

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

7
8
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10 TRANSCRIPT OF PROCEEDINGS

11 PUBLIC MEETING

12 DECEMBER 21, 2016

13 [Commencing at 10:00 a.m.]

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

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A P P E A R A N C E S

COMMISSION MEMBERS:

John Griesheimer, Chairman
Timothy Brinker, Commissioner
Jeff Maune, Commissioner

LEGAL COUNSEL AND STAFF:

Mark Vincent, Attorney
Ms. Scottie Eagan, Planning Director

MIDWEST LITIGATION SERVICES:

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

2 [DECEMBER 21, 2016]

3 CHAIRMAN GRIESHEIMER: All right. We
4 will go ahead and call this public hearing to order.

5 We have File Number 160204, Robert C. Muckler.
6 Hope I'm pronouncing that right. The Applicant is
7 requesting to rezone parcel 30.94 acres from Suburban
8 Development to Non-Urban Agricultural.

9 Scottie.

10 MS. EAGAN: Okay. I will start with
11 the hearing procedures, and then move on to the staff
12 report.

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

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

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

25 Then if anyone in the audience would like to

1 speak or comment during this public hearing, they must first
2 print their name on the sign-in sheet provided and then be
3 sworn in.

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

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

14 At the conclusion of all questions, comments,
15 and discussion concerning each case, the public hearing for
16 each case will conclude. The decision will generally be
17 made by Commission Order at a later date during the County
18 Commission's regular meeting time.

19 This is File 160204, Robert C. Muckler.

20 The Applicant requests to rezone one parcel
21 from Suburban Development to Non-Urban and Agricultural.

22 The property is located off of Highway 00,
23 approximately 3/10 mile north of Spring Valley Road, in
24 Boles Township.

25 The Facts: The total area for the rezoning is

1 approximately 30 acres.

2 The zoning of this property is Suburban
3 Development. The Applicant would like to rezone to
4 Non-Urban and Agricultural.

5 Non-Urban and Agricultural zoning allows
6 agricultural, recreational, wildlife, forestry, open space,
7 farming and related uses to mix with low-density residential
8 development.

9 The properties around the proposed site are
10 zoned Suburban Development.

11 This property is approximately 1,000 feet north
12 of the city limits of Pacific.

13 This property is surrounded primarily by
14 low-density residential land and undeveloped land.

15 This property has access to Highway 00, which
16 is a State-maintained road.

17 The Applicant is not the current owner of the
18 property, but they do have a contract to purchase with the
19 current owner.

20 This property is located within Public Water
21 Supply District No. 3 boundaries.

22 Staff Comments: The future land map shows this
23 property as being non-urban.

24 Rezoning is allowed in our regulations due to
25 the ever-changing conditions that exist in the county and

1 elsewhere. According to Article 14, Section 321, any such
2 change must promote the health, safety, morals, comfort, and
3 general welfare of Franklin County by conserving and
4 protecting property and building values, by securing the
5 most economical use of land and facilitating the adequate
6 provision of public improvements in accordance with the
7 Master Plan adopted by Franklin County.

8 At the November 15, 2016 Planning and Zoning
9 Commission meeting, the Planning and Zoning Commission
10 unanimously recommended denial of this rezoning request.

11 CHAIRMAN GRIESHEIMER: All righty.

12 Is there anyone in the audience wishing to
13 testify in support of the rezoning?

14 MR. DAVID SWEENEY: Commissioners,
15 good morning.

16 I'm here with the Mucklers. My name is David
17 Sweeney. I'm with Lathrop and Gage.

18 CHAIRMAN GRIESHEIMER: You probably
19 need to be sworn in there.

20 [Thereupon, the witness was sworn.]

21 MR. SWEENEY: Again, my name is David
22 Sweeney with Lathrop and Gage. I'm here to morning on
23 behalf of shoes that are impossible to fill, those being of
24 John King. John was going to be on this initially. He will
25 obviously be missed by all that knew him.

1 Also with me today are Robin and Lauren
2 Muckler, who are interested in buying the property as well
3 as Andrea Lohmeyer of Cochran, and both of them are going to
4 come up and speak. And if there's any questions that come
5 up on any legal issues I'll be here as well.

6 So Rob's going to come up first and speak a
7 little bit about the proposed project and show some slides
8 about that.

9 MS. EAGAN: Can you sign in real
10 quick.

11 MR. SWEENEY: Me, yes, absolutely.

12 [Thereupon, the witness was sworn.]

13 MR. ROBERT MUCKLER: Hello.

14 CHAIRMAN GRIESHEIMER: Hello.

15 MR. MUCKLER: How are you guys. My
16 name is Rob Muckler. I own the event company which is a
17 wedding planning and special events company. And my wife,
18 Lauren, owns and operates a wedding photography company.

19 So we have been looking for land to create the
20 ultimate experience for our wedding clients for the past two
21 years, and we have been searching for properties that are
22 close to Highway 100 and Highway 44. We believe we found
23 the perfect property off Highway 00 that is 31 acres that
24 would give us enough space to create our concept.

25 As you can see, there's one of the pictures of

1 the venue and -- or the idea of what we're going to be
2 doing, and then we'll show you another picture here in a
3 second of the reception venue.

4 We are wanting to build a wood barn and a
5 lodge-feel reception venue that will fit perfectly on top of
6 the hill nestled between existing wooded and natural areas
7 on property. We will make minor tweaks to the landscape
8 while maintaining the natural aesthetic of the land. We are
9 wanting to utilize roughly 9.5 acres in the center of the
10 property for the venue to provide green space and privacy.

11 The zoning of the land currently is Suburban
12 Development, which does not allow special events. The future
13 use of the property is Non-Urban and Agricultural. Per
14 Franklin County's agenda, we would be conforming to the
15 proposed future use.

16 Beyond the obvious County benefits of
17 generating sales and real estate taxes for the community, we
18 are conforming to the future land use of the Master Plan
19 while keeping the landscape and the views.

20 Our venue designs will fit within the
21 landscape's surrounding areas, which we believe is a great
22 use of the land. I spoke with Andrew Neff of Neff
23 Appraisals, and he's familiar with the area, and said in his
24 opinion, being that far away from other houses and being
25 centered on the property, that it will not affect or defect

1 the surrounding properties. Neff Appraisals has been in
2 business since the '50s.

3 The main wedding days are on the weekends,
4 Friday, Saturday and Sunday. The average wedding is around
5 100 to 150 people. So we'd roughly have 50 to 100 cars
6 coming and going that would potentially drive revenue into
7 the surrounding communities.

8 In addition to driving local traffic in the
9 community, our venue will give local businesses a chance to
10 generate revenue by bidding on jobs that our clients would
11 need -- catering companies, shuttle service, florists,
12 bands, DJs, makeup, hairstyle, you know. The list kind of
13 goes on.

14 I presented to the Pacific Board, and they were
15 all unanimous -- they were all in support of our new
16 business venture. They couldn't be more excited to having a
17 wedding venue near the city of Pacific to help drive local
18 -- local traffic into the local community. And they believe
19 the intended use would be a great way to utilize the land.

20 I believe they sent over a copy of the minutes
21 that you guys should have on file, I believe.

22 But -- so now Andrea from Cochran is going to
23 go a little bit more into the presentation side of things.
24 So thank you.

25 COMMISSIONER BRINKER: Scottie, did

1 we get something submitted to -- from the City of Pacific?

2 MS. EAGAN: I didn't get anything. I
3 haven't Nichole's e-mail today though.

4 [Thereupon, the witness was sworn.]

5 MS. ANDREA LOHMEYER: Good morning.
6 I'm Andrea Lohmeyer with Cochran. And what Rob said was
7 basically an overview of everything we're trying to do. So
8 all I'm going to do is go into a little bit more detail
9 about all of the items that he referenced.

10 Just a little brief history about the actual
11 property. As it's been stated, it is Suburban Development,
12 which does not allow special events. There's currently
13 actually no structures or anything on the site. It's all
14 just a little bit of wooded area and open grass.

15 It is located about a thousand feet from the
16 city of Pacific. So this is a detailed map to kind of give
17 you some bearings on the surrounding areas. You'll see the
18 proposed site in the middle, and to the north and south are
19 two other event venues. They are located a little over a
20 mile from this proposed property. And then you can also see
21 the edge of the city of Pacific and how close we are to
22 that.

23 This is just a little bit closer up view of
24 that, and there's a small plan there of our actual site
25 which we'll go into more detail here in just a moment.

1 Our proposed use -- Rob talked about most of
2 those items that are listed on the side there. Really they
3 have been looking for quite some time to find the right
4 property that had the views and the scenery that they are
5 looking for for this business.

6 This is a more detailed site plan. The dashed
7 area is actually the amount of space that they're utilizing.
8 So it's about 9.5 acres that they're going to be using on
9 the site. All of the rest will be left as open -- either
10 wooded areas or open areas.

11 I'm just going to briefly go into the property
12 zoning. The reason we chose to go the path we did as you
13 see there in the table that this is actually allowed in few
14 other zoning districts, and the reason we followed the path
15 we did is because of the future use map. We were trying to
16 fall within regulation of what you guys had proposed for the
17 area.

18 So here is a side-by-side of the most -- the
19 existing zoning that I could find showing it to be
20 agricultural. It's actually Suburban Development. And then
21 on the right, there's a red circle -- excuse me -- right
22 here that shows that is proposed to be Non-Urban. So like I
23 said, that's really why we chose to go down the path we did
24 in order to fall into conformity of what you had proposed
25 already.

1 Utilities. There is no utility located on the
2 site at all right now. The closest sanitary would be at the
3 City of Pacific city limits, about a half a mile away. So
4 we are proposing that we would probably do a septic system
5 on the site. As far as the water, there are two different
6 lines, both over a mile away from the property with the
7 public water supply District No. 3. Given the cost to tie
8 into those, it would not be cost effective to tie into those
9 as we looked at it. So we are proposing to utilize wells on
10 the site for any water service needs.

11 And then there is aerial electric located along
12 the east border of the property. It's actually across the
13 road, I believe.

14 As far as traffic, Rob touched on this briefly.
15 The average event is between 100 and 150 people. So that's
16 the projected amount of cars that would be coming and out of
17 the event. You know, with that type of facility, it's --
18 you know, people trickle out of that site. So it's not like
19 everything is over at one time and everyone's leaving at
20 once. But it will drive a lot of people in that area that
21 may not have typically come into Franklin County.

22 The justification for rezoning. I'm just
23 briefly going to touch on the six items that the County is
24 looking at for rezoning, and those are the zoning district's
25 purpose, Franklin County's Master Plan conformance, the

1 future land use comparison, any changes to the area, the
2 immediate vicinity of property values and uses, and then the
3 effect is has on Franklin County.

4 The first item is the zoning district purpose.
5 As it states that the intent is to allow agricultural,
6 recreational, wildlife, forestry, open space, farming, and
7 related uses to mix with low-density residential
8 development.

9 So the proposed Non-Urban would utilize a lot
10 of the open space, promote wildlife and forestry as they are
11 looking to keep a lot of that that's on the site already.
12 And the surrounding area is already a low-density
13 residential.

14 As far as the Master Plan conformance, like it
15 currently shows it as Suburban Development, and Non-Urban is
16 intended to be mixed with low-density residential which the
17 current area already is mixed with residences and
18 agricultural areas.

19 Future Land Use map as it stands right now does
20 show it as Non-Urban and Agricultural. So we are conforming
21 to that.

22 Changes to the area. A lot of growth has
23 happened between the north and south of this property, which
24 makes it nice for -- he had talked about using other vendors
25 or contractors. You know, there's going to be a lot of

1 things available for people wanting to use the property. So
2 it will improve the area around, and I see those areas
3 continuing to grow. And Franklin County itself has seen
4 quite an increase in this specific events centers. I think
5 due to its vicinity to St. Louis and more densely populated
6 areas, those people are wanting a more rural atmosphere. So
7 that's where this property really is ideal for that, because
8 it's really located closely to major highways, but it still
9 gives that same atmosphere that everyone is looking for.

10 Because of that, all of the current event
11 centers in that area are looking out a year in advance.
12 They're -- they're very busy still. So there has not been
13 someone slowing down. They're still looking -- if you want
14 a summer wedding, you're looking over a year from now. So...

15 As far as property values, and Rob again
16 already touched on this briefly, but they did speak with an
17 appraiser who has been in the business for a long time, 50
18 years. So they -- they don't see any negative effect on the
19 surrounding property values.

20 As far as the Non-Urban and Agricultural uses,
21 there are a lot more non-urban and agricultural uses than
22 the Suburban Development. I did include those here. They
23 are hard to read. I apologize. But for reference, if there
24 are any questions or concerns about any of those uses, we
25 would like to address those now if you guys have any

1 questions. I know in the Planning and Zoning Board, one of
2 them was concerning I think it was one of the agricultural
3 uses. And you know, because they are purchasing the
4 property, they have the opportunity to restrict use of the
5 property though that purchase and put it on the deed itself.
6 So they are open to that. If -- if we know we don't want a
7 certain agricultural use on there, they're -- we're willing
8 to include that in the deed of the purchase of that property
9 so that it would restrict that use on that piece of
10 property.

11 Are there any questions about that?

12 CHAIRMAN GRIESHEIMER: Tim or Jeff,
13 you got any questions?

14 MS. LOHMEYER: Or do you want me to
15 keep going?

16 CHAIRMAN GRIESHEIMER: Well, I mean,
17 it's up to you. But you got some more presentation?

18 MS. LOHMEYER: Just a little bit
19 left, yeah.

20 CHAIRMAN GRIESHEIMER: Okay. Go
21 ahead.

22 MS. LOHMEYER: Okay. And then as far
23 as how it affects Franklin County, the current property
24 doesn't produce even a thousand dollars of taxes, and this
25 development would bring a significant increase in taxes to

1 the Franklin County.

2 They look to utilize local vendors, as he said,
3 for the different things that someone might use for a
4 wedding as far as DJ or food or florists. Local
5 contractors, they are going to be looking to bid the
6 construction of multiple buildings and different facilities
7 on the property to do their different wedding events. And
8 so they are looking to bid with local contractors for that
9 as well. And just local businesses. Because of its
10 vicinity to Pacific, there really could be a drastic impact
11 on the city of Pacific because it's so close.

12 Many people will be driving through Pacific and
13 going through Pacific to get to Highway 44. So they are go
14 in and out of that area, like I said, more than what they
15 would have typically. And local jobs. He projected that he
16 would have -- I think did you say five? -- at a minimum five
17 jobs within the next five years, if not more, just to run
18 his business. So there's also that added benefit.

19 And local support. They recently did speak
20 with the City of Pacific Board of Aldermen, and they
21 expressed their support of the project, and the benefits
22 they sought to Pacific and the surrounding areas.

23 So these are just in conclusion a couple of the
24 items that we felt were the most important, that we are in
25 compliance and with the future land use that you guys have

1 projected for that area, and the local support, and then the
2 increases of tax and local revenue and local workforce to
3 Franklin County.

4 So that's it. Did you guys have any questions?
5 I'm sure you do.

6 CHAIRMAN GRIESHEIMER: Let me try
7 this again. Tim, Jeff, you got -- do you have any
8 questions, comments?

9 COMMISSIONER BRINKER: Not so much of
10 the presenter versus of Scottie and some of the previous, I
11 guess, things that came up in the P and Z meeting.

12 As it relates to the rezoning, essentially the
13 use isn't allowed under the current zoning. So we are going
14 -- the proposer is attempting to change the zoning to fit
15 the use so they can implement the business?

16 MS. EAGAN: Correct.

17 COMMISSIONER BRINKER: Zoning, once
18 established, if adopted is indeed that until such time it's
19 proposed to be changed again?

20 MS. EAGAN: Correct.

21 COMMISSIONER BRINKER: Not
22 necessarily set in granite perpetuity. However, it is that
23 until another owner or entity wishes to zone it something
24 different.

25 MS. EAGAN: That's right.

1 COMMISSIONER BRINKER: I just want to
2 make sure of that. I don't have anything more. That's for
3 my perspective.

4 COMMISSIONER MAUNE: The only thing
5 -- how difficult would be it be to add this use as a
6 conditional use under SD? Leave the zoning as it is, but
7 make it a conditional use that zone?

8 MS. EAGAN: We'd have to amend our
9 regulation to do that. We are currently working on a
10 separate set the regulations specifically for special events
11 and special occasion permits, but what I am proposing still
12 wouldn't permit it in that zoning district.

13 My department, myself and my department, feels
14 like Suburban Development is not a zoning district where
15 special occasion and special event facilities should be
16 located. But if it's the wish of the Commission, we would
17 just have to amend the regulations.

18 COMMISSIONER MAUNE: But when I look
19 at the other allowed uses in that zoning district, it could
20 be a utility waste landfill, it could be a skate board park,
21 it could be a lot of other things that I'm certain would not
22 benefit the health, safety and benefit Franklin County that
23 it would not be appreciated in that neighborhood, and if we
24 change the zoning to that, all those things would be
25 allowed. I am just...

1 MS. EAGAN: I mean, utility waste
2 landfill. There's a lot of other things that come into play
3 on whether or not that can be there.

4 COMMISSIONER MAUNE: But it says in
5 this chart it's permitted.

6 MS. EAGAN: It's permitted per
7 Article 10. So you then have to go to Article 10, and you
8 have to be so many meet from an existing utility plant. So
9 then that plant would have to come in. A utility waste
10 landfill being there is highly unlikely.

11 COUNTY ATTORNEY VINCENT: About 50
12 pages of regulations you got to meet.

13 MS. EAGAN: Right.

14 COMMISSIONER MAUNE: But what I'm
15 saying is that all of the permitted uses in that zoning
16 district would be -- if we changed zoning, any one of those
17 uses would be permitted there. It's not limited to this
18 use.

19 COUNTY ATTORNEY VINCENT: Correct.

20 MS. EAGAN: Correct.

21 MS. LOHMEYER: Scottie, I know you
22 mentioned that you're coming up with additional regulations
23 Unfortunately, we applied just ahead of all of that. So
24 that wasn't an option for us when we were looking at this
25 property, and as I showed you earlier, they really are

1 looking to only use a small portion of the property for the
2 event center. The rest will remain open.

3 So I know the owners are open to reducing the
4 amount of the acreage that they would potentially have to
5 rezone, or if we would need to go to a different process
6 that hasn't been discussed with us up until this point. And
7 so I know that they're open to looking at that, because they
8 are only looking to utilize nine and a half acres of the
9 property.

10 CHAIRMAN GRIESHEIMER: Are you done?

11 COMMISSIONER MAUNE: Yeah.

12 CHAIRMAN GRIESHEIMER: Okay. I --
13 I -- I have a real concern in listing the -- and I didn't go
14 through -- not going through everything that you went, but
15 what you showed on the screen, the allowable uses of
16 Non-Urban/Agricultural, I mean, nothing -- there was nothing
17 that showed that applied to this. Everything was up on the
18 screen was basically agricultural uses, and I have a real
19 concern, you know, rezoning this. Let me ask you this.

20 If we would rezone this to Suburban
21 Development, this would be another island to itself.
22 Everything around it is --

23 COMMISSIONER BRINKER: It is Suburban
24 Development.

25 CHAIRMAN GRIESHEIMER: It is -- I'm

1 sorry. Everything around it is Suburban Development. So if
2 we rezone it Non-Urban Agricultural, so it'd be an island to
3 itself.

4 MS. EAGAN: [Nodding]

5 CHAIRMAN GRIESHEIMER: Okay. And I
6 understand the other real concern -- and nothing has ever
7 been brought up about this that I've heard -- is traffic.

8 Okay. Double O -- Highway OO is very narrow,
9 no shoulders, and you know, you can say well, that, you
10 know, the average wedding -- and I'm sorry I don't agree
11 with that. It may be an average somewhere, but you know,
12 that does not indicate what -- what the amount of the -- to
13 me what the amount of traffic is going to be on that
14 highway. And I don't mean to be directing this toward you.
15 I mean, this could be for the attorney or whoever. But that
16 area of Highway OO is very, you know, very curvy. Now, the
17 end toward the city of Pacific is wider. Okay. It has a
18 sidewalk where Pacific has made some improvements, but
19 further on, I mean, it is very curvy, very narrow, and would
20 not sustain that -- if there was any type of heavy traffic
21 at all, wouldn't sustain it. It would be a burden -- it
22 would be the burden to the adjoining property owners.

23 I've got a real problem with rezoning this, you
24 know, to fit one particular venue because obviously when you
25 rezone it, that's it. You know, we have no -- and I don't

1 if we'll get all of these. Mark would have to explain if
2 there was something put on a deed, but I have a real problem
3 with rezoning the -- rezoning the property and all of sudden
4 it opens up a who avenue of uses that we have no -- have no
5 control over.

6 So that's a concern. You know, the traffic is
7 one thing. The -- I guess the category that we're rezoning
8 it -- we're proposing to rezone it to, in the proposed new
9 uses that would be opened up because of the new zoning
10 category, it's like a -- to be it's a Pandora's box. So I
11 have a real, real big concern.

12 The other issue is we don't know for sure the
13 city of Pacific, where they stand on this, you know. You
14 know, we don't have -- apparently we don't have a letter or
15 anything to that effect, unless somebody got something that
16 we don't know about, we don't know where they stand on that
17 either. But the three big things are what I just stated,
18 let me ask you this, Scottie.

19 How far is the Commission as far as getting
20 into a category with a conditional use of adopting that
21 conditional use regarding this in another zoning data? How
22 far along are you guys?

23 MS. EAGAN: What I presented last
24 night to the Planning and Zoning Commission, it would be no
25 conditional use permit. It would be the types of events

1 would be permitted with a Special Occasion Permit in
2 Non-Urban and Agricultural, Community Development,
3 Commercial Activity Highway Service and Commercial Activity
4 3.

5 The way the regulations are proposed, it still
6 would not be allowed in that deed. So if anybody wanted to
7 do a business there, they would still have to rezone that
8 property.

9 CHAIRMAN GRIESHEIMER: Okay. But you
10 are -- how soon are you looking at possibly passing those
11 additional changes?

12 MS. EAGAN: I would just need to set
13 up a public hearing with the Commission -- you Commission.

14 CHAIRMAN GRIESHEIMER: Okay. I would
15 be more -- rather than putting this on a fast-track, I would
16 personally rather slow the process down, give you all an
17 opportunity to make that happen and then come back rather
18 than, you know, them paying another fee and all that hang
19 loose and let you all do your work, and then come back to us
20 with that.

21 MS. EAGAN: Well, even I presented
22 the code that's written to you all, it's still wouldn't be
23 allowed in Suburban Development. So they would still need
24 to rezone the property.

25 CHAIRMAN GRIESHEIMER: Right.

1 MS. EAGAN: Unless you amended the
2 regulations at that point to say allowed in Suburban
3 Development.

4 CHAIRMAN EVANS: What we could change
5 -- the applicant could apply -- pending the adoption of
6 other zoning categories, the Applicant could apply to
7 change, go from Agricultural Non-Urban, or to remain that as
8 long as it's the Special Event category. We could delay it
9 until those changes are made and then go from there. Do you
10 follow me?

11 MS. LOHMEYER: Yeah, the current
12 zoning is Suburban Development. And that's what she was
13 saying.

14 CHAIRMAN GRIESHEIMER: Okay. Right.
15 It would have to go over to the other zoning category with
16 that.

17 MS. LOHMEYER: Right. We would still
18 be in the same situation that they --

19 CHAIRMAN GRIESHEIMER: But it would
20 have to have -- it would have a special permit.

21 MS. LOHMEYER: Which we were going to
22 have to get a Conditional Use Permit anyways, even with
23 Non-Urban as well. And the current path that we're on, that
24 was the next step.

25 MS. EAGAN: Right.

1 MS. LOHMEYER: As we were going to
2 have to get a Conditional Use Permit to allow special events
3 on the property with the Non-Urban and Agricultural.

4 CHAIRMAN GRIESHEIMER: Okay.

5 MS. LOHMEYER: That's not even
6 included as a regulated use without a conditional use
7 permit.

8 COMMISSIONER BRINKER: And just for
9 my clarification. The purpose of this particular public
10 hearing today is to hear evidence put before it today within
11 the confines of this public hearing. Weigh it, absorb it,
12 speculate within, make the determination at a later date
13 during the Commission meeting. So we're not making any
14 decisions today. All we are is hearing evidence presented
15 on behalf of --

16 CHAIRMAN GRIESHEIMER: Right.

17 COMMISSIONER BRINKER: -- both
18 parties.

19 CHAIRMAN GRIESHEIMER: Right.

20 COMMISSIONER BRINKER: As it relates
21 to anything else, anything else is just that, anything else
22 outside the parameters of this hearing. So I'm just -- for
23 my own edification, I'm just trying to reverify that and
24 make sure that the points that are being made stay within
25 what's being presented today, and today only by proposers.

1 COUNTY ATTORNEY VINCENT: You're not
2 even finished with the testimony yet.

3 COMMISSIONER BRINKER: Correct.

4 COUNTY ATTORNEY VINCENT: That's what
5 I'm looking weird at, is that you don't know who's here,
6 other people for or against. The hearing -- the testimony
7 is not finished.

8 CHAIRMAN GRIESHEIMER: Right. Right.

9 COUNTY ATTORNEY VINCENT: You've
10 already kind of indicated what you're going to do.

11 CHAIRMAN GRIESHEIMER: Well, I'm
12 sorry, but...

13 COMMISSIONER BRINKER: I haven't.

14 COUNTY ATTORNEY VINCENT: Okay.

15 CHAIRMAN GRIESHEIMER: Those are at
16 least an outline of my concerns that --

17 MR. SWEENEY: Can I address those?

18 CHAIRMAN GRIESHEIMER: Sure. Sure.

19 MR. SWEENEY: Okay. Great, thank
20 you. Starting with Pacific. I can enter into evidence that
21 a newspaper article from the "Southeast Missourian" -- I
22 believe that's what it's called.

23 CHAIRMAN GRIESHEIMER: No,
24 Washington.

25 [CROSSTALK]

1 MR. SWEENEY: Excuse me. I looked at
2 the thought and I'm out of sorts. I shouldn't leave the
3 city at all. The City Administrator Steve Ross said he
4 would notify Franklin County of their discussion, so -- but
5 I can enter that into evidence. So -- and some of the
6 comments made by one of the Aldermen was she actually lives
7 next door to one. Traffic's not an issue. In fact, she
8 likes it next door to her. They can hear the music from the
9 venue. So this is a person that lives by one.

10 Obviously with OO, I believe there is already
11 an event center north that sits on OO.

12 MS. LOHMEYER: It's on Manchester.

13 MR. SWEENEY: Okay. So -- but
14 again, where we sit on OO as far as coming in and out, it's
15 a wide open space and we're willing to adjust what would be
16 the safest location for folks to enter.

17 Those two issues. Now, as far as the use, a
18 couple of things. If you look at -- can we go back to the
19 slide that shows the 10 acres.

20 Okay. If you would look at that we would be
21 open to -- the owner would be open to just a smaller set of
22 the ten acre site, which is in the dots there. And so if we
23 have at paper.

24 MS. LOHMEYER: It died. They have a
25 slide in front of them.

1 CHAIRMAN GRIESHEIMER: Yeah, we got
2 the --

3 MR. SWEENEY: Okay. Thank you.

4 COMMISSIONER BRINKER: But before you
5 go there --

6 MR. SWEENEY: Yeah.

7 COMMISSIONER BRINKER: I just state
8 for the record what we have to survey is only what's being
9 proposed today, not a change of of proposal to perhaps
10 rezone just a portion compared to the whole lot. FYI.

11 MR. SWEENEY: Could you consider what
12 we're saying today and say modify what we're asking for?
13 Can that be done? I'd have to ask counsel that or --

14 COUNTY ATTORNEY VINCENT: We've done
15 it before where you amended your application.

16 MR. SWEENEY: Okay. So the
17 application.

18 COUNTY ATTORNEY VINCENT: Where the
19 Board's take the position as if you're going to change it,
20 you can't enlarge it. You can only decrease it.

21 MR. SWEENEY: Okay. And that --

22 CHAIRMAN GRIESHEIMER: So that's what
23 they're --

24 MR. SWEENEY: In this matter that's
25 what it would be.

1 COMMISSIONER BRINKER: Okay.

2 COUNTY ATTORNEY VINCENT: It's a
3 matter of due process for the neighbors. So if it's going
4 to be smaller then everybody who would have been notified
5 would have been notified. But if it's larger, then they
6 would not have been notified.

7 COMMISSIONER BRINKER: Got you.

8 MR. SWEENEY: Okay. Yeah. Just if I
9 may speak to that.

10 CHAIRMAN GRIESHEIMER: Sure.

11 MR. SWEENEY: If you see that, we
12 would leave the rest natural. There wouldn't be any use.
13 So you wouldn't -- so if down the road for some of those
14 uses, more than likely with structures on there, it wouldn't
15 make sense for somebody to buy that ten acres. Ten acres is
16 obviously a lot smaller, less commercially viable to sell
17 down the road than thirty acres. And so it would be with --
18 and it would be surrounded by the other use, which wouldn't
19 allow some of the things on that massive list.

20 Does that make -- does that make sense?

21 Okay. Also with deed restrictions. I mean,
22 our client -- the client is very willing to limit some of
23 the major concerns that you have there and put it in the
24 deed. So that wouldn't be able to be changed as well as to
25 get some of those concerns, legitimate concerns, on some of

1 those uses for where they are right now.

2 I think I addressed those. I entered that.

3 MS. REPORTER: Do you want to mark
4 that?

5 MR. SWEENEY: Yeah.

6 MS. REPORTER: How do you want to
7 mark it?

8 MR. SWEENEY: Just Exhibit 1.

9 [Thereupon, evidence was marked for
10 identification and entered into the record
11 as Applicant Exhibit No. 1.]

12 Then I'm just entering into evidence that
13 newspaper article I referenced. Thank you.

14 CHAIRMAN GRIESHEIMER: Yeah, thank
15 you.

16 All right. Anyone in the audience wish, again,
17 to testify in favor of the rezoning? Okay. Come on
18 forward. Sign in and then she'll swear you in. Enter and
19 sign in, please.

20 [Thereupon, the witness was sworn.]

21 MR. MICHAEL PETTIT: Michael Pettit.

22 CHAIRMAN GRIESHEIMER: Michael
23 Pettit?

24 MR. PETTIT: Yes. My address is 335
25 Marshton Court, Ballwin, Missouri 63021.

1 First of all, forgive us. We had a little bit
2 of drama on our team. Our attorney passed away on Saturday.
3 So Mr. Sweeney stepped in, and so I usually don't step in.
4 I'm a real estate broker. I work for a company called L3
5 Corporation. We developed a shopping center in Washington
6 with the Target and all that along with Mr. Vernaci.

7 Going back to the idea of the large 30.94 acre
8 lot and going to a smaller size, it's identical to what a
9 woman named Peggy Hope did with File 160095. And we're
10 completely comfortable with doing that. We have no
11 intention to do anything on the buffer area, the remaining
12 20 acres or so. In looking at the permitted uses and
13 conditional use permits, it looks as if they were maybe 40
14 or 50, and I think we could narrow it down to probably 10,
15 you know, residential, equestrian, estates, things of that
16 nature.

17 We have no intent nor do we think it's
18 appropriate to have, you know, utility waste or anything of
19 that type of thing there. So we could real hammer down on
20 the deed restrictions, you know, to appease everybody and
21 have there be no question whatsoever that, you know, we
22 would do anything that would be, you know, out of the sorts
23 with the balance of that area. And as a matter of fact, the
24 aesthetics of this essentially, we're talking about a large
25 barn in a large building that looks like a residential home.

1 You know, we have a worst-case-scenario conversation with
2 Rob from the onset that, you know, if this thing didn't work
3 and you know, you have north of two million maybe three
4 million dollars into this total project that, you know,
5 what's the worst case exit scenario. As his real estate
6 broker, it's my obligation to make sure that, you know, he
7 has an exit, and the exit is, if it all failed, you could
8 probably convert it right into residential and equestrian
9 estate. So just so you kind of understand what it'll look
10 like, we feel like it will blend in. And again, those
11 conditional or permitted uses in that zoning, we have no
12 intention of doing any of those except for, you know, the
13 potential for residential in the future, maybe an equestrian
14 estate, things of that nature, but nothing that would be
15 obnoxious to the neighbors.

16 So again, I do want to just reference the Peggy
17 Hope case. It's identical to what we're doing. I believe
18 it was approved in the fall, maybe. So just for
19 consideration again that's File 160095.

20 Thank you.

21 CHAIRMAN GRIESHEIMER: Hang on. Any
22 questions for the witness?

23 COMMISSIONER BRINKER: No.

24 COMMISSIONER MAUNE: No.

25 CHAIRMAN GRIESHEIMER: No, thank you

1 very much.

2 Anyone else wish to testify in support of the
3 rezoning, in support? All right.

4 Anyone in the audience wish to testify in
5 opposition to the rezoning? Yeah, come on forward. And
6 then again, boy, everybody's got to have a computer today.

7 Sign in and then --

8 MS. SOPHIA CHUNG: Sign in?

9 CHAIRMAN GRIESHEIMER: Yeah.

10 [Thereupon, the witness was sworn.]

11 MS. CHUNG: Good morning. I'm Sophia
12 Chung. I own the property at 2802 Spring Valley Road. So
13 we are one of the contiguous property owners, my husband,
14 John Holt, and myself. We've lived in the city of St. Louis
15 for about 30 years. We recently bought the property at 2802
16 Spring Valley Road specifically to get out of the city. We
17 bought the property because of the beautiful land and
18 landscape, the peace, quiet, really the -- it's just
19 beautiful property. We just finished building a home, and
20 in that we have a wall of windows that specifically looked
21 over the -- onto the east side overlooking the property in
22 question. And while we certainly welcome new neighbors, we
23 do object to the rezoning of this property.

24 I understand that, you know, it's not called
25 commercial land, but basically it's commercial. It's --

1 it's going to attract a lot of people, and I would agree
2 that it's not going to be average a hundred necessarily. It
3 might be -- it might small, but it also might be 300 to 500
4 people. And it's -- 10 of the 30 acres is not a small
5 portion. It's one-third of the property. I think it's
6 going to bring a lot of traffic in, but -- but beyond that,
7 people drink alcohol at these events. And I'm worried about
8 the intoxication of these guests when they leave the
9 property, and it's already been spoken about. The road is
10 quite -- quite windy, and I think it's -- I think it's
11 dangerous without alcohol, and then to think that all of the
12 guests are going to drink alcohol and leave and then drive
13 on that road, I think it's -- it's a scary thought,
14 particularly for evening events, when the road is not well
15 lit and judgment is going to be impaired.

16 I think there -- the noise issue. You know,
17 one of the reasons we went out there is because there is no
18 noise, and I -- I don't think the neighbors who currently
19 live there are going to be particularly happy about
20 listening to music, wedding music every single weekend or
21 however often it is.

22 Again, while the neighbors are very, you know,
23 promise to keep it a wedding venue, the problem is, is
24 that's not limited to that, and they could have a change of
25 heart and open up some other alternative business that will

1 not be quite as pleasing as proposed.

2 So I think the term Pandora's box is very
3 accurate. It does not -- it's not going to prohibit changes
4 in the venue. It's not going to prevent other alternative
5 uses that could be quite offensive to the neighbors, and I
6 just want to voice our com- -- as a neighbor who immediately
7 overlooks this property that we would like it to remain as
8 Suburban Development.

9 Thank you.

10 CHAIRMAN GRIESHEIMER: Any questions
11 for the witness?

12 COMMISSIONER BRINKER: No, thank you,
13 Doctor.

14 CHAIRMAN GRIESHEIMER: Ma'am, I do
15 have one question. Where is your property located? Are you
16 north or south?

17 MS. CHUNG: We are due west.

18 CHAIRMAN GRIESHEIMER: Due west --

19 MS. CHUNG: Yes.

20 CHAIRMAN GRIESHEIMER: -- of the
21 property.

22 MS. CHUNG: Yes.

23 CHAIRMAN GRIESHEIMER: Okay. That's
24 what I need to know. Thank you.

25 Anyone else in the audience wish to testify in

1 opposition to the rezoning? [None] Okay.

2 Anyone in the audience wish to testify for
3 informational purposes only on the rezoning? [None] Okay.

4 With that, since there's no one, we allow you
5 to rebuttal.

6 MS. LOHMEYER: Respond.

7 I do want to point out that they don't plan on
8 the max capacity of the facility would be between 250 and
9 300. So there wouldn't be a wedding of 500 people. Their
10 max capacity would not be that high. Just to let her know
11 that.

12 And the other thing is that where we have the
13 buildings located, from their property line it's five to six
14 hundred feet north to south, and actually east to west from
15 Highway 00, it's almost 900 feet, and it would be about 200
16 feet from their property line to the next -- from that
17 facility to the property line itself. So it's a good
18 distance away from the property line itself, let alone the
19 distance between that and any existing structure. So I just
20 wanted to point that out as well that, you know, we're not
21 building something that's within a hundred feet of anything.
22 So...

23 CHAIRMAN GRIESHEIMER: Just for
24 the -- just so you know and for the recorded too, as you
25 know, you know, I know we're talking about the possibility

1 of decreasing the size of the rezoning. But when we look at
2 rezoning, you're looking initially at the whole property.
3 So we -- I mean, it's either rezoned or it's not. So we
4 can't just restrain whatever goes on that property. We're
5 just strictly looking at the rezoning itself for the whole
6 property, how it fits in the general area and things like
7 that. I mean, again, so I just want to clarify that.

8 MS. LOHMEYER: And I understand that.
9 And like -- the reason why -- I said the reason why we went
10 after this is because that's what the future use map showed.
11 So...

12 CHAIRMAN EVANS: Sure.

13 MS. LOHMEYER: I didn't feel like
14 initially when we did not present for that reason. It was
15 in conformance with what the County had projected that area
16 to be. So we didn't see that there would be too much
17 rebuttal in the fact that, you know, the County had already
18 looked at that area, and that's what they saw happening in
19 the future, and that's what we were going towards, is
20 staying withing conformance of what the County already
21 outlined as the future use of that area.

22 So thank you.

23 CHAIRMAN GRIESHEIMER: Any questions
24 for the applicants? Thank you.

25 COMMISSIONER BRINKER: No, thank you.

1 COMMISSIONER MAUNE: I'm just looking
2 at one of the aerial photographs from Scottie's packet to
3 us, and it looks like there was a wooded area that's between
4 your home and the property.

5 MS. CHUNG: But our property is
6 elevated.

7 COMMISSIONER MAUNE: Yours is
8 elevated?

9 CHAIRMAN GRIESHEIMER: Come up here
10 and make sure you get on the record.

11 MS. CHUNG: Yeah. So our home is
12 actually on the hilltop. So we have an immediate view of
13 the property.

14 COMMISSIONER MAUNE: All right.

15 CHAIRMAN GRIESHEIMER: Okay.

16 Yes, ma'am. Are you an applicant?

17 MS. LAUREN MUCKLER: Yes, I'm the
18 wife.

19 CHAIRMAN GRIESHEIMER: Okay. You
20 need to sign in.

21 MS. MUCKLER: Okay.

22 CHAIRMAN GRIESHEIMER: Now, wait a
23 minute. Are you for -- okay, are you doing rebuttal?

24 MS. MUCKLER: I'm -- I just wanted to
25 kind of state a couple of facts that you guys talked about

1 earlier.

2 CHAIRMAN GRIESHEIMER: Okay. Go
3 ahead and sign in and then get sworn in.

4 [Thereupon, the witness was sworn.]

5 MS. MUCKLER: My name is Lauren
6 Muckler. I am Rob Muckler's wife. Address?

7 CHAIRMAN GRIESHEIMER: You can adjust
8 that microphone up if you need to. There you go.

9 MS. MUCKLER: My address is 838
10 Westwood Drive, Ballwin, Missouri. I just wanted to kind of
11 first of all introduce myself. I'm a wedding photographer,
12 so I'm super familiar with this industry, very, very
13 familiar with the venues that are a mile away from us, and
14 just to kind of compare apples to apples.

15 The other venues that are in the same
16 boundaries as us have full subdivisions next to them. I'm
17 talking you can look up and see an entire subdivision. And
18 when we were at the Pacific meeting, as stated earlier, a
19 Board member stated that there is absolutely no issue with
20 traffic. People are trickling in and out, and it's a steady
21 flow. It's not like everybody is leaving at once. So just
22 to kind of address the traffic.

23 And then I totally understand as far as the
24 neighbors' perspective go. We would be so cautious, and if
25 you look at our design plan, they're beautiful designs.

1 We're not talking about building a modern, you know,
2 mausoleum type building on the top of a hill that belongs in
3 St. Louis city. We're talking about barn structures,
4 beautiful re-purposed hardwood, million-dollar buildings.
5 So if you're going to be looking at that hill, it's only
6 going to make it more beautiful. We're talking about
7 potentially adding lake sites. So as a neighbor it's not
8 going to be an eyesore to look at.

9 And as far as our entrances, I just wanted to
10 also speak to that, that we are willing to work with MoDOT
11 and put the entrances at the best line of sight on Highway
12 00. There's absolutely nothing that's obstructing the sight
13 of view where we put our entrances. You can see clear down
14 the road what's going in and out of there. We would even be
15 willing to have workers go down at the end of each ceremony
16 and direct traffic if that would be needed. Definitely
17 wouldn't be because, like I said earlier, there's not going
18 to be that many cars coming in and out.

19 And I a hundred percent know that the average
20 wedding size is 150 people. I shoot about 30 to 40 weddings
21 a year, so I'm around it every weekend.

22 I just kind of wanted to say those couple of
23 pieces. Thank you.

24 CHAIRMAN GRIESHEIMER: All right,
25 thank you very much.

1 With that, Scottie, do you have additional
2 comments?

3 MS. EAGAN: I mean, the only thing we
4 still need to address is, if they want to amend their
5 application, they need to formally amend it with a size, and
6 the I'm going to need the legal description for that to be a
7 part of the file.

8 CHAIRMAN GRIESHEIMER: Okay. All
9 right.

10 MR. SWEENEY: For the record, we'd
11 like to do that. And then if we can get you the new legal
12 description within the next day, would that be suitable for
13 you?

14 CHAIRMAN GRIESHEIMER: Will you hold
15 the file open until...

16 MS. EAGAN: Yes.

17 CHAIRMAN GRIESHEIMER: Okay. Give
18 you how many days to make sure you can do that?

19 MS. LOHMEYER: Well, with the
20 holiday, we might need a good week.

21 CHAIRMAN GRIESHEIMER: Okay.

22 MS. LOHMEYER: I'm not quite sure
23 what the --

24 CHAIRMAN GRIESHEIMER: How about we
25 say January 3rd?

1 MS. LOHMEYER: Yeah.

2 CHAIRMAN GRIESHEIMER: Okay. Hold
3 the file open -- hold the file open until the close of
4 business on January the 3rd.

5 MR. SWEENEY: And we would amend the
6 application and do a new legal description. So okay. Thank
7 you.

8 MS. EAGAN: Okay.

9 CHAIRMAN GRIESHEIMER: Thank you.
10 All right, with that, let's -- Tim, Jeff, you got anything?

11 That will conclude the hearing on File Number
12 160204, Robert C. Muckler rezoning.

13 Thank you much. Merry Christmas.

14 COMMISSIONER BRINKER: Thank you all.

15 [Thereupon, the proceedings concluded
16 at 10:55 a.m.]

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CERTIFICATE OF REPORTER

I, PATSY A. HERTWECK, Professional Court Reporter and Notary Public within and for the State of Missouri, before whom the foregoing proceeding was taken, do hereby swear that the aforementioned was held at the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand.

Patsy A. Hertweck, Court Reporter
Notary Public, State of Missouri

My Commission Expires:
August 26, 20185

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