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Planning & Zoning Meeting

March 14, 2024

Jefferson County, Missouri

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

March 14, 2024

6:30 P.M.

Jennifer M. Jett, CCR
MISSOURI CCR NUMBER: 634

1	E X H I B I T S		
2			
3	Exhibits	Description	Identified
4	Exhibit A	Official Master Plan for Jefferson County, Missouri	Page 11
5	Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 11
6	Exhibit C	Planning Division Staff Report and Respective Case Files	Page 11
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13	[Exhibits retained by Counsel.]		
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1 JEFFERSON COUNTY PLANNING AND ZONING
2 COMMISSION MEETING AND PUBLIC HEARING, March 14, 2024,
3 between the hours of 6:30 in the evening and 7:46 in
 the evening of that day, at the Jefferson County
 Administration Center, 729 Maple Street, Hillsboro,
 Missouri 63050, before Jennifer M. Jett, MO-CCR.
4

5 A P P E A R A N C E S
6

7 PLANNING AND ZONING COMMISSION:

8 Jessie Scherrer
9 Greg Bowers
9 Johnathan Sparks
10 Jeffrey Spraul
10 Mike Huskey

11

12 PLANNING DIVISION STAFF:

13 Dennis J. Kehm, Jr.
13 Josh Jump
14 Rachel Krispin
14 Elaine Roesch
15

16 COUNTY COUNSELOR:

17 Jason Cordes
18 Jalesia Kuenzel

19

20 DIRECTOR OF COUNTY SERVICES:

21 Mitchell Bair
22

23

24

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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. This public hearing is designed to allow
10 for citizens and other interested parties to provide
11 the Commission and, ultimately, the County Council
12 with information, comments, testimony, and evidence to
13 assist the Commission in making a more informed
14 decision relative to the applications before it and
15 for making recommendations to the council on those
16 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 -- address and sign this form.
24 When the chairman asks if anyone is in attendance
25 wishing to speak on a specific application, those

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

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

14 The structure of this meeting is as
15 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 may
21 question the staff relative to the project. The
22 chairman will then call the petitioner, the party that
23 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 for the facts surrounding the
3 application. After completion of the presentation of
4 the 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 the 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 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 total of 20 minutes allocated for public
23 comment in opposition to the application. No one
24 speaker will be allowed to speak for more than three
25 minutes. The Commission may ask questions of any

1 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 that 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 a public
12 body regarding the application.

13 The petitioner will then have five minutes
14 to respond to issues raised during the comment period.
15 The Commission may further question the petitioner --
16 petitioner. Time used to respond to questions from
17 the Commission will not count against the time
18 allocation.

19 After closure of the comment period, the
20 Commission will then deliberate on the application.
21 The Commission may direct additional comments to the
22 staff or it may proceed directly to considering the
23 application. Decisions of the Planning and Zoning
24 Commission will be forwarded to the County Council for
25 final action. Final action by the County Council will

1 generally take the form of an ordinance approving the
2 application or a resolution denying the application.
3 In most instances there will be no further -- there
4 will be no further public hearing before the County
5 Council.

6 I now call this meeting to order.

7 Madam Secretary, will you please call roll?

8 MS. ROESCH: Danny Tuggle.

9 Greg Bowers.

10 COMMISSIONER BOWERS: Here.

11 MS. ROESCH: Johnathan Sparks.

12 COMMISSIONER SPARKS: Here.

13 MS. ROESCH: Larry Adkins.

14 Jeffrey Spraul.

15 COMMISSIONER SPRAUL: Here.

16 MS. ROESCH: Tim Dugan.

17 Jessie Scherrer.

18 COMMISSIONER SCHERRER: Here.

19 MS. ROESCH: Mike Huskey.

20 COMMISSIONER HUSKEY: Here.

21 MS. ROESCH: We have a quorum.

22 COMMISSIONER SCHERRER: Thank you.

23 There -- is there a motion to approve the
24 agenda?

25 And I know that some of the minutes have

1 the first case listed as withdrawn, some of them do
2 not so let's make the motion to approve the agenda
3 with the amendment.

4 COMMISSIONER BOWERS: Make -- make a motion
5 to approve the agenda showing the withdrawn case
6 PC24005.

7 COMMISSIONER SCHERRER: Is there a second?

8 COMMISSIONER SPARKS: Second.

9 COMMISSIONER SCHERRER: Commissioner Bowers
10 made a motion to approve the agenda with the withdrawn
11 case; seconded by Commissioner Sparks. Correct?

12 COMMISSIONER SPARKS: Correct.

13 COMMISSIONER SCHERRER: All in favor say
14 aye.

15 COMMISSION: Aye.

16 COMMISSIONER SCHERRER: Opposed?

17 Approval of agenda is -- passes
18 unanimously.

19 Approval of the minutes for February 22,
20 2024.

21 COMMISSIONER BOWERS: Make a motion to
22 approve the minutes.

23 COMMISSIONER SPARKS: Second.

24 COMMISSIONER SCHERRER: Commissioner Bowers
25 made a motion to approve the minutes for February 22,

1 2024; it was seconded by Commissioner Sparks.

2 All in favor say aye.

3 COMMISSION: Aye.

4 COMMISSIONER SCHERRER: Opposed?

5 Approval of the minutes for February 22,
6 2024, passes unanimously.

7 Swearing in of the witnesses.

8 MR. KEHM: Thank you very much, Mr. Chair.

9 Again, thank you all for coming out
10 tonight. It is important if you are going to be
11 speaking on -- on any of the cases this evening that
12 your testimony be sworn. Your testimony actually
13 becomes a part of the record in most cases so rather
14 than do that individually, we swear everybody in here
15 at the beginning of the meeting all at once. So if
16 you're going to be speaking, you think you might be
17 speaking, you have any -- any design on speaking
18 tonight, please do go ahead and stand up right now,
19 raise your right hand, and the board secretary over
20 here will swear you in.

21 [Witness sworn by Secretary Roesch.]

22 MR. KEHM: Thank you very much.

23 You can have a seat. Remember, when it's
24 your turn to speak the chair will recognize you. Head
25 on up this way, hand that little slip to one of these

1 folks here in front of me. Go on up to the podium
2 where I promise I will replace this microphone so you
3 don't have to hear from me anymore, state your name,
4 state your address, and state that you have been sworn
5 in and then you can begin your remarks to the
6 Commission.

7 COMMISSIONER SCHERRER: Thank you, sir.

8 Introduction of evidence.

9 MR. KEHM: Members of the Jefferson County
10 Planning and Zoning Commission, the county would ask
11 that the following exhibits be entered into the record
12 for the cases to be heard by you this evening. Those
13 exhibits are Exhibit A, the Official Master Plan for
14 Jefferson County, Missouri, which was adopted on
15 August the 6th, 2003, and made effective on April the
16 2nd, 2008. Exhibit B, the Code of Ordinances of
17 Jefferson County, specifically Chapter 400 of that
18 code; that would be the Unified Development Order
19 adopted April the 2nd, 2008, and amended from time to
20 time thereafter. And, finally, Exhibit C which
21 consists of the Planning Division Staff Reports with
22 their respective case files.

23 COMMISSIONER SCHERRER: Thank you, sir.

24 Is there a motion to accept the
25 introduction of evidence?

1 COMMISSIONER BOWERS: Make a motion to
2 introduce the evidence.

3 COMMISSIONER SPARKS: Second.

4 COMMISSIONER SCHERRER: Commissioner Bowers
5 made a motion to accept the introduction of evidence;
6 it was seconded by Commissioner Sparks.

7 All in favor?

8 COMMISSION: Aye.

9 COMMISSIONER SCHERRER: Opposed?

10 Introduction of evidence passes
11 unanimously.

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1 COMMISSIONER SCHERRER: Under new business
2 the case PC24005 has been withdrawn so we will move to
3 PC24006. And that is Ms. Krispin. Sorry.

4 MS. KRISPIN: Thank you.

5 This is PC24006. The petitioner is
6 requesting to rezone the subject properties from
7 nonplanned community commercial CC2 and single-family
8 residential R10 to planned commercial and development
9 plan approval for Above and Below.

10 The subject property is located at 5218
11 U.S. Highway 61-67 in Imperial. The portion of the
12 property that is being requested to be rezoned is the
13 area that is currently developed as a large gravel lot
14 and there are no flood concerns.

15 So this is a look at the zoning map.
16 What's outlined in black was what was detailed on the
17 application and development plan but outlined in red
18 is where the requested rezoning is. So the subject
19 property is zoned nonplanned community commercial CC2
20 as well as to the north and south and then to the east
21 single-family residential R10.

22 This is a look at the topography map.
23 Currently, these buildings have been removed and it is
24 a large gravel lot today but you can see beyond that,
25 in that residential area, it's pretty heavily wooded.

1 These are photos of the subject property.
2 This is view of the frontage along Highway 61-67 and
3 then this is a look at that gravel lot today. This is
4 the development plan submitted. It shows a gravel
5 area proposed for construction contractor equipment
6 and storage. It shows an existing 5-foot chain-link
7 fence along the frontage of U.S. Highway 61-67; a
8 proposed retaining wall along the northern property
9 line. Landscaping is proposed along the frontage.
10 The rear of the subject properties on the development
11 plan is labeled to be -- remain residentially zoned
12 and undeveloped and there were two modifications
13 requested with this development plan and in regard to
14 corner clearance and minimum screen requirements.

15 For those requested modifications, the
16 first one is to Section 400.2620. The UDO required
17 corner clearance cannot be met at any location on the
18 site due to existing adjacent and proposed driveways.
19 Staff recommends approval of this requested
20 modification.

21 And the other one is to Section 400.4750.
22 The petitioner is seeking relief from the high-impact
23 screening buffer requirement between the proposed
24 planned commercial zone district and the single-family
25 residential R10 zone district in the rear of the

1 properties. The petitioner stated elevation changes
2 and an existing high-pressure gas main as challenges
3 to meet this requirement. Staff recognizes the
4 elevation changes as the property slopes downwards
5 which may make an impact or, I'm sorry, which may make
6 a high-impact screen ineffective; however, there are
7 single-family residences located within the immediate
8 area as well as the rear portion of the subject
9 properties that is zoned residential. Staff
10 recommends approval with conditions of this requested
11 modification with the following conditions being a
12 high-impact screen shall be installed if the
13 residential portion of the properties were to ever be
14 developed and high-impact screening shall be installed
15 if any clearing or tree removal occurs in the
16 residentially zoned portion.

17 For the analysis, I went over each point of
18 criteria when considering a zone change; I won't go
19 over each one but I will note four of them. The first
20 one being the character of the neighborhood. This is
21 primarily commercial given the road frontage along
22 Highway 61-67, which is a highly traveled roadway and
23 commercialized area of the county. It should be
24 noted, though, the subject properties back up directly
25 to single-family residential properties. As proposed

1 on the development plan, a large portion is to remain
2 residentially zoned and undeveloped. This could
3 create a large buffer between the proposed development
4 area and the existing residences.

5 The next one is the existing and any
6 proposed zoning and uses of adjacent properties and
7 the extent to which the proposed use is compatible
8 with the adjacent zoning and uses. The adjoining
9 properties to the north and south as well as across
10 U.S. Highway 61-67 to the west are zoned commercially.
11 The properties along the northeastern and eastern
12 property lines are zoned residentially. The proposed
13 planned commercial zone district would be consistent
14 and compatible with the properties along the road
15 frontage. The proposed zoning is not compatible with
16 the residential properties that adjoin; however, a
17 large portion of the subject properties is to remain
18 undisturbed creating a large buffer from the different
19 zone districts and land uses -- and land uses.

20 It should be noted that while commercial
21 zoning of the front area of the subject property is
22 consistent with the area, the actual proposed use is
23 not unless factors are employed to mitigate the
24 incompatibility. Direct highway frontage property
25 such as the subject property is most suitable for

1 highly visible retail and service types of uses. The
2 proposed use, given the unsightly nature of outdoor
3 contractor storage is not the most optimal use of the
4 property with direct highway frontage.

5 Next is the extent to which the property
6 use will negatively affect the character of the
7 property and neighboring properties. Given that the
8 property is located within a highly commercialized
9 portion of the county, commercial development is not
10 likely to negatively affect the character of the
11 neighboring properties along the road frontage;
12 however, the specific use proposed by the petitioner
13 is not the best commercial use of the property and
14 could likely negatively impact the neighbor -- the
15 character of the neighborhood unless mitigation
16 measures are employed.

17 And, lastly, the ability of the applicant
18 to satisfy any requirements applicable to the specific
19 use imposed pursuant to this UDO: The plan and the
20 requested modifications in accordance with this
21 application make an effort to meet the standards set
22 forth by the UDO. Conditions of approval to the
23 requested modifications in regard to screening and
24 buffering should be taken into consideration.

25 For the zone change and development plan,

1 staff recommends approval with conditions of PC24006,
2 a request for a zone change from nonplanned community
3 commercial and single-family residential to planned
4 commercial and development plan approval for Above and
5 Below in accordance with the modifications; conditions
6 of approval, which are located on page 11 of the staff
7 report; regulatory requirements; and departmental
8 comments.

9 And for the requested modifications, staff
10 recommends approval of Section 400.2620 and approval
11 with conditions of Section 400.4750 with the
12 conditions listed up on the screen.

13 I'll be happy to answer any questions.

14 COMMISSIONER SCHERRER: Are there questions
15 for staff?

16 COMMISSIONER SPARKS: I just -- I just have
17 -- excuse me. I just had one. The mentioning of the
18 high-pressure gas main being a challenge, is that a --
19 is that like a distribution gas line or is it a
20 pipeline?

21 I'm just curious.

22 MS. KRISPIN: It's a pipeline. It's a
23 pipeline, yes.

24 COMMISSIONER SPARKS: Okay.

25 COMMISSIONER BOWERS: Are any of the other

1 lots that are around this or on the back side, is this
2 even developable property?

3 Is it a -- steep in grade, it's heavily
4 wooded?

5 MS. KRISPIN: The topography lines are
6 pretty steep, yes.

7 COMMISSIONER BOWERS: Okay. Okay. But
8 there's no development anywhere in that area?

9 MS. KRISPIN: That's correct.

10 COMMISSIONER BOWERS: But it is set up for
11 a future development?

12 MS. KRISPIN: It's zoned residentially --

13 COMMISSIONER BOWER: Residential.

14 MS. KRISPIN: -- with lots created, yes.

15 COMMISSIONER BOWERS: Okay. Thank you.

16 COMMISSIONER SCHERRER: Other questions for
17 staff?

18 Is the petitioner present?

19 Please come forward. State your name and
20 address and that you have been sworn in. You have
21 ten minutes.

22 MS. ONEST: Good evening. My name is Carol
23 Onest. I'm with Govero Land Services. I have been
24 sworn in. And the office address is 5929 Old State
25 Road --

1 COMMISSIONER SCHERRER: Thank you.

2 MS. ONEST: -- Imperial, Missouri 63052.

3 Thank you, guys, for meeting tonight with
4 this weather and I want to thank staff for working
5 with me on this project. This is kind of a unique
6 project with the -- the mixed use of the commercial
7 contractor outdoor storage request up front and the
8 residential one in back.

9 While it's on my mind, I was going to give
10 a little bit more information about the questions that
11 you asked. The gas main on this property kind of runs
12 at the rear property line. It's kind of hard to see
13 when all these lines kind of blend together sometimes.
14 It's real close to that rear property line and this
15 is, at least, a minimum 20-inch, maybe 24-inch
16 diameter high-pressure gas main. It's the one that
17 runs all along I-55 across the entire county and
18 beyond other state -- into other states so it is a big
19 one. And the last time I spoke with someone from the
20 gas company they were requesting 50-foot clearance
21 around those gas lines. They don't like to see
22 anything go up near them, no trees, no fences, no dirt
23 on top.

24 So the contract or the owner here is trying
25 to restore that slope on the side by the gas line.

1 They have a soil report and that soil report is
2 written to provide a 2:1 side slope and you can see
3 every one of those lines is 2 feet so that's a whole
4 lot of feet elevation change between the road at State
5 Highway 61-67 and where that gas line runs. The
6 future development of those real lots would have to
7 overcome that slope and overcome the gas company
8 requirements for building on top of that gas line.

9 This property has been zoned residentially
10 for a long time, I forget the number of years but it's
11 been many, many years, and it has seen no development
12 during all those years. While the properties up
13 front, they each saw development in the past with
14 single-family residential homes, and like many of the
15 other developments along this section of road they've
16 been converted from homes to businesses. And now that
17 some of those homes are getting a little bit of age on
18 them, some of them are faring better than others, the
19 owners decided to take those structures down. So with
20 that, we recognize the condition and the items that
21 staff would like to see to help mitigate the different
22 uses on-site.

23 And the conditions, the one that I want to
24 kind of talk about tonight is the one about the vinyl
25 fence, their request to have a vinyl fence up along

1 the front of Highway 61-67 and along that north
2 property line. So the question is why vinyl and then
3 the second question is, well, what is this fence
4 supposed to do. What do we want the fence to do and
5 what will the fence actually do? So we have our
6 goals, our dreams, we have reality, and then we have
7 the oops factors that kind of come in.

8 So fences, typically, are provided for one
9 of two reasons, either privacy or security. You're
10 either trying to screen something or you're trying to
11 keep something out. Me personally, I like trucks,
12 maybe that's just me, and how many little boys like to
13 drive the tractors and trucks that a lot of the
14 contractor's equipment would have. So some people
15 like that; some people say it's ugly. Beauty's in the
16 eye of the beholder.

17 So then it kind of goes back to, well, what
18 is this -- what is the purpose of this fence:
19 Screening or security. Is there some way that we can
20 provide both, meet both without causing an eyesore?
21 So is it possible -- and this is what I would request
22 -- instead of a vinyl fence, can we provide a 6-foot
23 tall chain-link fence with fabric screening?

24 I'm not talking about the plastic slats;
25 those break, those get ugly, those are a little bit

1 harder to maintain. I'm just asking for a 6-foot
2 chain-link fence with fabric. That fabric can be like
3 98 percent opaque and that can provide the county's
4 desire to screen what is determined to be an
5 incompatible use and the chain-link also provides the
6 security the owner is looking for.

7 Now, remember, these trucks are these
8 workers' offices. This is what they get in and work
9 in as they do their jobs. They don't go behind a door
10 and lock it at night. They don't have -- they don't
11 have a vinyl fence lock up their tools that they use.
12 They want a secure site and chain-link can provide a
13 lot more security than vinyl, especially when you're
14 talking tools. Hammers can, you know, get strong
15 enough, anything can break a vinyl fence.

16 And, also, on the north side, that gas
17 main, it's going to limit the location of where a
18 fence can go down that slope. And when you start
19 putting fences on slopes that are 2:1, they kind of
20 become a little bit ineffective, they're not the best
21 use of that, they don't always provide the best
22 screening. So there is the elevation differences
23 there too. And, also, that northern property line is
24 zoned commercial. The residential structures are a
25 little bit further away on that side and they're like

1 20-foot higher than that property line or that
2 proposed gravel storage lot is as well. And with
3 that, I can have all sorts of fence idioms running
4 through my head to play off of Dennis's jokes but I
5 don't think I'll do that.

6 So with that, we just request acceptability
7 of a chain-link fence with fabric screening to provide
8 a compromise between the owner's needs to keep this
9 property viable in this county, don't let it become
10 vacant, and the planning's desire to screen the
11 storage equipment.

12 So with that I'm open to any questions.

13 COMMISSIONER SCHERRER: All right. Thank
14 you.

15 Are there questions for the petitioner?

16 COMMISSIONER SPARKS: I have a few
17 questions. You talk about the security, you know, for
18 -- for peoples' mobile offices. And, of course, you
19 know, we have to look at, you know, people that drive
20 through the community. And, you know, does the
21 chain-link fence then turn into chain-link fence with
22 razor wire and floodlights and everything else because
23 people start breaking in?

24 So do you see that being an issue in the
25 future as part of the security concern?

1 MS. ONEST: No, I do not see the fence
2 growing in style to include razor wire. And any
3 lighting that would go on this site would be in
4 compliance with the UDO.

5 COMMISSIONER SPARKS: And what size/type
6 vehicles are we talking about?

7 Are we talking about F-250s or earth-moving
8 dump trucks and -- and, you know, things, you know,
9 county road-grader type vehicles?

10 MS. ONEST: Well, construction equipment is
11 changing by the day. We're talking about tandem dump
12 trucks, we're talking about vacuum truck, we're
13 talking a lot of trucks that are -- are backhoes, a
14 lot of items that are used for the installation of
15 utilities. So does that answer --

16 COMMISSIONER SPARKS: Yeah.

17 MS. ONEST: -- give you an idea?

18 COMMISSIONER SPARKS: I'm just trying to
19 get a scope of size.

20 MS. ONEST: Yeah. These are tall trucks.
21 They're not going to be screened by the 6-foot fence.
22 Some of the other stuff might be but the trucks will
23 not be screened by any type of 6-foot fence or 10-foot
24 fence.

25 COMMISSIONER SPARKS: And you talked about

1 how this has not been developed for years. Do you
2 know about how many years it's been sitting vacant?

3 COMMISSIONER SCHERRER: I believe that
4 there -- if you look in the addendum, I believe there
5 is something back there about, I don't know, I seen
6 something like 1960 or -- it's in the very last page
7 from Mr. Govero.

8 MS. ONEST: It predates computers. I think
9 1960s sound right.

10 COMMISSIONER SCHERRER: It was originally
11 developed and platted in 1960.

12 COMMISSIONER SPARKS: Okay. Thank you,
13 Commissioner.

14 COMMISSIONER BOWERS: I have a question.

15 Will there be any other storage besides
16 equipment on this lot?

17 No, you know, piles of gravel, asphalt,
18 different things like that?

19 MS. ONEST: The zoning being requested is
20 contractor storage equipment and materials and so
21 that's what you have to consider when you make your
22 decision.

23 COMMISSIONER BOWERS: Tanks with fuel, I'm
24 assuming, things for --

25 MS. ONEST: They have not asked for any

1 fuel tanks.

2 COMMISSIONER BOWERS: Or anything like
3 that?

4 MS. ONEST: No.

5 COMMISSIONER SCHERRER: Any hazardous
6 material or anything like that?

7 MS. ONEST: Yeah, they're --

8 COMMISSIONER BOWERS: So only natural
9 materials then possibly could be stored?

10 MS. ONEST: Yes. Yeah. I mean, if these
11 guys put anything there, I mean, a lot of times when
12 you dig a trench for a storm sewer or water main,
13 you're backfilling with rock. They don't want to
14 store material here because that means they have to
15 transport it to the site and then transport it to the
16 job site so that's not their goal; it's not
17 productive. They really want a place for their
18 equipment right now. But with respect to what they
19 want, you have to -- you have to make your choice
20 based on the zoning.

21 COMMISSIONER BOWERS: Thank you.

22 COMMISSIONER SCHERRER: Other questions?

23 COMMISSIONER BOWERS: Can we get a
24 clarification on the fence thing that's going on with
25 this so that we can all understand what's happening

1 here, please?

2 MR. KEHM: Yeah. Can -- are you -- is she
3 done 'cause I'm going to have to go over to the
4 microphone 'cause I don't have a microphone.

5 COMMISSIONER BOWERS: I bet you could talk
6 loud enough to where we could hear you.

7 MR. KEHM: Well, they won't record me
8 unless I'm directly on the microphone.

9 COMMISSIONER BOWERS: I understand.

10 COMMISSIONER SCHERRER: Is there anything
11 you'd like to add?

12 MS. ONEST: No, just thank you for being
13 here. And thanks.

14 COMMISSIONER SCHERRER: Okay. We will
15 probably call you back.

16 MR. BAIR: I wonder why nobody wants to
17 give you a microphone.

18 MR. KEHM: I know and I demand to be
19 recorded when I speak.

20 Okay. So two things: Number one, the
21 county's ordinance does not allow for chain-link
22 fencing either with slats or vinyl when used for
23 screening purposes because (a), as Carol pointed out,
24 the slats break, they fall out, they chip; the fabric
25 rips and blows around in the wind; and, I mean, it

1 looks worse than if you didn't put anything up there.
2 But the county ordinance requires or allows for only
3 two things for a fence used for screening purposes:
4 100 percent opaque vinyl or a masonry wall. We,
5 obviously, would not put a masonry wall up along a --
6 we wouldn't ask for one along the highway frontage
7 like that.

8 With regard to the purpose of the fencing,
9 I mean, it's hard to see in this photo but it should
10 be rather obvious why we think there needs to be
11 screening along the frontage of that property. This
12 is main highway frontage, good commercial property.
13 And, quite frankly, we don't think it's fair that it
14 looks like that, that everybody in that area's got to
15 look like that. It's going to devalue potentially --

16 COMMISSIONER BOWERS: Just for -- to
17 clarify, that's the neighboring lot?

18 MR. KEHM: This is the current business
19 right here.

20 MR. BAIR: No, they've already -- the
21 applicant's already done that.

22 MR. KEHM: So this lot that's gravel is the
23 lot we're talking about tonight. And as you can see,
24 a fence has already been erected here which is
25 probably why they're asking to have a chain-link fence

1 because, low and behold, one was put up. But this lot
2 that I'm pointing to behind it is the existing
3 business and this is the storage area of that
4 business. And, again, that -- that photo is hard to
5 see but it is not the -- the most aesthetically
6 pleasing yard and I am being as nice as I can possibly
7 be when I say that. And so our intent is you don't
8 want good highway frontage like this to become
9 basically an open yard for all kind of things.

10 And so to the extent that we feel like that
11 should be screened, we think it should be. And that
12 goes for the property line here where this fence is
13 along what would be the northern -- the northern side.
14 And we recognize the limitations when you get closer
15 to that pipeline, right, so while it may not be
16 possible, obviously, to put a fence all the way to the
17 easement for that pipeline, it would be possible to
18 put it along that northern line adjacent to the rear
19 of the -- the structures that are there on the
20 neighboring property. So that's -- that's why we ask
21 for that.

22 MR. CORDES: There's an additional issue
23 that petitioners have with this request for the
24 chain-link fence and that is, as Mr. Kehm has told
25 you, the UDO does not allow for chain-link fencing.

1 If they wanted a variance from that, a deviation from
2 that, that should have been part of their initial
3 application, something that we would have had in a
4 staff report and we give notice of these things, that
5 notice goes out; instead, they're asking for this on
6 the fly, which from a notice and process standpoint is
7 suspect. So I -- everything Dennis said and I would
8 add to that the -- the notice issues with this.

9 COMMISSIONER SCHERRER: Other questions for
10 staff?

11 Okay. Well, this is new for me because you
12 sat down and I was getting ready to call your other
13 witnesses.

14 She still has time left on her clock. Can
15 she still speak?

16 MR. CORDES: That's up to you if you want
17 to allow that.

18 COMMISSIONER SCHERRER: Okay.

19 MR. CORDES: In other words, she did not
20 complete her initial ten minutes?

21 COMMISSIONER SCHERRER: No, she did not.

22 She has three minutes and 40 seconds left.

23 MR. CORDES: Now, she also has a rebuttal
24 period, too, right, after all the public comment?

25 COMMISSIONER SCHERRER: Yes. Yes.

1 MR. CORDES: So if you want to allow that,
2 you're running the meeting, so.

3 COMMISSIONER SCHERRER: I will allow that.

4 You have three minutes and 40 seconds left.

5 MS. ONEST: Okay. My next statement is
6 more of a rebuttal in response to the last statement.

7 This property is adjacent to CC2 zoning. There is no
8 high-screen impact requirement when it's adjacent to
9 CC2 zoning. If it was listed as a requirement, that
10 deviation would have been requested at that -- with --
11 along with the original submittal so that's more of a
12 rebuttal, so.

13 COMMISSIONER SCHERRER: Okay. I don't -- I
14 don't know that we need to debate this or anything.

15 Okay. Other questions from staff or, I'm
16 sorry, from commissioners?

17 Citizens wishing to be heard that are in
18 favor of this project?

19 Citizens wishing to be heard that are in
20 favor of this application?

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

23 Please come forward. State your name,
24 address, and that you have been sworn in. This
25 portion is allotted 20 minutes but no one speaker will

1 be allowed to speak for more than three minutes.

2 MR. WAGNER: Yeah, so this is Mike Wagner.

3 Judy is my wife. So we -- we have a property, 806
4 Country Brook, which is on the north side of this and
5 it goes down into that valley there. One of my
6 concerns is --

7 COMMISSIONER SCHERRER: I need -- I need
8 you to state your name, address --

9 MR. WAGNER: Oh, sorry.

10 COMMISSIONER SCHERRER: -- and that you
11 have been sworn in.

12 MR. WAGNER: Mike Wagner, 806 Country Brook
13 is the property address that we have there.

14 COMMISSIONER SCHERRER: And you have been
15 sworn?

16 MR. WAGNER: I've been sworn in, yes.

17 COMMISSIONER SCHERRER: All right. Thank
18 you. Go ahead.

19 MR. WAGNER: Okay. Now, we're ready.
20 Okay, yep. My first time doing this.

21 COMMISSIONER SCHERRER: That's quite all
22 right.

23 MR. WAGNER: So 806 Country Brook is in
24 Country Haven Subdivision which is just north of this
25 and there's a lot of traffic goes in and out of there.

1 It's a pretty big subdivision. And down in that hole
2 there we already have a lot of runoff, okay, and I was
3 concerned if there is going to be any retention basins
4 or anything for any additional, you know, storm water
5 that's going to come off this lot, you know, when more
6 of it's developed. It's one of my concerns, you know,
7 because there's already -- being down in that valley,
8 there's -- we already get a ton of runoff and there's
9 a few houses that get water at times and, you know,
10 storm water's already an issue. So, you know, I --
11 Judy and I wanted to make sure that's -- you know,
12 that was going to be handled 'cause if there's going
13 to be more runoff if -- if we're removing vegetation
14 and so forth, we believe that's going to be an issue.
15 How is that going to be addressed?

16 Also, there's a lot of houses back in that
17 subdivision. We have kids. There's a lot of cars
18 coming in and out if we got dump trucks and all this
19 big excavation equipment coming through there. Is
20 anybody familiar with Bob's Drive-In, just on the
21 north side of that entrance?

22 You know, that's been in business forever.
23 You've got families coming in there all the time,
24 eating, kids playing. We're going to have dump trucks
25 and excavating equipment pulling in and out of there

1 all the time.

2 You know, the vinyl fence thing, it's like,
3 yeah, I -- I understand why Jefferson County wants
4 that because this whole project's going to be an
5 eyesore, you know. Make the fence 15-foot tall might
6 be a better option but, you know, better option might
7 be that they need to put this excavating business
8 somewhere else. I mean, as a property owner, I'd like
9 to see that area improving, not what I would say maybe
10 going the other way, you know, I don't know. So
11 that's -- that's our issues of concern, you know, in a
12 nutshell, so.

13 COMMISSIONER SCHERRER: Okay. Anything
14 else?

15 MR. WAGNER: Nope, that's it.

16 COMMISSIONER SCHERRER: Questions for this
17 citizen?

18 COMMISSIONER BOWERS: Can you tell me where
19 you're -- where you're living at?

20 Are you --

21 MR. WAGNER: Well, actually, Judy and I
22 don't live there. We have a rental property there.
23 So if you go --

24 COMMISSIONER BOWERS: You said eight-o --
25 what was the --

1 MR. WAGNER: 806 Country Brook.

2 MR. BAIR: You can see it right on the
3 cutoff of the edge of that map. See it?

4 COMMISSIONER BOWERS: Thank you.

5 MR. WAGNER: So what happens there is
6 Country Brook there, right behind that, there's a
7 storm sewer that runs through there and there's
8 maximum flow of water that comes off of this whole
9 valley. And my concern is if they're developing more,
10 all that water runs right down through our valley
11 there so, you know, I would ask that that be studied
12 to, you know, to verify how much more runoff we're
13 going to get from that because any more runoff is very
14 bad.

15 You know, we've never had water in our
16 house but there's about four houses down below us that
17 bad storms it's very close so any more runoff is bad,
18 you know, so, you know, that's my main concern right
19 there, you know, so if that's being addressed that
20 would be wonderful.

21 COMMISSIONER SCHERRER: Okay. All right.

22 Thank you.

23 MR. WAGNER: Thank you.

24 COMMISSIONER SCHERRER: Questions for this
25 citizen?

1 All right. Thank you, sir.

2 Anyone else wishing to speak that is
3 opposed to this project?

4 Please come forward. State your name,
5 address, and that you have been sworn in. And you
6 will have three minutes.

7 MR. MULLINS: Hello. My name is Timothy
8 Mullins. I live at 920 Country Haven Drive and I have
9 been sworn in.

10 COMMISSIONER SCHERRER: Thank you.

11 MR. MULLINS: Okay. So we came here
12 tonight because we were concerned about their plans
13 for the -- for the area behind the gravel lot, the
14 wooded area that's directly behind my house. We -- I
15 mean, every window in my house you look out the back
16 window, you look directly at all their equipment.

17 It's quite the eyesore.

18 But more than that, though, so they -- they
19 start work as early as five o'clock sometimes. Their
20 trucks are very, very loud. And they work until well
21 into evening hours especially in the summertime. It's
22 not uncommon for them to be there eight, nine o'clock
23 at night, and we are talking excavators, dump trucks.
24 Again, very, very loud equipment.

25 It's been a nuisance ever since that

1 company has moved there. I have not owned my house
2 for very long but that company was not there when we
3 bought our house. I feel like it's an eyesore and
4 nuisance. And, I mean, my main concern was the wooded
5 area but, also, this gravel lot, I -- I really wish
6 that they would not put their stuff there because it's
7 even closer to my house.

8 This, you know, how it shows this other
9 adjoining property being residential that is because
10 the house at the front of our street is a barber shop.
11 It's not like a -- you know, some commercial frontage
12 property; that is a barber shop. And, again, this
13 entire -- yeah, the pipeline runs through my yard, my
14 property as well. And the gas company told me I
15 couldn't even extend my fence towards it. So I was,
16 you know, kind of wondering what are they going to do
17 with this property, you know, if there's a pipeline
18 running through there. Those are my concerns and
19 yeah.

20 COMMISSIONER SCHERRER: All right.

21 Questions for this citizen?

22 COMMISSIONER SPARKS: I do.

23 Just to get a boots-on-the-ground, you
24 know, as you come to -- to enlighten us about, you
25 know, you living there, you mentioned that --

1 basically, that there's equipment already there. Is
2 that the other portion of that and not the gravel lot
3 but there's another portion of it?

4 MR. MULLINS: So as you can see, my
5 address, 920, right there, yes, I live directly up.
6 So they -- the gravel lot is cleared.

7 COMMISSIONER SPARKS: Right.

8 MR. MULLINS: They are not parking their
9 stuff there currently.

10 COMMISSIONER SPARKS: Right.

11 MR. MULLINS: But a direct path from the
12 back of my house looks at where they are right now,
13 currently. And, I mean, it may not look that close
14 right there but it's close enough that they, you know,
15 their trucks are heard inside --

16 COMMISSIONER SPARKS: So --

17 MR. MULLINS: -- of our house --

18 COMMISSIONER SPARKS: So they --

19 MR. MULLINS: -- every morning.

20 COMMISSIONER SPARKS: -- currently have
21 equipment in half of that area?

22 MR. MULLINS: Yeah, it's -- yeah, I have
23 pictures on my phone --

24 COMMISSIONER SPARKS: Okay.

25 MR. MULLINS: -- but there's a lot of

1 equipment over there already. Big piles of rocks as
2 you mentioned.

3 COMMISSIONER SPARKS: So to your -- in your
4 opinion, this is just expanding the -- I don't want to
5 say blight but expanding out their current operation
6 which is just a -- a larger footprint. Is that a
7 correct statement?

8 MR. MULLINS: Yes.

9 COMMISSIONER SPARKS: Okay. Thank you.

10 COMMISSIONER SCHERRER: Other questions
11 for --

12 COMMISSIONER BOWERS: When you mentioned
13 that they're -- that they're working at 5:00 a.m., so
14 are they actually moving dirt in this -- at this --
15 are you talking about trucks are being started and
16 warmed up?

17 MR. MULLINS: Every truck that they have
18 has a very loud reverse siren. Some of them have
19 sirens and some of them have the regular beep but they
20 are very loud; very, very loud. I wake up at five
21 o'clock in the morning every day for work. I start
22 work at seven myself. I do HVAC. So I understand, I
23 know construction starts early but it is a residential
24 area. I mean, like it back -- it adjoins to a
25 residential area and it is quite a nuisance.

1 COMMISSIONER BOWERS: Would a 6-foot fence
2 between that property and yours, would that stop the
3 view or are you above them? Below them?

4 Would a -- would the sight-proof --

5 MR. MULLINS: We --

6 COMMISSIONER BOWERS: -- fence that we're
7 going to be putting in --

8 MR. MULLINS: Our house is slightly
9 elevated from that and then there's a -- kind of a
10 ravine behind my house, not a ravine, I'd say, but a
11 dip and then there's another mound that goes back up.
12 But a fence -- I mean, I would say it would help but,
13 you know, they were talking about vinyl or chain-link,
14 I don't -- a chain-link fence or any fence really, I
15 don't know that it's going to help as far as noise.

16 And the -- you know, for me, it's a dual
17 combination of the noise and the unsightliness because
18 of how close it is to my property. And you can't look
19 out any window of the back of my house without seeing
20 it, unfortunately.

21 COMMISSIONER BOWERS: So would a 6-foot
22 fence -- looking out the back of your house, you'd see
23 a 6-foot fence or you're still going to see all the
24 equipment?

25 MR. MULLINS: Again, if it was --

1 COMMISSIONER BOWERS: Because you're
2 elevated above it or?

3 MR. MULLINS: If it was in like, say, a
4 nice vinyl fence, it would -- that would -- that would
5 be nice and we would probably -- if we -- say, if
6 you're standing on my back porch and there was a
7 6-foot -- 6-foot fence, we would see the 6-foot fence
8 over to a certain point. But from my house, you can
9 see still see down the ravine and you can see the back
10 side of their property as well. So, in essence, I --
11 I think we would still be able to see their trucks
12 unless they had a fence along the back side of the
13 property.

14 COMMISSIONER BOWERS: All right. Thank
15 you, sir.

16 COMMISSIONER SCHERRER: Other questions for
17 this citizen?

18 All right. Thank you, sir.

19 MR. MULLINS: Yep.

20 COMMISSIONER SCHERRER: Other citizens that
21 are wishing to be heard that are opposed to this
22 application?

23 Citizens wishing to be heard that are
24 opposed to this application?

25 Would the petitioner please come back?

1 Some issues that were raised was water
2 retention and I will call it hours of operation. If
3 you would like to address those and then if there's
4 anything else you would like to add.

5 MS. ONEST: Okay. The question posed about
6 storm water runoff can best be addressed by saying the
7 project as stated in the report is required to meet
8 Jefferson County storm water detention require --
9 storm water runoff requirements and detention. Those
10 codes are geared towards no increase of storm water
11 runoff leaving the site. The design will follow the
12 storm water requirements of Jefferson County. There
13 is no intention nor desire -- we don't want to
14 increase the storm water runoff from this site onto
15 the downstream adjacent property.

16 In essence to the noise questions or noise
17 concerns about this property, it's kind of great to
18 hear that the noise when a vehicle goes in reverse
19 works, grabs his attention because that's what it's
20 designed to do, that's for safety. So if there's some
21 concerns about hours of operation, you know,
22 five o'clock might be five o'clock, my eyesight's not
23 the best at five o'clock; it might be six o'clock and
24 I'm thinking it's five o'clock. So if there's some
25 restriction on hours or enforcement of the hours of

1 work, I don't know what the county noise limitations
2 are. 5:00 a.m. might be a little early, 7:00 a.m. or
3 6:00 a.m. is fairly standard, 7:00 a.m. is very, very
4 standard; 10 p.m. at night is standard. So if there's
5 some concern about the hours of noise operations, you
6 know, we'll look into that.

7 COMMISSIONER SCHERRER: Okay. Is there
8 anything else you'd like to add?

9 MS. ONEST: Remember, beauty's in the eye
10 of the beholder when you look at this stuff. We need
11 space for contractors, a viable company to be in this
12 county. We need to keep as much property viable and
13 in business as we possibly can. We can't have
14 commercial everywhere, that just doesn't work. We
15 can't have retail everywhere; it doesn't work. So
16 this space will allow the contractor to utilize it in
17 a better manner to help his functioning at the other
18 place so please vote in favor of the zoning request.
19 Thank you.

20 COMMISSIONER SCHERRER: Hang on. I can't
21 get the thing to work. We have -- we have questions
22 for you.

23 COMMISSIONER BOWERS: So from the
24 development plan -- on the development plan, how much
25 -- how much development work has to still be done to

1 this project to get this up to meet with the grading
2 that you add to the back of it and all that stuff?

3 Is that something that's going to be a lot
4 of your -- you're moving a lot of materials, you're --

5 MS. ONEST: The ongoing work that needs to
6 happen to --

7 COMMISSIONER BOWERS: To -- to make this
8 complete, yes.

9 MS. ONEST: Okay. The primary concern or
10 primary objective right now is with the work that
11 needs to remain is to correct some grading concerns
12 that happened with the previous owner. They're trying
13 to fix that slope back there. The previous owner had
14 done some, I believe, unauthorized grading back there.
15 And my understanding is that there is 19 feet of fill
16 on top of that gas line right now or the -- the gas
17 company would have to dig down about 19 feet to get to
18 their gas main in a certain location. It's boulders,
19 it's not dirt. They need to remove that or they want
20 to remove that on -- from on top of the gas main and
21 reestablish that rear slope that's between the gas
22 line, the property line, and that rear set of
23 vegetation that you see. That is the primary goal
24 right now. That's of utmost concern. That slope
25 could slide and fail at any point in time 'cause it

1 was incorrectly put in place, no stabilization.

2 And then the secondary goal, the retaining
3 wall needs to be installed. All the fences would have
4 to be installed. There is some relocation of the
5 gravel that would need to occur. So the site is not
6 as you see it on this screen right now. There is some
7 additional work that would have to happen.

8 COMMISSIONER BOWERS: Thank you.

9 COMMISSIONER SCHERRER: Other questions for
10 the petitioner?

11 COMMISSIONER SPRAUL: Just a -- I
12 apologize. I've been listening carefully. Is this an
13 expansion of an existing business or is this a new
14 business starting from scratch?

15 MS. ONEST: So this is an expansion of an
16 existing business.

17 COMMISSIONER SPRAUL: So the guys that are
18 on the south of it?

19 MS. ONEST: They happen to own the property
20 to the south as well.

21 COMMISSIONER SPRAUL: Okay.

22 MS. ONEST: So they are experiencing some
23 very rapid growth. They're trying to expand in a
24 controlled manner; obviously, it's not very controlled
25 right now but they're trying to expand and get some

1 space for their equipment to go to right now.

2 COMMISSIONER SPRAUL: Thank you.

3 COMMISSIONER SCHERRER: Other questions for
4 the petitioner?

5 All right. Thank you.

6 MS. ONEST: Thank you.

7 COMMISSIONER SCHERRER: Discussion amongst
8 commissioners?

9 COMMISSIONER BOWERS: I'd just like to note
10 that this is a commercial piece of property. It's --
11 unfortunately backs up against residential and so, you
12 know, I know staff has recommendations on this but,
13 again, this is a commercial piece of property, let's
14 be honest about it. And it is a developable, good
15 portion of it in an exceptional area.

16 COMMISSIONER SCHERRER: Other discussion or
17 move to vote?

18 COMMISSIONER SPARKS: I just wanted to add
19 onto that statement about this being commercial
20 property. Yes, it is commercial property; yes, it has
21 been under (sic) developed for a very long time. The
22 question is -- that I pose to myself on this committee
23 is could it be leveraged for a better usage 'cause I
24 -- I do see stuff on that 67 that has turned into
25 junkyards in the past that are commercial and I don't

1 want that to happen over time. Thank you.

2 COMMISSIONER SCHERRER: Discussion or move
3 to vote?

4 COMMISSIONER BOWERS: I make a motion to
5 approve PC24006 with all staff recommendations to
6 include the high-impact screening requirement.

7 COMMISSIONER SCHERRER: Is there a second?

8 Counsel, am I allowed to second that?

9 MR. CORDES: You are. There's nothing in
10 your role to prohibit you from doing so.

11 COMMISSIONER SCHERRER: I will second that.

12 Commission Bowers made a motion to approve
13 by -- approve PC24006; it was seconded by Commissioner
14 Scherrer.

15 All in favor say aye.

16 COMMISSION: Aye.

17 COMMISSIONER SCHERRER: Opposed?

18 COMMISSIONER SPARKS: Nay.

19 COMMISSIONER SPRAUL: No.

20 COMMISSIONER SCHERRER: Madam Secretary,
21 will you please call roll?

22 MS. ROESCH: Mike Huskey.

23 COMMISSIONER HUSKEY: Yes.

24 MS. ROESCH: Greg Bowers.

25 COMMISSIONER BOWERS: Yes.

1 MS. ROESCH: Johnathan Sparks.
2 COMMISSIONER SPARKS: No.
3 MS. ROESCH: Jessie Scherrer.
4 COMMISSIONER SCHERRER: Yes.
5 MS. ROESCH: Jeffrey Spraul.
6 COMMISSIONER SPRAUL: No.
7 COMMISSIONER SCHERRER: Three to two?
8 MS. ROESCH: Yes, approval.
9 COMMISSIONER SCHERRER: PC24006 is approved
10 with staff recommendations and high-impact screening
11 with a vote of three to two.
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1 COMMISSIONER SCHERRER: Next up CU24007.

2 Mr. Cordes, would you like to go now or
3 later?

4 MR. CORDES: Yes, thank you very much.

5 Mr. Jump, if you'd give me a couple minutes
6 before you start your presentation.

7 Obviously, this next application is for a
8 telecommunications tower and you've heard me mention
9 this before, although we have some new members on the
10 Commission, and that is we talked about the 1996
11 Telecommunications Act. Staff does a very good job of
12 talking about that and reminding you of that in the
13 staff report. So, remember, under Federal Law that
14 these telecommunications towers that are not mounted
15 on buildings and have their antennas at least 30 feet
16 off the ground are, basically, categorically excluded
17 by FCC regulations for consideration of the
18 environmental effects of radiofrequency interference.
19 So that's something where the Federal Law has
20 preempted what you can consider.

21 Missouri State Statute, if anything, goes
22 further in preempting you in considering the effects
23 of radiofrequency interference and that's under the
24 Uniform Wireless Communications Infrastructure
25 Development (sic) and Deployment Act which prohibits

1 numerous things be done by county governments in -- in
2 zoning and building applications for these types of
3 towers. I won't read them all, it's a fairly long
4 list, but we can't dictate the type of wireless
5 facilities. We can't establish or enforce regulations
6 and procedures for radiofrequency signal strength. We
7 can't reject an application in whole or in part based
8 on perceived or alleged environmental effects of
9 radiofrequency emissions when the facility meets the
10 FCC test that I outlined earlier, which is fairly
11 straightforward.

12 So, again, those are a number of areas
13 which all relate largely to radiofrequency
14 interference which we really can't consider in -- in
15 determining these applications.

16 COMMISSIONER SCHERRER: I'll hold my
17 comment.

18 Mr. Jump, you're up.

19 MR. CORDES: Yeah. It's the law of the
20 land as I'm told, Jessie, if you don't like it --

21 COMMISSIONER SCHERRER: Right.

22 MR. CORDES: -- you can run for Congress,
23 you can run for state rep. But, yeah, it's -- it is
24 the law of the land.

25 COMMISSIONER SCHERRER: And, basically,

1 what I was going to do was -- or say was if you're
2 going to oppose this application you really, really
3 better have a good reason.

4 MR. CORDES: Yeah. If they want to talk
5 about the setbacks or something like that, yeah. But,
6 I mean, radiofrequency interference is that you can't
7 even consider alleged or perceived effects of
8 radiofrequency interference.

9 COMMISSIONER SCHERRER: Right. Right.

10 Mr. Jump.

11 MR. JUMP: Thank you. This is
12 Petition No. CU24007. The petitioner's request is a
13 conditional use permit for 150-foot monopile --
14 monopole style telecommunication facility in an LR2
15 zone district.

16 A little about the subject property: The
17 current -- the site is currently being used as a
18 commercial mining site. The adjoining property is a
19 mixture of residential and industrial uses. There is
20 some floodway and floodplain but not where the
21 particular -- this is not where the tower is going.
22 It's on the -- it's a very big piece of property.
23 It's on the northern edge of the property so it
24 doesn't really affect the petition in question. And
25 it has frontage to State Highway 141 and Cecos Lane.

1 And it does have some rather intense topography.
2 These towers tend to go where the highest point on the
3 property is. It is partially cleared of vegetation
4 with an existing tree line along the property lines in
5 the southern and eastern parcels.

6 This is the zoning map. This is the
7 property in question. Tower is kind of in this
8 area-ish which you'll kind of see in some later
9 slides. But as I mentioned, part of the property does
10 kind of have some floodplain but not in the sense of
11 where the tower is going. In fact, road -- the only
12 thing that would be affected is the proposed roadway
13 which is mostly there and then kind of it will extend
14 back which you'll see later in the slides too.

15 But like I said earlier, you got a state
16 highway, residential zoning. This is zoned
17 residentially but it is currently a mining site. You
18 got industrial over here and then you got the City of
19 Arnold kind of down in the southern, southeastern
20 corner.

21 This is the topography, kind of giving you
22 a look at what the topography looks like on the
23 property. It gives you a little better view of like
24 how like the property is currently accessed right
25 through here and it kind of -- it kind of dies right

1 there. The tower, like I said earlier, is going to be
2 kind of proposed to be somewhere up in this area.

3 So the submitted plans, the couple things
4 that these kind of show are the proposed roadways in
5 to service the proposed facility. This is kind of a
6 zoomed-in shot of the -- I believe it's a 50x50 lease
7 area and then proposed roadways coming in and out.

8 Like I said earlier, part of that's already there
9 about to this point, roughly. This shows you a
10 zoomed-out, little more zoomed out, and then the
11 connection to 141. And like I said earlier, as well,
12 this is already kind of an ongoing commercial mining
13 site.

14 This next slide shows the elevation of the
15 tower. These monopole towers are a little different.
16 They're not as, you know, we used to see the big
17 triangular-based towers that have the big bases at the
18 bottom. These are a little more sleeker in the design
19 and then a maximum height kind of shown there of
20 150 feet. And then the other slide shows that 50x50
21 lease area as mentioned earlier.

22 These are some photos from the site. The
23 -- it's an ongoing mining site. We couldn't get back
24 too far into the property 'cause that road dies. That
25 was at that point where that road kind of dies and is

1 terminated, couldn't really go any further back. This
2 is kind of that surrounding area of what we -- what's
3 going on around the proposed area of the tower.

4 So our analysis: The subject property is
5 located in the large lot residential LR2 zone
6 district, telecommunications tower in this district
7 requires a conditional use permit. A site plan was
8 submitted with the application showing a 150-foot
9 tower, access drive, fencing, and the existing tree
10 lines. While the site plan demonstrates compliance
11 with most UDO requirements, the plan does not show any
12 landscaping around the tower base and equipment
13 compound that would screen these facilities from
14 adjacent residential properties to the east and south.
15 Pursuant to the UDO, communication tower facilities
16 shall be landscaped with a buffer of plant materials
17 that effectively screens the view of the communication
18 tower base from adjacent residentially zoned or used
19 property.

20 Staff feels that the petitioner showed a
21 pretty significant amount of mature tree coverage on
22 those -- those property lines to screen the facility
23 so long as the existing landscape remains in a 20-foot
24 buffer minimum width from those property lines around
25 the outside of the leased area.

1 The use -- UDO designates three setback
2 requirements for any proposed tower. They are as
3 follows:

4 Any tower must be set back the height of
5 the tower from any dwellings not on the subject
6 property and any adjoining property zoned residential.
7 Don't have to worry about the dwellings on this
8 property, obviously, 'cause it's a mining operation.

9 And the second one: Any adjoining property
10 zoned residentially a tower must be set back from any
11 property line the height of the tower less the maximum
12 structure height permitted in that zone district.

13 And, finally, a tower must be set back
14 distance equal to half the height of the tower from
15 any residential, commercial, or industrial uses open
16 to the general public.

17 These setbacks appear to be met with the --
18 by the proposed tower in the proposed plan. I believe
19 the tower from the residentially zoned properties is
20 almost 200 feet so they exceeded that primary setback
21 that we require. So staff does recommend approval of
22 Application CU24007 for a telecommunications tower
23 150-foot in height subject to the conditions in the
24 staff report.

25 And I'll be happy to take any questions you

1 guys have.

2 COMMISSIONER SCHERRER: Are there questions
3 for staff?

4 Is the petitioner present?

5 MR. BUSTER: Yes.

6 COMMISSIONER SCHERRER: Please come
7 forward. State your name, address, and that you have
8 been sworn in.

9 MR. BUSTER: Yes. My name is Gary Buster.

10 I live at 1920 Terrill Road in Billings, Missouri, and
11 I have been sworn.

12 COMMISSIONER SCHERRER: Thank you.

13 MR. BUSTER: Yep.

14 Verizon is looking to -- there's kind of a
15 dead spot right here in this area and so they are
16 looking to -- to fill that so they'll -- their service
17 is better for their customers. This area was kind of
18 tricky to find a spot because of the topography issues
19 and with the river and what have you. It was a pretty
20 tough spot but what's going on on this site now, I
21 feel it's a -- a good spot for a tower because it is
22 consistently away from residents -- a residential area
23 as can be in this area. And with the existing trees
24 that are in the area, mature trees, I think that the
25 -- the --

1 COMMISSIONER SCHERRER: Setbacks.

2 MR. BUSTER: -- what am I trying to -- that
3 landscaping should -- should all be taken care of just
4 with the natural trees. But love to see a -- a yes
5 vote on this application.

6 COMMISSIONER SCHERRER: Could you bring
7 back the aerial map that kind of shows that on the
8 property?

9 MR. JUMP: You want to --

10 COMMISSIONER SCHERRER: Are you -- is there
11 anything else you'd like to add?

12 MR. BUSTER: No.

13 COMMISSIONER SCHERRER: Okay. We -- we
14 will have some questions for you.

15 Different one.

16 That one -- no. Yeah -- well, kind of.

17 There's currently a ready-mix facility in
18 here. This quarry operation has been shut down.

19 MR. BUSTER: Yes.

20 COMMISSIONER SCHERRER: They no longer run
21 but the landfill is covered. My question is, is where
22 you're at or proposing to be at are you going to have
23 any environmental or any other concerns with the
24 landfill --

25 MR. BUSTER: No.

1 COMMISSIONER SCHERRER: -- destruction of
2 that?

3 MR. BUSTER: With the landfill over to the
4 east, we will -- that's why -- that's why we're
5 wanting to stay as far to the west as possible and we
6 will have no -- no access to the landfill.

7 COMMISSIONER SCHERRER: And you're up there
8 -- you're up there where the site had been stripped
9 back from the previous mining operations up above the
10 ready-mix --

11 MR. BUSTER: Yeah, we're above. Yes.

12 COMMISSIONER SCHERRER: Okay. Thank you.

13 That's all the questions I have.

14 Other questions for petitioner?

15 All right. Thank you, sir.

16 MR. BUSTER: Uh-huh. Thank you.

17 COMMISSIONER SCHERRER: We may call you
18 back.

19 Citizens wishing to be heard that are in
20 favor of this application?

21 Anyone wishing to speak in favor of?

22 Citizens wishing to be heard that are
23 opposed to the application?

24 Anyone wishing to speak that is opposed to
25 this application?

1 Does the petitioner have anything else they
2 would like to add?

3 Discussion amongst commissioners?

4 COMMISSIONER BOWERS: Make a motion that we
5 approve CU24007 with all staff recommendations.

6 COMMISSIONER HUSKEY: Second.

7 COMMISSIONER SCHERRER: Commissioner Bowers
8 made a motion to approve CU24007 with all staff
9 recommendations; it was seconded by Commissioner
10 Huskey.

11 All in favor?

12 COMMISSION: Aye.

13 COMMISSIONER SCHERRER: Opposed?

14 CU24007 passes unanimously.

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1 COMMISSIONER SCHERRER: Next up PC24008, A1
2 Locker Rental. Ms. Krispin.

3 MS. KRISPIN: Thank you.

4 And before I get into this, I did want to
5 point out a typo on the staff report real quick.

6 Under applicant it says Storage Partners I, it should
7 be Storage Partners II just so you guys are aware.

8 So this is PC24008. The petitioner is
9 requesting to rezone two parcels from nonplanned
10 community commercial CC2 to planned commercial and
11 development plan approval for A1 Locker Rental Self
12 Storage.

13 The subject properties total about 2.46
14 acres in size and are located at 2591 Old State
15 Route 141 and 239 Schneider Drive in Fenton. The
16 property located at 2591 is developed as self-storage
17 buildings and the property at 239 is undeveloped.
18 Floodplain does traverse the southern property.

19 This is a look at the zoning map. The
20 subject properties are outlined in black zoned
21 nonplanned community commercial; to the north and east
22 is single-family residential R40; right here is
23 planned commercial; to the south more commercial as
24 well as to the east and then planned residential mixed
25 unit.

1 This is showing the topography. The gold
2 is the 500-year floodplain; the blue is the 100-year
3 floodplain. And then this is also showing the
4 topography lines. These buildings are terraced so
5 they increase in elevation.

6 These are photos of the subject property.
7 Right here is the vacant lot and then you can see the
8 existing self-storage in the back. This is Schneider
9 looking towards 141. You can see there is a gas
10 station currently at the corner as well as a newly
11 developed gas station and then a residential property
12 directly adjoining.

13 This is the submitted development plan. It
14 is a proposed self-storage building right here. There
15 are three parking spaces shown, one ADA compliant
16 space. There is a designated loading area located
17 near the building. An underground storm water
18 detention is shown. A 6-foot tall sight-proof fence
19 is shown along the western property line in this area
20 where the adjoining residence is located. It appears
21 that the two properties will be boundary adjusted into
22 one property if approved. The entrance is along
23 Schneider Drive and no modifications were requested.

24 The development plan and proposed zone
25 district seem to fit within the area of the proposed

1 site since this is a highly commercialized portion of
2 the county.

3 Located within the immediate area includes
4 two gas stations located on Schneider Drive as well as
5 a third gas station across State Route 141,
6 Stuckmeyer's Farm, the existing self-storage
7 development that is part of this petition, as well as
8 the separate self-storage development. The proposed
9 development is located near the intersection of State
10 Route 141 and Schneider Drive, a signalized
11 intersection. The proposed use of a self-storage
12 building as well as existing for self-storage
13 buildings is in the primary growth area and is in
14 accordance with the Official Master Plan.

15 The development plan as proposed seeks to
16 minimize the impact on surrounding properties. A
17 6-foot tall, sight-proof fence is proposed near the
18 adjoining residence to the west. The rear of the
19 proposed self-storage building would back up directly
20 to existing self-storage buildings. Approval of the
21 proposed development would allow for a development
22 consistent with the stated intent of the planned
23 commercial zone district.

24 And staff recommends approval of PC24008, a
25 request for a zone change for nonplanned community

1 commercial to planned commercial and development plan
2 approval for A1 Locker Rental Self Storage.

3 I'll be happy to answer any questions.

4 COMMISSIONER SCHERRER: Thank you.

5 Are there questions for staff?

6 Is the petitioner present?

7 Please come forward. State your name,
8 address, and that you have been sworn in. And you
9 have ten minutes.

10 MR. MUELLER: Good evening. Hello. I'm
11 Doug Mueller. I'm the owner and developer of A1
12 Locker Rental Self Storage. My address is 300
13 Schneider Drive, Fenton, Missouri 63026. I have been
14 sworn in.

15 COMMISSIONER SCHERRER: Thank you.

16 MR. MUELLER: So I'm asking for permission
17 to build a first-class, climate-controlled,
18 self-storage building. The history of this business
19 and this property is that my dad started this
20 self-storage business in 1981. I was sixteen then and
21 that's where I learned how to pour concrete and screw
22 together sheet metal and I learned how very sharp that
23 stuff is too. Anyway, long story short, fast-forward
24 almost 40 years now, I've built -- in 1988 we built an
25 or, excuse me, 1990 we built an addition; 1994, we

1 built an addition there; 2007, we built an addition
2 there; and in 2019 we built an addition there. And so
3 as the area grows, we are growing with the area. And
4 I'm happy to say that we are getting a higher class
5 client now. And the request is of a heated,
6 air-conditioned, dehumidified storage space now of
7 which we do not have any currently.

8 So in an attempt to, I guess, you know, to
9 meet the competition, U-Haul, Extra Storage Space,
10 Public Storage, we want to build a first-class,
11 self-storage building to compete with, you know, all
12 the other guys 'cause if -- you know, these days, if
13 you're not the biggest and the best, you know, you're
14 going to get run over and -- and beat. So it is my
15 intention to build the nicest self-storage building
16 I've ever built in my life.

17 I've hired a first-class architectural
18 firm. They worked on Barnes-Jewish Hospital. They've
19 worked on Washington University. These guys are going
20 to, you know, I'll -- if you see the rendering that we
21 have there, we're going to do all split-face concrete
22 block. We'll have some edifice on the top to kind of
23 put the cherry on the cake for how it looks. So as
24 far as a self-storage building goes, we're going to
25 try to do a first-class job with it.

1 The parcel, I bought that parcel of ground
2 back around 1990-ish. And I thought that I would be
3 able to acquire all the other parcels that run from
4 that property and the one in between the pink elephant
5 gas station. And I owned the pink elephant gas
6 station so I, you know, been there also. So I thought
7 that I was -- I would be able to acquire all three
8 parcels and, you know, put up a nice, first-class gas
9 station there. And so that did not work out 'cause
10 one of my competitors bought the middle parcel to keep
11 me from doing that and then sold ground to -- to
12 QuikTrip and to Petro Mart in an attempt to run us out
13 of business and I'm happy to say that we're still
14 here. So, anyway, it's just all about how you treat
15 the people.

16 So if I can't be the best in the gas
17 station business, then I put my efforts towards trying
18 to be the best I can in the self-storage business.
19 I'm just asking for permission to, you know, give my
20 best effort and try to really do a first-class job to,
21 I guess, bring that facility up to today's standards,
22 you know, 'cause these days, these -- I promise you
23 competing with Public Storage and Extra Space and
24 U-Haul it raises the bar. And this is what we're
25 trying to do.

1 I do not have a first-class office and I'm
2 wanting to put a first-class office in this building.
3 The office we built was in 1981 and it's just a little
4 15-foot by 30-foot office with a toilet, you know.
5 And this is very unfancy but we're wanting an upgrade
6 and I'm wanting to do a first-class job and I'm
7 willing to spend the money to make that happen.

8 So I'm not going to complain about having
9 to put up any quality fence. And I would like to
10 refer everyone in front of me to look at the last
11 facility or, excuse me, the last building I built
12 where I spent \$400 per linear foot to put a 9-foot
13 tall steel fence to shield my neighbors from our
14 facility.

15 I also happened to go to school with the
16 neighbor so I didn't want to have him mad at me for
17 life. We played on the same high school football team
18 so I wasn't going to do that to a former teammate.
19 But, anyway, so I am not going to sit here and
20 complain about spending money on doing a first-class
21 job. So if there is anything in addition to what
22 we've proposed that I can do to protect the
23 Stuckmeyer's house, you know, from however you see fit
24 I will do it. All right.

25 The Stuckmeyers have been nothing but nice

1 to me ever since I've been there. I -- I wish the
2 rest of the world was as hard -- hardworking and
3 polite as they are. The world would be a better
4 place. So I want to give my best effort to them also.
5 And like I say, I guess that's what I'm asking for.
6 I'm asking for permission to grow our business, to
7 upgrade the quality of our business, and I plan on
8 doing it the right way so I would like to ask for your
9 permission to do that. Thank you.

10 COMMISSIONER SCHERRER: All right. Thank
11 you, sir.

12 Are there questions from the commissioners?

13 All right. We may need to call you back.

14 MR. MUELLER: Thank you.

15 MS. KRISPIN: Can I please have your
16 speaker slip?

17 Thank you.

18 COMMISSIONER SCHERRER: Are there citizens
19 wishing to be heard that are in favor of this
20 application?

21 Anyone wishing to be heard that is in favor
22 of the application?

23 Anyone wishing to be heard that is opposed
24 to the application?

25 Anyone wishing to be heard that is opposed

1 to the application?

2 Does the petitioner have anything else
3 they'd like to add?

4 MR. MUELLER: No, sir.

5 COMMISSIONER SCHERRER: Discussion amongst
6 commissioners.

7 COMMISSIONER BOWERS: Make a motion that we
8 approve PC24008.

9 COMMISSIONER HUSKEY: Second.

10 COMMISSIONER SCHERRER: PC24008, a motion
11 was made by Commissioner Bowers to approve PC24008; it
12 was seconded by Commissioner Huskey.

13 All in favor?

14 COMMISSION: Aye.

15 COMMISSIONER SCHERRER: Opposed?

16 PC24008 passes unanimously.

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1 COMMISSIONER SCHERRER: Reports to the
2 Commission.

3 MR. KEHM: Only one. Our next meeting is
4 March the 28th. We do have at least two cases on that
5 agenda so far so we will be meeting. That's it.

6 Thank everyone for coming out. Thank you,
7 gentlemen, for coming out and, as I said earlier,
8 braving the rain. The folks that had cases on the
9 agenda are appreciative of your efforts tonight as are
10 we as staff. Thank you, everybody, get home safe and
11 have a great night.

12 COMMISSIONER SCHERRER: Citizens to be
13 heard?

14 Any citizens wishing to be heard?

15 Is there a motion to adjourn?

16 COMMISSIONER BOWERS: So moved.

17 COMMISSIONER SPRAUL: Second.

18 COMMISSIONER SCHERRER: Commissioner Bowers
19 made a motion to adjourn; seconded by Commissioner
20 Spraul.

21 All in favor say aye.

22 COMMISSION: Aye.

23 COMMISSIONER SCHERRER: We are adjourned.

24 [Adjourned 7:46 p.m.]

25

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