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Planning & Zoning Meeting  
August 10, 2023

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Jefferson County, Missouri

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

August 10, 2023

6:30 p.m.

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

1	EXHIBITS		
2			
3	Exhibit	Description	Identified
4			
5	Exhibit A	Official Master Plan for Jefferson County, MO	Page 10
6			
7	Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 10
8			
9	Exhibit C	Planning Division Staff Report and Respective Case File	Page 10
10			
11	Exhibit D	Documents submitted by Mr. Holder	Page 14
12			
13	(Exhibits retained by the Commission.)		
14			
15	Case No. VR23026		Page 12
16			
17	Case No. PC23028		Page 23
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1           JEFFERSON COUNTY PLANNING AND ZONING COMMISSION  
2 MEETING AND PUBLIC HEARING, August 10, 2023, between  
3 the hours of 6:30 in the evening and 7:11 in the  
4 evening of that day, at the Jefferson County  
Administration Center, 729 Maple Street, Hillsboro,  
Missouri, 63050, before Karen Waugh, CCR, RPR, CRR,  
RMR.

5

6

APPEARANCES

7

PLANNING AND ZONING COMMISSION:

8

Jessie Scherrer, Chair

9

Larry Adkins

Greg Bowers

10

Tim Dugan

Mike Huskey

11

Johnathan Sparks

Jeff Spraul

12

13

14

PLANNING DIVISION STAFF:

15

Josh Jump

16

Rachel Krispin

Elaine Roesch

17

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ASSISTANT COUNTY COUNSELOR:

19

Jason Cordes

20

21

DEPUTY DIRECTOR:

22

Dennis Kehm

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

5                           \* \* \* \* \*

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

16           Each individual wishing to address the Commission  
17 on a specific application must complete an oath form.  
18 These forms are located in the rear of the room. It is  
19 important that speakers place the agenda item number on  
20 this form so that an accurate record can be maintained.  
21 You are also required to print your name and address and  
22 sign this form. When the Chairman asks if anyone is in  
23 attendance wishing to speak on this specific application,  
24 those wishing to provide comments are required to come  
25 forward, provide their name and address and address their

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

12           The structure of the meeting is as follows: The  
13 Chairman will introduce each project by both name and  
14 number and will then direct the staff of the Planning  
15 Division to present the application. The staff  
16 representative will then present a brief overview of the  
17 application. The Commission may question the staff  
18 relative to the project. The Chairman will then call the  
19 petitioner, the party that submitted the application. The  
20 petitioner may call individuals, generally supporting  
21 consultants, and is allowed a ten-minute uninterrupted  
22 period for presentation of the facts surrounding the  
23 application. After the completion of the presentation of  
24 the application, the members of the Commission may ask  
25 questions of the petitioner relative to the application.

1 There is no time limit for questions from the Commission.

2 After all questions from the Commission have been  
3 heard, the Chairman will ask for any citizens wishing to  
4 address the Commission who are in favor of this  
5 application to come forward. There will be a total of  
6 five minutes allocated for public comment in favor of the  
7 application. The Commission may ask questions of any  
8 speaker. The time used for speakers to answer questions  
9 will not be subtracted from the five minutes allocated  
10 for this portion of the hearing.

11 After all questions from the Commission have been  
12 heard, the Chairman will ask for any citizens wishing to  
13 address the Commission who are opposed to this  
14 application to come forward. There will be a total of  
15 20 minutes allocated for public comment and opposition to  
16 the application. The Commission may ask questions of any  
17 speaker. I'm sorry. Let me back up. No one speaker  
18 will be allowed to speak for more than three minutes.  
19 The Commission may ask questions of any speaker. The  
20 time used for speakers to answer questions will not be  
21 subtracted from the 20 minutes allocated for this portion  
22 of the hearing.

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

1 If you are part of a larger group, we suggest that you  
2 designate a spokesperson to provide comments for the  
3 group. The speaker may acknowledge that he or she  
4 represents a larger group. This will be the sole public  
5 hearing before a public body regarding the application.  
6 The petitioner will then have five minutes to respond to  
7 issues raised during the comment period. The Commission  
8 may further question the petitioner. Time used to  
9 respond to questions from the Commission will not count  
10 against the time allocation.

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

22 I now call this meeting to order. Madam  
23 Secretary, will you please call roll?

24 SECRETARY ROESCH: Danny Tuggle. Greg  
25 Bowers.



1 COMMISSIONER BOWERS: Here.

2 SECRETARY ROESCH: Johnathan Sparks.

3 COMMISSIONER SPARKS: Here.

4 SECRETARY ROESCH: Larry Adkins.

5 COMMISSIONER ADKINS: Here.

6 SECRETARY ROESCH: Jeffrey Spraul.

7 COMMISSIONER SPRAUL: Here.

8 SECRETARY ROESCH: Tim Dugan.

9 COMMISSIONER DUGAN: Present.

10 SECRETARY ROESCH: Jessie Scherrer.

11 COMMISSIONER SCHERRER: Here.

12 SECRETARY ROESCH: Mike Huskey.

13 COMMISSIONER HUSKEY: Here.

14 SECRETARY ROESCH: We have a quorum.

15 COMMISSIONER SCHERRER: Thank you. Is there

16 a motion to approve the agenda?

17 COMMISSIONER DUGAN: So moved.

18 COMMISSIONER BOWERS: Second.

19 COMMISSIONER SCHERRER: Commissioner Dugan

20 made a motion to approve the agenda, was seconded by

21 Commissioner Bowers. In all favor, say aye.

22 (Members voted orally.)

23 COMMISSIONER SCHERRER: Opposed?

24 (No response.)

25 COMMISSIONER SCHERRER: Approval of the

1 agenda passes unanimously.

2 Approval of the minutes for July 27, 2023.

3 COMMISSIONER BOWERS: Make a motion to  
4 approve them.

5 COMMISSIONER DUGAN: Second.

6 COMMISSIONER SCHERRER: Commissioner Bowers  
7 made a motion to approve the minutes of July 27, 2023.  
8 It was seconded by Commissioner Dugan. All in favor.

9 (Members voted orally.)

10 COMMISSIONER SCHERRER: Opposed?

11 (No response.)

12 COMMISSIONER SCHERRER: Approval of the  
13 minutes for July 27th, 2023, passes unanimously.

14 Swearing in of the witnesses.

15 MR. KEHM: Thank you, Mr. Chair. Once  
16 again, good evening, everyone. Thank you for coming  
17 tonight. We appreciate your attendance at this very  
18 important meeting. If you are going to be speaking on  
19 any of the cases tonight, your testimony needs to be  
20 sworn testimony so that it can be properly included in  
21 the record for that case. So rather than swear people in  
22 individually, we do it all at once here at the beginning  
23 of the meeting, so if you're going to be speaking tonight  
24 or you're thinking about speaking tonight, please go  
25 ahead and stand up right now and raise your right hand,

1 and the Commission's secretary up here will swear you in.

2 (Speakers sworn.)

3 MR. KEHM: Thank you very much. You can  
4 have a seat. When it is your turn to speak, the Chair  
5 will recognize you. You'll head up to the front of the  
6 room. Make sure you hand one of these folks your speaker  
7 slip, then you can head over to the podium where you'll  
8 state your name, state your address and state for the  
9 record that you have been sworn in. Thank you very much.

10 COMMISSIONER SCHERRER: Thank you, sir.  
11 Introduction of evidence.

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

1 COMMISSIONER SCHERRER: Is there a motion to  
2 accept the introduction of evidence?

3 COMMISSIONER DUGAN: So moved.

4 COMMISSIONER BOWERS: Second.

5 COMMISSIONER SCHERRER: Commissioner Dugan  
6 made a motion to accept the introduction of evidence. It  
7 was seconded by Commissioner Bowers. All in favor, say  
8 aye.

9 (Members voted orally.)

10 COMMISSIONER SCHERRER: Opposed?

11 (No response.)

12 COMMISSIONER SCHERRER: Introduction of  
13 evidence passes unanimously.

14 Under new business we have consent, FP23027. Is  
15 there a motion on that?

16 COMMISSIONER DUGAN: Make a motion to  
17 approve FP23027.

18 COMMISSIONER BOWERS: Second.

19 COMMISSIONER SCHERRER: Commissioner Dugan  
20 made a motion to approve FP23027. It was seconded by  
21 Commissioner Bowers. All in favor, say aye.

22 (Members voted orally.)

23 COMMISSIONER SCHERRER: Opposed?

24 (No response.)

25 COMMISSIONER SCHERRER: FP23027 is approved

1 unanimously.

2 Under consideration we have VR23026. Mr. Jump?

3 MR. JUMP: Thank you. This is case  
4 number VR23026. The petitioner's request is relief from  
5 the 25-foot buffer that is required in our stormwater  
6 management design for a stream order 1. A little bit  
7 about subject property, it's currently zoned R7. It's in  
8 Council District 4. It's in the primary growth area.  
9 It's a little over quarter acre in size and it is  
10 currently developed with a single-family home.  
11 Topography is fairly level. There is a little portion of  
12 the property that is in the floodplain and then there's a  
13 stream order 1 that traverses the property, and again,  
14 that property is developed with a single-family home.  
15 The zoning -- The surrounding zoning is primarily R7.  
16 There is some LR2 adjacent as well.

17 The property in question is this corner piece  
18 right here. You can see the stream order cutting the  
19 southeastern -- southwestern part of the property. It  
20 gives you a pretty good idea of where it is. That little  
21 sliver kind of just cuts that bottom corner right there  
22 of a floodplain. This gives you a better look at the  
23 buffer location and where it encroaches on the property.

24 So our analysis, the Stormwater Department does  
25 the analysis for this. The subject property is currently

1 zoned R7, which was approved for the use of single-family  
2 residential lots with 7,000-square-foot lot minimums, and  
3 they are seeking relief from one of the development  
4 requirements. That requirement is the stream buffer  
5 requirement. The petitioner's plan that was submitted to  
6 our Stormwater Department shows a small portion of the  
7 development, extension of an outfall pipe, encroaching on  
8 the stream buffer, and the Jefferson County Stormwater  
9 Division analyzed the petitioner's request and determined  
10 the following: The Jefferson County engineer recommends  
11 approval of the deviation from stream buffer, stream  
12 order 1, at 6535 Bailey Farm Road for constructing a  
13 piped system to convey the stream from the property  
14 owner's back yard to the existing swale. So your -- for  
15 your consideration tonight is relief from that 25-foot  
16 buffer for stream order 1 to do that described work.

17 COMMISSIONER SCHERRER: Thank you, sir. Are  
18 there questions for staff?

19 (No response.)

20 COMMISSIONER SCHERRER: Is the petitioner  
21 present? Please come forward. State your name, address,  
22 and that you have been sworn in, and as stated  
23 previously, you will have ten minutes. And do you have  
24 documents you would like to submit?

25 MR. HOLDER: I do.

1                   COMMISSIONER SCHERRER: Let's do that before  
2 we get started.

3                   MR. HOLDER: Yes, sir.

4                   COMMISSIONER SCHERRER: Is it all one or is  
5 it going to be two or three separate ones?

6                   MR. HOLDER: It's a couple of pages, yeah.  
7 My name is Luke Holder, address 6735 Bailey Farms Road,  
8 and I've been sworn in.

9                   COMMISSIONER SCHERRER: Okay. We'll have  
10 you just hold on for just a second until we all get a  
11 chance to look at this stuff and vote on it, and then  
12 we'll get started. I mean, if you want to -- you don't  
13 have to stand there, if you'd like to take a seat. Just  
14 give us just a minute.

15                   MR. HOLDER: Yes, sir.

16                   COMMISSIONER SCHERRER: We got Exhibit D.

17                   MR. KEHM: Correct.

18                   COMMISSIONER SCHERRER: Is that it?

19                   MR. KEHM: Yes.

20                   COMMISSIONER SCHERRER: Okay. Is there a  
21 motion to accept Exhibit D?

22                   COMMISSIONER BOWERS: Make a motion to  
23 accept Exhibit D.

24                   COMMISSIONER DUGAN: Second.

25                   COMMISSIONER SCHERRER: Commissioner Bowers

1 made a motion to accept Exhibit D into evidence. It was  
2 seconded by Commissioner Dugan. All in favor, say aye.

3 (Members voted orally.)

4 COMMISSIONER SCHERRER: Opposed?

5 (No response.)

6 COMMISSIONER SCHERRER: Exhibit D is  
7 accepted unanimously. Give us just a minute to look over  
8 this.

9 Is the Commission satisfied or do we need more  
10 time?

11 COMMISSIONER BOWERS: I'm good.

12 COMMISSIONER SPARKS: I just need another  
13 minute. Sorry.

14 COMMISSIONER SCHERRER: Okay. Mr. Holder,  
15 please come back and present your petition.

16 MR. HOLDER: Commission, looking to be able  
17 to extend the pipe as you see in the plans for Exhibit D,  
18 I believe it is, to be able to gain more of the back yard  
19 that we thought we were getting when we signed up for  
20 that lot and had tried to address many times with the  
21 developer before closing and before the subdivision was  
22 handed over to the existing HOA and would appreciate your  
23 consideration to continue to get the yard and to be able  
24 to help, by doing this project, create a safer and a  
25 better maintained spot for -- not only for our family but



1 also for the subdivision.

2 COMMISSIONER SCHERRER: Okay. Anything  
3 else? Questions for the petitioner?

4 (No response.)

5 COMMISSIONER SCHERRER: Thank you, sir.  
6 Might call you back.

7 Citizens wishing to speak in favor of this  
8 application? Citizens wishing to be heard that are in  
9 favor of the application?

10 (No response.)

11 COMMISSIONER SCHERRER: Citizens wishing to  
12 be heard that are opposed to the application? Citizens  
13 wishing to be heard that are opposed to the application?

14 (No response.)

15 COMMISSIONER SCHERRER: Does the petitioner  
16 have anything else they'd like to add? Thank you.

17 Discussion amongst commissioners?

18 COMMISSIONER DUGAN: I'll make a motion to  
19 approve it.

20 COMMISSIONER SPRAUL: I have a question too.

21 COMMISSIONER ADKINS: I have a question. Go  
22 ahead, Jeff.

23 COMMISSIONER SPRAUL: No, you're first.

24 COMMISSIONER ADKINS: I notice that the  
25 stormwater approved the -- extending the BMP but there's

1 also a thing in here about building a retaining wall  
2 around it. I don't see an approval on that, or does that  
3 not encroach on the existing -- it says here in this page  
4 that he just submitted to us, we believe extending the  
5 permanent BMP outfall to five feet of the property from  
6 its current location, maintain the current rate and  
7 building a retaining wall around it. I didn't see  
8 anything in the approval about a retaining wall. Extend  
9 the BMP, yes, but can anybody have any comments on that?

10 MR. KEHM: So that's a great question. It's  
11 going to allow me to explain how these work.

12 COMMISSIONER ADKINS: Okay.

13 MR. KEHM: These are handled by the  
14 Stormwater Division, which is not a part of our  
15 department. They don't like to work in the evenings, so  
16 they don't come to these meetings and answer these  
17 questions for you. Josh, can you go back to the -- do  
18 you have a -- I know the drawing that you're looking at.

19 MR. JUMP: I didn't put that in, yeah.

20 MR. KEHM: Actually, the one that Mr. Holder  
21 gave us is good.

22 MR. JUMP: Yeah.

23 MR. KEHM: The issue of coming to within  
24 five feet of the property line is only for an outfall,  
25 right, so a retaining wall wouldn't be -- that rule

1 wouldn't apply to a retaining wall.

2 COMMISSIONER ADKINS: Right.

3 MR. KEHM: In terms of that retaining wall  
4 being located within the stream buffer, it most assuredly  
5 is, so I have to assume that their recommendation of  
6 approval -- they have the plans. They actually have his  
7 full drawn construction plans, so they've seen the  
8 elevations of the pipe, where that wall's going to go.  
9 That's the best I can give you, because I'm not them and  
10 I don't want to speak for them.

11 COMMISSIONER ADKINS: But that will alter  
12 whatever water comes up there, correct?

13 MR. KEHM: I am not an engineer. I'm not in  
14 the Stormwater Department. I'm not trying to be evasive.  
15 I can't answer that question. We -- And you wouldn't  
16 have known this, and so not -- we always ask people, if  
17 you have questions about these stormwater variances, we  
18 got to get them in advance so we can get them to the  
19 people that do that work. Obviously you wouldn't have  
20 known that, but --

21 COMMISSIONER ADKINS: But it wasn't until  
22 his letter that he submitted that he mentions that, the  
23 retaining wall. Again, the approval from Stormwater  
24 doesn't mention a retaining wall.

25 MR. KEHM: Again, I don't know what

1 conversations they've had with Stormwater. Literally we  
2 process this application and bring it in front of you. I  
3 can answer zero questions about it, as we could about any  
4 stormwater variance question.

5 COMMISSIONER ADKINS: Okay. Thank you.

6 COMMISSIONER SPARKS: Are we thinking that  
7 basically we're going to have maybe just the issue of the  
8 verbiage as submitted? Is that where you're coming from,  
9 I guess, unless we get new evidence put in from a legal  
10 standpoint? I'm asking one of my co-counselors.

11 MR. CORDES: I mean, who are you -- is that  
12 question directed to us?

13 COMMISSIONER SPARKS: Directed it to --

14 MR. CORDES: Mr. Adkins.

15 COMMISSIONER SPARKS: Yeah.

16 COMMISSIONER ADKINS: Oh, I'm sorry.

17 COMMISSIONER SPARKS: I was just going to  
18 say, is your concern that it's -- since it's not stated  
19 in the additional application with a retaining wall,  
20 unless we see new evidence, that there might be future  
21 outfall from that?

22 COMMISSIONER ADKINS: Yes.

23 COMMISSIONER SPARKS: Okay.

24 COMMISSIONER SCHERRER: Other questions or  
25 comments from the Commission?

1                   COMMISSIONER SPRAUL: Yeah, I have a  
2 quick -- two questions, actually. Just piggyback on  
3 that, if we approve this, we're not approving a retaining  
4 wall. That's a separate permit that goes through Code  
5 Enforcement.

6                   MR. KEHM: Well, depending on how tall that  
7 retaining wall is would require a permit.

8                   COMMISSIONER SPRAUL: Four feet or --

9                   MR. KEHM: Four feet or higher, and I don't  
10 know because we haven't seen that.

11                  COMMISSIONER SPRAUL: So we're not approving  
12 a retaining wall. That's out of our --

13                  MR. KEHM: Oh, you wouldn't be approving a  
14 retaining wall anyway.

15                  COMMISSIONER SPRAUL: Okay. That's what I  
16 figured.

17                  MR. KEHM: You would be -- All you're  
18 approving is an encroachment within the stream buffer as  
19 approved by Public Works. That's the best way I can  
20 phrase that.

21                  COMMISSIONER SPRAUL: No, I understand. So  
22 just a quick question for everybody. So obviously this  
23 would be at the homeowner's expense. None of this is  
24 going to be a County expense, not one cent, even if it  
25 has to be redone at a later point.

1 MR. KEHM: Correct. This is private  
2 property, private improvement, private subdivision. None  
3 of this is owned or maintained by the County.

4 COMMISSIONER SCHERRER: Other questions or  
5 comments?

6 COMMISSIONER DUGAN: I'll make a motion to  
7 approve VR23026 as presented.

8 COMMISSIONER BOWERS: Second.

9 COMMISSIONER SCHERRER: Commissioner Bowers  
10 made a motion to approve VR23 -- I'm sorry. Scratch  
11 that. Commissioner Dugan made a motion to approve  
12 VR23026 and it was seconded by Commissioner Bowers. All  
13 in favor, say aye.

14 (Members voted orally.)

15 COMMISSIONER SCHERRER: Opposed?

16 COMMISSIONER ADKINS: No.

17 COMMISSIONER SCHERRER: Madam Secretary,  
18 will you please call roll?

19 SECRETARY ROESCH: Tim Dugan.

20 COMMISSIONER DUGAN: Yes.

21 SECRETARY ROESCH: Mike Huskey.

22 COMMISSIONER HUSKEY: Yes.

23 SECRETARY ROESCH: Greg Bowers.

24 COMMISSIONER BOWERS: Yes.

25 SECRETARY ROESCH: Larry Adkins.

1 COMMISSIONER ADKINS: No.  
2 SECRETARY ROESCH: Johnathan Sparks.  
3 COMMISSIONER SPARKS: Yes.  
4 SECRETARY ROESCH: Jessie Scherrer.  
5 COMMISSIONER SCHERRER: Yes.  
6 SECRETARY ROESCH: Jeffrey Spraul.  
7 COMMISSIONER SPRAUL: Yes.  
8 SECRETARY ROESCH: Motion for approval  
9 carries.  
10 COMMISSIONER SCHERRER: I have six to one?  
11 SECRETARY ROESCH: Correct.  
12 COMMISSIONER SCHERRER: VR23026 is approved  
13 by a roll call vote of six yeas and one nay. Motion  
14 passes.  
15 (End of case.)  
16  
17  
18  
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22  
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1                   COMMISSIONER SCHERRER: Next up, PC23028, a  
2 request for zone change in a development plan.  
3 Miss Krispin.

4                   MS. KRISPIN: Thank you. This is PC23028.  
5 The petitioner is requesting to rezone a portion of the  
6 subject property from single-family residential, R7, to  
7 planned commercial and revised development plan approval  
8 for Wow Entertainment.

9                   The subject properties total 4.83 acres.  
10 However, only 2.45 acres are being petitioned to be  
11 rezoned. Part of the property is undeveloped -- it used  
12 to be a mobile home park -- and the other property in  
13 question is developed with a vacant single-family  
14 residence. The subject properties are outlined in black.  
15 This is a look at the zoning map. This portion is zoned  
16 single-family residential, R7. The other portion is  
17 zoned planned commercial and was approved for a  
18 development plan for Wow Entertainment last year. The  
19 blue is planned mixed, the brown is PR2, planned mixed  
20 residential, and then across 141 is unplanned community  
21 commercial.

22                   This is a look at the topography map. Both  
23 properties increase in elevation as you go to the rear of  
24 them. And then this is showing the intersection of  
25 Fiedler, Springdale Boulevard right here, and then State



1 Route 141.

2           These are photos of the subject property. This  
3 is that vacant single-family residence. Down in this  
4 area is the portion of the property zoned planned  
5 commercial, and then this is Fiedler Lane looking both  
6 ways.

7           And this is the submitted revised development  
8 plan. There is one point of access from Fiedler. There  
9 are 135 parking spaces, including five ADA compliant  
10 spaces. There is one entertainment venue building,  
11 approximately 29,000 square feet. It has a restaurant  
12 and bar area in it. There's mini golf in the rear of the  
13 property proposed. There is an eight-foot sight-proof  
14 fence along the southern and western property lines.  
15 There wasn't any requested modification to landscaping,  
16 so that will have to meet the full requirements in the  
17 UDO, and underground stormwater detention system is shown  
18 on the development plan.

19           These are submitted renderings from the  
20 petitioner. These were submitted with the previous one  
21 last year, and they are keeping with these same  
22 renderings.

23           For the analysis, the subject property was zoned  
24 in 2013 to planned commercial and was previously approved  
25 for a gas station. Then in 2022 the petitioner submitted

1 a revised development plan for Wow Entertainment and was  
2 approved. Since the previous submittal, the applicant  
3 acquired the adjoining property and has brought forward a  
4 new revised development plan in which the proposed  
5 development encompasses both properties. While there is  
6 a large presence of residential zoning in the area, a  
7 developed commercial property would be appropriate for  
8 the area, and it should be noted that just north of the  
9 subject property there have been major multi-family and  
10 single-family developments in recent years.

11 The proposed commercial building is approximately  
12 29,000 square feet. Within the structure there will be  
13 recreational activities and games, in addition to a  
14 restaurant and bar. In the rear of the building is a  
15 large outdoor mini golf area. It should be noted that  
16 the subject property adjoins a residential parcel with a  
17 single-family residence. Since the subject property  
18 adjoins a residentially zoned property, high-impact  
19 screening is required.

20 Staff has not seen any evidence to indicate there  
21 would be any risk to public health, safety and welfare  
22 from this development plan. In fact, this proposal  
23 improves on the former design in that the acquisition of  
24 the additional property creates a larger buffer from  
25 adjacent properties. The development plan would not

1   impede the normal and orderly development and improvement  
2   of the surrounding property if all the requirements of  
3   the UDO are met. Approval of the proposed revised  
4   development plan would allow for a development consistent  
5   with the stated intent of the planned commercial zone  
6   district. And for your consideration tonight, a request  
7   to rezone a portion of the subject property from  
8   single-family residential, R7, to planned commercial and  
9   development plan approval for Wow Entertainment. I'll be  
10  happy to answer any questions.

11                   COMMISSIONER SCHERRER: Thank you. Are  
12  there questions for staff?

13                   COMMISSIONER BOWERS: I have a question. Is  
14  the Fiedler and 141 -- is that a light? Is that a  
15  stoplight?

16                   COMMISSIONER SCHERRER: Yes.

17                   MS. KRISPIN: Yes.

18                   COMMISSIONER BOWERS: Thank you.

19                   MR. KEHM: Yeah, not only is that a light,  
20  but if you recall, when the Turtle Creek Apartments were  
21  constructed at the end of that outer road there on  
22  Springdale Boulevard, whatever it's called, that light  
23  was retimed to handle the additional traffic from there,  
24  and this project was originally proposed as a gas station  
25  years ago before the Wow Entertainment development came

1 along, and that light was retimed to handle any potential  
2 traffic from that gas station that had gone in it as  
3 well.

4 COMMISSIONER BOWERS: Thank you.

5 COMMISSIONER SCHERRER: Are there other  
6 questions for staff?

7 (No response.)

8 COMMISSIONER SCHERRER: Is the petitioner  
9 present? Please come forward. State your name, address,  
10 and that you have been sworn in, and you will have ten  
11 minutes to present your petition.

12 MR. BIERMANN: Good evening. My name is  
13 William Bierman. I'm with the petitioner, and my address  
14 is 1795 Clarkson Road, Suite 190, Chesterfield, 63017,  
15 and I have been sworn in.

16 COMMISSIONER SCHERRER: Thank you.

17 MR. BIERMANN: And really just in the  
18 interest of everybody's time, myself and our engineer,  
19 Mr. Staley, is here to answer any questions that you guys  
20 may have regarding our revised plan, and truthfully, we  
21 would have had this plan before you last year, but  
22 Miss Stone, who was the owner of the property that was  
23 behind us, she said, you know, she didn't want to sell at  
24 that time of course, and then so then fast-forward to,  
25 you know, several months ago now, she had a change of

1 heart and asked if we could buy her out, so that's what  
2 we did, and we have actually closed on that property and  
3 we're anxious to ultimately get the project going here as  
4 soon as possible. So with that being said, we're here to  
5 answer any questions that you may have for us this  
6 evening.

7 COMMISSIONER SCHERRER: Okay.

8 MR. BIERMANN: Okay.

9 COMMISSIONER SCHERRER: I have one question.

10 MR. BIERMANN: Sure.

11 COMMISSIONER SCHERRER: Hours of operation  
12 daily, mainly in the evening. What time will you be  
13 closing?

14 MR. BIERMANN: Tell you the truth, I can't  
15 remember if there were restrictions placed in the  
16 existing ordinance. I cannot remember that when you guys  
17 passed it last time.

18 COMMISSIONER SCHERRER: Oh, okay. So the  
19 only reason I'm asking that is because you are so close  
20 to a residential property.

21 MR. BIERMANN: Right. So I will say  
22 honestly --

23 COMMISSIONER SCHERRER: And lighting on the  
24 golf course.

25 MR. BIERMANN: Absolutely, and we're well

1 aware of that, and as staff indicated, we're aware -- and  
2 that's honestly -- ultimately getting -- acquiring the  
3 Stone piece, we thought that was better because it gave  
4 us bigger buffers, and we were trying to be good  
5 neighbors. That's how we established a relationship with  
6 her over the time, and ultimately she said, you know  
7 what, I think I just want to sell, because I think  
8 truthfully what happened, she had a relative that was  
9 living in the house and they moved out, and she's like,  
10 what am I going to do with this. But anyway, yeah, we're  
11 well aware of that, and I thought there was some hourly  
12 limitation, but obviously we're well aware of that and we  
13 need to be good neighbors and corporate citizens, so  
14 obviously we'll adhere to any of the screening. And the  
15 other thing about this, which this allows us to do, I  
16 don't know if you guys remember, but this building used  
17 to have parking underneath us. This gives us more --  
18 like I said, a bigger buffer and allows us to get the  
19 park -- more parking spaces in a much more convenient  
20 location on the site. But as far as -- and going back to  
21 your hours, I don't remember. I could have sworn there  
22 was an -- they're telling me no, so I'm obviously  
23 misremembering that, but --

24 COMMISSIONER SCHERRER: Okay. Other  
25 questions for the petitioner?

1                   COMMISSIONER SPRAUL: Yeah, I have a  
2 question. I wasn't here last year when you originally  
3 submitted it. Is this for an adult entertainment kind of  
4 place or families?

5                   MR. BIERMANN: No, it's for families,  
6 honestly. It's a place where you would hopefully bring  
7 your entire family, and, you know, you can eat dinner and  
8 then play games. It will be just various activities in  
9 there, so that's what -- and that's what we're trying  
10 to -- if you see, if you look on the plan, there will be,  
11 as I said, a 35,000-square-foot building that will have  
12 the restaurant as well as games inside there. Like,  
13 there'll be bowling.

14                  COMMISSIONER SPRAUL: When I looked online I  
15 saw a thing for Wow Entertainment that showed, like, live  
16 entertainment, stuff like that. Is that you guys or is  
17 that somebody else?

18                  MR. BIERMANN: That's -- I wouldn't think  
19 that that would be us. As I say, to my knowledge, that  
20 shouldn't be us.

21                  COMMISSIONER SPRAUL: Okay. That was my  
22 question. All right. Thank you.

23                  COMMISSIONER SCHERRER: Other questions for  
24 the petitioner? Thank you, sir.

25                  COMMISSIONER BOWERS: Before -- So I'm

1 assuming there will be -- the golf course will be  
2 illuminated at night and things like that.

3 MR. BIERMANN: Correct.

4 COMMISSIONER BOWERS: So, I mean, I'm again  
5 taking that all the light would be going into and not  
6 out.

7 MR. BIERMANN: Oh, yeah, and I'm not an  
8 engineer, but my understanding, like, the photometrics  
9 and that are such that they're, you know, illuminating  
10 the course itself and hopefully, you know, minimizing any  
11 spillage on any adjoining sites.

12 COMMISSIONER BOWERS: And then as far as --  
13 I mean, is this piped music kind of thing outside, so, I  
14 mean, is there any chance of noise problems with the --

15 MR. BIERMANN: I mean, I would tell you that  
16 our intent would be to have, you know, accessory music  
17 to, you know, the different attractions, as far as, like,  
18 the certain holes and all that. I mean, I'm sure that --  
19 I'm not going to stand here and tell you that there's not  
20 going to be any noise associated with it because that  
21 just probably wouldn't be true, but obviously, you know,  
22 if there was any conditions -- and again, I apologize  
23 because I'm -- I don't recall any restrictions being on  
24 the noise in the last ordinance, but if there were,  
25 obviously we'd adhere to that, and I would -- and I don't



1 know your code in and out, but we would obviously be  
2 bound by any other kind of nuisance and noise ordinances.

3 COMMISSIONER BOWERS: All right. Thank you,  
4 sir.

5 MR. BIERMANN: Okay.

6 COMMISSIONER SPARKS: I just had a brief  
7 little synopsis of questions. So last year when this  
8 came, you had that one piece of land, and then the  
9 opportunity to acquire more land came in, so plans  
10 changed, and I understand plans change when they're  
11 needed. As far as you know, as far as your engineer  
12 knows, is this the plan?

13 MR. BIERMANN: Yes.

14 COMMISSIONER SPARKS: Is it going to be  
15 changed in another two years?

16 MR. BIERMANN: No, our intent is to be open  
17 well before that. This has been a long time coming. I  
18 mean, he's not here this evening, but our main investor,  
19 I can tell you he wears me out, and, I mean, truthfully,  
20 if it was up to him, we probably would have moved ahead  
21 without acquiring this, but I think that all of us, you  
22 know, and our engineer I think would agree as well as our  
23 architect, this is a better plan, you know, from the site  
24 usage and, you know, just getting around the site, and  
25 then also and we're -- and like I said, we had

1 underground -- or not underground, but under-building  
2 parking, so we've gotten rid of that, so I think -- I do  
3 believe this to be the final plan.

4 COMMISSIONER SPARKS: Thank you.

5 MR. BIERMANN: Okay.

6 COMMISSIONER SCHERRER: Other questions?  
7 Dennis, you look like you're just chomping at the bit to  
8 say something.

9 MR. KEHM: Well, I just wanted to mention a  
10 couple of things. If you recall previously -- there we  
11 go -- the property line ran along the edge where you see  
12 the edge of this dry bowl that goes behind the building,  
13 so literally they had a retaining wall that ran along  
14 here along that neighbor's property, and they would  
15 have -- they were going to be required to put up  
16 sight-proof fencing and some landscaping along there,  
17 but, I mean, literally, the fire lane to get by the  
18 building ran directly adjacent to that property, so they  
19 have bumped that way out now down to here.

20 They also -- and this was a big deal for us. I  
21 mean, it got approved by this Commission and the County  
22 Council, but they were going to have overflow parking.  
23 They had an agreement with the church which is across  
24 Fiedler Lane over here that if they had events or  
25 something that had a larger crowd than, you know, your

1 normal evening on that parking, they were allowed to have  
2 that parking in this lot. They've increased their number  
3 of parking spots by -- I mean, I think it's close to  
4 double what was on the site, maybe not quite double,  
5 but -- so they no longer have to worry about having  
6 people parked over here crossing the street and that kind  
7 of stuff, and we were not big fans of that before. It  
8 would have worked. So they've taken care of that.  
9 They've kind of gotten some more space down along here.  
10 So, you know, their original plan was good, it got  
11 approved, but we looked at this and went, wow, that's  
12 much better, and it's going to be much better for anybody  
13 down on this site, because they now have a true buffer  
14 there, and it also gave them more room to do what they  
15 needed to do on their own site.

16 COMMISSIONER SCHERRER: So the residential  
17 dwelling was to the south, not behind the golf course.

18 MR. KEHM: Correct.

19 COMMISSIONER SCHERRER: Oh, okay. Then my  
20 concerns --

21 MR. KEHM: So it's sort of -- it's oriented  
22 differently on the aerial, but that residential dwelling  
23 that they purchased was this house right here, and so now  
24 their project will come -- you know, whereas if it ran  
25 literally right along this thing. There's nothing to the

1 rear of them other than this road, which goes up to some  
2 apartments, and --

3 COMMISSIONER SCHERRER: I withdraw my  
4 lighting concerns.

5 MR. KEHM: Yeah, and that golf course area  
6 is going to be back here, and you can see the topography.

7 COMMISSIONER SPRAUL: It's really heavily  
8 wooded.

9 MR. BIERMANN: It is.

10 MR. KEHM: And you're literally going up a  
11 mountain going up this road, so that light's going to go  
12 down.

13 COMMISSIONER SCHERRER: Okay. Other  
14 questions?

15 COMMISSIONER BOWERS: Did you really say wow  
16 when you saw it?

17 MR. KEHM: I said wow with an exclamation  
18 point.

19 COMMISSIONER SCHERRER: Anything else, sir?

20 MR. BIERMANN: I'm fine.

21 COMMISSIONER SCHERRER: We may need to call  
22 you back. Thank you.

23 Citizens wishing to speak in favor of this  
24 application? Citizens wishing to be heard that are in  
25 favor of this application?

1 (No response.)

2 COMMISSIONER SCHERRER: Citizens wishing to  
3 be heard that are opposed to this application? Citizens  
4 wishing to be heard that are opposed to this application?

5 (No response.)

6 COMMISSIONER SCHERRER: Does the petitioner  
7 have anything else they would like to add? Thank you,  
8 sir.

9 Discussion amongst commissioners?

10 COMMISSIONER BOWERS: I'll make a motion  
11 that we approve PC23028.

12 COMMISSIONER DUGAN: Second.

13 COMMISSIONER SCHERRER: Commissioner Bowers  
14 made a motion to approve PC23028. It was seconded by  
15 Commissioner Dugan. All in favor, say aye.

16 (Members voted orally.)

17 COMMISSIONER SCHERRER: Opposed?

18 (No response.)

19 COMMISSIONER SCHERRER: PC23028 passes  
20 unanimously.

21 MR. BIERMANN: Thank you.

22 COMMISSIONER SCHERRER: Reports to the  
23 commission?

24 MR. KEHM: Just one. Our next meeting is  
25 August the 24th. We do have cases on that agenda. We

1 already have cases on our September agenda, and I forget  
2 that date, first September meeting this fall. That's  
3 going to be a big meeting, so mark your calendars  
4 accordingly.

5 COMMISSIONER BOWERS: Plan your vacation?

6 MR. KEHM: That's right. As always, thank  
7 you guys for being here tonight. We do appreciate it and  
8 appreciate the time you take to attend these meetings and  
9 to put this work in. It does a lot of stuff for a lot of  
10 people, so thank you very much. That's all I've got.

11 COMMISSIONER SCHERRER: Citizens to be  
12 heard?

13 (No response.)

14 COMMISSIONER SCHERRER: Is there a motion to  
15 adjourn?

16 COMMISSIONER DUGAN: So moved.

17 COMMISSIONER BOWERS: Second.

18 COMMISSIONER SCHERRER: Commissioner Dugan  
19 made a motion to adjourn. Second by Commissioner Bowers.  
20 All in favor?

21 (Members voted orally.)

22 COMMISSIONER SCHERRER: Opposed?

23 (No response.)

24 COMMISSIONER SCHERRER: We are adjourned.

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

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

3

4 I, KAREN WAUGH, a Certified Court Reporter in  
5 and for the State of Missouri, DO HEREBY CERTIFY that I  
6 was present at the Jefferson County Administration  
7 Center, Hillsboro, Missouri, on August 10, 2023, and did  
8 record the aforesaid proceedings; that same was taken  
9 down in shorthand by me and afterwards transcribed, and  
10 that the above and foregoing is a true and correct  
11 transcript of said proceedings.

12 IN WITNESS WHEREOF I have hereunto set my hand  
13 this 17th day of August, 2023.

14

15

16

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

18

Missouri CCR #1009

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