

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

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PUBLIC HEARING
AUGUST 22, 2019
(COMMENCING AT 1:30 P.M.)

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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 TIM BRINKER, CHAIRMAN
4 DAVE HINSON, COMMISSIONER
5 TODD BOLAND, COMMISSIONER
6 PLANNING AND ZONING STAFF:
7 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING
8 COUNTY LEGAL COUNSEL:
9 MARK PIONTEK, COUNTY ATTORNEY
10 ALARIS LITIGATION SERVICES:
11 PATSY A. MAYBERRY, C. R.
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13 ST. LOUIS, MISSOURI 63101
14 (314) 644-2191
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18
19
20 Reported by:
21 Patsy A. Mayberry, C. R.
22 Alaris Litigation Services
23
24
25

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

2 (AUGUST 22, 2019)

3 CHAIRMAN BRINKER: All right.

4 I'd like to welcome everybody and announce the public
5 hearing before us today, Thursday, August 22nd. The
6 Commission is present, and I call this public hearing
7 to order.

8 Scottie.

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

16 (THEREUPON, EVIDENCE WAS MARKED
17 FOR IDENTIFICATION AND SUBMITTED
18 FOR THE RECORD AS CITY EXHIBITS A,
19 B, C, AND D.)

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

24 Then if anyone in the audience would like
25 to speak or comment during the hearing, they must

1 first print their name on the sign-in sheet provided,
2 and then be sworn in.

3 When it is your turn to speak, you will
4 come to the front of the room to address the
5 Commission and only the Commission, not anyone in the
6 audience, with any 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. The
10 applicant may speak again after comments from the
11 general public to address any questions or issues
12 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 190144, Farn Washington, L.
20 L. C., Mark Farner.

21 The applicant is requesting to rezone
22 approximately .9 acres from Non-Urban and Agricultural
23 to Commercial Activity Highway Service.

24 The property is located at 3012 Old
25 Highway 100, at the northwest corner of Highway 100

1 and Old Highway 100, in Boles Township.

2 THE FACTS: The total area for the
3 rezoning is approximately .9 acres.

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

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

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

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

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

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

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

21 This property is located in Public Water
22 Supply District Number 3.

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

25 STAFF COMMENTS: This property is

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

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

6 The Planning and Zoning Commission voted
7 to recommend approval of this rezoning with four in
8 favor and six opposed.

9 Rezoning are 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 of
17 public improvements in accordance with the Master Plan
18 adopted by Franklin County.

19 CHAIRMAN BRINKER: Thank you,
20 Scottie. For clarification on Number 3, it says the
21 Planning and Zoning Commission voted to recommend
22 approval with four in favor and six opposed.

23 Can you help explain that?

24 MS. EAGAN: So four of our
25 Planning and Zoning Commissioners were in favor of the

1 rezoning, and six of them are opposed to the rezoning.

2 CHAIRMAN BRINKER: And when --

3 AUDIENCE MEMBER: Excuse me,
4 sir. I can't hear you.

5 CHAIRMAN BRINKER: Hold please.

6 This is a public hearing, and you'll be called upon.

7 AUDIENCE MEMBER: Well, I
8 didn't hear you.

9 CHAIRMAN BRINKER: Thank you.

10 Scottie, what is -- so --

11 MS. EAGAN: They are
12 recommending denial.

13 CHAIRMAN BRINKER: Okay.

14 MS. EAGAN: But they never made
15 that official motion.

16 CHAIRMAN BRINKER: In other
17 words, they took a vote to recommend it and it failed?

18 MS. EAGAN: Correct. Yes.

19 CHAIRMAN BRINKER: Okay. So I
20 read this as a typo is the reason for clarification.
21 Thank you.

22 All right. That being said, we'll go
23 right into we'll allow for those in favor to speak to
24 this point. Anybody in the audience wish to speak in
25 favor of this recommendation?

1 (THEREUPON, THE WITNESS WAS
2 SWORN.)

3 MR. CHARLES DUFORE: My name is
4 Charles Dufore. I go by Skip Dufore. I'm an
5 attorney, and I represent the applicant Farn
6 Washington, L. L. C. and Mark Farner.

7 Mr. Farner is here with me this
8 afternoon, and he may also speak. To the extent
9 questions come up that I don't have personal knowledge
10 of, I would ask Mr. Farner to approach the bench or
11 the pulpit, or the dais and answer those questions.

12 CHAIRMAN BRINKER: And he
13 certainly may do so after being sworn in.

14 MR. DUFORE: Yes, sir.

15 CHAIRMAN BRINKER: Thank you.

16 MR. DUFORE: So I'd like to
17 inquire I guess. The exhibits, Scottie, that were
18 introduced at the Planning Commission hearing on
19 behalf of the applicant, that's part of this
20 proceedings here today?

21 MS. EAGAN: Anything submitted
22 at the hearing was brought up.

23 MR. DUFORE: Okay.

24 And I asked that point of clarification
25 because I know that in the staff comments it was

1 mentioned that the present use of the property by the
2 applicant is in violation of land use codes. And I
3 wanted to explain a little bit of the background of
4 how and why that happened.

5 We have basically two parcels of property
6 here under one parcel number under the tax assessment
7 as I understand, and the property is being taxed
8 commercially.

9 The first parcel I believe Mr. Farner
10 bought, I'm going to say, inn around 2003. And when
11 he bought that parcel, it was being used as a used car
12 lot. And prior to that point in time immediately
13 before its purchase, it was being used as a used car
14 lot and I think even perhaps before that it was maybe
15 a gas station and a convenience store.

16 I'm not sure what the zoning was at that
17 point in time in that 2003 timeframe, but the usage of
18 it was on a commercial basis.

19 After Mr. Farner bought it, he leased it
20 to someone who ran it as a used car lot.

21 Then the timeframe of 2013 approximately,
22 the second part of the parcel that is one parcel
23 number was acquired by Mr. Farner as a remnant from
24 the State Highway Commission. So as you look at, I
25 guess, the map that maybe you have as part of your

1 file, the property that has the structure on it was
2 the first parcel purchased. And the property across
3 the paved street, which is grass, was a parcel
4 acquired from the State Highway Commission.

5 Now, Mr. Farner believes that in
6 acquiring the remnant from the State Highway
7 Commission, that he also purchased the rights to that
8 roadway to the extent of the dormant property line
9 extending across to match up on his property on the
10 other side, on the -- we'll call it north, east, and
11 west, the grassy one, I'll call it on the west side.
12 And the first parcel I'll call on the east side.

13 If you extend that property line across,
14 he believes that that was included in the deed from
15 the State. I think Scottie has mentioned that they're
16 not sure that that is the case. But regardless, all
17 of the property is under one parcel now.

18 So what -- what happened here
19 historically and how the land use violations developed
20 is that Mr. Farner had a used car lot in the City of
21 Wildwood. He leased that out to another operator, and
22 he transferred his license from Wildwood to Villa
23 Ridge, unincorporated Franklin County.

24 And in going through that process, he did
25 get a license from the State of Missouri authorizing

1 used car sales at that location, he did get a
2 merchant's permit from Franklin County at that
3 location, he had a fire approval and a building permit
4 at that location.

5 So as I said at the Planning Commission,
6 you know, right, wrong or indifferent, Mr. Farner
7 believed that he had everything that he needed to
8 conduct business operations legally at that site, and
9 given the fact that the prior historical use of the
10 site, he didn't believe there was any land use
11 violations.

12 Obviously cited with them and those are
13 pending, so I'm just only offering this to suggest to
14 you that there was no wilful flagrant intent just to
15 ignore the land use code.

16 Mr. Farner thought he was in compliance
17 until it was brought to his attention otherwise. And
18 he even had thought that some earlier correspondence
19 by the Planning Department or the code enforcement
20 officers was not applicable because at that point in
21 time he had not transferred his license from Wildwood
22 to Villa Ridge with the sanction of the State.

23 And those permits that I've mentioned are
24 part of the exhibits, is why I was asking Scottie if
25 they're part of the record.

1 So to try to correct the land use
2 violations and to correct the zoning, we proceeding
3 with filing this zoning application. What's before
4 you today is the slightly amended zoning application
5 because in the first one that I filed, I requested
6 that it be CA or CA3. I didn't really know which one
7 might be considered more appropriate by the County,
8 and then I was notified by the Planning Commission
9 that I have to pick one. I can't just say here are
10 two. Give me one. I need to pick one to apply for,
11 which I did in the first amended application, and I
12 picked CA3.

13 Then I received a phone call from the
14 Planning Department suggesting that it might be more
15 appropriate to request CA under the existing code. So
16 I filed the second amended petition, and it brings us
17 to the request that's before you today from -- for the
18 CA district.

19 And I was asking questions as to why that
20 particular district was selected at the Planning
21 Commission, and as I explained, we looked for ones, I
22 looked for ones that approved and authorized the sale
23 of motor vehicles, used motor vehicles.

24 And see here it's got a list of a whole
25 host of other permitted uses besides the one that

1 we're asking to have here. And the question was
2 raised well, if the zoning is granted, there could --
3 any of the permitted uses could be ones that the
4 property could be put to use.

5 And I said, well, yes, I clearly have to
6 admit that, but the only one that we're interested in
7 is the one that allows used car sales, and that's why
8 we're here. And that's still the case.

9 We filed this petition "on our own" after
10 having learned that the County had a -- was
11 considering a proposed county-wide rezoning, and that
12 under that proposed county-wide rezoning, this
13 property was designated as commercial.

14 We still moved forward on this
15 application because we had the land use violations.
16 We didn't know or appreciate how long it would or
17 would not take for the county-wide rezoning to be
18 considered and implemented. So we thought well, we'll
19 come forward with our own rezoning request, and that's
20 another reason why we're here today.

21 I know that, you know, historically the
22 property was used commercially, that the proposed use
23 is commercial, it's being taxes as commercial, and we
24 certainly feel that at the intersection of Old 100 and
25 New 100 right there that the proper use of the

1 property is commercial. We feel that that does
2 promote the County's best interest in terms of
3 expanding the commercial base of the county, and it
4 would add not that many jobs, but I think there's
5 probably two to three people working there.

6 And obviously there is some sales tax
7 that is generated for residents, you know, within the
8 county that buy at that location.

9 I don't have anything more to say other
10 than we do understand that if this zoning were to be
11 granted, that there are other requirements in the
12 existing code, and as I understand, in the
13 contemplated rezoning and regulations, that we would
14 have to meet, including buffering, signage and certain
15 parking requirements for customers and employees.

16 And it's my understanding that if the
17 zoning is granted, then we'll have to meet those
18 requirements in order to fully comply with the code.

19 There's -- I don't know if the
20 Commissioners have had opportunity to review the
21 transcript of the Planning Commission, but I do want
22 to address one final point that came up in that
23 hearing. Which was the building permit application
24 for the use of the premises was designated as office
25 by my client when he came to apply for a building

1 permit.

2 And it is in fact the office of the used
3 car lot. There was some mention that had the
4 application been designated as office for used car
5 lot, that the review process may have been different
6 than what it was in granting the permit and ultimately
7 in granting the business license.

8 I don't know whether that's right or
9 wrong, but regardless, I'm again suggesting to you
10 that we're coming in and asking for it to be
11 considered as an office and that was the building
12 permit, it was known or should have been known as it
13 always had been used as a car lot. I mean, it was
14 clearly our intention that it was the office for the
15 car lot, and that's what it's being used for today.

16 So again, just simply suggesting that
17 there was no nefarious intent to try to circumvent
18 anything that is required by your code. And I'm here
19 to tell you that if you're kind enough to grant the
20 commercial rezoning, we will comply with the code in
21 whatever respects we need to in order to become in
22 full compliance.

23 That's all I have. Thank you.

24 CHAIRMAN BRINKER: Thank you.

25 Any questions by the Commission?

1 COMMISSIONER BOLAND: No.

2 CHAIRMAN BRINKER: Thank you.

3 Anybody else in the audience wish to
4 speak in favor of the proposal?

5 Please state your name and be sworn in.

6 (THEREUPON, THE WITNESS WAS
7 SWORN.)

8 MR. MARK FARNER: My name's
9 Mark Farner, and I own the property at 3012 Old
10 Highway 100, and I just appreciate your time, you
11 know, coming out here today and telling us -- and
12 telling you the situation up there where I'm at.

13 Like Mr. Dufore said, all along I thought
14 I was in compliance when I got my dealer license from
15 the state and my business license from Franklin County
16 that I was in compliance with everything.

17 The first that I heard about this was
18 just, you know, recently when we got the code
19 violations, and that's when I got ahold of Mr. Dufore
20 and told him, you know, the situation and all. But
21 I'm just asking, you know, since I own the property
22 right next to my lot there, that I could just get it
23 rezoned commercial where we can park cars then, you
24 know, over there on the -- on the area, you know, just
25 north of my building there, you know, since it's at a

1 major intersection.

2 And you know, we've kept the lot looking
3 real good. Everything around here, you know, keeping
4 nice cars on the lot, washing them, no tire -- no cars
5 with flat tires or anything, and you know, we try to
6 keep our customers happy.

7 And really that's all I have to say.
8 Does anybody have a question to me?

9 COMMISSIONER BOLAND: My
10 question to you, when was the first time you were
11 notified that you were in violation?

12 MR. FARNER: I believe that it
13 was probably -- I'm guessing probably three or four
14 months ago, three months ago. Is that right? Yeah,
15 three. Three or four months ago.

16 MS. EAGAN: The first violation
17 was sent in I believe it was the summer of 2017.

18 MR. FARNER: I was -- I was not
19 out there in 2017.

20 MS. EAGAN: We have a letter
21 that was sent to you stating that motor vehicle sales
22 is prohibited there and you need to rezone.

23 Tori worked with you. You removed all
24 the cars. The case would have -- the file was closed,
25 and then in 2018, you brought the cars back out, and

1 that's what reopened the case to go to municipal
2 court.

3 MR. FARNER: Okay. Yes, okay.
4 2017 I had some cars parked out there. They said that
5 I had to get -- move my dealer's license before I
6 could park them. There was only just a handful of
7 vehicles out there. We removed those, and then later
8 on applied for our dealer license back in last year
9 for -- for the lot.

10 MR. DUFORE: You weren't
11 selling them there. You had them stored there.

12 MR. FARNER: Exactly, yeah.
13 That's what I said. We had parked them there, but we
14 weren't selling there and so we removed them like they
15 asked me to do. And then last year, you know, is when
16 we applied for the dealer -- dealer and business
17 license there.

18 MR. DUFORE: Mr. Commissioner,
19 if I may. There is a 2017 letter, no question about
20 it. I was involved in working through that problem
21 with Tori at the time.

22 Mr. Farner had cars parked on that
23 property. He did not have a license there at all, and
24 but was not conducting sales from the site at that
25 time. He was using it as he thought was okay for

1 excess storage for his lot in Wildwood.

2 And that's what I alluded to earlier. He
3 thought his violation was right, wrong or different,
4 that he hadn't been approved by the State. He hadn't
5 gotten any occupancy permit, and the cars were
6 removed. That violation was complied with and
7 satisfied, but it was not recognized at that point in
8 time as being a land use violation because Mr. Farner
9 thought that after he got the permits that I addressed
10 in my presentation, that he was okay.

11 And I'm just telling that's what it was.
12 I mean, whether that's considered a good explanation
13 or not, that is what happened.

14 COMMISSIONER BOLAND: Okay.

15 MR. FARNER: Does anybody else
16 have any questions?

17 COMMISSIONER HINSON: I do not.

18 COMMISSIONER BOLAND: No.

19 Thank you.

20 CHAIRMAN BRINKER: No, sir.

21 MR. FARNER: Thank you very
22 much for your time.

23 CHAIRMAN BRINKER: Thank you.

24 Anybody else in the audience wish to
25 speak in favor of the proposition?

1 (NONE)

2 Anybody wish to speak in opposition of
3 the proposal? Please come forward and be sworn in and
4 state accordingly.

5 MR. JOHN HASSLER: John
6 Hassler.

7 (THEREUPON, THE WITNESS WAS
8 SWORN.)

9 I apologize, Commissioner. I couldn't
10 hear anyone.

11 CHAIRMAN BRINKER: That's all
12 right.

13 MR. HASSLER: Yeah. I live at
14 3022. It's borders the property in question.

15 In 2017, I probably had 15, 20 people
16 coming in my house because there was for-sale signs on
17 all that vehicles and stuff, but there was no phone
18 number. And nobody knew how to get a hold of them,
19 and I kind of got tired of that.

20 So I mean, I guess he was trying to sell
21 some at that time, you know, because they had for-sale
22 signs in there in the windows of the other vehicles.

23 And you know, since he's been operating,
24 put his sign out there and all that and everything,
25 recently there, I don't like the traffic that's

1 involved. There's a lot of -- to me, a lot of shady
2 characters that are parked out in front of my house
3 all the time.

4 One guy was sitting out there. My
5 girlfriend wouldn't come in my house because there was
6 some strange truck right there in my driveway. And I
7 went out and tried him to get him to leave. It just
8 looked like a nice quiet place to make a few phone
9 calls and do some paperwork.

10 Well, there's a reason why it's a nice
11 spot to do paperwork, you know. Don't know why he'd
12 get in my driveway to do something like that. It made
13 me nervous.

14 And just been a little bit more of a
15 Class A county really having to deal with stuff like
16 that. And that was pretty much it.

17 Thank you very much.

18 CHAIRMAN BRINKER: Thank you.

19 Thank you, appreciate it.

20 MR. HASSLER: You all have any
21 questions for me or anything?

22 COMMISSIONER HINSON: I do not.

23 MR. HASSLER: Thank you all.

24 CHAIRMAN BRINKER: Thank you.

25 Anybody else wish to come forward and

1 speak in opposition of the proposal?

2 You need to state your name and sign in.

3 (THEREUPON, THE WITNESS WAS
4 SWORN.)

5 MS. SUSANNA BOLLOCK: Hello.

6 My name is Susanna Bollock. I've been here before.

7 I live at 3550 St. Louis Rock Road. My
8 property is catty-corner to the used car lot, and
9 historically you're right. It's been a little bit of
10 everything.

11 It was a small engine repair. It was a
12 gas station. It was something else. Then it was a
13 convenience store. Then it was empty for a while.
14 Then it was a convenience store again. Then it was a
15 used car lot with maybe five cars. Then it was a
16 little bit more, and then it started to be a parking
17 lot for cars with for-sale signs in it.

18 And then it has this huge sign that I can
19 see from my bedroom window.

20 My family's lived on this land a long
21 time. Like those before me, I try to be a good
22 citizen and a good neighbor. Whoever shows up to sell
23 cookies or have bags filled with canned goods or needs
24 help with a car, I do what I can. I call a tow truck.
25 I buy Thin Mints and contribute to community causes.

1 I recycle. I do my yard work. I attend
2 Villa Ridge Christian Church, and I go to it as much
3 as I can. I'm a friend of the library, and I am in
4 compliance with zoning.

5 I try to be a good neighbor. I'm not the
6 smartest bulb in that pack, but I am compliant with
7 zoning.

8 Mark Farner is not a good neighbor
9 because he is not considering anything he does to have
10 consequences with the homes and the business around
11 him.

12 What does a business need to do to be a
13 good neighbor and contribute to the community so that
14 -- what was the line -- health and wellbeing of
15 Franklin County. Okay.

16 Straatman Toyota, down the road on
17 Highway 100, I have actually purchased used cars, new
18 cars from there for 40 years. I think they've been in
19 business longer. When they were on Fifth Street, I
20 bought my first car.

21 They are now close to residential
22 housing, but there is a huge buffer of land. No
23 lighted sign shows -- shines into any bedroom window.
24 Neat, clean, well landscaped. A well-planned business
25 aware of the community and not infringing on anyone

1 else's land. A business built over 40 years with deep
2 awareness and connection to the community.

3 Okay. That cannot be said of Mark
4 Farner. He is not only a bad neighbor and "would you
5 buy a used car from this man who makes so many
6 mistakes?" He is breaking the law with impunity, and
7 he is disingenuous in the sense that if you think he's
8 telling the truth about not knowing about zoning, then
9 he hasn't been in business for 40 years.

10 I don't know anything, and I know about
11 zoning. He continues to operate even though he was
12 notified that the property was not zoned for used car
13 sales. While he's been in the used car business for
14 years, he claimed ignorance.

15 He does not tell the Building Department
16 his business, and merely says he wants to have an
17 office. Even though he is in non-compliance with
18 zoning, he places a large lighted sign on his property
19 that shines into nearby homes.

20 He acts like he's sure, and he may be,
21 that Franklin County will rubber stamp this and allow
22 him to have a used car business in that corner.

23 He waits out authorities, and he hires an
24 attorney to argue his ignorance and his innocence,
25 which is bogus.

1 Historically we know what that property
2 has been. We know that Highway 100 is going to be
3 Manchester Road within my lifetime. I would like to
4 slow it down this much. Will this used car benefit
5 anyone within a two square miles of Villa Ridge?

6 No, not in my opinion.

7 Is it the best use of the land?

8 No.

9 Will this add to the health and wellbeing
10 of Villa Ridge or greater Franklin County?

11 No.

12 Consider this rezoning request as if it
13 was across from your own home. I don't know where you
14 all live. If you live across from a used car lot,
15 raise your hand, please.

16 Do you want to live with a used car lot
17 across from your front door with a light shining into
18 your bedroom window?

19 Thank you.

20 CHAIRMAN BRINKER: Thank you.

21 Anybody else in the audience wish to
22 speak in opposition proposal? I would ask that you
23 keep in mind the Commission today is considering, and
24 only considering, the rezoning of the parcel of
25 property within Franklin County. It has nothing to do

1 with individuals or their history. It has to do only
2 with the planned use in this county as relates to land
3 use today.

4 Thank you.

5 (THEREUPON, THE WITNESS WAS
6 SWORN.)

7 MR. LANCE MATTHIS: Good
8 afternoon. My name is Lance Matthis. I live at 3016
9 Old Highway 100, directly across from the parcel in
10 question.

11 My esteemed Commissioners, we know that
12 Article 14, Section 321 of the Unified Land Use states
13 that rezoning will be allowed based on the
14 understanding that any changes must promote the
15 health, safety, morals, and comfort of Franklin County
16 while also protecting the personal property values.

17 As such, rezoning of this should be
18 denied for the multiple commercial uses that would not
19 adhere to this article as written.

20 These range from commercial use being
21 able to be a crematorium or a funeral home, bars,
22 nightclubs, liquor stores, just to name a few. These
23 business, while they have their place in our
24 community, they do not promote the health, safety or
25 comfort of the Villa Ridge community or in a Non-Urban

1 and Agricultural zoned area.

2 While the property is not used in that
3 fashion today, rezoning it to commercial would allow
4 for those businesses to be built in the future, and
5 thus, creating a risk to our community.

6 The current issues of the property is
7 also causing harm to the local residents' safety and
8 comfort. Highlighting yet another reason to deny this
9 request. The local harm that has been expressed by
10 others, as well as documented previous court
11 proceedings range from personal property damage to a
12 blinding light that obscures vision when approaching
13 Highway 100, which is the definition of a public
14 safety hazard.

15 We also know that the current use does
16 not promote the morals or community values of Franklin
17 County, which was made clear by the business'
18 willingness to deceive the County when filing for a
19 business license as an office while knowing its
20 intended use was to sell used vehicles.

21 Also as stated, they've been previously
22 notified of these zoning violations.

23 Based on comments that have been made
24 about the previous use of the property throughout the
25 past and when it was sold, I would offer that Wildwood

1 Motors would have a chance to pursue litigation
2 against the original seller for a misinterpretation of
3 the land use. But the people in the community of
4 Villa Ridge should not have to bear the burden of that
5 continued mistake.

6 As such, for these reasons, this rezoning
7 request should be denied for we the people of Villa
8 Ridge trust the Commission will uphold and protect the
9 individual and community values you were elected to
10 uphold, adhere to the articles as written, and stand
11 by the opposed position of the Planning and Zoning and
12 their recommendation not to approve.

13 CHAIRMAN BRINKER: Thank you.

14 Any questions?

15 COMMISSIONER HINSON: No.

16 COMMISSIONER BOLAND: I have
17 none. Thank you.

18 CHAIRMAN BRINKER: Appreciate
19 it.

20 Anybody else in the audience wish to
21 speak in opposition of the proposal?

22 (NONE)

23 Seeing none, anybody wish to testify for
24 informational purposes only?

25 (NONE)

1 If the proposer wishes to readdress any
2 points made, they'll be allowed to do so at this time.

3 MR. DUFORE: Just briefly, Mr.
4 Chairman.

5 I do take, I want to say for the record,
6 some offense against the personal comments made
7 directed toward Mr. Farner. I think those comments --
8 I mean, if someone wants to make comments about any
9 landowner, I don't -- I understand everybody has their
10 own personal opinion, but I don't know that that's
11 germane consideration here.

12 We don't look to be a bad neighbor at
13 all. The signage that was mentioned as being
14 unacceptable was the existing signage that was on the
15 property when Farner bought it. And all he did was
16 change the face of it. And when he approached
17 Franklin County about whether he needed a sign permit,
18 he was told no as long as all he was doing was
19 changing the facing of the sign.

20 The lights -- the lights that are
21 complained of were existing at the time he bought the
22 property in 2003.

23 Clearly we are not looking to be a bad
24 neighbor. If there's a way to redirect lights or a
25 way to control when lights are on or when lights are

1 off, we are willing to meet with neighbors and try to
2 address those concerns.

3 These objections have only come forth, to
4 my knowledge, through the zoning process.

5 As far as the land use in promoting the
6 health, safety and general morals of the community,
7 clearly the area in my view cries out for a commercial
8 use, not just what's happening on this property but
9 across the street. I think the County recognizes that
10 itself. Any community needs agriculture, residential,
11 and commercial, and when combative uses are adjacent
12 to one another, there are buffering standards which
13 I've indicate we're happy to meet and address.

14 So just because someone doesn't like an
15 individual or like a particular location of a property
16 does not mean in my view that it's against the health,
17 safety and general welfare and morals of the
18 community.

19 I think this property is well suited for
20 commercial, and I think it should be zoned commercial.
21 And the City then has all of its other code
22 regulations to regulate how that commercial use is
23 put. And like I said, we're looking for the zoning
24 and we're happy to comply with whatever requirements
25 are applicable to that zoning.

1 So thank you very much.

2 CHAIRMAN BRINKER: Thank you.

3 MR. DUFORE: Any questions?

4 CHAIRMAN BRINKER: No, sir.

5 There being no further business or
6 testimony to be accepted here, everything that was in
7 the P and Z hearing will be obviously for the record,
8 as well as everything here today that was both stated
9 and submitted.

10 At this time, this public hearing is
11 adjourned and we'll come back with a ruling at a later
12 date. Thank you.

13 (THEREUPON, THE PROCEEDINGS
14 CONCLUDED AT 2:09 P.M.)

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CERTIFICATE OF REPORTER

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

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

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