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Planning & Zoning Meeting

July 27, 2023

Jefferson County, Missouri

BEFORE THE PLANNING AND ZONING COMMISSION
OF JEFFERSON COUNTY, MISSOURI

PUBLIC HEARING
IN THE MATTERS OF
CONSIDERATION OF PR223024

TRANSCRIPT OF PROCEEDINGS

July 27, 2023

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22 * Exhibits were not provided to the reporter.

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1 BEFORE THE PLANNING AND ZONING COMMISSION
2 OF JEFFERSON COUNTY, MISSOURI

4 PUBLIC HEARING, IN THE MATTER OF PR223024, held
4 Thursday, July 27, 2023, between the hours of 6:30 P.M. and
5 7:12 P.M., at the Jefferson County
5 Administration Center, 729 Maple Street, Hillsboro, MO
6 63050, before Kathleen A. Wann, Missouri Certified Court
6 Reporter, Illinois Certified Shorthand Reporter, and
6 Registered Professional Reporter.

APPENDANC E S

Planning and Zoning Commissioners:

Chairman Jessie Scherrer
Commissioner Tim Dugan
Commissioner Greg Bowers
Commissioner Mike Huskey
Commissioner Jeffrey Spr
Commissioner Johnathan S
Commissioner Danny Tuggl
Commissioner Larry Adkin

15 Planning Division Staff:

16 Mr. Mitchell Bair, Director of County Services
17 Mr. Joshua Jump, Planner II
18 Ms. Rachel Krispin, Planner II
19 Ms. Elaine Roesch, Planning Clerk/Recording Secretary
20
21 Jefferson County, Missouri - Office of the County
22 Counselor:

20 Ms. Jalesia Kuenzel, County Counselor
Mr. Jason Cordes, Assistant County Counselor

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

2 (Opening comments by Chairman Scherrer
3 regarding the public hearing
4 procedure.)

5 CHAIRMAN SCHERRER: I now call this meeting
6 to order.

7 Madame Secretary, will you please call roll?

8 SECRETARY ROESCH: Danny Tuggle?

9 COMMISSIONER TUGGLE: Here.

10 SECRETARY ROESCH: Greg Bowers?

11 COMMISSIONER BOWERS: Here.

12 SECRETARY ROESCH: Johnathan Sparks?

13 COMMISSIONER SPARKS: Here.

14 SECRETARY ROESCH: Larry Adkins?

15 COMMISSIONER ADKINS: Here.

16 SECRETARY ROESCH: Jeffrey

17 COMMISSIONER SPRAUL: Here.

18 SECRETARY ROESCH: Tim Duga

19 COMMISSIONER DUGAN: Here.

20 SECRETARY ROESCH: Jeffrey -- or Jessie

21 Scherrer? Sorry.

22 CHAIRMAN SCHERRER: Here.

23 SECRETARY ROESCH: Mike Huskey?

24 COMMISSIONER HUSKEY: Here.

25 SECRETARY ROESCH: We have a quorum.

1 CHAIRMAN SCHERRER: Thank you.

2 Is there a motion to approve the agenda?

3 COMMISSIONER BOWERS: I make a motion to

4 approve the agenda.

5 COMMISSIONER DUGAN: Second.

6 SECRETARY ROESCH: Mr. Bowers made a motion

7 to approve the agenda, and it was seconded by

8 Commissioner Dugan.

9 All in favor, say "Aye."

10 (Chorus of "Ayes.")

11 CHAIRMAN SCHERRER: Opposed?

12 Approval of the agenda passes unanimously.

13 Approval of the minutes for July 13th, 2023?

14 COMMISSIONER BOWERS: I make a motion to

15 approve the minutes.

16 COMMISSIONER DUGAN: Second.

17 CHAIRMAN SCHERRER: Mr. Bowers made a motion

18 to approve the minutes for July 13th, 2023. It was

19 seconded by Commissioner Dugan.

20 All in favor, say "Aye."

21 (Chorus of "Ayes.")

22 CHAIRMAN SCHERRER: Opposed?

23 Approval of the minutes for July 13, 2023,

24 is unanimous.

25 Swearing-in of witnesses.

1 MR. JUMP: Thank you, all, for coming out
2 tonight. If anybody thinks that they are going to
3 speak on the Petition on our agenda, we do have to
4 have your testimony sworn in. So we do -- we swear
5 everybody in at one time. So if you can stand and
6 raise your right hand, and the Madame Secretary here
7 will swear you in.

8 SECRETARY ROESCH: Do you swear that the
9 testimony you are about to give is the truth, the
10 whole truth, and nothing but the truth? If so, please
11 say, "I do."

12 (Chorus of "I do's.")

13 CHAIRMAN SCHERRER: Thank you.

14 Introduction of evidence.

15 MR. JUMP: The County would ask that you
16 enter the following exhibits into evidence:

17 Exhibit A, the Official Master Plan for
18 Jefferson County, Missouri, adopted August 6, 2003,
19 and effective April 2nd, 2008;

20 Exhibit B, the Code of Ordinances of
21 Jefferson County, Chapter 400; the Unified Development
22 Order, adopted April 2nd, 2008, as amended;

23 And, finally, Exhibit C, the Planning
24 Division Staff Reports with respective Case Files.

25 CHAIRMAN SCHERRER: Thank you, sir.

1 Is there a motion to accept the introduction
2 of evidence?

3 COMMISSIONER DUGAN: So moved.

4 COMMISSIONER BOWERS: Second.

5 CHAIRMAN SCHERRER: Was there a second?

6 Commissioner Bowers?

7 Mr. Dugan made a motion to accept the
8 introduction of evidence. It was seconded by
9 Commissioner Bowers.

10 All in favor?

11 (Chorus of "Ayes.")

12 CHAIRMAN SCHERRER: Opposed?

13 Introduction of evidence is unanimous.

14 Under "New Business," we have consideration
15 of PR223024, a request for a zone change and a
16 development plan approval.

17 Ms. Krispin?

18 MS. KRISPIN: Yes. Thank you.

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1 PR223024

2 This is PR223024. If the Petitioner is
3 requesting to rezone a portion of the subject property
4 from Single-Family Residential "R20" to Planned Mixed
5 Residential "PR2" and Development Plan Approval for
6 Vogel Manor Mobile Home Park.

7 The subject property is located on Vogel
8 Road in Arnold. And the area to be rezoned is located
9 off of Vogel Manor within the mobile home park. The
10 entirety of the property is roughly 33 acres, with
11 only 1.72 acres to be rezoned.

12 There are no flood concerns. However, there
13 is a Stream Order II that traverses the property but
14 that is not located in the area to be rezoned.

15 The property outlined in black is the
16 subject property. And then the outlining in red is
17 the area to be rezoned. To the north, there's
18 Single-Family Residential "R7." Northeast, up here,
19 is the city limits of Arnold, south and east are R20,
20 and then to the west is PR1. And then the brown is
21 the PR2 zoning. The gold is the R20 zoning.

22 This is a look at the topography map. It
23 shows a more-zoomed-in location of the area to be
24 rezoned.

25 And this is the submitted site plan, again,

1 showing the area to be rezoned, and then also a small
2 extension of Vogel Manor with an added turnaround.

3 So on the site plan, six pad sites are
4 included. Three are occupied by mobile homes right
5 now, and three are vacant.

6 These are photos of the area which we're
7 talking about tonight showing some of those occupied
8 pad sites and some of the vacant ones. This is all at
9 the end of Vogel Manor.

10 The Petitioner requested three
11 modifications. The first one is to Section 400.4650.
12 The Petitioner is seeking relief from street frontage
13 and open-space landscaping requirements.

14 The property is roughly 33 acres, which is
15 largely covered by wooded vegetation. With this zone
16 change and development plan request, the Petitioner is
17 not proposing to remove any of the large amounts of
18 vegetation that currently exist on the property.

19 And the second one is Section 400.4740. The
20 Petitioner is seeking relief from screening
21 requirements. According to the UDO, where PR2 zoning
22 adjoins R7 and R20 zoning, medium-impact screening
23 must be constructed. As I've previously mentioned,
24 the subject property is heavily wooded, which could
25 act as a buffer from adjoining properties.

1 And, lastly, Section 400.5560. The
2 Petitioner is seeking relief from adding additional
3 stormwater detention.

4 The development has been in operation for
5 numerous years without any known issues to stormwater
6 management. Besides the small extension of Vogel
7 Manor, there is no other added impervious area to the
8 development that does not already exist.

9 As for the analysis, Vogel Manor Mobile Home
10 Park consists of 73 pad sites, 63 of which are
11 occupied with mobile homes. The portion petitioned to
12 be rezoned is roughly 1.72 acres, consisting of six
13 pad sites. Of the six pad sites, three are currently
14 vacant.

15 This portion of the property is zoned
16 Single-Family Residential "R20." And in order to be
17 able to occupy the three vacant pad sites, the zoning
18 must be brought into compliance.

19 If approved, this would allow all pad sites
20 in the development to have proper zoning for a mobile
21 home park.

22 The mobile home park has existed for
23 numerous years without any known issues and is
24 situated near residential zone districts, being in a
25 portion of the County where a variety of zone

1 districts exist in the immediate area.

2 The proposed development is located within
3 the Primary Growth Area, where all development
4 patterns, including the mixed-use development pattern,
5 can be used. Therefore, the proposed development and
6 uses are consistent with the County's Official Master
7 Plan.

8 For your consideration tonight, a request to
9 rezone a portion of the subject property from
10 Single-Family Residential "R20" to Planned Mixed
11 Residential PR2 and develop plan approval for Vogel
12 Manor Mobile Home Park, in addition the three
13 modifications listed.

14 I'll be happy to answer any questions.

15 CHAIRMAN SCHERRER: Thank you.

16 Are there any questions for Staff?

17 Is the Petitioner present?

18 Please come forward, state your name,
19 address, and that you have been sworn in. And you
20 will have five minutes.

21 MR. VONARX: Good evening. My name is David
22 VonArx, with VonArx Engineering. My address is 10785
23 Business 21, and I have been sworn.

24 CHAIRMAN SCHERRER: Thank you.

25 MR. VONARX: Chairman Scherrer and members

1 of the Commission, it's a pretty simple petition here
2 tonight. Just a certain portion of this site is
3 located in an R20 zone district, and a portion of that
4 R20 zone district has been used for many, many years
5 as manufactured homes. So that was in -- in a legal
6 nonconforming use, and there was an application for a
7 building permit. It was denied because of the
8 improper zoning. So that's when it -- they -- the
9 Petitioner became aware that he needed to correct
10 this.

11 So we wouldn't be proposing anything else,
12 but we talked to the Fire District, so this is
13 basically a fire-approved turnaround for emergency
14 vehicles.

15 We are looking for a favorable response
16 tonight.

17 Are there any questions?

18 I'm banking these extra minutes for next
19 time.

20 (Laughter.)

21 CHAIRMAN SCHERRER: Sorry. It doesn't work
22 that way.

23 MR. VONARX: Fair enough, yeah.

24 CHAIRMAN SCHERRER: Questions for the
25 Petitioner?

1 All right. Thank you, sir.

2 MR. VONARX: You're welcome. Thank you.

3 CHAIRMAN SCHERRER: Citizens wishing to be
4 heard that are in favor of this project?

5 Citizens wishing to be heard that are in
6 favor of the application?

7 Citizens wishing to be heard that are
8 opposed to the application?

9 Citizens wishing to be heard that are
10 opposed to the application?

11 Does the Petitioner have anything else they
12 would like to add?

13 MR. VONARX: I do not.

14 CHAIRMAN SCHERRER: Discussion amongst
15 Commissioners?

16 COMMISSIONER DUGAN: I would make a motion
17 to approve PR223024.

18 COMMISSIONER BOWERS: I will second that.

19 MR. CORDES: And that's with all three
20 modifications?

21 COMMISSIONER DUGAN: Yes, sir.

22 CHAIRMAN SCHERRER: Commissioner Dugan made
23 a motion to approve PR223024 with modifications
24 requested. It was seconded by Commissioner Bowers.

25 All in favor, say "Aye."

1 (Chorus of "Ayes.")

2 CHAIRMAN SCHERRER: Opposed?

3 PR223024 is approved unanimously.

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1 Amendments to Bylaws

2 MR. CORDES: And Mr. Chair, before you
3 proceed to your consideration of amendment to bylaws,
4 if you'd allow me just a minute, I wanted to, since we
5 have some new members on the Planning and Zoning
6 Commission, give you some history of those bylaws,
7 particularly with regard to the time allotments.

8 CHAIRMAN SCHERRER: Absolutely.

9 Were you serious about "a minute"?

10 (Laughter.)

11 CHAIRMAN SCHERRER: Okay.

12 MR. CORDES: It won't take too long.

13 COMMISSIONER BOWERS: Go ahead.

14 MR. CORDES: March -- the oldest set of
15 minutes I have is March of 2010, that were adopted,
16 and you provided 15 minutes for public comment, or
17 public to speak, with no breakdown of whether they
18 were for or against; it was just 15 minutes.

19 In July of 2018, we kept 15 minutes for the
20 public but specifically allocated 5 minutes in favor
21 and 10 minutes for those against with a five-minute
22 limit on any one speaker.

1 for public comment.

2 And then finally the current rules, which
3 were May of 2022, extended the time for public comment
4 to a total of 20 minutes, with five for those in favor
5 and 15 against, with a 3-minute limit per speaker.

6 So that's a brief roughly 1-minute history
7 of your bylaws.

8 CHAIRMAN SCHERRER: Yeah.

9 COMMISSIONER BOWERS: You're close.

10 CHAIRMAN SCHERRER: Actually, 1 minute, one
11 second and 58.

12 MR. CORDES: All right.

13 CHAIRMAN SCHERRER: So you did very well.

14 Thank you for the history.

15 Commissioners, discussion?

16 I have some stuff to say about this, but I
17 will wait till everybody else is done, maybe.

18 Discussion amongst Commissioners about the
19 amendments to the bylaws?

20 COMMISSIONER BOWERS: It's been brought to
21 my attention many times that they would prefer,
22 especially on larger projects, that they would be
23 allowed to speak a little longer. I always felt this
24 was a good adjustment, and making it across the board.

25 And not everyone will use the 10 minutes is

1 the thing. I don't think that everybody -- you know,
2 the small cases, just like we had here, took less than
3 a minute and a half, so . . .

4 CHAIRMAN SCHERRER: Okay. Thank you for
5 that.

6 Anyone else?

7 Okay. Are you sure?

8 Now it's my turn.

9 Through the way that our -- I don't want to
10 use the wrong terminology, whether it's bylaws or
11 charter, or whatever is written, we can grant any
12 Petitioner more time if they ask for it, or if we as a
13 board say, "Hey, let's give them some more time." We
14 have to vote on that, and then it's either approved or
15 denied to give them more time.

16 So we can do that with our current setup.

17 Secondly, I don't think that we need to
18 change anything, except if I was to make a motion,
19 this is how that motion would be worded.

20 I would change the time limits on the
21 Petitioner from 5 minutes to 10 minutes, and I would
22 allow the Petitioner to share that 10 minutes with
23 engineers, supporting parties, et cetera. I would
24 give 5 minutes for public comment that was in favor.
25 And that would be the extent of their 15-minute

1 period.

2 The reason I say that is because when we
3 call a Petitioner back at the end, most of the time
4 they're answering questions that were brought up from
5 folks that were opposed to the application.

6 When I'm keeping time, most of the time I
7 don't even keep time because they're answering
8 questions. Questions from the Commission do not count
9 against any time allocation at any point in time
10 during.

11 So that's my opinion on that. I think that
12 keeping the structure, with that one small
13 modification, cuts down on redundancy. It cuts down
14 on a lot of hem-hawing. And, again, if the facts
15 weren't all presented, any person on this board can
16 say, "Hey, let's give them another 2 minutes." "Let's
17 give them another 3 minutes." "Let's give them
18 another" -- et cetera. Whatever.

19 So that's my two cents on the whole bylaws.

20 COMMISSIONER DUGAN: Having been on this
21 thing for a while, I tend to agree. I've seen too
22 many people get up here and just babble. And if you
23 don't put time limits on them, they will continue to
24 babble and waste other people's time.

25 So a lot of the times, people that are

1 coming up in opposition say things. They're nervous,
2 they don't know what to do, they waste a lot of the
3 time, and they need to be held down to a certain
4 amount of time. Otherwise, other people who have
5 something important to say don't get a chance to
6 speak.

7 CHAIRMAN SCHERRER: We normally think of the
8 Petitioner needing more time to be granted. But I
9 assume, Counselor, that we can grant anyone more time
10 by a vote, whether they're opposed or against --

11 MR. CORDES: That's correct, and I'll read
12 to you from your rules:

13 "The foregoing rules may be changed, with
14 respect to any matter being considered at a meeting,
15 by a vote of the majority of the members of the
16 Planning and Zoning Commission present at the meeting."

17 So it's any matter being considered.

18 CHAIRMAN SCHERRER: Thank you.

19 COMMISSIONER DUGAN: I tend to agree with
20 you because, like I just said, we need to make sure,
21 even for -- some people who present tend to babble and
22 ramble on, and they need to be condensed. They need
23 to give themselves some time to sit down and think
24 what it is they're trying to tell us.

25 CHAIRMAN SCHERRER: Um-hmm.

1 COMMISSIONER DUGAN: And if they're allowed
2 to ramble, they might even miss their own point, so --

3 CHAIRMAN SCHERRER: In effect, you could say
4 that we would be allowing more time, because they can
5 use that 10 minutes, where before now, it's 5. Right
6 now it's 5 minutes for the Petitioner, 5 minutes for
7 anyone in favor. If we increase that initial opening
8 to 10 minutes, we would just give them another 5
9 minutes and their supporting staff. So we are
10 effectively giving them another 5 minutes.

11 COMMISSIONER BOWERS: Yes, and then I think
12 that would be -- again, I agree with both of your
13 conclusions, setting in that chair also, just like you
14 have and you (indicating), you get people that will
15 abuse the privilege or ramble on, if you would say
16 that.

17 So I just wanted to be clear. If someone
18 asks the -- if a Commissioner -- can a Commis- -- does
19 a presenter have the authority to ask any Commissioner
20 for -- of course, the chair --

21 CHAIRMAN SCHERRER: During the meeting, yes.

22 COMMISSIONER BOWERS: Yes. Okay.

23 CHAIRMAN SCHERRER: Yes, they can ask for
24 more time, if they're aware that that's allowed.

25 COMMISSIONER BOWERS: Or a Commissioner can

1 ask to give them more time because you have other
2 questions or concerns.

3 CHAIRMAN SCHERRER: Yes.

4 COMMISSIONER BOWERS: That's okay.

5 CHAIRMAN SCHERRER: And any question, if we
6 ask, the time stops. You know that.

7 COMMISSIONER BOWERS: Exactly.

8 CHAIRMAN SCHERRER: So if they're getting
9 close to the end of their time allotment, and you, for
10 instance, think they have a lot more to share, you can
11 say, "I'd like to grant them another" however many
12 other minutes, not to exceed that additional 5 minutes
13 toward --

14 COMMISSIONER BOWERS: Sure.

15 CHAIRMAN SCHERRER: -- their 10 minutes,
16 so --

17 COMMISSIONER BOWERS: Oh, yeah, that -- yep.

18 COMMISSIONER DUGAN: But it's voted on.

19 CHAIRMAN SCHERRER: Yes.

20 COMMISSIONER TUGGLE: But it's voted on.

21 COMMISSIONER BOWERS: It's voted on. Yeah,
22 he's --

23 COMMISSIONER DUGAN: No, right.

24 COMMISSIONER BOWERS: Yeah, exactly.

25 COMMISSIONER SPRAUL: Okay. Maybe I'm a

1 little bit confused, so help me make sure I
2 understand. Who proposed the amendments to the
3 bylaws?

4 COMMISSIONER BOWERS: It was brought up in
5 a -- from a public comment.

6 COMMISSIONER SPRAUL: Again, who -- who
7 typed it up and submitted it to us?

8 CHAIRMAN SCHERRER: Oh. This is a -- the
9 draft in front of you was typed up by County Staff;
10 correct?

11 MR. CORDES: That is correct. It was
12 following -- and I don't know, Mr. Spraul, if you were
13 here. But a couple meetings ago -- and I don't know
14 if you were --

15 MS. KUENZEL: No, he was not.

16 MR. CORDES: Yeah. Somebody for the HBA
17 came and spoke to this issue about -- and I think
18 their request was additional time, essentially
19 doubling the time for applicants and their
20 representatives to speak.

21 And to your point, Mr. Scherrer, the current
22 language reads Applicant and the Applicant's
23 representatives have what's currently 5 minutes.

24 CHAIRMAN SCHERRER: Um-hmm.

25 MR. CORDES: So that would, of course,

1 include any of their engineer, attorney, --

2 CHAIRMAN SCHERRER: Sure.

3 MR. CORDES: -- whomever. But to your

4 question, sir, yeah, it was -- the HBA proposed that.

5 Staff has put this in front of you, if you want to

6 consider it. At this point, you can do nothing with

7 it. You can vote it down, vote it up, vote some

8 permutation of this.

9 Because what's in front of you has an

10 extension of the time for the Applicant but also an

11 extension of the time for the public comment. Which,

12 I mean, you can do one or the other of those, right?

13 You have myriad of options in front of you, so . . .

14 COMMISSIONER SPRAUL: I'll always vote to
15 let somebody speak, so we don't -- in my opinion, we
16 don't need to change the bylaws. I'll always vote to
17 allow someone to speak, every single time.

18 CHAIRMAN SCHERRER: The only -- and most of
19 us -- I agree. Yeah.

20 The issue that we ran into, and even the
21 representative from the Home Builders Association that
22 night, they were unaware that they could ask for
23 additional time. So --

24 I know; I see you out there.

25 MR. VONARX: How many of these have I been

1 to?

2 CHAIRMAN SCHERRER: Yes.

3 COMMISSIONER BOWERS: Two or three.

4 MR. VONARX: It's news to me.

5 COMMISSIONER DUGAN: That should be part of
6 their presentation in the beginning, then.

7 CHAIRMAN SCHERRER: Absolutely. We could
8 add it to the introduction speech.

9 MR. CORDES: I will counsel you, though,
10 obviously if you start doing that, you're going to
11 probably start doing a whole lot of it. So you have
12 to consider that, too. Because you'll then open
13 yourself to the charge of being arbitrary and
14 capricious if you're doing it for one and not for
15 another.

16 CHAIRMAN SCHERRER: That's a very good
17 point. I mean, this has to be -- it has to be even.
18 You know, if -- I mean, anyone that asks will --

19 COMMISSIONER BOWERS: Well, yeah, and --

20 CHAIRMAN SCHERRER: -- most likely have to
21 be --

22 COMMISSIONER BOWERS: Right. And stated per
23 the way this is, I mean -- I mean, maybe it's possible
24 that we can table this and have -- and have a
25 discussion with County Staff, and resubmit something?

1 CHAIRMAN SCHERRER: I don't think you're
2 going to get much input from County Staff, simply
3 because it's up to us to approve, deny.

4 Probably you could assume that -- I think
5 that's probably --

6 We've got a wasp problem.

7 COMMISSIONER ADKINS: Yeah.

8 CHAIRMAN SCHERRER: I think that's probably
9 why you don't see recommendations for approval or
10 denial anymore --

11 Nice shot.

12 UNKNOWN SPEAKER: The Enforcer.

13 UNKNOWN SPEAKER: Yeah.

14 UNKNOWN SPEAKER: All right.

15 UNKNOWN SPEAKER: Cool.

16 CHAIRMAN SCHERRER: The County wants to --
17 the County Staff, I believe, wants to -- the County
18 Staff, I believe, wants to somewhat remain in a
19 neutral position. They don't want to present the
20 application as it's being approved or denied.

21 So therefore County Staff, I don't feel,
22 would have an opinion, one way or the other. I think
23 they would tell you that it's ultimately up to us, to
24 this Board, to make a decision, one way or the other.

25 COMMISSIONER SPARKS: I just wanted to add,

1 just -- you know, from -- and I was there for that
2 meeting. And I think, looking on the other side of
3 the aisle, you know, as being in the gallery, is -- I
4 think, they're looking for things in writing that they
5 can show other people. And they're against, you know,
6 the other people that want to come to these meetings,
7 that as you read it as written, I would, as a person
8 not on this committee, would kind of look it and go,
9 "Why am I going to drive down here when it's like I've
10 got, you know, no time? Somebody else will do it for
11 me."

12 And I think the point was, you know, can we
13 get a little bit more time to maybe bring more people
14 and give them the opportunity to speak? Because, as
15 written, to the average person, just kind of looking
16 over it, to them it's, "Well, somebody else is going
17 to use up all the time, and by the time" -- and back
18 to your point about we can authorize, you know,
19 extensions or we can authorize more time as the
20 committee. And I don't think that is something that
21 people are seeing or they're not paying attention to
22 it. So that's just, from the outside looking in, I
23 think, when that person was presenting and asking for
24 more time.

25 COMMISSIONER ADKINS: I've been having a

1 number of people reach out to me. I don't do a whole
2 lot of social media, but it's just one. The Next Door
3 app is all I do. But I've had people reach out to me
4 numerous times from Next Door regarding that exact
5 issue. And I think it does need to be more outspoken,
6 more obvious to the public, in order to -- you know,
7 somewhere, whether it be here or wherever.

8 Maybe it's, like you said, speaking
9 whenever you -- your initial presentation. But I feel
10 that something needs to be -- it needs to be a little
11 bit more outspoken. Because a lot of people, they
12 just don't -- they don't know about that, you know,
13 that they can ask for more time or we can grant more
14 time, or whatever the case might be.

15 MS. KUENZEL: I just have a quick comment to
16 Jason's point about being arbitrary when you're doing
17 this. If you do grant more time during a hearing, my
18 suggestion would be to give that same time to the
19 others, as well. Because you don't want to seem, like
20 you said, --

21 CHAIRMAN SCHERRER: What's that?

22 MS. KUENZEL: -- that you're being partial
23 with that.

24 CHAIRMAN SCHERRER: Um-hmm.

25 MS. KUENZEL: And in the same token, perhaps

1 if you are going to look at the bylaws to change them,
2 you should take the same approach in increasing time,
3 maybe across the board, so it is not as -- it doesn't
4 seem like you're giving somebody more time, if that
5 makes sense.

6 COMMISSIONER ADKINS: Um-hmm.

7 CHAIRMAN SCHERRER: It absolutely does.

8 Other discussion?

9 COMMISSIONER TUGGLE: I've got something.

10 CHAIRMAN SCHERRER: Okay.

11 COMMISSIONER TUGGLE: What is going to keep
12 them from just keep coming up, random like you said?

13 CHAIRMAN SCHERRER: Very, very good
14 question. That would be -- would need to be another
15 part of our motion that -- again, that's something
16 that we would have to discuss: Are we going to just
17 keep on approving 5-minute blocks? Are we going to
18 set a maximum of 3 five-minute blocks can be added?

19 The bylaws were written and worded for a
20 specific reason, which is -- they're written a certain
21 way to be honest but not exactly shouting it from the
22 rooftops. Because if someone is standing at that
23 podium, unless they're being belligerent or abusive,
24 they have the right to speak, even if you've heard it
25 15 times already. So I think we need to be really

1 careful.

2 COMMISSIONER TUGGLE: Okay. To give an
3 extension, would they need to identify what they are
4 wanting to talk about that hasn't been covered?

5 CHAIRMAN SCHERRER: That's not a bad idea.

6 COMMISSIONER TUGGLE: Okay.

7 COMMISSIONER DUGAN: I think you're going
8 down a big, slippery slope.

9 CHAIRMAN SCHERRER: Well, I agree,
10 because --

11 COMMISSIONER BOWERS: Right. I don't -- the
12 granting of more time, I think, is getting -- this
13 (indicating) is cut-and-dry. This gives 5 minutes
14 more for a Petitioner and 5 minutes more for people to
15 be opposed; against it. And it's pretty cut-and-dry.
16 I think, just the way it's worded, it spells it out.
17 And then that way we're covered, and then I'd say we
18 walk easy on the giving-extra-time stuff.

19 COMMISSIONER: Very much so.

20 COMMISSIONER BOWERS: Because I think it can
21 get out of hand really quick. And then, all of a
22 sudden, you know, it's not working.

23 COMMISSIONER DUGAN: Yes, I think that's
24 exactly right at this point --

25 COMMISSIONER BOWERS: Yeah.

1 COMMISSIONER DUGAN: -- based on counsel's
2 advice.

3 COMMISSIONER BOWERS: Yeah.

4 I'd like to make a motion that we change --
5 we amend the bylaws as per written in the document
6 that is presented with us.

7 COMMISSIONER DUGAN: Second.

8 CHAIRMAN SCHERRER: Amend them how?

9 COMMISSIONER DUGAN: With the --

10 COMMISSIONER BOWERS: As written in the
11 document before us. So the 10 minutes and then the
12 25.

13 COMMISSIONER DUGAN: The red highlighted --

14 COMMISSIONER BOWERS: The three highlighted,
15 and the 20-minute, as it's written.

16 CHAIRMAN SCHERRER: So just to be clear,
17 you're going to increase the total allotted time limit
18 from 15 minutes to 25 minutes?

19 COMMISSIONER BOWERS: That is correct.

20 MS. KUENZEL: I just want to point out that
21 in this amendment, under 26, Subsection 6, it says,
22 "Time shall be apportioned as follows: A total of 5
23 minutes shall be allowed for those members of the
24 public who are in favor of the matter, and a total of
25 20 minutes shall be allowed for those members of the

1 public who are opposed."

2 So I am just saying that that one did not
3 change.

4 CHAIRMAN SCHERRER: Under Article 6 --

5 MS. KUENZEL: For "In favor," yes; under 6.

6 CHAIRMAN SCHERRER: Article 6, No. 2, No. 6?

7 MS. KUENZEL: Yes.

8 CHAIRMAN SCHERRER: Ours says, "Meeting
9 shall have a total of 25 minutes to present." That
10 is a --

11 COMMISSIONER BOWERS: It went from --

12 CHAIRMAN SCHERRER: That's the proposal?

13 COMMISSIONER BOWERS: So it went from 20 to
14 25; --

15 MS. KUENZEL: 25.

16 COMMISSIONER BOWERS: -- correct?

17 COMMISSIONER DUGAN: Is it -- I had page 3.
18 Is that what we're talking about?

19 COMMISSIONER BOWERS: Yes.

20 COMMISSIONER: Page 3 on the bottom.

21 COMMISSIONER BOWERS: The bottom --

22 MR. CORDES: A total of 25.

23 COMMISSIONER: Right at the very bottom,
24 yeah.

25 MR. CORDES: Broken down, 5 and 20 --

1 MS. KUENZEL: Right. But I'm saying the
2 people who -- the members of the public who are in
3 favor, that did not change. That number did not
4 change. Just --

5 COMMISSIONER BOWERS: That is correct, yes.

6 MS. KUENZEL: I'm just pointing that out.

7 CHAIRMAN SCHERRER: That's correct.

8 COMMISSIONER BOWERS: Yep.

9 MS. KUENZEL: Okay.

10 COMMISSIONER BOWERS: Yep.

11 CHAIRMAN SCHERRER: I don't believe that is
12 correct.

13 COMMISSIONER DUGAN: I don't either.

14 CHAIRMAN SCHERRER: Because currently they
15 have -- the Petitioner has 5, "In Favor" has 5, and
16 then we have 15, and then we come back for an
17 additional 5; is our current structure. And there's
18 no designation about supporting staff or witnesses.

19 MR. CORDES: Are you concerned,
20 Mr. Scherrer, with the rebuttal? Is that what you're
21 more -- are you more concerned with that?

22 CHAIRMAN SCHERRER: I just don't think we
23 need to increase any time. I think maybe we need to
24 restructure it a little bit, but I don't think we need
25 to allow more time.

1 COMMISSIONER BOWERS: It's my understanding
2 that the way this change is made, we're adding 5
3 minutes to the presentation time; leaving the "In
4 Favor" time the same, and giving 5 more minutes to the
5 people that are opposed to it?

6 MS. KUENZEL: Yes, that's right.

7 COMMISSIONER BOWERS: The way this is
8 written? So --

9 COMMISSIONER DUGAN: Having said that, we're
10 just -- how many minutes are we giving to each person
11 who is getting up to talk?

12 COMMISSIONER BOWERS: 5 minutes. Or it's
13 still -- it's still limited to the 3 minutes.

14 COMMISSIONER DUGAN: Well, let's --

15 CHAIRMAN SCHERRER: But that's not correct,
16 because it -- unless I'm wrong here -- I mean, help me
17 figure this out -- it plainly says 20 and then 5, in
18 red letters. So you would be increasing that time
19 limit from 15 to 25 minutes. So you'd be giving them
20 10 more minutes.

21 MR. CORDES: It's already at 20. Keep in
22 mind, it's already at 15 for those against, and 5 for
23 those in favor.

24 MS. KUENZEL: Um-hmm.

25 MR. CORDES: It says the public comment

1 is --

2 COMMISSIONER BOWERS: Public -- that's
3 public comments together; --

4 MR. CORDES: Correct.

5 COMMISSIONER BOWERS: -- for and against.

6 MR. CORDES: Correct.

7 CHAIRMAN SCHERRER: Okay.

8 COMMISSIONER BOWERS: Yeah, it's not -- no,
9 I get --

10 CHAIRMAN SCHERRER: Here's an idea. Let's
11 write it a little bit more confusing.

12 COMMISSIONER BOWERS: So, again, I may -- I
13 make a motion to approve the amendments to the bylaws
14 as written. They're in the red highlighted, as we've
15 changed this.

16 CHAIRMAN SCHERRER: Mr. Bowers made a motion
17 to approve and adopt the bylaws of the Jefferson
18 County, Missouri, Planning Commission.

19 Is there a second?

20 COMMISSIONER SPRAUL: I'll second it.

21 MR. CORDES: Actually, and --

22 CHAIRMAN SCHERRER: I'm sorry. Who was
23 that?

24 MR. CORDES: I'm a little confused. I had
25 written down that that motion was already made,

1 originally by Mr. Bowers --

2 COMMISSIONER DUGAN: Yep.

3 MR. CORDES: -- and seconded by Mr. Dugan,

4 and that that was actually the motion that is

5 currently in front of you.

6 CHAIRMAN SCHERRER: Okay.

7 COMMISSIONER BOWERS: Okay. So --

8 CHAIRMAN SCHERRER: Mr. Dugan, are you still

9 okay with your second?

10 COMMISSIONER DUGAN: Yes. Sure. Why not?

11 CHAIRMAN SCHERRER: Okay. So a motion was

12 made by Commissioner Bowers and seconded by

13 Commissioner Dugan to adopt the Amendments of the

14 Bylaws of the Jefferson County, Missouri, Planning and

15 Zoning Commission.

16 Madame Secretary, would you please call

17 roll?

18 SECRETARY ROESCH: Danny Tuggle?

19 COMMISSIONER TUGGLE: Yes.

20 SECRETARY ROESCH: Tim Dugan?

21 COMMISSIONER DUGAN: Sure.

22 SECRETARY ROESCH: Mike Huskey?

23 COMMISSIONER HUSKEY: No.

24 SECRETARY ROESCH: Greg Bowers?

25 COMMISSIONER BOWERS: Yes.

1 SECRETARY ROESCH: Larry Adkins?

2 COMMISSIONER ADKINS: Yes.

3 SECRETARY ROESCH: Johnathan Sparks?

4 COMMISSIONER SPARKS: Yes.

5 SECRETARY ROESCH: Jessie Scherrer?

6 CHAIRMAN SCHERRER: Absolutely no.

7 SECRETARY ROESCH: And Mr. Spraul?

8 COMMISSIONER SPRAUL: Yes.

9 SECRETARY ROESCH: Motion carries.

10 CHAIRMAN SCHERRER: Bylaws of the Jefferson

11 County, Missouri, Planning and Zoning Commission have

12 been adopted and amended by a vote of 6 to 2; 6 yay, 2

13 nay.

14 MR. CORDES: And Mr. Scherrer?

15 CHAIRMAN SCHERRER: Yes?

16 MR. CORDES: I have spoken with Mr. Kehm.

17 He will have a clean copy, then, of these, and you can

18 sign that clean copy at the --

19 (Chairman Scherrer shakes his head.)

20 MR. CORDES: No? Well, you are the Chair,

21 so --

22 CHAIRMAN SCHERRER: I'll let the vice-chair

23 sign it.

24 Okay. Moving on.

25 Citizens to be heard?

1 COMMISSIONER BOWERS: No, reports to the
2 Commission.

3 CHAIRMAN SCHERRER: Oh, sorry. Reports to
4 the Commission.

5 MR. JUMP: Thank you, all, for coming out
6 tonight. We do have a meeting on August 10th. I just
7 wanted to remind you of that. We do have cases on
8 that meeting.

9 CHAIRMAN SCHERRER: Um-hmm.

10 MR. JUMP: Just a couple of cases, but we do
11 have cases scheduled for that meeting.

12 CHAIRMAN SCHERRER: Thank you, sir.

13 Citizens to be heard?

14 MR. VONARX: I'll keep it brief, though.

15 CHAIRMAN SCHERRER: Please do.

16 MR. VONARX: David VonArx. Do you need my
17 name and swearing in?

18 CHAIRMAN SCHERRER: I don't think so for
19 this. Do we? I mean, you've already been
20 sworn and --

21 MR. VONARX: I was sworn.

22 CHAIRMAN SCHERRER: So you should be good.

23 MR. VONARX: Thank you for the additional
24 time. That's long been a discussion with the
25 engineering community here; is that, "What's the

1 hurry?" And, "All Petitioners aren't the same."

2 5 minutes for a 40-acre, 400-unit apartment
3 complex in Arnold should have more time than a
4 1.72-acre, fixing-an-old-thing thing like tonight.

5 So if this was going to be tabled, this
6 would have been much more impactful. We'll take what
7 we can get. But I understand you don't want to be
8 here all night. I remember the old days, of staying
9 here until 11:00 at night and the three -- you know,
10 yeah, I don't want to do that either.

11 But, you know, we put a lot of effort -- you
12 know, our clients are putting a lot of effort and
13 expense into these projects. And frankly, you know,
14 they deserve more consideration. All the facts should
15 be -- need to be compressed into 5 minutes. I know
16 that there's rebuttal time, but frankly, what's the
17 hurry?

18 And I think that potentially what I would
19 have suggested is, you know, if there's larger cases,
20 that they would -- when they make the petition, that
21 they'd say, "Hey, we would like 15 minutes. We're
22 going to talk about these things," and ask for that
23 time.

24 And then -- you know, obviously tonight I
25 would have said, "Hey, I can keep this at 10 seconds"

1 if -- you know, but I don't want to keep it at 10
2 seconds and short my clients.

3 But if you understand what I'm saying, I
4 think that there's no -- reason for important cases to
5 have more time and also, you know, I've never -- you
6 know, everybody should have -- the "For" and "Against"
7 should have the same amount of time. There's really
8 three parties; there's the Petitioner, there's "For,"
9 and "Against."

10 Now, there's a little blurring there, but
11 that's my opinion, that it should be 10 for the
12 Petition -- the way it is now, if -- it's 10 for the
13 Petitioner, 10 for "For," and 10 for "Against."

14 Because, frankly, we've heard what the
15 "Against" have to say.

16 CHAIRMAN SCHERRER: Thank you, sir.

17 Motion to adjourn?

18 COMMISSIONER DUGAN: So moved.

19 COMMISSIONER BOWERS: Second.

20 CHAIRMAN SCHERRER: Mr. Dugan made a motion
21 to adjourn. It was seconded by Commissioner Bowers.

22 All in favor, say "Aye."

23 (Chorus of "Ayes.")

24 CHAIRMAN SCHERRER: We are adjourned.

1 REPORTER CERTIFICATE

2 STATE OF MISSOURI)
3 COUNTY OF JEFFERSON)

4

I, Kathleen A. Wann, a Certified Court
Reporter for the State of Missouri hereby certify
that the foregoing 39 pages were reported by
me in machine shorthand and later transcribed by me,
and that the foregoing transcript is a true and
accurate copy of my machine shorthand notes taken at
the Jefferson County Administration Center, 729 Maple
Street, Hillsboro, MO 63050.

I further certify that I am neither attorney
nor counsel for nor related nor employed by any of the
parties to the action in which these proceedings are
taken; further, that I am not a relative or employee
of any attorney or counsel employed by the parties
hereto or financially interested in this action.

12

13 Dated this 29th day of July, 2023.

14



15 Kathleen A. Wann, CCR, CSR, RPR
16 A Notary Public, Within and
17 for the State of Missouri

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