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**VICTORY FOR CITIZENS OPPOSED TO CONCRETE PLANT PROPOSED NEAR
SHAW NATURE RESERVE!**

*Developer withdraws Application Months After Citizens Filed Suit in Circuit Court Against
Franklin County Board of Zoning Adjustment*

On March 2, 2015, members of the Concerned Citizens Against Landvatter Ready Mix and other citizens opposed to the development of a concrete plant in Franklin County on land next to the Missouri Botanical Garden's Shaw Nature Reserve learned that the developer had withdrawn its application to build the plant in the Franklin County Board of Zoning Adjustment. The withdrawal comes after a year-long fight citizens waged against the proposed plant—first in the Franklin County Planning and Zoning Commission, then the Franklin County Board of Zoning Adjustment, and then the Circuit Court of Franklin County.

The Concerned Citizens Against Landvatter Ready Mix, a citizens' group made up of more than twenty households which are adjacent to the site, and Ms. Kelly Brothers, an individual who lives next to the proposed development, filed suit in the Circuit Court in August, 2014. The trial court had recently denied parts of the defendant and intervenor's motions to dismiss, allowing the case to go forward on five counts of the amended petition. The citizens have been assisted by Great Rivers Environmental Law Center in their appeals to the Board of Zoning Adjustment and Circuit Court, and challenged the conditional use permit for several reasons.

Landvatter Ready Mix, Inc. had proposed to build a ready-mix concrete plant on tree-covered hills just 600 feet from the Nature Reserve in Franklin County. In their appeal to the Circuit Court, the citizens argued that the conditional use permit was invalid because it violates Franklin County zoning codes and Missouri state law since the proposed concrete plant endangers public health and safety, decreases the value of adjoining property, is not in harmony with the area in which it is located, and is not in conformity with the Franklin County Master Plan.

The citizens also argued that the hearing before the Planning and Zoning Commission was illegal because a Commissioner on the Board of Zoning Adjustment had appeared before the P & Z Commission, speaking in favor of the development, while at the same time serving as real estate agent for both the buyer and seller of the property at issue.

Kelly Brothers, a resident whose house sits between the Nature Reserve and the proposed concrete plant said, “The Planning and Zoning Commission should never have granted a conditional use permit. The hearing was unfair because the commissioner serving as real estate agent spoke to the P & Z commission.”

“Missouri ethics laws don’t allow public officials to attempt to influence governmental bodies on issues on which they might gain financially outside of their official duties,” said Kathleen Henry, attorney at Great Rivers Environmental Law Center.

The citizens are pleased that the developer withdrew its application but will continue to monitor the development plans for the property.

Great Rivers is a nonprofit public interest environmental law firm in St. Louis that provides free and reduced-fee legal services to those working to protect the environment and public health. Its web address is: www.greatriverslaw.org.