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FRANKLIN COUNTY PLANNING AND ZONING
FRANKLIN COUNTY COMMISSION
FRANKLIN COUNTY GOVERNMENT CENTER
SECOND FLOOR COMMISSION CHAMBERS
400 EAST LOCUST STREET
UNION, MISSOURI 63084

TRANSCRIPT OF PROCEEDINGS
FRANKLIN COUNTY COMMISSION
PUBLIC HEARINGS
NOVEMBER 16, 2023
(COMMENCING AT 10:30 A.M.)

REPORTED BY:
PATSY A. MAYBERRY, C. R.
COMPLETE REPORTING SERVICES

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19 BROOKMOORE DRIVE
UNION, MISSOURI 63084
(636)221-0418

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A P P E A R A N C E

PLANNING AND ZONING COMMISSION:

TIM BRINKER, CHAIRMAN

TODD BOLAND, COMMISSIONER

DAVE HINSON, COMMISSIONER

PLANNING AND ZONING STAFF:

SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

LEGAL COUNSEL:

MARK PIONTEK, COUNTY ATTORNEY

COMPLETE REPORTING SERVICES:

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(636)221-0418/pamayberrygm1@gmail.com

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

2 (NOVEMBER 16, 2023)

3 CHAIRMAN BRINKER: All right.
4 Good morning. We are here for a public hearing.
5 The hearing agenda is I'll call this to order, the
6 presentation of hearing procedures and exhibits by
7 the Planning and Zoning Department, and the hearing
8 will take place on the Romanian Pentecostal Church,
9 File Number 230225.

10 So, Scottie.

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

18 (THEREUPON, EVIDENCE WAS
19 MARKED FOR IDENTIFICATION AND
20 SUBMITTED FOR THE RECORD AS
21 EXHIBITS A, B, C, and D.)

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

1 Then if anyone in the audience would
2 like to speak or comment during the hearing, they
3 must first print their name on the sign-in sheet
4 provided, and then be sworn in.

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

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

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

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

21 This is File 230225. The applicant is
22 the Romanian Pentecostal Church, care of Aaron
23 Wagner with BFA.

24 The applicant requests to rezone one
25 parcel from the Y Zoning District to the W Zoning [

1 District.

2 The property is located at 956
3 Copperfield Drive, approximately 850 feet east of
4 the intersectio of Copperfield Drive and Highway 47,
5 in Central Township.

6 THE FACTS: The total area for the
7 rezoning is approximately 5 acres.

8 The zoning of this property as of
9 January 14, 2020 is Y. The applicant would like to
10 rezone to the W District.

11 The properties around the proposed site
12 are zoned Y. The properties further west on
13 Copperfield Drive are zoned R.

14 The properties to the west of the
15 proposed site appear to be commercial properties.
16 The properties to the east appear to be low-density
17 residential properties. The properties to the north
18 and south appear to be vacant.

19 This property is a part of the large
20 subdivision, Copperfield Acres, that has been
21 re-subdivided multiple times.

22 This property has access to Copperfield
23 Drive. This is a private road with a 50-foot wide
24 easement.

25 STAFF COMMENTS: At the October 17,

1 2023 Planning and Zoning meeting, the Planning and
2 Zoning Commission voted to recommend approval with 7
3 in favor and 1 opposed.

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

15 CHAIRMAN BRINKER: Thank you,
16 Scottie.

17 All right. With that being said,
18 anybody in here wish to speak -- does the Commission
19 have any questions first of all? Sorry.

20 COMMISSIONER BOLAND: I have
21 none.

22 COMMISSIONER HINSON: I have
23 none.

24 CHAIRMAN BRINKER: All right.
25 Anybody wish to speak in favor of the proposed

1 zoning change?

2 Yes, please. You need to get sworn in
3 and such.

4 (THEREUPON, THE WITNESS WAS
5 SWORN.)

6 MR. AARON WAGNER: Hello. My
7 name is Aaron Wagner. I'm with BFA Land Surveying
8 and Engineering in Washington.

9 Our client is the Romanian Pentecostal
10 Church. They're on Copperfield Drive.

11 They -- we did a boundary adjustment
12 plat for them and topographic survey. They are
13 going to be doing a building addition to their
14 building, making their church larger.

15 It's a pretty small church currently,
16 so they're going to be adding quite a bit of square
17 footage onto the north side of the church.

18 All their building permits have already
19 been approved for all of that. So they came back to
20 us after we did the topographic survey and the
21 boundary adjustment plat and asked if we could help
22 them with rezoning.

23 So they -- when they went to get their
24 building permits, I think something got flagged
25 there with how their building plans were laid out

1 and so on and so forth. So we agreed to do that,
2 and here we are.

3 So we had our first meeting with
4 Planning and Zoning. As Scottie stated, it was
5 voted in favor of to change the zoning. Currently
6 the zoning is the Y zoning, and they are requesting
7 the W zoning.

8 And the reason for this is currently
9 the Y zoning does not allow conditional use for
10 special events, such as weddings, receptions, Bible
11 camps, things like that. Currently technically
12 wouldn't be allowed underneath the Y zoning.

13 So they're requesting a change to the W
14 zoning just so that they would be able to host other
15 events and so on and so forth with their church that
16 currently cannot be done with what they're trying to
17 accomplish.

18 Are there any questions?

19 CHAIRMAN BRINKER: No. Thank
20 you for your testimony.

21 MR. WAGNER: Thanks.

22 CHAIRMAN BRINKER: Anybody
23 else wish to speak in favor of the proposed change
24 in zoning?

25 (NONE)

1 Anybody in the room wish to speak in
2 opposition to the proposed zoning change?

3 (NONE)

4 Anybody wish to speak -- go ahead.
5 Please come forward and get sworn in and identify
6 yourself accordingly.

7 (THEREUPON, THE WITNESS WAS
8 SWORN.)

9 MS. NANCY FILLA: Nancy
10 Filla, F-I-L-L-A.

11 Can I talk to him, because I mean, I
12 have just some questions?

13 CHAIRMAN BRINKER: Well, this
14 is a public hearing where you provide testimony
15 either in favor or opposition to the proposal.

16 MS. FILLA: Okay. I don't
17 even know if we're opposition because I guess the
18 information has not been proposed to us, and we do
19 adjoin this property. Matter of fact, we're just a
20 little bit downhill from them and in the back of the
21 property, and nothing thrills me more than hearing
22 the little Romanian kids sing and being accustomed
23 to hearing and seeing them with the church.

24 But we didn't know if they were going
25 to make some big expansive banquet building, if this

1 is just going to be used for weddings, if they're
2 going to be doing a lot of building. We're already
3 having some water problems in the elevation of it
4 flowing on our property.

5 And so if there was going to be some
6 building, I think that needs to be given very strong
7 consideration of how they would just -- what am I
8 looking for, Ron, the wording? -- just how they
9 would do the land because it's not only our property
10 that's having some water problems, also our
11 neighbors.

12 So we just need to make sure that the
13 water flow is done properly, especially if they're
14 going to add on.

15 CHAIRMAN BRINKER: For the
16 record, Scottie, is this a contiguous property
17 location issue when the hearings took place both at
18 the Planning and Zoning level and at this level?

19 MS. EAGAN: Yes, we notified
20 anybody within 600 feet of the boundary of the
21 property.

22 CHAIRMAN BRINKER: Okay.

23 MS. FILLA: We did -- okay.
24 We did get a card for two weeks ago or something for
25 just the proposal, and I called City Hall here, and

1 she said it was mainly just taking it from
2 residential to more of a commercial.

3 And so it did not seem like there was
4 going to be a change. So that's why it didn't
5 concern us that much.

6 CHAIRMAN BRINKER: Okay.
7 Anything else, ma'am?

8 MS. FILLA: No, no.

9 CHAIRMAN BRINKER: Any other
10 questions you can ask through the Planning and
11 Zoning Department after such hearing, but this is
12 really a provision for testimony --

13 MS. FILLA: Oh, okay. Okay.

14 CHAIRMAN BRINKER: Okay.

15 MS. FILLA: All right.

16 CHAIRMAN BRINKER: -- relative
17 to that, but thank you very much.

18 MS. FILLA: Okay.

19 CHAIRMAN BRINKER: Is it Mr.
20 Filla?

21 MR. FILLA: It's pretty much
22 the same.

23 CHAIRMAN BRINKER: No, no,
24 no. Sorry. It's the rules.

25 (THEREUPON, THE WITNESS WAS

1 SWORN.)

2 MR. RON FILLA: It's
3 basically the same thing, just that we're right
4 below their property, and there's been a lot more
5 water all the time coming down from...

6 I guess it's not soaking in. It's like
7 a pea soup, and I have ditches across the back of my
8 property that's to keep it diverted from my house.

9 And that's basically...

10 CHAIRMAN BRINKER: And just
11 to give some insight, that really has very little to
12 do with the zoning versus what's occurring. And we
13 get that.

14 MR. FILLA: Everything I --
15 okay.

16 CHAIRMAN BRINKER: Appreciate
17 you guys coming.

18 Is there anybody else wish to provide
19 testimony in favor or opposition?

20 Your name, ma'am?

21 MS. LYNN BORESI: I am Lynn
22 Boresi. I am one of the owners of Hotshot Asphalt,
23 and we're contiguous with the property. So we also
24 own -- out of the five properties on Copperfield
25 Drive, we own two of them. So we have a little bit

1 of a --

2 CHAIRMAN BRINKER: An
3 interested party as well?

4 MS. BORESI: Yes. I wouldn't
5 say that I'm opposed. I'm just concerned that right
6 now we don't have an HOA, an active HOA, as of
7 historically our company has been the one to
8 maintain the road.

9 So I'm just a little concerned. I
10 don't know if this is going to increase the traffic
11 flow on our road or not, but right now, we have no
12 systems in place to maintain the road. I know our
13 predecessor Hotshot Asphalt and one of the other
14 owners, not the Romanian Church, installed the road
15 which is asphalt. And it's desperately in need of
16 more severe maintenance at this point. So a much
17 bigger investment.

18 So anyway, just a little concerned
19 about the road, you know, having more use and so I
20 guess I just wanted to kind of I guess put that out
21 there that you know that we're concerned about the
22 further use.

23 CHAIRMAN BRINKER: Super.

24 MS. BORESI: Okay. Thank
25 you.

1 CHAIRMAN BRINKER: Thank you.

2 Anybody else wish to provide testimony
3 for or against the proposition, or is there anybody
4 for informational purposes only?

5 (NONE)

6 All right. With that, I'll thank
7 everybody for their participation, and this public
8 hearing is concluded. We'll have the results of the
9 Commission something before the Commission for
10 consideration in the next, I'd say, three weeks or
11 so.

12 That should be it then, unless Patsy
13 says that's not enough time.

14 MS. REPORTER: No, no.
15 That'll be fine.

16 CHAIRMAN BRINKER: Okay. So
17 we have to wait for transcripts and then review and
18 then go from there.

19 This hearing is concluded. Thank you.

20 (THEREUPON, THE PROCEEDINGS
21 WERE CONCLUDED AT 10:50 A.M.)

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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI)
) SS
 3 COUNTY OF FRANKLIN)

4
 5 I, PATSY A. MAYBERRY, Professional
 6 Court Reporter and Notary Public within and for the
 7 State of Missouri, before whom the foregoing
 8 proceeding was taken, do hereby swear that: the
 9 aforementioned was held at the time and in the place
 10 previously described; the witness whose testimony
 11 appears in the foregoing transcript was duly sworn
 12 by me; the proceedings were taken down in
 13 stenographic notes by me and transcribed by me, or
 14 under my supervision, to the best of my ability;
 that I am neither counsel for, related to, nor
 employed by any of the parties to the action in
 which this testimony was taken; further that I am
 not a relative or employee of any attorney or
 counsel employed by the parties thereto, nor
 financially or otherwise interested in the
 outcome of the action; and that the aforementioned
 represents a true and accurate transcript of said
 proceedings.

15 IN WITNESS WHEREOF, I have hereunto
 16 set my hand.

17 _____
 18 Patsy A. Mayberry, Court Reporter
 19 Notary Public, State of Missouri
 My Commission Expires: September 14, 2026