

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

6
7
8 TRANSCRIPT OF PROCEEDINGS
9 PLANNING AND ZONING COMMISSION
10 SPECIAL MEETING
11 SEPTEMBER 19, 2019
12 (COMMENCING AT 7:00 P.M.)
13
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17
18

19 Reported by:
20 Patsy A. Mayberry, C. R.
21 Alaris Litigation Services
22
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(NOTE: ALL EXHIBITS, IF ANY, WERE RETAINED BY THE PARTIES AND ARE NOT ATTACHED HERETO.)

1 A P P E A R A N C E
2 PLANNING AND ZONING COMMISSION:
3 BILL EVANS, CHAIRMAN
4 BILL McLAREN, COMMISSIONER
5 DEBBIE WILLETTE, COMMISSIONER
6 RON WILLIAMS, COMMISSIONER
7 MIKE KLENKE, COMMISSIONER
8 TOM TOBBEN, COMMISSIONER
9 KYLE DUBBERT, COMMISSIONER
10 PLANNING AND ZONING STAFF:
11 SCOTTIE EAGAN, DIRECTOR PLANNING
12 NICHOLE ZIELKE, COUNTY PLANNER
13 COUNTY LEGAL COUNSEL:
14 MARK PIONTEK, COUNTY ATTORNEY
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17 PATSY A. MAYBERRY, C. R.
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1 P R O C E E D I N G S

2 (SEPTEMBER 19, 2019)

3 CHAIRMAN EVANS: I'd like to go
4 ahead and call to order the Thursday, September 9th,
5 meeting of Franklin County Planning and Zoning
6 Commission. This is a special meeting. It is a
7 continuation of the public hearing that was begun on
8 August 22nd and adjourned till this evening.

9 What we will do is anyone present will
10 have the opportunity to give testimony. However,
11 tonight's portion of the public hearing hopefully will
12 conclude by 10 o'clock.

13 And for those not familiar with
14 procedures, the Planning Director is the applicant, and
15 will present the file. And the Commission will have
16 the opportunity to ask questions and discuss it.

17 Then anyone present wishing to speak in
18 support of the file will have up to five minutes.

19 Following the testimony of all those in
20 favor, those in wishing to speak in opposition will
21 have the opportunity to speak up to five minutes.

22 After all testimony is complete, the
23 Planning Director will address any issues raised and
24 answer any questions.

25 Anyone who spoke at the first meeting will

1 have the opportunity to speak tonight after everyone
2 else who has not spoken has had a chance to do so.

3 With those ground rules in place, Scottie,
4 will you please take roll.

5 MS. EAGAN: Bill Evans?

6 CHAIRMAN EVANS: Here.

7 MS. EAGAN: Kyle Dubbert?

8 COMMISSIONER DUBBERT: Here.

9 MS. EAGAN: Dan Haire?

10 COMMISSIONER HAIRE: (Not
11 present.)

12 MS. EAGAN: Mike Klenke?

13 COMMISSIONER KLENKE: Here.

14 MS. EAGAN: Bill McLaren?

15 COMMISSIONER McLAREN: Here.

16 MS. EAGAN: Tim Reinhold?

17 COMMISSIONER REINHOLD: (Not
18 present.)

19 MS. EAGAN: Tom Tobben?

20 COMMISSIONER TOBBEN: Here.

21 MS. EAGAN: Stan Voss?

22 COMMISSIONER VOSS: (Not
23 present.)

24 MS. EAGAN: Debbie Willette?

25 COMMISSIONER WILLETTE: Here.

1 MS. EAGAN: And, Ron Williams?

2 COMMISSIONER WILLIAMS: Here.

3 MS. EAGAN: Okay. We have a
4 quorum.

5 CHAIRMAN EVANS: Thank you.

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

11 (NONE)

12 If there are no declaration, Scottie, will
13 you please give us a presentation of the meeting
14 procedures and the exhibits.

15 MS. EAGAN: Tonight's Planning
16 Commission meeting is governed by the Franklin County
17 Unified Land Use Regulations.

18 Some matters on the agenda may be for
19 action by the Planning and Zoning Commission. These
20 matters do not involve public hearings.

21 Other matters on the agenda require public
22 hearings under Missouri law. If a matter involves a
23 public hearing, all individuals who desire to testify
24 will be given an opportunity to do so.

25 At this time, I would like to place into

1 the record these regulations as Exhibit A, the official
2 Zoning Map as Exhibit B, the official Master Plan as
3 Exhibit C, and the case file for each case as Exhibit D
4 for all the cases to be heard during the public
5 meeting.

6 (THEREUPON, EVIDENCE WAS
7 MARKED FOR IDENTIFICATION AND
8 SUBMITTED FOR THE RECORD AS
9 EXHIBITS A, B, C, AND D.)

10 All Unfinished Business items on the
11 agenda will be dealt with first. Once the Unfinished
12 Business issues have been taken care of, each item of
13 New Business will be opened.

14 As each case is opened, a staff report
15 will first be read to the Commission, followed by any
16 questions for the staff.

17 Then if anyone in the audience would like
18 to speak or comment on a file that is part of the
19 public hearing, they must first print their name on the
20 sign-in sheet provided, and then be sworn in by the
21 Chairman.

22 When it is your turn to speak, you will
23 come to the front of the room to address the Commission
24 and only the Commission, not anyone in the audience,
25 with your comments.

1 It is possible for the Planning Commission
2 to decide to move a New Business issue to Unfinished
3 Business and vote on it the same night.

4 At the conclusion of all questions,
5 comments, and discussion concerning each case, the
6 Planning Commission will proceed. Any final decision
7 by the Planning and Zoning Commission concerning
8 Conditional Use Permits may be appealed to the Board of
9 Zoning Adjustment any time within 90 days.

10 Applications for such an appeal may be
11 acquired from the Department offices during normal
12 business hours.

13 CHAIRMAN EVANS: Thank you.

14 All the Commissioner should have received
15 a copy of the August 22 minutes. If there are no
16 additions, changes or corrections, the Chair would
17 entertain a motion to approve.

18 (NONE)

19 COMMISSIONER McLAREN: I'll make
20 that motion.

21 COMMISSIONER WILLETTE: Second.

22 CHAIRMAN EVANS: We have a
23 motion and a second to approve the 8/22 minutes. All
24 in favor signify by saying aye.

25 COMMISSIONER McLAREN: Aye.

1 COMMISSIONER WILLETTE: Aye.

2 COMMISSIONER WILLIAMS: Aye.

3 CHAIRMAN EVANS: Aye.

4 COMMISSIONER KLENKE: Aye.

5 COMMISSIONER TOBBEN: Aye.

6 COMMISSIONER DUBBERT: Aye.

7 CHAIRMAN EVANS: Opposed?

8 (NONE)

9 Minutes are approved.

10 Communications and Visitors Comments.

11 Anyone present wishing to address the Commission?

12 You may address the Commission, but again,
13 these are communications and visitors comments and are
14 not part of the public hearing and not testimony. That
15 will come under the file. So it's your choice when to
16 speak.

17 Okay. Moving on to New Business. File
18 190170, Planning and Zoning. Scottie, please give us
19 the details.

20 MS. EAGAN: This is File 190170.

21 The applicant is seeking to amend the
22 Unified Land Use Regulations of Franklin County.

23 The proposal includes a revised Article 7,
24 Zoning District, and the new Zoning Map of Franklin
25 County.

1 I'll kind of do what I did last week to
2 give you guys a history of how we got to where we are.

3 I think I'm going to start with the zoning
4 districts themselves. You all should have received
5 another copy of them.

6 What we did, the only change we made
7 that's different from last month to this month is in
8 the Y District. We went from a 15,000-square-foot
9 minimum down to a 10,000-square-foot minimum.

10 And then if you guys look at your packet,
11 it's right before all the maps, and I handed it out
12 tonight because I didn't realize it was in your
13 packets. I gave you guys kind of a quick cheat sheet
14 of the different zoning districts of the minimum lot
15 areas without central water and sewer, minimum lot
16 areas with central water and sewer, the maximum
17 density. So it kind of goes through all the districts,
18 W, B, R, A, Y, O, D, T and G. That way you guys don't
19 have to go back and search through all the districts.

20 In terms of the map, so again, this has
21 been a map in the making. We're about at a year and a
22 half that we started this ago. We have stacks and
23 stacks of maps down in our department -- I didn't bring
24 them with me tonight -- of different things that we
25 looked at when we did the zoning.

1 We looked at water districts. We looked
2 at sewer districts. We looked at each individual city
3 and what their current zonings are. If they had future
4 zoning, we looked at that. We looked at our Master
5 Plan. We looked the lay of the land, the topography,
6 floodplain. There's a lot that went into why this map
7 looks the way it did.

8 So just to go over a little bit of it, the
9 different sections, so a lot of the changes you'll see
10 are going to be between Union and St. Clair, almost
11 going northeast are the main changes you'll see on our
12 map.

13 There is a big change over in south of
14 Catawissa, Robertsville. It used to be all blue and
15 yellow, so CD and SD. We got rid of those zoning
16 districts. So now you just see a little of the O
17 District, R District, and the B District there. The
18 rest of it is W.

19 What we did around Washington, Union, and
20 St. Clair is that's where you see our more high density
21 residential subdivisions, so the Y District, the T
22 District, the O District, and the reason why it looks
23 the way it does out past Washington over to Villa Ridge
24 is that's based on the public water supply lines and
25 their future development.

1 I will say I didn't have a current map to
2 look at. I had a map that I think our GIS technician
3 said was five to ten years old, but it is still a map
4 we could look at.

5 As you can see, we are proposing to the R
6 District all along Highway 100 to 44, and then a
7 majority of 44 between Union and Pacific. That is a
8 high commercial district that we have. We do have some
9 of the A District mixed in there. That's a commercial
10 district that does allow some manufacturing activities
11 in it.

12 Between Union and Washington, you can see
13 we extended the farm district from Washington until
14 about half way to Union, and we did the B District, and
15 transferred over to the A District and the G District.
16 So that's where that little industrial park is where
17 the Kerco is and all that. So we're proposing to keep
18 that, switch it back to A and then back to the R when
19 you get closer to the city limits.

20 Along Highway 50 right outside the city
21 limits of Union, we see that being more of an R
22 District, more of a commercial uses that we could see
23 there. And then we switch it to the B District, which
24 is a good mix of commercial and residential. So we
25 wanted to see that along Highway 50, which is a main

1 highway of the county that's heavily trafficked.

2 Outside of New Haven, we did do some B out
3 there for their commercial development.

4 And then down in St. Clair, we did R and B
5 along Highway 30. We know there's not a lot there
6 today, but Highway 30 is another heavily traveled
7 highway in the county that connects Franklin County all
8 the way up to Fenton and St. Louis. So if there's
9 going to be commercial development, we don't see why we
10 couldn't see it along Highway 30.

11 And then if you go north to north of
12 Pacific, we did Old Highway 100 from Gray Summit to the
13 county line as D. Again, that is a good mix of your
14 commercial and your residential areas. Then a good
15 majority of that area up there we did change from Y, or
16 SD, to W. The reason we did that is we looked at the
17 topography up there. It's a very hilly area of the
18 county. We don't see a lot of high-density
19 subdivisions up there. The utilities aren't readily
20 available up there. They'd have to do their lift
21 stations, stuff of that nature.

22 So we did -- basically we wanted to change
23 it to W, which your minimum you could even have in that
24 district is an acre. So if you're going to develop up
25 there, we see larger lots that are developing, and we

1 didn't see the Y District up there anymore.

2 To address some of the things that are in
3 your packet, so there were some changes that were made
4 after last meeting. So the first one, these are
5 properties that are along Highway 100. So those are
6 these three parcels. I missed that these were parcels
7 that were right along Highway 100, and we wanted to do
8 the majority of the parcels along Highway 100 as
9 commercial because that's where we see the commercial
10 development happening between Washington and 44. So
11 that was a change since last meeting.

12 Another change is out in the Summer Hill
13 area. So before I had this as Y and this as Y. I
14 didn't realize this was a part of the original Summer
15 Hill preliminary plat, and I forgot that there was a
16 preliminary plat that you guys just approved here. And
17 without it being this Y District, they wouldn't be able
18 to do those developments anymore or the T District.

19 Oh, I'm sorry. I didn't flip my page
20 over. So now we'll go to the next one that said change
21 from Y to R in the Forest Hills area.

22 Okay. So right here we have this as Y.
23 It honestly was just a parcel that was missed. It's
24 along Highway 47 and has direct access to it. So we
25 think it should be R instead of Y.

1 And then the last one I believe is on
2 Highway 30. It's one of the parcels that used to be a
3 split parcel like we talked about last time, and what I
4 did with this one because of the location of it, it's
5 still considered a split parcel. Which is why you see
6 the outline.

7 But now we're just doing south of Highway
8 30 instead of -- because we used to have it running all
9 the way up to here as R, we're just going to go ahead
10 and stop it and do it south of Highway 30.

11 And I did give you guys some changes today
12 also. And you guys also got some letters, and these
13 will kind of address some of the letters. So after we
14 received some of the letters that you guys got in your
15 packet, I did talk with Mark about the future of these
16 developments and how it will affect them.

17 And what he said was what I was afraid was
18 going to happen, is that even though they are approved
19 for a certain use currently, if it does get rezoned,
20 they're not guaranteed to do that use anymore if
21 something changes.

22 So with that being said, I'm going to take
23 you back out to the Summer Hill area, and there are a
24 few changes out there that are addressed in your
25 letters.

1 So I gave you guys a map, and it looks
2 like this. It's a parcel that kind of hooks around to
3 another parcel, and it says changed from Y to T. Well,
4 I found out tonight I had the wrong parcel number. So
5 the parcel we're actually changing is this one. This
6 had a preliminary plat that was approved in 2017 for a
7 four-plex development. The Y District doesn't allow
8 that. So in order for them to be able to do that
9 development, we would need to change it to a T.

10 With that being said, I want to point out
11 to you all we now have this kind of awkward pocket of Y
12 between these parcels. So my suggestion would be if
13 you're going to have both of these continue to be T,
14 that we would go ahead and change these to follow suit
15 and also be T.

16 Also in Summer Hill, one of your letters
17 addresses this parcel. I believe it's the one from --
18 that has Eckelkamp Kuenzel on top of it, and they say
19 that it's under common ownership with the remainder of
20 Summer Hill. However, this parcel has Highway A
21 frontage, and has always been considered commercial for
22 their development purposes. So they would like to be
23 rezoned something different.

24 I personally didn't change it because I'm
25 not 100 percent in agreement with it, but if that's

1 something you guys want to talk about tonight, we can
2 address that parcel.

3 And the other parcel I didn't change right
4 away is this one addressed in Alexander Estates. So if
5 you look, all of these parcels up north are all a part
6 of Alexander Estates, and they're all zoned T. I
7 didn't realize this parcel was also a part of the
8 original development of Alexander Estates.

9 So we have two options. The first is
10 change it to T to match the rest of the proposed
11 development. The other option is, if we leave it be, I
12 don't think it would hurt the development that's there
13 because it's still a multi-family district with
14 22,000-square-foot lot minimums, and the preliminary
15 plat did show a majority of the lots over 22,000 square
16 feet.

17 But if we want it to be in conformity with
18 the other lots owned by the subdivision, we could
19 change that to T. So this parcel and this parcel I
20 want you guys to talk about tonight, and kind of think
21 about how you want to go with it.

22 And then the last one I want to bring up
23 is the Lake Labadie one, which is also addressed in the
24 letter that was sent from Eckelkamp Kuenzel.

25 So we originally had that one zoned W, but

1 if we did that, they wouldn't be able to continue the
2 development they already have in progress. So I went
3 ahead and proposed to change that to T. So that's what
4 would look like.

5 So those are the main changes from last
6 month to this month. I will say I did talk with Mark
7 about our split parcel situation. There really isn't a
8 good way to do our split parcels. How we're going to
9 address it is through a change in our code next month
10 where it just talks about how if a parcel is split by
11 zoning, you base it off of the scale on the official
12 zoning map.

13 So if you go to the official zoning map,
14 and the scale says, you know, one inch equals a hundred
15 feet, and you measure your parcel and you're doing the
16 development in the first 100 feet, that's what your
17 zoning is going to be.

18 So that's the best option I think we could
19 come up with besides the ones that are obviously
20 separated by roads and railroads.

21 That's where we are today.

22 CHAIRMAN EVANS: So except for
23 those last couple, the first ones are -- really they
24 have preliminary plats. But with the zoning, they
25 would not be acceptable. Had they started

1 construction, they would have been grandfathered, but
2 since they haven't they have to change the zoning to
3 accommodate them?

4 MS. EAGAN: Right. And any of
5 the things that are already built in there are fine,
6 but if this zoning goes through, and then they continue
7 with doing those, we wouldn't be able to allow it.

8 CHAIRMAN EVANS: Okay. So ergo,
9 we should split those first ones other than getting the
10 zoning rights so they continue on with what they want
11 to do anyway?

12 MS. EAGAN: Correct.

13 CHAIRMAN EVANS: Okay. Any
14 questions, comments?

15 (NONE)

16 If not, we will open up the floor for
17 anyone wishing to speak in favor of the zoning map.
18 Anyone would like to come up and tell us what a great
19 job we did and it's perfect, there's no changes, step
20 forward.

21 (NONE)

22 We have none of those people present.

23 Anyone wishing to come up to speak in
24 opposition or with changes or comments?

25 Please state your name and address and

1 sign in, please.

2 MR. MIKE GENOVESE: My name is
3 Mike Genovese, 1436 Grand Army Road, Labadie.

4 (THEREUPON, THE WITNESS WAS
5 SWORN.)

6 I would just like to speak on the one
7 zoning change that affects that northeast portion of
8 Franklin County, just to the west of St. Albans, which
9 is now I think suburban and changed to one of the most
10 liberal, I guess, of the zoning.

11 I don't know how many people are familiar
12 with that area, but it's like -- I'm sorry. Like you
13 said, the topography is very hilly. The roads are
14 narrow and small, but there are many homes in that
15 area.

16 And I think that it would be doing
17 disservice to all those people to let some of the
18 permitted and conditional uses that are outlined in W
19 allowed in that area. So I really think that -- plus I
20 think it's a little short-sighted because that area has
21 the potential of being a very nice residential area
22 with St. Albans and all the development that is now
23 coming out Highway 100 that will be coming out Highway
24 T.

25 So I think there needs to be another look

1 at that area, and I would be happy to help anybody look
2 at it, and I really would like to know what we would
3 need to do, the people in that area, to get it back to
4 where it was or at least a zoning that does not have
5 some of these permitted and conditional uses in it.

6 CHAIRMAN EVANS: Any questions?

7 (NONE)

8 Thank you.

9 MR. GENOVESE: Okay. Thank you
10 for your service.

11 CHAIRMAN EVANS: Again, I should
12 mention that only the County Commission can make zoning
13 changes. So what we're doing is giving a recommendation
14 the County Commission, and they will in turn have their
15 own public hearing.

16 And so what we're trying to give them is a
17 good workable document that they can work with, have
18 their own public hearing, and they in turn will make
19 any final decision on zoning.

20 All right. State your name and address
21 and sign in, please.

22 MS. GERRY FRIEDMAN: Gerry
23 Friedman, 1933 Grand Army Road.

24 (THEREUPON, THE WITNESS WAS
25 SWORN.)

1 Actually yeah, I'm concerned about the
2 same area that Mike Genovese just addressed as to the
3 northeast corner of the state. But I have prepared a
4 statement, so bear with me and I'll read it, and
5 hopefully if you have other questions, we can do that
6 afterwards.

7 Let me begin by saying that I believe
8 Franklin County to be uniquely beautiful, streams,
9 rolling topography and the lush vegetation, both
10 natural and cultivated.

11 I also foresee rapid development for
12 commerce and homes. So it's essential that our
13 government, in this case the county government,
14 demonstrate not only an eagerness to promote
15 development, but to also protect unique attributes.

16 The 2012 Franklin County Master Plan's
17 land use goals and development include the following
18 language:"Ensure new developments, minimize conflict
19 with existing residential or agricultural uses."
20 That's Goal 3.

21 The object of the implementation strategy
22 for Goal 3 is to ensure continuous land uses are
23 compatible to ensure new developments, minimize
24 conflict with existing residential and agricultural
25 activities, and encourage commercial and industrial

1 developments to be site appropriate and compatible with
2 the surrounding areas.

3 The 2019 proposal to update the county
4 zoning regulations fails to do so in the northeast
5 corner of the county.

6 One need only glance at the color-coded
7 map identifying the areas that would be zoned for
8 various uses to see that the plan caters to the
9 obvious.

10 Y or yellow, the category that protects
11 residential development is limited to a few areas where
12 substantial homes already exist.

13 Thin blue areas, the designation for
14 commerce, are strung out along major roads; again,
15 where it already exists.

16 And red for manufacturing appears in areas
17 where it is currently located.

18 Then there are vast spots that had no
19 color. That's the W or white category. Not only does
20 this proposed zoning seem to ignore the 2012 Master
21 Plan, but it also demonstrates a gross lack of
22 sensitivity and creativity. In fact, it demonstrates
23 just plain laziness.

24 Let's talk about the W, the white,
25 category. The stated purpose here is to provide for

1 agricultural and small-scale commercial use, cultural
2 uses, institutional uses, and agricultural uses to mix
3 with low-density residential uses for the convenience
4 of residents and travelers.

5 Let me tell you some of the uses that will
6 be permitted within the White zone. Permitted, by the
7 way, means that anyone with a hammer and some nails can
8 drive up and begin building. No notice to neighbors,
9 no permission, no oversight. Y'all just come and have
10 at it.

11 So here are some of the uses that are
12 invited to mix with low-density residential uses. An
13 animal auction house, a campground and an RV park, a
14 billboard, an archery and a shooting range, a hospital
15 including a helicopter landing pad, a golf driving
16 range, a skate park and a water slide, a utility waste
17 landfill.

18 Under W, white, zoning, you can get a
19 conditional use permit to put in an airport or a
20 landing field, a confined animal feeding lot. You can
21 engage in the extraction of minerals, quarrying or
22 mining. You can have a motor vehicle services as well
23 as light manufacturing and a multitude of other
24 activities. A far cry from residential uses.

25 CHAIRMAN EVANS: You need to

1 finish up pretty quickly. Your five minutes is up.

2 MS. FRIEDMAN: I'll do my best.

3 As a matter of fact, we already have a
4 shiny new example of mixing commercial uses in
5 low-density areas.

6 Drive east along Highway 100 to the corner
7 of 100 and OO. That's right in the path of high-end
8 residential developments filling out from Wildwood and
9 St. Louis County. There on the corner, after a gentle
10 drive along the curvy green roadway, scream the bright
11 lights and bold color of a Mobile gas station.

12 It's no coincidence that this is located
13 only yards away from St. Louis County. Really, my
14 purpose is not just to bash the efforts of the County
15 planners. I will allow that their proposal is sincere
16 if misguided and --

17 CHAIRMAN EVANS: I really have
18 to ask you to finish up very quickly.

19 MS. FRIEDMAN: May I pass this
20 on to another person and have them finish reading it,
21 please? I'd really like to --

22 CHAIRMAN EVANS: No, that's
23 perfectly fine. We have to keep everyone to five
24 minutes.

25 MS. FRIEDMAN: Fine.

1 CHAIRMAN EVANS: If we give you
2 more time --

3 MS. FRIEDMAN: Okay. I
4 relinquish the rest of -- I relinquish to the next
5 person who wishes to speak so that they might read the
6 rest of my paper.

7 CHAIRMAN EVANS: Okay.

8 MS. FRIEDMAN: Thank you.

9 CHAIRMAN EVANS: Thank you.

10 Our intent is not to cut people off, but
11 we said five minutes.

12 MS. FRIEDMAN: I understand.

13 CHAIRMAN EVANS: And to give
14 anyone additional time would be to discriminate against
15 everyone else. And --

16 MS. FRIEDMAN: I understand.

17 CHAIRMAN EVANS: -- the
18 Commission doesn't intend to do that.

19 DR. JERRY FRIEDMAN: My name is
20 Dr. Jerry Friedman, and I live at 1933 Grand Army Road.

21 (THEREUPON, THE WITNESS WAS
22 SWORN.)

23 Where my wife left off. Really my purpose
24 is not to bash the efforts of the County planners. I
25 will allow that both are sincere if misguided and

1 half-hearted effort.

2 Rather my purpose is to beg that they
3 reconsider, that they go back to the drawing board, lay
4 out more definitive limits both in terms of geography
5 and activity. In all honesty, I am especially
6 concerned about the northeast portion of the county
7 with upscale residential development pushing west from
8 St. Louis County and east from Washington. We
9 shouldn't mess it up with guardian intrusive commerce.

10 Be mindful of the value existing homes and
11 the development towards equal substance. I guarantee
12 every one of those homeowners would be willing to drive
13 the extra mile to a convenience store or a shooting
14 range.

15 Take hold of your yellow pen and color the
16 entire area of this Missouri River from the north to
17 Highway 44 on the south, from the St. Louis County line
18 on the east to Metro Washington on the west. Protect
19 that entire area with the residential and the
20 agricultural restrictions and non-invasive conditional
21 uses of Y zoning.

22 That would be easy and quick, not to
23 mention appropriate for this small section of the
24 county.

25 Overall I would like to see you revise the

1 concept behind the catchall W zoning that covers most
2 of the county. Imagine what it can be 15, 20, 50 years
3 from now. Safeguard green space. Don't be in a rush
4 to create any activity just because of a profit County
5 revenue.

6 In the long run, high standards and
7 selectivity will result in development that is
8 attractive as well as productive, and it will become a
9 magnet for more to follow.

10 I'd like to just add a quick comment of my
11 own. I think it is quite short-sighted to look at an
12 area and say what revenue might be generated with
13 potential businesses rather than looking over the
14 entire picture of what upscale areas should remain
15 upscale.

16 For you to be penny wise and foolish to
17 inject potentially into these white areas potential
18 development businesses that are inappropriate and ill
19 advised and will discourage, and I emphasize
20 discourage, the caliber of people you would like to
21 have move out into the county.

22 The decision is yours. Is Franklin County
23 going to attract upscale or is your main concern to
24 attract billboards, and I hope you think that over.

25 Thank you.

1 And in that corner, there are some really
2 beautiful parcels, and it is hilly. I mean, the
3 topography is hilly. So you're not going to -- I mean,
4 you're right, Scottie. You're not going to get, you
5 know, big developers with tract home things.

6 What you will get in that area one-of
7 homes, custom homes, and expensive homes. And the
8 roads are narrow, and there's a lot of people that have
9 built big expensive homes on Little Tavern, Fiddle
10 Creek, Grand Army, Thiebes. And perhaps that will stop
11 happening if when they look at the zoning, there's just
12 so many things that are allowed in the W zoning that
13 won't work over there and will make everybody that's
14 there really miserable.

15 I mean, I truly don't know of a single
16 neighbor on any of those roads that would welcome a
17 water slide next door. And there's a lot of parcels
18 that are for sale on Fiddle Creek, and if somebody
19 comes in and this goes through, they could do that.
20 And it would really, really disturb the area.

21 So am I allowed to ask you all a question,
22 or do I just make a statement?

23 CHAIRMAN EVANS: Just make a
24 statement.

25 MS. GINOVESE: Then my statement

1 would be will you -- no, that's -- will you please help
2 us retain that Y to help -- I can't do it and not ask a
3 question.

4 We need to take retain --

5 CHAIRMAN EVANS: Make it
6 rhetorical.

7 MS. GINOVESE: Okay. So if some
8 of us came to the Planning and Zoning office if we made
9 an appointment, could that area just remain the
10 restrictive protective lovely area it is?

11 And I thank you for your time and efforts,
12 but we need more time and effort.

13 CHAIRMAN EVANS: Thank you.

14 MS. GINOVESE: Thank you.

15 MS. EAGAN: Even though it was a
16 rhetorical question, at this point, there's nothing I
17 can do to physically change the maps, but the County
18 Commission will also be holding hearings.

19 And these guys also have the option to
20 change the map at this point.

21 MS. GINOVESE: I was hopeful
22 sitting back there when different individuals or
23 developers had requested different changes that would
24 accommodate what's there already. And so I'm hopeful
25 that we can accommodate what's there. And there's a lot

1 of neighbors that are really upset and couldn't come
2 tonight.

3 MS. EAGAN: Yeah, and these guys
4 want to do that tonight. They're more than welcome to
5 make those changes. We can actively make changes
6 tonight so everyone can see them and what they look
7 like or can come, all of that.

8 MS. GINOVESE: Okay. And if
9 anybody wants to have a tour around, any of us would be
10 willing to.

11 Who is our commissioner in our area?

12 MS. EAGAN: I believe it's Bill
13 McLaren. No, you're Boles.

14 COMMISSIONER McLAREN: I'm
15 Calvey. So like I'm south of the Meramec River.

16 MS. EAGAN: Mike Klenke is
17 yours.

18 MS. GINOVESE: Fine.

19 MS. EAGAN: So unfortunately
20 when Mike got appointed, it was right when they all had
21 to turn in their maps. So Mike did not get a chance to
22 color for your area.

23 We did not have a commissioner for your
24 area when this all happened.

25 MS. GINOVESE: Well, we're

1 begging you. Thank you.

2 CHAIRMAN EVANS: Thank you.

3 Anyone else wishing to address the
4 Commission?

5 Will you please state your name and
6 address and sign in, please.

7 MS. TRICIA ROUEFF: Tricia
8 Roueff, 1979 Fiddle Creek Road.

9 (THEREUPON, THE WITNESS WAS
10 SWORN.)

11 Again, this area east in the county is the
12 concern. I do appreciate all your time and efforts,
13 but if you spend any time in that area and drive the
14 roads, very few of these roads can be handled with the
15 type of development you're considering allowing at this
16 time.

17 I realize it must change over 20, 30
18 years, but Fiddle Creek Road, for example, in the
19 winter can't handle the traffic from those of us that
20 live on Fiddle Creek Road. There are several people on
21 the road that don't go out in the winter. Those of us
22 who do, have four-wheel drive.

23 There are multiple accidents on Highway
24 100 in any type of bad weather, especially in the
25 curves. Again, I realize there are plans to change

1 Highway 100 from T out to Gray Summit, but I will tell
2 you that those plans have been on the books since I
3 bought my property in 1997.

4 Literally the area cannot handle the kind
5 of traffic you potentially see out there.

6 So I would request that you reconsider
7 that area, both as a value to the properties that are
8 there and the value that that area will continue to
9 have. As others stated, many people have moved to that
10 area and to build high -- built homes for that reason,
11 but also it is a safety issue.

12 You should ask Boles Fire Department how
13 many times they've answered to accidents on Highway 100
14 in bad weather, including fatalities.

15 Again, I appreciate your time and
16 respectfully request that you reconsider.

17 CHAIRMAN EVANS: Thank you.

18 Anyone else wishing to address the
19 Commission?

20 State your name and address and sign in,
21 please.

22 MS. GINA PARMENTIER: My name is
23 Gina Parmentier. I live at 922 Crider Lane, here in
24 Union. And basically --

25 (THEREUPON, THE WITNESS WAS

1 SWORN.)

2 I just kind of want to -- I understand
3 that the citizens of the northeast corner are concerned
4 about their market value of their properties, but I do
5 -- the reason I'm here is to basically hope that
6 everything in the zoning changes maintains the public's
7 ability to use properties, purchase properties for
8 their own rights.

9 So that's the real reason I'm here, and
10 hopefully all that will be taken into consideration
11 when you guys are doing the zoning changes and allowing
12 what's going on in the different districts.

13 Okay. Thank you.

14 CHAIRMAN EVANS: Thank you.

15 Please state your name and address and
16 sign in.

17 MR. STEPHEN FLANNERY: Stephen
18 Flannery, 305 West Pacific Street, Pacific, Missouri
19 63069.

20 (THEREUPON, THE WITNESS WAS
21 SWORN.)

22 Last time I did that I got a haircut and
23 sent to Iraq, so I got to be careful around here.

24 Good evening, Mr. Chairman and Members of
25 the Commission. I am local Realtor within the county

1 as well as an officer of the Franklin County Board of
2 Realtors. This is not in support nor opposition of the
3 plan, but more to reiterate what my -- the previous
4 speaker said. Property rights are very dear and near
5 to every property owner as well as to us Realtors.

6 Also knowing what the market conditions
7 are, how that is progressing out into our county,
8 there's a lot of exciting stuff happening along the 44
9 corridor of 100. And again, if you guys take any time
10 and drive around the county, you can see that Vee. The
11 main thing I would probably say this evening is while
12 you move forward and continue to discuss this and make
13 recommendations to the County Commissioners, you know,
14 just keep in mind the existing uses, the property
15 rights of the owners, and the market conditions so we
16 can continue to have a prosperous and beautiful county.

17 Thank you.

18 CHAIRMAN EVANS: Thank you.

19 Anyone else present wishing to address the
20 Commission?

21 (NONE)

22 If there's no one else, we're on to
23 Cameron. State your name and address and sign in.

24 MR. CAMERON LUEKEN: I couldn't
25 miss you guys. Cameron Lueken, 12 East Main, Union.

1 (THEREUPON, THE WITNESS WAS
2 SWORN.)

3 Okay, Scottie. I just wanted to talk
4 about the map. Can we start at Lake Labadie, from
5 Dorothy's farm. I just want to point something out
6 that the public's confusing.

7 With the section lines, US survey lines,
8 all that lines and then plat lines, the properties get
9 lost sometimes of who owns what and what's what.

10 So what she's going to outline there is
11 actually Phase 1 -- actually that's a US Survey line
12 running through there on the north, northeast parcel.
13 The cul de sac right there stops at the end of Phase 1,
14 but where she's got her cursor at there, that's
15 actually owned by that same company. There's actually
16 pipe and storm -- or roads graded out down there.

17 So I think they would want that to be
18 zoned the same.

19 Is that the same owner, Scottie?

20 MS. EAGAN: Yeah.

21 MR. LUEKEN: So like that's one
22 change I would think the owners would want to make that
23 a T, the same as what Lake Labadie is.

24 And just for clarity, that actually had
25 preliminary plat approval of the entire thing back in

1 about 2004, '05, so that's been laying there that whole
2 time.

3 And I guess if you get -- we could kind of
4 go back to Alexander Estates there west of Summer Hill,
5 please.

6 Yeah. So the area to the north there in
7 the curve that's laid out in lots, that's rented to
8 Randy Kliner, SYE Partnership. And Scottie's right at
9 that time the zoning district, the only zoning district
10 in the county -- I'm sorry. That zoning was for CD,
11 22,000-square-foot lots. They did lay that out in
12 22,000-square-foot lots.

13 RD1 was created for 10,000-square-foot
14 lots, but they never utilized that zoning district.
15 They didn't want to build in that area.

16 There's streets right now. They're
17 sanitary where Scottie's cursor is at, but Randy did
18 reach out to me and say he would like that to be zoned
19 for 10,000-square-foot lots.

20 So I agree with Scottie's mentality.
21 Before a recommendation about that needs to be a teal
22 area because people are most likely like to have the
23 ability to do a 10,000-square-foot lot minimum.

24 So I would recommend that.

25 And then back to what Scottie said also

1 about that other area there to the east, the slight
2 east there a little bit. I think that's a good
3 recommendation Scottie made about making that area
4 there teal just to fill it in. I would agree with
5 that.

6 And I think that's -- there's something
7 outside of that.

8 Any questions for me about any of those
9 areas I spoke about?

10 CHAIRMAN EVANS: Any questions
11 for Cameron?

12 COMMISSIONER WILLIAMS: I got
13 one. Where's your Power Point tonight?

14 MR. LUEKEN: I didn't bring it
15 with me. Tuesday, that was enough.

16 CHAIRMAN EVANS: All right.
17 Thank you.

18 MR. LUEKEN: Thank you.

19 CHAIRMAN EVANS: So, Scottie,
20 that addresses all the attachments we got?

21 MS. EAGAN: The only one still
22 in question is this one where my little cursor is, this
23 one that is also owned by Summer Hill Estates. We have
24 it a T. They say it's a commercial parcel. So that's
25 -- this is the only other one that would have been in

1 the attachments that were sent prior to the meeting.

2 CHAIRMAN EVANS: Okay.

3 COMMISSIONER TOBBEN: Scottie, I
4 can touch a little bit on that as well.

5 As we're looking at that and looking at
6 those specific parcels there, you know, you had
7 mentioned the B District, which in a letter it's
8 proposing that, and I looked up and down that stretch
9 of Highway A in Washington. And it really is a good
10 mix, especially on that south side of Highway A, of
11 residential and commercial.

12 You know, as you head south on Highway A
13 up to 47 intersection, it's still in the city, but you
14 know, there's a good mix of residential and commercial
15 along that route and as you get to that curve there.

16 So I believe I do think that that parcels
17 should be B, but maybe those parcels even to the east
18 of it as well.

19 MS. EAGAN: So are you
20 potentially go from this parcel up --

21 COMMISSIONER TOBBEN: Yeah.

22 MS. EAGAN: -- B?

23 COMMISSIONER TOBBEN: Yeah, just
24 because right across there you have the Emerald City
25 subdivision. And if you have traveled that area, it is

1 a good mix of commercial and residential.

2 MS. EAGAN: Yeah, because John
3 Hall Lumber is right here too, right?

4 COMMISSIONER TOBBEN: That's
5 correct.

6 MS. EAGAN: Yeah.

7 COMMISSIONER TOBBEN: That's
8 correct. Then you have, you know, as you head out
9 towards Alexander Estates, then you have B to the north
10 there, a lot of commercial development.

11 And then also at the end of that cul de
12 sac there in Alexander Estates is a A District there.

13 So I kind of think that, you know, that
14 parcel starting there at the entrance to Summer Hill
15 could be B.

16 MS. EAGAN: Yeah.

17 COMMISSIONER TOBBEN: And then
18 -- yeah. Head up that way.

19 MS. EAGAN: Would your proposal
20 be to keep this all T, or put these all T too, and
21 leave this T?

22 COMMISSIONER TOBBEN: I think
23 you could probably justify going B there just because
24 it is a good mix of residential and commercial along
25 that area.

1 CHAIRMAN EVANS: Any
2 Commissioners have any questions about that discussion?

3 (NONE)

4 So, Scottie, that fully addresses then,
5 and so we have --

6 MS. EAGAN: Yes. Obviously no
7 decisions have been made, but we can get more in-depth
8 in it when we discuss it as a group.

9 CHAIRMAN EVANS: Okay.
10 Is there anyone else wishing to address
11 the Commission?

12 Please step forward. Please state your
13 name and address, sign in, please.

14 MS. DIANA HAYNES: My name is
15 Diana Haynes. My address is 206 Thiebes Road.

16 (THEREUPON, THE WITNESS WAS
17 SWORN.)

18 Thank you. Thank you for being the
19 government that we're proud of, for taking interest in
20 those of us who want to speak with you express our
21 needs and our wishes.

22 I know you are listening. I may not be
23 our ideas, but I have a feeling that you're open to
24 what we're also adding to the conversation.

25 I would just like to add my name to what

1 my accomplices have mentioned. I'm in accordance with
2 that. I treasure where I live because of what it is
3 and what it has been, and I just cannot bear the
4 thought of being careless with it and ruining what has
5 been created over the decades here.

6 So please take care of it, look at it
7 totally, and be grateful for the beauty that it offers
8 us.

9 Thank you.

10 CHAIRMAN EVANS: Thank you.

11 Anyone else wishing to address the
12 Commission?

13 (NONE)

14 If not, this portion of public testimony
15 is then closed unless we have questions.

16 COMMISSIONER McLAREN: Mr.
17 Chairman, I may have questions. So I'd like to not
18 close it quite yet.

19 CHAIRMAN EVANS: Well, we can
20 still ask questions, just we won't be letting more
21 witnesses come up who haven't spoken before. But they
22 can come back up to answer questions.

23 COMMISSIONER McLAREN: Fair
24 enough.

25 CHAIRMAN EVANS: Bill, why don't

1 you go ahead and ask your questions.

2 COMMISSIONER McLAREN: Well, the
3 people that spoke tonight, for the most part, did a
4 very good job of saying what I un-eloquently was trying
5 to say last month when Ron and I got in that --

6 AUDIENCE MEMBER: Can't hear
7 you back here.

8 COMMISSIONER McLAREN: When Ron
9 and I got into a discussion last month on -- it's on
10 page 36 of the minutes that we had from last month. And
11 Ron was correct. I was not eloquent in what I was
12 trying to say.

13 The definition was exactly the same, and I
14 want to give him credit. He was 100 percent correct.
15 My problem is kind of what these people are saying, and
16 what I was trying to say last month is to go from the
17 Suburban Development District that exists in Boles and
18 Calvey Township and go to basically the W, the white
19 district, I think that some of the area has been too
20 restrictive for the last 25 years.

21 I think that we need some options on some
22 of this area to open it up for more development. But I
23 think to go from Suburban Development to Agriculture,
24 to white, is a step that's honestly too far. And I own
25 property in both Calvey and Boles Township, a

1 significant amount of property.

2 So this, you know, cuts me the wrong way
3 to say part of this. It's not in my best interest to
4 necessarily saying what I'm going to say, but I think
5 that their concerns are true. I don't think that just
6 -- and I want the white agriculture district, I don't
7 think is appropriate for all of these areas.

8 I think that -- and I'm going to make a
9 bigger area than what they are. I think the area north
10 and south of Pacific along Highway 100 up to the
11 Highway T area needs a different consideration. I'm
12 not so sure we don't need two different zoning
13 districts in there other than just the Y District to
14 meet the needs of what's there.

15 The Y District is too restrictive for the
16 current -- the current Suburban Development District,
17 which is being replaced by the Y District, which --
18 yellow.

19 The current Suburban Development District
20 is too restrictive for part of that area. The area
21 south of Pacific, it's too restrictive for that area.
22 And there needs to be some re-evaluation of what we can
23 have in that area. To go to only the Y District, I
24 think is too far.

25 You know, my example last meeting was to

1 allow a single-wide mobile home in these areas which
2 are now what would be the yellow district to go to the
3 white district, I think that's -- I don't think that's
4 the right thing to do for people's property values.

5 I think some of what their concerns are
6 are 100 percent sincere and realistic. I think that to
7 go to the white district on the east side of Franklin
8 County is a step further than what we need to make.

9 But I don't think that we -- I think the
10 yellow district in part of the areas now Suburban
11 Development is too restricting for what we need. I
12 truly think that we either need to redefine the
13 districts, or we need to create something more
14 appropriate for that area.

15 And I'd really like to have some
16 discussion on it. I think they're sincere with what
17 they said, and I think they're correct a lot with what
18 they said, but we also need to recognize that we do
19 need to have services in this area that are not allowed
20 under the present zoning.

21 So it's a double-edged sword. It's
22 cutting both ways. Part of the area needs to be less
23 restrictive and allow some more things, and part of the
24 area is probably close to the way it should be now and
25 shouldn't go all the way to the white district.

1 So I'd like to have some discussion on
2 this.

3 MS. EAGAN: I have a question
4 for you. When you say not all the way to the white
5 district, that district is a middle-ground district
6 between residential and commercial.

7 We either have strictly residential,
8 majority of commercial, and then the white district.

9 COMMISSIONER McLAREN: Well, I
10 -- then I think we need to look at another district. I
11 think that we need to have some more services than are
12 allowed in the current Suburban Development District,
13 which is the yellow district but still have some of the
14 restrictions and not allow in that area what's allowed
15 in the white district.

16 I think we're going to make another
17 30-year mistake that's been very difficult on some of
18 the property owners I know personally that are south of
19 Pacific, that their property has been restricted that
20 they can't have, you know, really can't have the
21 ability to have -- and I know I'm parsing words here,
22 but there's been some home businesses that weren't
23 allowed out there that was truly a home business on
24 some larger acreages of land that's in the current
25 Suburban Development District that needs relaxation,

1 but I don't know that it needs to be relaxed all the
2 way to the white district.

3 I think we need something that's in
4 between to protect the property values and the people
5 that have been there but still allow some of the other
6 people that haven't developed their ground or want to
7 have a home business or, you know, we need something in
8 between. I truly believe that, you know, we are -- I
9 don't -- and once again, I want to take -- I think we
10 worked hard at doing this.

11 We haven't been at all lazy about it. I
12 know I spent a lot of time, and I'm sure the other
13 Commissioners spent a lot of time trying to make a map
14 that works. And it's difficult because of what's here,
15 but I think we need to figure out some other zoning for
16 that eastern part of Franklin County down as far as to
17 the Catawissa area.

18 So...

19 MS. EAGAN: Well, a large part
20 of it south of Pacific, all of this, a majority of this
21 is floodplain. We were looking at doing other zoning
22 out here, but that is all floodplain in that area.

23 COMMISSIONER McLAREN: You know,
24 I'm going to tell you it's not all floodplain. So I
25 don't quite dig around in that area. It's not in the

1 floodplain.

2 MS. EAGAN: All of this white
3 area that we were considering doing a color for is all
4 floodplain right here. It's not down by here, but all
5 just south of Pacific.

6 COMMISSIONER McLAREN: I'm going
7 to tell you that Union's going to be under water before
8 my property is under water there.

9 MS. EAGAN: Well, I can only go
10 by FEMA maps. So...

11 COMMISSIONER McLAREN: Well, the
12 bluff is on the south side of the Meramec all the way
13 through there, and we own 300 acres there, and we've
14 had 10 acres under water of that area so far.

15 CHAIRMAN EVANS: Any other
16 discussion?

17 COMMISSIONER WILLETTE: I've got
18 a question. This is for Scottie.

19 Do you see up in that northeast area of
20 the St. Albans area, do you see any drawbacks between
21 turning what is white now into the Y?

22 MS. EAGAN: I mean, I don't
23 agree that this whole area should be white. It is a
24 high-density residential district that is meant for
25 areas that have central water and central sewer.

1 A lot of this area does not have that.
2 That is the reason why I don't think that Suburban
3 Development today makes sense out in this district. I
4 understand that's what it was, that's what it's been
5 since day one.

6 To me it never made sense, just because
7 like I said, the topography, the land, the access to
8 utilities. To me this is a more rural agricultural
9 type area than it is an area for dense development,
10 which is what the Y District is for.

11 COMMISSIONER WILLETTE: Okay.
12 Thank you.

13 CHAIRMAN EVANS: Any further
14 discussion on that?

15 Scottie, I would have a question on
16 another area in southeast, basically Highway 30 that
17 goes from the Jefferson County line basically into St.
18 Clair. And I think most of that was like NUA before,
19 and I guess in making a decision to make it red, you
20 know, what was I guess the thought process? Because I
21 live down there, and -- you know, it's basically a
22 ten-mile speedway to get to 44, and you only have two
23 roads that are four-way intersections in a ten-mile
24 area. The only businesses are in Lonedell. So --

25 MS. EAGAN: Well, I think -- the

1 map's kind of far away, but I think the current map
2 shows that as being both -- not both, but NUA. I know
3 there's CA3 out there as well as CD out there. So
4 there's CD on the line towards Jefferson County.
5 There's CA3, I think it's right here. And then the
6 rest of it right here and right here is NUA.

7 But this is all blue, this is all purple,
8 and the rest of it is white.

9 Like I said last month, this is a part of
10 the county I am not familiar with. I relied heavily on
11 Tori's and Nichole's opinions. They said it being a
12 connection between St. Clair and southern-ish Franklin
13 County to St. Louis and it being Highway 30, they could
14 see in the future of Franklin County there being more
15 commercial establishments created along this road.

16 So we just basically, if you read the
17 purpose of R, it's to be along major highways of
18 Franklin County. So that's why we did this out there
19 as not what's there but what could be there in the
20 future for those residents in this area.

21 CHAIRMAN EVANS: Okay. And my
22 concern was living out in an area that it is -- in part
23 it was Suburban Development, and I think it all -- in
24 this case, it all should be white because you have
25 Lonedell has eight businesses, and there are no other

1 businesses, nor have there been any added in 20 years,
2 except for of course the Dollar General.

3 MS. EAGAN: They're everywhere.

4 CHAIRMAN EVANS: They're
5 everywhere.

6 MS. EAGAN: Yeah, but we didn't
7 look at what's currently there. We looked at the whole
8 map of the future zoning of Franklin County as what we
9 see in the future, not what's currently there. This is
10 how we want to see Franklin County grow. This is how
11 we want to see the process go.

12 So that's the rationale.

13 CHAIRMAN EVANS: Okay.

14 MS. EAGAN: And again, these --
15 when we were looking at the things, these are our split
16 parcels.

17 I had our GI technician add another layer
18 on the map so we didn't see the hash marks anymore.
19 So...

20 CHAIRMAN EVANS: Any other
21 discussion or questions?

22 (NONE)

23 If not, we could move forward on pieces of
24 this anyway if we'd like to find the areas that we
25 agreement on.

1 MS. EAGAN: We can start up here
2 at Lake Labadie with the two parcels that were pointed
3 out that we didn't realize were also...

4 And again, a lot of these changes that
5 were made tonight are based on preliminary plats that
6 were recorded in the past. So that would be I think
7 this parcel and this little tiny parcel. They're
8 proposing to be T because that is a part of a Lake
9 Labadie preliminary plat that was approved.

10 If that's something you guys want, I can
11 make the change in the GIS so you can see what it would
12 look like. That's up to you guys.

13 CHAIRMAN EVANS: Anyone have any
14 problem with that?

15 (NONE)

16 I would make that change then.

17 COMMISSIONER WILLIAMS: That
18 makes sense. Yeah.

19 MS. EAGAN: (Making changes.)
20 So if that looks okay with that. We can move this to
21 Alexander Estates and the Summer Hill area and talk
22 about that.

23 So the one we'll address is this blue
24 piece. They would like to see T with the rest of the
25 development that was all platted in 2006. So I can

1 make that change if you guys want to see it.

2 CHAIRMAN EVANS: That would keep
3 -- make it down to the 10,000-square-foot lots?

4 MS. EAGAN: If we went to T, it
5 would go down to 10,000, --

6 CHAIRMAN EVANS: Okay.

7 MS. EAGAN: -- yeah.

8 CHAIRMAN EVANS: We can do that.

9 MS. EAGAN: (Making changes.)

10 Bill, can you read that number to me,
11 please. I'm sorry.

12 CHAIRMAN EVANS: Which one?

13 MS. EAGAN: The parcel number.

14 Oh, it's 51 not 52. I'm sorry. That's why, this is a
15 little blurry for me to read.

16 Then we have this whole area here however
17 you guys want to address it.

18 CHAIRMAN EVANS: Can I suggest
19 that we break while that's being done.

20 MS. EAGAN: So the suggestion
21 has been since we have T here all the way up to just --
22 we can fill all this with T, and then this was brought
23 up by Tom to potentially do all of this B up until
24 Alexander Estates.

25 CHAIRMAN EVANS: Anyone have any

1 issues with that? Tom seemed to have a pretty good
2 handle on it.

3 COMMISSIONER TOBBEN: No, I think
4 it makes sense. You got a pocket there of yellow and a
5 sea of teal. I think it makes sense to make that as a
6 T. I kind of stated my case for what could be B there.
7 It would make sense to be B on the south side of
8 Highway A as there is a good mix of residential and
9 commercial along that area.

10 COMMISSIONER DUBBERT: That is a
11 good area for mixed use. I agree with Tom on that.

12 CHAIRMAN EVANS: All right. If
13 there is no dissent, I'd go ahead and make that change
14 also, Scottie.

15 MS. EAGAN: Do you want to take
16 a quick break while I make all those changes? I can't
17 do my identify like I normally do. So I can't do
18 multiple parcels for some reason.

19 CHAIRMAN EVANS: All right. Why
20 don't we take a 12-minute break.

21 (THEREUPON, A BREAK WAS TAKEN
22 AT 8:20 TILL 8:30 P.M.; AFTER WHICH,
23 THE PROCEEDING CONTINUED AS FOLLOWS:)

24 All right. We're back in session.
25 Scottie, do you want to show us the

1 changes that you made.

2 MS. EAGAN: Okay. So as you can
3 see, I did fill in this whole area with the T, and then
4 as requested, we went from the R, which was up here and
5 we went all the parcels down to where it met Alexander
6 Estates.

7 And that's it.

8 CHAIRMAN EVANS: Okay. Everyone
9 have -- see that, no problem?

10 (NONE)

11 MS. EAGAN: If we're good with
12 that, we can move on to whatever you guys want to talk
13 about next.

14 CHAIRMAN EVANS: Well, I think
15 we have those changes and we can probably go ahead if
16 there are no issues and everybody agrees with them, we
17 can go ahead and pass those separately with a motion.

18 Even though it's a special meeting, Mark,
19 we don't have take this to Unfinished Business, do we?

20 COUNTY ATTORNEY PIONTEK: No.

21 CHAIRMAN EVANS: Okay.

22 MS. EAGAN: So just to clarify,
23 the changes were made tonight plus those that were
24 presented to you for tonight's meeting.

25 CHAIRMAN EVANS: Correct.

1 MS. EAGAN: Yeah.

2 CHAIRMAN EVANS: Which we've all
3 seen and done this evening being the second one.

4 COMMISSIONER DUBBERT: I would
5 make the motion, but I don't even know how to begin.

6 CHAIRMAN EVANS: I would just
7 say make a motion to approve the zoning changes as
8 presented by Scottie.

9 COMMISSIONER DUBBERT: I'll make
10 a motion to make the zoning changes as presented by
11 Scottie.

12 COMMISSIONER WILLETTE: I'll
13 second that.

14 CHAIRMAN EVANS: We have a
15 motion and a second to approve the changes presented by
16 Scottie. All in favor signify by saying aye.

17 COMMISSIONER McLAREN: Aye.

18 COMMISSIONER WILLETTE: Aye.

19 COMMISSIONER WILLIAMS: Aye.

20 CHAIRMAN EVANS: Aye.

21 COMMISSIONER KLENKE: Aye.

22 COMMISSIONER TOBBEN: Aye.

23 COMMISSIONER DUBBERT: Aye.

24 CHAIRMAN EVANS: Opposed?

25 (NONE)

1 COMMISSIONER WILLETTE: Okay.

2 MS. EAGAN: There's hundreds of
3 parcels in that area, and I don't have a double screen.
4 So it's a little harder.

5 COMMISSIONER WILLETTE: I'm
6 wondering if there's some discussion on that.

7 COMMISSIONER McLAREN: Is it
8 possible that you'd have the current zoning map and you
9 can overlay from one to the other? No?

10 MS. EAGAN: Unfortunately, our
11 current zoning map is not digital.

12 COMMISSIONER McLAREN: Yeah.

13 MS. EAGAN: So we can't. We
14 tried, but it doesn't work.

15 COMMISSIONER McLAREN: Okay.
16 Well, do you have something else?

17 COMMISSIONER WILLETTE: No.

18 COMMISSIONER McLAREN: Okay.

19 I truly believe that agricultural in the
20 western half of the county is different than
21 agriculture in the eastern half of the county.

22 I don't know that it's reasonable to look
23 at what this, the New Haven, Gerald out towards Hermann
24 area and say that same ag- -- or Non-Urban Agricultural
25 white, whatever you want to -- whichever terminology

1 we're going to use, is not the same as the area up
2 there between Pacific and Highway T and St. Albans. I
3 have a very difficult time rationalizing that that
4 property should be zoned the same with the same set of
5 conditional uses or permitted uses.

6 You know, I know we're far down this
7 process, but I know the last time this process was
8 done, it's been 30 years, and to just move forward on
9 this and do it now without addressing it, I think is
10 the totally wrong thing to do.

11 You know, we've got, I think, two people
12 that are still here that are on the Board of Realtors
13 from Franklin County. I don't know if we could ask
14 them to come back up and address their opinion of it
15 even though they would be the people that, if I was
16 going to sell a piece of property, I would call and
17 say, you know, what is my best use for this and what
18 should I look at. Have you considered those kinds of
19 things. You know, could we have five more minutes for
20 them to expand on the use of this property because
21 theoretically, they are on the Board of Realtors for
22 this county and they should be an expert witness.

23 And I just truly believe that we're going
24 about this the wrong way. You want to turn mine off?

25 CHAIRMAN EVANS: I think we

1 could have somebody come up here. I think without
2 looking at particular parcels that would be more
3 conjecture. And they may be experts, but I don't know
4 that they could give expert testimony unless they feel
5 they can.

6 MR. FLANNERY: I don't know how
7 much more of an expert you get by actually selling the
8 products, so I would think you would, sir.

9 MS. EAGAN: I would ask Mark
10 first to make sure this is okay since you closed the
11 testimony.

12 CHAIRMAN EVANS: Yeah, since we
13 closed testimony, but we're asking for clarification.
14 Are we closed?

15 COUNTY ATTORNEY PIONTEK: You
16 have closed the public hearing, unless you reopen it,
17 then you can take additional testimony.

18 CHAIRMAN EVANS: Okay. But we
19 are -- we have closed. So that's all right.

20 COMMISSIONER McLAREN: Mr.
21 Chairman, I asked a question, and you stated that we
22 could have them come back up if we had questions.

23 CHAIRMAN EVANS: Well, yeah, and
24 I was in error because we would have to have a motion
25 to reopen the hearing. Would that be correct, Mark?

1 COUNTY ATTORNEY PIONTEK: Yes,
2 sir.

3 COMMISSIONER McLAREN: I will
4 make that motion if somebody would second it to reopen
5 the hearing.

6 COMMISSIONER WILLETTE: I'll
7 second it.

8 CHAIRMAN EVANS: We have a
9 motion and second to reopen the hearing. All in favor
10 signify by saying aye.

11 COMMISSIONER McLAREN: Aye.

12 COMMISSIONER WILLETTE: Aye.

13 COMMISSIONER WILLIAMS: Aye.

14 CHAIRMAN EVANS: Aye.

15 COMMISSIONER KLENKE: Aye.

16 COMMISSIONER TOBBEN: Aye.

17 COMMISSIONER DUBBERT: Aye.

18 CHAIRMAN EVANS: Opposed?

19 (NONE)

20 The hearing is reopened.

21 Like to come back up.

22 MR. FLANNERY: Do I go through
23 the same --

24 CHAIRMAN EVANS: Just restate
25 your name. Yes, you're still under oath.

1 MR. FLANNERY: Stephen Flannery.
2 Yes, I am a Realtor and broken within Franklin County
3 as well as an officer of the Franklin County Board of
4 Realtors. I do appreciate coming back up.

5 Mr. Chairman, I can understand the
6 statement of conjecture. I think if I was sitting in
7 your chair, I'd probably say the same thing. But there
8 is certain market conditions that are going on that I
9 believe, you know, is just as valid now as to have when
10 addressing zoning. I do believe I heard Scottie
11 mention that when the colors were being added, there
12 was thinking where do you want the county to go and
13 what do we want it to do.

14 A good example, since we're in the eastern
15 part of this county, the -- you know, when we look at
16 the St. Albans, Grand Army, and those areas there, the
17 type of properties that are going on in demand with the
18 market there, it is higher end. There's also farms
19 that are in there.

20 It is a place that folks are moving out to
21 because of property values being higher. Market
22 conditions on that, a lot of people living in that that
23 may have kids or still be in the working years, a lot
24 of them do travel east. So there is pros and cons that
25 go on in that part of the market.

1 Additionally, just to move down south, we
2 look at the south side of town -- oh, I'm sorry. I
3 live in Pacific, so I'm used to saying south side of
4 town.

5 We look at the south side of Pacific in
6 that portion of the county, we also see a different
7 demographic moving in there that, I guess, are looking
8 for larger properties, horse farms, as well as a unique
9 amount of agriculture that is going on there. I do
10 believe Mr. McLaren has a working cattle farm in that
11 neck of the woods.

12 But there is a lot of growth coming on
13 into this part of the county on 44/100. To be
14 specific, to kind of back up these -- this data
15 currently live in the county. We have three and a half
16 months of inventory for residential. We have a
17 shortage of commercial and a shortage of industrial,
18 believe it or not.

19 So I think the coloration you guys have
20 done there is pretty good, keeping that in mind.

21 On the residential side of it though, we
22 would need to look just east of the map. It's not on
23 there. You know, there's at least 1,100 homes that are
24 going in Eureka in that market.

25 Property along 44, the topography does

1 change that. So that's growth is projected to come out
2 into the county.

3 So we're going to continue to see some of
4 those higher density subdivisions putting in
5 applications. I know that's happening within the city
6 limits of Pacific as well as a few parcels outside of
7 Pacific.

8 So to kind of forecast and extrapolate
9 from there, it's my professional opinion that we're
10 going to continue to see that growth down 44 and 50,
11 and continue to see Union, especially, move further
12 east to the highway. So there's a lot of stuff that's
13 going on.

14 But you know, the market conditions I
15 believe are just as important as the hopefulness of
16 what kind of growth we have in the county. It can be
17 balanced with personal property rights and maintaining
18 the values of property whether residential, commercial
19 or industrial within the zoning changes.

20 I can get more finite within some of these
21 areas, but since this is the portion of county that we
22 have up, I'll stick with that.

23 I will like to say I do concur with Mr.
24 McLaren on the western part of the county. The growth
25 has not yet quite gone that far. Though Sullivan is

1 seeing quite a bit growth, it continues to move west as
2 well as a little bit east, and still not the same with
3 development and growth that we're seeing within this
4 section of the county at most. So I think there's a
5 lot of opportunity and now's a good time to keep that
6 in mind when coloring in different sections of the map.

7 And perhaps -- and please forgive me.
8 I've read the old plan. I understand some of that.
9 Flipping back and forth on the Ys, the Ts, the Ws, I
10 get a little confused on some of it, but I would also
11 agree that maybe to expand the Crayola box and maybe
12 pick another color and maybe find a happy medium within
13 some of the white along those main arteries that are
14 already showing signs of growth.

15 Other than that, that's my professional, a
16 little bit personal, opinion in there.

17 Thank you.

18 CHAIRMAN EVANS: Any further
19 discussion?

20 I'd like to say one thing. I think we're
21 looking at this, I don't think this evening we're going
22 to create another zoning district before this moves on.
23 So we have the option of looking at changes as far as
24 what we want to do. I think in the future rather than
25 creating a zoning district, we may want to look at uses

1 in zoning district would be the I would say quick fix,
2 but the easier thing to do.

3 So, Debbie, you were talking about
4 possible changes.

5 COMMISSIONER WILLETTE: Yes, I
6 see the use of that area as the best what it is now,
7 the topography. High-end homes sometimes go to
8 difficult topography, and I do see that area as being
9 beneficial to Franklin County to staying in more a zone
10 that the yellow seems to represent in my opinion.

11 So I personally like the idea of changing
12 the area that I had pointed out to the yellow color.

13 COMMISSIONER KLENKE: Why did
14 you stop at T, Highway T on the south side versus all
15 the development there that's on the north side?

16 COMMISSIONER WILLETTE: Well, no
17 real reason. I was just looking for a nice border.
18 I'm not totally up on where these subdivisions or where
19 these roads are. Except that it does look more -- a
20 little more dense from T on down.

21 MS. EAGAN: So I just wanted to
22 clarify. You're proposing from the blue line north to
23 T over to the railroad to all be Y which allows them to
24 go down to 10,000-square-foot subdivisions on roads
25 that they've testified here to be narrow, curvy and

1 hilly.

2 I just want to clarify that we're doing a
3 super dense residential district in an area that has -
4 people have said the roads are narrow, they're hilly,
5 the topography is hilly.

6 I can tell you utilities are hard to come
7 by in that area. Water not so much as sewer, but it is
8 hard to come by.

9 COMMISSIONER WILLETTE: That
10 makes sense, except that as opposed to the W, there are
11 drawbacks with that. So...

12 COMMISSIONER WILLIAMS:
13 Honestly, I think we're looking at a hybrid district if
14 we're going to encompass everything we're talking
15 about.

16 I think that we're looking at -- and I
17 didn't make the argument you go from the railroad
18 tracks to Allen.

19 COMMISSIONER WILLETTE: Yeah.

20 COMMISSIONER WILLIAMS: Shoot
21 all the way to 44 and all the way over to Washington
22 with sort of hybrid district that between the Y and W.
23 I'm not sure what that is, but I think that's where the
24 discussion is leading if I read it right.

25 MS. EAGAN: I'll need

1 clarification of what you guys want in this supposed
2 district you want me to create. You know, well, are
3 business allowed? If so, what businesses?

4 Are they permitted, are they conditional?
5 What types of housing; what types of subdivision;
6 what's the minimum density; what's the maximum density?

7 I mean, this is all brand new being
8 dropped on me at the last minute. So it's a little
9 frustrating on -- from my standpoint because none of
10 this is new to anybody. So I just need more input than
11 a hybrid district that I somehow have to create when I
12 personally don't see an issue with what's being
13 presented.

14 COMMISSIONER WILLIAMS: Well, I
15 think if we're going to make changes we're looking at,
16 now is the time to look at it.

17 MS. EAGAN: Right.

18 COMMISSIONER WILLIAMS: You
19 know, and I'm not sure like I just said. I haven't
20 thought about a hybrid district. I think Mr. --
21 Commissioner McLaren said he wasn't quite sure what
22 that would be.

23 I'm not quite sure what that would be
24 either. I'm not sure if it's even appropriate, but I
25 can make an argument for something to be done from the

1 railroad tracks down to 100, down to 44 in that whole
2 area because I look at this -- at the parcel map, and
3 you see the subdivisions, --

4 MS. EAGAN: Right.

5 COMMISSIONER WILLIAMS: -- you
6 know. So I see that. Now what sort of district that
7 should be, if you're going to just stick with what
8 we've got, then why wouldn't it be appropriate, period.

9 I mean, we just approved Tuesday night a
10 19-lot subdivision on a hundred acres. Those are large
11 acre lots, but that's a terrible piece of ground. I
12 mean, it's hard to develop, and they're going to put 19
13 lots in there.

14 COMMISSIONER McLAREN: But
15 that's five acres per -- theoretically per lot or
16 common ground or whatever. At the back of it, there's
17 not simple sewer eliminate the ability to go to a
18 10,000-square-foot lot the way it is realistically
19 buildable right now.

20 You know, it takes a minimum of three
21 acres --

22 MS. EAGAN: Right.

23 COMMISSIONER McLAREN: --without
24 central sewers to build on, and I don't see central
25 sewers going in to very much of that property.

1 MS. EAGAN: Right.

2 COMMISSIONER McLAREN: So to say
3 that the 10,000 square foot -- and, Scottie, I feel
4 your pain. I'm not trying to pick on you, but I don't
5 think this is the last hour. I think this is the first
6 week of a very long time that the residents of the
7 county are going to have to live with.

8 So I think it's incumbent on us to get it
9 as correct as we possibly can. You know, we've been
10 working towards this for a long time, and I know you've
11 been working diligently on it. But I truly can't see
12 more of that area becoming Non-Urban and Agricultural,
13 white, whatever you want to call it, than it is right
14 now.

15 I see it going in the future the other
16 direction. So I think we need to establish our
17 thoughts for what the future is, what that area, as Ron
18 said -- Commissioner Williams said it's actually going
19 to become than to just -- you know, just to say we're
20 going to allow all the stuff in the white district up
21 there in that area, I think is absolutely wrong.

22 CHAIRMAN EVANS: Well, I have to
23 -- I agree with you, Bill, but I also have to agree a
24 little bit with Scottie, is that we've come -- we've
25 looked at this a long time. Everybody has had a long

1 time to make changes and come up with suggestions, and
2 we're, you know, at the point where we're trying to
3 move something up to the Commission, you know, a
4 working document that they have responsibility to
5 change and have their public hearings.

6 And I would hate to stop the process now,
7 and say oh, we're going to go back to the drawing board
8 for a hybrid district that will take, God knows how
9 long when the option is to move something to the
10 Commission, and then work on a hybrid district.

11 So do we want to stop this entire process
12 now? I mean, what do we want to do?

13 COMMISSIONER DUBBERT: Are there
14 any other thoughts besides making it yellow? Is there
15 -- is there a better zoning designation for this area?

16 I don't know -- number one, I'm uneasy
17 about making W more restrictive. I don't think that's
18 the answer. I don't believe yellow is the answer
19 either.

20 Is there -- does somebody propose a
21 different zoning category for this area so we can keep
22 moving forward instead of creating a hybrid or a W with
23 restrictions or whatever that might look like?

24 CHAIRMAN EVANS: Yeah, and I
25 guess when we say hybrid, it would be an additional

1 district. I mean, we created RD1 somehow.

2 So when we say hybrid, I don't know that
3 we're saying new to this. I think we're saying an
4 additional district possibly.

5 But do you want to create that tonight, or
6 do you want to go ahead and move forward with this?

7 COMMISSIONER McLAREN: Mr.
8 Chairman, I think that we had several people ask that
9 their district is changed and we have reflected those
10 changes tonight and said okay to that.

11 All the testimony that we heard tonight
12 has asked that we not change their district. I don't
13 know how we can, in good faith, move forward with the
14 way it is. I just don't -- I just don't see we can do
15 that.

16 COMMISSIONER DUBBERT: I guess
17 where I get lost is when I'm not clear what the
18 recommendation is. Like with the other parcels, there
19 was an actual recommendation to change it to a
20 different designation. I think that's where I'm
21 getting hung up.

22 COMMISSIONER McLAREN: Well, the
23 public testimony or public participation is for us not
24 to change it from what it is right now, and we're
25 making a pretty significant change.

1 I truly think if we look at what's there,
2 we need a district that reflects what's there and the
3 community likes and what needs to grow into that area,
4 and what we see is the growth of that area. And I just
5 don't believe that saying this is all going to be
6 white's the right thing to do.

7 I can't vote for that, and like I said,
8 it's -- it would benefit me on property I own to say
9 yeah, I'd like it to be white. But I truly don't think
10 that's the right thing.

11 COMMISSIONER DUBBERT: And
12 that's -- that really is a difficult challenge too
13 we're tasked with balancing personal personal property
14 rights with the rights of people in that area that wish
15 to remain more restrictive. But I think that that's a
16 heck of a challenge that we're faced with here.

17 CHAIRMAN EVANS: I think that is
18 a challenge that we're not going to get the unanimous
19 on this. Down in my area, they have suburban
20 development, and it was changed to -- to white, which
21 in my case, it should have been -- it should be white.

22 COMMISSIONER DUBBERT: Yeah.
23 Same with me on my -- the 40 acres that I have in Villa
24 Ridge. It was turned -- changed to white, and that's a
25 change I can live with. So I can understand the

1 objection. I completely understand it.

2 I guess what I'm lacking is clarity on
3 what to go for, it looks like.

4 COMMISSIONER McLAREN: Well, you
5 know, I think it's pretty obvious that some of the
6 permitted uses in the white district do not fit that
7 area at all.

8 And if we change that, we're saying yes,
9 these uses fit, and I -- you know, I don't think that
10 they fit in that area.

11 Now realistically nobody's going to build
12 a -- nobody's going to build a livestock market in that
13 area, but it's permitted. So I can make the argument
14 that, you know, I am taking potentially somebody's
15 property values away that has a nice home, and I buy
16 some ground and build a livestock market because I can
17 argue that we need -- as a person that owns livestock,
18 I can argue that there's a need and a demand for the
19 market in Franklin County.

20 You know, I drive 50 miles to 80 miles to
21 sell cattle. So I can argue that we need a livestock
22 market, and it should be right off Highway 100 and
23 close to the interstate and then --

24 COMMISSIONER DUBBERT: But
25 probably not in St. Albans.

1 COMMISSIONER McLAREN: But
2 probably not in St. Albans.

3 COMMISSIONER DUBBERT:
4 Understood.

5 COMMISSIONER McLAREN: You know,
6 I can argue the need for it, but you know, I can be the
7 same, not in my back yard person.

8 COMMISSIONER DUBBERT: Right.

9 COMMISSIONER McLAREN: You know,
10 I guess I'm arguing the most for Boles Township here.
11 So I would relish your participation on what you think
12 we should be doing.

13 COMMISSIONER KLENKE: Go ahead,
14 Ron.

15 COMMISSIONER WILLIAMS: All
16 right. Here to me is where the issues are, okay.

17 You got the W District, which is probably
18 , the way I'm reading it, the most restrictive as far
19 as density allowed because it's -- if you've got
20 central water and sewer, then your minimum lot size is
21 three acres -- excuse me, that's without.

22 If you have it, central water and sewer,
23 then you get an acre, but you're only allowed one
24 dwelling for 40,000 square feet.

25 According to Y District, if you don't have

1 central water and sewer, you still have the same three
2 acres. But if you do have central water and sewer, you
3 go down to 10,000 square feet, and you're allowed one
4 dwelling on every 10,000 square feet.

5 The problem gets back to the uses, what's
6 allowed in the W versus what's allowed in the Y. And
7 that's what -- to me what the issue is. That's why I
8 said maybe we need to look at some sort of mash-up as
9 another district to say what -- keep the restrictions,
10 but look at the uses.

11 That's why I suggested that.

12 COMMISSIONER KLENKE: Being
13 fairly new to the Commission, every meeting is a
14 learning process. You mentioned in the past that there
15 was the residential development, and at some point you
16 did RD1. So what -- how long or what does that process
17 take to do that, you know, so that we don't hold this
18 up at the last hour?

19 I mean, there's been a tremendous amount
20 of work to move forward. Hey, I want to get it right
21 just like everybody else. But I'm also for, you know,
22 if there is a way to change it, like Ron just said,
23 then moving forward and change it versus just stopping
24 the whole thing here right now.

25 COMMISSIONER McLAREN: Well,

1 Scottie's probably -- or Bill's probably better to
2 answer this. So I'll let somebody else --

3 COMMISSIONER KLENKE: I mean,
4 nobody has stated that, right?

5 CHAIRMAN EVANS: No, you did,
6 and the thing is that it would take the same track
7 because it would be P&Z Commission. Scottie would
8 create the district, and then it would have to come to
9 us, and because it's zoning, it would have to go to the
10 Commission.

11 So it would take the same track as this
12 whole process, but -- that's where I was coming in
13 before do we want to -- you know, do we want that
14 zoning hybrid in front of the train or in the back of
15 the train?

16 I mean, it would be exactly the same
17 process we're going through now.

18 COMMISSIONER KLENKE: Public
19 hearings and all?

20 CHAIRMAN EVANS: Exactly. And
21 with this -- us coming up with a recommendation, going
22 to the Commission who again would have a public
23 hearing.

24 So it would be the same steps we've gone
25 through on this, which so right now to get that done

1 before sending this up, would basically just have to
2 put this on the side and take several months to develop
3 it.

4 So that's what I was trying to say before,
5 is what do we want to get done, when do we want to the
6 Commission a working document, or do we want to hold up
7 and come up with a solution.

8 And again, I guess -- Mark, do we have the
9 option of -- well, of approving certain portions of the
10 map as we did changes, or if we -- because this is
11 starting to get a little bit convoluted here.

12 COUNTY ATTORNEY PIONTEK: Yeah.
13 You can approve the map in total or in parts, whatever
14 you think is appropriate for tonight.

15 What I would suggest to you is if you're
16 not going to make the changes here that you think
17 should be done and you're going to defer to the County
18 Commission to make those changes, those changes are
19 going to have to come back here anyway.

20 The lesson we learned from recent, fairly
21 recent, litigation involving it's been a couple of
22 years ago when the Mucklers -- the Muckler original
23 litigation.

24 There was a change at the application that
25 the County Commission level originally it was an

1 application for a 30-acre rezoning. Once it got to the
2 Commission because there was some objection, the
3 Commission said well, we'll just revise it down to nine
4 and a half acres. And the court said you can't do that
5 without sending that back to Planning and Zoning.

6 So if this gets to the County Commission,
7 and the Commissioners, the County Commissioners we
8 think this needs to be revised, it's going to have to
9 come back here anyway. So...

10 CHAIRMAN EVANS: So again, it's
11 taking the same track --

12 COUNTY ATTORNEY PIONTEK: Right.

13 CHAIRMAN EVANS: -- except if we
14 use this, it takes a different track and then comes
15 back to us to begin with.

16 COUNTY ATTORNEY PIONTEK: Right.

17 CHAIRMAN EVANS: So it's
18 basically the same.

19 MS. EAGAN: Mark, can I ask you
20 a question?

21 COUNTY ATTORNEY PIONTEK: Yes,
22 ma'am.

23 MS. EAGAN: So hypothetically
24 speaking, if they voted to say change what Debbie
25 wanted, all the area to be yellow, and it got sent to

1 the County Commission as that, and the County
2 Commission didn't agree with that, they wanted it to be
3 the W like it originally was, then it would have to
4 come back to these guys?

5 COUNTY ATTORNEY PIONTEK: Yes.

6 MS. EAGAN: What happens if they
7 keep arguing?

8 COUNTY ATTORNEY PIONTEK: It
9 goes on.

10 MS. EAGAN: Okay.

11 CHAIRMAN EVANS: I prefer the
12 word discussion.

13 MS. EAGAN: Sorry.

14 COMMISSIONER McLAREN: And I'm
15 sorry --

16 COUNTY ATTORNEY PIONTEK: Let me
17 add this, Bill. I can't tell you that I necessarily
18 agree with that decision from the court, but that's the
19 rule.

20 COMMISSIONER DUBBERT: I have a
21 question for you too.

22 COUNTY ATTORNEY PIONTEK: Yes.

23 COMMISSIONER DUBBERT: So just
24 so I understand, if -- if the County Commission goes
25 against our recommendation, that means that they're

1 sending it back to us?

2 COUNTY ATTORNEY PIONTEK: If
3 they decide to make changes to what you approved, those
4 changes have to come back here for review because
5 essentially it's a changed application, if you will.

6 COMMISSIONER DUBBERT: Okay. So
7 in that case, we'd make another recommendation for them
8 to either --

9 COUNTY ATTORNEY PIONTEK: Right.

10 COMMISSIONER DUBBERT: All
11 right. Understood. Thank you.

12 COUNTY ATTORNEY PIONTEK: Until
13 somebody eventually acquiesces.

14 COMMISSIONER DUBBERT: Yes.

15 MS. EAGAN: Mark, I'm sorry.

16 COUNTY ATTORNEY PIONTEK: Yes.

17 MS. EAGAN: On a normal
18 rezoning, an applicant came in and wanted to rezone a
19 parcel, our Planning and Zoning Commission approved it
20 to say they wanted it to be R, and it went up to the
21 County Commission, and they said no. Then that has to
22 come back to our P&Z Commission?

23 COUNTY ATTORNEY PIONTEK: No.
24 When you're talking about a finite application.
25 Somebody comes in and makes an application for a

1 conditional use permit for whatever. I don't know.

2 And it comes here and the Commission here
3 says, yes, we recommend that for approval this
4 conditional use permit. Let's say a rezoning. The
5 Commission recommends in favor of this particular
6 rezoning.

7 That rezoning goes to the County
8 Commission. They don't have to accept your
9 recommendation. They can say no, we disagree. We're
10 going to deny the rezoning.

11 Similarly or conversely, if you all review
12 a zoning application and you recommend against it and
13 it goes to the County Commission, they can -- by super
14 majority vote, they can approve the rezoning anyway.

15 You're still voting on that very same
16 application though. The difference here is you're
17 going to send up a map that looks like this, and the
18 County Commission may look at it and say well, we agree
19 with most of this, but this yellow up in the upper
20 right-hand corner, we think that should be white.

21 That's got to come back here then because
22 essentially the teaching in that case is the public has
23 to have the opportunity to speak on that matter at
24 Planning and Zoning.

25 Like I said, I can't say that I

1 necessarily agree with it, but that's --

2 MS. EAGAN: Well, wouldn't they
3 have spoken at our public hearings?

4 COUNTY ATTORNEY PIONTEK: But
5 what they were looking at was the yellow that what was
6 proposed and voted on here was the yellow. And then
7 once it goes up to the County Commission, the
8 Commission says we don't want that yellow. We want
9 that to be white. Then it has to come back here for a
10 review recommendation as to whether or not yes or no.

11 MS. EAGAN: So we'll be in limbo
12 for a while.

13 COUNTY ATTORNEY PIONTEK: It's a
14 -- I mean, this is -- and I'm sympathetic to your
15 situation, but this is a major set of revisions to your
16 codes and map, and my preference would be if there are
17 questions here among the Commissioners as to what
18 particular property should be, those should be ironed
19 out before it gets shipped off to the County
20 Commission.

21 But that's me, and I don't vote. So...

22 COMMISSIONER McLAREN: Is there
23 an advantage to sending a partial revision up?

24 MS. EAGAN: Personally I'd
25 rather just put it all on hold if you guys are

1 considering a portion of it, but I don't want to
2 approve half a map that just sits there.

3 And then who knows how long we'll get the
4 other half approved.

5 COMMISSION KLENKE: I'd like to
6 answer. The thing I would also like to add is that,
7 you know, we have people here who have questions. I
8 have questions. People came in and commented. There
9 may be somebody that reviewed this came to you and said
10 this is good for me. And maybe just didn't take time
11 to come out and reach out to me or you or whoever and
12 said well, it's about time. I appreciate it.

13 So I keep that in mind as well, not just
14 in the northeast part of the county.

15 CHAIRMAN EVANS: Deb?

16 COMMISSIONER WILLETTE: One
17 thing to consider if we do come up with a different
18 district, a hybrid if you will, I don't know that it's
19 kosher to just put that in one area of the county.
20 Once we would come up with something new, there may be
21 other parts of the county where that's applicable.

22 I know that sounds daunting, but I don't
23 think it's proper to just consider something new for
24 one little portion of the county.

25 And so that's my argument against

1 approving partial county and leaving one little space
2 off.

3 I personally like the idea of the new
4 district that combines the permitted uses for why with
5 the lot area numbers from W.

6 MS. EAGAN: So you don't want to
7 see any business whatsoever on the northeast side of
8 the county? No -- no commercial business on the St.
9 Louis County line?

10 COMMISSIONER WILLETTE:
11 Personally that's correct. I do think that's
12 applicable.

13 COMMISSIONER McLAREN: Well, I
14 would argue against that. I would think that the blue
15 that's there is rational and realistic, and then there
16 needs to be the same as what -- I think it was red down
17 Highway 30. We -- Highway 100 needs a business
18 corridor along it.

19 So I can't necessarily say that we
20 shouldn't have any business along there.

21 COMMISSIONER WILLETTE: I
22 misunderstood. I do agree with that. I'm talking
23 about the white area, railroad -- surrounded by the
24 railroad tracks down into the south.

25 COMMISSIONER KLENKE: Well, then

1 I'm going to back up and I too need clarification.

2 So we're saying we're not going to move
3 forward tonight, but we've got to do something to move
4 forward. I mean, she needs some sort of direction from
5 us on this -- I'll say hybrid because that's the word
6 that keeps getting kicked around, is that we do that
7 now, or do we table that to to another meeting?

8 CHAIRMAN EVANS: Correct me if
9 I'm wrong, Mark, but since that's not really -- we're
10 looking at zoning, that's not the agenda item and
11 that's -- therefore, can't even be discussed tonight?

12 COUNTY ATTORNEY PIONTEK: Right.
13 I think maybe I could offer this suggestion, and maybe
14 Scottie will throw rocks at me later, but it almost
15 sounds like this would be something that would be
16 appropriate for a workshop of the Commission. Not a
17 public hearing, but a workshop where you can sit down
18 and go through all of this stuff and hash all of this
19 stuff out and then come up with some plan or some map
20 that's more or less unified that everybody can more or
21 less agree on and whatever regulations.

22 If you need a new zoning district,
23 whatever that is, and get all of that done and then
24 come back and present that in a public hearing.

25 I realize it's going to delay things a

1 while, but it almost sounds to me like that that's what
2 you're looking for, which may be the last thing you
3 wanted to hear.

4 COMMISSIONER DUBBERT: Yeah, I'm
5 very reluctant to create a new district and that be the
6 catalyst for reviewing everything that's already been
7 done in an effort to satisfy this northeastern part of
8 the county.

9 I think that there's going to be
10 ramifications to doing that, and I don't -- I would
11 hate for Scottie and the Planning Department to have to
12 revisit the entire map because of the creation of a new
13 district.

14 CHAIRMAN EVANS: Yeah, my
15 thoughts are similar to, I guess, my frustration.
16 Sure, Scottie's are much more to have spent this much
17 time and this much effort to get to the 11th hour and
18 when everyone has seen this and they decide that no, we
19 need a new -- we have to make changes.

20 The process has been very disciplined,
21 very methodical and just very frustrating at this point
22 in time. But we have to take some action.

23 COMMISSIONER WILLIAMS: I'll
24 take some offense to that because we heard testimony
25 tonight, and that's what we're supposed to base our

1 decision off of. And based on testimony tonight, it
2 made my mind think about maybe having another district
3 added.

4 I wasn't thinking about it before tonight.

5 CHAIRMAN EVANS: Yeah, I agree
6 there's testimony and it does raise questions. I would
7 have liked to have seen that a lot earlier in writing,
8 so it's -- but yeah, it raises questions.

9 But we're here and we've got to take some
10 action. So...

11 COMMISSIONER DUBBERT: Would it
12 be appropriate to have a vote to send this up to the
13 Commissioner as presented so we can get on the record.
14 And if that fails, which it probably will, punt for
15 another date? Because that's what it sounds like our
16 two options are.

17 CHAIRMAN EVANS: Right. We can
18 either send it up for the changes we already approved,
19 send it up with the changes that Debbie had brought up,
20 or just table or postpone it to our next Commission
21 meeting.

22 So those are really the three options to
23 send it up as is, make an additional change, or
24 continue to meet on it.

25 Scottie?

1 MS. EAGAN: Wouldn't another
2 option be what Mark suggested of setting up a workshop
3 to talk about a new district and then amend the map as
4 is and start over with your public hearings.

5 CHAIRMAN EVANS: Right, yeah,
6 which is really I shouldn't have said have a meeting,
7 but have a workshop --

8 MS. EAGAN: Right.

9 CHAIRMAN EVANS: -- type of
10 deal. But rather than forwarding the map up tonight
11 either as is or with the yellow as Debbie suggested.

12 And I assume as a motion we would just
13 have to -- I don't know if you're going to have a
14 motion to have a workshop, but those are the options.
15 So everybody has had opinions, so should we have a
16 motion.

17 COMMISSIONER McLAREN: You know,
18 I'm going to take this is the second time we've really
19 looked at this. I did not do a very good job of
20 presenting my objections the first one. I apologize
21 for that. I feel like I didn't do my job, but I'm glad
22 that some other people came here and said something.

23 You know, we're missing four Commissioner
24 tonight. I think three Commissioners?

25 MS. EAGAN: We have a vacancy

1 that we can't fill.

2 COMMISSIONER McLAREN: I
3 apologize. You know, I probably should leave and you'd
4 have another vacancy. But I kind of feel that way
5 right now that, you know, you just as soon me leave.
6 But I truly don't think that we are doing the right
7 thing. Like I said, we've had the zoning for 30 years.

8 To move it forward and we're not feeling
9 that we're all in the same place I think is not the
10 correct thing to do. I truly don't see that the east
11 half of Franklin County -- or the east 20 percent of
12 Franklin County -- northeast 20 percent of Franklin
13 County should fit underneath the white district, and I
14 will argue that for a long time.

15 MS. EAGAN: Yeah, I mean, as
16 much as it pains me to say, I think a workshop is
17 probably your best bet because the way you guys are
18 talking, you're never going to agree on one thing.

19 CHAIRMAN EVANS: How astute to
20 pick that up, Scottie.

21 All right. Again, we --

22 COMMISSIONER McLAREN: So would
23 the correct motion be to table this and look at having
24 a workshop?

25 COUNTY ATTORNEY PIONTEK: I

1 think so.

2 COMMISSIONER McLAREN: I'm going
3 to make a motion to table this file.

4 COMMISSIONER WILLETTE: I second
5 that.

6 CHAIRMAN EVANS: We have a
7 motion and a second to table File 190170. All in favor
8 signify by saying aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER WILLETTE: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 COMMISSIONER KLENKE: Aye.

13 COMMISSIONER TOBBEN: Aye.

14 COMMISSIONER DUBBERT: Nay.

15 CHAIRMAN EVANS: Opposed?

16 MS. REPORTER: I'm sorry?

17 COMMISSIONER DUBBERT: I'm a no.

18 CHAIRMAN EVANS: Can we have a
19 roll call vote.

20 MS. EAGAN: Bill Evans?

21 CHAIRMAN EVANS: No.

22 MS. EAGAN: Kyle Dubbert?

23 COMMISSIONER DUBBERT: No.

24 MS. EAGAN: Mike Klenke?

25 COMMISSIONER KLENKE: Yes.

1 MS. EAGAN: Bill McLaren?
2 COMMISSIONER McLAREN: Yes.
3 MS. EAGAN: Tom Tobben?
4 COMMISSIONER TOBBEN: Yes.
5 MS. EAGAN: Debbie Willette?
6 COMMISSIONER WILLETTE: Yes.
7 MS. EAGAN: And, Ron Williams?
8 COMMISSIONER WILLIAMS: Yes.
9 MS. EAGAN: Only five are in
10 favor of the motion.
11 CHAIRMAN EVANS: All right. The
12 motion is passed.
13 MS. EAGAN: No, you need six.
14 CHAIRMAN EVANS: Oh?
15 MS. EAGAN: You need a majority.
16 CHAIRMAN EVANS: That's right.
17 Well, it'd be a majority of the
18 Commissioners present. You have a majority of the
19 quorum. So it would be a majority of the Commissioners
20 present. Correct, Mark?
21 COUNTY ATTORNEY PIONTEK: I'm
22 trying to find that as we sit here.
23 CHAIRMAN EVANS: Okay.
24 MS. EAGAN: Yeah, it's Section
25 23. I think he's right.

1 CHAIRMAN EVANS: Yeah.

2 MS. EAGAN: Of the quorum being
3 present is what Section 23 says.

4 CHAIRMAN EVANS: Right. So it
5 did pass.

6 MS. EAGAN: We don't use that
7 section too often.

8 CHAIRMAN EVANS: So it is
9 correct?

10 MS. EAGAN: Yeah.

11 CHAIRMAN EVANS: It did pass.
12 Okay. I thought -- I though that was it.

13 All right. Planning and Zoning Commission
14 Forum. Is there anything possibly that could be
15 discussed?

16 COMMISSIONER WILLIAMS: Well,
17 yes. When do we want to have the workshop?

18 MS. EAGAN: Sometime during the
19 day.

20 COMMISSIONER WILLIAMS: I'm just
21 saying do we need to set a date for this?

22 MS. EAGAN: I'm open to
23 anything. There's only three days in October I'm not
24 here. Otherwise, all of October is open. November is
25 open besides Thanksgiving.

1 So October 9th, 10th and 11th, Nichole and
2 I aren't here, and the last Friday of October I'm not
3 here.

4 COMMISSIONER DUBBERT: I'll
5 speak for myself. I would hate to set a date right now
6 without looking at my calendar.

7 MS. EAGAN: I could e-mail
8 everybody in the morning.

9 COMMISSIONER WILLIAMS: Suggest
10 some dates.

11 CHAIRMAN EVANS: Yeah.

12 COMMISSIONER DUBBERT: That'll
13 be better.

14 CHAIRMAN EVANS: We'll do that
15 with some potential...

16 MS. EAGAN: Are there days or
17 times that work better? I know you're --

18 COMMISSIONER DUBBERT: Just not
19 the first Tuesday in November.

20 MS. EAGAN: Okay. Well, I don't
21 think they want to wait that long. Afternoon?

22 COMMISSIONER KLENKE: I think
23 while --

24 MS. EAGAN: While it's still
25 fresh?

1 COMMISSIONER KLENKE: Yeah.

2 CHAIRMAN EVANS: Okay.

3 COMMISSIONER KLENKE: There's
4 some people I'm sure that want to talk to us. At least
5 me, but I would do it sooner rather than later.

6 CHAIRMAN EVANS: I'll be out of
7 town from Wednesday on next week, but I don't have to
8 be here.

9 MS. EAGAN: How about I just
10 send some days to you guys?

11 COMMISSIONER DUBBERT: That'd be
12 best.

13 COMMISSIONER WILLIAMS: I would
14 say something in the next two weeks.

15 MS. EAGAN: Yeah.

16 CHAIRMAN EVANS: Yeah.

17 COMMISSIONER WILLIAMS:

18 Everybody can agree on.

19 MS. EAGAN: Okay. I will e-mail
20 everybody.

21 CHAIRMAN EVANS: Anything else?

22 (NONE)

23 Planning Director's report.

24 MS. EAGAN: I don't have
25 anything else.

1 CHAIRMAN EVANS: If there's
2 nothing else, the Chair would entertain a motion to
3 adjourn.

4 COMMISSIONER McLAREN: Motion to
5 adjourn.

6 COMMISSIONER TOBBEN: Second.

7 CHAIRMAN EVANS: A motion and a
8 second to adjourn. All in favor signify by saying aye.

9 COMMISSIONER McLAREN: Aye.

10 COMMISSIONER WILLETTE: Aye.

11 COMMISSIONER WILLIAMS: Aye.

12 CHAIRMAN EVANS: Aye.

13 COMMISSIONER KLENKE: Aye.

14 COMMISSIONER TOBBEN: Aye.

15 COMMISSIONER DUBBERT: Aye.

16 CHAIRMAN EVANS: Opposed?

17 (NONE)

18 We are adjourned.

19 (THEREUPON, THE PROCEEDINGS

20 CONCLUDED AT 9:39 P.M.)

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CERTIFICATE OF REPORTER

I, PATSY A. MAYBERRY, 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. Mayberry

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

My Commission Expires:
August 26, 2022



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