

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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23 Reported by:

24 Patsy A. Mayberry, C. R.

25 Alaris Litigation Services

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(All exhibits, if any, were retained by the Commission, and will not be attached hereto.)

1 A P P E A R A N C E S
2 PLANNING AND ZONING COMMISSIONERS:
3 WILLIAM EVANS, JR., CHAIRMAN
4 DAN HAIRE, VICE-CHAIRMAN
5 TIMOTHY REINHOLD, COMMISSIONER
6 STANLEY VOSS, COMMISSIONER
7 JIM GRUTSCH, COMMISSIONER
8 MIKE KLENKE, COMMISSIONER
9 DAVE LARAMORE, COMMISSIONER
10 DENNIS HARTMANN, COMMISSIONER
11 KARL MITTLER, COMMISSIONER
12 PLANNING AND ZONING STAFF:
13 CURTIS ELLISON, PLANNER
14 CRYSTAL HOLDMEIER, ASSISTANT
15 LEGAL COUNSEL:
16 MARK PIONTEK, COUNTY ATTORNEY
17 ALARIS LITIGATION SERVICES:
18 BY: PATSY A. MAYBERRY, C. R.
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P R O C E E D I N G S
(FEBRUARY 15, 2022)

CHAIRMAN EVANS: I'd like to go ahead and call to order the February 16th meeting of the Franklin County Planning and Zoning Commission.

Curtis, will you please take roll.

MR. ELLISON: William Evans?

CHAIRMAN EVANS: Here.

MR. ELLISON: Jim Grutsch?

COMMISSIONER GRUTSCH: Here.

MR. ELLISON: Dan Haire?

COMMISSIONER HAIRE: Here.

MR. ELLISON: Dennis Hartmann?

COMMISSIONER HARTMANN: Here.

MR. ELLISON: Mike Klenke?

COMMISSIONER KLENKE: Here.

MR. ELLISON: Dave Laramore?

COMMISSIONER LARAMORE: Here.

MR. ELLISON: Bill McLaren?

COMMISSIONER McLAREN: (Not present.)

MR. ELLISON: Karl Mittler?

COMMISSIONER MITTLER: Here.

MR. ELLISON: Tim Reinhold?

COMMISSIONER REINHOLD: Here.

1 MR. ELLISON: Stanley Voss?

2 COMMISSIONER VOSS: Here.

3 MR. ELLISON: Debbie Willette?

4 COMMISSIONER WILLETTE: (Not
5 present.)

6 CHAIRMAN EVANS: We have a
7 quorum.

8 At this time, I will give the
9 Planning and Zoning Commissioners the opportunity to
10 declare any conflict, communication, or relationship
11 they may have had that might influence their ability
12 to consider today's issues impartially.

13 (NONE)

14 If there are no declarations, we did have
15 one change to the agenda. Item Number 7 on the
16 agenda, the application, the applicant has withdrawn
17 their application. So it's no longer on the agenda.

18 Curtis, would you please give a
19 presentation of the meeting procedures and exhibits.

20 MR. ELLISON: All right.

21 At this time, I would like to place into
22 the record the Franklin County Unified Land Use
23 Regulations as Exhibit A, the official Zoning Map as
24 Exhibit B, the official Master Plan as Exhibit C, and
25 the case file for each case as Exhibit D for all the

1 cases to be heard at this hearing.

2 (THEREUPON, EVIDENCE WAS
3 MARKED FOR IDENTIFICATION AND
4 SUBMITTED FOR THE RECORD AS
5 EXHIBITS A, B, C, AND D.)

6 As each case is opened, a staff report
7 will first be read by the Planning and Zoning
8 Department, followed by the Commissioners' questions
9 for the staff.

10 Then if anyone in the audience would like
11 to speak or comment during the hearing, they must
12 first print their name on the sign-in sheet provided,
13 and then be sworn in.

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

18 Generally the applicant for the rezoning
19 is allowed to be heard, followed by those in support
20 of the rezoning and then those opposed to the
21 rezoning.

22 The applicant may speak again after
23 comments from the general public to address any
24 questions or issues brought up during the hearing.

25 At the conclusion of all questions,

1 comments, and discussion concerning the case, the
2 public hearing for each case will conclude.

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

6 CHAIRMAN EVANS: Thank you.

7 All the Commissioners should have
8 received a copy of the December 21st meeting minutes.
9 If there are no additions or corrections, the Chair
10 would entertain a motion to approve.

11 COMMISSIONER GRUTSCH: Mr.
12 Chairman, I make the motion to approve the minutes as
13 submitted.

14 COMMISSIONER KLENKE: Second.

15 CHAIRMAN EVANS: We have a
16 motion and a second to approve the December 21st
17 minutes. All in favor signify by saying aye.

18 COMMISSIONER REINHOLD: Aye.

19 COMMISSIONER VOSS: Aye.

20 COMMISSIONER GRUTSCH: Aye.

21 CHAIRMAN EVANS: Aye.

22 COMMISSIONER HAIRE: Aye.

23 COMMISSIONER KLENKE: Aye.

24 COMMISSIONER MITTLER: Aye.

25 COMMISSIONER LARAMORE: Aye.

1 COMMISSIONER HARTMANN: Aye.

2 CHAIRMAN EVANS: Opposed?

3 (NONE)

4 The minutes are approved.

5 Communication and Visitors Comments.

6 Anyone present wishing to address the Commissioner?

7 (NONE)

8 If not, we'll move on to Unfinished

9 Business. We have none.

10 New Business. We have File 220023,

11 Trenton Farr. Curtis, will you please give us the

12 details.

13 MR. ELLISON: Sure.

14 Applicant requests to rezone one parcel

15 from the O Zoning District to the W Zoning District.

16 The property is located at 6719 Highway

17 O, approximately .32 miles east of the intersection of

18 Highway N and Highway O in Calvey Township.

19 THE FACTS: The total area for the

20 rezoning is approximately 4.94 acres.

21 The zoning of this property as of January

22 14, 2020 is O. Prior to January 14, 2020, the

23 property and surrounding properties were zoned

24 Suburban Development.

25 The application would like to rezone to

1 the W District. The purpose of the W Zoning District
2 is to provide agricultural and small-scale commercial
3 uses, cultural uses, institutional uses, and
4 agricultural uses to mix with low-density residential
5 uses for the convenience of residents and travelers.

6 The properties around the proposed site
7 are zoned O.

8 The properties to the west are primarily
9 medium-density residential subdivisions.

10 The property to the north is owned by
11 Calvey Creek Sewer District. The property to the east
12 is owned by MoDOT.

13 The closest W Zoning District is located
14 north of Wild Plum Valley Road.

15 This property is surrounded by
16 subdivision on all sides.

17 The property appears to have access to
18 Highway O. This is a State maintained road with an
19 easement width of approximately 140 feet.

20 According to the Assessor's records,
21 there are no buildings on the property.

22 This property is located within Public
23 Water Supply District 3 and Calvey Creek Sewer
24 District.

25 STAFF COMMENTS: Rezoning are allowed in

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

11 CHAIRMAN EVANS: Thank you.

12 Is the applicant present? Can you please
13 step forward. State your name and address, and sign
14 in, please.

15 MR. TRENTON FARR: Trenton
16 Farr, and 173 Harmon Hill, Pacific, Missouri 63069.

17 (THEREUPON, THE WITNESS WAS
18 SWORN.)

19 CHAIRMAN EVANS: If you'd like
20 to go ahead and give us details of why you feel this
21 piece of property should be rezoned.

22 MR. FARR: So my intentions are
23 to have it rezoned to run a seasonal fireworks tent,
24 and eventually in two years, depending on how the
25 sales are going, to put up a steel building of more of

1 a permanent structure and run a seasonal tent out of
2 there as well. Or a seasonal store I will say.

3 And the other thing that I'd just like to
4 point out, what I can tell on the future use map, this
5 land is slotted to be used as commercial property as
6 well.

7 I believe I blew it up as best I could,
8 but even though it's hard to read.

9 CHAIRMAN EVANS: So you were
10 saying you're going to put up a temporary tent for
11 fireworks and then within a couple of years, you
12 would?

13 MR. FARR: My intentions are to
14 build a permanent structure, a steel building,
15 approximately 4,000 square foot to be a permanent
16 store there and base of operations.

17 CHAIRMAN EVANS: Again, by base
18 of operations, you're talking about a permanent store?

19 MR. FARR: Permanent store.

20 CHAIRMAN EVANS: And large
21 scale storage of fireworks?

22 MR. FARR: So yes, fireworks
23 would be stored there year-round as a collective
24 throughout the year. So...

25 CHAIRMAN EVANS: But that would

1 be for inventory for the store?

2 MR. FARR: Inventory for the
3 store, correct.

4 CHAIRMAN EVANS: Okay.

5 MR. FARR: And I do do seasonal
6 shows throughout the year. So that would also be
7 inventory that I would be pulling from. So --

8 CHAIRMAN EVANS: So we're
9 talking commercial grade fireworks?

10 MR. FARR: No, it would all be
11 consumer grade, 1.4 g is what that's considered. 1.3
12 g is commercial grade. That is all has to be stored
13 in accordance with ATF, and the distances there at
14 that property does not allow it due to the highways
15 and residential.

16 CHAIRMAN EVANS: Okay. That's
17 what I was asking when you said you did commercial
18 shows.

19 MR. FARR: Yes. Yeah, a lot of
20 commercial shows due to the licensing is shot with
21 consumer product because of the permitted that is
22 required to go with the commercial grade of 1.3
23 fireworks. So...

24 CHAIRMAN EVANS: Okay. Any
25 other questions from the Commission?

1 COMMISSIONER HAIRE: I guess
2 the one question I have for you is on the permitted --
3 it's a permitted use in W, is it not?

4 MS. HOLDMEIER: Correct.

5 COMMISSIONER HAIRE: That's
6 what I was looking at.

7 MS. HOLDMEIER: Temporary
8 fireworks.

9 COMMISSIONER HAIRE: But it's
10 temporary. That's what I was going to say. So that
11 will potentially be an issue because under the
12 permitted use in W, it's for temporary fireworks, not
13 for year-round.

14 MR. FARR: I don't intend to
15 sell year-round. It's just for that in that period of
16 time of -- and for security purposes and ease of use,
17 a building is a lot easier to operate out of than a
18 tent because you don't have to have the 24-hour people
19 and things like that.

20 COMMISSIONER HAIRE: Okay.

21 CHAIRMAN EVANS: So the
22 building then would be, if you built one, would be
23 used for storage?

24 MR. FARR: Correct, correct.

25 CHAIRMAN EVANS: Just out of

1 curiosity because of what you'd be storing there, what
2 kind of security would you have?

3 MR. FARR: Oddly enough, I run
4 a security company. That's what I do for my big job.
5 so surveillance, alarm systems. I mean, it is the
6 whole nine yards. I will have basically cameras on
7 premise as well just because of its nature.

8 CHAIRMAN EVANS: Okay. Are
9 there any other questions for the applicant?

10 MR. FARR: Is there a map that
11 -- other than what I have right now here that I could
12 actually see that commercial future use map? Or I
13 don't know if that has any weight on it or not, but
14 there's the future use map, and it's all just
15 commercial from what I can tell.

16 MS. HOLDMEIER: Did you get
17 that on our web site?

18 MR. FARR: I did.

19 MS. HOLDMEIER: Yeah, that is
20 the future land use map.

21 MR. FARR: Okay. It's just
22 real hard. By the time you zoom in 500 percent, it
23 blurs itself.

24 MS. HOLDMEIER: It is.

25 CHAIRMAN EVANS: Any other

1 questions?

2 (NONE)

3 All right. Thank you.

4 MR. FARR: Thank you.

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

8 MR. CLINTON HAFLEY: My name is
9 Clinton Hafley. I own the property at 930 Meadow in
10 Catawissa, which is the property that joins Mr.
11 Trenton's (sic) property. And he's been doing a lot
12 of work over there, cleaned it up. There was tires,
13 it was used as a dump prior to this.

14 And he even, you know, approached me and
15 said that we've got some trash that's bordering our
16 property, would you want -- you don't mind if I take
17 that up and clean that out for you. And I didn't have
18 a problem with that.

19 This property has sat for sale for a long
20 time, so if anybody was in to oppose it, they had
21 their opportunity to purchase this property and do
22 what they wanted to do with the property.

23 Mr. Trenton (sic) has a vision for this
24 property, and wants to make something that would
25 benefit the community, and I think that -- I'm

1 surprised that anybody would be against that. I don't
2 know what -- what progress would -- why they'd be
3 against progress.

4 Now, possibly the property should be used
5 for its highest and best use, which would be a
6 commercial situation because it does have highway
7 frontage.

8 CHAIRMAN EVANS: All right.
9 Thank you. And I should mention anyone wishing to
10 speak either for or against this, has three minutes.

11 Anyone else wishing to speak in favor of
12 this file?

13 (NONE)

14 Anyone present wishing to speak in
15 opposition? Would you please come forward. State
16 your name and address, and sign in, please.

17 MR. CHARLES BROWN: My name is
18 Charles Brown, 923 Meadow Drive.

19 (THEREUPON, THE WITNESS WAS
20 SWORN.)

21 I just want to reiterate what I said last
22 time about this. I dealt with explosives in the
23 military for ten years, and to leave a building
24 unmanned. What happens if a storm comes through? You
25 got to keep them cool and dry anyway, gun powder and

1 stuff like that.

2 What happens if a surge goes through, and
3 a spark flies from the light and catches fire?

4 Has anybody seen explosives go off? You
5 hear of fireworks stands blowing up all the time and
6 killing people accidentally.

7 Four thousand square feet with a lot of
8 explosives like that can cause a big explosion.

9 It's just not a safe thing. It's in a
10 subdivision, and what purpose does that serve, a
11 fireworks stand? You want to be in a bigger city or
12 closer to the highway.

13 That's -- I don't think none of you guys
14 would like a fireworks stand in your subdivision where
15 you live. Neither do we. There's kids that play out
16 there all around the subdivision all the time. Kids
17 wander.

18 It's just an accident waiting to happen.
19 You guys got to think about this real hard. Thank
20 you.

21 CHAIRMAN EVANS: Thank you.

22 Anyone else present wishing to speak in
23 opposition? Please step forward. State your name and
24 address, and sign in, please.

25 MS. ELIZABETH GRAHAM:

1 Elizabeth Graham. 834 Martha Avenue.

2 (THEREUPON, THE WITNESS WAS
3 SWORN.)

4 We have lived across the street from this
5 property for the last 6 years and in this area for the
6 last 30 years, and this is right in our front yard
7 looking down the hill.

8 And to have a metal building full of
9 commercial fireworks, he can say that it's going to be
10 consumer use, but he runs a show. He's going to have
11 all that there.

12 That is a fire waiting to just start, and
13 everybody on this right side of this room lives in
14 homes right around this area. We have three acres.
15 This property is just four acres, and we can see
16 everything from our view down.

17 It is nicely cleaned up just in the last
18 year because he took ownership of it, but that's all
19 that's been done. The only thing is good about it is
20 that it's cleaned up now.

21 If it was a concern prior to him buying,
22 he should have checked that out before buying this
23 property because it's been sitting. It floods.
24 There's a creek running across two sides of the back
25 of it, and there's houses all around this.

1 It's just a really bad idea to let kids
2 be in this neighborhood and all around this area to
3 have a business coming in and a commercial fireworks
4 stand that's -- he says it's going to be seasonal.

5 It's not going to be. And then if this
6 doesn't work, then its' going to get rezoned again to
7 something else more commercial, and for this to be
8 considered a W and permit use only, it's going to turn
9 into a more of a commercial use of fireworks as a
10 every -- everyday business for his business with this
11 commercial of doing his year-round, you know, of all
12 the fireworks, not just a seasonal thing.

13 And it's just a bad idea with children,
14 and I just can see it. There's many fireworks plants
15 that are made that are blowing up, and you know,
16 there's one just down the corner right at Meramec
17 River t Jefferson and Franklin County that's up there
18 every year because it's in a building.

19 If somebody needs fireworks, they can go
20 right there. They don't have to drag it out to
21 Catawissa. Thank you.

22 CHAIRMAN EVANS: Thank you.

23 Anyone else wishing to speak in
24 opposition? Please step forward. State your name and
25 address, and sign in.

1 (THEREUPON, THE WITNESS WAS
2 SWORN.)

3 MR. KEITH KUECHLER: I guess my
4 issue is I just moved here.

5 COURT REPORTER: Your name and
6 address, please.

7 MR. KUECHLER: Oh, I'm sorry.
8 Keith Kuechler. 963 Martha Avenue, Catawissa.

9 I guess my issue, I just moved here last
10 year, and one of the reasons was the area and looking
11 at a fireworks stand being seasonal, I can understand
12 that.

13 But being a building in my mind -- being
14 a metal building in my mind to store fireworks doesn't
15 sound that kosher. I would assume that code for
16 storing fireworks would have to be some sort of steel
17 structure or concrete structure. Sorry.

18 But in my mind, that needs to really,
19 really looked at from a code standpoint. I mean,
20 we've had other issues in the state of Missouri with
21 places blowing up, and that they do it for a living.

22 So I really think it needs to be looked
23 at as code issue. Thank you.

24 CHAIRMAN EVANS: Thank you.

25 COMMISSIONER REINHOLD: I just

1 want to bring up we don't really have anything to do
2 with code here. This is basically --

3 CHAIRMAN EVANS: I'll make a
4 couple of comments after, but as far as enforcement,
5 we don't.

6 Anyone wishing to speak in opposition?

7 (NONE)

8 Does the applicant have anything else he
9 would like to say?

10 MR. FARR: Just a couple of
11 points of storage. As far as I know, Missouri does
12 not have any statutes on 1.4 consumer grade fireworks
13 as far as poundage, footage or any type of storage
14 requirements.

15 They're stored in steel structures, steel
16 buildings. Fireworks City, Fireworks World, they're
17 all steel buildings. They've all been there for since
18 I moved here back in -- when I was six years old. So
19 35 years ago or so. And to my knowledge, all of those
20 structures are still standing, and have not caught
21 fire, blown up, burned down.

22 And I understand the concerns, but I have
23 stayed in compliance with every law, everything else.
24 You do not mess with ATF when it comes to this stuff.
25 So where some people are trying to sneak or store

1 commercial fireworks in there, if you do that, it's a
2 25-year instant sentence. And that's not anything
3 that I'm looking to put my life in jeopardy for.

4 So that's all. Thank you.

5 CHAIRMAN EVANS: Thank you. I
6 would ask that you -- if you had looked at putting a
7 metal building in there -- I'm just finding things --
8 in W, it has permitted use for a storage facility?

9 MR. FARR: Does it?

10 CHAIRMAN EVANS: No, I'm asking
11 you. I don't see it. That's why I was asking you.

12 MS. HOLDMEIER: I mean, we do
13 have other fireworks stands that operate out the
14 facility only on a temporary basis where they're
15 allowed that certain time of year, but we do have
16 other fireworks stands that operate out of an actual
17 facility, an actual building.

18 CHAIRMAN EVANS: Okay. That's
19 what I was wondering. So --

20 MS. HOLDMEIER: In the W Zoning
21 District.

22 CHAIRMAN EVANS: In W, but no
23 storage, but he would have to be operating, I guess is
24 my question.

25 MS. HOLDMEIER: Just during

1 that timeframe, he could operate out of a building
2 just during the timeframe that fireworks are
3 permitted.

4 CHAIRMAN EVANS: Right, but
5 June 10th to July 10th, but after that if it was just
6 used for storage?

7 MS. HOLDMEIER: I'm not sure.
8 That might be a Mark question.

9 CHAIRMAN EVANS: Yeah, and I
10 was just looking in permitted uses, and didn't see
11 storage in there.

12 Mark, do you have any...

13 COUNTY ATTORNEY PIONTEK: I
14 agree with you. I don't see -- he could do the
15 temporary fireworks sales, but there's nothing in the
16 W Zoning District that allows for storage,
17 warehousing, whatever it is he's going to be doing.

18 So I agree with you, this is not a
19 permitted use.

20 CHAIRMAN EVANS: Right, and
21 that would be whether it's fireworks or any other --

22 COUNTY ATTORNEY PIONTEK: Or
23 anything.

24 CHAIRMAN EVANS: -- warehouses
25 or storage, I don't see in W.

1 MR. FARR: Even if it was a
2 store front basically? I'm not talking just a steel
3 building. I'm talking a full store front that would
4 basically maintain product in there throughout the
5 year.

6 CHAIRMAN EVANS: But again, we
7 don't --

8 MR. FARR: It ain't going to be
9 a warehousing type scenario.

10 CHAIRMAN EVANS: It's either
11 going to be stored or it's going to be sold, and under
12 W, the only fireworks sales are between July -- or
13 June 20th and July 10th.

14 MR. FARR: Correct.

15 CHAIRMAN EVANS: Temporary.

16 MR. FARR: Correct.

17 COMMISSIONER GRUTSCH: If I
18 might just ask you a question. Are you referring to
19 during the fireworks season, you would sell for those
20 20 days, and the rest of the year you would have a
21 convenience store kind of setup where you'd sell other
22 products other than fireworks? Because that is a
23 permitted use.

24 MR. FARR: Potentially, yes,
25 because the building would serve multiple purposes.

1 Like I said, I do own a security company that I run.
2 Currently we have no store frontage. So -- but this
3 is all in -- that's on the back side.

4 First side is fireworks, but that is on
5 the back side. So...

6 COMMISSIONER GRUTSCH: Okay.
7 And I don't want to make it sound like I'm trying to
8 figure out how to make this work for you.

9 MR. FARR: Correct.

10 COMMISSIONER GRUTSCH: But at
11 this point, you're looking at basically a rezoning.
12 You know, we really don't get involved in what you do
13 or don't do.

14 MR. FARR: Correct, right. So
15 like I said, building is potential. Seasonal is more
16 what I want. There is, you know, just a tent is what
17 I want. The -- if I put a tent up and it's a flop,
18 then I won't -- I won't pursue it. The building won't
19 build.

20 But that is my purpose, is trying to run
21 -- we -- I am geared right now to do approximately
22 about 125 to 150 thousand dollars in sales this year.
23 I have put together -- I've been collecting since
24 then. Fireworks are going to be extremely difficult
25 to get a hold of this year. All your cities and

1 municipalities are going to increase about 40 percent
2 price increase for city shows. So most people don't
3 know that yet.

4 But that is my potential is what I'm
5 trying to aim for right now as far as how much product
6 I have collected over several months, you know,
7 throughout the year.

8 And as far as the -- just the other
9 comment about the fireworks tent that is down the road
10 right over the river, that is in Jefferson County, and
11 that has basically no revenue stream for Franklin
12 County.

13 So I have spoken with her, and she is
14 inside Jefferson County there. So...

15 CHAIRMAN EVANS: Any other
16 questions?

17 COMMISSIONER KLENKE: I have
18 one.

19 COMMISSIONER HARTMANN: Go
20 ahead.

21 COMMISSIONER KLENKE: Go ahead.

22 COMMISSIONER HARTMANN: No, go
23 ahead.

24 COMMISSIONER KLENKE: I heard
25 the thing about the explosives and all that. How

1 close are you to a building, to a home or whatever? I
2 mean, if that thing blows up, what's --

3 MR. FARR: I am probably the
4 closest to Clinton Hafley's property there. And from
5 where -- almost where that arrow is pointing to
6 Clinton's approximately 700, 800 feet would be the
7 location of the tent. Just approximate.

8 COMMISSIONER KLENKE: I'm not
9 an engineer. I'm asking for your professional opinion
10 on it. If that thing blows up, does it wipe out five
11 houses, does it wipe out one house, does it wipe out
12 no house?

13 MR. FARR: It will probably
14 wipe out no houses because of the thing, that is a
15 1.4, to give you an idea of what the ATF requires for
16 a storage magazine is -- it's about -- it's right
17 around 500 feet for 5,000 pounds of explosives of
18 commercial grade is what they -- what they consider
19 being safe is what ATF states.

20 So we are well outside of that, and there
21 is a creek to the right of me, a creek behind me and a
22 creek to the left of me, and Clinton Hafley's house is
23 the closest house of where I'm at right now.

24 COMMISSIONER KLENKE: Pardon
25 me.

1 MR. FARR: Absolutely,
2 absolutely.

3 COMMISSIONER HARTMANN: Okay.
4 How -- are you storing fireworks now and if you are,
5 where are you storing them and how are you storing
6 them?

7 MR. FARR: I store them at my
8 house. I have an ATF registered magazine for my
9 commercial stuff, and then I have a 40-foot container
10 that is my consumer stuff, which is 1.4. Which there
11 is no regulation for the 1.4 that you can't have a
12 certain amount of poundage in your possession. You
13 can -- there is none of that that with consumer grade
14 1.4 fireworks.

15 CHAIRMAN EVANS: Any other
16 questions?

17 MR. FARR: I sit on eight acres
18 now, and it's isolated by itself. I'm not in the
19 middle of the neighborhood with it shoved in my
20 garage.

21 CHAIRMAN EVANS: Jim?

22 COMMISSIONER GRUTSCH: I do
23 have one other question. Assuming you get up and
24 going with the fireworks in the tent for that 20
25 days, --

1 MR. FARR: Correct.

2 COMMISSIONER GRUTSCH: -- will
3 you prohibit any discharge of fireworks on your
4 property during that 20 days?

5 MR. FARR: You have to.

6 COMMISSIONER GRUTSCH: In other
7 words, if some kids buy --

8 MR. FARR: Yes, there wouldn't
9 be --

10 COMMISSIONER GRUTSCH: No, but
11 say within say a mile.

12 MR. FARR: No, you would not
13 allowed to shoot any. There are requirements that by
14 the State of Missouri that you have to signs that say
15 no discharge of fireworks within X amount of feet.
16 But there would not be any discharging of fireworks on
17 property there. So no need to...

18 CHAIRMAN EVANS: Any other
19 questions?

20 (NONE)

21 Thank you.

22 MR. FARR: Thank you.

23 CHAIRMAN EVANS: Tim, to answer
24 your question, just from personal experience, is that
25 we don't have anything to do with code. Not only can

1 he put up the tent and the -- and I think this goes
2 through Planning and Zoning when they get their
3 permits, and they have -- their regulations are
4 extremely strict. I know of these two cases where
5 they weren't going able to open their tents on time
6 because the fire marshal did not approve something,
7 and those things are constantly checked and they have
8 extremely strick rules on what they can do as far as
9 discharging and smoking, how far away everything has
10 to be electrical.

11 So I was surprised how strict they were.

12 COMMISSIONER REINHOLD: They
13 got to put in extra lights in, emergency lights,
14 everything inside the tents.

15 CHAIRMAN EVANS: Yeah, it's
16 like they covered everything. I was amazed as I said,
17 I know two cases where they were not allowed to open
18 on June 20th because the fire marshal said small
19 things, but they don't let you get away with small
20 things.

21 Any discussion?

22 COMMISSIONER KLENKE: Yeah, I
23 want to clarify. So we're talking about if we rezone
24 this, he can only use the tent, or he can put up a
25 metal building and let it sit there vacant or --

1 CHAIRMAN EVANS: He could put
2 up a metal building and let it sit there vacant. If
3 we rezone it, he can do any one of the 47 things here.
4 So he could put up a metal building and --

5 COMMISSIONER KLENKE: Okay.

6 CHAIRMAN EVANS: -- and do
7 that. He just could not put -- he couldn't store
8 anything in it.

9 COMMISSIONER KLENKE: He
10 couldn't store anything in it?

11 CHAIRMAN EVANS: It couldn't be
12 storage.

13 COMMISSIONER KLENKE: He
14 couldn't store anything?

15 CHAIRMAN EVANS: Right, and as
16 Jim mentioned, that he said he was going to put a
17 convenience in, --

18 COMMISSIONER KLENKE: Right.

19 CHAIRMAN EVANS: -- you know,
20 that would be allowed, but you know, he couldn't sell
21 the fireworks out the convenience store. So it's --
22 what would he do with the metal building, and that's
23 looking down the road.

24 And once again, you know, we're looking
25 at -- he says he's going to put up the tent, and we

1 have a lot of them in Franklin County, but we always
2 have to look at all the other uses that this could be
3 used for. And obviously some of them, the size of
4 them would preclude permitted uses.

5 So again we have to consider all the
6 permitted uses.

7 And again, if we want to go ahead and
8 leave it, he could have the tent June 20th to July
9 10th, and that's any building he put up would bring up
10 some other issues.

11 Any other discussion?

12 COMMISSIONER GRUTSCH: Mr.
13 Chairman, I'd like to make a motion to move this to
14 Old Business.

15 COMMISSIONER KLENKE: I'll
16 second.

17 CHAIRMAN EVANS: We have a
18 motion and a second to move File 220023 to Unfinished
19 Business.

20 All in favor signify by saying aye.

21 COMMISSIONER REINHOLD: Aye.

22 COMMISSIONER VOSS: Aye.

23 COMMISSIONER GRUTSCH: Aye.

24 CHAIRMAN EVANS: Aye.

25 COMMISSIONER HAIRE: Aye.

1 COMMISSIONER KLENKE: Aye.

2 COMMISSIONER MITTLER: Aye.

3 COMMISSIONER LARAMORE: Aye.

4 COMMISSIONER HARTMANN: Aye.

5 CHAIRMAN EVANS: Opposed?

6 (NONE)

7 Motion is carried.

8 Moving to Unfinished Business. We have
9 File 220023. Any further discussion?

10 (NONE)

11 Questions or discussion?

12 (NONE)

13 COMMISSIONER GRUTSCH: Mr.

14 Chairman, I would like to make a motion to recommend
15 to the County Commission that they approve this
16 rezoning request for File 220023.

17 The applicant had requested a different
18 zoning district previously, which was substantially
19 not a correct zoning district. This one that he's
20 reapplied for is much more suited for this operation
21 for a 20-day temporary fireworks.

22 So I do make a motion to recommend to the
23 County Commission to approve it.

24 CHAIRMAN EVANS: Again, I
25 should, which I did point out before, this is a

1 rezoning. This is a recommendation to the County
2 Commission who will have their own hearing and make
3 the final decision.

4 COMMISSIONER REINHOLD: I'll
5 second it.

6 CHAIRMAN EVANS: We have a
7 motion and a second to recommend approval of File
8 220023. All in favor signify by saying aye.

9 COMMISSIONER REINHOLD: Aye.

10 COMMISSIONER VOSS: Aye.

11 COMMISSIONER GRUTSCH: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER HAIRE: Aye.

14 COMMISSIONER MITTLER: Aye.

15 COMMISSIONER LARAMORE: Aye.

16 COMMISSIONER HARTMANN: Aye.

17 CHAIRMAN EVANS: Opposed?

18 COMMISSIONER KLENKE: Aye.

19 CHAIRMAN EVANS: The motion is
20 carried.

21 Moving on to Planning and Zoning
22 Commission Forum. Do the Commissioners have anything
23 they wish to discuss?

24 (NONE)

25 If not, Planning Director's Report.

1 Curtis, do you have any insights?

2 MR. ELLISON: I have nothing at
3 this time.

4 MS. HOLDMEIER: I wanted to
5 point out something. We do have a meeting next month.
6 The only thing on the agenda is a preliminary plat.
7 So we will have a meeting next month.

8 CHAIRMAN EVANS: All right.

9 COMMISSIONER GRUTSCH: Crystal,
10 was that the one that was taken off the agenda
11 tonight?

12 MS. HOLDMEIER: No.

13 COMMISSIONER GRUTSCH: Oh,
14 okay.

15 MS. HOLDMEIER: No, a different
16 one.

17 COMMISSIONER GRUTSCH: Okay.

18 CHAIRMAN EVANS: All right. If
19 we have nothing else, the Chair would entertain a
20 motion to adjourn.

21 COMMISSIONER KLENKE: Mr.
22 Chairman, I make a motion to adjourn.

23 COMMISSIONER HAIRE: I second
24 it.

25 CHAIRMAN EVANS: We have a

1 motion and a second to adjourn. All in favor signify
2 by saying aye.

3 COMMISSIONER REINHOLD: Aye.

4 COMMISSIONER VOSS: Aye.

5 COMMISSIONER GRUTSCH: Aye.

6 CHAIRMAN EVANS: Aye.

7 COMMISSIONER HAIRE: Aye.

8 COMMISSIONER KLENKE: Aye.

9 COMMISSIONER MITTLER: Aye.

10 COMMISSIONER LARAMORE: Aye.

11 COMMISSIONER HARTMANN: Aye.

12 CHAIRMAN EVANS: Opposed?

13 (NONE)

14 We are adjourned.

15 (THEREUPON, THE PROCEEDING

16 CONCLUDED AT 7:40 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

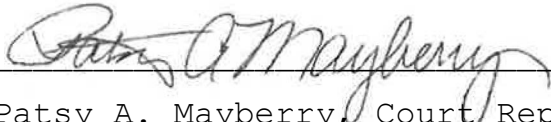
21 aforementioned represents a true and accurate

22 transcript of said proceedings.

23 IN WITNESS WHEREOF, I have hereunto set

24 my hand.

25



21 Patsy A. Mayberry, Court Reporter

22 Notary Public, State of Missouri

23 My Commission Expires: August 26, 2022

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