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Planning & Zoning Meeting

August 8, 2024

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Jefferson County, Missouri

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

August 8, 2024

6:30 p.m.

Karen Waugh, CCR, RPR, CRR, RMR  
Missouri CCR #1009

1	EXHIBITS	
2		
3	Exhibit	Description
4		
5	Exhibit A	Official Master Plan for Jefferson County, MO
6		
7	Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order
8		
9	Exhibit C	Planning Division Staff Reports and Respective Case Files
10		
11		
12	(Exhibits retained by the Commission.)	
13		
14		
15	Case No. NPI24051	Page 13
16	Case No. PC24052	Page 22
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1                    JEFFERSON COUNTY PLANNING AND ZONING COMMISSION  
2                    MEETING AND PUBLIC HEARING, August 8, 2024, between the  
3                    hours of 6:30 in the evening and 7:37 in the evening of  
4                    that day, at the Jefferson County Administration  
5                    Center, 729 Maple Street, Hillsboro, Missouri, 63050,  
6                    before Karen Waugh, CCR, RPR, CRR, RMR.

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9                    APPEARANCES

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11                    PLANNING AND ZONING COMMISSION:

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13                    Johnathan Sparks, Chair  
14                    Mike Huskey  
15                    Jeffrey Spraul  
16                    Steve Taylor  
17                    Danny Tuggle

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20                    PLANNING DIVISION STAFF:

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22                    Josh Jump  
23                    Rachel Krispin  
24                    Elaine Roesch

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27                    ASSISTANT COUNTY COUNSELOR:

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29                    Jason Cordes

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32                    DEPUTY DIRECTOR:

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34                    Dennis Kehm

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37                    DIRECTOR OF COUNTY SERVICES:

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39                    Mitch Bair

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

5 \* \* \* \*

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

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

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

3 It is important to remember that members of the  
4 Planning and Zoning Commission will make decisions on  
5 each application and you should direct all comments to  
6 the Commission. Responding to the audience both wastes  
7 time and may reduce the impact of your statement.

8 Members of the Planning and Zoning Commission may  
9 question the speaker. This Commission will not tolerate  
10 any verbal abuse or disruptions from the audience, nor  
11 will this Commission tolerate personal abuse or attacks  
12 directed at the county staff.

13 The structure of this meeting will be as follows:  
14 The chairman will introduce each project both by name and  
15 number and will then direct the staff of the Planning  
16 Division to present the application. The staff  
17 representative will then present a brief overview of the  
18 application. The Commission may question staff regarding  
19 these -- this project. The chairman will then call  
20 petitioners, the party that submitted the application.  
21 The petitioner may call additional individuals, generally  
22 supporting consultants, and is allowed ten minutes'  
23 uninterrupted period for their presentation of facts  
24 surrounding the application.

25 After completion of the presentation of the

1 application, the members of the Commission may ask  
2 questions of the petitioner relative to the application.  
3 There is no time limit for questions from the  
4 commissioners. After all questions from the  
5 commissioners have been heard, the chairman will ask for  
6 any citizens wishing to address the Commission who are in  
7 favor of this application to come forward. There will be  
8 a total of five minutes allocated for the public comment  
9 in favor of the application. Commission may ask  
10 questions of any speaker. The time used for speakers to  
11 answer questions will not be subtracted from the five  
12 minutes allocated for this portion of the hearing.

13 After all the questions from the Commission have  
14 been heard, the chairman will ask for any citizens who  
15 wish to address the Commission who are opposed to this  
16 application to come forward. There will be a total of  
17 20 minutes allowed for public comment in opposition of  
18 the application. No one speaker will be allowed to speak  
19 for more than three minutes. Commission may ask  
20 questions of any speaker. The time used for speakers to  
21 question will not be subtracted from their 20 minutes  
22 that are allocated for this portion of the hearing.

23 Because time is limited, we strongly recommend  
24 that speakers be prepared and know the facts regarding  
25 the application. We recommend that you avoid repetition.

1       If you are a part of a larger group, we suggest that you  
2       designate a spokesperson to provide comments for this  
3       group. The speaker may acknowledge that he or she  
4       represents a larger group.

5               This will be a sole public hearing before a  
6       public body regarding the applications. The petitioner  
7       will then have five minutes to respond to issues raised  
8       during the comment period. The Commission may further  
9       question the petitioners, as time is used to respond to  
10      questions from the Commission will not be counted against  
11      the allocation.

12               After closure of the comment period, the  
13      Commission will then deliberate on the application. The  
14      Commission may direct additional questions to staff or it  
15      may proceed directly on considering the application.  
16      Decisions of the Planning and Zoning Commission will then  
17      be forwarded to the County Council for final action.  
18      Final action by the County Council will generally take  
19      the form of an ordinance providing the application or a  
20      resolution to deny the application. In most cases there  
21      will be no further public hearings before the County  
22      Council.

23               Madam Secretary, would you please call roll?

24                    SECRETARY ROESCH: Danny Tuggle?

25                    COMMISSIONER TUGGLE: Here.

1 SECRETARY ROESCH: Johnathan Sparks?

2 COMMISSIONER SPARKS: Here.

3 SECRETARY ROESCH: Jeffrey Spraul?

4 COMMISSIONER SPRAUL: Here.

5 SECRETARY ROESCH: Tim Dugan? Jessie

6 Scherrer? Mike Huskey?

7 COMMISSIONER HUSKEY: Here.

8 SECRETARY ROESCH: Steve Taylor.

9 COMMISSIONER TAYLOR: Here.

10 SECRETARY ROESCH: We have a quorum.

11 COMMISSIONER SPARKS: I look for a motion to

12 approve the agenda.

13 COMMISSIONER HUSKEY: I'll make the motion

14 to approve the agenda.

15 COMMISSIONER TUGGLE: Second.

16 COMMISSIONER SPARKS: Motion to approve the

17 agenda was seconded -- or was -- Motion to approve the

18 agenda by Chairman Huskey and seconded by Chairman

19 Tuggle. All those in favor, say aye.

20 (Members voted orally.)

21 COMMISSIONER SPARKS: Any opposed?

22 (No response.)

23 COMMISSIONER SPARKS: Unanimous vote for the

24 approval of the agenda.

25 Approval of the minutes, look for a motion to

1 approval of the minutes from July 11th, 2024.

2 COMMISSIONER TAYLOR: I'll make the motion  
3 to approve the minutes.

4 COMMISSIONER SPRAUL: Second.

5 COMMISSIONER SPARKS: Approval of the  
6 minutes, motion by Mr. Taylor and seconded by Mr. Spraul.  
7 All those in favor, say aye.

8 (Members voted orally.)

9 COMMISSIONER SPARKS: Any opposed?

10 (No response.)

11 COMMISSIONER SPARKS: Motion passes  
12 unanimously for approval of the minutes.

13 On new business we have a consent. Oh, sorry. I  
14 need your -- I'm ahead of myself.

15 MR. KEHM: Again, good evening, everybody.  
16 We do want to thank you for being here. As I mentioned  
17 before the meeting started, if you are planning on  
18 speaking tonight, your testimony does need to be sworn  
19 testimony or -- to be properly included in the record for  
20 those cases, so we swear everybody in here at the  
21 beginning of the meeting. So if you're thinking about  
22 speaking tonight, you're going to speak tonight, you have  
23 any notion that you might want to speak tonight, please  
24 do go ahead and stand up right now, raise your right  
25 hand, and the Commission's secretary will swear you in.

1 (Speakers sworn.)

2 MR. KEHM: Thank you very much. You can  
3 have a seat. Again, when it is your turn to talk, the  
4 Chair will recognize you. Head on up to the front of the  
5 room, hand that speaker slip to one of these folks in  
6 front of me right now, and then go to the podium. I need  
7 you to say three things before you start talking. I need  
8 you to state your name, state your address and state that  
9 you've been sworn in, and then you can begin your remarks  
10 to the Commission. Thank you very much.

11 COMMISSIONER SPARKS: Introduction of  
12 evidence.

13 MR. KEHM: Members of the Jefferson County  
14 Planning and Zoning Commission, the County would ask that  
15 the following exhibits be entered into the record for the  
16 cases to be heard by you this August 8th, 2024. Those  
17 exhibits are Exhibit A, the official master plan of  
18 Jefferson County, Missouri, that was adopted on August  
19 the 6th, 2003, and was made effective on April the 2nd,  
20 2008; Exhibit B, the code of ordinances of Jefferson  
21 County, specifically Chapter 400 of that code, which is  
22 the unified development order. That was adopted on April  
23 the 2nd, 2008, and has been amended a number of times  
24 since then. And finally, Exhibit C, that exhibit  
25 consists of the Planning Division staff reports and their

1       respective case files.

2                   COMMISSIONER SPARKS: Looking for a motion  
3       for introduction of evidence.

4                   COMMISSIONER TAYLOR: I'll make a motion to  
5       introduce the evidence, please.

6                   COMMISSIONER TUGGLE: Second.

7                   COMMISSIONER SPARKS: Introduction of  
8       evidence by Mr. Taylor and seconded by Mr. Tuggle. All  
9       those in favor, say aye.

10                  (Members voted orally.)

11                  COMMISSIONER SPARKS: Opposed?

12                  (No response.)

13                  COMMISSIONER SPARKS: Passes unanimously.

14                  Under new business, we have a consent, and this  
15       is for FP24048 for a final plat in conjunction with  
16       FP24049, and this is just a vote on those --

17                  MR. CORDES: Those are two separate items,  
18       so you should take them up separately.

19                  COMMISSIONER SPARKS: All right. So for  
20       FP24048, the final plat for Winding Meadows plat 1,  
21       parcel 02-2.0-09.0-0-000-001, located at the 1690 Saline  
22       Road, Fenton, in Rock Creek Township, and Council  
23       District 2, looking for a motion for approval on that  
24       plat.

25                  COMMISSIONER SPRAUL: I'll make a motion.

1                   COMMISSIONER TUGGLE: Second.

2                   COMMISSIONER SPARKS: Motion was made by  
3    Mr. Spraul and seconded by Mr. Tuggle. All those in  
4    favor, say aye.

5                   (Members voted orally.)

6                   COMMISSIONER SPARKS: Any opposed?

7                   (No response.)

8                   COMMISSIONER SPARKS: Passes unanimous.

9                   Second on the consent is FP24049, the final plat  
10   for Winding Bluffs second addition plat 1,  
11   parcel 02-2.0-09.0-0-000-001, located at 1690 Saline  
12   Road, Fenton, in Rock Creek Township, in Council  
13   District 2. Looking for a motion to approve that.

14                   COMMISSIONER SPRAUL: I'll make a motion.

15                   COMMISSIONER HUSKEY: Second.

16                   COMMISSIONER SPARKS: It was -- Motion was  
17   by Mr. Spraul, seconded by Mr. Tuggle [sic]. All those  
18   in favor, say aye.

19                   (Members voted orally.)

20                   COMMISSIONER SPARKS: Any opposed?

21                   (No response.)

22                   COMMISSIONER SPARKS: That passes  
23   unanimously.

24                   And on to considerations. On to considerations  
25   is NP124051 [sic]. Miss Krispin?

1 MS. KRISPIN: Thank you. This is NPI24051.

2 The petitioner is requesting to rezone the subject  
3 property from non-planned community commercial to  
4 non-planned industrial zone district.

5 The subject property is located at 2255 Front  
6 Street in Pevely. The subject property is currently  
7 undeveloped. There are two trailers and one shipping  
8 container, but the site does not appear to be in use, and  
9 there are no flood concerns.

10 This is a look at the zoning map. The property  
11 outlined in black is the subject property, zoned  
12 non-planned community commercial, CC2, as well as to the  
13 east, south and west. There is some single-family  
14 residential, R10, up here. And then this parcel in the  
15 lower right corner is the city limits of Herculaneum.

16 This is a look at the topography map. This is  
17 Front Street right here, and then you can see the  
18 railroad crossing adjoining the western property line.  
19 Based on these topography lines, it's a very flat piece  
20 of property.

21 These are photos of the site. This is showing  
22 Front Street. This is the property right there. It's  
23 undeveloped. Here is the western side of the property,  
24 again, facing the railroad tracks, better look at just  
25 the openness of the property. And then this property is

1 right across Front Street.

2 For the analysis, the subject property is located  
3 in the primary growth area of the official master plan.

4 The property is currently undeveloped; however, it  
5 appears there was most likely development located on the  
6 property at one point in time, as there is some old  
7 existing concrete on the site. A non-planned industrial  
8 zone district could be appropriate for this property, as  
9 there are established commercial and industrial uses in  
10 the area. The immediate area includes existing  
11 warehouses, storage and commercial businesses. The  
12 applicant has the intention to use the property as an  
13 office -- or I'm sorry -- as warehouse and manufacturing  
14 use. The industrial use of the property, if approved,  
15 would need to go through the County's site development  
16 process to ensure all requirements of the UDO are met for  
17 the industrial use.

18 And staff recommends approval of NPI24051, a  
19 request to rezone the subject property from non-planned  
20 community commercial zoned district to non-planned  
21 industrial zoned district. I will be happy to answer any  
22 questions.

23 COMMISSIONER SPARKS: Any questions for  
24 staff from the Committee? None?

25 Is the petitioner present? As I said before,

1 state your name, address and that you have been sworn.

2 MR. SELSOR: I'm Justin Selsor. My address  
3 is 1985 Magnolia Way, Pevely, 63070, and I have been  
4 sworn in.

5 COMMISSIONER SPARKS: Proceed.

6 MR. SELSOR: So thanks, everyone, for -- I  
7 appreciate the opportunity to come here and kind of give  
8 a little back history of our company and why we want to  
9 rezone this property.

10 So I have a little prop here. It might make it a  
11 little easier to display. So my wife and I started a  
12 company about seven years ago called Gun It Energy. We  
13 make little two-ounce dietary supplements that are a  
14 healthier alternative to what's available on the market  
15 today. We currently lease a factory -- well, it's an  
16 office space in Liguori, Missouri, so just maybe  
17 15 minutes or so from the site, and the building recently  
18 sold and so we've got this timeline to find a new place  
19 to rent. We looked at various --

20 COMMISSIONER TAYLOR: Could you bring the  
21 microphone up closer to your --

22 MR. SELSOR: Is that better? Okay. Sorry.  
23 The building that we currently lease, the property sold a  
24 couple years ago, so we're on this time limit to get --  
25 to either lease something new or build our own factory.

1    We've looked at various places to lease, and it's  
2    actually a little bit more financially feasible for us  
3    to develop this site. We found this at the Jefferson  
4    County land sale, so we've been able to buy it, and then  
5    we've got an architect developing plans. The building's  
6    going to be 52 feet long by 52 feet wide and 18 feet  
7    tall, so it's going to be a relatively small operation.  
8    Not going to be any semi truck traffic coming in or out.  
9    The biggest vehicle that will come in there will be kind  
10   of a small box truck for one month -- or once a month we  
11   have shipments that go up to Apollo Express up in  
12   Bridgeton. So it's a very low-key operation.

13           My background, I have a chemistry degree from SLU  
14   and my -- I've been in pharmaceuticals, so I work in  
15   compliance and regulatory, so that was one of the  
16   strengths in making sure that I'm meeting code and we're  
17   following all the requirements from the County in order  
18   to develop the site and also meeting all the  
19   requirements.

20           So that's kind of it in a nutshell. We  
21   actually -- we're growing. We have -- As a -- I'd say  
22   about a week ago we just got into three new clients.  
23   That's Dirt Cheap, which is right up here, so -- and not  
24   too long. If you're interested in some energy shots,  
25   drive on up here to Dirt Cheap and we'll be for sale

1 there. We're at On the Run, which is 55 locations in the  
2 St. Louis area, as well as all the area Club Fitness, so  
3 that's 19 locations, so that brings our total to about  
4 290 locations between Missouri, Illinois and Indiana. So  
5 it's a growing operation. It started out as a hobby. I  
6 used to work nights at St. Louis County Police  
7 Department, so I went from never working a single night  
8 shift in my life to working full-time nights for three  
9 years, and so I was downing energy drinks and energy  
10 shots like crazy, and I never liked the taste of them so  
11 I thought, I'm going to make my own and I'm going to make  
12 it better than anything out there. So we looked at, you  
13 know, is it a -- is there market opportunity for  
14 something like this, what does it take to make a product  
15 like this, and so we just -- I have an entrepreneurial  
16 background, so any time we got to a challenge, we never  
17 backed down. We always, you know, overcame it.

18 So started out as a hobby, then we started  
19 selling them at the Kimmswick Strawberry and Apple Butter  
20 Festival, something very small, grew to the point where  
21 we needed liability insurance, and then over the last  
22 four or five years got contracts with Schnucks, got  
23 contracts with a lot of area convenience chains, all the  
24 area Express Marts, so we've got a very big, strong  
25 Jefferson County footprint. We're in -- Most of the

1 locations that we're in in Jefferson County are  
2 convenience and grocery chains, going all the way up to  
3 Fenton and then all the way down to Potosi.

4 A lot of our products actually come from  
5 Jefferson County. We work with the Midwest -- well, it's  
6 now called Hub Plastics, but these bottles are made right  
7 here in Jefferson County, and then almost all the  
8 materials but one are made in Missouri too, so we got a  
9 lot of local footprint here and that's the way we wanted  
10 to grow this, just form relationships with other small  
11 businesses that would allow us to partner together and  
12 bring this product to life. So it's been a really good  
13 thing for us, and this is a fantastic opportunity for us  
14 to take this site that was -- you know, in previous years  
15 had kind of just gone derelict and then develop this into  
16 something that we can potentially hire jobs down the  
17 road, and then it'll be another tax revenue for the  
18 County to have another industrial property here. So  
19 it's -- that's kind of the -- it in a nutshell. So are  
20 there any questions specifically for me about this or --

21 COMMISSIONER TUGGLE: Yeah, I got one. So  
22 you're buying the property or you already bought it?

23 MR. SELSOR: We already bought it, correct.

24 COMMISSIONER SPARKS: Any other questions  
25 from the Commission for the petitioner?

1                   Thank you. We'll call you back if we need you.

2                   MR. SELSOR: Yeah. Thank you, everyone.

3                   COMMISSIONER SPARKS: Are there any citizens  
4 who are in favor of this petition? Anyone in favor in  
5 the gallery?

6                   (No response.)

7                   COMMISSIONER SPARKS: Anyone opposed to this  
8 petition? Anyone opposed?

9                   (No response.)

10                  COMMISSIONER SPARKS: All right. I think  
11 that satisfies. We can move to a vote. We're looking  
12 for a motion on -- I'm looking for a motion for petition  
13 number NP12 --

14                  COMMISSIONER SPRAUL: Should we discuss it  
15 first?

16                  COMMISSIONER SPARKS: I'm sorry. Discussion  
17 amongst the Commission. You're right. I'm getting too  
18 fast.

19                  COMMISSIONER SPRAUL: You're very excited.  
20 You're doing great, man. So just a real quick  
21 discussion, because I am familiar with this piece of  
22 property. Just for us, this will be a great use of this  
23 piece of property. It's been sitting there forever, and  
24 that train goes by there 550 times a day, I swear, I  
25 think it does. This will be a great use of that property

1 rather than having it sitting there empty, making no  
2 money. This will be a great idea and bring in new  
3 business to Jefferson County. So that's just my bit.  
4 That's my piece.

5 COMMISSIONER SPARKS: Any other discussion?

6 COMMISSIONER TAYLOR: Yeah. I also like the  
7 idea of encouraging entrepreneurs to go out on their own  
8 and start things, so I'm all for this.

16 All right. Looking for a motion for petition  
17 number NP124051 [sic].

18 COMMISSIONER SPRAUL: I'd like to make a  
19 motion to approve it.

20 COMMISSIONER TUGGLE: I'll second that  
21 motion.

22 COMMISSIONER SPARKS: All right. A motion  
23 for approval by Mr. Spraul, seconded by Mr. Tuggle. All  
24 those in favor, say aye.

25 (Members voted orally.)

1                   COMMISSIONER SPARKS: All those opposed?

2                   (No response.)

3                   COMMISSIONER SPARKS: Petition

4   number NP124051 [sic] passes unanimously.

5                   (End of case.)

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1 COMMISSIONER SPARKS: All right. On to  
2 PC24052. Miss Krispin again.

3 MS. KRISPIN: Thank you. This is PC24052.

4 The petitioner is requesting to rezone the subject  
5 properties from non-planned community commercial and  
6 single-family residential, R10, to planned commercial and  
7 development plan approval for R&R Propane.

18                   This is a look at the zoning map. The subject  
19                   property is outlined in black, CC2 and single-family  
20                   residential, R10, and that is the same zoning in the  
21                   immediate area. All of this CC2, and then you have that  
22                   single-family residential to the west.

23 This is a look at the subject property. You can  
24 see it's almost entirely gravel. This is where the  
25 stream order 1 cuts right down the middle of the subject

1 property, and it is very flat.

2 These are photos of the site. This is looking  
3 down Dellwood Lane. These are just all general pictures  
4 of how the site exists today.

5 This was the submitted development plan.

6 There -- This is the proposed propane tank location.

7 There's also a small fill station labeled as a phase 2  
8 development. There are two parking spaces. The access  
9 is from Gravois Road. There is no access from Dellwood  
10 Lane. They do show street frontage landscaping and a  
11 six-foot sight-proof fence along the southern property.

12 The petitioner requested four modifications, the  
13 first one being relief from Section 400.2620. The  
14 petitioner has requested relief from the 125-foot offset  
15 requirement from other driveways. The analysis is that  
16 at any location parallel to Gravois Road, the proposed  
17 entrance would not meet the corner clearance requirement  
18 from Dellwood Lane to the west, nor the existing  
19 commercial entrance to the east. Staff recommends  
20 approval.

21 Next is requested relief from  
22 Section 400.4650 B.1 and 2. The petitioner is requesting  
23 relief from the open space requirement due to the entire  
24 site being composed of gravel. Staff recognizes the  
25 difficulty in meeting open space requirements given the

1 site is completely gravel. Staff recommends approval  
2 with the condition that street frontage landscaping shall  
3 be doubled for the lack of open space requirements being  
4 met.

5 Next is Section 400.4760 A.1.B. The petitioner  
6 is requesting relief from the required high-impact buffer  
7 requirements due to mature vegetation located on the  
8 southern property line. When considering landscaping, it  
9 is important to retain existing vegetation. Staff agrees  
10 with this request; however, the landscaping on the  
11 western side of the stream buffer shall be required to be  
12 extended to the buffer limit. In addition, the  
13 development plan shows a six-foot sight-proof fence in  
14 the southern portion of the property as required for  
15 high-impact screening. The fence is shown traversing a  
16 stream buffer. A stream order variance was not  
17 requested, therefore must be obtained if this application  
18 is approved. Staff recommends approval with the  
19 condition that the landscaping in the southern portion of  
20 the property must continue to the limit of the western  
21 buffer line in the stream.

22 And lastly, Section 400.5560, the petitioner is  
23 seeking relief from the implementation of stormwater  
24 detention due to the proposed additional impervious  
25 surface being less than 12,000 square feet on an existing

1 commercial site. The site is not considered to be an  
2 existing commercial site. Both the residential and  
3 commercial portions of the property were developed  
4 without County approval. Given the parcel currently  
5 zoned residential and the two parcels combined are about  
6 56,000 square feet of impervious surface without prior  
7 approval, staff recommends denial of this request. The  
8 required storm drainage and detention shall meet all  
9 parts of the UDO.

10 For the analysis, the development plan meets most  
11 of the criteria for approval. The subject properties are  
12 accessed from a County-maintained roadway. There are  
13 also well-established commercial developments within the  
14 immediate area. The property has had compliance issues  
15 in the past. The applicant, who is not the current owner  
16 of the property, met with staff to discuss the potential  
17 usage of the property as a propane tank location. During  
18 this discussion with staff, the applicant was made aware  
19 of the site issues and expressed desire to clean up the  
20 property and move forward in compliance. Staff believes  
21 the proposed uses of the property as LP gas or fuel oil  
22 sales and office are appropriate. The development plan  
23 satisfies the requirements of the UDO and there should be  
24 no injurious effect or detriment to neighboring  
25 properties if all the requirements of the UDO are met,

1 with the exception of requested modifications. If  
2 approved, a stream order variance must be applied for and  
3 obtained for the proposed stream that traverses the  
4 buffer.

5                   Staff recommends approval with conditions to  
6 PC24052, a requested zone change from CC2 and R10 to  
7 planned commercial zone district and development plan  
8 approval for R&R Propane; in addition, the recommendation  
9 to the requested four modifications as I previously went  
10 over and as it appears on the screen. I'll be happy to  
11 answer any questions.

12                   COMMISSIONER SPARKS: Questions for staff?

13                   COMMISSIONER SPRAUL: Yes, ma'am. That was  
14 a lot of stuff. A quick question, please, because I --  
15 this stream order, I'm not always positive how that  
16 works. Was this run by the County stormwater engineer?  
17 Did he approve or have any --

18                   MS. KRISPIN: There was no request, so  
19 that's what I'm saying in the staff report, that since  
20 there is a stream order there and they're showing work  
21 within the stream order, they're going to need to get a  
22 stream order variance from the Stormwater Division.

23                   COMMISSIONER SPRAUL: Okay. I just wanted  
24 to make sure I understood that. That would be prior to  
25 any building or anything like that.

1 MS. KRISPIN: Yes.  
2 COMMISSIONER SPRAUL: Okay.  
3 COMMISSIONER SPARKS: I have one for staff,  
4 or a few. To be clear -- I think you did mention this --  
5 the applicant themselves, they do not own this property  
6 currently, correct?

7 MS. KRISPIN: That's correct.

8 COMMISSIONER SPARKS: The trailer storage  
9 and the lawn service, so there's another person who just  
10 actually owns this whole -- I mean, it's all -- the  
11 trailer, the thing where they want to put this new  
12 development, that's one whole piece of land, right?

13 MS. KRISPIN: Uh-huh.

14 COMMISSIONER SPARKS: Okay. And so somebody  
15 owns that already. Another question is -- and I looked  
16 through the report. Did the applicant submit a  
17 Form MPG-0910 from Missouri Propane Safety Commission?

18 MS. KRISPIN: No, we do not have that in the  
19 file.

20 COMMISSIONER SPARKS: Okay. And I think  
21 that was the questions I had. Thank you.

22 MS. KRISPIN: You're welcome.

23 COMMISSIONER SPARKS: Any other questions?  
24 Is the applicant present?

25 MR. VONARX: Good evening. Dave Vonarx,

1 10785 Business 21, Hillsboro, Missouri. I have been  
2 sworn in.

3 COMMISSIONER SPARKS: Proceed.

4 MR. VONARX: Thank you. Just to reiterate,  
5 you're correct, the site is currently owned by one owner,  
6 owns all of this. This is the Metal Works. I'm not  
7 exactly sure what type of business that is there, but --  
8 and there's been other businesses in the past, I believe,  
9 that have used this portion of the site, but I'm  
10 representing R&R Propane, who's proposing to lease these  
11 two parcels and install an 18,000-gallon propane tank on  
12 the site, and the second phase of potential use would be  
13 for a fill station to fill the -- you know, the personal,  
14 you know, smaller propane tanks, but that's not the  
15 immediate phase 1 use of the property.

16 The property was filled by the current owner, so  
17 R&R Propane didn't have any activities and has done no  
18 activity on this site, so everything that's occurred to  
19 date has been by the current owner. So what happened  
20 apparently, there was a drainage ditch that went through  
21 the property that continues on to the south, and it was  
22 piped and filled in since 2015, so that's the history.  
23 Again, R&R Propane didn't have anything -- had no  
24 involvement with that whatsoever.

25 So moving on to this current petition, we're

1 proposing to use an existing entrance here to actually  
2 improve it to the County standards at the northeast  
3 corner of the site. There's an existing fence already  
4 installed along this -- the east portions of the site.  
5 We're proposing to leave that fence in place and install  
6 a new fence as required by the UDO, because this site is  
7 zoned R10. It's currently zoned R10 and that's zoned  
8 CC2.

9 So we requested several modifications. One was  
10 open space landscaping, and staff is recommending  
11 approval. Requested relief from stormwater detention,  
12 staff is recommending denial, and in light of other  
13 circumstances, we're proposing to install a stormwater  
14 detention basin, you know, on the lower portion of the  
15 site, so we'll be requesting all the approvals necessary  
16 during site development to mitigate stormwater drainage  
17 on the site.

18 Let's see. Oh, staff is recommending approval of  
19 the request to minimize landscaping along this portion of  
20 this screening buffer and -- but to install additional  
21 landscaping along there, and the petitioner agrees to do  
22 those things. So that -- oh, and back to your form  
23 question from the Propane Commission, the petitioner has  
24 been approved by the Propane Commission to have this  
25 facility on this site. He's visited the site and that

1 form has -- I don't know the number, you do, but it has  
2 been issued.

3 COMMISSIONER SPARKS: Questions for the  
4 petitioner? Because I got some.

5 COMMISSIONER TAYLOR: One real fast,  
6 Mr. Vonarx. Am I to understand that the current uses of  
7 this property, use or uses, will no longer continue once  
8 this is taken over by R&R Propane? There will not be  
9 storage, RVs and trailers?

10 MR. VONARX: That is correct, yes.

11 COMMISSIONER TAYLOR: Okay. Thank you.

12 COMMISSIONER SPARKS: Any other questions?  
13 I'd like to redirect actually to staff first, if I may,  
14 Counselor.

15 MR. CORDES: Well, if you have questions for  
16 staff, you can ask questions for staff at any time.

17 COMMISSIONER SPARKS: So, Miss Krispin, the  
18 current owner of that property is vastly out of  
19 compliance with the UDO, correct?

20 MS. KRISPIN: There was never any proper  
21 site development that occurred, especially since one of  
22 those properties is zoned residentially.

23 COMMISSIONER SPARKS: So that -- And that  
24 whole stormwater easement that should be there is not  
25 there anymore, and I assume that that was taken upon the

1       current property owner just arbitrarily?

2                   MS. KRISPIN: I can't necessarily speak to  
3       that, because Stormwater Division would have inspected  
4       that and gone through a process with that, but I do  
5       believe that they worked with the Stormwater Division.

6                   COMMISSIONER SPARKS: Okay. So there might  
7       be something that we're not seeing that what they did  
8       there is in compliance at this point?

9                   MS. KRISPIN: I'm not sure the status of the  
10      Stormwater Division.

11                  COMMISSIONER SPARKS: That's all.

12                  COMMISSIONER SPRAUL: And I'm sorry. I --  
13       Maybe I got mixed up, because I thought earlier I asked  
14       had it gone by the stormwater engineer, and it hadn't.

15                  MS. KRISPIN: Because they -- So when you  
16       were asking the question why they will need a stream  
17       order variance, it's because they're proposing a new  
18       fence in the stream buffer. Even if they closed up that  
19       stream or that ditch, there's still a stream buffer  
20       there, so they would need to get a stream order variance  
21       in order to put up that fence.

22                  COMMISSIONER SPRAUL: Okay. So I want to  
23       make sure I stay clear, because I think I got myself  
24       backwards. Did the County stormwater engineer say yes or  
25       no to the petitioner's request?

1 MS. KRISPIN: There was no request made for  
2 this, so they didn't say yes or no.

3 COMMISSIONER SPRAUL: Okay. Thank you.

4 COMMISSIONER SPARKS: All right. I do have  
5 some more questions directed toward the petitioner  
6 representative. Mr. Taylor asked, you know, is this --  
7 is the other properties around there going to be set in  
8 compliance, and it does say in the brief that it's going  
9 to be in compliance. If the person who is setting up the  
10 propane filling station does not own the property, what  
11 guarantees do they have to get other parts of that that's  
12 not even within the purview of this in compliance?

13 MR. VONARX: So the petitioner is entering  
14 into a lease for these parcels --

15 COMMISSIONER SPARKS: Correct.

16 MR. VONARX: -- so he won't be able to  
17 effect anything that occurs on this other parcel.

18 COMMISSIONER SPARKS: Right.

19 MR. VONARX: So site development will  
20 occur --

21 COMMISSIONER SPARKS: Just on the --

22 MR. VONARX: -- on the parcels that he has  
23 under lease.

24 COMMISSIONER SPARKS: Right. Okay.

25 MR. VONARX: So that's a requirement of the

1 UDO. That's a requirement of the conditions of this  
2 recommendation for approval, so -- yes, so the petitioner  
3 will be installing everything that's proposed on this  
4 plan and everything that's required by the UDO and site  
5 development.

6 COMMISSIONER SPARKS: All right. You also  
7 made a statement that the petitioner does have the  
8 MPGC-0910, which for those of you on the Commission is a  
9 form that is submitted to Missouri Propane Safety  
10 Commission. It is basically a kind of a standard site,  
11 what we have kind of drawn up here, that they do have the  
12 Safety Commission come out and look at that. My question  
13 is, why was that maybe not included in this part of the  
14 application? And the reason I --

15 MR. VONARX: Well, one, it's not required.

16 COMMISSIONER SPARKS: Right, I know it's not  
17 required.

18 MR. VONARX: If -- It can be made available  
19 upon request, obviously. It just was not -- I don't have  
20 a copy of it.

21 COMMISSIONER SPARKS: Right.

22 MR. VONARX: The petitioner has told me he  
23 does. He -- We had a meeting with staff, pre-submittal  
24 meeting. He told staff -- We asked if they should come,  
25 and I said, no, I don't think it is required for us to

1 talk about the stream buffer and everything, but they  
2 have other facilities. I personally five years ago did  
3 their facility, same company, on Athena School Road, so  
4 they wouldn't be pursuing this if the Propane Commission  
5 wasn't on board.

6 COMMISSIONER SPARKS: Right. And, I mean,  
7 that's --

8 MR. VONARX: Be a waste of everybody's time.

9 COMMISSIONER SPARKS: That was my main -- My  
10 main view of this was, you know, are we putting the cart  
11 before the horse, are we rezoning stuff without -- not  
12 even having documentation that this is even something  
13 that can be built on this site from Missouri Propane  
14 Commission, so that's why I wanted just reassurance that  
15 we're not rezoning and then coming back and going, but  
16 now we're doing something different because we didn't get  
17 the permission.

18 MR. VONARX: So -- I understand, yes. I  
19 don't have a copy of it to give to you. Perhaps the  
20 petitioner may have it on his phone. I don't know. But  
21 we -- he paid my firm, you know, a decent sum of money to  
22 prepare this plan and has, you know, made the application  
23 payments. I don't believe that that is an issue that  
24 that doesn't exist somehow.

25 MR. CORDES: And at the end of the day,

1       we're talking about land use, so, I mean, ultimately, if  
2       Mr. Vonarx's client is not getting all the permits that  
3       he has to have from some other agency, that's going to be  
4       on him, so you don't have the authority to do that, so --

5                   COMMISSIONER SPARKS: All right. Thank you.

6                   MR. VONARX: Thank you.

7                   COMMISSIONER SPARKS: Any more questions  
8       from the Commission?

9                   MS. KRISPIN: Can I add one more thing,  
10      Mr. Chairman?

11                  COMMISSIONER SPARKS: Yes.

12                  MS. KRISPIN: When you were asking the  
13       applicant about the uses on the property, so if this  
14       petition gets approved tonight, they will then have to go  
15       through site development, and we won't approve site  
16       development until those uses cease to exist on the  
17       property.

18                  COMMISSIONER SPARKS: Okay. Thank you.

19                  COMMISSIONER SPRAUL: So they'll have to do  
20       the site development for the entire piece of property,  
21       not the subdivided pieces that they're going to be  
22       getting from the property owner.

23                  MS. KRISPIN: For what they're -- They're  
24       applying for both these properties to rezone it both to  
25       CC2.

1                   COMMISSIONER SPRAUL: The whole thing, not  
2 just the subdivided part.

3                   MS. KRISPIN: Or to planned commercial, yes.

4                   MR. BAIR: That's not right.

5                   MR. VONARX: The -- This is the portion of  
6 the property that we'll be preparing site development,  
7 not anything over -- this is a separate parcel. There's  
8 three parcels now. The petitioner has called that A and  
9 that B. Those A and B under lease are --

10                  MR. KEHM: And, Mr. Vonarx, those parcels  
11 that you're pointing to, they presently exist in that  
12 configuration today; is that correct?

13                  MR. VONARX: Correct. This --

14                  MR. KEHM: You're not subdividing anything.

15                  MR. VONARX: There's no subdivision,  
16 correct. Thank you.

17                  MS. KRISPIN: Outlined in black is -- are  
18 both the subject properties that they're petitioning to  
19 rezone planned commercial.

20                  MR. VONARX: Are we answering the question?  
21 I'm just trying to get a feel for that.

22                  COMMISSIONER SPARKS: I think we have that.

23 Okay. We'll call you back if we need to.

24                  MR. VONARX: Okay. Thank you.

25                  COMMISSIONER SPARKS: All right. Are there

1 any citizens who would like to speak in favor of this  
2 application? Any citizens in favor, please come forward.  
3 (No response.)

4 COMMISSIONER SPARKS: Any citizens who are  
5 opposed to this application, please come forward, and  
6 please state your name and address and that you have been  
7 sworn.

8 MR. COBB: My name is Alan Cobb,  
9 4214 Dellwood, House Springs, Missouri. I have been  
10 sworn in.

11 COMMISSIONER SPARKS: Thank you. Proceed.

12 MR. COBB: Okay. So this property has been  
13 before the Zoning Board back I want to say in 2007, and  
14 they were denied. They went and tore down two homes on  
15 that property without permits and buried that rubble in  
16 that ground. Then, for, like, 14 or 15 years nothing was  
17 done. Next thing, I look out the door and they're  
18 knocking trees down. I said, hey, wait a minute, do you  
19 have a permit? I don't need one. I said, well -- so  
20 that's -- I contacted the storm and the sewer people.  
21 They came out and they put a stop to it.

22 Three years ago the Board gave them the  
23 permission to go ahead and continue removing the trees  
24 and grade the land. They removed the trees. They didn't  
25 grade it. They raised the level three to five feet. My

1 property now floods all the time. It never did for the  
2 14, 17 years before that when I lived there. They have  
3 gone and done things without permits every time. No  
4 permit, they tear the houses down. They didn't haul the  
5 stuff away. They buried it on the property, and it's  
6 asbestos siding that was on the homes. So then they had  
7 truckloads from the school, the pavement they broke up,  
8 brought in and dumped, and they raised my grade of their  
9 property three to five feet. I have video of my property  
10 that looks like a river now because they redid the lay of  
11 the land, if possible for somebody to bring it up to you  
12 and see what my property looks like every time it rains  
13 now, and they told the Board that three years ago, all we  
14 want to do is open it up so we can see the people who are  
15 breaking into my property, but yet they raised the grade  
16 three to five feet. I mean, it was constant trucks  
17 coming in dumping stuff, dumping stuff, compacting it,  
18 dumping stuff. They weren't -- They didn't ask to raise  
19 the grade of that property.

20 And there is a stream that runs through there.  
21 It's flooded my property. It's flooded the paving  
22 company behind me. It's flooded the neighbor next to me.  
23 He's got a building there. It's flooded his building.  
24 They -- Whoever owns the land just continues to do things  
25 without permits. And to me, I don't want a propane tank

1       600 feet from my house. It wasn't that -- It's been a  
2       residential for 72 years or longer, it's functioned fine,  
3       but now they want to just do what they want to do,  
4       apparently.

5                   So as of the homeowner next to the property, I  
6       don't want to hear them trucks coming in at night filling  
7       up propane tanks. I got to go to work. So I'm strongly  
8       opposed. If you look at the record, there's no permits  
9       to tear the homes down. There was no permits to tear  
10      trees down. They stopped them, then they came to you  
11      guys and said, oh, all we're doing is raising the land,  
12      we just want it opened up so we can see. So that's my  
13      position on the matter.

14                   COMMISSIONER SPARKS: Right. And I call  
15      time on that, and are there any questions for this  
16      citizen from the Committee?

17                   All right. Well, thank you very much for your  
18      comments.

19                   MR. COBB: Thank you.

20                   COMMISSIONER SPARKS: Does the petitioner  
21      want to address any of the --

22                   MR. CORDES: You should probably call to see  
23      if there's anybody else that wants to speak in  
24      opposition.

25                   COMMISSIONER SPARKS: Oh, sorry. I'm

1 getting ahead of myself. Are there any other people that  
2 are -- any other citizens against this petition that need  
3 to speak, if you want to speak against and have filled  
4 out a form? No?

5                   Okay. Petitioner can come forward and address  
6 the comments by the citizen, if you can.

7                   MR. VONARX: Certainly. Well, I can't speak  
8 for the owner of the property --

9                   COMMISSIONER SPARKS: Right.

10                  MR. VONARX: -- so I'm not -- I don't  
11 represent them, and frankly, I don't know what's happened  
12 in the past. So a couple of things, though. One is  
13 we're representing R&R Propane, so the petitioner was not  
14 referring -- or excuse me -- the resident was not  
15 referring to the petitioner. The resident was referring  
16 to another party that owns the property. So the  
17 petitioner, you know, had no involvement in what happened  
18 previously, so if there's conditions that are -- have  
19 occurred as a result of this fill or a result of, you  
20 know, things that have happened, actually this is an  
21 opportunity for the resident to achieve some relief  
22 through the UDO, which requires site development.

23                  This is a very low-impact development. R&R  
24 Propane has one, you know, basically identical to this  
25 located on Athena School Road, between Athena School Road

1 and 67 just south of, you know, De Soto, Festus area.  
2 It's -- It operates during the day. There's not --  
3 People don't get propane deliveries at night. Once a  
4 month or whatever a large truck comes, fills it up, and  
5 then on the daily the trucks come in, fill their, you  
6 know, home delivery trucks and then they go and deliver  
7 propane. So it's actually a low-volume operation, and  
8 this location is desired by the Propane Commission  
9 because -- for their business because it serves an area  
10 that's not served currently, so instead of driving to  
11 Athena School Road and then back up to House Springs,  
12 High Ridge, now they just go to House Springs, High Ridge  
13 and serve the area. So that's in everyone's best  
14 interest. The trucks aren't driving all over just to do  
15 what they could do if this is constructed.

16 One other point is this parcel is one of the two  
17 that is under lease is already zoned commercial, CC2. So  
18 really, this portion of the property is going to remain  
19 unused, but it's mostly in the stream buffer and it'll  
20 essentially just remain like it is. The trucks will come  
21 in, fill up, turn around and go back out. That's all  
22 they do. They don't hang around. This -- These tanks,  
23 you've seen them. There's one on Old 21 up by Pioneer  
24 Road intersection. I can't remember the name of the  
25 company, but it looks just like this and it has fencing

1 around the end. So this is called a bulk tank, and that  
2 secures the propane access, so -- and the site is secure  
3 from the road. There's a fence already along the roadway  
4 of the Gravois and -- I forget the side street.

5 MS. KRISPIN: Dellwood.

6 MR. VONARX: Yeah, thank you. And, you  
7 know, so it essentially has double protection because the  
8 site is protected and the tank is protected. So we'd be  
9 able to possibly direct stormwater runoff. The site  
10 generally runs -- flows water from Gravois towards the  
11 south, so if there -- we can install an interceptor swale  
12 along this portion directed towards where the water --  
13 this is a natural channel. This is where the water's  
14 going to continue to go. That's -- You know, that's  
15 Mother Nature, but we can make -- any water that's  
16 somehow being diverted where it didn't go before, we can  
17 collect it and detain it and send it to where it needs to  
18 go.

19 COMMISSIONER SPARKS: I have two quick  
20 questions. What is, in gallons, that tank? How many  
21 gallons is that?

22 MR. VONARX: 18,000.

23 COMMISSIONER SPARKS: 18,000. Okay.

24 MR. VONARX: I have a 24-foot circular pool  
25 that holds 25,000 gallons.

1 COMMISSIONER SPARKS: Right. And just a  
2 quick question on -- the person that you're representing  
3 and yourself, did you guys, either of you, have any idea  
4 how out of compliance this whole entire piece of property  
5 is right now before you submitted this for any kind of  
6 zone change?

7 MR. VONARX: Yes. So I had two meetings  
8 with Planning prior to submitting this petition. The  
9 first one followed a project I was -- a different project  
10 I was there to speak for, and I just brought this one up  
11 and I said, what's going on with this site, and it was  
12 brought to my attention that there had been compliance  
13 problems with stormwater, but nothing specific was  
14 brought to me, and then I brought that to my client. He  
15 said, you know, I don't think this is a -- I think that  
16 was a problem, but he thought it was resolved, and so we  
17 went to Planning again to set up a formal pre-submittal  
18 meeting. They accepted the meeting. We set it up and  
19 said -- we discussed this in great detail, and they said  
20 there was things done without permits but essentially  
21 that was in the past and they weren't pursuing the site  
22 for violation, and we discussed the details of how to  
23 develop the site and made the application.

24 COMMISSIONER SPARKS: But when everything's  
25 said and done, this is going to be someone leasing out a

1 piece of that whole entire property, and the person who  
2 still owns the property is just going to be benefiting  
3 from that lease from this propane and not being in  
4 compliance.

5 MR. KEHM: So I want to clear the --  
6 unfortunately the County's taken my microphone away from  
7 me, so I won't make it on the video.

8 MR. VONARX: You can have mine.

9 MR. KEHM: Thank you.

10 COMMISSIONER SPARKS: Who's responsible?  
11 That's my -- That's where my question lies.

12 MR. KEHM: Thank you, Mr. Vonarx. So I  
13 again want to clarify, this is already a separate piece  
14 of property. It's not the same property as the one in  
15 the upper right corner of the screen. This is different.

16 COMMISSIONER SPRAUL: This whole piece.

17 MR. KEHM: This one piece, actually two  
18 parcels, that's a different one, okay? So whatever does  
19 or doesn't happen with regard to this meeting with this  
20 property has no impact on this one right here.

21 COMMISSIONER SPARKS: Okay.

22 MR. KEHM: Second, if this is approved, as a  
23 function of site development, this property's going to  
24 have to be brought into compliance with any applicable  
25 county ordinances or regulations. That's just a

1 condition of approval of any type of new development like  
2 that.

3 COMMISSIONER SPARKS: I guess one of the  
4 things that kind of has me scratching my head is there  
5 was a stream that used to be there, right?

6 MR. KEHM: Correct.

7 COMMISSIONER SPARKS: It was bulldozed over  
8 and filled in, correct?

9 MR. KEHM: Well, that's the testimony you  
10 heard, correct. I have not been there so I can't tell  
11 you that.

12 COMMISSIONER SPARKS: I'm just -- I'm  
13 proceeding, you know, in this order of going down the  
14 list. So the person who owns that property allegedly  
15 filled in a stream order without any approval from  
16 Jefferson County, the UDO or their planning and zoning or  
17 anybody. They just did it upon themselves, and now the  
18 repercussions are, from the citizen who did testify, that  
19 they are having to deal with it now. Is that -- I mean,  
20 is that what I'm getting? Somebody owns that piece of  
21 property.

22 MR. KEHM: Of course somebody owns this  
23 piece of property.

24 COMMISSIONER SPARKS: And they've done  
25 something that is against the UDO.

1                   MR. KEHM: That's the allegation. I don't  
2 know that that's true or not.

3                   COMMISSIONER SPARKS: Well, that's an  
4 allegation alleged. So one would think that before  
5 anything gets developed that that has to be put back to  
6 where it was --

7                   MR. KEHM: Which is what I just said.  
8 Before any construction permit or approval or site  
9 development is done, if there are violations there or if  
10 the site is not in compliance with county ordinances,  
11 they are going to have to address that and fix it.

12                  COMMISSIONER SPARKS: Which then will change  
13 the whole topology of -- well, maybe not the topology.  
14 It will change the whole look of that, you know, to roll  
15 the -- roll it back, and does that still --

16                  MR. KEHM: Your assumption is that rolling  
17 it back would be the fix. I don't know that that would  
18 be the fix.

19                  COMMISSIONER SPARKS: Well, I don't -- yeah,  
20 that's what I'm saying.

21                  MR. BAIR: That creek was piped. That creek  
22 was piped.

23                  COMMISSIONER SPARKS: It was piped.

24                  MR. BAIR: Yes. So now it's a closed  
25 system, but it is piped.

1 COMMISSIONER SPARKS: Okay. And that's the  
2 kind of question I had, is --

3 MR. BAIR: So, yeah. So there's -- it's not  
4 like the creek went away. The creek was piped.

5 COMMISSIONER SPARKS: Okay. And that was my  
6 question, was if this is approved, do things have to now  
7 roll back to where they were before all the  
8 non-compliance stuff?

15 MR. BAIR: And to jump in and clarify as  
16 well, probably the issue with the flooding is stormwater  
17 coming off the site that is now completely impervious  
18 that had trees, so the development of the site and the  
19 incorporation of stormwater management and detention  
20 should -- should -- again alleviate those flooding  
21 issues, because that's probably what's happening. It's  
22 not like we have a creek that went away, now all that  
23 water's just flowing there. What you have is impervious  
24 surface and that's going there. And one more correction  
25 for the record. We don't have a stormwater engineer. We

1 have a stormwater manager, so that's a big distinction  
2 there, right? So this project, as Mr. Kehm stated, will  
3 have to come in compliance with all those regulations,  
4 and having to come into compliance with the stormwater  
5 detention should help the adjoining property owner  
6 alleviate some of those flooding concerns.

10 COMMISSIONER TUGGLE: Yeah. So I'm  
11 concerned about the asbestos and stuff that had been put  
12 in there in the past. Will that be --

13 MR. VONARX: I don't know that any asbestos  
14 was placed there, so I have no knowledge about that.  
15 When we had the corporate swear-in, I was told -- you  
16 know, I was sworn to tell the truth. I don't know  
17 anything about the fill material, so that's all. You  
18 know, we're requesting a zone change and a development  
19 plan, and there's a lot of other approvals that have to  
20 occur subsequent to this in site development, and R&R  
21 Propane has complied with those on previous sites and  
22 Vonarx Engineering has complied with that in all the  
23 sites that we've been involved with and, you know, intend  
24 to do that with this one as well.

25 COMMISSIONER SPARKS: All right. Thank you.

1 MR. VONARX: Thank you.

2 COMMISSIONER SPARKS: Discussion between  
3 Commission?

4 COMMISSIONER SPRAUL: Oh, yeah. So this is  
5 my opinion, and we're just discussing this amongst  
6 ourselves.

7 COMMISSIONER SPARKS: Yep.

8 COMMISSIONER SPRAUL: We have to throw out  
9 the kind of business that's being proposed. We're just  
10 talking about the zoning of the property, not the  
11 business that's going to be on the property. But what no  
12 one has said to my satisfaction whatsoever is anything  
13 about this stormwater. The stormwater manager works for  
14 the County, but they got him, and he has not weighed in  
15 on this one way or the other. The person that came up  
16 here and spoke against it was very clear, and I believe  
17 him. He lives there. I believe him whole-heartedly.  
18 I'm very --

19 MR. CORDES: But if you approve it -- I'm  
20 sorry to jump in. I just want to clarify. I think  
21 there's been a lot of discussion about the stormwater  
22 manager, but again, if you read the staff report, they're  
23 recommending denial on the relief from -- the requested  
24 relief --

25 COMMISSIONER SPRAUL: For the stormwater

1                   detention.

2                   MR. CORDES: Yes. So to the extent  
3                   somebody's coming in and said, oh, there's flooding,  
4                   which maybe there is, maybe there isn't, if there's a  
5                   basin there, they're going to be better off, right, and I  
6                   think that was kind of the point staff was also trying to  
7                   make.

8                   COMMISSIONER SPRAUL: Back to our  
9                   discussion, I -- we have a stormwater manager who does  
10                  work for the County, and I would like to have him or her  
11                  weigh in on that issue so we have 100 percent  
12                  clarification.

13                  MR. BAIR: Those site stormwater  
14                  requirements are not under their purview. They're under  
15                  the purview of the UDO and this department. He manages  
16                  land development and if there are flooding issues that  
17                  impact it, so the management of the installation of the  
18                  system and how that's done is through this process.

19                  COMMISSIONER SPRAUL: Okay.

20                  MR. BAIR: So he'll have to design a system  
21                  that complies with that -- all the requirements of the  
22                  UDO to manage that stormwater.

23                  MR. CORDES: Yeah, there's a mixing of  
24                  apples and oranges there, and that's what I was trying to  
25                  clarify, yes.

1                   COMMISSIONER SPRAUL: Yeah, I'm not  
2 comfortable, so that's just my opinion.

3                   COMMISSIONER SPARKS: Any other discussion?

4                   COMMISSIONER TAYLOR: Yeah, I guess I'd  
5 offer a rebuttal to that. I see this as probably the  
6 best chance for Mr. Cobb -- and I have a lot of sympathy  
7 for you and your neighbors, but it seems like this might  
8 be the best way to get some relief for you folks. If we  
9 deny this, then nothing happens with the propane  
10 business, things aren't going to change for you, at least  
11 I'm going to guess that, so -- but I'll be voting for it,  
12 so --

13                  COMMISSIONER SPARKS: And I have to say  
14 just -- and, you know, I did a little extra research on  
15 this. I don't know the first thing about propane  
16 commission safety, but when I see, you know, a proposal  
17 for something that could possibly be a potential danger  
18 and there -- you know, if you look at the map and there's  
19 schools within a mile and things like that, we've seen  
20 stuff on videos that happen when something goes up, so  
21 that's why I kind of dug into it a little bit more, and  
22 at first, I'll be honest with the Commission here, I was,  
23 you know, really kind of against an approval on it, but  
24 having the clarification from counsel, from staff, about  
25 kind of where this sits now, it is so far -- just -- it

1 just seems like it has kind of been lost and forgotten in  
2 the shuffle, and the fallout of that is having citizens  
3 having to deal with this on a daily basis when it rains,  
4 so, you know, I was looking for some more indications of,  
5 you know, going forward, you know, is this better, you  
6 know, than it is right now, like, can we improve it with  
7 an approval, and it -- you know, with, like I said, the  
8 counsel and the staff kind of reeducating me on what --  
9 these modifications and things that have to be done prior  
10 to even somebody pouring a foundation for a tank to go  
11 on, that, you know, if that's going to be done by the  
12 applicant to get into compliance. Obviously the person  
13 who owns the property hasn't been doing it and they don't  
14 seem to care, so that's kind of swayed me into an  
15 approval direction. That's my two cents.

16 Any other discussion? No other discussion? I'm  
17 looking for a motion on PC24052.

18 COMMISSIONER TAYLOR: I guess I'll make a  
19 motion to approve PC24052.

20 COMMISSIONER TUGGLE: Second.

21 COMMISSIONER SPARKS: There's a motion for  
22 approval by Mr. Taylor and was seconded by Mr. Tuggle.  
23 All those in favor, say aye.

24 (Members voted orally.)

25 COMMISSIONER SPARKS: Oh, sorry. I need to

1 back that up. Sorry.

2 MR. CORDES: And I want a clarification on  
3 that motion, yeah, because we have four different  
4 modifications.

5 COMMISSIONER SPARKS: I got ahead of myself.

6 COMMISSIONER TAYLOR: That's with all the  
7 staff recommendations for the modifications.

8 COMMISSIONER SPARKS: Sorry. All right.

9 Let me back this up and try again. Motion for approval  
10 of PC24052 was made by Mr. Taylor with staff  
11 modifications to be followed. It was seconded by  
12 Mr. Tuggle. With that in consideration, those who are in  
13 favor, say aye, please.

14 (Members voted orally.)

15 COMMISSIONER SPARKS: Those opposed?

16 COMMISSIONER SPRAUL: Opposed.

17 COMMISSIONER SPARKS: We had one, two,  
18 three -- oh, sorry. Roll call. Sorry. I'm trying to do  
19 everything.

20 SECRETARY ROESCH: Steve Taylor?

21 COMMISSIONER TAYLOR: Yes, approve.

22 SECRETARY ROESCH: Mike Huskey?

23 COMMISSIONER HUSKEY: Yes.

24 SECRETARY ROESCH: Danny Tuggle?

25 COMMISSIONER TUGGLE: Yes.

1 SECRETARY ROESCH: Johnathan Sparks?

2 COMMISSIONER SPARKS: Yes.

3 SECRETARY ROESCH: Jeffrey Spraul.

4 COMMISSIONER SPRAUL: No.

5 SECRETARY ROESCH: Motion for approval  
6 carries.

7 COMMISSIONER SPARKS: All right. Moving on.

8 Reports to the Commission, please, and thank you.

9 MR. KEHM: Your next meeting is August the  
10 22nd of 2024. We do have cases scheduled for that  
11 meeting already, so we'll be seeing you then, and then  
12 special thanks to Mr. Sparks for chairing the meeting  
13 tonight. We really appreciated it.

14 COMMISSIONER SPARKS: Thank you for putting  
15 up with me.

16 MR. KEHM: Not at all. Again, we greatly  
17 appreciate that. Good work. That's all I've got for  
18 you.

19 COMMISSIONER SPARKS: All right. Those  
20 citizens who would like to be heard tonight? Any  
21 citizens who would like to address the Commission and be  
22 heard?

23 (No response.)

24 COMMISSIONER SPARKS: No? All right. I  
25 will move for an adjournment. Move for a motion to

1 adjourn.

2 COMMISSIONER HUSKEY: So motioned to  
3 adjourn.

4 COMMISSIONER TUGGLE: Second.

5 COMMISSIONER SPARKS: There was a motion by  
6 Mr. Huskey and seconded by Mr. Tuggle. All those in  
7 favor, say aye.

8 (Members voted orally.)

9 COMMISSIONER SPARKS: And that's -- we're  
10 adjourned.

11 (Meeting adjourned at 7:37 p.m.)

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1 STATE OF MISSOURI )  
2 COUNTY OF ST. LOUIS ) SS

3

4 I, KAREN WAUGH, a Certified Court Reporter in  
5 and for the State of Missouri, DO HEREBY CERTIFY that I  
6 was present at the Jefferson County Administration  
7 Center, Hillsboro, Missouri, on August 8, 2024, and did  
8 record the aforesaid proceedings; that same was taken  
9 down in shorthand by me and afterwards transcribed, and  
10 that the above and foregoing is a true and correct  
11 transcript of said proceedings.

12 IN WITNESS WHEREOF I have hereunto set my hand  
13 this 13th day of August, 2024.

14

15

16

*Karen Waugh*  
17 /s/Karen E. Waugh, CCR, RPR, CRR, RMR

18

Missouri CCR #1009

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