

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

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23 Reported by:

24 Patsy A. Mayberry, C. R.

25 Lexitas Legal - St. Louis

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1 A P P E A R A N C E S
2 PLANNING AND ZONING COMMISSIONERS:
3 JIM GRUTSCH, ACTING CHAIRMAN
4 BILL McLAREN, COMMISSIONER
5 DEBBIE WILLETTE, COMMISSIONER
6 MIKE KLENKE, COMMISSIONER
7 KARL MITTLER, COMMISSIONER
8 DAVE LARAMORE, COMMISSIONER
9 DENNIS HARTMANN, COMMISSIONER
10 PLANNING AND ZONING STAFF:
11 SCOTTIE EAGAN, PLANNING DIRECTOR
12 CRYSTAL HOLDMEIER, ASSISTANT
13 LEGAL COUNSEL:
14 MARK PIONTEK, COUNTY ATTORNEY
15 LEXITAS LEGAL - ST. LOUIS:
16 BY: PATSY A. MAYBERRY, C. R.
17 711 NORTH ELEVENTH STREET
18 ST. LOUIS, MISSOURI 63101
19 (314) 644-2191
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1 P R O C E E D I N G S

2 (JULY 19, 2022)

3 COMMISSIONER McLAREN: Scottie,
4 I'd like to make a motion to ask Jim to be acting
5 Chair for tonight.

6 COMMISSIONER WILLETTE: I'd
7 like to second that.

8 MS. EAGAN: Okay. There's a
9 motion by Bill and second by Debbie for Jim to be
10 acting Chairman. All those in favor.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLETTE: Aye.

13 COMMISSIONER KLENKE: Aye.

14 COMMISSIONER MITTLER: Aye.

15 COMMISSIONER LARAMORE: Aye.

16 COMMISSIONER HARTMANN: Aye.

17 MS. EAGAN: Opposed?

18 (NONE)

19 All right. Jim, take it away.

20 ACTING CHAIRMAN GRUTSCH:

21 Scottie, do we have a report?

22 MS. EAGAN: We do.

23 ACTING CHAIRMAN GRUTSCH: Okay.

24 MS. EAGAN: Yeah. I can do the
25 roll call and --

1 ACTING CHAIRMAN GRUTSCH: Go
2 ahead. I call the meeting to order, and we'll start
3 with roll call. Scottie, if you would.

4 MS. EAGAN: Bill Evans?

5 CHAIRMAN EVANS: (Not present.)

6 MS. EAGAN: Jim Grutsch?

7 ACTING CHAIRMAN GRUTSCH: Here.

8 MS. EAGAN: Dan Haire?

9 COMMISSIONER HAIR: (No

10 present.)

11 MS. EAGAN: Dennis Hartmann?

12 COMMISSIONER HARTMANN: Here.

13 MS. EAGAN: Mike Klenke?

14 COMMISSIONER KLENKE: Here.

15 MS. EAGAN: Dave Laramore?

16 COMMISSIONER LARAMORE: Here.

17 MS. EAGAN: Bill McLaren?

18 COMMISSIONER McLAREN: Here.

19 MS. EAGAN: Karl Mittler?

20 COMMISSIONER MITTLER: Here.

21 MS. EAGAN: Tim Reinhold?

22 COMMISSIONER REINHOLD: (Not

23 present.)

24 MS. EAGAN: Stan Voss?

25 COMMISSIONER VOSS: (No

1 present.)

2 MS. EAGAN: And, Debbie

3 Willette?

4 COMMISSIONER WILLETTE: Here.

5 MS. EAGAN: Okay. We have a
6 quorum.

7 ACTING CHAIRMAN GRUTSCH: Thank
8 you, Scottie. Could you give us the presentation of
9 the meeting procedures and exhibits.

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

13 Some matters on the agenda may be for
14 action by the Planning and Zoning Commission. These
15 matters do not involve public hearings.

16 Other matters on the agenda require
17 public hearings under Missouri law. If a matter
18 involves a public hearing, all individuals who desire
19 to testify will be given an opportunity to do so.

20 At this time, I would like to place into
21 the record these regulations as Exhibit A, the
22 official Zoning Map as Exhibit B, the official Master
23 Plan as Exhibit C, and the case file for each case as
24 Exhibit D for all the cases to be heard during the
25 public meeting.

1 (THEREUPON, EVIDENCE WAS
2 MARKED FOR IDENTIFICATION AND
3 SUBMITTED FOR THE RECORD AS
4 EXHIBITS A, B, C, AND D.)

5 All Unfinished Business items on the
6 agenda will be dealt with first. Once the Unfinished
7 Business issues have been taken care of, each item of
8 New Business will be opened.

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

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

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

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

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

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

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

8 ACTING CHAIRMAN GRUTSCH: Thank
9 you, Scottie.

10 At this time, I'll give the Planning and
11 Zoning Commissioners the opportunity to declare any
12 conflicts, communication or relationships they may
13 have had that might influence their ability to
14 consider today's issues impartially.

15 (NONE)

16 Seeing none and hearing none, we will
17 move on.

18 Next item would be approval of the
19 minutes of the May 17th meeting.

20 COMMISSIONER WILLETTE: I'd
21 like to make a motion to approve the minutes of May
22 17th.

23 COMMISSIONER KLENKE: Second.

24 ACTING CHAIRMAN GRUTSCH: We
25 have a motion and a second to approve the minutes as

1 submitted. Those in favor signify by saying aye.

2 COMMISSIONER McLAREN: Aye.

3 COMMISSIONER WILLETTE: Aye.

4 COMMISSIONER KLENKE: Aye.

5 COMMISSIONER MITTLER: Aye.

6 COMMISSIONER LARAMORE: Aye.

7 COMMISSIONER HARTMANN: Aye.

8 ACTING CHAIRMAN GRUTSCH:

9 Opposed?

10 (NONE)

11 Ayes have it.

12 Communication and Visitor Comments. We

13 have neither.

14 Unfinished Business. None this evening.

15 New Business. None.

16 Next item on the agenda is Preliminary

17 Plats. File 220176. Scottie, if you would.

18 MS. EAGAN: This is File

19 220176. The applicant is Scott McBride, T & C Realty.

20 The applicant requests to create a

21 ten-lot subdivision in the T Zoning District.

22 The property is located at the

23 intersection of Augustine Heights Drive and Highway O

24 in Calvey Township.

25 THE FACTS: The property is approximately

1 two acres in size. I accidentally measured the
2 property next to it, so ignore that 5 acres.

3 The zoning of this property is T. The
4 minimum lot size in the T Zoning District is 10,000
5 with central water and sewer.

6 The maximum density in the T Zoning
7 District is 1 dwelling unit per 5,000 square feet.

8 The average lot size in the proposed
9 development is approximately 12,000 square feet.

10 This subdivision is proposed to be
11 single-family homes.

12 This subdivision is using the existing
13 road, Augustine Heights Drive.

14 Augustine Heights Drive currently has a
15 right-of-way of 40 feet. The applicant shall dedicate
16 an additional 5 feet, for a total of 25 feet from the
17 center line.

18 Water and sewer service will be provided
19 by Calvey Creek Sewer and Water District Number 1.

20 The applicant shows a 15-foot utility
21 easement along the road, a 10-foot utility easement on
22 the rear, and a 5-foot utility easement along the
23 sides. All are done in accordance with our Franklin
24 County Regulations.

25 With a development of this size, the

1 applicant is supposed to offer 5 percent open space.

2 No open space is shown on the plat.

3 A land disturbance permit from DNR is
4 required to disturb more than one acre of land as well
5 as erosion control during the development.

6 All utilities shall be located
7 underground.

8 STAFF COMMENTS: Complete engineered
9 drawings/improvement plans to be reviewed by Franklin
10 County should be submitted before final approval.

11 The preliminary plat submitted was not
12 drawn by a registered engineer as required by our
13 Regulations.

14 The preliminary plat is missing the
15 contours at two foot intervals as well as the street
16 cross section.

17 The road on the preliminary plat is 24
18 feet wide. According to our Regulations, the road
19 will need to be widened to 32 feet back to back of
20 curb.

21 There is no information regarding
22 stormwater.

23 There is no information regarding fire
24 protection measures. This development is located
25 within Pacific Fire, which does have their own

1 regulations.

2 ACTING CHAIRMAN GRUTSCH: Thank
3 you, Scottie. I do not see the applicant present, nor
4 anyone else to speak on his behalf.

5 So I will open the floor to comments from
6 any Commissioners.

7 COMMISSIONER McLAREN: First of
8 all, I think it needs to meet all the requirements set
9 forth, and it does not seem to me like it meets quite
10 a few pre and post requirements.

11 ACTING CHAIRMAN GRUTSCH: There
12 are quite a few things missing.

13 COMMISSIONER McLAREN: You
14 know, I think stormwater on this development is going
15 to be important.

16 I think the fact that it wasn't drawn by
17 a registered engineer is important.

18 I think that it's going to be important
19 that we as -- because of a couple of our conversations
20 two or three meetings ago, we need to be for sure that
21 the road's going to be widened to 32 feet as
22 requested, and somehow or other, if that wouldn't be
23 done, I would hope there would be no building permits
24 issued.

25 And finally, the Calvey Creek Sewer

1 District does not provide water to this.

2 MS. EAGAN: No, it -- that was
3 my mistake. Calvey Creek is providing the sewer --

4 COMMISSIONER McLAREN: Sewer.

5 MS. EAGAN: -- and Water
6 District Number 1 is doing the water.

7 COMMISSIONER McLAREN: Who's
8 Water District Number 1?

9 MS. EAGAN: I mean, my contact
10 is Terry McDaniel.

11 COMMISSIONER McLAREN: That a
12 private water district there.

13 MS. EAGAN: I'm just going by
14 the notes on their plat.

15 COMMISSIONER McLAREN: Okay.
16 And it's --

17 COMMISSIONER KLENKE: I mean,
18 normally when that happens, we get letters from those
19 people saying this is okay, right?

20 COMMISSIONER McLAREN: That's
21 -- right now that's a privately owned water system.
22 It's not a public water system.

23 MS. EAGAN: Oh, wait, no. It
24 does say water and sewer by Calvey Creek Sewer and
25 Water District.

1 COMMISSIONER McLAREN: Okay.

2 And the Calvey Creek is public sewer district, but the
3 water district or the water well system and water
4 system right now is a private system.

5 MS. EAGAN: Do you know who owns
6 that?

7 COMMISSIONER McLAREN: Bill
8 Martin. He has -- he has ran water lines down there,
9 but it's not Calvey Creek Water District.

10 And I think that's important to note
11 also.

12 ACTING CHAIRMAN GRUTSCH: That
13 would be. Any comments, discussion?

14 (NONE)

15 Any consideration being given to tabling
16 this and returning it back to the applicant or just
17 rejecting it as submitted?

18 COMMISSIONER WILLETTE: If it's
19 rejected tonight, what does the applicant do after
20 that? What are the next steps?

21 MS. EAGAN: Mark, if the plat is
22 rejected, would he have to start over and reapply?

23 COUNTY ATTORNEY PIONTEK: He'd
24 have to submit a new plat, and he'd have to reapply.

25 COMMISSIONER WILLETTE: With

1 new fees and the whole thing?

2 COUNTY ATTORNEY PIONTEK: Yes.

3 MS. EAGAN: Yes.

4 COMMISSIONER KLENKE: So if we
5 tell him our concerns and table it, then he can
6 still...

7 ACTING CHAIRMAN GRUTSCH: Is
8 that typically the way it's done, Scottie, we table it
9 at this end, and then return it to him and tell him
10 what our issues or our concerns are?

11 MS. EAGAN: Yeah, and I would
12 give him a date to have it by. Otherwise, he'll come
13 back next month and he won't have everything, and then
14 we do the same thing.

15 ACTING CHAIRMAN GRUTSCH: Yeah.
16 And do you think it would be fair to table it to the
17 next meeting next month?

18 MS. EAGAN: That's fine. It
19 will be the only thing on your agenda again.

20 ACTING CHAIRMAN GRUTSCH: Maybe
21 even table it for two months?

22 COMMISSIONER KLENKE: I mean,
23 we're asking for a lot. He's got to get letters from
24 Calvey Creek. So I don't think --

25 ACTING CHAIRMAN GRUTSCH: And

1 this might be better. Everybody is --

2 COMMISSIONER McLAREN: We're
3 asking for a lot, but we're all here. He's not.

4 COMMISSIONER KLENKE: I get
5 that. Yeah, I get that.

6 ACTING CHAIRMAN GRUTSCH: If we
7 give him two months, 60 days, that would seem
8 reasonable.

9 MS. EAGAN: Yes. I've reached
10 out to them, the surveyor and the applicant, twice.

11 ACTING CHAIRMAN GRUTSCH: Oh,
12 really.

13 MS. HOLDMEIER: In person.

14 COMMISSIONER McLAREN: The
15 surveyor can't -- he can't draw this, correct?

16 MS. EAGAN: No, it has to be a
17 registered engineer.

18 COMMISSIONER McLAREN: Or he
19 can draw it, but he can't seal it.

20 COMMISSIONER KLENKE: So you've
21 already shared these concerns?

22 MS. EAGAN: Yeah, and he
23 submitted it the Wednesday before -- yeah, the
24 Thursday before Crystal mailed out your packets, and I
25 reviewed it that day and e-mailed them that day.

1 When I got -- and then I checked my
2 e-mail again on that Friday or Monday, and saw they
3 hadn't responded. So I e-mailed them again because I
4 needed it to do my staff report, for Crystal to get it
5 out. And I didn't get anything.

6 So --

7 MS. HOLDMEIER: He came into
8 the office and you told him in person too.

9 MS. EAGAN: Yeah. And I told
10 him I'll review it and I'll e-mail you and your
11 surveyor, let you know what needs to be changed, if
12 anything, and then we'll need X-amount of copies.
13 Which I don't think they provided. So Crystal had to
14 make copies. So...

15 But then again, Mark's e-mails have been
16 going to my junk mail. So I don't know if mine are
17 going to their junk mail.

18 ACTING CHAIRMAN GRUTSCH: I
19 would entertain a motion to table this if anyone is so
20 inclined.

21 COMMISSIONER WILLETTE: And
22 would we be tabling it to the date that allows you to
23 scheduled, you know, because people have to have their
24 paperwork in ahead of time?

25 MS. EAGAN: Yeah, I mean, I

1 would just table it to the September meeting, and then
2 he'll know his deadlines of when he --

3 COMMISSIONER WILLETTE: He will
4 have a deadline. I will make that motion.

5 ACTING CHAIRMAN GRUTSCH: Is
6 there a second to table?

7 COMMISSIONER MITTLER: I'll
8 second to table it.

9 ACTING CHAIRMAN GRUTSCH: There
10 is a motion to table File 220176 until September
11 meeting. The staff is going to contact -- is
12 instructed to contact the applicant with the
13 information that is lacking.

14 All those in favor signify by saying aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER WILLETTE: Aye.

17 COMMISSIONER KLENKE: Aye.

18 COMMISSIONER MITTLER: Aye.

19 COMMISSIONER LARAMORE: Aye.

20 COMMISSIONER HARTMANN: Aye.

21 ACTING CHAIRMAN GRUTSCH:

22 Opposed?

23 (NONE)

24 Ayes have it.

25 That will conclude Preliminary Plats.

1 Next item is Planning and Zoning
2 Commission Forum. Any discussion?

3 COMMISSIONER McLAREN: I have a
4 question. Just as a follow-up, if we seen something
5 two or three times and there's a lot of information
6 about six months ago.

7 Is the Landvatter concrete plant in
8 the Boles District a completed thing, or is that still
9 something that's working through the court system?

10 MS. EAGAN: No, so when they --
11 when we did the rezoning, we left a portion of it off.

12 COMMISSIONER McLAREN: Right.

13 MS. EAGAN: So we had to redo
14 that. So that all got approved, I think it was,
15 September and October of '21.

16 So they're good to go. We haven't heard
17 from them since.

18 COMMISSIONER McLAREN: So if
19 they want to do it, it's a done deal?

20 MS. EAGAN: No.

21 COMMISSIONER McLAREN: we're not
22 holding them up?

23 MS. EAGAN: Not on our end.

24 COMMISSIONER McLAREN: And
25 that's zoning? That's not a CUP?

1 MS. EAGAN: Correct.

2 COMMISSIONER McLAREN: So --

3 MS. EAGAN: So they would just

4 have to get building permits if they're building

5 anything.

6 COMMISSIONER McLAREN: So all

7 the equipment just sitting there is not a problem?

8 MS. EAGAN: I don't know what's

9 sitting there.

10 COMMISSIONER McLAREN: I think

11 it's part of the concrete plant.

12 MS. EAGAN: I mean, if they're

13 in the process of making it their plant, there's

14 nothing we can do.

15 COMMISSIONER McLAREN: Okay.

16 Just curious.

17 ACTING CHAIRMAN GRUTSCH:

18 Scottie, have you heard any more from the individual

19 on Old Highway 100 at Mary Lane? He was planning a

20 seven-building apartment complex.

21 MS. EAGAN: No, so we initially

22 set up a sketch review meeting with all the districts,

23 and then they contacted me the day before that meeting

24 said, oh, we can't be there.

25 So I said okay. Well, we'll have to

1 reschedule, but at that point, they still hadn't
2 talked to their architect to see how many buildings
3 they were going to put on there. So they had -- they
4 had a lot of work to do before they came in.

5 So we haven't heard from them since.

6 ACTING CHAIRMAN GRUTSCH: Okay.
7 I'm appearing in court tomorrow against him, so --

8 MS. EAGAN: Oh.

9 ACTING CHAIRMAN GRUTSCH: -- as
10 a witness for the State.

11 MS. EAGAN: On that property?

12 ACTING CHAIRMAN GRUTSCH: On
13 that property.

14 MS. EAGAN: Okay. Maybe that's
15 why they haven't contacted me.

16 ACTING CHAIRMAN GRUTSCH: It
17 probably is.

18 Planning Director's Report.

19 MS. EAGAN: I don't have
20 anything. We won't have a meeting next month. So
21 hopefully we'll have some stuff on September for you
22 guys.

23 ACTING CHAIRMAN GRUTSCH: Okay.
24 All right. Anything from the Commissioners?

25 (NONE)

1 If not, I'll entertain a motion to
2 adjourn.

3 COMMISSIONER McLAREN: Mr.
4 Chairman, motion to adjourn.

5 COMMISSIONER KLENKE: Second.

6 ACTING CHAIRMAN GRUTSCH: All
7 in favor signify by saying aye.

8 COMMISSIONER McLAREN: Aye.

9 COMMISSIONER WILLETTE: Aye.

10 COMMISSIONER KLENKE: Aye.

11 COMMISSIONER MITTLER: Aye.

12 COMMISSIONER LARAMORE: Aye.

13 COMMISSIONER HARTMANN: Aye.

14 ACTING CHAIRMAN GRUTSCH: Aye.

15 The meeting is adjourned.

16 (THEREUPON, THE PROCEEDINGS
17 CONCLUDED AT 7:21 P.M.)

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1 CERTIFICATE OF REPORTER
 2 STATE OF MISSOURI)
 3) SS
 4 COUNTY OF FRANKLIN)
 5 I, PATSY A. MAYBERRY, Professional Court
 6 Reporter and Notary Public within and for the State of
 7 Missouri, before whom the foregoing proceeding was
 8 taken, do hereby swear that: the aforementioned was
 9 held at the time and in the place previously
 10 described; the witnesses whose testimony appears in
 11 the foregoing transcript were duly sworn by me; the
 12 proceedings were taken down in stenographic notes by
 13 me and transcribed by me, or under my supervision, to
 14 the best of my ability; that I am neither counsel for,
 15 related to, nor employed by any of the parties to the
 16 action in which this testimony was taken; further that
 17 I am not a relative or employee of any attorney or
 18 counsel employed by the parties thereto, nor
 19 financially or otherwise interested in the outcome of
 20 the action; and that the aforementioned represents a
 21 true and accurate transcript of said proceedings.

22 IN WITNESS WHEREOF, I have hereunto set
 23 my hand.



24 Patsy A. Mayberry, Court Reporter
 25 Notary Public, State of Missouri
 My Commission Expires: August 26, 2022

FRANKLIN CTR PLANNING & ZONING 7/19/2022

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