

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

6  
7  
8  
9 TRANSCRIPT OF PROCEEDINGS  
10 PUBLIC MEETING  
11 OCTOBER 17, 2017  
12 (Commencing at 7:00 p.m.)

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21  
22  
23 Reported by:  
24 Patsy A. Hertweck, C. R.  
25 Midwest Litigation Services

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

2 (OCTOBER 17, 2017)

3 CO-CHAIRMAN SCHULTEHENRICH:

4 Okay. It is 7 o'clock. We'll call the October 17,  
5 2017 meeting of the Franklin County Planning and Zoning  
6 Commission to order.

7 Scottie, can we have roll call.

8 MS. EAGAN: Bills Evans?

9 CHAIRMAN EVANS: (Not present.)

10 MS. EAGAN: Jay Schulteheinrich?

11 CO-CHAIRMAN SCHULTEHENRICH:

12 Here.

13 MS. EAGAN: Todd Boland?

14 COMMISSIONER BOLAND: Here.

15 MS. EAGAN: Tim Reinhold?

16 COMMISSIONER REINHOLD: Here.

17 MS. EAGAN: Ray Cunio?

18 COMMISSIONER CUNIO: (Not

19 present.)

20 MS. EAGAN: Tom Tobben?

21 COMMISSIONER TOBBEN: Here.

22 MS. EAGAN: Bill McLaren?

23 COMMISSIONER McLAREN: Here.

24 MS. EAGAN: Stan Voss?

25 COMMISSIONER VOSS: Here.

1 MS. EAGAN: Dan Haire?

2 COMMISSIONER HAIRE: (Not  
3 present.)

4 MS. EAGAN: Russell McCreary?

5 COMMISSIONER McCREARY: Here.

6 MS. EAGAN: And, Ron Williams?

7 COMMISSIONER WILLIAMS: Here.

8 MS. EAGAN: Okay. We have a  
9 quorum.

10 CO-CHAIRMAN SCHULTEHENRICH:

11 Thank you, Scottie.

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

17 COMMISSIONER TOBBEN: Jay, I'll  
18 need to recuse myself from, the Conditional Use Permit  
19 File 170191.

20 CO-CHAIRMAN SCHULTEHENRICH:

21 Thank you, Mr. Tobben.

22 COMMISSIONER McLAREN: And I  
23 also need to excuse myself from the same file.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 Thank you, Mr. McLaren.

1                   With those two recusing themselves, de we  
2    have a --

3                   MS. EAGAN: Yeah, we have six.

4                   CO-CHAIRMAN SCHULTEHENRICH: We  
5    do we have a -- we still have a quorum on that file?

6                   MS. EAGAN: Yes.

7                   CO-CHAIRMAN SCHULTEHENRICH:  
8    Okay, thank you.

9                   I'll turn to you, Scottie, again for  
10   presentation for the meeting procedures and exhibits.

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

14                  Some matters on the agenda may be for  
15   action by the Planning and Zoning Commission. These  
16   matters do not involve public hearing. Other matters  
17   on the agenda require public hearings under Missouri  
18   law. If a matter involves a public hearing, all  
19   individuals who desire to testify will be given an  
20   opportunity to do so.

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

1 (Thereupon, evidence was marked  
2 for identification and presented for  
3 the record as Planning and Zoning  
4 Exhibits A, B, C, and D.)

5 All Old Business items on the agenda will  
6 be dealt with first.

7 Once the Old Business issues have been  
8 taken care of, each item of New Business will be  
9 opened.

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

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

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

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

25 At the conclusion of all questions,

1 comments, and discussion concerning each case, the  
2 Planning Commission will proceed. Any final decision  
3 by the Planning and Zoning Commission concerning  
4 conditional use permits may be appealed to the Board of  
5 Zoning Adjustment any time within 90 days.

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

9 CO-CHAIRMAN SCHULTEHENRICH:

10 Thank you, Scottie.

11 We'll move to the approval of the minutes  
12 for September 19, 2017 meeting.

13 Any comments or any questions in regards  
14 to the minutes? Russell?

15 COMMISSIONER McCREARY: Yeah,  
16 Jay. I believe there's some corrections. I wasn't  
17 here last month, so I don't know if this took place or  
18 if it was just an auto-correct problem of the  
19 software. But page 23, line 11. It refers to city  
20 attorney. I think that's county attorney.

21 CO-CHAIRMAN SCHULTEHENRICH: I  
22 think we recognize that to be county attorney.

23 COMMISSIONER McCREARY: Right.

24 Page 58, line 6. The word fork I think  
25 is substituted for fork. Like I said, I think this is

1 a software problem more than anything else.

2 CO-CHAIRMAN SCHULTEHENRICH:

3 You were on vacation.

4 COMMISSIONER McCREARY: I now.

5 I had time to look at this stuff.

6 Anyways, page 86, line 17. I believe you  
7 need the word have in there, "to have" it's missing.

8 Line 19, the word plant as opposed to  
9 plan, I do believe. Line 21 is really got me kind of  
10 confused. Alcohol, if once alcohol. I'm not sure  
11 what that meant there.

12 COMMISSIONER McCREARY: I think  
13 to answer your question, I think after the first  
14 alcohol is to be a period after instead of if once  
15 alcohol.

16 COMMISSIONER McCREARY: Okay.  
17 And then line 97 (sic) our mealing. I don't know if I  
18 missed something. You guys were reading something  
19 here, but I think that's meeting.

20 But like I said, other than that, I just  
21 want to correct those and have them in the minutes.  
22 Line 17, and that should do it.

23 CO-CHAIRMAN SCHULTEHENRICH:

24 Thank you, Russell.

25 Anybody else have any other concerns with

1 the minutes?

2 (NONE)

3 Hearing none, the Chairman will entertain  
4 a motion to approve the minutes of the -- again the  
5 September 19th meeting.

6 COMMISSIONER McCREARY: I make  
7 a motion we approve the minutes with the corrections.

8 CO-CHAIRMAN SCHULTEHENRICH:  
9 Okay. We have a motion to approve with corrections.

10 Do I have a second?

11 COMMISSIONER REINHOLD: I'll  
12 second.

13 CO-CHAIRMAN SCHULTEHENRICH: A  
14 motion and a second. All those in favor signify by  
15 saying aye.

16 COMMISSIONER REINHOLD: Aye.

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 COMMISSIONER BOLAND: Aye.

23 COMMISSIONER TOBBEN: Aye.

24 COMMISSIONER McCREARY: Aye.

25 CO-CHAIRMAN SCHULTEHENRICH:

1 All opposed nay.

2 (NONE)

3 Ayes will have it. Okay.

4 Next order of business is Visitors

5 Comments.

6 This is the opportunity for anyone in the  
7 audience who wishes to speak tonight to the  
8 Commissioners before -- let me also preference that a  
9 little bit to say that we do have a Conditional Use  
10 Permit. During the discussion of that file, there  
11 will be an opportunity for those who are here in  
12 support of the requested conditional use permit will  
13 be given the opportunity to speak.

14 Those who are here to oppose the request  
15 for the conditional use permit will also be given the  
16 opportunity to speak.

17 We also have a rezoning request. There  
18 will be no public comment when we open that file.

19 Anyone wishes to speak at this time may  
20 do so. Anyone wishing to, please come forward.

21 MR. KEVIN BROOK: Hello,  
22 Commissions. My name's Kevin Brook, and my wife is  
23 Roberta Brook. She's a committee woman for Franklin  
24 County Township and Calvey Township, and we want to  
25 say something about the conditional use permit for the

1 hayrides.

2 CO-CHAIRMAN SCHULTEHENRICH:

3 Let me stop you on that.

4 MR. BROOK: Okay.

5 CO-CHAIRMAN SCHULTEHENRICH:

6 Okay. You're here to speak in support or opposition?

7 MR. BROOK: Opposition.

8 CO-CHAIRMAN SCHULTEHENRICH:

9 You will give that opportunity after the requesting  
10 party presents their request to us.

11 MR. BROOK: In that order.

12 CO-CHAIRMAN SCHULTEHENRICH:

13 Okay.

14 MR. BROOK: Okay. That's fine.

15 CO-CHAIRMAN SCHULTEHENRICH: So

16 save your comments until I call you up afterwards.

17 MR. BROOK: Yes, sir. Thank

18 you.

19 COUNTY ATTORNEY VINCENT: Sir,  
20 the reason for that is what you're saying now will not  
21 be part of the record.

22 MR. BROOK: Yeah, that's not  
23 part of the record.

24 COUNTY ATTORNEY VINCENT: No,  
25 it has to be -- your testimony would not have been.

1 MR. BROOK: No, not that one?

2 COUNTY ATTORNEY VINCENT:

3 Right.

4 MR. BROOK: But the one coming  
5 up?

6 COUNTY ATTORNEY VINCENT: Yes.

7 CO-CHAIRMAN SCHULTEHENRICH:

8 Anyone wishing to speak on any other matters in front  
9 of us?

10 MR. MICHAEL CULLEN: All right.

11 Good evening. Thank you for letting me speak. My  
12 name's Michael Cullen, and I didn't understand what  
13 you told that gentleman.

14 CO-CHAIRMAN SCHULTEHENRICH: If  
15 you're here to speak in favor or option to the  
16 conditional use permit, okay, you will be given that  
17 opportunity after the file is opened. That'll be when  
18 the requesting party for the conditional use permit  
19 comes up here and presents what they would like for  
20 the Commissioners to hear as to the reason why they  
21 are requesting the Conditional Use Permit. Okay?

22 MR. CULLEN: Okay. I think I  
23 did understand that part. I guess what I didn't get  
24 is for what is the conditional for what purposes is  
25 the conditional permit?

1 CO-CHAIRMAN SCHULTEHENRICH:  
2 Well, we'll find that out when the requesting party  
3 comes up here. Okay?

4 MR. CULLEN: Okay. I don't  
5 know if I want to talk if it's -- because I don't know  
6 what it is. So I guess, sit down and shut up.

7 CO-CHAIRMAN SCHULTEHENRICH:  
8 Let me say this to you.

9 MR. CULLEN: Yes, sir.

10 CO-CHAIRMAN SCHULTEHENRICH:  
11 The applicant is requesting a Conditional Use Permit  
12 to host a special event (an annual haunted hayride)--

13 MR. CULLEN: Okay. Thank you.

14 CO-CHAIRMAN SCHULTEHENRICH: --  
15 is what this is a conditional use permit requested  
16 involving.

17 MR. CULLEN: Got it. Thank  
18 you.

19 CO-CHAIRMAN SCHULTEHENRICH:  
20 All right.

21 Seeing no one else coming forward, we'll  
22 move on to Old Business. Noting that there is no Old  
23 Business for this evening's meeting, we'll move to New  
24 Business.

25 First on New Business is File 170191.

1 COMMISSIONER McLAREN: (Recused  
2 himself from File 170191.)

3 COMMISSIONER TOBBEN: (Recused  
4 himself from File 170191.)

5 CO-CHAIRMAN SCHULTEHENRICH:  
6 Scottie, I'll turn to you for staff comments.

7 MS. EAGAN: Okay.

8 This is File 170191. The applicant is  
9 Jacqueline and Nathaniel Phillips.

10 The applicant requests to operate a  
11 special event occasional in the Community Development  
12 Zoning District.

13 The property is located at Highway N/Wild  
14 Plum Valley, approximately 600 feet north of Highway O  
15 in Calvey Township.

16 The Facts: The total area for the  
17 Conditional Use Permit consists of seven parcels,  
18 totaling approximately 67 acres.

19 The zoning of this property is Community  
20 Development. In this district, "Special Events,  
21 Occasional" requires a conditional use permit.

22 The applicant is requesting to hose an  
23 annual haunted hayride.

24 The Community Development zoning brings  
25 shopping, the workplace and home closer together by

1 allowing a mixed use of all types of residential  
2 density and most forms of commercial development.

3 The properties around the proposed site  
4 to the west are zoning Non-Urban and Agricultural.

5 The properties to the south are zoned  
6 Community Development and Suburban Development.

7 The properties to the east have a mixture  
8 of zoning districts, including Residential Development  
9 2, Suburban Development, and Commercial Activity  
10 Highway Service.

11 This property is surrounded primarily by  
12 low-density residential land and undeveloped land.

13 This property has access to Wild Plum  
14 Valley/Old Highway N, which appears to be a  
15 State-maintained road.

16 The applicant is not the current owner of  
17 the property, but they do have permission from the  
18 current owner.

19 A large portion of these properties are  
20 located within the floodplain.

21 Staff Comments: All conditions shall be  
22 completed within one year of approval, unless  
23 otherwise stated. Failure to meet all conditions will  
24 result in the application expiring.

25 Any buildings used or built in connection

1 with the CUP will need to be approved by the Franklin  
2 County Building Department for a commercial building.

3 All new and/or existing entrances onto  
4 Wild Plum Valley will need to be examined by MoDOT or  
5 Franklin County Highway Department, whoever has  
6 jurisdiction, for a commercial entrance.

7 Planning and Zoning shall receive a copy  
8 of the permit prior to the applicant commencing any  
9 activities on the property.

10 Any activity in the floodplain will need  
11 to be reviewed by the Floodplain Administration.

12 There shall be hours of operation.

13 Parking shall be in compliance with the  
14 Franklin County Unified Land Use Regulations.

15 The Conditional Use Permit shall be valid  
16 annually on Friday, Saturday and Sunday during the  
17 month of October.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 Thank you, Scottie.

20 Is the requesting party present? If so,  
21 please come forward. Thank you.

22 If you would sign in and then state your  
23 name and your address.

24 (Thereupon, the witnesses were  
25 sworn.)

1 Both of you will have to sign in. Okay.

2 And for the record.

3 MS. JACQUELINE PHILLIPS:

4 Jacqueline Phillips.

5 CO-CHAIRMAN SCHULTEHENRICH:

6 And your husband there?

7 MR. PHILLIPS: Yes.

8 MS. PHILLIPS: That's correct.

9 CO-CHAIRMAN SCHULTEHENRICH:

10 And would you identify your name as well for the  
11 record.

12 MR. NATHANIAL PHILLIPS:

13 Nathaniel Phillips.

14 CO-CHAIRMAN SCHULTEHENRICH:

15 And both of you have been sworn in?

16 MR. PHILLIPS: Yes.

17 MS. PHILLIPS: Yes.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 Jacqueline, I know we discussed a lot of matters last  
20 meeting on your request.

21 MS. PHILLIPS: Correct.

22 CO-CHAIRMAN SCHULTEHENRICH:

23 Okay. I think one of the things that was left that

24 the Commissioners had asked from you was a -- a

25 drawing or a plan of the property that was going to be

1 basically showing us where some of your activities  
2 were going to be held, such as where your vendors were  
3 going to be, where your entrance on the property for  
4 bringing the cars in was going to be off of the  
5 highway, as well as, I think, where the parking area  
6 was going to be with some of the specifics I think we  
7 were requesting from you.

8 Have you accomplished that for us?

9 MS. PHILLIPS: I've done some of  
10 it, correct. Does everyone need a copy?

11 CO-CHAIRMAN SCHULTEHENRICH:

12 Yes, we do.

13 (Thereupon, evidence was marked  
14 for identification as Phillips  
15 Exhibit Number 1.)

16 MS. REPORTER: I marked this  
17 Phillips 1.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 Okay. That'll be fine. Thank you.

20 Mrs. Phillips, I think this is -- I'm  
21 going to turn it over to you right now.

22 MS. PHILLIPS: Okay.

23 CO-CHAIRMAN SCHULTEHENRICH:

24 Let's refresh the memories of us on the Commission  
25 here, some of what we talked about or you presented

1 last meeting. If you could go over a little bit of  
2 that with us again, that'd be greatly appreciated.

3 MS. PHILLIPS: Sure.

4 CO-CHAIRMAN SCHULTEHENRICH:  
5 And then why don't we then cover this as well.

6 MS. PHILLIPS: Okay. I think  
7 the last meeting we didn't have one of the parcels  
8 included.

9 CO-CHAIRMAN SCHULTEHENRICH:  
10 Correct.

11 MS. PHILLIPS: Which included  
12 the parking area. So we had to get it redone so that  
13 we can include the parking. Otherwise, there would  
14 not be any space for them to park in what we have  
15 proposed to you guys at the last meeting.

16 And what I've given you all basically  
17 shows an outline of the main entrance onto to the  
18 property site coming off of Wild Plum.

19 And the parking lot would be adjacent to  
20 the home, which is the first parcel next to the home  
21 that's fenced in.

22 And there is on open gate where the arrow  
23 shows where the exit is, which is where they would  
24 exit going back out onto Wild Plum. If it makes any  
25 sense to you.

1 CO-CHAIRMAN SCHULTEHENRICH: So  
2 you have one entrance for the incoming --

3 MS. PHILLIPS: One entrance.

4 CO-CHAIRMAN SCHULTEHENRICH: --  
5 and then another separate entrance separate exit then  
6 for those leaving. Is that what I --

7 MS. PHILLIPS: That is correct.

8 CO-CHAIRMAN SCHULTEHENRICH:  
9 And the parking lot that you're describing here would  
10 in fact accommodate how many vehicles on that parking,  
11 and then the overflow would accommodate how many more?

12 MS. PHILLIPS: The main parking  
13 lot can accommodate up to 200 cars, and the overflow,  
14 anywhere from four to five hundred. So we would have  
15 anywhere -- you could have anywhere at one given time  
16 between a total of six to seven hundred cars.

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 What you're showing is parking lot is that of a solid  
19 surface or...

20 MS. PHILLIPS: It's all grassy  
21 area of flat land.

22 MR. PHILLIPS: It is rock.

23 MS. PHILLIPS: And rock area.

24 CO-CHAIRMAN SCHULTEHENRICH:  
25 I'm just talking about the parking lot, --

1 MS. PHILLIPS: Correct.

2 CO-CHAIRMAN SCHULTEHENRICH: --

3 per se, in there first.

4 MS. PHILLIPS: Correct, just

5 the parking area.

6 CO-CHAIRMAN SCHULTEHENRICH: So

7 that is grass and gravel with it, or is it just

8 primarily grass?

9 MR. PHILLIPS: Uh-huh, it's

10 gravel too.

11 MS. PHILLIPS: It's both.

12 CO-CHAIRMAN SCHULTEHENRICH:

13 Both in that area. On the overflow, is that just

14 grass or is that grass and gravel as well?

15 MR. PHILLIPS: Pretty much

16 grass.

17 CO-CHAIRMAN SCHULTEHENRICH:

18 Just grass --

19 MR. PHILLIPS: Right.

20 CO-CHAIRMAN SCHULTEHENRICH: --

21 on the overflow?

22 MR. PHILLIPS: Yeah, it's more

23 grass on the overflow.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 Okay.

1 MR. PHILLIPS: But I doubt if  
2 we would have 700 cars there at one time. There's no  
3 way. That kind of event, they're coming and going so

4 CO-CHAIRMAN SCHULTEHENRICH:  
5 Well, with it being 200 cars on your parking lot, are  
6 you plan on having attendants there to -- to assist  
7 them as to where to park at or --

8 MS. PHILLIPS: Oh, definitely.  
9 Uh-huh, parking attendants. Correct. We plan on  
10 having parking attendants as well as security.

11 CO-CHAIRMAN SCHULTEHENRICH:  
12 Security was a question that we had inquired with you  
13 at the last meeting, and security, we were -- have you  
14 given some more thought to that? Is there a number  
15 that you have in mind as to how many you would have  
16 there?

17 MS. PHILLIPS: A minimum of  
18 eight to ten officers.

19 CO-CHAIRMAN SCHULTEHENRICH: A  
20 minimum of eight to ten?

21 MS. PHILLIPS: Minimum.

22 CO-CHAIRMAN SCHULTEHENRICH:

23 All right. That's for the entire when the --

24 MR. PHILLIPS: Uh-huh.

25 CO-CHAIRMAN SCHULTEHENRICH: --

1 when the event is going on?

2 MS. PHILLIPS: That is correct.

3 CO-CHAIRMAN SCHULTEHENRICH:

4 What is your time you're looking at for the event to  
5 be held again?

6 MS. PHILLIPS: The time?

7 CO-CHAIRMAN SCHULTEHENRICH:

8 Yes.

9 MS. PHILLIPS: Anywhere from  
10 12:00 noon to midnight.

11 MS. EAGAN: On all three days?

12 MR. PHILLIPS: Not Sunday. Not  
13 Sunday.

14 MS. PHILLIPS: Sunday over at  
15 10:00.

16 MS. EAGAN: Okay.

17 MR. PHILLIPS: Not Sunday.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 And how about on the number of rest room facilities;  
20 have you given some thought as to how many rest room  
21 facilities you would be providing on there?

22 MS. PHILLIPS: As many as  
23 necessary. That would be depend on the number of  
24 attendees. Of course, the very first one we don't  
25 expect a huge crowd. When I say a huge crowd, I don't

1 expect five, six hundred people.

2 CO-CHAIRMAN SCHULTEHENRICH: We  
3 need to -- we need to have -- we need to have somewhat  
4 of a defined number because we can't just leave it to  
5 it can have certain number of these, and certain  
6 number of them on two days late on a Sunday. We need  
7 to sort of pinpoint as to how many you're actually  
8 talking about providing on there. Again, how many  
9 people you're actually talking about being present  
10 during the activity.

11 MR. PHILLIPS: We'll start off  
12 with about six port-a-potties to start with. The kind  
13 of event that it is, people are coming and going. I  
14 don't see them sitting. They'll come to the hayride,  
15 and most of them maybe spend a little time there, an  
16 hour or so, then they go home. So...

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 What's the sizable number that we would expect to if  
19 we have -- if they have 200 cars there on their  
20 parking lot and take it times three or four  
21 individuals because you're talking -- last time we  
22 were talking about being move of a family event, I  
23 think is what you described it to us, if I remember  
24 and it reflected it in the minutes.

25 MS. PHILLIPS: What was your

1 question again?

2 CO-CHAIRMAN SCHULTEHENRICH: Do  
3 you the six is adequate enough depending upon you're  
4 talking about 200 vehicles potentially and you're  
5 talking about -- my estimation would be three to four  
6 at least in a car. Let's say there's four. If it's  
7 going to be a family event, that's what you described  
8 it as the last meeting. You're talking again about  
9 800 people there?

10 MS. PHILLIPS: Well, I don't  
11 know what the regulations are, but typically you need  
12 one port-a-potty for every 100 people. So, therefore,  
13 if you're talking about 800 people --

14 AUDIENCE MEMBER: I can't hear.

15 CO-CHAIRMAN SCHULTEHENRICH:  
16 You can't hear me or you can't hear --

17 AUDIENCE MEMBER: Ms. Phillips.

18 CO-CHAIRMAN SCHULTEHENRICH:  
19 Okay.

20 MS. PHILLIPS: So, therefore,  
21 if you're expecting 800 people, then you would assume  
22 that you would need eight port-a-potties. So we would  
23 have eight port-a-potties.

24 MS. EAGAN: Here. (Adjusting  
25 microphone.)

1 MS. PHILLIPS: Thank you.

2 We'll have handicapped accessible  
3 port-a-potties as well. As well as hand-washing sinks  
4 and all necessary items that would accommodate having  
5 an outside event.

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 Commissioners have any questions?

8 COMMISSIONER McCREARY: Yeah, I  
9 have a question.

10 Scottie, I'm not familiar if we have any  
11 minimal requirements as far as sanitation or parking  
12 or anything like that goes. I've work with 4H fair  
13 for over a decade, and I know that is a different  
14 beast than what you're talking, while you're talking  
15 about people coming and going; whereas, the fair  
16 people are there all day.

17 I'm just wondering if we can say -- if we  
18 need to set a minimum requirement or not? Is there  
19 some of kind of protection or whatever to make sure  
20 that everything is sanitary and taken care of?

21 MS. EAGAN: We don't have any,  
22 Planning and Zoning doesn't have any regulations  
23 pertaining to the port-a-potties. I believe it's  
24 regulated by the Health Department. So they have to  
25 go through them.

1 COMMISSIONER McCREARY: So  
2 would that be the County?

3 MS. EAGAN: Oh, yeah. But you  
4 guys could set regulations in terms of conditions, but  
5 as far as in my Code, I don't have anything.

6 COMMISSIONER McCREARY: Right.  
7 And then that's the thing, I mean, we really don't  
8 have anything set. That would be the Health  
9 Department?

10 MS. EAGAN: Health Department  
11 usually regulates port-a-potties, from my  
12 understanding of with other events that have come  
13 through our office, but I could be wrong with that as  
14 well.

15 COMMISSIONER McCREARY: H'm.  
16 Okay. That leaves me wonder. I rely on the Health  
17 Department to make this decision, but there is a  
18 governing body, there is somebody to give these people  
19 guidance of what the minimum requirement is?

20 MS. EAGAN: There was somebody  
21 that we were in contact with, but I don't remember who  
22 it was.

23 MS. ZIELKE: I can tell you  
24 with campgrounds, the Health Department doesn't get  
25 involved in it at all and leaves it up to the

1 campground to provide whatever type of facilities are  
2 available, at least when I was researching it on  
3 behalf of someone else. So I did some research. The  
4 Building Department has minimum requirements. The  
5 Health Department didn't get involved in the  
6 campground. So I couldn't find any governing body.

7 MS. PHILLIPS: And when I  
8 called, they said it's up to us whatever we wanted.  
9 So I also called as well.

10 COMMISSIONER McCREARY: When  
11 you called who?

12 MS. PHILLIPS: The Health  
13 Department.

14 COMMISSIONER McCREARY: Oh,  
15 okay.

16 Again, I'm not an expert in this. I  
17 don't know if any of us are, but that's what I'm  
18 worried about, the protection of the health and  
19 welfare of the people attending the event.

20 MR. PHILLIPS: Uh-huh.

21 MS. PHILLIPS: But again, when  
22 you -- the norm is one port-a-potty for every hundred  
23 people. That's the standard norm.

24 COMMISSIONER McCREARY:  
25 Standard from the people that rent the port-a-potties,

1 or I mean, where did you get that figure from?

2 MS. PHILLIPS: From the  
3 port-a-potty vendors.

4 COMMISSIONER McCREARY: Okay,  
5 very good. Okay.

6 MS. EAGAN: I mean, we do have  
7 parking regulations. It was brought up last month  
8 that the way our Special Event Occasional reads is  
9 that 20 spaces are required unless it's stated in the  
10 conditional use permit that there should be more.

11 COMMISSIONER McCREARY: Okay,  
12 thank you.

13 MR. PHILLIPS: Uh-huh.

14 CO-CHAIRMAN SCHULTEHENRICH:  
15 And on parking we were looking last meeting that no  
16 parking on any of the streets.

17 MS. PHILLIPS: No, not at all.  
18 Everything would be inside property lines.

19 CO-CHAIRMAN SCHULTEHENRICH:  
20 And when you -- when you say minimum of eight to ten  
21 security guards, you talking about all the time in  
22 that regards, or you are talking about having eight  
23 there from midnight to midnight?

24 MS. PHILLIPS: Then entire  
25 time.

1 CO-CHAIRMAN SCHULTEHENRICH:  
2 Okay. Again, you're planning on advertising this in  
3 what capacity?

4 MS. PHILLIPS: What do you  
5 mean?

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 Are you planning on advertising it by way of --

8 MS. PHILLIPS: Word-of-mouth,  
9 newspaper.

10 CO-CHAIRMAN SCHULTEHENRICH:  
11 Social media, you said last time.

12 MR. PHILLIPS: Yeah.

13 MS. PHILLIPS: Correct.

14 CO-CHAIRMAN SCHULTEHENRICH: Is  
15 that still your intention of doing so?

16 MS. PHILLIPS: Correct.

17 MR. PHILLIPS: Right.

18 CO-CHAIRMAN SCHULTEHENRICH: So  
19 it's your intention still to sell tickets ahead of  
20 time; is that what you're planning on doing?

21 MS. PHILLIPS: Correct. So  
22 therefore, we would have a number of -- an idea of the  
23 number of attendees beforehand that would give us a  
24 better guideline as far as the actual number of  
25 security officers that's going to be needed as well as

1 parking attendants.

2 CO-CHAIRMAN SCHULTEHENRICH:

3 Well, that's where I want to make sure that we're on  
4 the same page. When you say minimum of eight security  
5 guards, you're talking about that would be for the  
6 entire event then, and I'm talking about from  
7 midnight -- from noon to --

8 MS. PHILLIPS: From 12:00 noon  
9 to midnight.

10 CO-CHAIRMAN SCHULTEHENRICH:

11 Okay.

12 MS. PHILLIPS: We're on the  
13 same page.

14 CO-CHAIRMAN SCHULTEHENRICH:

15 Okay.

16 MR. PHILLIPS: Uh-huh.

17 CO-CHAIRMAN SCHULTEHENRICH: So  
18 what would you think would be the maximum -- is there  
19 a maximum number in your mind that you would allow to  
20 be there for your activities and then cut it off at  
21 that point in time?

22 MS. PHILLIPS: As far as  
23 maximum number of attendees?

24 CO-CHAIRMAN SCHULTEHENRICH:

25 Yes.

1 MS. PHILLIPS: I don't have a  
2 maximum number of attendees, but again, these people  
3 are not going to be there at one time. They're coming  
4 and going. So the numbers are going to change in  
5 minutes.

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 I'm looking more at the number that would be there.

8 Let me ask you a question this way.

9 Would you expect there to be more people  
10 there during the daytime or more people there during  
11 the evening or nighttime hours?

12 MR. PHILLIPS: Probably  
13 evening.

14 MS. PHILLIPS: I would assume  
15 more in the evening time.

16 CO-CHAIRMAN SCHULTEHENRICH: If  
17 you're there for the evening into darkness because, I  
18 think you said you were going to have the hayrides  
19 even during the night, I think you said, so did you  
20 not?

21 MS. PHILLIPS: That's correct.

22 MR. PHILLIPS: Uh-huh.

23 CO-CHAIRMAN SCHULTEHENRICH: So  
24 do you have an idea in your mind as to -- would you  
25 think -- would you think a number would be a maximum

1 you would like to see there at that point in time, or  
2 would you be comfortable with -- with an unlimited of  
3 there -- people in attendance there?

4 MR. PHILLIPS: Two to three  
5 hundred people.

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 I'm just trying to see as to -- because I know you're  
8 talking about it being spread out, people will be  
9 coming and going, and I can certainly appreciate that.  
10 I'm just trying to gather as to what we talk about  
11 port-a-potties making sure there is enough  
12 port-a-potties.

13 MS. PHILLIPS: Of course, we  
14 would make sure. Again, having experience in the  
15 restaurant industry, Health Department is our forte I  
16 as well. We want to make sure that everybody is safe  
17 and that there is enough port-a-potties as well as  
18 hand-washing sinks for one to use adequately.

19 CO-CHAIRMAN SCHULTEHENRICH:  
20 I'm just asking you these questions because I think  
21 our experience sometimes is that those who request a  
22 special event occasional permit basically sometimes  
23 they're not necessarily always clear in what they  
24 present to us to where we don't -- we may have a  
25 different connotation in our mind than what is your in

1 mind.

2 MS. PHILLIPS: So when you have  
3 the mud festival, is there a specific amount of  
4 port-a-potties that's required?

5 CO-CHAIRMAN SCHULTEHENRICH: I'm  
6 not sure if we do on that. I know we did on the  
7 eclipse gathering. I know there was a certain number  
8 we put on that. Okay. So there are times in which we  
9 simply do require, put a number on there. Okay.

10 So it's based primarily upon what your  
11 number was what we're looking at now. Okay?

12 MS. PHILLIPS: Okay.

13 MR. PHILLIPS: Uh-huh.

14 CO-CHAIRMAN SCHULTEHENRICH: Is  
15 there questions from the Commission?

16 COMMISSIONER McCREARY: More of  
17 a comment than anything else.

18 You said in your parking lot the  
19 original -- let's call it the main parking lot -- 200  
20 cars?

21 MS. PHILLIPS: Correct.

22 COMMISSIONER McCREARY: If  
23 there's four people and it's eight hundred people.  
24 You said the port-a-potty people said one per hundred?

25 MS. PHILLIPS: Per hundred.

1 COMMISSIONER McCREARY: I'm not  
2 it would be a requirement but maybe a suggestion to  
3 have eight. At least to handle it because if you're  
4 expecting overflow --

5 MS. PHILLIPS: Uh-huh.

6 COMMISSIONER McCREARY: -- that  
7 would be more than 800 people, just guessing. So --

8 MS. PHILLIPS: Correct, and I  
9 think that's what we said.

10 COMMISSIONER McCREARY: I don't  
11 want to --

12 MR. PHILLIPS: You said --

13 COMMISSIONER McCREARY: But 6  
14 would be 600 people --

15 MS. PHILLIPS: Uh-huh.

16 COMMISSIONER McCREARY: -- as  
17 opposed to 800 people?

18 MS. PHILLIPS: Correct.

19 MR. PHILLIPS: They're coming  
20 and going.

21 COMMISSIONER McCREARY: I don't  
22 know if we need to make that requirement.

23 MS. PHILLIPS: But again, these  
24 people are not going to --

25 COMMISSIONER McCREARY: I'm

1 making a suggestion.

2 MS. PHILLIPS: Yeah. Well,  
3 again, these people are not going to all be there at  
4 one time.

5 COMMISSIONER McCREARY: I  
6 understand that. I understand that, but like I said,  
7 this is different than an all-day festival. What I  
8 understand is on a hayride, but you're going to be  
9 open during the day, pumpkin patch, that kind of  
10 thing, people coming and going different times in a  
11 day.

12 MR. PHILLIPS: Uh-huh.

13 MS. PHILLIPS: Correct.

14 COMMISSIONER McCREARY: I'd  
15 rather err to the side of caution more than the other  
16 way around.

17 MS. PHILLIPS: Right. Better  
18 than have and not need than need and not have.

19 COMMISSIONER McCREARY: Exactly.

20 MS. PHILLIPS: I agree.

21 COMMISSIONER McCREARY: Thank  
22 you.

23 CO-CHAIRMAN SCHULTEHENRICH:  
24 Tom, did you have a question?

25 COMMISSIONER TOBBEN: Go ahead,

1 Ron.

2 CO-CHAIRMAN SCHULTEHENRICH:

3 Ron?

4 COMMISSIONER WILLIAMS: I'm  
5 interested in the hayride. Are you going to use the  
6 whole property and have a layout for that hayride?

7 MR. PHILLIPS: Not the whole  
8 property.

9 MS. PHILLIPS: Not the entire  
10 60 some acres. No, sir.

11 COMMISSIONER WILLIAMS: Okay.  
12 So where is that going to run? Do you have a layout  
13 for that? Have you figured out what you're going  
14 to -- how you're going to do that?

15 MS. PHILLIPS: It's not on this  
16 map.

17 MR. PHILLIPS: It's right --  
18 it's not on this map here. It's on the map I think I  
19 turned -- I turned the map into the layout of the  
20 ride.

21 MS. EAGAN: Everything that you  
22 turned into us was given to the P and Z commissioners.

23 MR. PHILLIPS: Yeah, the layout.

24 MS. EAGAN: So on the map that  
25 was given in your P and Z packet is the map he's

1 referring to. I believe it's the arrow next to the  
2 vendors pointing near the woods, correct?

3 MR. PHILLIPS: Right.

4 MS. PHILLIPS: Right.

5 MS. EAGAN: Is where the  
6 hayride would go.

7 COMMISSIONER WILLIAMS: So  
8 hundred feet.

9 MR. PHILLIPS: Might note  
10 there's a trail made through that.

11 MS. PHILLIPS: There is a trail  
12 made through there.

13 MR. PHILLIPS: Yeah, we made a  
14 trail through there.

15 MS. PHILLIPS: There's a trail  
16 made through the wooded area from one entrance out to  
17 the other entrance.

18 MR. PHILLIPS: Yeah.

19 COMMISSIONER WILLIAMS: Okay.  
20 So you're going to go into the wooded area with the  
21 hayride --

22 MR. PHILLIPS: Uh-huh.

23 COMMISSIONER WILLIAMS: -- come  
24 around. That doesn't get anywhere close to other  
25 property lines or --

1 MS. PHILLIPS: No.

2 COMMISSIONER WILLIAMS -- or up

3 MS. PHILLIPS: No.

4 COMMISSIONER WILLIAMS: -- or up

5 there by the highway?

6 MS. PHILLIPS: No.

7 MR. PHILLIPS: No.

8 COMMISSIONER WILLIAMS: Okay.

9 Thank you.

10 COMMISSIONER BOLAND: I guess

11 my only comment, I think we ought to back up here

12 completely because it says staff comments, all new or

13 existing entrances onto Wild Plum Valley will need to

14 be examined by MoDOT or Franklin County Highway.

15 So are the entrances already up to code?

16 MS. PHILLIPS: They're already

17 there. Correct.

18 MR. PHILLIPS: Yes.

19 COMMISSIONER WILLIAMS: There's

20 two entrances there.

21 MS. PHILLIPS: There's four.

22 COMMISSIONER WILLIAMS: Well,

23 there's two that they're going to use that they have

24 shown. And we have to look at them. They may have to

25 widen them out for a commercial entrance, but they're

1 still there. They have the access.

2 MS. PHILLIPS: Uh-huh.

3 MR. PHILLIPS: They've been  
4 there.

5 COMMISSIONER BOLAND: I  
6 understand the access is there. That's what I was  
7 just saying is if that's commercial and a commercial  
8 entrance obviously as opposed to a residential  
9 entrance. I don't know of the top what the width  
10 distance is.

11 COMMISSIONER WILLIAMS:  
12 Historically, it is 30 feet. You know, somewhere  
13 between --

14 MR. PHILLIPS: And it's more  
15 than 30.

16 COMMISSIONER WILLIAMS: Yeah.  
17 I will say one of those is pretty wide.

18 MR. PHILLIPS: Yeah, I 'd  
19 think more than 30 feet.

20 COMMISSIONER BOLAND: Okay. I  
21 just want to make note of that.

22 MR. PHILLIPS: They are about  
23 50 feet wide, both of them -- all four.

24 COMMISSIONER WILLIAMS: As far  
25 as the entrances, you got one that's in for an

1 entrance and one that's an exit. Is that correct?

2 MS. PHILLIPS: That is correct

3 CO-CHAIRMAN SCHULTEHENRICH:

4 This is your first time putting on these hayride  
5 activities, let's call it.

6 MR. PHILLIPS: Yeah.

7 CO-CHAIRMAN SCHULTEHENRICH: Is  
8 that correct?

9 MS. PHILLIPS: Yes, here in  
10 Franklin County.

11 CO-CHAIRMAN SCHULTEHENRICH:

12 Okay. Do you -- you talked at the last meeting that  
13 you said you did conduct some activity there on this  
14 property before?

15 MS. PHILLIPS: Correct.

16 CO-CHAIRMAN SCHULTEHENRICH:

17 Would I be correct on that?

18 MS. PHILLIPS: Uh-huh.

19 MR. PHILLIPS: Uh-huh.

20 CO-CHAIRMAN SCHULTEHENRICH:

21 What was the activity that you had conducted on that  
22 property before?

23 MS. PHILLIPS: Birthday

24 parties, pool parties.

25 MS. EAGAN: They host events

1 out there, special events, on other occasions.

2 CO-CHAIRMAN SCHULTEHENRICH:

3 Okay. So you've already conducted -- you. I'm  
4 talking about you, I'm not talking about others, other  
5 individuals. I'm talking about both of you have been  
6 conducting --

7 MS. PHILLIPS: Correct.

8 MR. PHILLIPS: Yes.

9 CO-CHAIRMAN SCHULTEHENRICH:

10 Okay. Okay.

11 Scottie, let me get clarification. When  
12 we talk about on what's being proposed here, is to  
13 host an annual haunted hayride. With a Conditional  
14 Use Permit, does that give the requesting party the  
15 continuation of that from year to year; is that what  
16 this would be for?

17 MS. EAGAN: Yes, it would be  
18 yearly, only October, Friday, Saturday, and Sunday  
19 with the hours that you guys choose to put on the  
20 permit.

21 CO-CHAIRMAN SCHULTEHENRICH:

22 Okay. If we wanted to basically say for this year and  
23 have the requesting party come back to request the  
24 permit for next year, we could do that if we wanted  
25 to? I'm just seeking that as a clarification.

1 MS. PHILLIPS: And pay another  
2 \$650?

3 CHAIRMAN SCHULTEHENRICH: I'm  
4 not sure about that.

5 MS. EAGAN: I mean, it would  
6 depend on how you'd want to word it in the permit. I  
7 don't know what you're going for, so I can't really  
8 give you a definite answer.

9 CO-CHAIRMAN SCHULTEHENRICH:  
10 Well, I'm just asking whether or not we could do a  
11 conditional use permit going on this for this year,  
12 okay, so as to see how everything was to go this year  
13 and how smooth it goes, and then --

14 MS. PHILLIPS: We don't plan to  
15 do it this year. October is --

16 CO-CHAIRMAN SCHULTEHENRICH: I'm  
17 sorry.

18 MS. PHILLIPS: -- about over.

19 CO-CHAIRMAN SCHULTEHENRICH: I  
20 did say this year. Then I'm still thinking of this  
21 year with it being October, but you're -- you  
22 requested it for 2018, did you not?

23 MS. PHILLIPS: Well, we  
24 originally wanted it for this year, but it's too late.  
25 So it'll be next year.

1 MS. EAGAN: My understanding,  
2 and Mark can correct me if I'm wrong -- is that if you  
3 put on there that's it's only valid for 2018, then  
4 after 2018, it will expire and they will have to  
5 reapply again and pay for the fee again.

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 Okay. That answers my question. Thank you.

8 Any other questions from any of the  
9 Commissioner?

10 (NONE)

11 Hearing none. Thank you both okay.

12 MR. PHILLIPS: Okay.

13 CO-CHAIRMAN SCHULTEHENRICH:  
14 That's all for you right now unless you have anything  
15 else to express to us.

16 MS. PHILLIPS: Thank you.

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 Then is there anyone else that would be here to speak  
19 in support of the conditional use permit request?  
20 Anyone to speak in support?

21 (NONE)

22 Seeing none. We'll move then to if  
23 anyone is here to speak in opposition to the  
24 conditional use permit request.

25 Would you please identify yourself with

1 your name and address, and then also be sworn in.

2 MR. BILL McLAREN: Bill

3 McLaren, 684 Phelan Road, Pacific, Missouri.

4 (Thereupon, the witness was

5 sworn.)

6 My family owns the property to the  
7 west/southwest of that. So we've been -- we were  
8 noticed too obviously.

9 AUDIENCE MEMBER: We can't hear  
10 you.

11 MR. McLAREN: My prop- my  
12 family owns the property to the southwest --

13 AUDIENCE MEMBER: Thank you.

14 MR. McLAREN: -- southwest of  
15 this. Our corner property comes together by their  
16 property by Calvey Creek, and I have -- do I give  
17 these to her or to you?

18 MS. EAGAN: Do you have enough  
19 copies for everyone?

20 MR. McLAREN: Yes, ma'am.

21 MS. EAGAN: Give one to her.

22 (Thereupon, evidence was marked  
23 for identification as McLaren  
24 Exhibit No. 1.)

25 MR. McLAREN: And what she is

1 giving you is the pictures along the road of the  
2 entrances into their property. So you can see that  
3 one, it's a gated one. That would be what they're  
4 considering the main entrance. You can see one goes  
5 into their lake, which basically has no access, and  
6 the other one's what they're considering to be an  
7 entrance is just a gate. And you can see from the  
8 picture in the top right-hand corner, there is nothing  
9 going off of the shoulder of the road to enter that  
10 gate.

11 And I believe that would be what they  
12 determine would their exit. So there has to be some  
13 significant exit planning done to get out of the  
14 property.

15 I think that the County has one chance to  
16 get this correct. I appreciate the comments, but I  
17 think there is a -- they have mentioned the mud fest.  
18 You know, I think that caused some heartburn for some  
19 people, and I think there is maybe if there was an  
20 opportunity, somebody would have maybe done something  
21 different.

22 My biggest concern is about the safety  
23 and parking in all honesty. I spoke to Sheriff  
24 Pelton, and they -- the big event they had they had  
25 significant trouble with parking, according to him, on

1 the highway. His words to me were, you know, it was  
2 like people just locked the cars and left, and he had  
3 to threaten to have tow trucks there to tow before he  
4 could get them removed off the road. He was the  
5 responding officer to that.

6 You know, they've said that this is a  
7 family affair. I hope it is. The -- most of these  
8 that are family affairs, I've been looking for the  
9 last week, go from six o'clock -- or ten o'clock in  
10 the morning to six o'clock in the evening. This time  
11 of year I kind of think that's appropriate for a  
12 family affair.

13 I have concerns there was no mention of  
14 alcohol today, but there was mention of alcohol  
15 before. So people in the dark at night were they're  
16 not familiar with with a little bit of alcohol  
17 concerns me that there won't be any lighting on the  
18 parking lot or the exit for them to get out on.

19 There's a possibility of having 14 days  
20 worth of events on here on grass could cause a  
21 problem. I'm not necessarily opposed to it. I just  
22 want to ask that it gets done correctly and we've look  
23 at, you know, families during the day are kind of, I  
24 think, pretty cool doing these kind of events.

25 Young people at night with the theme of

1 Halloween could tend to be a little bit more of a  
2 problem. So I think the security is important.

3 But I think my biggest concern is -- is  
4 parking on the grass for 14 days during the -- the  
5 course of the event that I think that parking  
6 situation definitely needs to be addressed, and  
7 lighting needs to be considered, and I think alcohol  
8 needs to be considered.

9 Thank you.

10 CO-CHAIRMAN SCHULTEHENRICH:

11 Anyone else wishing to speak in opposition?

12 (Thereupon, the witness was  
13 sworn.)

14 MR. BROOK: My name is Kevin  
15 Brook. My wife is Roberta Brook. She's the Calvey  
16 Township woman, and we went through there.

17 Now, I never went to the party or  
18 anything, but we came through there that evening of  
19 their last party. I guess she called it a birthday  
20 party, swim party, whatever it was. And from Highway O  
21 where Plum Valley comes out at, all the way past their  
22 property, all the way down, almost to that little  
23 gravel road that -- well, paved now that goes into  
24 Catawissa was loaded with cars parked off on the side  
25 of the road in the grass, up and down. It was just

1 loaded. You couldn't hardly get by there without  
2 people walking back and forth.

3 They said they had parking for 200 at  
4 their property that's paved and graveled. If there  
5 was 200 cars on that piece of property, there had to  
6 be 200 cars on the highway up and down.

7 After it was all over, the trash, the  
8 litter, the beer bottles, the beer cans, the bags, the  
9 trash up and down on that highway was just  
10 unbelievable, and I drove through there the next day  
11 after it was over. And then I spoke to the Sheriff.  
12 Now the Sheriff, Pelton, and he told me that they were  
13 called to that residence that night for gunfire.

14 He didn't find any guns. He couldn't  
15 find anybody that shot the guns, but they were called  
16 with gunfire on that property. My wife came through  
17 earlier, and at the BP gas station, the parking lot  
18 was filled. It was closed and the parking lot was  
19 filled with, she said, at least 70, 80 cars up there.  
20 And she called the police officer, and apparently they  
21 were leaving at the time. They were run off the  
22 property because of all the parking they were called  
23 about the gunfire.

24 And they all gathered up there at the BP  
25 gas station, and they had to have another police

1 officer call in and have them leave the gas station  
2 parking lot.

3 My worry is, is coming and going. Where  
4 are they going to after they leave there? It's  
5 Catawissa. It's the farthest eastern town in Franklin  
6 County. We're long-time residents of Franklin County.  
7 My grandparents had a bar in Franklin County in  
8 Catawissa 1970. And there's nothing to do except to  
9 go home, and to leave -- have something running like  
10 that up to midnight in Catawissa. We already have a  
11 bar up there that has been drawing a lot of problems  
12 already.

13 And the reason that is is because it's in  
14 the far eastern edge of Franklin County. We've got  
15 eight officers on the road on any good night. That  
16 night that they were called to gunfire, Sheriff Pelton  
17 was off duty, but he attended that. And several other  
18 officers were off duty had to come to that residence  
19 and have them move those cars off the highway.

20 I'm opposed to it because I don't think  
21 that they can handle the people that might be there,  
22 and the people that might be there might not have the  
23 best wishes for everything going on except you know  
24 how people get crazy when they start drinking. And  
25 I'm worried about the people having accidents, the

1     DWI, all the rest of the things that go on with that.

2                     And I'm completely opposed to it, my wife  
3     is opposed to it, and that is how I feel about the  
4     whole situation.

5                                     CO-CHAIRMAN SCHULTEHENRICH:

6     Thank you.

7                     The one thing I did not mention, and that  
8     was for the speakers coming up, we do have a time  
9     limit. The time limited is three minutes. Okay. So  
10    they'll be adhering to that that this -- the three  
11    minutes on there, Scottie, am I right on that or is  
12    it...

13                                    MS. EAGAN: I thought it was  
14    five, but I'll check. Up to five.

15                                    CO-CHAIRMAN SCHULTEHENRICH: Is  
16    it five minutes?

17                                    MS. EAGAN: (Nodding.)

18                                    CO-CHAIRMAN SCHULTEHENRICH:

19    Okay.

20                                    MS. EAGAN: Well, up to five.  
21    So whatever you want to give them.

22                                    CO-CHAIRMAN SCHULTEHENRICH:  
23    That's right. We'll allow five minutes max. So if  
24    anyone -- the next speaker who comes up or so, if  
25    there is one, I would ask that they would -- their

1 remarks would be limited to five minutes. Okay.

2 So is there anyone else to speak in  
3 opposition to the Conditional Use Permit? Come on up.

4 (Thereupon, the witness was  
5 sworn.)

6 MR. PETER KELLY: My name is  
7 Peter Kelly.

8 CO-CHAIRMAN SCHULTEHENRICH:  
9 Would you also state for the record your address,  
10 please.

11 MR. KELLY: 4431 South Shore  
12 Drive.

13 CO-CHAIRMAN SCHULTEHENRICH:  
14 Thank you.

15 MR. KELLY: I am the committee  
16 man for the Calvey Township where this property is  
17 located. I've been on the property when I was a kid  
18 for Cub Scout events and stuff with the LaMar (ph.)  
19 kids grew up over there. I have a great concern  
20 about this simply based on past performance.

21 Last year the event was a disaster for  
22 the entire community. The idea of going late into the  
23 night with at least 800 people and another 500 cars,  
24 which would be another 2,000 people potentially, 2,800  
25 people possibly. And I only say that possibly because

1 that's -- that's what -- that's what the proposition  
2 put forward said. Two hundred cars for parking.  
3 Another 500 in overflow. So that's a potential of  
4 2,800 people at one time, and you know, I don't know  
5 if there's drinking or not involved. We've had a  
6 death at the Buchanan Mud Fest, and that's a daytime  
7 only event.

8 And there's been a lot of problems even  
9 with the Buchanan Mud Fest with mud all over the road  
10 and stuff, and fortunately the Sheriff's Department  
11 has cleaned a lot -- you know, brought a lot of  
12 discipline to that event, and it's running better now.

13 This is -- the proposal as put forward  
14 has way too many gray areas, in my opinion. Based on  
15 performance, those gray areas give me great concern.

16 I'm opposed to this. That's all I have  
17 to say.

18 CO-CHAIRMAN SCHULTEHENRICH:

19 Thank you.

20 Anyone else wishing to speak in  
21 opposition to it?

22 (Thereupon, the witness was  
23 sworn.)

24 Identify yourself by stating your name  
25 and address, please.

1 MR. MICHAEL CULLINANG: Michael  
2 Cullinang, and good-looking wife behind me is Judy.  
3 We live together. We're at 2961 Wild Plum Valley in  
4 Robertsville.

5 And I'd appreciate it if I could get more  
6 than five minutes. The other guys did. Okay? But  
7 I'll talk fast.

8 I see this lady is typing. I'd like to  
9 go on record as answering the statement that -- or the  
10 question you made does anybody want to speak in  
11 opposition. I'm not in opposition to this. I've met  
12 Nathan (sic) and Jackie. They're real nice people.  
13 They're hard workers, and yes, there was a problem  
14 with a chivalry that they had last year. But they're  
15 pretty smart. That's not going to happen again. I'm  
16 sure of that.

17 One of the gentlemen mentioned 2,800 cars  
18 or folks. Yeah, if you get 700 cars. I have a  
19 feeling 700 people aren't going to show up. So it'll  
20 be something less.

21 And as far as the whiz problem, you know,  
22 eight sounds like it's going to be enough. These  
23 guy's have been in business for a long time in the  
24 restaurant. So they know what they're doing about  
25 that.

1                   My concern is -- I'm sorry. Our concern  
2 since I'm speaking for my good-looking wife, is we  
3 live about 150 yards south of the property, and each  
4 weekend -- I don't remember -- starting early in the  
5 year, there's been some kind of get-together on  
6 Friday, Saturday or Sunday or two of those three or  
7 sometimes, and they go quite late, twelve, on  
8 occasion, one o'clock.

9                   I sometimes work on Sunday and Saturday  
10 night is kind of late. As far as we are where -- what  
11 do you think, Nathan (sic), 150, 160 yards or so.  
12 Something like that. So we're a pretty good distance.  
13 There's a bank. There's a house. There's beautiful  
14 landscaping. The music is on this side. Saturday  
15 Judy and I were on the deck. There was an 18 to 22  
16 mile-an-hour wind, according to the phone, blowing  
17 directly towards the sound, and we could still hear  
18 the music. And it was on soft.

19                   There are times when I've had an  
20 audiometer outside. I recorded 81 on the audiometer  
21 160 yards away, and that's considered loud music. But  
22 it's also considered loud music if you're in the room.

23                   So I hope these folks do well. I also  
24 hope they have 2,800 people because they'll probably  
25 make -- make enough money that they won't have to have

1 this again.

2 But I'm not in opposition to the thing.  
3 They're out here trying to make a buck, and they're  
4 hard workers. So I hope everything turns out well for  
5 them. We are very concerned about the volume. We  
6 would appreciate whatever can be done to the amount of  
7 volume coming out. All these speakers must be the  
8 size of this room. I'd like to see them, but they put  
9 out a bass like you wouldn't believe.

10 I mean, you can -- you can feel it as far  
11 away as we are. Like I say, I hope they have good  
12 weather and a good turnout.

13 And I thank you for listening to me.

14 CO-CHAIRMAN SCHULTEHENRICH:

15 Thank you.

16 Anyone else wishing to speak in  
17 opposition?

18 (NONE)

19 Seeing none. If I could have the  
20 requesting party come back up, and we can ask you a  
21 few other questions on there. Potentially you may  
22 wish to address any of the concerns that were raised  
23 or so here.

24 MS. PHILLIPS: Yeah, I would  
25 like to.

1 CO-CHAIRMAN SCHULTEHENRICH:

2 Okay. I'll give you that opportunity first.

3 MS. PHILLIPS: Thank you.

4 The -- he mentioned something about the  
5 event that we had. That was not an event. We had  
6 just moved into the property. My son turned 18, and  
7 he decided to have a party while mom and dad wasn't  
8 home.

9 Yes, there was a bunch of cars  
10 everywhere, but when we got home, the party was ended,  
11 which was at 10:28. Yes, there was cars everywhere,  
12 all on Wild Plum, Highway O, BP, but since we have  
13 done the event, there have not been any cars found on  
14 the road. There has not been any trash found on the  
15 road. So when he speaks to the old Pelton, he needs  
16 to be truthful. All this information is public  
17 information, which any of you guys can it. It had  
18 nothing to do with an event. It was strictly because  
19 the Road Saints came, and there was an altercation with  
20 one of the Road Saints and someone that came to our  
21 home, and they were the ones that started the  
22 shooting. Which had nothing to do with our event.

23 Since then, we have had numerous events.  
24 We try to be respectful of our neighbors. We don't  
25 have these events on a daily basis. They're not even

1 weekly basis. They're on occasions.

2 MR. PHILLIPS: And I did ride  
3 that morning and picked up all the trash. I rode it  
4 with my truck around and got help, and it was trash  
5 around and I did pick it up all around where people  
6 were parked at that one --

7 MS. PHILLIPS: But again, that  
8 was not an event that we were hosting.

9 MR. PHILLIPS: Right.

10 MS. PHILLIPS: And since then,  
11 me son, he does not live on the property. So we don't  
12 expect any more surprise parties, just events that  
13 we're having.

14 CO-CHAIRMAN SCHULTEHENRICH:  
15 Okay.

16 MS. PHILLIPS: I had an event  
17 just Saturday for any birthday. And that was over 200  
18 cars. They were all inside the property. There was  
19 not any cars on the roads or the streets or anything.

20 CO-CHAIRMAN SCHULTEHENRICH:  
21 And did you go in the main entrance and out the other  
22 exit, or did you use the main entrance for both in --  
23 egress and -- egress and ingress?

24 MS. PHILLIPS: It was the main  
25 event. I mean, the main gate.

1 CO-CHAIRMAN SCHULTEHENRICH:

2 The main gate for both at that point?

3 MR. PHILLIPS: No, they exited  
4 out -- they exited right out the same way it is on  
5 this paper. They exited the same way as it on this  
6 paper.

7 CO-CHAIRMAN SCHULTEHENRICH:

8 Okay. Because there was a concern in regards to one  
9 of your exits not necessarily being potentially needs  
10 to be graveled or something along those lines on  
11 there. Is that the way I was understanding it, or  
12 hard surface could be gravel in that regards.

13 MR. PHILLIPS: We haven't any  
14 problem with anyone exiting. It's that exit. So...

15 COMMISSIONER McCREARY: Jay.  
16 If I could. Have you seen the pictures that  
17 Commissioner McLaren gave us?

18 MS. PHILLIPS: No.

19 MR. PHILLIPS: no.

20 CO-CHAIRMAN SCHULTEHENRICH:

21 Russell, I think --

22 COMMISSIONER McCREARY: Well, I  
23 have a question for Ron.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 You have a question about what?

1 COMMISSIONER McCREARY: Yeah,  
2 about the --

3 CO-CHAIRMAN SCHULTEHENRICH:  
4 And you're going to ask a question about what you just  
5 gave to them?

6 COMMISSIONER McCREARY: Well,  
7 I'm going to ask a question of Ron. I just wondered  
8 if they saw those.

9 As far as the commercial entrance or exit  
10 would those pictures meet the standards, even if we  
11 were the jurisdiction under MoDOT or us, as far as the  
12 County goes?

13 COMMISSIONER WILLIAMS: If  
14 they're accessing Wild Plum Valley Road, that's us  
15 personal.

16 COMMISSIONER McCREARY: Right.

17 COMMISSIONER WILLIAMS: So they  
18 got one improved -- well, I'm going to call them  
19 improved entrance where the gate's at. They  
20 technically have three other entrances because gates  
21 are there that they can use, but it will have to be --  
22 one of them is going to have to be improved for the  
23 entrance.

24 COMMISSIONER McCREARY: That's  
25 my question. Under Staff Comments Number 3, whether

1     whoever has jurisdiction, none of those entrances  
2     outside the main entrance would qualify for a  
3     commercial entrance as far as you see in the pictures?  
4     They would have to improve those, right?

5                     COMMISSIONER WILLIAMS:   No, but  
6     it's obvious that they have access there.

7                     COMMISSIONER McCREARY:   Okay.

8                     COMMISSIONER WILLIAMS:   But  
9     they would need to improve it to an entrance standard.

10                    COMMISSIONER McCREARY:   And  
11    that would be the official entrance or exit that we  
12    would approve, none other would be able to be used  
13    under this Conditional Use Permit, correct, or if them  
14    want to use all of them, all would have to be  
15    improved?

16                    COMMISSIONER WILLIAMS:   Bingo.

17                    COMMISSIONER McCREARY:   Okay,  
18    great. I just wasn't sure if they saw the pictures so  
19    they know that we saw.

20                    MS. EAGAN:   Jay, real quick.

21    Can I clarify that a little bit?

22                    CO-CHAIRMAN SCHULTEHENRICH:   Go  
23    ahead, Scottie.

24                    MS. EAGAN:   It was not  
25    Commissioner McLaren that gave the pictures. It was

1 Bill McLaren, a citizen of Franklin County.

2 COMMISSIONER McCREARY: Okay,  
3 thank you. Thank you, Scottie.

4 CO-CHAIRMAN SCHULTEHENRICH:  
5 The overall concern I heard though of those who stood  
6 up and inquired or expressed maybe opposition was  
7 regards to the time. Okay. Having to do till  
8 midnight.

9 Is there -- is there any specific reason  
10 why you would like to see it go all the way to  
11 midnight or --

12 MS. PHILLIPS: Well, I just  
13 picked midnight because most of the events that I've  
14 seen around town, they don't end until midnight. When  
15 Carolyn Johnson has her event every year in town and  
16 there is drinking and it is a family event, and  
17 there's children walking around, especially for  
18 Halloween, it goes until about midnight.

19 So that's why we came up with midnight.  
20 It just seems like midnight is the standard for out  
21 here.

22 CO-CHAIRMAN SCHULTEHENRICH:  
23 I'm not familiar with what you've express in that  
24 regards to who are you talking about or so in that.

25 MS. PHILLIPS: The event that

1 you guys have. I'm not saying you guys, but there is  
2 an event that's in Pacific that they host every year.

3 CO-CHAIRMAN SCHULTEHENRICH: I  
4 don't know anything about it.

5 MS. PHILLIPS: Okay.

6 CO-CHAIRMAN SCHULTEHENRICH: So  
7 I'm not familiar with it all.

8 MS. PHILLIPS: Okay.

9 CO-CHAIRMAN SCHULTEHENRICH: So  
10 I guess the question is when you have it till  
11 midnight, I mean, usually then have all the vendors  
12 all the way up till midnight, you have to tear down or  
13 they would have to basically be cleaning up, et  
14 cetera, and I would think at that point in time,  
15 you're going to be there beyond midnight. And I think  
16 there's a good question that I certainly would also  
17 have is, is you're going to extend beyond midnight not  
18 of the operations of the event, but this would be  
19 vendors, et cetera, yourselves, et cetera, that would  
20 be cleaning up or so in getting ready for the next --  
21 next day potentially.

22 So it just seemed as though midnight is a  
23 -- I'm asking you as to whether that's a magical  
24 number or something that you have in mind, instead of  
25 11 o'clock, which gives at least the time to

1 potentially have a cleanup period of time. Okay.

2 So do you have any feelings in regards to  
3 -- strong feeling regards to midnight versus 11  
4 o'clock?

5 MS. PHILLIPS: No, not at all.  
6 Not at all. If you want to change it to 11:00,  
7 cleanup by -- everything is finished by 12:00, we're  
8 not opposed to that.

9 CO-CHAIRMAN SCHULTEHENRICH:  
10 Ron, got a question or comment?

11 COMMISSIONER WILLIAMS: Let's  
12 just cut to the -- what I was going to cut to the  
13 chase about, you would be okay with the condition  
14 until 11 o'clock on Friday and Saturday.

15 MR. PHILLIPS: Uh-huh.

16 COMMISSIONER WILLIAMS: I'm  
17 also worried about Sunday.

18 MS. PHILLIPS: Not opposed to  
19 it.

20 COMMISSIONER WILLIAMS: How  
21 about 9:00 on Sundays?

22 MR. PHILLIPS: Yeah, 9:00.

23 That's fine. That's fine.

24 COMMISSIONER WILLIAMS: I'm  
25 just looking to avoid any problems or issues.

1 MS. PHILLIPS: That's not a  
2 problem, 9:00, done by 10:00.

3 COMMISSIONER WILLIAMS: Okay.

4 COMMISSIONER BOLAND: I guess  
5 still my concern is the entrances. Ron, I mean,  
6 recently we did a subdivision, and the site had to be  
7 475 feet for a street. I mean, you don't know  
8 offhand, of course, if these meet that site  
9 requirement or anything?

10 COMMISSIONER WILLIAMS: No, but  
11 just having been out there, I can tell you that one of  
12 of those gated entrances will meet the our 400-foot  
13 requirement because it's a stretch. It just depends  
14 on which one exactly they're going to use. That will  
15 be deciphered. It's a condition. If that's put as a  
16 condition they're going to have meet it or find a way  
17 to meet it in order to make this thing work.

18 If they can't meet it, then they don't  
19 meet their condition, and we're done.

20 CO-CHAIRMAN SCHULTEHENRICH:  
21 Any other questions by any of the Commissioner?

22 Because I think we have items that  
23 basically we talked about them in regards to several:  
24 the day of the week; the time periods for each of  
25 those days of the week; number of port-a-potties; that

1 whether alcohol or no alcohol. I think the last time  
2 we discussed there would be no alcohol. And  
3 therefore, parking, no street parking; with the  
4 entrance, whether they meet County guidelines; minimum  
5 eight security guards.

6           These are some of things I think we've  
7 talked about. What's the pleasure of the Commission?

8           I think we have an option to send it to  
9 the Review Committee to put what we have just outlined  
10 or what I've just outlined here, basically to make  
11 sure that those are put on a -- the conditional use  
12 permit and bring it back to us for further discussion.

13           There is no questions from the audience  
14 at this point in time. Okay.

15           COUNTY ATTORNEY VINCENT: No.

16           CO-CHAIRMAN SCHULTEHENRICH: So  
17 -- or we could move it over to Old Business tonight  
18 and take a vote on it or what?

19           AUDIENCE MEMBER: I thought he  
20 said no questions.

21           COUNTY ATTORNEY VINCENT: No  
22 questions, that's right.

23           CO-CHAIRMAN SCHULTEHENRICH:  
24 There's no questions from the audience at this point  
25 in time. Everyone has had an opportunity to speak on

1 this matter. There is no further discussion from the  
2 audience on this matter.

3 What is the desire of the Commission? Do  
4 I hear a motion?

5 A suggestion to the Commission is to move  
6 it -- is to -- basically is to send it to the Review  
7 Committee and let the Review Committee look at it and  
8 see what they come back with. Do I hear a motion to  
9 that extent?

10 COMMISSIONER WILLIAMS: I think  
11 we've heard a lot of things tonight that we ought to  
12 put in order. I hate to debate it tonight. We tried  
13 to debate it the last time, and that's we came back  
14 here tonight. They obviously aren't going to do  
15 anything till next year.

16 I motion to move it to the Review  
17 Committee or send it to the Review Committee.

18 CO-CHAIRMAN SCHULTEHENRICH: I  
19 have a motion. Do I hear a second to send it to the  
20 Review Committee?

21 COMMISSIONER McCREARY: Jay, do  
22 we have to leave the file open for a set amount of  
23 time for the Review Committee?

24 CO-CHAIRMAN SCHULTEHENRICH: It  
25 should be open, it'd be up to you.

1 MS. EAGAN: You don't have to.

2 CO-CHAIRMAN SCHULTEHENRICH: It  
3 would be up to you as to whether or not we determine  
4 to set the file to be -- to close as of tonight with  
5 the hearing, or it could be open until a specific time  
6 as the Commission would determine it to be open till.

7 So what would you -- I'll go back to the  
8 person making the motion to ask Ron as to what would  
9 you -- what would be your idea on the -- on the time  
10 period of the file?

11 COMMISSIONER WILLIAMS: Well,  
12 the opportunity for both the applicant and anybody  
13 else to add to the file, I think you leave it open for  
14 two weeks. I'll amend my motion to leave it open for  
15 two weeks as well.

16 CO-CHAIRMAN SCHULTEHENRICH:  
17 And that'd be two weeks from today's date?

18 COMMISSIONER WILLIAMS:  
19 Correct.

20 CO-CHAIRMAN SCHULTEHENRICH:  
21 Scottie, do you have any questions on that or  
22 anything?

23 MS. EAGAN: I was just trying  
24 to see the date.

25 CO-CHAIRMAN SCHULTEHENRICH:

1 Okay.

2 MS. EAGAN: That would be --

3 CO-CHAIRMAN SCHULTEHENRICH:

4 Okay, I'm looking for a second to the motion.

5 COMMISSIONER McCREARY: I would  
6 second that motion.

7 CO-CHAIRMAN SCHULTEHENRICH: I  
8 have a motion and a second to send it to the Review  
9 Committee and the file would remain open two weeks  
10 from this -- from today. So all --

11 COUNTY ATTORNEY VINCENT:

12 Before you can do that.

13 CO-CHAIRMAN SCHULTEHENRICH:

14 Okay.

15 COUNTY ATTORNEY VINCENT: Open  
16 for what? For -- just for written comments or what?

17 CO-CHAIRMAN SCHULTEHENRICH:

18 Acceptance of comments, written comments. I would  
19 think that would be -- the case would be written  
20 comments. Okay.

21 COUNTY ATTORNEY VINCENT: All

22 right.

23 CO-CHAIRMAN SCHULTEHENRICH:

24 Okay. All those in favor signify by saying aye.

25 COMMISSIONER REINHOLD: Aye.

1 CO-CHAIRMAN SCHULTEHENRICH:

2 Aye.

3 COMMISSIONER VOSS: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER WILLIAMS: Aye.

6 COMMISSIONER BOLAND: Aye.

7 COMMISSIONER TOBBEN: Aye.

8 COMMISSIONER McCREARY: Aye.

9 CO-CHAIRMAN SCHULTEHENRICH:

10 All opposed?

11 (NONE)

12 The ayes will have it.

13 Okay. So thank you. Be sent to the  
14 Review Committee. The Review Committee is -- consists  
15 of members of this is Commission. They will meet,  
16 they will discuss, and they will bring back their  
17 recommendation to us. Should be on the agenda for the  
18 next meeting, I would guess. That would be on the  
19 Review Committee.

20 That's the proceed regarding where we are  
21 at this stage. Any questions?

22 MS. PHILLIPS: No.

23 MR. PHILLIPS: No.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 Thank you very much.

1 I would now move on to File 170196.

2 COMMISSIONER TOBBEN: (Returns  
3 to Board.)

4 COMMISSIONER McLAREN: (Returns  
5 to Board.)

6 CO-CHAIRMAN SCHULTEHENRICH:  
7 That's Thome Plumbing Company. This is a request for  
8 a rezoning from a Suburban Development to a Community  
9 Development.

10 Scottie, go ahead

11 MS. EAGAN: This is File  
12 170196.

13 The applicant is Thome Plumbing Company.

14 The applicant requests to rezone one  
15 parcel from Suburban Development to Community  
16 Development.

17 The property is located at 1559 Highway  
18 100, approximately a quarter mile southwest of  
19 Ridgefield Drive, in Boles Township.

20 The Facts: The total area for the  
21 rezoning is approximately 1.5 acres.

22 Rezoning of this property is Suburban  
23 Development. The application would like to rezone to  
24 Community Development.

25 Community Development zoning brings

1 shopping, the workplace and home closer together by  
2 allowing a mixed use of all types of residential  
3 density and most forms of commercial development.

4 The properties around the proposed site  
5 are zoned Suburban Development.

6 The surrounding properties appear to be  
7 low-density residential land.

8 This property will have access to Highway  
9 100. Highway 100 is a State-maintained road.

10 This property is located within Public  
11 Water Supply District No. 3.

12 According to the Assessor's records,  
13 there is a commercial warehouse on this property. The  
14 commercial warehouse appears to house Media Signs,  
15 Inc.

16 The applicant is not the current owner of  
17 the property, but they do have an offer to purchase  
18 the property.

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

21 Rezoning are allowed in our regulations  
22 due to the ever-changing conditions that exist in the  
23 county and elsewhere. According to Article 14,  
24 Section 321, any such change must promote the health,  
25 safety, morals, comfort and general welfare of

1 Franklin County by conserving and protecting property  
2 and building values, by securing the most economical  
3 use of land and facilitating the adequate provision of  
4 public improvements in accordance with the Master Plan  
5 adopted by Franklin County.

6 CO-CHAIRMAN SCHULTEHENRICH:

7 Thank you, Scottie.

8 Is the requesting party present? Would  
9 you come forward, please. All three going to testify?

10 UNIDENTIFIED FEMALE: No.

11 CO-CHAIRMAN SCHULTEHENRICH:

12 Okay. Only those who are going to testify come  
13 forward, please. Both of you want to testify. Then  
14 let's do one at a time if you wouldn't mind. And be  
15 sworn in.

16 (Thereupon, the witness was  
17 sworn.)

18 You need to sign in, and would you state  
19 your name and address for the record, please.

20 MR. CHARLIE ST. ANGE: My

21 name is Charlie St. Ange. I'm with St. Ange  
22 Management Exchange. I actually live in Franklin  
23 County. I live at 623 Fairfield Valley Drive,  
24 Pacific, Missouri. It's off of Little Tavern road.

25 I am here today assisting Mr. Thome with

1 regards to the zoning of this property. It is  
2 currently, as Scottie said, a -- a metal warehouse  
3 type of building for signs. However, Mr. Thome is in  
4 to plumbing, neighborhood plumbing, residential  
5 plumbing, also some light commercial plumbing.

6 And in this, this unit would be perfect  
7 for him to run his small family-run business out of,  
8 and in that we understood that the only way to do that  
9 was really to come forward here and make it official.

10 So that is what we're -- we are here to  
11 do. I noticed on the internet and on the Planning and  
12 -- or one of the maps that this was already  
13 color-coded commercial. So -- but again, we just  
14 wanted to bring it forward and -- and make it  
15 official.

16 So if there's any questions, I'd be happy  
17 to answer. And Mr. Thome could probably tell a little  
18 bit more about his business.

19 CO-CHAIRMAN SCHULTEHENRICH:  
20 Thank you. Let's have Mr. Thome come forward, and if  
21 you would sign in please, and then go ahead and sign  
22 in first. Then be sworn in.

23 (Thereupon, the witness was  
24 sworn.)

25 For the record, would you state your name

1 and address for the record.

2 MR. MATT THOME: My name's Matt  
3 Thome. My address is 18755 Highway 100, Wildwood,  
4 Missouri 63069.

5 (ALARM SOUNDING)

6 COMMISSIONER McCREARY: That  
7 happens.

8 (OFF-THE-RECORD COMMENTS.)

9 CO-CHAIRMAN SCHULTEHENRICH:  
10 Mr. Thome, go ahead with your request, and you can  
11 tell us why you are asking for us to rezone this.

12 MR. THOME: We -- we were  
13 looking for an office for a long time, or you know,  
14 off and on. We rent up in Ellisville right now. I  
15 live three minutes from this place. It's a perfect  
16 spot for what we're looking for. It's a warehouse.

17 We're a small business. We do -- I have  
18 five employees, including my wife. We run four or  
19 five trucks. We basically do service work, some light  
20 remodel, light commercial. What we're looking for is  
21 not a store, nothing. It's just a warehouse that I  
22 keep material in. I park the vans there at night.  
23 The vans are gone from the hours of eight o'clock in  
24 the morning. They come back anywhere in the vicinity  
25 of four o'clock to 4:30 in the afternoon.



1 or the land around there is all Suburban Development,  
2 is that the way I see this?

3 MS. EAGAN: Yeah, a little  
4 further to the northeast right there at Highway, I  
5 think it's, 00 and 100, there is some CD up there.

6 CO-CHAIRMAN SCHULTEHENRICH: I  
7 understand what you have presented to us, did I read  
8 that correctly, that was an existing business that  
9 operates on property that is in close proximity or  
10 adjacent to this property? That would be -- I'm  
11 asking either one of you two.

12 MR. ST. ANGE: That property at  
13 1559 Highway 100 was and/or is a sign company, and it  
14 has been this sign company for several years. And he  
15 has run his sign business out of there for several  
16 years.

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 Refresh my memory on this, Scottie, without looking it  
19 up. Is the sign company, is that under SD or could it  
20 be under -- it's not under --

21 MS. EAGAN: No, there is  
22 virtually no business is allowed under SD. There's  
23 just very minimal ones that are allowed, and the sign  
24 business would not be permitted. It's a prior  
25 existing nonconforming use.

1 CO-CHAIRMAN SCHULTEHENRICH:  
2 Okay. But that is adjacent to the property; is that  
3 what you're saying to me?

4 MS. EAGAN: This property in  
5 question.

6 MR. ST. ANGE: This property.

7 CO-CHAIRMAN SCHULTEHENRICH:  
8 Okay.

9 Questions from the Commissioners?

10 COMMISSIONER TOBBEN: This  
11 might be more a question for Scottie.

12 What exactly would this fall under CD,  
13 Scottie? What would be the definition, what would be  
14 the permitted use?

15 MS. EAGAN: What we would put  
16 him under --

17 COMMISSIONER TOBBEN:  
18 Manufacturing?

19 MS. EAGAN: No, what we'd put  
20 it under is probably the office category, Independent  
21 Contractor.

22 COMMISSIONER TOBBEN: Okay.

23 COUNTY ATTORNEY VINCENT: Well,  
24 Scottie, this is not -- this is a rezoning.

25 COMMISSIONER TOBBEN: It's a

1 rezoning.

2 MS. EAGAN: Right, right.

3 COMMISSIONER McCREARY: But  
4 it's one --

5 COMMISSIONER TOBBEN: I was  
6 looking at the assessor, it's actually being taxed as  
7 commercial presently, at this time. I mean --

8 MS. EAGAN: That I don't know.

9 COMMISSIONER TOBBEN: That's in  
10 commercial zoning.

11 MS. EAGAN: Yeah, taxing is  
12 based on the use, not on the zoning.

13 COMMISSIONER TOBBEN: Okay.  
14 Okay. Based upon the Assessor, it's being taxed as  
15 commercial. Combination of residential and commercial.

16 CO-CHAIRMAN SCHULTEHENRICH:  
17 We're talking about 1.5 acres if I understand  
18 correctly?

19 MR. ST. ANGE: Yes, sir.

20 CO-CHAIRMAN SCHULTEHENRICH:  
21 And you're talking about -- since it already has  
22 existing facility there on the highway, that's what  
23 you're also -- as existing business is already  
24 operating there?

25 MR. ST. ANGE: It is an

1 existing 2,500 square foot metal building,  
2 manufacturing type building, slab, create slab, and it  
3 is on Highway 100. It is assessed as commercial,  
4 taxed as commercial, and we're just trying to come in  
5 and cleanup an existing nonconforming use, is what  
6 we're trying to do. And Mr. Thome would love to  
7 purchase this building, come in, give it a clean  
8 slate, and say, okay, folks, here we are.

9           You know, we just want to do everything  
10 right, come in here and clean it up and make it right.

11                           CO-CHAIRMAN SCHULTEHENRICH: I  
12 think the only concern potentially the Commissioners  
13 have sometimes is whether it's spot zoning, and we  
14 have a little question at time whether we should do  
15 any spot zoning. That's the question I think we're  
16 asking, at least inquiring about. Okay.

17                           MR. ST. ANGE: Okay.

18                           CO-CHAIRMAN SCHULTEHENRICH:  
19 Anyway, is there any more -- any questions of any of  
20 the Commissioners? Ron?

21                           COMMISSIONER WILLIAMS: As far  
22 as the existing business, that's or storage for Media  
23 Signs, does that stay?

24                           MR. ST. ANGE: No, sir. The  
25 sale of this property, he is going to retire and get

1 out of his business. And then Mr. Thome would come in  
2 and utilize it just for his small business. Yeah.

3 COMMISSIONER WILLIAMS: Okay.

4 MR. ST. ANGE: For the  
5 plumbing.

6 COMMISSIONER WILLIAMS: And  
7 another question is: You're using the exiting  
8 buildings or building on the property. Any plans for  
9 expansion, additional buildings or something like  
10 that?

11 MR. THOME: No, I would not  
12 need any more building. That building is plenty big  
13 for me. That's as big as I want to get. I don't want  
14 to get any bigger than that.

15 COMMISSIONER WILLIAMS: Okay,  
16 thank you.

17 CO-CHAIRMAN SCHULTEHENRICH:  
18 Any other questions?

19 (NONE)

20 If not, thank you very much. Okay.

21 MR. ST. ANGE: Thank you.

22 MR. THOME: Thank you.

23 CO-CHAIRMAN SCHULTEHENRICH:  
24 What's the wishes of the Commission?

25 Certainly, it would seem that we could

1 take the action of moving this from New Business over  
2 to Old Business and go back and revisit Old Business,  
3 and make a decision this evening.

4 I would certainly entertain a motion  
5 potentially to that effect.

6 COMMISSIONER REINHOLD: I make  
7 a motion to move it to Old Business.

8 CO-CHAIRMAN SCHULTEHENRICH: Do  
9 I have a second to move this to Old Business?

10 COMMISSIONER TOBBEN: I'll  
11 second that.

12 CO-CHAIRMAN SCHULTEHENRICH:  
13 Okay. I have a motion and a second to move it to Old  
14 Business. All those in favor signify by saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 CO-CHAIRMAN SCHULTEHENRICH:  
17 Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 COMMISSIONER McCREARY: Aye.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 All opposed?

1 (NONE)

2 The ayes have it.

3 Go to the next matter on New Business.

4 It's File 170220.

5 With that, Scottie, I'll turn to you.

6 MS. EAGAN: This is just a  
7 minor -- well, I say minor, but it's one change in  
8 Article 7 under our Community Development zoning  
9 district.

10 After talking with some of the  
11 commissioners, they felt that manufacturing light with  
12 five or fewer employees should also be a permitted use  
13 in that district. And so they asked that we add it to  
14 Article 7 as a permitted use.

15 And that is the only change.

16 COMMISSIONER WILLIAMS: I have  
17 a question.

18 CO-CHAIRMAN SCHULTEHENRICH:  
19 Ron, go ahead.

20 COMMISSIONER WILLIAMS: Is -- I  
21 notice that was the only -- sorry.

22 I notice that was the only change. So we  
23 want to add that. Is there a -- I guess I'm  
24 questioning if there is a need for that, if there is a  
25 reason for this?

1 MS. EAGAN: We have had, I  
2 would say, two or three businesses in the CD zoning  
3 district that fall under manufacture light that cannot  
4 expand unless they rezone or we fix the code. It was  
5 brought up to the County Commission because they  
6 talked to the County Commission and the County  
7 Commission felt this was the route to go with this  
8 district. So...

9 COMMISSIONER WILLIAMS: Okay,  
10 but if they expand, would they still fall under the  
11 criteria, because we're looking at five employees?

12 MS. EAGAN: Expand their  
13 building, sorry, not their business.

14 COMMISSIONER WILLIAMS: Okay.

15 MS. EAGAN: Yeah.

16 COMMISSIONER WILLIAMS: Thank  
17 you.

18 CO-CHAIRMAN SCHULTEHENRICH:  
19 Any other questions or concerns?

20 (NONE)

21 Then I'll entertain a motion that we move  
22 to approve the change as requested by Planning and  
23 Zoning Department.

24 COMMISSIONER McLAREN: Motion.

25 CO-CHAIRMAN SCHULTEHENRICH:

1 And a second?

2 COMMISSIONER McCREARY: Second.

3 CO-CHAIRMAN SCHULTEHENRICH:

4 All in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 CO-CHAIRMAN SCHULTEHENRICH:

7 Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER WILLIAMS: Aye.

11 COMMISSIONER BOLAND: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 COMMISSIONER McCREARY: Aye.

14 CO-CHAIRMAN SCHULTEHENRICH:

15 Opposed?

16 (NONE)

17 The ayes have it.

18 Scottie, we're back to you on -- do you

19 have another one on that one?

20 MS. EAGAN: No, that was it.

21 CO-CHAIRMAN SCHULTEHENRICH:

22 Okay. Then I'd like to go back to Old Business.

23 That would be File 170196. With that,

24 I'd entertain a motion. What is your desire on that

25 on, on that file? Wish to approve the request from

1 the applicant from SD to CD? If so, I'll entertain a  
2 motion to do so.

3 COMMISSIONER McCREARY: I will  
4 make a motion to approve File 170196.

5 CO-CHAIRMAN SCHULTEHENRICH:  
6 Got a motion to approve. I need a second.

7 COMMISSIONER REINHOLD: Second.

8 MS. EAGAN: Is the motion  
9 recommend approval?

10 COMMISSIONER McCREARY: I  
11 recommend to approve --

12 CO-CHAIRMAN SCHULTEHENRICH:  
13 Yeah, this will go back to the County Commissioners --  
14 go to the County Commissioners.

15 Okay. All those in favor of approving  
16 the recommendation to approve signify by saying aye.

17 COMMISSIONER REINHOLD: Aye.

18 CHAIRMAN VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER WILLIAMS: Aye.

21 COMMISSIONER BOLAND: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 CO-CHAIRMAN SCHULTEHENRICH:

24 Aye.

25 COMMISSIONER McCREARY: Aye.

1 CO-CHAIRMAN SCHULTEHENRICH:

2 All opposed?

3 (NONE)

4 The ayes shall have it. Okay.

5 I don't know if it was explained to you  
6 or not, but right now our recommendation is for the  
7 County Commissioners to approve your request. It goes  
8 in front of the County Commissioners now for a public  
9 hearing and their decision as to whether or not to  
10 grant your -- your zoning change. Okay. That's where  
11 it stands.

12 MR. THOME: Thank you.

13 CO-CHAIRMAN SCHULTEHENRICH:

14 With that, Scottie, do you have anything on  
15 Preliminary Plats?

16 MS. EAGAN: We have another  
17 file I'd like you to vote on. Did you guys already  
18 vote on one -- on the amendment, or did you just move  
19 that to Old Business?

20 CO-CHAIRMAN SCHULTEHENRICH:

21 Oh, I thought we approved File 170220.

22 MS. EAGAN: Oh, so you voted to  
23 recommend approval? I missed that. Sorry.

24 CO-CHAIRMAN SCHULTEHENRICH:

25 That's what I -- I do not move that over to Old

1 Business for I thought we were giving you a nod of  
2 approval on that one.

3 MS. EAGAN: I will take it.

4 CO-CHAIRMAN SCHULTEHENRICH:

5 Okay.

6 MS. EAGAN: And we don't have  
7 any Preliminary Plats today.

8 CO-CHAIRMAN SCHULTEHENRICH:

9 Okay. Anything else to be brought up in front of the  
10 Commissioners?

11 COMMISSIONER McLAREN: Can I  
12 ask a question?

13 CO-CHAIRMAN SCHULTEHENRICH:

14 Bill?

15 COMMISSIONER McLAREN: Scottie,  
16 you've been talking about there's work on redoing some  
17 rezoning in general. What's timeframe on that?

18 COUNTY ATTORNEY VINCENT:

19 County Commission is working on it.

20 MS. EAGAN: We gave some  
21 current maps and blank maps to the Commission. So  
22 they're going to give us what they would like to see  
23 the county.

24 Then as soon as I get the new software up  
25 and running in my office, then our office will start

1 doing what we want to see, and we'll present that.  
2 Timeframe, I honestly have no clue. We're hoping to  
3 get our software up and running by the end of the year  
4 and then start working on it next year. But other  
5 things have happened to where there's some  
6 restructuring going on in my office. So I don't know  
7 if I'll be able to get to it first part of the year.

8 COMMISSIONER McLAREN: So would  
9 something like what we just did tonight be addressed  
10 in that ahead of time, or are we still going to be...

11 MS. EAGAN: Some things like  
12 what?

13 COMMISSIONER McLAREN: Like the  
14 rezoning that we just suggested that we would send up  
15 that we would didn't approve, we -- what's the right  
16 word?

17 MS. EAGAN: Recommended.

18 COMMISSIONER McLAREN:  
19 Recommended. Would that as -- in you're -- Mark,  
20 something like that, sent -- I've got a second head  
21 again.

22 COUNTY ATTORNEY VINCENT: What?

23 MS. EAGAN: I mean, we're going  
24 to be looking at the county as a whole. We are going  
25 to rezone the entire county as one, one time.

1 COUNTY ATTORNEY VINCENT: I  
2 couldn't understand what you're getting at.

3 COMMISSIONER McLAREN: Would a  
4 nonconforming use be --

5 COUNTY ATTORNEY VINCENT: It  
6 has nothing to do with rezoning. It has absolutely  
7 nothing to do with rezoning.

8 COMMISSIONER McLAREN: Okay.

9 COUNTY ATTORNEY VINCENT: I'm  
10 not even sure why you guys are talking about that  
11 building. That building has nothing to do with it.  
12 How it's taxed has nothing to do with it. It's how  
13 it's going to be used. The conditional use is within  
14 that district is all that it's about. That's what I  
15 told them outside. It doesn't matter.

16 They're trying to change the use. That's  
17 all that it pertains to. They've got the burden of  
18 proof, the burden of persuasion to show you that  
19 there's a benefit to rezoning it. They didn't do  
20 anything tonight.

21 All they did was talk about a building  
22 that doesn't matter. They can go in there tomorrow  
23 without rezoning, they could tear that building down  
24 and build a new building.

25 COMMISSIONER McLAREN: I agree

1 with that.

2 COUNTY ATTORNEY VINCENT: Well,  
3 you better. That's what the law is.

4 COMMISSIONER McLAREN: Okay.  
5 All right. So my question is, and I'm not managing to  
6 convey it very well.

7 MS. EAGAN: I think I know what  
8 you're kind of getting. We are going to, when we look  
9 at our zoning, we're going to look at current use,  
10 future use, and then base our zoning on that.

11 COMMISSIONER McLAREN: Okay.

12 COUNTY ATTORNEY VINCENT: If  
13 the County Commission changes or rezones a map, an  
14 area and the result of that something has changed from  
15 what was permitted to now nonconforming, it will  
16 remain nonconforming. You don't have to stop it.

17 And the reverse is also true. If there's  
18 a nonconforming use and the rezoning map results in it  
19 being a conforming use, then they're not violating the  
20 law.

21 COMMISSIONER McLAREN: Okay.  
22 Well, then if -- could they, an occupant who was a  
23 nonconforming use on this piece of property now, could  
24 he me by it and continue as a nonconforming?

25 COUNTY ATTORNEY VINCENT:

1 Different kind of use. You can't -- you can't change  
2 the use. A sign warehouse is not a plumbing business.

3 MS. EAGAN: Another sign  
4 warehouse business could come in and continue, but you  
5 can't change the use of it.

6 COUNTY ATTORNEY VINCENT: You  
7 can't change the use. They can't expand the use on a  
8 nonconforming.

9 MS. EAGAN: Right.

10 COUNTY ATTORNEY VINCENT: You  
11 can continue exactly what that is. You can't make the  
12 building bigger. You can't change the use, but you  
13 can continue what's there. It goes on forever.

14 COMMISSIONER McCREARY:  
15 Scottie, when you talk about this project that we're  
16 undertaking, is that -- I take it the Future Land Use  
17 Map will change or could possibly change with this  
18 when this is all done?

19 MS. EAGAN: The Future Land use  
20 Map wouldn't change unless we amend the Master Plan.

21 COMMISSIONER McCREARY: Okay.  
22 So this isn't a rethinking of the Master Plan.

23 MS. EAGAN: This is our Zoning  
24 Map, the official Zoning Map of Franklin County is  
25 what we are going to be looking at.

1 COMMISSIONER McCREARY: And  
2 that's with the Commission, not us? The Commission is  
3 going to deal with that, right?

4 MS. EAGAN: I mean, it will  
5 have to come to you guys before it goes to the County  
6 Commission, but yes. The County Commission is  
7 currently looking at it, hopefully coloring --

8 COUNTY ATTORNEY VINCENT: NO,  
9 that's not quite right. The Planning and Zoning  
10 Commission can send it -- or the County Commission can  
11 send it down to you. So they will look at it first.

12 MS. EAGAN: Right. That's what  
13 i said. It will come to them first.

14 COUNTY ATTORNEY VINCENT: No,  
15 that's not what you said.

16 MS. EAGAN: Okay.

17 COMMISSIONER McCREARY: Okay.

18 So yeah, we're going to be looking at  
19 some changes for us to consider in the future whenever  
20 this project gets --

21 MS. EAGAN: Right.

22 COMMISSIONER McCREARY: --  
23 underway, so to speak?

24 COUNTY ATTORNEY VINCENT: It's  
25 already underway, guys.

1 COMMISSIONER McCREARY: Right,  
2 right. But I mean, it's going to be a while before it  
3 gets to us?  
4 COUNTY ATTORNEY VINCENT: I  
5 don't know about that.  
6 COMMISSIONER McCREARY: Okay.  
7 Thank you.  
8 CO-CHAIRMAN SCHULTEHENRICH: I  
9 will entertain a motion to adjourn.  
10 COMMISSIONER McLAREN: Motion  
11 to adjourn.  
12 CO-CHAIRMAN SCHULTEHENRICH:  
13 Second?  
14 COMMISSIONER TOBBEN: Second.  
15 CO-CHAIRMAN SCHULTEHENRICH:  
16 All in favor signify by saying aye.  
17 COMMISSIONER REINHOLD: Aye.  
18 CO-CHAIRMAN SCHULTEHENRICH:  
19 Aye.  
20 COMMISSIONER VOSS: Aye.  
21 COMMISSIONER McLAREN: Aye.  
22 COMMISSIONER WILLIAMS: Aye.  
23 COMMISSIONER BOLAND: Aye.  
24 COMMISSIONER TOBBEN: Aye.  
25 COMMISSIONER McCREARY: Aye.

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CO-CHAIRMAN SCHULTEHENRICH:

Opposed?

(NONE)

The ayes have it.

(Thereupon, the hearing  
procedures were concluded at  
8:39 p.m.)

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CERTIFICATE OF REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:  
August 26, 2018

**TRANSCRIPT OF PROCEEDINGS 10/17/2017**

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**MIDWEST LITIGATION SERVICES**

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