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October 1, 2015

**CITIZENS FILE SECOND APPEAL TO STOP CONCRETE PLANT PROPOSED FOR LAND
NEAR SHAW NATURE RESERVE**

Citizens Ask Trial Court to Overturn County Commission of Franklin County

For the second time, citizens in Franklin County have filed suit against their government opposing its actions allowing a concrete plant to be built on land near residences and the world-renowned Missouri Botanical Garden's Shaw Nature Reserve. The first suit ended after the citizens received a favorable ruling from the trial court, allowing the case to proceed on many counts, following which the developer withdrew the application in March, 2015, and shortly after filed a new application under a different zoning ordinance for the same plant. The Planning and Zoning Commission allowed the rezoning requested by the developer and the County Commission also recommended rezoning. On September 29, 2015, citizens filed an appeal to the Franklin County Circuit Court, asking it to overturn the rezoning allowed by the County Commission of Franklin County. Again the citizens are assisted by Great Rivers Environmental Law Center in their appeal, and challenge the rezoning for several reasons.

Landvatter Ready Mix, Inc. proposes to build a ready-mix concrete plant on tree-covered hills just 600 feet from the Nature Reserve in Franklin County. There are houses and apartments in the area between the Nature Reserve and the proposed plant. The homeowners believe the proposed plant will cause them to breathe in dust, suffer from noise and increased traffic, and believe that the wildlife, fish, birds, flora and fauna in the Nature Reserve will also suffer from the plant.

In their appeal to the Circuit Court, the citizens argue that the rezoning is invalid because it violates Franklin County zoning codes and state and federal law since the proposed concrete plant endangers public health and safety and decreases the value of adjoining property. Citizens also argue that the rezoning is illegal because the County is allowing industrial plants in commercially zoned districts without requiring them to obtain special permits, and because the Planning and Zoning Commission failed to hold a public hearing before it issued its recommendation.

Kelly Brothers Mason, a resident whose house sits right in between the Nature Reserve and the proposed concrete plant, said, "This concrete plant should not be built here; it should be in an industrial park. We were not allowed to voice our concerns to the Planning and Zoning board which makes the recommendation to the Commissioners, and they approve recommendations 92% of the time. Our property values will plummet. The wildlife and birds that depend on the Nature Reserve will suffer."

"The County's current land use regulation includes industrial uses in commercial districts without distinguishing between the two. Any industry could get into a commercial district under this very misleading regulation. Furthermore, concrete plants should not be built so close to residences and do not belong on property 600 feet from a highly significant Nature Reserve," said Kathleen Henry, attorney at Great Rivers Environmental Law Center."

The citizens request the Franklin County Circuit Court to reverse the decision of the County Commission of Franklin County.