

1 FRANKLIN COUNTY PLANNING AND ZONING  
2 FRANKLIN COUNTY COMMISSION  
3 FRANKLIN COUNTY GOVERNMENT CENTER  
4 SECOND FLOOR COMMISSION CHAMBERS  
5 400 EAST LOCUST STREET  
6 UNION, MISSOURI 63084  
7  
8  
9 TRANSCRIPT OF PROCEEDINGS  
10 JANUARY 3, 2019  
11 (COMMENCING AT 1:30 P.M.)  
12  
13  
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15  
16  
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18 Reported by:  
19 Patsy A. Mayberry, C. R.  
20 Alaris Litigation Services  
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1                                   A P P E A R A N C E  
2   COUNTY COMMISSION MEMBERS:  
3   TIM BRINKER, CHAIRMAN  
4   DAVE HINSON, COMMISSIONER  
5   TODD BOLAND, COMMISSIONER  
6   PLANNING AND ZONING STAFF:  
7   SCOTTIE EAGAN, DIRECTOR PLANNING AND ZONING  
8   COUNTY LEGAL COUNSEL:  
9   MARK PIONTEK, COUNTY ATTORNEY  
10  
11   ALARIS LITIGATION SERVICES:  
12   PATSY A. MAYBERRY, C. R.  
13   711 NORTH 11TH STREET  
14   ST. LOUIS, MISSOURI 63101  
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1 P R O C E E D I N G S

2 (JANUARY 3, 2019)

3 CHAIRMAN BRINKER: Good  
4 afternoon, everybody. This is the public hearing for  
5 the Franklin County Commission on today, January 3,  
6 2019. I call this public hearing to order.

7 First and foremost, the Planning and  
8 Zoning Director will present proceedings and exhibits.

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

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

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

24 Then if anyone in the audience would like  
25 to speak or comment during the hearing, they must

1 first print their name on the sign-in sheet provided,  
2 and then be sworn in.

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

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

13 At the conclusion of all questions,  
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 P U B L I C H E A R I N G

20 This is File 180260, Mary Matyiko.

21 The applicant requests to rezone one  
22 parcel from Community Development to Commercial  
23 Activity 3/Community Business.

24 The property is located at 7964 Highway  
25 47, approximately .5 miles north of Airport Road in

1 Central Township.

2 THE FACTS: The total area for the  
3 rezoning is approximately 12.05 acres.

4 The zoning of this property is Community  
5 Development. The applicant would like to rezone to  
6 Commercial Activity 3/Community Business.

7 Commercial Activity 3/Community Business  
8 provides locations for a wide range of commercial,  
9 retail, service, and manufacturing activities serving  
10 a large community trade area.

11 The properties to the north, south and  
12 east of the proposed rezoning are zoned Community  
13 Development.

14 The properties west of the proposed  
15 rezoning across Highway 47 are zoned Commercial  
16 Activity 3/Community Business.

17 The surrounding properties are primarily  
18 undeveloped with a few low-density residential  
19 properties directly across Highway 47.

20 This property will have access to Highway  
21 47. Highway 47 is a State-maintained road.

22 This property is located in Public Water  
23 Supply District Number 3.

24 According to the Assessor records, there  
25 appears to be one house and two agricultural buildings

1 currently on the property.

2 This property is within 1.5 miles of the  
3 city limites of St. Clair.

4 STAFF COMMENTS: This property is  
5 currently in violation for having outdoor commercial  
6 storage on a property that does not permit such an  
7 activity. This rezoning would be the first step in  
8 remedying this violation.

9 This property appears to Commercial on  
10 the Future Land Use Map.

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

21 At the November 20, 2018 Planning and  
22 Zoning meeting, the Planning and Zoning Commission  
23 unanimously voted to recommend approval of this  
24 rezoning.

25 CHAIRMAN BRINKER: Okay. Thank

1 you.

2 Is there anybody in the audience that  
3 wishes to speak in favor of this matter today?

4 Please come forward, be sworn in, and  
5 have at it.

6 (Thereupon, the witness was  
7 sworn.)

8 MS. MARY MATYIKO: Hi, good  
9 afternoon. My name is Mary Matyiko. We own the  
10 property. My husband and I actually own it.

11 I don't know if you all get the document  
12 that we send in, so I'm just going to basically read  
13 it because I felt like it wasn't before.

14 But we would like to operate our business  
15 from this property. We originally bought it thinking  
16 that C -- that the current zoning was enough. So we  
17 have some large steel that we store there, and  
18 initially it wasn't in the -- it was in a place that  
19 you could see it, and it wasn't a good place. So we  
20 have since hidden it on the property. We went to a  
21 lot of trouble to do that so you cannot see it from  
22 the road or any neighbors can't see it.

23 So it is hidden, and we don't plan on  
24 ever changing that.

25 We own a business. We're in the service

1 industry. So we won't be bringing customers or  
2 anything -- anyone to our property. We -- EHM is a  
3 structural moving company that lifts, moves, levels  
4 and piers existing structures.

5 We also do complete and partial  
6 foundation replacement. This could be to elevate  
7 homes in the floodplain or move buildings for a  
8 variety of reasons.

9 We use steel beams and wood blocks for  
10 our business. We store them on our property while  
11 they are not in use on a project. These items are out  
12 of sight from the road or any neighboring property.

13 We employ no more than six people, and  
14 one employee lives on the site in the house that we've  
15 completely rehabbed.

16 We are on this property for business  
17 purposes maybe once a week. Our projects last one to  
18 two weeks or more. We work out of town a lot.  
19 Currently our team has been out of town for almost two  
20 months.

21 So we usually load up, go to the site.  
22 Our equipment stays on site, and we bring it back in,  
23 and it's all under cover in the buildings. And again,  
24 the steel out of sight hidden in the woods.

25 The Franklin Master -- the Franklin

1 County Master Plan's goal is to encourage the growth  
2 of new existing commercial and industrial uses through  
3 zoning.

4 There is no other structural mover locate  
5 din Franklin County. Our services are in high demand  
6 in the floodplains located in Pacific, Washington, and  
7 other towns along the Meramec, Bourbeuse and Missouri  
8 Rivers.

9 We have elevated several homes in  
10 Pacific, including the First Baptist Church of  
11 Pacific. We also move historic buildings, farm  
12 houses, barns and any other building that needs to be  
13 elevated. If man made it, man can move it.

14 We are bonded and insured and have over  
15 30 years of experience. We feel we provide a  
16 necessary service in Franklin County and also in  
17 Jefferson County as changing the flood maps a lot's  
18 going to happen there in the next few years.

19 Our property is frontage along 47 and is  
20 surrounded by commercial zoning on the future map.

21 This is -- the property was sold in 2017  
22 as a 45-acre farm, and the County approved the  
23 subdividing the property. And we bought the  
24 subdivided 12 acres with the house and the buildings  
25 on it. So we feel that this property, by subdividing

1 into 12 acres, made it suitable for a business versus  
2 farm land.

3 There's a large gas easement that runs  
4 under it. So you really can't be doing much above  
5 where the gas easement runs.

6 Our property has been improved with  
7 regards to the existing structures. We keep the land  
8 mowed and our equipment and materials are out of sight  
9 of all neighbors and adjacent highway and road.

10 We do not intend to add additional  
11 structures. The property is compatible with the Clear  
12 View Seed, a scrap metal business, RV business, and  
13 other businesses along Highway 47. And we also feel  
14 that the property as it stands blends in with the  
15 existing farm land and all the neighbors.

16 So we hope that we're a good fit. We  
17 feel we are.

18 That's it. Any questions?

19 COMMISSIONER BOLAND: I don't  
20 have any.

21 COMMISSIONER HINSON: I do not.

22 MS. MATYIKO: Okay. Thank you.

23 CHAIRMAN BRINKER: Thank you.

24 Is there anybody else in the audience  
25 wishes to speak in favor of the proposition?

1 (NONE)

2 Anyone in the audience wishing to speak  
3 in opposition of the proposal?

4 MR. MATTHEW SCHROEDER: Can we  
5 just speak on it without being opposed?

6 CHAIRMAN BRINKER: If there's  
7 no one else wishing to speak in opposition, is there  
8 anybody who wishes to add informational purposes only?

9 MR. SCHROEDER: Thank you. I  
10 didn't really want to try to be smart aleck, but --  
11 I'm Matthew Schroeder.

12 (Thereupon, the witness was  
13 sworn.)

14 I'm Matthew Schroeder, and I represent  
15 George and Susan Curtman, who are neighbors to the  
16 Matyikos' property to the east. And so Mr. -- or Dr.  
17 and Mrs. Curtman had gone to the P and Z hearing  
18 previously, and have the same sentiment that they did  
19 at that time.

20 I think Dr. Curtman would like to also  
21 address the hearing today, but in the end, they don't  
22 oppose the rezoning as much as they would like to see  
23 that, if it happened, I believe the regulations call  
24 for a conditional use permit that would be required  
25 for the rezoning because of the open storage that

1 could happen at this property.

2 And the other main issue is the entrance  
3 right now is too small for this activity, and Dr.  
4 Curtman will come and testify as to some of the issues  
5 that have happened on there.

6 And in the end, I believe that -- I think  
7 if the rezoning is approved by the County, they would  
8 like to see a conditional use permit which required a  
9 MoDOT approved entrance at the property. And if -- if  
10 it's available, that a roadway maintenance agreement  
11 with the Curtmans and Matyikos and any other adjoining  
12 property owners be also a part of that conditional use  
13 permit as well.

14 And I think Ms. Matyiko at the last  
15 hearing was in agreement with that, but I'd like to  
16 actually see that as a part of the conditional use  
17 permit if possible.

18 And there was some open storage, and I  
19 think most of that's been alleviated, but if possible,  
20 because of the open storage that's possible in the  
21 future with this particular zoning, I believe it would  
22 also be proper to see some type of screening off of  
23 this lane that is servicing the Curtmans' property,  
24 the other property to the south of the Matyiko  
25 property as well, and so if there could be some

1 natural screening along the lane that we're talking  
2 about where this open -- or the MoDOT entrance would  
3 be approved. Then that would also help the area.

4 Any questions of me?

5 CHAIRMAN BRINKER: No.

6 MR. SCHROEDER: I was supposed  
7 to sign this, wasn't I?

8 CHAIRMAN BRINKER: Please.

9 Thank you.

10 Any testimony for informational purposes  
11 only. Thank you.

12 (Thereupon, the witness was  
13 sworn.)

14 DR. GEORGE CURTMAN: I just  
15 wanted to say a few words about that road. We haul  
16 cattle out --

17 MS. REPORTER: Excuse me.  
18 Could you just state your name for the record.

19 DR. CURTMAN: My name is George  
20 Curtman.

21 MS. REPORTER: Thank you.

22 DR. CURTMAN: C-U-R-T-M-A-N.

23 We haul cattle out of there to another  
24 farm I have at Rosebud, and a guy from New Haven hauls  
25 the cattle for me, and some of his gooseneck trailers

1 are 30-foot long. We always have a lot of trouble  
2 getting out of there because first, the sight distance  
3 is very short with 47 there. Next thing, you got to  
4 get all the way to the left, and when you pull on you  
5 take both lanes and the far shoulder to make the turn.

6 That's with a gooseneck trailer 30-foot  
7 long.

8 I don't know how long her steel is, but I  
9 heard one of the boys say 60 foot. I don't know if  
10 that's right or wrong.

11 Is that right or wrong?

12 MS. MATYIKO: I don't think we  
13 have a 60-footer.

14 DR. CURTMAN: That's what one  
15 of the workers told me.

16 Anyway, they put blocks in the ditch  
17 there, skids in order for them to turn off coming from  
18 the south, which is the easiest way to turn off  
19 because the road don't run in perpendicular.

20 So they put those skids down in there so  
21 they can turn on close to the bluff. Kind of held up  
22 traffic on 47 and blocked my driveway and everything  
23 there when they pulled in.

24 That's a real problem, getting in and out  
25 of there with a big truck with the road the way it is.

1 I think the State needs to look at that and see what  
2 they need to do there, you know, because it's a real  
3 safety issue.

4 That's about it.

5 COMMISSIONER HINSON: Thank  
6 you.

7 CHAIRMAN BRINKER: All right.  
8 Thank you very much for your testimony.

9 COMMISSIONER BOLAND: Thank  
10 you.

11 DR. CURTMAN: Thank you.

12 CHAIRMAN BRINKER: Anyone else  
13 in the audience who wishes to testify for  
14 informational purposes only?

15 MS. MATYIKO: I'll just kind of  
16 respond.

17 CHAIRMAN BRINKER: Well, it's a  
18 public hearing.

19 Counselor, what's the procedure there?

20 COUNTY ATTORNEY PIONTEK: The  
21 applicant has the opportunity to respond. Usually  
22 it's -- I forget -- four minutes, five minutes, three  
23 minutes.

24 CHAIRMAN BRINKER: So if  
25 everybody else has given their testimony that they

1 want to give, --

2 COUNTY ATTORNEY PIONTEK:

3 Right.

4 CHAIRMAN BRINKER: -- certainly  
5 you may.

6 MS. MATYIKO: Okay. So as they  
7 both stated, we do -- we would hope to contact MoDOT  
8 and take care of widening that entrance into the -- on  
9 to the main road, and we're happy to maintain that 100  
10 foot that goes up to our driveway.

11 But also we do a long steel. There may  
12 be a 60-footer. I'm not a hundred percent sure on  
13 that, but let's say there is. That's maybe a  
14 twice-a-year event. That would be like we're doing a  
15 very large project in Springfield, and that's a huge  
16 building. So that's not a weekly happening.

17 But of course, we do 100 percent plan on  
18 actively pursuing with MoDOT in fixing that apron and  
19 trying to get it larger.

20 That's it.

21 CHAIRMAN BRINKER: Thank you.

22 Thank you all for attending.

23 Without any further action, we'll cease  
24 the public hearing.

25 We're now adjourned. Thank you.

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(Thereupon, the proceedings  
concluded at 1:46 p.m.)

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1 CERTIFICATE OF REPORTER  
2 I, PATSY A. MAYBERRY, Professional Court  
3 Reporter and Notary Public within and for the State of  
4 Missouri, before whom the foregoing proceeding was  
5 taken, do hereby swear that: the aforementioned was  
6 held at the time and in the place previously  
7 described; the proceedings were taken down in  
8 stenographic notes by me and transcribed by me, or  
9 under my supervision, to the best of my ability; and  
10 that the aforementioned represents a true and accurate  
11 transcript of said proceedings.

12 IN WITNESS WHEREOF, I have hereunto set  
13 my hand.

14 \_\_\_\_\_  
15 Patsy A. Mayberry, Court Reporter  
16 Notary Public, State of Missouri

17 My Commission Expires:  
18 August 26, 2022

19  
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