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Planning & Zoning Meeting
March 9, 2023

Jefferson County, Missouri

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

March 9, 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 11

[Exhibits retained by Counsel.]

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 the applications before it and for making
15 recommendations to the council on those applications.

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

1 forward, provide your 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 the Commission. Responding to the audience both
7 wastes time and may reduce the impact of your
8 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 at county staff.

14 The structure of the meeting is as follows:

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

22 The chairman will then call the petitioner,
23 the party that -- that submitted the application. The
24 petitioner may call additional witnesses, generally
25 supporting consultants, and is allowed a five-minute

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

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

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

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

11 The petitioner will then have five minutes
12 to respond to issues raised during the comment
13 periods. The Commission may further question the
14 petitioner. Time used to respond to the questions
15 from the Commission will not count against the time
16 allocated.

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

1 In most instances, there will be no further public
2 hearing before the County Council.

3 I call this meeting order.

4 Madam secretary, will you please take roll?

5 MS. ROESCH: Danny Tuggle.

6 COMMISSIONER TUGGLE: Here.

7 MS. ROESCH: Greg Bowers.

8 COMMISSIONER BOWERS: Here.

9 MS. ROESCH: Johnathan Sparks.

10 COMMISSIONER SPARKS: Here.

11 MS. ROESCH: Larry Adkins.

12 Chris Hastings.

13 COMMISSIONER HASTINGS: Here.

14 MS. ROESCH: Tim Dugan.

15 COMMISSIONER DUGAN: Here.

16 MS. ROESCH: Mike Huskey.

17 COMMISSIONER HUSKEY: Here.

18 MS. ROESCH: We have a quorum.

19 COMMISSIONER BOWERS: Are there any changes
20 to the agenda?

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

22 COMMISSIONER DUGAN: So moved.

23 COMMISSIONER TUGGLE: Second.

24 COMMISSIONER BOWERS: I have a motion made
25 by Commissioner Dugan to accept the agenda; seconded

1 by Commissioner Tuggle.

2 All those in favor, say aye.

3 COMMISSION: Aye.

4 COMMISSIONER BOWERS: Opposed?

5 Passes unanimous.

6 Are there any changes to the minutes?

7 If not, I'll entertain a motion to approve
8 the minutes.

9 COMMISSIONER DUGAN: So moved.

10 COMMISSIONER BOWERS: Second?

11 COMMISSIONER TUGGLE: Second.

12 COMMISSIONER BOWERS: I have a motion made
13 by Commissioner Dugan to accept the minutes; seconded
14 by Commissioner Tuggle.

15 All those in favor, say aye.

16 COMMISSION: Aye.

17 COMMISSIONER BOWERS: Passes unanimous.

18 Mr. Kehm, swearing in of the witnesses.

19 MR. KEHM: Thank you, Mr. Chairman.

20 Again, good evening, everyone. Thank you
21 for coming out tonight. If you are going to be
22 speaking on the case that we have tonight, it's very
23 important that your testimony be sworn because that
24 testimony actually becomes a part of the official
25 record of that case. So rather than swear people in

1 individually when they come up to talk, we do it all
2 at once at the beginning of the meeting which is right
3 now.

4 So if you are going to be speaking, please
5 do stand up, right now, raise your right hand. The
6 commission secretary over here will swear you in.

7 [Witness sworn by Secretary Roesch.]

8 MR. KEHM: Thank you very much. You can
9 have a seat.

10 Again, when it is your turn to come up, the
11 chair will recognize you. Hand your speaker slip to
12 one of the folks that's sitting up here. And then go
13 up to the podium, state your name, state your address,
14 and state that you have been sworn in and then you can
15 begin your remarks.

16 COMMISSIONER BOWERS: Thank you.

17 Introduction of evidence.

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

1 specifically, Chapter 400 which is the Unified
2 Development Order, and that was adopted on April the
3 2nd, 2008, and had been amended at various times since
4 then; and, finally, Exhibit C consisting of the
5 Planning Division Staff Reports and their respective
6 case files.

7 COMMISSIONER BOWERS: Thank you.

8 I'll accept a motion to approve the
9 evidence.

10 COMMISSIONER DUGAN: I make that motion.

11 COMMISSIONER TUGGLE: Second.

12 COMMISSIONER BOWERS: I have a motion made
13 by Commissioner Dugan, seconded by Commissioner Tuggle
14 to accept the evidence.

15 All those in favor, say aye.

16 COMMISSION: Aye.

17 COMMISSIONER BOWERS: Opposed?

18 Passes unanimous.

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1 COMMISSIONER BOWERS: Under the first
2 consent agenda: FP23004. It's the final plat of
3 Konert Valley located at 2675 Konert Road in Fenton.

4 I'll enter -- excuse me. I'll entertain a
5 motion to accept.

6 COMMISSIONER DUGAN: I'll make a motion to
7 accept FT -- FP23004.

8 COMMISSIONER TUGGLE: Second.

9 COMMISSIONER BOWERS: I have a motion on --
10 made by Commissioner Dugan to accept FP23004; seconded
11 by Commissioner Tuggle.

12 All those in favor, say aye.

13 COMMISSION: Aye.

14 COMMISSIONER BOWERS: Opposed?

15 Passes unanimous.

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1 COMMISSIONER BOWERS: Under
2 Consideration 2: CC223003. Request for a zone change
3 for a parcel located on Highway 67 at Lee Pyle Road in
4 De Soto, Plattin Township and count -- Council
5 District 6.

6 Mr. Jump.

7 MR. JUMP: Thank you.

8 This is Case No. CC223003. The
9 petitioner's request is to rezone from single-family
10 residential R20 to nonplanned community commercial
11 CC2.

12 Little bit about the subject property: The
13 current zoning is single-family residential R20. It
14 is in the secondary growth area. We apply the
15 suburban development pattern. The parcel size is
16 56.65 in total but only 25.57 are petitioning to be
17 rezoned tonight. There is quite a bit of state
18 highway frontage and quite a bit of frontage along Lee
19 Pyle which is a county-maintained road. The property
20 is currently undeveloped and vacant.

21 A little -- little more about the property:
22 It does have some elevation changes. There are
23 several topographical changes across the property;
24 however, the most usable portion without substantial
25 grading is along the state highway frontage. And,

1 again, the property is currently undeveloped and
2 substantially covered in dense vegetation.

3 This is your zoning map. This is the piece
4 of property before you tonight. Later on, we'll see
5 an exhibit of what they are proposing to rezone to
6 commercial but it's primarily all along the State
7 Highway 67 frontage leaving 30-plus acres of
8 residential as you go further east down Lee Pyle Road.

9 There is a MoDOT shed next to it, here.
10 That's residential zoning but it is a nonresidential
11 use but there is primarily residential zoning
12 surrounding it. It should be noted, too, that while
13 there is primarily residential zoning surrounding the
14 property, when you go along -- when you go down 67, as
15 you travel down 67, you can see these little patches
16 of commercial development breaking off the highway.
17 There is one up north. And you can see among kind of
18 these exits kind of coming off the highway even
19 further south down 67 there's some, as well. So it's
20 kind of a trend of commercial development being
21 located along that state highway frontage.

22 This is the topography map. As I mentioned
23 kind of earlier, the topography on this property is
24 pretty rough but there is this kind of patch up here
25 that's relatively flat and usable without substantial

1 grading but that's kind of in that -- in that area
2 where they're petitioning to rezone the property.

3 This is the exhibit that was submitted with
4 the application. It kind of shows you a couple
5 things. This line, here, would be the divide of where
6 the commercial -- the proposed commercial rezoning is;
7 all this pink, right here, again, located all along
8 the state highway frontage leaving this to be R20
9 residential. So that's kind of the -- the gist of
10 what they are proposing.

11 These are some photos from the site. The
12 site's undeveloped, like I said, so it's heavily
13 vegetated. Not too much to see on the site itself.

14 These are some additional photos kind of
15 looking both directions down Lee Pyle Road. I believe
16 that would be east and then that would be west back to
17 the highway.

18 So a little bit of background and a little
19 bit about the growth area and the development pattern:
20 The petitioner met with the county and discussed
21 possible commercial options along the highway without
22 knowing the end users of all the property at the time
23 of submittal. Nonplanned community commercial zone
24 district was recommended as it accommodates a wide
25 array of commercial uses. The petitioner then applied

1 on January 31st of 2023 to rezone the 25 1/2 acres
2 along the state highway, leaving the remaining 31-plus
3 acres as single-family residential.

4 This is in the secondary growth area and
5 commercial development in the secondary growth area is
6 targeted to be along state highways and places where
7 you have adequate infrastructure for transport --
8 transportation connections. That is sort of outlined
9 in the -- in the secondary growth area in relation to
10 commercial development. You certainly have that with
11 both -- with the State Highway 67 and that sort of
12 follows the same pattern of commercial development
13 down that corridor as well.

14 So the -- our analysis. A variety of land
15 uses exist in the suburban -- suburban pattern
16 spanning all categories: Residential, commercial, and
17 industrial. These land uses are separated on broad --
18 on broad classifications and uses. Nonresidential
19 development tends to occur in large strips along major
20 roads. That's why you see so much of the commercial
21 development as you break off of 67 along the main
22 highway.

23 The proposed area of rezoning directly
24 fronts on a major state highway; though not directly
25 near the subject property, there is substantial

1 commercial zoning both north and south on State
2 Highway 67. The property also fronts on a
3 county-maintained road. The frontage along the major
4 state highway would be less than ideal for residential
5 development given both the high rate of travel and
6 traffic along the state highway.

7 The subject property is adjoined by
8 residential uses; however, site development plan
9 approval will be required before any commercial use
10 occupies the property. This includes the review of
11 all of the UDO requirements of screening, storm water
12 management, landscaping, road and entrance
13 improvements and all other regulatory requirements to
14 lessen any potential impact to the adjoining property
15 owners. The petitioner would also need to subdivide
16 the commercial portion into a separate parcel should
17 the petition be approved.

18 Regarding the zone change itself, staff
19 feels the requested zoning demonstrates an efficient
20 pattern of development given the way the commercial
21 uses have been located along the state highway
22 corridor in the area and meets the purpose and intent
23 of the CC2 zone district.

24 And so for your consideration is the
25 rezoning of the property, single-family residential

1 R20 zone district to nonplanned community commercial.
2 And just as a reminder, it's the sort of front 25
3 acres or so.

4 COMMISSIONER BOWERS: Thank you.

5 Are there any questions of staff?

6 Will there be 67 access to this piece of
7 property from sixty -- is that possible?

8 MR. JUMP: I would find that highly
9 unlikely.

10 COMMISSIONER BOWERS: Okay.

11 MR. JUMP: That's a pretty -- I mean,
12 that's a pretty high rate of speed corridor there.

13 COMMISSIONER BOWERS: Yep. All right.
14 Thank you.

15 MR. JUMP: Uh-huh.

16 COMMISSIONER SPARKS: I had one -- one
17 small question --

18 MR. JUMP: Yep.

19 COMMISSIONER SPARKS: -- in regards to the
20 zoning exhibit. On the handout I had, there is also
21 -- is there also a parcel on the opposite side of 67
22 that's up for consideration?

23 MR. JUMP: No.

24 COMMISSIONER SPARKS: No.

25 MR. JUMP: So that's kind of -- that's kind

1 of -- it is all part of the same parcel but that's not
2 being petitioned to be rezoned commercial.

3 COMMISSIONER SPARKS: Okay.

4 MR. JUMP: I think it was like leftover
5 property from right-of-way or some -- something of
6 that sort a long, long time ago --

7 COMMISSIONER SPARKS: Okay.

8 MR. JUMP: -- the way I kind of understood
9 it but that's not part of this. All we're looking at
10 in -- in relation to this petition is the frontage of
11 that particular, I guess, everything east of 67 but
12 just the frontage east of 67.

13 COMMISSIONER SPARKS: Thanks for the
14 clarification.

15 MR. JUMP: Yep.

16 COMMISSIONER BOWERS: Any other questions?

17 Being none, is the petitioner present?

18 Please come forward. State your name and
19 address and that you have been sworn.

20 As a reminder, you will have five minutes
21 for presentation.

22 MR. FRIBIS: Good evening. My name is Gene
23 Fribis. I'm with Heneghan and Associates Engineering
24 in Arnold. We are located at 1929 Richardson Road and
25 I have been sworn.

1 I just want to speak to the -- to the
2 drawing that's up there right now. Obviously, you've
3 all heard that the shaded area on the left is what
4 we're really asking rezoning for. But what I want to
5 mention is the site next to it that is -- does not
6 have any shading on it. On the plan that we have,
7 it's yellow. I don't know if you -- do you have this
8 copy, also, all of you? You do, okay.

9 Well, their intention on the yellow piece
10 is to put two houses on it up near Lee Pyle Road. And
11 the square property next to that, which is probably a
12 quarter -- quarter section, they're also going to
13 retain and then Mr. and Mrs. Eberhardt are going to
14 build a house for themselves on that property.

15 If you recall from the contour map that
16 Josh had up earlier, there is kind of a nice ridge
17 that goes into that square parcel so the commercial
18 ground is going to be surrounded by residential
19 parcels that will be owned by the Eberhardt family.
20 And I'm going to have Mike come up here and in a
21 minute. You're going to probably be interested in his
22 business and what he's going to do there.

23 Although, we're strictly going for the
24 zoning tonight, later, if this is approved, we will be
25 submitting a site plan which will show off the details

1 of what he's going to do. He's in the concrete,
2 commercial concrete business but it's a little
3 unusual. He has -- just based on his website, they do
4 some really great swimming pools and lot of specialty
5 concrete work so I'll let him talk about that.

6 So the sewer issues, the water issues, that
7 will all be worked out later. We just want to get the
8 zoning squared away tonight. And if that happens, we
9 will move on and probably be back to you at some point
10 in the future to talk about specifics related to the
11 site plan.

12 So if you don't have any questions for
13 me...

14 COMMISSIONER BOWERS: Are there any
15 questions for this witness?

16 Nope.

17 MR. FRIBIS: Okay. Well, Mike, if you
18 would come up now and explain a little bit about your
19 business. I think that you all will be interested in
20 that.

21 COMMISSIONER BOWERS: Thank you.

22 Please state your name, your address, and
23 that you have been sworn. And you still have right
24 around three minutes --

25 MR. EBERHARDT: All right.

1 COMMISSIONER BOWERS: -- for presentation.

2 MR. EBERHARDT: My name's Michael
3 Eberhardt. My address is 15737 State Road T, De Soto,
4 Missouri 63020. I have been sworn.

5 COMMISSIONER BOWERS: Thank you.

6 MR. EBERHARDT: So as Gene described, we're
7 wanting to make the front commercial. We're wanting
8 to put our construction office there where he kind of
9 said it's going to be the -- the flattest area.

10 As far as access, you know, I know, I've
11 talked to Josh, it does seem better for us if we came
12 off Lee Pyle just because of the high rate of speed
13 through there. We are going to put two houses on the
14 residential portion. That residential portion is
15 going to be -- we own those houses. My mother-in-law
16 is going to live in one, family member in the other.
17 And then we do plan on building our home on that back
18 parcel. That is what we plan to do with it.

19 Like you said, that's -- we own, you know,
20 the concrete company, we do decorative concrete work;
21 we do excavation; those type of things and that's
22 where we're looking to put our office.

23 You guys have any questions?

24 COMMISSIONER BOWERS: Thank you.

25 Any questions?

1 COMMISSIONER DUGAN: So do you plan on
2 putting equipment -- construction equipment there
3 and --

4 MR. EBERHARDT: Yeah. We have some
5 excavators, skid steers, stuff like that, nothing --
6 nothing crazy. We'd like to put a building to keep
7 much of that inside as possible but that -- that's
8 what we're looking to do.

9 COMMISSIONER BOWERS: Any other questions?

10 COMMISSIONER TUGGLE: Are you going to do
11 any manufacturing?

12 Are you going to do any manufacturing?

13 MR. EBERHARDT: No, sir.

14 COMMISSIONER TUGGLE: Of concrete?

15 MR. EBERHARDT: No, sir. Yeah, it's all --
16 we're mainly residential so we do a lot of backyard
17 patios, outdoor kitchens, driveways, sidewalks, those
18 type of things.

19 COMMISSIONER TUGGLE: Okay.

20 COMMISSIONER BOWERS: Great. We have no
21 questions. Thank you.

22 MR. EBERHARDT: All right. Thanks, guys.

23 COMMISSIONER BOWERS: You still have about
24 two minutes left if you want to say anything else,
25 Gene.

1 MR. FRIBIS: No.

2 COMMISSIONER BOWERS: All right. Is there
3 anyone wishing to speak that is in favor of this
4 project?

5 Anyone wishing to speak that is in favor?

6 Anyone wishing to speak that is opposed to
7 this project?

8 Anyone wishing to speak that is opposed to
9 this project?

10 Anything else to add?

11 MR. FRIBIS: No.

12 COMMISSIONER BOWERS: Discussion among
13 commissioners?

14 If not, I'll entertain a motion.

15 COMMISSIONER DUGAN: I'll make a motion to
16 approve CC223003 as presented.

17 COMMISSIONER HASTINGS: Second.

18 COMMISSIONER BOWERS: I have a motion made
19 by Commissioner Dugan to accept CC223003; seconded by
20 Commissioner Hastings.

21 All those in favor, say aye.

22 COMMISSION: Aye.

23 COMMISSIONER BOWERS: Opposed?

24 Passes unanimous.

25

1 COMMISSIONER BOWERS: Reports to the
2 Commission.

3 MR. KEHM: Only that our next meeting is
4 two weeks from tonight, March the 23rd. We do have
5 cases on that agenda already.

6 As always, thank you all for being here.
7 We appreciate you and taking your time off on -- on a
8 Thursday night to come down and get this worked out.
9 So thank you very much. Have a great evening.

10 COMMISSIONER BOWERS: Any citizens wishing
11 to be heard?

12 Citizens wishing to be heard?

13 I'll close out the meeting and consider a
14 -- a --

15 COMMISSIONER DUGAN: Motion for
16 adjournment.

17 COMMISSIONER BOWERS: Thank you.

18 COMMISSIONER HASTINGS: Second.

19 COMMISSIONER BOWERS: I have a motion made
20 by Commissioner Dugan to adjourn; seconded by
21 Commissioner Hastings.

22 All those in favor, say aye.

23 COMMISSION: Aye.

24 COMMISSIONER BOWERS: Opposed?

25 It passes unanimous.

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Meeting is adjourned.

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[Adjourned 6:52 p.m.]

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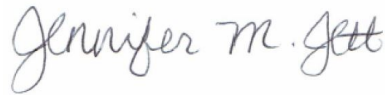
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C E R T I F I C A T E

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 13th day of March, 2023.



JENNIFER M. JETT, CCR
MISSOURI CCR NUMBER: 634

March 9, 2023
Jefferson County, Missouri, Planning and Zoning
Commission Meeting

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