

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

7  
8  
9 TRANSCRIPT OF PROCEEDINGS  
10 DECEMBER 18, 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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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1                                   A P P E A R A N C E  
2    PLANNING AND ZONING COMMISSION:  
3    BILL EVANS, CHAIRMAN  
4    TIMOTHY REINHOLD, COMMISSIONER  
5    STANLEY VOSS, COMMISSIONER  
6    BILL McLAREN, COMMISSIONER  
7    DEBBIE WILLETTE, COMMISSIONER  
8    RON WILLIAMS, COMMISSIONER  
9    DAN HAIRE, COMMISSIONER  
10   TOM TOBBEN, COMMISSIONER  
11   PLANNING AND ZONING STAFF:  
12   SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING  
13   COUNTY LEGAL COUNSEL:  
14   MARK PIONTEK, COUNTY ATTORNEY  
15  
16   ALARIS LITIGATION SERVICES:  
17   PATSY A. MAYBERRY, C. R.  
18   711 NORTH 11TH STREET  
19   ST. LOUIS, MISSOURI 63101  
20   (314) 644-2191  
21  
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1 P R O C E E D I N G S

2 (DECEMBER 18, 2018)

3 CHAIRMAN EVANS: I'd like to go  
4 ahead and call to order the December 18th meeting of  
5 the Franklin County 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 (Not present.)

12 MS. EAGAN: Mike Klenke?

13 COMMISSIONER KLENKE: (Not  
14 present.)

15 MS. EAGAN: Tim Reinhold?

16 COMMISSIONER REINHOLD: Here.

17 MS. EAGAN: Debbie Willette?

18 COMMISSIONER WILLETTE: Here.

19 MS. EAGAN: Tom Tobben?

20 COMMISSIONER TOBBEN: Here.

21 MS. EAGAN: Bill McLaren?

22 COMMISSIONER McLAREN: Here.

23 MS. EAGAN: Stan Voss?

24 COMMISSIONER VOSS: Here.

25 MS. EAGAN: Dan Haire?

1 COMMISSIONER HAIRE: Here.

2 MS. EAGAN: Kyle Dubbert?

3 COMMISSIONER DUBBERT: (Not  
4 present.)

5 MS. EAGAN: And, Ron Williams?

6 COMMISSIONER WILLIAMS: Here.

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

9 CHAIRMAN EVANS: Thank you.

10 I do want to go ahead and make one change  
11 to the agenda. Item Number 7, Preliminary Plats we  
12 will move up and address it as Item Number 6. We'll  
13 address it after Old Business and before New Business.

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

19 COMMISSIONER TOBBEN: Similar  
20 to last meeting, Mr. Chairman, I will need to recuse  
21 myself from File 180259.

22 CHAIRMAN EVANS: All right.  
23 Thank you, Commissioner Tobben.

24 If there's no other declarations,  
25 Scottie, will you please give us the presentation of

1 the meeting procedures and exhibits.

2 MS. EAGAN: Tonight's Planning  
3 Commission meeting is governed by the Franklin County  
4 Unified Land Use Regulations.

5 Some matters on the agenda may be for  
6 action by the Planning and Zoning Commission. These  
7 matters do not involve public hearings.

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

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

18 (Thereupon, evidence was  
19 marked for identification and  
20 submitted for the record as  
21 Exhibits A, B, C, and D.)

22 All Old Business items on the agenda will  
23 be dealt with first. Once the Old Business issues  
24 have been taken care of, each item of New Business  
25 will be opened.

1           As each case is opened, a staff report  
2 will first be read to the Commission, followed by any  
3 questions for the staff.

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

9           When it is your turn to speak, you will  
10 come to the front of the room, you will come to the  
11 front of the room to address the Commission and only  
12 the Commission, not anyone in the audience, with your  
13 comment.

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

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

23           Applications for such an appeal may be  
24 acquired from the Department offices during normal  
25 business hours.

1 CHAIRMAN EVANS: Thank you.

2 All the Commissioners should have  
3 received a copy of the November 20th meeting minutes.  
4 If there are no additions or corrections, the Chairman  
5 would entertain a motion to approve.

6 COMMISSIONER WILLETTE: I'll  
7 make that motion.

8 COMMISSIONER REINHOLD: I'll  
9 second it.

10 CHAIRMAN EVANS: We have a  
11 motion and a second to approve the minutes from  
12 November 20th. All in favor signify by saying aye.

13 COMMISSIONER REINHOLD: Aye.

14 COMMISSIONER VOSS: Aye.

15 COMMISSIONER McLAREN: Aye.

16 COMMISSIONER WILLETTE: Aye.

17 COMMISSIONER WILLIAMS: Aye.

18 CHAIRMAN EVANS: Aye.

19 COMMISSIONER HAIRE: Aye.

20 COMMISSIONER TOBBEN: Aye.

21 CHAIRMAN EVANS: Opposed?

22 (NONE)

23 The motion is carried.

24 Communications and Visitors Comments.

25 Is there anyone wishing to address the Commission?

1                   Please come forward. State your name and  
2 address, but since these are just comments, you do not  
3 have to be sworn.

4                   MS. KATHLEEN HENRY: My name is  
5 Kathleen Henry. My address is 319 North Forest  
6 Street, St. Louis, Missouri 63102.

7                   CHAIRMAN EVANS: And I'm sorry.  
8 Public comments here will be limited to five minutes  
9 also.

10                  MS. HENRY: Thank you.

11                  At the meeting of the Review Committee  
12 held December 7th, the Review Committee said first  
13 that it's being disbanded because it's no longer  
14 relevant.

15                  Second, it had no transcript of the first  
16 hearing, and therefore, no evidence to review, and  
17 third that it's no responsible for being concerned  
18 with whether notice was properly given.

19                  The second two statements are false. The  
20 Commissioners had a binder full of documents to review  
21 that my clients had supplied them.

22                  Furthermore, the Commissioners have to be  
23 concerned with due process at all meetings, and notice  
24 is the -- is the problem of the Commissioners.

25                  Commissioners stated almost nothing at

1 the Review Committee meeting about the concrete plant,  
2 and it ended very quickly. There were no discussions.

3 This is upsetting because w presented a  
4 great deal of evidence about the noise and pollution  
5 associated with the proposed concrete plant.

6 When one member did bring up notice to  
7 say it's not the Commission's concern, staff member  
8 Nichole Zielke said that notice was given, and that  
9 the staff would be filing an affidavit and that  
10 Nichole had received a postcard.

11 Later in the day when I did a Sunshine  
12 Law request for the postcard and the affidavit, I was  
13 told that Nichole had not made these statements.  
14 There was no postcard and affidavit to give me.

15 I feel as if I'm in the Twilight Zone. I  
16 heard Nichole say these things to reassure the  
17 Commissioners that notice was given, and then I'm told  
18 she didn't say these things.

19 In the case the Commissioners did not  
20 read our filings, let me state the proof that notice  
21 was not given. There's affidavits from over 13 people  
22 saying they didn't receive cards in the mail. There's  
23 a statement from staff member Crystal that she  
24 received no calls on the Landvatter matter, but she  
25 did receive calls on the other two issues, and the

1 fact the staff received no return-addressed postcards  
2 which they always have in past years.

3 The By-Laws of the P and Z Commission  
4 provide notice is optional. This provision makes the  
5 By-Laws illegal and unconstitutional. Notice is not  
6 optional. Due process requires it, as well as  
7 Missouri statutes.

8 The failure to give notice is easily  
9 correctable. The Commission could require the staff  
10 to give notice and set the matter for hearing in  
11 January.

12 Another correctable problem would be to  
13 require Landvatter to seek a CUP. There's been no  
14 explanation for why the same plant is now considered  
15 commercial and not industrial. There's been no  
16 explanation why the Commissioners want to neglect  
17 their duty to impose conditions on a concrete plant.

18 You heard testimony at the last meeting  
19 that Landvatter operates at all hours and allows other  
20 companies to use its property on weekends, and they  
21 cause more noise and pollution.

22 It is your duty to protect health, safety  
23 and welfare and to impose conditions on noisy  
24 polluting plants. And you're failing in your duty by  
25 engaging in a myth that a concrete plant is not

1 industrial.

2 The citizens depend on you to protect  
3 them from nuisances or interferences with enjoyment of  
4 their property. They are not able to vote you out if  
5 you fail to represent their interests. You and your  
6 decisions are forced on them.

7 The documents we filed detailing the  
8 noise and environmental complaints give you ample  
9 evidence of what happens when industry is located next  
10 to residences. Industry does not belong next to  
11 residences.

12 Thank you.

13 CHAIRMAN EVANS: Thank you.

14 MS. REPORTER: I need just a  
15 minute.

16 (OFF THE RECORD)

17 Okay. Thank you.

18 CHAIRMAN EVANS: Okay. Anyone  
19 else wising to address the Commission?

20 (NONE)

21 If not, we'll move on to Old Business,  
22 and again File 180178 Landvatter Enterprises.

23 Scottie, can you give us the details?

24 MS. EAGAN: This is File 180178  
25 for Landvatter Enterprises, L. L. C.

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

4                   The property is on Old Route 66/West  
5 Osage Street, approximately 7/10 mile east of the  
6 intersection of Old Route 66/West Osage Street and Old  
7 Gray Summit Road in Boles Township.

8                   The Facts: This rezoning includes two  
9 parcels which total approximately 24.3 acres in size.  
10 The applicant is requesting to rezone approximately  
11 12.68 acres, which includes all of Parcel  
12 19-2-09.0-0-000-030.000 and a portion of Parcel  
13 19-2-09.0-0-000-030-210. The remaining 11.93 acres  
14 will remain Community Development.

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

18                   The properties between Old Route 66 and  
19 Old Gray Summit Road are zoned Community Development.  
20 The properties across the road of Old Route 66 and  
21 south of Interstate 44 are zoned Commercial Activity  
22 Highway Service.

23                   These properties are not a part of a  
24 subdivision, but there are subdivisions surrounding  
25 the proposed site on the west, south and southeast.

1           The property is surrounded by commercial  
2 properties to the west, high-density residential  
3 properties to the south and southwest, and the  
4 railroad on the east.

5           This property has access to Old Route 66.

6           The property is located in Water District  
7 Number 3.

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

19           The Review Committee Recommendations:  
20 The Review Committee recommended approval of this  
21 rezoning from Community Development to Commercial  
22 Activity 3, Community Business with 3 in favor and 0  
23 opposed.

24                           CHAIRMAN EVANS: Thank you.

25           I remind the Commissioners that we making

1 a recommendation to the Franklin County Commission who  
2 will make the final decision and go through the  
3 process of having their own public hearing.

4 And, Mark, did you want to begin  
5 discussion?

6 COUNTY ATTORNEY PIONTEK: Yes,  
7 Mr. Chairman, if I might.

8 Ms. Henry addressed you earlier to raise  
9 some of the same issues that she raised in her  
10 November 30th of 2018 letter to you, to the  
11 Commission.

12 I'd like to address just one in  
13 particular which I think is the -- sort of the heart  
14 of what she's claiming.

15 Her allegation is that notice wasn't  
16 provided by the Planning Department as is required  
17 both under state law and under the County Commission's  
18 or the County Commission's Unified Land Use  
19 Regulations.

20 I have an affidavit of Crystal Holdmeier,  
21 which I've marked Exhibit E, and I would offer it into  
22 evidence or offer it into the record, an affidavit  
23 from Crystal and if you don't mind, I'll read it.  
24 It's fairly short.

25 (Reading from document:)

1                   "The undersigned upon her  
2                   oath hereby certifies and  
3                   affirms: I am over 21 years of  
4                   age and competent to make this  
5                   affidavit;

6                   "I am employed by the County  
7                   of Franklin, Missouri in the  
8                   office of the Planning and Zoning  
9                   Commission, and I have personal  
10                  knowledge of the facts contained  
11                  herein.

12                  "As part of my duties, I  
13                  am responsible for mailing  
14                  notices required to be sent in  
15                  regard to any public hearing on  
16                  a rezoning application as  
17                  provided in Article 4, Section  
18                  82 of the Unified Land Use  
19                  Regulations of the County of  
20                  Franklin, Missouri.

21                  "The notices are required  
22                  to be sent to neighboring  
23                  property owners by mailing  
24                  written notice not later than  
25                  15 days before the hearing to

1           those persons who have real  
2           property which is located  
3           with 600 feet of the parcel  
4           that is the subject of the  
5           application.

6                     "The notices state the  
7           date, time and place for the  
8           hearing, reasonably identify  
9           the lot that is the subject  
10          of the application, and give a  
11          brief description of the  
12          action requested or proposed.

13                    "Notices conforming with  
14          the requirements of Article 4,  
15          Section 82 of the Unified Land  
16          Use Regulations were deposited  
17          in the U. S. mail with sufficient  
18          postage affixed, addressed to  
19          those property owners neighboring  
20          to the property that is the  
21          subject of the above-referenced  
22          application with said property  
23          owners listed on the attached  
24          Exhibit A.

25                    "Further affiant sayeth

1 not.

2 "Crystal Holdmeier,  
3 subscribed and sworn to."

4 The application she was referring to is  
5 the application for rezoning for the Landvatter  
6 property, File Number 180178. Attached to that  
7 affidavit is the listing of 40 property owners who are  
8 within 600 feet of the application's -- the  
9 applicant's property.

10 I would submit that as part of the  
11 record.

12 (Thereupon, evidence was  
13 marked for identification and  
14 submitted for the record as  
15 Exhibit E.)

16 Secondly, the comment was made that none  
17 of these cards or notices that were sent out were ever  
18 returned. We did receive, or the Planning Department  
19 received, one yesterday dated December 7th -- or it  
20 was received December 17th of 2018, addressed to  
21 Stonegate Mortgage Corporation, 4849 Greenville  
22 Avenue, Suite 800, Dallas, Texas 75206.

23 Stonegate Mortgage Corporation was one of  
24 the property owners that were on that list that were  
25 sent the notices. That came back yesterday. That's

1 marked Exhibit F, and I would offer that for the  
2 record.

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

7 Finally, I would offer that Missouri  
8 courts have been very clear about what constitutes  
9 proof of mailing. As long as you have proof that the  
10 postcards were adequately addressed to the -- to the  
11 correct address, proper postage was affixed and they  
12 were deposited in the U. S. mail, that's a presumption  
13 that those notices were mailed.

14 She makes the argument in her letter that  
15 there's no proof that the -- or that the County didn't  
16 prove that those notices were properly distributed by  
17 the Post Office. Last time I checked, it's not the  
18 County's responsibility to deliver mail.

19 She submitted affidavits from a number of  
20 people who said they never got the message. I can't  
21 understand that. I can't account for it. Apparently  
22 there were at least 37 other people who did get  
23 notices because they didn't submit an affidavit that  
24 they didn't receive one.

25 So it's not our responsibility to make

1 sure that these notices were delivered. It's only  
2 necessary that we deposit them in the mail with  
3 postage affixed and properly addressed.

4 Thank you. If you have any questions,  
5 I'll entertain them.

6 CHAIRMAN EVANS: Any questions?

7 (NONE)

8 COUNTY ATTORNEY PIONTEK: Thank  
9 you.

10 CHAIRMAN EVANS: Thank you.

11 Any discussion? Commissioner McLaren.

12 COMMISSIONER McLAREN: You  
13 know, probably this property, if this doesn't fit into  
14 Community -- CA3, probably no property probably  
15 shouldn't have that zoning district.

16 With the relationship of it to the  
17 highway and to all the access and the State Highway  
18 shed and everything else around it, it seems to me  
19 like it fits in with the use of the property. You  
20 know, I don't know that the concrete plant fits into  
21 that -- that use, but I think the zoning itself fits  
22 the site.

23 It is my personal opinion that we should  
24 -- if this site doesn't fit that zoning, probably no  
25 site would ever fit that zoning.

1                   However, you know, the determination  
2 whether a concrete plant fits into that zoning  
3 district, is something I question.

4                   CHAIRMAN EVANS: Any other  
5 discussion?

6                   COMMISSIONER WILLIAMS: Yeah.  
7 On that comment, I'll just say that it's an allowed  
8 use. So if you -- if you're in agreement that the  
9 zoning of the property is probably based on the  
10 surrounding properties and that sort of stuff, then my  
11 -- the fact that it's an allowed use, it's going to be  
12 allowed to go in there.

13                   There are no conditions you can put upon  
14 it since it's an allowed use.

15                   CHAIRMAN EVANS: Any other  
16 discussion? Discussion or comments?

17                   COMMISSIONER REINHOLD: I drove  
18 by there this afternoon. There's a large substation  
19 in the front of this, the railroad tracks on the other  
20 side of it. Me personally, I think that it fits in  
21 very well.

22                   So if you're looking for a motion, I'd  
23 make the motion to approve 180257 --

24                   MS. EAGAN: No.

25                   COMMISSIONER REINHOLD: I'm

1 sorry -- 180178.

2 CHAIRMAN EVANS: We have a  
3 motion to improve recommending rezoning file 180178.

4 Do we have a second?

5 COMMISSIONER WILLETTE: I'll  
6 second that.

7 CHAIRMAN EVANS: We have a  
8 motion and a second to approve recommendation of  
9 rezoning File 180178. All in favor signify by saying  
10 aye.

11 COMMISSIONER REINHOLD: Aye.

12 COMMISSIONER VOSS: Aye.

13 COMMISSIONER McLAREN: Aye.

14 COMMISSIONER WILLETTE: Aye.

15 COMMISSIONER WILLIAMS: Aye.

16 CHAIRMAN EVANS: Aye.

17 COMMISSIONER TOBBEN: Aye.

18 CHAIRMAN EVANS: Opposed?

19 COMMISSIONER HAIRE: Nay.

20 CHAIRMAN EVANS: The motion is  
21 carried.

22 Moving on to File 180257, Samantha

23 Williford.

24 Scottie, you want to give us the update.

25 MS. EAGAN: Mrs. Williford

1 asked that we table her application. She is out of  
2 the country right now, and she'd like to be here when  
3 you guys make your decision. So she's asking to table  
4 it to a future meeting.

5 CHAIRMAN EVANS: Any comments  
6 on that? Ron?

7 COMMISSIONER WILLIAMS: Is she  
8 going to be back for the January meeting?

9 MS. EAGAN: She'll be back for  
10 the January meeting. She wasn't going to be here for  
11 Review Committee with the discussion on the table  
12 later on in the meeting, I don't think it's going to  
13 add or whether or not she's going to be at the Review  
14 Committee, but she will be here for the January  
15 meeting.

16 COMMISSIONER WILLIAMS: Okay.

17 CHAIRMAN EVANS: Okay.

18 COMMISSIONER WILLIAMS: I make  
19 a motion we table the File Number 180257.

20 COMMISSIONER McLAREN: Second.

21 CHAIRMAN EVANS: We have a  
22 motion and a second to table File 180257. All in  
23 favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 COMMISSIONER VOSS: Aye.

1 COMMISSIONER McLAREN: Aye.

2 COMMISSIONER WILLETTE: Aye.

3 COMMISSIONER WILLIAMS: Aye.

4 CHAIRMAN EVANS: Aye.

5 COMMISSIONER HAIRE: Aye.

6 COMMISSIONER TOBBEN: Aye.

7 CHAIRMAN EVANS: Opposed?

8 (NONE)

9 The motion is carried.

10 File 180259, Michael Hildebrand.

11 COMMISSIONER TOBBEN: (Recused  
12 himself from File 180259 hearing.)

13 CHAIRMAN EVANS: Scottie, will  
14 you give us the details.

15 MS. EAGAN: This is File 180259  
16 for Michael Hildebrand.

17 The applicant is requesting to conduct  
18 manufacturing light with more than five employees in  
19 the Community Development zoning district.

20 The property is located at 3695 Highway  
21 MM, approximately .25 miles west of Highway 100 in  
22 Boles Township.

23 The Facts: The total are of the property  
24 is approximately 11.4 acres. The zoning of this  
25 property is Community Development. In this district,

1 manufacturing light with more than five employees  
2 requires a Conditional Use Permit.

3 The surrounding properties are zoned  
4 Community Development.

5 This property has access to Highway MM.  
6 This is a State-maintained road with a right-of-way  
7 width of 40 feet.

8 Directly south of the proposed  
9 development is a 47-lot subdivision, Pine Lake  
10 Estates. Directly north of the property, across  
11 Highway MM, appears to be a railroad.

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

14 In 2003, this property received a  
15 Conditional Use Permit for a major subdivision for  
16 multi-family housing. Nothing ever came of the  
17 subdivision, and therefore, the previous CUP has  
18 expired.

19 Staff Comments: Any buildings used or  
20 build in connection with the CUP will need to be  
21 approved by the Franklin County Building Department  
22 for a commercial building. All new and/or existing  
23 entrances onto Highway MM will need to be examined by  
24 MoDOT for a commercial entrance. Planning and Zoning  
25 shall receive a copy of the permit prior to the

1 applicant commencing any activities on the property.

2 All conditions shall be completed within  
3 one year of approval unless otherwise stated. Failure  
4 to meet all conditions may result in the application  
5 expiring.

6 The hours of operation shall be limited  
7 to Monday through Friday from 8:00 a.m. to 5:00 p.m.

8 The applicant shall be limited to 20  
9 employees.

10 Anything stored outside shall be behind a  
11 sight-proof fence.

12 Review Committee Recommendations: The  
13 Review Committee recommended approval of this  
14 Conditional Use Permit to conduct manufacturing light  
15 with more than five employees in the Community  
16 Development zoning district with 2 in favor, 0 opposed  
17 and 1 abstention.

18 CHAIRMAN EVANS: Thank you.

19 That abstention was Commissioner Tobben,  
20 who has also recused himself this evening.

21 Any discussion?

22 I think what we discussed at the Review  
23 Committee the use of this property is a permitted use  
24 with up to five employees. So the only issue was that  
25 he could have an additional 15 employees. And the

1 only condition I think we looked at was the possible  
2 buffer on the back of the building where he would have  
3 trailers or other equipment.

4 And correct me if I'm wrong.

5 COMMISSIONER WILLIAMS: If I  
6 recall correctly, weren't there requirements already  
7 in the Code and those will be applied when the  
8 application comes through for a construction or  
9 building permits?

10 MS. EAGAN: Yeah. We have a  
11 whole article related to buffers, and we enforce those  
12 once we get building permits.

13 COMMISSIONER WILLIAMS: The  
14 idea for the sight-proof fence was above and beyond  
15 what's required for the -- in the Code --

16 MS. EAGAN: Right.

17 COMMISSIONER WILLIAMS: -- for  
18 the buffer.

19 CHAIRMAN EVANS: Right. So,  
20 Scottie, I know there's a whole section on buffers,  
21 but the sight-proof fence, would that be in the Code  
22 also, or would we have to make that condition?

23 MS. EAGAN: That is one of the  
24 conditions that we have on the Staff Report, "Anything  
25 stored outside shall be behind a sight-proof fence."

1                   CHAIRMAN EVANS: Okay, which I  
2 think was -- in discussing, I think we discussed the  
3 15 employees. I think we have to come up with a --  
4 probably some number since it's a permit use with five  
5 employees or less.

6                   COMMISSIONER HAIRE: I think we  
7 have here limited to 20 employees under the additional  
8 15.

9                   CHAIRMAN EVANS: Okay, I'm  
10 sorry. Is that in there? It is.

11                  COMMISSIONER HAIRE: Yes, it's  
12 in there.

13                  CHAIRMAN EVANS: Okay. I did  
14 not look at my file. I apologize.

15                  COMMISSIONER HAIRE: And the  
16 only question I think that came up than the  
17 sight-proof fence was it doesn't have to be a fence.  
18 It can be something like, you know, some trees or  
19 whatever. I mean, I'm not --

20                  MS. EAGAN: Usually we like to  
21 be specific in our conditions. In the past we've said  
22 stored outside behind a sight-proof fence, and then  
23 we'd give a height or say something similar to, you  
24 know, a wood fence or stockade type fence, whatever  
25 you guys want.

1                   Sometimes you guys are okay with chain  
2 link and the slats in it. So...

3                   COMMISSIONER HAIRE: Probably  
4 easier to enforce it this way. That's fine.

5                   CHAIRMAN EVANS: Any other  
6 comments?

7                   (NONE)

8                   So we have those six conditions. Those  
9 are all acceptable.

10                  If there is no further discussion, Chair  
11 would entertain a motion.

12                  COMMISSIONER HAIRE: I'll move  
13 that we approve the Conditional Use Permit request  
14 File 180259.

15                  COMMISSIONER REINHOLD: Second  
16 it.

17                  CHAIRMAN EVANS: We have a  
18 motion and a second to approve File 180259. All in  
19 favor signify by saying aye.

20                  COMMISSIONER REINHOLD: Aye.

21                  COMMISSIONER VOSS: Aye.

22                  COMMISSIONER McLAREN: Aye.

23                  COMMISSIONER WILLETTE: Aye.

24                  COMMISSIONER WILLIAMS: Aye.

25                  CHAIRMAN EVANS: Aye.

1 COMMISSIONER HAIRE: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 Motion carried, file approval.

5 COMMISSIONER TOBBEN: (Returned  
6 to meeting.)

7 CHAIRMAN EVANS: And we will  
8 move on now to the Preliminary Plat. File 180246,  
9 West Summit, L. L. C.

10 Scottie, can you give us the details.

11 MS. EAGAN: This is File 180246  
12 for West Summit, L. L. C.

13 The applicant requests to create a 15-lot  
14 subdivision in Suburban Development zoning district.

15 The property is located off of Old Gray  
16 Summit Road, approximately one mile west of the  
17 intersection of Old Gray Summit Road and Highway N, in  
18 Boles Township.

19 The Facts: The property is approximately  
20 58 acres in size.

21 The zoning of this property is Suburban  
22 Development. The minimum lot size in this zoning  
23 district is 30,000 square feet with central water and  
24 sewer.

25 The average lot size in the proposed

1 development is approximately three acres.

2 The property directly east of this  
3 development is located within the city limits of  
4 Pacific.

5 According to the plat, water service and  
6 sewer service will be provided by Water District 3,  
7 but the treatment of the sewer will be done by the  
8 City of Pacific through Brush Creek Sewer District.

9 The applicant also shows a 15-foot  
10 utility easement along all the roads, a 15-foot  
11 utility easement on the rear property lines, and a  
12 5-foot utility easement along the side property lines.

13 With a development this size, the  
14 applicant is not required to dedicate open space, but  
15 has chosen to provide approximately eight acres of  
16 open space in this development.

17 All utilities will be located  
18 underground.

19 Because of the size of the development,  
20 the applicant shall provide fire protection in  
21 accordance with Article 8, Section 197. Because this  
22 development is located within Pacific Fire District,  
23 they will be required to meet the standards of that  
24 district.

25 This development will have access to Old

1 Gray Summit Road. This is a public road with 50-foot  
2 easement width.

3 Staff Comments: Complete engineered  
4 drawings and improvement plans to be reviewed by  
5 Franklin County should be submitted before final  
6 approval.

7 A land disturbance permit from DNR is  
8 required to disturb more than one acre of land as well  
9 as erosion controls during development.

10 Prior to recording the final plat,  
11 Planning and Zoning shall receive proof of an approved  
12 access for any access onto Old Gray Summit Road.

13 The preliminary plat should be revised to  
14 show a 20-foot utility easement along Old Gray Summit  
15 Road.

16 As of 12/10/2018, the Preliminary Plat  
17 was missing the following information:

- 18 - The vicinity map;
- 19 - The names of adjoining property owners;
- 20 - The zoning district;
- 21 - A note indicating the proposed use of  
22 the property; and
- 23 - Stormwater Plans.

24 As of 12/18/18, all issues have been  
25 resolved.

1 CHAIRMAN EVANS: Thank you.

2 So you have received all information  
3 necessary for the preliminary plat?

4 MS. EAGAN: Yes.

5 CHAIRMAN EVANS: Okay.

6 Is the applicant here? Will you please  
7 state your name and address.

8 MR. GENE FRIBIS: Good evening,  
9 first of all. My name is Gene Fribis. I'm a civil  
10 engineer. I work for Heniger and Associates  
11 Engineering in Arnold. I have not signed the sign-in  
12 sheet yet.

13 I guess I can do that here in a minute.

14 (Thereupon, the witness was  
15 sworn.)

16 We have been retained by West Summit, L.  
17 L. C. to develop this particular plat, again  
18 repeating, 15 lots all greater than 3 acres in size.

19 Our client not only owns this piece of  
20 ground, but also the property just a little over 50  
21 acres directly to the east. That's the property that  
22 has been annexed into the city of Pacific. They also  
23 own approximately between 40 and 45 -- between 45 and  
24 50 acres south of the subject tract on the south side  
25 of Gray Summit.

1           As Scottie mentioned, we are aware of all  
2 the conditions that have been imposed on this  
3 property, and we agree with all of those. So I can  
4 elaborate on storm sewers or grading or any other  
5 issue you'd like me to, but I'll just assume at this  
6 point that the satisfaction of the requirements of  
7 Franklin County, particularly Article 8 and Article 20  
8 have been satisfied. But again, if you have any  
9 questions, please ask me.

10           Today we found out that there is perhaps  
11 going to be an issue on the sanitary sewers. It was a  
12 surprise to all of us, but we found that the City of  
13 Pacific is, I'm going to say, posturing perhaps to not  
14 allow us to connect into their sewer network, which is  
15 just east of the property that my clients own east of  
16 the subject tract.

17           Accordingly, since we haven't had time to  
18 really completely investigate that, we think it would  
19 be appropriate to get approval on the main reason that  
20 we're here, and that is the approval of this  
21 preliminary plat, but we understand that it could be  
22 subject to the resolution of the sanitary sewer  
23 collection and disposal and/or treatment issues.

24           If that is the case and that is what you  
25 choose to do, then we would have to come back at some

1 future meeting and give you the details how resolve --  
2 how we solve that particular issue.

3 It was our intention on the sanitary  
4 sewer issue to connect onto sewers in the subdivision  
5 called Ridge Meadows, which is east of -- the property  
6 east of the subject tract, and extend sewers through  
7 my client's property, gravity sewers, to our property.  
8 And in addition, they've had me begin to investigate  
9 extending sanitary sewers across Old Gray Summit Road  
10 to the south of our tract and south of Old Gray Summit  
11 Road.

12 So accordingly, it was our plan to  
13 basically provide sanitary sewers to 150 acres in this  
14 area, which obviously would greatly enhance the value  
15 of all of those properties and I think be beneficial  
16 to everyone.

17 But this issue has to be resolved with  
18 the City of Pacific, but we're here tonight. We  
19 didn't know about this until this afternoon, and again  
20 what we ask for is affirmative action on the  
21 preliminary plat subject to whatever statement you  
22 think is appropriate regarding the final resolution of  
23 the sanitary sewers.

24 So that's all I have in terms of a  
25 presentation unless you have any questions.

1                   CHAIRMAN EVANS:  Scottie, the  
2   sanitary sewer issue would have to be resolved before  
3   a final plat is approved?

4                   MS. EAGAN:  That's correct.

5                   CHAIRMAN EVANS:  So by  
6   approving this file, you have everything else  
7   required.  So that issue would be resolved before the  
8   final plat is approved anyway.

9                   Ron?

10                  COMMISSIONER WILLIAMS:  Just  
11   one other item.  They'll need to submit their  
12   stormwater retention calculations once they're  
13   completely.  But that can be done after their  
14   engineering work is done, can be done at that time.  
15   It's a hindrance on the preliminary plat as far as I'm  
16   concerned.

17                  MR. FRIBIS:  Yeah, that's no  
18   problem with us.

19                  CHAIRMAN EVANS:  Commissioner  
20   McLaren?

21                  COMMISSIONER McLAREN:  This is  
22   actually a question for Ron.

23                  When -- not just this development but any  
24   development, I know communities require bonds or  
25   performance bonds or whatever.  Does the County

1 require performance bonds on a subdivision?

2 COMMISSIONER WILLIAMS: I think  
3 that's a Planning and Zoning question.

4 MS. EAGAN: It just depends on  
5 how they want to go about the final plat. If they  
6 want the final plat recorded prior to any improvements  
7 being done, then yes, we do require that.

8 If they go ahead and do all the  
9 improvements before they would get their final plat  
10 done, then we don't.

11 So it just depends on what they want to  
12 do.

13 COMMISSIONER McLAREN: And I  
14 just came up with that question when I read the letter  
15 from the City that if something gets started and you  
16 get into a situation where it doesn't get finished,  
17 what happens.

18 MS. EAGAN: Yeah, we do. We do  
19 require escrows or bonds if the improvements haven't  
20 been completed.

21 CHAIRMAN EVANS: Any other  
22 questions, comments?

23 (NONE)

24 Thank you.

25 COMMISSIONER TOBBEN: I have a

1 question.

2 CHAIRMAN EVANS: Oh,  
3 Commissioner Tobben.

4 COMMISSIONER TOBBEN: Mr. Alvin  
5 (sic), you said that the property tract 2 on this  
6 survey had been annexed into the City of Pacific; is  
7 that correct?

8 MR. FRIBIS: Yes.

9 COMMISSIONER TOBBEN: How about  
10 the property, tract 3; has that --

11 MR. FRIBIS: No.

12 COMMISSIONER TOBBEN: That has  
13 not?

14 MR. FRIBIS: That has not been,  
15 but our -- my client owns all three tracts.

16 COMMISSIONER TOBBEN: Okay.

17 MR. FRIBIS: That's something I  
18 want to make sure you understand.

19 COMMISSIONER TOBBEN: In the  
20 15-lot subdivision, out of curiosity, what is going to  
21 be the price point for a lot at this point?

22 MR. FRIBIS: I don't think  
23 that's been determined yet, but three-acre lots in  
24 that area will probably bring in the range of \$75,000  
25 for the lot only.

1 COMMISSIONER TOBBEN: Okay.

2 MR. FRIBIS: There is a  
3 gentleman here from -- representing my client tonight.  
4 I'm going to turn around and see if that was a  
5 reasonable guess at the value, and it seems like that  
6 was pretty close.

7 COMMISSIONER TOBBEN: Thank  
8 you.

9 CHAIRMAN EVANS: Any other  
10 questions?

11 (NONE)

12 Thank you.

13 MR. FRIBIS: Okay. Thank you.

14 CHAIRMAN EVANS: Is there  
15 anyone else wishing to speak? In favor of the  
16 preliminary plat. No one in favor.

17 Anyone wishing to speak against the  
18 preliminary plat?

19 MS. EAGAN: No, we don't --  
20 Bill, we don't have public comments.

21 CHAIRMAN EVANS: Oh, I'm sorry.  
22 Preliminary plats -- I apologize. Everything's been a  
23 public hearing.

24 All right. Any other discussion?

25 (NONE)

1                   If not, the Chair would entertain a  
2 motion.

3                   COMMISSIONER TOBBEN: I'll make  
4 a motion to approve the Preliminary Plat, assuming  
5 that the issue with the water is in compliance with  
6 Franklin County.

7                   COMMISSIONER McLAREN: Sewer.

8                   COMMISSIONER TOBBEN: Sewer,  
9 I'm sorry. Sewer.

10                  CHAIRMAN EVANS: Scottie, did  
11 you say that would be addressed so we don't need to  
12 really make it contingent on that?

13                  MS. EAGAN: You don't need --

14                  CHAIRMAN EVANS: We can just  
15 approve it?

16                  MS. EAGAN: Yeah, you don't  
17 need to make it contingent. That will be something we  
18 will require before we move forward.

19                  CHAIRMAN EVANS: Okay.

20                  Commissioner Tobben, is it all right to  
21 modify your motion to just for approval?

22                  COMMISSIONER TOBBEN: Yes,  
23 absolutely.

24                  CHAIRMAN EVANS: We have a  
25 motion.

1 COMMISSIONER WILLETTE: I'll  
2 second that.

3 CHAIRMAN EVANS: We have a  
4 second -- we have a motion and a second to approve  
5 Preliminary Plat File 180246. All in favor signify by  
6 saying aye.

7 COMMISSIONER REINHOLD: Aye.

8 COMMISSIONER VOSS: Aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER WILLETTE: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER HAIRE: Aye.

14 COMMISSIONER TOBBEN: Aye.

15 CHAIRMAN EVANS: Opposed?

16 (NONE)

17 Motion is carried.

18 All right. Moving back to New Business.  
19 File 180270, Planning and Zoning.

20 Scottie, will you please give us the  
21 details.

22 MS. EAGAN: Okay. For this  
23 file, we are looking to amend Article 2, and if you  
24 guys look through it, it's going to look a little  
25 redundant. What we're doing is we're fixing some

1 regulations that were passed a few years ago without a  
2 public hearing before the Planning and Zoning  
3 Commission.

4 So we're just doing the process over to  
5 have our public hearing before you guys. So anything  
6 the Special Occasional definition is the exact same.  
7 So that is a change that we're proposing to do.

8 The other changes I did do in here for  
9 the definitions of low-, medium-, and high-density.  
10 Some people were getting confused because they read,  
11 for instance, low-density was those residential zoning  
12 districts in which the density is equal to or less  
13 than one dwelling unit per 40,000 square feet.

14 So people were wondering what were our  
15 low-density residential districts. So rather than  
16 having zoning districts, we just called it those  
17 residential areas. So then people understand more  
18 what is high-density area is versus low-density.

19 The other change I did was based on a  
20 comment from Bill McLaren in the past on micro  
21 brewery. At the end of it we have 75 percent of the  
22 beer for sale must be produced from hops and grains  
23 grown on premise or within the state of Missouri. We  
24 are recommending to get rid of that statement.

25 So those are the only changes to Article

1 2.

2 CHAIRMAN EVANS: Any discussion  
3 there?

4 (NONE)

5 If there's no discussion, the Chair would  
6 entertain a motion -- well, I have to ask if there is  
7 anyone else present that wishes to speak in favor of  
8 Article 2.

9 (NONE)

10 Anyone present wishing to speak in  
11 opposition?

12 (NONE)

13 If not, no we're open for discussion.  
14 Are there any comments?

15 (NONE)

16 If not, the Chair would entertain a  
17 motion to move this file to Old Business.

18 COMMISSIONER HAIRE: I move  
19 that we take Article 2, File Number 180270, and move  
20 it to Old Business.

21 COMMISSIONER McLAREN: Second.

22 CHAIRMAN EVANS: Motion and  
23 second to move File 180270 to Old Business. All in  
24 favor signify by saying aye.

25

1 COMMISSIONER REINHOLD: Aye.  
2 COMMISSIONER VOSS: Aye.  
3 COMMISSIONER McLAREN: Aye.  
4 COMMISSIONER WILLETTE: Aye.  
5 COMMISSIONER WILLIAMS: Aye.  
6 CHAIRMAN EVANS: Aye.  
7 COMMISSIONER HAIRE: Aye.  
8 COMMISSIONER TOBBEN: Aye.  
9 CHAIRMAN EVANS: Opposed?  
10 (NONE)

11 Motion is carried.

12 Moving on to File 180271, Planning and  
13 Zoning.

14 Scottie?

15 MS. EAGAN: Okay. This is the  
16 amendments to Article 7. Besides adding Special  
17 Occasions per Article 10 in the NUA/CD and CA  
18 districts, what I did, a lot of people read about or  
19 hear our Non-Urban and Agricultural zoning district  
20 and think this district is strictly for agricultural  
21 activities, and that's not what the intent of that  
22 district is.

23 So I'm recommending to change the purpose  
24 of that district. So what I wrote is:

25 "The intent of this

1 district is to provide  
2 for agricultural and small-scale  
3 commercial uses, cultural uses,  
4 institutional uses, and  
5 agricultural uses to mix with  
6 low-density residential uses  
7 for the convenience of residents  
8 and travelers."

9 So those are the two changes we've made  
10 to Article 7.

11 COMMISSIONER HAIRE: I didn't  
12 see anything else. That was it?

13 MS. EAGAN: It would be the  
14 purpose and then where we're at in Special Occasions,  
15 which is the district that they were already in, the  
16 NUA district, the CD districts, CA district. So...

17 CHAIRMAN EVANS: Commissioner  
18 -- Ron.

19 COMMISSIONER WILLIAMS: Just a  
20 question. I -- is there a reason for that last  
21 statement, ... for the convenience of residents and  
22 travelers"?

23 MS. EAGAN: No.

24 COMMISSIONER WILLIAMS: I mean,  
25 I -- I don't want to get people hung up on that sort

1 of nomenclature when it's -- when the purpose of the  
2 district is to allow all of the uses herein.

3 MS. EAGAN: Okay.

4 COMMISSIONER WILLIAMS:  
5 Personally.

6 MS. EAGAN: Okay.

7 COMMISSIONER WILLIAMS: I think  
8 we've seen on occasion here people literally take  
9 what's stated in here and throw it back out here at  
10 us.

11 MS. EAGAN: Right.

12 COMMISSIONER WILLIAMS: And  
13 it's like well, why bother. Just say that's what can  
14 go in there and say that's the purpose of the district  
15 and okay.

16 MS. EAGAN: Right.

17 So you recommend to drop -- end it at,  
18 you know, "...mix with low-density residential"?

19 COMMISSIONER WILLIAMS: Yes.

20 CHAIRMAN EVANS: "Uses."

21 COMMISSIONER WILLIAMS: Right.

22 COMMISSIONER McLAREN: How do  
23 we define small-scale?

24 MS. EAGAN: I didn't define it  
25 in Article 2. To be honest with you, I just looked it

1 up on the dictionary and that's the definition I went  
2 by. I can't remember what it said at this point.

3 CHAIRMAN EVANS: I guess what  
4 you're saying is that's a relative term, and --

5 COMMISSIONER McLAREN: Yeah, I  
6 mean, what I might think is small-scale somebody else  
7 might think is smaller scale. As long as we're  
8 parsing words.

9 COMMISSIONER WILLIAMS: Well,  
10 just drop the small-scale.

11 COMMISSIONER McLAREN: I'm  
12 sorry?

13 COMMISSIONER WILLIAMS: Just  
14 drop the small-scale.

15 MS. EAGAN: Recent uses.

16 COMMISSIONER HAIRE: I don't  
17 see a definition for small-scale. Is there one in  
18 there?

19 MS. EAGAN: Yeah, I did not do  
20 a definition.

21 COMMISSIONER HAIRE: Okay.

22 COMMISSIONER WILLIAMS: To me  
23 you bring up a good point. It's likely, you know, one  
24 person's small-scale is another person's large-scale.  
25 You're absolutely correct, so why bother. We just say

1 the uses and those uses are defined by what's in the  
2 Code.

3 MS. EAGAN: Okay.

4 CHAIRMAN EVANS: Yeah, since we  
5 do have the permitted uses listed. I would agree  
6 that's kind of a relative term open to whatever  
7 somebody wants it to mean.

8 So we would take out the small-scale and  
9 just use commercial uses. Is that acceptable to  
10 everyone?

11 COMMISSIONER WILLIAMS: Yeah.

12 CHAIRMAN EVANS: Any other  
13 discussion on that?

14 MS. EAGAN: I also realized I  
15 have agricultural in there twice, so I'll probably  
16 take one out.

17 CHAIRMAN EVANS: Correct.

18 COMMISSIONER HAIRE: Uh-huh.

19 CHAIRMAN EVANS: All right.  
20 Anyone else present wishing to speak in favor of the  
21 amendments to Article 7?

22 (NONE)

23 Anyone present wishing to speak in  
24 opposition?

25 (NONE)

1                   If not, is there any further discussion?

2   (NONE)

3                   Hearing none, the Chair would entertain a  
4 motion to move this to Old Business with the proposed  
5 changes.

6   COMMISSIONER McLAREN: Mr.  
7 Chairman, when we move it to Old Business, will it be  
8 reread to us at that time?

9   CHAIRMAN EVANS: Yeah, we can  
10 have discussion again at that time to verify the  
11 change.

12    COMMISSIONER McLAREN: I will  
13 make that motion then.

14    COMMISSIONER TOBBEN: Second.

15    CHAIRMAN EVANS: Okay. We have  
16 a motion and a second to move File 180271 to Old  
17 Business. All in favor signify by saying aye.

18    COMMISSIONER REINHOLD: Aye.

19    COMMISSIONER VOSS: Aye.

20    COMMISSIONER McLAREN: Aye.

21    COMMISSIONER WILLETTE: Aye.

22    COMMISSIONER WILLIAMS: Aye.

23    CHAIRMAN EVANS: Aye.

24    COMMISSIONER HAIRE: Aye.

25    COMMISSIONER TOBBEN: Aye.

1 CHAIRMAN EVANS: Opposed?

2 (NONE)

3 The motion is carried.

4 Moving on to the next file. File 180272,  
5 Planning and Zoning.

6 Scottie?

7 MS. EAGAN: Okay. This is our  
8 Supplementary Use Regulations aspect of our Code.  
9 This is where we input Section 237, the Special  
10 Occasion Permits.

11 Like I didn't make any changes to these  
12 codes as they were presented to you a few years ago.  
13 So just to give you a brief overview again. Our  
14 Special Occasions, whether they're indoor or outdoor,  
15 are allowed in the NUA district, CD, CA-3 and CA. If  
16 it's 300 people or less, it's permitted. If they have  
17 more than 300, they're required to get that  
18 Conditional Use Permit.

19 The hours of operation we agreed upon  
20 were Monday through Thursday, 7:00 a.m. to 10:00 p.m.,  
21 Friday 7:00 a.m. to 12:00 a.m., Saturday 9:00 a.m. to  
22 12:00 a.m., and Sunday 10:00 a.m. to 10:00 p.m.

23 Our lot sizes for indoor only facilities  
24 is three acres. For an outdoor facility, it's 10  
25 acres. We talked about lighting and parking. We did

1 have setbacks on there. For any outdoor activity  
2 space, shall be set back at least 100 feet from any  
3 property line, and at least 200 feet from any  
4 neighboring residence.

5 The parking shall be set back at least  
6 100 feet from any property line and 200 feet from any  
7 neighboring residence.

8 Any indoor activity space shall be set  
9 back at least 50 feet from the property line and at  
10 least 100 feet from a neighboring residence.

11 Then we get into our application and  
12 everything we require with that, which includes a site  
13 plan, drawings by an engineer which shows the parking  
14 lot, the number of spaces, the surface material, the  
15 setbacks and so on and so forth.

16 So like I said, the regulations are the  
17 exact same as they were a few years ago. We didn't  
18 make any changes to those.

19 CHAIRMAN EVANS: All right.  
20 Thank you.

21 Is there anyone present who wishes to  
22 speak in favor of Article 10?

23 Please state your name and address.

24 (Thereupon, the witness was  
25 sworn.)

1 MR. CAMERON LUEKEN: My name's  
2 Cameron Lueken with Wunderlich Surveying and  
3 Engineering at 512 East Main. I'm going to pass out a  
4 proposed code amendment.

5 So yeah, I'll go ahead and get started.  
6 So as Scottie mentioned, this is in regard to the  
7 Special Occasion Permit and I guess what the goal of  
8 this statement is that basically you guys have done a  
9 good job of outlining the generalized conditions when  
10 an applicant applies for a piece of property as it  
11 relates to a 3-acre and 10-acre piece, but perhaps  
12 they don't consider all the different components of a  
13 piece of property.

14 Meaning that a 3-acre piece could have a  
15 floodplain, it could have an overhead power line, it  
16 could have a gas line, it could have a right-of-way  
17 and corridor. It could have different features that  
18 affect where the building and all that goes on that  
19 piece.

20 And then when you look at how all the  
21 setbacks relate to even a 3-acre piece or even a  
22 10-acre piece, how it relates to the proximity to the  
23 parking to the nearest buildings and all that, all of  
24 a sudden you may start getting a very narrow area that  
25 you could utilize for your development.

1           So we're not -- the goal of this  
2 statement is, is that we're not trying to redo any of  
3 the things you guys have already done. We just -- the  
4 applicant just wants the ability to come and speak to  
5 you and subject themselves to the conditional use  
6 permit.

7           So what that means is, if they don't  
8 agree with the setback or whatever the case may be,  
9 they can discuss with you and prove to you that these  
10 conditions can be, I guess, discussed.

11           So like I said, we're not trying to  
12 re-event the wheel. It's just that we noticed that  
13 when you like look at everything, this covers probably  
14 90 percent of the properties, but it doesn't cover the  
15 other five. And for those other 5 percent of the  
16 applicants that are going to apply, we just want to  
17 make sure that they've got the ability to come and  
18 talk to you about those conditions.

19           Does that make sense what we're trying to  
20 do? Any of you have questions about that?

21           And I guess we proposed that, you know, I  
22 talked with Scottie about what would be the proper way  
23 to do this, and her and I discussed about it. And you  
24 know, if we need to amend or alter or change anything  
25 that's written here, obviously we're open to it. You

1 know, it's just whatever you guys deem necessary.

2 CHAIRMAN EVANS: Any questions?

3 So, Cameron, I'm still a little unclear.  
4 So we're looking at those areas where you could have  
5 the permit --

6 MR. LUEKEN: If I may, can I  
7 give you an example.

8 CHAIRMAN EVANS: Okay.

9 MR. LUEKEN: Yeah, so if you  
10 got a 3-acre piece of property that's 200 feet wide  
11 and you have to come in 100 foot each side on it, and  
12 then there's a power line in the back side of it that  
13 runs through the back 200 feet of it or there's a gas  
14 line or whatever, there may be site conditions out  
15 there that won't let you build a 100-foot wide venue  
16 with the appropriate parking inside the setbacks that  
17 are outlined in Section 327 as currently stated.

18 So basically what I'm saying, Bill, is  
19 that, you know, rather than the structure being 200  
20 feet away from property, we have to come to you and  
21 say -- from the neighbor residents, we'd have to come  
22 in here and say hey, look, it's only going to be 150  
23 feet, and here's the reasons why it's okay. Or the  
24 parking rather than being 100 feet from the property  
25 line, it may be 50 feet and here's the reason why it's

1 okay in that situation.

2 And it's up to the applicant to prove to  
3 you and discuss with you the parameters as such, just  
4 as an CUP.

5 CHAIRMAN EVANS: Ron.

6 COMMISSIONER WILLIAMS: No  
7 offense, but --

8 MR. LUEKEN: Yes, sir.

9 COMMISSIONER WILLIAMS: But  
10 maybe the property you just described is not a good  
11 piece of property to have a special occasion on.

12 MR. LUEKEN: Right.

13 COMMISSIONER WILLIAMS: If you  
14 can't meet the requirements.

15 MR. LUEKEN: Right, I  
16 understand that, but I guess --

17 COMMISSIONER WILLIAMS: Why  
18 should we bend them then?

19 MR. LUEKEN: Yeah, I can  
20 appreciate that, Ron, but if -- without getting into  
21 the nuts and bolts, I'll just give you an example.

22 If you look at the setbacks as it's  
23 currently outlined -- if you looked at like 300-foot  
24 wide lot, when you look at three acres, that's only  
25 about 400 foot deep. So then if there's something

1 there, it's going to get really tough to get that  
2 outline, even a 10-acre piece, depending on how it's  
3 laid out.

4 So between the topography, existing  
5 conditions, I can appreciate what you're saying, but I  
6 guess -- I guess what is the -- I guess, if they'd  
7 been given the property or if they bought the property  
8 and something's changed, I guess what would be the  
9 harm in letting them come and present to you.

10 They're still obligated to...

11 COMMISSIONER WILLIAMS: I think  
12 the basis of trying to define all of these things so  
13 somebody has the definitions here to look at --

14 MR. LUEKEN: Sure.

15 COMMISSIONER WILLIAMS: -- and  
16 say yeah, we got to meet them, and then if you can't  
17 meet them, we'll you don't have a proper piece of  
18 property to do what you want to do on it.

19 You know, it's like any other thing. I  
20 mean, I've dealt with zoning for a long time in city  
21 applications, and you know, you got all sorts of  
22 setbacks and guidelines and buffers and all that stuff  
23 we had to do there. And people would come in and want  
24 to bend those rules.

25 I'd say I'm sorry, but you can't do with

1 your property what you want to do with if you can't  
2 meet --

3 MR. LUEKEN: Sure, sure.

4 COMMISSIONER WILLIAMS: -- the  
5 regulations and requirements.

6 MR. LUEKEN: Right. I can  
7 appreciate and respect that, but I guess the -- and I  
8 don't want to put you on the spot here, but just think  
9 about the discussions that was had when you decided  
10 the 200 foot from the nearest residence or the 100  
11 foot for parking.

12 There probably wasn't a lot of discussion  
13 as it related to topography or natural buffers or  
14 stream buffers or whatever. There was some discussion  
15 obviously because you had to decide on something, but  
16 whether there was a -- you know, there was a big  
17 natural feature of some sort, it just -- I just don't  
18 think it's reasonable to expect if a person was given  
19 ten acres from a grandfather, say, that we wouldn't  
20 have the ability to come speak to you.

21 I mean, that's probably the example. If  
22 you've got an ancient structure, you know, that  
23 structure has been there for a hundred years and you  
24 want to make a wedding venue or a whatever, it's  
25 possible that that current arrangement of the property

1 lines in relationship to what you've got in your  
2 zoning code would disallow that, would disallow that.

3 And all we're asking for is just the  
4 ability to come and discuss that with you.

5 COMMISSIONER WILLIAMS: I think  
6 part of the reason for putting it into the code like  
7 it is so everybody would know what was required so  
8 you'd know whether or not you can meet those  
9 requirements or not so we're not sitting here --

10 MR. LUEKEN: Sure.

11 COMMISSIONER WILLIAMS: We've  
12 tried to get away from those conditional use permits.

13 MR. LUEKEN: Sure, and I think  
14 you covered 95, 98 percent of them. I think you did a  
15 great job, but it's just -- I think --

16 COMMISSIONER REINHOLD: All  
17 you're really asking for is if you can come and get a  
18 variance?

19 MR. LUEKEN: I wouldn't --  
20 I wouldn't --

21 COMMISSIONER REINHOLD: Is hat  
22 what you're saying?

23 MR. LUEKEN: I wouldn't call it  
24 a variance. I would say whatever it's called in the  
25 conditional use permit. Meaning that, you know, we're

1 going to subject -- the applicant's going to have to  
2 identify -- and I may get this wrong, Scottie, but I  
3 think it's Article 4, Section -- or Part 2; is that  
4 right?

5 MS. EAGAN: Uh-huh.

6 MR. LUEKEN: So we would not  
7 apply under a special occasion permit. We would apply  
8 under Article 4, Part 2. I don't know. I said that's  
9 everything, but there may be other sections that are  
10 applicable there.

11 And obviously a great basis to start with  
12 that would be everything that's outlined in your --  
13 your conditions would be everything that's outlined in  
14 Section 237. You can just say here, here you go, but  
15 if there's a condition that we can't meet, then that's  
16 what the applicant would discuss.

17 COMMISSIONER McLAREN: Mr.  
18 Chairman.

19 CHAIRMAN EVANS: Bill.

20 COMMISSIONER McLAREN: This has  
21 got a lot of my fingerprints on it, and I was the one  
22 that came up with acreage because Scottie, I don't  
23 know if she'll remember, we sat and talked about how  
24 much acreage you would have to have this kind of a  
25 setback, and that's how we -- you know, we talked

1 about how you come up with, you know, you got to have  
2 at least this much acreage to make it work.

3 I mean, that's -- that's the very  
4 minimum, and it has to be basically a perfect  
5 situation for the very minimum to work.

6 And I -- you know, we're not allowing  
7 residents to have the chance to comment on a CUP by  
8 doing it this way. I think -- and you're offering up  
9 the chance for a resident to get -- to make that  
10 comment. I understand that, but I think we came up  
11 with what the very minimum, you know, could be at that  
12 point in time.

13 My second part of the question would be,  
14 you know, Scottie, since we've done this, how well  
15 does it work?

16 MS. EAGAN: We -- we've had  
17 three applications. Two of them are -- have been  
18 approved.

19 COMMISSIONER McLAREN: Okay.

20 MS. EAGAN: It was a long  
21 process with them to get through it, but they got  
22 through it. So...

23 COMMISSIONER McLAREN: Is the  
24 -- as much as anything, is a 300-person correct?

25 MS. EAGAN: Yeah, we haven't

1 had any of them come close to that.

2 COMMISSIONER McLAREN: Okay.

3 CHAIRMAN EVANS: Any other  
4 questions?

5 MR. LUEKEN: I guess, Bill,  
6 when you talk about the minimums or the three-acre  
7 piece, you know, if you've got a 300-foot wide piece  
8 of ground, you've got 100-foot setbacks from each  
9 side, just the 100 foot that only gives you a 100-foot  
10 swath in the middle to do anything with.

11 And if that existing structure is within  
12 that 100 feet, you can't do anything with it,  
13 according to the special --

14 If your Special Occasion Permit, if your  
15 existing structure is within that 100 feet, as an  
16 historic ancient structure, underneath the Code, you  
17 can't do that.

18 Was that part of your consideration?

19 COMMISSIONER McLAREN: No. I  
20 think that's the most reasonable argument you have  
21 made. If it's an historical structure, I would agree  
22 that there needs to be some compensation made there  
23 for an historic construction if you're trying -- if  
24 you're trying to use something that has significant  
25 historical considerations, and a lot of these kind of

1 situations do, then you know, I -- I think that's  
2 different than building something from scratch.

3 MR. LUEKEN: Right.

4 COMMISSIONER McLAREN: And I  
5 think we -- personally I was looking at this one when  
6 we were considering it that this was new construction  
7 and not an historical thing. So I can see making an  
8 accommodation for something that's, you know, --

9 MR. LUEKEN: But this --

10 COMMISSIONER McLAREN: --

11 150-year-old --

12 MR. LUEKEN: Right.

13 COMMISSIONER McLAREN: -- stone  
14 barn.

15 MR. LUEKEN: But I'm going to  
16 play devil's advocate as my whole argument for a  
17 minute, and you know, just like you said, you said  
18 150. You know, what if something's 30 years old? Is  
19 it historical or not?

20 And so I guess when you -- when you --  
21 when does someone decide what's historical, 150 years  
22 or 30 years? So I guess in that condition, can we  
23 just allow the applicant to come discuss with you the  
24 conditions?

25 That's the -- that's the goal. That's

1 the bottom -- that's what I'm driving at, you know, if  
2 there's something that they are not able to meet in  
3 Section 237, whatever it might be, can they come and  
4 discuss that with you.

5 CHAIRMAN EVANS: Well, I hate  
6 to get into conditional use permits on -- on that  
7 article. I have to say we're looking at, like you  
8 said, 95 percent, and I don't think we're ever going  
9 to get to 100 percent where everything is going to  
10 fit.

11 We're -- you know, there's always going  
12 to be instances where, you know, we're not going to  
13 get to 100 percent on what people want to do. I don't  
14 think a CUP is the way to do it. I don't know if  
15 there's a work-around other than that, but I hate to  
16 see CUPs pop up on this.

17 MS. EAGAN: I mean, one of the  
18 things that stands out to me that would be probably an  
19 issue most of the time would be the setbacks.

20 Are you guys still comfortable with the  
21 setbacks that are listed, or did you guys want to talk  
22 about varying them or base them on acreage size or  
23 base them on how many peop- -- I don't know.

24 CHAIRMAN EVANS: That's one of  
25 those difficult ones because it's almost site-specific

1 on the --

2 MS. EAGAN: Right.

3 CHAIRMAN EVANS: -- property  
4 topography, everything else.

5 Any other discussion on that, questions  
6 for Cameron?

7 COMMISSIONER McLAREN: I'm  
8 sorry. I guess I'll just be argumentative.

9 I fully understand what you're saying,  
10 but if we're going to do something, you know, are you  
11 saying that on a larger acreage we would see more  
12 amenable to letting it be closer?

13 Surely we're not considering on the  
14 smaller acreage, we would make it any less setbacks.

15 MR. LUEKEN: Yeah, I'm not --  
16 I'm not asking so I -- what I did want to get into is,  
17 you know, trying to redo what you guys did, you know,  
18 for 95 percent of the applicants.

19 I don't disagree with what you guys did  
20 for 95 or 98 percent of the applicants. I'm just  
21 saying based upon structures, easements, whatever,  
22 floodplain, there's going to be some properties out  
23 there that won't be able to meet it, and I'm just  
24 asking can we come speak to you about that and propose  
25 to you and discuss. And start from the basis of what

1 it is, and then go from there.

2 COMMISSIONER McLAREN: Well,  
3 when we did this, you know, we kind of took away the  
4 -- I hate to say this, but the neighboring property  
5 owners -- when we went away from CUPs and went to  
6 this, we took away from the neighboring property  
7 owners the ability to comment on it.

8 So what you're suggesting is we're going  
9 back and we would allow the neighboring property  
10 owners to comment, but it --

11 MR. LUEKEN: I will say  
12 something that -- like I said, 95 percent of the  
13 applicants are still going to be special occasion  
14 permits, and they will not -- it will be just exactly  
15 as you said, they wouldn't comment. But I'm just  
16 saying if they're reading that Section 237 as a  
17 Special Occasion permit and they get to the component  
18 of that section that they can't meet because of their  
19 site-specific issues, then they can read down to  
20 Section E, the last section and say okay. I can't  
21 meet that, so therefore, I can come and speak to you  
22 guys about that.

23 And then they do open up the public to  
24 comment about it, whatever it might be. I mean, it's  
25 their decision.

1                   CHAIRMAN EVANS: Again, I'm  
2 trying to think of a way that this doesn't get really  
3 muddy, 95 percent of the people could do it this way,  
4 and 5 percent would have an issue, and then again,  
5 there's no way around. I mean, to say come and talk  
6 to us, are we talking CUP, Scottie? There is no other  
7 work-around where they --

8                   MS. EAGAN: No, not where they  
9 talk to you guys.

10                  CHAIRMAN EVANS: We don't want  
11 to throw toward variance -- yeah.

12                         So they could come and talk to us? No?

13                  MS. EAGAN: Not the way our  
14 code reads now, no.

15                  CHAIRMAN EVANS: Not the way  
16 the code reads?

17                  MS. EAGAN: Yeah. The board  
18 they would talk to would be the Board of Zoning  
19 Adjustment.

20                  CHAIRMAN EVANS: I was going to  
21 say that that would be the option they would have as  
22 we have our code.

23                  MS. EAGAN: I think --

24                  CHAIRMAN EVANS: And I think it  
25 went to BOZA.

1 MS. EAGAN: I think Cameron's  
2 purpose to have is to have and talk to the Board, that  
3 draft of the code.

4 CHAIRMAN EVANS: Right.

5 MS. EAGAN: Not the Board that  
6 had nothing to do with it, is what it boils down to.

7 MR. LUEKEN: BOZA -- actually I  
8 think BOZA just interprets the regulations to see what  
9 -- you know, do they meet the regulations and what  
10 conditions if they don't. But BOZA doesn't maybe  
11 understand the discussion behind that Bill mentioned  
12 about how they arrived at those setbacks or whatever  
13 their conditions might be.

14 And that's where I'm -- I just feel like  
15 since you're -- you're the Board that made it, I feel  
16 that's where the discussion belongs back at. Most  
17 appropriate.

18 CHAIRMAN EVANS: Any other  
19 questions for Cameron?

20 (NONE)

21 All right. Thank you, Cameron.

22 MR. LUEKEN: Thank you.

23 CHAIRMAN EVANS: Anyone else  
24 wishing to speak in favor of Article 10? Please state  
25 your name and sign in, please.

1 (Thereupon, the witness was  
2 sworn.)

3 MR. BILLY ECKLEKAMP: I'm Billy  
4 Ecklekamp with Ecklekamp Kuenzel in Washington.  
5 Obviously Cameron and I -- I drafted the language  
6 that's here in front of you tonight.

7 We're not by any means, held to that  
8 language or wanting to hold you to that language.  
9 What we're trying to do is both of us have different  
10 clients that come through our offices and ask about  
11 different things.

12 When we heard that this was coming up  
13 here tonight, we thought this was an opportunity to  
14 come and address you. I had a conversation with Mark,  
15 and he informed me of how the code works now.

16 When you have 300 people or less under  
17 the Special Occasion permit, you have to go through --  
18 I'm sorry. If you have 300 people or less in a  
19 wedding venue, per se, or anything under the Special  
20 Occasion permit, you have to get a Special Occasion  
21 permit. You cannot go the conditional use permit  
22 route.

23 And basically this opens that door to  
24 allow people the opportunity that you said it, Bill, a  
25 site-specific issue that may not fit into this box.

1 So we're not asking you to change all 10 of your  
2 criteria or 20 criteria, what they are. We're just  
3 saying you need to be -- somebody has to have the  
4 opportunity to look at it. It may be that there's a  
5 piece of property that's surrounded by -- I'm just  
6 making this up -- Mark Twain National Forest and it  
7 works. All right. But it's only nine acres.

8 Should they not be able -- be allowed to  
9 have a wedding venue or a birthday party venue or  
10 anything that they're talking about because it doesn't  
11 fit ten acres?

12 We want to be able to make sure that  
13 everybody has the ability to at least be heard. All  
14 right. If you -- if they come in front of you and  
15 they say, no, you still have to meet these criteria,  
16 then so be it. You can still deny them.

17 If you want to say well, we can bend this  
18 setback requirement or we can bend this parking  
19 requirement based on the topography or the site  
20 itself. Then you guys have the ability to do that.  
21 You know, you can put additional requirements on them.

22 The applicant will come up here and avail  
23 themselves to the Planning and Zoning Commission.  
24 They're going to avail themselves to the public  
25 comment portion of it. They're not coming up here and

1 necessarily trying to skip something.

2           You know, it's something that they would  
3 be doing voluntarily. If they fit and can check every  
4 one of the boxes, they get their permit. Is that  
5 correct?

6                           MS. EAGAN: Uh-huh.

7                           MR. ECKLEKAMP: But at this  
8 point, we have a designated cutoff of 300 people. If  
9 you're less than 300 people, the economies of scale  
10 don't always work either. You know, you have a  
11 topography issue you -- I mean, we live in the Ozark  
12 Mountains. Everything around here is a hill.

13                           You may not have enough flat area to  
14 build as much parking as would be required, but we  
15 could -- or the applicant could come in and say hey, I  
16 have an alternative means of getting people here and  
17 doing X, Y, Z.

18                           That's something that they should be able  
19 to come and do. Again, I understand the issue with  
20 all the conditional use permits. I mean, I've sat  
21 through these meetings and I've sat through these  
22 meetings in other counties.

23                           I've been the pain that you guys feel.  
24 So I get it, and I'm not trying to open up the code to  
25 where you're going to get pummeled every time you come

1 in here with somebody else asking for a conditional  
2 use permit.

3 All I'm saying is that we -- I think what  
4 happened on accident was we foreclosed the ability for  
5 somebody under 300 people to apply for one of these  
6 permits in certain instances.

7 This language, again -- Cameron took it.  
8 I don't remember what it says exactly. But it's just  
9 simply saying in the alternative, you can go the other  
10 direction, and that's what you guys have the ability  
11 to do then, is to either make it harder or make it  
12 easier.

13 And we're not suggesting that you do  
14 either one of those tonight. We're just saying let  
15 them have the chance.

16 Do you have any questions for me?

17 CHAIRMAN EVANS: Questions?

18 (NONE)

19 All right. Thank you.

20 MR. ECKLEKAMP: Thank you.

21 CHAIRMAN EVANS: Anyone else  
22 wishing to speak in favor? Please state your name and  
23 address, and sign in, please.

24 MR. ROB MUCKLER: Rob Muckler,  
25 and --

1 (Thereupon, the witness was  
2 sworn.)

3 Hello, my family and I own property in  
4 Franklin County, and I've not heard of any issues  
5 arising from the Special Occasions permits since it's  
6 been adopted. I have read over the Special Occasion  
7 permit guidelines and criteria, and feel that it's  
8 fair for the person applying for the permit and also  
9 protects the integrity of the county.

10 This permit helps keep the process fair  
11 for those applying while also putting the rules and  
12 regulations in place to protect surrounding property  
13 owners. Just thank you for your time, and just wanted  
14 -- hoping you guys keep this in play.

15 Thank you.

16 CHAIRMAN EVANS: Thank you.

17 Anyone else wishing to speak in favor?

18 (NONE)

19 If not, anyone present wishing to speak  
20 in opposition to the proposed changes to Article 10?

21 (NONE)

22 If not, the floor is open for discussion.

23 Commissioner McLaren.

24 COMMISSIONER McLAREN: You  
25 know, I think they made some compelling arguments

1 here, but it took us three or four months to come up  
2 with this proposal. I would probably suggest that we  
3 table this for next month if we're going to change  
4 this and try and make sure we don't do something  
5 wrong.

6 I think Cameron's argument is -- the  
7 longer I think about it, is potentially reasonable  
8 argument, but I'd like to think about it personally as  
9 opposed to voting on it tonight. I'd like to have a  
10 month to think about it.

11 That's my comment.

12 CHAIRMAN EVANS: Yeah, I would  
13 agree to the point that's, as I said before the  
14 ordinance was set up, we're never going to be  
15 inclusive in every -- 100 percent of people who want  
16 to do something do it.

17 But again, I don't want to make a snap  
18 judgment where we crack the door and the flood gates  
19 open.

20 Ron, do you have something?

21 COMMISSIONER WILLIAMS: I guess  
22 for lack of a better term, I'm not compelled. I think  
23 -- as I recall, we looked at this, the issue was the  
24 conditional use permit and could we come up with  
25 criteria that would be reasonable as far as having the

1 special occasions.

2                   And I think those were developed. I  
3 think we all approved them. Here we are reapprove  
4 them. I don't why we want to change anything. Quite  
5 frankly, you need the code and you've got  
6 administrative ability to issue the permits and it's  
7 all streamline.

8                   I'm sorry. There are some cases where it  
9 won't apply because of certain restrictions. Those  
10 restrictions of property, fire, whatever it is, and  
11 that's -- I'm sorry. That's breaking the --

12                   CHAIRMAN EVANS: And, Mark,  
13 looks like you came to the podium before I asked you  
14 to come up.

15                   COUNTY ATTORNEY PIONTEK: Could  
16 I make one comment. I understand what Cameron is -- I  
17 understand his predicament, and I -- but I also take  
18 from his comment that if the special occasion permit  
19 language that's in front of you meets 95 to 98 percent  
20 of the property owners and properties in Franklin  
21 County and it's only those that have power line  
22 easements or topography issues, those are really  
23 appropriate for variances, not for a conditional use  
24 permit.

25                   That would be my suggestion for how you

1 handle that if you've got a particular piece of  
2 property due to its topography or utility easements or  
3 you can't meet the setback requirements, that's more  
4 appropriate to go to the Board of Zoning Adjustment  
5 rather than address that as a conditional use permit.

6 The other comment I would make is -- and  
7 I know Billy said that this language wasn't  
8 necessarily the only thing that was acceptable to  
9 them, but the way this is written, basically anything  
10 that's in this special occasion permit Section C that  
11 they can't meet, they want to be able to go and get a  
12 conditional use permit.

13 So if they've got a half acre lot, they  
14 would want to be able to get a conditional use permit  
15 instead of a minimum of three acres. Or they don't  
16 like the operating hours 7:00 a.m. to 10:00 p.m.  
17 Monday through Thursday and so forth, then they want  
18 to be able to get a conditional use permit.

19 It would make more sense to me if this  
20 was, and I think I would be receptive to the argument  
21 if this were limited to one factor and not a whole  
22 host of things. You do have -- obviously you have one  
23 factor that you consider as if you have more than 300  
24 guests you get a conditional use permit. If you would  
25 add one more to that, I don't think that would be a

1 big problem, but the way this is written, they  
2 wouldn't have to meet any of these and they could get  
3 a special -- or a conditional use permit.

4 And I -- that basically then the  
5 exception swallows the rule. Then you really don't  
6 have a rule for special occasion permits anymore.  
7 You're back to doing conditional use permits for  
8 everything. So that's my two cents worth.

9 CHAIRMAN EVANS: Thank you.

10 COMMISSIONER HAIRE: I see some  
11 issues on both sides. I'm kind of like with Bill, I'd  
12 really like to think this through just a little bit  
13 more before I make a final decision.

14 And I can see it going both ways. I also  
15 see that there might be room for some minor  
16 adjustments.

17 CHAIRMAN EVANS: Any other  
18 discussion?

19 (NONE)

20 If not, the Chair would entertain a  
21 motion. Maybe several motions.

22 COMMISSIONER HAIRE: I move  
23 that we table this for further discussion to the next  
24 session.

25 COMMISSIONER McLAREN: Second

1 that.

2 CHAIRMAN EVANS: We have a  
3 motion and a second to table File 180272. All in  
4 favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLETTE: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 CHAIRMAN EVANS: Opposed?

14 (NONE)

15 The motion is carried.

16 Moving on to File 180273, Planning and  
17 Zoning. Scottie?

18 MS. EAGAN: So this amendment  
19 is to Article 14, Amendments. When we did the code a  
20 few months back about the time limits under  
21 conditional use permits, we realized that under the  
22 rezonings and amendments in Article 14 we didn't have  
23 those time limits.

24 So we took the wording that we have in  
25 Article 4 about allowing 15 minutes for the presenter

1 or application and up to 5 minutes per witness on the  
2 presentation of evidence and arguments, and we moved  
3 that to Article 14. So it now is also in effect for  
4 rezonings and amendments.

5 CHAIRMAN EVANS: Thank you.

6 Anyone else present wishing to speak in  
7 favor of Article 14?

8 (NONE)

9 If no, anyone present wishing to speak in  
10 opposition to Article 14?

11 (NONE)

12 If not, the floor is open for discussion.

13 I think it's pretty straightforward in  
14 everything we've agreed to before, and that is  
15 consistent with other jurisdictions. And Mark said  
16 would be appropriate.

17 I don't see under anywhere it says the  
18 Planning Commission approves this review process. Mark  
19 said public hearing isn't really referencing the  
20 review committee but a review process. So this will  
21 be to us later.

22 No further discussion, the Chair would  
23 entertain a motion to move this to Old Business.

24 COMMISSIONER REINHOLD: I make  
25 a motion to move it to Old Business.

1 COMMISSIONER TOBBEN: Second.

2 CHAIRMAN EVANS: We have a  
3 motion and a second to move File 180273 to Old  
4 Business. All in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 COMMISSIONER VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER WILLETTE: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER HAIRE: Aye.

12 COMMISSIONER TOBBEN: Aye.

13 CHAIRMAN EVANS: Opposed?

14 (NONE)

15 The motion is carried.

16 Moving on to File 180297. Scottie?

17 MS. EAGAN: This is Article 12,  
18 our parking requirements. We realized when we did the  
19 special occasions regulations in the past, we forgot  
20 to move them over to Article 12. So we're just moving  
21 the special occasions parking requirements over to  
22 Article 12 so it's one space per four people or one  
23 space for four seats based on maximum capacity,  
24 whichever is greater.

25 And that is the only change to Article

1 12.

2 CHAIRMAN EVANS: Thank you.

3 Anyone present wishing to speak in favor  
4 of Article 12?

5 (NONE)

6 Anyone present wishing to speak in  
7 opposition to Article 12?

8 (NONE)

9 If not, the floor is open for discussion.

10 (NONE)

11 If there's no further discussion, Chair  
12 would entertain a motion to move this to Old Business.

13 COMMISSIONER HAIRE: Move to  
14 File 180297 to Old Business.

15 COMMISSIONER WILLETTE: I'll  
16 second that.

17 CHAIRMAN EVANS: We have a  
18 motion and a second to move File 180297 to Old  
19 Business. All in favor signify by saying aye.

20 COMMISSIONER REINHOLD: Aye.

21 COMMISSIONER VOSS: Aye.

22 COMMISSIONER McLAREN: Aye.

23 COMMISSIONER WILLETTE: Aye.

24 COMMISSIONER WILLIAMS: Aye.

25 CHAIRMAN EVANS: Aye.

1 COMMISSIONER HAIRE: Aye.

2 COMMISSIONER TOBBEN: Aye.

3 CHAIRMAN EVANS: Opposed?

4 (NONE)

5 Motion is carried.

6 Moving back to Old Business.

7 We have File 180270. Is there any  
8 further discussion?

9 (NONE)

10 If not, the Chair would entertain a  
11 motion to approve.

12 COMMISSIONER WILLETTE: Mr.  
13 chairman, I move to approve File 180270.

14 COMMISSIONER REINHOLD: I'll  
15 second.

16 CHAIRMAN EVANS: We have a  
17 motion and a second to approve File 180270. All in  
18 favor signify by saying aye.

19 COMMISSIONER REINHOLD: Aye.

20 COMMISSIONER VOSS: Aye.

21 COMMISSIONER McLAREN: Aye.

22 COMMISSIONER WILLETTE: Aye.

23 COMMISSIONER WILLIAMS: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER TOBBEN: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 Motion is carried.

5 Moving on to File 180271. Any further  
6 discussion?

7 We did make two changes I believe under  
8 the purpose that we would suggested that we remove  
9 small-scale from you first sentence, and that the  
10 description stop after "residential uses", removing  
11 "for the convenience of residents and travelers."

12 COMMISSIONER HAIRE: Could we  
13 just read that for a minute on the record, please.

14 CHAIRMAN EVANS: Sure.  
15 Scottie.

16 MS. EAGAN: "The intent of this  
17 district is to provide for agricultural and  
18 commercials uses, cultural uses and institutional uses  
19 to mix with low-density residential uses."

20 CHAIRMAN EVANS: Which  
21 agricultural did you take out?

22 MS. EAGAN: The second one.

23 CHAIRMAN EVANS: The second  
24 one, okay.

25 Any additional discussion?

1 (NONE)

2 If not, the Chair would entertain a  
3 motion to approve the file with the changes as  
4 submitted by Planning and Zoning Department.

5 COMMISSIONER HAIRE: I move we  
6 approve File 180271 with the amended change.

7 COMMISSIONER TOBBEN: I'll  
8 second that.

9 CHAIRMAN EVANS: We have a  
10 motion and a second to approve File 180271. All in  
11 favor signify by saying aye.

12 COMMISSIONER REINHOLD: Aye.

13 COMMISSIONER VOSS: Aye.

14 COMMISSIONER McLAREN: Aye.

15 COMMISSIONER WILLETTE: Aye.

16 COMMISSIONER WILLIAMS: Aye.

17 CHAIRMAN EVANS: Aye.

18 COMMISSIONER HAIRE: Aye.

19 COMMISSIONER TOBBEN: Aye.

20 CHAIRMAN EVANS: Opposed?

21 (NONE)

22 Motion is carried.

23 All right. Moving on to File 180273.

24 Any further discussion?

25 (NONE)

1                   If there's no further discussion, the  
2 Chair would entertain a motion to approve.

3                   COMMISSIONER TOBBEN: I'll make  
4 a motion to approve File 180273.

5                   COMMISSIONER WILLIAMS: I'll  
6 second it.

7                   CHAIRMAN EVANS: We have a  
8 motion and a second to approve File 180273. All in  
9 favor signify by saying aye.

10                   COMMISSIONER REINHOLD: Aye.

11                   COMMISSIONER VOSS: Aye.

12                   COMMISSIONER McLAREN: Aye.

13                   COMMISSIONER WILLETTE: Aye.

14                   COMMISSIONER WILLIAMS: Aye.

15                   CHAIRMAN EVANS: Aye.

16                   COMMISSIONER HAIRE: Aye.

17                   COMMISSIONER TOBBEN: Aye.

18                   CHAIRMAN EVANS: Opposed?

19                   (NONE)

20                   Motion is carried.

21                   Moving on to File 180297. Any further  
22 discussion?

23                   COMMISSIONER McLAREN: I'm  
24 going to discuss something for just a second, and I  
25 don't know exactly what.

1                   Since we tabled the other part on the  
2 special one, we tabled file on Article 14, would we  
3 not want to consider this file with the Article 14  
4 file?

5                   MS. EAGAN: Article 14 has  
6 nothing to do with special occasions.

7                   COMMISSIONER TOBBEN: Are you  
8 talking about Article 10, Bill?

9                   COMMISSIONER McLAREN: Article  
10 10. I'm sorry.

11                   COMMISSIONER TOBBEN: Yeah.

12                   CHAIRMAN EVANS: Are there --  
13 Scottie, that's a question for you I guess or...

14                   MS. EAGAN: Okay. It doesn't  
15 matter to me one way or the other. I was going to  
16 wait and bring them all to the Commission are one  
17 time.

18                   CHAIRMAN EVANS: Okay. So it  
19 wouldn't make any difference.

20                   COMMISSIONER WILLETTE: Mr.  
21 Chairman.

22                   CHAIRMAN EVANS: Debbie.

23                   COMMISSIONER WILLETTE: Since  
24 those two seem to go hand-in-hand, maybe that one  
25 would be tabled as well.

1 MS. EAGAN: Article 2 also went  
2 with them, just as an FYI.

3 CHAIRMAN EVANS: Okay. Article  
4 2 we have already approved. So we're looking at this  
5 file, and any further discussion? Otherwise, I'd  
6 entertain a motion.

7 COMMISSIONER WILLIAMS: We can  
8 discuss my motion again.

9 CHAIRMAN EVANS: Yeah, is there  
10 any further discussion?

11 COMMISSIONER WILLIAMS: Well, I  
12 mean, the parking is as it is in the parking  
13 regulations, unless you're considering going to change  
14 the parking. Why not consider it. I don't think  
15 anybody was talking about the parking being an issue.  
16 I think it's pretty reasonable.

17 CHAIRMAN EVANS: Any further  
18 discussion on that?

19 COMMISSIONER HAIRE: I can't  
20 see how parking would be an impact if we went on  
21 messing with this. It's a reasonable request though,  
22 unless somebody is missing something, I don't see.

23 CHAIRMAN EVANS: Further  
24 discussion?

25 (NONE)

1                   If not, the Chair would entertain a  
2 motion.

3                                   COMMISSIONER WILLETTE: Mr.  
4 Chairman, I move that we approve File 180297.

5                                   COMMISSIONER WILLIAMS: I'll  
6 second it.

7                                   CHAIRMAN EVANS: We have a  
8 motion and a second to approve File 180297. All in  
9 favor signify by saying aye.

10                                   COMMISSIONER REINHOLD: Aye.

11                                   COMMISSIONER VOSS: Aye.

12                                   COMMISSIONER WILLIAMS: Aye.

13                                   COMMISSIONER WILLETTE: Aye.

14                                   CHAIRMAN EVANS: Aye.

15                                   COMMISSIONER HAIRE: Aye.

16                                   COMMISSIONER TOBBEN: Aye.

17                                   CHAIRMAN EVANS: Opposed?

18                                   COMMISSIONER McLAREN: Nay.

19                                   CHAIRMAN EVANS: The motion is  
20 carried.

21                                   That concludes Old Business and New  
22 Business.

23                                   Moving on to Planning and Zoning  
24 Commission Forum, discussion of By-Laws.

25                                   We have received an e-mail from the

1 Franklin County Commission directing us to remove the  
2 Review Committee from our By-Laws and not use that  
3 going forward. I think you all should have received a  
4 copy of the amended By-Laws.

5 And the premise is that there is no real  
6 legal or regulatory foundation for there to be a  
7 review committee.

8 COMMISSIONER HAIRE: So that  
9 would mean if we get a situation where there's not a  
10 consensus but we want to think about it, we just table  
11 it to the next session then? Is that basically what  
12 we're going to be doing?

13 CHAIRMAN EVANS: The option  
14 would be to table or postpone, I would think would be  
15 the two options.

16 COMMISSIONER HAIRE: We do a  
17 discussion at the next session?

18 MS. EAGAN: Uh-huh.

19 COMMISSIONER HAIRE: Okay.

20 CHAIRMAN EVANS: And if you  
21 postpone or table, then the file automatically would  
22 remain open if it's tabled.

23 COMMISSIONER WILLETTE: Mr.  
24 Chairman.

25 CHAIRMAN EVANS: Yes, Debbie.



1 back the next month.

2 COMMISSIONER HAIRE: So  
3 basically, for example, in the past if we had  
4 something in review committee we had an open sub  
5 period to get additional information. So at that  
6 point, if it's opened and tabled to the next session,  
7 we can continue to go evaluate that just like it was  
8 still open for ourselves as part of the Commission?

9 COUNTY ATTORNEY PIONTEK: Yes.

10 COMMISSIONER HAIRE: Okay.

11 COUNTY ATTORNEY PIONTEK: Yes.

12 COMMISSIONER McLAREN: Mr.  
13 Chairman, from a practical standpoint, how often do  
14 you think we're going to table stuff and keep it open?

15 CHAIRMAN EVANS: About as often  
16 as we sent it to review committee.

17 COMMISSIONER McLAREN: About  
18 the same time.

19 CHAIRMAN EVANS: And again, I  
20 think some things are sent to the review committee.  
21 When we get to the review committee, then most of the  
22 time we don't have much more additional information.  
23 We just have longer to look at it, and there can be  
24 instances where we have a review committee and we do  
25 get additional information, but sometimes we don't

1 have the meeting minutes from maybe the last meeting.  
2 So we can't even review those.

3 And, Scottie, correct me if I'm wrong.  
4 That this is kind of marked where before the review  
5 committee met before the Planning and Zoning.

6 MS. EAGAN: Yeah, my  
7 understanding when review committee was first  
8 organized, they would go out before the Planning and  
9 Zoning meetings and visit each of the properties and  
10 then relay what they've seen to the Commission at the  
11 public hearing.

12 CHAIRMAN EVANS: And I know  
13 that -- and I don't know when this developed, but I  
14 know the Transportation Committee had a review  
15 committee on it, and which they never used. And a  
16 couple of years ago, they went ahead and removed it  
17 from their By-Laws.

18 So I know other commissions the  
19 committees were set up, but apparently several of them  
20 were blessed with the review committee in their  
21 By-Laws.

22 I think sometimes being on the review  
23 committee it gives you the opportunity to get  
24 clarification and everything. But as Mark said, when  
25 you have someone there and no one is allowed to speak

1 but you can ask them a question. But you're -- what  
2 you're really getting is unsworn testimony from  
3 someone, and that's -- that's, I guess, one of the  
4 biggest issues.

5 So if you would look at the By-Laws,  
6 basically it takes out any reference to the review  
7 committee. And again, it was the Commission has  
8 directed us to do so. Obviously we can take whatever  
9 action we please.

10 COMMISSIONER McLAREN: So --  
11 and I just -- I'm kind of slow, so in the past one  
12 person could vote to the negative and it would go  
13 automatically to the review committee.

14 So moving forward, it will take two  
15 people in order to table something or postpone it to  
16 the next meeting; is that correct?

17 CHAIRMAN EVANS: The change is  
18 really -- it took a unanimous to bypass review  
19 committee and go to Old Business. And the way this is  
20 written now, it would be just a majority. You would  
21 just go to Old Business or table, and it would take a  
22 simple majority.

23 So the unanimous piece is gone because  
24 that was required to get it to Old Business to bypass  
25 the review committee. Now there's no review

1 committee, so everything is a simple majority.

2 Did I explain that?

3 COMMISSIONER McLAREN: Yeah, I  
4 think.

5 MS. EAGAN: You're still making  
6 a motion to do -- well, you're making a motion to move  
7 it to Old Business. Now a majority can move it to Old  
8 Business rather than a unanimous decision.

9 CHAIRMAN EVANS: It required  
10 unanimous to bypass the review committee, and once you  
11 got to Old Business it was simple majority.

12 So now no review committee, we don't need  
13 a unanimous vote. Everything is simple majority.

14 COMMISSIONER WILLETTE: Or a  
15 simple majority to table?

16 CHAIRMAN EVANS: To table,  
17 right. For any motion simple majority, so the options  
18 would be old business, table or depending on the file  
19 denied.

20 Any further discussion?

21 Mark, I do have one question. When we  
22 look at the By-Laws and it says that the -- you could  
23 have special committees, you know, to assign, not to  
24 get you too confused, special committees.

25 Could that in fact be -- we even had the

1 miles where the review committee, when you're looking  
2 at some very large perplex ones where it's good to  
3 have -- there were review committees set down and  
4 really drilled down into them, you know, whether it be  
5 well, taken years and just this -- could they -- are  
6 they given for -- it's me.

7 Okay. I guess I'm asking would we have  
8 to go to the Commission because this Commission has to  
9 authorize?

10 COUNTY ATTORNEY PIONTEK:

11 Right. The Commission would have to establish these  
12 special committees, and would have to set out the  
13 purposes for which the special committee would be  
14 appointed.

15 That part of the language is the same as  
16 what was in your current code. We didn't change that  
17 at all. I mean, your current By-Laws rather.

18 CHAIRMAN EVANS: So without  
19 prior Commission approval, we could not create a  
20 committee?

21 COUNTY ATTORNEY PIONTEK:

22 Correct.

23 CHAIRMAN EVANS: Okay.

24 Again, if you look at the revised  
25 By-Laws, it pretty much just takes out any reference

1 to a review committee.

2 As I say, that request did come from the  
3 Commission and with Mark's legal opinion that there is  
4 no basis to have one.

5 Any further discussion?

6 (NONE)

7 If not, the Chair would entertain a  
8 motion.

9 COMMISSIONER TOBBEN: Bill, are  
10 we at the mercy of the Commissioners at this point?

11 CHAIRMAN EVANS: No, they  
12 directed us to do away with it, but we did not have to  
13 follow their direction. I mean, the option is that  
14 they could just replace us all, and get commissioner  
15 who would do away with the review committee.

16 COMMISSIONER WILLIAMS: I  
17 didn't know that was an option.

18 (LAUGHTER)

19 CHAIRMAN EVANS: They have  
20 directed us, but we kind of on our own the option is  
21 to kick us off, suspend us, replace us if we don't  
22 follow their direction. I probably should have  
23 mentioned that. I see everybody thinking.

24 All right. If no further discussion, the  
25 Chair is still entertaining a motion.

1 Ron, did you make a motion?

2 COMMISSIONER WILLIAMS: No.

3 COMMISSIONER HAIRE: I think  
4 Ron's going to miss those meetings. That's why he's  
5 going to be very disappointed.

6 CHAIRMAN EVANS: Yeah, anyone  
7 on the review committee, we could still meeting every  
8 Tuesday or Friday and have coffee or something.

9 Okay. The Chair is still --

10 COMMISSIONER REINHOLD: I'll  
11 make a motion to approve it.

12 COMMISSIONER WILLETTE: I'll  
13 second it.

14 CHAIRMAN EVANS: We have a  
15 motion and a second to approve the amended By-Laws as  
16 handed out. All in favor signify by saying aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER WILLETTE: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBEN: Aye.

25 CHAIRMAN EVANS: Opposed?

1 (NONE)

2 Motion is carried. The new By-Laws are  
3 adopted.

4 Anything else the Commissioners wish to  
5 discuss?

6 (NONE)

7 If not, Planning Director's Report.

8 MS. EAGAN: We're still working  
9 on rezoning. There's two maps I haven't gotten, but  
10 we're still working on the maps. And I figured out a  
11 way that I can rezone multiple parcels at once. So  
12 instead of a weekend half per subdivision, it's only  
13 taking me like five minutes now.

14 So I'm up. I did all west of the county.  
15 I did between Union and St. Clair. I did Highway 30  
16 all the way over in the county line, and now I'm kind  
17 of working on that triangle between Union, Washington,  
18 Highway 100, Highway B area. So that one's taking me  
19 quite a bit.

20 That's our most colorful area of the map.  
21 so far. And then we still have to look at Labadie as  
22 a little entity of itself and get into the zoning of  
23 that. But yeah, we're coming along really well with  
24 the other maps. Several look really good.

25 So we should have it to you guys probably

1 within the next four months, I'm hoping. No, I'm  
2 kidding. Let's say six.

3 Yeah, we're getting busier and busier,  
4 and zoning is kind of getting pushed back and back.

5 And then next month we do have the final  
6 development for the PUD out in Village Ridge and then  
7 what you guys are going to talk about for Article 10.

8 CHAIRMAN EVANS: Okay.

9 If that's it, then Chair would entertain  
10 a motion to adjourn.

11 COMMISSIONER McLAREN: Motion  
12 to adjourn.

13 COMMISSIONER HAIRE: Second.

14 CHAIRMAN EVANS: Motion and  
15 second to adjourn. All in favor signify by saying  
16 aye.

17 COMMISSIONER REINHOLD: Aye.

18 COMMISSIONER VOSS: Aye.

19 COMMISSIONER McLAREN: Aye.

20 COMMISSIONER WILLETTE: Aye.

21 COMMISSIONER WILLIAMS: Aye.

22 CHAIRMAN EVANS: Aye.

23 COMMISSIONER HAIRE: Aye.

24 COMMISSIONER TOBBEN: Aye.

25 CHAIRMAN EVANS: Opposed?

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(NONE)

We are adjourned.

(Thereupon, the proceedings  
concluded at 8:48 p.m.)

o8o

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  
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PUBLIC HEARING 12/18/2018

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