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Planning & Zoning Meeting
September 28, 2023

Jefferson County, Missouri

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

September 28, 2023

6:30 P.M.

Jennifer M. Jett, CCR
MISSOURI CCR NUMBER: 634

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4	EXHIBITS		
5			
6	Exhibits	Description	Identified
7	Exhibit A	Official Master Plan for Jefferson County, Missouri	Page 11
8	Exhibit B	Jefferson County Code of Ordinances - Chapter 400 Unified Development Order	Page 11
9	Exhibit C	Planning Division Staff Report and Respective Case File	Page 11
10	Exhibit D	Deed of Restrictions (CC223041)	Page 37
11	Exhibit E	Internet Research Document (CC223041)	Page 40
12	Exhibit F	Proposed Site Views (CC223041)	Page 61
13			
14			
15			
16		[Exhibits retained by Counsel.]	
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1 JEFFERSON COUNTY PLANNING AND ZONING
2 COMMISSION MEETING AND PUBLIC HEARING, September 28,
3 2023, between the hours of 6:30 in the evening and
4 7:35 in the evening of that day, at the Jefferson
5 County Administration Center, 729 Maple Street,
6 Hillsboro, Missouri 63050, before Jennifer M. Jett,
7 MO-CCR.

5

6

A P P E A R A N C E S

7

PLANNING AND ZONING COMMISSION:

8

Larry Adkins
9 Greg Bowers
 Tim Dugan
10 Mike Huskey
 Jessie Scherrer
11 Johnathan Sparks
 Jeffrey Spraul
12 Danny Tuggle

13

14 PLANNING DIVISION STAFF:

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

17

18

COUNTY COUNSELOR:

19

 Jason Cordes
20 Jalesia "Jasha" Kuenzel

21

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

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

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

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

15 The structure of the meeting is as follows:

16 The chairman will introduce each project by
17 both name and number and will then direct the staff of
18 the Planning Division to present the application. The
19 staff representative will then present a brief
20 overview of the application. The Commission -- the
21 Commission may question the staff relative to the
22 project. The chairman will then call the petitioner,
23 the party that submitted the application.

24 The petitioner may call additional
25 individuals, generally supporting consultants, and is

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

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

18 After all questions from the Commission
19 have been heard, the chairman will ask for any
20 citizens wishing to address the Commission who are
21 opposed to this application to come forward. There
22 will be a twenty -- total of 20 minutes allocated for
23 public comment in opposition to the application. No
24 one speaker will be allowed to speak for more than
25 three minutes. The Commission may ask questions of

1 any speaker. The time used for speakers to answer
2 questions will not be subtracted from the 20 minutes
3 allocated for this portion of the hearing.

4 Because time is limited, we strongly
5 recommend the speakers be prepared and know the facts
6 regarding the application. We recommend that you
7 avoid repetition. If you are part of a larger group,
8 we suggest that you designate a spokesperson to
9 provide comments for the group. The speaker may
10 acknowledge that he or she represents a larger group.

11 This will be the sole public hearing before
12 a public body regarding the application. The
13 petitioner will then have five minutes to respond to
14 issues raised during the comment period. The
15 Commission may further question the petitioner. Time
16 used to respond to questions from the Commission will
17 not count against the time allocation.

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

1 application or a resolution denying the application.

2 In most instances there will be no further public

3 hearing before the county council.

4 I now call this meeting to order.

5 Madam Secretary, will you please call roll?

6 MS. ROESCH: Danny Tuggle.

7 COMMISSIONER TUGGLE: Here.

8 MS. ROESCH: Greg Bowers.

9 COMMISSIONER BOWERS: Here.

10 MS. ROESCH: Johnathan Sparks.

11 COMMISSIONER SPARKS: Here.

12 MS. ROESCH: Larry Adkins.

13 COMMISSIONER ADKINS: Here.

14 MS. ROESCH: Jeffrey Spraul.

15 COMMISSIONER SPRAUL: Here.

16 MS. ROESCH: Tim Dugan.

17 COMMISSIONER DUGAN: Here.

18 MS. ROESCH: Jessie Scherrer.

19 COMMISSIONER SCHERRER: Here.

20 MS. ROESCH: Mike Huskey.

21 COMMISSIONER HUSKEY: Here.

22 MS. ROESCH: We have a quorum.

23 COMMISSIONER SCHERRER: Thank you.

24 Approval of the agenda.

25 COMMISSIONER BOWERS: Make a motion to

1 approve the agenda.

2 COMMISSIONER DUGAN: Second.

3 COMMISSIONER SCHERRER: Commissioner Bowers
4 made a motion to approve the agenda; it was seconded
5 by Commissioner Dugan.

6 All in favor say aye.

7 COMMISSION: Aye.

8 COMMISSIONER SCHERRER: Opposed?

9 Approval of the agenda passes unanimous --
10 unanimously.

11 Approval of the minutes for September 14,
12 2023.

13 COMMISSIONER BOWERS: Make a motion to
14 approve the minutes.

15 COMMISSIONER DUGAN: Second.

16 COMMISSIONER SCHERRER: Commissioner Bowers
17 made a motion to approve the minutes for September 14,
18 2023; it was seconded by Commissioner Dugan.

19 All in favor say aye.

20 COMMISSION: Aye.

21 COMMISSIONER SCHERRER: Opposed?

22 Approval of the minutes for September 14,
23 2023, passes unanimously.

24 Swearing in of the witnesses.

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

1 As we talked about before the meeting, if
2 you are planning on speaking on the case tonight your
3 testimony actually becomes a part of the record in
4 that case so it's pretty important; therefore, your
5 testimony does need to be sworn. Rather than swear
6 people in individually, we do it all at once here at
7 the beginning of the meeting. So if you are planning
8 on speaking on tonight's case or you're thinking about
9 speaking tonight on tonight's case, please do go ahead
10 and stand up right now, raise your right hand, and the
11 secretary over here will swear you in.

12 [Witnesses sworn by Secretary Roesch.]

13 MR. KEHM: Thank you very much. You can
14 have a seat.

15 Again, when it is your turn to speak the
16 Chair will recognize you. You'll head on up to the
17 front of the room, make sure you hand that speaker
18 slip to one of these two folks, then head on up to the
19 podium and state your name, state your address, and
20 state that you've been sworn in, and then you'll have
21 three minutes to make your remarks.

22 COMMISSIONER SCHERRER: Thank you, sir.

23 Introduction of evidence.

24 MR. KEHM: Members of the Jefferson County
25 Planning and Zoning Commission, the county would ask

1 that the following exhibits be entered into the record
2 for the case to be heard by you this evening:

3 Those exhibits are Exhibit A, the Official
4 Master Plan for Jefferson County, Missouri, adopted on
5 August the 6th, 2003, and made effective on April the
6 2nd, 2008. Exhibit B, which is the Code of Ordinances
7 of Jefferson County, specifically Chapter 400 of that
8 code, that is the Unified Development Order; that was
9 adopted on April the 2nd, 2008, and has been amended
10 numerous times since then. And, finally, Exhibit C
11 which tonight is the staff report and case file for
12 the one case on your agenda.

13 COMMISSIONER SCHERRER: Thank you, sir.

14 Is there a motion to accept the evidence?

15 COMMISSIONER BOWERS: Make a motion to
16 accept the evidence.

17 COMMISSIONER DUGAN: Second.

18 COMMISSIONER SCHERRER: Commissioner Bowers
19 made a motion to accept the evidence; it was seconded
20 by Commissioner Dugan.

21 All in favor say aye.

22 COMMISSIONER: Aye.

23 COMMISSIONER SCHERRER: Opposed?

24 Evidence is accepted.

25 Mr. Kehm, would you like to make an

1 announcement before we go forward about the second
2 case?

3 MR. KEHM: I could, yes.

4 If you are here for Case No. PP20 -- or
5 23043, which is a preliminary plat for Emerald Point
6 located at 4550 Rhonda Sue Drive in Imperial, that
7 case has actually been continued to the next meeting
8 of this Commission which is on October the 12th at
9 6:30 p.m.

10 Again, PP23034, the preliminary plat for
11 Emerald Point has been continued to October the 12th
12 and will not be heard this evening.

13 COMMISSIONER SCHERRER: Thank you, sir.

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1 COMMISSIONER SCHERRER: So up is CC23 --
2 I'm sorry. CC223041, a request for a zone change
3 located at 5444 Katrina Drive and that is Ms. Krispin.

4 MS. KRISPIN: Thank you.

5 This is CC223041. The petitioner is
6 requesting to rezone the subject property from
7 single-family residential R20 to nonplanned community
8 commercial CC2.

9 The subject property is located at the
10 corner of Katrina Drive and State Road MM in House
11 Springs. It is roughly 0.94 acres in size. There are
12 currently three structures on the property, two of
13 which have apparent fire damage. Additionally, there
14 is a Stream Order 1 that traverses the property.

15 This is a look at the zoning map. The
16 subject property is outlined in red, zoned
17 single-family residential R20, as well as everything
18 around it on the north side of MM. And then down
19 here, this is planned mixed residential PR2. And,
20 again, more R20 zoning.

21 This is a look at the topography map. MM
22 does sit up higher than the subject property; Katrina
23 Drive starts to go upwards. At then this is that
24 Stream Order 1 that traverses the eastern property
25 line.

1 These are photos of the subject property.
2 This is a garage located on the property, a residence
3 in the rear. This residence is not on the subject
4 property. This is looking up at MM, right there, as
5 well as MM, right here. This is Katrina Drive so it
6 -- this is the subject property, right there. And
7 then this is one of those structures on the property
8 that has the fire damage.

9 So for the analysis I went over each
10 criteria of consideration. I'm not going to go
11 through each one of those tonight but there are four
12 that we'll go over, the first one being the character
13 of the neighborhood. The surrounding properties are
14 all zoned residentially. The use is wholly
15 single-family residential along Katrina Drive as well
16 as across State Road MM. It should be noted that
17 there is a nearby recreational facility across State
18 Road MM; however, that property is zoned residentially
19 and the business has a conditional use permit so
20 commercial zoning would not be consistent with the
21 character of the neighborhood.

22 The next is the existing and any proposed
23 zoning and uses of adjacent properties and to the
24 extent to which the proposed use is compatible with
25 the adjacent zoning and uses. The proposed zone

1 change is not compatible with adjacent properties as
2 the surrounding area is all zoned some level of
3 residential. The closest commercially-zoned
4 properties include an undeveloped CC2 property 1 mile
5 east and a planned commercial property over 2 miles to
6 the west.

7 Next is the extent to which the proposed
8 use will negatively affect the character of the
9 property and neighboring properties. The proposed
10 zoning would negatively affect the character of the
11 property and neighboring properties as the area is
12 wholly residential. Under the proposed CC2 zone
13 district there are various uses that could be
14 connected under the UDO regulations. A commercial
15 venture of any kind would be very different from what
16 Katrina Drive residents and any property owners in the
17 area experience today.

18 And lastly, the gain, if any, to public
19 health, safety, and welfare due to the approval of the
20 application as compared to the hardship imposed upon
21 the landowner, if any, as a result -- as the result of
22 a denial. The property is reasonably zoned as R20 and
23 could be developed consistent with the zoning as there
24 was a residence there in the past; therefore, there is
25 no hardship imposed upon the landowner due to the

1 current zoning. For many reasons, as earlier stated,
2 commercial zoning and development of the property
3 could be detrimental to the public health, safety, and
4 welfare of the community.

5 And for your consideration tonight a
6 request to rezone the subject property from
7 single-family residential R20 to nonplanned community
8 commercial zone district.

9 I'll be happy to answer any questions.

10 COMMISSIONER SCHERRER: Are there questions
11 for staff?

12 COMMISSIONER BOWERS: I have a question on
13 the -- across M (sic) highway from that on southern --
14 the south side that of that, off on the other side of
15 M, is that -- there's a parking lot there that you
16 said that was on -- zoned residential also?

17 MS. KRISPIN: Right here?

18 COMMISSIONER BOWERS: No, the --

19 COMMISSIONER SCHERRER: 5326.

20 COMMISSIONER BOWERS: 5326, yeah.

21 COMMISSIONER SCHERRER: 000 --

22 COMMISSIONER BOWERS: Right next to the
23 stream order.

24 MR. KEHM: The church.

25 MS. KRISPIN: Oh, right here? The church?

1 COMMISSIONER BOWERS: The church. There's
2 a church there.

3 MS. KRISPIN: So if -- are you talking
4 about the one that had fire damage?

5 COMMISSIONER BOWERS: No. No. I'm talking
6 about across M, the other side. Is that --

7 MR. KEHM: Yes.

8 MS. KRISPIN: Oh, yes, that's a church.

9 COMMISSIONER BOWERS: Is that -- is that a
10 commercial?

11 MS. KRISPIN: So commer -- churches are
12 exempt from zoning --

13 COMMISSIONER BOWERS: Okay.

14 MS. KRISPIN: -- so that's why it's
15 residential.

16 COMMISSIONER BOWERS: Thank you.

17 COMMISSIONER SCHERRER: Other questions for
18 staff?

19 Is the petitioner present?

20 Please come forward. State your name,
21 address, and that you have been sworn in.

22 And as a reminder, you will have ten
23 minutes.

24 MR. CLOUSER: Hello. My name is Bryan
25 Clouser. I'm at 544 (sic) Katrina Drive.

1 COMMISSIONER SCHERRER: And you have been
2 sworn in?

3 MR. CLOUSER: Yes.

4 COMMISSIONER SCHERRER: Okay. Please
5 proceed.

6 MR. CLOUSER: What you see here is our
7 thoughts and ideas. If you see the line that's going
8 through it, we're only rezoning the front section of
9 that, not the back section, the schoolhouse that's on
10 there.

11 What we are, we are a collision repair
12 center, part of the Missouri Auto Body Association,
13 and we work in conjunction with Rankin Technical
14 College. We bring students into our facility right
15 now and we train them in-house. They have, basically,
16 two months on there, two months on here, and
17 everything is in a training facility.

18 What our proposed changing of the zoning is
19 for, we want to take the school, leave it exactly like
20 it is but rebuild it the way it was in its original
21 form. The structure will look basically the same,
22 other than colors and things of that nature. It's
23 going to be an open floor plan inside. It will
24 probably only have maybe five to ten students at a max
25 on a training day. It's not something that is going

1 to be utilized every single day. It's a training
2 facility. It'll only be used on certain evenings or
3 days or weekends that we will be training the
4 students. So I want to recreate the school that was
5 there back into another school just for the training
6 purposes of our auto body shop.

7 COMMISSIONER SCHERRER: Okay. Anything
8 else?

9 MR. CLOUSER: What questions do you have?

10 COMMISSIONER SCHERRER: Questions for the
11 petitioner?

12 COMMISSIONER TUGGLE: I got one.

13 COMMISSIONER SCHERRER: Go ahead.

14 COMMISSIONER TUGGLE: Sir, there is a --
15 I'm sorry -- a little bit of property, quite a bit in
16 the last few weeks, seemed like there's three houses
17 that's been -- that's burned right there together?

18 MR. CLOUSER: Yes.

19 COMMISSIONER TUGGLE: And what was that?

20 MR. CLOUSER: Those were arson.

21 COMMISSIONER TUGGLE: Those were arson?

22 MR. CLOUSER: Yeah. Yeah, the far back
23 house is where the arson (sic) supposedly, allegedly
24 lived and there was disputes that he had burned the
25 one house then burned this school then turned around

1 and burned his own facility. At that time, I'm like
2 -- it was something and I just drove by my whole life
3 as well, and I'm like, God, I'd love to have that
4 school restored back to the way it was. And I think
5 it was like 1901 and I always wanted to just restore
6 it.

7 And then as things proposed and progressed
8 with Rankin Technical College, we're all part of the
9 Missouri Auto Body Association and part of the I-CAR
10 Program, and with the decline of students getting into
11 the auto body industry, we thought, well, we're going
12 to make a facility to be able to train these kids
13 in-house and bring them up to be auto body
14 technicians.

15 To understand, there will not be any
16 bodywork done on this facility. There will be no
17 spraying of, you know, paint products or -- or
18 anything like that. This is basically used for
19 training purposes and training purposes only. That's
20 all.

21 COMMISSIONER SCHERRER: Other questions for
22 the petitioner?

23 COMMISSIONER BOWERS: So and you say train,
24 so there's not going to be being car parts and things
25 like that on this facility and --

1 MR. CLOUSER: Only thing that will be there
2 is demonstrations. Like, per se, if there's a car
3 that shows something, that will be it. There will be
4 no equipment there to work on the car.

5 We do a large amount of PDR which is a very
6 technical process of removing dents out of cars. If
7 there's a car on the facility, there will be no, per
8 se, chemicals or pulling or noises or anything. It's
9 a very confined thing of removing dents just with rods
10 and prying and pushing, yes.

11 COMMISSIONER BOWERS: Thank you.

12 COMMISSIONER SCHERRER: Other questions for
13 or staff or, sorry, for petitioner?

14 COMMISSIONER SPRAUL: Yes, if I could.

15 I mean, why -- why this location?

16 I mean, I --

17 MR. CLOUSER: Because it was a schoolhouse.

18 COMMISSIONER SPRAUL: Well, I understand.
19 I'm -- I'm just thinking out loud, so.

20 MR. CLOUSER: Me joining my passion and
21 what I desired in seeing that school and always
22 wanting to bring it back together and then seeing the
23 possibility of connecting the two things, leaving it
24 as a school. I didn't want to see that -- that place
25 has been there since 1901, I did not want to see it

1 tore down. When I seen it caught fire, I was
2 devastated. So I, at that time, had approached the
3 original owner of it multiple times and then he
4 financially couldn't do it. I'm like -- I said, I'd
5 love to -- to take on this project 'cause like -- and
6 he -- his biggest concern was that the school didn't
7 get tore down either 'cause he wanted to rebuild it.
8 So I'm like, no, I'm going to leave it exactly the way
9 it is: Same foundation, same footings, same
10 everything, just reconstruct and build the same
11 height, pitch of the roof, everything. We're going to
12 reconstruct it back, the same front on it. It's going
13 to look like a schoolhouse again. I'm just going to
14 revive that building to modern day.

15 So I wanted to join that in with what I did
16 working with Rankin Technical College and build a
17 facility where I can work with these kids one-on-one,
18 show them, like we're even going take where the
19 chalkboard was at, make it, you know, a big screen
20 monitor. We can all sit in the classroom type thing.
21 We'd be training the kids how to do collision repair
22 and the offsets of it.

23 COMMISSIONER SPRAUL: No. And, I mean,
24 that sounds super cool but you said that they're
25 currently students of Rankin Tech --

1 MR. CLOUSER: Yes.

2 COMMISSIONER SPRAUL: -- do they not
3 currently go to the --

4 (Overlapping conversation.)

5 MR. CLOUSER: They have to --

6 COMMISSIONER SPRAUL: -- facilities there?

7 MR. CLOUSER: Yes, they -- they go there
8 but they have to do a mentoring program. So the
9 school only allows them in there two months
10 on/two months off. On their months off then they have
11 to come to, you know, a shop and work. When they come
12 to the shop and work there's certain things that the
13 school can only teach them a curriculum so we have
14 that small garage there that we can bring a car in
15 there and have a vehicle sitting there and show them
16 actual techniques.

17 'Cause right next to the school there's a
18 garage. We've already got the garage restored. And
19 then the vehicle will come in there. And it's a very
20 clean environment where we can bring the car in there
21 and then show them the techniques.

22 COMMISSIONER SPRAUL: Isn't everything
23 there residential?

24 MR. CLOUSER: There is a house. So how
25 that's split, you have the school, the garage, and

1 then right behind it is where the residential house
2 was at. At one point in time, that was two lots.
3 We're just going to use the front portion of the lot.
4 The back portion of the lot, that is going to be --
5 still remain residential and that house is going to be
6 reconstructed almost with the same dimensions of the
7 school. Pitch lines of the roof, the -- the height
8 of the walls and everything, that's going to be --
9 mimic the school but that will still remain
10 residential. That's where I will reside.

11 COMMISSIONER SPRAUL: I understand. Thank
12 you.

13 MR. CLOUSER: Okay.

14 COMMISSIONER SCHERRER: Other questions for
15 the petitioner?

16 COMMISSIONER SPARKS: I do.

17 So this was a schoolhouse, in essence, just
18 in name, right?

19 There -- it was not a --

20 MR. CLOUSER: Oh, it was a school. Yes, it
21 was a school.

22 COMMISSIONER SPARKS: Was it a workable
23 school when it was R20?

24 MR. CLOUSER: Yes.

25 COMMISSIONER SPARKS: Okay.

1 MR. CLOUSER: It was at that time, I
2 believe, called Heads Creek.

3 COMMISSIONER SPARKS: Okay. And you're
4 saying we're going -- we're going to rebuild a school
5 on the front end. Where does the garage sit on that
6 plat? Is it on the back end?

7 MR. CLOUSER: The garage sits just slightly
8 behind it and off to the right side.

9 COMMISSIONER SPARKS: Okay. Okay. I see
10 now. Also, you keep saying it's just basically an
11 educational facility?

12 MR. CLOUSER: Yes.

13 COMMISSIONER SPARKS: And you're alluding
14 that there'll be no hazardous materials or hazmat --

15 MR. CLOUSER: That is correct.

16 COMMISSIONER SPARKS: -- in -- in -- in
17 the school, right?

18 MR. CLOUSER: That is correct.

19 COMMISSIONER SPARKS: And is this a -- a
20 paid program that you're starting up that's like
21 tertiary to --

22 MR. CLOUSER: No.

23 COMMISSIONER SPARKS: -- with what Rankin
24 provides or is it --

25 MR. CLOUSER: No, it's mentored.

1 COMMISSIONER SCHERRER: -- a subset?

2 MR. CLOUSER: Yeah, it's me offering my
3 services. Rankin comes out to various shops and stuff
4 and asks us if we will mentor these kids and we agree
5 to that and we take them on. It takes about two
6 years. Then after the two-year process then they're
7 out in the field and we get a whole nother (sic) one
8 to two students in.

9 COMMISSIONER SPARKS: Thank you.

10 COMMISSIONER SCHERRER: Other questions for
11 the petitioner?

12 Thank you, sir.

13 MR. CLOUSER: Thank you.

14 COMMISSIONER SCHERRER: We will probably be
15 calling you back.

16 MR. CLOUSER: All right.

17 COMMISSIONER SCHERRER: Citizens wishing to
18 be heard that are in favor of this petition?

19 Citizens wishing to be heard that are in
20 favor of the petition?

21 Citizens wishing to be heard that are
22 opposed to the petition?

23 Just come on up one at a time. State your
24 name, address, and that you have been sworn in.

25 This is a 20-minute segment but no one will

1 be allowed to speak for more than three minutes.

2 MR. EMILY: My name is Don Emily. I live
3 at 5420 Katrina Drive and it's a residential --

4 COMMISSIONER SCHERRER: You have been
5 sworn?

6 MR. EMILY: Sorry?

7 COMMISSIONER SCHERRER: You have been sworn
8 in?

9 MR. EMILY: Yes, I have.

10 COMMISSIONER SCHERRER: All right. Thank
11 you. Go ahead.

12 MR. EMILY: It is a residential area. He
13 knew that when he bought it and all of the sudden now,
14 six months later, now, we're trying to make it
15 commercial. Why, I don't know, other than he, you
16 know, wants to teach people how to take cars and make
17 them run again.

18 Well, that's a downhill slope on that
19 property and it runs to that creek where the red
20 line's at there, there's a creek there. So, you know,
21 that gas and the oil, if there's any, which there's
22 going to have to be some so they can start them and
23 see if they work, you know.

24 And, also, it has -- I don't know whether
25 it means anything but there is a graveyard. That used

1 -- I think that church or that schoolhouse used to be
2 a church. There's a graveyard up past the guy with
3 the road here, about six-hundred-and-something feet, I
4 don't know, but it dates back -- that dates back to
5 the 1800s, you know.

6 And I see no reason why we would want to go
7 commercial, you know, when it get -- you know, if he
8 decides this doesn't work for him then he'll sell it
9 and he's got the advantage of having that commercial,
10 he can sell to it anybody, you know, and we have
11 nothing to say about that. Once it's done it's done.
12 So, you know, I'm opposed to it for that reason.

13 COMMISSIONER SCHERRER: Okay.

14 MR. EMILY: You know.

15 COMMISSIONER SCHERRER: Anything else?

16 MR. EMILY: No.

17 COMMISSIONER SCHERRER: Okay. Questions
18 for this witness?

19 All right. Thank you, sir.

20 MR. EMILY: Uh-huh.

21 COMMISSIONER SCHERRER: Other citizens to
22 be heard that are opposed?

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

25 DANIEL KIRKPATRICK: Hi. My name is Daniel

1 Kirkpatrick. I live at 5399 Katrina and, yes, I've
2 been sworn in.

3 COMMISSIONER SCHERRER: Thank you.

4 DANIEL KIRKPATRICK: I've been a resident
5 of Jefferson County for 43 years and I've been in the
6 same home on Katrina Drive for 43 years. My wife and
7 I came out here when we were just kids and Highway MM
8 was a beautiful sweet, wonderful, country road back
9 then. I don't know how -- anybody been -- that's the
10 only man, right there, that I know that's been here
11 longer than me. But it was a nice, county road back
12 then and you could drive from one end to the other and
13 it was just like a nice, pleasant, country drive.
14 Now, it's become a nightmare. I've got -- I'm
15 retired. I've been retired for eight years now and
16 I've got to get out there at certain times of the day
17 or else you're going to get run over.

18 As much as I appreciate what this gentleman
19 is doing, which I do -- I want you to know I
20 appreciate what you're doing -- education is
21 important, it's very important, and to do something
22 like that is honorable, it really is, but our
23 neighborhood is -- it's residential. The whole
24 section is residential. We've got a deed from 1958
25 that states the entire area is to be -- remain

1 residential.

2 And, like Mr. Emily said, yeah, it's --
3 what he does is fine, that's great, but what happens
4 if he decides he wants to sell it. We could get a
5 7-Eleven there on the corner. We could get God knows
6 what on the corner. This is a residential area and
7 should stay. If you go from one end to the other
8 you'll find it's all residential all the way to the --
9 the place that's got the paintball place, all the way
10 down to House Springs, it's all residential. There's
11 no businesses.

12 Now, if he wants to go and fix up those
13 houses down there, wonderful. We all would be tickled
14 to death for that. But to put in a business, like I
15 said, once you -- like Mr. Emily said, once you start
16 that ball a rolling with commercial, making something
17 commercial, just a small section like that, where does
18 it stop? Like I said, we could have a 7-Eleven on the
19 corner and we'd all just be wonderful.

20 And, plus, it's dangerous. I witnessed
21 many, many fatalities right there at Katrina, MM, and
22 Heads Creek. A lot of people have been killed there
23 over the years. Look up in the records, you'll find
24 it. No matter what they do to MM, still people being
25 killed there. So that's all I got to say. Thank you.

1 COMMISSIONER SCHERRER: Okay. Questions
2 for this citizen?

3 All right. Thank you, sir.

4 DANIEL KIRKPATRICK: Oh, anybody who's been
5 here longer than 43 years? Hey, there we go. All
6 right.

7 COMMISSIONER SCHERRER: Other citizens
8 wishing to speak that are opposed?

9 Please state your name, address, and that
10 you have been sworn in.

11 JARROD KIRKPATRICK: My name is Jarrod
12 Kirkpatrick at 5408 Katrina Lane -- Drive. I get it
13 mixed up all the time. And I have been sworn in.

14 COMMISSIONER SCHERRER: Thank you.

15 JARROD KIRKPATRICK: I am the son of that
16 man, right there. He has been there for 43 years. I
17 have lived in that neighborhood for 40 years. I am
18 40 years old this year. I've lived in that
19 neighborhood my whole life except for, what, fourteen
20 months when I first got married.

21 Me and my wife bought a house just down the
22 road from my parents. We've lived there for
23 seventeen years, been there seventeen years but I've
24 been there my whole life. My daughter's going to be
25 twelve in December. She's got the rule of the

1 neighborhood out here. It's -- it's wonderful. It's
2 a great neighborhood. It's quiet. It's safe. It's a
3 great place to raise your -- your family, it really
4 is. I get a lot of people come by and they're like
5 how did you get a hold of this place. You know, it's
6 like I been here my whole life.

7 I've seen a lot of things in that
8 neighborhood. I've seen a lot of things over the
9 years. I -- I do my best to try to keep it nice. I'm
10 the guy that usually gets down in the creek 'cause I'm
11 still young and spry and cleans all the trash out that
12 some people have a tendency to leave in there or, you
13 know, raccoons or whatnot get a hold of trash and, you
14 know, I like to keep the neighborhood nice as best as
15 I can. My dad does a good job grading the road and
16 all that stuff. We -- we work as a community in that
17 neighborhood to keep it nice.

18 It broke my heart to see that schoolhouse
19 burn down, it real -- it really did. It broke my
20 heart to see the other houses burn down. I -- what
21 this guy over here is saying about the -- the
22 ins-and-outs of what happened there is true. You
23 know, there was a guy who was on drugs, kind of went
24 through psychosis and he kept burning things down.
25 And from what I understand, nothing ever happened out

1 of it. Nobody ever got that guy. He's not sitting in
2 jail anywhere for arson, okay. So that's
3 heartbreaking to the -- to our community.

4 It's great that somebody came and bought it
5 up and they want to fix it up and I love that.
6 Listen, I'm a mechanic. I've been doing it for
7 20 years, okay. What he says sounds fantastic. I
8 love it. I love what this man is talking about. But,
9 once again, like my dad was saying, making it
10 commercial, I don't like the future of that.

11 You know, he can do -- put all kinds of
12 money in there. I tell you what, that garage is
13 impressive. That is a beautiful garage, man. It's
14 fantastic. And I like the idea he has behind it. The
15 guy's got a great idea but where does it lead,
16 eventually? Where does it go eventually?

17 Like he was saying, you know, he could just
18 sell the property, something could happen along the
19 lines, now that it's commercial anything can happen.

20 COMMISSIONER SCHERRER: About ten seconds.

21 JARROD KIRKPATRICK: Anything can happen
22 there. So I'm not sure if I ran out of time or not
23 but --

24 COMMISSIONER SCHERRER: You did.

25 JARROD KIRKPATRICK: -- you know --

1 COMMISSIONER SCHERRER: Are there questions
2 for this witness?

3 JARROD KIRKPATRICK: -- it came from the
4 heart and I just -- I don't want to see our
5 neighborhood fall apart any more than it already has
6 from the burnt down buildings, so.

7 COMMISSIONER SCHERRER: Thank you, sir.

8 JARROD KIRKPATRICK: I appreciate you
9 hearing me. Thank you.

10 COMMISSIONER SCHERRER: Any questions for
11 this citizen?

12 Thank you.

13 JARROD KIRKPATRICK: Thanks.

14 COMMISSIONER SCHERRER: Other citizens
15 wishing to be heard that are opposed to this project?

16 MS. WALLER: My name is Jacquelyn Waller.
17 I live at 5651 Heads Creek Road. I've been sworn in.

18 COMMISSIONER SCHERRER: Thank you.

19 MS. WALLER: My concern -- my -- the
20 compatibility with where we are is not there. One of
21 the concerns that we have is the traffic ratio. We've
22 watched over the years as it's gotten harder and
23 harder and harder. They put in a turn lane where the
24 -- right there on MM but even with that turn lane, the
25 cars, you can't get in and out, the busses can't move

1 in and out. If you added more traffic to it, it would
2 just make it worse.

3 I hear that he has the two lots. If he's
4 going to live in the one, why did he want the house
5 lot that he's going to live in residentially being
6 commercial? That's a concern.

7 And just as everyone else has said, it's
8 fine for what he wanted to do but when he leaves in
9 two years, then what?

10 My -- I'm -- I'm thinking now, well, he
11 already has a facility somewhere that he's already
12 doing the same thing. I don't know why he wanted to
13 move it to a residential area. If he would like to
14 live there and bring back the -- the school, that
15 would be wonderful, and leave the business where it
16 is. So that's all I have to say.

17 COMMISSIONER SCHERRER: All right. Thank
18 you.

19 Are there questions for this citizen?

20 All right. Thank you.

21 Are there other citizens wishing to be
22 heard?

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

25 We understand that this is a residential

1 area. We understand that this is probably not a
2 compatible use so --

3 MS. FARR: Okay.

4 COMMISSIONER SCHERRER: -- hopefully, you
5 have something new.

6 MS. FARR: Well, I'm coming in at a
7 slightly different angle. My name is Nancy Farr. I
8 live at 5365 Katrina and I have been sworn.

9 COMMISSIONER SCHERRER: Thank you.

10 MS. FARR: Uh-huh. I'm -- I'm not going to
11 echo what my friends and neighbors have already said
12 to you because you heard it, okay, but what I do want
13 to do is I want to emphasize a couple things.

14 First of all, the Deed of Restrictions.
15 May I approach? I have a copy of the Deed of
16 Restrictions from 1958.

17 COMMISSIONER SCHERRER: Sure.

18 MS. FARR: May I approach and give you a
19 copy?

20 MR. KEHM: I'll get it, ma'am.

21 MS. FARR: Thank you.

22 MR. KEHM: Can we keep this?

23 MS. FARR: Absolutely. Absolutely.

24 COMMISSIONER SCHERRER: And then we'll need
25 you to just hang tight for a second while we swear

1 that into evidence and the rest of us have -- have a
2 chance to look at it.

3 MS. FARR: Yes.

4 COMMISSIONER SCHERRER: So the timer's not
5 running so as soon as everybody gets a chance to look
6 at it, we'll get going again.

7 MS. FARR: Thank you.

8 COMMISSIONER SCHERRER: Is there a motion
9 to accept Exhibit D?

10 COMMISSIONER DUGAN: So moved.

11 COMMISSIONER BOWERS: Second it.

12 Did you say Exhibit D?

13 COMMISSIONER SCHERRER: D as in dog.

14 COMMISSIONER BOWERS: Dugan.

15 COMMISSIONER SCHERRER: Dugan, there you
16 go.

17 Commissioner Dugan made a motion to accept
18 Exhibit D; it was seconded by Commissioner Bowers.

19 All in favor?

20 COMMISSIONER: Aye.

21 COMMISSIONER SCHERRER: Opposed?

22 Exhibit D is accepted unanimously.

23 So give us just a second, we will get right
24 back to it.

25 MR. KEHM: As I mark this --

1 UNIDENTIFIED SPEAKER: We got more --

2 MR. KEHM: Sir, please. Please. We're in
3 a meeting.

4 As I mark this and -- and hand it to you, I
5 will point out, 'cause I'm going to get the jump on
6 them over there, that this Commission has no authority
7 whatsoever to enforce the Deed of Restrictions.

8 COMMISSIONER BOWERS: Did he bust your
9 bubble there a little?

10 MS. KUENZEL: Too many lawyers in the room.

11 COMMISSIONER SCHERRER: You guys good?

12 We good?

13 All right. Ma'am, please come back to the
14 podium and we will proceed.

15 MS. FARR: Okay.

16 COMMISSIONER SCHERRER: Do you understand
17 what we were discussing there?

18 MS. FARR: My understand --

19 COMMISSIONER SCHERRER: I mean, although
20 this may be a valid document, this Commission and this
21 board has -- I mean, we can't enforce this; for lack
22 of better terms, it means nothing to us. So we're
23 hearing whether we think that this is an appropriate
24 rezoning hearing; anything else would be above --

25 MS. FARR: Okay.

1 COMMISSIONER SCHERRER: -- anything we can
2 do. But thank you for submitting it.

3 MS. FARR: Well, that's fine. And the only
4 point I wanted to make was that that is a document
5 that -- from 1958 that every resident receives when
6 they move in here -- into our neighborhood. So people
7 move into our neighborhood with the understanding that
8 that's what going on, so.

9 But the approach -- I wanted to make some
10 points that have not yet been made that have to do
11 with water, okay, because where this property is
12 located is the lowest part in our subdivision. Within
13 several hundred feet are two residential wells because
14 our entire subdivision is dependent on wells and
15 septic systems, okay. Whether or not the old
16 schoolhouse has -- has a septic system, I don't know.
17 The last I heard it did not.

18 But my concern is this: No matter what
19 kind of business goes in there, if there's going to be
20 increased demand on the aquifer, increased hazardous
21 waste going out into the septic system, that could
22 definitely affect all of the residents in the
23 subdivision and I think that's -- I think that's an
24 important point to make.

25 If at some point because, again, I applaud

1 -- I applaud the gentleman's aspirations but should a
2 different business go in, should there be actual
3 repair of -- of automotive repair being done then
4 we're looking at quite a bit of hazardous waste.

5 And, again, sir, I have some handouts.

6 MR. KEHM: Sure. Is this it or do you have
7 more?

8 MS. FARR: These are different.

9 MR. KEHM: No, no, no, I get that. I just
10 want to mark them all at once if you've got other
11 stuff.

12 MS. FARR: No, that's it. That's it.
13 That's all.

14 COMMISSIONER SCHERRER: Okay. You'll need
15 to give us a chance to swear that in and then look at
16 it again so time-out.

17 MS. FARR: Okay. Time-out.

18 COMMISSIONER SCHERRER: Is there a motion
19 to accept Exhibit E?

20 COMMISSIONER DUGAN: So moved.

21 COMMISSIONER BOWERS: Seconded.

22 COMMISSIONER SCHERRER: Commissioner Dugan
23 made a motion to accept Exhibit E into evidence; it
24 was seconded by Commissioner Bowers.

25 All in favor?

1 COMMISSION: Aye.

2 COMMISSIONER SCHERRER: Opposed?

3 Exhibit E is accepted into evidence
4 anonymously.

5 Okay. Please come back. We do have one
6 question for you when you're finished.

7 MS. FARR: Okay.

8 COMMISSIONER SCHERRER: But I'll let you
9 finish, first.

10 MS. FARR: All right. Gentlemen, I really
11 don't have anything to add other than I do have
12 serious concerns about the potential for pollution and
13 hazardous waste contaminating our well, our aquifer,
14 and I think that is a legitimate concern, especially
15 if it's going to be used for commercial. And I thank
16 you for your time.

17 COMMISSIONER SCHERRER: Okay.

18 MS. FARR: What question?

19 COMMISSIONER SCHERRER: The question was
20 the basis for where you found this information: Where
21 did you find this information?

22 MS. FARR: Oh, I found that information
23 online. And if you look at the very last page, it
24 gives you a --

25 COMMISSIONER SCHERRER: Uh-huh. Yeah. I

1 just wanted to be clear.

2 MS. FARR: -- right, gives you -- gives you
3 citation.

4 COMMISSIONER SCHERRER: Okay.

5 MS. FARR: Yeah.

6 COMMISSIONER SCHERRER: All right. Any
7 other questions for this citizen?

8 All right. Thank you.

9 MS. FARR: Thank you.

10 COMMISSIONER SCHERRER: Other citizens
11 wishing to be heard that are opposed to this petition?

12 Please come forward. State your name,
13 address, and that you have been sworn in.

14 MR. STAAT: Hello. My name's Joseph Staat.
15 I live at 5351 Music Mountain Road and I have been
16 sworn in.

17 COMMISSIONER SCHERRER: All right. Thank
18 you.

19 MR. STAAT: So all the neighbors have done
20 a great job on a lot of valid points. We all move out
21 to the county, we all choose to spend our money in the
22 county for certain way of living. We all came out for
23 our large, residential area lots. We build our dream
24 homes and we expect it to kind of, you know, stay
25 residential. So by zoning it commercial, that kind of

1 takes the promise away of why we actually even moved
2 to the county.

3 I own commercial property in Jefferson
4 County. I pay commercial taxes. I do my commercial
5 businesses there. I moved out to the residential
6 area; that's where I reside, my home, my peace. I'd
7 like to keep it that way.

8 The gentleman said he would be working in
9 the evenings and weekends, that was part of his
10 statement. What's -- what are those hours?

11 How -- you know, what kind of noise?

12 You know, we're wanting to sit on our
13 patios. We're wanting to relax. We're wanting, you
14 know, our peace of mind and the reasons we moved out
15 to the county.

16 EPA, creek, everybody mentioned all that so
17 I think everybody's made a great -- and you've done --
18 you did a great job, as well, you know, presenting all
19 the challenges. So just keep that in mind. That's
20 why we moved out here and that's why, you know, we
21 look forward to you guys helping make the right
22 decision so thank you.

23 COMMISSIONER SCHERRER: Thank you.

24 Questions for this citizen?

25 Thank you, sir.

1 Other citizens wishing to be heard that are
2 opposed to this application?

3 Please come forward. State your name,
4 address, and that you have been sworn in.

5 MS. KRUGH: Hi. My name is Debbie Krugh.
6 I live at 5415 Highway MM and I have been sworn in.

7 COMMISSIONER SCHERRER: Thank you.

8 MS. KRUGH: So, again, I agree with all the
9 neighbors but I live right across from the paintball
10 place. I bought 60 acres to be in the residential.
11 And at the time when the paintball was approved, just
12 to bring up something, they did say that they were
13 going to make that look beautiful, that house was
14 going to be a log cabin. It's the same house that's
15 been there forever and that paintball place looks
16 horrendous. I mean, it's -- it looks -- more wood
17 comes up every day. Right now, the only thing that
18 looks good is the corn is there. And they are very
19 loud. It makes a lot of noise.

20 So we already have that that we have to
21 deal with that the promises that that guy made never
22 came through. So we just don't want another piece of
23 commercial property. I know that's not commercial but
24 it is every Saturday and Sunday, you get out there
25 bright, early in the morning, you could hear -- hear

1 them going so that's all I have.

2 COMMISSIONER SCHERRER: Okay. Questions
3 for this citizen?

4 Thank you.

5 Other citizens wishing to be heard that are
6 opposed to this application?

7 Other citizens wish -- please come forward.
8 State your name, address, and that you have been sworn
9 in.

10 MS. THOMPSON: Hi. I am Julie Thompson. I
11 live at 5431 Katrina Drive and I have been sworn in.

12 COMMISSIONER SCHERRER: Thank you.

13 MS. THOMPSON: All right. So, basically,
14 my yard looks onto this -- this whole mess at the
15 front of our street here. There's a lot of burnt down
16 buildings and I'm -- I'm tired of it. I've only lived
17 here a couple of years so I don't have the emotional
18 attachment that a lot of everybody else has here.
19 But, you know, we try to make it better for where
20 we're at, you know. We -- we just kind of hopped into
21 this abandoned house that they were selling and have
22 just been trying to work it up since.

23 There has been a lot of trouble with the
24 person at Lot, is it, 101, right there, at 5440. For
25 like the first year that we lived there, I basically

1 wanted to lay down and cry every single day because
2 this guy was torturing the rest of our neighbors. And
3 he burned -- it's not legally that he is an arsonist
4 but he is an arsonist and I'm so glad that he's gone.

5 And, right now, I'm just looking to see if
6 we can make the front of our neighborhood look better
7 and I really, really like the -- the work that they've
8 done already with the landscaping.

9 Have you guys been also mowing his lawn as
10 well?

11 MR. CLOUSER: Yes, ma'am.

12 MS. THOMPSON: So they've been going above
13 and beyond what's required of them to make it look
14 better up there and I do appreciate that.

15 I'm not sure if I'm against or for it,
16 right now, but I do have some concerns. My -- my
17 concerns for our family is our home values. If there
18 is also a way to have a little bit more privacy
19 because that's one of the things that we liked this
20 street for was that it was a bit more private.

21 The -- I did want to ask Mr. Clouser if he
22 was planning on trying to --

23 COMMISSIONER SCHERRER: Ma'am, you have to
24 speak to us. You can't speak to --

25 MS. THOMPSON: Oh, sorry.

1 COMMISSIONER SCHERRER: Yeah, that's okay.

2 That's okay.

3 MS. THOMPSON: That's okay.

4 Okay. And I don't know if he was going for
5 that last lot but, you know, if he's willing to take
6 care of it and work it up, I'm not totally against
7 this but I do want to see limits on what he can do
8 with it or if he was going to sell the property have
9 it, you know, revert back to residential; I don't even
10 know if that's possible.

11 But, you know, if we can work with him to
12 -- to make everybody happy because he's doing the work
13 and he's willing to put forth and fix it up and -- and
14 that's what I would like is making our neighborhood
15 look a little better and that's it.

16 COMMISSIONER SCHERRER: Okay. Thank you.

17 Questions for this citizen?

18 Thank you.

19 Other citizens wishing to be heard that are
20 opposed to this application?

21 Citizens wishing to be heard that are
22 opposed to this petition?

23 Okay. Would the petitioner please come
24 back?

25 Before we get into questions, this may be a

1 little bit redundant but I'm going to ask someone from
2 staff to maybe explain a little bit about the rezoning
3 process and any future plans that he would have with
4 this property what processes he would go through. So
5 if this was rezoned commercial and he wants to restore
6 that building, that's different than a zone change;
7 that process has to go through the county to make sure
8 that all of the septic and building requirements and
9 all that stuff is met, correct?

10 MR. KEHM: So if this property were rezoned
11 to the commercial zone district that is -- that is
12 requested tonight, several things would have to
13 happen. Before he could do anything on the property
14 to redevelop it, you have to go through what's called
15 "site development." And during the site development
16 process is when we look at all of those things that
17 you just mentioned. We also look at parking, where
18 the entrance is, the type of screening and landscaping
19 that has to go in, the buffering that has to go around
20 the perimeter of the property or at least where it is
21 adjacent to other -- what would be other
22 residentially-zoned properties.

23 No building permits could be issued for any
24 type of renovation, including repairs to the on-site
25 septic system or installation of a new one or anything

1 like until those site development plans would be first
2 approved covering sort of what we would deem the
3 development infrastructure for a commercial business.

4 The other thing is because this is rezoning
5 to the CC2 zone district, right, if this were approved
6 -- and I appreciate that he's -- he's come in here
7 and told you all what it is that he wants to do, but
8 any use approved in CC2 zoning could then go on that
9 property, so.

10 COMMISSIONER BOWERS: Give an example of
11 the CC2.

12 MR. KEHM: Well, it's probably not his
13 plans but --

14 COMMISSIONER BOWERS: But I understand
15 that. Bar and grill?

16 MR. KEHM: Yeah, absolutely. McDonald's.

17 COMMISSIONER SCHERRER: I mean, a winery?
18 A McDonald's?

19 MR. KEHM: Yeah, absolutely.

20 COMMISSIONER BOWERS: Okay. Thank you.

21 MR. KEHM: Any -- any -- basically, any
22 restaurant use, retail use, office type of use. It's
23 -- our CC2 is our general commercial zone district.
24 It's, essentially, our retail and restaurant zoning,
25 gas station, convenience store, those kinds of things.

1 I mean, and that would not come back in front of you
2 all.

3 COMMISSIONER SCHERRER: Right, 'cause we've
4 already changed the zoning.

5 So then my next question, before we move to
6 this portion: If the petitioner wanted to withdraw
7 their application and do a conditional use permit, it
8 would -- the zoning would not change and we would hear
9 this again as a conditional use? Yes? No?

10 MR. KEHM: The use that he's proposing is
11 not eligible as a conditional use in -- in that zone
12 district or in any zone district, quite frankly.

13 You know, there are other types of
14 commercial zone districts that he could apply for but
15 I can tell you whatever those would be, you will get
16 the same analysis from us that --

17 COMMISSIONER SCHERRER: Right.

18 MR. KEHM: -- in our opinion we don't
19 believe that -- that commercial zoning is appropriate
20 there.

21 COMMISSIONER SCHERRER: Okay.

22 So I'm going to read back to you some of
23 the issues that were raised and I'm just going to have
24 you address them.

25 Go ahead.

1 MR. CLOUSER: One thing I wanted to confirm
2 that the outline in red there and somebody was under
3 the impression that I was moving my business to this
4 location, I'm not. We asked on our application and
5 our application said for, what is it, Parcel 2.
6 Parcel 2 is the front.

7 You see the line going through there?

8 We're not wanting rezone that whole red
9 block there. We're only wanting to rezone the front
10 portion of it, Parcel 2, which enters from M Highway.
11 There will be no entrance into this facility from
12 Katrina Drive. The only entrance will be the existing
13 entrance from M Highway.

14 COMMISSIONER SCHERRER: Okay.

15 MR. CLOUSER: And I have those copies if
16 you'd like them.

17 COMMISSIONER SCHERRER: Okay. Let's run
18 through questions, real quick, first.

19 MR. CLOUSER: Okay.

20 COMMISSIONER SCHERRER: The first question
21 or -- or concern raised was that this is a residential
22 area -- residential area with a graveyard. Would you
23 like to respond to that?

24 Do you have anything to offer on that?

25 MR. CLOUSER: Yes. There is a buffer lot

1 right next to there. The graveyard is, I believe, the
2 second one up. I can't read that number. I believe
3 it's either the 5.1 or the 1, yeah, I believe that's
4 where the graveyard's at.

5 COMMISSIONER SCHERRER: Okay. Come on
6 over.

7 MR. CLOUSER: So you have that small lot.
8 It's got to be in that area there somewhere because
9 it's the 1.05, right there, that is --

10 COMMISSIONER SCHERRER: Okay. Come on
11 back.

12 MR. CLOUSER: Yeah, I've already checked
13 that out, that's where the graveyard's at.

14 COMMISSIONER SCHERRER: Okay. Another
15 concern was the compatibility with the neighborhood,
16 the commercial use in the middle of a residential
17 area. Would you like to respond to that?

18 MR. CLOUSER: Well, the main thing is we're
19 not working on cars here. It's not a repair facility;
20 it's a training facility. Car -- if there is one car
21 there that is inside the garage, it's only for
22 examples only. It is not a customer-based vehicle.
23 It is not a -- a job for hire or anything like that.
24 It is an example is what it is.

25 COMMISSIONER SCHERRER: Okay. I'm going to

1 give you --

2 MR. CLOUSER: There is no gas and oil being
3 changed. It's not a repair facility. Besides, we are
4 a beautification facility, it's auto body. We, you
5 know...

6 COMMISSIONER SCHERRER: Sure. I
7 understand. You are not required to but would you
8 like to respond to the deed document?

9 MR. CLOUSER: I don't think there's
10 anything. I was unaware of anything with, you know...

11 COMMISSIONER SCHERRER: Okay.

12 The septic system was the next. Are you
13 aware of a septic system for the old schoolhouse?

14 MR. CLOUSER: Yes.

15 COMMISSIONER SCHERRER: And it's in working
16 order?

17 It's been inspected or do you know?

18 MR. CLOUSER: The septic system for the
19 schoolhouse is nonexistent.

20 COMMISSIONER SCHERRER: Okay.

21 MR. CLOUSER: It's back at the house. We
22 have the plans and approvals for -- not approval from,
23 you know, but the plans from -- what was that company,
24 Danny -- to put a septic system in there. But in
25 doing this, for the cost of the septic system which

1 would range between 20,000 and 30,000 to install, we
2 then stepped back and said, hey, let's find out about
3 putting in a sewer system. So we started talking with
4 Jefferson County Sewer and we are going to basically
5 bring the sewer system over to that site, which would
6 benefit everybody because then they would be --

7 COMMISSIONER SCHERRER: Yeah.

8 MR. CLOUSER: -- able to connect onto the
9 sewer system. And we're going to absorb the cost of
10 that to go underneath the highway, bring the sewer
11 system from the right side, I think it's on that first
12 lot on the corner of Heads Creek. But it's
13 nonexistent on that side of the highway but we're
14 going to, hopefully, plan to bring that sewer system
15 over to that side of the road using one of the corners
16 of the property to put the main trunk for the sewer
17 system.

18 COMMISSIONER SCHERRER: Okay. Next one was
19 water pollution.

20 MR. CLOUSER: There's no chemicals on the
21 site.

22 COMMISSIONER SCHERRER: I think the concern
23 was if you're changing motors --

24 (Overlapping conversation.)

25 MR. CLOUSER: No.

1 COMMISSIONER SCHERRER: -- and cars parked
2 long term --

3 MR. CLOUSER: It's a nonchemical --

4 COMMISSIONER SCHERRER: -- you're doing
5 paintless dent removal?

6 MR. CLOUSER: Yeah, paintless dent removal
7 is just the (inaudible) --

8 (Overlapping conversation.)

9 COMMISSIONER SCHERRER: The cars you're --
10 that you would be working on are running up and down
11 the road every day?

12 They're in good condition, they're not
13 (inaudible) --

14 (Overlapping conversation.)

15 MR. CLOUSER: Yeah.

16 COMMISSIONER SCHERRER: -- you're not
17 walking around --

18 MR. CLOUSER: And that's the other --

19 THE COURT REPORTER: I'm sorry, I couldn't
20 hear.

21 MR. CLOUSER: -- per se, like noise
22 pollution or anything of that sort. Paintless dent
23 removal doesn't make an amount of noise to it. The
24 rest of the training in the facility is, basically,
25 like display: Here's a fender. Here's where this is

1 at. You know, there's not, per se -- it's not a
2 repair facility.

3 COMMISSIONER SCHERRER: Okay. One resident
4 quoted you as saying that, you know, you mentioned
5 evenings and weekends --

6 MR. CLOUSER: Yes.

7 COMMISSIONER SCHERRER: -- what would your
8 hours be. Can you expand on that?

9 MR. CLOUSER: That would be no more than
10 like a night school here at Jefferson College or
11 anything. It's only going to go on till, you know,
12 maybe eight, nine o'clock at night but the only thing
13 that somebody would be seeing would be the lights.
14 Like I said, we can only bring in, at one given time,
15 we're allowed two students.

16 The rest of them would be if we had a group
17 meeting through an organization, you know, it would be
18 no different than a chamber or something like that
19 would come there just for, basically, a -- a speaking
20 and things like that. But the facility that we're
21 constructing, the schoolhouse, even when it was
22 existent of the school, I don't think you could get
23 more than 20 people in there, you know.

24 COMMISSIONER SCHERRER: Okay. And, lastly,
25 there was a concern of home values decreasing in the

1 immediate area. I understand -- unless you have a
2 real estate license, I don't really know how you can
3 speak to that but this is your opportunity.

4 MR. CLOUSER: The value of this property
5 right now, I mean, good God, if you seen it, it's --
6 it's horrendous. Yeah, it would be my intention to
7 get that next lot back there, but if we did, we would
8 probably level it off and delete that house out.

9 I've actually got photos or renderings.
10 This is my construction company. The contracts are
11 signed with him.

12 UNIDENTIFIED SPEAKER: Am I -- am I allowed
13 to talk also?

14 COMMISSIONER SCHERRER: No. That portion,
15 I'm sorry, unfortunately has passed.

16 This is, basically, just your rebuttal for
17 the questions that were --

18 MR. CLOUSER: Yeah, this -- this whole
19 facility with the two constructions of these places, I
20 mean, we're talking upwards of 700,000 going into
21 this. The residential house behind it is going to
22 increase in size using the same foundation, extending
23 it out. That will be my main residence so I'm in the
24 same situation. I -- I'm not going to have an
25 industrial place in my residence where I'm going to

1 reside.

2 I am taking that house and adding probably
3 another, roughly, 500-square foot to the back sides of
4 it and reconstructing it. I mean, the rendered plans
5 are beautiful for it. I mean, it will -- the house
6 alone -- everything that's going to be to the front of
7 this property you're going to look at is going to be
8 amazing. You know, it's going to be a welcome
9 entrance into it. Any time during the day, weekends
10 or anything, somebody's going to drive by this and see
11 a fully-restored schoolhouse. I mean, I'm going to
12 put the top steeple on it with the bell. It's going
13 to look like a schoolhouse. It's going to be the way
14 it was before but beautified.

15 And the only thing you're going to get out
16 of it is, basically, students and stuff coming in
17 there at various times. And this is not a
18 Monday-through-Friday facility. It's not a
19 seven-day-a-week facility. This will probably sit
20 vacant more than it will be used.

21 COMMISSIONER SCHERRER: Okay. One more
22 concern was brought up that, I mean, if this is -- if
23 this zoning is changed, you know, if -- if your
24 business dealings don't work out and if you decide
25 whatever then this property being rezoned opens up to

1 a whole bunch of other possibilities.

2 MR. CLOUSER: It's --

3 COMMISSIONER SCHERRER: And I understand
4 those concerns. Would you like to respond to that?

5 MR. CLOUSER: Yeah. I mean, I don't have a
6 crystal ball. I can't predict the future, you know, I
7 -- I can't.

8 COMMISSIONER SCHERRER: Anything else you'd
9 like to add?

10 MR. CLOUSER: No. I would like you to
11 have copies of these I have for one (sic) everybody.
12 They have the proposed site --

13 COMMISSIONER SCHERRER: Okay. We'll have
14 to enter those into evidence so if you'll give
15 Mr. Kehm a minute to grab them from you.

16 And if there's nothing else you would like
17 to say, then we'll -- we'll take a look at them and
18 then --

19 MR. CLOUSER: All right.

20 COMMISSIONER SCHERRER: -- we'll move
21 forward with our process. Thank you.

22 COMMISSIONER SPARKS: Chair, can I ask the
23 witness a question?

24 COMMISSIONER SCHERRER: Sure.

25 COMMISSIONER SPARKS: It's just something

1 that -- that wasn't mentioned that I'm going to circle
2 back to. One of the citizens said -- and I'm looking
3 at your shirt. Is that your business --

4 MR. CLOUSER: That is.

5 COMMISSIONER SCHERRER: -- on your shirt?

6 MR. CLOUSER: Yes, I have --

7 COMMISSIONER SCHERRER: Okay. So you have
8 a commercial business?

9 (Overlapping conversation.)

10 MR. CLOUSER: I have a commercial business
11 yes. Yeah.

12 COMMISSIONER SPARKS: And --

13 MR. CLOUSER: But having a commercial
14 business where I'm at, I'm kind of landlocked in. I
15 would liked to have had a training facility in that
16 area, was not able to get, you know, I had a couple
17 pieces of property set out to do it but I just thought
18 this was more poetic, you know, I -- people say that.
19 You know, I've been out here since 1976, the day I was
20 born, so I've looked at this place my whole life and
21 I've always desired, you know, thinking, man, I'd love
22 to have that school. And it just seemed very poetic
23 to make a school back to a training center and it--

24 COMMISSIONER SCHERRER: Well, let us --

25 MR. CLOUSER: -- just kind of piggybacked

1 with what I did.

2 COMMISSIONER SCHERRER: Let us make a
3 motion on this, real quick.

4 Is there a motion to accept Exhibit F?

5 COMMISSIONER DUGAN: So moved.

6 COMMISSIONER BOWERS: Second.

7 COMMISSIONER SCHERRER: Commissioner Dugan
8 made a motion to accept Exhibit F into evidence; it
9 was seconded by Commissioner Bowers.

10 All in favor?

11 COMMISSIONER: Aye.

12 COMMISSIONER SCHERRER: Opposed?

13 Exhibit F is accepted into evidence.

14 Anything else you'd like to add, sir?

15 MR. CLOUSER: I mean, from what I've had
16 now with the appraisals and stuff that I've already
17 had done on this, this should bring this property
18 value up into, approximately, more than a half to
19 three-quarter of a million dollars, which in turn is
20 going to bring everybody's property value up.

21 COMMISSIONER SCHERRER: Okay. All right.
22 Thank you very much.

23 MR. CLOUSER: Thank you.

24 COMMISSIONER SCHERRER: Are there other
25 questions for this citizen -- for the petitioner?

1 MR. CLOUSER: Any questions about the --
2 the views of the --

3 COMMISSIONER SCHERRER: Thank you, sir.

4 MR. CLOUSER: Thank you.

5 COMMISSIONER SCHERRER: Discussion amongst
6 commissioners or a move for a vote. We have to
7 remember that this is just a vote for approval or
8 denial of the zoning change, nothing else factors into
9 this, at this point, so you're just making a motion
10 for approval or denial of a rezoning.

11 COMMISSIONER TUGGLE: I'd like to make a
12 motion at this time to deny CC --

13 COMMISSIONER SPARKS: Second. Oh, sorry.

14 COMMISSIONER SCHERRER: Time-out.

15 COMMISSIONER TUGGLE: -- CC223041.

16 COMMISSIONER SCHERRER: Okay. Commissioner
17 Tuggle made the motion; is there a second?

18 COMMISSIONER SPARKS: There's a second.

19 COMMISSIONER SCHERRER: Commissioner
20 Sparks.

21 Commissioner Tuggle made a motion to deny
22 CC223041; it was seconded by Commissioner Sparks.

23 All in favor?

24 COMMISSION: Aye.

25 COMMISSIONER SCHERRER: Opposed?

1 Motion to deny CC223041 is approved
2 unanimously.
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1 COMMISSIONER SCHERRER: Reports to the
2 Commission.

3 MR. KEHM: Just one this evening. Your
4 next meeting is on October the 12th. We do have
5 two cases for that meeting. I do not believe we will
6 have a second October meeting.

7 Is that correct, Elaine?

8 MS. ROESCH: We do not.

9 MR. KEHM: Yeah. So today was the deadline
10 to submit things; we have no submissions. So one
11 meeting in October. And then as -- as those of you
12 that have been here for a while know, because of
13 holidays, we have one meeting in each of November and
14 December as -- as per our approved schedule.

15 So that's it. Thank you.

16 COMMISSIONER SCHERRER: Thank you.

17 Citizens to be heard?

18 Is there a motion to adjourn?

19 COMMISSIONER DUGAN: Can I ask a question,
20 please?

21 COMMISSIONER SCHERRER: Sure.

22 COMMISSIONER DUGAN: Regarding the deed
23 thing which, you know, it doesn't -- we don't enforce
24 it, if I was a citizen looking to do something I'd
25 have to take a legal action, I guess?

1 MR. CORDES: Yeah, I mean, and again, I
2 haven't seen the document. So let's assume for
3 purposes of argument that that document restricts what
4 this gentleman wanted to do, right, and again, that's
5 the assumption, so if I live in that subdivision, I'm
6 bound by those restrictions. I have standing to bring
7 a legal action to seek an injunction against --
8 against him.

9 And again, that's not something that the
10 county gets involved in. That's something that you'd
11 have to seek out private legal counsel to handle it
12 and that's a matter that's heard by the circuit court
13 in the -- in the courthouse, so.

14 COMMISSIONER DUGAN: That's what I thought.

15 MR. CORDES: Does that answer your
16 question?

17 COMMISSIONER DUGAN: It does indeed.

18 COMMISSIONER SCHERRER: Motion to adjourn?

19 COMMISSIONER DUGAN: So moved.

20 COMMISSIONER BOWERS: Second.

21 COMMISSIONER SCHERRER: Commissioner Dugan
22 made a motion to adjourn; it was seconded by
23 Commissioner Bowers.

24 All in favor?

25 COMMISSION: Aye.

1 COMMISSIONER SCHERRER: Opposed?

2 We are adjourned.

3 [Adjourned 7:35 p.m.]

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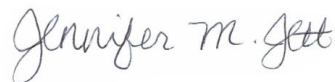
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C E R T I F I C A T E

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 2nd day of October, 2023.



JENNIFER M. JETT, CCR
MISSOURI CCR NUMBER: 634

September 28, 2023
Jefferson County Planning and Zoning Meeting

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