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Planning & Zoning Meeting

September 28, 2023

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Jefferson County, Missouri

JEFFERSON COUNTY, MISSOURI  
PLANNING AND ZONING COMMISSION  
MEETING AND PUBLIC HEARING

September 28, 2023

6:30 P.M.

Jennifer M. Jett, CCR  
MISSOURI CCR NUMBER: 634

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E X H I B I T S

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Exhibits	Description	Identified
Exhibit A	Official Master Plan for Jefferson County, Missouri	Page 11
Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 11
Exhibit C	Planning Division Staff Report and Respective Case File	Page 11
Exhibit D	Deed of Restrictions (CC223041)	Page 37
Exhibit E	Internet Research Document (CC223041)	Page 40
Exhibit F	Proposed Site Views (CC223041)	Page 61

[Exhibits retained by Counsel.]

1                    JEFFERSON COUNTY PLANNING AND ZONING  
2                    COMMISSION MEETING AND PUBLIC HEARING, September 28,  
3                    2023, between the hours of 6:30 in the evening and  
4                    7:35 in the evening of that day, at the Jefferson  
5                    County Administration Center, 729 Maple Street,  
6                    Hillsboro, Missouri 63050, before Jennifer M. Jett,  
7                    MO-CCR.

8

9                    A P P E A R A N C E S

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11                    PLANNING AND ZONING COMMISSION:

12

13                    Larry Adkins  
14                    Greg Bowers  
15                    Tim Dugan  
16                    Mike Huskey  
17                    Jessie Scherrer  
18                    Johnathan Sparks  
19                    Jeffrey Spraul  
20                    Danny Tuggle

21

22                    PLANNING DIVISION STAFF:

23                    Dennis J. Kehm, Jr.  
24                    Josh Jump  
25                    Rachel Krispin  
26                    Elaine Roesch

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28                    COUNTY COUNSELOR:

29                    Jason Cordes  
30                    Jalesia "Jasha" Kuenzel

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1                   IT IS HEREBY STIPULATED AND AGREED by and  
2    between the parties, that this meeting may be taken in  
3    shorthand by Jennifer M. Jett, a Certified Court  
4    Reporter, and afterwards transcribed into typewriting.

5                   -----

6                   COMMISSIONER SCHERRER: Ladies and  
7    gentlemen, this evening's activities represent a  
8    public hearing before the Planning and Zoning  
9    Commission. The pub -- this public hearing is  
10   designed to allow for citizens and other interested  
11   parties to provide the Commission and, ultimately, the  
12   county council with information, comments, testimony,  
13   and evidence to assist the Commission in making a more  
14   informed decision relative to the applications before  
15   it and for making recommendations to the council on  
16   those applications.

17                  Each individual wishing to address the  
18    Commission on a specific application must complete an  
19    oath form. These forms are located in the rear of the  
20    room. It is important that speakers place the agenda  
21    item number on this form so that an accurate record  
22    can be maintained. You are also required to print  
23    your name and address and sign this form. When the  
24    chairman asks if anyone is in attendance wishing to  
25    speak on the specific application, those wishing to

1 provide comment are required to come forward, provide  
2 their name and address, and address their comments to  
3 the Planning and Zoning Commission.

4                   It is important to remember that the  
5 members of the Planning and Zoning Commission will  
6 make a decision on each application and you should  
7 direct all comments to the Commission. Responding to  
8 the audience both wastes time and may reduce the  
9 impact of your statement. Members of the Planning and  
10 Zoning Commission may question any speaker. This  
11 Commission will not tolerate verbal outbursts or  
12 disruptions from the audience nor will this Commission  
13 tolerate personal or abusive attacks directed at  
14 county staff.

15                   The structure of the meeting is as follows:

16                   The chairman will introduce each project by  
17 both name and number and will then direct the staff of  
18 the Planning Division to present the application. The  
19 staff representative will then present a brief  
20 overview of the application. The Commission -- the  
21 Commission may question the staff relative to the  
22 project. The chairman will then call the petitioner,  
23 the party that submitted the application.

24                   The petitioner may call additional  
25 individuals, generally supporting consultants, and is

1 allowed a ten-minute uninterrupted period for  
2 presentation of facts surrounding the application.  
3 After completion of the presentation of the  
4 application, the members of the Commission may ask  
5 questions of the petitioner relative to the  
6 application. There is no time limit for questions  
7 from the Commission.

8 After all questions from the Commission  
9 have been heard, the chairman will ask for any  
10 citizens wishing to address the Commission who are in  
11 favor of this application to come forward. There will  
12 be a total of five minutes allocated for public  
13 comment in favor of the application. The Commission  
14 may ask questions of any speaker. The time used for  
15 speakers to answer questions will be not be subtracted  
16 from the five minutes allocated for this portion of  
17 the hearing.

18 After all questions from the Commission  
19 have been heard, the chairman will ask for any  
20 citizens wishing to address the Commission who are  
21 opposed to this application to come forward. There  
22 will be a twenty -- total of 20 minutes allocated for  
23 public comment in opposition to the application. No  
24 one speaker will be allowed to speak for more than  
25 three minutes. The Commission may ask questions of

1 any speaker. The time used for speakers to answer  
2 questions will not be subtracted from the 20 minutes  
3 allocated for this portion of the hearing.

4 Because time is limited, we strongly  
5 recommend the speakers be prepared and know the facts  
6 regarding the application. We recommend that you  
7 avoid repetition. If you are part of a larger group,  
8 we suggest that you designate a spokesperson to  
9 provide comments for the group. The speaker may  
10 acknowledge that he or she represents a larger group.

11 This will be the sole public hearing before  
12 a public body regarding the application. The  
13 petitioner will then have five minutes to respond to  
14 issues raised during the comment period. The  
15 Commission may further question the petitioner. Time  
16 used to respond to questions from the Commission will  
17 not count against the time allocation.

18 After closure of the comment period, the  
19 Commission will then deliberate on the application.  
20 The Commission may direct additional questions to the  
21 staff or it may proceed directly to considering the  
22 application. Decisions of the Planning and Zoning  
23 Commission will be forwarded to the county council for  
24 final action. Final action by the county council will  
25 generally take the form of an ordinance approving the

1 application or a resolution denying the application.

2 In most instances there will be no further public  
3 hearing before the county council.

4 I now call this meeting to order.

5 Madam Secretary, will you please call roll?

6 MS. ROESCH: Danny Tuggle.

7 COMMISSIONER TUGGLE: Here.

8 MS. ROESCH: Greg Bowers.

9 COMMISSIONER BOWERS: Here.

10 MS. ROESCH: Johnathan Sparks.

11 COMMISSIONER SPARKS: Here.

12 MS. ROESCH: Larry Adkins.

13 COMMISSIONER ADKINS: Here.

14 MS. ROESCH: Jeffrey Spraul.

15 COMMISSIONER SPRAUL: Here.

16 MS. ROESCH: Tim Dugan.

17 COMMISSIONER DUGAN: Here.

18 MS. ROESCH: Jessie Scherrer.

19 COMMISSIONER SCHERRER: Here.

20 MS. ROESCH: Mike Huskey.

21 COMMISSIONER HUSKEY: Here.

22 MS. ROESCH: We have a quorum.

23 COMMISSIONER SCHERRER: Thank you.

24 Approval of the agenda.

25 COMMISSIONER BOWERS: Make a motion to

1 approve the agenda.

2 COMMISSIONER DUGAN: Second.

3 COMMISSIONER SCHERRER: Commissioner Bowers  
4 made a motion to approve the agenda; it was seconded  
5 by Commissioner Dugan.

6 All in favor say aye.

7 COMMISSION: Aye.

8 COMMISSIONER SCHERRER: Opposed?

9 Approval of the agenda passes unanimous --  
10 unanimously.

11 Approval of the minutes for September 14,  
12 2023.

13 COMMISSIONER BOWERS: Make a motion to  
14 approve the minutes.

15 COMMISSIONER DUGAN: Second.

16 COMMISSIONER SCHERRER: Commissioner Bowers  
17 made a motion to approve the minutes for September 14,  
18 2023; it was seconded by Commissioner Dugan.

19 All in favor say aye.

20 COMMISSION: Aye.

21 COMMISSIONER SCHERRER: Opposed?

22 Approval of the minutes for September 14,  
23 2023, passes unanimously.

24 Swearing in of the witnesses.

25 MR. KEHM: Thank you, Mr. Chair.

1                   As we talked about before the meeting, if  
2 you are planning on speaking on the case tonight your  
3 testimony actually becomes a part of the record in  
4 that case so it's pretty important; therefore, your  
5 testimony does need to be sworn. Rather than swear  
6 people in individually, we do it all at once here at  
7 the beginning of the meeting. So if you are planning  
8 on speaking on tonight's case or you're thinking about  
9 speaking tonight on tonight's case, please do go ahead  
10 and stand up right now, raise your right hand, and the  
11 secretary over here will swear you in.

12                   [Witnesses sworn by Secretary Roesch.]

13                   MR. KEHM: Thank you very much. You can  
14 have a seat.

15                   Again, when it is your turn to speak the  
16 Chair will recognize you. You'll head on up to the  
17 front of the room, make sure you hand that speaker  
18 slip to one of these two folks, then head on up to the  
19 podium and state your name, state your address, and  
20 state that you've been sworn in, and then you'll have  
21 three minutes to make your remarks.

22                   COMMISSIONER SCHERRER: Thank you, sir.

23                   Introduction of evidence.

24                   MR. KEHM: Members of the Jefferson County  
25 Planning and Zoning Commission, the county would ask

1 that the following exhibits be entered into the record  
2 for the case to be heard by you this evening:

3                   Those exhibits are Exhibit A, the Official  
4 Master Plan for Jefferson County, Missouri, adopted on  
5 August the 6th, 2003, and made effective on April the  
6 2nd, 2008. Exhibit B, which is the Code of Ordinances  
7 of Jefferson County, specifically Chapter 400 of that  
8 code, that is the Unified Development Order; that was  
9 adopted on April the 2nd, 2008, and has been amended  
10 numerous times since then. And, finally, Exhibit C  
11 which tonight is the staff report and case file for  
12 the one case on your agenda.

13                   COMMISSIONER SCHERRER: Thank you, sir.

14                   Is there a motion to accept the evidence?

15                   COMMISSIONER BOWERS: Make a motion to  
16 accept the evidence.

17                   COMMISSIONER DUGAN: Second.

18                   COMMISSIONER SCHERRER: Commissioner Bowers  
19 made a motion to accept the evidence; it was seconded  
20 by Commissioner Dugan.

21                   All in favor say aye.

22                   COMMISSION: Aye.

23                   COMMISSIONER SCHERRER: Opposed?

24                   Evidence is accepted.

25                   Mr. Kehm, would you like to make an

1 announcement before we go forward about the second  
2 case?

3 MR. KEHM: I could, yes.

4 If you are here for Case No. PP20 -- or  
5 23043, which is a preliminary plat for Emerald Point  
6 located at 4550 Rhonda Sue Drive in Imperial, that  
7 case has actually been continued to the next meeting  
8 of this Commission which is on October the 12th at  
9 6:30 p.m.

10 Again, PP23034, the preliminary plat for  
11 Emerald Point has been continued to October the 12th  
12 and will not be heard this evening.

13 COMMISSIONER SCHERRER: Thank you, sir.

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1                   COMMISSIONER SCHERRER: So up is CC23 --  
2 I'm sorry. CC223041, a request for a zone change  
3 located at 5444 Katrina Drive and that is Ms. Krispin.

4                   MS. KRISPIN: Thank you.

5                   This is CC223041. The petitioner is  
6 requesting to rezone the subject property from  
7 single-family residential R20 to nonplanned community  
8 commercial CC2.

9                   The subject property is located at the  
10 corner of Katrina Drive and State Road MM in House  
11 Springs. It is roughly 0.94 acres in size. There are  
12 currently three structures on the property, two of  
13 which have apparent fire damage. Additionally, there  
14 is a Stream Order 1 that traverses the property.

15                  This is a look at the zoning map. The  
16 subject property is outlined in red, zoned  
17 single-family residential R20, as well as everything  
18 around it on the north side of MM. And then down  
19 here, this is planned mixed residential PR2. And,  
20 again, more R20 zoning.

21                  This is a look at the topography map. MM  
22 does sit up higher than the subject property; Katrina  
23 Drive starts to go upwards. At then this is that  
24 Stream Order 1 that traverses the eastern property  
25 line.

1                   These are photos of the subject property.  
2    This is a garage located on the property, a residence  
3    in the rear. This residence is not on the subject  
4    property. This is looking up at MM, right there, as  
5    well as MM, right here. This is Katrina Drive so it  
6    -- this is the subject property, right there. And  
7    then this is one of those structures on the property  
8    that has the fire damage.

9                   So for the analysis I went over each  
10   criteria of consideration. I'm not going to go  
11   through each one of those tonight but there are four  
12   that we'll go over, the first one being the character  
13   of the neighborhood. The surrounding properties are  
14   all zoned residentially. The use is wholly  
15   single-family residential along Katrina Drive as well  
16   as across State Road MM. It should be noted that  
17   there is a nearby recreational facility across State  
18   Road MM; however, that property is zoned residentially  
19   and the business has a conditional use permit so  
20   commercial zoning would not be consistent with the  
21   character of the neighborhood.

22                  The next is the existing and any proposed  
23   zoning and uses of adjacent properties and to the  
24   extent to which the proposed use is compatible with  
25   the adjacent zoning and uses. The proposed zone

1 change is not compatible with adjacent properties as  
2 the surrounding area is all zoned some level of  
3 residential. The closest commercially-zoned  
4 properties include an undeveloped CC2 property 1 mile  
5 east and a planned commercial property over 2 miles to  
6 the west.

7 Next is the extent to which the proposed  
8 use will negatively affect the character of the  
9 property and neighboring properties. The proposed  
10 zoning would negatively affect the character of the  
11 property and neighboring properties as the area is  
12 wholly residential. Under the proposed CC2 zone  
13 district there are various uses that could be  
14 connected under the UDO regulations. A commercial  
15 venture of any kind would be very different from what  
16 Katrina Drive residents and any property owners in the  
17 area experience today.

18 And lastly, the gain, if any, to public  
19 health, safety, and welfare due to the approval of the  
20 application as compared to the hardship imposed upon  
21 the landowner, if any, as a result -- as the result of  
22 a denial. The property is reasonably zoned as R20 and  
23 could be developed consistent with the zoning as there  
24 was a residence there in the past; therefore, there is  
25 no hardship imposed upon the landowner due to the

1       current zoning. For many reasons, as earlier stated,  
2       commercial zoning and development of the property  
3       could be detrimental to the public health, safety, and  
4       welfare of the community.

5                   And for your consideration tonight a  
6       request to rezone the subject property from  
7       single-family residential R20 to nonplanned community  
8       commercial zone district.

9                   I'll be happy to answer any questions.

10                  COMMISSIONER SCHERRER: Are there questions  
11       for staff?

12                  COMMISSIONER BOWERS: I have a question on  
13       the -- across M (sic) highway from that on southern --  
14       the south side that of that, off on the other side of  
15       M, is that -- there's a parking lot there that you  
16       said that was on -- zoned residential also?

17                  MS. KRISPIN: Right here?

18                  COMMISSIONER BOWERS: No, the --

19                  COMMISSIONER SCHERRER: 5326.

20                  COMMISSIONER BOWERS: 5326, yeah.

21                  COMMISSIONER SCHERRER: 000 --

22                  COMMISSIONER BOWERS: Right next to the  
23       stream order.

24                  MR. KEHM: The church.

25                  MS. KRISPIN: Oh, right here? The church?

1                   COMMISSIONER BOWERS: The church. There's  
2 a church there.

3                   MS. KRISPIN: So if -- are you talking  
4 about the one that had fire damage?

5                   COMMISSIONER BOWERS: No. No. I'm talking  
6 about across M, the other side. Is that --

7                   MR. KEHM: Yes.

8                   MS. KRISPIN: Oh, yes, that's a church.

9                   COMMISSIONER BOWERS: Is that -- is that a  
10 commercial?

11                  MS. KRISPIN: So commer -- churches are  
12 exempt from zoning --

13                  COMMISSIONER BOWERS: Okay.

14                  MS. KRISPIN: -- so that's why it's  
15 residential.

16                  COMMISSIONER BOWERS: Thank you.

17                  COMMISSIONER SCHERRER: Other questions for  
18 staff?

19                  Is the petitioner present?

20                  Please come forward. State your name,  
21 address, and that you have been sworn in.

22                  And as a reminder, you will have ten  
23 minutes.

24                  MR. CLOUSER: Hello. My name is Bryan  
25 Clouser. I'm at 544 (sic) Katrina Drive.

1                   COMMISSIONER SCHERRER: And you have been  
2 sworn in?

3                   MR. CLOUSER: Yes.

4                   COMMISSIONER SCHERRER: Okay. Please  
5 proceed.

6                   MR. CLOUSER: What you see here is our  
7 thoughts and ideas. If you see the line that's going  
8 through it, we're only rezoning the front section of  
9 that, not the back section, the schoolhouse that's on  
10 there.

11                  What we are, we are a collision repair  
12 center, part of the Missouri Auto Body Association,  
13 and we work in conjunction with Rankin Technical  
14 College. We bring students into our facility right  
15 now and we train them in-house. They have, basically,  
16 two months on there, two months on here, and  
17 everything is in a training facility.

18                  What our proposed changing of the zoning is  
19 for, we want to take the school, leave it exactly like  
20 it is but rebuild it the way it was in its original  
21 form. The structure will look basically the same,  
22 other than colors and things of that nature. It's  
23 going to be an open floor plan inside. It will  
24 probably only have maybe five to ten students at a max  
25 on a training day. It's not something that is going

1 to be utilized every single day. It's a training  
2 facility. It'll only be used on certain evenings or  
3 days or weekends that we will be training the  
4 students. So I want to recreate the school that was  
5 there back into another school just for the training  
6 purposes of our auto body shop.

7 COMMISSIONER SCHERRER: Okay. Anything  
8 else?

9 MR. CLOUSER: What questions do you have?

10 COMMISSIONER SCHERRER: Questions for the  
11 petitioner?

12 COMMISSIONER TUGGLE: I got one.

13 COMMISSIONER SCHERRER: Go ahead.

14 COMMISSIONER TUGGLE: Sir, there is a --  
15 I'm sorry -- a little bit of property, quite a bit in  
16 the last few weeks, seemed like there's three houses  
17 that's been -- that's burned right there together?

18 MR. CLOUSER: Yes.

19 COMMISSIONER TUGGLE: And what was that?

20 MR. CLOUSER: Those were arson.

21 COMMISSIONER TUGGLE: Those were arson?

22 MR. CLOUSER: Yeah. Yeah, the far back  
23 house is where the arson (sic) supposedly, allegedly  
24 lived and there was disputes that he had burned the  
25 one house then burned this school then turned around

1 and burned his own facility. At that time, I'm like  
2 -- it was something and I just drove by my whole life  
3 as well, and I'm like, God, I'd love to have that  
4 school restored back to the way it was. And I think  
5 it was like 1901 and I always wanted to just restore  
6 it.

7                   And then as things proposed and progressed  
8 with Rankin Technical College, we're all part of the  
9 Missouri Auto Body Association and part of the I-CAR  
10 Program, and with the decline of students getting into  
11 the auto body industry, we thought, well, we're going  
12 to make a facility to be able to train these kids  
13 in-house and bring them up to be auto body  
14 technicians.

15                   To understand, there will not be any  
16 bodywork done on this facility. There will be no  
17 spraying of, you know, paint products or -- or  
18 anything like that. This is basically used for  
19 training purposes and training purposes only. That's  
20 all.

21                   COMMISSIONER SCHERRER: Other questions for  
22 the petitioner?

23                   COMMISSIONER BOWERS: So and you say train,  
24 so there's not going to be being car parts and things  
25 like that on this facility and --

1                   MR. CLOUSER: Only thing that will be there  
2 is demonstrations. Like, per se, if there's a car  
3 that shows something, that will be it. There will be  
4 no equipment there to work on the car.

5                   We do a large amount of PDR which is a very  
6 technical process of removing dents out of cars. If  
7 there's a car on the facility, there will be no, per  
8 se, chemicals or pulling or noises or anything. It's  
9 a very confined thing of removing dents just with rods  
10 and prying and pushing, yes.

11                  COMMISSIONER BOWERS: Thank you.

12                  COMMISSIONER SCHERRER: Other questions for  
13 or staff or, sorry, for petitioner?

14                  COMMISSIONER SPRAUL: Yes, if I could.

15                  I mean, why -- why this location?

16                  I mean, I --

17                  MR. CLOUSER: Because it was a schoolhouse.

18                  COMMISSIONER SPRAUL: Well, I understand.

19                  I'm -- I'm just thinking out loud, so.

20                  MR. CLOUSER: Me joining my passion and  
21 what I desired in seeing that school and always  
22 wanting to bring it back together and then seeing the  
23 possibility of connecting the two things, leaving it  
24 as a school. I didn't want to see that -- that place  
25 has been there since 1901, I did not want to see it

1       tore down. When I seen it caught fire, I was  
2       devastated. So I, at that time, had approached the  
3       original owner of it multiple times and then he  
4       financially couldn't do it. I'm like -- I said, I'd  
5       love to -- to take on this project 'cause like -- and  
6       he -- his biggest concern was that the school didn't  
7       get tore down either 'cause he wanted to rebuild it.  
8       So I'm like, no, I'm going to leave it exactly the way  
9       it is: Same foundation, same footings, same  
10       everything, just reconstruct and build the same  
11       height, pitch of the roof, everything. We're going to  
12       reconstruct it back, the same front on it. It's going  
13       to look like a schoolhouse again. I'm just going to  
14       revive that building to modern day.

15                   So I wanted to join that in with what I did  
16       working with Rankin Technical College and build a  
17       facility where I can work with these kids one-on-one,  
18       show them, like we're even going take where the  
19       chalkboard was at, make it, you know, a big screen  
20       monitor. We can all sit in the classroom type thing.  
21       We'd be training the kids how to do collision repair  
22       and the offsets of it.

23                   COMMISSIONER SPRAUL: No. And, I mean,  
24       that sounds super cool but you said that they're  
25       currently students of Rankin Tech --

1 MR. CLOUSER: Yes.

2 COMMISSIONER SPRAUL: -- do they not  
3 currently go to the --

4 (Overlapping conversation.)

5 MR. CLOUSER: They have to --

6 COMMISSIONER SPRAUL: -- facilities there?

7 MR. CLOUSER: Yes, they -- they go there  
8 but they have to do a mentoring program. So the  
9 school only allows them in there two months  
10 on/two months off. On their months off then they have  
11 to come to, you know, a shop and work. When they come  
12 to the shop and work there's certain things that the  
13 school can only teach them a curriculum so we have  
14 that small garage there that we can bring a car in  
15 there and have a vehicle sitting there and show them  
16 actual techniques.

17 'Cause right next to the school there's a  
18 garage. We've already got the garage restored. And  
19 then the vehicle will come in there. And it's a very  
20 clean environment where we can bring the car in there  
21 and then show them the techniques.

22 COMMISSIONER SPRAUL: Isn't everything  
23 there residential?

24 MR. CLOUSER: There is a house. So how  
25 that's split, you have the school, the garage, and

1 then right behind it is where the residential house  
2 was at. At one point in time, that was two lots.  
3 We're just going to use the front portion of the lot.  
4 The back portion of the lot, that is going to be --  
5 still remain residential and that house is going to be  
6 reconstructed almost with the same dimensions of the  
7 school. Pitch lines of the roof, the -- the height  
8 of the walls and everything, that's going to be --  
9 mimic the school but that will still remain  
10 residential. That's where I will reside.

11 COMMISSIONER SPRAUL: I understand. Thank  
12 you.

13 MR. CLOUSER: Okay.

14 COMMISSIONER SCHERRER: Other questions for  
15 the petitioner?

16 COMMISSIONER SPARKS: I do.

17 So this was a schoolhouse, in essence, just  
18 in name, right?

19 There -- it was not a --

20 MR. CLOUSER: Oh, it was a school. Yes, it  
21 was a school.

22 COMMISSIONER SPARKS: Was it a workable  
23 school when it was R20?

24 MR. CLOUSER: Yes.

25 COMMISSIONER SPARKS: Okay.

1                   MR. CLOUSER: It was at that time, I  
2 believe, called Heads Creek.

3                   COMMISSIONER SPARKS: Okay. And you're  
4 saying we're going -- we're going to rebuild a school  
5 on the front end. Where does the garage sit on that  
6 plat? Is it on the back end?

7                   MR. CLOUSER: The garage sits just slightly  
8 behind it and off to the right side.

9                   COMMISSIONER SPARKS: Okay. Okay. I see  
10 now. Also, you keep saying it's just basically an  
11 educational facility?

12                  MR. CLOUSER: Yes.

13                  COMMISSIONER SPARKS: And you're alluding  
14 that there'll be no hazardous materials or hazmat --

15                  MR. CLOUSER: That is correct.

16                  COMMISSIONER SPARKS: -- in -- in -- in  
17 the school, right?

18                  MR. CLOUSER: That is correct.

19                  COMMISSIONER SPARKS: And is this a -- a  
20 paid program that you're starting up that's like  
21 tertiary to --

22                  MR. CLOUSER: No.

23                  COMMISSIONER SPARKS: -- with what Rankin  
24 provides or is it --

25                  MR. CLOUSER: No, it's mentored.

1                   COMMISSIONER SCHERRER: -- a subset?

2                   MR. CLOUSER: Yeah, it's me offering my  
3 services. Rankin comes out to various shops and stuff  
4 and asks us if we will mentor these kids and we agree  
5 to that and we take them on. It takes about two  
6 years. Then after the two-year process then they're  
7 out in the field and we get a whole nother (sic) one  
8 to two students in.

9                   COMMISSIONER SPARKS: Thank you.

10                  COMMISSIONER SCHERRER: Other questions for  
11 the petitioner?

12                  Thank you, sir.

13                  MR. CLOUSER: Thank you.

14                  COMMISSIONER SCHERRER: We will probably be  
15 calling you back.

16                  MR. CLOUSER: All right.

17                  COMMISSIONER SCHERRER: Citizens wishing to  
18 be heard that are in favor of this petition?

19                  Citizens wishing to be heard that are in  
20 favor of the petition?

21                  Citizens wishing to be heard that are  
22 opposed to the petition?

23                  Just come on up one at a time. State your  
24 name, address, and that you have been sworn in.

25                  This is a 20-minute segment but no one will

1 be allowed to speak for more than three minutes.

2 MR. EMILY: My name is Don Emily. I live  
3 at 5420 Katrina Drive and it's a residential --

4 COMMISSIONER SCHERRER: You have been  
5 sworn?

6 MR. EMILY: Sorry?

7 COMMISSIONER SCHERRER: You have been sworn  
8 in?

9 MR. EMILY: Yes, I have.

10 COMMISSIONER SCHERRER: All right. Thank  
11 you. Go ahead.

12 MR. EMILY: It is a residential area. He  
13 knew that when he bought it and all of the sudden now,  
14 six months later, now, we're trying to make it  
15 commercial. Why, I don't know, other than he, you  
16 know, wants to teach people how to take cars and make  
17 them run again.

18 Well, that's a downhill slope on that  
19 property and it runs to that creek where the red  
20 line's at there, there's a creek there. So, you know,  
21 that gas and the oil, if there's any, which there's  
22 going to have to be some so they can start them and  
23 see if they work, you know.

24 And, also, it has -- I don't know whether  
25 it means anything but there is a graveyard. That used

1 -- I think that church or that schoolhouse used to be  
2 a church. There's a graveyard up past the guy with  
3 the road here, about six-hundred-and-something feet, I  
4 don't know, but it dates back -- that dates back to  
5 the 1800s, you know.

6 And I see no reason why we would want to go  
7 commercial, you know, when it get -- you know, if he  
8 decides this doesn't work for him then he'll sell it  
9 and he's got the advantage of having that commercial,  
10 he can sell to it anybody, you know, and we have  
11 nothing to say about that. Once it's done it's done.  
12 So, you know, I'm opposed to it for that reason.

13 COMMISSIONER SCHERRER: Okay.

14 MR. EMILY: You know.

15 COMMISSIONER SCHERRER: Anything else?

16 MR. EMILY: No.

17 COMMISSIONER SCHERRER: Okay. Questions  
18 for this witness?

19 All right. Thank you, sir.

20 MR. EMILY: Uh-huh.

21 COMMISSIONER SCHERRER: Other citizens to  
22 be heard that are opposed?

23 Please come forward. State your name,  
24 address, and that you have been sworn in.

25 DANIEL KIRKPATRICK: Hi. My name is Daniel

1 Kirkpatrick. I live at 5399 Katrina and, yes, I've  
2 been sworn in.

3 COMMISSIONER SCHERRER: Thank you.

4 DANIEL KIRKPATRICK: I've been a resident  
5 of Jefferson County for 43 years and I've been in the  
6 same home on Katrina Drive for 43 years. My wife and  
7 I came out here when we were just kids and Highway MM  
8 was a beautiful sweet, wonderful, country road back  
9 then. I don't know how -- anybody been -- that's the  
10 only man, right there, that I know that's been here  
11 longer than me. But it was a nice, county road back  
12 then and you could drive from one end to the other and  
13 it was just like a nice, pleasant, country drive.  
14 Now, it's become a nightmare. I've got -- I'm  
15 retired. I've been retired for eight years now and  
16 I've got to get out there at certain times of the day  
17 or else you're going to get run over.

18 As much as I appreciate what this gentleman  
19 is doing, which I do -- I want you to know I  
20 appreciate what you're doing -- education is  
21 important, it's very important, and to do something  
22 like that is honorable, it really is, but our  
23 neighborhood is -- it's residential. The whole  
24 section is residential. We've got a deed from 1958  
25 that states the entire area is to be -- remain

1       residential.

2               And, like Mr. Emily said, yeah, it's --  
3       what he does is fine, that's great, but what happens  
4       if he decides he wants to sell it. We could get a  
5       7-Eleven there on the corner. We could get God knows  
6       what on the corner. This is a residential area and  
7       should stay. If you go from one end to the other  
8       you'll find it's all residential all the way to the --  
9       the place that's got the paintball place, all the way  
10      down to House Springs, it's all residential. There's  
11      no businesses.

12               Now, if he wants to go and fix up those  
13      houses down there, wonderful. We all would be tickled  
14      to death for that. But to put in a business, like I  
15      said, once you -- like Mr. Emily said, once you start  
16      that ball a rolling with commercial, making something  
17      commercial, just a small section like that, where does  
18      it stop? Like I said, we could have a 7-Eleven on the  
19      corner and we'd all just be wonderful.

20               And, plus, it's dangerous. I witnessed  
21      many, many fatalities right there at Katrina, MM, and  
22      Heads Creek. A lot of people have been killed there  
23      over the years. Look up in the records, you'll find  
24      it. No matter what they do to MM, still people being  
25      killed there. So that's all I got to say. Thank you.

1                   COMMISSIONER SCHERRER: Okay. Questions  
2 for this citizen?

3                   All right. Thank you, sir.

4                   DANIEL KIRKPATRICK: Oh, anybody who's been  
5 here longer than 43 years? Hey, there we go. All  
6 right.

7                   COMMISSIONER SCHERRER: Other citizens  
8 wishing to speak that are opposed?

9                   Please state your name, address, and that  
10 you have been sworn in.

11                  JARROD KIRKPATRICK: My name is Jarrod  
12 Kirkpatrick at 5408 Katrina Lane -- Drive. I get it  
13 mixed up all the time. And I have been sworn in.

14                  COMMISSIONER SCHERRER: Thank you.

15                  JARROD KIRKPATRICK: I am the son of that  
16 man, right there. He has been there for 43 years. I  
17 have lived in that neighborhood for 40 years. I am  
18 40 years old this year. I've lived in that  
19 neighborhood my whole life except for, what, fourteen  
20 months when I first got married.

21                  Me and my wife bought a house just down the  
22 road from my parents. We've lived there for  
23 seventeen years, been there seventeen years but I've  
24 been there my whole life. My daughter's going to be  
25 twelve in December. She's got the rule of the

1 neighborhood out here. It's -- it's wonderful. It's  
2 a great neighborhood. It's quiet. It's safe. It's a  
3 great place to raise your -- your family, it really  
4 is. I get a lot of people come by and they're like  
5 how did you get a hold of this place. You know, it's  
6 like I been here my whole life.

7 I've seen a lot of things in that  
8 neighborhood. I've seen a lot of things over the  
9 years. I -- I do my best to try to keep it nice. I'm  
10 the guy that usually gets down in the creek 'cause I'm  
11 still young and spry and cleans all the trash out that  
12 some people have a tendency to leave in there or, you  
13 know, raccoons or whatnot get a hold of trash and, you  
14 know, I like to keep the neighborhood nice as best as  
15 I can. My dad does a good job grading the road and  
16 all that stuff. We -- we work as a community in that  
17 neighborhood to keep it nice.

18 It broke my heart to see that schoolhouse  
19 burn down, it real -- it really did. It broke my  
20 heart to see the other houses burn down. I -- what  
21 this guy over here is saying about the -- the  
22 ins-and-outs of what happened there is true. You  
23 know, there was a guy who was on drugs, kind of went  
24 through psychosis and he kept burning things down.  
25 And from what I understand, nothing ever happened out

1 of it. Nobody ever got that guy. He's not sitting in  
2 jail anywhere for arson, okay. So that's  
3 heartbreaking to the -- to our community.

4 It's great that somebody came and bought it  
5 up and they want to fix it up and I love that.  
6 Listen, I'm a mechanic. I've been doing it for  
7 20 years, okay. What he says sounds fantastic. I  
8 love it. I love what this man is talking about. But,  
9 once again, like my dad was saying, making it  
10 commercial, I don't like the future of that.

11 You know, he can do -- put all kinds of  
12 money in there. I tell you what, that garage is  
13 impressive. That is a beautiful garage, man. It's  
14 fantastic. And I like the idea he has behind it. The  
15 guy's got a great idea but where does it lead,  
16 eventually? Where does it go eventually?

17 Like he was saying, you know, he could just  
18 sell the property, something could happen along the  
19 lines, now that it's commercial anything can happen.

20 COMMISSIONER SCHERRER: About ten seconds.

21 JARROD KIRKPATRICK: Anything can happen  
22 there. So I'm not sure if I ran out of time or not  
23 but --

24 COMMISSIONER SCHERRER: You did.

25 JARROD KIRKPATRICK: -- you know --

1                   COMMISSIONER SCHERRER: Are there questions  
2 for this witness?

3                   JARROD KIRKPATRICK: -- it came from the  
4 heart and I just -- I don't want to see our  
5 neighborhood fall apart any more than it already has  
6 from the burnt down buildings, so.

7                   COMMISSIONER SCHERRER: Thank you, sir.

8                   JARROD KIRKPATRICK: I appreciate you  
9 hearing me. Thank you.

10                  COMMISSIONER SCHERRER: Any questions for  
11 this citizen?

12                  Thank you.

13                  JARROD KIRKPATRICK: Thanks.

14                  COMMISSIONER SCHERRER: Other citizens  
15 wishing to be heard that are opposed to this project?

16                  MS. WALLER: My name is Jacquelyn Waller.  
17 I live at 5651 Heads Creek Road. I've been sworn in.

18                  COMMISSIONER SCHERRER: Thank you.

19                  MS. WALLER: My concern -- my -- the  
20 compatibility with where we are is not there. One of  
21 the concerns that we have is the traffic ratio. We've  
22 watched over the years as it's gotten harder and  
23 harder and harder. They put in a turn lane where the  
24 -- right there on MM but even with that turn lane, the  
25 cars, you can't get in and out, the busses can't move

1 in and out. If you added more traffic to it, it would  
2 just make it worse.

3 I hear that he has the two lots. If he's  
4 going to live in the one, why did he want the house  
5 lot that he's going to live in residentially being  
6 commercial? That's a concern.

7 And just as everyone else has said, it's  
8 fine for what he wanted to do but when he leaves in  
9 two years, then what?

10 My -- I'm -- I'm thinking now, well, he  
11 already has a facility somewhere that he's already  
12 doing the same thing. I don't know why he wanted to  
13 move it to a residential area. If he would like to  
14 live there and bring back the -- the school, that  
15 would be wonderful, and leave the business where it  
16 is. So that's all I have to say.

17 COMMISSIONER SCHERRER: All right. Thank  
18 you.

19 Are there questions for this citizen?

20 All right. Thank you.

21 Are there other citizens wishing to be  
22 heard?

23 Please come forward. State your name and  
24 address and that you have been sworn.

25 We understand that this is a residential

1 area. We understand that this is probably not a  
2 compatible use so --

3 MS. FARR: Okay.

4 COMMISSIONER SCHERRER: -- hopefully, you  
5 have something new.

6 MS. FARR: Well, I'm coming in at a  
7 slightly different angle. My name is Nancy Farr. I  
8 live at 5365 Katrina and I have been sworn.

9 COMMISSIONER SCHERRER: Thank you.

10 MS. FARR: Uh-huh. I'm -- I'm not going to  
11 echo what my friends and neighbors have already said  
12 to you because you heard it, okay, but what I do want  
13 to do is I want to emphasize a couple things.

14 First of all, the Deed of Restrictions.

15 May I approach? I have a copy of the Deed of  
16 Restrictions from 1958.

17 COMMISSIONER SCHERRER: Sure.

18 MS. FARR: May I approach and give you a  
19 copy?

20 MR. KEHM: I'll get it, ma'am.

21 MS. FARR: Thank you.

22 MR. KEHM: Can we keep this?

23 MS. FARR: Absolutely. Absolutely.

24 COMMISSIONER SCHERRER: And then we'll need  
25 you to just hang tight for a second while we swear

1 that into evidence and the rest of us have -- have a  
2 chance to look at it.

3 MS. FARR: Yes.

4 COMMISSIONER SCHERRER: So the timer's not  
5 running so as soon as everybody gets a chance to look  
6 at it, we'll get going again.

7 MS. FARR: Thank you.

8 COMMISSIONER SCHERRER: Is there a motion  
9 to accept Exhibit D?

10 COMMISSIONER DUGAN: So moved.

11 COMMISSIONER BOWERS: Second it.

12 Did you say Exhibit D?

13 COMMISSIONER SCHERRER: D as in dog.

14 COMMISSIONER BOWERS: Dugan.

15 COMMISSIONER SCHERRER: Dugan, there you  
16 go.

17 Commissioner Dugan made a motion to accept  
18 Exhibit D; it was seconded by Commissioner Bowers.

19 All in favor?

20 COMMISSION: Aye.

21 COMMISSIONER SCHERRER: Opposed?

22 Exhibit D is accepted unanimously.

23 So give us just a second, we will get right  
24 back to it.

25 MR. KEHM: As I mark this --

1 UNIDENTIFIED SPEAKER: We got more --

2 MR. KEHM: Sir, please. Please. We're in  
3 a meeting.

4 As I mark this and -- and hand it to you, I  
5 will point out, 'cause I'm going to get the jump on  
6 them over there, that this Commission has no authority  
7 whatsoever to enforce the Deed of Restrictions.

8 COMMISSIONER BOWERS: Did he bust your  
9 bubble there a little?

10 MS. KUENZEL: Too many lawyers in the room.

11 COMMISSIONER SCHERRER: You guys good?

12 We good?

13 All right. Ma'am, please come back to the  
14 podium and we will proceed.

15 MS. FARR: Okay.

16 COMMISSIONER SCHERRER: Do you understand  
17 what we were discussing there?

18 MS. FARR: My understand --

19 COMMISSIONER SCHERRER: I mean, although  
20 this may be a valid document, this Commission and this  
21 board has -- I mean, we can't enforce this; for lack  
22 of better terms, it means nothing to us. So we're  
23 hearing whether we think that this is an appropriate  
24 rezoning hearing; anything else would be above --

25 MS. FARR: Okay.

1                   COMMISSIONER SCHERRER: -- anything we can  
2 do. But thank you for submitting it.

3                   MS. FARR: Well, that's fine. And the only  
4 point I wanted to make was that that is a document  
5 that -- from 1958 that every resident receives when  
6 they move in here -- into our neighborhood. So people  
7 move into our neighborhood with the understanding that  
8 that's what going on, so.

9                   But the approach -- I wanted to make some  
10 points that have not yet been made that have to do  
11 with water, okay, because where this property is  
12 located is the lowest part in our subdivision. Within  
13 several hundred feet are two residential wells because  
14 our entire subdivision is dependent on wells and  
15 septic systems, okay. Whether or not the old  
16 schoolhouse has -- has a septic system, I don't know.  
17 The last I heard it did not.

18                   But my concern is this: No matter what  
19 kind of business goes in there, if there's going to be  
20 increased demand on the aquifer, increased hazardous  
21 waste going out into the septic system, that could  
22 definitely affect all of the residents in the  
23 subdivision and I think that's -- I think that's an  
24 important point to make.

25                   If at some point because, again, I applaud

1 -- I applaud the gentleman's aspirations but should a  
2 different business go in, should there be actual  
3 repair of -- of automotive repair being done then  
4 we're looking at quite a bit of hazardous waste.

5 And, again, sir, I have some handouts.

6 MR. KEHM: Sure. Is this it or do you have  
7 more?

8 MS. FARR: These are different.

9 MR. KEHM: No, no, no, I get that. I just  
10 want to mark them all at once if you've got other  
11 stuff.

12 MS. FARR: No, that's it. That's it.  
13 That's all.

14 COMMISSIONER SCHERRER: Okay. You'll need  
15 to give us a chance to swear that in and then look at  
16 it again so time-out.

17 MS. FARR: Okay. Time-out.

18 COMMISSIONER SCHERRER: Is there a motion  
19 to accept Exhibit E?

20 COMMISSIONER DUGAN: So moved.

21 COMMISSIONER BOWERS: Seconded.

22 COMMISSIONER SCHERRER: Commissioner Dugan  
23 made a motion to accept Exhibit E into evidence; it  
24 was seconded by Commissioner Bowers.

25 All in favor?

1 COMMISSION: Aye.

2 COMMISSIONER SCHERRER: Opposed?

3 Exhibit E is accepted into evidence

4 anonymously.

5 Okay. Please come back. We do have one  
6 question for you when you're finished.

7 MS. FARR: Okay.

8 COMMISSIONER SCHERRER: But I'll let you  
9 finish, first.

10 MS. FARR: All right. Gentlemen, I really  
11 don't have anything to add other than I do have  
12 serious concerns about the potential for pollution and  
13 hazardous waste contaminating our well, our aquifer,  
14 and I think that is a legitimate concern, especially  
15 if it's going to be used for commercial. And I thank  
16 you for your time.

17 COMMISSIONER SCHERRER: Okay.

18 MS. FARR: What question?

19 COMMISSIONER SCHERRER: The question was  
20 the basis for where you found this information: Where  
21 did you find this information?

22 MS. FARR: Oh, I found that information  
23 online. And if you look at the very last page, it  
24 gives you a --

25 COMMISSIONER SCHERRER: Uh-huh. Yeah. I

1 just wanted to be clear.

2 MS. FARR: -- right, gives you -- gives you  
3 citation.

4 COMMISSIONER SCHERRER: Okay.

5 MS. FARR: Yeah.

6 COMMISSIONER SCHERRER: All right. Any  
7 other questions for this citizen?

8 All right. Thank you.

9 MS. FARR: Thank you.

10 COMMISSIONER SCHERRER: Other citizens  
11 wishing to be heard that are opposed to this petition?

12 Please come forward. State your name,  
13 address, and that you have been sworn in.

14 MR. STAAT: Hello. My name's Joseph Staat.

15 I live at 5351 Music Mountain Road and I have been  
16 sworn in.

17 COMMISSIONER SCHERRER: All right. Thank  
18 you.

19 MR. STAAT: So all the neighbors have done  
20 a great job on a lot of valid points. We all move out  
21 to the county, we all choose to spend our money in the  
22 county for certain way of living. We all came out for  
23 our large, residential area lots. We build our dream  
24 homes and we expect it to kind of, you know, stay  
25 residential. So by zoning it commercial, that kind of

1 takes the promise away of why we actually even moved  
2 to the county.

3 I own commercial property in Jefferson  
4 County. I pay commercial taxes. I do my commercial  
5 businesses there. I moved out to the residential  
6 area; that's where I reside, my home, my peace. I'd  
7 like to keep it that way.

8 The gentleman said he would be working in  
9 the evenings and weekends, that was part of his  
10 statement. What's -- what are those hours?

11 How -- you know, what kind of noise?

12 You know, we're wanting to sit on our  
13 patios. We're wanting to relax. We're wanting, you  
14 know, our peace of mind and the reasons we moved out  
15 to the county.

16 EPA, creek, everybody mentioned all that so  
17 I think everybody's made a great -- and you've done --  
18 you did a great job, as well, you know, presenting all  
19 the challenges. So just keep that in mind. That's  
20 why we moved out here and that's why, you know, we  
21 look forward to you guys helping make the right  
22 decision so thank you.

23 COMMISSIONER SCHERRER: Thank you.

24 Questions for this citizen?

25 Thank you, sir.

1           Other citizens wishing to be heard that are  
2 opposed to this application?

3           Please come forward. State your name,  
4 address, and that you have been sworn in.

5           MS. KRUGH: Hi. My name is Debbie Krugh.

6           I live at 5415 Highway MM and I have been sworn in.

7           COMMISSIONER SCHERRER: Thank you.

8           MS. KRUGH: So, again, I agree with all the  
9 neighbors but I live right across from the paintball  
10 place. I bought 60 acres to be in the residential.  
11 And at the time when the paintball was approved, just  
12 to bring up something, they did say that they were  
13 going to make that look beautiful, that house was  
14 going to be a log cabin. It's the same house that's  
15 been there forever and that paintball place looks  
16 horrendous. I mean, it's -- it looks -- more wood  
17 comes up every day. Right now, the only thing that  
18 looks good is the corn is there. And they are very  
19 loud. It makes a lot of noise.

20           So we already have that that we have to  
21 deal with that the promises that that guy made never  
22 came through. So we just don't want another piece of  
23 commercial property. I know that's not commercial but  
24 it is every Saturday and Sunday, you get out there  
25 bright, early in the morning, you could hear -- hear

1 them going so that's all I have.

2 COMMISSIONER SCHERRER: Okay. Questions  
3 for this citizen?

4 Thank you.

5 Other citizens wishing to be heard that are  
6 opposed to this application?

7 Other citizens wish -- please come forward.

8 State your name, address, and that you have been sworn  
9 in.

10 MS. THOMPSON: Hi. I am Julie Thompson. I  
11 live at 5431 Katrina Drive and I have been sworn in.

12 COMMISSIONER SCHERRER: Thank you.

13 MS. THOMPSON: All right. So, basically,  
14 my yard looks onto this -- this whole mess at the  
15 front of our street here. There's a lot of burnt down  
16 buildings and I'm -- I'm tired of it. I've only lived  
17 here a couple of years so I don't have the emotional  
18 attachment that a lot of everybody else has here.  
19 But, you know, we try to make it better for where  
20 we're at, you know. We -- we just kind of hopped into  
21 this abandoned house that they were selling and have  
22 just been trying to work it up since.

23 There has been a lot of trouble with the  
24 person at Lot, is it, 101, right there, at 5440. For  
25 like the first year that we lived there, I basically

1 wanted to lay down and cry every single day because  
2 this guy was torturing the rest of our neighbors. And  
3 he burned -- it's not legally that he is an arsonist  
4 but he is an arsonist and I'm so glad that he's gone.

5 And, right now, I'm just looking to see if  
6 we can make the front of our neighborhood look better  
7 and I really, really like the -- the work that they've  
8 done already with the landscaping.

9 Have you guys been also mowing his lawn as  
10 well?

11 MR. CLOUSER: Yes, ma'am.

12 MS. THOMPSON: So they've been going above  
13 and beyond what's required of them to make it look  
14 better up there and I do appreciate that.

15 I'm not sure if I'm against or for it,  
16 right now, but I do have some concerns. My -- my  
17 concerns for our family is our home values. If there  
18 is also a way to have a little bit more privacy  
19 because that's one of the things that we liked this  
20 street for was that it was a bit more private.

21 The -- I did want to ask Mr. Clouser if he  
22 was planning on trying to --

23 COMMISSIONER SCHERRER: Ma'am, you have to  
24 speak to us. You can't speak to --

25 MS. THOMPSON: Oh, sorry.

1                   COMMISSIONER SCHERRER: Yeah, that's okay.

2   That's okay.

3                   MS. THOMPSON: That's okay.

4                   Okay. And I don't know if he was going for  
5   that last lot but, you know, if he's willing to take  
6   care of it and work it up, I'm not totally against  
7   this but I do want to see limits on what he can do  
8   with it or if he was going to sell the property have  
9   it, you know, revert back to residential; I don't even  
10   know if that's possible.

11                  But, you know, if we can work with him to  
12   -- to make everybody happy because he's doing the work  
13   and he's willing to put forth and fix it up and -- and  
14   that's what I would like is making our neighborhood  
15   look a little better and that's it.

16                  COMMISSIONER SCHERRER: Okay. Thank you.

17                  Questions for this citizen?

18                  Thank you.

19                  Other citizens wishing to be heard that are  
20   opposed to this application?

21                  Citizens wishing to be heard that are  
22   opposed to this petition?

23                  Okay. Would the petitioner please come  
24   back?

25                  Before we get into questions, this may be a

1       little bit redundant but I'm going to ask someone from  
2       staff to maybe explain a little bit about the rezoning  
3       process and any future plans that he would have with  
4       this property what processes he would go through. So  
5       if this was rezoned commercial and he wants to restore  
6       that building, that's different than a zone change;  
7       that process has to go through the county to make sure  
8       that all of the septic and building requirements and  
9       all that stuff is met, correct?

10            MR. KEHM: So if this property were rezoned  
11        to the commercial zone district that is -- that is  
12        requested tonight, several things would have to  
13        happen. Before he could do anything on the property  
14        to redevelop it, you have to go through what's called  
15        "site development." And during the site development  
16        process is when we look at all of those things that  
17        you just mentioned. We also look at parking, where  
18        the entrance is, the type of screening and landscaping  
19        that has to go in, the buffering that has to go around  
20        the perimeter of the property or at least where it is  
21        adjacent to other -- what would be other  
22        residentially-zoned properties.

23            No building permits could be issued for any  
24        type of renovation, including repairs to the on-site  
25        septic system or installation of a new one or anything

1 like until those site development plans would be first  
2 approved covering sort of what we would deem the  
3 development infrastructure for a commercial business.

4 The other thing is because this is rezoning  
5 to the CC2 zone district, right, if this were approved  
6 -- and I appreciate that he's -- he's come in here  
7 and told you all what it is that he wants to do, but  
8 any use approved in CC2 zoning could then go on that  
9 property, so.

10 COMMISSIONER BOWERS: Give an example of  
11 the CC2.

12 MR. KEHM: Well, it's probably not his  
13 plans but --

14 COMMISSIONER BOWERS: But I understand  
15 that. Bar and grill?

16 MR. KEHM: Yeah, absolutely. McDonald's.

17 COMMISSIONER SCHERRER: I mean, a winery?  
18 A McDonald's?

19 MR. KEHM: Yeah, absolutely.

20 COMMISSIONER BOWERS: Okay. Thank you.

21 MR. KEHM: Any -- any -- basically, any  
22 restaurant use, retail use, office type of use. It's  
23 -- our CC2 is our general commercial zone district.  
24 It's, essentially, our retail and restaurant zoning,  
25 gas station, convenience store, those kinds of things.

1 I mean, and that would not come back in front of you  
2 all.

3 COMMISSIONER SCHERRER: Right, 'cause we've  
4 already changed the zoning.

5 So then my next question, before we move to  
6 this portion: If the petitioner wanted to withdraw  
7 their application and do a conditional use permit, it  
8 would -- the zoning would not change and we would hear  
9 this again as a conditional use? Yes? No?

10 MR. KEHM: The use that he's proposing is  
11 not eligible as a conditional use in -- in that zone  
12 district or in any zone district, quite frankly.

13 You know, there are other types of  
14 commercial zone districts that he could apply for but  
15 I can tell you whatever those would be, you will get  
16 the same analysis from us that --

17 COMMISSIONER SCHERRER: Right.

18 MR. KEHM: -- in our opinion we don't  
19 believe that -- that commercial zoning is appropriate  
20 there.

21 COMMISSIONER SCHERRER: Okay.

22 So I'm going to read back to you some of  
23 the issues that were raised and I'm just going to have  
24 you address them.

25 Go ahead.

1                   MR. CLOUSER: One thing I wanted to confirm  
2 that the outline in red there and somebody was under  
3 the impression that I was moving my business to this  
4 location, I'm not. We asked on our application and  
5 our application said for, what is it, Parcel 2.  
6 Parcel 2 is the front.

7                   You see the line going through there?

8                   We're not wanting rezone that whole red  
9 block there. We're only wanting to rezone the front  
10 portion of it, Parcel 2, which enters from M Highway.  
11 There will be no entrance into this facility from  
12 Katrina Drive. The only entrance will be the existing  
13 entrance from M Highway.

14                   COMMISSIONER SCHERRER: Okay.

15                   MR. CLOUSER: And I have those copies if  
16 you'd like them.

17                   COMMISSIONER SCHERRER: Okay. Let's run  
18 through questions, real quick, first.

19                   MR. CLOUSER: Okay.

20                   COMMISSIONER SCHERRER: The first question  
21 or -- or concern raised was that this is a residential  
22 area -- residential area with a graveyard. Would you  
23 like to respond to that?

24                   Do you have anything to offer on that?

25                   MR. CLOUSER: Yes. There is a buffer lot

1 right next to there. The graveyard is, I believe, the  
2 second one up. I can't read that number. I believe  
3 it's either the 5.1 or the 1, yeah, I believe that's  
4 where the graveyard's at.

5 COMMISSIONER SCHERRER: Okay. Come on  
6 over.

7 MR. CLOUSER: So you have that small lot.  
8 It's got to be in that area there somewhere because  
9 it's the 1.05, right there, that is --

10 COMMISSIONER SCHERRER: Okay. Come on  
11 back.

12 MR. CLOUSER: Yeah, I've already checked  
13 that out, that's where the graveyard's at.

14 COMMISSIONER SCHERRER: Okay. Another  
15 concern was the compatibility with the neighborhood,  
16 the commercial use in the middle of a residential  
17 area. Would you like to respond to that?

18 MR. CLOUSER: Well, the main thing is we're  
19 not working on cars here. It's not a repair facility;  
20 it's a training facility. Car -- if there is one car  
21 there that is inside the garage, it's only for  
22 examples only. It is not a customer-based vehicle.  
23 It is not a -- a job for hire or anything like that.  
24 It is a example is what it is.

25 COMMISSIONER SCHERRER: Okay. I'm going to

1 give you --

2 MR. CLOUSER: There is no gas and oil being  
3 changed. It's not a repair facility. Besides, we are  
4 a beautification facility, it's auto body. We, you  
5 know...

6 COMMISSIONER SCHERRER: Sure. I  
7 understand. You are not required to but would you  
8 like to respond to the deed document?

9 MR. CLOUSER: I don't think there's  
10 anything. I was unaware of anything with, you know...

11 COMMISSIONER SCHERRER: Okay.

12 The septic system was the next. Are you  
13 aware of a septic system for the old schoolhouse?

14 MR. CLOUSER: Yes.

15 COMMISSIONER SCHERRER: And it's in working  
16 order?

17 It's been inspected or do you know?

18 MR. CLOUSER: The septic system for the  
19 schoolhouse is nonexistent.

20 COMMISSIONER SCHERRER: Okay.

21 MR. CLOUSER: It's back at the house. We  
22 have the plans and approvals for -- not approval from,  
23 you know, but the plans from -- what was that company,  
24 Danny -- to put a septic system in there. But in  
25 doing this, for the cost of the septic system which

1       would range between 20,000 and 30,000 to install, we  
2       then stepped back and said, hey, let's find out about  
3       putting in a sewer system. So we started talking with  
4       Jefferson County Sewer and we are going to basically  
5       bring the sewer system over to that site, which would  
6       benefit everybody because then they would be --

7                    COMMISSIONER SCHERRER: Yeah.

8                    MR. CLOUSER: -- able to connect onto the  
9       sewer system. And we're going to absorb the cost of  
10      that to go underneath the highway, bring the sewer  
11      system from the right side, I think it's on that first  
12      lot on the corner of Heads Creek. But it's  
13      nonexistent on that side of the highway but we're  
14      going to, hopefully, plan to bring that sewer system  
15      over to that side of the road using one of the corners  
16      of the property to put the main trunk for the sewer  
17      system.

18                   COMMISSIONER SCHERRER: Okay. Next one was  
19      water pollution.

20                   MR. CLOUSER: There's no chemicals on the  
21      site.

22                   COMMISSIONER SCHERRER: I think the concern  
23      was if you're changing motors --

24                   (Overlapping conversation.)

25                   MR. CLOUSER: No.

1                   COMMISSIONER SCHERRER: -- and cars parked  
2 long term --  
3                   MR. CLOUSER: It's a nonchemical --  
4                   COMMISSIONER SCHERRER: -- you're doing  
5 paintless dent removal?  
6                   MR. CLOUSER: Yeah, paintless dent removal  
7 is just the (inaudible) --  
8                   (Overlapping conversation.)  
9                   COMMISSIONER SCHERRER: The cars you're --  
10 that you would be working on are running up and down  
11 the road every day?  
12                  They're in good condition, they're not  
13 (inaudible) --  
14                  (Overlapping conversation.)  
15                  MR. CLOUSER: Yeah.  
16                  COMMISSIONER SCHERRER: -- you're not  
17 walking around --  
18                  MR. CLOUSER: And that's the other --  
19                  THE COURT REPORTER: I'm sorry, I couldn't  
20 hear.  
21                  MR. CLOUSER: -- per se, like noise  
22 pollution or anything of that sort. Paintless dent  
23 removal doesn't make an amount of noise to it. The  
24 rest of the training in the facility is, basically,  
25 like display: Here's a fender. Here's where this is

1 at. You know, there's not, per se -- it's not a  
2 repair facility.

3 COMMISSIONER SCHERRER: Okay. One resident  
4 quoted you as saying that, you know, you mentioned  
5 evenings and weekends --

6 MR. CLOUSER: Yes.

7 COMMISSIONER SCHERRER: -- what would your  
8 hours be. Can you expand on that?

9 MR. CLOUSER: That would be no more than  
10 like a night school here at Jefferson College or  
11 anything. It's only going to go on till, you know,  
12 maybe eight, nine o'clock at night but the only thing  
13 that somebody would be seeing would be the lights.  
14 Like I said, we can only bring in, at one given time,  
15 we're allowed two students.

16 The rest of them would be if we had a group  
17 meeting through an organization, you know, it would be  
18 no different than a chamber or something like that  
19 would come there just for, basically, a -- a speaking  
20 and things like that. But the facility that we're  
21 constructing, the schoolhouse, even when it was  
22 existent of the school, I don't think you could get  
23 more than 20 people in there, you know.

24 COMMISSIONER SCHERRER: Okay. And, lastly,  
25 there was a concern of home values decreasing in the

1 immediate area. I understand -- unless you have a  
2 real estate license, I don't really know how you can  
3 speak to that but this is your opportunity.

4 MR. CLOUSER: The value of this property  
5 right now, I mean, good God, if you seen it, it's --  
6 it's horrendous. Yeah, it would be my intention to  
7 get that next lot back there, but if we did, we would  
8 probably level it off and delete that house out.

9 I've actually got photos or renderings.

10 This is my construction company. The contracts are  
11 signed with him.

12 UNIDENTIFIED SPEAKER: Am I -- am I allowed  
13 to talk also?

14 COMMISSIONER SCHERRER: No. That portion,  
15 I'm sorry, unfortunately has passed.

16 This is, basically, just your rebuttal for  
17 the questions that were --

18 MR. CLOUSER: Yeah, this -- this whole  
19 facility with the two constructions of these places, I  
20 mean, we're talking upwards of 700,000 going into  
21 this. The residential house behind it is going to  
22 increase in size using the same foundation, extending  
23 it out. That will be my main residence so I'm in the  
24 same situation. I -- I'm not going to have an  
25 industrial place in my residence where I'm going to

1 reside.

2 I am taking that house and adding probably  
3 another, roughly, 500-square foot to the back sides of  
4 it and reconstructing it. I mean, the rendered plans  
5 are beautiful for it. I mean, it will -- the house  
6 alone -- everything that's going to be to the front of  
7 this property you're going to look at is going to be  
8 amazing. You know, it's going to be a welcome  
9 entrance into it. Any time during the day, weekends  
10 or anything, somebody's going to drive by this and see  
11 a fully-restored schoolhouse. I mean, I'm going to  
12 put the top steeple on it with the bell. It's going  
13 to look like a schoolhouse. It's going to be the way  
14 it was before but beautified.

15 And the only thing you're going to get out  
16 of it is, basically, students and stuff coming in  
17 there at various times. And this is not a  
18 Monday-through-Friday facility. It's not a  
19 seven-day-a-week facility. This will probably sit  
20 vacant more than it will be used.

21 COMMISSIONER SCHERRER: Okay. One more  
22 concern was brought up that, I mean, if this is -- if  
23 this zoning is changed, you know, if -- if your  
24 business dealings don't work out and if you decide  
25 whatever then this property being rezoned opens up to

1 a whole bunch of other possibilities.

2 MR. CLOUSER: It's --

3 COMMISSIONER SCHERRER: And I understand

4 those concerns. Would you like to respond to that?

5 MR. CLOUSER: Yeah. I mean, I don't have a  
6 crystal ball. I can't predict the future, you know, I  
7 -- I can't.

8 COMMISSIONER SCHERRER: Anything else you'd  
9 like to add?

10 MR. CLOUSER: No. I would like you to  
11 have copies of these I have for one (sic) everybody.  
12 They have the proposed site --

13 COMMISSIONER SCHERRER: Okay. We'll have  
14 to enter those into evidence so if you'll give  
15 Mr. Kehm a minute to grab them from you.

16 And if there's nothing else you would like  
17 to say, then we'll -- we'll take a look at them and  
18 then --

19 MR. CLOUSER: All right.

20 COMMISSIONER SCHERRER: -- we'll move  
21 forward with our process. Thank you.

22 COMMISSIONER SPARKS: Chair, can I ask the  
23 witness a question?

24 COMMISSIONER SCHERRER: Sure.

25 COMMISSIONER SPARKS: It's just something

1 that -- that wasn't mentioned that I'm going to circle  
2 back to. One of the citizens said -- and I'm looking  
3 at your shirt. Is that your business --

4 MR. CLOUSER: That is.

5 COMMISSIONER SCHERRER: -- on your shirt?

6 MR. CLOUSER: Yes, I have --

7 COMMISSIONER SCHERRER: Okay. So you have  
8 a commercial business?

9 (Overlapping conversation.)

10 MR. CLOUSER: I have a commercial business  
11 yes. Yeah.

12 COMMISSIONER SPARKS: And --

13 MR. CLOUSER: But having a commercial  
14 business where I'm at, I'm kind of landlocked in. I  
15 would liked to have had a training facility in that  
16 area, was not able to get, you know, I had a couple  
17 pieces of property set out to do it but I just thought  
18 this was more poetic, you know, I -- people say that.  
19 You know, I've been out here since 1976, the day I was  
20 born, so I've looked at this place my whole life and  
21 I've always desired, you know, thinking, man, I'd love  
22 to have that school. And it just seemed very poetic  
23 to make a school back to a training center and it--

24 COMMISSIONER SCHERRER: Well, let us --

25 MR. CLOUSER: -- just kind of piggybacked

1 with what I did.

2 COMMISSIONER SCHERRER: Let us make a  
3 motion on this, real quick.

4 Is there a motion to accept Exhibit F?

5 COMMISSIONER DUGAN: So moved.

6 COMMISSIONER BOWERS: Second.

7 COMMISSIONER SCHERRER: Commissioner Dugan  
8 made a motion to accept Exhibit F into evidence; it  
9 was seconded by Commissioner Bowers.

10 All in favor?

11 COMMISSION: Aye.

12 COMMISSIONER SCHERRER: Opposed?

13 Exhibit F is accepted into evidence.

14 Anything else you'd like to add, sir?

15 MR. CLOUSER: I mean, from what I've had  
16 now with the appraisals and stuff that I've already  
17 had done on this, this should bring this property  
18 value up into, approximately, more than a half to  
19 three-quarter of a million dollars, which in turn is  
20 going to bring everybody's property value up.

21 COMMISSIONER SCHERRER: Okay. All right.

22 Thank you very much.

23 MR. CLOUSER: Thank you.

24 COMMISSIONER SCHERRER: Are there other  
25 questions for this citizen -- for the petitioner?

1                   MR. CLOUSER: Any questions about the --  
2                   the views of the --

3                   COMMISSIONER SCHERRER: Thank you, sir.

4                   MR. CLOUSER: Thank you.

5                   COMMISSIONER SCHERRER: Discussion amongst  
6                   commissioners or a move for a vote. We have to  
7                   remember that this is just a vote for approval or  
8                   denial of the zoning change, nothing else factors into  
9                   this, at this point, so you're just making a motion  
10                  for approval or denial of a rezoning.

11                  COMMISSIONER TUGGLE: I'd like to make a  
12                  motion at this time to deny CC --

13                  COMMISSIONER SPARKS: Second. Oh, sorry.

14                  COMMISSIONER SCHERRER: Time-out.

15                  COMMISSIONER TUGGLE: -- CC223041.

16                  COMMISSIONER SCHERRER: Okay. Commissioner  
17                  Tuggle made the motion; is there a second?

18                  COMMISSIONER SPARKS: There's a second.

19                  COMMISSIONER SCHERRER: Commissioner  
20                  Sparks.

21                  Commissioner Tuggle made a motion to deny  
22                  CC223041; it was seconded by Commissioner Sparks.

23                  All in favor?

24                  COMMISSION: Aye.

25                  COMMISSIONER SCHERRER: Opposed?

1 Motion to deny CC223041 is approved  
2 unanimously.  
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1                   COMMISSIONER SCHERRER: Reports to the  
2 Commission.

3                   MR. KEHM: Just one this evening. Your  
4 next meeting is on October the 12th. We do have  
5 two cases for that meeting. I do not believe we will  
6 have a second October meeting.

7                   Is that correct, Elaine?

8                   MS. ROESCH: We do not.

9                   MR. KEHM: Yeah. So today was the deadline  
10 to submit things; we have no submissions. So one  
11 meeting in October. And then as -- as those of you  
12 that have been here for a while know, because of  
13 holidays, we have one meeting in each of November and  
14 December as -- as per our approved schedule.

15                   So that's it. Thank you.

16                   COMMISSIONER SCHERRER: Thank you.

17                   Citizens to be heard?

18                   Is there a motion to adjourn?

19                   COMMISSIONER DUGAN: Can I ask a question,  
20 please?

21                   COMMISSIONER SCHERRER: Sure.

22                   COMMISSIONER DUGAN: Regarding the deed  
23 thing which, you know, it doesn't -- we don't enforce  
24 it, if I was a citizen looking to do something I'd  
25 have to take a legal action, I guess?

1                   MR. CORDES: Yeah, I mean, and again, I  
2 haven't seen the document. So let's assume for  
3 purposes of argument that that document restricts what  
4 this gentleman wanted to do, right, and again, that's  
5 the assumption, so if I live in that subdivision, I'm  
6 bound by those restrictions. I have standing to bring  
7 a legal action to seek an injunction against --  
8 against him.

9                   And again, that's not something that the  
10 county gets involved in. That's something that you'd  
11 have to seek out private legal counsel to handle it  
12 and that's a matter that's heard by the circuit court  
13 in the -- in the courthouse, so.

14                   COMMISSIONER DUGAN: That's what I thought.

15                   MR. CORDES: Does that answer your  
16 question?

17                   COMMISSIONER DUGAN: It does indeed.

18                   COMMISSIONER SCHERRER: Motion to adjourn?

19                   COMMISSIONER DUGAN: So moved.

20                   COMMISSIONER BOWERS: Second.

21                   COMMISSIONER SCHERRER: Commissioner Dugan  
22 made a motion to adjourn; it was seconded by  
23 Commissioner Bowers.

24                   All in favor?

25                   COMMISSION: Aye.

1                   COMMISSIONER SCHERRER: Opposed?

2                   We are adjourned.

3                   [Adjourned 7:35 p.m.]

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1 C E R T I F I C A T E

2

3 I, JENNIFER M. JETT, a Certified Court  
4 Reporter, in and for the State of Missouri, do hereby  
5 certify that I was present at the time and place  
6 hereinbefore set forth; that said proceedings were had  
7 as appears herein; and that this is a true and  
8 accurate record of said proceedings.

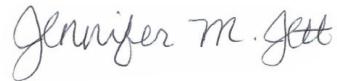
9

10 IN TESTIMONY WHEREOF, I have hereunto  
11 subscribed my name on this 2nd day of October, 2023.

12

13

14



15 JENNIFER M. JETT, CCR  
MISSOURI CCR NUMBER: 634

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22 September 28, 2023  
Jefferson County Planning and Zoning Meeting

23

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25

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