

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

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8 TRANSCRIPT OF PROCEEDINGS
9 PUBLIC HEARINGS
10 NOVEMBER 20, 2018
11 (COMMENCING AT 7:00 P.M.)

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Reported by:
Patsy A. Mayberry, C. R.
Alaris Litigation Services

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1 A P P E A R A N C E S

2

3 PLANNING AND ZONING COMMISSION:

4 BILL EVANS, CHAIRMAN

5 JAY SCHULTEHENRICH, VICE CHAIR

6 TIMOTHY REINHOLD, COMMISSIONER

7 BILL McLAREN, COMMISSIONER

8 DEBBIE WILLETTE, COMMISSIONER

9 RON WILLIAMS, COMMISSIONER

10 MICHAEL KLENKE, COMMISSIONER

11 DAN HAIRE, COMMISSIONER

12 TOM TOBBEN, COMMISSIONER

13 KYLE DUBBERT, COMMISSIONER

14

15 PLANNING AND ZONING STAFF:

16 SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING

17 NICHOLE ZIELKE, COUNTY PLANNER

18 CRYSTAL HOLDMEIER, ADMINISTRATIVE ASSISTANT

19

20 COUNTY LEGAL COUNSEL:

21 MARK PIONTEK, COUNTY ATTORNEY

22

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25 711 NORTH 11TH STREET

 ST. LOUIS, MISSOURI 63101

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

2 (NOVEMBER 20, 2018)

3 CHAIRMAN EVANS: I'd like to
4 call to order the November 20th meeting of the
5 Planning and Zoning Commission.

6 Scottie, will you please take roll.

7 MS. EAGAN: Bill Evans?

8 CHAIRMAN EVANS: Here.

9 MS. EAGAN: Jay Schulteheinrich?

10 COMMISSIONER SCHULTEHENRICH:

11 Here.

12 MS. EAGAN: Mike Klenke?

13 COMMISSIONER KLENKE: Here.

14 MS. EAGAN: Tim Reinhold?

15 COMMISSIONER REINHOLD: Here.

16 MS. EAGAN: Debbie Willette?

17 COMMISSIONER WILLETTE: Here.

18 MS. EAGAN: Tom Tobben?

19 COMMISSIONER TOBBEN: Here.

20 MS. EAGAN: Bill McLaren?

21 COMMISSIONER McLAREN: Here.

22 MS. EAGAN: Stan Voss?

23 COMMISSIONER VOSS: (Not

24 present.)

25 MS. EAGAN: Dan Haire.

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Kyle Dubbert?

3 COMMISSIONER DUBBERT: Here.

4 MS. EAGAN: And, Ron Williams?

5 COMMISSIONER WILLIAMS: Here.

6 MS. EAGAN: Okay. We have a
7 quorum.

8 CHAIRMAN EVANS: Thank you.

9 Before we begin, we're going to make one
10 change in the agenda, Item Number 4, election of
11 officers. We are going to move that till later in the
12 meeting between Items 7 and 8 when we have our
13 preliminary plats.

14 Scottie, if you would please -- oh, I'm
15 sorry. Let me do this disclosure.

16 At this time, I will give the Planning
17 and Zoning Commissioners the opportunity to declare
18 any conflict, communication or relationship they may
19 have had that might influence their ability to
20 consider today's issues impartially.

21 COMMISSIONER TOBBEN: Mr.
22 Commissioner, when we get to File 180259, I will need
23 to recuse myself.

24 CHAIRMAN EVANS: All right,
25 Commissioner Tobben.

1 Any other declarations?

2 (NONE)

3 If not, Scottie, will you give us the
4 presentation of the meeting procedures and exhibits.

5 MS. EAGAN: Tonight's Planning
6 Commission meeting is governed by the Franklin County
7 Unified Land Use Regulations.

8 Some matters on the agenda may be for
9 action by the Planning and Zoning Commission. These
10 matters do not involve public hearings.

11 Other matters on the agenda will require
12 public hearings under Missouri law. If a matter
13 involves a public hearing, all individuals who desire
14 to testify will be given an opportunity to do so.

15 At this time, I would like to place into
16 the record these regulations as Exhibit A, the
17 official Zoning Map as Exhibit B, the official Master
18 Plan as Exhibit C, and the case file for each case as
19 Exhibit D for all the cases to be heard during the
20 public hearing.

21 (Thereupon, evidence was
22 marked for identification and
23 submitted for the record as
24 Exhibits A, B, C, and D.)

25 All Old Business items on the agenda will

1 be dealt with first. Once the Old Business issues
2 have been taken care of, each item of New Business
3 will be opened.

4 As each case is opened, a staff report
5 will first be read to the Commission, followed by any
6 questions for the staff.

7 Then if anyone in the audience would like
8 to speak or comment on a file that is part of the
9 public hearing, they must first print their name on
10 the sign-in sheet provided, and then be sworn in by
11 the Chairman.

12 When it is your turn to speak, you will
13 come to the front of the room to address the
14 Commission and only the Commission, not anyone in the
15 audience, with your comments.

16 It is possible for the Planning
17 Commission to decide to move a New Business issue to
18 Old Business and vote on it the same night.

19 At the conclusion of all questions,
20 comments, and discussion concerning each case, the
21 Planning Commission will proceed. Any final decision
22 by the Planning and Zoning Commission concerning
23 Conditional Use Permits may be appealed to the Board
24 of Zoning Adjustment any time within 90 days.

25 Applications for such an appeal may be

1 acquired from the Department offices during normal
2 business hours.

3 CHAIRMAN EVANS: Thank you.

4 All the Commissioners should have
5 received a copy of the October 16th meeting minutes.
6 If there are no corrections or additions, the Chair
7 would entertain a motion to approve.

8 (NONE)

9 COMMISSIONER WILLETTE: I'll
10 move.

11 COMMISSIONER McLAREN: Second.

12 CHAIRMAN EVANS: We have a
13 motion and a second to approve the October 16th
14 minutes. All in favor signify by saying aye.

15 COMMISSIONER REINHOLD: Aye.

16 COMMISSIONER McLAREN: Aye.

17 COMMISSIONER WILLETTE: Aye.

18 COMMISSIONER WILLIAMS: Aye.

19 CHAIRMAN EVANS: Aye.

20 COMMISSIONER KLENKE: Aye.

21 COMMISSIONER HAIRE: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 COMMISSIONER SCHULTEHENRICH:

24 Aye.

25 COMMISSIONER DUBBERT: Aye.

1 CHAIRMAN EVANS: Opposed?

2 (NONE)

3 The minutes are approved.

4 Communication and Visitors Comments.

5 Anyone present wishing to address the Commission?

6 (NONE)

7 If not, we'll move on to Old Business.

8 We have none.

9 Moving on to New Business. And before we
10 start, I will give -- since we have new members, I'll
11 give a cliff notes of what we will be doing tonight.

12 We have three different types of files.
13 We have the rezoning in which our charge is to have a
14 public hearing and make a recommendation to the County
15 Commission, who will in turn have their own public
16 hearing, but they have the final say on rezonings.

17 Secondly, we'll have a Planned Unit
18 Developments, and there is, in that case, we either
19 approve or deny them. There's an extensive amount of
20 criteria that have to be met, and the Planning
21 Director basically has gone over that material. And
22 again, we approve or deny.

23 Conditional Use Permit also, our charge
24 is evaluate each application, any permitted uses that
25 are allowed in the planning zone, but may require

1 special conditions. And again, on the CUPs, the
2 Planning and Zoning Commission has the final say. We
3 can either approve it this evening, send it to our
4 Review Committee or deny it outright.

5 Saying that and moving on to New
6 Business, we have File 180178, Landvatter Enterprises.

7 Scottie, will you please give us the
8 details.

9 MS. EAGAN: This is
10 File 180178, for Landvatter
11 Enterprises, L. L. C.

12 The applicant wishes to rezone
13 approximately 12 acres from Community Development to
14 Commercial Activity 3, Community Business.

15 The property is on Old Route 66/West
16 Osage Street, approximately 7/10 of a mile east of the
17 intersection of Old Route 66/West Osage Street and Old
18 Gray Summit Road in Boles Township.

19 The Facts: This rezoning includes two
20 parcels which total approximately 24.3 acres in size.
21 The applicant is requesting to rezone approximately
22 12.68 acres. It includes of Parcel
23 19-2-09.0-0-000-030.000 and a portion of Parcel
24 19-2-09.0-0-000-030.210. The remaining 11.93 acres of
25 Parcel 19-2-09.0-0-000-030.210 will remain Community

1 Development.

2 The current zoning of this property is
3 Community Development. The applicant would like to
4 rezone to Commercial Activity 3, Community Business.

5 The properties between Old Route 6 and
6 Old Gray Summit Road are zoned Community Development.
7 The properties across the road and south of Interstate
8 44 are zoned Commercial Activity Highway Service.

9 These properties are not a part of a
10 subdivision, but there are subdivisions surrounding
11 the proposed site on the west, south and southeast.

12 This property is surrounded by commercial
13 properties to the west, high-density residential
14 properties to the south and southwest, and a railroad
15 on the east.

16 This property has access to Old Route 66.

17 The property is located in Water District
18 Number 3.

19 Staff Comments: Rezoning are allowed in
20 our regulations due to the ever-changing conditions
21 that exist in the county and elsewhere. According to
22 Article 14, Section 321, any such change must promote
23 the health, safety, morals, comfort and general
24 welfare of Franklin County by conserving and
25 protecting property and building values, by securing

1 the most economical use of land and facilitating the
2 adequate provision of public improvements in
3 accordance with the master plan adopted by Franklin
4 County.

5 CHAIRMAN EVANS: Thank you.

6 And before we ask the applicant come up,
7 we will address this since Scottie mentioned this in
8 how questions or presenters will take place. I'll
9 cover the time limits.

10 The petition or the applicant will have
11 15 minutes, not counting questions from the
12 Commission.

13 Each additional speaker in support will
14 be allowed five minutes.

15 Opposition speakers will also be allowed
16 five minutes.

17 And then at the end, if there is any
18 clarification or rebuttal by the applicant, he will be
19 allowed five minutes. And we will time it, and in
20 order to not discriminate against anyone, we will hold
21 you to those time limits.

22 Is the applicant present?

23 MR. DAMIAN STRUZZI: My name's
24 Damian Struzzi. I'm the attorney for the applicant
25 Roger Landvatter and Melissa Landvatter the owner of

1 Landvatter Enterprises are both present as well.

2 CHAIRMAN EVANS: All right. If
3 you'd state -- already stated your name, but state
4 your address, please.

5 MR. STRUZZI: It's 30 South
6 McKinley in Union, Missouri 63084.

7 (Thereupon, the witness was
8 sworn.)

9 The applicant is seeking for a second
10 time to rezone approximately 12 acres of approximately
11 24 acres he -- the enterprise owns on the south outer
12 road of Interstate 44 and Gray Summit.

13 The area around the property is largely
14 commercial and industrial uses. Across street from
15 the area that is seeking to be rezoned is now a MoDOT
16 storage yard. There are indus- -- or heavy vehicle
17 repair businesses on the street. There's a fireworks
18 sales shop. It's right off of Interstate 44.

19 This application was previously approved
20 by the County. Through litigation, it came back
21 before this Board for a second time due to the fact
22 that there was no public hearing done the first time.

23 The application is set up in such a way
24 that the 12 acres also is buffered by another 12
25 acres.

1 Exhibit 1 that I'm offering has a Section
2 A, which is also highlighted. That 12 acres is what
3 the applicant is seeking to rezone. 'B' is the 12
4 acres, which it's wooded, it's hilly, and it offers a
5 buffer from apartments and other uses on to the back
6 of the property.

7 And aerial photograph which is actually
8 the opposite direction -- this is actually facing
9 south. This is Interstate 44 at the bottom right
10 corner of Exhibit 2.

11 The plant and the rezoned portion is
12 outlined in red.

13 I offer Exhibits 1 and 2.

14 (Thereupon, evidence was
15 marked for identification and
16 submitted for the record as
17 Proponent Exhibits 1 and 2.)

18 The natural buffer that is offered by the
19 12 acres would separate any proposed use which our --
20 the applicant is hoping to use this as a concrete
21 batch plant. This CA3 zone that we're asking to
22 rezone to calls for -- or allows for light and heavy
23 manufacturing. Within the County definitions, heavy
24 manufacturing includes concrete batch plants.

25 The applicant also has a plant in

1 Kirkwood. Next to the plant are subdivisions of homes
2 that range in value from 200 to 500 thousand dollars.
3 Before you -- there's pictures of Exhibits 4, 5 and 6.
4 These are pictures of the batch plant in Kirkwood,
5 which includes pictures of the homes nearby.

6 And also Exhibit 7.

7 There are two homes that were listed for
8 sale that immediately about the plant in Kirkwood that
9 are now listed in the approximate range of \$450,000.
10 Their values have not decreased, and in fact, we have
11 received a e-mail recently from a neighbor or my
12 client has from a neighbor who comments Landvatter
13 Enterprises for how well they operate their batch
14 plants and for the trucks in the area not impacting
15 their neighborhood.

16 In this case, any residential use would
17 not use the same roads that the plant would use. The
18 outer road of I-44 is what Landvatter would use. The
19 residential units to the south would use the Old Gray
20 Summit Road.

21 I move Exhibits 4, 5, 6, 7 and 9 into
22 evidence.

23 (Thereupon, evidence was
24 marked for identification and
25 submitted for the record as

1 Proponent's Exhibits 4, 5, 6, 7
2 and 9.)

3 A little out of order --

4 MS. REPORTER: Hang on.

5 MR. STRUZZI: Oh, sure. Sorry.

6 I also have Exhibit 3, which is the
7 Future Land Use Map of Franklin County.

8 The use that the applicant is seeking
9 comports with the master plan. It would be a use that
10 would be commercial and manufacturing in nature, which
11 is what the County had long ago decided would be best
12 for this area because it's along Interstate 44.

13 The other uses in the area, as I stated
14 earlier, are very similar to this use, and I think
15 would be for the best of Franklin County's economic
16 impact to allow for the CA3 zone in this area.

17 I would move Exhibit 3 into evidence.

18 (Thereupon, evidence was
19 marked for identification and
20 submitted for the record as
21 Proponent Exhibit 3.)

22 Now finally, we have another speaker
23 tonight on behalf of the applicant, Richard Ward. He
24 is an urban planner and has a certification in
25 economic development. I'd offer into his report as

1 Exhibit 8. I have copies for the entire Board if you
2 would like to see those, and he'd be speaking next.

3 (Thereupon, evidence was
4 marked for identification and
5 submitted for the record as
6 Proponent Exhibit 8.)

7 And I'll leave that to Richard Ward too.

8 CHAIRMAN EVANS: If you would,
9 please state your name and address.

10 MR. RICHARD WARD: My name is
11 Richard Ward. I'm -- own my own consulting business
12 called Ward Development Counsel. It's addressed at
13 44944 Lindell Boulevard in the city of St. Louis.

14 (Thereupon, the witness was
15 sworn.)

16 Can you give me an idea, sir, of how much
17 time I have.

18 CHAIRMAN EVANS: You have five
19 minutes.

20 MR. WARD: Five minutes.

21 CHAIRMAN EVANS: And I'll
22 signal you when you get within a minute.

23 MR. WARD: What's that?

24 CHAIRMAN EVANS: I'll signal
25 you when you get close.

1 MR. WARD: Okay.

2 Well, good evening and glad to be here to
3 speak with you.

4 I've been a consulting planner for over
5 45 years in the St. Louis Metropolitan area. First 40
6 years were with firms that I owned and ran, and the
7 last 5 years or so I've been working on my own.
8 Semi-retired, but still enjoying involvement --
9 involving myself in the issues, interesting issues of
10 land use.

11 I hold professional certifications as an
12 urban planner, AICP, and in economic development the
13 IEDC. I have graduate degree in urban and regional
14 planning from Virginia Tech.

15 My assignment is to advise and assist in
16 securing the necessary rezoning for the proposed
17 concrete plant by Landvatter Enterprises.

18 The property, as you've heard, is some 25
19 acres. It will be divided in use between the actual
20 plant operation and a buffer. The buffer will be
21 substantial. It will be about 650 feet distance
22 between the actual plant and the homes or -- and
23 apartments that are on the bluff along Old Gray Summit
24 Road.

25 The buffer really has -- that land has no

1 other things that could be done with it appropriately.
2 It's steep. It's wooded. It has two utility lines
3 that pass through it, and it doesn't have effective
4 access.

5 So it's -- I think it's reasoned to
6 believe that it'll be there for the long haul in
7 support of the plant and separating and buffering it
8 from the residences along the Old Gray Summit Road.

9 The residential development on the north
10 side of Old Summit Road (sic) faces south and is
11 entered from the north side of that road. The land
12 behind the homes and apartments is inaccessible since
13 there is no road or driveway providing access.

14 However, the County's plat maps show a
15 line of small lots having been planted directly
16 adjacent to the homes and apartments and along the
17 steepest sloped land. I would deem it to be
18 essentially impossible that these lots would ever be
19 made useable and built upon.

20 The tree cover on this strip of land and
21 on the abutting Landvatter buffer strip will
22 contribute to a natural buffer against both sight and
23 sound from the Landvatter plant to the north.

24 I would suggest that members of the
25 Commission, if they have a chance, to take a look at

1 the Landvatter plant on Barrett Station Road. I found
2 it very informative and convincing, convincing that
3 it's possible to put -- to have homes and the plant
4 relatively close together.

5 And with expensive homes being built
6 since I worked on this three years ago, two homes
7 close to the \$500,000 right next to the plant. I mean,
8 within 50 feet. I don't mean within a hundred yards.
9 And homes within 300 feet that are priced in the
10 \$700,000 range.

11 Now, I'm just saying. I'm not trying to
12 make a big deal about folks' ability to pay these
13 prices there. It's fees that they're not -- they
14 don't mind paying it is what I'm saying next to this
15 plant.

16 The -- I counted eight homes totally --
17 total that back onto this property in -- in Des Peres
18 that -- where the plant is located.

19 Take a look at it. It's worth a drive
20 when you're in town.

21 To me, this is an out- -- it's a dramatic
22 example of co-existence of two very different land
23 uses.

24 From the example on Barrett Station Road,
25 I will also assert that any concerns regarding noise,

1 dust, or visual impacts, as well as stormwater runoff
2 can be readily managed and mitigated to the
3 satisfaction of the residents and local and state
4 regulatory organizations in Franklin County.

5 I took some time to review your
6 Comprehensive Plan. It's a good one. I forgot to
7 mention that I actually prepared your 1985
8 Comprehensive Plan, and don't have a lot of
9 recollection of what we did. But I do -- I certainly
10 enjoyed the experience, and I hope it was useful for a
11 period of time. That's a generation or so back, I'm
12 sure, in your planning sequence.

13 From the comprehensive planning, I wrote
14 down a lot of points that pertain directly to this
15 proposed project and site, but I'm not going to
16 torture you with that tonight.

17 I would summarize my response to the plan
18 as follows:

19 You, the County, it's residents and
20 leadership, clearly desire to have a community and
21 county that's growing. You do not wish the county to
22 stand still, or you might just say to just run in
23 place.

24 You want to be vibrant and continue to
25 grow and change. However, you do not want that growth

1 and change to be -- you want that growth and change to
2 be well managed. You want land use conflicts to be
3 managed or avoided. You want economic growth to
4 continue in order to support the tax base and enable
5 residential growth and high quality of life for
6 residents and businesses alike.

7 So that's what I take from your
8 comprehensive plan, and it is well said in that
9 document.

10 I would also note that -- and it has been
11 said, but I'll just reinforce it -- that your zoning
12 has been modified since I stood before you last time,
13 I stood before the Commission, I should say, to
14 specifically indicate that concrete batch plant is an
15 allowable use as a light or heavy industrial use in
16 that -- in the revised ordinance.

17 Before it simply said manufacturing, and
18 that was good enough as far as I'm concerned. But now
19 it's -- it's further reinforced.

20 I would say the zoning is very much in
21 keeping with the Master Plan and everything I read and
22 saw in -- in that document. Concrete is something
23 that fundamental and necessary for growth. It is a
24 product you don't just buy and put on a shelf until
25 needed. You make it and you delivery it directly to

1 the construction site within a short period of time.

2 Otherwise, it's useless. It must be
3 poured within a few hours from being mixed at the
4 plant or on the truck en-route to the site.

5 Nearly every component of the built
6 environment depends on concrete for foundation,
7 basements, structure, parking and driveway, as well as
8 supporting major utilities, roads and bridges.

9 I would reemphasize that I see no
10 conflict. The bottom line, I see no conflict between
11 the Botanical Gardens Reserve nor the nearby residents
12 and homes and apartments with the plant if it's
13 properly done as it's done in Kirkwood area on Barrett
14 Station Road.

15 The County's economy and prosperity
16 definitely will be positively impacted by the new
17 Landvatter plant.

18 So that's all.

19 CHAIRMAN EVANS: Thank you.

20 And I would like to make one
21 clarification. What the presenter has 15 minutes, and
22 they can divide that between multiple presenters, a
23 total of 15 minutes. So I know you went like 7 or 8,
24 but you had used up the rest of the 15 minutes. So if
25 anyone is wondering why it took more than five

1 minutes.

2 Are there any questions?

3 (NONE)

4 All right. Thank you.

5 MR. WARD: Okay. Thank you.

6 CHAIRMAN EVANS: Is there
7 anyone else present wishing to speak in support of
8 this file?

9 MR. STRUZZI: No further
10 comment.

11 CHAIRMAN EVANS: All right.

12 Anyone present wishing to speak in
13 opposition?

14 Okay. If you'd state your name and
15 address and sign in, please.

16 MS. KELLY MASON: I signed in.

17 Kelly Mason, 2748 Old Gray Summit Road,
18 Pacific, Missouri.

19 (Thereupon, the witness was
20 sworn.)

21 Dear Board Members, I would like to
22 request that the rezoning from Community Development
23 to Commercial Activity 3 that Landvatter Enterprises
24 is requesting be denied.

25 If this property is rezoned, it will

1 allow any kind of industry to be built on there,
2 including the possibility of a concrete plant. If
3 this plant would be built, there is -- this is very
4 heavy industrial manufacturing with a lot of heavy
5 equipment.

6 If a concrete plant were built there,
7 this area would be greatly affecting our property
8 values. In Section 14, you were told that you guys
9 are supposed to watch for that.

10 I know that there are large houses built
11 around the Kirkwood plant, but those people chose to
12 build there after the plant was there, and they knew
13 what they were building or buying before they bought
14 it.

15 We did not get that choice. Some of us
16 have owned our houses for over 50 years. We chose to
17 live in a quiet rural area. We chose to be there
18 because we wanted to live close to an area that was
19 quiet, little traffic and lots of wildlife.

20 I have talked to a fence buy has been
21 working in Kirkwood putting fences up around some of
22 the houses in Kirkwood, privacy fences, to help keep
23 the noise and the dust down. This is not something
24 that we want to have to do or should have to do to our
25 area. We were here first.

1 This property is in a very dangerous
2 location for trucks to be entering and leaving Route
3 66 where we all have to travel along with many school
4 buses and young drivers coming in and out of the high
5 school.

6 There are accidents on 44 all of the time
7 that shut down 44, and then all of that traffic is on
8 44 -- or on 66 also. Then you're going to add 75
9 concrete trucks?

10 Mr. Landvatter's Kirkwood plant and St.
11 Charles plants have a history of repeated DNR
12 violations. We do not want to bring this into
13 Franklin County. Do we want to take the chance that
14 he will pollute our community and damage Shaw's in any
15 way?

16 Where will the dust and the pollution and
17 the ground waste go when it rains? It's going to get
18 to Brush Creek or is it going to get to the Meramec
19 River. We have a sewer system that is already in
20 violation with Pacific for treating too much water and
21 storm drive.

22 If this is rezoned as a community
23 activity -- or Commercial Activity, there will not be
24 any restrictions placed on this plant if you simply
25 allow to rezone a property. Before when he applied

1 for a CUP, there were 11 conditions put on him. All
2 of these restrictions will be removed now.

3 Mr. Landvatter withdrew the CUP, and
4 instead applied for a rezoning request.

5 Mr. Landvatter has only applying to
6 rezone one tract of the property. What will happen to
7 the second half? I know that it sounds like a lot of
8 property would be left as a sound buffer, but when you
9 run this all the way down the road with houses, it's
10 really not that much for each homeowner. Plus while
11 this was in the rezone request the first time, the
12 previous owner was threatening us to sign or agree
13 with this, or he was going to bulldoze all the trees
14 down.

15 He came in with a bulldozer, and he
16 knocked down 20 to 30 feet behind everyone's houses.
17 This made a huge difference in the sound. We can hear
18 from MoDOT and the interstate already. If more trees
19 are removed, whether they're from tract 1 or tract 2,
20 the sound is only going to continue to get louder.

21 What if Mr. Landvatter leases the
22 property out to someone else like he does in his
23 Kirkwood plant?

24 The residents around this area were not
25 notified of this hearing. I feel this is in

1 violation. We are within the 600 feet of both tract 1
2 and tract 2, and I've printed Google maps in Exhibit
3 10.

4 Mr. Landvatter bought this property and
5 purchased this plan and the equipment for this
6 property while it was in rezone litigation. Did
7 someone give him some kind of a guarantee that this
8 property would be rezoned here? Maybe we can put a
9 wedding venue on it instead of a concrete plant.

10 Thank you.

11 CHAIRMAN EVANS: Thank you.

12 Anyone else wishing to speak in
13 opposition?

14 Would you please state your name and
15 address and sign in.

16 MR. ROBERT DEAN: My name is
17 Robert Dean, and I live at 2736 Old Gray Summit Road.

18 (Thereupon, the witness was
19 sworn.)

20 Franklin County cannot approve this
21 rezoning without doing damage to me and my neighbors,
22 and I'll tell you why.

23 The sole purpose of this rezoning is to
24 build a concrete batching plant near the Shaw Nature
25 Reserve and where I live.

1 This is a rough, crude, dirty-type
2 business near the top of the lists of dirty
3 businesses. One not suited for tourism or family
4 living conditions, and more appropriate for designated
5 industrial zones.

6 This rezoning is precisely what we don't
7 need, an industrial park made for one of these dirty
8 business.

9 The sole purpose of the zoning is to keep
10 this type of unsuitable business from intruding on
11 people around them. This is a very reason why we have
12 zoning. Of what value is zoning if anyone can rezone
13 for a business over the objections of it's
14 neighborhood?

15 If people don't fight to protect their
16 neighborhood, who will? It cannot be said that there
17 will be less dust. It cannot be said that there will
18 be less noise. It cannot be said that a batch plant
19 will improve the beauty of the neighborhood.

20 It cannot be said our home will be more
21 enjoyable with this concrete batch plant. It cannot
22 be said that its entrance to the highway will be safer
23 because of the big concrete trucks entering and
24 leaving.

25 It cannot be said that the value of our

1 homes will be worth more because of it. And every
2 value we come out worse than we are now. To me, this
3 makes us the losers if this plant gets built.

4 If you represent us, you must vote
5 against the rezone. There are some businesses that
6 are so disagreeably obnoxious and so blatantly
7 offensive in their operations that they need to be and
8 should be separated from normal living settings. This
9 is one of them.

10 Thank you.

11 CHAIRMAN EVANS: Thank you.

12 Anyone else wishing to speak in
13 opposition?

14 Would you please state your name and
15 address and sign in, please.

16 MS. PHYLLIS COOK: Phyllis
17 Cook, 2798 Old Gray Summit Road.

18 Okay. I request that you do not change
19 the Code as it would --

20 CHAIRMAN EVANS: I'm sorry.
21 Did you swear her in?

22 MS. COOK: Oh, no, she didn't.

23 (Thereupon, the witness was
24 sworn.)

25 I request that you do not change the Code

1 as it would allow for the concrete plant to be
2 constructed. It is an industrial. We are not an
3 industrial area. This is residential area, not
4 intended for industrial.

5 There are appropriately designated areas
6 for industrial in the Pacific area. Some concerns if
7 this Code is changed and is a concrete plant is
8 allowed would be the quality of life would be impacted
9 due to the dirt and dust, noise from plant operation,
10 trucks entering and leaving, cleaning of the drums,
11 increased traffic, health concerns, floral damage,
12 water pollution, animal habitation, lowering of our
13 real estate values.

14 I have owned and lived in my home for 53
15 years. It may not be expensive or elaborate, but it's
16 mine and it's in a residential area. And I would like
17 for you to truly consider leaving it that.

18 Put yourself in our place. Would you
19 like to have a concrete plant put right at your back
20 door for all of these things, plus more, than what
21 I've already listed? Please be considerate of us as
22 the residents. We've been there a long time, and God
23 hasn't called us home yet.

24 So please, leave our area alone, and do
25 not agree to this change. They may say commercial

1 activity, but it's industrial. And it is a dirty,
2 dirty job. I've been. I've seen it. Dust
3 everywhere. The pollution, the health concerns for
4 folks that have to live around it, the coughing, the
5 sneezing, the filth. Please stop and think about our
6 lives and what we would have to change at where we're
7 at.

8 Thank you.

9 CHAIRMAN EVANS: Thank you.

10 Anyone else?

11 Please state your name and address and
12 sign in, please.

13 MR. ALLEN DECKER: My name is
14 Allen Decker. I live at 2111 Pine Tree Lane, also in
15 Gray Summit. This one does not --

16 (Thereupon, the witness was
17 sworn.)

18 This would not directly affect me as my
19 house is within about a mile of that, but I do go
20 through the intersection there at 100 as well -- 100
21 and West Osage, and there's quite a bit of traffic
22 there at the wrong time of the day. Whenever the
23 businesses up the road from Pacific get out, times of
24 the day when the schools get out, there's quite a bit
25 of a backup there.

1 I also do work for a company called WPS
2 Commercial that is based in Fenton, and we have crews
3 right now up in Hannibal at the Continental Cement
4 Company, and there is a dust problem up there to a
5 significant degree that we are removing inches of
6 cement, accumulated cement, off the top of these
7 concrete silos where this -- this stuff is
8 manufactured. And it does get to a point where it's
9 not just inches. We're talking darn near feet, and as
10 well it is accumulation over time. And it's one of
11 those I would not want to put that Shaw's Nature
12 Reserve because it was put there originally to keep
13 away from pollution, and that was going on in St.
14 Louis way back in the early 1900s.

15 So no, it's an accumulation. This cement
16 dust does accumulate, and it will, with the moisture
17 in the air, it'll become solid.

18 Thank you.

19 CHAIRMAN EVANS: Thank you.

20 COMMISSIONER SCHULTEHENRICH:

21 Question, Mr. Chairman.

22 Has your company ever performed -- can I
23 ask a question, Mr. Chairman?

24 CHAIRMAN EVANS: Yes. Go
25 ahead, Jay.

1 COMMISSIONER SCHULTEHENRICH:
2 Has your company done any dust cleaning at the
3 Landvatter plant or upon any other Redi Mix plants in
4 the St. Louis area?

5 MR. DECKER: No. No, sir.
6 This is Continental Cement Company up in Hannibal,
7 Missouri. We also got some up in, I believe it's Des
8 Moines is another project we're on as well.

9 COMMISSIONER SCHULTEHENRICH:
10 Since you're in this line of business, are you
11 familiar with any of your competitors potentially
12 having -- not potentially -- but having been involved
13 in any dust cleaning at the Landvatter plant or --

14 MR. DECKER: No, sir.

15 COMMISSIONER SCHULTEHENRICH:
16 Okay.

17 MR. DECKER: I also do not have
18 any idea what kind of timeframe we're talking about.
19 Obviously we're not talking a couple of -- a couple of
20 weeks. I don't know if it's a couple of years. I
21 don't know when this had been done previously up at
22 Continental.

23 COMMISSIONER SCHULTEHENRICH:
24 Thank you, Mr. Chairman.

25 CHAIRMAN EVANS: Thank you.

1 Any other questions?

2 (NONE)

3 Thank you.

4 MR. DECKER: Thank you.

5 CHAIRMAN EVANS: Anyone else
6 wishing to speak in opposition?

7 State your name and address and sign in,
8 please.

9 MS. MAVIS HUFF: Mavis Huff,
10 2790 Old Gray Summit Road, Pacific, Missouri.

11 (Thereupon, the witness was
12 sworn.)

13 I've lived on Gray Summit Road for 52
14 years, and as the gentleman just said, it's a
15 beautiful area. It's a country area. And Shaw's
16 means a lot to the homeowners through there.

17 They're our neighbors. They're right
18 across from my house. Our house used to have deer and
19 turkeys and everything else in there. When this man
20 that owned it before came through and cut the woods
21 down, we see no more turkeys, and the deer don't come
22 out during the day, and this is because we're out, and
23 there's no trees there to block us from them.

24 But at night, if you go out and sit,
25 that's the only time that you'll see a deer. Now, if

1 you go up the road, the deers are out, and during the
2 day, but they're all -- they stay in Shaw's and at
3 night, they cross the road and they get hit.

4 And we're asking you to consider this,
5 but also consider our homes, if you look at the map
6 behind you, you see those two little blue spots with
7 the house in the center of them. That's my house.
8 He's going to own on both sides of my house and behind
9 it.

10 What's my house going to look like? What
11 is he going to do? Is he going to leave this buffer
12 there forever? Can you promise us that? Can you
13 really promise he'll leave that forever? Will that be
14 put in the okay if you pass it, are you going to put
15 that there that that will be there?

16 Or is he going to be tearing down more
17 trees, building up next to my house? Is he going to
18 bring his equipment up there? You know, what's going
19 to happen?

20 I know you can't say, but you're going to
21 change things. You're going to change them in a big
22 way if you agree to this, and I'm asking you not to.
23 I'm asking you to save our homes. Fifty-two years is
24 a long time, and as Phyllis said, we love that area.

25 And we're asking you to please help us.

1 That's all we're asking. Thank you.

2 CHAIRMAN EVANS: Thank you.

3 Anyone else?

4 (OFF THE RECORD)

5 While we're between presenters, I would
6 remind the Commissioners that since this is a
7 rezoning, that although the -- they know what the
8 applicant intends to do with the property since it is
9 a rezoning any permitted use in that zoning district
10 is allowable.

11 So even though with the -- his presenting
12 that it will be a concrete plant, it is a rezoning. So
13 any permitted use needs to be considered when we're
14 going with our decision.

15 (Thereupon, the witness was
16 sworn.)

17 MS. KAREN DEAN: My name is
18 Karen Dean. I live at 2232 Old Gray Summit Road, but
19 own property that adjoins the proposed Landvatter
20 rezoning site. So we have two properties on Old Gray
21 Summit Road.

22 I first want to mention that I'm not sure
23 that the cards were sent out, but we never did receive
24 notices of this hearing today.

25 Start with that I am the granddaughter of

1 John and Hilda Geebler who started the subdivision on
2 Old Gray Summit Road. Mavis and kind of her family
3 and Phyllis bought homes from them. They saw the
4 beauty of that property, bought a few lots, started
5 the subdivision. It was thriving. The Diamonds, Doug
6 and Rita, was in its beginning.

7 And they saw the beauty and tranquility
8 of the whole area. And so they decided to buy the
9 land. And it was aptly named Garden View Subdivision
10 and others realized its visions, and they are the
11 original owners. A lot of them have their descendents
12 that are owners along that road because we love that
13 property. We love that area as it is.

14 I'm a third generation owner, and I would
15 love my son to be a fourth generation owner Old Gray
16 Summit Road.

17 But I know Landvatter bringing that, to
18 establish a concrete plant here may not be a peaceful
19 option for people on the road because of the stated
20 reasons that they've already given, health, beauty,
21 wildlife, environmental.

22 It would -- rezoning from Community
23 Development to Commercial Activity 3 would adversely
24 affect our ability to use and enjoy our land. You
25 have to consider many things. The logical,

1 logistical, environmental, ethical and moral issues.

2 I cannot grasp on how this approval would
3 allow -- is a win/win for everyone involved. It just
4 wouldn't be. It's a hardship on the environment and a
5 health hazard and nuisance to the nearby residents,
6 and where we are is in a valley where noise travels,
7 and it's even particularly worse with the removal of
8 the trees previously.

9 The current rezoning is perfect for this
10 community. It should not be rezoned for heavy
11 industrial or manufacturing. There are designated
12 places for these businesses, as well -- and they've
13 been utilized in Washington and Union.

14 It's -- don't -- and it's not only just
15 concrete plant. It opens doors to what other can just
16 go in there.

17 So even though we've told it does not
18 matter what we're talking about as far as what moves
19 in there, it does matter. It does. Now, I've done
20 some research and through documents obtained through
21 Sunshine law. There have been many complaints in St.
22 Louis County about the noise levels at Landvatter Redi
23 Mix.

24 This -- there's many residents that have
25 registered complaints. Litigation was pursued, and to

1 my understanding, in St. Louis County, the sound
2 levels were over the limit, but the County did not
3 take action because the laws concerning this were too
4 vague.

5 One residents I spoke to, he lives uphill
6 of the plant, at least 600 feet away, and has problems
7 with the noises, especially when it comes to cleaning
8 out the trucks. Most times you would think noise
9 travels downhill, but he lives uphill.

10 The other noises came from rented
11 property from Landvatter as well.

12 This resident also claimed that while in
13 litigation with the County, Landvatter seemed to work
14 in harmony with the residents, but once the County did
15 not pursue to take action, then that -- and
16 correspondence stopped.

17 The proponents for this, they say that
18 new houses are being built around Landvatter in
19 Kirkwood. I don't know if you guys have been there.
20 Landvatter has been there for a long time. They were
21 there. They were grandfathered in, and everyone -- a
22 lot of people did build around then, and the Museum of
23 Transport is across the road. It's a beautiful
24 community, and I'm quiet frankly, the concrete plant
25 is an eyesore there.

1 I don't know if you're familiar with the
2 area, and I know that if Landvatter were to ask for a
3 rezoning in that area, there would be -- it would not
4 be a consideration. There's too many complaints from
5 the neighbors around there.

6 This is a heavy industrial business, and
7 should be placed in an area designated as such.

8 CHAIRMAN EVANS: If you would,
9 wrap it up, please.

10 MS. DEAN: Okay. I'm going to
11 show some audio and video that we visited --

12 CHAIRMAN EVANS: How long is it
13 going to take, ma'am? Your five minutes is up.

14 MS. DEAN: About a couple of
15 minutes, or maybe one.

16 (Playing video)

17 This is on a slow day where it was
18 raining, and this is uphill from the plant. It's kind
19 of hard to tell on here because of the -- it had been
20 raining. It was a slow day. It wasn't an active day
21 for the plant.

22 COMMISSIONER SCHULTEHENRICH: I
23 got a question.

24 MS. DEAN: Yes.

25 COMMISSIONER REINHOLD: Can you

1 hear the interstate from your house?

2 MS. DEAN: Yes.

3 COMMISSIONER REINHOLD: What
4 about the train?

5 MS. DEAN: Yes.

6 COMMISSIONER REINHOLD: Okay.

7 MS. DEAN: The train is an
8 intermittent thing. It doesn't last all day. The
9 interstate, yeah, you do get used to it, but that's
10 brought on too by the -- you know, even more
11 accentuated without -- with the trees being gone.

12 CHAIRMAN EVANS: Any other
13 questions?

14 COMMISSIONER WILLIAMS: I got
15 one.

16 You stated that your -- you were sure
17 that the rezoning would not be allowed for the current
18 Landvatter plant. How do you know that?

19 MS. DEAN: I talked to some
20 neighbors around there, and they --

21 COMMISSIONER WILLIAMS:
22 Neighbors being ones that would change the zoning?

23 MS. DEAN: No, but they would
24 protest it.

25 COMMISSIONER WILLIAMS: Thank

1 you.

2 MS. DEAN: Okay.

3 CHAIRMAN EVANS: Thank you.

4 MS. DEAN: Thank you.

5 CHAIRMAN EVANS: Anyone else
6 wishing to speak in opposition?

7 COMMISSIONER REINHOLD: Bill, I
8 got a question. Can I ask a question?

9 CHAIRMAN EVANS: Sure.

10 COMMISSIONER REINHOLD: I just
11 want to make sure I understand this. He's wanting to
12 only do the 12 acres that's next to the railroad.
13 He's only wanting a 12-acre area into a --

14 CHAIRMAN EVANS: Along.

15 COMMISSIONER REINHOLD: His
16 property and their property as a buffer.

17 CHAIRMAN EVANS: Correct.

18 COMMISSIONER REINHOLD: Okay.
19 And then I just want to make sure I understand that.

20 CHAIRMAN EVANS: The topography
21 there, if you've seen it, is --

22 COMMISSIONER REINHOLD: Yes.

23 CHAIRMAN EVANS: -- is uphill.

24 (Thereupon, the witness was
25 sworn.)

1 MR. MIKE MASON: My name is
2 Mike Mason. I live at 2748 Old Gray Summit Road, and I
3 want to put on the record too that we did not receive
4 a notice for this meeting, but eventually we found out
5 about it.

6 I want to read a little bit of reports
7 from the DNR since they say how good it is around the
8 other plant.

9 This was not the first violation, and
10 these aren't isolated. Instead Landvatter has a
11 pattern of violations. Second, the violations are
12 very recent. Landvatter violations continued --
13 continued before the 206 -- 2016. Many of these
14 violations were severe and serious in nature.

15 I ask the Commissioners to review the
16 Exhibits 26 through 51 because they show some of these
17 violations of the State Clean Water laws for the last
18 ten years.

19 I can't explain all of these in five
20 minutes tonight, but I'll take -- I'll add a few of
21 these.

22 Exhibit 30. Here we have a letter of
23 warning. Landvatter's permit limitations allow our --
24 for a minimum of pH of 6 to a maximum pH of 9.
25 Landvatter's pH reading was 12.4. Two thousand, five

1 hundred times more than the basic allowed, and only
2 1.6 away from the maximum reading there is.

3 To get an idea of what 12.4 is, ammonia
4 solution is pH of 11. Bleach has a pH of 12, and he
5 was above that.

6 Also shown are the total suspended
7 solids. Landvatter permit limitations allow for a
8 monthly average, daily maximum of 70, and here you see
9 both of these limits are violated. Landvatter
10 reported values of 80 liter -- mega liter per liter
11 for the month and daily.

12 Exhibit 49. We have -- here we have
13 October 18, 2016, a letter from the warning of the DNR
14 to Landvatter for finding violations, including
15 failure to submit discharge monitor reports. Failure
16 to perform required elution tests. Failure to comply
17 with the elution tests, put in a place and
18 contaminants in a location where they might enter the
19 water of the state.

20 Failure to install additional best method
21 practice for exceeding benchmarks. Stormwater
22 pollution prevention plan is not regularly updated and
23 amended to reflect the current condition of the site
24 or discharge additives used to rinse the vehicles.

25 Exhibit 45 and 46. Even while Landvatter

1 was at the hearing before the County Commission in
2 July of 2015, telling the Commissioner that he had
3 corrected all the problems, he quickly was cited for
4 numerous violations as shown in Exhibits 45 and 46.

5 On October 14, 2015, the DRN sent
6 Landvatter a letter stating that he had not received
7 updates and there were still eight required actions
8 included, marking the outfalls, maintaining good
9 housekeeping practice, a written statement regarding
10 how training and inspection laws were maintained,
11 providing a stormwater pollution prevention plan, and
12 what action the facility is taking to prevent the
13 pollution to the waters of the state.

14 And on October 22, 2015, DNR sent a
15 notice to -- a violation to Landvatter Redi Mix
16 finding significant non-compliance and discharge of
17 acids into the area streams, excessive temperature,
18 and pH of the discharge.

19 And as -- after reading all of this, I do
20 work in an industrial salt and sand plant in Pacific.
21 So I work in maintenance. So I kind of deal with a
22 lot of this stuff daily basics every day.

23 And when you exceed -- the State doesn't
24 care that you exceed only a gallon. They want -- you
25 know if you take a sample and it's over, it's over the

1 limit. It doesn't matter what it is. They give you a
2 limit.

3 The same way with dust. And I know in a
4 concrete plant silica dust, there was silica dust in
5 it because that's where I work at, a silica sand
6 plant. We make the silica sand to put in this
7 concrete.

8 And we have very strict guidelines on
9 dust collection, and when they say -- and the state
10 doesn't care, you know, if you have an upset and you
11 make a big dust cloud, you still go to fix it. And
12 you can't wait a year or two. You got to fix it now.
13 Like I say, and if you don't, they shut us down, you
14 know.

15 And we have been shut down because of the
16 problems till we got it fixed. And like I said, I
17 don't know how he gets away with so many violations
18 and keeps running.

19 And I think of if that was in your back
20 yard -- I'll wrap up, yeah. Okay.

21 If this was in your back yard, would you
22 want this in your -- the dust. Would you let your
23 kids and your grandkids play in the creek?

24 I wouldn't. I don't think Franklin
25 County needs it. Thank you.

1 CHAIRMAN EVANS: Thank you.
2 State your name and address and sign in,
3 please.

4 MS. SARAH WILLEY: My name is
5 Sarah Willey. I'm the director of Development and
6 Community Outreach at Great Rivers Environmental Law
7 Center, located at 319 North Fourth Street in the city
8 of St. Louis.

9 (Thereupon, the witness was
10 sworn.)

11 So I'm going to read a few excerpts from
12 Mason's Exhibit 1, Part 17, which is a copy of noise
13 complaints that St. Louis County has received about
14 Landvatter's Kirkwood plant from nearby residents.

15 On Thursday, August 17, 2017, Gary
16 Hollingsworth wrote to the City -- to the County.

17 "Once again, I have to
18 report noise issues at
19 Landvatter's facility on
20 Barrett Station. The noise
21 started well before 7:00 a.m.
22 and I suspect the volume has
23 also exaggerated legal
24 limits today.

25 "Yesterday they

1 were jackhammering some
2 of the trucks. This noise
3 sounds like heavy machinegun
4 fire. Similar to current
5 chain guns used by our
6 military forces.

7 "I have mentioned
8 before that this work sounds
9 like a war zone and is
10 extremely loud."

11 On Wednesday, August 23, 2017, Ryan Wolf
12 wrote to the County.

13 "You have my permission
14 to take readings from anywhere
15 on my property located at
16 13201 Barrett Grove Drive,
17 63122. I have found
18 Landvatter to start most
19 mornings around 5:00 to
20 5:30. They have been
21 better in their early
22 morning, but only because
23 they started mixing their
24 trucks on the south side
25 of the plant.

1 "While I know they
2 are allowed to have some
3 noise coming from the
4 plant during nighttime
5 hours, my belief is that
6 they are so well above
7 the allowable levels.

8 "Then around 7:00
9 to 7:30 a.m., they start
10 mixing the trucks again on
11 the north side of the plant.
12 This continues all day as
13 far as I know. They usually
14 wrap up around 4:30, which
15 is nice.

16 "However, they have
17 tenants that they lease
18 their parking lot that
19 start working their
20 dump trucks around 6:30
21 p.m. This happens usually
22 three to four nights a
23 week and lasts until 8:30
24 to 9:00-ish in the summer
25 months.

1 "This consists of
2 hammering, grinding, and a
3 generator running full
4 blast.

5 "Robin Lynn Trucking
6 is the company name, and
7 their spot is on the lot
8 in the northeast corner,
9 closest to my house.

10 "They also have
11 another tenant that is an
12 excavation company, but
13 I don't know their name.
14 The company usually loads
15 up and starts their trucks
16 around 4:30 or 5:00-ish
17 a.m., but they are right
18 next to Adam's house, so
19 he would be better able to
20 address time and noise
21 with them.

22 "In addition to this,
23 they typically have their
24 trucks cleaned out on
25 Saturdays. You never

1 know when, but it happened
2 this last weekend.

3 "While I wasn't there,
4 the entire street said they
5 were going all morning long.
6 When they do this, they are
7 no doubt running above 80
8 decibels for hours on end,
9 and it may even be in the
10 100 decibels range. It is
11 loud.

12 "Thanks again for your
13 assistance here."

14 Thursday, September 7, 2017 Adam Bryan
15 wrote to the County.

16 "I'm sorry I'm late
17 to the party here. I had
18 dropped an e-mail that I
19 thought was sent earlier.
20 You have my permission to
21 access my property at
22 13202 Barrett Grove Drive,
23 63122 for sound readings
24 or any other observations
25 needed.

1 "Landvatter's tenants
2 are the first to start the
3 day. Typical mornings
4 start with dump trucks
5 idling, loading equipment
6 onto trailers between 4:30
7 to 5:30 a.m.

8 "Landvatter operations
9 seem to start around 5:30
10 most mornings, getting louder
11 as they begin mixing around
12 7:00."

13 Ackly Ryan's e-mail:

14 "Though it is not on
15 a regular daily basis, the
16 cleaning of the drums or
17 concrete mixers is extremely
18 loud for long periods of
19 time.

20 "Also the tenants work
21 on their equipment and trucks
22 most nights and weekends.
23 This consists of generators,
24 air guns, impact wrench,
25 et cetera, for long periods

1 of time."

2 And on Thursday, June 8th, Gary
3 Hollingsworth wrote to the County.

4 "Landvatter has been
5 particularly noisy this
6 week. On Tuesday, there
7 was significant noise
8 coming from what I can
9 only describing as
10 jackhammering inside
11 one of the mixes. The
12 noise level from this
13 activity is extremely
14 loud, and it comes right
15 through the walls of our
16 home.

17 "They have in the
18 past contracted other
19 firms to clean out the
20 mixer trucks from hardened
21 concrete.

22 "These contractors use
23 pneumatic chipper hammers
24 to break the hardened
25 concrete free from inside

1 the mixer of drums.

2 "In past times,
3 they've done this work
4 well into the evenings.
5 I made a few calls to
6 the County Police a few
7 years ago when this
8 occurred. I also spoke
9 with the plant manager,
10 who at the time said that
11 since it was contractors
12 performing the work, there
13 wasn't anything he could
14 do about it.

15 "Not a particularly
16 responsible answer.

17 "Yesterday the noise
18 began well before 7:00
19 a.m., and this morning
20 the jackhammering started
21 again, although after 7:00
22 a.m. Still just too loud."

23 Thank you.

24 CHAIRMAN EVANS: Thank you.

25 State your name and address and sign in,

1 please.

2 MS. KATHLEEN HENRY: My name is
3 Kathleen Henry.

4 MS. REPORTER: Hold on just a
5 second, please.

6 MS. HENRY: Okay.

7 (Thereupon, the witness was
8 sworn.)

9 CHAIRMAN EVANS: Please start.

10 MS. HENRY: Good evening. I'm
11 Kathleen Henry, and I'm an attorney at Great Rivers
12 Environmental Law Center, a nonprofit environmental
13 law firm in St. Louis.

14 I represent Kelly Brothers Mason and
15 other individuals who own property on or live on Old
16 Gray Summit Road as individuals and the Concerned
17 Citizens Against Landvatter Redi Mix, a citizens
18 group.

19 We can't discuss all the exhibits that
20 Kelly Mason filed in the binder, there's 54 of them,
21 in the five minutes that we've all had. But I urge
22 the Commissioners to read the exhibits in the binders
23 and put off voting until after they have read those
24 exhibits.

25 There are many reasons this Commission

1 must deny the request for rezoning. The first is that
2 the Frank- -- the Planning and Zoning Commission
3 violated the law when it failed to give people notice
4 of the meeting.

5 Revised Statute 64.863 and the Unified
6 Development Ordinance Article 4, Section 82 and the
7 Due Process Clauses of the Missouri and United States
8 Constitutions require the P and Z Commission to give
9 notice by mail to people living within 600 feet of the
10 property proposed to be rezoned.

11 Kelly Mason and others did not receive
12 postcards about the meeting. This failure to provide
13 notice will make any rezoning void.

14 The second reason is that Franklin County
15 Land Use Ordinance Article 7, Section 138 is
16 unconstitutional both facially and as applied because
17 it permits manufacturing in a commercial district as a
18 regular use.

19 Manufacturing is industry, and a
20 manufacturing plant belongs in an industrial district.
21 It is arbitrary, capricious, fraudulent and illegal
22 for the County to call a concrete plant a commercial
23 activity instead of an industrial use.

24 The County's interpretation of the word
25 manufacturing in Article 7, Section 138 is guided by

1 the definition in Article 2, which is to "make or
2 process a raw material by hand or by machine into a
3 finished or semi-finished product."

4 This definition of manufacturing is the
5 wording used for the definition of industrial, and it
6 is not a definition given to commercial in the
7 dictionary.

8 In defining manufacturing in this way and
9 including it in commercial activity as a regular use,
10 the County is allowing industrial plants in commercial
11 zones, instead of requiring them to be in industrial
12 zones.

13 This ordinance does not rest on a
14 reasonable basis of classification. It is a new
15 fiction created by Franklin County to call concrete
16 batch plants anything other than industrial.

17 In 2014, this Commission considered this
18 very plant industrial, and granted a CUP. And the CUP
19 allowed you to put 11 conditions on the permit. Those
20 conditions allowed you to protect health, safety and
21 welfare more than you can by just granting a rezoning,
22 which doesn't allow you to protect it at all.

23 Please read our exhibits showing the
24 dictionary definitions of industry and commerce, and
25 showing the Missouri Department of Natural Resources

1 and Environmental Protection Agency and that they both
2 consider concrete batch plants to be industry and not
3 commercial uses.

4 The third reason is that the rezoning
5 will not protect health, safety and welfare. It will
6 allow a noisy polluting plant to be built just 600
7 feet from people's homes. Especially read Part 17, a
8 copy of the noise complaints filed in St. Louis County
9 over Landvatter's Kirkwood plant. Read the DNR
10 exhibits and note Exhibit 47, where people in Ballwin
11 in 2016 traced pollution in Ballwin all the way back
12 to the Landvatter plant in Kirkwood up the streets.

13 You, Commissioners, have a duty to
14 protect the health, safety and welfare of the citizens
15 in this county. You'll be violating that duty if you
16 condemn your citizens to lifetime spent complaining to
17 your County about the noise that comes from the
18 concrete plants.

19 And you'll be violating that duty by
20 failing to protect the Meramec River from the
21 discharges acids, oils and chemicals that will leach
22 from Landvatter's plant. You have the power to tell
23 the Landvatters that you want a concrete plant in
24 Franklin County, but they need to come to you with an
25 application to put it in a district already zoned

1 industrial.

2 Thank you.

3 CHAIRMAN EVANS: Thank you.

4 COMMISSIONER WILLIAMS: I have
5 a question, sorry.

6 CHAIRMAN EVANS: Go ahead.

7 COMMISSIONER WILLIAMS: Not
8 knowing where anybody lives and who would have got
9 noticed, do you have any sort of a map or evidence
10 that people haven't got their notices?

11 MS. HENRY: We can ask them to
12 raise their hands, and they do live in a -- on
13 different streets.

14 COMMISSIONER WILLIAMS: I have
15 no idea. I have no idea.

16 MS. HENRY: All the people on
17 Old Gray Summit, didn't --

18 UNIDENTIFIED FEMALE: All along
19 that line right there.

20 MS. HENRY: But what about your
21 mother?

22 UNIDENTIFIED FEMALE: Well, my
23 mother lives in --

24 (ALARM SOUNDING)

25 CHAIRMAN EVANS: You'll have to

1 excuse that. The alarm goes off at 8:15. So it goes
2 to the door. So...

3 MS. HENRY: Okay. Are there
4 any other questions?

5 COMMISSIONER WILLIAMS: I just
6 wanted that map that shows where people live and --

7 (CROSSTALK)

8 MS. HENRY: I don't have any
9 names for you. I'm sorry.

10 They can show you their -- they're all
11 the houses on the road, on Old Gray Summit Road.

12 COMMISSIONER WILLIAMS: So you
13 testified that we don't have like a map or something
14 that would say that these people got it, correct?

15 MS. HENRY: I don't have a map
16 with me, no.

17 COMMISSIONER WILLIAMS: Okay.

18 CHAIRMAN EVANS: Scottie, were
19 the notices mailed as required?

20 MS. EAGAN: Yeah, all of our
21 notices have gone out. We have received phone calls
22 from the people on the apartments along Old Gray
23 Summit Road, but all of the notices were sent out at
24 the same time.

25 CHAIRMAN EVANS: Okay. Thank

1 you.

2 MS. HENRY: Any other
3 questions?

4 (NONE)

5 CHAIRMAN EVANS: Thank you.

6 Hey, Mark, I want to ask you in
7 considering the definitions, we're required to use the
8 definitions as they exist in Franklin County?

9 COUNTY ATTORNEY PIONTEK:

10 That's correct. The argument that the denomination of
11 this particular zoning district is commercial instead
12 of industrial is really irrelevant. You look at what
13 the definition for manufacturing is and then whether
14 or not that qualifies or meets any of the permitted
15 uses under this particular zoning district.

16 CHAIRMAN EVANS: Thank you.

17 Anyone else wishing to speak in
18 opposition?

19 (NONE)

20 All right. Does the applicant have any
21 rebuttal? You have up to five minutes.

22 MR. STRUZZI: I'll offer a
23 brief rebuttal. I'll also ask Mr. Landvatter to come
24 up to answer any questions that the Board may have.

25 I'd like to point out that the ingress

1 and egress of this facility is on the outer road of
2 I-44, not on the Gray Summit Road.

3 The issues with noise, among other things
4 with the Kirkwood plant, it's a different setup here.
5 We have a buffer zone we're offering. There's a
6 railroad already here. There's an interstate there.
7 If there's -- where else could you put a concrete
8 plant in the county other than this area we're
9 offering next to the interstate?

10 I understand the concerns of the
11 neighboring homeowners, but we are offering the buffer
12 zone that would be wooded, and it is hilly. The
13 previous owner's activities have nothing to do with us
14 and we did not condone anything that he did, and Mr.
15 Landvatter intends to keep the 12 acres as that, a
16 buffer zone with trees because there's no other real
17 use he could do with that land.

18 That land is already zoned CD, so that
19 means that there are developments that could be
20 intrusive to those homes, and they could be right up
21 into the back yard of the homes. Mr. Landvatter has
22 no intent of using that property for that purpose at
23 this time.

24 DNR does highly regulate these plants,
25 and when they come in, they give their recommendations

1 of what needs fixed, and Mr. Landvatter has fixed
2 those issues, including filing whatever paperwork they
3 said he didn't file. He has dust scrubbers on the
4 plant which address some of the dust issues. That's
5 required by DNR.

6 If he does not do that, as the previous
7 gentleman said, he would be shut down. So DNR keeps
8 an eye on all these things, and those will be complied
9 with.

10 This use does comport with the Future
11 Land Use Map of Franklin County. The intent of this
12 area was to become more industrial and commercial
13 because it is along a railroad as well as the
14 interstate.

15 It is -- we're offering a way of doing
16 this that would hopefully balance what's there now by
17 offering this buffer area, which I think would
18 minimize much of the impact as Mr. Ward testified.

19 Now, I'm offering Mr. Landvatter if the
20 Board has any questions regarding any of the
21 complaints or things along those lines. He has to be
22 sworn in as you haven't been yet.

23 MR. ROGER LANDVATTER: Roger.

24 MR. STRUZZI: What's your
25 address?

1 MR. LANDVATTER: 2668. Okay.

2 My name's Roger --

3 CHAIRMAN EVANS: Would you
4 please state your name and address.

5 MR. LANDVATTER: Okay. Roger
6 Landvatter at 2668 Spring Valley Road in Pacific.

7 (Thereupon, the witness was
8 sworn.)

9 CHAIRMAN EVANS: Bill?

10 COMMISSIONER McLAREN: Mr.

11 Chairman -- Mr. Chairman, I have a couple of questions
12 for Mr. Landvatter.

13 One is you would probably be an expert on
14 making concrete here of all of us this evening. I'm
15 just curious. They don't put silica sand in concrete,
16 do they?

17 MR. LANDVATTER: No, they do
18 not.

19 COMMISSIONER McLAREN: Silica
20 is quartz, isn't it?

21 MR. LANDVATTER: Yeah, well,
22 it's -- yeah, it's sugar sand processed to make it
23 really fine, and it can't be used in concrete because
24 of the fineness.

25 COMMISSIONER McLAREN: All

1 right.

2 MR. LANDVATTER: That's why we
3 don't do it.

4 COMMISSIONER McLAREN: So
5 you're using river sand, Meramec sand or --

6 MR. LANDVATTER: Meramec, yeah,
7 river sand out of Missouri or Mississippi, and our of
8 the Meramec River.

9 COMMISSIONER McLAREN: How many
10 acres is the plant in Kirkwood?

11 MR. LANDVATTER: Six point --

12 COMMISSIONER McLAREN: The size
13 of it.

14 MR. LANDVATTER: -- 6.6.

15 COMMISSIONER McLAREN: All
16 right. I'm just -- and I -- I'm just curious how you
17 arrived at 12 acres out here. Is the plant going to
18 be twice as big or --

19 MR. LANDVATTER: No. The
20 reason is because the -- there's a sewer line that is
21 a divider. On the other side of the sewer line is a
22 creek. In order to cross that creek, we'd have to
23 build a bridge, and we have no desire to spend that
24 kind of money to develop that. And it really goes up
25 a steep hill, and there's very -- as a percentage, I

1 really don't know, but only a small area is level
2 enough to build on rest that's level.

3 And then on top is the Phillips Pipe
4 plant. So there's a lot of problems that basically it
5 can't be used, or shouldn't. Or it's too costly or
6 right now it's too expensive to use.

7 COMMISSIONER McLAREN: But do
8 you intend that the concrete plant be twice -- I know
9 we're talking about --

10 MR. LANDVATTER: No.

11 COMMISSIONER McLAREN: -- a
12 rezoning, that -- I'm just wondering why or do you
13 intend to put a plant be twice as big as the plant at
14 Kirkwood?

15 MR. LANDVATTER: No, no. No,
16 it's the same size plant in Kirkwood. It's a smaller
17 plant than we have in St. Charles, and the same size
18 plant that we have in Pagedale.

19 COMMISSIONER McLAREN: Thank
20 you.

21 CHAIRMAN EVANS: Jay?

22 COMMISSIONER SCHULTEHENRICH:
23 Mr. Landvatter.

24 MR. LANDVATTER: Yes.

25 COMMISSIONER SCHULTEHENRICH: I

1 know you're here to request a zoning change, and
2 you're talking about a concrete plant, but as the
3 Chairman pointed out, our consideration is on the
4 issue of what else could go onto that piece of
5 property if we -- if we were to agree to it being
6 rezoned. Okay.

7 So if you -- if we were to grant you this
8 rezoning, I mean, there's nothing that I can think of
9 that would assure those that have testified in
10 opposition that that buffer could in fact stay as it
11 currently is.

12 Is there -- is there some type of
13 assurance that if you were ever to sell that land or
14 potentially sell the plant with the other buffer zone
15 attached to it, that there would continue to be a
16 buffer zone there?

17 MR. STRUZZI: If I may answer
18 that question. That area that is the buffer zone is
19 already zoned CD, and we're not asking for that
20 change. So the buffer zone would keep the same zone
21 it currently has. So the same uses that are allowed
22 now would be allowed if you were to sell that
23 property.

24 COMMISSIONER SCHULTEHENRICH:
25 That I understand. That I understand. My question is

1 a little bit more restrictive, I guess.

2 And that is, that if he was to sell that
3 to somebody else, --

4 MR. STRUZZI: Uh-huh.

5 COMMISSIONER SCHULTEHENRICH:

6 -- and they take the amount of money that they may
7 have, it may be expensive to redevelop that land or to
8 develop I should say that land, but somebody wants to
9 do that. Therefore, the buffer zone goes away. Okay.

10 And therefore, my question is, is there
11 some method in which you would tie in your current
12 tract that you're asking us to rezone into the other
13 tract remaining a buffer zone at any -- basically it
14 would tie the hands basically on a reason -- on a sale
15 of the property, et cetera.

16 And that's the question I would ask of
17 you. Okay. How far are you willing to make sure us
18 here potentially the concern that we hear that there
19 needs to be a buffer there. How far would you be
20 agreeable to go with that?

21 MR. LANDVATTER: I'd be willing
22 to talk to Franklin County and designate that as a
23 park area if they want to buy it.

24 COMMISSIONER SCHULTEHENRICH: I
25 appreciate your answer.

1 MR. STRUZZI: At this point,
2 it's still developed CD. So there's nothing
3 preventing that development now.

4 COMMISSIONER SCHULTEHENRICH:
5 Yeah.

6 MR. STRUZZI: We're only asking
7 for that 12 acres on the north part of the property to
8 be rezoned. So Mr. Landvatter is willing to do
9 whatever it takes to make that happen to get the most
10 economic use of this land.

11 COMMISSIONER SCHULTEHENRICH:
12 Thank you.

13 CHAIRMAN EVANS: Any other
14 questions?

15 (NONE)

16 All right. Thank you.

17 UNIDENTIFIED FEMALE: There's
18 two entrance into that buffer zone.

19 CHAIRMAN EVANS: We do have a
20 clarification. Now that the Commissioners are going
21 to discuss this.

22 Because of zonings now are open hearings
23 at this Commission, in order to move on and bypass the
24 Review Committee, it would take a unanimous vote to
25 move it to Old Business to approve. And again, that

1 is as we fine-tune our new hearing rules.

2 So instead of just voting for approval or
3 non-approval, we would have to follow the same rules
4 as we do with the CUP and again, send it to Old
5 Business with a unanimous vote. Otherwise, it would
6 automatically go to the Review Committee.

7 So that being said, any discussion? Jay?

8 COMMISSIONER SCHULTEHENRICH:

9 Mr. Chairman, I am still a little bit concerned,
10 Scottie, on the notification. I know you said you
11 sent it out.

12 Is potentially the confusion that some
13 are raising is because the -- the tract that is not
14 being rezoned, okay, asked for a rezoning on, is
15 separating the tract that is being asked to be rezoned
16 by more than 600 feet?

17 MS. EAGAN: No, we --

18 COMMISSIONER SCHULTEHENRICH:

19 Is that --

20 MR. EAGAN: We send -- we send
21 our notices based on the current parcel. We don't do
22 it based on the legal description that they give us.

23 We sent out over 50 postcards to people
24 in Pacific, St. Louis, Ballwin, Nebraska, Bourbon,
25 Oklahoma, Kansas. So I mean, we have a ton of people

1 on here on Old Gray Summit Road, Decker Road, West
2 Osage Street. So I mean, we -- we sent them out along
3 with the notifications for every other file on this
4 agenda.

5 COMMISSIONER SCHULTEHENRICH: I
6 think this case with Landvatter this here, we've had
7 it in front of us on two different occasions. This is
8 the third occasion, and both times it's got into some
9 legal issues. So that's my concern as regards to -- I
10 don't want to get into another let's say provide an
11 opportunity to get into another legal dispute here.

12 So with this matter --

13 MS. EAGAN: All I can say is we
14 did our notifications per state law.

15 COMMISSIONER SCHULTEHENRICH:
16 Okay. So I was just wondering if there was any
17 confusion as regards to that buffer being there, and
18 that's not being asked for a rezoning on that. So...

19 MS. EAGAN: Yeah, we -- we did
20 it from the enter parcel, the 600 feet, not just the
21 north 12.

22 COMMISSIONER SCHULTEHENRICH:
23 Okay. Thank you.

24 CHAIRMAN EVANS: Any other
25 discussion, questions?

1 (NONE)

2 Again, anything anyone would like to
3 discuss on this file?

4 (NONE)

5 I guess to repeat, it is a rezoning. So
6 we would be providing a recommendation to the Franklin
7 County Commission, who would hold another open hearing
8 and they would make the final decision on this
9 rezoning. So our responsibility is to make that
10 recommendation.

11 But because of open hearings now, that in
12 order to make that recommendation, we would have to
13 have a unanimous vote to send it to Old Business where
14 we could make a recommendation. Without a unanimous
15 vote, it would go to the Review Committee.

16 Any questions, thoughts?

17 MS. EAGAN: And, Bill, if you
18 don't mind, I just want to reiterate to everybody that
19 this is a rezoning. This is not a Conditional Use
20 Permit hearing. We're not here to talk about a
21 concrete batch plant coming. What we're talking about
22 is does it make sense to rezone 12 acres of these
23 parcels to CA3.

24 COMMISSIONER WILLIAMS: The
25 issue is it's already zoned CD, and you have 43

1 permitted uses in CD. So then do you want to allow 11
2 more permitted uses in CD with the Master Plan
3 designating this property as being commercial? That's
4 what the issue is.

5 CHAIRMAN EVANS: Thank you,
6 Ron. Well put.

7 Any further discussion? And I know we
8 got lots of information. Obviously the Commission
9 prefers documented facts over opinion, and we have
10 lots of information here which would have been nice to
11 have had the -- had prior to the meeting.

12 Any further discussion? If not, we need
13 to take action on this file. As I pointed out what
14 the options were.

15 COMMISSIONER REINHOLD: I make
16 a motion to move it to Old Business.

17 CHAIRMAN EVANS: We have a
18 motion to move File 180178 to Old Business. Do we
19 have a second?

20 (NONE)

21 Chair is still waiting for a second.

22 (NONE)

23 Chair is still waiting for a second.

24 COMMISSIONER HAIRE: A point of
25 clarification. If we don't get a second, it goes to

1 Review Committee, correct?

2 CHAIRMAN EVANS: Yes, I think
3 that's what -- it doesn't state that specifically in
4 the rules, but without a unanimous vote, it would go
5 the Review Committee. So I'm assuming without a vote
6 at all, it would go straight to Review Committee.

7 Would that be your interpretation, Mark?

8 COUNTY ATTORNEY PIONTEK: Yes,
9 sir.

10 CHAIRMAN EVANS: All right.
11 The -- with no second, the motion fails, and it'll be
12 sent to the Review Committee.

13 The only question would be is whether or
14 not we'd like to keep this file open for any period of
15 time after tonight.

16 COMMISSIONER HAIRE: When's the
17 Review Committee meeting next?

18 CHAIRMAN EVANS: The first
19 Friday after --

20 MS. EAGAN: December 7th.

21 CHAIRMAN EVANS: December 7th.

22 COMMISSIONER HAIRE: I move
23 that we keep the file open till December 7th then.

24 MS. EAGAN: I would recommend
25 you end it before the 7th.

1 COMMISSIONER HAIRE: Okay.
2 I'll amend my original motion. I move that we make it
3 to December 6th then.

4 CHAIRMAN EVANS: I would even
5 go a couple of days earlier to December. That way if
6 any information is received, Review Committee
7 members --

8 COMMISSIONER HAIRE: Let me
9 amend it for a second time. I move to December 5th.
10 How's that?

11 CHAIRMAN EVANS: How about we
12 agree on the 3rd?

13 COMMISSIONER HAIRE: I move,
14 Mr. Chairman, for December 3rd.

15 MS. EAGAN: In the past you
16 guys usually have it a week before so you have time to
17 review it ahead of the Review Committee, whoever is
18 going to be on it, once you do officers.

19 But that's up to you this time.

20 CHAIRMAN EVANS: Yeah, can I
21 ask you to make Dan change his motion to the 30th, are
22 you?

23 MS. EAGAN: If you want to do
24 the 3rd, you can keep it at the 3rd.

25 COMMISSIONER McLAREN: I'll

1 second that.

2 CHAIRMAN EVANS: All right. We
3 have a motion to keep the file open until December 3rd
4 and a second. All in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER McLAREN: Aye.

7 COMMISSIONER WILLETTE: Aye.

8 COMMISSIONER WILLIAMS: Aye.

9 CHAIRMAN EVANS: Aye.

10 COMMISSIONER KLENKE: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 COMMISSIONER SCHULTEHENRICH:

14 Aye.

15 COMMISSIONER DUBBERT: Aye.

16 CHAIRMAN EVANS: Opposed?

17 (NONE)

18 The motion is carried.

19 Moving right along, we have File -- and I
20 should, I guess, mention what will happen now is this
21 file will go to the Review Committee, which consists
22 of three people from the Commission, who will further
23 look at this file and the information available and
24 then make a recommendation to the Planning and Zoning
25 Commission in their December meeting.

1 Thank you.

2 Moving on to File 180225, Villa Ridge
3 Investments.

4 Scottie, will you please give us the
5 details.

6 MS. EAGAN: This is File
7 180225, a Planned Unit Development Preliminary
8 Development Plan.

9 The applicant is Villa Ridge Investment.

10 The applicant wishes to create a Planned
11 Unit Development in the Commercial Activity 3,
12 Community Business zoning district.

13 The property is located off Osage Villa
14 Court, approximately 300 feet north of Highway AT in
15 Boles Township.

16 The Facts: The property is approximately
17 10.03 acres in size.

18 This property is located in the
19 Commercial Activity 3, Community Business zoning
20 district. The minimum lot size is 22,000 square feet
21 with a maximum density of one dwelling unit per 5,000
22 square feet.

23 This request involves 35 single-family
24 detached villas and 4 attached villas zero lot line.
25 The whole development consists of a total of 39

1 dwellings.

2 Originally this development was approved
3 as a zero-lot development with attached villas in
4 2016.

5 The density of this development is
6 approximately one dwelling unit per 11,000 square
7 feet.

8 The applicant states that water service
9 will be provided by Water District 3, and sewer
10 service will be privately maintained.

11 With a development of this size, the
12 applicant is supposed to offer 10 percent open space
13 dedication. This development does not meet the
14 County's open space requirement.

15 A land disturbance permit from DNR is
16 required to disturb more than one acre of land, as
17 well as erosion controls during development.

18 Because of the size of the development,
19 the applicant shall provide fire protection in
20 accordance with Article 8, Section 175. Because this
21 development is located within Boles Fire Protection
22 District, they will be required to meet the standards
23 of that district.

24 Staff Comments: Without the approval of
25 a PUD, this development would not be allowed based on

1 the lot sizes in the development. The applicant does
2 not exceed the density requirement allowed in the CA3
3 zoning district, but the lot size does fall below the
4 minimum for this district.

5 This development is proposing 22-foot
6 asphalt with 5-foot gravel shoulders on each side for
7 a total of 32 feet. In a conventional major
8 subdivision, we would require 32 feet of hard surface
9 back-to-back of curb. Because this is a PUD, the
10 decision is up to the Planning and Zoning Commission.
11 We have received an e-mail from Chief Casey with the
12 okay for the proposed road.

13 Any improvements will need to be complete
14 or escrowed prior to recording the final plat.

15 In a conventional major subdivision, with
16 39 dwelling units, an emergency access road would be
17 required. It is unclear if the applicant is proposing
18 an emergency access road. Because this is a PUD, the
19 decision is up to the Planning and Zoning Commission
20 whether or not to require the emergency access road.

21 CHAIRMAN EVANS: Thank you,
22 Scottie. And again, I remind the Commissioners that
23 the PUD, there are extensive and detailed criteria
24 that have to be met before this is presented to us,
25 and we're really looking to see if everything has been

1 presented and if there are any extraordinary
2 circumstances that require action.

3 After it is approved, we do not see it
4 again in -- Planning and Zoning Director and her staff
5 will --

6 MS. EAGAN: You'll see it one
7 more time. You'll see the final development plan.

8 CHAIRMAN EVANS: We'll see the
9 final, but we'll approve the preliminary and then we
10 would see the final.

11 Is the applicant present?

12 Will you please state your name and
13 address and sign in, please.

14 (Thereupon, the witness was
15 sworn.)

16 MR. GABE DUBOIS: Good evening,
17 my name is Gabe Dubois. I'm with THD Design Group. I'm
18 here this evening on behalf of the E44 Construction.

19 (Thereupon, evidence was
20 marked for identification as
21 Proponent Exhibit 1 and 2.)

22 We have, as was noted, a previously
23 approved preliminary plat, 39 units attached villas.
24 We are here this evening just requesting a PUD simply
25 for the goal of detaching the units, making them

1 single-family detached units instead of the attached
2 units.

3 The reason that we're here -- are back
4 here with the PUD because the lot size, minimum lot
5 size is not allowed in the CA3 zoning without the PUD.
6 The PUD allows us to reduce that minimum lot size, but
7 we're not adjusting the density at all, not adjusting
8 the number of lots, not adjusting the size of the
9 lots. I'm simply leaving the four units that are
10 already constructed as attached units attached.

11 The remaining 35 units will be built as
12 detached villas. The reason for this is simply and
13 it's removing our current sales barrier. We'd like to
14 see this property developed. It's been sitting for
15 some time. E44 has come in and tried to wrap that up,
16 and just found that the market is not supporting these
17 attached units like they would like to. So we're
18 looking to ensure the complete development of this.

19 Again, it does not change the platted lot
20 size. It allows more flexibility for the homeowners
21 that are purchasing these homes to maybe move that
22 porch around to the back, get a little bit bigger
23 porch, little bit bigger deck, and then it removes the
24 separation where they don't feel like they're attached
25 to their neighbor.

1 And really I think that this picture
2 right here sums it up real well. This is currently
3 what is approved. This is what we're going to. It's
4 the exact same buildings. We're just separating this
5 connection.

6 I think it looks like a lot better
7 product and as noted should help to remove this sales
8 barrier what they've been running into here.

9 I'd be happy to answer any questions if
10 anyone has any.

11 CHAIRMAN EVANS: Yeah.

12 You're detaching them, but are they still
13 zero-lot line?

14 MR. DUBOIS: No, we have -- no.
15 No, we have -- we have entered a side yard setback and
16 entered easements between the lots with the separation
17 so that there is not a zero setback here.

18 CHAIRMAN EVANS: And, Scottie,
19 you have received all the information required?

20 MS. EAGAN: The only things --
21 the only things I was waiting on was the whole
22 emergency access road and then if they were planning
23 on doing any sort of signage or lighting in the
24 subdivision, I needed to know that. But other than
25 that, everything else is good.

1 COMMISSION HAIRE: Did they
2 agree to the gravel, did the Fire District agree to
3 the gravel on both sides, and that was acceptable to
4 them?

5 MS. EAGAN: Yeah, I received an
6 e-mail that sent to Chief Casey explaining what the
7 road was, which I explained to you guys in my staff
8 report, and Gene came back and said they're okay with
9 it.

10 COMMISSIONER HAIRE: I have a
11 question.

12 MR. DUBOIS: Yes, sir.

13 COMMISSIONER HAIRE: One time
14 you were considering doing a two-story. I don't see
15 any of these in here. Did you change your mind?

16 MR. DUBOIS: No, there -- there
17 is a two-story. It should be in the packet that was
18 handed out. There is now a two-story model offered.
19 My apology for not mentioning that. Yes, sir.

20 COMMISSIONER HAIRE: And,
21 Scottie, if I remember right, the Fire District wanted
22 to change the hydrant requirements if we went to a
23 two-story. Is that addressed?

24 MS. EAGAN: That would be
25 something that the Fire District would take care of.

1 That's nothing that we would require.

2 COMMISSIONER HAIRE: Okay.

3 MR. DUBOIS: We'll work with
4 the Fire Chief on that and make sure that he's
5 satisfied.

6 CHAIRMAN EVANS: And I guess
7 the question again on the emergency road. Ron, you
8 got any thoughts on that?

9 COMMISSIONER WILLIAMS:
10 Actually probably not because that has to do more with
11 emergency services than it does the -- it's a private
12 road. So you know, if the Fire Districts are going to
13 require it or somebody else, then so be it. But you
14 know, right now, it doesn't sound like they're
15 required.

16 MS. EAGAN: Yeah, in a
17 conventional subdivision, they would be required to
18 show one and do one. Since it is a Planned Unit
19 Development, you guys have the options to vary from
20 certain requirements.

21 And like I said, it was mainly a question
22 of are they planning one. It's you know, stuff of
23 that nature because I didn't see anything on the plans
24 when they came to me.

25 MR. DUBOIS: Yeah, for clarity,

1 the intent is to leave the same road layout, lot
2 layout as was previously approved with the attached
3 units, and just removing the attachment.

4 CHAIRMAN EVANS: Okay.

5 So I think what we're saying here is
6 basically is everything we've seen before. You're jus
7 detaching?

8 MR. DUBOIS: Yes, and the
9 additional model. Correct.

10 MS. EAGAN: And then in terms
11 of signage or lighting, were you guys planning on
12 anything with that?

13 MR. DUBOIS: There is a
14 lighting plan that we received from Ameren. I'll
15 forward that to you.

16 MS. EAGAN: Okay.

17 MR. DUBOIS: Signage, we can
18 work on that. We haven't discussed that, but I would
19 like to --

20 MS. EAGAN: Okay.

21 MR. DUBOIS: Whatever you're
22 looking for. I guess you're looking for a street sign
23 down at the intersection mainly?

24 MS. EAGAN: Mainly are -- I
25 know in the beginning you guys talked about doing a

1 large sign for your subdivision.

2 MR. DUBOIS: Oh, entrance
3 monument signage?

4 MS. EAGAN: Uh-huh.

5 MR. DUBOIS: Okay. Yeah, there
6 is -- there is -- yeah, that --

7 MR. JOHN ROONEY: That has all
8 gone up.

9 MR. DUBOIS: That has gone in
10 front of the -- oh, I'm sorry.

11 MS. REPORTER: I'm sorry. If
12 you're going to talk, I'll have to swear you in.

13 CHAIRMAN EVANS: Yeah, we can
14 only have one person up. You have to state your name
15 and address and sign in.

16 (Thereupon, the witness was
17 sworn.)

18 MR. ROONEY: E44 Construction,
19 developer of the community. And yeah, the monument is
20 done. All the landscaping is done. All the easement
21 for maintenance of that is included.

22 Signage is up at the front. There was no
23 stop sign when I purchased the development. We've
24 fixed all that. We've met a lot with the Fire
25 Department on a lot of regular different bases, and

1 they've -- you know, as long as we do this 32-foot,
2 which we agreed to do, I think they're all -- they're
3 all good with it.

4 And a two-story model is going to be
5 introduced. We're working on a contract. Once we get
6 these -- hopefully get this detached, the two-story
7 model will come out as well.

8 MS. EAGAN: We do have a copy
9 of that in your file or your packet.

10 MR. ROONEY: Okay.

11 CHAIRMAN EVANS: So you're
12 comfortable all the things you have?

13 MS. EAGAN: Yeah.

14 MR. ROONEY: Just one real
15 quick comment. I've developed a lot of properties all
16 over St. Louis and throughout Franklin and Jefferson
17 -- or Jefferson County. This -- the barrier to sales
18 that we're experiencing is simply not the connection.
19 And folks are saying you know, we really like it.
20 It's an empty-nester plus 55 that wants to downsize.
21 It's new. Married couples that like it.

22 But there's a real aversion to that, and
23 we really do feel like we'll get some traction. We
24 want to get that 14 units going. We think
25 aesthetically and curb appeal it's much better.

1 And the one thing that was resounding in
2 the last meeting when folks were talking was about
3 property value. And our appraised value of a unit
4 that will be detached and will look like this far
5 exceeds something that has the attachment, as well as
6 the maintenance agreement that has to go in with it
7 for folks with roofing and what have you, as well
8 fire.

9 So thank you very much.

10 CHAIRMAN EVANS: Thank you.

11 Any other questions, comments?

12 (NONE)

13 And again, I guess this -- Mark, this is
14 kind of a point of order. Since this is an open
15 hearing, we also have to vote on this. We cannot
16 bypass the Review Committee?

17 COUNTY ATTORNEY PIONTEK:

18 Correct.

19 CHAIRMAN EVANS: Any other
20 questions?

21 (NONE)

22 Thank you.

23 MR. DUBOIS: Thank you.

24 CHAIRMAN EVANS: So again, to
25 move this file forward -- I'm sorry. Is there anybody

1 else wishing to speak in favor to this file?

2 (NONE)

3 Anyone wishing to speak in opposition?

4 (NONE)

5 All right. Thank you.

6 Again, to move this file forward to Old
7 Business and approve it, it would require a motion and
8 a unanimous vote. Otherwise, it would be sent to the
9 Review Committee.

10 Jay?

11 COMMISSIONER SCHULTEHENRICH:

12 I'll make a motion to send File 180225 to Old
13 Business.

14 COMMISSIONER HAIRE: I'll
15 second it.

16 CHAIRMAN EVANS: We have a
17 motion and a second to move File 180225 to Old
18 Business. All in favor signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER McLAREN: Aye.

21 COMMISSIONER WILLETTE: Aye.

22 COMMISSIONER WILLIAMS: Aye.

23 CHAIRMAN EVANS: Aye.

24 COMMISSIONER KLENKE: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 COMMISSIONER SCHULTEHENRICH:

3 Aye.

4 COMMISSIONER DUBBERT: Aye.

5 CHAIRMAN EVANS: Opposed?

6 (NONE)

7 The motion is carried unanimously.

8 Moving on to File 180257, Samantha

9 Williford.

10 Scottie, will you please give us the

11 details.

12 MS. EAGAN: This is

13 File 180257.

14 The applicant is Samantha Williford.

15 The applicant is requesting to host

16 special events, occasional in the No-Urban and

17 Agricultural zoning district.

18 The property is located on Mill Hill

19 Road, approximately one mile southwest of Highway TT

20 in Central Township.

21 The Facts: The total area for the

22 property is approximately 184 acres.

23 The zoning of this property is Non-Urban

24 and Agricultural. In this district, "Special Events,

25 Occasional" require a Conditional Use Permit.

1 The applicant wishes to use this property
2 to host special events occasional including workshops,
3 vendors, music, et cetera.

4 The surrounding properties are zoned
5 Non-Urban and Agricultural.

6 This property has access to Mill Hill
7 Road. This is a County road with a right-of-way width
8 of approximately 50 feet.

9 This property is surrounded primarily by
10 undeveloped land and the river to the south.

11 This property is located within Public
12 Water District Number 3 boundaries.

13 A large portion of the properties are
14 located within the floodplain.

15 The applicant has received a Conditional
16 Use Permit in 2013 to host Special Events, Periodic.

17 Staff Comments: Any buildings used or
18 built in connection with this CUP will need to be
19 approved by the Franklin County Building Department
20 for a commercial building.

21 All new and/or existing entrances onto
22 Mill Hill Road will need to be examined by the
23 Franklin County Highway Department for a commercial
24 entrance. Planning and Zoning shall receive a copy of
25 the permit prior to the applicant commencing any

1 activities on the property.

2 Any activity in the floodplain will
3 require a floodplain development permit.

4 Any building in the floodplain may
5 require an elevation certificate as well as a
6 floodplain development permit.

7 All conditions shall be completed within
8 one year of approval, unless otherwise stated.
9 Failure to meet all conditions may result in the
10 application expiring.

11 According to Article 12, Parking, 20
12 spaces are required unless otherwise stated in the
13 Conditional Use Permit.

14 CHAIRMAN EVANS: Thank you.

15 Is the applicant present?

16 MS. SAMANTHA WILLIFORD: Hello.

17 CHAIRMAN EVANS: If you would,
18 state your name and address and sign in, please.

19 (Thereupon, evidence was
20 marked for identification as
21 Proponent Exhibit 1.

22 Thereupon, the witness was
23 sworn.)

24 MS. WILLIFORD: My name is
25 Samantha Williford. I'm at 783 Lost Hill Lake Road,

1 St. Clair, Missouri.

2 Okay. I'm just going to go ahead and
3 read along here.

4 My name is Samantha Williford, and I own
5 and operate Lost Hill Lake Events. We have been
6 running a successful venue specializing in weddings
7 since 2013. We have hosted over 150 events in the
8 past five years, with over 40,000 guests visiting our
9 venue.

10 In the left flap of your folder, you will
11 find a current copy of our current Conditional Use
12 Permit.

13 Today I'm applying for a Special Events,
14 Occasional Permit for our current venue and more
15 surrounding property that helps support these new
16 events.

17 We are looking to host festivals,
18 jamborees or gatherings on our property, whatever the
19 hip term is to the time we are holding the event. We
20 would like to host up to 12 per year within the months
21 of May through October. So it'd be a potential for
22 two per month, and the events would have the
23 possibility to run Thursday through Sunday.

24 We have about a 200-acre property, and we
25 would be utilizing 50 acres for these events, and

1 there's site map on your next page. Mr. Evans and Mr.
2 Williams have a colored copy. Other people have black
3 and white. Sorry.

4 And we'd be asking for a maximum of 4,000
5 in attendance, and it takes years and years and years
6 any years to grow an event to 4,000. But that's what
7 our final goal would be.

8 All of our events will be slightly
9 different. They'll all include camping, enjoying
10 nature, earth skills, community, yoga and music. And
11 all events are promoted as family and kid friendly.

12 Tickets will be sold to the public
13 through a ticketing service such as Event Parade or
14 Simple Ticks. Food and craft vendors will be on-site
15 and required to have proper permits through Franklin
16 County and there is an example of that permit on the
17 second page of your left side of your folder.

18 My proposed conditions would be pretty
19 similar to our current CUP, which would be operating
20 months of May through October, formal events end at
21 1:00 a.m. and informal events such as camping go
22 through the night. We would like to utilize a 50-acre
23 space, and we would like to have six large festivals
24 per year with 500 to 4,000 in attendance. And then
25 six smaller concerts per year with 1 to 499 in

1 attendance.

2 And then if you go to the next page, we
3 have our site map that I have made on paint that kind
4 of shows the areas that we would like to be utilizing.

5 And then on the second page of the site
6 map is actually the drone footage that we were able to
7 take that we were able to make that sort of homemade
8 map.

9 We have four different ways that
10 attendees can access our venue between Highway 44,
11 Highway 30, and Highway 47, all maps will be provided
12 on our website as a pdf that attendants can print out
13 to help with directions to the venue.

14 We feel with four different ways to
15 access venue, we'll never have a problem with the
16 county or state roads being congested.

17 It's also important to note that all
18 attendees will arrive between Thursday and Saturday
19 morning, all at different times.

20 All of our entrances at our property are
21 already commercial entrances.

22 And then we -- I did some measuring with
23 -- roughly today, and we have some pictures showing
24 that our driveway to our entrance, we have cars going
25 in and out at the same time. It's the same width as

1 the county road, which is 20 feet and 6 inches. And
2 then our commercial entrance is 60 feet.

3 And then on the service entrance and fire
4 lane page, there is a map of what I'm calling the
5 formal venue. So this is where we're already set up
6 for the events that we currently host. So we already
7 have electric. We have rest rooms. We're completely
8 set up in this area. So this is where the formal
9 entrance is. Where it says the staff entrance, that
10 is where that fire lane side is that we already have
11 done with Franklin County.

12 And then on the next page is kind of a
13 zoomed-in map of the campsites. And so it's very hard
14 to put this to scale of 17 acres, but we wanted to
15 show that there would be campsites and then a line of
16 them and then a fire lane in between every one.

17 So -- and there's a fire lane that runs
18 the entire area of camping. So we want make sure that
19 we could keep that clear and if we had to have
20 emergency vehicles come in for any reason, that they
21 would be able to.

22 Trash and recycling. Dumpsters will be
23 provided in camping field one, which is that four-acre
24 field, during each event. Large industrial dumpsters
25 will be brought in on Wednesday and picked up on

1 Monday.

2 Smaller five-gallon trash barrels and
3 separate recycling barrels will be dispersed in the
4 formal and informal venue space. In the formal venue
5 space, compost barrels will also be provided.

6 Trash and recycling in-house team, the
7 Green Team, will check all trash and recycling
8 stations every two hours between the hours of 7:00
9 a.m. and 12:00 a.m.

10 Trash recycling and compost will all be
11 disposed of property. The amount of trash stations is
12 determined by our guest count.

13 Having a clean and beautiful
14 well-manicured venue is definitely our bread and
15 butter. So we take this extremely seriously. We also
16 have efforts to reduce waste.

17 The rest rooms. We've been working
18 exclusively with R & R Sanitation for the past five
19 years for our rest room needs. We based Port-A-Potty
20 quantities on expected guest count.

21 For every 50 guests, we will have one
22 Port-A-Potty and one hand-washing station. And
23 they're serviced as needed.

24 Rest rooms, we place around the venue and
25 camping areas, location and amount varies for each

1 event.

2 Security. Lost Hill Lake events will
3 provide in-house security during the day hours of each
4 event 8:00 a.m. to 8:00 p.m.

5 During the overnight times, 8:01 p.m.
6 through 7:59 a.m., there will be security provided
7 through a security company.

8 Number of overall security guards will be
9 determined by the amount of guests that we have at
10 each event. Security is a required service through
11 our insurance company to insure us for these types of
12 events.

13 Medical. Registered nurses from the
14 Franklin County and St. Louis area will provide
15 medical care, if need, in a medical tent. Nurses will
16 work 12-hour shifts, and be provided one volunteer to
17 provide assistance per shift.

18 Emergency services will be called if
19 needed.

20 Alcohol will be served and provided by
21 t's Liquor Lane in the formal venue space whenever the
22 music is playing.

23 Outside alcohol and food are not
24 permitted in the venue space when music is playing.

25 Formal music times will be different for

1 each event.

2 And attendees are allowed to have their
3 own alcohol at their campsite like any state park or
4 camping venue.

5 CHAIRMAN EVANS: Thank you.

6 Any questions?

7 COMMISSIONER HAIRE: I have
8 one. How many tent sites are you going to have on
9 this site do you plan?

10 MS. WILLIFORD: Well, if you --
11 if you go to the page where the campsites are, it's
12 hard to, like I said, put to scale campsites on a page
13 for 17 acres. But we feel with both camping fields,
14 so 21 acres of camping that we can host 4,000 people.

15 COMMISSIONER HAIRE: Well, how
16 many sites, actual sites? You said you're going to
17 have festivals and all that?

18 MS. WILLIFORD: Oh, no, no, no.
19 It's -- so festivals you come into a massive 17-acre
20 hay field, and we stake out the campsites with the
21 little orange plastic flags and then spray paint a
22 massive fire lane in between each strip of the
23 campsites.

24 So it's -- there is nothing that's
25 happening that is a permanent thing. It comes in and

1 leaves.

2 COMMISSIONER HAIRE: Okay.

3 What are the times for your events again?

4 I mentioned that earlier, I know.

5 MS. WILLIFORD: May through

6 October.

7 COMMISSIONER HAIRE: What

8 hours?

9 MS. WILLIFORD: Formal events

10 in our current CUP is until 1:00 a.m. So music --

11 anything that would be on a schedule, music, speaker

12 or workshop.

13 Informal events such as camping could go

14 overnight, but all the -- and that's happening inside

15 that 3.5-acre venue would be done at 1:00 a.m.

16 COMMISSIONER HAIRE: So are you

17 having your security, or after eight o'clock, you're

18 using an outdoor --

19 MS. WILLIFORD: And outside

20 company.

21 COMMISSIONER HAIRE: Okay.

22 CHAIRMAN EVANS: Let me just

23 clarify. You said it would all take place within the

24 3-1/2 acres. Here you have utilizing 50 acres.

25 MS. WILLIFORD: The formal

1 events. So the other 4-acre field and the 17--acre
2 field and our lake area that you see on the site map
3 are just sort of supporting areas. So all of the
4 music -- we're only set up in our 3.5 acre venue for
5 massive amounts of electric for music and that kind of
6 thing.

7 So those other areas would just be
8 supporting for camping.

9 CHAIRMAN EVANS: Okay. Thank
10 you.

11 Any other questions? Jay?

12 COMMISSIONER SCHULTEHENRICH:
13 And that, what you've just referred to and the limited
14 number of acres, that's where you currently have your
15 -- your activities at under the CUP?

16 MS. WILLIFORD: Our current CUP
17 is the 3.5-acre formal venue. And the other areas is
18 what I'm coming in and applying for today, to be able
19 to help support these bigger types of events. Because
20 currently we do events with weddings, and there, you
21 know, we maybe have 300 people coming. So that's
22 nothing like, you know, 500 to a thousand to 2,000.

23 So we're currently using the 3 1/2 acres
24 that we're already permitted for and have been for
25 five years.

1 COMMISSIONER SCHULTEHENRICH:
2 Well, I'm familiar with your venue there and I was
3 here when you --

4 MS. WILLIFORD: I remember, and
5 you had the trash questions, and we take that very
6 seriously.

7 COMMISSIONER SCHULTEHENRICH: I
8 did, and you certainly do.

9 MS. WILLIFORD: Thank you.

10 COMMISSIONER SCHULTEHENRICH: I
11 applaud you for that very much so. And you run a very
12 good --

13 MS. WILLIFORD: Thank you.

14 COMMISSIONER SCHULTEHENRICH: --
15 a very good operation there.

16 MS. WILLIFORD: Thank you. We
17 love it.

18 COMMISSIONER SCHULTEHENRICH: I
19 guess a little bit, I know you were here when we had
20 another issue as well speaking of some concerns having
21 to do with traffic concerns as well as trucks or so.

22 When you talk about RVs and the one --
23 the road down there on Mill Hill is around the 90
24 degree, I call it, at Lost -- what is it Lost Hill?

25 MS. WILLIFORD: Yeah, deadman's

1 curve.

2 COMMISSIONER SCHULTEHENRICH:

3 Yeah, that's not been repaired from the last time.

4 MS. WILLIFORD: It's criminal
5 that the County has that road open. It's very
6 dangerous.

7 COMMISSIONER SCHULTEHENRICH:

8 There --

9 MS. WILLIFORD: It should be
10 shut down at the last part of our venue.

11 CHAIRMAN EVANS: Ron, would you
12 like to say something?

13 MS. WILLIFORD: It is. If you
14 haven't been out to look at it personally, it is scary
15 and it's concerning that it's open.

16 COMMISSIONER WILLIAMS: I don't
17 mind jumping in. This is off the subject. If there
18 was some worthwhile property over there, if you give
19 us some property, we would cut down the hill there and
20 leave it open.

21 MS. WILLIFORD: Oh, yeah, cut
22 down the -- no.

23 So we -- it is open and guests do come
24 that way. If it was closed, guests would not be able
25 to come that way. Our property we'd be the end of the

1 line. We would have no traffic. It would be a dream,
2 but that is not the case.

3 COMMISSIONER SCHULTEHENRICH:

4 But you may not -- my point is you may not be able to
5 get some RVs in through that -- through that road area
6 unless it's going to be fixed.

7 MS. WILLIFORD: My argument
8 would be the County -- that would be the County has it
9 open. So RVs would -- there's no sign that says no
10 vehicles this big can't pass. It's open. So yeah,
11 that's up to the County.

12 COMMISSIONER WILLIAMS: There
13 is another access --

14 MS. WILLIFORD: There is, yes.

15 COMMISSIONER WILLIAMS: -- at
16 Brush Creek.

17 COMMISSIONER SCHULTEHENRICH: I
18 understand. I'm well aware of that.

19 MS. WILLIFORD: Well, you can
20 take right where Lewis' Cafe is in St. Clair. Mill
21 Hill Road is directly across from that. You can take
22 that all the way down. You don't even have to go over
23 Brush Creek or anything.

24 Or you could come off of 44 and 47 and go
25 Commercial, the outer road, to TT and then come down

1 Brush Creek. Or you could get off at 240/AH and come
2 down TT to Brush Creek to Mill Hill. So we have quite
3 a few different ways to get people here.

4 COMMISSIONER SCHULTEHENRICH:
5 Just curious. Again, some have spoken on one other
6 requests that we had in that area, and are you
7 planning on having any fireworks or anything in
8 that --

9 MS. WILLIFORD: No.

10 COMMISSIONER SCHULTEHENRICH:
11 -- in that area down in there?

12 MS. WILLIFORD: We're not
13 permitted to have fireworks.

14 COMMISSIONER SCHULTEHENRICH:
15 There's a concern over there where bats and everything
16 that was in that given area.

17 MS. WILLIFORD: Yeah. No, we
18 don't allow fireworks at our venue. And our insurance
19 has really made that a big point.

20 COMMISSIONER SCHULTEHENRICH:
21 Well, as I said, you have done a very nice job.

22 MS. WILLIFORD: Thank you.

23 COMMISSIONER SCHULTEHENRICH:
24 Because I have gone by there after you've had some
25 events, and I will say you've been very true to your

1 word in regards to making sure the trash is no longer
2 on the ground, et cetera.

3 MS. WILLIFORD: Absolutely.
4 It's very hard to sell a potential client at 10:00
5 a.m. on Sunday morning when you had a wedding on
6 Saturday night and the venue doesn't look nice. So we
7 are very on cleaning it up.

8 COMMISSIONER SCHULTEHENRICH:
9 Okay. Thank you.

10 MS. WILLIFORD: You're welcome.

11 CHAIRMAN EVANS: Debbie?

12 COMMISSIONER WILLETTE: I have
13 a question. Just -- just to clarify, you've got the
14 events would have the possibility to be Thursday
15 through Sunday.

16 MS. WILLIFORD: Uh-huh.

17 COMMISSIONER WILLETTE: Does
18 that mean camping for the three or four days they
19 would stay?

20 MS. WILLIFORD: Uh-huh.

21 COMMISSIONER WILLETTE: Okay.
22 I just wanted to clarify that.

23 MS. WILLIFORD: Yes, thank you.
24 Not all will be that, but we want to have the option
25 to do that. That's a big weekend for us.

1 CHAIRMAN EVANS: Ron?

2 COMMISSIONER WILLIAMS: I'm
3 confused on what we're exactly talking about for the
4 CUP. Are we just talking about the approximately 25
5 acres that is south of the Mill Hill, or are we
6 talking about the full 200 acres?

7 MS. WILLIFORD: On page 3,
8 that's what we're looking at, and that is about 50
9 acres.

10 COMMISSIONER WILLIAMS: Okay.

11 MS. WILLIFORD: So that's what
12 we've -- so most -- the main formal events would have
13 another venue, and the other about 46.5 would be
14 supporting areas that we could do camping and...

15 CHAIRMAN EVANS: Again, this is
16 a Conditional Use Permit. So the Commission allowed to
17 anyway required to place whatever conditions that they
18 see fit on here and make sure that it works.

19 And I think that the conditions that were
20 on the previous CUP, 1:00 a.m. May through October,
21 Thursdays through Sunday, were included on that
22 original, I think, CUP. And if there's any other
23 conditions that the Commissioners would see fit to put
24 on here...

25 MS. EAGAN: Bill, can I just

1 clarify that?

2 CHAIRMAN EVANS: Sure.

3 MS. EAGAN: The camping aspect
4 of this is permitted. So you -- you know, you can say
5 Thursday through Sunday, but that's for her special
6 events, occasional. That's not for camping. If
7 somebody is there camping on a Tuesday, they can still
8 come camp on a Tuesday.

9 CHAIRMAN EVANS: Right, right.
10 Yeah, but I was just saying for the CUP for this
11 special events.

12 Bill?

13 COMMISSIONER TOBBEN: Can I
14 Just get some clarification. So will the existing
15 CUP, the new CUP if we approve, will that supercede
16 the existing CUP, or will that CUP still be --

17 MS. EAGAN: They're for two
18 separate things.

19 COMMISSIONER TOBBEN: Okay.

20 MS. EAGAN: So the first one is
21 for wedding events only, the special events periodic
22 which is now special occasions.

23 And then this one will be for more of the
24 festival type events where music, bands come out and
25 they sell tickets. People camp for the weekend and

1 listen to the bands, so on and so forth.

2 So they'll have two Conditional Use
3 Permits for one piece of property.

4 CHAIRMAN EVANS: Right, and
5 that question had came up -- has come up before about
6 you can't have two CUPs for the same property.

7 MS. WILLIFORD: I did not know
8 that.

9 CHAIRMAN EVANS: I didn't even.
10 I'm the one who asked the question.

11 COMMISSIONER McLAREN: Mr.
12 Chairman?

13 CHAIRMAN EVANS: Bill?

14 COMMISSIONER McLAREN: I'm kind
15 of confused here, and I think you do a great job
16 running your events. So don't take my question to be
17 just whatever.

18 I guess I'm a little bit confused. I
19 thought this special event occasional was that this --
20 what we're suggesting is more special events periodic
21 if it's doing twice a month every month for six
22 months, versus I thought the special event occasional
23 was more like what we did for the eclipse viewing or
24 Buccanan's or stuff like that that was a lot more
25 specific about what was going -- going to happen there

1 because it had been explained to me before if you're
2 going to have 500 people there, it's one thing.

3 If you're going to have 1,500 people
4 there, it's a whole separate situation.

5 So maybe you could better define for me,
6 please.

7 CHAIRMAN EVANS: But I know
8 when I look at it, the way I look at it is -- to keep
9 it simple, in the special events periodic, then no
10 one's paying, weddings, whatever.

11 And if it's special events occasional,
12 you're paying.

13 MS. WILLIFORD: Like an open
14 ticket --

15 CHAIRMAN EVANS: You pay, there
16 are services.

17 MS. WILLIFORD: -- to the
18 public?

19 MS. EAGAN: Right.

20 CHAIRMAN EVANS: Right, open to
21 the public. So...

22 MS. EAGAN: So the definition,
23 we don't have special events periodic anymore. So I
24 can't give you that definition.

25 But the special events, occasional, the

1 definition reads, "Circuses, fairs, carnivals,
2 festivals, or other types of special events that are
3 intended to or likely to attract substantial crowds
4 and are unlike the customary or usual activities
5 generally associated with the property where the
6 special event is to be located."

7 And when Samantha and I were talking, the
8 things -- a lot of the things she wants to do are
9 accessory to camping. She doesn't need to worry about
10 that, but she did have -- I forget what it's called
11 that you had up there. Something about the moon.

12 MS. WILLIFORD: Oh, full moon
13 gathering.

14 MS. EAGAN: Right. Where they
15 brought in different bands and had people buy tickets
16 to come and stay. They had vendors there. You could
17 get food there.

18 MS. WILLIFORD: Oh, that was
19 picking on picnic.

20 MS. EAGAN: Yes, that's it.

21 MS. WILLIFORD: That's what we
22 got the event --

23 MS. EAGAN: The letter about.

24 MS. WILLIFORD: And we came in.

25 MS. EAGAN: Right. So we

1 notified her saying hey, you can't do these activities
2 without this special event occasional because you are
3 hosting something like a festival in Franklin County.

4 And so that's why they're here, because
5 they want to have a gathering open to the public,
6 families where they bring in music acts, they bring in
7 vendors, they bring in food. And then they can camp.

8 So it's the really smaller version of
9 darkening of the sun. I don't want to compare the two
10 because his was so over-the-top and a one-time thing.
11 But it's similar in nature in terms of the bands, the
12 vendors, stuff of that nature.

13 MS. WILLIFORD: And I did want
14 to point out that I am applying for 12 basically
15 because I don't want to have to come back here in two
16 years and reapply, but for example, for 2019, we're
17 hoping if all goes well here that we would have two of
18 these events in 2019.

19 So I have room for growth here. And
20 that's the goal with all of these events. But it
21 takes time for growth for sure.

22 MS. EAGAN: They'll still be a
23 wedding venue.

24 MS. WILLIFORD: Uh-huh.

25 COMMISSIONER McLAREN: I'm

1 sorry. I didn't understand. What did you just say
2 you were applying for?

3 MS. WILLIFORD: So we're -- for
4 2019, if we get approved for here with this and
5 everything, our goal would be to have two of these
6 types of events. To put on an event like this is a
7 massive undertaking for the planner and the venue.

8 So we would be having two next year, and
9 that would be our goal. But I'm applying for 12
10 because Scottie said come in and what you hope to be
11 at and not what you're going to be at next year.

12 And I didn't want to have to come back in
13 three years and oh, we've grown and we can now -- we
14 have people that want to come 12 times a year. But
15 we're not currently there.

16 COMMISSIONER McLAREN: Scottie,
17 are there any other -- in Franklin County, do we have
18 anything else like this?

19 MS. EAGAN: Not that we are
20 aware of.

21 CHAIRMAN EVANS: And again,
22 most of the -- if you have music, all the formal
23 events would have to take place on that 3 1/2 acres.

24 MS. WILLIFORD: We're really
25 not set up anywhere else to do any other type of

1 event. The electric is, especially for music, is the
2 biggest thing that has to happen in the formal venue
3 space.

4 CHAIRMAN EVANS: Okay.

5 MS. WILLIFORD: All the other
6 spaces truly supporting space for camping.

7 CHAIRMAN EVANS: Supporting
8 space for camping. So I would think that that's all
9 the conditions that we required in the additional CUP
10 then would be exactly the same as for this.

11 COMMISSIONER HAIRE: I don't
12 have any real concern given the relative -- even
13 though there's several ways of getting into your
14 place, let's say you did grow and you're very
15 successful and you get to 3,000 people at an event.
16 What type of traffic issues and all that are we going
17 to cause in the area and how would be deal with this?

18 MS. WILLIFORD: Uh-huh.
19 Absolutely. We feel like there are two different ways
20 to get to us off of Highway 44, and you know, also
21 it's very important to note at these events if we ran
22 Thursday through Sunday, that gates would open, let's
23 say Thursday for some events at 10:00 a.m.

24 So people would be coming in Thursday at
25 10:00 a.m. all the way till Saturday at 10:00 a.m.,

1 potentially. So it's not going to be 3,000 people
2 coming at, you know, a two-hour timeframe because that
3 would definitely a concern, but that's not the case.

4 CHAIRMAN EVANS: But are you
5 looking at both shows being multi-day events?

6 MS. WILLIFORD: Some. So like
7 the six smaller concerts per year, my goal for that
8 would be say we had a wedding on Saturday that we're
9 already booked for. so we could not host a
10 weekend-long festival over the weekend. So Friday at
11 5:00 p.m. our gates would open for a concert that
12 would maybe go from 6:00 to 11:00.

13 I do not want to be out till 1:00 a.m.
14 every weekend. We end our weddings at 11:00 p.m.

15 So we would do music on Friday nights,
16 and if they wanted to pay an extra fee to camp and
17 stay the night, they could, and then they would have
18 to be out by Saturday morning at 9:00 a.m.

19 So that would be an example of a smaller
20 concert. But then some of the larger festivals, so
21 one that we would like to run in May 2019 would be
22 Friday at 10:00 a.m. the gates would open, and the
23 gates would close Sunday at 4:00 p.m.

24 One that we would hope to run in July of
25 2019 gates would open at Thursday at 11:00 a.m. and

1 Sunday about 3:00 p.m. So they're all going to vary a
2 little bit.

3 CHAIRMAN EVANS: All right.

4 Yeah, I was just following up on Dan, because when you
5 said there's mini concerts like Friday night, --

6 MS. WILLIFORD: Uh-huh.

7 CHAIRMAN EVANS: -- then you
8 wouldn't have everybody coming Friday night --

9 MS. WILLIFORD: Yeah.

10 CHAIRMAN EVANS: -- and leaving
11 Friday night.

12 MS. WILLIFORD: It's --
13 concerts we would have probably two or three bands
14 playing, and definitely there are some people that are
15 getting off work and they're coming and waiting at
16 5:00 p.m. to get in. But then there are some people
17 that are coming from St. Louis, don't get off work
18 till 5:00. Getting to us 6:00, 6:30. So ticket gate
19 would be open on something like that from like 5:00
20 p.m. to 7:00 p.m.

21 CHAIRMAN EVANS: Okay.

22 MS. WILLIFORD: And that would
23 be up to 5 -- 499 attendees, much smaller groups for
24 much more local smaller things.

25 CHAIRMAN EVANS: All right.

1 Any further discussion? Any suggestions
2 on the conditions that we feel would be appropriate?

3 MS. EAGAN: You want to open it
4 up to the public?

5 CHAIRMAN EVANS: Yeah.

6 Debbie.

7 COMMISSIONER WILLETTE: Sorry.
8 I'm wondering if the Planning and Zoning Commission
9 needs to make sure that we go on record since this is
10 in a floodplain addressing the safety of the patrons?
11 Is that something we --

12 MS. EAGAN: Well, I mean, do --
13 we do have floodplain regulations that they will have
14 to follow regardless if you guys put them on.

15 COMMISSIONER WILLETTE: Okay.

16 Okay. All right, thank you.

17 CHAIRMAN EVANS: Any other
18 questions?

19 (NONE)

20 Thank you.

21 Anyone else wishing to speak in support
22 for this file?

23 (NONE)

24 Anyone wishing to speak in opposition?

25 (NONE)

1 Okay. The floor is open for discussion.

2 COMMISSIONER McLAREN: Mr.

3 Chairman, you know, I -- I guess I've got a couple of
4 things and probably Samantha will have to come back up
5 to answer them.

6 But road around outside, is that the
7 service road or what do you address it as?

8 MS. WILLIFORD: We're calling
9 it the service road and the fire lane road.

10 COMMISSIONER McLAREN: The fire
11 lane road.

12 MS. WILLIFORD: Uh-huh. So we
13 in our current formal venue space, we have
14 County-regulated fire lane signs. But that's
15 something I would really love to put up on -- in the
16 4-acre field and the 17-acre field so people know
17 that's a fire lane.

18 COMMISSIONER McLAREN: Well,
19 the 17-acre field, with it being in the river bottom,
20 are you going to -- are you going to actually build a
21 rock road around that?

22 MS. WILLIFORD: Around the
23 entire area, yes. The little fire lanes that you see
24 in the 17 acres, no.

25 COMMISSIONER McLAREN: Okay.

1 The outside being suitable in rain and
2 fire truck?

3 MS. WILLIFORD: Yes. Yes,
4 absolutely.

5 COMMISSIONER McLAREN: That
6 would be a way for that to get through.

7 MS. WILLIFORD: Absolutely.

8 COMMISSIONER McLAREN: I guess
9 another concern, knowing -- that's Mill Hill,
10 correct?

11 MS. WILLIFORD: Yes.

12 COMMISSIONER McLAREN: Knowing
13 Mill Hill the way it was or is and knowing the way
14 another special event occasional permit, there was I
15 that eventually the County required them to put a
16 staging road in along side that they had a place for
17 the cars to park, or stand while they were waiting to
18 get through the line. I mean, it's --

19 MS. WILLIFORD: If you can go
20 to page 3, we sort of have that as our driveway. It
21 comes in -- so it sort of bottlenecks and then it
22 opens up, our road does. And so our gate -- out gate,
23 where we would accept tickets and everything, would be
24 much farther up. Because we absolutely do not want
25 any sort of backup on Mill Hill.

1 So that's very important.

2 COMMISSIONER McLAREN: But
3 that's right beside your venue right now, right?

4 MS. WILLIFORD: Yes, it's the
5 -- yeah, it's where the little -- you kind of see the
6 gravel strips.

7 COMMISSIONER McLAREN: Okay.

8 But it starts from your gate and goes to
9 the kind of like almost to the river?

10 MS. WILLIFORD: Yes.

11 COMMISSIONER McLAREN: Okay.

12 MS. WILLIFORD: And there are
13 four separate roads.

14 COMMISSIONER McLAREN: Okay.

15 MS. WILLIFORD: Gravel roads.

16 COMMISSIONER McLAREN: Yes.

17 Okay. So where would the gate for your
18 ticket -- is the gate for your ticketing would be at
19 the end of those four rows?

20 MS. WILLIFORD: It would vary
21 per event, so an event with 500 --

22 COMMISSIONER McLAREN: I'm just
23 worried about --

24 MS. WILLIFORD: Yeah, backup on
25 Mill Hill.

1 COMMISSIONER McLAREN: -- I'm
2 sitting on Mill Hill here at the bottom of the hill
3 coming down, and somebody who's not familiar with it.

4 MS. WILLIFORD: Absolutely.
5 Absolutely. I'm trying to think if we really did grow
6 to 4,000 people, yes, it would need to be at the very
7 end of that road.

8 For an event with 500 people, it could be
9 sort of where -- do you see where it sort of branches
10 off into the four separate roads? That's where we've
11 done it before for an event with about 500 people, and
12 it worked out very well because again, when we're
13 having multiple days, everyone is not coming in at the
14 same time.

15 And for the smaller concerts, it would be
16 limited to under 500 people.

17 COMMISSIONER McLAREN: And I
18 don't have a concern with 500 people. I do have with
19 4,000 people.

20 MS. WILLIFORD: Sure.

21 COMMISSIONER McLAREN: And we
22 really only get one chance to do this right.

23 MS. WILLIFORD: Yeah,
24 absolutely.

25 COMMISSIONER McLAREN: You get

1 several chances to grow and figure it out, and we get
2 one chance the way we're going to say this is the way
3 we want you to try to do it. So --

4 MS. WILLIFORD: Sure.

5 COMMISSIONER McLAREN: --
6 that's my concern.

7 CHAIRMAN EVANS: Any other
8 discussion?

9 (NONE)

10 Again we go to do we want to place any
11 conditions?

12 MS. EAGAN: Bill, can I ask a
13 question.

14 So currently the way it's written here
15 conditional use permit we do for 184 acres. Your
16 presentation says 50, but it sounds like the majority
17 of the activity that falls under special events,
18 occasional is going to take place on that same acreage
19 that -- your wedding facility.

20 MS. WILLIFORD: That I'm
21 already permitted for.

22 MS. EAGAN: Would it be
23 detrimental to you if they did put a condition on
24 there that said, you know, all formal activities take
25 -- have to take place south of Mill Hill or within the

1 3.5 acres as on your site plan or something like that
2 so it's not to the full 184 acres?

3 MS. WILLIFORD: It wouldn't
4 affect us much because we are -- have a condition on
5 ourselves with electric. So we don't have electric
6 capabilities in these other fields that we can have
7 great stages without just generators, and we're not
8 looking to get into all of that.

9 So we are definitely looking to keep the
10 activities in the 3 1/2 acres. And there will
11 definitely be like little nature walks that we'll do
12 around the camping areas and things like that, but the
13 formal activities will happen in the main venue.

14 MS. EAGAN: So south of Mill
15 Hill Road is mainly where everything is taking place?

16 MS. WILLIFORD: Yes.

17 MS. EAGAN: Okay.

18 CHAIRMAN EVANS: Would we want
19 to make that a condition?

20 COMMISSIONER HAIRE: I think we
21 probably should move this to the Review Committee and
22 let's, you know, come back and think about this a
23 little bit.

24 COMMISSIONER SCHULTEHENRICH: I
25 would agree with you.

1 CHAIRMAN EVANS: We can do
2 that.

3 Any further discussion otherwise?

4 COMMISSIONER McLAREN: I'd like
5 to say that I like this idea a lot better, and it's
6 not because the current operators, but if they lease
7 something out and somebody else and we give them a
8 blanket everything, you know, because the CUP follows
9 the property not the -- not the manager or the
10 ownership.

11 MS. EAGAN: I'm glad that you
12 specified.

13 (CROSSTALK)

14 COMMISSIONER McLAREN: We can
15 specify that?

16 MS. WILLIFORD: Yeah, we -- I
17 cannot.

18 CHAIRMAN EVANS: We can specify
19 a time limit. We consider her for five years.

20 COMMISSIONER HAIRE: I move
21 that we take File 180260 and move it to the Review
22 Committee.

23 COMMISSIONER McLAREN: Second.

24 CHAIRMAN EVANS: We have our
25 motion and the second.

1 MS. EAGAN: 180257?

2 COMMISSIONER HAIRE: No, 26 --

3 I'm going to read the wrong one.

4 MS. EAGAN: You said 26

5 something.

6 COMMISSIONER HAIRE: I'm --

7 CHAIRMAN EVANS: 180257.

8 COMMISSIONER HAIRE: -257. I'm

9 sorry. I was looking at the wrong numbers when I was

10 doing that.

11 CHAIRMAN EVANS: Okay. We have

12 a motion a second to move File 180257 to Review

13 Committee. Then we want to put a daytime limit on

14 here and leave this file open for any period.

15 COMMISSIONER WILLIAMS: On the

16 3rd.

17 CHAIRMAN EVANS: Sounds good.

18 You good with that, then? It's your motion?

19 COMMISSIONER McLAREN: Yes.

20 CHAIRMAN EVANS: All right. We

21 have a motion and a second to send this to the Review

22 Committee. The file will be -- remain open till

23 December 3rd. All in favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER WILLETTE: Aye.

2 COMMISSIONER WILLIAMS: Aye.

3 CHAIRMAN EVANS: Aye.

4 COMMISSIONER KLENKE: Aye.

5 COMMISSIONER HAIRE: Aye.

6 COMMISSIONER TOBBEN: Aye.

7 COMMISSIONER SCHULTEHENRICH:

8 Aye.

9 COMMISSIONER DUBBERT: Aye.

10 CHAIRMAN EVANS: Opposed?

11 (NONE)

12 Motion is carried.

13 And I keep everyone around, but if
14 there's no dissent, I suggest we take a short break.

15 (BREAK TAKEN)

16 All right. I'd like to call the Zoning
17 Commission meeting back in order.

18 We are under New Business File 180259.

19 Let the record show that Commissioner Tobben has
20 recused himself.

21 (Commissioner Tobben recused)

22 Michael Hildebrand. Scottie, give us the
23 details.

24 MS. EAGAN: This is File
25 180259, Michael Hildebrand.

1 The applicant is requesting to conduit
2 manufacturing, light with more than five employees in
3 the Community Development zoning district.

4 The property is located at 3695 Highway
5 MM, approximately .25 miles west of Highway 100 in
6 Boles Township.

7 The Facts: The total area for the
8 property is approximately 11.4 acres.

9 The zoning of this property is Community
10 Development. In this district, "Manufacturing Light"
11 with more than five employees requires a Conditional
12 Use Permit.

13 The surrounding properties are zoned
14 Community Development.

15 This property has access to Highway MM.
16 This is a state-maintained road with a right-of-way
17 width of 40 feet.

18 Directly south of the proposed
19 development is a 47-lot subdivision, "Pine Lake
20 Estates".

21 Directly north of the property, across
22 Highway MM. appears to be the railroad.

23 This property is located within Public
24 Water District Number 3 boundaries.

25 In 2003, this property received a

1 Conditional Use Permit for a major subdivision for
2 multi-family housing. Nothing ever came of the
3 subdivision, and therefore, the previous CUP had
4 expired.

5 Staff Comments: Any buildings used or
6 built in connection with this CUP will need to be
7 approved by the Franklin County Building Department
8 for a commercial building.

9 All new and/or existing entrances onto
10 Highway MM will need to be examined by MoDOT for a
11 commercial entrance. Planning and Zoning shall
12 receive a copy of the permit prior to the applicant
13 commencing any activities on the property.

14 All conditions shall be completed within
15 one year of approval, unless otherwise stated.
16 Failure to meet all conditions may result in the
17 application expiring.

18 CHAIRMAN EVANS: Thank you.

19 Is the applicant present?

20 If you would state your name and address
21 and sign in please.

22 MR. MICHAEL HILDEBRAND: 924
23 Forest Lake Court, Ballwin, Missouri.

24 (Thereupon, the witness was
25 sworn.)

1 CHAIRMAN EVANS: Please go
2 ahead.

3 MR. HILDEBRAND: Okay. I own a
4 company called Precision Equipment Systems. We're
5 currently in Labadie, Missouri in a rented building.
6 We're in the middle of purchasing another piece of
7 property, and we would like to put our importation
8 warehousing and training facility on the piece of
9 property.

10 We do automotive equipment as a
11 distribution and across the nation. We had -- at this
12 point, we have eight employees. A Conditional Use
13 Permit under the currently zoning is five. We would
14 like to move our business to his location, which
15 requires a Conditional Use Permit.

16 CHAIRMAN EVANS: And this would
17 be new construction?

18 MR. HILDEBRAND: Yes.

19 CHAIRMAN EVANS: And exactly
20 what do you -- what do you do for business?

21 MR. HILDEBRAND: We import
22 automotive equipment such as welding equipment,
23 spraying machines to support Audi, Volkswagen,
24 Mercedes Benz, and all the car manufacturers. We
25 supply it to the auto repair facilities and the body

1 shops across the nation.

2 We have a distribution network that the
3 equipment comes into our facility. We assemble and
4 ship it out to the distribution across the country.

5 CHAIRMAN EVANS: How do you
6 ship it out?

7 MR. HILDEBRAND: Usually just
8 an LTL shipment, a palletizer. A truck will come in
9 and they put in a load and ship on an LTL carrier.

10 CHAIRMAN EVANS: Okay.

11 MR. HILDEBRAND: Such as Yellow
12 Freight, FedEx.

13 CHAIRMAN EVANS: I just was
14 looking for there would be a lot of traffic.

15 MR. HILDEBRAND: We average --
16 there's a truck, one truck a day maybe comes and goes.
17 A FedEx truck will come by, make a 15-minute stop to
18 pick up the pallets leaving out of the office.

19 CHAIRMAN EVANS: Same thing on
20 the parts coming in?

21 MR. HILDEBRAND: Coming in we
22 -- most of our equipment comes in by container, so we
23 may get two containers a month.

24 CHAIRMAN EVANS: Okay. And
25 it's basically assembling?

1 MR. HILDEBRAND: Assemble and
2 then distribution.

3 CHAIRMAN EVANS: And
4 distribution?

5 MR. HILDEBRAND: Yes.

6 COMMISSIONER HAIRE: So you
7 don't do a value added to -- just pure assembly; you
8 don't add any value to what you're doing?

9 MR. HILDEBRAND: We do all the
10 training, support, marketing and supply to the United
11 States on the equipment that we import in. We hold
12 training classes for our distribution. We'll hold
13 training classes for technicians across the country to
14 be certified in different aspects of repair.

15 CHAIRMAN EVANS: So you do have
16 customers come on-site?

17 MR. HILDEBRAND: On a limited
18 basis. Most of it is my -- my distribution network
19 that will train the trainer, and then they'll do the
20 trainings out in the field. So we hold a couple of
21 training classes a year to train our distribution
22 network, and then they apply the classes across the
23 nation.

24 CHAIRMAN EVANS: And that would
25 be how many people involved?

1 MR. HILDEBRAND: At this time,
2 I have 18 distributors. So...

3 CHAIRMAN EVANS: And it's
4 classroom training or OTJ training?

5 MR. HILDEBRAND: It's partial
6 hands-on and partial classroom training.

7 CHAIRMAN EVANS: Okay.
8 Any questions? Debbie?

9 COMMISSIONER WILLETTE: Can you
10 tell me what does the assembly consist of, what kind
11 of tooling is used?

12 MR. HILDEBRAND: It's just
13 small hand tools. Unpack a piece of iron. On one
14 machining, we have to put what's called a pulling tower
15 on a frame rack. So we unpack the tower, mount it on
16 the machine, and then assembly the parts and pieces to
17 be able to put it into a truck and ship it.

18 COMMISSIONER WILLETTE: Are you
19 using anything like welders or impact wrenches or
20 something?

21 MR. HILDEBRAND: Well, yeah,
22 we'll use impact wrenches and we sell a variety of
23 welding equipment that occasionally comes back to our
24 facility for repairs. So you have to test it to make
25 sure that it's working properly.

1 COMMISSIONER WILLETTE: Okay.

2 Thank you.

3 CHAIRMAN EVANS: But it's,
4 again, it's assembly. No chemicals involved?

5 MR. HILDEBRAND: No.

6 CHAIRMAN EVANS: Ron?

7 COMMISSIONER WILLIAMS: Is
8 everything done inside the building?

9 MR. HILDEBRAND: Yes.

10 COMMISSIONER WILLIAMS: Okay.

11 And how big is your space out at Labadie?

12 MR. HILDEBRAND: I'm currently
13 operating out of two buildings that the main building
14 is 6,000 square feet, and the upper building is
15 approximately 4,500 square feet.

16 COMMISSIONER WILLIAMS: And the
17 size of your proposed building would be?

18 MR. HILDEBRAND: Approximately
19 12,000.

20 COMMISSIONER WILLIAMS: And
21 your spaces hopefully future plans for expansion?

22 MR. HILDEBRAND: If necessary.

23 CHAIRMAN EVANS: Again, a
24 question. You have the two plots there, I guess, two
25 parcels, and you have the building down to one end.

1 Any particular reason you have it located where you do
2 on that property?

3 MR. HILDEBRAND: We just wanted
4 to disturb the least amount of the property. From an
5 entrance and exit standpoint, that seemed to be a
6 logical location.

7 CHAIRMAN EVANS: Okay.

8 COMMISSIONER HAIRE: What's
9 your hours of operation?

10 MR. HILDEBRAND: Hours of
11 operation are usually 8:00 to 5:00, Monday through
12 Friday.

13 CHAIRMAN EVANS: Any other
14 questions?

15 MS. EAGAN: Bill, just to
16 clarify, it's only one parcel.

17 CHAIRMAN EVANS: Pardon?

18 MS. EAGAN: It's only one
19 parcel. You stated it as two. It's just one.

20 CHAIRMAN EVANS: Okay. That's
21 why I asked his parcel was, and is that very long thin
22 piece because on his -- what he submitted it has
23 parcel 1 and parcel 2.

24 MS. EAGAN: Oh, well, on our
25 system it's just one parcel.

1 MR. HILDEBRAND: The current
2 owner is going to retain that parcel I think you're
3 speaking about.

4 MS. EAGAN: I don't even know
5 what parcel that is.

6 CHAIRMAN EVANS: Well, it looks
7 almost like a railway when I look at the parcel 1. A
8 very long strip and it's parcel 1, 1.485 acres.

9 MS. EAGAN: Yeah, I see. I see
10 that on the drawing but our mapping system only shows
11 it as one parcel being that 12. -- what is it? -- 11.4
12 acres. So if that truly is a part of the property that
13 the current owner wants to retain and keep it as a
14 parcel, the only way that can be done is with a major
15 subdivision.

16 MR. HILDEBRAND: No, there was
17 this third piece that was a strip along it. We might
18 be talking about the wrong piece.

19 CHAIRMAN EVANS: See that's the
20 piece I'm looking at, the strip that's along the road.

21 MR. HILDEBRAND: Yeah, down --
22 no, the strip along the road is part of the main
23 parcel.

24 CHAIRMAN EVANS: Okay.

25 MR. HILDEBRAND: There is

1 another strip that's like that that's on the other
2 side of the road I believe that is going to be
3 retained by the current owner.

4 CHAIRMAN EVANS: Okay. It's
5 just listed under submission as parcel 1 and parcel 2
6 is why I asked, but it's all one parcel then?

7 MR. HILDEBRAND: Yeah, yes.

8 CHAIRMAN EVANS: Okay.

9 MR. HILDEBRAND: In front of
10 Lot 44 and 58, that's the parcel that the current
11 owner is going to retain. Up a little farther along
12 the road, it's got like a blue line through it.

13 MS. EAGAN: Yeah, I see what
14 you're saying.

15 MR. HILDEBRAND: Right there.
16 That 59 feet or...

17 CHAIRMAN EVANS: Okay.

18 Any other questions?

19 (NONE)

20 All right. Thank you.

21 Is there anyone else wishing to speak in
22 favor of this file?

23 (NONE)

24 Anyone wishing to speak in opposition?

25 Will you please come forward. If you

1 would state your name and address and sign in, please.

2 MR. KEMP RAWLINGS: Kemp

3 Rawlings, 2200 Pine Lake Loop, Gray Summit.

4 (Thereupon, the witness was
5 sworn.)

6 I'm on the Board of Trustees of Pine Lake
7 and we have part of our subdivision with us, and then
8 I'd kind of like to speak for the other half that
9 couldn't make it. I think a lot of our concerns is
10 additional traffic on the road, only with Purina and
11 the other traffic now it already backs up in front of
12 us, and five o'clock at night it's backed up in front
13 of us. Additional trucks that I guess would be
14 entering this. Well, there's already issues at MM and
15 100 already.

16 I think you know that would be an issue.
17 I'm not sure that this ground would meet that use or
18 not. I know we'd like to see residential but it's not
19 our decision, but it's not a shorter piece of property
20 either way. I mean, our concern is to, if it does
21 pass, how is he going to develop that piece of
22 property? Because it's going get cut down 20 feet or
23 30 feet on the back side even flatten that lot out.
24 So you know, I'm concerned with that.

25 Is there going to be any offsets on our

1 property, you know, property sizes and consideration
2 and that, you know. There's lights. Is there going
3 to be lights on, you know, 24 hours a day, you know,
4 and in the middle of the night, you know, that's going
5 to be glaring in on these back yards. The main
6 concerns like that.

7 That's what I got, mainly concerned with,
8 you know, is this really a good use for that property?

9 COMMISSIONER WILLIAMS: I hate
10 to make a comment, but it's not the question. Please
11 understand, this property is zoned CD already and so
12 there's 43 uses in the Code that are allowed,
13 including a convenience store and some icky stuff like
14 that.

15 MR. RAWLINGS: Yeah, I got it.
16 I'm not -- I mean, I don't want to speak for my crowd
17 because they could hang me. I'm not opposed to this,
18 but just on how it's built.

19 You know, is there going to be any
20 offsets, you know, setbacks, a bother. You know,
21 that's kind of what we'd like to see what's really
22 going to go there. I mean, I don't know how much
23 control we have on that, and the traffic is going to
24 be an issue and our property values.

25 COMMISSIONER WILLETTE:

1 Concerning traffic, do you happen to know Purina's
2 hours of operation?

3 MR. RAWLINGS: No, I don't. I
4 know when I try and leave there on a Saturday
5 afternoon, I'm waiting because it's past Pine Lake
6 Estates. You know, and that road already is
7 overloaded with Ameren, you know, traffic and big
8 trucks coming out already.

9 MoDOT it's not a County issue, but MoDOT
10 needs to address MM and 100 right there, but they have
11 structures on both ends. Why they allowed that in the
12 first place, I don't know, but that's not our problem
13 them. But that needs to be addressed as well.

14 CHAIRMAN EVANS: Okay.

15 MR. RAWINGS: Thanks.

16 CHAIRMAN EVANS: Anyone else
17 wishing to speak in opposition?

18 If you would state your name and address
19 and sign in, please.

20 (Thereupon, the witness was
21 sworn.)

22 MR. ALLEN DECKER: My name is
23 Allen Decker. I live at 2111 Pine Tree. I used to
24 operate the wastewater treatment plant there. I used
25 to work for Brinkman Free District then.

1 I know for a fact that the wastewater
2 treatment plant there is at capacity and it does -- it
3 is in the Labadie Creek watershed.

4 What the plant is going to do for
5 wastewater. I know that their water goes in through
6 there, but trying to figure out exactly what they
7 would be doing with the wastewater.

8 CHAIRMAN EVANS: Scottie, does
9 that wastewater, are they in the water district there?

10 MS. EAGAN: They're in water
11 supply District Number 3, but anything with wastewater
12 would be the part.

13 CHAIRMAN EVANS: Okay. Yeah,
14 they would have to meet Franklin County Codes. We
15 address land use, but as far as any Codes, whether it
16 be dealing with wastewater, they would have to be
17 County Codes.

18 MR. RAWLINGS: Thank you.

19 CHAIRMAN EVANS: Sure.

20 Anyone else would like to speak in
21 opposition?

22 Please state your name and address and
23 sign in.

24 MR. MAX ORRIS: My name is Max
25 Orris. I live at 2219 Pine Lake Loop.

1 (Thereupon, the witness was
2 sworn.)

3 As the guy mentioned earlier who was here
4 for the concrete plant said about Franklin County, we
5 want to keep running forward, right. We don't want to
6 run in place. We have plenty of places and a lot of
7 places in Pacific and Villa Ridge that are already,
8 you know, built out and ready to go for these places,
9 these kind of manufacturing. They don't have anything
10 in them right now.

11 And there are other lots that aren't
12 surrounded or have, you know, wonderful subdivisions
13 like ours right next to it that would be outstanding
14 places for this.

15 And I understand I'm -- I'm an
16 entrepreneur myself. I'm a small business owner. I
17 understand expansion and growth, but there are --
18 there are places to go already that wouldn't affect
19 these properties.

20 So that's all I have.

21 CHAIRMAN EVANS: All right.
22 Thank you.

23 As Ron mentioned before, I think we have
24 to remember here that this is a permitted use. If he
25 had five employees, he wouldn't even be here. What

1 we're looking at is for him to have the capacity to
2 have 15 employees there.

3 So this is a permitted use that we can
4 put conditions on.

5 Anyone else wishing to speak in
6 opposition?

7 State your name and address and sign in,
8 please.

9 MS. GERI THWING: My name is
10 Geri Thwing. I live at 2208 Pine Lake Loop.

11 (Thereupon, the witness was
12 sworn.)

13 I would just like to reiterate some of
14 the things that have already been said. Mr.
15 Hildebrand said something about possibly adding on or
16 building more. How much bigger could this possibly
17 get? Is my question I have.

18 And I'd also like to know about a buffer
19 zone. This -- it looks like it's going to be backed
20 up pretty close to our houses. We're going to be
21 hearing a lot of noise from that building.

22 You know, it's -- property values. Is
23 this going to lower our property value? But it's just
24 the trucks coming and going, you know, and like Kemp
25 said about the traffic going in and out. It's already

1 backed up.

2 We have -- we have a lot of problems with
3 that with Purina and Ameren and, you know, all the
4 other trucks going back and forth down thee.

5 Anyway, that's basically what I wanted to
6 ask. The buffer zone I think is one of my main
7 concerns.

8 CHAIRMAN EVANS: Okay. Thank
9 you.

10 MS. THWING: Thank you.

11 CHAIRMAN EVANS: Anyone else
12 wishing to speak in opposition?

13 (NONE)

14 Hearing none. Mr. Hildebrand, do you
15 have anything to add?

16 MR. HILDEBRAND: Yeah. I think
17 when -- when you look at our operation and we're
18 talking about traffic, you're going to have one truck
19 coming in and out a day, and I've got eight employees
20 that come and go during the day.

21 I think traffic is no concern whatsoever.
22 There's more than that going in and out of the
23 subdivision. There's more than that running up and
24 down the street. I go that way every morning and
25 every evening coming from my office in Labadie.

1 I never see any traffic to speak of. You
2 may talk six or eight cars stopped at the stop sign to
3 turn on 100. So I really don't feel that we're going
4 to interrupt traffic whatsoever. So --

5 CHAIRMAN EVANS: Question then.
6 It's been brought up a couple of times, the buffer
7 zone that you have a building there, and exactly far
8 would you be from the property lines?

9 MR. HILDEBRAND: We would
10 follow the County regulations to begin with, and then
11 we would -- we don't want to be a hinderance to the
12 subdivision. We want a nice-looking building. We
13 want it to fit into the area. What we build be nicer
14 than a honeysuckle covered piece of ground sitting
15 there, so -- and the land will be maintained and taken
16 care of. So it's going -- aesthetically it's going to
17 be much better than what it is at this point.

18 COMMISSIONER REINHOLD: I got a
19 question. How much noise you think your place puts
20 off?

21 MR. HILDEBRAND: Very, very --
22 very little. You don't make a whole lot of noise on
23 computers and a pump. So there's --

24 COMMISSIONER REINHOLD: One of
25 the things that they were concerned about they were

1 going to cut a lot of ground out. Are you not putting
2 a retaining wall or something?

3 MR. HILDEBRAND: We'll have to
4 see how the property lays out for even the civil
5 engineers, and there's already been plans done for I
6 believe a 98-unit complex there and there was some
7 retention walls on that, but we'll do whatever is
8 deemed necessary by the building codes.

9 COMMISSIONER REINHOLD: Okay.

10 CHAIRMAN EVANS: So just from
11 the diagram you submitted, you would keep that
12 building as far forward to MM as you could with the
13 parking lot there?

14 MR. HILDEBRAND: We would do
15 what -- what makes logical sense to be able to get a
16 truck turned around and have ample parking for
17 employees. We would want to build that building that
18 it doesn't affect the subdivision. The back and the
19 two sides that face the street and the back of the
20 subdivision are -- there's no access, storage, no --
21 no lighting or anything like that that's required.
22 So...

23 COMMISSIONER HAIRE: Well, one
24 question. Are you going to have any outside storage
25 behind the building?

1 MR. HILDEBRAND: We may store
2 some trailers that are in use to haul equipment to
3 different trade shows and things like that.

4 So there is some vehicle storage that's
5 necessary.

6 COMMISSIONER HAIRE: Okay.

7 COMMISSIONER McLAREN: Mr.
8 Chairman.

9 CHAIRMAN EVANS: Bill.

10 COMMISSIONER McLAREN: Is that
11 shown on the parking lot here currently or there would
12 be another parking lot behind the building?

13 MR. HILDEBRAND: We'll have to
14 take a look and see what -- what makes sense
15 aesthetically.

16 COMMISSIONER McLAREN: Right.

17 MR. HILDEBRAND: I don't want
18 my trailer sitting out in the middle of a parking lot
19 in plain view anyway.

20 COMMISSIONER McLAREN: How many
21 trailers are there?

22 MR. HILDEBRAND: We currently
23 have three trailers.

24 COMMISSIONER McLAREN: What are
25 they, 40-foot van trailers or are they --

1 MR. HILDEBRAND: We have a
2 12-footer, a 16-footer and a 36-footer.

3 COMMISSIONER McLAREN: All
4 right. This really isn't probably any of my concern,
5 but to address some of the residents' concerns, could
6 you move the parking lot to the other end of the
7 building and move the building closer to the road and
8 stay further away?

9 MR. HILDEBRAND: I believe it
10 may require a retention pond on the front of the piece
11 of the property if we move it any closer. So...

12 COMMISSIONER McLAREN: Okay.

13 MR. HILDEBRAND: But we're not
14 opposed to it.

15 COMMISSIONER McLAREN: And,
16 Scottie, on that original paperwork we got, it said
17 that a lot of this was in the floodplain. This is not
18 in the floodplain, is it?

19 MS. EAGAN: Yeah, that was my
20 mistake. I -- when I was writing them, I mixed his
21 and Samantha Williford's together, which is why you
22 got new ones.

23 COMMISSIONER McLAREN: Okay.

24 CHAIRMAN EVANS: Any other
25 questions?

1 (NONE)

2 Thank you.

3 Any other discussion by the
4 Commissioners?

5 Again, this is a permitted use in this
6 zoning district, so we're really looking at the -- at
7 the addition of a few employees, and the question was
8 brought up can he expand. And the answer is that if
9 we put it in the condition that it would be the
10 existing request, then he would not be able to expand
11 without coming back and modifying the CUP.

12 UNIDENTIFIED FEMALE: Would we
13 be notified again?

14 CHAIRMAN EVANS: Any time
15 someone comes in to modify the CUP, it's posted.

16 UNIDENTIFIED MALE: Where is it
17 posted?

18 CHAIRMAN EVANS: Okay. I'm not
19 going to answer any more questions, please, but it's
20 posted at P and Z, it's wherever it's legally required
21 to be posted. But it's far into the future.

22 Any other discussion?

23 (NONE)

24 Any consideration on some possible
25 conditions?

1 COMMISSIONER HAIRE: Well,
2 there's going to be some storage, and they're not
3 sure. That needs to be address on how if there's
4 going to be storage in the back and how the sight --
5 maybe with fencing, or what type of fencing around in
6 an area.

7 CHAIRMAN EVANS: Any other
8 questions?

9 So as far as conditions, all we are
10 considering possibly is fencing around the storage in
11 the rear.

12 COMMISSIONER WILLIAMS: I hate
13 to say it, but if you're going to look at conditions
14 and several points have been brought up here, you
15 ought to send it to Review Committee, kind of look it
16 over and come back with some recommendations.

17 COMMISSIONER HAIRE: I agree.

18 COMMISSIONER WILLIAMS: That's
19 good.

20 COMMISSIONER SCHULTEHENRICH:
21 Mr. Chairman, I would agree that it goes to the Review
22 Committee, but I think for some of the newer members
23 on the Commission here, it's not officially in
24 writing, but I think there's somewhat of an
25 understanding among the Commissioners who have been

1 around here for a while that if there's opposition to
2 a Conditional Use Permit, that that should go to the
3 Review Committee. And so as I said, it's not in the
4 by-laws of anything, but I think there's been a --
5 somewhat of a understanding among some...

6 CHAIRMAN EVANS: Yeah, and, Jay,
7 actually now with our modified open hearings, our
8 by-laws before said, you know, now it does have to be
9 unanimous to move it to Old Business.

10 So if there's any opposition, it goes.
11 And that whatever it should be in all our files, where
12 before, it was just the CUPs and subdivisions.

13 COMMISSIONER McLAREN: Mr.
14 Chairman, Just to give a flavor -- just to give a
15 flavor for the Review Committee's consideration, this
16 piece of property is large enough. I understand what
17 Dan was saying, but I'd just as soon see a tree
18 buffer, you know, an architectural term and trees as a
19 fence. I think that would be -- I'm sorry.

20 MS. ZIELKI: No, no. That's
21 okay. I do want to let you know that when it goes to
22 through the commercial building permit process, there
23 is a buffer that we're going to impose on it, and
24 that's depending on -- the type of buffer that's
25 required depending on the existing use, that's the

1 neighboring, you know, compared to what the new use is
2 going to be. And there's going to be a physical
3 buffer.

4 So if you want to go with something
5 beyond the Regulations, I recommend that you look at
6 those first.

7 COMMISSIONER McLAREN: Okay.

8 CHAIRMAN EVANS: Maybe you
9 could cover that with -- in the Review Committee since
10 you'll be there.

11 COMMISSIONER McLAREN: Mr.
12 Chairman, I would make a motion to send this to the
13 Review -- this file to the Review Committee.

14 COMMISSIONER HAIRE: I'll second
15 that.

16 CHAIRMAN EVANS: And we have a
17 motion and a second to send File 180259 the Review
18 Committee. And do we want to leave this file open?

19 COMMISSIONER McLAREN: To the
20 3rd.

21 CHAIRMAN EVANS: That was your
22 motion. So are you amending your motion? Is that all
23 right with the seconder?

24 COMMISSIONER HAIRE: Yes, it
25 is.

1 CHAIRMAN EVANS: All right.
2 All in favor signify by saying aye.
3 COMMISSIONER REINHOLD: Aye.
4 COMMISSIONER McLAREN: Aye.
5 COMMISSIONER WILLETTE: Aye.
6 COMMISSIONER WILLIAMS: Aye.
7 CHAIRMAN EVANS: Aye.
8 COMMISSIONER KLENKE: Aye.
9 COMMISSIONER HAIRE: Aye.
10 COMMISSIONER SCHULTEHENRICH:
11 Aye.
12 COMMISSIONER DUBBERT: Aye.
13 CHAIRMAN EVANS: Opposed?
14 (NONE)
15 The motion is carried.
16 (Thereupon, Commissioner
17 Tobben rejoined the Commission.)
18 All right. Moving right along to File
19 180260, Mary Matyiko. I apologize if I mispronounced
20 that.
21 Scottie, would you like to give us the
22 details.
23 MS. EAGAN: Oh, right.
24 This is File 180260 for Mary Matyiko.
25 The applicant requests to rezone one

1 parcel from Community Development to Commercial
2 Activity 3, Community Business.

3 The property is located at 7964 Highway
4 47, approximately .5 mile north of Airport Road, in
5 Central Township.

6 The Facts: The total area for the
7 rezoning is approximately 12.05 acres.

8 The zoning of this property is Community
9 Development. The applicant would like to rezone to
10 Commercial Activity 3, Community Business.

11 Commercial Activity 3, Community Business
12 provides locations for a wide range of commercial,
13 retail, service, and manufacturing activities serving
14 a large community trade area.

15 The properties to the north, south, and
16 east of the proposed rezoning are zoned Community
17 Development.

18 The properties west of the proposed
19 rezoning, across Highway 47, are zoned Commercial
20 Activity 3, Community Business.

21 The surrounding properties are primarily
22 undeveloped with a few low-density residential
23 properties directly across Highway 47.

24 This property will have access to Highway
25 47. Highway 47 is a state-maintained road.

1 This property is located in Public Water
2 Supply District Number 3. According to the Assessor
3 records, there appears to be one house with two
4 agricultural buildings currently on the property.
5 This is property is within 1.5 miles of the City
6 limits of St. Clair.

7 Staff Comments: This property is
8 currently in violation for having outdoor commercial
9 storage on a property that does not permit such an
10 activity. This rezoning would be the first step in
11 remedying this violation.

12 This property appears to be Commercial on
13 the Future Land Use Map.

14 Rezoning are allowed in our regulations
15 due to the ever-changing conditions that exist in the
16 county and elsewhere. According to Article 14,
17 Section 321, any such change must promote the health,
18 safety, morals, comfort and general welfare of
19 Franklin County by conserving and protecting property
20 and building values, by securing the most economical
21 use of land and facilitating the adequate provision of
22 public improvements in accordance with the master plan
23 adopted by Franklin County.

24 CHAIRMAN EVANS: Thank you.

25 Is the applicant present?

1 MS. MARY MATYIKO: Yes.

2 CHAIRMAN EVANS: Can you please
3 come up and state your name correctly for us.

4 MS. MATYIKO: Hi, I'm Mary
5 Matyiko of 7128 Washington Avenue, St. Louis,
6 Missouri.

7 (Thereupon, the witness was
8 sworn.)

9 Hi, so I purchased the property at 7964
10 and it had the home and the barn on it currently with
11 12 acres. We've rehabbed the house, four bedroom
12 house and tried to upgrade the barn.

13 Our purpose for the property was to
14 operate out business which is called EHM. We're a
15 structural mover. We lift and move buildings or
16 elevate them in a floodplains. We've -- my husband is
17 a third generation house mover.

18 We're a service industry. We don't do
19 any manufacturing on the property. We -- our office
20 is actually at our home in St. Louis. So we never
21 employ more than six peoples tops. Right now we have
22 four employees, for example.

23 We also do complete and partial
24 foundation replacements. We elevate homes, as I said,
25 in the floodplain or move buildings for a variety of

1 reasons. We use steel beams and wood blocks for our
2 business. So the large steel beams which we placed
3 under a home to lift the building is was considered
4 not within the CD. And that's -- that's -- we have
5 since -- we have moved them on part of the property.
6 You see the property. We've moved them between the
7 house which is that furthest square building. We've
8 moved them between the house and the road. So
9 basically you cannot see one piece of our steel. I'm
10 not sure in a drone or a helicopter.

11 So you cannot see it from the road from
12 47, of driveway from any other surrounding property.

13 Those are the only items. We also, of
14 course, we have two trailers that we use to move the
15 beams. Maybe we have activity on that property. We
16 have one of our employees and like a long friend that
17 lives in the house.

18 Our only activity is to load the beams or
19 the blocks or our two -- one of our two Bobcats. And
20 then we'll drive them out to the job. The job could
21 be 15 minutes away in Pacific or two states away. So
22 we might not bring that equipment back in. Maybe
23 we'll come and go once a week, twice a week at the
24 most from that property.

25 Otherwise, we're operating the business

1 out of our home.

2 We have no customers on the property. We
3 don't bring any people on the property.

4 There are no other structural movers
5 located in Franklin County. Our services are in high
6 demand in the floodplains located in Pacific,
7 Washington and other towns along the Meramec,
8 Bourbeuse -- I don't know how to pronounce it, I'm
9 sorry -- and Missouri Rivers. We have elevated
10 several homes in Pacific, about 15 homes in the last
11 two years.

12 We just elevated the First Baptist Church
13 of Pacific. We also move historic buildings, farm
14 houses, barns and any other buildings. If man made
15 it, man can move it.

16 We are bonded and insured and have over
17 30 years of experience. We think we provide a
18 necessary service to Franklin County.

19 Currently FEMA is redrawing the
20 floodplain maps and I'm sure several hundred more
21 homes, buildings and structures will be in the
22 floodplains come 2020.

23 Our property has frontage along Highway
24 47, and is surrounded by commercial zoning. There's in
25 the Future Land Use Maps. Currently there are other

1 -- the neighbors. There's a feed store, a scrap metal
2 business, and RV business, and an auto business all
3 along Highway 47.

4 Also I think it's important to note that
5 when we purchased the property in March of 2017, prior
6 to that, the owners that had just purchased it
7 actually it was purchased as 45 acres, and the County
8 did approve to subdivide it and left us with the 12
9 acres. And there is a large gas pipeline on the
10 property underneath. So there's that easement. So
11 the 12 acres left, I think, makes sense that this 12
12 acres could be CA3, given that it no longer is 46
13 acres of farmland fields.

14 Finally, I just want to say that we think
15 we've improved -- well, we know we've improved the
16 home already, and we plan to keep the land as it is.
17 It's perfect. We don't plan on adding any other
18 buildings. We don't plan on putting any equipment
19 anywhere that anybody can see. As you see it today is
20 how we plan on running it. Our family will come out
21 and play on it once a week in a month, maybe. So
22 there won't be a lot of new activity there, and I
23 don't think it'll be a nuisance to anyone.

24 I think that's it. That's all I've got
25 to say. Any questions?

1 CHAIR EVANS: And I would
2 remind the Commission that this is also a rezoning.
3 So we know which use is likely. We have to consider
4 all permitted uses in the C3 zoning district.

5 Any questions?

6 (NONE)

7 You can't see the topography in this, but
8 this goes --

9 MS. MATYIKO: It goes up a
10 little, rises. So --

11 CHAIRMAN EVANS: It goes up a
12 little bit.

13 MS. MATYIKO: Off of 47 when
14 you're driving down, you can see the barn. It's
15 really hard to see the house actually, and then it's
16 all wooded along 47.

17 CHAIRMAN EVANS: Okay. And
18 that --

19 MS. MATYIKO: And the steel is
20 up in the woods basically.

21 CHAIRMAN EVANS: All right.
22 And when I drove by and I could see the woods, and I
23 could see one building.

24 MS. MATYIKO: Right.

25 CHAIRMAN EVANS: And that's all

1 you could see from 47.

2 Questions, comments? Ron, it looks like
3 you were going comment.

4 COMMISSIONER WILLIAMS: I vote
5 for you, but probably for Scottie.

6 You said this is part of first step in
7 remedying situations. So my assumption is that after
8 we rezoned this to CA3, and then they will have to
9 come back for a conditional use permit for the outdoor
10 storage. Is that correct?

11 MS. EAGAN: That's correct. The
12 only visitor at that outdoor commercial use is a
13 permit with use with no special permit is industrial.

14 MS. MATYIKO: That's correct.
15 The only visitors that outdoor o clarify commercial
16 store

17 COMMISSIONER WILLIAMS: All
18 right. I just wanted to clarify and make sure I was
19 understanding what was happening.

20 CHAIRMAN EVANS: Any other
21 questions?

22 (NONE)

23 Thank you.

24 Anyone else present wishing to speak in
25 support of this file?

1 (NONE)

2 Anyone present wishing to speak in
3 opposition?

4 MR. MATT SCHROEDER: Good
5 evening.

6 CHAIRMAN EVANS: If you would
7 state your name and address and sign in, please.

8 MR. SCHROEDER: I'm Matthew
9 Schroeder, and I'm at 80 North Oak Street here in
10 Union, and Mr. Chairman may I have more than fives
11 minutes?

12 No, I'm just kidding.

13 (Thereupon, the witness was
14 sworn.)

15 Ladies and gentlemen, my name's Max
16 Schroeder. I represent George and Susan Curban, my
17 father and mother-in-law, which -- who live just to
18 the east of this property.

19 And I think we're here, as Sottie and the
20 staff said, to fix an outdoor storage problem. I
21 don't now that my in-laws opposed the rezoning, but it
22 I don't know of the sledgehammer on a fly. But the
23 one thing that we - we are really interested in is the
24 fact that the entrance coming off of Highway 47 is
25 probably, may be 20, 25 foot wide. And I think the

1 Matyikos have had problems already that when they
2 tried to turn in that farm entrance, they block
3 traffic. I think that's maybe a couple their trucks
4 got stuck in the ditch. And so I guess if the Board
5 would consider the commission would consider this
6 rezoning that we're going to be back and asking to put
7 some rather, I guess, interesting conditional uses on,
8 I guess, the width of it, and maybe that's the highway
9 Department's curving that line or not ours, but we had
10 a notice that along the farm lane as you go up, looks
11 like there's a little cutout, then it kind of angles
12 45 degrees and then takes a pretty good easter turn
13 there.

14 You can still spy some of the -- or see
15 some of the storage, the outdoor storage along that
16 lane. We would ask again that that would be screened
17 or fenced or somehow, and I imagine in the commercial
18 setbacks and all that. Is that part of the regs with
19 the commercial outdoor storage too?

20 MS. EAGAN: We do have buffer
21 regulations for every new item coming.

22 MR. SCHROEDER: Perfect, okay.
23 And so specifically again, I don't know that we're
24 totally against the rezoning, but the conditional use
25 permit part is where we're really interested, and we'd

1 like to see that the commercial drive be at least
2 50-foot wide, meet the commercial standards from MoDOT
3 that if that's -- if it's possible and the Matyikos
4 would agreed.

5 I also have talked to a couple of the
6 other landowners to the south there, and if we could
7 enter into some kind of a roadway or lane maintenance
8 agreement with the Matyikos, I that would maybe solved
9 some of the problems with their trucks coming and
10 going out of that driveway as well.

11 And we'd like to see the screenings
12 available if it's natural like trees and stuff like
13 that. We'll do a little tree hugging tonight, but I
14 think they look better within it's natural than a
15 fence, if that's possible.

16 In short, the Kirkmans would just like to
17 see the Matyikos be good stewards of the lane and
18 because I think they have really fixed upon the
19 property since they bought it as far as cleaning it
20 up, but we'd like to see that continue with the lane
21 as well.

22 Thank you.

23 CHAIRMAN EVANS: Thank you.

24 Anyone -- Bill?

25 COMMISSIONER McLAREN: Is this

1 is a shared road then?

2 MR. SCHROEDER: It is. It's
3 a --

4 COMMISSIONER McLAREN: How many
5 pieces of property share the use of this road?

6 MR. SCHROEDER: Well, it's --
7 the lane goes all the way to the 90 degree left.
8 That's shared, correct, Mr. -- or Dr. Kirkman, and
9 then from the 90 degree in the -- below the -- there's
10 a -- I guess a pond straight up where it starts
11 turning north. That's Kirkman's ground where it
12 starts. So that's part of the road going into the
13 house, which you see the barn and the farmstead to the
14 right.

15 Do you follow me, Bill?

16 COMMISSIONER McLAREN: Yes.

17 And does -- to the lower side of the
18 picture is there any of those properties that share in
19 that road?

20 MR. SCHROEDER: Yeah, it's all
21 those. They all have access on both sides all the way
22 up. You know, in a perfect world, we'd see some kind
23 of a roadway maintenance agreement with everybody up
24 to at least where the Matyiko's property is. I guess
25 it's 28 properties, LLCs. Is that the owner?

1 But there's a Lair Investments I think is
2 on the south side of the road, and then you have the
3 Matyikos and then Dr. and Mrs. Turbineau (ph.) for
4 where it's kind of a grayish or slate color.

5 CHAIRMAN EVANS: I think many
6 of these issues we need to addressing under the CUP.

7 MR. SCHROEDER: Yeah.

8 CHAIRMAN EVANS: And not the
9 rezoning where we're looking at just the land use now.
10 But they certainly would be looked at under the --

11 MR. SCHROEDER: Yeah, I
12 understand. We could -- we could also put a concrete
13 plant there too, right?

14 CHAIRMAN EVANS: I'm sorry.
15 Your five minutes are up.

16 MR. SCHROEDER: Thank you.

17 CHAIRMAN EVANS: Anyone else
18 wishing to speak in opposition?

19 (NONE)

20 And if not, Ms. Matyiko, did you have
21 anything else you wanted to add or say?

22 MS. MATYIKO: I'm just saying,
23 you know, we love the property and would -- will keep
24 it up well, and we have every intension of maintaining
25 that road and we're happy to help. You know, be a

1 part of maintaining that.

2 COMMISSIONER WILLIAMS: I got a
3 question. It doesn't appear like that road exists as
4 a road. I looks like it's not platted, so it doesn't
5 look like a private road. So I guess my point is who
6 exactly owns it, or does it owned between the
7 properties?

8 MS. MATYIKO: To be honest I'm
9 not sure. I'm going to have to look back at our --

10 COMMISSIONER WILLIAMS: Title
11 work.

12 MS. MATYIKO: I don't know if
13 it's half and half, but I will tell you we've only
14 seen us and the Kirkmans use it. Let's put it that
15 way. So it's not heavily traffic.

16 COMMISSIONER WILLIAMS: I was
17 just curious.

18 MS. MATYIKO: Yeah, I know. I
19 should know.

20 CHAIRMAN EVANS: So rather -- I
21 mean, just like what would happen down the road
22 because it's 47. So MoDOT would require a commercial
23 entrance to leaving that there.

24 COMMISSIONER WILLIAMS: Down
25 the lane, did you look at that?

1 CHAIRMAN EVANS: I don't know
2 whether they let it exist, or where they would require
3 improvement.

4 COMMISSIONER WILLIAMS My
5 concern is who has -- who has the rights to that road
6 and to do that. You know right now I'm looking at
7 them, but it looks like an lane on a map, and they
8 have -- if they exist, there may be documentation
9 somewhere in these, the title work, that say who --
10 who owns it or maintains it or shares it, but you
11 wouldn't know that unless you did go through the
12 deeds.

13 It's going to be difficult before anybody
14 goes out to the state and says I want to prove it.
15 They're going to requirement documentation who has
16 right to do that.

17 MS. MATYIKO: I'll further look
18 into that, and I'll send everything in.

19 COMMISSIONER WILLIAMS: Thank
20 you.

21 MR. SCHROEDER: Mr. Williams, I
22 think Dr. Kirkman can speak to that. He's been there
23 for a --

24 CHAIRMAN EVANS: It's really
25 not an issue at this point in time. We're really

1 looking at the rezoning. Again, and this would get to
2 the CUP, it will be so.

3 That sufficient given though they own the
4 house, someone could address it.

5 Again, any discussion, any questions?

6 (NONE{FLUSH})

7 Again, the options are to move it to Old
8 Business where we could approve it. That would
9 require unanimous consent by the Commissioners, or any
10 opposition it would be we go through Review Committee,
11 or we -- a motion could be made to send it to Review
12 Committee.

13 I'm not sure exactly what additional
14 information can wait for that.

15 COMMISSIONER WILLETTE: All
16 right, I'll --

17 CHAIRMAN EVANS: All right,
18 Debbie, we'll move on this.

19 COMMISSIONER WILLETTE: I'd
20 like to motion to the File 180260 we'll do that.

21 CHAIRMAN EVANS: Okay. We have
22 a motion.

23 COMMISSIONER WILLIAMS: I'm
24 going to second that.

25 CHAIRMAN EVANS: We have a

1 motion and a second to send File 180260 to Old
2 Business. All in favor signify by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER McLAREN: Aye.

5 COMMISSIONER WILLETTE: Aye.

6 COMMISSIONER WILLIAMS: Aye.

7 CHAIRMAN EVANS: Aye.

8 COMMISSIONER KLENKE: Aye.

9 COMMISSIONER HAIRE: Aye.

10 COMMISSIONER TOBBEN: Aye.

11 COMMISSIONER SCHULTEHENRICH:

12 Aye.

13 COMMISSIONER DUBBERT: Aye.

14 CHAIRMAN EVANS: Opposed?

15 (NONE)

16 The motion is carried.

17 All right. Moving back to Old Business,
18 we will got to File 180225, Villa Ridge Investment.

19 Any additional discussion on that?

20 (NONE)

21 If not, the Chair would entertain a
22 motion to approve.

23 COMMISSIONER TOBBEN: I'll make
24 a motion to approve PUD File 180225.

25 COMMISSIONER HAIRE: I'll second

1 it.

2 CHAIRMAN EVANS: We have a
3 motion and second to approve File 180225. All in
4 favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER McLAREN: Aye.

7 COMMISSIONER WILLETTE: Aye.

8 COMMISSIONER WILLIAMS: Aye.

9 CHAIRMAN EVANS: Aye.

10 COMMISSIONER KLENKE: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 COMMISSIONER SCHULTEHENRICH:

14 Aye.

15 COMMISSIONER DUBBERT: Aye.

16 CHAIRMAN EVANS: Opposed?

17 (NONE)

18 The motion is carried.

19 Moving back to File 180260, Mary Matyiko.

20 Any further discussion?

21 (NONE)

22 If not, the Chair would entertain a
23 motion.

24 COMMISSIONER WILLETTE: I move
25 to approve File 180260.

1 COMMISSIONER WILLIAMS: I'll
2 second it.

3 CHAIRMAN EVANS: We have a
4 motion and a second to approve File 180260. All
5 members signify by saying aye.

6 COMMISSIONER REINHOLD: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLETTE: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER KLENKE: Aye.

12 COMMISSIONER HAIRE: Aye.

13 COMMISSIONER TOBBEN: Aye.

14 COMMISSIONER SCHULTEHENRICH:

15 Aye.

16 COMMISSIONER DUBBERT: Aye.

17 CHAIRMAN EVANS: Opposed?

18 (NONE)

19 The motion is carried.

20 MS. EAGAN: And that was to
21 recommend approval?

22 CHAIRMAN EVANS: Recommending
23 approval.

24 All right. Preliminary Plats. We have
25 none.

1 Item 4, Election of officers we moved
2 down here. So we now address that.

3 We need to elect a chairman, a vice
4 chairman, and one Review Committee member, and then
5 two alternatives for the Review Committee.

6 The Review Committee, I was a chairman,
7 and Highway Administrator, different members, and then
8 we had the second one there. So we'll start at the top
9 and work down.

10 The floor is open for nominations for
11 Chairman.

12 COMMISSIONER SCHULTEHENRICH:
13 Mr. Chairman, I nominate you, Bill Evans, as the
14 position of Chairman.

15 COMMISSIONER McLAREN: Second.

16 CHAIRMAN EVANS: Any further
17 nominations?

18 COMMISSIONER SCHULTEHENRICH:
19 Mr. Chairman, I'll make a motion that nominations be
20 closed.

21 COMMISSIONER HAIRE: Second.

22 CHAIRMAN EVANS: We have a
23 motion nominations be closed. The nominations are
24 closed. Bill Evans has been nominated. All in favor
25 signify by saying aye.

1
2 COMMISSIONER REINHOLD: Aye.
3 COMMISSIONER McLAREN: Aye.
4 COMMISSIONER WILLETTE: Aye.
5 COMMISSIONER WILLIAMS: Aye.
6 COMMISSIONER KLENKE: Aye.
7 COMMISSIONER HAIRE: Aye.
8 COMMISSIONER TOBBEN: Aye.
9 COMMISSIONER SCHULTEHENRICH:
10 Aye.
11 COMMISSIONER DUBBERT: Aye.
12 CHAIRMAN EVANS: All right.
13 Next up we need to elect a vice-chairman.
14 COMMISSIONER HAIRE: We don't
15 have to think about this.
16 COMMISSIONER SCHULTEHENRICH:
17 I'll make a motion that Dan Haire be vice-chairman for
18 this year.
19 COMMISSIONER McLAREN: Second.
20 CHAIRMAN EVANS: We have a
21 motion and a second that Dan Haire concluding
22 nominations. Any additional nominations?
23 (None)
24 COMMISSIONER SCHULTEHENRICH:
25 Mr. Chairman, I'll move that it be closed.

1 COMMISSIONER McLAREN: Second.

2 CHAIRMAN EVANS: A move and a

3 second. Close the nominations for vice-chairman.

4 All those in favor close by saying aye.

5 A Aye.

6 Okay. We have Dan Haire. All in

7 favor signify the by saying aye.

8 COMMISSIONER REINHOLD: Aye.

9 COMMISSIONER VOSS: Aye.

10 COMMISSIONER McLAREN: Aye.

11 COMMISSIONER WILLETTE: Aye.

12 COMMISSIONER WILLIAMS: Aye.

13 CHAIRMAN EVANS: Aye.

14 COMMISSIONER KLENKE: Aye.

15 COMMISSIONER HAIRE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER SCHULTEHENRICH:

18 Aye.

19 COMMISSIONER DUBBERT: Aye.

20 CHAIRMAN EVANS: Opposed?

21 (NONE)

22 Congratulations, Dan.

23 I introduced the new Commissioners with

24 the old Vice Chairman.

25 Now we need a -- one member out of the

1 Review Committee, and that's currently Tom Tobben.

2 The floor is open for nominations for the
3 memories if he an make it.

4 COMMISSIONER SCHULTEHENRICH:

5 Mr. Chairman, say -- who's -- if I don't want to be on
6 there, who? Yourself as Chairman and that is Ron
7 automatically on there as well?

8 CHAIRMAN EVANS: Yes.

9 COMMISSIONER SCHULTEHENRICH:

10 II understand.

11 CHAIRMAN EVANS: Tom is the --
12 was the third member. So you know Ron and would
13 automatically be on. So we're looking for the third
14 number who, at this point, was Tom.

15 COMMISSIONER McLAREN: Mr.

16 Chairman, I'd like to renominate Tom.

17 COMMISSIONER WILLETTE: I'll

18 second that.

19 CHAIRMAN EVANS: Motion and a
20 second to -- we'll just -- descent. Close the
21 nominations. All in favor for the Review Committee.
22 All right.

23 Then we had name team alternates to the
24 Review Committee. Bill McLaren is currently one.
25 Russell was the other.

1 So if there's anyone would like to
2 nominate.

3 COMMISSIONER HAIRE: I nominate
4 Klenke our new --

5 COMMISSIONER McLAREN: Second.

6 CHAIRMAN EVANS: We have a
7 motion and a second to make David Klenke as the
8 alternate, and then McLaren, Bill McLaren was the
9 other alternate. We need one more nomination.

10 COMMISSIONER WILLIAMS: I
11 nominate Bill McLaren.

12 COMMISSIONER WILLETTE: I'll
13 second that.

14 CHAIRMAN EVANS: Close
15 nominations.

16 All in favor of watching these two
17 gentlemen resolve on the Review Committee, please.
18 Same five are saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER WILLETTE: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 COMMISSIONER SCHULTEHENRICH:

1 Aye.

2 COMMISSIONER DUBBERT: Aye.

3 CHAIRMAN EVANS: Opposed?

4 (NONE)

5 Done.

6 Planning and Zoning Commissioners Forum.

7 Anything to discuss other than the fact that it's

8 late?

9 (NONE)

10 If not, then we would like to welcome the

11 two new Commissioners, by the way.

12 COMMISSIONER WILLIAMS:

13 Welcome.

14 COMMISSIONER DUBBERT: Thanks.

15 CHAIRMAN EVANS: We hope to see

16 you next month.

17 COMMISSIONER DUBBERT: Yeah,

18 I'll be back.

19 CHAIRMAN EVANS: Planning

20 Director's Report.

21 MS. EAGAN: So I have Jay's

22 map, Bill McLaren's map, Debbie just gave me her map.

23 I'm waiting Tom. Kyle and Mike, you guys don't need

24 to worry about this. This was pre-you.

25 So I need your guys' map as soon as

1 possible. Tori, Nichole and I are kind of at a
2 standstill until we get some more maps back. And
3 currently is putting all these properties in the JS
4 system. I got most of Highway 50 done from Union to
5 the county line west.

6 I'm working on St. Clair right now, and
7 I've been working on Lake St. Clair for a week and a
8 half, and I'm still not done.

9 So the sooner you get your maps, the
10 sooner I can start in putting in all properties that
11 you guys asked for so we can get a zoning layer in and
12 get this stuff rolling. So we're definitely working on
13 it, and we're further along than we were last month.

14 So sooner the better.

15 CHAIRMAN EVANS: I believe may
16 give you mine at the Review Committee meeting.

17 MS. EAGAN: Yeah, and I have
18 yours downstairs. So come downstairs with me. They
19 have a printout for you.

20 CHAIRMAN EVANS: Okay.

21 MS. EAGAN: And then next month
22 we have quite a few amendments that we need to
23 readdress. There's some court filings that came out.
24 So we need to fix some stuff in our Code next month.

25 COMMISSIONER WILLIAMS: But

1 there's not a lot of floodplain, right?

2 MS. EAGAN: No, that's going
3 before the County Commission.

4 CHAIRMAN EVANS: Anything else?

5 (NONE)

6 If not, the Chair would entertain a
7 motion --

8 COMMISSIONER McLAREN: Motion
9 to adjourn.

10 CHAIRMAN EVANS: Okay. If
11 there is no dissent. I hear no dissent. We are
12 adjourned.

13 Thank you all for your time.

14 (Thereupon, the proceedings
15 concluded at 10:42 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
13 my hand.

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

17 My Commission Expires:
18 August 26, 2022

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