

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

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9 TRANSCRIPT OF PROCEEDINGS  
10 PUBLIC MEETING  
11 APRIL 17, 2018  
12 (Commencing at 7:00 p.m.)

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

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1                                   A P P E A R A N C E S  
2    PLANNING AND ZONING COMMISSION MEMBERS:  
3                                   William Evans, Jr., Chairman  
4                                   Jay Schulteheinrich, Co-Chairman  
5                                   Timothy Reinhold, Commissioner  
6                                   Stanley Voss, Commissioner  
7                                   Bill McLaren, Commissioner  
8                                   Ray Cunio, Commissioner  
9                                   Ron Williams, Commissioner  
10                                  Russell McCreary, Commissioner  
11    PLANNING AND ZONING STAFF:  
12                                  Scottie Eagan, Planning Director  
13                                  Nichole Zielke, Planner  
14    LEGAL COUNSEL:  
15                                  Mary Zastrow-Hiatt, County Attorney  
16    ALARIS LITIGATION SERVICES:  
17                                  By: Patsy A. Hertweck, C. R.  
18                                  711 North Eleventh Street  
19                                  St. Louis, Missouri 63101  
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21  
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25

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

2 (APRIL 17, 2018)

3 CHAIRMAN EVANS: I'd like to  
4 go ahead and call to order the Tuesday, April 17th  
5 meeting of the Franklin County Planning and Zoning  
6 Commission.

7 Scottie, would you please take roll.

8 MS. EAGAN: Bill Evans?

9 CHAIRMAN EVANS: Here.

10 MS. EAGAN: Jay

11 Schulteheinrich?

12 COMMISSIONER SCHULTEHENRICH:

13 Here.

14 MS. EAGAN: Todd Boland?

15 COMMISSIONER BOLAND: (Not  
16 present.)

17 MS. EAGAN: Tim Reinhold?

18 COMMISSIONER REINHOLD: Here.

19 MS. EAGAN: Ray Cunio?

20 COMMISSIONER CUNIO: Here.

21 MS. EAGAN: Tom Tobben?

22 COMMISSIONER TOBBEN: (Not  
23 present.)

24 MS. EAGAN: Bill McLaren?

25 COMMISSIONER McLAREN: Here.

1 MS. EAGAN: Stan Voss?  
2 COMMISSIONER VOSS: Here.  
3 MS. EAGAN: Dan Haire?  
4 COMMISSIONER HAIRE: (Not  
5 present.)  
6 MS. EAGAN: Russell McCreary?  
7 COMMISSIONER McCREARY: Here.  
8 MS. EAGAN: And, Ron Williams?  
9 COMMISSIONER WILLIAMS: Here.  
10 MS. EAGAN: Okay. We have a  
11 quorum.  
12 CHAIRMAN EVANS: Thank you.  
13 And at this time, I'll give the Planning  
14 and Zoning Commissioners the opportunity to declare  
15 any conflict, communication or relationship they may  
16 have had that might influence their ability to  
17 consider today's issues impartially.  
18 COMMISSIONER McLAREN: Mr.  
19 Chairman, I need to excuse myself from File 170264.  
20 CHAIRMAN EVANS: Scottie, will  
21 you please give us a presentation of the meeting  
22 procedures and exhibits.  
23 MS. EAGAN: Tonight's Planning  
24 Commission meeting is governed by the Franklin County  
25 Unified Land Use Regulations.



1 questions for the staff.

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

7 When it is your turn to speak, you will  
8 come to the front of the room to address the  
9 Commission and only the Commission, not anyone in the  
10 audience, with your comments.

11 It is possible for the Planning  
12 Commission to decide to move a New Business issue to  
13 Old Business and vote on it the same night.

14 At the conclusion of all questions,  
15 comments, and discussion concerning each case, the  
16 Planning Commission will proceed. Any final decision  
17 by the Planning and Zoning Commission concerning  
18 conditional use permits may be appealed to the Board  
19 of Zoning Adjustment any time within 90 days.

20 Applications for such an appeal may be  
21 acquired from the Department offices during normal  
22 business hours.

23 CHAIRMAN EVANS: All of the  
24 Commissioners should have received a copy of the  
25 March 20th minutes. If there are no corrections or

1 additions, the Chair would entertain a motion to  
2 approve.

3 COMMISSIONER McLAREN: Mr.  
4 Chairman, on page 4, it says on line 15 that I was  
5 here, and I was absent last month.

6 So I would ask that that be corrected.

7 CHAIRMAN EVANS: Thank you.

8 Any other changes or additions?

9 (NONE)

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

12 COMMISSIONER McCREARY: I make  
13 a motion to approve the minutes with the correction  
14 made.

15 COMMISSIONER REINHOLD: I  
16 second it.

17 CHAIRMAN EVANS: We have a  
18 motion and a second to approve the March 20th meeting  
19 minutes.

20 All in favor signify by saying aye.

21 COMMISSIONER REINHOLD: Aye.

22 CHAIRMAN VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER CUNIO: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.

2 COMMISSIONER SCHULTEHENRICH:

3 Aye.

4 COMMISSIONER McCREARY: Aye.

5 CHAIRMAN EVANS: Opposed?

6 (NONE)

7 The minutes are approved.

8 And we will take one thing out of order  
9 tonight. We have Communications and Visitors  
10 Comments, but we did receive some correspondence  
11 today.

12 Scottie, if you have the correspondence,  
13 would you like to read it.

14 MS. EAGAN: It says:

15 "At this time, with the  
16 issues that have arisen with  
17 the Water District and neighbors  
18 over the apartment development,  
19 we wish to withdraw our  
20 application for zoning approval  
21 at this site, Highway 100 and  
22 Highway 00.

23 "But we would like to move  
24 forward with the development of  
25 the commercial retail/gas

1 station on the corner as shown  
2 on our Preliminary Plat  
3 drawing."

4 And that was from Sam Salamah. We got  
5 that today about 12:30.

6 CHAIRMAN EVANS: Okay. Thank  
7 you.

8 In other words, under Preliminary Plats  
9 File 10264 will not be on the agenda.

10 Communications and Visitors Comments.  
11 Is there anyone wishing to address the Commission?

12 (NONE)

13 Okay. Old Business. We have none.

14 New Business. File 180054, Eastland  
15 Lakes (sic), Inc. No public comment accepted.

16 Scottie, will you give us the details.

17 MS. EAGAN: This is File  
18 180054.

19 The applicant is Cameron Lueken for  
20 Eastland Oaks.

21 The applicant requests to rezone one  
22 parcel from Residential Development to Residential  
23 Development 1.

24 The property is located on St. Johns  
25 Road, approximately 350 feet south of Eastland Oaks

1 Drive, in St. Johns Township.

2 The Facts: The total area for the  
3 rezoning is approximately 24 acres.

4 The zoning of this property is  
5 Residential Development. The applicant would like to  
6 rezone to Residential Development 1.

7 Residential Development 1 zoning allows  
8 single-family residential developments in areas that  
9 are primarily served by central utilities.

10 The properties directly north of this  
11 property, located in Eastland Oaks, were rezoned to  
12 Residential Development in 1999.

13 The properties to the west, south and  
14 east are zoned Non-Urban and Agricultural.

15 This property is surrounded by  
16 subdivisions on the north, west and east. To the  
17 west, is Hilltop Acres, which is a low-density  
18 subdivision with lot sizes over five acres. To the  
19 north is Eastland Oaks, which is a medium-density  
20 subdivision with lot sizes around 30,000 square feet.  
21 To the west, across St. Johns Road, are multiple  
22 low-density subdivisions with lots over five acres in  
23 size.

24 The properties to the south are  
25 primarily low-density residential properties mixed

1 with a few undeveloped parcels.

2 This property will have access to St.  
3 Johns Road. St. Johns Road is a County-maintained  
4 road.

5 This property is located with Public  
6 Water Supply District No. 3.

7 Staff Comments: This property appears  
8 to be Non-Urban on the Future Land Use Map.

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

19 CHAIRMAN EVANS: Thank you.

20 Is the applicant present? Would you  
21 state your name and address and sign in, please.

22 (Thereupon, the witness was  
23 sworn.)

24 MR. CAMERON LUEKEN: Good  
25 evening. My name is Cameron Lueken with Wunderlich

1 Survey and Engineering.

2 We're here tonight to see about Eastland  
3 -- what we're going to call as Eastland Valley. For  
4 those who aren't familiar with the area, the area to  
5 the north, immediately to the north of this, is  
6 Eastland Oaks.

7 So the history is that in this area, the  
8 entire Eastland Oaks area, Eastland Valley was  
9 actually, like as Scottie mentioned, rezoned to RD,  
10 and our purpose here tonight is we want to rezone the  
11 southern portion of that original farm from RD to  
12 RD-1.

13 So I'm going to take some time to  
14 explain the difference between RD and RD-1, and the  
15 reason why we're doing that is to satisfy the need  
16 for the type of housing that's allowable in RD.

17 So the property totality is everything  
18 inside this orange and pink area. Eastland Oaks at  
19 the St. Johns Road is to the north in this --  
20 basically this area up here to the north. And what  
21 we're proposing to do is kind of drain -- there's a  
22 creek that kind of runs through here into the south.  
23 We're proposing to rezone that to RD-1.

24 So then down in this area as you drive  
25 out there, you see the houses to the north. There's

1 an agricultural dealer to the south. That's the area  
2 we're talking about rezoning.

3 So let's kind of talk about the  
4 differences between RD and RD-1. So on the left --  
5 that's hidden up there, but basically this is the  
6 total 11 existing allowed uses in the current zoning  
7 district, and this is the proposed use on the -- that  
8 what we're proposing to do on the south.

9 So in the existing district, the minimum  
10 lot area is 30,000 square feet. In the proposed  
11 area, the minimum lot area is 10,000 square feet.

12 How it relates to density it's exactly  
13 the same; meaning that in the current zoning  
14 district, you're allowed one dwelling unit per 10,000  
15 square feet, and in the proposed, the volume is the  
16 same. So there's no actually difference in density.

17 The one big thing is, is that in the  
18 existing zoning district, it does allow for  
19 multiple-family dwellings. In the proposed, it only  
20 allows for single-family dwellings. So by way of  
21 example, this could be, you know, if -- if the owner  
22 decided to sell it outside of his ownership,  
23 theoretically, someone could put a triplex on a  
24 30,000 square foot lot, which would meet density.

25 You know, we obviously don't want to do

1 that. What we're proposing to do is one on every  
2 lot. So what we're proposing to do it actually would  
3 prevent triplexes. It also prevents duplexes. It  
4 also prevents mobile homes, you might say.

5 So we think that in what we're proposing  
6 to do is, is that the RD-1 actually offers more  
7 protections for the ad-joiners rather than, you know,  
8 less. So we're not...

9 I guess in summary, as far as this is  
10 concerned, in summary, we're not increasing the  
11 density, and this -- I guess this -- to kind of jump  
12 ahead a little bit. On the one unit per 10,000  
13 square feet, that's a minimum; meaning that, you  
14 know, it's more than likely going to be something  
15 greater than 10,000 feet. I guess I'll kind of speak  
16 to that in a minute on the next slide.

17 Does anyone have any questions about  
18 existing -- what exists versus proposed, what's  
19 proposed at this time?

20 (NONE)

21 Okay. Hearing none, I'll move on.

22 So where does RD-1 exist? What does it  
23 look like? I'm sure some of you were on this  
24 Commission at the time, but this is Summer Hill  
25 Estates or Walnut Ridge or Country Lake Estates.

1                   Basically this was Summer Hill to begin  
2 with back in 2003-'4. The back part of it we came to  
3 you with a need for that housing on smaller lots. So  
4 we actually worked with you guys to propose an RD-1  
5 district.

6                   In this case, it was allowed, and it's  
7 successful. And in this case, you know, it's one per  
8 ten, the average lot size here is about -- about  
9 13,000-square foot lot. So let's talk about the  
10 success on that.

11                   That was originally platted in 2014. We  
12 also came back to rezone another portion here. With  
13 me tonight I've got the same team, I guess, that  
14 helped us with this. So the owner's representative  
15 is Sean Mayall of S. K. Homes. We helped -- he  
16 helped lay this out and build these homes in here.  
17 As well as the marketing team, Matt McCullough with  
18 ReMax. He's here tonight too. So basically we're  
19 kind of dishing on success here what happened.

20                   So let's -- let's kind of talk about how  
21 that satisfied that need. When we look at that, this  
22 cul de sac here, as mentioned, this was in 2014.  
23 That's when the plat was done, the final plat, but we  
24 had Preliminary Plats before that. So we actually  
25 put this road in the fall of '13. So when you look

1 at an image from November of '13, there's no homes  
2 here. So there's zero houses.

3 When you look at Eastland Oaks, this is  
4 the northern portion of where I'm at. So the  
5 rezoning is down here. This is St. Johns Road. This  
6 is Eastland Oaks. So when you look at that, at that  
7 same date in November of 2014, there was 46 houses.  
8 So basically this -- these lots, these vacant lots  
9 have been for sale as well as Walnut Ridge.

10 So what's interesting to me was when you  
11 look at how the need has been satisfied, it's kind of  
12 interesting because you look forward, you know, here  
13 a few years later, 10/21/16, there are 23 houses that  
14 exist at that time on that image. So in that  
15 timeframe, there was 23 houses built there on that  
16 cul de sac.

17 When you looked at what happened to  
18 Eastland Oaks, you know, there was only 52 houses.  
19 So there was only additional 6 houses built on  
20 available lots. That's a -- that's a -- that's like  
21 well, why is that? Why is that? You know, because  
22 it's -- basically because of price point and the need  
23 at that price point.

24 So when you look at the summary up here,  
25 0 versus 46. A few years later 23 versus 52. There

1 was 23 homes built versus 6. That's about four times  
2 the growth in Walnut Ridge on the west side of  
3 Washington as there was on the east side of  
4 Washington, Eastland Oaks.

5 But there was a price difference between  
6 the two houses. So Eastland Oaks, you know, that  
7 price point, maybe Matt can speak to that, but it's a  
8 higher price point than the Walnut Ridge place.

9 I guess another example of that what  
10 we're seeing is that, well, you know, why is that?  
11 How -- why is the price work. We're talking about  
12 satisfying a need.

13 So when you look at a US Census Bureau,  
14 when you go on-line and look at that, when you look  
15 at the population of April 2010, Union 10,229,  
16 Washington is 13,996.

17 Fast forward, it's July of '16; 11,277  
18 and 14,061.

19 So when you look at just those two  
20 towns, it's half a percent versus .09 percent.  
21 That's 19 times worth of growth. Why is that?

22 When you look at the cost of the homes,  
23 you're looking at a higher home cost here versus a  
24 lower home cost here. So basically people are going  
25 to migrate to that -- some people are going to

1 migrate to that lower price line, which is basically  
2 the lower -- I keep saying lower, but it's really the  
3 second time homebuyer that is being marketed at  
4 Eastland Valley.

5           So what that means is that, you know,  
6 the person that's not an entry home, it's not the  
7 second buyer, but it's -- it was not the third-time  
8 buyer where you're up in the 450s or 500s. Matt can  
9 talk to you more about kind of the price point on  
10 that if you'd like him to.

11           So the whole goal is that we're trying  
12 to satisfy a need in the county of a second-time  
13 homebuyer in that area, on the east side of  
14 Washington. I mean, I guess this is what -- this is  
15 a statistic that jumped out at me, is like I did not  
16 realize it was that much and I -- we believe -- we  
17 feel like the reason why this statistic is there is  
18 because of there are more formal homes in Union than  
19 there are in Washington.

20           So in conclusion, basically going back,  
21 there's a buffer. I skipped that buffer. Let me go  
22 back and get that.

23           I talked about the need. I talked about  
24 the recent market trends, you know, higher need for  
25 more lots. Let me go back to that buffer. I skipped

1 that.

2 AUDIENCE MEMBER: (Inaudible)

3 MR. LUEKEN: So when we talked  
4 about, you know, the buffer -- okay. Right here.

5 So this green strip here, that is all  
6 currently platted buffer. Meaning that that's  
7 already platted to be buffer on these homes here. So  
8 that's already a buffer between RD-1 and RD. So I  
9 think that we've -- you know, we're trying to address  
10 the need. We've got, you know, a county road we're  
11 coming off of.

12 Basically the way we preliminarily have  
13 it sketched, that will come off the cul de sac, come  
14 off the cul de sac. So there's basically about two  
15 entrances onto St. Johns Road preliminarily at this  
16 point. And that's kind of where we're at in regards  
17 to zoning at this point.

18 Does anybody have any question about  
19 anything?

20 COMMISSIONER McCREARY: Did  
21 you say there's going to be two cul de sacs or --

22 MR. LUEKEN: Two, yes, sir.

23 COMMISSIONER McCREARY: Are  
24 they going to be joined with each other at all?

25 MR. LUEKEN: No, I -- Russ, I

1 don't think that right now we're not looking at  
2 joining the two cul de sacs. We're not -- we're not  
3 at great length. It's only, you know, around 700  
4 feet in each one. You know, so maybe 800 feet. It's  
5 just not a -- it's a not a long -- it looks kind of  
6 like this one right here.

7 COMMISSIONER McCREARY: Got  
8 you.

9 MS. EAGAN: Right now we're  
10 just discussing zoning, not subdivision.

11 COMMISSIONER McCREARY: Right,  
12 right. Just wondering since he talked so much about  
13 the houses, lot sizes and such.

14 MR. LUEKEN: Sure.

15 COMMISSIONER McLAREN: I'm  
16 curious on the houses. What size -- can you talk  
17 about the size difference --

18 MR. LUEKEN: Sure.

19 COMMISSIONER McLAREN: --  
20 between the two that you made a comparison to?

21 MR. LUEKEN: Sure. Sure.

22 So I'll show a few pictures of what  
23 the...

24 So we -- we talked a lot with, like I  
25 said, Sean Mayall, and we talked with Matt about how

1 to market this. And so I asked them guys, I said,  
2 hey, what kind of houses will we be looking at, you  
3 know, building here. And I look at Matt and I'm  
4 talking to Sean to come and talk to me when we get  
5 over to here. So an example of the type of  
6 second-time homebuyers they're going after is the  
7 third-car garage is a big deal. And so let me get  
8 here. So let me just run it through.

9 So there's an example of a home, you  
10 know, a ranch, basically a third-car garage. Here's  
11 another one. Ranch, basically a third-car garage.  
12 Ranch, basically a third-car garage. So that's the  
13 -- that's what we design the subdivision, the lots to  
14 accommodate are those types of houses.

15 Would you like to hear from Matt or Sean  
16 about them?

17 CHAIRMAN EVANS: We really  
18 don't want to talk about the houses themselves.

19 MR. LUEKEN: Okay.

20 CHAIRMAN EVANS: As Scottie  
21 mentioned, we're just talking about the zoning --

22 MR. LUEKEN: Okay.

23 CHAIRMAN EVANS: -- part of  
24 it.

25 Any questions from any of the

1 Commissioner? Bill?

2 COMMISSIONER McLAREN: Mr.  
3 Chairman.

4 How -- how many lots did you say are  
5 remaining in Eastland Oaks that aren't built on now?

6 MR. LUEKEN: I can show you  
7 and kind of talk to you about that. I'm going to  
8 guess, you know, there's 52 houses there. They're,  
9 I'm going to guess, somewhere in the teens.  
10 Somewhere -- 11. So not -- not quite.

11 COMMISSIONER McLAREN: So  
12 there's -- there's 52 existing houses and 11 vacant  
13 lots. So there's --

14 MR. LUEKEN: No, there's  
15 actually more houses than that now I think. So...

16 UNIDENTIFIED MALE: There's  
17 roughly probably 55.

18 MR. LUEKEN: Okay. I was  
19 thinking there were 70 lots and then -- or 69 or 70  
20 -- 69 or 70 lots in total in Eastland Oaks on the  
21 north side. So if there's 55 now and there's 11,  
22 that makes 66. So somewhere in the upper 60s, lower  
23 -- yeah, something like that.

24 But there are 11 lots left for sale.

25 UNIDENTIFIED MALE: Yeah, and

1 there's sort of similar margin sold to be built on.

2 CHAIRMAN EVANS: You can't  
3 talk unless you're going to come up and sign in.

4 UNIDENTIFIED MALE: Okay.  
5 Sorry.

6 MR. LUEKEN: Yeah. So  
7 basically, Bill, there's some lots that are sold that  
8 are currently built upon.

9 COMMISSIONER McLAREN: How  
10 wide will the lots be?

11 MR. LUEKEN: So right now,  
12 Bill, they're planned to be a hundred feet wide. So  
13 to count that house right there you're looking at is  
14 -- they vary from 62 feet to 66 feet wide.

15 COMMISSIONER McLAREN: So they  
16 would have 20-foot side yards?

17 MR. LUEKEN: About. I mean,  
18 that house -- I may be wrong about that. So let's  
19 just say it was 70. It would be a 50-foot side yard  
20 because I can --

21 COMMISSIONER McLAREN: So the  
22 houses would be a minimum 30 feet apart?

23 MR. LUEKEN: Correct. If they  
24 -- yeah.

25 COMMISSIONER McLAREN: Okay.

1 CHAIRMAN EVANS: Any other  
2 questions?

3 (NONE)

4 All right. Thank you, Cameron.

5 Any discussion?

6 Please state your name and sign in,  
7 please.

8 MR. SEAN MAYALL: I'm Sean  
9 Mayall, Estate Contractors, representing the  
10 landowners.

11 (Thereupon, the witness was  
12 sworn.)

13 Just to reiterate a little bit on what  
14 Cameron said, I mean, we won't necessarily talk about  
15 the houses, but that does correlate a little bit with  
16 the zoning, is the good news is, you know, we do have  
17 growth in Franklin County, and homes are selling, and  
18 the demand is there. And that -- I think that's  
19 something we should all be certainly proud of, that  
20 we do have growth in this area.

21 Probably 8 out of 10 phone calls that we  
22 take are, Sean, do you have any lots east of  
23 Washington, east. Because usually one of the spouses  
24 work in St. Louis, and east has been really, really  
25 tough to come up with this second-homebuyer housing.

1 So we've been working on putting this plan together  
2 to basically meet the needs of these, you know,  
3 people that do inquire about the homes being east of  
4 town.

5 We're talking about the price range of  
6 homes, they're going to be anywhere from 280 to 330  
7 thousand. So that is the second-home time buyer, and  
8 we're just a little bit below that in Walnut Ridge,  
9 which again, so you know, we did have a lot of great  
10 success.

11 So we're trying to -- they're really  
12 nice subdivision. We're going to have a lot of brick  
13 on the front of these homes. Most of them are  
14 probably going to be a three-car garage. They'll be  
15 a good looking home. So we just -- we really, really  
16 have a demand for these types of homes east of town.  
17 So get a lot of phone calls.

18 So that's -- that's good. It's good for  
19 us, good for all of us in this room. So any  
20 questions I can answer from a developer's side,  
21 builder's side?

22 CHAIRMAN EVANS: Any  
23 questions?

24 (NONE)

25 All right. Thank you.

1 Any discussion? Ron?

2 COMMISSIONER WILLIAMS: This  
3 makes a lot of sense. The density is the same.  
4 We're not increasing the density. We don't have -- I  
5 mean, I can't see why there's not a benefit to do  
6 this rezoning to create homes.

7 COMMISSIONER SCHULTEHENRICH:  
8 Well, Mr. Chairman, I like the buffer that's between  
9 both. I think that -- that breaks the larger lots up  
10 with the smaller lots that are much -- like a very  
11 acceptable matter. Okay. So that's the thing that  
12 comes to my mind when I see it, and it certainly  
13 gives me comfort to see a buffer is between both.

14 So that kind of...

15 COMMISSIONER McCREARY: I  
16 think the future land use you said was Non-Urban,  
17 which leaves it wide open to a wide variety of uses;  
18 whereas, this is residential butting up against  
19 residential. It would probably be a good fit.

20 I worked in the subdivision to the north  
21 there and I've lived in St. Charles, and basically  
22 they're selling those houses with those size lots  
23 pretty quick. So yeah, I think it's a good fit also.

24 CHAIRMAN EVANS: Any other  
25 questions, comments?

1 (NONE)

2 And this is a rezoning, so we are making  
3 a recommendation to the County Commission.

4 If there's no further discussion, the  
5 Chair would entertain a motion.

6 COMMISSIONER McCREARY: Do we  
7 have to move this to Old Business?

8 CHAIRMAN EVANS: No, not a  
9 rezoning.

10 COMMISSIONER McCREARY: Just  
11 approve, okay.

12 CHAIRMAN EVANS: Right.

13 COMMISSIONER McCREARY: I'll  
14 make a motion to approve File 180054.

15 COMMISSIONER SCHULTEHENRICH:  
16 Second that, Mr. Chairman.

17 CHAIRMAN EVANS: Okay. We  
18 have a motion and a second to recommend approval of  
19 rezoning under File 180054.

20 All in favor signify by saying aye.

21 COMMISSIONER REINHOLD: Aye.

22 CHAIRMAN VOSS: Aye.

23 COMMISSIONER McLAREN: Aye.

24 COMMISSIONER CUNIO: Aye.

25 COMMISSIONER WILLIAMS: Aye.

1 CHAIRMAN EVANS: Aye.

2 COMMISSIONER SCHULTEHENRICH:

3 Aye.

4 COMMISSIONER McCREARY: Aye.

5 CHAIRMAN EVANS: Opposed?

6 (NONE)

7 The motion is carried.

8 Next File 170264 has been removed from  
9 the agenda, which brings us to File 180032, Diamond  
10 Financial Assets, L. L. C. Only written comments  
11 from the public may be submitted. No oral testimony  
12 will be accepted.

13 Scottie, can you give us the details,  
14 please.

15 MS. EAGAN: This is File  
16 180032.

17 The applicant is Diamond Financial  
18 Assets, L. L. C., in care of Cameron Lueken.

19 The applicant requests to create a  
20 17-lot subdivision in the Community Development  
21 zoning district.

22 The property is located off of Country  
23 Club Road, approximately one-half mile southeast of  
24 the intersection of Country Club Road and Highway A,  
25 in St. John's Township.

1                   The Facts: The property is  
2 approximately 13 acres in size.

3                   The zoning of this property is Community  
4 Development. The minimum lot size in Community  
5 Development is 22,000 square feet with central water  
6 and sewer.

7                   The average lot size in the proposed  
8 development is approximately 27,000 square feet.

9                   This subdivision appears to be  
10 connecting to the existing Summer Hill subdivision.

11                   Because of the connection to the  
12 existing Summer Hill subdivision, this development  
13 will be over 100 units, meaning they would have to  
14 have a second entrance.

15                   A second entrance into the subdivision  
16 is being shown connecting to Country Club Road.

17                   Water service and sewer service will be  
18 provided by Water District No. 1, but the treatment  
19 of the sewer will be done by the City of Washington.

20                   The applicant shows a 15-foot utility  
21 easement along the road, a 10-foot utility easement  
22 on the rear and a 5-foot utility easement along the  
23 side. All are done in accordance with our Franklin  
24 County Regulations.

25                   With a development this size, the

1 applicant is supposed to offer 5 percent,  
2 approximately 30,000 square feet, open space  
3 dedication. The applicant shows common ground being  
4 approximately 58,000 square feet.

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

8 All utilities shall be located  
9 underground.

10 Because of the size of the development,  
11 the applicant shall provide fire protection in  
12 accordance with Article 8, Section 197. According to  
13 the Preliminary Plat, there are three proposed  
14 hydrants served by an 8-inch waterline. The proposed  
15 fire protection measures meet the Franklin County  
16 Unified Land Use Regulations.

17 Staff Comments: Complete engineered  
18 drawings and improvement plans to be reviewed by  
19 Franklin County should be submitted before final  
20 approval.

21 The Planning and Zoning Department spoke  
22 with the applicant's representative and discovered  
23 they are working on the stormwater calculations, but  
24 nothing official has been submitted as of 4/9/18.

25 CHAIRMAN EVANS: Thank you.

1                   Is the applicant here?

2                                   (Thereupon, the witness was  
3                                   sworn.)

4                   MR. LUEKEN:   Cameron Lueken,  
5   512 East Main Street.

6                   Good evening.   My name is Cameron Lueken  
7   with Wunderlich Survey and Engineering, for the  
8   record, Bill.

9                   So yeah, we're here to talk about Walnut  
10   Ridge Place plat for -- as Scottie -- as Scottie  
11   alluded to, basically this is going to -- so backing  
12   up in time a little bit.

13                   This is on the east side of Summer Hill.  
14   Summer Hill is a large subdivision that was done off  
15   of Highway A.   Basically from the time it was started  
16   to the time today, the Code has mandated that there  
17   must be two ways in, which this Preliminary Plat is  
18   going to satisfy that County requirement.

19                   So our purpose tonight is to ask for  
20   permission to subdivide 13.78 acres into 17  
21   single-family lots in the CD zoning district.   We're  
22   extending the water right up to Country Club Road.

23                   So as you saw, there are nine -- this is  
24   where the RD-1 area was at.   Here is the existing  
25   entrance up here, with a left-hand turn lane on

1 Highway A. And this would allow a connection here at  
2 Country Club. So what does that look like?

3 That basically looks like this. So  
4 they're going to build a road out to Country Club,  
5 and then we look a little tighter at it. That's  
6 basically the Preliminary Plat. These are minimum  
7 22,000 square-foot lots here, and like I said, the  
8 intent is to build single-family homes on it just  
9 like exists back in the rest of the development here.

10 And like I said, same -- the same  
11 marketing team, S and K, Sean Mayall and the Realtor,  
12 Matt McCullough with ReMax. They're the ones that  
13 have successfully marketed this right back here, and  
14 so I think that we asked for Preliminary Plat on this  
15 section.

16 I kind of lost -- lost track now, but I  
17 think like half those lots are currently sold. Yeah,  
18 so I think they had like 20, around 23 something like  
19 that, I think -- 24 lots, and half of those are  
20 currently sold. So I think there's about three lots  
21 left on -- three or four lots left here. There are  
22 some lots in there. So the goal is to get this  
23 opened by November of this year. It just takes so  
24 long to get more lots available, and they don't want  
25 to be left without any lots. So they're getting the

1 demands here, and it seems to be going pretty well.  
2 So the owners have elected to go ahead and meet the  
3 Commission.

4 Let me see if I have it there.

5 So in conclusion, what we're asking for  
6 is a 17-lot subdivision, extent of Country Club Road.  
7 It's pretty -- anybody got any questions?

8 I guess -- sorry.

9 CHAIRMAN EVANS: Go ahead,  
10 Cameron.

11 MR. LUEKEN: Ron, to answer --  
12 you kind of brought up the water retention issue,  
13 stormwater, and we had sent correspondence to Ron a  
14 while back about the runoff and the detention basin  
15 that we built in this area right here in the common  
16 ground.

17 CHAIRMAN EVANS: Okay.

18 My first question would be to Scottie.  
19 Have all the criteria been met for the  
20 Preliminary Plat?

21 MS. EAGAN: We had everything  
22 we needed except the stormwater. I didn't know where  
23 Ron was on that, and I haven't had a chance to talk  
24 to him before the meeting.

25 CHAIRMAN EVANS: So, Ron,

1 you're good with the stormwater then?

2 COMMISSIONER WILLIAMS: We do  
3 not have it yet, but the preliminary calculations I  
4 believe indicated they've been done. So that  
5 basically where it's going is the correct size. They  
6 haven't designed it yet.

7 That doesn't bother me because they'll  
8 have to get it designed and taken care of before the  
9 final plat is approved. So they're underneath the  
10 gun.

11 CHAIRMAN EVANS: Any other  
12 questions from the Commissioners?

13 COMMISSIONER SCHULTEHENRICH:  
14 Yeah, just following up on this one. Just a matter  
15 of Ron saying that he's looking at it, but tell me on  
16 one -- lots 1, 2, 17, 16 all those are going to flow  
17 back away from Country Club Road?

18 MR. LUEKEN: Yes, right.

19 COMMISSIONER SCHULTEHENRICH:  
20 Or is Country Club Road going to catch that water  
21 there?

22 MR. LUEKEN: The ditch water  
23 that's on Country Club, will go ahead and be  
24 maintained on through on that ditch, but the curb and  
25 gutter comes in. The curb and gutter will come dump

1 into this area right here.

2 COMMISSIONER SCHULTEHENRICH:

3 So it's going to flow back that way?

4 MR. LUEKEN: Yeah.

5 COMMISSIONER SCHULTEHENRICH:

6 Okay. Thank you.

7 CHAIRMAN EVANS: Any other  
8 questions?

9 (NONE)

10 Okay. Thank you, Cameron.

11 MR. LUEKEN: Thank you.

12 CHAIRMAN EVANS: So the only  
13 thing lacking would be the stormwater, which Ron  
14 feels comfortable with, and all criteria are met.

15 I would suggest that we approve the  
16 Preliminary Plat contingent upon receipt of the  
17 stormwater plan. But then that's up to you all to  
18 decide that.

19 COMMISSIONER SCHULTEHENRICH:

20 Mr. Chairman, I'll make a motion that we approve  
21 Preliminary Plat subject to proper presentation to --  
22 to Williams regarding the stormwater runoff.

23 COMMISSIONER REINHOLD:

24 Second.

25 CHAIRMAN EVANS: Okay. We

1 have a motion and a second to approve Preliminary  
2 Plat 180032 contingent upon receipt of the stormwater  
3 plan.

4 All in favor signify by saying aye.

5 COMMISSIONER REINHOLD: Aye.

6 CHAIRMAN VOSS: Aye.

7 COMMISSIONER McLAREN: Aye.

8 COMMISSIONER CUNIO: Aye.

9 COMMISSIONER WILLIAMS: Aye.

10 CHAIRMAN EVANS: Aye.

11 COMMISSIONER SCHULTEHENRICH:

12 Aye.

13 COMMISSIONER McCREARY: Aye.

14 CHAIRMAN EVANS: Opposed?

15 (NONE)

16 The motion is carried.

17 Moving right along. Planning and Zoning  
18 Commission Forum. Discussion regarding by-laws.

19 Scottie, do you have anything? I think  
20 being a list of --

21 MS. EAGAN: I don't know if  
22 Mary has any suggestions or looked at anything.

23 COUNTY ATTORNEY ZASTROW-HIATT:

24 I looked at the Democracy 2.0 that was suggested at  
25 the last meeting. It's -- it's a -- basically you

1 have to pay for a class for somebody else to teach  
2 you. It'd be rules that he has come up with, but  
3 it's a supplement that's easier than the Roberts  
4 Rules of Order.

5 Now, the lawsuit that's currently  
6 pending right now in Circuit Court --

7 CHAIRMAN EVANS: We don't use  
8 that word here.

9 COUNTY ATTORNEY ZASTROW-HIATT:  
10 Oh, okay. I didn't know if that was one of the  
11 purposes of this discussion about Roberts Rules of  
12 Order.

13 MS. EAGAN: It is.

14 CHAIRMAN EVANS: Right.

15 COUNTY ATTORNEY ZASTROW-HIATT:  
16 All right. So what's going on on the other side of  
17 the street, instead of lawsuit, there was the issue  
18 of a tie vote.

19 Now, you can amend your by-laws to have  
20 a new provision as to what would happen if there was  
21 a tie that doesn't necessarily follow with Roberts  
22 Rules of Order. Okay. But then that's kind of a  
23 reactive approach if we have a problem, and then we  
24 fix it.

25 But I mean, there --

1 CHAIRMAN EVANS: Yeah. Our  
2 issue was not so much with the tie but the fact then  
3 that we did not have a motion to reconsider.

4 COUNTY ATTORNEY ZASTROW-HIATT:  
5 Exactly. Yeah. And well, that -- that was what in  
6 the rules of order required.

7 CHAIRMAN EVANS: Right.

8 COUNTY ATTORNEY ZASTROW-HIATT:  
9 So I mean, we can -- we know what to do now. Or it's  
10 still pending, okay, but we can make certain  
11 provisions for certain circumstances like that  
12 without throwing out Roberts Rules of Order.

13 So we can use Roberts Rules of Order,  
14 but in this circumstance, you can have more specific  
15 language, and that's what you would go to as far as  
16 whatever you want to do in certain -- specific  
17 circumstances.

18 CHAIRMAN EVANS: Okay.

19 COUNTY ATTORNEY ZASTROW-HIATT:  
20 That way you're not -- what I saw -- yes, I saw a  
21 book by an NYT professor that I think was probably  
22 may be a little bit more credible than this Democracy  
23 2.0, but I think you can tailor your by-laws to what  
24 you want to obtain for others --

25 CHAIRMAN EVANS: Right.

1 COUNTY ATTORNEY ZASTROW-HIATT:  
2 -- and keeping Roberts Rules of Order, but keeping  
3 maybe something more specific to a circumstance like  
4 this because we know it's come up and we could have  
5 brought that now.

6 CHAIRMAN EVANS: Right. And  
7 we've all agreed that the Roberts Rules of Order,  
8 that we don't follow them most of the time --

9 COUNTY ATTORNEY ZASTROW-HIATT:  
10 No.

11 CHAIRMAN EVANS: --  
12 specifically, and it's unusual because we have  
13 citizenry and everything in here, which really isn't  
14 covered --

15 COUNTY ATTORNEY ZASTROW-HIATT:  
16 Exactly.

17 CHAIRMAN EVANS: -- in  
18 Roberts. Okay.

19 Well, we'll push that off then for --

20 COUNTY ATTORNEY ZASTROW-HIATT:  
21 And right now the language says "shall", and we can  
22 use other words --

23 CHAIRMAN EVANS: Right.

24 COUNTY ATTORNEY ZASTROW-HIATT:  
25 -- than "shall" as a guide that can be used.

1 CHAIRMAN EVANS: So we can  
2 leave in Roberts and changing the verbiage.

3 Ron?

4 COMMISSIONER WILLIAMS: Mary,  
5 are you familiar with the by-laws for the Board of  
6 Zoning Adjustment, because they -- they pretty much  
7 mirror ours. I mean, they're set up the same way.

8 COUNTY ATTORNEY ZASTROW-HIATT:  
9 Uh-huh. Yes.

10 COMMISSIONER WILLIAMS: But  
11 under the Rules of Procedure, they just said they're  
12 going to hear the application, and that's about all  
13 they say.

14 COUNTY ATTORNEY ZASTROW-HIATT:  
15 You can have that too. That -- that's fine.

16 COMMISSIONER WILLIAMS: So --  
17 COUNTY ATTORNEY ZASTROW-HIATT:  
18 There's nothing wrong with that.

19 COMMISSIONER WILLIAMS: And  
20 here, as I understand it, they're almost like a  
21 quasi-judicial board.

22 COUNTY ATTORNEY ZASTROW-HIATT:  
23 Yes.

24 COMMISSIONER WILLIAMS: So if  
25 that's fine for them, I can't understand why that

1 wouldn't be fine for us.

2 COUNTY ATTORNEY ZASTROW-HIATT:

3 And it is fine. I know that some members have  
4 expressed a concern that procedurally you have  
5 something to fall back on, but there is nothing  
6 legally wrong with adopting what BOZA has.

7 COMMISSIONER SCHULTEHENRICH:

8 Mr. Chairman, I had submitted a suggestion on the  
9 wording too. I don't know, Mary, if you've had a  
10 chance to look over what I --

11 COUNTY ATTORNEY ZASTROW-HIATT:

12 I don't believe so.

13 COMMISSIONER SCHULTEHENRICH:

14 -- presented, but -- but the word "shall" is the  
15 problem. But I think for the purpose of gaining some  
16 guidance, Roberts Rules served that purpose. But we  
17 -- I don't have it in front of me, but the way I put  
18 it, suggested, potential wording would be that it  
19 shall be used as a guidance for the purpose of  
20 keeping an orderly fashion for the minutes, for the  
21 purpose of our meeting to be run, blah, blah, blah.

22 So it's -- it's used for the purpose of  
23 keeping order, but if you fail to properly follow, it  
24 doesn't give the means of somebody filing, in my  
25 opinion, I don't think you'd be able to file

1 something challenging us because the word "shall" was  
2 not really expressed in a strong manner. Okay.

3 It's used as a guideline.

4 CHAIRMAN EVANS: Correct.

5 COMMISSIONER SCHULTEHENRICH:

6 So I don't know if you -- Scottie, do you still have  
7 that that I had presented or --

8 MS. EAGAN: Is that the one  
9 you submitted about two months ago?

10 COMMISSIONER SCHULTEHENRICH:

11 Yeah.

12 MS. EAGAN: I think I still  
13 have it in my office.

14 COMMISSIONER SCHULTEHENRICH:

15 Yeah, if not, I could see if I -- to resubmit it or  
16 something like that. That would be -- and I just --  
17 I changed or corrected that "shall" is the issue, and  
18 that certainly becomes a potentially problematic word  
19 if we don't follow Roberts Rules properly.

20 CHAIRMAN EVANS: All right.

21 Well, I guess we'll give it one more month to look at  
22 it, and I think there's two opinions whether we  
23 should keep it or look at those. But yeah, the word  
24 "shall" obviously is -- is what's got us in trouble  
25 and kind of the right wording. You know, we don't

1 want to put something in when we fell like it, but  
2 we'll leave that go.

3 Anything else for discussion?

4 (NONE)

5 Now Planning Director's Report.

6 MS. EAGAN: Next month we will  
7 have Mr. Muckler back for a rezoning. There was a  
8 judgment that came down. I don't remember if we sent  
9 you guys an e-mail regarding that or not, but in  
10 theory the -- we got overturned. So it's back to  
11 Suburban Development. So he has to reapply to rezone  
12 it again to the UNA. So he'll do that next month.

13 And then Commissioner Brinker is here.  
14 I believe he's coming to every meeting, or going to  
15 try to.

16 COUNTY COMMISSIONER BRINKER:

17 Yes.

18 MS. EAGAN: If you want to,  
19 explain a little.

20 COUNTY COMMISSIONER BRINKER:

21 Yeah, if you don't mind. I won't keep you guys any  
22 longer than you have to be here, but...

23 I've always been a proponent of a  
24 presence of administration at these meetings so there  
25 is some sort of ambassadorship/communicative entity

1 beyond staff, et cetera, and you know, so we can  
2 relay information accordingly and strictly as a  
3 liaison perspective.

4 I don't need to be sitting here. I can  
5 just hide over in the corner, observe and just take  
6 it in. But I wanted you guys to know it's gone on a  
7 long time without: A) that presence, and B) the --  
8 you know the gratitude that needs to be extended and  
9 everything and acknowledge that there is indeed  
10 interest beyond well, they'll appoint some people and  
11 let them do their thing and we'll rule on their  
12 stuff.

13 You know, I didn't want that to be the  
14 case, and I don't want you guys to think that's the  
15 case because it's not. And so we talked amongst the  
16 Commissioners and they sentenced me -- they nominated  
17 me to be the one present. Just kidding.

18 But that's the whole caveat here, and  
19 that's why my presence is beyond the fact that I am  
20 indeed interested. I've come to a couple before, but  
21 you know, those things that pop up, the Salamah  
22 things and things like that, that are of interest to  
23 all of us as this county develops and grows.

24 Right now just so you know, we had a  
25 meeting yesterday, and it was with the City of

1 Pacific and a developer that has going to propose a  
2 300-lot subdivision and with 300 homes and an  
3 additional 30,000 commercial square feet of retail  
4 space up front of it, and this has all come down the  
5 pike. It's a sale-contingent thing, but that makes  
6 by total of the number of homes in that Pacific  
7 region, it's going to be close to 800 potential homes  
8 additional to the area within the next three to four  
9 years.

10 And that spells a whole lot, especially  
11 to the thing that Cameron pointed out here, the fact  
12 that that median-range house is very attractive right  
13 now. It evidently is going to be a little more  
14 easier to build in Franklin County than it has been  
15 in St. Louis County for some folks, and looks like  
16 developers are figuring that out.

17 Interstate 70's sprawl has slowed down a  
18 bit, and now 44 has been discovered the way it looks.  
19 So as that continues, so will the need for this  
20 Board's, you know, criteria we have. I'm aware of  
21 the fact that you guys are discussing the Roberts  
22 Rules of Order thing too because we all -- and I was  
23 just kicking around in my brain, maybe we need to  
24 have a little seminar on what -- maybe just Roberts  
25 Rules, not that kind of language, but you know, some

1 kind of little refresher or symposium, if you will,  
2 for all of our boards and commissions maybe attend  
3 and, you know, bring in some cold cuts or something  
4 like that and have that done sometime down the road  
5 here. But I think it's important to do that as well  
6 because that is the guide that leads them all typical  
7 governmental institutions to have.

8 Not "shall", to be -- anyway.

9 Thank you. If guys ever have any  
10 questions, you know, if you can't get a hold of me,  
11 get a hold of the other guys.

12 Thanks.

13 CHAIRMAN EVANS: Thank you.

14 Anything else?

15 (NONE)

16 If not, the Chair will entertain a  
17 motion to adjourn.

18 COMMISSIONER WILLIAMS: So  
19 moved.

20 COMMISSIONER CUNIO: Second.

21 CHAIRMAN EVANS: Been moved  
22 and seconded to adjourn.

23 All in favor signify by saying aye.

24 COMMISSIONER REINHOLD: Aye.

25 CHAIRMAN VOSS: Aye.

1 COMMISSIONER McLAREN: Aye.  
2 COMMISSIONER CUNIO: Aye.  
3 COMMISSIONER WILLIAMS: Aye.  
4 CHAIRMAN EVANS: Aye.  
5 COMMISSIONER SCHULTEHENRICH:  
6 Aye.  
7 COMMISSIONER McCREARY: Aye.  
8 CHAIRMAN EVANS: Opposed?  
9 (NONE)  
10 We are adjourned.  
11 (Thereupon, the proceedings  
12 were concluded at 7:50 p.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; the proceedings were taken down in stenographic notes by me and transcribed by me, or under my supervision, to the best of my ability; and that the aforementioned represents a true and accurate transcript of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand.

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

My Commission Expires:  
August 26, 2018

PUBLIC MEETING 4/18/2018

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