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Planning & Zoning Meeting
October 13, 2022

Jefferson County - County Counselor's Office

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

October 13, 2022

6:30 P.M.

Jennifer M. Jett, CCR
MISSOURI CCR NUMBER: 634

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E X H I B I T S

Exhibits	Description	Identified
Exhibit A	Official Master Plan for Jefferson County, Missouri	Page 10
Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 10
Exhibit C	Planning Division Staff Report and Respective Case File	Page 11

[Exhibits retained by Counsel.]

1 JEFFERSON COUNTY PLANNING AND ZONING
2 COMMISSION MEETING AND PUBLIC HEARING, October 13,
3 2022, between the hours of 6:30 in the evening and
4 7:14 in the evening of that day, at the Jefferson
5 County Administration Center, 729 Maple Street,
6 Hillsboro, Missouri 63050, before Jennifer M. Jett,
7 MO-CCR.

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A P P E A R A N C E S

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PLANNING AND ZONING COMMISSION:

8

Larry Adkins
9 Greg Bowers
10 Chris Hastings
11 Mike Huskey
12 Danny Tuggle

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12 PLANNING DIVISION STAFF:

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Dennis Kehm
14 Josh Jump
15 Rachel Krispin
16 Elaine Roesch

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16 COUNTY COUNSELOR'S OFFICE:

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Jason Cordes

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

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

16 Each individual wishing to address the
17 Commission on a specific application must complete an
18 oath form. These forms are located on the side of the
19 room. It is important the speaker place the agenda
20 item number on this form so that an accurate record
21 can be maintained. You are also required to print
22 your name and address and sign this form.

23 When the chairman asks if anyone in
24 attendance wishing to speak on a specific application,
25 those wishing to provide comment are required to come

1 forward, provide your name and address, and address
2 your comments to the Planning and Zoning Commission.
3 It is important to remember that each -- that the
4 members of the Planning and Zoning Commission will
5 make a decision on each application and should direct
6 all comments to the Commission. Responding to the
7 audience both wastes time and may reduce the impact of
8 your statement.

9 Members of the Planning and Zoning
10 Commission may question any speaker. The Commission
11 will not tolerate verbal outbursts or disruptions from
12 the audience, nor will this Commission tolerate
13 personal or abusive attacks directed toward the county
14 staff.

15 The structure of the meeting is as follows:
16 The chairman will introduce each project by name and
17 number and will then direct the planning staff to
18 present the application. The staff will then present
19 a brief overview of the application. The Commission
20 may question the staff relative to the project.

21 The Chairman will then call the petitioner,
22 the party that sub -- submitted the application. The
23 petitioner may call additional individuals regarding
24 generally supporting consultants, and is allowed a
25 five-minute uninterrupted period of presentation of

1 the facts surrounding the application. After
2 completion of the presentation of the application, the
3 members of the Commission may ask questions of the
4 petitioner relative to the application. There is no
5 time limit for the questions from the Commission.

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

15 After all questions from the Commission
16 have been heard, the chairman will ask any citizens
17 wishing to address the Commission who are opposed to
18 the application. There will be a total of fifteen
19 minutes allocated for public comment in opposition to
20 the application. No speaker will be allowed to speak
21 more than three minutes. The Commission will ask
22 questions of any speaker. The time used for the
23 speakers to answer the questions will not be
24 subtracted from the fifteen minutes.

25 Because time is limited, we strongly

1 recommend that speakers be prepared and know the facts
2 regarding the application. We recommend that you
3 avoid repetition. If you are part of a larger group,
4 we suggest that you designate a spokesperson to
5 provide comments for the group. The speaker may
6 acknowledge that he or she is -- represents a larger
7 group. This will be the sole public hearing before a
8 public body regarding the application.

9 The petitioner will then have a -- five
10 minutes to respond to issues raised during the comment
11 period. The Commission may further answer -- or
12 question the petitioner. The time used for response
13 to the questions from the Commission will not count
14 against the allocated time.

15 After closure of the comment period, the
16 Commission will then deliberate on the application.
17 The Commission will direct additional questions to the
18 staff or may proceed directly to considering the
19 application.

20 Decisions of the Planning and Zoning
21 Commission will be forwarded to the County Council for
22 final action. Final action by the County Council will
23 gen -- generally take the form of an ordinance
24 approving the application or a resolution denying the
25 application. In most instances, there will be no

1 further public hearing before the County Council.

2 I call this board -- meeting to order.

3 Madam Secretary, would you please take

4 roll?

5 MS. ROESCH: Danny Tuggle.

6 COMMISSIONER TUGGLE: Here.

7 MS. ROESCH: Greg Bowers.

8 COMMISSIONER BOWERS: Here.

9 MS. ROESCH: Larry Adkins.

10 COMMISSIONER ADKINS: Here.

11 MS. ROESCH: Chris Hastings.

12 COMMISSIONER HASTINGS: Here.

13 MS. ROESCH: Mike Huskey.

14 COMMISSIONER HUSKEY: Here.

15 MS. ROESCH: Tim Dugan.

16 We have a quorum.

17 COMMISSIONER BOWERS: Are there any changes

18 to the agenda?

19 If not, I'll entertain a motion.

20 COMMISSIONER HUSKEY: So moved.

21 COMMISSIONER TUGGLE: Second.

22 COMMISSIONER BOWERS: I have a motion to

23 approve the agenda made by Commissioner Huskey;

24 seconded by Commissioner Tuggle.

25 All those in favor, say aye.

1 COMMISSION: Aye.

2 COMMISSIONER BOWERS: Opposed?

3 Passes unanimous.

4 Approval of the minutes. Are there any
5 changes to the minutes?

6 If not, I'll entertain a motion.

7 COMMISSIONER ADKINS: Motion to approve the
8 minutes.

9 COMMISSIONER HUSKEY: Second.

10 COMMISSIONER BOWERS: I have a motion to
11 approve the minutes made by Commissioner Adkins;
12 seconded by commiss -- Commissioner Huskey.

13 All those in favor, say aye.

14 COMMISSION: Aye.

15 COMMISSIONER BOWERS: Opposed?

16 Passes unanimous.

17 Swearing in of the witnesses.

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

19 Good evening, again, everyone. Thank you
20 for being here this evening. If you are going to be
21 speaking tonight on any of the cases, we do have your
22 testimony sworn; that's so that it can be properly
23 included in the record for each of those cases.

24 Rather than swear people in when they come
25 up to talk sort of one by one, we do it all at the

1 beginning of the meeting. So if you're going to be
2 speaking tonight, please go ahead and stand up right
3 now, raise your right hand, and the secretary over
4 here will administer the oath.

5 [Witness sworn in by Secretary Roesch.]

6 MR. KEHM: Thank you very much. You can
7 have a seat.

8 Again, when it's your turn to come up, the
9 chair will recognize you. Hand your slip to one of
10 these folks up here, go over to the podium, and then
11 three things: State your name, state your address,
12 and then state that you have been sworn in and then
13 you can begin your remarks.

14 COMMISSIONER BOWERS: Introduction of
15 evidence.

16 MR. KEHM: Members of the Jefferson County
17 Planning and Zoning Commission, the county would ask
18 that the following exhibits be entered into the record
19 for the cases to be heard by you this evening. Those
20 exhibits are Exhibit A, the Official Master Plan for
21 Jefferson County, Missouri, adopted August the 6th,
22 2003, and made effective on April the 2nd, 2008.
23 Exhibit B, which is the Code of Ordinances of
24 Jefferson County, specifically Chapter 400 of that
25 code, that being the Unified Development Order. That

1 was also adopted on April the 2nd, 2008, but has been
2 amended at various times since then. And, finally,
3 Exhibit C, which consists of the Planning Division
4 staff reports with their respective case files.

5 COMMISSIONER BOWERS: Thank you, sir.

6 I'll accept a motion to accept the
7 evidence.

8 COMMISSIONER HASTINGS: Motion.

9 COMMISSIONER ADKINS: Second.

10 COMMISSIONER BOWERS: I have a motion to
11 accept the evidence by Commissioner Hastings; seconded
12 by Commissioner Adkins.

13 All those in favor, say aye.

14 COMMISSION: Aye.

15 COMMISSIONER BOWERS: Opposed?

16 Introduction of evidence passes unanimous.

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1 COMMISSIONER BOWERS: Under the consent
2 agenda, FP22063, final plat of The Villas of Miller
3 Crossing located at the southwest corner of Vogel and
4 Miller Road. I'll accept a nomination to accept.

5 COMMISSIONER ADKINS: Motion to accept
6 FP22063.

7 MR. CORDES: You mean approve?

8 COMMISSIONER ADKINS: Approve. I'm sorry.

9 MR. CORDES: Thank you.

10 COMMISSIONER TUGGLE: Second. Excuse me.

11 COMMISSIONER BOWERS: I have a motion to
12 approve FP22063 by Commissioner Adkins; seconded by
13 Commissioner Tuggle.

14 All those in favor, say aye.

15 COMMISSIONER: Aye.

16 COMMISSIONER BOWERS: Opposed?

17 Passes unanimous.

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1 COMMISSIONER BOWERS: Under considerations,
2 CU22057, request for a use -- conditional use permit
3 located at 44 Silverwoods Lane, Fenton, in round --
4 Rock Township, Council District No. 1.

5 And, Mr. Jump.

6 MR. JUMP: Thank you.

7 This is Case No. CU22057. The petitioner's
8 request is a conditional use permit for a 255-foot
9 self-support telecommunications tower.

10 A little bit about the subject property:
11 It is split-zoned R7 and R20. It is in Council
12 District No. 1. It is in the primary growth area with
13 a suburban development pattern. Per the applicant's
14 application, it's about 14 1/2 acres in size. It does
15 have road frontage on three different roads: Als
16 Lane, Hendrix Valley, and Silverwoods, the majority of
17 it being on Als Lane and Silverwoods. There -- don't
18 really need any available services for this particular
19 request.

20 It looks like the parcel is currently
21 undeveloped from the aerials. It may have been
22 developed for the home in the past, according to
23 previous years' aerials at some point in time, but it
24 doesn't appear to be there anymore.

25 This -- the -- the current parcel

1 conditions, there is some pretty steep topography,
2 probably a good reason why they wanted to put a tower
3 there 'cause there is about an 80-foot elevation
4 change from the approximate area of the proposed tower
5 to where all the streets intersect. There are no
6 stream orders or floodplain and it does have lots of
7 -- it exhibits a lot of qualities of a nondeveloped
8 property. There are dense amounts of vegetation on
9 the property.

10 This is your zoning map. The parcel sort
11 of outlined in red here is the parcel in question.
12 This part's zoned R20, this one's zoned -- this part
13 right up here is zoned R7. Here is that intersection
14 of the three different roads kind of coming in here
15 and it kind of branches off back here.

16 The next slide will show you what the
17 topography looks like. The proposed tower is kind of
18 up on this, approximately, kind of up on this ridge
19 right here, pretty far back into the property which
20 you'll see in the site plan, as well, but that gives
21 you some indication of the topography. There's lots
22 of lines very close together so that means very
23 intense topographically.

24 This is the site plan that was submitted
25 showing you the -- the site location of the tower

1 right about right in the middle of the property. It
2 does meet all of the setback distances required by the
3 UDO, so no -- no issues there. And it -- like I said,
4 it's kind of tucked way back on the piece of property.

5 Here is an elevation view and a landscaping
6 plan kind of showing you the landscaping around the
7 fenced in area where the tower is going to be and then
8 your elevation view of the tower itself. It is a
9 250-foot -- 255-foot tower with a lightning rod on the
10 top of it.

11 Here are some photos from the site. This
12 is kind of -- we -- we didn't go all the way back but
13 this is kind of looking back that road where the tower
14 would be and then this is kind of looking down that
15 main primary road coming in and then the surrounding
16 area down there in the bottom corner.

17 So our analysis: So the property -- the
18 property is split-zoned single-family residential R7
19 and R20 with the tower being located on the R20
20 portion of the property. Telecommunications tower in
21 these districts requires a conditional use permit.
22 Site development plan was submitted with the
23 application showing a 255-foot tower, access drive,
24 fencing, and the existing tree lines. Site plan
25 appears to demonstrate compliance with the UDO

1 requirements. The plan shows any landscaping around
2 the tower base and equipment compound that would
3 screen these facilities from adjacent residential
4 properties. A communication tower facility shall be
5 landscaped with a buffer of plant materials that
6 effectively screens the view of the
7 communication-tower base from adjacent residentially-
8 zoned or used property. I think that's achieved both
9 in -- with the vegetation that's going to stay and
10 what is provided on the landscaping plan. So that is
11 achieved by those methods.

12 The UDO designates three setback
13 requirements for any proposed tower. Any tower must
14 be set back the height of the tower from any dwellings
15 not on the subject property and any adjoining property
16 zoned residentially; the tower must be set back from
17 any property line the height of the tower, thus the
18 maximum structure height permitted in that zone
19 district; and, finally, the tower must be set back
20 distance equal to half the height of the tower from
21 any residential, commercial, or industrial uses open
22 to the general public. These setbacks all appear to
23 be met by the proposed -- proposed tower in the
24 proposed plan.

25 So for your consideration a conditional use

1 permit for a 255-foot self-support telecommunications
2 tower.

3 COMMISSIONER BOWERS: Thank you, sir.

4 Are there any questions of staff?

5 Being none, is the petitioner present?

6 MR. BUSTER: Yes.

7 COMMISSIONER BOWERS: Please come forward.

8 State your name, your address, and that you
9 have been sworn. And then after you complete that,
10 again, you'll have five minutes.

11 MR. BUSTER: My name is Gary Buster. My
12 address is 1920 Terrill Road, Billings, Missouri. And
13 I have been sworn.

14 Verizon is looking to better their service
15 in this area. This particular location is very high
16 in elevation and covered in trees, so you will not
17 even see the base of the fence or the fence or any of
18 the equipment from any of the homes in the area. It
19 will all be concealed within the trees. This -- there
20 is an existing access road so nothing will have to be
21 done by the -- for the access road; it's already
22 there.

23 So the only construction will be the actual
24 site itself. It's a great site. We look forward to
25 and hopeful for an approval on this site because it

1 will definitely help our service for the area.

2 COMMISSIONER BOWERS: Thank you, sir.

3 Any questions of this witness?

4 Thank you, sir. We may call you back.

5 MR. BUSTER: Thank you.

6 COMMISSIONER BOWERS: Is there anyone

7 wishing to speak in favor of this petition?

8 Anyone wishing to speak in favor?

9 Anyone wishing to speak in opposition?

10 Anyone in opposition?

11 Do you have any further comments you'd like
12 to make?

13 MR. BUSTER: No, sir.

14 COMMISSIONER BOWERS: Being none, is there
15 questions?

16 I'll entertain a motion.

17 COMMISSIONER TUGGLE: I make a motion to
18 accept CU22057 as presented.

19 MR. CORDES: You mean approved?

20 COMMISSIONER TUGGLE: Yes. Yes.

21 COMMISSIONER ADKINS: Second.

22 COMMISSIONER BOWERS: I have a motion to
23 approve CU22057 made by Commissioner Tuggle; seconded
24 by Commissioner Adkins.

25 All those in favor, say aye.

1 COMMISSION: Aye.
2 COMMISSIONER BOWERS: Opposed?
3 Passes unanimous.
4 Thank you, sir.
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1 COMMISSIONER BOWERS: Next item, PC22062,
2 request for a zone change and development plan
3 approval located at Diehl Road northeast of Old Sugar
4 Creek Road in Fenton, Rockship (sic) Township, Council
5 District No. 2.

6 And, Ms. Krispin.

7 MS. KRISPIN: Thank you.

8 This is PC22062. The petitioner is
9 requesting to rezone the subject property from
10 single-family residential R40 to planned commercial
11 and development plan approval for Genuine Lawn Care.

12 The subject property is located near the
13 intersection of Diehl Road and Old Sugar Creek Road.
14 The property is roughly 10 acres in size; however, the
15 petitioner is seeking to rezone about 5 acres. There
16 is a portion of the property located in the floodway
17 and floodplain and a Stream Order 3 traverses the
18 property.

19 Here is a look at the zoning map. The
20 subject property is outlined in black, zoned R40;
21 across Diehl Road is R20 but then everything else
22 surrounding is that same single-family residential
23 R40.

24 This is a look at the topography map. The
25 red is the floodway. The blue and gold are

1 floodplain. And this is where that Stream Order 3
2 traverses the back rear of the property. And based on
3 the contour lines, you can see it is a very flat piece
4 of property.

5 These photos are of the subject property.
6 Top left is showing near the intersection of Diehl and
7 Old Sugar Creek looking out at the property right
8 there. This shows a home on Diehl that is surrounded
9 on three sides by the subject property. This is a
10 look, just a better look at the subject property. And
11 then these homes are located on Terry Jean that
12 directly adjoin the subject property; and if you just
13 look between the houses, that's the subject property,
14 right there.

15 This is the submitted development plan.
16 Couple things to note: There is one proposed entrance
17 off Diehl. There is a 40x80 building to be used for
18 office space and warehouse. Outdoor contractor
19 storage area is proposed in the rear of the building
20 which is all of this space, right here. There are, I
21 believe, three material storage bins shown in the
22 southwest corner of the storage area; eight parking
23 spaces, one being ADA compliant. There is a
24 sight-proof fence surrounding the contractor storage
25 area. High-impact screening is shown on a portion of

1 the eastern line as well the western property line,
2 but there was no modification requested to high-impact
3 screening; therefore, the requirements of the UDO will
4 need to be met if approved. So that is the property
5 as it is proposed.

6 The petitioner requested four
7 modifications. The first one is Section 400.4100.
8 The petitioner is seeking relief from the requirement
9 to pave the proposed driveway and parking area. So
10 the petitioner is requesting to have a drive -- a
11 gravel parking lot. The petitioner has not presented
12 any convincing evidence to support this request.

13 Next is Section 400.4690. The petitioner
14 is seeking relief from landscaped islands within the
15 parking area as the proposed parking area is to be
16 gravel. The petitioner is seeking this modification
17 from the perspective of keeping it with the rural
18 setting of the site and surrounding area. Again, this
19 request lacks evidence to support this request.

20 Next is section 400.4650. The petitioner
21 is seeking to not add any additional landscaping and
22 to use what is there for open-yard requirements. The
23 development plan shows high-impact screening along
24 portions of the eastern and western property lines,
25 but not the entire property line as per -- as required

1 by the UDO. Additionally, there is street frontage
2 landscaping shown. With the exception of the tree
3 line along Sugar Creek in the extreme rear of the
4 property, this site is completely cleared of any
5 vegetation.

6 And, lastly, Section 400.5560 D.4. The
7 petitioner is seeking relief from the implementation
8 of storm water detention. There appears to be ample
9 area outside the floodway and floodplain to install
10 detention on the site. There is potential to cause
11 harm to all downstream property owners due to the
12 increased runoff which causes erosion and flooding.
13 The claim that no off-site property owner will be
14 harmed is not an acceptable reason to grant this
15 request.

16 As for the analysis, staff addressed each
17 point of criteria for considering a rezoning. In the
18 staff report in front of you, I won't go over each one
19 of these but I will -- I will highlight four of them,
20 the first one being the character of the neighborhood.
21 The character of the neighborhood is residential.
22 Within the justification of the proposed modifications
23 the petitioner states that the character of the area
24 is rural. While there are some larger undeveloped
25 tracts of land located near subject property, the area

1 is residential. The subject property is fronted by a
2 residence located on Old Sugar Creek Road.

3 Next, the adjacent and adjoining properties
4 are zoned the same as the subject property exists
5 today, which is single-family residential R40. There
6 are no commercially-zoned properties near the subject
7 property and the closest commercially-zoned properties
8 are about 1.5 to 2 miles away. The commercial use of
9 an office, warehouse, and contractor storage with
10 outdoor equipment are not compatible with the existing
11 neighborhood. Changing the zoning of the subject
12 property to planned commercial would be spot zoning.

13 The next point of criteria is the
14 suitability of the property for the uses to which it
15 has been restricted under the applicable zoning
16 regulations. The subject property is reasonably zoned
17 under its present R40 zoning. The subject property,
18 as all adjacent properties, are suitable for the uses
19 proposed in an R40 zone district. The land uses
20 proposed make the petition out of place and out of
21 character for the site.

22 And, lastly, the extent to which the
23 proposed use will address and conserve the natural
24 resources of the site, effectively manage storm water
25 runoff, and prevent air or water and noise qual --

1 noise pollution and conserve habitat. The petitioner
2 has requested to not implement any storm water
3 detention, although there is plenty of adequate space
4 for this requirement. There will be added noise
5 pollution from operating trucks at the site;
6 additionally, required landscaping will dramatically
7 change the residential nature of the area and could
8 create like pollution and a nuisance to the neighbors.

9 So the development as opposed -- as
10 proposed satisfies very little of the criteria of
11 approval. Changing the zoning to this -- of this
12 property to planned commercial would constitute spot
13 zoning. The development plan could impede the normal
14 and orderly development and improvement of the
15 surrounding properties. Development of Genuine Lawn
16 Care with the uses of an office, warehouse, and
17 construction contractor with outdoor storage does not
18 fit the character of the neighborhood, which is
19 residential.

20 And these are the items for your
21 consideration tonight and I will be happy to answer
22 any questions.

23 COMMISSIONER BOWERS: Thank you.

24 Are there any questions of staff?

25 Questions?

1 Is the petitioner present?

2 MR. VONARX: Yeah.

3 COMMISSIONER BOWERS: Please come forward.
4 State your name, your address, and that you have been
5 sworn. And, again, reminder, you'll have five minutes
6 presentation.

7 MR. VONARX: I'll get it to you later.

8 MS. KRISPIN: Oh, okay.

9 MR. VONARX: Good evening. My name is
10 David Vonarx. My address is 10785 Business 21 and I
11 have been sworn in.

12 Tonight, we represent Genuine Lawn and
13 Lawncare -- and Landscape, Terry and Kelly Obermiller.
14 They are also here. Let me start the time. And I
15 would like to save a minute at the end for
16 Mr. Obermiller to speak.

17 So if Mr. Chairman, if you can help me keep
18 an eye on that, I -- it would be appreciated.

19 COMMISSIONER BOWERS: I will -- I will make
20 sure that --

21 (Overlapping conversation.)

22 MR. VONARX: But I have this thing. Thank
23 you.

24 We generally agree and disagree with the
25 staff report. The -- it is reasonable that the

1 subject property is zoned R40. There are substantial
2 amounts of the area that is completely undeveloped and
3 is rural in nature. This field has been mowed for hay
4 and has beans. There is a potential amount of wooded
5 area around. There is also substantial amounts of
6 higher impact residential development.

7 And it would be reasonable to and,
8 actually, responsible to develop a -- about 2 acres of
9 a 10-acre tract with a low-impact development which
10 would be more reasonable than the development that is
11 -- or the development of the property as it is
12 currently zoned which would allow for ten residences,
13 streets, swimming pools, whatever anyone wanted to
14 build within the ordinances of the county. So it's
15 reasonable to expect another developer to pursue a
16 higher residential development. So as R7, there's R7
17 in the area. Within a half mile, there's R7, PUD, PR2
18 which is the highest density allowed by the county and
19 also PR1.

20 The petitioner is requesting some
21 modifications. The petitioner is a Fenton resident,
22 has had the business in Fenton. Some of the criteria
23 for approval is economic diversity. And that wasn't
24 mentioned in the staff report but all -- economic
25 diversity would not be everybody in the area being

1 residential. So the petitioner provides a service
2 that would be used by residents in the area. So I --
3 I submit that some of the criteria is met and that a
4 1-acre lot or 2-acre development on a 10-acre piece of
5 property has been -- that has a substantial amount of
6 floodplain and floodway, it would be a responsible
7 development and would not impede the orderly
8 development of the area and can be done in conformance
9 with the character and nature of the surrounding area.

10 COMMISSIONER BOWERS: Got about a minute
11 left.

12 MR. VONARX: Yep. So I'd like to introduce
13 Terry Obermiller.

14 COMMISSIONER BOWERS: Well, I mean, you
15 have two minutes. You got a minute left and --

16 MR. VONARX: Oh, okay. Are there any
17 questions?

18 Okay. So I'd like -- I'd like to give
19 Terry a little bit more time.

20 COMMISSIONER BOWERS: All right. Are there
21 any questions of this witness?

22 MR. OBERMILLER: Hi. My name's Terry
23 Obermiller. I live at 38 East Lakewood Drive, Fenton,
24 Missouri 63026, and I have been sworn in.

25 COMMISSIONER BOWERS: Thank you.

1 MR. OBERMILLER: I don't know much about
2 these meetings or zonings or anything like that. What
3 I do know is that I've ran this business for about
4 20 years. We are out of room. We've looked all
5 around for different places to buy. As you can tell,
6 the real estate market, right now, is kind of locked
7 down. There is not very many places that are
8 available and if they are available, they're extremely
9 expensive.

10 This place that's here is literally like
11 right on the other side of a hill that we live on so
12 it's five minutes away from my house. It provides
13 jobs in Jefferson County. We employ, typically, five
14 people, right now. It would go up a little bit; we'd
15 have probably ten people on our staff. We generally
16 run Monday through Saturday 8 a.m. to 6 p.m.

17 If you -- there is other businesses on this
18 street but they're being ran out of people's houses.
19 When we looked at this piece of property, we had, you
20 know, choices: Do we build a house and do the same
21 way that these people are doing it or can we put
22 something nice in. And we wanted to go this way
23 'cause it would -- it would be a nice building and
24 land and everything would be landscaped out. So it
25 would, I think -- I feel it would improve the area.

1 And considering that there is all these like small
2 businesses running their houses out -- or running
3 their businesses out of their house, they literally
4 even have signs on the street. So, I mean, yeah, the
5 zoning for commercial is 1 1/2 to 2 miles away but
6 the --

7 (A cell phone began ringing.)

8 MR. OBERMILLER: -- oh, the businesses are
9 a lot closer.

10 If you guys have any questions for me, I
11 don't really -- this is my first time doing this.

12 COMMISSIONER BOWERS: That's fine. That's
13 fine. You did well.

14 Is there any questions of this petitioner?
15 Thank you, sir.

16 MR. OBERMILLER: All right.

17 MR. VONARX: Sorry about that.

18 COMMISSIONER BOWERS: Is there anyone
19 wishing to speak in favor of this petition?

20 Anyone wishing to speak in favor of this
21 petition?

22 Anyone wishing to speak in opposition of
23 this petition?

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

1 MS. NAGEL: My name is Ashley Nagel. I'm
2 at 2502 Old Sugar Creek Road and I have been sworn in.

3 COMMISSIONER BOWERS: Thank you.

4 MS. NAGEL: They made a good point about
5 some businesses being on this street but they are not
6 anywhere near the subdivision that Terry Jean sits on.
7 It's all residential through there. And I have to
8 agree with the analysis that she went over about how
9 this will become a huge nuisance to us.

10 We are -- and I do apologize. I am
11 speaking on behalf of all of the residents on Terry
12 Jean that this was emailed to because some could not
13 make it this evening and I don't think you want to
14 hear from all the them, I promise.

15 So a lot of us, we all have the same
16 concerns. We are concerned about our privacy. We are
17 absolutely concerned about the traffic that will be
18 coming through there 'cause if you spent any time at
19 that intersection, it is Diehl and Old Sugar Creek,
20 which, literally, my house is that corner house, you
21 would know how insanely busy it is and how much people
22 run that stop sign. So we already have enough of a
23 threat just leaving our driveways.

24 We are concerned about the noise, as well.
25 So, obviously, noise comes with traffic and we're

1 already dealing with that. So if you're adding in a
2 business where people are coming to and from it, it's
3 going to create more noise on top of that. I'm more
4 worried about my safety and that's me speaking
5 personally. You're going to have customers coming in
6 and out that we don't know. Personally, I would much
7 rather have a house back there than a bunch of workers
8 and customers coming in and out right behind my
9 property.

10 And I fully agree this is spot zoning. As
11 was mentioned, everything surrounding it is
12 residential; across the street is agriculture. And I
13 also disagree with there not being businesses that are
14 available. And by that, I mean structures for them to
15 purchase. There are plenty in High Ridge available.
16 And if cost is a factor in that then it might be best
17 to wait to grow the business further.

18 I had something else and I forgot. I do
19 apologize. This is my first time. But so we are
20 petitioning against moving forward with this rezoning.
21 It's just -- it's not a very good idea and it does
22 take away a lot from us 'cause it is quite peaceful
23 when it's not loud and busy with traffic, so.

24 COMMISSIONER BOWERS: Thank you.

25 Are there any questions of this witness?

1 Can you point out where your property --

2 MS. NAGEL: Mine's 2502, right there.

3 COMMISSIONER BOWERS: Okay.

4 MS. NAGEL: So I will be subject to a lot
5 of the traffic that comes through there. I realize
6 they mentioned that only 2 acres out of ten would be
7 used and that the rest are floodplains but one of the
8 gentlemen who is going to be affected, actually, one
9 of the houses -- 1181, correct -- 1181 is here and he
10 mentioned he's been there for 40 years and he's not
11 once seen it flood out of the banks.

12 COMMISSIONER BOWERS: Okay. Thank you.

13 MR. KEHM: I'll take that. Thank you.

14 Good job.

15 COMMISSIONER BOWERS: Is there anyone else
16 wishing to speak that is opposed to this?

17 Anyone wishing to speak that is opposed?

18 Will the petitioner please come back
19 forward?

20 It was mentioned, of course, traffic,
21 noise, safety, business hours, up against and then
22 the, again, rural area versus commercial development.

23 MR. VONARX: Yes, sir.

24 The subject property is zoned R40 so that
25 would allow for ten residential homes and in traffic

1 generation, we -- that would generate 2.7 persons so
2 approximately 50 trips per day from a residential
3 subdivision which would not come before a zoning
4 hearing; it would go straight to a preliminary plan.

5 A small landscaping company where the work
6 is performed off-site, they keep the equipment here
7 and have an office when they -- and, currently, employ
8 about five people would generate, I would say, ten to
9 fifteen trips per day so, approximately, 20 percent of
10 what could be developed, at minimum, under your
11 current zoning. And the trips generated by buses and
12 schools and from a more higher intensity development,
13 it would not -- there is R20 right across the street
14 so that would increase it right away to 20 to -- it
15 would be reasonable to expect that this could at least
16 be zoned R20 so that's another -- that would be 20
17 homes, so it is less dense than what it is currently
18 zoned.

19 And the UDO includes the PR -- the
20 planned-commercial zoned district to provide
21 flexibility to restrict the development. So this use
22 is the only thing that would be permitted under this
23 zone district as part of this development plan. So,
24 in reality, the residents get more control over the
25 development of a planned-commercial district than they

1 would over a straight residential district. There
2 would be no screening require -- no high-impact
3 screening required; they would just have to follow
4 setback rules.

5 So there was also a mention about a
6 floodplain/floodway. It doesn't matter that no one
7 has seen it flood in 40 years. FEMA says it's a
8 floodplain and that's what the regulatory floodplain
9 and floodway and that's the ordinance that the county
10 and storm water division and the building department
11 uses for orderly growth. So we're proposing to ignore
12 -- to ignore the floodplain, not develop in any
13 portion of the floodplain, only on the highest portion
14 of the property. R40 development would not just be
15 done that way; it would go in the entire property to
16 get the 40 acres or, I mean, to get the ten units.

17 Also, the noise, so this is not a
18 high-intensity use. They do lawnscape -- they do lawn
19 care, build retaining walls, you know, plantings, that
20 type of thing. That work is all done off-site at
21 residences and buildings, you know, businesses. So
22 the noise from this development, the hours that we
23 mentioned is, he said, eight to six, Monday through
24 Saturday. I think on the petition we said seven to
25 five, so we can clarify that hour or whatever but, you

1 know, it probably depends on the weather.

2 So during the wintertime, there's probably
3 not a lot of landscaping going on, maybe they do some
4 snow-plowing when it snows, you know, what you do, you
5 know, less intense use of the property during part of
6 the year; whereas, if it was a residential
7 development, they'll have the same use all year long.

8 Are there any other questions of us?

9 COMMISSIONER BOWERS: Is any other
10 questions of this witness?

11 COMMISSIONER TUGGLE: Yeah, I've got a
12 couple. So the -- is this, you know, I've seen these
13 start up before where you've just got the -- the --
14 the lawn -- lawnmowers in their shop. Is there going
15 to be a place where they can store materials?

16 MR. VONARX: Yeah. We're proposing three
17 storage bins in this portion of the property. I mean,
18 they could be located in, you know, a different spot.
19 There is nothing sacred about that location. And this
20 is an -- this is a sight-proof fence shown around the
21 entire storage area so if he has any equipment. So
22 everyone's seen, you know, landscaping trailers and so
23 it would be that type of equipment. He has a -- a
24 mini excavator and probably a skid-steer and there
25 would be some mulch and there would some sand and rock

1 in a pile, you know, surrounded by some big concrete
2 blocks. So then we're also proposing high-impact
3 screening, you know, we're -- we didn't ask for the
4 variance so we're required to provide the high-impact
5 screen around the entire site.

6 So there is a substantial amount of
7 landscaping. The staff reports indicates that there
8 is not any existing trees; there is about an acre of
9 woods along the -- along the creek and that's
10 protected in the stream buffer so, obviously, all that
11 would stay. Plus, we're proposing all this
12 landscaping; a residential developer is not required
13 to install that.

14 COMMISSIONER BOWERS: Any other questions?

15 COMMISSIONER TUGGLE: Yeah, I'm not there
16 yet.

17 COMMISSIONER BOWERS: That's fine.

18 COMMISSIONER TUGGLE: So this may open to
19 the public, right, so they can come in and get their
20 materials, people?

21 MR. VONARX: It's not -- he -- no. He
22 doesn't -- I mean, in theory, I guess, that could
23 happen but that's not what they do. They use their
24 material for their own use. He's not a -- he's, you
25 know, it's -- he's going to -- he would have to

1 purchase the material, have it there and --

2 (Overlapping conversation.)

3 COMMISSIONER TUGGLE: So that would
4 (inaudible)?

5 MR. VONARX: -- so they don't have a shop
6 now, this is -- have, you know, a retail space now and
7 that's not what's proposed. This is not proposed as
8 retail; it's not one of our listed uses.

9 COMMISSIONER TUGGLE: Okay.

10 MR. VONARX: Our uses are office and
11 warehouse and outdoor contractor storage.

12 COMMISSIONER TUGGLE: Thank you.

13 MR. VONARX: You're welcome.

14 COMMISSIONER BOWERS: Any other questions
15 for this witness?

16 Thank you.

17 MR. VONARX: Thank you.

18 COMMISSIONER BOWERS: Discussion among
19 commissioners?

20 Being none, I will entertain a motion to
21 approve or deny.

22 COMMISSIONER HASTINGS: I make a motion to
23 deny PC22062.

24 COMMISSIONER TUGGLE: I'll second it.

25 COMMISSIONER BOWERS: I have a motion to

1 deny PC22062 made by Commissioner Hastings; seconded
2 by Commissioner Tuggle.

3 All those in favor, say aye.

4 COMMISSION: Aye.

5 COMMISSIONER BOWERS: Opposed?

6 It is -- PC22062 is denied unanimous.

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1 COMMISSIONER BOWERS: Reports to the
2 Commission.

3 MR. KEHM: Yes, briefly. We do have a
4 meeting on October the 27th, that's two weeks from
5 today. It will be a full agenda and we're expecting a
6 large crowd there that night, so we appreciate
7 everybody being here and that's it. That's the only
8 announcement I have.

9 COMMISSIONER BOWERS: Thank you.
10 Are there any citizens wishing to be heard?
11 Please come forward.

12 MS. ARONS: Do I need to give my name and
13 address?

14 COMMISSIONER BOWERS: The question she
15 asked: Does she need to give --

16 MR. CORDES: She can give her name but, I
17 mean, she's not sworn or anything so you're not --

18 MS. ARONS: Okay. So it's not like County
19 Council where I -- okay.

20 COMMISSIONER BOWERS: If you'd just like to
21 state your name for the record.

22 MS. ARONS: Okay. My name is Lori Arons
23 and I've been a citizen of Jefferson County for many,
24 many years, really gotten involved about two years
25 ago. But as a citizen of Jefferson County, I would

1 request that this body amend its bylaws to include
2 video-recording and publish this video on the county
3 website. The P&Z meetings are very important and are
4 vital to our county, but there are many friends of
5 mine and myself, also, due to work or medical
6 conditions cannot be here in person to see what you
7 guys are voting on that greatly affects our county.

8 So I would ask that you guys would consider
9 amending your bylaws so, just as at the County Council
10 meetings, can be seen online, the Planning and Zoning
11 meetings be recorded and posted to the website for all
12 of the members and all of the citizens of Jefferson
13 County to be able to watch if they are physically
14 unable to attend the meetings as they are live here.
15 So that would be something I would really like to see.

16 I know some friends of mine who are elderly
17 who are wanting to know what you guys are voting on
18 but have no way of actually seeing the interaction
19 between the petitioners and your votes and your
20 comments other than what is either posted in -- in the
21 paper or someone who was here and actually got to see
22 and said, well, I think they said, and sometimes
23 comments can get mistrued (sic) -- misconstrued
24 because it's hearsay.

25 So like the County Council meetings, I

1 would really like you guys to amend your bylaws and
2 make -- since the recording stuff, the materials are
3 already here, all you need to do is have someone turn
4 them on and then post them to the web page for all of
5 the county to see. Thank you.

6 COMMISSIONER BOWERS: Thank you, ma'am, for
7 your comment.

8 Are there any other citizens to be heard?

9 Any other citizens to be heard?

10 If none, I'll entertain a motion for
11 adjournment.

12 COMMISSIONER ADKINS: Motion to adjourn.

13 COMMISSIONER HUSKEY: Second.

14 COMMISSIONER BOWERS: I have a motion to
15 adjourn by -- made by Commissioner Adkins; seconded by
16 Commissioner Huskey.

17 All those in favor, say aye.

18 COMMISSION: Aye.

19 COMMISSIONER BOWERS: Opposed?

20 Adjourned. We are adjourned.

21 [Adjourned 7:14 p.m.]

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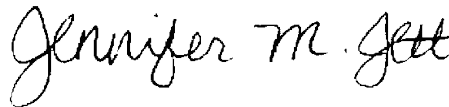
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C E R T I F I C A T E

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

IN TESTIMONY WHEREOF, I have hereunto subscribed my name on this 15th day of October, 2022.



JENNIFER M. JETT, CCR
MISSOURI CCR NUMBER: 634

October 13, 2022
Jefferson County, Missouri, Planning and Zoning Meeting

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