

1 FRANKLIN COUNTY PLANNING AND ZONING  
2 COUNTY 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 AUGUST 9, 2018  
11 (COMMENCING AT 1:30 P.M.)  
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17

18 Reported by:  
19 Patsy A. Hertweck, C. R.  
20 Alaris Litigation Services  
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1 P R O C E E D I N G S

2 (AUGUST 9, 2018)

3 CHAIRMAN BRINKER: All right.  
4 I'd like to call this public hearing to order on this  
5 August 9th, Thursday, at 1:30 p.m.

6 This is Commissioner Hinson to my right.  
7 My name is Tim Brinker, and we are here to have  
8 public hearings on two issues today. And I'll let  
9 Scottie lead us off regarding File 180121, Eastland  
10 Oaks, Incorporated.

11 MS. EAGAN: Okay. I will  
12 first start by reading the hearing procedures.

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

19 As each case is opened, a staff report  
20 will first be read by the Planning and Zoning  
21 Department, followed by Commissioners' questions for  
22 the staff.

23 Then if anyone in the audience would  
24 like to speak or comment during the hearing, they  
25 must first print their name on the sign-in sheet

1 provided, and then be sworn in.

2                   When it is your turn to speak, you will  
3 come to the front of the room, you will come to the  
4 front of the room to address the Commission and only  
5 the Commission, not anyone in the audience, with any  
6 questions or comments.

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

13                   At the conclusion of all questions,  
14 comments, and discussion concerning each case, the  
15 public hearing for each case will conclude.

16                   The decision will generally be made by  
17 Commission Order at a later date during the County  
18 Commission's regular meeting time.

19                   This is File 18012. The applicant is  
20 Cameron Lueken for Eastland Oaks.

21                   The applicant requests to rezone two  
22 parcels from Residential Development to Residential  
23 Development 1.

24                   The property is located on St. Johns  
25 Road approximately 350 feet south of Eastland Oaks

1 Drive in St. Johns Township.

2 The Facts: The total area for rezoning  
3 is approximately 24 acres.

4 The zoning of this property is  
5 Residential Development. The applicant would like to  
6 rezone to Residential Development 1.

7 Resident Development 1 zoning allows  
8 single-family residential developments in areas that  
9 are primarily served by central utilities.

10 The properties directly north of this  
11 property located in Eastland Oaks were rezoned to  
12 Residential Development in 1999.

13 The properties to the west, south and  
14 east are zoned Non-Urban and Agricultural.

15 This property is surrounded by  
16 subdivisions on the north, west and east. To the  
17 west is Hilltop Acres, which is a low-density  
18 subdivision with lot sizes over five acres. To the  
19 north is Eastland Oaks, which is a medium-density  
20 subdivision with lot sizes around 30,000 square feet.  
21 To the east, across St. Johns Road, are multiple  
22 low-density subdivision with lots over five acres in  
23 size.

24 The properties to the south are  
25 primarily low-density residential properties mixed

1 with a few undeveloped parcels.

2 This property will have access to St.  
3 Johns Road. St. Johns Road is a County-maintained  
4 road.

5 This property is located within Public  
6 Water Supply District No. 3.

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

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

19 At the June 26, 2018 Planning and Zoning  
20 Commission meeting, the Planning and Zoning  
21 Commission unanimously recommended approval of the  
22 rezoning request.

23 And before we start, we do have an  
24 exhibit that was submitted. We titled it Exhibit  
25 180121, 1-A.

1 (Thereupon, evidence was  
2 marked for identification and  
3 submitted for the record as  
4 Exhibit 180121, 1-A.)

5 CHAIRMAN BRINKER: All right.  
6 Thank you.

7 Applicant, please proceed.

8 MR. CAMERON LUEKEN: Thank  
9 you. Good afternoon. Do I need to sign and swear  
10 in?

11 CHAIRMAN BRINKER: Yes, you  
12 need to swear in.

13 (Thereupon, the witness was  
14 sworn.)

15 MR. LUEKEN: Okay. Good  
16 afternoon. My name's Cameron Lueken with Wunderlich  
17 Surveying and Engineering, here today to talk to you  
18 about the rezoning of the property from RD to RD1.  
19 So we'll get into this and kind of explain what we  
20 desire to do.

21 As Scottie alluded to, the entire  
22 Eastland Oaks property was zoned RD, and basically  
23 our purpose today is that we want to rezone the  
24 southern portion of this tract from RD to RD1.

25 The reason why we want to do that is we

1 want to satisfy the need for the RD1 housing. So the  
2 tract in totality is, you can see, the -- this is the  
3 existing Eastland Oaks up here to the north.

4 In the south, the tract in blue is zoned  
5 as RD1 -- the 24 acres that we would like to rezone  
6 to RD1.

7 Between those two developments, there is  
8 a big green space, and that's actually already  
9 dedicated as common ground on the existing Eastland  
10 Oaks plats.

11 So what does that -- what's this look  
12 like? The difference between RD1 and -- I'm sorry --  
13 RD on the left and RD1 on the right.

14 So in the RD, the minimum lot area is  
15 30,000 square feet. RD1 is the minimum is 10,000  
16 square feet.

17 In RD, you're allowed 1 dwelling unit  
18 per 10,000 square feet. The same is to be said in  
19 RD1. In RD, the existing use that's out there  
20 currently, multi-family dwellings, are allowed. In  
21 the proposed use, RD1, only single-family dwelling  
22 homes are allowed.

23 So that means in the existing use,  
24 theoretically a triplex could be built on a  
25 30,000-square-foot lot. In the proposed use on a

1 10,000-square-foot lot, only one home on every lot.

2 There could also be duplexes built,  
3 two-family houses, built in the existing use.

4 There again, in the proposed is  
5 single-family, there could also be mobile homes built  
6 in the existing use. Whereas, the proposed is  
7 site-built homes only.

8 So we feel that along with the buffer  
9 strip between the two on the north side of the 24  
10 acres, this proposed RD1 offers more protection for  
11 the adjoiners given the items on that chart I just  
12 mentioned.

13 So what is the background of RD1? I'd  
14 like to speak to the success we've had in the past.  
15 This was a tract at southwest Washington in Summer  
16 Hill. The tract to the south here, Walnut Ridge  
17 Place, was zoned CD, and we rezoned it to RD1, and to  
18 satisfy that need.

19 We also rezoned another portion of that  
20 to RD1. The first rezoning and platting took place  
21 in about '14. The second one was about '17, 20014,  
22 2017. So to show you the need, I thought the Google  
23 Earth image was pretty impressive.

24 So this is a Google Earth image on  
25 November 26, 2013, where only these three exists, and

1 there was actually zero houses there. This was a  
2 snapshot, a Google Earth snapshot, of the existing  
3 Eastland Oaks Subdivision to the north -- we're down  
4 here, to the north -- on the same date.

5 And so I'm going compare these two.  
6 Meaning that there was 46 houses on this photograph  
7 on that date, and we go back on October 21, 2016,  
8 there's actually -- this is the area we're building.  
9 There was actually 23 homes built in that timeframe,  
10 23 homes compared to same day later in Eastland Oaks,  
11 there was only 52 houses.

12 So I guess when you look at these  
13 developments side by side -- and I guess it's  
14 important to point out that the subdivision is owned  
15 by the same developer. It was marketed by the same  
16 team. So basically when a person comes to that team,  
17 they say, here's my price point. Here's what I want.  
18 What do you have?

19 And what happened was the need showed --  
20 is showing the developer that there's more need for  
21 the more affordable homes and workforce housing in  
22 the Summer Hill -- Walnut Ridge development.

23 So basically there was four times as  
24 many homes owned in Walnut Ridge as there was in  
25 Eastland Oaks marketed by the same team. So we feel

1 there's a great need, especially on the east side of  
2 Washington, the St. Louis side, the workforce side,  
3 the community side of Washington for this RD1.

4 Furthermore, to speak to that, as you --  
5 when you look at the US -- the US Census Bureau  
6 statistics, and you see what's going on  
7 geographically in the region, we ask ourselves is  
8 this synonymous with that? Is this the same thing?

9 And we saw the same thing. When we  
10 compare Washington to Union, as an example, there is  
11 -- there was a 0.5 percent change in population from  
12 2010 to 2016, versus 9.5 percent in Union that same  
13 time.

14 So Union experienced about 19 times more  
15 growth than Washington did in that same timeframe.  
16 Why did it do that? Basically when you look at the  
17 median household income, the medium value of the  
18 owner-occupied housing unit, there's about 16 or 15.6  
19 or \$16,600. It's less in Union.

20 So basically our conclusions is that in  
21 this proposed rezoning, there is an existing buffer  
22 between the RD and RD1. There is a need for these  
23 RD1 lots, and the recent market trends show the  
24 higher demand for those lots.

25 And I guess just to back up, just

1 because the -- if you look at the minimum lot size of  
2 Eastland Oaks, just because it's minimum 30,000 feet,  
3 doesn't mean you get a 30,000-square-foot lot.

4 The same could be said about these  
5 proposed lots. Just because it's a minimum 10,000  
6 feet (sic), doesn't mean you get a minimum of 10,000  
7 feet (sic).

8 By way of example, in Walnut Ridge,  
9 those minimum 10,000 square feet, but the average lot  
10 size from my memory worked out to be 13.3. So it's  
11 -- just because it's the -- just because it's the  
12 minimum, doesn't mean that's what the lot -- size of  
13 the lot is.

14 So with that being said, do you have any  
15 questions for me?

16 CHAIRMAN BRINKER: No, not at  
17 this time. Thank you.

18 MR. LUEKEN: Thank you.

19 CHAIRMAN BRINKER: Thank you  
20 to the presenter, and -- the applicant I should say,  
21 and now we will entertain all those additional  
22 wishing to speak in favor of this proposition.  
23 Please come forward individually if you are so  
24 inclined.

25 We ask that you sign in and get sworn in

1 accordingly.

2 (Thereupon, the witness was  
3 sworn.)

4 MR. SHAWN MAYALL: Hello.  
5 Good afternoon. My name is Shawn Mayall, SK  
6 Contractors, and I am a part of the builders and the  
7 marketing team that Cameron has spoke about.

8 And the good news is that, you know,  
9 homes are selling. The bad news is that we are  
10 running out of lots where we can put these affordable  
11 housing projects, and it's a lot of positive here.

12 Like I say, we're -- we're wanting  
13 things to grow. There is a -- definitely a demand for  
14 this project, and we're talking about, you know, 250  
15 to 325,000 dollar homes. So they are going to be  
16 nice homes. They're going to have nice facades on  
17 them, nice fronts.

18 And there's just not a place in Franklin  
19 County that we can -- we can expand and do this. So  
20 we're asking to -- to put this in. It's a great  
21 location for Franklin -- people living in Franklin  
22 County that also want to, you know, work and drive  
23 into St. Louis.

24 It's just we've had very, very good  
25 success. Unfortunately, with our economy turning, we

1 just -- we don't have enough lots out there. Prior  
2 to, you know, 2008, you know, we had a lot of lots  
3 and a lot of subdivisions, but we are running thin on  
4 lots, and we need to -- we need to -- we need to come  
5 up with some.

6 So we get calls every day for these  
7 houses, and we just don't have anywhere to put them  
8 throughout the county. So I'd like to see that, you  
9 know, proposed here. And there's other areas in the  
10 county that I think, and I think we as a county, we  
11 do want growth.

12 And we need -- we need rooftops, and  
13 like I say, these are very nice -- nice homes, put  
14 together well. They're not -- they're not square  
15 boxes. They're not starter homes by any means.  
16 They're very -- it's a very good looking end product.

17 So definitely demand, the phone is  
18 definitely ringing. A lot of positives as well.

19 So...

20 CHAIRMAN BRINKER: Thank you.

21 Is there anybody else in the audience  
22 wishing to speak in favor. Please come forward, sign  
23 in, and be sworn in accordingly.

24 (Thereupon, the witness was  
25 sworn.)

1 MR. MATT McCLELLAN: Good  
2 afternoon. My name is Matt McClellan with ReMax  
3 Office. I'm the marketing team for the applicant.

4 I was involved with both the Walnut  
5 Ridge Subdivision and actually the Eastland Oaks  
6 development as well.

7 I think it's very important to kind of  
8 see here that the type of client that we're really  
9 come into the office, they're really trying to find  
10 something for their families, are looking for their  
11 second and third home. It's very, very common and  
12 popular right now. Of course, the desirability to go  
13 to the east side of Washington for the commuter to  
14 St. Louis and as the east side of Washington  
15 continues to grow.

16 People are constantly looking for that  
17 250 or 350,000 dollar home, like Shawn had mentioned.  
18 These are going to be very nice homes. They're going  
19 to have a lot of -- a lot of times brick facade, nice  
20 landscaping package and so forth. It's going to be a  
21 very attractive home going forward here.

22 The desirability for this type of home  
23 is -- especially the public water and sewer, I think  
24 that's a huge asset for -- and it's just not a lot of  
25 availability such as the amount of lots that are

1 available right now, especially east side. The need  
2 for this is -- is significant.

3 I just wanted to step up here and just  
4 mention that. Thank you.

5 CHAIRMAN BRINKER: Thank you.

6 Anybody else wishing to speak in favor  
7 of the proposition?

8 (NONE)

9 All right. Seeing none, anybody in the  
10 audience wishing to speak in opposition of the  
11 proposal?

12 Please come forward and sign in and be  
13 sworn in. Thank you.

14 (Thereupon, the witness was  
15 sworn.)

16 MR. WILLIAM BRAEGGEMANN:

17 Okay. I'm William Braeggemann, and I have lived on  
18 St. Johns Road since 1973. And our property borders  
19 the south side of the proposed subdivision, and we  
20 have 12 acres, and 9 and a half is in cropland.

21 Across St. Johns Road to the east and  
22 southeast are lot sizes of 3 acres to 10 acres. To  
23 the west is Hilltop, which has lot sizes of three  
24 acres or more. And to the south is mainly all  
25 farmland to Highway B.

1           We feel this type of clustered zoning is  
2 not compatible to the surrounding area. To me this  
3 is putting a town out in the country.

4           With that many rooftops, concrete and  
5 streets, I'm worried about water runoff and erosion  
6 on my property, and also we're worried about with  
7 that small of lots, you know, where are the -- I  
8 don't know how many houses you can stack in there.  
9 Where are these kids going to play? On neighbors'  
10 property or -- or where are they going to run around?

11           You know, we shoot guns out there,  
12 everybody. This is country area. It's beautiful  
13 country area, which will be lit up with lights and  
14 more traffic.

15           I know houses need to built. I think  
16 they need to be built closer to town, I'm sorry, or  
17 closer to a main highway.

18           Regardless of the zoning, we are asking  
19 for a 20-foot-wide, 20-foot-tall setback buffer along  
20 our property line.

21           Thank you very much.

22                           CHAIRMAN BRINKER: Thank you.

23           Anybody else in the audience wishing to  
24 speak in opposition to this matter?

25           Please come forward, sign in and be

1 sworn in.

2 (Thereupon, the witness was  
3 sworn.)

4 MS. ARLENE BRAEGGEMANN: Okay.

5 I'm Arlene Braeggemann. That's my husband, Bill.

6 And I have -- grew up in that area.

7 I've lived on St. Johns Road for over 60 some 3  
8 years, and the last 43 is where we reside right now,  
9 next to this proposed development.

10 And as you can see that I -- in the  
11 packet I had presented to you guys, that the  
12 landowners across, east and southeast and south all  
13 have over five-acre property lots. And to stick that  
14 right in the corner next to Eastland Oaks, yes, the  
15 creek does put a buffer, but it doesn't buffer any of  
16 us.

17 So I don't feel it's appropriate to set  
18 and stack that much on that small of lots. If they  
19 want to keep it the original, we'll go with that.

20 And then also we have signatures in  
21 there that we had gathered, and it's over a hundred.  
22 We probably could have gathered more. We just kind  
23 of said that's it. We're tired of this. We did it  
24 before. Didn't matter, but anyway, we -- we got that  
25 many.

1                   And then also in the Unified Land  
2 Regulation Article 13, Section 291 concerning the  
3 buffers, it states, "Buffers are to provide the  
4 following: help from noise, dust, glare, and greater  
5 sense for visible and physical intrusion."

6                   And finally, to safeguard the public  
7 health, safety, welfare of the people.

8                   So I would like you to take this all in  
9 great consideration because I think it will put an  
10 effect on it.

11                   And then also the safety on the road,  
12 means if you travel that road, you can see the  
13 largest percent is farming. And you have your farm  
14 machinery, farmers traveling up and down, plus you  
15 got the school and the church up by Highway V.  
16 Highway V is a very questionable intersection. It's  
17 very unsafe.

18                   And then you have these little narrow  
19 culverts on Highway -- St. Johns Road. So I think  
20 there's a lot to take into consider before just  
21 accepting this. Yeah, they say the need's there. We  
22 can all say that. But our needs are there too to  
23 still keep the farms and things, so forth.

24                   And yeah, maybe there's not -- they're  
25 running out of land, but you know, farmers aren't

1 willing to sell their land at this time.

2 So don't force it on somewhere where it  
3 really doesn't belong.

4 Thank you.

5 CHAIRMAN BRINKER: Thank you  
6 very much.

7 Is there anybody else in the audience  
8 wishing to speak in opposition to this matter?

9 (NONE)

10 Recognizing that there is no additional  
11 testimony to heard, we will end the public hearing  
12 for this particular file, and we will await the  
13 transcript to arrive.

14 Scottie, go ahead.

15 MS. EAGAN: Usually we allow  
16 for rebuttal if there is any.

17 CHAIRMAN BRINKER: We usually  
18 do?

19 MS. EAGAN: Uh-huh.

20 CHAIRMAN BRINKER: Is this  
21 usual. Well, is there a request for rebuttal? No  
22 such request?

23 MR. LUEKEN: (Inaudible  
24 response.)

25 CHAIRMAN BRINKER: Okay. So

1 there will be no rebuttal. Thank you for that  
2 reminder, though, Scottie. I appreciate it.

3 So this file has been closed, and we  
4 will advise accordingly in the next Commission  
5 meeting that we have the opportunity.

6 Next on the agenda is File No. 180082,  
7 entitled Robert Muckler.

8 Okay. Scottie?

9 MS. EAGAN: I will again start  
10 with the hearing procedures.

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

17 As each case is opened, a staff report  
18 will first be read by the Planning and Zoning  
19 Department, followed by the Commissioners' questions  
20 for the staff.

21 Then if anyone in the audience would  
22 like to speak or comment during the hearing, they  
23 must first print their name on the sign-in sheet  
24 provided, and then be sworn in.

25 When it is your turn to speak, you will

1 come to the front of the room, you will come to the  
2 front of the room to address the Commission and only  
3 the Commission, not anyone in the audience, with any  
4 questions or comments.

5 Generally the applicant for the rezoning  
6 is allowed to speak first, followed by those in  
7 support of the rezoning, and then those opposed. The  
8 applicant may speak again after comments from the  
9 general public to address any questions or issues  
10 brought up during the hearing.

11 At the conclusion of all questions,  
12 comments, and discussion concerning each case, the  
13 public hearing for each case will conclude.

14 The decision will generally be made by  
15 Commission Order at a later date during the County  
16 Commission's regular meeting time.

17 This is File 180082. The applicant is  
18 Robert Muckler.

19 The applicant requests to rezone a  
20 portion of one parcel from Suburban Development to  
21 Non-Urban and Agricultural.

22 The property is located off of Highway  
23 00, approximately 3/10 mile north of Spring Valley  
24 Road in Boles Township.

25 The Facts: The total area for the

1 rezoning is approximately 13.94 acres. The whole  
2 parcel is approximately 30 acres.

3 The zoning of this property is Suburban  
4 Development. The applicant would like to rezone to  
5 Non-Urban and Agricultural.

6 Non-Urban and Agricultural zoning allows  
7 agricultural, recreational, wildlife, forestry, open  
8 space, farming and related uses to mix with  
9 low-density residential development.

10 The properties around the proposed site  
11 are zoned Suburban Development.

12 This property is approximately 1,000  
13 feet north of the city limits of Pacific.

14 This property is surrounded primarily by  
15 low-density residential land and undeveloped land.

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

18 The applicant is not the current owner  
19 of the property, but they do have permission from the  
20 owner to apply for the rezoning.

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

23 Staff Comments: The Future Land Use Map  
24 shows this property as being non-urban.

25 Rezoning are allowed in our regulations

1 due to the ever-changing conditions that exist in the  
2 county and elsewhere. According to Article 14,  
3 Section 321, any such change must promote the health,  
4 safety, morals, comfort, and general welfare of  
5 Franklin County by conserving and protecting property  
6 and building values, by securing the most economical  
7 use of land, and facilitating the adequate provision  
8 of public improvements in accordance with the Master  
9 Plan adopted by Franklin County.

10 At the June 26, 2018 Planning and Zoning  
11 Commission meeting, the Planning and Zoning  
12 Commission unanimously recommended denial of the  
13 rezoning request.

14 And before we begin, we did have two  
15 exhibits already marked. The first one is Exhibit  
16 180082, 1-A, and the second one is 180082, 2-A. We  
17 also did some documents that were submitted, but not  
18 in accordance with our policies. So those are not a  
19 part of the public record.

20 (Thereupon, evidence was  
21 marked for identification and  
22 submitted for the record as  
23 Exhibits 180082, A-1 and A-2.)

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

1                   The file is open, and this is the Robert  
2 Muckler File 180082. And we will now hear from the  
3 applicant or their representative. Please sign in  
4 and be sworn in accordingly.

5                                   (Thereupon, the witness was  
6                                   sworn.)

7                                   MR. ROBERT MUCKLER: Hello,  
8 Commission Brinker and Commissioner Hinson. I hope  
9 you both have had --

10                                  MS. REPORTER: I need you to  
11 state your name.

12                                  MR. MUCKLER: Oh, Robert  
13 Muckler.

14                                  MS. REPORTER: Thank you.

15                                  MR. MUCKLER: Hello,  
16 Commissioner Brinker and Commission Hinson. I hope  
17 you both have had a great week so far.

18                                  My name is Rob Muckler, and I'm with my  
19 wife, Lauren Muckler, and fellow supporters in favor  
20 of rezoning our Highway 00 property to Non-Urban and  
21 Agricultural.

22                                  We are back before you again to rezone  
23 out Highway 00 property from Suburban Development to  
24 Non-Urban and Agricultural.

25                                  Having presented and receiving your

1 rezoning approval in 2016, we hope that after you  
2 hear our presentation, you will see the same benefits  
3 of rezoning our property like you did in the past.

4 We started to look for the perfect piece  
5 of property in a great community that had no  
6 dwellings, beautiful views in a great location close  
7 to St. Louis County in 2015. We wanted to have a big  
8 enough piece of land to invest in for our future  
9 business endeavor, and also big enough that we could  
10 potentially build our dream home on it and raise our  
11 two children.

12 We found the Highway 00 property in 2015  
13 and immediately fell in love with it. After  
14 realizing it had been available for purchase for  
15 several years, we made an offer contingent upon  
16 getting the rezoning -- or the property rezoned like  
17 we did in 2016.

18 To this day, we have owned the property  
19 for two years and have not been able to proceed with  
20 our business and life plans because the zoning was  
21 overturned on a legal rezoning process technicality.

22 I stand before you again now in hopes  
23 that we will still be able to invest and make a  
24 difference in Franklin County as we originally  
25 thought we'd be able to when we bought our land. We

1 are both entrepreneurs in the wedding industry. I'm  
2 an event planner, and my wife's a wedding  
3 photographer. We both have owned and operated our  
4 business for the past ten years, and three years ago  
5 we decided to open up a family business together.

6 My wife and I put everything we have  
7 into this project, financially, and thousands of  
8 hours in hopes to be able to open and operate a  
9 wedding venue.

10 The property is currently zoned as  
11 Suburban Development, and under Suburban Development,  
12 the following uses would be permitted: Twenty plus  
13 home neighborhood, mobile home park, daycare center  
14 or private school, fraternal club, dog kennel, bread  
15 and breakfast, church, public park or playground,  
16 golf course, just to name a few.

17 Our intention and dream of starting a  
18 small wedding venue is only a reality if we can  
19 obtain the new zoning, which would help us cover the  
20 cost of bringing in utilities and to help that common  
21 growth of Franklin County.

22 If we cannot obtain the required  
23 Non-Urban and Agricultural rezoning for the event  
24 venue, then we will proceed with our plan to develop  
25 a 20-plus home neighborhood that is permitted in our

1 current zoning.

2 We only need to rezone a portion of the  
3 property, 13.94 acres, for the wedding venue, and  
4 plan on leaving the rest of the property as is so we  
5 can potentially build our forever home and raise our  
6 kids.

7 We strategically chose the middle of the  
8 property to rezone to give us a 200-plus-foot buffer  
9 to our property line to create the safest entrance in  
10 the driveway in compliance with MoDOT and to leave  
11 the rest of the property untouched to keep the  
12 natural beautiful landscape that we fell in love with  
13 when we purchased the land.

14 We only have the three parcels that are  
15 directly adjacent to our land. Two have homes, and  
16 the third does not have a home. It's just a neat old  
17 barns.

18 And now, actually Andrea from Cochran  
19 Engineering will go into our presentation a little  
20 more in depth.

21 Thank you.

22 CHAIRMAN BRINKER: Thank you.

23 (Thereupon, the witness was  
24 sworn.)

25 MS. ANDREA LOHMEYER: Good

1 afternoon. I'm Andrea Lohmeyer with Cochran  
2 Engineering.

3 I'm just going to briefly touch on some  
4 of the existing property information that Scottie  
5 touched on. It's currently zone Suburban  
6 Development. Currently there are no structures on  
7 the property. I believe most of it is open. They've  
8 been using it to cut hay, the previous owners did.

9 Located north of the city limits of  
10 Pacific by about a thousand feet, the property is  
11 surrounded by primarily low-density, so density equal  
12 to or less than 1 dwelling per 40,000 square feet,  
13 residential land and undeveloped land. Some of it  
14 farmland.

15 Proposing 13.84 acres for rezoning with  
16 a minimum of 200-foot buffer along three sides of the  
17 Muckler property.

18 And this just shows the proximity to  
19 Pacific. So that's our property there, and then  
20 that's the edge of the city limits of Pacific, and  
21 also the proximity to Highway 44.

22 This is a picture taken on the property.  
23 So this is looking southeast along the perimeter of  
24 the exiting wooded area. In the background here, you  
25 can see some of the barns that Rob mentioned earlier.

1 And this is what you can or really can't see of  
2 Highway 00 from the back of the property just to give  
3 you an idea of the openness.

4 This is an aerial view showing where the  
5 proposed building site would be there, attention  
6 given where the rezoning area would be, would push  
7 the proposed building to the edge of the existing  
8 wooded area.

9 This is looking up from the base of the  
10 hill, or looking west. You can see the edge of the  
11 wooded area there along Highway 00. Again, this is  
12 looking west, so if I were to stand right here where  
13 there's a break in the trees along the property line  
14 and look over, this is the view that's currently  
15 there now.

16 And at no point during their -- since  
17 they've owned the property have they been able to see  
18 any visible structures through that area.

19 And this just gives you an idea of  
20 scale. So these are proximity circles. This is  
21 about the central area of the proposed rezoned area,  
22 and you can see here this is the 500-foot area. This  
23 is at about 1,000 feet. We start to see one home and  
24 a couple of barns. And then when we get out to  
25 1,500, you can see some additional homes past that

1 point as well.

2 This is showing some of the existing  
3 forested area. So there's a good wooded area to the  
4 west of the property and then also to the east. And  
5 there's about a little over five acres of wooded area  
6 existing right now the property. A majority of that  
7 will lie outside of the proposed rezoned area.

8 And you can see this a little bit closer  
9 on their particular property, the wooded area along  
10 the north and west sides of the property.

11 Just to go over options for utilities,  
12 there is sanitary available .54 miles to the city of  
13 Pacific. And then water, there's a few different  
14 options with the Public Water District by No. 3 and  
15 then also with the City of Pacific. And then there's  
16 electric located on the east border.

17 It is their intention to extend  
18 utilities to the -- to the site from one of those  
19 options, obviously pending approval from those  
20 jurisdictions and those entities. And cost will come  
21 into play, but it's their intention. Right now there  
22 is no sanitary or water available on the site. So  
23 they would like to extend facilities to the site.

24 I'm just going to briefly go through  
25 some of things we mentioned on the justification for

1 rezoning.

2 This is just a brief description of the  
3 purpose of Non-Urban and Agricultural. So the intent  
4 is to allow for agricultural, recreational, wildlife,  
5 forestry, open space, farming and related uses to mix  
6 with low-density residential development.

7 The proposed rezoning would keep that  
8 open space, promote the wildlife and forestry and  
9 recreational use of the property in the future. A  
10 lot of the surrounding area falls within this -- what  
11 we feel would be the purpose of this zoning.

12 The current zoning would allow for a  
13 20-plus home subdivision. So that is a possibility  
14 that they're looking at. So the existing area is  
15 that low-density residential.

16 According to the Franklin County Master  
17 Plan conformance, these are a few things we wanted to  
18 touch on as the purpose of the Franklin County Master  
19 Plan.

20 Franklin County -- the purpose of the  
21 Franklin County Master Plan is to plan and prepare  
22 for the future, building on an awareness of what has  
23 happened in the past.

24 Franklin County continues to grow, and  
25 the demographic and economic characteristics of the

1 county continue to change.

2 As characteristics change, the needs of  
3 Franklin County residents to also change. This plan  
4 builds on Franklin County's past while also  
5 acknowledging its future needs.

6 And it also states located only 40 miles  
7 west of downtown St. Louis, Franklin County is a  
8 prime place for business development. Franklin  
9 County is a pro-growth county, and is primed for  
10 business development, and encourages the growth of  
11 new and existing commercial and industrial uses  
12 through zoning.

13 And one of their goals is to strive a  
14 diverse economy with the focus on sectors that create  
15 jobs and boost the economy in order to create more  
16 job opportunities by targeting growing sectors and  
17 supporting and new and existing businesses.

18 When we look at the future land use, it  
19 is listed as Non-Urban and Agricultural. So we feel  
20 this falls in line with that.

21 This just shows our proposed site here  
22 and on the future. You can see here that it is  
23 listed as agricultural or open land on the existing  
24 land use map, and on the proposed, it's listed as  
25 non-urban and agricultural. So the Future Land Use

1 Map shows the property use as non-urban and  
2 agricultural in the future.

3 Changes to the area. The areas to the  
4 north and south of the property continue to grow.  
5 Highway 00 has become a growing corridor to the  
6 developing areas along Highway 100 and to the north  
7 and to the city of Pacific as well to the south.

8 The surrounding area is zoned Suburban  
9 Development and consists of low-density housing with  
10 some subdivisions mixed in there as well, with open  
11 space, forested areas, agricultural areas and  
12 wildlife.

13 The current mix, we feel, conforms with  
14 the purpose of the Non-Urban and Agricultural  
15 District, which is why I would suspect that's why  
16 it's listed that way in the Future Land Use Map.

17 And just how it affects Franklin County.  
18 It -- currently as it sits, the property only  
19 generates about \$1,000 a year in taxes. The site if  
20 used for a permitted business would develop far more  
21 revenue for the Franklin County area in property tax  
22 and sales tax. Also if it was developed as a  
23 subdivision, it would have the same result.

24 Extending utilities. This area, as you  
25 saw earlier, is a half a mile from anywhere that

1 would provide water or sewer. So by extending  
2 utilities to this property, it would be improving  
3 surrounding areas with having utilities that much  
4 closer.

5 Local jobs that would benefit from  
6 developing this property and it's rezoning:  
7 Architects, engineers, builders, laborers,  
8 landscapers, designers, cleaning companies, and more  
9 depending on the business that's put on the property.

10 The -- as you heard, Rob and Lauren  
11 bought the property to -- as an investment, and that  
12 means that they were looking for a community that  
13 they would investing in as well. So they see this  
14 not only as a business but also a -- you know, an  
15 investment for their lives that they're going to be  
16 involved in the community as well.

17 This is just a look at the proposed  
18 site. There is a minimum 200-foot buffer on the  
19 north and south and west, and then there's actually a  
20 larger section up here to the northwest that's well  
21 over 200 feet, leaving 13.49 acres to be rezoned.

22 Currently there are no structures on the  
23 property. It was on the market for five years before  
24 the Mucklers purchased it to invest in Franklin  
25 County. As we stated earlier, it's about 1,000 feet

1 from the city limits of Pacific.

2 And this just shows some of the other  
3 businesses that have popped up along this corridor  
4 that have benefited from developing -- of putting a  
5 business in this area and the benefits it's had to  
6 the surrounding areas, particular the City of  
7 Pacific.

8 So we'll just quickly look through some  
9 of those. This is the -- we did talk to Jeff Lappe  
10 (ph.) at MoDOT, and talked about entrances for the  
11 site. They currently have over 870 lineal feet of  
12 frontage. And he said ideally you would at the --  
13 need a 495 feet of visibility. This is just showing  
14 that given that spot on Highway 00, there's plenty of  
15 space for them to find a safe entrance into their  
16 property.

17 This again, just shows the view from the  
18 property on to Highway 00. It would be acceptable  
19 for them to put a driveway on the property regardless  
20 of what zoning this is, and this just shows the  
21 openness of that area.

22 I would like to -- here we go -- talk  
23 about traffic. So this is just looking at the  
24 traffic that's currently on Highway 00. If the  
25 proposed business that they want to put on there,

1 this is looking at a maximum number.

2 That would be an increase of less than 1  
3 percent or 0.68 percent per week if they were allowed  
4 to put the proposed business that they would like to  
5 put on there.

6 Another thing I do want to point out is,  
7 on either side of their property is a speed limit  
8 sign for 35 miles per hour due to the shape of the  
9 road. So speed limits are being reduced in that area  
10 as it is.

11 And also touching on traffic, I did  
12 receive letters from the Franklin County Sheriff's  
13 Department and then no complaints from the City of  
14 Pacific related to traffic incidents or any other  
15 issues related to similar businesses in the area, and  
16 these are those letters also included in your packet  
17 just stating that they haven't had any incidents.

18 Just looking at this area in general as  
19 it's developed and moving forward toward the future,  
20 the two other venues that are similar business types  
21 that are within the area in the two-mile area around  
22 this and the homes that have been sold have showed no  
23 evidence of losing value.

24 And they're in much closer proximity  
25 than our property would be. And this just shows

1 those sale values. And this is one of the event  
2 centers, and the homes that are located much closer  
3 than ours would be.

4 And this is the other one to the north  
5 along Highway 100 right there.

6 There's also in your packet, a more  
7 extensive market analysis of this particular showing  
8 the -- that it was not a negative impact on property  
9 values adjacent to these in this area.

10 In local support, when we went through  
11 this last year, they did get positive feedback from  
12 the City of Pacific. They see the economic impact it  
13 has on their city in particular and other businesses  
14 within Franklin County. And this is a news article  
15 stating that.

16 Also located in your packet are  
17 additional letters of support. In one of them, I did  
18 just want to briefly touch on is someone who actually  
19 lives in the St. Albans Subdivision and lived close  
20 to their clubhouse and was not a clubhouse member.  
21 But I apologize I'm having trouble reading my paper.

22 But they did not see a negative impact  
23 from living next to their venue, and is showing  
24 support for their project. There's some additional  
25 letters in your packet as well stating their support.

1           So in closing on behalf of myself and  
2 the Muckler family, we sincerely expire to be able to  
3 move forward with this project and the plan for the  
4 venue after almost two years of trying to work  
5 through this rezoning process.

6           We hope that you understand that this  
7 would be wonderful for the community and the progress  
8 of Franklin County to move forward and the positive  
9 impact it would have overall. We believe this would  
10 drive the economic growth Franklin County.

11           Both Lauren and Rob are looking forward  
12 to being part of the Franklin County community.

13           Do you have any questions for me?

14                           CHAIRMAN BRINKER: Dave?

15                           COMMISSIONER HINSON: No.

16                           CHAIRMAN BRINKER: I have no  
17 questions. Thank you.

18                           MS. LOHMEYER: You're welcome.

19                           CHAIRMAN BRINKER: Is there  
20 anybody in the audience wishing to speak in favor of  
21 the proposal?

22           Please come forward, sign in and be  
23 sworn in.

24           So just a reminder of everyone that we  
25 swear people in. So we do ensure we have all the

1 facts and only the facts regarding this matter. I  
2 appreciate that consideration in your testimony.

3 (Thereupon, the witness was  
4 sworn.)

5 MR. MIKE PETTIT: Mike Pettit.

6 My name is Mike Pettit. I'm lifelong  
7 friends with Rob since preschool. I happen to be a  
8 retail commercial real estate broker at a company  
9 called L3 Corporation. We've done projects such as  
10 Phoenix 2 out there with the Target in Washington.

11 I represent several national retailers  
12 that includes a lot of ground-up developments, land  
13 assemblers, things of that nature. The first eight  
14 years of my career were spent with Samsung Group as  
15 the director of their retail brokerage, which  
16 included ground-up developments and the Walmart Super  
17 Center in Ellisville, things like that that involved  
18 land assemblage and rezones. So I have some  
19 experience. This happens to come across my desk  
20 quite a lot in my daily interactions.

21 Rob and I and Lauren started on this  
22 whole process roughly three years ago. We looked far  
23 and wide. We looked in Augusta. We looked closer in  
24 in Eureka, the south end where there's a lot of  
25 floodplain, and the bottom line is there's not a lot

1 of buildable ground that affords us the opportunity  
2 to build what we want and is within our budget and  
3 also that is within a stone's throw of St. Louis but  
4 yet being able to capitalize on the scenery that the  
5 area lends to visitors.

6 I think it gives a tremendous amount of  
7 exposure to get those folks in St. Louis that don't  
8 typically make it out here make it out here.

9 You know, we always joke that Rob  
10 specifically and his dad know everyone. I mean,  
11 somebody knows Rob and it's always good feedback.  
12 He's always fair. Some -- you know, this might be a  
13 little -- probably the most contested thing I've ever  
14 heard in Rob's entire life. So I think he's going to  
15 bring a ton of new faces to this community above and  
16 beyond the various builders, landscapers, alcohol  
17 distributors, caterers, restaurants, hotels,  
18 transportation providers. I mean, the list goes on  
19 and on.

20 You know, we -- in 2016, December after  
21 that, we closed in February '17 strategically. The  
22 best practices within my industry are you don't close  
23 until you get your zoning approved. We got our  
24 zoning approved, we felt that we were at a  
25 responsible stage where it justified closing, and

1 that's why we did so. We did have a methodology to  
2 it, and we thought we were using best practices.

3 To our surprise, obviously, it was  
4 overturned, but we stuck with it for three years. We  
5 tried to do everything in our power and with  
6 professionalism, respect the other parties, tried to  
7 get this approved and open ultimately. I mean, it's  
8 Rob's livelihood and Lauren's livelihood as well.

9 As far as the construction of the  
10 facility goes, obviously there's a couple of other  
11 venues in town. I don't think we detract from them  
12 or compete with them. I think there's -- if you ask  
13 them about their reservations, they have an  
14 overwhelming of weekends reserved moving forward,  
15 sometimes completely sold out for numerous months.

16 CHAIRMAN BRINKER: Can I ask a  
17 question briefly because we're here hearing a  
18 rezoning, and I don't know that any of what you're  
19 speaking structure, what are you talking about.

20 MR. PETTIT: I'm sorry. I'm  
21 just talking about the quality of -- I'll just move  
22 on.

23 CHAIRMAN BRINKER: I just want  
24 to make sure that the hearing is, you know, for  
25 rezoning the property.

1 MR. PETTIT: Sure.

2 CHAIRMAN BRINKER: And that's  
3 what we have before us. So...

4 MR. PETTIT: Kind of to wrap  
5 up a couple of items and supplement previous  
6 comments.

7 There were no police reports. We  
8 specifically sought out that data. The MoDOT  
9 arrangement and design could specifically detail a  
10 decel lane and a turn lane too, not just a widening,  
11 an actual room for folks to get by.

12 And as I mentioned, the goal was not to  
13 come out here and try to take over other business.  
14 We think there's plenty to go around, and we think  
15 there's an overwhelming demand, and it's only  
16 increasing it seems.

17 Thank you.

18 CHAIRMAN BRINKER: Thank you.

19 Anybody else in the room wishing to  
20 speak in favor of the proposal please come forward.

21 Please sign in and be sworn in.

22 MS. BETH SURTIN: Yes.

23 CHAIRMAN BRINKER: I ask that  
24 all cell phones please remain off. I know we all  
25 have to have our vibration perhaps to be notified of

1 emergencies, but it really does help with the  
2 recording and the set here. Thank you.

3 (Thereupon, the witness was  
4 sworn.)

5 MS. SURTIN: Hello, my name is  
6 Beth Surtin. And I am currently in the events  
7 industry in St. Louis.

8 Most recently as a catering director at  
9 one of the top venues in town, and we have a lot of  
10 volume at my venue. So I probably say we do about  
11 three to four hundred events a year, and -- so it's  
12 executing quite a few. And I just wanted to note  
13 that in the last 15 years in the industry, I've never  
14 had an alcohol-related incident, fights, anything of  
15 any negative connotation.

16 Sorry.

17 CHAIRMAN BRINKER: So I'm  
18 going to stop you right there and ask a question.

19 In this proposed file that is before  
20 this Commission in this public hearing, just for  
21 everybody's sake, all we are interested in is the  
22 rezoning of this property as proposed. This is  
23 regarding 13.94 acres to be rezoned from SD to NUA.  
24 That is all that is before us.

25 I don't know what the traffic count,

1 construction, I don't know anything about that.

2 MS. SURTIN: Okay.

3 CHAIRMAN BRINKER: All I know  
4 is that we are being asked to consider rezoning a  
5 portion of 30.94 acres to a different zoning code  
6 today. That's it.

7 MS. SURTIN: Absolutely. So I  
8 wanted to come and support the Mucklers because I've  
9 worked with them in the events industry for over ten  
10 years, and they're wonderful people.

11 Professionalism, hard-working character, and I felt  
12 that it was important for me to come on their behalf  
13 to -- to support the rezoning.

14 This is a means as a -- it's a venture  
15 for them, and this venture would mean, you know, the  
16 support of not only their family but their two little  
17 girls. And I cannot think of two more respected  
18 people in the event industry that I'm in, and I'm in  
19 support of the family business.

20 And hope that the zoning is approved  
21 because they are probably two of the most hard  
22 working people I know. And that's all.

23 CHAIRMAN BRINKER: Thank you  
24 very much.

25 MS. SURTIN: Absolutely.

1 CHAIRMAN BRINKER: Anybody  
2 else wish to come speak in favor of rezoning this  
3 parcel?

4 (Thereupon, the witness was  
5 sworn.)

6 MS. DONNA NADLER: My name is  
7 Donna Nadler. I too am here to support Rob and  
8 Lauren Muckler.

9 I've know Rob Muckler. He and my son  
10 were college roommates at Missouri State. He's a  
11 father of two young girls, a husband to Lauren. He's  
12 a man of integrity, great work ethic, and since I've  
13 know him in his college days, I am totally impressed  
14 with his professionalism.

15 How many of us have the guts and courage  
16 to invest in our dreams and passion. Lauren has her  
17 successful photography business. Rob has been in the  
18 event industry for over ten years.

19 Small business is the backbone of our  
20 country. My husband owns Grand Rental Station in  
21 Fenton. He has done for 25 years. I've work for a  
22 small business in St. Louis for 42 years, and we  
23 recognize and understand the hard work and long hours  
24 it takes to run a small business.

25 As a taxpayer, my husband and I live in

1 Franklin County. We live at Gray Summit. As a  
2 taxpayer, we appreciate the additional tax revenue,  
3 the economical -- economic development of Franklin  
4 County.

5 And lastly, I'm on the Board at East  
6 Central College. I'm of the culinary program. Our  
7 students need jobs. They need local jobs. You know,  
8 they're going to Jefferson City. They're going to  
9 St. Louis. It's great for them to have local jobs to  
10 go to to keep them here in Franklin County.

11 Thank you.

12 CHAIRMAN BRINKER: Anybody  
13 else wishing to speak in favor of rezoning 13.9 acres  
14 from SD to NUA?

15 Please sign in and be sworn in.

16 (Thereupon, the witness was  
17 sworn.)

18 MR. VINCE LORETTA: Thank you  
19 for having us come out here. My name is Vince  
20 Loretta. I'd like to first state that I do support  
21 the rezoning of the acreage.

22 My wife and I own 55 acres at 4270 Alt  
23 Road in Pacific there at -- right off Highway 100,  
24 just a half mile west of Highway 00. Not too far,  
25 maybe a couple two miles from the property.

1                   We have a platted subdivision of nine  
2   lots, each lot consisting of about five to seven  
3   acres.

4                   We weren't familiar with Franklin County  
5   until Rob and Lauren had us out there to show us  
6   where they're wanting to put their wedding venue. We  
7   fell in love with the area, and decided we wanted to  
8   move out into this area.

9                   We thought their acreage was perfect for  
10   putting a wedding venue and the site looking down on  
11   to Highway 00 and the 30 acres of land has plenty of  
12   buffer space for the neighbors.

13                  We will -- you will never meet such  
14   determined folk, as hard-working young people as Rob  
15   and Lauren. This day and age of us older people  
16   looking down on the millennials and thinking maybe  
17   that they're a little lazy, it's encouraging to see  
18   them wanting to work so hard to be successful  
19   productive members of society, and especially with  
20   them wanting to do so in Franklin County.

21                  For those of us who are parents, we can  
22   only hope that our kids will be as diligent,  
23   disciplined and enterprising as these two young  
24   people.

25                  We as a community, should be supporting

1 them and helping them as much as we can instead of  
2 trying to create roadblocks for them to have to  
3 continually overcome. Franklin County will be better  
4 off with new business, new development generating  
5 sales tax rather than an empty piece of property.

6 I think Franklin County needs to send a  
7 message that we're business friendly and welcoming to  
8 anyone willing to invest their money, assets and  
9 time.

10 Thank you.

11 CHAIRMAN BRINKER: Thank you.

12 Anyone speaking in favor of the proposal  
13 please sign in and be sworn.

14 (Thereupon, the witness was  
15 sworn.)

16 MS. JUDY LORETTA: Hello. My  
17 name is Judy Loretta, and along with my husband,  
18 Vince, I highly support the rezoning of the acreage,  
19 and have a few more points I'd like to add.

20 As he mentioned, we bought our property  
21 off Alt Road because of Robby and Lauren, their  
22 property. We really like the area.

23 In addition, our daughter, Brittany, is  
24 graduating next year from Webster University and has  
25 been offered a job at the venue.

1           We really like the proximity to the  
2           venue and that was a big decision on why we bought  
3           the property. If this is not approved, she will have  
4           to seek employment elsewhere, and quite frankly, we  
5           will not have a really compelling reason to stay in  
6           this area and build our retirement home.

7           Our property is already -- as my husband  
8           mentioned, is already -- it's zoned as a subdivision,  
9           and our intention was to build our retirement home  
10          and then build -- eventually have built on the other  
11          lots as well.

12          These are going to be custom \$700,000  
13          plus homes that will add value to the community, not  
14          only increase property tax revenue, but also have a  
15          positive impact on the socioeconomic environment.

16          Finally, Robby and Lauren have put their  
17          hearts, their soles and their savings into this  
18          endeavor, and have put their life on hold for almost  
19          two years as they wait approval, but by no fault of  
20          their own.

21          What they are proposing will elevate the  
22          community and will be positive for all of Franklin  
23          County. You could not pick two better suited and  
24          well qualified people to build and run a wedding  
25          venue than Rob and Lauren Muckler.

1 CHAIRMAN BRINKER: Ma'am,  
2 we're not here to discuss the wedding venue.

3 We're here to discuss rezoning 13.94  
4 acres --

5 MS. LORETTA: Okay.

6 CHAIRMAN BRINKER: -- from SD  
7 to NUA. I'm not trying to be rude, ladies and  
8 gentlemen. I'm just trying to be matter of fact.  
9 That is what we are considering, and that is all  
10 we're here to consider.

11 MS. LORETTA: I see. Thank  
12 you, sir. I just have one -- I just want to say that  
13 I urge you -- that we highly support this, and that I  
14 -- we urge you to approve this matter to approve the  
15 rezoning. Thank you.

16 CHAIRMAN BRINKER: Thank you.

17 Anybody else in the audience wish to  
18 speak in favor of the proposed rezoning?

19 (NONE)

20 Okay. Anybody in the audience in  
21 opposition to this proposed rezoning of this  
22 property?

23 Please sign in and be sworn in.

24 MR. PADRAIC KERR: Yes, sir.

25 (Thereupon, the witness was



1 proposed venue will ultimately destroy the peace and  
2 tranquility of this neighborhood, which is a pinnacle  
3 feature of our properties off 00.

4 The increase of traffic and already  
5 dangerous -- on an already dangerous driving road  
6 would be a complete disregard to the safety of all  
7 those who live off 00 as well as those who travel it.

8 But my main concern that I have today is  
9 the loss of property value or economic obsolescence.  
10 My property is the largest investment that I'll have  
11 in my life, and I wish to see it rise and not fall.

12 Subdivided in 2015, my property 1705,  
13 along with Robert Muckler's property were once one  
14 property, the Potener (ph.) Farm. Give you an idea  
15 of the proximity to where I am to this venue, the  
16 construction of a commercial venue next door to me  
17 will adversely affect my daily life. I will be  
18 subjected to light and noise pollution every time  
19 there's an event. Loud music, parking lot lights and  
20 intoxicated patrons are just a few examples of what I  
21 will -- my property will be subjected to.

22 Enduring such conditions will create  
23 unrest in my life. My job requires me to work long,  
24 hard physical hours. I rely on a consistent rest  
25 schedule to perform my duties on a daily basis.

1           The increase of traffic on OO is a  
2 dangerous scenario, especially for those who are  
3 unfamiliar with the route, adding hazard of alcohol  
4 consumption and nighttime driving conditions put all  
5 of those who live off OO at a great risk.

6           Those who are traveling north on OO  
7 looking to turn into the Muckler's property and miss  
8 the entrance, will most likely try to turnaround in  
9 my driveway, which is the next driveway to the north,  
10 crating another nuisance for my property. Along with  
11 being subjected to light and noise pollution as well  
12 as dangerous driving conditions, my family and I face  
13 property value loss.

14           Just as soon as we were made aware of  
15 the plans to develop the neighboring property, we  
16 sought out an appraisal of our properties. Not one  
17 but two separate appraisals of our property were  
18 carried out, and both concluded that there would be  
19 at least a 10 to 15 percent of property value loss.

20           I've worked very hard to obtain my  
21 property, and I am proud to call it home. A change  
22 of Suburban Development to Non-Urban and Agriculture  
23 provides no public benefit to our neighborhood. They  
24 have everything gain, and we have everything to lose.

25           I would also like to reiterate on the

1 June 26h Planning and Zoning meeting, that they  
2 unanimously voted to deny the rezoning. And the  
3 pictures that they showed you gave no proximity --  
4 pointed -- did not give good proximity to where my  
5 house is located to their property.

6 There is no buffer. We live in a valley  
7 that sound travels. It's like an echo chamber. You  
8 can almost hear a pin drop out there at times. We  
9 like it quiet.

10 There are also no 35-mile-per-hour speed  
11 limit signs in front of their property. I live  
12 there. I see that road every day. There are not.

13 Thank you for your time.

14 CHAIRMAN BRINKER: Mr. Kerr,  
15 are you going to be submitting those appraisals?

16 MR. P. KERR: My father will.  
17 He will speak after me.

18 CHAIRMAN BRINKER: Great.  
19 Thank you very much.

20 MR. P. KERR: Yes, sir. Thank  
21 you.

22 CHAIRMAN BRINKER: Appreciate  
23 it.

24 All right. Next. Anyone wishing to  
25 speak in opposition to rezoning this property?

1 (Thereupon, evidence was  
2 marked for identification and  
3 submitted for the record as  
4 Exhibits 180082, P-2, and P-3.)

5 (Thereupon, the witness was  
6 sworn.)

7 MR. ROBERT KERR: Good  
8 afternoon, gentlemen. My name is Robert Kerr. I  
9 represent my son, Padriac, my other son, Keenon, and  
10 A Kick in The Grass Lawn Service and the 19th Hole,  
11 L. L. C., 1805 is the Kick in the Grass. The 19th  
12 Hole is 1801 Highway 00, which currently I'm building  
13 a house on. And boy, you ought to see my view from  
14 there.

15 It's looking right at the hill. Boy,  
16 it's nice too. They'll be looking right inside my  
17 front window, but I digress.

18 The question that I think that we have  
19 to answer: What is the public good of this? What's  
20 the public welfare of this rezoning?

21 And not only was there testimony in the  
22 Planning and Zoning, but also today it looks like  
23 Pacific is going to move utilities just out to that  
24 property. Now the question that you have to beg to  
25 answer is are they going to bring them right up

1 Highway 00 to 1805 or 1705, Paddy's house, or my  
2 property? Which would cut off from the larger piece  
3 of property at 1805. That's the 19th Hole, L. L. C.

4 So the question is what is the public  
5 good here? I've given you a map of your zoning.  
6 You're going to drop -- as I explained to the  
7 Planning and Zoning Commission, you're going to drop  
8 Wrigley Field right on the top of that hill.

9 Now, it looks like they're benefiting  
10 only on person, and that's of course, the people that  
11 want to build a commercial entity there.

12 Now, the houses, what can you -- you  
13 know, I'm building a house on our property. I have  
14 no objections to the property and building houses on  
15 that. No problem, and I would hope Pacific wouldn't  
16 run the water out just to that property either.

17 Now, I've given you some testimony from  
18 a previous because 2016 came up in one of the  
19 testimonies, and the County Attorney said at one  
20 point that we have a teaching moment, real quick, he  
21 says in a second. "Jay, what you said is correct."

22 Now, I've handed you the appraisals of  
23 the property. We have two appraisals. One for 1705,  
24 one for 1805, because the 1801 property, or the 19th  
25 Hole property, was not built yet. It's now being

1 mudded as we speak. It's under roof, and I should be  
2 moving in there hopefully by October 1st.

3           When you have an appraisal or a written  
4 document from a learned person -- now, this is the  
5 County Attorney saying our appraisals were not from a  
6 learned person. It's quite fascinating, and then we  
7 were talking about the evidence, et cetera, et  
8 cetera. And because I had brought up the argument  
9 about spot zoning, what you're doing as I -- as you  
10 see on that map, you're going to take -- there's a  
11 30-acre section and now you're going to shrink it to  
12 13, and now you're going to run utilities from the  
13 city that won't be run to the other properties.

14           And it looks like what is the public  
15 good here? And so he apparently believed that I was  
16 making an allegation that they were illegally spot  
17 zoning. Well, if you look at the court cases of  
18 Missouri, there's clearly a definition spot zoning.

19           Spot zoning is used to denote an  
20 amendment to a municipal zoning law reclassifying one  
21 or more lots of parcels of land for the use out of  
22 harmony with the classification of the surrounding  
23 areas and without regard to the public welfare.

24           It has nothing to do with the whole  
25 county. It has to do with the neighborhood. The

1 neighborhood is the surrounding OO properties.

2 If -- if we are talking about a wedding  
3 venue, the whole character of the five-mile stretch  
4 between Highway 100 to Pacific will change forever.  
5 Not for the better.

6 Spot zoning, using the term in a  
7 descriptive sense, such zoning may be invalid if it's  
8 arbitrary and unreasonable devotion to a small area  
9 to use inconsistent with the uses to which the rest  
10 of the district is restricted and made for the sole  
11 benefit of a private interest or an owner.

12 From my perspective, I may be biased,  
13 just a tad. My sons bought their property for value  
14 also. It's a fairly large sum of money, and they're  
15 very young. It looks like they will be a possibility  
16 if it would be built of losing asset value.

17 Evidence has proven this, but it was not  
18 accepted at the other discussions that we've had.  
19 It's invalid.

20 And as I asked the Planning and Zoning  
21 Commission, you really need to stand on that hill. I  
22 was just out there this morning. I told -- I  
23 explained to the Planning and Zoning Commission I was  
24 sitting on the concrete foundation of this house I'm  
25 building. It's about a thousand yards -- a thousand

1 feet from my son's house to that house, and he's even  
2 closer to that property than I am. Although we butt  
3 in the corner.

4 Two people were in that field. I could  
5 not see them. They were over the treeline past  
6 Paddy's property, and I could clearly hear them  
7 speaking from that distance, two people, a man and a  
8 woman distinct from about a thousand feet.

9 Alls I would say is go stand on that  
10 hill. It's amazing. And I can understand why they  
11 bought it. It's very nice. But it's a commercial  
12 endeavor. It'll change that -- it'll change that  
13 whole section of road, that whole corridor forever,  
14 and it will not be for the good. And I may be  
15 biased, but that's just the way it is.

16 Thank you.

17 CHAIRMAN BRINKER: Thank you.

18 Anybody else wishing to speak in  
19 opposition of the rezoning of the acreage?

20 Please sign in and be sworn in. Thank  
21 you.

22 (Thereupon, the witness was  
23 sworn.)

24 MR. RON CLINE: My name is Ron  
25 Cline. I live -- my property adjoins that property

1 they're talking about. It also adjoins John Holds'  
2 property. One thing I do want to touch on is that  
3 valley that they're planning on building this in is  
4 like a big echo chamber.

5           They built a forest -- forestry and I  
6 guess it is a subdivision across OO from me, and I  
7 can hear people talking up on the hill up there where  
8 they build houses. You could -- they sound like  
9 they're right there at my front door, and the noise  
10 is going to be crazy.

11           It's just going to echo, and OO is just  
12 terrible. There's wrecks out there all the time.  
13 People turn over cars, running off the road. They  
14 drive fast. I've lived out there since 1990, and I  
15 have yet to see one cop car run radar on that road.  
16 And there's not -- there's people going through there  
17 70, 80 miles an hour.

18           And you go up, there's -- I guess it's  
19 about three miles from where they're planning to do  
20 this. They just built one of those wedding banquet  
21 buildings. If you go -- if you go out by that and  
22 watch them on Friday and Saturday night, that place  
23 is loaded. And there's cars flying in and out of  
24 there all the time. It's crazy.

25           So our whole -- the reason I built out

1 there was to get away from this, and I don't how they  
2 would like this being built in their back door where  
3 they --

4 CHAIRMAN BRINKER: Nothing is  
5 proposed to be built, sir. The only thing that we're  
6 considering is the rezoning of the property only.  
7 We're not talking about construction of anything.  
8 Just the rezoning of property is before us today.

9 MR. CLINE: Well --

10 CHAIRMAN BRINKER: That's the  
11 reality of the facts in front of us.

12 MR. CLINE: Well, it's going  
13 to be --

14 CHAIRMAN BRINKER: I  
15 understand that if some -- something happens within  
16 that zoning body, that could create that. I  
17 understand that, but what we're here considering is  
18 that.

19 MR. CLINE: Yeah. Well, it's  
20 just -- it's a bad deal all around for all of us that  
21 are already there.

22 Thank you.

23 CHAIRMAN BRINKER: Thank you  
24 very much.

25 Next in opposition of the propose

1 rezoning. Please sign in and be sworn in.

2 (Thereupon, evidence was  
3 marked for identification and  
4 submitted as Exhibit 4-P.)

5 (Thereupon, the witness was  
6 sworn.)

7 MS. KATHY KILO-PETERSEN: Good  
8 afternoon. My name's Kathy Kilo-Petersen, and I'm at  
9 1624 Highway 100, Pacific, 63069.

10 Part of my property directly borders the  
11 Mucklers' property. And the Mucklers' proposal for  
12 their construction and use of property to rezone is a  
13 direct threat to the health, safety and welfare of  
14 our community.

15 As I said, my property borders part of  
16 the Mucklers'. The noise pollution, light pollution  
17 alone will have a dramatic devaluation of property  
18 and wellbeing, as well as the surrounding community  
19 if it was rezoned.

20 The rezoning is not consistent with  
21 adjacent land uses, and will absolutely have a  
22 negative impact on the residents in the area. The  
23 reason I am in this area is for safety. It's  
24 peacefulness of the local setting, the current zoning  
25 has a direct impact on why residents live there right

1 now. And again, if it were to be rezoned, there  
2 would -- it would have a negative impact on my  
3 neighbors and the surrounding residents.

4 I'm very concerned about the waste water  
5 -- waste water, Kit Creek and Little Fox Creek can  
6 have severe environmental contamination and impact  
7 from runoff, groundwater supplies. Erosions concerns  
8 are also notable.

9 The noise pollution, the constant din of  
10 music and talk of several hundred guests on most  
11 every weekend out of the year will certainly a  
12 negative impact on the quality of life of residents  
13 in the area, as well as a reduction in property  
14 values as we will no longer have a peaceful setting  
15 due to the availability if it were to be rezoned.

16 Weekend traffic on Highway 00 will be  
17 noticeable and a big safety concern as well. The  
18 traffic study performed by Mr. Brad Lumis  
19 substantiated the safety concerns of Highway 00 with  
20 resulting increased traffic due to Mucklers' proposed  
21 -- proposed venue. This rezoning will impair health  
22 and safety of residents in the area as well as  
23 non-local travelers.

24 This also decreases property values and  
25 quality of life for me, neighbors, and residents.

1 I also want to point out that the  
2 Mucklers' proposal will be consistent commercial use  
3 as every weekend throughout the year will have  
4 multiple hundreds of guests. The Mucklers' proposal  
5 is not even consistent with special occasions. It  
6 will be consistent commercial use.

7 It is also not consistent with our  
8 adjacent land uses.

9 I do thank you for your review and  
10 consideration of these issues, and I do believe this  
11 proposal is inconsistent with local land use and will  
12 be harmful to our health, safety, welfare, land and  
13 environmental issues.

14 Thank you.

15 CHAIRMAN BRINKER: Thank you,  
16 Ms. Petersen.

17 Next to speak in opposition to the  
18 proposed rezoning of the property.

19 MR. JOHN HOLDS: Thank you.

20 John Holds. I have two --

21 CHAIRMAN BRINKER: If you could  
22 please sign in and be sworn in first.

23 MR. HOLDS: Yes.

24 CHAIRMAN BRINKER: Thank you.

25 MR. HOLDS: And I have a -- I

1 have to retrieve a computer. I have a Power Point to  
2 put up.

3 (Thereupon, evidence was  
4 marked for identification and  
5 submitted for the record as  
6 Exhibits 5-P and 6-P.)

7 (Thereupon, the witness was  
8 sworn.)

9 So let me get this thing rolling here.  
10 So I'm John Holds. I own the abutting property to  
11 the immediate west, 2802 Spring Valley Road, and let  
12 me see if I can get this thing to run. There we go.

13 And this shows the subject property, so  
14 I am the property 57 acres, roughly, immediately to  
15 the west. We have a new home that was completed in  
16 December of 2016, and my wife and I moved to this  
17 area for solitude, peace and quiet and a rural  
18 atmosphere based on the County's representations.

19 A couple of things I would note because  
20 I understand the Commissioners were probably involved  
21 in a prior request, the original request was 10  
22 acres. This is increased by 40 percent in size, and  
23 if we look at the hearing, it is undeniable that the  
24 planned use for this NUA zoning is a large commercial  
25 venture.

1           To quote Ms. Lohmeyer in the Planning  
2     and Zoning hearing, this is going to be a commercial  
3     endeavor of some sort. They purchased the land for  
4     that purpose, locating a commercial endeavor in a  
5     lowly populated area. I can't think of any better  
6     place. I believe the neighbors would probably  
7     disagree with that.

8           It was interesting, Mr. Muckler's  
9     attorney seemed to denigrate the neighbors by saying  
10    six landowners does not constitute the general  
11    welfare of Franklin County. Future Land Use Maps,  
12    blah, blah, blah.

13           So the -- it seemed like the our  
14    consider -- our health, safety and welfare was to be  
15    a secondary consideration.

16           We did have a professional traffic study  
17    done by Brad Lumis, Professional Traffic Engineer.  
18    He -- and to quote Mr. Lumis, there is no safe place  
19    to put a commercial driveway along that stretch.  
20    There may be a 35-mile-an-hour advisory sign, but the  
21    speed limit is 50.

22           Perhaps if the speed limits were reduced  
23    to 30, if you had no stacking of vehicles or anything  
24    in or out, it might by traffic engineering standards  
25    be safe, but there are a number of conditions and, on

1 a practical basis, it is simply not a safe spot  
2 without a major change in the road. I heard  
3 discussion of turn-in lanes, et cetera. There's a  
4 bluff on one side and the creek on the other. So  
5 that will be a major operation.

6 In terms of noise, Bill Elzinga, who  
7 unfortunately could not be here, who lives in Forest  
8 Glen Estates. But he did submit a packet for -- for  
9 this hearing, and he did very professional  
10 calculations at six different spots. The six  
11 different spots he chose actually include -- if you  
12 look at that radius, it includes 15 homes with two  
13 under construction. So there's 17 homes. And if you  
14 go about 200 more feet, you pull in a big area,  
15 Forest Glen Estates, which has a line-of-sight to  
16 both sound and noise from this property.

17 So -- so as was testified to earlier,  
18 you can hear people very well. This valley amplifies  
19 sound, and in fact, his sound estimates took a very  
20 conservative estimate of that degree of  
21 amplification. It could up to 35 percent, each of  
22 them was 5 percent.

23 So that baseline sound levels, perhaps  
24 at my property or other properties similar distance,  
25 would be about the sound level of an air conditioning

1 compressor at 20 feet. So that's -- we're basically  
2 going from 30 decibels, which would be extremely  
3 quiet, to 60, which is a moderate amount of noise and  
4 not what any of us moved to this area for.

5 Looking at the Future Land Use Map,  
6 there was a claim from the proponents that this  
7 showed a zoning of Non-Urban Agricultural because of  
8 the wording in the map. The Future Land Use Map  
9 shows use and describes it as non-urban agricultural  
10 and lots over three acres, and the Commissioners, I'm  
11 sure, are much more familiar with this than I am.

12 This shows the subject lot, and you can  
13 see it is surrounded by a sea of green, which would  
14 be this same non-urban and agricultural and lots over  
15 three acres. And if we look at the current zoning  
16 map, you can see, except for Forest Glen Estates  
17 which is part of Pacific Township, it is all suburban  
18 development.

19 So if Mr. Muckler wished to develop this  
20 in a fashion consistent with SD and put up to ten  
21 homes there, which -- and perhaps I'm wrong, but my  
22 understanding if it's three acres per home, he could  
23 -- if he wishes up to ten homes there, I have  
24 absolutely no quarrel. I bought into this  
25 neighborhood understanding I'm surrounded by SD

1 zoning.

2                   However, if he gets NUA, they're up to  
3 56 permitted and conditional uses, 40 permitted and  
4 16 conditional uses, which includes, you know, hog  
5 raising, landfills, slaughter houses, commercial  
6 materials. So you know, quarries. So there's all  
7 sorts of things that can potentially happen.

8                   At the Planning and Zoning hearing, the  
9 proponents were not willing to say what they plan to  
10 do. To quote again, Ms. Lohmeyer, page 54 of that  
11 transcript, they wanted to change to Non-Urban  
12 Agricultural because there are more permitted uses  
13 underneath the zoning, giving them more options of  
14 whatever they decide to do there.

15                   So I think it's undeniable that some  
16 large commercial impact is planned for this  
17 neighborhood. I will also note, and I understand I'm  
18 under oath, that I was personally threatened in the  
19 Spring of 2017. I cannot give you the date. If I  
20 don't get what I want, I will put something you like  
21 a lot less there.

22                   And negotiating from threats to creative  
23 nuisance to the neighbors should concern the  
24 Commissioners in conferring a new zoning, especially  
25 NUA with the 56 permitted and conditional uses.

1 I would say that looking at this, that  
2 the conditional use permit process might protect the  
3 neighborhood. The -- and Mr. Muckler's attorney was  
4 correct as he lectured Planning and Zoning on this,  
5 the CUP process is a shall issue process. So the  
6 burden of proof is now on the opponents of the  
7 development if you go for a CUP. If someone has a  
8 good CUP presentation and they come forward well, I  
9 think that it would be almost impossible to stop at  
10 the Planning and Zoning level. And therefore, we  
11 must depend on the good judgment here to prevent that  
12 problem.

13 The proposed -- proposed rezoning  
14 conflicts with the Franklin County Future Land Use  
15 Map. It conflicts with numerous neighbors. It  
16 impacts with noise and light at least 45 households,  
17 so far more individuals. I think it can be -- when  
18 you look at the road traffic issue, I understand you  
19 don't want to look at MoDOT issues, but you have to  
20 understand the location.

21 Usually these kind of venues are at  
22 major intersections on major roads, and this is not a  
23 major road. And it's not a major intersection, and  
24 it's everyone who travels down OO would say that  
25 really is not going to be safe.

1                   And I do believe that inappropriately  
2 places the interest of one property owner above those  
3 of surrounding residents.

4                   Thank you.

5                   CHAIRMAN BRINKER: Thank you.

6                   Please sign in and be sworn in please.

7                   (Thereupon, the witness was  
8                   sworn.)

9                   MS. SOPHIA CHUNG: My name is  
10 Sophia Chung. I'm married to John Holds, and I live  
11 at 2802 Spring Valley Road, and we have property  
12 adjacent to the proposed change in zoning.

13                  With Mr. Lumis' permission, I am going  
14 to present a concise version of his materials. You  
15 already received that packet.

16                  MS. EAGAN: I don't know if we  
17 have that.

18                  MR. HOLDS: It was submitted.

19                  CHAIRMAN BRINKER: Who is Mr.  
20 Lumis again?

21                  MS. CHUNG: Mr. Lumis is a  
22 Missouri professional engineer. He's a professional  
23 traffic operations engineer, and he is a consultant  
24 to MoDOT. And you should have received that packet  
25 -- how many weeks ago? -- two weeks ago.

1 MS. EAGAN: To what office?

2 MR. HOLDS: To your office.

3 MS. EAGAN: Hand delivered?

4 MR. HOLDS: Yes.

5 MS. EAGAN: So there --

6 MS. CHUNG: Yeah, there it is.

7 Yes. You have it.

8 MS. EAGAN: Whatever you're  
9 playing up here, do we have this, this Power Point?

10 MS. CHUNG: No, but it's an  
11 excerpted -- it's all figures and excerpts from his  
12 report.

13 MS. EAGAN: You can't show the  
14 Power Point unless I have a copy of it.

15 MS. CHUNG: Okay. In that  
16 case, I'll just speak it. Let me just get my --

17 So I'm going to start with some  
18 conclusions that Mr. Lumis gave. I'm also going to  
19 conclude with similar ones, but his conclusions  
20 included that this rezoning would be unsafe at high  
21 risk. Highway 00 cannot safely support commercial  
22 venue.

23 The sight distance is woefully  
24 inadequate and unsafe, and that there was -- there is  
25 going to be significant increase in traffic,

1 significant risk of collisions and accidents, but  
2 particularly spends a lot of time talking about the  
3 inadequate sight lines both for those vehicles  
4 traveling out of the driveway from that area as well  
5 for those vehicles traveling along Highway 00 to  
6 avoid vehicles turning into the NUA.

7 Now, Mr. Lumis and his associates, they  
8 estimated the volume of vehicles that this venue  
9 would bring in. They proposed that a start time of 7  
10 o'clock, with a four-hour duration, would bring in  
11 significant traffic between 6:00 and 7:00 each  
12 weekend night. And then --

13 CHAIRMAN BRINKER: Now, ma'am,  
14 I'm trying --

15 MS. CHUNG: Okay. Too  
16 tightened. Okay.

17 CHAIRMAN BRINKER: With all my  
18 might, I am trying to please stay focused on what's  
19 presented, and that is the rezoning of a property.

20 MS. CHUNG: Okay.

21 CHAIRMAN BRINKER: No  
22 assumptions regarding traffic can truly really be  
23 made other than perhaps additional traffic. But this  
24 is consideration and rezoning a portion of this  
25 property --

1 MS. CHUNG: Okay.

2 CHAIRMAN BRINKER: -- from one  
3 zoning to another.

4 MS. CHUNG: All right. Well,  
5 so Mr. Lumis provided data from MoDOT that is  
6 established that shows that sight distance that is  
7 required to come to a complete stop and as noted  
8 previously, the posted speed limit is 50 miles per  
9 hour there. Thirty-five is an advisory speed limit,  
10 and there are no signs immediately in front of this  
11 particular property.

12 The -- in order for a vehicle traveling  
13 50 miles an hour, it requires 555 feet in order to  
14 come to a complete stop. For a commercial vehicle or  
15 a truck, because of its weight, it requires 870 feet.

16 If you look at the map of the road,  
17 Highway 00, in front of this property, you will see  
18 there are not sightlines for those vehicles traveling  
19 from the north from Manchester Road, even at 40 miles  
20 per hour and certainly not at 50 miles an hour.

21 So the vehicle pulling out of this NUA  
22 zoned area would be at significant risk for a  
23 collision.

24 If you then take a bus or a truck or  
25 some other commercial vehicle, even 30 miles an hour

1 which is the advisory speed, they are at high risk  
2 for a collision. Similarly for those vehicles that  
3 are traveling along Highway 00, in order to avoid a  
4 vehicle turning into the property, there is severe  
5 risk for those people, particularly coming from  
6 Manchester Road, at 30, 40 and 50 miles per hour  
7 since most vehicles will swerve and change course in  
8 order to avoid the collision. They don't usually  
9 take a straight-on course, and all of that  
10 information is in fact provided to you by Mr. Lumis.

11 So as -- as my husband mentioned, Mr.  
12 Lumis' concluding remarks were it is not appropriate  
13 for a commercial driveway to be located anywhere on  
14 this parcel due to the significant risk of collisions  
15 based on the geometry of the road, posted speed and  
16 sight distance.

17 I will add that I also was a near victim  
18 of a collision on Highway 00 when a vehicle crossed  
19 the middle around a curve, and I ended up having to  
20 go into a ditch. Thankfully safely, but nonetheless  
21 I'm very worried about those people unfamiliar with  
22 the area. It's going to be dark, it's winding, and  
23 many are going to be intoxicated, and I think that  
24 the -- and again, I'm treading on the issue of what  
25 the venue is going to be. But no matter what, there

1 is no safe place for a driveway out of that  
2 particular area given the speed and the geometry.

3 Thank you.

4 CHAIRMAN BRINKER: Thank you  
5 very much.

6 We're going to switch communication  
7 devices here. We're almost running low on the  
8 battery.

9 Thank you. Please sign in and be sworn  
10 in.

11 (Thereupon, the witness was  
12 sworn.)

13 MS. KAREN FUSS: I live at --  
14 my name is Karen Fuss, and I live at 2059 Highway 00,  
15 Pacific, Missouri, which is up at Highway 100 and 00.  
16 I didn't know anything about this Silver Oaks Wedding  
17 venue. I know about it now. I hear fireworks at  
18 night that sound like they're right next door. And  
19 it's the far distance from my house.

20 I hear their music at night. Noise  
21 echos through that valley. It's unbelievable. To  
22 have another wedding venue on the other side of me  
23 would really impede my -- the reason I moved out  
24 there, that they would have a big impact on my life  
25 because I would not be able to enjoy anything that I

1 can enjoy outside.

2 Another issue I have is I do travel 00  
3 to Pacific every day. It's a two-lane road. It is  
4 -- it is very unsafe. I like to drive 40 to 45 miles  
5 an hour. I'm usually tailgated the whole way. To  
6 have more people that are unfamiliar with that  
7 highway is -- will put my life in danger, and that's  
8 all I have to say.

9 Thank you.

10 CHAIRMAN BRINKER: Thank you.

11 Anybody else in the audience wishing to  
12 speak in opposition?

13 Please sign in and be sworn in. Thank  
14 you.

15 (Thereupon, the witness was  
16 sworn.)

17 MR. JERRY WILDING: Good  
18 afternoon. My name is Jerry Wilding. My wife and I  
19 own the 22-acre parcel of property immediately south  
20 of the Muckler subject property that we're talking  
21 about today.

22 The northern border of my property is  
23 the southern border of their property, and we share  
24 contiguous property line the entire length along that  
25 boundary.

1 I think it's telling that the only folks  
2 who've come here to speak today in support of this  
3 rezoning are people that don't live on or near this  
4 property. Likewise, all those who are opposed to it  
5 are people like myself who do own a property  
6 immediately around this area that is subject to  
7 rezoning, and they're against it. And they're  
8 against it for the simple reason that the idea of  
9 rezoning this property for commercial purposes is  
10 inconsistent with this area.

11 The light coming from a commercial  
12 property, the noise coming from a commercial  
13 property, particularly evenings and weekends, when  
14 you want to enjoy your property will destroy that  
15 value.

16 The Mucklers have -- and their  
17 supporters have talked about how they have their  
18 dream and they want to work and fulfill it. Well,  
19 what about the rest of us? My dream is to build a  
20 home on my property, one home, and not disturb anyone  
21 else and not to b disturbed.

22 Allowing the rezoning of the Muckler  
23 parcel to -- for commercial use will destroy my  
24 dream. And they don't seem to care about that.

25 One thing I want to add to confirm the

1 comment made by Dr. Holds regarding the comment  
2 directed to him by Mr. Muckler. I was present in  
3 2016 when the comment was made, not to me but to Mr.  
4 Muckler by Mr. Holds (sic), concerning his belief  
5 that if he doesn't get what he wants, he's going to  
6 put something even worse on that property.

7 So I can confirm that that statement was  
8 made.

9 So my -- my hope today is that you  
10 consider the immediate neighbors of this property and  
11 deny this request for rezoning.

12 Thank you.

13 CHAIRMAN BRINKER: Thank you.

14 Anybody else in the audience wishing to  
15 speak in opposition to this rezoning.

16 Please sign in and be sworn in.  
17 Distribute any items you wish to distribute for  
18 evidence.

19 (Thereupon, evidence was  
20 marked for identification and  
21 submitted for the record as  
22 Exhibit 7-P.)

23 MR. ED DINAN: Good afternoon.  
24 My name is Ed Dinan. I'm a professional real estate  
25 appraiser and consultant. I own a firm and am

1 president of a firm by the name of Dinan Real Estate  
2 Advisers. We do work primarily throughout the  
3 Midwest, but also throughout the country.

4 We've got assignments right now in North  
5 Dakota and Minnesota. So we get around a little bit.

6 I hold the MAI designation from the  
7 Appraisal Institute and the CRE designation from the  
8 National Association of Realtors.

9 I'm a broker in the state of Missouri.  
10 I'm a broker in the state of Illinois. And we have  
11 studied this rezoning matter for almost two years. I  
12 have furnished a copy of not only our report, but  
13 also collateral research that we have conducted  
14 subsequent to the initial study.

15 Ownership of real estate is often  
16 referred to as an ownership of a bundle of sticks.  
17 Each stick representing the separate right of  
18 ownership.

19 One of the key elements of ownership is  
20 that of quiet enjoyment. That is important to this  
21 whole analysis. We have undertaken all kinds of  
22 research. We have reports from the National  
23 Association of Realtors that talks about external  
24 obsolescence. We used to call it economic  
25 obsolescence 46 years ago.

1                   But it's basically a form of  
2   depreciation which negatively impacts a property that  
3   has nothing to do with the property itself. But it's  
4   a contiguous or an adjoining inharmonious land use.

5                   Their reports indicate a diminution of  
6   value of 10 to 15 percent, and if nothing else, it  
7   results in elongated marketing periods. Now, our  
8   office, my office, has researched other venues that  
9   have been discussed, and homes within a half a mile  
10  of these venues take almost twice as long to sell if  
11  you look at the days on market. So there is an  
12  impact there.

13                  There's also issues relating to sewage,  
14  waste water, and certainly there's going to be water  
15  detention issues that are going to affect not only  
16  the subject property but surrounding properties,  
17  neighboring properties.

18                  Other elements involve public safety and  
19  traffic, noise. We talked about elongated marketing  
20  periods, and I would just point out that in a zoning  
21  matter like this, a land use map is not a zoning map.  
22  A land use map is only a guide.

23                  So I think in the final analysis, the  
24  evidence speaks to itself, and I believe that I  
25  furnished you with all the necessary elements from

1 our research that would certainly indicate a negative  
2 impact and a diminution of value to surrounding  
3 properties.

4 Thank you.

5 CHAIRMAN BRINKER: Thank you.

6 Next to speak in opposition of the  
7 proposed rezoning. Please sign in and be sworn  
8 accordingly.

9 (Thereupon, the witness was  
10 sworn.)

11 MR. KEVIN SULLIVAN: Good  
12 afternoon. My name is Kevin Sullivan. I'm an  
13 attorney with Shands Elbert, and I represent John  
14 Holds, Sophia Chung, Padriac Kerr and some other  
15 neighbors in opposition to this rezoning application.

16 First I'd like to thank the  
17 Commissioners for their time this afternoon.

18 The County's Land Use Regulations  
19 clearly place the burden on the applicant to provide  
20 persuasive evidence that Section 321 of the County's  
21 Land Use Regulations are met and that the proposed  
22 zoning will in fact promote health, safety, morals,  
23 and general welfare of the county and also will  
24 protect property values.

25 The applicant here has simply failed to

1 meet this burden, especially when you're looking at  
2 the face of the overwhelming evidence that's been  
3 submitted before Planning and Zoning and here today  
4 and in the written record from not only neighbors but  
5 from accepted experts in their field.

6 And I'd just like to outline some of the  
7 reasons both legal and factual as to why this  
8 application must be rejected.

9 First, whether you're looking at the  
10 application or the Planning and Zoning or here, the  
11 applicants repeatedly just relied on the Future Land  
12 Use Map, and that because the Future Land Use Map  
13 says that it's non-urban, well, that means that it  
14 should be rezoned as Non-Urban Agricultural.

15 That's simply incorrect. There's  
16 nothing in the County's Master Plan that refers to  
17 rezoning this property as Non-Urban Agricultural, and  
18 the existing land use shows the area as having  
19 agricultural or residential uses, three plus acres  
20 that specifically conforms with its current zoning,  
21 which is Suburban Development.

22 The Future Land Use Map just doesn't  
23 correlate to any specific zoning classifications. I  
24 view it as a broad brush term that appears to  
25 encompass various zoning classifications. Whether

1 you're going to talk about suburban development, some  
2 type of residential use, or the non-urban  
3 agricultural or community development, it can be any  
4 of those.

5           If all the land is non-urban on the  
6 Future Land Use Map was meant to be classified as  
7 Non-Urban Agricultural, then I assume Planning and  
8 Zoning and the Commission would have done so at that  
9 point. And then you're talking about suburban  
10 development of having to be done away with because it  
11 would really serve no purpose.

12           And has been referred to, the Future  
13 Land Use Map is not something that is set in stone  
14 and is not supposed to happen. We even know that  
15 from when there was the Saloma development at the  
16 corner of Highway 00 and Highway 100. He wanted to  
17 rezone some of his residential land as commercial,  
18 and actually the future land use there, I believe,  
19 showed it as being commercial. And both -- and this  
20 Commission rejected that application.

21           More importantly, under the state goals  
22 of the County's Master Plan, this rezoning must  
23 simply be rejected. First land use goal three is to  
24 ensure contiguous land uses are compatible. And  
25 that's to be done by ensuring that new developments

1 don't conflict with existing residential and  
2 agricultural uses and by ensuring commercial  
3 developments are compatible with existing uses.

4 This rezoning as shown by the  
5 application is just going to create an island of  
6 non-urban agricultural zoning in an ocean of suburban  
7 development. All of the surrounding uses are  
8 residential and agricultural and have always been so.

9 This is the very definition of  
10 impermissible spot zoning under Missouri law because  
11 all it does it take one part -- one-third of an  
12 existing parcels and zones it so that it directly  
13 conflicts with and is completely incompatible with  
14 the other area uses. And what this does is that it  
15 gives special preference to the applicant's property,  
16 and that's just simply not allowed.

17 Moreover, the implementation strategy  
18 goal 2 states that when you have large commercial  
19 developments just like this one, whether it's a  
20 wedding venue, whether it's anything else, it's still  
21 almost 14 acres that those are going to be allowed  
22 near major intersections, they're going to be allowed  
23 along major transportation corridors in areas  
24 designated commercial on the Future Land Use Map.

25 The Muckler property doesn't fall into

1 any of those. It's Highway 00 is not a major  
2 transportation corridor. There is not -- the  
3 property is not located near a major intersection,  
4 and the future land use has no designation of  
5 commercial use in the area.

6 Moreover, this zoning in no way complies  
7 with Section 321 of the Land Use Regulations. And I  
8 think that's already been shown here through the  
9 testimony, but I'll just kind of go through it.

10 What this rezoning is going to do is  
11 it's going to be a detriment to, it's not going to  
12 promote, the health, safety, morals, and general  
13 welfare of Franklin County.

14 First, it's going to -- what this  
15 non-urban agricultural zoning is going to allow the  
16 land to be used for 40 permitted uses and 15  
17 conditional uses. That's in contrast to under  
18 Suburban Development where you have 15 permitted uses  
19 and 2 conditional uses right now.

20 Under Non-Urban Agricultural, anything  
21 can go on there. We're talking convenience stores,  
22 light manufacturing, wineries, or micro breweries.  
23 In their application and before the P and Z, the  
24 Mucklers refused to say what the development was  
25 going to be. Rather, stating that they wanted to

1 keep their options open, but that at some point now  
2 it would be a commercial venture.

3 Now there's been mentioned by the  
4 Mucklers in their presentation and in their Power  
5 Point that it's again going to be a wedding venue.  
6 Either they weren't forthcoming with P and Z or they  
7 were just waiting for right now to say once again  
8 that it's going to be a wedding venue.

9 What we do know and what we have in the  
10 record is the expert analysis, which is not contested  
11 by any admissible effort, from Brad Lumis. And he  
12 has shown in his report and as was presented by Dr.  
13 Chung that a driveway along any point of the frontage  
14 of Highway 00, and this is not just limited to a  
15 wedding venue. We're talking about the promised  
16 commercial endeavor that's going to go in there.  
17 It's going to be dangerous for both cars that are  
18 going to be entering and exiting this property.

19 And it's going to be especially  
20 dangerous when you take into account the state of  
21 Highway 00. It's already a dangerous road with lots  
22 of curves, no shoulder, inadequate sightlines, no  
23 street lights, and no turning lanes.

24 We've heard -- it's already in the  
25 record from previous testimony and we've heard about

1 it again today, about frequent and fatal accidents.  
2 And that's already occurring without a flood of cars  
3 streaming into it, whether it's at midnight when cars  
4 are coming out of a wedding venue or whether they're  
5 coming out in the middle of the day from another type  
6 of commercial operation. Adding hundreds of cars and  
7 not just the small percentage, because really you  
8 have to look at it, are these cars going to be coming  
9 out at a specific time of day and we believe that  
10 they will be, and many of these operators of the cars  
11 being under the influence. It's just going to make  
12 matters much worse.

13 And I fully understand that the decision  
14 with respect to the roads is going to be left to  
15 MoDOT, but under Section 321, the health and the  
16 safety of the residents along Highway 00 are  
17 respectfully the duty of the Plan and Zoning (sic)  
18 Commission who unanimously rejected this application,  
19 and also with the Commission here. And it should be  
20 rejected on that basis.

21 Likewise, there's going to be serious  
22 environmental effects, specifically on neighboring  
23 farms. You have the strong possibility of utilities  
24 not being extended to this property. And if you have  
25 a large septic system put in, there's the strong

1 possibility that there's going to be leaching  
2 whenever you have heavy rains. And that could reach  
3 Little Fox Creek, which the water quality which is  
4 depended on by several of the farms in the area.

5 Also you're going to have the  
6 degradation of the creeks through additional runoff.

7 Likewise, if they're going to put in a  
8 well if they don't get the water because we're  
9 talking just hypotheticals here, any type of  
10 commercial use that could affect everyone in the area  
11 who have wells. If you have this big commercial  
12 venue that's sucking out groundwater, are the people  
13 in the area going to have to redig their wells?

14 That's another thing to consider.

15 Probably most importantly and what we've  
16 heard repeatedly is that it's going to negatively  
17 impact the enjoyment of properties in the area.  
18 Whether it's John Holds and Sophia Chung, Paddy Kerr  
19 and his father, Bill Moore Elzinga, Kathy  
20 Kilo-Petersen, Karen Fuss, everyone who spoke here, a  
21 large commercial operation or any type of wedding  
22 venue is going to have light. It's going to have  
23 indoor and outdoor music, loud patrons, hundreds of  
24 cars, and it's going to enjoy -- and it's going to  
25 destroy the peaceful and tranquil setting that people

1 came here and built homes to enjoy.

2 Finally, we have the expert analysis of  
3 Ed Dinan. I didn't see what was submitted by the  
4 Mucklers, but I didn't see that they had an expert  
5 here, and I'm not sure that their market analysis  
6 would even be admissible on that point. What we have  
7 here is a comprehensive report by Mr. Dinan, a highly  
8 respected expert in his field, which shows that we're  
9 talking about a serious decrease in -- in the value  
10 of the neighboring homes.

11 We're not just talking about a small  
12 amount. And I would say even a small amount, because  
13 under Section 321, it says it can't be rezoned if  
14 it's going to harm property value. When you're  
15 talking about damage in the area of 15 to 25 percent,  
16 that's something real and something which can't be  
17 ignored.

18 Finally, the noise. One thing that was  
19 brought up is another expert report submitted by Bill  
20 Elzinga. I won't recap every- --

21 CHAIRMAN BRINKER: Can I ask  
22 you a question --

23 MR. SULLIVAN: Yes, sir.

24 CHAIRMAN BRINKER: -- to  
25 clarify, please.

1 MR. SULLIVAN: Yeah.

2 CHAIRMAN BRINKER: Under our  
3 Item No. I guess page 5 and No. 3 in the rezoning, in  
4 that evaluation perspective, he says his study showed  
5 that the value of the Kerr and Holds properties would  
6 decrease 25 percent or \$30,000 and 15 percent  
7 \$250,000, respectively.

8 MR. SULLIVAN: Correct.

9 CHAIRMAN BRINKER: I don't  
10 know how those relate to each other and what that  
11 means.

12 MR. SULLIVAN: Well --

13 CHAIRMAN BRINKER: How could  
14 25 percent equate 30,000 and 15 percent equate to  
15 250,000?

16 MR. SULLIVAN: Well, with  
17 respect to John Holds and Sophia Chung have 57 acres  
18 and a large home, and then just with respect to Mr.  
19 Kerr, I think his acreage is smaller than that and  
20 that he has a smaller home on it.

21 CHAIRMAN BRINKER: Got you.  
22 Okay.

23 MR. SULLIVAN: So it would  
24 just be the valuation of --

25 CHAIRMAN BRINKER: Relative to

1 the size of both.

2 MR. SULLIVAN: Relative to the  
3 size. That's why I put in both the percentages and  
4 the dollars.

5 CHAIRMAN BRINKER: That's why  
6 I asked. Thank you.

7 MR. SULLIVAN: Okay. Thank  
8 you.

9 Just with respect to the noise in and of  
10 itself is going to damage the property, and this is  
11 based on -- this isn't based just on Bill Elzinga  
12 pulling numbers out of the air. It's based on  
13 accepted standards and studies in the field, and just  
14 using a conservative approach, you're basically  
15 looking at added decibels will decrease property  
16 value by 1 percent.

17 So again, you could be looking at, you  
18 know, as anywhere close to 25 percent to some of  
19 these 17 homes that are directly in the area.

20 Finally, I would just like to one --  
21 note one other thing, that if it is rezoned, and I  
22 know we've talked about whether it's going to be a  
23 wedding venue and we don't want to get into the  
24 specifics, but I think it does have to be brought up  
25 in two aspects.

1                   If it is rezoned and if special  
2 occasions are permitted under Non-Urban Agricultural,  
3 and that's a permitted use, that's not a conditional  
4 use, so all that has to be met under those  
5 circumstances is the requirements for a Special  
6 Occasions permit, which is under Section 237 of the  
7 Land Use Regulations.

8                   That takes away any control over hours  
9 of operation. That takes away control over, well,  
10 when are you going to turn off the -- so it could  
11 stay open till midnight. You could have music on  
12 till midnight. I don't think there's anything in  
13 those regulations about when are you going to turn  
14 the lights off. So you could have a parking lot for  
15 150, 200 spaces with lights on all night, and that's  
16 going to seriously degrade the enjoyment of these  
17 people's homes.

18                   And then finally, it's something of the  
19 fact that they talk about the great benefit that's  
20 going to -- and the wealth -- the improvement to the  
21 welfare of Franklin County. But if you're looking at  
22 it in a vacuum, I don't think we know what type of  
23 benefit it can be, no matter what commercial -- I  
24 think if it's going to be a wedding venue or any  
25 other commercial venture, I think we've shown that

1 the detriment is going to greatly outweigh whatever  
2 type of vague public benefit in increased taxes would  
3 occur by a commercial venture.

4 Thank you for your time.

5 CHAIRMAN BRINKER: Thank you.

6 Anybody else in the audience wish to  
7 speak in opposition of the rezoning of this property?

8 (NONE)

9 All right. Mr. Muckler, would you like  
10 an opportunity to final commentary?

11 MR. MUCKLER: Yes, sir. Thank  
12 you.

13 I just want to touch on a couple of  
14 things. In the packet that we provided you guys,  
15 there is to the north and I believe the south of our  
16 property right before our property, there are both  
17 signs that you can see in the pictures that show the  
18 35-mile-per-hour just literally they're right on both  
19 sides of our property. So I just wanted to let you  
20 know that.

21 Second, I take personally the fact that  
22 these gentleman, Mr. Holds, would get up here and say  
23 that I threatened him. In actually 2016 we reached  
24 out to him. I can't tell you the direct time off my  
25 head, but my father-in-law actually, both and I met

1 him on the property. Just so you know, just to put  
2 this in the statement, he was by himself. So I don't  
3 know what the other gentleman is referring to that I  
4 threatened either of them, as I would never threaten  
5 anybody.

6 As I've been -- I'm a professional  
7 business person and genuinely a really nice person.  
8 So I just take that personally as a jab to me. I  
9 just wanted to put that clear.

10 And appraisals, we actually have facts  
11 of homes that have sold in both areas, just to touch  
12 on if you guys would like to see that.

13 State Highway 00 is a State highway.  
14 Tons of traffic when I'm out there, literally traffic  
15 left and right. I mean, there's cars coming. So I  
16 just wanted to say that it's not peaceful out there.  
17 There's a lot of traffic.

18 And then obviously, we would have to be  
19 regulated if we were to open up a venue. There are  
20 restrictions, and that would come at another time  
21 that would be discussed. So I just wanted to let  
22 them know that it wouldn't be -- we can't just do  
23 whatever we want out there.

24 So thank you for your time.

25 CHAIRMAN BRINKER: All right.

1 Thank you very much, and thank everybody for  
2 participating in this public hearing.

3 There being no further testimony or  
4 evidence to put forward, we will close this public  
5 hearing accordingly, and the results the meeting down  
6 the road you'll see on the agenda.

7 Thank you very much. Have a good day.

8 There being no further business, this  
9 public hearing is concluded and adjourned.

10 (Thereupon, the proceedings  
11 were concluded at 3:38 p.m.)

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1 CERTIFICATE OF REPORTER  
2 I, PATSY A. HERTWECK, Professional Court  
3 Reporter and Notary Public within and for the State  
4 of 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  
11 accurate transcript of said proceedings.

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

14 \_\_\_\_\_  
15 Patsy A. Hertweck, Court Reporter  
16 Notary Public, State of Missouri

17 My Commission Expires:  
18 August 26, 2018

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TRANSCRIPT OF PROCEEDINGS 8/9/2018

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