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Planning & Zoning Meetings

March 23, 2023

Jefferson County - County Counselor's Office

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

March 23, 2023

6:30 P.M.

Jennifer M. Jett, CCR
MISSOURI CCR NUMBER: 634

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E X H I B I T S

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 10

[Exhibits retained by Counsel.]

1 JEFFERSON COUNTY PLANNING AND ZONING
2 COMMISSION MEETING AND PUBLIC HEARING, March 23, 2023,
3 between the hours of 6:30 in the evening and 7:10 in
4 the evening of that day, at the Jefferson County
5 Administration Center, 729 Maple Street, Hillsboro,
6 Missouri 63050, before Jennifer M. Jett, MO-CCR.

7 A P P E A R A N C E S

8 PLANNING AND ZONING COMMISSION:

9 Danny Tuggle
10 Greg Bowers
11 Johnathan Sparks
12 Larry Adkins
13 Mike Huskey

14 PLANNING DIVISION STAFF:

15 Dennis J. Kehm, Jr.
16 Josh Jump
17 Rachel Krispin
18 Elaine Roesch

19 COUNTY COUNSELOR:

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

5

6 COMMISSIONER BOWERS: Ladies and gentlemen,
7 this evening's activities represent a public hearing
8 before the Planning and Zoning Commission. The public
9 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 recommend -- 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 up front. It is important
19 that the speaker place the agenda item number on this
20 form so that an accurate record can be maintained.
21 You're also required to print your name and address
22 and sign this form.

23 When the chairman asks if anyone interested
24 -- wishing to speak on a specific application, those
25 wishing to provide comments are required to come

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

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

14 The structure of the meeting is as follows:

15 The chairman will introduce each project by
16 name and number and will then direct staff of the
17 Planning Division to present the application. The
18 staff representative will then present a brief
19 overview of the application. The Commission may ask
20 the -- questions of the staff relative to the project.

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

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

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

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

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're 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 represents a larger group.
7 This will be the sole public hearing before a public
8 body regarding the application.

9 The petitioner will then have five minutes
10 to respond to issues raised during the comment period.
11 The Commission may further question petitioner. Time
12 used to respond to questions from the Commission will
13 not count against this time allocated.

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

25 I call this meeting to order.

1 Madam Secretary, would you please take
2 roll?
3 MS. ROESCH: Danny Tuggle.
4 COMMISSIONER TUGGLE: Here.
5 MS. ROESCH: Greg Bowers.
6 COMMISSIONER BOWERS: Here.
7 MS. ROESCH: Johnathan Sparks.
8 COMMISSIONER SPARKS: Here.
9 MS. ROESCH: Larry Adkins.
10 COMMISSIONER ADKINS: Here.
11 MS. ROESCH: Chris Hastings.
12 Tim Dugan.
13 Mike Huskey.
14 COMMISSIONER HUSKEY: Here.
15 MS. ROESCH: We have a quorum.
16 COMMISSIONER BOWERS: Are there any changes
17 to the agenda?
18 If not, I'll entertain a motion to approve.
19 COMMISSIONER HUSKEY: So moved.
20 COMMISSIONER TUGGLE: Second.
21 COMMISSIONER BOWERS: I have a motion made
22 by Commissioner Huckey -- Huskey; seconded by
23 Commissioner Tuggle to approve the agenda.
24 All those in favor, say aye.
25 COMMISSION: Aye.

1 COMMISSIONER BOWERS: Opposed?

2 Passes unanimous.

3 Are there any changes to the minutes?

4 If not, I'll entertain a motion to approve.

5 COMMISSIONER TUGGLE: Make a motion to
6 approve.

7 COMMISSIONER SPARKS: Second.

8 COMMISSIONER BOWERS: I have a motion to
9 approve the minutes made by Commissioner Tuggle;
10 seconded by Commissioner Sparks.

11 All those in favor, say aye.

12 COMMISSION: Aye.

13 COMMISSIONER BOWERS: Opposed?

14 Passes unanimous.

15 Swearing in of the witnesses.

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

17 Good evening, again, everyone. Thank you
18 for being here. If you are going to be speaking on
19 our case tonight, your testimony does need to be sworn
20 so that it can be properly included in the record for
21 that case. We swear everybody in at the beginning of
22 the meeting. So if you're going to be speaking
23 tonight, please do stand up right now, raise your
24 right hand, yep, both of you, and the secretary over
25 here will swear you in.

1 [Witness sworn by Secretary Roesch.]

2 MR. KEHM: Thank you very much. You can
3 have a seat.

4 Again, when it is your turn to come up, the
5 chair will recognize you and you'll come up front.
6 Hand your slip to one of these folks here, head on up
7 to the podium, state your name, state your address,
8 state that you've been sworn in, and then you can
9 address the Commission.

10 COMMISSIONER BOWERS: Thank you, sir.

11 Introduction of evidence.

12 MR. KEHM: Members of the Jefferson County
13 Planning and Zoning Commission, the county would ask
14 that the following exhibits be entered into the record
15 for the case to be heard by you this March the 23rd,
16 2023. Those exhibits are Exhibit A, the Official
17 Master Plan of Jefferson County, Missouri, which was
18 adopted on August the 6th, 2003, and was made
19 effective on April the 2nd, 2008. Exhibit B, the Code
20 of Ordinances of Jefferson County, Chapter 400, the
21 Unified Development Order adopted April 2, 2008, and
22 amended from time to time thereafter. And, finally,
23 Exhibit C, which is the Planning Division staff report
24 and the case file for your one case this evening.

25 COMMISSIONER BOWERS: Thank you, sir.

1 I'll entertain a motion to introduce the
2 evidence.

3 COMMISSIONER ADKINS: Motion to introduce
4 the evidence.

5 COMMISSIONER TUGGLE: Second.

6 COMMISSIONER BOWERS: I have a motion made
7 by Commissioner Adkins to introduce the evidence; it
8 was seconded by Commissioner Tuggle.

9 All those in favor, say aye.

10 COMMISSION: Aye.

11 COMMISSIONER BOWERS: Opposed?

12 Introduction passes unanimous.

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1 COMMISSIONER BOWERS: Under new business
2 under considerations: CU232006, a request for a
3 conditional use permit for a parcel located at 4242
4 McKeever Trail, House Springs, Council District No. 7,
5 for overseas shipping containers.

6 And Ms. Krispin.

7 MS. KRISPIN: Thank you.

8 This is CU23006. The petitioner is seeking
9 a conditional use permit for two overseas containers
10 in a large lot residential zone district.

11 The subject property is located at 4242
12 McKeever Trail in House Springs. The property is
13 roughly 5.45 acres in size and is developed with a
14 single-family home, detached garage, a manufactured
15 home, and two overseas containers.

16 This is a look at the zoning map. The
17 subject property is right here, outlined in black.
18 It's completely surrounded by LR2 zoning.

19 Here's a look at the topography map. There
20 is steep topography on this property. The
21 single-family home, which is located right here, does
22 sit at a higher elevation than the two overseas
23 containers which are located in this area.

24 Here are photos of the subject property.
25 Top left is showing that detached garage and the

1 driveway up to the residence. Here are the two
2 overseas containers, right here. This is a better
3 look at that residence. There is that manufactured
4 home and then another just sort of general picture.

5 This is the submitted site plan. I will
6 note that north is going to like the lower right
7 corner. So down here, the shipping containers are
8 located in the sort of northeastern corner of the
9 property. It shows the existing single-family
10 residence, the garage, and then the two containers.

11 So the UDO has five conditions for overseas
12 containers. They include the following: There must
13 be a principal structure established on the lot and
14 the lot shall be at least 5 acres in size. The
15 overseas containers shall not be located in front of
16 the principal structure. The overseas containers
17 shall be placed on a hard surface. The container
18 shall be subject to all permits and the subject or,
19 I'm sorry, and the overseas container shall be
20 screened on all sides with the exception of the entry
21 or access door.

22 So the subject property is currently zoned
23 LR2, which allows for overseas containers to be used
24 as accessory storage buildings with the issuance of a
25 conditional use permit. As the containers exist

1 today, the petitioner only meets three out of the five
2 conditions associated with the overseas containers and
3 those are that the property is at least 5 acres in
4 size; there is a principal structure on the property;
5 and they are on a hard surface, although, in not an
6 approved location.

7 The two conditions currently not met
8 include the container is not being behind the
9 principal structure on the property as well as
10 screening on all sides of said containers. Both
11 containers are visible from McKeever Trail which is a
12 low-traveled, privately-maintained street.

13 Due to the intense topography changes where
14 the containers are currently situated to the
15 residence, relocating the containers behind the
16 principal structure of the property could be
17 difficult. From the site plan submitted by the
18 petitioner, each container appears to be 30 feet from
19 the northern and eastern property lines. And it
20 should be noted that on the site plan the petitioner
21 stated that at least one of the containers had been
22 moved 53 feet from the property line and that one
23 appears to be referencing the eastern property line.

24 While staff recognizes the steep topography
25 changes may cause difficulty in relocating the

1 containers behind the home, it was the petitioner who
2 placed them in the current illegal location. Had
3 proper permits been applied for in a CUP -- and a CUP
4 applied for and approved prior to the placement of the
5 containers, the petitioner would have been required to
6 locate them according to the UDO.

7 According to the site plan, there is
8 roughly 218 feet behind the primary structure
9 providing ample room to place the containers in the
10 rear of the residence. In their current location and
11 lack of screening neither container satisfies the
12 conditions of the UDO.

13 And here is for your consideration tonight:
14 A requested conditional use permit for two overseas
15 containers with the conditions one through five that I
16 went over.

17 There is an additional condition that we
18 placed that states the primary structure, referring to
19 the single-family residence, has been completed and
20 finalized with the Jefferson County Code Enforcement
21 Division; as a condition of completion, the property
22 owner was to remove the manufactured home from the
23 property. The manufactured home has yet to be
24 removed; therefore, if the Commission votes to approve
25 this application, the manufactured home must be

1 removed as a condition of the issuance of the
2 conditional use permit.

3 I will be happy to answer any questions.

4 COMMISSIONER BOWERS: Is there any
5 questions of staff?

6 COMMISSIONER SPARKS: I have a few
7 questions. First question is this is a conditional, I
8 guess, change for zoning; is there a timeframe that
9 this condition has been set forth or is it indefinite?

10 MS. KRISPIN: No, it's indefinite.

11 COMMISSIONER SPARKS: Okay.

12 MS. KRISPIN: It's indefinite.

13 COMMISSIONER SPARKS: With the violation of
14 the UDO with these containers, has the -- has there
15 been any fines or anything placed on those containers
16 being located where they're at?

17 MR. KEHM: So only the court can fine
18 people; we can't.

19 COMMISSIONER SPARKS: Okay. No, I was just
20 wondering if there was -- if there were.

21 MR. KEHM: So as sometimes happens, we
22 notify the property owner of the violation, say you
23 have X number of days to -- to rectify this or we will
24 cite you and take you to court.

25 He did contact our office and make the

1 application that you have in front of you tonight.

2 COMMISSIONER SPARKS: Okay. If we do not
3 approve this condition, what would be the disposition
4 of those containers or do we have any id -- idea?

5 MR. KEHM: Well, they would either be
6 removed or we will issue a citation.

7 COMMISSIONER SPARKS: Okay. I think that
8 is all I have.

9 COMMISSIONER BOWERS: So let's just be
10 clear that so the shipping containers are allowed
11 where they -- in this type of -- in a large lot (LR2)
12 but they have to be behind the primary structure?

13 MR. KEHM: So --

14 COMMISSIONER BOWERS: And that -- and do we
15 -- do we consider the primary structure the --

16 MR. KEHM: The home.

17 COMMISSIONER BOWERS: -- the home?

18 MR. KEHM: Correct, not -- not the detached
19 garage.

20 COMMISSIONER BOWERS: Not the -- not the
21 garage.

22 MR. KEHM: Yeah. So prior to, I want to
23 say 2019 or '17 when -- when the UDO was amended to
24 include this, shipping containers were prohibited in
25 all residential zone districts. They were not

1 allowed, period. If you have any commercial, get a
2 building permit, go through the normal commercial
3 zones. They were prohibited in residential.

4 The County Council asked for the code to be
5 amended to add the conditional use permit which would
6 allow these under certain stipulations; those are the
7 stipulations that you -- that you see there.

8 COMMISSIONER BOWERS: Thank you.

9 Are there any other questions?

10 Barring none, is the petitioner present?

11 Please come forward. Please state your
12 name, your address, and that you have been sworn. And
13 then you will have a five-minute uninterrupted
14 presentation.

15 MR. KREMENSKI: Yes, Michael Kremenski.
16 4242 McKeever Trail. And I have been sworn.

17 Is that correct?

18 COMMISSIONER BOWERS: Did you -- did you
19 state your -- did you state your city?

20 MR. KREMENSKI: House Springs, Missouri
21 63051.

22 COMMISSIONER BOWERS: Thank you. Thank
23 you.

24 MR. KREMENSKI: I bought a new shirt for
25 tonight and this special event so if you guys like it.

1 I guess I -- I would just -- I would like
2 to cut to the chase and talk about the
3 recommendations. I'm prepared to -- I can satisfy
4 most of those recommendations. I am perfectly
5 completely on board with satisfying the recommend --
6 or the condition of removing the manufactured home;
7 screening on all sides, although, I would like a
8 definition of what screening means; I'm -- obviously,
9 I can comply with the subject to state, local, federal
10 permits; and then principal structure 5 acres,
11 obviously.

12 The one that I'm having a little bit of
13 difficulty with is the overseas containers shall not
14 be located in front of the prince -- in the front of
15 the principal structure. As noted, because of the
16 topography of the land, it's going to be quite
17 difficult to get those containers back there. It's on
18 the -- the high point of my property would actually be
19 behind the structure. And, quite frankly, that is
20 actually, in my opinion -- I know the way that the
21 code reads. But, actually, if they were behind the
22 principal structure, that actually puts the shipping
23 containers in a much higher vantage point to where,
24 actually, during certain times of the years,
25 specifically winter, when there's not a lot of tree

1 coverage, it actually puts those containers into more
2 sight from John McKeever Road.

3 We're on a private, just a gravel driveway
4 all the way at the very, very end so it's 400 or 500
5 yards back till you get to our property off of John
6 McKeever. And the way the containers are now, they're
7 just tucked into that, as mentioned, into the bottom
8 corner of the property surrounded by woods and an
9 embankment on both sides.

10 So, you know, as far as -- I feel -- I
11 think that, obviously, the neighbor should have a good
12 voice. We have a neighboring property, the only
13 person within earshot of us is one neighbor and they
14 are here tonight. And we were discussing and our
15 preference would be for approval for where the
16 containers already are because it's a low-profile
17 area. They're not visible from the street at the
18 point they're at, we're -- they're on the high point.
19 They're going to be much more visible by us. They're
20 going to be much more visible by the community and
21 they're going to be much more visible with the actual
22 neighbor.

23 So I would seek -- I would seek a little
24 bit of maybe meeting of the minds here and think
25 logically about it that they're actually in probably

1 the best spot, in my opinion, for the property.

2 As far as behind, I guess, I would also
3 like a definition of the behind the principal
4 structure because when I built my -- my house, zoning
5 and planning, obviously, had to approve the
6 build site. And I don't know if it's possible for you
7 to go back to the -- to the site plan, but if you look
8 at that, the -- my -- my primary structure is in back
9 and then I have my -- my garage, my detached garage
10 and then the -- the containers here.

11 That property line that is parallel to all
12 those structures, it's actually the back of the
13 property line. That is what the county has defined as
14 the back of the property line. And so the containers
15 are actually behind the principal structure as far as
16 like on the back edge of the property line. So I
17 would just like a clear definition of what behind the
18 principal structure actually means. Because if we're
19 talking about that property line being the back
20 property line, by that definition, those containers
21 are actually set further back from that that -- that
22 house -- the primary structure.

23 So those are my main points that I just
24 want to put out there. And then, obviously, I don't
25 know the procedure but I'm, obviously, available for

1 questioning.

2 COMMISSIONER BOWERS: Are there any
3 questions for this witness?

4 COMMISSIONER SPARKS: I have questions.

5 COMMISSIONER BOWERS: Yes, sir.

6 COMMISSIONER SPARKS: So I'm kind of at a
7 dis -- you know, I grew up on a farm in the country so
8 I know what homesteading is all about.

9 MR. KREMENSKI: Yes.

10 COMMISSIONER SPARKS: I assume that the
11 trailer was there as a -- kind of a homestead so that
12 the primary structure could be built?

13 MR. KREMENSKI: Yes. Yes, that's correct.
14 We -- we had moved from out of state. We moved from
15 Hawaii and we bought land and just developed it and --
16 and just, slowly but surely, and we -- we had the
17 mobile home on-site and as we were building the
18 primary and then yeah, so, correct.

19 COMMISSIONER SPARKS: When you started to
20 build the primary structure, I assume you had to go
21 through and get permits for the primary structure?

22 MR. KREMENSKI: Absolutely.

23 COMMISSIONER SPARKS: And I'm sure you
24 probably talked to people about what could and could
25 not be built on the land?

1 MR. KREMENSKI: Absolutely.

2 COMMISSIONER SPARKS: Were you aware that
3 the containers would be against the UDO if placed in
4 front of the residence?

5 MR. KREMENSKI: No.

6 COMMISSIONER SPARKS: At the time?

7 MR. KREMENSKI: No.

8 COMMISSIONER SPARKS: And how long have
9 those containers actually been on the property?

10 MR. KREMENSKI: I'm going to give an
11 approximate. Approximately, four years.

12 Does that sound right, four years?

13 Yeah, four years.

14 COMMISSIONER SPARKS: And so you stated you
15 -- have -- you needed, basically, a definition of
16 what's behind the property?

17 MR. KREMENSKI: Yeah.

18 COMMISSIONER SPARKS: And I understand
19 where -- where you're coming from there for sure
20 but --

21 MR. KREMENSKI: Can I add one more thing,
22 too?

23 COMMISSIONER SPARKS: Yeah. Yeah. Yeah.
24 Yes, if you want to, you can.

25 COMMISSIONER BOWERS: But you're answering

1 his question.

2 MR. KREMENSKI: Okay.

3 COMMISSIONER BOWERS: I mean, if you're --
4 if you --

5 MR. KREMENSKI: Okay.

6 COMMISSIONER BOWERS: -- but you still have
7 about a minute left in your presentation after you
8 want to ask -- ask him questions, you can -- or answer
9 his question.

10 MR. KREMENSKI: Just let me know when to
11 take that minute up.

12 COMMISSIONER BOWERS: That'd be fine.

13 MR. KREMENSKI: Okay.

14 COMMISSIONER SPARKS: Oh, okay.

15 MR. KREMENSKI: Sorry.

16 COMMISSIONER SPARKS: Didn't know where
17 we --

18 MR. KREMENSKI: It's my first public
19 hearing.

20 COMMISSIONER SPARKS: Do you believe that
21 -- that those containers are -- I mean, you have
22 stated that you believe those containers are -- are in
23 a better spot than -- than if they were up on top of
24 the -- the hill there. So I was going to just
25 basically ask if -- if you believe that the UDO as it

1 stands is not fair as you see it?

2 MR. KREMENSKI: I don't -- yeah, I do get
3 hung up on the -- on the -- on the behind the
4 principal structure just because of the nature of our
5 county, especially with -- with large residential
6 lots. We're talking about a 5-acre property here.
7 And it doesn't always, you know, a 5-acre lot isn't
8 always -- it's not a cookie-cutter McBride
9 development, you know. And so there's a lot of things
10 to take into consideration, you know, topography.

11 You know, I'm a -- I'm a -- I would like to
12 say I'm a critical thinker. I'm a balanced
13 individual. You know, I know what -- what looks good
14 and what doesn't look good. And -- and it's just -- I
15 think that the UDO is fair. I think -- I think out of
16 all of those -- those stipulations, I think that the
17 -- the harshest one is behind the principal structure
18 but I see -- I see why. Yeah, I think it's because of
19 appearance as I think why that would be there. But if
20 we're taking appearance into consideration, they're
21 truly in the best spot for the property at this point
22 right now in my opinion.

23 COMMISSIONER SPARKS: No further questions.

24 COMMISSIONER BOWERS: Is there any other
25 questions for this witness?

1 You stated that you wanted to say something
2 else?

3 MR. KREMENSKI: Yes.

4 COMMISSIONER BOWERS: Whenever -- whenever
5 you're ready.

6 MR. KREMENSKI: The only thing -- the other
7 thing I would like to add is as of two -- I was
8 looking at the tax, the tax -- my taxes that I've been
9 paying on my property and two tax -- two tax -- two
10 years ago they actually changed, they dedicated a
11 half-acre of my 5 1/2-acre property to commercial use,
12 so I'm paying a commercial tax rate on a half-acre of
13 my property. And the only thing I could attribute
14 that to is the shipping containers that they were
15 saying that it was like because they're commercial
16 containers that they're going to tax me for the area
17 that those are on.

18 So, you know, I've had code enforcement
19 come out to the house when I was in -- when I was
20 having to go to court with the prosecutor Tom Duggan.
21 I was instructed to move those containers off the
22 property line to the point that they're at now. So
23 I've already spent \$600 on getting those moved. And
24 then as far as far -- when Steve Deaton came out and
25 inspected, he said, As far as I'm concerned, I'm --

1 we're satisfied. But he wasn't actually going against
2 -- on the UDO, like if we -- if we were bouncing this
3 up against the UDO, obviously, then it's not
4 satisfied.

5 So I -- I think it's just a little bit
6 backwards on how I've been -- I've been ordered to go
7 to court. I've showed up in court. I satisfied them,
8 spent \$600 to get them moved, and then here we are now
9 still talking about it. So --

10 COMMISSIONER BOWERS: I'm going to have to
11 cut you off right there.

12 Dennis, do you have any response to is
13 there -- with -- about the shipping containers, where
14 they -- how did this go down, I guess?

15 Did -- was -- they were noticed they were
16 not compliant?

17 MR. KEHM: Correct.

18 COMMISSIONER BOWERS: And then --

19 MR. KEHM: The only way to make those
20 things legal is for a conditional use permit to be. A
21 court cannot make a illegal use legal with a wave of
22 its magical court powers. So the only people that can
23 grant that conditional use permit are you all and the
24 County Council. So I can comment on that.

25 But with regard to the assessor, I mean,

1 you need to talk to the assessor about that. But this
2 is what happens when you don't get proper permits
3 upfront then the assessor comes out, catches it, and
4 goes "aha" there's commercial looking buildings here
5 that we don't know anything about so they're going to
6 start assessing people as they see fit.

7 So, yeah, you'll have to address that with
8 them and they'll get that worked out.

9 COMMISSIONER BOWERS: All right.
10 Ms. Krispin, will you bring back up the pictures of
11 the site that you had?

12 So upper -- upper left, I'm assuming, is
13 the road up to the main structure up on top of the
14 hill?

15 MR. KREMENSKI: Are you addressing me?

16 COMMISSIONER BOWERS: Yes, sir.

17 MR. KREMENSKI: Yeah, up the -- up the
18 driveway is where the primary structure is.

19 COMMISSIONER BOWERS: And then the -- the
20 shipping -- on the upper left pictured in the shipping
21 containers are -- would be to the left?

22 MR. KREMENSKI: Can -- can I walk over
23 there and I can point it out?

24 COMMISSIONER BOWERS: I think -- I think
25 we're good. I just want to understand, this is a

1 private road?

2 MR. KREMENSKI: Oh, absolutely. Yeah,
3 it -- yeah.

4 COMMISSIONER BOWERS: And it is how far off
5 of?

6 Something was mentioned 500 feet?

7 MR. KREMENSKI: Four or five. Yeah, 400
8 yards, roughly, off of John McKeever Road.

9 COMMISSIONER BOWERS: All right. Thank
10 you.

11 MR. KREMENSKI: Yep.

12 COMMISSIONER BOWERS: Any other questions
13 for this witness?

14 COMMISSIONER SPARKS: I have -- I have
15 actually one more ques -- oh, sorry.

16 I had one more question.

17 Is there any way those containers could be
18 consolidated and screened where they are right now?

19 MR. KREMENSKI: Good question. So the
20 answer is yes. I -- I did have them in the current
21 position they're in because I had -- I had a hoop
22 house over -- over them for a greenhouse but that has
23 since been removed. And it is possible, it's going to
24 cost money but it's possible to move those closer
25 together, yes.

1 COMMISSIONER BOWERS: And screening would
2 be considered 6-foot privacy fence?

3 MR. KEHM: Correct, on -- on all sides
4 other than, obviously, the -- the -- you know, the
5 doors.

6 COMMISSIONER BOWERS: Do you have any
7 problems with screening that across the front of it to
8 where --

9 MR. KREMENSKI: I don't have a problem,
10 like I said, I'm willing -- I'm -- I'm prepared to
11 comply with all of the recommendations with the
12 exception of behind the structure.

13 COMMISSIONER BOWERS: The only one that
14 would -- will not work is that it's not behind the
15 main structure?

16 MR. KREMENSKI: Yes, sir.

17 COMMISSIONER BOWERS: All right. Thank
18 you.

19 Any other questions for this witness?

20 MR. CORDES: Dennis, I have a question for
21 you, if you have a second, or Josh or Rachel.

22 When the application was submitted, did
23 Mr. Kremenski, was he, essentially, making a formal
24 request for a deviation or a variance of any of the
25 conditions in 400.2770?

1 MS. KRISPIN: No.

2 MR. CORDES: No, okay.

3 It was just the application was stated as a
4 request for a conditional use permit for a -- for
5 shipping containers?

6 MS. KRISPIN: Correct.

7 MR. CORDES: Okay.

8 COMMISSIONER BOWERS: Any other questions?
9 Thank you, sir. We may call you back.

10 MR. KREMENSKI: Thank you.

11 COMMISSIONER BOWERS: Anybody wishing to
12 speak in favor of this applications?

13 Would you like to speak in favor of this
14 application?

15 Please come forward.

16 MS. GILBERT: Favor, meaning his side or?

17 COMMISSIONER BOWERS: In -- on his side or
18 with him or without him. How about that?

19 MS. GILBERT: Okay.

20 COMMISSIONER BOWERS: In favor.

21 MS. GILBERT: I'm Gail Gilbert. 4230
22 McKeever, so I'm his neighbor. My property --

23 COMMISSIONER BOWERS: Please state you've
24 been sworn.

25 MS. GILBERT: Oh, sorry. I have been sworn

1 in. I'm in House Springs.

2 Is that it?

3 COMMISSIONER BOWERS: Yep. Thank you.

4 MS. GILBERT: Okay. So I'm his neighbor.
5 My land borders his on -- well, if you want to put the
6 map back there, so on two sides, I guess, the front
7 and the side where the containers are here. So we're
8 -- he's in our corner of our land. And I would just
9 like to state that they aren't obtrusive, especially
10 in the summer. I barely see them now, in the winter,
11 with the leaves down.

12 They would -- we would not want them behind
13 his property because if we walk our property up there
14 then there is going to be those containers and we
15 would much rather have the natural trees and the
16 hardwood trees that are in the back there. So I'm
17 basically, as a neighbor, saying I like them where
18 they are versus where you would like them to be, if
19 that makes sense.

20 COMMISSIONER BOWERS: Thank you.

21 Are there any questions for this witness?

22 Thank you.

23 Anyone wishing to -- else to speak in
24 favor?

25 Anyone wishing to speak in opposition?

1 Anyone wishing to speak in opposition?

2 Do you have anything else to add?

3 MR. KREMENSKI: Me?

4 COMMISSIONER BOWERS: Yes, sir.

5 MR. KREMENSKI: No.

6 COMMISSIONER BOWERS: All right.

7 Discussion among commissioners?

8 COMMISSIONER TUGGLE: Okay. Have we
9 decided the front of the property or back, house?

10 COMMISSIONER BOWERS: The question was have
11 we dec -- decided the upper structure if -- I mean,
12 how is that determined?

13 Is that determined by the front of the
14 residence or the way it faces?

15 MS. KRISPIN: So the front is where the
16 road frontage is which is all along here. So that
17 would be the -- considered the front of the property.
18 These are the two sides and that's the rear.

19 COMMISSIONER BOWERS: And will you point to
20 where the con -- the containers are currently?

21 MS. KRISPIN: The containers are currently
22 right here.

23 COMMISSIONER BOWERS: All right. Does that
24 answer your question, Commissioner Tuggle?

25 COMMISSIONER TUGGLE: Do that again,

1 please. So the front of the property --

2 MS. KRISPIN: Okay. So McKeever Trail
3 actually goes all along here; you can't see it because
4 of the black line. So McKeever Trail is all along
5 here. This is the front property line. These are
6 your two sides. This is the rear. This is where that
7 primary structure is located and this is where the two
8 containers are located.

9 COMMISSIONER TUGGLE: Okay.

10 COMMISSIONER HUSKEY: I have a question.

11 Are the containers on the setback further
12 than that prop -- than that house?

13 How far is the house off the property line?

14 MS. KRISPIN: Off the rear property line?

15 COMMISSIONER HUSKEY: Yes, ma'am.

16 MS. KRISPIN: Off the rear property line,
17 it's only 30 feet off the rear.

18 COMMISSIONER HUSKEY: Okay. So they're not
19 behind the house.

20 COMMISSIONER BOWERS: Any other questions?

21 Any discussion?

22 If not, I'll entertain a motion to --

23 COMMISSIONER SPARKS: I just have one point
24 of discussion just for the record here.

25 COMMISSIONER BOWERS: Go ahead.

1 COMMISSIONER SPARKS: For me, I'm -- you
2 know, this is to the rest of the people on the
3 Commission, I'm kind of torn here because it's almost
4 like it's the front-back, you know, it's like the
5 back-front where these containers are. And I'm kind
6 of torn between, you know, what the UDO has to -- to
7 say about this and, you know, location and then, you
8 know, the screening and if -- if this could be
9 consolidated and screened, you know, I would be more,
10 you know, in, you know, more on the petitioner's side,
11 you know, for this conditional use. But it is kind of
12 weird, you know, topology, it's kind of a weird, you
13 know, place where the house is in -- in comparison to
14 the actual containers.

15 So I just want to let the committee know
16 that, you know, I'm kind of torn on both sides of
17 this. And, you know, when someone -- when someone
18 builds something on a piece of property, you know,
19 they do go through the -- the -- the chain of command,
20 so to speak, and -- and know what they need to build
21 and how they can build it.

22 And if this -- if these containers were
23 just put on there hoping that no one would notice, you
24 know, I kind of -- I take issue with that. And there
25 is a UDO for a reason and that will just be my comment

1 to the -- to the Commission.

2 COMMISSIONER BOWERS: Any other comments?

3 I'll entertain a motion to approve or deny.

4 And I'm assuming that whatever way you go,
5 if you are going to be approving then please stipulate
6 the staff report as the recommendations.

7 COMMISSIONER ADKINS: I move to deny
8 CU23006.

9 COMMISSIONER SPARKS: Second.

10 COMMISSIONER BOWERS: I have a motion to
11 deny CU23206 (sic) made by Commissioner Adkins;
12 seconded by Commissioner Sparks.

13 All those in favor of denial, please say
14 aye.

15 COMMISSION: Aye.

16 COMMISSIONER BOWERS: Opposed?

17 No.

18 COMMISSIONER TUGGLE: No.

19 COMMISSIONER BOWERS: Madam Secretary, will
20 you please take a roll call vote?

21 MS. ROESCH: Danny Tuggle.

22 COMMISSIONER TUGGLE: No.

23 MS. ROESCH: Mike Huskey.

24 COMMISSIONER HUSKEY: Yes.

25 MS. ROESCH: Greg Bowers.

1 COMMISSIONER BOWERS: No.

2 MS. ROESCH: Larry Adkins.

3 COMMISSIONER ADKINS: Yes.

4 MS. ROESCH: Johnathan Sparks.

5 COMMISSIONER SPARKS: I want to clarify.

6 This is a yes to deny, correct?

7 MR. KEHM: Correct. A yes vote is in favor
8 of the motion to deny.

9 COMMISSIONER SPARKS: Yes.

10 MS. ROESCH: Motion carries.

11 COMMISSIONER BOWERS: I should the denial
12 approved 3:2.

13 MS. ROESCH: Correct.

14 MR. CORDES: Yes.

15 COMMISSIONER BOWERS: CU232006 is denied
16 with a vote of 3:2.

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1 COMMISSIONER BOWERS: Reports to the
2 Commission.

3 MR. KEHM: Just -- oops.

4 Just one. Our next meeting is April 13th.
5 We do have at least one case on that agenda at this
6 point.

7 And then, also, before the meeting, I -- I
8 set in each of your spots a letter that was sent to
9 you all by the chairman and the vice chair of the
10 County Council thanking you for your service so you
11 should have a copy of that.

12 And that's all I've got. Thank you for
13 being here and participating tonight.

14 COMMISSIONER BOWERS: Thank you.

15 Are there any citizens wishing to be heard?

16 Citizens wishing to be heard?

17 If not, I'll entertation -- excuse me,
18 entertain a motion to adjourn.

19 COMMISSIONER TUGGLE: Motion. Make a
20 motion to adjourn.

21 COMMISSIONER SPARKS: Second.

22 COMMISSIONER BOWERS: I have a motion to
23 adjourn made by Commissioner Tuggle; seconded by
24 Commissioner Sparks.

25 All those in favor, say aye.

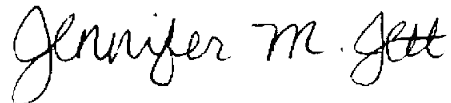
1 COMMISSION: Aye.
2 COMMISSIONER BOWERS: Opposed?
3 Passes unanimous, meeting adjourned.
4 [Adjourned at 7:10 p.m.]
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C E R T I F I C A T E

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 26th day of March, 2023.



JENNIFER M. JETT, CCR
MISSOURI CCR NUMBER: 634

March 23, 2023
Jefferson County, Missouri, Planning and Zoning
Commission Meeting

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