
19 marijuana testing facility or to a medical marijuana
20 infused products manufacturing facility.

21 COMMISSIONER McLAREN: But it
22 doesn't say indoor in there anywhere, and you --

23 MS. EAGAN: We do in our Code
24 in Article 7.

25 COMMISSIONER McLAREN: That's

1 why I asked what is the definition of indoor, not --
2 just indoor.

3 MS. EAGAN: I don't have a
4 definition.

5 COMMISSIONER McLAREN: Okay.

6 MS. EAGAN: I guess I could
7 change it to a secure building only.

8 COMMISSIONER McLAREN: Well, I
9 -- you know, I'm following up on your comments as an
10 ideal place to have a production would be in a vacant
11 center, strip, yeah. But I think are they cultivating
12 in down by the prison right now in St. Louis County,
13 and that's just a little greenhouse.

14 COMMISSIONER KLENKE: They
15 definitely have security down there.

16 COMMISSIONER McLAREN: But it's
17 just a little greenhouse with a chain-link fence.

18 COMMISSIONER KLENKE: Next to
19 the prison?

20 COMMISSIONER McLAREN: Next to
21 the prison.

22 COMMISSIONER KLENKE: So your
23 comment on industrial is huge because they -- outside
24 three phrase they -- a lot of them use natural gas.
25 Our county natural gas in those areas.

1 COUNTY ATTORNEY PIONTEK: For
2 -- and I'm going to try not to mess this up.

3 Under the State regulations, cultivation
4 facilities are permitted in -- may publicly make
5 medical marijuana in indoor, outdoor or greenhouse
6 facilities.

7 So the State doesn't define indoor
8 either, but obviously by using the terms indoor,
9 outdoor and greenhouses, indoor is presumably
10 something other than a greenhouse, like a warehouse or
11 old big box retail stores.

12 COMMISSIONER McLAREN: Yeah, if
13 we're using a word in part of the definition, I just
14 think it's important that we know what the word is.

15 COMMISSIONER TOBBEN: If this
16 gives you any more clarification, there is a study put
17 out by the Missouri -- University of Missouri on the
18 Missouri Department of Health and Human Services,
19 cultivated it says in part, key aspects of medical
20 marijuana applied are -- this is number three:

21 "Cultivators are divided
22 among indoor, outdoor and
23 greenhouse types" --

24 Just as Mark stated.

25 "with indoor facilities

1 limited to 30,000 square
2 feet of flowering canabe
3 space, outdoor facilities
4 limited to 2,800 flowering
5 plants, and greenhouse
6 facilities limited to 2,800
7 flowering plants or 30,000
8 square feet of flowering
9 canabe."

10 So I suppose there's a restriction there,
11 you know, based upon space that you can use.

12 COMMISSIONER McLAREN: So we're
13 assuming that we're following that so that the biggest
14 facility is going to be 30,000 square feet?

15 MS. EAGAN: That's what the
16 stipulation is above us.

17 CHAIRMAN EVANS: Any other
18 discussion?

19 (NONE)

20 Again, we have the option of tabling this
21 or moving it to Unfinished Business so that we can
22 make a recommendation to the Commission. And again, I
23 think that's -- I can understand all arguments, but I
24 think it would be good to leave it to as -- I'm not
25 going to say as broad as possible. But as Scottie has

1 addressed it with the addition of Industrial as a good
2 document to send up to the Commission.

3 COMMISSIONER DUBBERT: I agree
4 with that.

5 MS. EAGAN: Just for my
6 clarification again, what exactly am I supposed to do?

7 I have everything in Industrial, but I'm
8 not --

9 COMMISSIONER WILLIAMS: I don't
10 think we have done anything yet, but I think what is
11 -- what Bill tried to say is we'll accept, maybe --

12 MS. EAGAN: Right.

13 COMMISSIONER WILLIAMS: -- has
14 been presented. We haven't done anything with it yet,
15 but accept what has been presented with the exception
16 of medical marijuana cultivation facilities not being
17 allowed in the Industrial district. Those should be
18 allowed. Just take that out of there.

19 MS. EAGAN: Okay. Yes, I get
20 it.

21 COMMISSIONER WILLIAMS: Yeah.

22 COMMISSIONER HAIRE: That's
23 right.

24 CHAIRMAN EVANS: Go ahead.

25 COMMISSIONER McLAREN: I still

1 have issues with the indoor. If the rest is -- you
2 know, if our argument is we want to be like the rest
3 of the state, the rest of the state says you can
4 cultivate outdoors, then we'll be like the rest of the
5 state.

6 If we're not going to be like the rest of
7 the state, I'll argue some other way.

8 CHAIRMAN EVANS: And I
9 understand what you're saying, Bill, and my point is,
10 is let the Commission decide it. I mean, it's their
11 decision. We're going to make a recommendation to
12 them, and I'm sure at their public hearing, they may
13 get more input.

14 Any other discussion?

15 (NONE)

16 If not, the Chair would entertain a
17 motion.

18 COUNTY ATTORNEY PIONTEK: Bill,
19 I'm sorry. Did you ask for any comment?

20 CHAIRMAN EVANS: Oh, sorry.

21 Is there anyone present who would like to
22 make a comment regarding their marijuana issues?

23 (NONE)

24 Anyone in support or in opposition?

25 (NONE)

1 COMMISSIONER DUBBERT: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 Motion is carried.

5 Moving on back to Unfinished Business.

6 File 190144, Farn Washington. Any

7 further discussion?

8 (NONE)

9 Everybody was chatty before. Any
10 discussion, any questions?

11 (NONE)

12 And I guess we're down to two sides of
13 the argument on this. So, Dan, anything, just moving
14 it? Mike?

15 COMMISSIONER HAIRE: Yeah, just
16 moving it.

17 CHAIRMAN EVANS: Well, if
18 there's no further discussion, then we are making a
19 recommendation since it is a rezoning.

20 So we need to make a recommendation
21 either to approve, recommend approving this zoning
22 request, or recommending denying it.

23 COMMISSIONER DUBBERT: You
24 know, I'm really struggling with the way this came in.
25 Is it -- I guess is it permitted or acceptable for me

1 abstain from this vote altogether?

2 If they had followed the right channels,
3 had we had a chance to look at it, I would have been
4 inclined to vote in favor of rezoning this. But as it
5 is, without a chance to look at this, I'm not.

6 CHAIRMAN EVANS: I don't know
7 if that's ground for abstention or not. Basically you
8 have to make a decision on the facts that were
9 presented during the public hearing.

10 COMMISSIONER DUBBERT: All
11 right.

12 CHAIRMAN EVANS: And again,
13 Mark, can he abstain for --

14 COMMISSIONER KLENKE: Or vote
15 present?

16 COUNTY ATTORNEY PIONTEK: You
17 really should vote one way or the other. The only
18 real basis for an abstention is if you have a conflict
19 of some sort, personal interest.

20 COMMISSIONER KLENKE: Okay.
21 Thank you.

22 CHAIRMAN EVANS: Again, the
23 Chair is looking for discussion or a motion.

24 COMMISSIONER VOSS: The biggest
25 thing bothering me about it is it's been used as a

1 commercial lot. This looks like it's going to be
2 pushed to be a commercial lot while proposed again.
3 And is it just a six months we're going to say no.
4 That's my biggest question right now.

5 CHAIRMAN EVANS: I think that's
6 kind of the two sides of the issue. It is a
7 commercial location, but is it appropriate for CA,
8 everything there, especially given that we are doing
9 the rezoning.

10 So it is a recommendation to the
11 Commission. They'll have their own public hearing, so
12 we need to give our best shot as to what we think is
13 appropriate for this particular piece of property at
14 this particular time.

15 COMMISSIONER REINHOLD: I make
16 a motion to approve File 190144.

17 COMMISSIONER TOBBEN: I'll
18 second that.

19 CHAIRMAN EVANS: We have a
20 motion and a second to approve File 190144. All in
21 favor signify by saying aye.

22 (MULTIPLE AYES)

23 CHAIRMAN EVANS: Opposed?

24 (MULTIPLE AYES)

25 CHAIRMAN EVANS: Scottie, will

1 you please take a roll-call vote.

2 MS. EAGAN: Bill Evans?

3 CHAIRMAN EVANS: In this a nay
4 would be that you are voting for recommending it and
5 that would be voting negatively.

6 Vote no.

7 MS. EAGAN: Kyle Dubbert?

8 COMMISSIONER DUBBERT: No.

9 MS. EAGAN: Dan Haire?

10 COMMISSIONER HAIRE: No.

11 MS. EAGAN: Mike Klenke?

12 COMMISSIONER KLENKE: No.

13 MS. EAGAN: Bill McLaren?

14 COMMISSIONER McLAREN: No.

15 MS. EAGAN: Tim Reinhold?

16 COMMISSIONER REINHOLD: Yes.

17 MS. EAGAN: Tom Tobben?

18 COMMISSIONER TOBBEN: Yes.

19 MS. EAGAN: Stan Voss?

20 COMMISSIONER VOSS: Yes.

21 MS. EAGAN: Debbie Willette?

22 COMMISSIONER WILLETTE: Yes.

23 MS. EAGAN: And, Ron Williams?

24 COMMISSIONER WILLIAMS: No.

25 MS. EAGAN: Okay. So it's

1 going to go to the Commissioner with 6 --

2 CHAIRMAN EVANS: I got five and
3 five.

4 MS. EAGAN: Five and five?

5 CHAIRMAN EVANS: Right.

6 MS. EAGAN: I've got six and
7 four. Six negative and four yes. So that's how I'll
8 send it up to them.

9 CHAIRMAN EVANS: All right.
10 The motion is carried then, and the recommendation
11 will go to the Commission as such.

12 (VOTE 6 NAYS, 4 AYES)

13 All right. Moving on to File 190152,
14 Planning and Zoning. Any additional comments,
15 questions on the amendments' definitions in Article 2?

16 (NONE)

17 If there are none, the Chair would
18 entertain a motion to approve.

19 COMMISSIONER HAIRE: I move to
20 approve File 190152.

21 COMMISSIONER McLAREN: I'll
22 second.

23 CHAIRMAN EVANS: Motion and a
24 second to approve File 190152. All in favor signify
25 by saying aye.

1 COMMISSIONER REINHOLD: Aye.
2 COMMISSIONER VOSS: Aye.
3 COMMISSIONER McLAREN: Aye.
4 COMMISSIONER WILLETTE: Aye.
5 COMMISSIONER WILLIAMS: Aye.
6 CHAIRMAN EVANS: Aye.
7 COMMISSIONER KLENKE: Aye.
8 COMMISSIONER HAIRE: Aye.
9 COMMISSIONER TOBBEN: Aye.
10 COMMISSIONER DUBBERT: Aye.
11 CHAIRMAN EVANS: Opposed?

12 (NONE)

13 The motion is carried.

14 Moving on to File 190153, Planning and
15 Zoning. Anything further discussion?

16 (NONE){FLUSH}

17 If not, the Chair would entertain a
18 motion to approve.

19 COMMISSIONER DUBBERT: I'll
20 make a motion to approve File 190153 with the one
21 change to allow it in our Industrial zoning district.

22 COMMISSIONER WILLETTE: I'll
23 second that.

24 CHAIRMAN EVANS: We have a
25 motion and a second to approve File 190153 with the

1 amendment allowing it in Industrial. All in favor
2 signify by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER McLAREN: Aye.

6 COMMISSIONER WILLETTE: Aye.

7 COMMISSIONER WILLIAMS: Aye.

8 CHAIRMAN EVANS: Aye.

9 COMMISSIONER KLENKE: Aye.

10 COMMISSIONER HAIRE: Aye.

11 COMMISSIONER TOBBEN: Aye.

12 COMMISSIONER DUBBERT: Aye.

13 CHAIRMAN EVANS: Opposed?

14 (NONE)

15 The motion is carried.

16 Preliminary Plats. We have none.

17 Planning and Zoning Commission Forum.

18 The one thing we discussed last month was minor, but

19 since we now use the term Unfinished Business, our

20 Bylaws still reference Old Business in at least four

21 places. And since we didn't have it on the agenda

22 last time, we had to put it on this time with

23 notification.

24 So unless there's any real discussion on

25 why we shouldn't use the term Unfinished Business as

1 opposed to Old Business, the Chair would entertain a
2 motion to change the Bylaws to reflect replacing Old
3 Business with the term Unfinished Business.

4 COMMISSIONER WILLIAMS: So
5 moved.

6 COMMISSIONER HAIRE: Second.

7 CHAIRMAN EVANS: A motion and
8 second changing the Bylaws to remove Old Business and
9 replace it with Unfinished Business. All in favor
10 signify by saying aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLETTE: Aye.

15 COMMISSIONER WILLIAMS: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER KLENKE: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER TOBBEN: Aye.

20 COMMISSIONER DUBBERT: Aye.

21 CHAIRMAN EVANS: Opposed?

22 (NONE)

23 The motion carried.

24 Anything else the Commissioners wish to
25 discuss?

1 (NONE)

2 If not, we'll move on to the Planning
3 Director's Report.

4 MS. EAGAN: Okay. In terms of
5 the county-wide rezoning, we are hoping to have our
6 proposed zoning map and our current zoning map up in
7 the rotunda. I'm not sure where else. I'm thinking
8 courthouse maybe by next week with the dates of the
9 hearings. They're going to be August 22nd at 7:00
10 p.m. and September 19th at 7:00 p.m.

11 You guys will get e-mails of the maps
12 ahead of time so you can look at it.

13 We're also amending Article 7. So if
14 there's other things you see in Article 7 that you
15 want to talk about or change, have those ready for
16 those meetings.

17 We are talking about lots of different
18 things. We're talking about eliminating a zoning
19 district. We're talking about changing the names of
20 our zoning districts. So there's a lot that's going
21 to be coming forward, and I'm hoping to get all this
22 stuff to you guys as soon as I get the okay from
23 upstairs that everything looks good to send out.

24 Curtis and I have been working on it
25 every day for about a week and a half now. So we're

1 at the point now where we think we're ready to print
2 our final proposals for you guys. So it's coming.

3 COMMISSIONER TOBBEN: We going
4 to do it by township, like on 8/22 doing -- or just
5 we're having the two same --

6 MS. EAGAN: It's going to be the
7 whole county on both nights. Yeah.

8 COMMISSIONER McLAREN: Are you
9 ordering pizza?

10 MS. EAGAN: Do I want to order
11 pizza? If the County Commission gives me money.

12 CHAIRMAN EVANS: Then the
13 answer is no.

14 MS. EAGAN: But that's all I
15 have. I'm actually -- I don't know if we've had any
16 new files come in for our August meeting. So the
17 special meeting might be our only meeting. Although
18 we'll check that tomorrow for you guys.

19 CHAIRMAN EVANS: Great. And
20 again, when we have a special meeting only that item
21 can be on the agenda. Nothing else will be discussed.
22 So...

23 MS. EAGAN: Yeah.

24 CHAIRMAN EVANS: All right.
25 Thank you, Scottie.

1 If there is no further business, the
2 Chair would entertain a motion to adjourn.

3 COMMISSIONER McLAREN: Motion
4 to adjourn.

5 CHAIRMAN EVANS: We have a
6 motion and second to adjourn. All in favor signify by
7 saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLETTE: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER KLENKE: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER DUBBERT: Aye.

18 CHAIRMAN EVANS: Opposed?

19 (NONE)

20 We are adjourned.

21 (THEREUPON, THE PROCEEDINGS

22 CONCLUDED AT 8:54 P.M.)

23 o8o

24

25

1 CERTIFICATE OF REPORTER
2 I, PATSY A. MAYBERRY, Professional Court
3 Reporter and Notary Public within and for the State of
4 Missouri, before whom the foregoing proceeding was
5 taken, do hereby swear that: the aforementioned was
6 held at the time and in the place previously
7 described; the proceedings were taken down in
8 stenographic notes by me and transcribed by me, or
9 under my supervision, to the best of my ability; and
10 that the aforementioned represents a true and accurate
11 transcript of said proceedings.

12 IN WITNESS WHEREOF, I have hereunto set
13 my hand.

Patsy A. Mayberry



14
15 Patsy A. Mayberry, Court Reporter
16 Notary Public, State of Missouri

17 My Commission Expires:
18 August 26, 2022

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