

1 FRANKLIN COUNTY PLANNING AND ZONING
2 COUNTY COMMISSION
3 FRANKLIN COUNTY GOVERNMENT CENTER
4 SECOND FLOOR COMMISSION CHAMBERS
5 400 EAST LOCUST STREET
6 UNION, MISSOURI 63084
7
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9 TRANSCRIPT OF PROCEEDINGS
10 FEBRUARY 21, 2019
11 (COMMENCING AT 1:30 P.M.)
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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 ALARIS LITIGATION SERVICES:
11 PATSY A. MAYBERRY, C. R.
12 711 NORTH 11TH STREET
13 ST. LOUIS, MISSOURI 63101
14 (314) 644-2191
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1 P R O C E E D I N G S

2 (FEBRUARY 21, 2019)

3 CHAIRMAN BRINKER: All right.
4 Let's start this public hearing and call this to
5 order.

6 This is the public hearing dated February
7 21st, 1:30 p.m. of the Franklin County Commission.

8 First on the agenda is presentation of
9 the hearing procedures and exhibits by the Planning
10 and Zoning Department.

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

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

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

1 Then if anyone in the audience would like
2 to speak or comment during the hearing, they must
3 first print their name on the sign-in sheet provided,
4 and then be sworn in.

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

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

14 At the conclusion of all questions,
15 comments, and discussion concerning each case, the
16 public hearing for each case will conclude.

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

20 We'll start with File 180270. The
21 applicant is Planning and Zoning.

22 The applicant is seeking to amend the
23 Unified Land Use Regulations of Franklin County. The
24 proposal includes amendments of Article 2, Basic
25 Definitions and Interpretations.

1 The only changes we did in Article 2, the
2 first one is actually the definition of micro brewery.
3 It was brought up at one of our P and Z meetings that
4 the last part of this definition, which reads:

5 "In addition, 75 percent
6 of the beer for sale must be
7 produced from hops and grains
8 either grown on the premise or
9 within the state of Missouri,"

10 that Missouri really doesn't produce hops.

11 So we removed that from the definition.

12 And then the only other things are we are
13 proposing to add again the definition of Special
14 Occasion and the definition of Special Occasion
15 Facility.

16 And those are the only changes to Article
17 2.

18 CHAIRMAN BRINKER: All right.
19 Any questions from the Commission of staff?

20 COMMISSIONER HINSON: I have
21 none.

22 COMMISSIONER BOLAND: None.

23 CHAIRMAN BRINKER: All right.
24 No questions from the Commission of the staff.

25 Is there anybody in the audience wishing

1 to testify in favor of the proposal?

2 (NONE)

3 Anybody in opposition of the proposal?

4 (NONE)

5 Anybody for informational purposes only?

6 (NONE)

7 All right. Thank you. That will

8 conclude File Number 180270.

9 Next up is File 180271.

10 MS. EAGAN: We'll start with

11 the hearing procedures.

12 At this time, I would like to place into

13 the record the Franklin County Unified Land Use

14 Regulations as Exhibit A, the official Zoning Map as

15 Exhibit B, the official Master Plan as Exhibit C, and

16 the case file for each case as Exhibit D for all the

17 cases to be heard at this hearing.

18 (Thereupon, evidence was

19 marked for identification and

20 submitted for the record as

21 Exhibits A, B, C, and D.)

22 As each case is opened, a staff report

23 will first be read by the Planning and Zoning

24 Department, followed by the Commissioners' questions

25 for the staff.

1 Then if anyone in the audience would like
2 to speak or comment during the hearing, they must
3 first print their name on the sign-in sheet provided,
4 and then be sworn in.

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

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

14 At the conclusion of all questions,
15 comments, and discussion concerning each case, the
16 public hearing for each case will conclude.

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

20 Next is File 180271. The applicant is
21 Planning and Zoning.

22 The applicant is seeking to amend the
23 Unified Land Use Regulations of Franklin County. The
24 proposal includes amendments to Article 7, Zoning
25 Districts and Zoning Map.

1 There again, are a few changes in Article
2 7. The first one we are proposing to change is the
3 purpose of the Non-Urban and Agricultural zoning
4 district.

5 We have written it to read:

6 "The intent of this
7 district is to provide for
8 agricultural and small-scale
9 cultural uses, cultural uses,
10 institutional uses, and
11 agricultural uses to mix with
12 low-density residential uses
13 for the convenience of residents
14 and travelers."

15 At the Planning and Zoning meeting, they
16 would rather it read, "...to allow uses to mix with
17 low-density residential." And don't talk about the
18 convenience of residents and travelers in the purpose.

19 So the other change is under the
20 Non-Urban and Agricultural zoning district, the
21 Community Development zoning district, the Community
22 Activity/Highway Service zoning district, we are
23 adding -- proposing to add Special Occasions per
24 Article 10 as a permitted use.

25 CHAIRMAN BRINKER: All right.

1 Any questions from the Commission of staff?

2 COMMISSIONER BOLAND: I have
3 none.

4 COMMISSIONER HINSON: I have
5 none.

6 CHAIRMAN BRINKER: No questions
7 of staff by the Commission.

8 Anybody in the audience wish to testify
9 in favor of the proposal?

10 Be sworn in and give your testimony.

11 (Thereupon, the witness was
12 sworn.)

13 MR. ROBERT MUCKLER: My name is
14 Robert Muckler.

15 CHAIRMAN BRINKER: Good
16 afternoon, Mr. Muckler.

17 MR. MUCKLER: How are you guys
18 doing today?

19 CHAIRMAN BRINKER: Good,
20 thanks.

21 MR. MUCKLER: Hello,
22 Commissioners. My family and I own property in
23 Franklin County, and we are in favor of the Special
24 Occasions permit.

25 I have read the Special Occasions permit

1 guidelines and criteria, and feel it is fair for both
2 the person applying for the permit and also protects
3 the property owners.

4 This permit helps keep the process fair
5 for those applying, while also putting rules and
6 regulations in place to protect the surrounding
7 property owners.

8 Thank you for your time, and again, we
9 are in favor in the Special Occasions permit.

10 Thank you.

11 CHAIRMAN BRINKER: Thank you.

12 Anybody in the audience in opposition to
13 said proposal?

14 (NONE)

15 Anybody wish to testify for informational
16 purposes?

17 (NONE)

18 Thank you. That will conclude the
19 hearing on 180271.

20 Next is File 180272.

21 MS. EAGAN: I will again start
22 with the hearing procedures.

23 At this time, I would like to place into
24 the record the Franklin County Unified Land Use
25 Regulations as Exhibit A, the official Zoning Map as

1 Exhibit B, the official Master Plan as Exhibit C, and
2 the case file for each case as Exhibit D for all the
3 cases to be heard at this hearing.

4 (Thereupon, evidence was
5 marked for identification and
6 submitted for the record as
7 Exhibits A, B, C, and D.)

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

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

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

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

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

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

7 This is File 180272. The applicant is
8 Planning and Zoning.

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

13 The change to Article 10 we are proposing
14 is to include Section 237, the Special Occasion
15 permits. We have a whole set of regulations
16 pertaining to just Special Occasion permits.

17 We're proposing to make it permitted in
18 the Non-Urban and Agricultural zoning district,
19 Community Development, Commercial Activity, and
20 Commercial Activity 3, along with just some general
21 requirements in the Code.

22 We also require that any application
23 submitted is also done with a site plan drawn by an
24 engineer. It has to show things such as the location
25 and size of all structures, the distance to all

1 property lines, nearest residence, setbacks, buffers,
2 lighting plans, so on and so forth.

3 We do have in here setbacks that we have
4 come up with. For any outdoor activity space, it
5 shall be set back at least 100 feet from any property
6 line and 200 feet from any neighboring residences.

7 The parking shall be set back at least
8 100 feet from the property lines and 200 feet from the
9 residences.

10 And then any indoor activity should be
11 set back at least 50 feet from any property line and
12 100 feet from any neighboring residence.

13 So those are some of the key points to
14 these regulations.

15 CHAIRMAN BRINKER: All right.
16 Thank you.

17 Any questions of the Commission or the
18 staff?

19 COMMISSIONER HINSON: I do.

20 COMMISSIONER BOLAND: I do.

21 CHAIRMAN BRINKER: Commissioner
22 Hinson spoke first. He shall go first.

23 COMMISSIONER HINSON: So you're
24 requesting to have an engineer draw up the site plan?

25 MS. EAGAN: Uh-huh. Yes, that

1 is --

2 COMMISSIONER HINSON: Can you
3 explain the reasoning for that.

4 MS. EAGAN: Our thought process
5 behind it is when -- there's two reasons. The first
6 is when you do a commercial building permit, you have
7 to have a site plan drawn by an engineer anyway.

8 And the second is we believe by having it
9 drawn by an engineer, we're going to have people that
10 come in that are serious about doing it and have a
11 business plan, have the desire to open and operate a
12 successful business in Franklin County.

13 COMMISSIONER HINSON: Okay.

14 CHAIRMAN BRINKER: Commissioner
15 Boland?

16 COMMISSIONER BOLAND: That's my
17 same question, and I'm just still -- this special
18 occasion permit, how long is it good for?

19 MS. EAGAN: Once you get it,
20 you have it as long as you're in business.

21 COMMISSIONER BOLAND: Okay.

22 MS. EAGAN: It's a one-time fee
23 of \$150.

24 COMMISSIONER BOLAND: So once
25 you put that plan into place that you get there,

1 whatever they're going to put, tents or whatever,
2 nobody -- you cannot change it or you have to come
3 back and resubmit another plan if you want to change
4 the area?

5 MS. EAGAN: In terms of like
6 expanding it?

7 COMMISSIONER BOLAND: Yes.

8 MS. EAGAN: Yes.

9 COMMISSIONER BOLAND: Okay.

10 MS. EAGAN: I would just have
11 you revise your current permit.

12 COMMISSIONER BOLAND: Okay.

13 MS. EAGAN: I wouldn't make
14 them do a whole new one.

15 COMMISSIONER BOLAND: But would
16 they have to have another engineer draw the site plan?

17 MS. EAGAN: Yeah, they do need
18 a new site plan, but I wouldn't make them go through
19 the whole process again.

20 COMMISSIONER BOLAND: I guess
21 where -- you know, where we're going with this is it
22 was brought up that you need to have an engineer draw
23 up a spot for a tent.

24 MS. EAGAN: Uh-huh.

25 COMMISSIONER BOLAND: And

1 that's what you're saying this needs to be?

2 MS. EAGAN: Any -- yeah, any
3 temporary or permanent structures would need to be
4 located on that site plan.

5 COMMISSIONER BOLAND: So when
6 the church puts up a tent for the chicken dinner, do
7 they need -- do they need an engineered drawing to put
8 that tent up?

9 MS. EAGAN: I mean, that would
10 be a Building Department question. The Building
11 Department regulates the tent permits. I don't know
12 if it's just a tent, what all they require.

13 COMMISSIONER BOLAND: Okay.

14 COMMISSIONER HINSON: What
15 about a fireworks stand? Because you all have to sign
16 off on that. They currently just have to --

17 MS. EAGAN: Yes.

18 COMMISSIONER HINSON: I know
19 that the Building Department, that they also are
20 involved.

21 MS. EAGAN: Firework stands, we
22 don't require engineered drawings.

23 I can honestly tell you, when we wrote
24 these regulations, we were thinking permanent
25 structures.

1 CHAIRMAN BRINKER: Absolutely.
2 And it's -- if I may, keeping up with you. The intent
3 of the district is to provide the small-scale
4 commercial uses, right, cultural uses, institutional
5 uses and agricultural uses to mix with low-density
6 residential for the convenience of residents and
7 travelers.

8 MS. EAGAN: That's the purpose
9 of it.

10 CHAIRMAN BRINKER: That's the
11 whole purpose. Permanent uses on residences are
12 listed, but non-residential uses are listed as well.

13 So all the questions have been answered
14 and are before you on paper.

15 COMMISSIONER HINSON: I know,
16 but I'm just -- I'm not sold on having to have an
17 engineer to spend more money to draw up your site
18 plan.

19 COMMISSIONER BOLAND: Because
20 it does say temporary fireworks stands from June 20th
21 to July 10th.

22 CHAIRMAN BRINKER: Anybody else
23 wish to testify in favor of the proposal?

24 (NONE)

25 Anybody in opposition of said proposal?

1 MR. MUCKLER: I want --

2 CHAIRMAN BRINKER: Oh, you want
3 to say something. Sure.

4 (Thereupon, the witness was
5 previously sworn.)

6 MR. MUCKLER: I was going to
7 say that my family and I own property in Franklin
8 County, and we are in favor of the Special Occasion
9 permit.

10 Thank you for your time.

11 CHAIRMAN BRINKER: Thanks.

12 All right. Anybody else wishing to speak
13 in favor?

14 (NONE)

15 In opposition?

16 (NONE)

17 Anybody wish to speak for informational
18 purposes only?

19 (NONE)

20 That will conclude this portion of the
21 hearing.

22 We will move onto the final portion of
23 it. File 180297.

24 MS. EAGAN: Again, I'll start
25 with the hearing procedures.

1 At this time, I would like to place into
2 the record the Franklin County Unified Land Use
3 Regulations as Exhibit A, the official Zoning Map as
4 Exhibit B, the official Master Plan as Exhibit C, and
5 the case file for each case as Exhibit D for all the
6 cases to be heard at this hearing.

7 (Thereupon, evidence was
8 marked for identification and
9 submitted for the record as
10 Exhibits A, B, C, and D.)

11 As each case is opened, a staff report
12 will first be read by the Planning and Zoning
13 Department, followed by the Commissioners' questions
14 for the staff.

15 Then if anyone in the audience would like
16 to speak or comment during the hearing, they must
17 first print their name on the sign-in sheet provided,
18 and then be sworn in.

19 When it is your turn to speak, you will
20 come to the front of the room to address the
21 Commission and only the Commission, not anyone in the
22 audience, with any questions or comments.

23 Generally the applicant for the rezoning
24 is allowed to speak first, followed by those in
25 support, and then those opposed. The applicant may

1 speak again after comments from the general public to
2 address any questions or issues brought up during the
3 hearing.

4 At the conclusion of all questions,
5 comments, and discussion concerning each case, the
6 public hearing for each case will conclude.

7 The decision will generally be made by
8 Commission Order at a later date during the County
9 Commission's regular meeting time.

10 This is File 180279. The applicant is
11 Planning and Zoning.

12 The applicant is seeking to amend the
13 2001 Unified Land Use Regulations of Franklin County.
14 The proposal includes amendments to Article 12,
15 Parking Requirements.

16 The only changes to Article 12, instead
17 of parking for Special Events, Periodic, we're now
18 going to have parking for Special Occasion. And that
19 is one space per four people or space for four seat
20 space based on maximum capacity, whichever is greater.

21 And that is the only change to Article
22 12.

23 CHAIRMAN BRINKER: Thank you.

24 Any questions of the staff by Commission?

25 COMMISSIONER HINSON: I have

1 nothing.

2 COMMISSIONER BOLAND: I have

3 none.

4 CHAIRMAN BRINKER: Anybody wish
5 to speak in favor in the audience?

6 (NONE)

7 Anybody wishing in opposition in the
8 audience?

9 (NONE)

10 Anybody wishing to speak for
11 informational purposes only?

12 (NONE)

13 Hearing none and seeing none, I will
14 thank everybody. And this will conclude our public
15 hearing today.

16 Thank you.

17 (Thereupon, the proceedings
18 concluded at 1:49 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.

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

PLANNING TRANSCRIPT 2/21/2019

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