

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

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8 TRANSCRIPT OF PROCEEDINGS  
9 FRANKLIN COUNTY COMMISSION  
10 JANUARY 27, 2022  
11 (COMMENCING AT 1:30 P.M.)  
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17

18 Reported by:  
19 Patsy A. Mayberry, C. R.  
20 Alaris Litigation Services  
21  
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23	PARTIES AND ARE NOT ATTACHED HERETO.)		
24			
25			

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

2 (JANUARY 27, 2022)

3 CHAIRMAN BRINKER: All right.  
4 I'd like to call this public hearing to order. We  
5 will have the presentation of hearing procedures and  
6 exhibits by the Planning and Zoning Department for  
7 today.

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

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

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

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

1 and then be sworn in.

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

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

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

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

17 This is File 210329, Planning and Zoning.

18 The applicant is seeking to amend the  
19 Unified Land Use Regulations of Franklin County. The  
20 proposal includes amendments to Article 2,  
21 Definitions.

22 So the only definition we are proposing  
23 to include in our regulations is the definition for  
24 utility. And that would be any person, corporation,  
25 county, municipality acting in its capacity as a

1 utility, municipal utility board or other entity or  
2 department thereof, or entity related thereto  
3 providing retail or wholesale electric, natural gas,  
4 water, waste water, data cable television or  
5 telecommunications services.

6 The reason we're adding this Article 2 is  
7 tied to Article 10, which we'll get to a little later.

8 CHAIRMAN BRINKER: Does -- under  
9 the utility definition, does the broadband cable data  
10 transmission lines, do they apply?

11 MS. EAGAN: Mark, would that  
12 fall under utility?

13 COUNTY ATTORNEY PIONTEK: Yeah.

14 CHAIRMAN BRINKER: So it'd be  
15 the all telecommunication services, is that what that  
16 would fall under, perhaps?

17 COUNTY ATTORNEY PIONTEK: Yeah.

18 CHAIRMAN BRINKER: Okay. All  
19 right. So that's File 210329. Is there anybody in  
20 the audience to speak in favor of this proposed  
21 addition of definition?

22 (NONE)

23 Anybody in opposition?

24 (NONE)

25 Commission discussion?

1 COMMISSIONER BOLAND: I have  
2 none. Thank you.

3 CHAIRMAN BRINKER: Nor do I.  
4 Thank you.

5 MS. EAGAN: All right.

6 CHAIRMAN BRINKER: That closes  
7 the hear for File Number 210329.

8 Next up, Scottie?

9 MS. EAGAN: All right. I will  
10 start with the hearing procedures.

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

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

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14 comments, and discussion concerning each case, the  
15 public hearing for each case will conclude.

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

19 This is File 210330, Planning and Zoning.

20 The applicant is seeking to amend the  
21 Unified Land Use Regulations of Franklin County. The  
22 proposal includes amendment to Article 6,  
23 Non-Conforming Situations.

24 So we've been having issues coming up  
25 with non-conforming uses, and we sat down with Mark to

1 talk about the Article as it's currently written. And  
2 it's very confusing and contradictory to itself. So  
3 we kind of wanted to simplify it so everyone could  
4 understand it.

5 So now for our prior existing  
6 non-conforming uses, we're going to have a section  
7 about lots and then a section about the uses of  
8 structures or land. When you said more, but those are  
9 the two that we see the most.

10 And then the other biggest change we did  
11 with this Article is under Section 125, Repair,  
12 Maintenance and Reconstruction. It was very confusing  
13 to figure out if a structure was damaged more than 50  
14 percent, how do you get the cost of that 50 percent on  
15 whether or not they needed to meet current codes or  
16 could still rebuild under non-conforming.

17 And so we switched it to say that if any  
18 non-conforming use or structure is destroyed by any  
19 means, it shall not be reconstructed if the cost is  
20 more than 50 percent of the current market value as  
21 provided by the Franklin County Assessor of the  
22 structure before the damaged occurred unless it's  
23 reconstructed in conformity with the provisions.

24 So now we're tying the cost of it to an  
25 actual amount that is assessed by the Franklin County

1 Assessor.

2 CHAIRMAN BRINKER: Super. So

3 in essence, condensing Article 6 --

4 MS. EAGAN: Yes.

5 CHAIRMAN BRINKER: -- into a

6 more efficient code?

7 MS. EAGAN: Correct.

8 CHAIRMAN BRINKER: Anybody in

9 the audience wish to speak in favor of the proposed

10 changes?

11 (NONE)

12 Anybody in opposition?

13 (NONE)

14 Commission discussion?

15 COMMISSIONER BOLAND: I have

16 none. Thank you.

17 CHAIRMAN BRINKER: Nor do I.

18 Thank you. That concludes this File

19 210330 public hearing.

20 Next?

21 MS. EAGAN: All right. The

22 hearing procedures.

23 At this time, I would like to place into

24 the record the Franklin County Unified Land Use

25 Regulations as Exhibit A, the official Zoning Map as

1 Exhibit B, the official Master Plan as Exhibit C, and  
2 the case file for each case as Exhibit D for all the  
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14 first print their name on the sign-in sheet provided,  
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17 come to the front of the room to address the  
18 Commission and only the Commission, not anyone in the  
19 audience, with any questions or comments.

20 Generally the applicant is allowed to  
21 speak first, followed by those in support of the  
22 rezoning, and then those opposed to the rezoning. The  
23 applicant may speak again after comments from the  
24 general public to address any questions or issues  
25 brought up during the hearing.

1           At the conclusion of all questions,  
2    comments, and discussion concerning each case, the  
3    public hearing for each case will conclude.

4           The decision will generally be made by  
5    Commission Order at a later date during the County  
6    Commission's regular meeting time.

7           This is File 210331, Planning and Zoning.

8           The applicant is seeking to amend the  
9    Unified Land Use Regulations of Franklin County. The  
10   proposal includes amendments to Article 10,  
11   Supplementary Use Regulations.

12           The only change, big change, happening in  
13   this Article is on 10.3, 10.4. The rest of the  
14   Article is included just because all the section  
15   numbers changed.

16           So we had a file come through for an  
17   Ameren substation coming, and we talked with Mark  
18   about are they exempt, are they not exempt from the  
19   codes. Can they go anywhere?

20           We started looking at our exemption  
21   section, and realizing there was stuff in there that  
22   was no longer applicable to the County, so we wanted  
23   to clean it up. So we got rid of Section 228, and  
24   we're combining everything under what was 229,  
25   Exemptions from Zoning Provisions.

1                   So we added letter C that says:

2                                   "Nothing in these  
3                                   regulations shall prevent  
4                                   the location, erection,  
5                                   construction, reconstruction,  
6                                   change, alteration,  
7                                   maintenance, removal, use, or  
8                                   enlargement of any building or  
9                                   structure of any utility,  
10                                  whether publicly or privately  
11                                  owned, or the use of land by  
12                                  any public utility for the  
13                                  operations of its business may  
14                                  have been or may hereafter be  
15                                  specifically authorized or  
16                                  permitted by certificate of  
17                                  public convenience and  
18                                  necessity or order issued by  
19                                  the Public Service Commission."

20                   So we're just making it clear that they  
21                   can put these things in any zoning district. We're  
22                   not going to restrict them.

23                                   CHAIRMAN BRINKER: Got you.

24                   Okay. Thank you, Scottie. Anybody in  
25                   the audience wish to speak in favor of the proposal?

1 (NONE)  
2 Anybody in opposition?  
3 (NONE)  
4 Anybody for informational purposes?  
5 (NONE)  
6 Commission discussion?  
7 COMMISSIONER BOLAND: I have  
8 none.  
9 CHAIRMAN BRINKER: Nor do I.  
10 Thank you. That concludes the third and  
11 final Article for hearing today.  
12 And Patsy's done.  
13 (THEREUPON, THE PROCEEDINGS  
14 CONCLUDED AT 1:44 P.M.)  
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1 CERTIFICATE OF REPORTER

2 STATE OF MISSOURI )

3 ) SS

4 COUNTY OF FRANKLIN )

5 I, PATSY A. MAYBERRY, Professional Court

6 Reporter and Notary Public within and for the State of

7 Missouri, before whom the foregoing proceeding was

8 taken telephonically, do hereby swear that: the

9 aforementioned was held at the time and in the place

10 previously described; the witness whose testimony

11 appears in the foregoing transcript was duly sworn by

12 me; the proceedings were taken down in stenographic

13 notes by me and transcribed by me, or under my

14 supervision, to the best of my ability; that I am

15 neither counsel for, related to, nor employed by any

16 of the parties to the action in which this testimony

17 was taken; further that I am not a relative or

18 employee of any attorney or counsel employed by the

19 parties thereto, nor financially or otherwise

20 interested in the outcome of the action; and that the

21 aforementioned represents a true and accurate

22 transcript of said proceedings.

23 IN WITNESS WHEREOF, I have hereunto set

24 my hand.

25 *Patsy A. Mayberry*  
 Patsy A. Mayberry, Court Reporter  
 Notary Public, State of Missouri  
 My Commission Expires: August 26, 2022





TRANSCRIPT OF PROCEEDINGS 1/27/2022

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