

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

7
8
9
10 TRANSCRIPT OF PROCEEDINGS

11 PUBLIC HEARING

12
13 OCTOBER 26, 2017

14
15 [Commencing at 10:30 a.m.]

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

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A P P E A R A N C E S

COUNTY COMMISSIONERS:

John Griesheimer, Chairman

Dave Hinson, Commissioner

PLANNING AND ZONING DEPARTMENT STAFF:

Ms. Scottie Eagan, Planning Director

LEGAL COUNSEL:

Mark Vincent, County Attorney

ALARIS LITIGATION:

By: Patsy A. Hertweck, C. R.

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

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

2 (OCTOBER 26, 2017)

3 CHAIRMAN GRIESHEIMER: We'll go
4 ahead and get started. We are going to conduct a
5 hearing on File Number 170175, Sam Salameh, correct?

6 MR. SAM SALAMEH: Yes, sir.

7 CHAIRMAN GRIESHEIMER: Did I get
8 that right?

9 MR. SALAMEH: Yes, sir.

10 CHAIRMAN GRIESHEIMER: Okay.

11 One thing I did want to announce, a couple
12 of things. Number one, Commissioner Brinker is not
13 here. His mother is having surge very, very serious
14 surgery today. So he is not able to be here.

15 I am going to ask that everybody, again,
16 when you come up and testify, you are testifying to the
17 Commission. You're not testifying to the applicant.
18 Okay. So when you do that, just come and speak before
19 us, and you'll have to sign in. Scottie will read the
20 procedures and all that, but let me say, again, please
21 keep your calm and please be civil with everybody.

22 All right. Scottie.

23 MS. EAGAN: I will start with
24 the hearing procedures.

25 At this time, I would like to place into

1 the record the Franklin County Unified Land Use
2 Regulations as Exhibit A, the official Zoning Map as
3 Exhibit B, the official Master Plan as Exhibit C, and
4 the case file for each case as Exhibit D for all the
5 cases to be heard at this hearing.

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

10 As each case is opened, the staff report
11 will first be read by the Planning and Zoning
12 Department, followed by the Commissioners' questions
13 for the staff.

14 Then if anyone in the audience would like
15 to speak or comment during the hearing, they must first
16 print their name on the sign-in sheet provided and then
17 be sworn in.

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 any questions or comments.

22 Generally, the Applicant for the rezoning
23 is allowed to speak first, followed by those in support
24 of the rezoning and then those opposed to the rezoning.
25 The Applicant may speak again after comments from the

1 general public to address any questions or issues
2 brought up during the hearing.

3 At the conclusion of all questions,
4 comments, and discussion concerning each case, the
5 public hearing for each case will conclude. The
6 decision will generally be made by Commission Order at
7 a later date during the County Commission's regular
8 meeting time.

9 This is File 170175. The applicant is Sam
10 Salameh.

11 The applicant requests to rezone one
12 parcel from Suburban Development to Community
13 Development.

14 The property is located at 1300 Highway
15 100, approximately 900 feet west of Highway 00, in
16 Boles Township.

17 The Facts: The total area for the
18 rezoning is approximately three acres in size.

19 The zoning of this property is Suburban
20 Development. The applicant would like to rezone to
21 Community Development.

22 Community Development zoning brings
23 shopping, the workplace and home closer together by
24 allowing a mixed use of all types of residential
25 density and most forms of commercial development.

1 The two parcels directly east of this
2 parcel got rezoned in 1991 or 1992 and are now zoned
3 Community Development.

4 The properties to the north, west, and
5 south of the proposed site are zoned Suburban
6 Development.

7 This property is surrounded primarily by
8 low-density residential land.

9 To the west, approximately 950 feet, there
10 is a mobile home park, Country Air Mobile Park. This
11 is a 152-pad park that was platted in 1979.

12 Directly southwest of the proposed
13 rezoning is a two-lot, low-density subdivision, Locust
14 Lane, that was platted in 1986.

15 This property has access to Highway 100,
16 which is a State-maintained road.

17 This property is located within Public
18 Water Supply District No. 3 boundaries.

19 Staff Comments: The future land use map
20 shows this property, and the properties to the east, as
21 being commercial. The properties to the north, south,
22 and west are shown as non-urban.

23 Rezoning is allowed in our regulations
24 due to the every-changing conditions that exist in the
25 county and elsewhere. According to Article 14, Section

1 321, any such change must promote the health, safety,
2 morals, comfort and general welfare of Franklin County
3 by conserving and protecting property and building
4 values, by securing the most economical use of land,
5 and facilitating the adequate provisions of public
6 improvements in accordance with the Master Plan adopted
7 by Franklin County.

8 At the September 19, 2017 Planning and
9 Zoning Commission meeting, the Planning and Zoning
10 Commission voted to recommend denial of the rezoning
11 with 5 in favor of the denial and 2 opposed.

12 And before you get into the public hearing
13 aspect of it, I wanted to kind of explain the map that
14 was given to you guys as part of your packet that is
15 located behind you on the screen.

16 This map shows the two existing properties
17 that Mr. Salameh owns on the corner of Highway 100 and
18 00. After some research, I found out that those two
19 properties were rezoned August 1, 1991 to Community
20 Development. So those two properties alone -- I did a
21 hypothetical situation of what Mr. Salameh could do
22 without getting this property rezoned.

23 So the total acreage that is zoned
24 currently CD is approximately 8.6 acres. Based on that
25 number and then subtracting approximately one acre for

1 the gas station retail center, and the 22,000 square
2 feet for the existing single-family home, the developer
3 is left with approximately 7.1 acres for developing
4 apartment complexes.

5 When you take the 7.1 acres and look at
6 doing one dwelling per 5,000 square feet, which is what
7 our density requirement is in CD, that gives you
8 approximately 61.89 units. I went ahead and rounded
9 that down to 60 units, which would give him the ability
10 to currently do five apartment buildings with 12 units
11 each. And this would be permitted today without the
12 rezoning of the proposed three acres that are in here
13 today.

14 And that is all I have for you.

15 CHAIRMAN GRIESHEIMER: Okay.

16 One thing I want to say. I heard an
17 outburst a second ago as Scottie was reading the -- the
18 rules. And again, we're not going to tolerate that.
19 Now, we can conduct this hearing in a civil manner and
20 like adults.

21 When I have children -- act like children,
22 we'll have -- we'll have security in here. I don't
23 want to do that. We can all work together and do this
24 the right way.

25 So with that, then I will ask for those --

1 is there anyone in the audience who wish to testify in
2 favor of the rezoning, in favor? Okay.

3 Come forward. You will be -- have to be
4 sworn in. You'll have to sign in. And, everybody, so
5 everybody knows that's going to speak, you will sign in
6 at the podium so we can get your name and address and
7 that for the record. Okay. Then you will be sworn in,
8 and then you can testify. And again, you're speaking
9 to the Commission.

10 (Thereupon, the witness was
11 sworn.)

12 Name and address.

13 MR. SALAMEH: Sam A. Salameh,
14 2087 Highway 00, Pacific, Missouri 63069.

15 CHAIRMAN GRIESHEIMER: Thank
16 you.

17 MR. SALAMEH: Ladies and
18 gentlemen, good morning.

19 CHAIRMAN GRIESHEIMER: Sir,
20 again, you have to speak towards us, not the audience.

21 MR. SALAMEH: All right.

22 CHAIRMAN GRIESHEIMER: Okay,
23 strictly towards us.

24 MR. SALAMEH: Again, my name is
25 Sam A. Salameh. I was born in Jordan. I came to the

1 United States over 49 years ago. I came to go to
2 school, which I did in Oklahoma. Then I moved to St.
3 Louis, Missouri, and I started my business journey.

4 However, I have been living on the
5 southwest corner of Highway 00 and 100 for over 44
6 years, paying my taxes, personal, property, to the city
7 and the county and the state.

8 Now, I have been doing business in the St.
9 Louis area for over 35 years, until now. I am in the
10 food and gas business and gas stations as well. I have
11 the experience. I have the expertise to do it and do
12 it well, and I'm still doing it.

13 Now this property been zoned those
14 Community Development over almost 30 years ago. I come
15 to the conclusion to develop that corner, which is very
16 vital. It's going to be beneficial to the community as
17 well.

18 Looking at the location, we're talking
19 about -- about almost ten miles east on Highway 100
20 there is nothing there for anybody to buy a loaf of
21 bread or a gallon of milk.

22 Going west on Highway 100, there is six
23 miles to Gray Summit. Also the same thing, there is
24 nothing there for anybody to do any shopping.

25 Going south on 00, we have almost five

1 miles to the nearest gas station or supermarket.

2 This development here, it's going to be
3 costly, but we have to do it. Consist on good size
4 supermarket. I'm not talking about convenience store.
5 I'm building grocery store almost 10,000 square foot,
6 consist on full line up of grocery, fresh meat and
7 fresh produce. And as long also gas -- gas station.

8 There is a need for this development. In
9 addition to the -- as a Phase 1, I'm building 54-unit
10 apartment building, and it's going to be
11 state-of-the-art building. It's going to be very nice.
12 It's going to be beneficial to the area.

13 Speaking of this development, we going to
14 create some jobs. That's going to help. We going to
15 provide the service as well. We not only service or
16 creation job or -- it's going to be more revenue to the
17 City and the County and the State of Missouri.
18 Definitely we're going to bring some revenue.

19 But in addition to that, we bringing the
20 water almost to the end of the line of Franklin County.
21 We fixing the development to be the top. Not cheap
22 stuff. We building something everybody's going to be
23 proud of, and myself will be as well.

24 It's not going to be some trailer park or
25 shacks or something cheap. As you see, this

1 development as a Phase 1 is going to cost \$13 million.
2 And for me knowing how to spend that kind of money, I
3 have to meet my obligations. Of course, I don't have
4 \$13 million to do it. I want to make sure that the
5 bank would be paid as well. We do have the experience
6 to do it and to meet our obligations to do that.

7 Now, I just don't understand why this
8 development shouldn't go. If it doesn't go this now,
9 today, tomorrow, it's going to be done sooner or later,
10 and the best to start to do it now. It's going to be
11 good for everybody. We're going to maintain and make
12 sure it's secure. We are not going to allow anything
13 to create problems. We know how to do it. We've done
14 it, and my hope that I will have the opportunity to do
15 it.

16 Thank you, sir.

17 CHAIRMAN GRIESHEIMER: Any
18 questions for the applicant?

19 COMMISSIONER HINSON: Inquire?

20 CHAIRMAN GRIESHEIMER: Go ahead.

21 COMMISSIONER HINSON: Sir, your
22 story is what makes our country one of the greatest
23 countries in the world with being able to come over
24 here, and I applaud for doing that.

25 The question today is, though, about the

1 proposed rezoning of that additional three acres. You
2 talk about Phase 1. Does that -- how does that
3 incorporate the proposed rezoning request?

4 MR. SALAMEH: Well, speaking of
5 the United States long time ago, years ago, I became
6 American citizen. I raise my handed to honor and
7 protect the interest of the United States, and I still
8 do.

9 I am a good citizen. I've been living on
10 that corner for too long. I never created any problems
11 to anyone. I've been doing my own business and doing
12 it right. And again, this country is the land of
13 opportunity, and I think it's only fair for me to
14 contribute to that. I'm going to help the community,
15 not create any problems to the community, and I will do
16 it right.

17 We going to spend some money over there,
18 and that's going to be good for --

19 COMMISSIONER HINSON: Still yet,
20 getting back to my question about why -- why are you
21 here requesting the additional three acres when you
22 haven't done anything with the eight acres currently
23 that is zoned.

24 MR. SALAMEH: Okay. The first
25 time I rezoned my property, I did not have this

1 3.6 acres to be rezoned. I just bought this late
2 acreage about seven years -- about seven years ago, or
3 maybe less.

4 Now I wanted to do this development long
5 time ago, but due to some other reasons, this is the
6 time that do it. Now, the 3.6 acres is very vital to
7 rezone it in order for the development to be complete
8 and do it and done right.

9 I could -- I could do the development as a
10 Phase 1 for the property already being rezoned, but the
11 3.6 acres where the sewage line is going to go through
12 that. So it is important for me to have that acreage
13 rezoned. We bringing the water to the community all
14 the way. We bringing the electricity. I just paid
15 Ameren UE little over \$70,000 yesterday to remove the
16 power line from the way it is now to go all the way
17 next to the Highway 100.

18 So we improving the service when it comes
19 to electric, as well as the water, and it's going to be
20 only good. I know that because this is the only way I
21 know how to do things. I have three locations in the
22 city of the St. Louis. We doing well, very well, and
23 they are start -- state-of-the-art buildings. We
24 serving the communities there, and we handling our
25 finance situation very well. And I hope I will have

1 the same opportunity in the Franklin County.

2 COMMISSIONER HINSON: Scottie,
3 correct me if I'm wrong, but we don't need to rezone a
4 piece of property just to run a sewer line across it,
5 do we?

6 MS. EAGAN: From my
7 understanding, it would be a sewage treatment facility
8 that they --

9 COMMISSIONER HINSON: So it's
10 not just running a sewer line across to connect over --

11 MS. EAGAN: It's the first time
12 I've heard that it's just a sewer line. It was my
13 understanding that it was actually a treatment facility
14 for this development.

15 COMMISSIONER HINSON: And if
16 it's just a sewer line, there would be no rezoning?

17 MS. EAGAN: I believe they could
18 just have an easement then if it's just a sewer line
19 that's cutting through that property to go connect to
20 something else. But if it's actually a treatment
21 facility for the development, he would have to rezone.

22 COMMISSIONER HINSON: So is it a
23 sewer line, or is it a treatment facility that you're
24 looking at doing there?

25 MR. SALAMEH: Well, it's not

1 only going to be the sewer line. Of course, as a Phase
2 2, we planning to put more buildings in order to reach
3 little over 100-unit apartment building.

4 COMMISSIONER HINSON: Thank you.

5 CHAIRMAN GRIESHEIMER: I guess
6 the -- still the question in my mind is: This has been
7 rezoned since what, '91?

8 MR. SALAMEH: Yes.

9 MS. EAGAN: The two parcels have
10 been, yeah.

11 CHAIRMAN GRIESHEIMER: Okay.
12 Why hasn't there been any development on it since it's
13 been rezoned, since the other parcels have been
14 rezoned?

15 Now and I guess again, that ultimately is
16 the question is, why the rezoning, and what you're
17 telling me is if -- the rezoning is because of the, I
18 guess, what he wants to put on there. But again, to
19 rezone, to me, I'm not aware. Definitely help
20 straighten me out on this, but I didn't -- if you put a
21 sewage treatment plant on there, does that -- you can
22 do that without rezoning it, can't you?

23 It's other -- it's other things that
24 you're wanting to do with the property that's saying
25 there's a reason why you're wanting to rezone it, not

1 because you're going to run the sewer line or put a
2 sewage treatment plant on there? That's --

3 MS. EAGAN: I mean Mark can
4 correct me if I'm wrong. It's my understanding if the
5 sewer treatment plant is tied to the development,
6 that's not allowed in that zoning district. And I
7 don't know if we would allow him to do that with an
8 easement.

9 CHAIRMAN GRIESHEIMER: Okay.
10 Mark, why don't you sit over here where we can see you.
11 There you go. Thank you, sir.

12 COUNTY ATTORNEY VINCENT: The
13 answer is pretty simple. If it's a situation where you
14 can't put in a non-appropriate use or something that's
15 not approved. But once it's been approved, you have a
16 right to put in the infrastructure that goes with it.

17 So what is the condition. If the use is
18 approved, the treatment facility is approved.

19 COMMISSIONER HINSON: Will you
20 use the microphone, please, --

21 COUNTY ATTORNEY VINCENT: Sure
22 I'm sorry.

23 COMMISSIONER HINSON: -- because
24 the audience can't hear you.

25 MR. SALAMEH: May I?

1 CHAIRMAN GRIESHEIMER: We're
2 going to let him finish.

3 COUNTY ATTORNEY VINCENT: If the
4 use is approved, all the infrastructure goes with it,
5 that goes with it normally, electric, sewer that is
6 also approved.

7 If he were going to put in a treatment
8 facility that he was going to sell the services to some
9 other entity, that would be a commercial venture. That
10 would have to be permitted as a permitted use in and of
11 itself. But if it's secondary to other permitted uses,
12 it's permitted.

13 If the other uses aren't permitted, then
14 there's no need to have it because there's nothing
15 there to support, and so it's kind of like which comes
16 first. You got to have the permitted use first. But
17 if you're going to do a somebody went to Scottie and
18 said earlier about having so many apartments available
19 right now. I'm not certain why. If those would need a
20 sewage treatment facility, he would have the right to
21 put in a sewage treatment facility if there was no
22 other service available.

23 I'm not sure where he's located within one
24 of the sewer districts, because then the -- within so
25 many feet of a sewer district, he has to connect.

1 MS. EAGAN: But if he does the
2 sewage treatment facility for the potential units, it
3 would have to be on the same property where those uses
4 are permitted, correct?

5 COUNTY ATTORNEY VINCENT:
6 Correct. Yes, that's correct.

7 CHAIRMAN GRIESHEIMER: All
8 right.

9 COUNTY ATTORNEY VINCENT: But I
10 don't know how far -- where he is with regard to other
11 services by Public Water Supply No. 3 out there.

12 MS. EAGAN: He's in Public Water
13 Supply No. 3. I didn't find any sewer districts
14 within...

15 COUNTY ATTORNEY VINCENT: But
16 they have sewer?

17 MS. EAGAN: Oh, Public Water
18 Supply No. 3.

19 COUNTY ATTORNEY VINCENT: Yeah,
20 and if they have services available to a thousand feet,
21 he'd have to connect.

22 MS. EAGAN: Yeah, and they've
23 been notified.

24 COUNTY ATTORNEY VINCENT: Okay.

25 COMMISSIONER HINSON: So -- so

1 then we would have -- so it kind of already solves our
2 question with an answer that since there is sewer and
3 water there, then you would have to connect rather than
4 putting a treatment plant in?

5 COUNTY ATTORNEY VINCENT: Yes,
6 you'd have to unless the water district says that they
7 can't provide the service.

8 I talked to -- then that would be a direct
9 deal between he and -- or his development company and
10 the water district. If the water district has the
11 capability of providing service and they're there, he
12 has to connect unless they give him a waver and say we
13 do not have the capacity to treat that.

14 I don't see them doing that. But if
15 they're there and available, you got to connect. I
16 mean, and that's just the way it is. I don't know
17 where he's located with regard to the boundaries of the
18 water district.

19 MS. EAGAN: And we do look at
20 all that stuff when it gets into the actual development
21 side of things. When you get to the preliminary plat
22 for the unspecified development, then you start having
23 meetings with water districts, fire districts, to
24 actually talk about a proposed development. At this
25 point, we're not supposed to focus on proposed

1 developments. We're just supposed to focus on the
2 proposed rezoning, what's currently there, what can be
3 there.

4 COMMISSIONER HINSON: Correct.
5 What led to my question was the initial statement from
6 him about the rezoning for the sewer line, which you
7 don't need a rezoning.

8 COUNTY ATTORNEY VINCENT: No,
9 you don't.

10 COMMISSIONER HINSON: All you
11 need is an easement across your own property. But once
12 you --

13 COUNTY ATTORNEY VINCENT: What
14 Scottie is saying is correct. We're not -- the
15 rezoning does not say what use. It's the class of uses
16 that are -- that may be permitted in that area. So
17 with regard to that being the case, once it's
18 permitted, if that is done, then he can do whatever he
19 wants with that's permitted within that district.

20 COMMISSIONER HINSON: Correct.
21 Thank you.

22 CHAIRMAN GRIESHEIMER: Okay.
23 All right.

24 Thank you very much. I have no further
25 questions.

1 to talk into the microphone.

2 MR. BITTICK: We do have a
3 treatment plant sitting in the lower corner of the
4 three and a half acres, and we've talked to District 3,
5 and we will be pumping that to the treatment plant that
6 they have at the trailer park, which is 900 or a
7 thousand feet down Highway 100 on the north side.

8 Is the way it's designed right now, and
9 with the rezoning, as you look at the picture over
10 there, these four buildings are Phase 2, but the
11 treatment plant actually sits in the back corner of
12 that property.

13 And also the Fire District, we're talking
14 to Boles Fire District, they want two entrances into
15 the project if it would go too. So I would need a road
16 to come in on the -- I guess off of 100. You make an
17 immediate left to go down into the apartments, but they
18 also want another road to come in the other way around
19 for -- for fire trucks to service those buildings to
20 make it -- you know, that they could get to them if
21 they needed to.

22 COMMISSIONER HINSON: That's not
23 -- that's not up to Boles Fire District to decide.
24 That's up to MoDOT.

25 MR. BITTICK: Well, this is

1 on-property. This is on-site that they would need two
2 entrances because the way you -- if you see -- look
3 behind you there where the C-Store is, that's actually
4 the corner of 100 and 00. 00 is running up along where
5 his houses are at, and 100 running, you know, parallel
6 across the top of the page.

7 COMMISSIONER HINSON: Correct.

8 MR. BITTICK: The way it --
9 Scottie has those laid out on the -- the eight acres or
10 seven acres there, but in reality, we designed it for
11 Phase 1 would be on that, and the only thing really
12 sitting on Phase -- on the rezoning piece would be the
13 treatment -- or it's really a lift station. It's not a
14 treatment plant. It would be a holding tank that would
15 grind up sewage and then pump it to the treatment plant
16 that's on 100. And with the district's regulations,
17 we'd either have to move that over onto the 13 acres
18 and then, like you said, you'd maybe get an easement
19 across that piece. But right now he's invested -- had
20 the whole thing laid out with the assumption that it
21 was -- not knowing that we'd have to get that rezoned.

22 Otherwise, we'd have probably been here in
23 February instead of October.

24 COMMISSIONER HINSON: So the
25 issue is you -- you could still do the first phase

1 right now.

2 MR. RITTICK: Correct.

3 COMMISSIONER HINSON: The only
4 thing that would hinder that is you would have to move
5 that lift station over onto the currently zoned
6 property?

7 MR. RITTICK: Yes.

8 COMMISSIONER HINSON: Correct?

9 MR. RITTICK: Yes, and then
10 somehow get a road into just that. So you can see
11 there's quite a bit of retaining wall work that has to
12 be done there because the -- from the elevation of
13 Highway 100, it falls probably 23 feet to 24 feet to
14 the back of that property. And just to make --

15 COUNTY ATTORNEY VINCENT: I
16 think there's a misunderstanding that everybody has
17 here.

18 The use has nothing to do with design. It
19 is -- you're not talking today about what is going to
20 be located like this on that property. You're talking
21 about use --

22 MR. BITTICK: Right.

23 COUNTY ATTORNEY VINCENT: -- of
24 having apartments.

25 MR. BITTICK: Correct.

1 COUNTY ATTORNEY VINCENT: So
2 once -- if this is approved, you have got to meet the
3 regulations for Franklin County Building Department,
4 MoDOT, fire districts, water and sewer districts. You
5 got to meet everybody.

6 MR. BITTICK: Correct.

7 COUNTY ATTORNEY VINCENT: And
8 you may have to redo all this stuff.

9 MR. BITTICK: Correct. Well,
10 we've gone to all of them and kind of --

11 COUNTY ATTORNEY VINCENT: That
12 means nothing.

13 MR. BITTICK: Yes.

14 COUNTY ATTORNEY VINCENT: It
15 means absolutely nothing. This is only about the
16 use.

17 MR. BITTICK: Correct.

18 CHAIRMAN GRIESHEIMER: Use of
19 the property.

20 MR. RITTICK: Okay.

21 CHAIRMAN GRIESHEIMER: All
22 right. All right.

23 COMMISSIONER HINSON: There's no
24 confusion on my part.

25 COUNTY ATTORNEY VINCENT: Well,

1 they keep talking about it.

2 COMMISSIONER HINSON: Yeah, we
3 shouldn't even be discussing that because that's not --
4 you could change your mind in mid stream and put in
5 billboards.

6 MR. RITTICK: Right.

7 COMMISSIONER HINSON: So that's
8 possible --

9 MR. RITTICK: Yeah, basically
10 the use.

11 COMMISSIONER HINSON: We can't
12 -- we shouldn't be looking just at your one specific
13 use or proposed use for this. We have to go through
14 and look at every item that's on here because people's
15 plans changes. You know, it's been 25 plus years --

16 MR. RITTICK: Yes.

17 COMMISSIONER HINSON: -- and
18 nothing has ever been developed on the first one.

19 MR. RITTICK: Been developed.

20 COMMISSIONER HINSON: So I mean,
21 we have to look at everything that could be possibly
22 put on that without having to do a conditional use
23 permit. So I know you're looking at a very narrow
24 scope.

25 MR. RITTICK: Correct.

1 COMMISSIONER HINSON: But we
2 can't look at that because --

3 MR. RITTICK: I understand.

4 COMMISSIONER HINSON: -- I mean,
5 I have --

6 COUNTY ATTORNEY VINCENT: You
7 said it very well. Thank you, Dave. You said it very
8 well.

9 COMMISSIONER HINSON: Thank you.

10 CHAIRMAN GRIESHEIMER: Thank you
11 very much.

12 MR. RITTICK: Thank you.

13 Anybody else in the audience wish to
14 testify in favor of the rezoning, in favor? Okay.
15 Yes, ma'am. We got one already. Then we'll get you
16 guys. Come up.

17 (Thereupon, the witness was
18 sworn.)

19 Talk into the microphone. Name and
20 address, please.

21 MS. KAYLA SOLOMON: Kayla
22 Solomon, 2087 Highway O, Pacific, Missouri.

23 First of all, I would like to thank you
24 all for taking your time of your day to be here.

25 I've always found that the best

1 communities are usually the ones where members are more
2 involved. I understood the reason why you are here,
3 and it's because you all love your community and you
4 care about it.

5 I also understood that the love and
6 concern because my family are also residents of this
7 town. Without a doubt, we care very much about that
8 community because, just like you, we call it home.

9 My purpose in being here today is to
10 assure you that as fellow Pacific residents, we believe
11 that this addition of the project will only add value
12 to Pacific while preserving the integrity that this
13 town represents to all of us.

14 One large reason that we chose to live in
15 this area and we have remained here for over 44 years
16 is because of what it represents, a great
17 family-oriented safe community. This is a value my
18 father seeks to preserve with a proposal of this
19 residential community while also adding value to the
20 community.

21 Pacific is known to be a predominantly
22 residential area, and we fully intend to keep it that
23 way. Because this development will be in the suburban
24 family oriented safe community, the rent is proposed or
25 is set to reflect that. The majority of these units

1 will be rented for around a thousand dollar or more.

2 This means that it will be catered to
3 bring more young and -- more young families, working
4 professionals and retirees to the area. However, as I
5 mentioned before, because Pacific is where we call
6 home, we also will protect our community with a
7 passion. One way we will protect it is with a strict
8 tenant screening process to make sure that the tenants
9 are financially capable of rent.

10 To offer any wiggle room in this process
11 would be affect the quality of our community. We will
12 not allow any compromise on this. As we choose to
13 preserve the values of our community over the ease of
14 filling up or selling units any day.

15 Additionally, the strict policy will be
16 implemented within the lease agreement that any
17 criminal activity or nuisance will be dealt with with
18 the severest penalty possible in accordance with state
19 and local law, included but not limited to eviction and
20 prosecution.

21 Security measures will be taken with
22 constant on-site supervision by a state personnel to
23 ensure this.

24 There is also mention of a concern with
25 traffic congestion. Although the thought of traffic

1 congestion is a very real and legitimate one, there are
2 other factors that usually come into play when
3 determining the cause of traffic. In this area, we
4 have none of that. Examples would be big shopping
5 areas with the shopping traffics (sic) is what I'm
6 talking about. Or in a residential area with
7 residents' traffic. There's not a lot of -- I mean,
8 you can see that the houses are spread out in this
9 area.

10 In the central area of St. Louis due to
11 convergence of traffic caused by work and school and
12 shoppers, a lot of traffic lights. So here at this
13 location we have none of that. That is why traffic is
14 very minimal.

15 In order for the traffic of this
16 residential community to have a huge effect, these
17 factors would have to be present.

18 In closing, I just want to share with you
19 a little background about -- information about me.

20 I live here with my husband and my little
21 boy. He will turn two on February 22nd. I just
22 started law school this August, and my focus will be
23 public interest law. In particular, I want to be an
24 advocate for children's rights.

25 I strongly believe that our day-to-day

1 actions heavily and directly impact the society we live
2 in. I plan on living in Pacific for the rest of my
3 life and growing my family here.

4 The residents that this apartment
5 community will bring in are people who's children will
6 play with my children and my nieces and my nephews.
7 They are people who I will see at the park, at grocery
8 stores, at the community events. I have no doubt that
9 the inclusion of this residential community will uphold
10 and respect the value that we so cherish in Pacific.

11 And speaking of upholding and respecting
12 values, I cannot conclude this speech without sharing
13 some information about my awesome dad, who is the man
14 behind this proposal.

15 Maybe I am biased, but he is the epitome
16 of all the values that I would ever want my children to
17 possess. If I have to describe him in three words,
18 selfless, hard-working and determined. He is one of
19 those people who will always go the extra mile for
20 others. You may view him as a businessman who has
21 attained whatever it is, as being able to propose a 50
22 plus unit requires, but this man has lived in the same
23 house for over 44 years. His entire life has been
24 exemplified by serving others.

25 He started a very young age selling milk

1 and painting houses and selling insurance and whatever
2 it took. There was no way get rich or go --
3 get-rich-quick or golden investment opportunity. He
4 did it the old fashioned way, saved dollar after dollar
5 while spending the money that his family in putting us
6 all through school and college.

7 CHAIRMAN GRIESHEIMER: Ma'am.
8 I hate to interrupt you, but please, we need to stick
9 with the issue at hand, which is the rezoning.

10 And I'm going to ask everybody that comes
11 up and speaks, stick to the rezoning, not the use of
12 the property but -- because that's what's we're here to
13 decide.

14 MS. SOLOMON: I understand. I
15 was just addressing some of the concerns.

16 CHAIRMAN GRIESHEIMER: I
17 understand, and I want to give everybody the
18 opportunity to speak, but really we need to stick to
19 the subject at hand, which is the rezoning of the
20 property.

21 MS. SOLOMON: Okay. I have two
22 more lines. Can I finish?

23 CHAIRMAN GRIESHEIMER: Okay.

24 MS. SOLOMON: Thank you.

25 My father is a huge believer in the moral

1 beliefs and business go hand in hand. He is proud to
2 call this town his home, and believes that the
3 qualities of this development will serve to uphold the
4 values of Pacific and Franklin County.

5 Thank you.

6 CHAIRMAN GRIESHEIMER: Thank
7 you.

8 Anyone else wishing to testify in favor of
9 the development -- excuse me, of the rezoning, in
10 favor?

11 (NONE)

12 Okay.

13 Anyone wish to testify in opposition to
14 the rezoning, opposition? Okay. We'd start over here,
15 and I'll try to do the best I can.

16 Yes, sir. Come forward to the podium,
17 sign in.

18 MR. PETE KOLONE (ph.): Address.
19 (Thereupon, the witness was
20 sworn.)

21 CHAIRMAN GRIESHEIMER: If you
22 would, state your name and your address.

23 MR. KOLONE: My name's Pete
24 Kolone (ph.), 1314 Highway 100.

25 CHAIRMAN GRIESHEIMER: Why don't

1 you speak into the -- there you go, the microphone.

2 There you go.

3 MR. KOLONE (ph.): Pete Kolone
4 (ph.), 1314 Highway 100, Pacific, 63069.

5 Okay. What's going on here, they want to
6 put up all this stuff, 60-foot tall, 500-foot long and
7 obstruct every bit of peace and quite we have in this
8 community. And then they want to run their septic down
9 to County Air, which is only capable of holding the 100
10 and the 130 trailers that are flushing into it now.

11 It's never going to hold another how many
12 pops of showers and poops and everything else, you
13 know. And then -- let me put it this way. This place
14 is going to be rented out Section 8, and they're going
15 to benefit from it from U. S. taxpayer dollars.

16 Okay. That's all I got to say.

17 CHAIRMAN GRIESHEIMER: Thank
18 you.

19 Next person come forward.

20 MR. KOLONE: Taxpayer dollars.

21 CHAIRMAN GRIESHEIMER: Sir.

22 Sign in first.

23 (Thereupon, the witness was
24 sworn.)

25 If you would state your name and address.

1 MR. TOM BRANT: My name's Tom
2 Brant. My address is 2031 Highway 00, Pacific,
3 Missouri.

4 I'd like again to thank you all for your
5 time today. We've worked with you ink the past and
6 appreciate everything that you've down for us in past.

7 Our family lives on a state recognized
8 historic century farm 60 feet from the proposed
9 building site for the new apartment, market and gas
10 station. On our farm, we currently raise beef cattle,
11 provide close to a half a -- or we have close to a half
12 of mile of Kitt Creek on our property, which provides a
13 water source for our land and our livestock.

14 At the Planning and Zoning meeting last
15 month, a vote was taken on a matter of rezoning the
16 land for the proposed development. The Planning and
17 Zoning Commission voted by a -- I thought it was a 6 to
18 2 margin, but a 5 to 2 margin not to rezone the parcel
19 of land.

20 It was suggested that it would be wise to
21 leave the property to create a buffer between the
22 surrounding residents and the proposed new development.

23 The surround community strongly agrees
24 with this vote, and hopes the Commissioners would also
25 agree.

1 The surrounding area is primarily
2 residential. It's a deep well and septic tank area.
3 There are already Victoria Gardens, a wedding venue
4 down the street and a proposed wedding venue and
5 conference center that's supposed to go in just on the
6 other side of our farm.

7 We feel like the density of this area as
8 far as runoff, sewage and a different thing -- any kind
9 of different things like that are vital to the
10 pollution that's going to affect the streams in that
11 area.

12 We keep a close eye on that because
13 Victoria Garden (sic) discharges into our farm right
14 now, and I have a person. When I wrote our letter, we
15 hired a water treatment expert. If you guys would
16 present it -- or permit us for him to speak today.

17 In closing, we're a community -- we in the
18 community are all greatly concerned about the effect
19 this will have on our land, livestock and area. As I'm
20 sure you're aware, livestock and wildlife and humans
21 need, more than anything else to survive, clean water.

22 According to CNN, pollution is the largest
23 contributor to early death in our society, resulting in
24 nine million casualties per year, more than AIDS,
25 cancer, and malaria combined.

1 So if I could please ask Jerry Boehm from
2 Brookside Environmental, if it would be all right with
3 you for him to speak next.

4 CHAIRMAN GRIESHEIMER: He'll
5 have to be sworn in, but, yeah, that's fine.

6 MR. GRANT: Thank you.

7 COMMISSIONER HINSON: Sir, I do
8 have a question for you.

9 Prior to today, were you aware that
10 according to this drawing by the Planning and Zoning
11 that there could be a 60-apartment unit and convenience
12 store already go on the existing property?

13 MR. BRANT: I was. I was
14 aware -- I was actually at the Planning and Zoning
15 meeting. The contractor stated at that time that they
16 needed this three acre piece rezoned for the sewage
17 pumping station, that it was going to pump up to the
18 Victoria Garden (sic) treatment station, and it was --
19 and like I said, that's what discharges into our creek
20 on our farm.

21 So yes, I was. I was actually informed it
22 was going to be bigger than just a 50-unit. We thought
23 it was going to be more like a hundred units, but we
24 didn't know the phasing.

25 COMMISSIONER HINSON: And under

1 current -- under the way that property is zoned now,
2 the existing -- not the one that's being proposed but
3 the existing 8.6, there's already 50 uses that's
4 available to be used for. Were you aware of that, that
5 there was, I think it's about 50 -- 50 that could be
6 used now?

7 MR. BRANT: No, I wasn't aware
8 of the amount of uses that it could be used for.

9 COMMISSIONER HINSON: Right. So
10 that's what we have to look at as a Commission, is not
11 just the one but the other 49 that go along with it.
12 So...

13 MR. BRANT: No, I -- no, we
14 understand that totally. And this -- we also -- one of
15 the reasons we're talking about the one that we're
16 talking about is, like I said, this is a deep well and
17 septic tank residential and agricultural community.

18 COMMISSIONER HINSON: Right.

19 MR. BRANT: You know, there are
20 no provisions in that community for stormwater. There
21 are no provisions for wastewater. There's no, you
22 know, public sewer system other than the one treatment
23 plant at Victoria Gardens, which was designed to handle
24 Victoria Gardens.

25 COMMISSIONER HINSON: Right.

1 MR. BRANT: There's nothing in
2 that area like -- that can handle, we don't feel can
3 handle, a development like that.

4 COMMISSIONER HINSON: As
5 correctly you even said that just because you say,
6 yeah, you do it, doesn't mean as the process goes
7 along, as you meet with the Building Department and
8 meet with the water and sewer district, they meet with
9 the fire district, then MoDOT's going to have a lot to
10 say about the runoff, that there's not going to be
11 static -- you know, snags across the way that may
12 impeded them.

13 MR. BRANT: Uh-huh.

14 COMMISSIONER HINSON: We just
15 have to look at these 50 uses that can be use for that
16 piece of property.

17 MR. BRANT: I understand.

18 COMMISSIONER HINSON: Thank you.

19 MR. BRANT: Okay. Thank you.

20 CHAIRMAN GRIESHEIMER: Uh-huh.

21 MR. GERALD BOEHM: Good morning.

22 CHAIRMAN GRIESHEIMER: We need
23 you to sign in.

24 If everybody is getting -- if anyone is
25 getting too cold, let us know. We'll bump the

1 thermometer up just a little. I was warm in here a
2 while ago.

3 (Thereupon, the witness was
4 sworn.)

5 MR. BOEHM: I appreciate the
6 opportunity to speak for a couple of the citizens that
7 requested me to --

8 CHAIRMAN GRIESHEIMER: If you
9 would give your name --

10 MR. BOEHM: Oh, I'm sorry.

11 CHAIRMAN GRIESHEIMER -- name and
12 address.

13 MR. BOEHM: Gerald Bane. I own
14 and operate Brookside Environmental Services. My
15 address is 6 Book Lane, O'Fallon, Missouri.

16 I appreciate the opportunity to come and
17 speak for the couple of residents that allowed me to
18 run a little research concerning the new ideas they
19 have for sewage treatment for this particular project.

20 At the present time, my concern is
21 basically just looking at it with the preliminary
22 research that I've done, the present sewage treatment
23 plant is fairly capable of handling its own sewage. At
24 the present time, they have a particular plan and that
25 has not been accepted, and it now is being reviewed by

1 the Department of Natural Resources, and their permit
2 is expired. And the resources and Department of
3 Natural Resources and it's in a process of rewriting a
4 new permit. Which is typical of most sewage treatment
5 plants.

6 They only go for a certain period of
7 time, and then they have to be reviewed and renewed.
8 At the present time, they -- the present permit allows
9 for 400 fecal coli-form colonies per 100 milliliters of
10 water. I've only done one series of tests, and you
11 know, obviously more tests would be needed. But they
12 exceed that by 2,000. They're supposed to be
13 chlorinating their -- their particular effluence at the
14 present time. April 1st to October 31st you're
15 supposed to chlorinate all effluence from any sewage
16 treatment plant in Missouri.

17 They're -- obviously they're not
18 chlorinating because I have over 2,400 colonies of
19 fecal colo-form, and E-coli coming from that particular
20 plant, and that was just five or six days ago.

21 I think what needs to be considered here
22 is basically there's going to be a tremendous
23 expenditure to allow for any more facilities to come in
24 because at the present time they only allow for 200,
25 340 population equivalence for that particular septic

1 tank that is -- I mean, sewage treatment plant that is
2 there at the present time.

3 So there's going to have to be something,
4 you know, either improved or else the applicant will
5 have to develop his own sewage treatment plant. The
6 present sewage treatment plant is in no condition to be
7 able to house another 50 units or 900 units or a
8 hundred units or whatever. So that is a concern.

9 The other thing they -- the stream that
10 flows from that is a -- is classified as a losing
11 stream for the first 2,000 feet from the septic -- from
12 the sewage treatment plant. And that is a concern
13 because obviously a losing stream provides for
14 materials in the stream to seep down in other areas.
15 And if this is across topography like we have here,
16 could influence possible water table that is being used
17 for -- various people for livestock and so forth and so
18 on.

19 At the present time, the amounts of fecal
20 coliform or Colite are flowing down in the stream.
21 That would be detrimental, not so much for older cows
22 but calves and I certainly wouldn't want my
23 grandchildren or any of my family wading around or
24 trying to catch frogs or crawdads in that particular
25 creek because it's -- at least at the present time with

1 only the tests that I've done preliminary, it's
2 receiving quite a bit of contamination.

3 CHAIRMAN GRIESHEIMER: Sir, if
4 we can have -- I know this -- I know you're talking the
5 Victoria Gardens and that.

6 MR. BOEHM: Uh-huh.

7 CHAIRMAN GRIESHEIMER: But
8 again, we need to really stick to the rezoning itself.
9 And I know that obviously rezoning the other plat is --
10 the other parcel is, you know, that's a separate issue
11 and it's got the discharge. There's rules and
12 regulations that they have to abide by.

13 But if you would, kind of confine it to
14 the rezoning itself.

15 MR. BOEHM: Yes. My final
16 statement then would be when the rezoning comes
17 forward, this is something that really should be
18 considered because of the fact that obviously if it's
19 not considered, then obviously the rezoning should not
20 be done, you know. So...

21 Well, thank you very much for the
22 opportunity --

23 CHAIRMAN GRIESHEIMER: We will
24 take that into consideration.

25 MR. BOEHM: -- to speak with you

1 today.

2 CHAIRMAN GRIESHEIMER: Any

3 questions for the --

4 COMMISSIONER HINSON: (Negative
5 head shake.)

6 CHAIRMAN GRIESHEIMER: No.

7 Okay. Thank you very much.

8 Again, yes, ma'am. Come on forward.

9 Enter and sign in, please.

10 (Thereupon, the witness was
11 sworn.)

12 MS. TINA KILO: My name is Tina
13 Kilo, and I am the aunt of Kathy Kilo-Peterson.

14 CHAIRMAN GRIESHEIMER: Okay.

15 Would you give me your address too, please.

16 MS. KILO: I live at 180
17 Dietrich Lane in Festus, Missouri.

18 CHAIRMAN GRIESHEIMER: Thank
19 you.

20 MS. KILO: I just wanted to read
21 a short statement from here because she was not able to
22 attend. And I have copies.

23 MS. EAGAN: I can do it.

24 CHAIRMAN GRIESHEIMER: By the
25 way, we've had a number of letters that have been

1 submitted on this record -- on the record and that
2 those we made copies, and they will be in the file.
3 So...

4 (Thereupon, evidence was marked
5 for identification and submitted for
6 the record as Peterson Exhibit No.
7 1.)

8 MS. KILO: So this statement is
9 from Kathy Kilo-Peterson, owner of two contiguous
10 properties located at 1624 Highway 100, Pacific,
11 Missouri, 63069, and Panda L, an L. L. C., 41.5 acres,
12 Highway OO, Pacific, Missouri, 63069.

13 "Dear Commissioners:

14 "My name is Kathy Kilo-
15 Peterson. My address is 1624
16 Highway 100, Pacific, Missouri.
17 My home on 101 acres is located
18 less than one mile from Mr.
19 Salamah's proposed site.

20 "I am adamantly opposed to
21 this rezoning from Suburban
22 Development to Community
23 Development. The two parcels
24 directly east of Mr. Salameh are
25 already zoned Community

1 Development.

2 "The proposed high-density

3 housing will deteriorate

4 property values and increase

5 traffic. The proposed 94- or

6 160-unit apartment complex is

7 not compatible with the

8 surrounding neighborhood.

9 There is no reason to add

10 another 3.6 acres to the

11 neighboring community

12 development.

13 "Thank you for your

14 consideration."

15 CHAIRMAN GRIESHEIMER:

16 Questions?

17 COMMISSIONER HINSON: No.

18 CHAIRMAN GRIESHEIMER: Thank you

19 very much, ma'am. Anyone else wish to --

20 MS. EAGAN: John.

21 CHAIRMAN GRIESHEIMER: Oh, I'm

22 sorry.

23 MS. EAGAN: Just for the

24 record, we marked that as Peterson Exhibit 1.

25 CHAIRMAN GRIESHEIMER:

1 Okay, will do.

2 Anyone else wish to testify. Come on up.

3 Don't everybody rush at once.

4 MR. THOMAS GUSTAPSON: Thomas
5 Gustapson.

6 (Thereupon, the witness was
7 sworn.)

8 CHAIRMAN GRIESHEIMER: Give us
9 your name and address too, if you would.

10 MR. GUSTAPSON: All right. My
11 name is Thomas Gustapson. I live at 1289 Highway 100,
12 directly across the street from Sam Salameh. I've
13 lived there for 40 years, and in '82 they were going to
14 realign Highway 100 from OO to Gray Summit, and they
15 didn't do it. They got -- they used the money for
16 something else, like doubling up four lanes out here to
17 Washington.

18 And I propose that we shouldn't give any
19 more Community Development zoning because MoDOT will
20 eventually realign that road, and they're going to do
21 that interchange different. So whatever would be
22 proposed for that section that we're talking about
23 right now would just add to the cost to the taxpayers
24 of the United States of Missouri that MoDOT will have
25 to pay more money for that property and tear down any

1 buildings that are put on that proposed property.

2 So that's all I have to say about the --
3 the proposed property is -- it's in the way of Highway
4 100 being realigned. At one time, it went right
5 through the lake that's on that property or it went --
6 they straightened it out in front of the historic house
7 that's right down the road or it went north. So there
8 was three different ways they proposed back in '83, '84
9 or whatever it was. And then they dropped the ball,
10 but it still -- it's still on -- on their books.

11 Because I went up to MoDOT and talked with
12 them, and it's in the -- they got their long-range
13 transportation plan, and on their long-range
14 transportation plan, there is the realignment of
15 Highway 100 -- Missouri Highway 100 from 00. It's
16 called east of Gray Summit, six miles east of Gray
17 Summit.

18 And that's on there for 2024. So it's not
19 going to happen tomorrow, but if we push for it and get
20 to it -- get to it, they could boost up the safety of
21 that road because there's been five, six people killed
22 right there at -- within a hundred feet at the edge of
23 that property of 12 -- of 1300.

24 And when they do realign it, that may save
25 a few lives. If you go to leave out there -- if you go

1 to pull out of my driveway in the morning, sometimes
2 you have to wait five minutes for the cars going both
3 ways. One's going to Washington, and one's going to
4 Ellisville.

5 And there's a lot of traffic there right
6 now, commuter traffic, and when they go to realign the
7 road, they're going to have to go right through that
8 property. So I -- I say we don't -- I propose to deny
9 the request for rezoning.

10 And that's all.

11 CHAIRMAN GRIESHEIMER: Any
12 questions?

13 COMMISSIONER HINSON: Sir, I'm
14 going to ask you the same question I asked the other
15 gentleman.

16 Were you aware prior to today that they
17 could do the majority of the project on the existing?

18 MR. GUSTAPSON: No, I -- I never
19 -- I didn't know at all that they had changed that to
20 Community Development back when it happened in '91 or
21 whatever it was. You know, I'd seen the card came, but
22 I didn't have time. I was working. You know, it's
23 10:30 in the --

24 COMMISSIONER HINSON: Right.

25 MR. GUSTAPSON: -- in the

1 morning, and you can't show up for everything.

2 I didn't know it was even Community
3 Development. I always thought we were always Suburban
4 Development in that area, and you couldn't do anything
5 because at one time a friend of mine and myself, he was
6 putting his equipment on the property, and the County
7 come out and stopped us and made us quit doing it.

8 COMMISSIONER HINSON: Okay. I
9 just wanted to make sure because, you know, even if
10 there was a denial of the -- what's being proposed, the
11 existing can still be developed as it sets up there
12 today.

13 MR. GUSTAPSON: That would be up
14 to MoDOT or whoever, whether they can do all that.

15 COMMISSIONER HINSON: Right.

16 MR. GUSTAPSON: But I say for
17 the piece that they're wanting to go for now, I say no.

18 COMMISSIONER HINSON: Okay,
19 thank you.

20 MR. GUSTAPSON: Have any other
21 questions, I'll answer them.

22 COMMISSIONER HINSON: No, I just
23 wanted to make sure you were aware of that. Okay.

24 MR. GUSTAPSON: Okay. Thank you
25 very much.

1 CHAIRMAN GRIESHEIMER: Anyone
2 else wish to testify in opposition? Come on down.

3 (Thereupon, the witness was
4 sworn.)

5 MR. ROCK OLENDORFF: Good
6 morning. My name is Rock Olendorff. I live at 4480
7 Carmen Lane.

8 CHAIRMAN GRIESHEIMER: If you
9 could, speak just a little -- yeah, there you go.

10 MR. OLENDORFF: 4480 Carmen Lane
11 in Pacific. It backs up to the back of Mr. Salamah's
12 property.

13 We moved out there in '89. Just to echo
14 Mr. Gustapson's thing, at the time when this all
15 happened in '91, I'm sure I got the card, but I was a
16 working man and didn't pay attention. I was new to the
17 area and didn't pay attention to it. Otherwise, we
18 probably would have said something more about that
19 then.

20 I get it that what we're talking about
21 today is the rezoning of that three acres, more or
22 less. Most of the folks you see in here, they're
23 opposed or have concerns. They've written you letters
24 or whatever because we had heard a while back about
25 what was being proposed.

1 Don't have anything against Mr. Salameh
2 and his people and his opportunities. It's just we
3 don't want it any bigger. We're enjoying our rural,
4 semi-rural ag lives. We're all -- like I said, we
5 wrote letters and listed all the concerns, traffic,
6 sewage, water, runoff, trespass, security, police,
7 fire, school district, how everything was going to be
8 impacted.

9 The reason we -- we moved here was to get
10 away from the hustle and bustle of all that. And I
11 know there's nothing we can do about that eight acres.
12 I get it. You've said it several times already.
13 That's 40 -- 49, 50 different proposals can be put on
14 that. Okay. We get it.

15 It's just I don't want it any bigger than
16 what can already be done.

17 Thank you for your time.

18 CHAIRMAN GRIESHEIMER: Thank
19 you.

20 Anyone else wish to testify in opposition?

21 MR. TOM RICHARDSON: Good
22 morning.

23 (Thereupon, the witness was
24 sworn.)

25 Good morning. I'm sorry the other member

1 could not be with us today. I'm not sure how that will
2 have a bearing on how you guys decide this.

3 CHAIRMAN GRIESHEIMER: Give us
4 your name and address, please.

5 MR. RICHARDSON: I'm sorry. Tom
6 Richardson, 1328 Highway 100, Pacific, Missouri.

7 CHAIRMAN GRIESHEIMER: Thanks.

8 MR. RICHARDSON: And again,
9 I'm not sure how missing a member -- I'm sorry to hear
10 he has a sick mom. I'm not sure how that will have a
11 bearing on the consensus or two our of three deciding
12 this.

13 CHAIRMAN GRIESHEIMER: We're not
14 either.

15 MR. RICHARDSON: As a lot of my
16 neighbors have said and the gentleman to your left --
17 I'm not sure of his name -- but people can propose one
18 thing and they can -- they can do any of 50 uses of
19 this property. My wife and I and all of my neighbors
20 are opposed to adding this piece.

21 In the very first hearing -- and I'm
22 trying to stay strictly to this 3.6 acres.

23 CHAIRMAN GRIESHEIMER:
24 Appreciate that.

25 MR. RICHARDSON: In the very

1 first hearing, this piece of property was stated as
2 being very critical for this lifting station to -- to
3 move the sewage from this development.

4 If nothing else, one of the members said
5 keep it as a buffer. The property that's already been
6 zoned, I wish we could have a hearing go back and re-
7 -- undo it, and everybody else does as well. We like
8 living in the country, but if we could at least get
9 this piece not part of this development, it's going to
10 go a long way in leaving our lives the way that they
11 are.

12 And you know, I -- I submitted a letter to
13 you guys and stated a bunch of things right out of your
14 master plan, and a lot of those things talk about
15 high-density areas and low-density areas, and if I'm
16 reading it right, there's a lot of things that says
17 this area is not ready for that size of development
18 anyway. It doesn't have adequate water. It doesn't
19 have adequate sewer, and they're talking about
20 piggy-backing onto an existing treatment plant at a
21 trailer park.

22 It -- I've heard testimony here today that
23 we want to do this topnotch, state-of-the-art. If you
24 really want to do something really nice, are you going
25 to tie to a treatment plant that's down the road? The

1 sewer system is not there yet. We are on wells and we
2 are on septic tanks, and our water could get polluted.

3 Someone can tell you we're only going to
4 rent out to really nice people. Would they really tell
5 you if they was going to rent out to people that you
6 wouldn't want for your neighbor? Is somebody going to
7 stand up here and say that? No.

8 I just urge you to -- to listen to the
9 community and -- and do what -- what you've been
10 elected or appointed to do, and that's -- that's
11 protect us, the people that are living there now.

12 Thank you very much.

13 COMMISSIONER HINSON: Thank you.

14 CHAIRMAN GRIESHEIMER:

15 Questions?

16 COMMISSIONER HINSON: No.

17 CHAIRMAN GRIESHEIMER: One thing
18 I guess I should always do at the start of a meeting
19 and I never do is introduce who we are. That obviously
20 came through.

21 I'm County Commissioner John Griesheimer,
22 and this is -- this is Second District Commissioner
23 David Hinson. So -- and then who's missing today is
24 First District Commissioner Tim Brinker. So sorry
25 about that.

1 Come on down, next.

2 (Thereupon, the witness was
3 sworn.)

4 MR. BILL ELZINGA: Good morning.

5 Bill Elzinga, 2730 Forest Glen Drive in
6 Pacific, and just wanted to make a couple of comment if
7 I could. I'm certainly for good planning, good sound
8 planning in Franklin County, and I appreciate your
9 leadership in that area. Not for poor planning and
10 random development, and recognize that we're talking
11 about an incremental increase in the CD zoning here.

12 The applicant's proposal does represent
13 such as example of sort of incremental, incompatible
14 development, as we've heard from other residents in the
15 region here.

16 As proposed, the plan for a convenience
17 store and ultimately a 100-unit apartment complex is
18 really wholly out of place in a setting of disperse
19 residential development in the area. So it's in
20 context -- it's inconsistent with the land uses, and
21 we've been hearing that from various residents there,
22 understanding their expectations about rural way of
23 life would be incrementally affected.

24 So that's -- that's certainly one issue.

25 Secondly the excessive supporting

1 development that needs to happen to make the project
2 viable is further indication of its incompatibility.
3 And again, it's really the ultimate project that we're
4 really talking about, and we've heard of course about
5 the 1600-foot water line extension and the additional
6 900-foot extension to Victoria Gardens.

7 All indicators of incompatibility having
8 to undertake such massive projects to make this project
9 viable. So really we're talking about incompatibility
10 there.

11 We've also heard from others here
12 Mr. Boehms (sic) with respect the ongoing issues at
13 Victoria Gardens. I looked at that myself. It's had
14 historical problems. 2001 it had problems and the
15 lagoon was closed, a new plant improved, and I think as
16 he's indicated very small, very small plant,
17 incompatible of handing the new development, not only
18 of this facility but the incremental increase that's
19 being ultimately proposed as part of this project.

20 So again, I see that it's incompatible
21 with the setting that it's in.

22 Third, I'm sure you'd agree that one's
23 property ownership doesn't presume a given property
24 should be rezoned for another use. To use one of my
25 recent projects as an example, a proposed nuclear power

1 plant in Southern New Jersey, my client, the power
2 company, owned many tracts of land that could be
3 theoretically used to support a power plant.

4 The analysis of zoning, land use, distance
5 from infrastructure, proximity to water -- reliable
6 water supply, drove them to abandon their plans and
7 their consideration of lands they already owned in
8 favor of a site that was in fact compatible for an --
9 for their proposed new plan, a site that had existing
10 nuclear power, a site that had existing infrastructure
11 and had ready access to water.

12 So again, all these things seemed to point
13 to incompatibility with the ultimate -- of the ultimate
14 project here with respect to zoning and land use and
15 incompatibility with respect to the -- the onerous need
16 for -- for expansion of infrastructure.

17 So I'll close. Therefore, recommend
18 denial of the proposed rezoning as it is incompatible
19 with existing uses and the expectations of the way of
20 life of the residents in the vicinity, and would
21 certainly require unnecessary and unforeseen
22 development of related infrastructure.

23 So with that, appreciate your time.

24 CHAIRMAN GRIESHEIMER: Okay.

25 Do you have any questions?

1 COMMISSIONER HINSON: No.

2 CHAIRMAN GRIESHEIMER: Thank you
3 very much.

4 Anyone else wish to testify in
5 opposition?

6 (Thereupon, the witness was
7 sworn.)

8 MR. KEVIN SULLIVAN: Kevin
9 Sullivan, 1 North Brentwood in St. Louis, Missouri,
10 63147, and I represent Kathy Kilo-Peterson. I'm an
11 attorney with Shands-Elbert, and if I could point out a
12 couple of things based on the things that have been
13 presented to the Commission today.

14 CHAIRMAN GRIESHEIMER: Keep it
15 to the subject matter.

16 MR. SULLIVAN: All right, but I
17 certainly will, Chairman.

18 CHAIRMAN GRIESHEIMER: Okay.

19 MR. SULLIVAN: Okay.

20 I'd first like to speak to Section 321 of
21 of Land Use Regulations, which is, as you're aware and
22 Ms. Freeman (sic) mentioned, the rezoning has to
23 promote health, safety, morals, comfort, general
24 welfare, and that's by conserving and protecting
25 property values and also by the adequate provision of

1 public improvement.

2 First, looking at health and safety. I
3 know you have to look at the rezoning in the entirety.
4 I would say the proposed development of high-density
5 apartment buildings is really kind of one of the more
6 extreme possible uses that would be out there. I think
7 there is also hotel. There could be large-scale
8 commercial development. There could be large-scale
9 office. There could be all these sorts of things, but
10 I think if you're talking about putting in whatever it
11 is, if it's now 60 units, it could be a hundred units,
12 it could be a hundred and 50 units.

13 Just looking at that aspect, if it's
14 redeveloped and whether there's a treatment plant there
15 or not, you can't assume whether there's going to be
16 any type of lift plant or treatment facility, they're
17 not. They could move it across the property and you
18 could have 3.6 acres and they could put anything on it.

19 What's going to happen is there's going to
20 be a serious effect on traffic with the first, I think
21 one of the citizens mentioned there was already
22 accidents where five or six people have been killed.
23 What you're going to do is you're going to see hundreds
24 of cars being put on Highway 00. I think most people,
25 if they're' going to be going to 44 or if they're going

1 to Pacific, they're going to be going on Highway 00,
2 which is a curvy road with no shoulders. It's got
3 limited visibility in some spots. So I think it's
4 going to impact the properties along Highway 00, not
5 only with respect to their safety of cars traveling at
6 at high speed during, you know, presumably your busy
7 times of day which would be in the morning and in the
8 evening, but that also that traffic will affect
9 property value.

10 With respect to environmental concerns, I
11 think the Master Plan requires that you look at
12 environmental concerns. We've heard many things about
13 the wastewater issue. Not going to go on that, but any
14 type of development is going to add -- including the
15 proposed one, is going to add tons of impervious area,
16 and there's study after study that when you have
17 impervious area and you have runoff, especially in
18 heavy rains, it's going to affect the stream and the
19 creeks in the area. And it's going to degrade those
20 creeks and streams.

21 Providing a buffer between what would be
22 the proposed development of the eight or so acres,
23 might be able to lower that risk.

24 I also think that -- and you have -- and
25 we've heard from some citizens, that this isn't going

1 to conserve and protect the property values in the
2 area.

3 Ms. Kilo-Peterson has her hundred-care
4 home there. The reason she bought it was because of
5 the pastoral setting and the -- the country setting.
6 This is going to change, and her property will be
7 affected. Other people along Highway 100 and Highway
8 00 are going to be affected because there's going to be
9 a large, you know, convenience store/grocery store, but
10 then also what could be a hundred-unit apartment
11 complex, which will lower the property values for these
12 people. And when they moved here, whether it was 40
13 years ago, 30 years ago, or yesterday, they had assumed
14 that it was now a place where there's low --
15 low-density. Most people, it's either agricultural or
16 people who live on a couple of acres, and that should
17 be maintained by the Commission.

18 So I don't think that the petitioners have
19 shown how this development is actually going to
20 promote, whether it's the health, the safety, the
21 general welfare of the county, and I think on the flip
22 side of that, it's actually going to degrade that and
23 that you're going to see problems with health, safety,
24 general welfare and with the property values of the
25 surrounding owners.

1 I'd also just like to point out a couple
2 of things with respect to the Master Plan. Looking at
3 it, you have the land use implementation strategy,
4 which calls for orderly high-density developments, but
5 that those should be near cities where there is
6 infrastructure. And this would be just plopped down
7 right in the middle of a low-density area, and you're
8 talking miles away from Pacific. And maybe this would
9 be a different issue if you're talking, you know, right
10 on the city limits of Pacific, but that's not the case.

11 This is, you know, some distance from any
12 city, and it's going to affect the infrastructure,
13 whether you're talking sewage or otherwise in the area.

14 Likewise, goal three of the land
15 implementation strategy asks you to look at compatible
16 uses, and if you're just talking about this parcel, I
17 don't think it would be a compatible use with the area.
18 The most compatible use would be to leave it as is as a
19 buffer. If someone wants to buy the three-acre tract
20 and put a residential house on it like the others in
21 the area, I would doubt that anyone would have a
22 serious problem with that.

23 But that's not. You're kind of opening
24 Pandora's Box with respect to that whole corner by
25 allowing it to be rezoned.

1 That's all that I have.

2 CHAIRMAN GRIESHEIMER: All
3 right. Questions?

4 COMMISSIONER HINSON: Just one.
5 Was -- is Ms. Peterson aware that an
6 existing parcel can be used as the drawing is today?

7 MR. SULLIVAN: I think her aunt
8 did reference that she was opposed specifically just to
9 the three acres being rezoned.

10 COMMISSIONER HINSON: Okay,
11 thank you.

12 CHAIRMAN GRIESHEIMER: Thank you
13 very much.

14 MR. SULLIVAN: Thank you.

15 CHAIRMAN GRIESHEIMER: Anyone
16 else wish to testify in opposition, in opposition?

17 Yes.

18 (Thereupon, the witness was
19 sworn.)

20 MS. KAREN FUSS: Karen Fuss. I
21 live at 2049 Highway 00, Pacific, Missouri.

22 Another concern I have that maybe was
23 mentioned, but I don't think has been brought up
24 enough, and that's how it's going to affect the school
25 district.

1 It's at its capacity now. You're going to
2 have to bus children over a dangerous Highway 00. It's
3 -- it's just, in my opinion, not the place to put a
4 large amount of people where there are no services
5 available.

6 And that's all I have to say. Thank you.

7 COMMISSIONER HINSON: Thank you.

8 CHAIRMAN GRIESHEIMER:

9 Questions?

10 COMMISSIONER HINSON: No.

11 CHAIRMAN GRIESHEIMER: Anyone
12 wish to testify in opposition?

13 Yes, sir.

14 (Thereupon, the witness was
15 sworn.)

16 MR. KARL SCHLEMPER: My name is
17 Karl Schlemper. I live at 2597 Cassidy Lane, Pacific,
18 Missouri.

19 And this farm --

20 CHAIRMAN GRIESHEIMER: Speak
21 just a little louder. There you go.

22 MR. SCHLEMPER: This Schlemper
23 farm has been in the family since the 1800s, and it's
24 directly south of everything proposed. And when you're
25 on top of the hill, everything's got to run down the

1 hill right through our place. And I really don't have
2 a whole lot to say, but I think that's something that's
3 pretty important on this whole thing.

4 If there's a buffer now, let's not mess
5 with what's already. Okay. Victoria Gardens is a
6 problem to our farm and family and community down --
7 even down the stream all the way. I mean, it just
8 affects everything. If you're going to add more to it,
9 I just can't see where you would, you know, justify it.

10 Thank you your time.

11 CHAIRMAN GRIESHEIMER:

12 Questions?

13 COMMISSIONER HINSON: No.

14 CHAIRMAN GRIESHEIMER: No.

15 Thank you.

16 Anyone else wish testify in opposition,
17 again in opposition?

18 (NONE)

19 Okay. Seeing none, Mr. Salameh, would you
20 like to do a rebuttal?

21 AUDIENCE MEMBER: Yeah, I'd like
22 to say a little bit.

23 CHAIRMAN GRIESHEIMER: No, sir,
24 you're done. Strictly -- it is strictly for -- for the
25 rebuttal. Okay. Opposition?

1 MR. MOHAMMED D. SALAMEH: No.
2 I'm in favor.

3 CHAIRMAN GRIESHEIMER: No. No,
4 that's already over. Okay. All right.

5 MS. SOLOMON: He's not
6 opposition.

7 CHAIRMAN GRIESHEIMER: All
8 right. I will do this. Informational purposes only,
9 neither for nor against.

10 AUDIENCE MEMBER: Against.

11 CHAIRMAN GRIESHEIMER: No.
12 Well, against -- okay. I've already -- all right.

13 Opposition, opposition only. Okay. Or
14 for again, informational purposes only, neither for nor
15 against.

16 (Thereupon, the witness was
17 sworn.)

18 MR. M. SALAMEH: Mohammed
19 Salameh, 2087 Highway OO, Pacific, Missouri, 63069.

20 A little bit about myself. I graduated
21 from Pacific High School. I was born in that house.

22 What I don't understand, okay, all these
23 people in opposition of it, none of them came forward
24 to help the project, to say no or yes. This is like
25 pointing fingers. I have always learned not to point

1 fingers, to walk the walk with your friend, with your
2 neighbor, and say, hey, man, let's go that route. It's
3 a better route.

4 All these people that came opposed, none
5 of them came further. This is my father, Sam Salameh,
6 okay. The majority are worried about people that got
7 killed and looking at the traffic, but didn't even pay
8 attention to all the people that lives in the area
9 that's going to drive ten miles to get gas, to get bread
10 for their kids. If they -- he's just worried about the
11 property and the value of property.

12 AUDIENCE MEMBER:

13 (Unintelligible)

14 MR. M. SALAMEH: None of that --
15 none of the issue -- I mean, all the issue that came
16 has nothing to do with the sewer. They just don't want
17 the project to go further. It's because the interest
18 of the land. We love our town. I was born there. I
19 went to Pacific High School. I graduated. We love it
20 too, just like they care about. Every Sunday I'm off
21 work. I cut grass. I make it look -- (unintelligible)
22 here is my neighbor. I cut his grass. He's our
23 neighbor since I was born. So it's not the sewer. The
24 sewer could cost a thousand, it could cost a million.
25 It's going to be done the right way.

1 We're not going to allow it, the
2 department isn't going to allow it -- is not going to
3 allow it, nobody is going to allow to just build any
4 sewer. So it's not about the sewer.

5 I just want you to take into consideration
6 of that.

7 Thank you. Any questions?

8 COMMISSIONER HINSON: (Negative
9 shake of the head.)

10 CHAIRMAN GRIESHEIMER: Okay.

11 Thank you.

12 MR. M. SALAMEH: Thank you so
13 much.

14 CHAIRMAN GRIESHEIMER: Anyone
15 else -- no. Time out. Okay, informational purposes
16 only. You've already testified in favor. You've
17 already talked to us in favor.

18 I'm going to allow the applicant, Mr.
19 Salameh, if you would like to come up and do a rebuttal
20 and only to us. Would you like to rebut -- do a
21 rebuttal to the opponents? I will allow you to do
22 that.

23 MR. SALAMEH: Yes.

24 CHAIRMAN GRIESHEIMER: Okay.

25 Come forward. And again, speak to us, not to the

1 audience.

2 MR. SALAMEH: No need to write
3 my name?

4 CHAIRMAN GRIESHEIMER: No, sir.

5 MR. SALAMEH: All right.

6 CHAIRMAN GRIESHEIMER: You've
7 already been sworn in.

8 MR. SALAMEH: Well, as I
9 mentioned before, I love this country, and they call it
10 the land of opportunity. Now, as I said before, I've
11 been living there for 44 years. And previously you
12 asked me question, "How come you didn't do it any
13 sooner?"

14 Well, I did things step by step, and for
15 financial reasons, I do not have \$13 million to build
16 such development. But I believe this development will
17 bring more value to the community in terms of property
18 value, the community needs. I mean, I just don't
19 understand why should somebody, he or she, drives ten
20 miles to get to the supermarket or to get some gas when
21 I could provide the service to them to buy whatever
22 they need by law, to buy gas, loaf of bread, gallon of
23 milk and what have you.

24 And we are talking about this area needs
25 to be developed. We can say that just -- we've been

1 living there for -- since 1800 or 1700 or whatever.
2 No. This area has to be developed. Whether I do it or
3 somebody else will do it, but as might as well. Why I
4 can't have the opportunity to develop it. It's going
5 to be all good.

6 You say to yourself it's -- again, it's
7 the -- we not putting something trailer park or
8 something to be ashamed of. We spending money to
9 improve the area. The location is good. The county
10 needs it. More job creation, more revenue to the City
11 and the State and County. It's all good. It's going
12 to be -- we are concerned about the life of the
13 community because I live there. My kids live there.
14 My grandkids live there.

15 So my hope is that you guys take the right
16 decision, whether the right decision will be favorable
17 to me or favorable to the opposite.

18 So God bless you and God bless America.

19 CHAIRMAN GRIESHEIMER:

20 Questions?

21 COMMISSIONER HINSON: (Negative
22 shake of the head.)

23 CHAIRMAN GRIESHEIMER: Okay.

24 MR. SALAMEH: Any question?

25 CHAIRMAN GRIESHEIMER: No.

1 Thank you.

2 That will conclude the hearing on File
3 Number 170175.

4 Thank you all very much for coming. Have
5 a great day.

6 MS. EAGAN: John, I don't think
7 you adjourned, but --

8 CHAIRMAN GRIESHEIMER: Oh, I'm
9 sorry. We need a motion to adjourn.

10 MS. EAGAN: Can you specify
11 whether or not you're leaving anything open, just for
12 the record, that if it's done, it's done. But I need
13 you to clarify that.

14 CHAIRMAN GRIESHEIMER: At this
15 point, I would say we close the record today. We
16 held -- we had allowed for letters. Okay, either way.
17 So the hearing, as far as I'm concerned,
18 the record, let's -- Mark?

19 COUNTY ATTORNEY VINCENT: I
20 didn't say anything.

21 CHAIRMAN GRIESHEIMER: As far as
22 I'm concerned, the record is closed today. Okay.

23 COUNTY ATTORNEY VINCENT: Very
24 good.

25 CHAIRMAN GRIESHEIMER: Okay.

1 COUNTY ATTORNEY VINCENT: Need a
2 motion to adjourn.

3 CHAIRMAN GRIESHEIMER: Need a
4 motion to adjourn.

5 COMMISSIONER HINSON: Motion to
6 adjourn.

7 CHAIRMAN GRIESHEIMER: We have a
8 motion made by Commission Hinson.

9 Second?

10 I will second that motion to adjourn. All
11 those in favor.

12 Aye.

13 COMMISSIONER HINSON: Aye.

14 CHAIRMAN GRIESHEIMER: Thank
15 you. Again, the hearing is adjourned.

16 (Thereupon, the proceedings
17 concluded at 12:02 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; that 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

HEARING 10/26/2017

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