

1 FRANKLIN COUNTY PLANNING AND ZONING COMMISSION  
2 FRANKLIN COUNTY GOVERNMENT CENTER  
3 SECOND FLOOR COMMISSION CHAMBERS  
4 400 EAST LOCUST STREET  
5 UNION, MISSOURI 63084  
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8 COUNTY COMMISSION  
9 PUBLIC HEARING  
10 OCTOBER 8, 2020  
11 (COMMENCING AT 1:30 P.M.)  
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18 Reported by:  
19 Patsy A. Mayberry, C. R.  
20 Alaris Litigation Services  
21  
22  
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COUNTY:		
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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1                                   A P P E A R A N C E S  
2   COUNTY COMMISSION MEMBERS:  
3   TIM BRINKER, CHAIRMAN  
4   DAVE HINSON, COMMISSIONER  
5   TODD BOLAND, COMMISSIONER  
6   PLANNING AND ZONING DEPARTMENT STAFF:  
7   SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING  
8   COUNTY LEGAL COUNSEL:  
9   MARK PIONTEK, COUNTY ATTORNEY  
10  ALARIS LITIGATION SERVICES:  
11  PATSY A. MAYBERRY, C. R.  
12  711 NORTH 11TH STREET  
13  ST. LOUIS, MISSOURI 63101  
14  (314) 644-2191  
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1 P R O C E E D I N G S

2 (OCTOBER 8, 2020)

3 CHAIRMAN BRINKER: I call this  
4 public hearing to order.

5 First, the presentation of hearing  
6 procedures and the exhibits by Planning and Zoning.  
7 Scottie.

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

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

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

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

1 and then be sworn in.

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

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

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

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

18 - P U B L I C H E A R I N G -

19 On the agenda is File 200134. Herman  
20 Industrial Park, Inc., in care of Kathleen Duncan.

21 The applicant requests to rezone one  
22 parcel from the G Zoning District to the W Zoning  
23 District.

24 The property is located just north of 0  
25 Road, approximately 1.9 miles off Berger Bottom Road

1 in Boeuf Township.

2 THE FACTS: The total area for the  
3 rezoning is approximately 26.8 acres.

4 The zoning of this property as of January  
5 14, 2020 is G. Prior to January 14, this property was  
6 zoned Industrial Development. The applicant would  
7 like to rezone to the W District.

8 In 2014, this property was the subject of  
9 rezoning request and subsequently was rezoned from  
10 Non-Urban and Agricultural to Industrial Development.

11 The two properties to the immediate east  
12 are zoned G and were also the subject of the 2014  
13 rezoning. These properties appear to be industrial in  
14 nature.

15 The properties to the north, west, and  
16 south are zoned W and are primarily low-density  
17 residential properties and undeveloped land.

18 Just south of this property is A & J  
19 Subdivision, which is a one-lot subdivision.

20 This property appears to have access to 0  
21 Road.

22 This property does not appear to be  
23 located within a water or sewer district.

24 This property appears to be currently  
25 vacant.

1                   STAFF COMMENTS: The Planning and Zoning  
2 Commission voted to recommend approval of this  
3 rezoning with 7 in favor and 0 opposed.

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

14                   CHAIRMAN BRINKER: All right.  
15 Thank you, Scottie.

16                   Does the Commission have any questions  
17 for Staff?

18                   COMMISSIONER BOLAND: I have  
19 none.

20                   COMMISSION HINTON: I have none.

21                   CHAIRMAN BRINKER: All right.  
22 Anybody in the audience wish to speak in favor of this  
23 proposition?

24                   Please come and get sworn in and state  
25 your name.



1 MR. MICHAEL BELKNAP: My name  
2 is Michael Belknap. I'm representing Kathleen Duncan  
3 and Jill Duncan.

4 CHAIRMAN BRINKER: You have to  
5 be sworn in, sir.

6 (THEREUPON, THE WITNESS WAS  
7 SWORN.)

8 MR. BELKNAP: So I'm just here  
9 to represent Kathleen Duncan and Jill Duncan on their  
10 behalf. That is to state -- there are three parcels  
11 zoned. Two of them are zoned W, one is zoned as a G.  
12 The intent is to make them all equitable.

13 CHAIRMAN BRINKER: Okay. Thank  
14 you.

15 MR. BELKNAP: Any questions for  
16 me?

17 CHAIRMAN BRINKER: Regarding  
18 your testimony, no, sir.

19 MR. BELKNAP: Okay.

20 CHAIRMAN BRINKER: All right.  
21 Anybody in the audience wish to speak in opposition to  
22 the proposal?

23 (NONE)

24 Anybody wish to testify in terms of  
25 information only?

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(NONE)

Very good. Seeing none, that will  
conclude this public hearing today.

Thank you.

(THEREUPON, THE PROCEEDINGS  
CONCLUDED AT 1:34 P.M.)

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

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



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

17 My Commission Expires:  
18 August 26, 2022

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<p style="text-align: center;"><b>A</b></p> <p>ability 11:9 access 7:20 accurate 11:10 acres 7:3 address 6:3,10 adequate 8:11 ADJOURNME... 2:11 adopted 8:13 aforemention... 11:5,10 agenda 6:19 Agricultural 7:10 Alaris 1:20 4:10 allowed 6:7 8:4 Anybody 8:22 9:21,24 appear 7:13,22 appears 7:20 7:24 applicant 2:8 6:6,8,21 7:6 approval 8:2 approximately 6:25 7:3 area 7:2 Article 8:6 ATTACHED 3:14 ATTORNEY 4:9 audience 5:23 6:5 8:22 9:21 August 11:18</p> <hr/> <p style="text-align: center;"><b>B</b></p> <p>B 2:4 3:1,6 5:11 5:18 6:18 behalf 9:10 Belknap 9:1,2,8 9:15,19 Berger 6:25 best 11:9 Boeuf 7:1 BOLAND 4:5 8:18</p>	<p>Bottom 6:25 BRINKER 4:3 5:3 8:14,21 9:4 9:13,17,20 brought 6:10 building 8:10</p> <hr/> <p style="text-align: center;"><b>C</b></p> <p>C 1:19 2:4 3:7 4:1,11 5:1,12,18 6:18 call 2:3 5:3 care 6:20 case 5:12,12,19 6:13,14 cases 3:8 5:13 CENTER 1:2 CERTIFICATE 2:12 11:1 CHAIRMAN 4:3 5:3 8:14,21 9:4 9:13,17,20 CHAMBERS 1:3 change 8:7 CLOSED 2:10 come 6:3 8:24 comfort 8:8 COMMENCING 1:11 comment 5:24 comments 2:9 6:5,9,13 8:1 Commission 1:1 1:3,8 4:2 6:4,4 6:16 8:2,16,20 11:17 Commission's 6:17 COMMISSIO... 4:4,5 8:18 Commissione... 5:21 concerning 6:13 conclude 6:14 10:3 CONCLUDED 10:6</p>	<p>conclusion 6:12 conditions 8:5 conserving 8:9 COUNSEL 4:8 county 1:1,2,8 3:4,6,7 4:2,8 4:9 5:10 6:16 8:6,9,13 Court 11:2,15 currently 7:24</p> <hr/> <p style="text-align: center;"><b>D</b></p> <p>D 2:1 3:8 5:1,13 5:18 date 6:16 DAVE 4:4 decision 6:15 Department 4:6 5:21 described 11:7 DESCRIPTION 3:2 Development 7:6,10 DIRECTOR 4:7 discussion 6:13 district 6:22,23 7:7,23 due 8:5 Duncan 2:5 3:3 6:20 9:2,3,9,9</p> <hr/> <p style="text-align: center;"><b>E</b></p> <p>E 2:1,4 3:1 4:1,1 5:1,1 6:18 EAGAN 2:7 4:7 5:8 east 1:4 7:11 economical 8:10 equitable 9:12 ever-changing 8:5 EVIDENCE 5:15 Exhibit 3:5,6,7,8 5:10,11,12,13 exhibits 2:6</p>	<p>3:13 5:6,18 exist 8:5 Expires 11:17</p> <hr/> <p style="text-align: center;"><b>F</b></p> <p>facilitating 8:11 FACTS 7:2 favor 8:3,22 file 2:5 3:3 5:12 6:19 FILES 3:8 first 5:5,20,25 6:7 FLOOR 1:3 followed 5:21 6:7 foregoing 11:4 Franklin 1:1,2 3:6,7 5:9 8:9 8:13 front 6:3</p> <hr/> <p style="text-align: center;"><b>G</b></p> <p>G 2:4 5:1 6:18 6:22 7:5,12 9:11 general 6:9 8:8 generally 6:6,15 good 10:2 GOVERNMENT 1:2</p> <hr/> <p style="text-align: center;"><b>H</b></p> <p>H 2:4 3:1 6:18 hand 11:13 health 8:7 heard 3:8 5:13 hearing 1:9 2:6 2:10 5:4,5,14 5:24 6:11,14 10:3 held 11:6 HERETO 3:14 hereunto 11:12 Herman 6:19 HINSON 4:4 HINTON 8:20</p>	<p style="text-align: center;"><b>I</b></p> <p>IDENTIFICATI... 3:2 5:16 immediate 7:11 improvements 8:12 industrial 6:20 7:6,10,13 information 9:25 intent 9:12 issues 6:10</p> <hr/> <p style="text-align: center;"><b>J</b></p> <p>J 7:18 January 7:4,5 Jill 9:3,9</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>Kathleen 2:5 3:3 6:20 9:2,9</p> <hr/> <p style="text-align: center;"><b>L</b></p> <p>L 2:4 6:18 land 5:10 7:17 8:11 LEGAL 4:8 Litigation 1:20 4:10 located 6:24 7:23 LOCUST 1:4 LOUIS 4:13 low-density 7:16</p> <hr/> <p style="text-align: center;"><b>M</b></p> <p>Map 3:6 5:11 MARK 4:9 MARKED 5:16 Master 3:7 5:11 8:12 Mayberry 1:19 4:11 11:2,15 meeting 6:17 MEMBERS 4:2 Michael 9:1,2</p>
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