CALL TO ORDER
PLEDGE OF ALLEGIANCE
CHANGES TO THE AGENDA
PUBLIC HEARINGS
I. CONDITIONAL USE PERMIT REQUEST - 2275 AND 2323 HIGHWAY F

Application: CUP18-18
Owner/Applicant: Robert G. Brinkmann and Kim Brinkmann
Property Zoning: A, Agricultural District
Use Requested: Buildings, Structures, or Open Spaces for Conducting Weddings and/or Wedding Receptions or other Private Parties
Parcel Size: 26.623 acres
Location: Approximately 900 feet east of Femme Osage Creek; on the north side of Highway F
Council District: 2
Parcel Account No.: 618930A000, A870001587, 618720A000, and 618930A001

Documents:
- CUP 18-18 AGENDA PACKET.PDF
- ACOUSTICAL STUDY (2-20).PDF
- CONCERNS - BRIAN GOERTZ.PDF

TABLED ITEMS
I. REZONING REQUEST AND PRELIMINARY PLAT FOR AUDE? PRAIRIE - WILSON ROAD

Application: RZ18-12 & PRE18-19
Owner: Wilson T&B, LLC
Developer: J S Clement Construction, LLC
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
Number of Lots: 16
Parcel Size: 51.18 acres
Location: On the west side of Wilson Road, approximately 800 feet northwest of Lakeway Drive; near Broemmelsiek Park
Council District: 2
Parcel Account Nos.: 597450A000 and 597450B000

Documents:

PZ AGENDA PACKET - RZ18-12 AND PRE18-19.PDF

APPROVAL OF MINUTES FROM THE DECEMBER 19, 2018 REGULAR MEETING

Documents:

12-19-18 PZ MTG MINUTES - DRAFT.PDF

OTHER BUSINESS

I. ELECTION OF OFFICERS

II. REVIEW OF DRAFT ORDINANCE AMENDING SECTIONS 405.510, AND 405.535 OSCCMO

Documents:

BILL DRAFT - PZ REQUEST - NOTIFICATION REQ 2000 FT FOR A DIST [AR 1-8-19].PDF

III. PLANNING AND ZONING DIVISION UPDATES

ADJOURNMENT

INCLEMENT WEATHER: In case of inclement weather, please call (636) 949-7335 after 3:00 PM on the day of the meeting to be informed of the status of the meeting.
CUP 18-18

CONDITIONAL USE PERMIT REQUEST - 2275 AND 2323 HIGHWAY F

Application: CUP18-18
Owner/Applicant: Robert G. Brinkmann and Kim Brinkmann
Property Zoning: A, Agricultural District
Use Requested: Buildings, Structures, or Open Spaces for Conducting Weddings and/or Wedding Receptions or other Private Parties
Parcel Size: 26.623 acres
Location: Approximately 900 feet east of Femme Osage Creek; on the north side of Highway F
Council District: 2
Parcel Account No.: 618930A000, A870001587, 618720A000, and 618930A001

CONTENTS:

➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Narrative - Bryan Mill Venue
➢ Preliminary Concept Plan
➢ Letters Received:
  ♦ Objections and Proposed Limitations - Graeme Garvey
  ♦ Concerns - Leo Ficht Jr.
  ♦ Concerns - Bobbie Tracy
  ♦ Support - Jim Dierberg
STAFF RECOMMENDATION

To: County Planning and Zoning Commission
Prepared by: Mark Price Jr., AICP
Application No.: CUP18-18
Date: January 10, 2019

BACKGROUND

Owners: Robert and Kim Brinkmann
Applicants: Stock and Associates, Ty Gramling
Requested Action: Conditional Use Permit for “buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties”.
Existing Zoning: A, Agricultural District
Location: 2275 and 2323 Highway F, Located approximately 900 feet east of Femme Osage Creek on the north side of Highway F, near Lindenwood Park
Size: 26.623 acres of a 104.72 acre tract
Current Land Use: Single Family Residential and Agriculture (Vineyards)
Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Forested Area</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Vacant Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Forested Area</td>
</tr>
<tr>
<td>West</td>
<td>A/FF, Agricultural District, with Floodway Fringe Overlay District</td>
<td>Vacant Agricultural</td>
</tr>
</tbody>
</table>

Zoning History: This property has been zoned A, Agricultural District since 1959.
Public Services: County Council District 2
School District – Francis Howell
Fire District – New Melle Fire Protection District
Utilities: Water – Public Water Supply District No. 2 Service Area (Private Well)
Sewer – Individual Wastewater Treatment System

According to the property owner, these two properties contain two single-family residences and a historic barn that was constructed in 1809 as the Bryan Mill that has been converted into a meeting space. The properties also contain a rustic arbor and one machine shed. Currently, the properties are utilized as single-family residences and occasional business meetings will be held by the property owner. The property does have a vineyard that is utilized for the owner’s personal uses.

APPLICANT’S REQUEST

The applicant and owners are requesting a Conditional Use Permit for “buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties”. The applicant is proposing to conduct approximately 1 to 2 events per weekend, inside the historic barn, at a future reception pavilion and
at a wedding pergola on site, with up to 100 events per year with a maximum guest count of 200 persons per event. The existing historic stone residence adjacent to the barn will be used for bridal party preparation space and accommodations. The other home on the property is proposed to be used to accommodate other wedding party guests. They are also proposing the construction of one new cabin in the middle of the vineyard located on the western side of the property for use as a bride and groom cabin.

The existing machine shed may be converted to a kitchen that supports onsite weddings and corporate events. The property owner is also proposing to construct a future pavilion on site to be used for outdoor receptions. The applicant and owner state the existing vineyards on the property are for their personal use and will not be used in the business for any other purpose but photography.

Based on the maximum occupancy (200 persons) of the indoor meeting space in the converted barn, a minimum of 52 parking spaces would be required. The property owner proposes adding 171 parking spaces to the property to accommodate the proposed maximum of 200 guests at any one event. The applicant is proposing that 120 of the parking spaces be used regularly and that those would be graveled. A small number of trees may be removed to install the eastern parking lot.

The property will have traditional lighting on the barn and on the homes on the property. Otherwise, low level (half foot candle) accent lighting would be used on the grounds.

**ANALYSIS**

Conditional Use permits are evaluated based on criteria established within the Unified Development Ordinance. The CUP criteria are as follows:

“Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions as will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit.”

County Staff offers the following for consideration and discussion.

1) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity.

The property is located in a rural area of the County on Highway F. Although wedding events and corporate meetings will be located towards the front of the property, the nearest residence that could be impacted by this development is 900 feet away from the proposed wedding and corporate meeting barn and is approximately 600 feet from any parking areas for the proposed venue. The applicant is proposing to hold outdoor wedding receptions at a newly constructed pavilion. This has the potential to have a negative impact on the surrounding properties as the sound generated by the amplified sound at the receptions will carry in this area. Substantial stands of trees separate the neighboring properties to the east and north that should help to buffer those properties from the sounds coming from this proposed use of the property. Properties to the west and south are separated by open agricultural fields and could be negatively impacted by the business if there is outdoor amplified sound. The County operated Historic Daniel Boone home and Lindenwood Park are within 2,000 feet and could be impacted by the outdoor amplified sound. County staff recommends that a condition be imposed that outdoor amplified sound only be allowed during the performance of the wedding ceremonies.

The property will have some grading that occurs to allow for the construction of the new parking areas. The parking areas will be minimally invasive to the aesthetic value of the property when no
events are occurring. There will be minimal tree removal for the installation of the eastern parking lot. As the grounds do slope up from Highway F, the outdoor ceremony location would be minimally visible from Highway F and would not impact the aesthetic value of the property.

2) The conditional use permit shall not substantially diminish and impair property values within the neighborhood.

County staff has no evidence that the proposed use would substantially diminish and impair the property values within the adjoining neighborhoods given the mitigating impact of Staff’s recommended conditions.

3) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

This property is proposed to be developed in a manner similar to other wedding venues located throughout the County. It shall be agricultural in its building typology and in its parking style. There will not be significant lighting on the property and the events will be limited to once or twice a week. As this property will be developed in this manner, it should not impact the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Staff has reviewed these criteria relative to the subject site and finds that, with conditions proposed herein, and “buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties” will substantially conform to the Conditional Use Permit standards. With the proposed short duration of amplified sound, and distance of over 350 feet from the nearest property line, not along a road, these outdoor events should not be detrimental to nearby land uses. Staff believes that, with the proper conditions, this is an appropriate use for this area.

RECOMMENDATION

Based on the preceding considerations, County staff recommends approval of the application as conforming to the criteria of Section 405.510.B of the County Code, subject to the following conditions:

1. A site plan in conformance with the concept site plan, attached as part of Exhibit B, must be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.

2. All entrances must have current MoDOT entrance permits for commercial entrances off of Highway F.

3. The site must meet all County Public Health Department Regulations.

4. For all events, meetings or functions to be held on the subject property, or in any structure on the property, all events meetings or functions must end no later than 11:00 PM.

5. For all events, meetings, or functions to be held as part of this conditional use permit, no amplified sound may be located outdoors except during the performance of a wedding ceremony.

6. All amplified sound must end no later than 11 pm.

7. All parking must occur only in the designated parking areas shown on the attached Concept Plan.

8. All exterior lighting that exceeds one foot candle shall be “Full Cutoff Fixtures” to prevent light pollution from impacting surrounding properties.

9. No conditional use shall be in active use until such time all conditions of approval have been met.
The old stone single-family home

Proposed eastern parking area
The existing wedding pergola

The historic barn to be used for weddings, receptions and corporate events
Bob and Kim Brinkmann are applying for a conditional use permit to use approximately 26 acres of their farm, located on Highway F in Defiance, as a wedding venue.

The proposed uses of the property are a wedding venue site (ceremony and reception), with the potential for limited overnight accommodations/lodging associated only with such event (e.g. for bride and groom, wedding party or family). It is also anticipated that there may be corporate/business events (strategic planning, etc.) on site.

It is anticipated that there will be an average of up to two events per week (approximately 100 events per year). However, it will likely take some time to ramp up to this level of activity.

It is anticipated that no more than 200 guests will be at any one event.

It is not anticipated that any security or traffic management will be required in connection with the intended use of the property.

The driveways upon the property are surfaced with asphalt (on the east side, and around the back) and gravel (on the west side).

The parking areas will be both gravel (on the east side, at the main parking site near Hwy F, as well as the head-in parking on the west side entrance) and grass (for overflow parking on the northeast corner).

Lighting in the main parking area consists of tree-mounted LED lights that puddle on the ground with less than a half-foot candle, on average. There are no flood lights. Other lighting includes barn lights on the barn, and typical external residential lighting on the residential structures. It is anticipated that no lighting will affect neighboring properties.

Any overnight accommodations on the property would be at the two existing residences and potential future bride and groom cabin in the vineyards. The accommodations would only be available in connection with the event (i.e. not to outside 3rd parties) and only in use in connection with the event. It is anticipated that not all events would desire such accommodations.

While there are vineyards on the property, the property will not serve as a winery.

A brief description of the use for each improvement upon the property is listed below:

- Existing Stone Face Wedding Barn: wedding reception and possible ceremony
- Existing 2.5 story residence near wedding barn: bridal party prep space; possible associated overnight accommodations
- Existing wedding pergola: outdoor wedding ceremony site
- Existing 1 story residence: possible associated overnight accommodations
- Future Cabin in vineyard: possible associated overnight accommodations for bride and groom
- Existing Machine Shed: possible future kitchen/catering equipment space for receptions
- Future pavilion: possible future outdoor reception site
To the Planning and Zoning Commission:

I object to CUP18-18 in its current form and am writing to request additional limitations be applied. While the proposed facility will bring economic benefit to the area, these limitations will ensure that this new conditional use for the Brinkmann property will not be injurious to the use and enjoyment of my property; pose a public safety risk; or endanger my adjacent property. I object to the current application and request the following limitations be applied to CUP18-18.

1. No alcohol is to be served 90 minutes prior to the function end time.
2. No fireworks displays or Sky Lanterns for this facility shall be allowed.
3. For all events, meetings, or functions to be held on the premise of the proposed reception building, no amplified sound may be located outdoors except during the performance of a wedding ceremony.
4. No firearms policy is required.
5. Local vendors and employees living and incorporated within St. Charles county will comprise 50% of the workforce to maintain, operate, and staff events.

In support for each of these restrictions requested, I will describe my rationale for each below. There are attachments including the referenced figures, New Melle Fire Chief Statement, and the referenced county codes and state statutes.

Proposed Limitation 1: No alcohol is to be served 90 minutes prior to the function end time.

Weddings are a celebration, and alcohol consumption at these events is normal activity. For their venue to be successful and competitive with the other wedding venues in the area, they will need to provide or allow alcoholic beverage consumption. As a neighbor who will now be navigating the same highways as these wedding guests, a responsible restriction to ensure that guests will have time to process their celebratory drinks and drive home safely must be applied to help ensure that the Brinkmann’s facility will be successful in the long run.

The most direct route of access to the Brinkmanns proposed venue from the largest close population center – the St. Louis metro area - will be via US94 and Hwy F. This route is 10% faster and 1.7 miles shorter than entry through New Melle and is the recommended route by multiple GPS enabled navigation apps. The stretch of Hwy F from the Brinkmann’s proposed venue to US94 is a windy road with several blind rises and corners and has a 217% higher crash rate than when comparing an adjoining section of US94. Crash data (1) and traffic volume data (2) are both available from MODOT and a crash rate for each stretch of road can be calculated from this data. See Figure 1. Due to the enhanced risk of navigating this road which already exists, not putting in place the proposed limitation to address the wedding venue patron’s potential alcohol impaired driving would be tempting fate and endangering public safety.
An additional impact that will be injurious to the use and enjoyment of other property in the immediate vicinity by the establishment of the proposed venue will be the 40% increase in vehicle traffic along Hwy F. Available Annual Average Daily Traffic (AADT) values are calculated from a single vehicle passing a point along a road. The same vehicle returning past the point would therefore be counted again, thus 1 car traveling to the venue would add 2 vehicle units to the AADT. The facility being proposed would add 280 “vehicles” to the daily average when in operation- see Figure 2. All of this increased traffic is not a minimal impact, and the potential that intoxicated wedding guests would be the ones behind the wheel poses a serious public safety concern.

For the reasons stated above, including an alcohol consumption limitation to CUP18-18 that minimizes the risk for endangering public safety by departing patrons of the Brinkmann’s facility is the responsible action.

(1) https://www.mshp.dps.missouri.gov/TR15Map/Search

Proposed Limitation 2: No fireworks displays or Sky Lanterns for this facility shall be allowed.

The risk that fireworks displays and sky lanterns would pose to adjoining properties should be addressed now during the permitting application process and limitations to CUP18-18 be applied. There is no public hearing process for fireworks display permits and “can be issued the same day”. and sky lanterns are not regulated as a firework and no permit application process would address this. It is therefore appropriate to assess how this would endanger and injure adjoining properties now.

The Brinkmann’s proposed venue has a steep hillside covered with Oak and Hickory woods for a backdrop. This beautiful wooded scenery is part of why the Brinkmann’s facility should be successful. Unfortunately, this same beautiful wooded area combined with fireworks or sky lanterns at this proposed facility would endanger adjacent properties through the risk of fire spreading to these woods. Fireworks displays and candle/sky lanterns are becoming a common feature of weddings- and as such, a close by similar venue- Chapel Hill Vineyard- has installed three fireworks sunken “pits” and 106 Fireworks display permits were issued in the last 3 years. The intentions for fireworks has not been commented upon within the Brinkmann’s application CUP18-18, but to be competitive with other local venues, this will arise.

To understand how fireworks would endanger my adjoining property I sought the opinion of a professional firefighter and I contacted the New Melle Fire Department on 1.5.19 and Captain Doug referred me to the Fire chief. It was his day off, but Chief Ray Massey called me back and I discussed the issue for 20 minutes. I informed him that an application to the county for a wedding venue had been made at the Brinkmann’s property of Hwy F. I requested that he provide an assessment based on his professional opinion about the suitability of the site for hosting fireworks displays or launching Sky Lanterns. His response was immediate and clear that he would oppose fireworks displays or Sky Lanterns at this facility due to the difficulty of fighting fires with the surrounding very steep terrain and no access into the wooded areas. He commented that we have burn restrictions in place for a reason. In 2018 they were called to an incident in Callaway Valley where a backyard fire got of control, spread through the adjacent woods, and resulted in property damage to a neighbors home. Chief Massey informed me they have experience in this area with the types of fire that would result and described a previous
Incident on 3.23.14, in which 50+ acres were burned and one of the firemen was injured. I asked if Chief Massey would provide a statement of his professional opinion that I could submit. Both copies of the previous incident reports and his statement are attached as 20190107 New Melle Fire Chief Statement.pdf.

In addition, there are no fire hydrants along this stretch of Hwy F to aid in efforts and only trucked in water would be available.

To understand how fireworks would endanger my adjoining property, comparisons to an existing facility approved for a fireworks permit is insightful. The Chandler Hill fireworks “pits” are situated on their facility to the south of their pond and the minimum secured radius area prescribed for a 4” mortar is 280 feet (3). This radius is indicated on the figure below for both the Chandler Hill Vineyard and Brinkmann site. All potential sites with a 280 foot radius at the Brinkmann site would encompass wooded areas and be at risk for the falling fireworks debris to be driven into them by the prevailing local winds- see figure 3. Of great concern for adjacent properties from fireworks displays would be the accidental ignition of fire in the adjacent wooded areas that would quickly run uphill (fires spread faster uphill).

An article in the Journal of Pyrotechnics that considered safety in windy conditions for fireworks displays demonstrated that “Smoldering remnants from exploding aerial shells, is the type of fallout that is most greatly affected by wind”. The authors modeled how this type of debris can travel to a distance 400% greater the shell. The authors made a recommendation to include the following into the NFPA1123 Annex A: “In considering when wind speed is excessive for the reasonably safe performance of a fireworks display, there are two primary considerations (1) the potential for an increased risk of hazardous debris from the display falling into spectator areas, and (2) the potential for an increased probability of a fire. Under some extreme conditions, winds as slight as 5 mph might pose a problem; while under other conditions winds in excess of 20 mph may not pose a problem.”

Figure 4 is attached and the diagram shows where the smoldering debris from a 4” shell could spread in a strong wind up to 1320 ft away. This is very deep into dense wooded and steep terrain that would make fighting a resultant fire difficult at best. Fireworks displays and sky lanterns pose a documentable threat to adjoining properties, and the opinion of a firefighting professional supports that, this should be addressed now during the permitting application process and limitations to CUP18-18 be applied.

(3) https://dfs.dps.mo.gov/documents/forms/MO_815-F0032.pdf

**Proposed Limitation 3:** For all events, meetings, or functions to be held on the premise of the proposed reception building, no amplified sound may be located outdoors except during the performance of a wedding ceremony.

We do not wish to limit the ability of facility to host outdoor receptions with live music, however the amplification of this live music would injure both my use and enjoyment of my adjoining property and injure the aesthetic appeal of the surrounding area. To understand what would be the limits on the music to be played at this venue I contacted Mark Price of P&Z staff. He indicated that the permit application does not currently specify what sound systems are intended to be used for this facility and no survey was provided for how an amplified sound system would impact neighboring residences. He also indicated he did not have the regulations for the county that would apply and recommended I contact the County Sherriff’s office. I did.
The St. Charles county police department referred me to the following ordinances and statutes for clarification of how the county regulates noise - St. Charles County Code/Ordinance 210.200, 210.205 and State of MO statute 574.010. A short summary of the relevant subsections of these ordinances is below and the full text of each has been copied from the county website on 4Jan2019 and are appended to the end of this letter.

210.200 addresses portable audio equipment and describes that a violation would occur if sound from a portable audio equipment is operated at such a volume that it can be heard clearly at 75 feet or more from the source and would annoy any person of reasonable sensibilities. Using the residential 55 DB daytime limit this can be back calculated to a

210.205 addresses fixed audio equipment 210.205 applies and the residential limits vary by time of day from 50 DB (10pm to 8am) to 55 DB at the property lines.

574.010, the state statute is much more vague only defining a “loud noise”

I have tried with limited time and resources to research how the county has regulated outdoor amplified music before I have found that there is a precedence for restricting amplified music outdoors based on proximity of adjacent residences. Previous CUP applications for Wedding venues have had restrictions proposed to limit the playing of outdoor amplified music such as CUP 18-14 which noted the nearest residence was 800 feet away. During the 17th Oct 2018 P&Z monthly meeting the Applicant, Mr. Balducci, indicated that there would be outdoor music and did not object to the limitation of no amplified outdoor music. The nearest residence to the Brinkmann site is also 800 feet and limiting amplified outdoor music would be in line with previous limitations, however distance only is an insufficient guide for whether amplified sounds will affect adjoining residences.

During the Feb 12, 2018 Council meeting reviewing CUP17-14 distance was used as the primary guidance to state that adjoining properties will not be impacted by outdoor amplified music. However there was no support offered that the distance was far enough at any of the reviewed venues to sufficiently diffuse the sounds to levels that satisfy the relevant county ordinances and state statues. This can be easily determined by the laws of physics and several calculators to estimate this effect are available online.

Beyond the precedence for restricting outdoor amplified music, I will convey how a typical band/DJ outdoor music concert at ~100-110 db at the Brinkmann site cannot conform to County ordinance 210.205. Ordinance 210.205 is the best defined although the county ordinance 210.200 is roughly aligned to the same decibel values based on the physics of sound. Decibels are not a linear measurement- 100db is not twice as loud as 50db, but is perceived as 16 times louder. Music concerts can widely vary in their range of decibels and the graph in figure 5 shows the DB for common sounds. Music at a distance would also fade non-linearly. Using the University of Georgia physics department calculator for a 110DB sound, at 125meters away this noise would only have decayed to 68DB, a sound perceived ~2X louder than the allowed 55DB in ordinance 210.205 (before 10pm). Even cutting the perceived loudness in half by lowering the sound to 100DB, on par with the noise of a chainsaw, would not bring the sound level down to below the 55DB ordinance. See Figure 6.

Sound does not travel perfectly like in an equation. In the St. Charles county ordinances, “‘Clearly heard by the human ear” shall not require that the individual words of a song are discernable, if the music or other primary sound is discernable” and with the prevailing winds
and topography of the surrounding area, we have routinely heard the music being played at the Brinkmann’s property while they hosted their private parties. A lack of any noise complaints filed with the police does not indicate that the music cannot be heard, since when a neighbor has a party once in a while, we can ignore it and let them have some fun. We may want the same permissive attitude returned some day in the future. CUP18-18 without limitations on the amplified music outdoors changes that dynamic from an infrequent tolerance of a disturbance to a recurring disruption of the peace from a distance greater than 75 feet away – see ordinance 210.205.

Solutions exist to ensure compliance with the local statutes, such as the use of a sound limiter system that would combine ANSI certified decibel meters installed at the property perimeter coupled with a cutoff control to turn off the amplified music system. In addition to the complexity and expense of this approach, it would require establishing rules and inspections to ensure that the venues sound monitoring equipment is properly calibrated and functional. The burden for this ongoing financial obligation would be difficult to assign ownership and oversight to would this be done by the county, requiring new inspections and enforcement, negating some of the economic benefit. Should it fall to the venue, this would become a fox watching the henhouse situation. This complicated solution is not easily applied and therefore a simple limitation of no amplified music should be applied to CUP18-18.

The area we live in is serene, pastoral and calm - “Nature was here a series of wonders, and a fund of delight.” A quote attributed to Daniel Boone whose historic home resides down the road on Hwy F. The tranquility away from suburban business and the nature sounds we enjoy daily was the draw to this region for us. Last year I was able to hear Bald Eagles in this valley. We sit on the back porch as a family and listen to the chuff and cries of our grey squirrels throughout the year. Just after dark almost every night we hear the hoot of a great horned owl and we enjoy calling it into our view. A commercial endeavor that subjects neighbors to the chicken dance 1 to 2 times a week up to 100 times a year should not be prioritized over the beauty of a region that Daniel Boone himself enjoyed. Amplified outdoor music will injure the esthetics, tranquility and beauty of my surrounding properties and will certainly injure my enjoyment my adjoining property.

**Proposed Limitation 4: No firearms policy be required.**

Firearms are an important Right of all Americans and should be guaranteed. However the Brinkmann’s venue will stand out uniquely from other venues in it’s very isolated and rural feel compared with other venues in the region. Because of this uniqueness, this restriction should be considered in isolation from other precedence at other similar venues. Based on population distributions in the region, the majority of guests will be coming from urban areas and will likely not realize the proximity of neighboring homes. Discharging of a firearm into the air by guests would endanger public safety and requiring this policy to be adopted is the simplest means to ensure the safety of adjoining residents and property.

**Proposed Limitation: 50% of the vendors and employees that will be used to maintain, operate, serve and staff events will live or be incorporated within St. Charles county.**

Good food and great staff make a wedding celebration memorable. This can help a venue to stand out and receive strong recommendations to be successful. The Brinkmann’s application states that there will be a commercial grade kitchen for caterers use. Where the caterers are incorporated and the where the employees live who will be used to operate, serve, and staff the
proposed events will directly influence how much of the economic benefit the residents of St. Charles county will realize.

There will be an economic benefit to the region realized by the establishment of the Brinkmann’s wedding venue through county sales and state income taxes redistributions. This economic benefit will be captured through existing tax law. However, the local residents and neighbors will only receive this benefit by a trickle-down effect from the state and county level. To ensure that this facility immediately and directly elevates the local residents’ economic benefit, a portion of the local vendors and staff used for these events should be incorporated or domiciled in the county. The concept of requiring “local” contributions for the operations in agricultural tourism area is not new. Volumes and percentages of grapes to be produced on site at wineries are already part of county ordinances. Setting requirements for local employment by an a facility zoned agricultural would conform to this established standard.

**Summary**

It is not my intent to prevent the Brinkmann’s from establishing a wedding venue. It is my intent to ensure that the establishment, maintenance, and operation of this venue will not be injurious or damaging to my property in the my enjoyment, safety, or property value. My requests for these restriction to be applied to the Brinkmann’s conditional use permit are a path forwards that would responsibly and satisfactorily minimize the risks from the proposed facilities operation to my adjoining property.

Sincerely,

| Name: | Graeme S. Garvey | Date: |
HwyF is a winding road with blind corners, rises and a >200% higher accident rate than US94 from D to F.

Hwy F
Brinkmann to 94
9 crashes in 2018
706 Vehicles AADT
79 Trucks

US94
D-F
16 crashes in 2018
2,728 Vehicles AADT

204% higher Crash frequency on HwyF already exists for non truck traffic (if available). And a 4year earlier comparison was 81%.

Establishing a new facility for 140 vehicles potentially 100 times a year poses a major impact to the use and enjoyment of properties all along Hwy F.

Proposed Limitation: No alcohol is to be served 90 minutes prior to the function end time.

https://www.mshp.dps.missouri.gov/TR15Map/Search
The Traffic Volume on Hwy F would increase by **40%**

The fastest route to the proposed facility from the STL metro area via 64 is via 94 to F from the south to the Brinkmann facility is ~1.7 miles shorter and 10% faster (google).

140 cars going to and from the facility pass the same point twice (AADT method)

---

**FIG 2**

Proposed Limitation: No alcohol is to be served 90 minutes prior to the function end time.

MODOT 2016 Traffic Volume

---

https://www.modot.org/traffic-volume-maps
https://www.fhwa.dot.gov/policyinformation/travel_monitoring/pubs/aadt/

### Traffic Volume (AADT) is the Annual Average Daily Traffic, and is the total traffic passing a point.

### Truck Volume
Fireworks displays at this facility would endanger adjacent properties from potential fires, in particular those to the N and E.

**Chandler Hill Vineyards**

A 280 foot secured radius for a 4” mortar is indicated below anchored to the sunken “boxes” installations. There are no woods at risk of a fire for falling fireworks to the N and E as these are open fields.

**Brinkmann site**

All potential sites with a 280 foot radius would encompass wooded areas and be at risk for the falling fireworks to be driven into them by the prevailing local winds.

[Link to wind data](https://www.wcc.nrcs.usda.gov/ftpref/downloads/climate/windrose/missouri/st. louis/)

---

**Proposed Limitation:** No fireworks displays or Sky Lanterns for this facility shall be allowed.
Fireworks displays at this facility would endanger adjacent properties from potential fires, in particular those to the N and E.

At the Brinkmann site this would pose a fire risk to adjoining woods and homes.

If the ratio in a strong wind is 4:1 for smoldering remnants to spent shell, this could be as great as 1320 ft for a 4” mortar.

"Smoldering remnants from exploding aerial shells, is the type of fallout that is most greatly affected by wind."

"The graphical representation of the trajectory of an aerial shell fired from a mortar angled slightly into a strong wind, shows how fast the constituent parts of the shell have travelled after 600 feet."

Journal of Pyrotechnics
10 decibel increase is a 2 X loudness increase

- County Ordinance 210.205 Residential 8am-5pm at property line decibel limit is 55
- Portable handheld Speakers broadcast at 90 decibels
- Wedding and Band speakers are much larger and more powerful and have been estimated over 100 decibels

Outdoor amplified music will be heard as two times louder than the 210.205 limits outside the facility

- Trust a physicist at University of Georgia!!!!

- The proposed Brinkman site is 250 meters from N→S at longest point.

- A 110 dB amplified music system at 125 meters (put it at the middle of the site) exceeds the 210.205 Residential property line decibel limit of 55 dB

- Would be 2 times louder than the limit outside the facility (at the neighbors)

http://hyperphysics.phy-astr.gsu.edu/hbase/Acoustic/isprob2.html
HwyF has a history of a higher crash rate than US94 (D-F)

- Question: Did the shoulders on US94 at DD alleviate the crashes?
  - *Little* change in vehicle traffic from 2013 to 2016 on US94 (D-F)
  - 2 fewer crashes from 2015 to 2018 for a drop of 11%.

- A 40% volume increase, even with shoulders, will still result in a 90% higher crash rate on HwyF (compared to US94(D-F))

<table>
<thead>
<tr>
<th>MODOT 2013 Traffic Volume</th>
<th>Current Available Data</th>
<th>Historical Data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td><strong>US94 D-F</strong></td>
<td><strong>US94 D-F</strong></td>
</tr>
<tr>
<td></td>
<td>16 crashes in 2018</td>
<td>18 crashes in 2015</td>
</tr>
<tr>
<td></td>
<td>2,728 Vehicles AADT</td>
<td>2,742 Vehicles AADT</td>
</tr>
<tr>
<td></td>
<td>0.59%</td>
<td>0.65%</td>
</tr>
</tbody>
</table>

2015Crash/2013 Vehicle AADT
January 7, 2019

St. Charles County Planning and Zoning
201 N 2nd St Rm 420,
Saint Charles, MO 63301

Dear St. Charles County Planning and Zoning,

Mr Graeme Garvey has brought to the fire district that a request has been made to the St. Charles County Planning and Zoning for a wedding venue at the address on 2275 Hwy F, Defiance, MO 63341. His concern would be if fireworks would be displayed it would possibly cause a brush fire.

The New Melle Fire Protection District would like to limit fireworks to 1.4G or Class C, Consumer Fireworks because of the difficulty in the terrain to extinguish a fire and not use fire balloons or sky lanterns of any kind. If you have questions please call me at 636-828-5528 during normal business hours.

Sincerely,

Rick Massey, Fire Chief
Section 210.200 Regulations Concerning Noise from Portable or Motor-vehicle Audio Equipment

While in park or recreational areas, residential or commercial zoning areas, or in any area where residences, schools, human service facilities or commercial establishments are in obvious proximity to the source of sound from a portable or vehicle audio device, it shall be unlawful for any person to cause, make or allow to be made from such audio equipment under such person's control or ownership the following:

1. Sound from a motor vehicle system, such as a radio, tape player, compact disc player, DVD or mini-DVD player system or digital sound device or other device capable of emitting sound in a similar fashion, which is operated at such a volume that it can be clearly heard by the human ear at a distance of seventy-five (75) feet or more from the vehicle itself; or

2. Sound from portable audio equipment, such as a radio, tape player, compact disc player, DVD or mini-DVD player system or digital sound device or other device capable of emitting sound in a similar fashion, which is operated at such a volume that it can be clearly heard by the human ear at a distance of seventy-five (75) feet or more from the source of the sound.

3. "Clearly heard by the human ear" shall not require that the individual words of a song are discernable if the music or other primary sound is discernable.

4. The following shall not be subject to the provisions of this Section:

a. Noise emanating from parades, authorized public celebrations, authorized carnivals or similar events;

b. Sirens, whistles and emergency warning devices used by fire, medical and law enforcement agencies, division of emergency management and other governmental emergency agencies; or

c. Weddings, parades and other organized events which customarily use motor vehicle horns during the event.

B. Penalties And Fines.
1. Penalties for violation of this Section shall be infractions and shall result in the imposition of fines by providing the person so charged with a written notice of the violation. The written notice shall contain the ordinance number, the date, time and place of the facts leading to the conclusion that the ordinance was violated, and the amount of the fine and the place at which the fine may be paid. If the citizen chooses to appeal, such appeal shall be to the Circuit Court of St. Charles County.

2. The fines for violation of this Section shall be fifty dollars ($50.00) for the first (1st) offense and one hundred twenty-five dollars ($125.00) for the second (2nd) and all subsequent offenses, exclusive of court costs which may be imposed as provided by law.

C. Enforcement of this Section shall be enforced by the County Counselor.

[1] Editor's Note—Reference to "Emergency Management Agency" was changed to "Division of Emergency Management" per Ord. No. 02-205, adopted 12-23-2002, set out in full at §134.060 of this code.

Section 210.205 Prohibiting Certain Loud Noises Emanating From Public Address Systems.

[Ord. No. 10-036 §§1—6, 5-13-2010]

A. Loud And Unnecessary Noise Prohibited.

1. It is unlawful for any person to make, continue, or allow to be made or continued, any excessive, unnecessary, unusual or loud noise by use of a public address system which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

2. The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this Section and are unlawful:

a. The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box", loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device across a public address system which produces, reproduces or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or
hearing thereof. This Subsection shall not apply to the Police or public authorities who are using such a
device in the performance of their duties or to those entities excepted in Section (D) below.

B.

*Classification And Measurement Of Noise.* For the purposes of determining and classifying any noise
from a fixed, stationary public address system source as loud, unusual or unnecessary as declared to be
unlawful and prohibited by Subsection (A) herein, the following test measurements and requirements
may be applied:

1.

Noise occurring within the jurisdiction of the County shall be measured at the property line of the noise
source if located within the public right-of-way, and if the noise source is located on private property or
property for which there is no adjoining public right-of-way, measurement shall occur at the closest
point to the property line of the noise source for which the County can obtain permission to conduct
measurements.

2.

a.

a. The noise shall be measured on the "A" weighing scale on sound level meter of standard design and
quality and having characteristics established by the American National Standards Institute.

b.

For purposes of this Section, measurements with sound level meters shall be made when the wind
velocity at the time and place of such measurement is not more than five (5) miles per hour or twenty-
five (25) miles per hour with a wind screen.

C.

In all sound level measurements consideration shall be given to the effect of the ambient noise level
created by the encompassing noise of the environment from all sources at the time and place of such
sound level measurement.

C.

*Excessive Noise Levels.*

1.

Noise measured or registered as provided herein from any source not exempted by this Section at a
level which is equal to or in excess of the dB(A) established for the time period and zones listed below is
declared to be excessive, unusual, loud and unnecessary:

<table>
<thead>
<tr>
<th>Zone</th>
<th>8:00 A.M. to next 10:00 P.M.</th>
<th>10:00 P.M. to next 8:00 A.M.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55 dB(A)</td>
<td>50 dB(A)</td>
</tr>
<tr>
<td>Zone</td>
<td>8:00 A.M. to next 10:00 P.M.</td>
<td>10:00 P.M. to next 8:00 A.M.</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Commercial</td>
<td>60 dB(A)</td>
<td>55 dB(A)</td>
</tr>
<tr>
<td>Light industrial</td>
<td>70 dB(A)</td>
<td>65 dB(A)</td>
</tr>
<tr>
<td>Industrial</td>
<td>75 dB(A)</td>
<td>80 dB(A)</td>
</tr>
</tbody>
</table>

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen (15) minute period of time.

2.

For purposes of this Section, the aforementioned zones shall be defined as set forth in the Unified Development ordinance.

3.

Adjacent zones. When a noise source can be measured from more than one (1) zone, the permissible sound level of the more restrictive zone shall govern.

D.

Exceptions. The following activities, as long as they are conducted between the hours of 8:00 A.M. and 10:00 P.M. as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this Chapter:

1.

School stadiums or athletic fields;

2.

Public outdoor swimming pools;

3.

Golf courses.

E.

Enforcement.

1.

In addition to all Law Enforcement Officers, the following personnel employed by the County shall have the power to enforce the provisions of this Section:

a.

All Building and Code Enforcement officers in the Department of Community Development.
2. Prosecution shall be the responsibility of the County Counselor.

F. **Penalty.** Any person who violates any of the provisions of this Section within the unincorporated county is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00). Each day a violation is committed or permitted to continue shall constitute a separate offense.

MO statute 574.010


574.010. **Peace disturbance — penalty.** — 1. A person commits the offense of peace disturbance if he or she:

   (1) Unreasonably and knowingly disturbs or alarms another person or persons by:

       (a) Loud noise; or

       (b) Offensive language addressed in a face-to-face manner to a specific individual and uttered under circumstances which are likely to produce an immediate violent response from a reasonable recipient; or

       (c) Threatening to commit a felonious act against any person under circumstances which are likely to cause a reasonable person to fear that such threat may be carried out; or

       (d) Fighting; or

       (e) Creating a noxious and offensive odor;
(2) Is in a public place or on private property of another without consent and purposely causes inconvenience to another person or persons by unreasonably and physically obstructing:

(a) Vehicular or pedestrian traffic; or

(b) The free ingress or egress to or from a public or private place.

2. The offense of peace disturbance is a class B misdemeanor upon the first conviction. Upon a second or subsequent conviction, peace disturbance is a class A misdemeanor. Upon a third or subsequent conviction, a person shall be sentenced to pay a fine of no less than one thousand dollars and no more than five thousand dollars.
January 12, 2019
St. Charles County Planning & Zoning Commission
Attn: Thomas Kuhn, Secretary

This is in response to your notice of December 31, 2018. My sister, Candace Ficht Staringer, and I own property on both north and south sides of Hwy F adjacent and east of the parcels listed on the CUP 18-18 application. Our parcels are 618630A000, 619020A000, and T071311159. My sister owns and lives on the south side of Hwy F diagonally across Hwy F from the property on the application on parcel 618630A003, at 2234 Hwy F. Neither my sister or I am able to attend the January 16, 2019 meeting as I live in North Carolina and she has health problems that prevent her attendance. Therefore, I am writing to express our concerns which are noise due to amplified music, fireworks, and traffic on Hwy F. We have been advised that Mr. Graeme Garvey has submitted a very comprehensive and detailed letter listing his concerns. Although we have not done this type research we are concerned as my sister's house is probably the nearest dwelling to the property on the application. As a result we recommend that CUP 18-18 be approved with conditions that are appropriate and sufficient to protect adjacent properties.

Best Regards,

Leo H. Ficht, Jr.
Planning and Zoning Commission,

Thank you for opportunity to voice concerns regarding proposed wedding venue on the CONDITIONAL USE PERMIT REQUEST at 2275 AND 2323 HIGHWAY F.

I travel that route daily to go to work. At that site is a blind turn that poses a dangerous situation if cars are backed up on HWY F turning into venue. Similar issue with cars pulling out. Suggest turn lanes be created so stopped cars or slow cars pulling out will not be in the middle of the road. Also suggest shoulders be installed near venue entrances and the blind curve be straightened to improve visibility and line of sight.

Thank you.
B. Tracy
Dear Chairman Ellis,

I am writing in support of the above referenced CUP application. I am the Birkmann’s neighbor on two of his four sides, owning over 7,000 plus acres on the south side of Highway F. In Defiance directly across from the property that is the subject of the Birkmann’s CUP permit application, as well as across on his West boundary line.

Not only am I the Birkmann’s neighbor but I am also a long time friend. As such I have observed their stewardship of the Brian Mill property. During their ownership of the property, the Birkmanns have tirelessly honored the history of the site as an old gristmill owned by Daniel Pohre, adopted son of Jonathan Pohre.

I have no doubt that the proposed use under the CUP application as an events and wedding venue, will be fantastic and appropriate use of the property. The barn (old gristmill) is a perfect place for a wedding reception and event space. While the existing residents would provide for a beautiful environment to get ready and serve as ideal accommodations for the wedding party and families afterwards. All of this located off the interstate. Property will truly make it a one of a kind setting.

Sincerely,

Text continues on the next page.
I humbly request that you grant the requested conditional use permit. I believe it will be a use that not only preserves the history and beauty of the property, and enhances all of St. Charles County, but also makes St. Charles County proud.

Sincerely,
Jim Dierberg
Jim Dierberg
February 19, 2019

Via email: MMachon@brinkmannconstructors.com

Ms. Mary Machon
c/o Mr. Bob Brinkmann Constructors
16650 Chesterfield Grove Road
Suite 100
Chesterfield, MO 63005

Re: Acoustical Study for Bryan Mills
2275 Highway F
McClure P/N: 104219

Dear Ms. Machon,

At your request, we are pleased to present you with our findings from the acoustical study of the proposed Bryan Mills venue at 2275 Highway F in Defiance, St. Charles County, Missouri.

Executive Summary

The primary intention of this sound study is to demonstrate the sound transmission from the wedding barn to the surrounding area. Please note that these measurements were conducted in the middle of winter and would-be worst-case scenarios. In addition, the sound tests were conducted with the barn doors opened and closed. It was also noted during our measurements that the background sound level was very low and was determined to be in the range of 30 to 35 dBA without any traffic on Highway F. Spring, summer and fall would have slightly higher background sound level due to the insect population. Because of the low background sound levels, the sound generated within the barn can be heard to the east property line, with a measured sound level of 36 to 38 dBA at all the property lines in a 500 ft. radius from the barn.

Based on music playing in the barn at comfortable listening sound levels (70 to 85 dBA), it can be seen in time history graph of Figure 1 that the sound levels at the property line to the west is in the range of 36 to 38 dBA. The level does increase to 60 dBA when a car passes-by on Highway F. See Appendix A for a list of typical A-weighted sound levels of various sources of noise.

{Remainder of page left intentionally blank}
**Figure 1 – Time History Measurements On-Site**

When the music is played at normal listening conditions, it could be faintly heard at the west property, but is well below the 50 dBA sound limit provided by the St. Charles County Noise Code - SECTION 210.205 (provided in Appendix B).

The conclusion to be drawn from this test is that the music played in the barn under normal conditions will be at or below the background sound level of 35 dBA at all property lines.

**Description of Project**

The proposed wedding venue will be located within approximately 26 acres of farm land, located on Highway F in Defiance, St. Charles County, Missouri.

The proposed use of the property is as a wedding venue (ceremony and reception), with the potential for limited overnight accommodations/lodging associated only with such an. It is also anticipated that there may be corporate/business events on site. Estimating that there will be an average of up to 2 events per week, the yearly event total comes to approximately 100 events per year with a guest capacity of 200 persons per event. However, as this new venture starts up, it will take time to achieve this level of activity.
A brief description of the area:

- Farm land to the east and south of the existing Wedding Barn.
- To the north is a thick wooded area that has an approximate 200 ft. elevation changes in the direction of the residential properties along Sunfish Drive.
- Existing buildings on site consist of a 2.5 story residence, a 1 story house, a wedding pergola, and a machine shed.
- Future buildings consist of a Cabin in the vineyard and a pavilion.

Each of these are shown in the Site Plan (Attachment C at end of report). Figure 2 shows the entire area with the sound measurement locations used during our study.

![Figure 2 – Arial View with Measurement Locations](image)

**Acoustical Model**

SoundPLAN acoustical modeling software was used to provide a composite analysis of all the sources that would be produced by a band playing amplified music in the barn to illustrate the sound traveling through the area, including elevation and ground attenuation. Figure 3 shows the noise contour map of band noise at 85 dB sound power level inside the barn.
As can be seen from the noise contour map in Figure 3, under normal conditions, the sound level is less than 50 dBA to all property lines.

Of the several conditions that were measured, one measurement of importance was to determine the sound transmission from inside to outside the barn. It was determined by our measurements that the barn with the doors closed reduced the sound level by 13 dB.

Please note the point source decay of 6 dB per doubling of distance (dB/dd), excess attenuation of air and grass and shrubs are included in the noise map. The nominal measured daytime background sound level in the area is 30 to 35 dBA, but at certain times can be as low as 30 dBA – this is reflected in the results from the SoundPLAN model. It should be noted that the measured data from the individual sound source also match the output from the model. Figure 4 shows the sound levels of the human voice (at each frequency) as it relates to distance. This shows a semi-linear decrease of the sound level as distance increases to illustrate sound level propagation (through the air only). For every 100 to 200 ft. of trees and brush, an additional 1 to 2 dB reduction is obtained.
Notes on Background Sound Levels and Noise

As noted before, the area was not very active with other environmental sound sources. To quantify the background sound level, two noise monitors were set-up for several days. The noise monitors began Thursday, February 7, 2019 and continued until they were retrieved on Monday, February 11, 2019. The data gathered during this time is provided in Figures 5 and 6.

Figure 4 – Calculated Sound Level from a Human Voice vs. Distance

Figure 5 – Property Line Sound Monitor Data- Loc 1 Near Barn (February 2019)
Please note that no events occurred during these background sound measurement periods. These sound measurements were primarily obtained to establish background/ambient sound levels.

A Larson Davis Model 720 Dosimeter was used for the measurements. Each instrument was capable of recording and storing the following A-weighted quantities for 1-hour time increments of the measurement period:

1. energy equivalent sound level \( [L_{eq}] \).
2. the maximum sound level \( [L_{max}] \).
3. the sound level exceeded ten percent (10%) of the time \( [L_{10}] \).
4. the sound level exceeded ninety percent (90%) of the time \( [L_{90}] \).

All measurements were A-weighted per ANSI S1.4 and are designated as dBA.

Each monitored the A-weighted sound levels at the site (Location 1 and 2) for a period of approximately three days. Eighty percent (80%) of the time, the sound fluctuated between the L10 and L90 curves. The noise floor of the monitors is near 35 dBA and the L90 is near 35 to 37 during the day, which is in correlation to our sound measurements and it depicts the traffic sound levels from Highway F.

**Conclusion**

The sound level from the Bryan Mill Venue at a comfortable music listening level will be at or near the background sound level at all property lines and will not exceed 50 dBA. This sound level
is less than the St. Charles County Nighttime Noise Code. Because of the low background sound levels in the area, sound from the venue at times might faintly be heard.

Sincerely,

Gary Brown, ASA, INCE

GPB:rmbn
Appendix A

Typical Sound Levels of Various Sources

<table>
<thead>
<tr>
<th>Sound Source</th>
<th>Sound Pressure Level in Decibels</th>
<th>Sound Pressure in Micropascals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Discotheque</td>
<td>110</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Textile Mill</td>
<td>100</td>
<td>1,000,000</td>
</tr>
<tr>
<td>Printing Plant</td>
<td>90</td>
<td>100,000</td>
</tr>
<tr>
<td>Jackhammer at 15 m</td>
<td>80</td>
<td>10,000</td>
</tr>
<tr>
<td>Printing Plant</td>
<td>70</td>
<td>1,000</td>
</tr>
<tr>
<td>Heavy Truck at 45 m</td>
<td>60</td>
<td>100</td>
</tr>
<tr>
<td>Concrete Mixer at 15 m</td>
<td>50</td>
<td>1000</td>
</tr>
<tr>
<td>Inside Auto at 64 km/hr</td>
<td>40</td>
<td>Threshold of Hearing</td>
</tr>
<tr>
<td>Vacuum Cleaner at 3 m</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Auto (100 km/hr) at 30 m</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Large Transformer at 15 m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urban Residence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small Town Residence</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soft Whisper at 2 m</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unoccupied Broadcast Studio North Rim of Grand Canyon</td>
<td>0</td>
<td>Threshold of Hearing</td>
</tr>
</tbody>
</table>
Appendix B  
St. Charles County Noise Code

SECTION 210.205: PROHIBITING CERTAIN LOUD NOISES EMANATING FROM PUBLIC ADDRESS SYSTEMS

A. Loud And Unnecessary Noise Prohibited.
   1. It is unlawful for any person to make, continue, or allow to be made or continued, any excessive, unnecessary, unusual or loud noise by use of a public address system which creates a nuisance or injures or endangers the comfort, repose, health or safety of others, or which interferes with the use or enjoyment of property of any person of reasonable sensibilities residing in or occupying the area unless the making and continuing of such noise is necessary for the protection and preservation of property or the health and safety of some individual.

   2. The following acts, which enumeration shall not be deemed to be exclusive, are hereby declared to be noise nuisances in violation of this Section and are unlawful:
      a. The playing or permitting or causing the playing of any radio, radio receiving set, television, phonograph, "boom box", loudspeaker, drum, juke box, nickelodeon, musical instrument, sound amplifier or similar device across a public address system which produces, reproduces or amplifies sound when done in such a manner or with such volume, intensity, or with continued duration so as to annoy, to distress or to disturb the quiet, comfort or repose of any person of reasonable sensibilities within the vicinity or hearing thereof. This Subsection shall not apply to the Police or public authorities who are using such a device in the performance of their duties or to those entities excepted in Section (D) below.

B. Classification And Measurement Of Noise. For the purposes of determining and classifying any noise from a fixed, stationary public address system source as loud, unusual or unnecessary as declared to be unlawful and prohibited by Subsection (A) herein, the following test measurements and requirements may be applied:

   Noise occurring within the jurisdiction of the County shall be measured at the property line of the noise source if located within the public right-of-way, and if the noise source is located on private property or property for which there is no adjoining public right-of-way, measurement shall occur at the closest point to the property line of the noise source for which the County can obtain permission to conduct measurements.
   a. The noise shall be measured on the "A" weighing scale on sound level meter of standard design and quality and having characteristics established by the American National Standards Institute.
   b. For purposes of this Section, measurements with sound level meters shall be made when the wind velocity at the time and place of such measurement is not more than five (5) miles per hour or twenty-five (25) miles per hour with a wind screen.
c. In all sound level measurements consideration shall be given to the effect of the ambient noise level created by the encompassing noise of the environment from all sources at the time and place of such sound level measurement.

C. Excessive Noise Levels.
1. Noise measured or registered as provided herein from any source not exempted by this Section at a level which is equal to or in excess of the dB(A) established for the time period and zones listed below is declared to be excessive, unusual, loud and unnecessary:

<table>
<thead>
<tr>
<th>Zone</th>
<th>8:00 AM - 10:00 PM</th>
<th>10:00 PM to 8:00 AM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55 dB(A)</td>
<td>50 dB(A)</td>
</tr>
<tr>
<td>Commercial</td>
<td>60 dB(A)</td>
<td>55 dB(A)</td>
</tr>
<tr>
<td>Light Industrial</td>
<td>70 dB(A)</td>
<td>65 dB(A)</td>
</tr>
<tr>
<td>Industrial</td>
<td>75 dB(A)</td>
<td>80 dB(A)</td>
</tr>
</tbody>
</table>

Background noise means noise from all sources other than that under specific consideration, including traffic operating on public thoroughfares, and is established by measuring the noise level over a fifteen (15) minute period of time.

2. For purposes of this Section, the aforementioned zones shall be defined as set forth in the Unified Development ordinance.

3. Adjacent zones. When a noise source can be measured from more than one (1) zone, the permissible sound level of the more restrictive zone shall govern.

4. St. Charles County – QuickCode 221

D. Exceptions. The following activities, as long as they are conducted between the hours of 8:00 A.M. and 10:00 P.M. as a normal function of a permitted use and the equipment is maintained in proper working condition, are excepted from the provisions of this Chapter:

1. School stadiums or athletic fields;
2. Public outdoor swimming pools;
3. Golf courses.

E. Enforcement.
1. In addition to all Law Enforcement Officers, the following personnel employed by the County shall have the power to enforce the provisions of this Section:
   a. All neighborhood preservation officers in the Department of Community Development.
2. Prosecution shall be the responsibility of the County Counselor.

F. Penalty. Any person who violates any of the provisions of this Section within the unincorporated county is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars ($1,000.00). Each day a violation is committed or permitted to continue shall constitute a separate offense. (Ord. No. 10-036 §§1--6, 5-13-10)
Appendix C
Site plan of Venue
February 19, 2019

Re: CUP 18-18

To the Planning and Zoning Commission:

I object to CUP 18-18 in its current form in agreement with my neighbor Graeme Garvey on all points. I have attached his objection letter and figures for reference. I would like to expand upon 3 of his concerns.

My primary concern is the increase of potentially impaired drivers passing the front of our subdivision entrance at night poses a public safety risk. We have nearly 200 homes (and growing) in Callaway Valley just northwest of the proposed venue that all use a single entrance onto highway F. This entrance is on top of a hill just after a curve coming from the Brinkman property. There have already been 10 motor vehicle accidents at or near the entrance to our subdivision in less than 4 years during daylight hours. This includes a school bus and dump truck whose drivers make a living traveling this route. This is a very dangerous and unlit stretch of road, especially at night for drivers seeing it for the first time. This proposal would allow for up to 200 inebriated drivers to attempt to navigate this unfamiliar road, likely at night, after each event. I have 3 children, one of which will be driving in less than a year that will be using our subdivision entrance and highway F.

Any guests leaving a Brinkman party that are traveling to Wentzville, Lake St. Louis, O'Fallon, Troy, Warrenton, St. Peters, or north St. Charles would travel our direction through New Melle. The highways of F, D, and Z have proven treacherous and deadly, even during daylight hours, especially during rainy or winter weather. Each winter storm leaves dozens of cars in the ditch, often rolled over, including MoDOT plows, fire engines, and school busses (just in the last 3 years). If they have trouble with these roads, imagine an impaired driver navigating it for the first time, at night.

I propose that not only that alcohol serving stops 90 minutes before the function’s end, but that they also hire an off duty St. Charles Police officer to run security. The officer would screen any guests leaving early, and guests leaving at the end to ensure they are able to safely drive. If they are not, a Lift, Uber, Taxi, or other ride will be called for them, at the patron’s expense. I am not requesting a DWI checkpoint or the like. I do not want patrons to be harassed, but reminded of their responsibilities as drivers, and offered options for their safety and the safety of others. Otherwise, they could easily kill themselves, one of my neighbors, or someone in my family. 90 minutes is not enough to sober up if a patron is drunk.

My secondary concern is that fireworks displays are a danger to my property. The wooded, steep terrain in our area is primed for forest fires. We already had 3 forest fires in the spring of 2018 in New Melle, each destroying 5 acres or less. None of these fires should have traveled that far except for the difficult terrain. Often they are not detected immediately due to wind blowing smoke through the valleys, and if they were detected quickly, there was still the difficulty of getting water to the source across the steep terrain. One of the fires was from burning trash (unattended), and the other 2 were from residential fireworks. All presented firefighters with a major challenge because of the terrain. One of these required 4 different fire departments to respond. A commercial fireworks display, Sky Lanterns, or any floating flammable display could escalate the spread of fire exponentially threatening our homes that are adjacent to the Brinkman property. I could lose my family because of a wedding. I propose that fireworks are not allowed at this venue unless a water truck from the fire department is on site.

My tertiary concern is the use of firearms during any venue is a danger to public safety. While it may appear to guests that they are surrounded by woods, there are hundreds of homes within reach of a bullet. I propose that discharging of firearms be strictly prohibited and any such infraction be prosecuted to the fullest extent of the law.

Sincerely,

Brian Goertz
REZONING REQUEST AND PRELIMINARY PLAT FOR AUDEN PRAIRIE - WILSON ROAD

Application: RZ18-12 & PRE18-19
Owner: Wilson T&B, LLC
Developer: J S Clement Construction, LLC
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
Number of Lots: 16
Parcel Size: 51.18 acres
Location: On the west side of Wilson Road, approximately 800 feet northwest of Lakeway Drive; near Broemmelsiek Park
Council District: 2
Parcel Account Nos.: 597450A000 and 597450B000

CONTENTS:
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Topographical Map
➢ Rezoning Exhibit
➢ Preliminary Plat
➢ Site Distance Exhibit
➢ Letters received
   ♦ Comments - Mo Department of Natural Resources
   ♦ Comments - Public Water Supply District #2
   ♦ Comments - Spire Energy
   ♦ Support - Steve Sommerkamp
   ♦ Support - Matt Murphy
   ♦ Support - William Steimel
   ♦ Support - Michael OToole
REVISED STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Mark Price, Jr. AICP, CFM
Application No.: PRE18-19 & RZ18-12
Date: February 15, 2019

BACKGROUND INFORMATION

Property owner: Wilson T&B, LLC
Requested Actions:
1. A zoning map amendment to rezone two parcels from A, Agricultural to RR, Rural Residential.
2. Approval of a preliminary plat for Auden Prairie Subdivision (16 lots)
Location: On the west side of Wilson Road, north of Highway D and west of Highway DD (Account Numbers 597450A000 and 597450B000)
Area: 51.18 acres
Current Zoning: Both parcels are zoned A, Agriculture District
Current Land Uses: agricultural and vacant, forested land
Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Current Zoning</th>
<th>Current Land Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural</td>
<td>Single-Family Residential (Crab Tree Acres Subdivision)</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural</td>
<td>Single-Family Residential (Lakeway Subdivision)</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural</td>
<td>Single-Family Residential and Forest</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural</td>
<td>recreational (polo field) and a CUP for a brewhouse</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Rural Residential land uses (less than one dwelling per acre)

Public Services:
County Council District 2 – Joe Brazil
School District – Francis Howell School District
Fire District – New Melle Fire Protection District

Utilities:
Water – Public Water Supply District #2
Sewer – (Private Sanitary Waste System as approved by St. Charles County)
REZONING ANALYSIS

The A, Agriculture District requires a minimum of 5 acres per lot for new lots to be developed, and the developer is concurrently applying for a rezoning to RR, Single-Family Residential District (minimum 3-acre lots) with a specific plan to subdivide the property. A Preliminary Plat for Auden Prairie Subdivision is to be concurrently reviewed by the Planning & Zoning Commission.

Currently this property, and all surrounding properties are zoned A, Agriculture. However the properties to the north, south, and east have all been developed with 3-acre lot sizes as allowed in the A, Agriculture District before 2006.

The newly-enacted 2030 Master Plan and Future Land Use Map recommend future Rural Residential land uses, and the proposed rezoning would conform to that recommendation. Development with 3-acre residential lots would continue prevailing land use patterns to the north, south, and east.

PRELIMINARY PLAT ANALYSIS

Under the proposed Auden Prairie Subdivision plat, the developer proposes to subdivide the 51.18 tract into 16 new parcels with an average lot size of 3.22 acres. The lots would range in size from 3.0 to 4.7 acres. The developer plans to remove trees for four home sites and to allow for the road and the required front yards to be free from trees. The Plat will meet the tree preservation requirements of the County by preserving 16.74 acres of trees of the sites 21.24 acres of trees now existing on the property.

All lots will front on a private road (Auden Drive). At approximately 2,400 feet in length, the cul-de-sac would meet the maximum block length requirement of 2,640 feet. The applicant has proposed to not connect to Country Life Lane which now terminates on the common boundary with the subdivision to the north (Crabtree Acres). Specifically, Section 410.310.E of the County Code requires:

"The system of streets designated for the subdivision, except in unusual cases, must connect with any streets already dedicated in adjacent subdivisions; and, where no adjacent street connections are platted, must in general be the reasonable projection of streets in adjacent tracts, and must continue to the boundaries of the tract subdivided, so that other subdivisions may connect therewith."

The engineer for this project indicates that a high pressure pipeline crosses the northwest corner of the property within a 30-foot wide easement running immediately adjacent to Country Life Lane. The engineer states that extending Auden Drive to connect with Country Life Lane would place a segment of Auden Drive over the pipeline which they deem to be unsafe or at least an unnecessary risk.

RECOMMENDATIONS:

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the zoning map amendment from A, Agricultural District to RR, Single-Family Residential District.

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve the preliminary plat of Auden Prairie Subdivision, subject to the County Council’s approval of the rezoning to RR, Rural Residential District.

Staff requests that the Commission vote separately on each application.
Photo down proposed entrance into subdivision from Wilson Road.

Photo looking northwest into the property from Wilson Road.
Subject Property
November 01, 2018

JS Clement
JS Clement Construction, LLC
4308 Dianna Lane
Wentzville, MO 63385

RE: Undeveloped

Dear JS Clement:

On September 18, 2018, the Missouri Geological Survey received a request to perform a geohydrologic evaluation for the above referenced project located in St. Charles County. Included with this letter is a report that details the geologic and hydrologic conditions at the site and the determination of minimum lot size based on groundwater contamination potential.

Thank you for the evaluation request. If you are in need of further assistance or have questions regarding the report, please contact our office at P.O Box 250, Rolla, Mo 65402-0250, by telephone at 573-368-2100 or gspgeol@dnr.mo.gov.

Sincerely,

MISSOURI GEOLOGICAL SURVEY

John Corley
Geologist
Environmental Geology Section

c: JS Clement
WPP
St. Louis Regional Office

11/01/2018
Project ID Number: RHD19009
County: St. Charles

Request Details
Project: Undeveloped
Legal Description: 33 T46N R02E
Quadrangle: Defiance
Latitude: 38 42.5 26
Longitude: -90 48.48 1

Property Owner
Name: JS Clement
Address: 4308 Dianna Lane
City: Wentzville
State: MO Zip: 63385
Phone: 314-249-9812
Email: JSClementconstruction@gmail.com

Requestor
Name: JS Clement
Address: 4308 Dianna Lane
City: Wentzville
State: MO Zip: 63385
Phone: 314-249-9812
Email: JSClementconstruction@gmail.com

Project Details
Report Date: 11/01/2018
Date of Field Visit: 10/18/2018
Project Exempt: No

Previous Reports: Not Applicable

Upper Bedrock
☐ 0.0 Surficial materials greater than 20 feet thick or bedrock generally displays low permeability
☒ 0.1 Bedrock has moderate to high near-surface relatively low permeability at depth
☐ 0.4 Bedrock has persistent open fractures and/or moderate to high permeability
☐ 1.2 Bedrock displays well developed karst features

Surficial Materials Type
☐ 0.0 Clay: Glacial drift or residuum with low permeability
☐ 0.1 Silt/Sand, Loess, silty and sandy alluvium, moderate permeability
☒ 0.4 Gravel: gravely alluvium and residuum
☐ 1.2 Macropore permeability: relict bedrock structure residuum

Surficial Material Thickness
☐ 0.0 Greater than 20 feet
☐ 0.1 Greater than 10 feet but less than or equal to 20 feet
☒ 0.4 Greater than 5 feet but less than or equal to 10 feet
☐ 1.2 Less than 5 feet

Watershed Hydrology
☐ 0.0 Limited recharge
☐ 0.4 Local recharge
☒ 1.2 Regional recharge

Water Supply
☐ 0.0 Community Public Water Supply
☐ 0.1 Non-community public water supply
☐ 0.4 Multi-family wells
☒ 1.2 Individual Domestic Wells

Approximate Groundwater Velocity
☒ 0.0 Low to moderate
☐ 1.2 High

This evaluation is not an approval under the current residential housing development rules and pertains only to groundwater contamination potential. This report is valid for one year only at the location specified.

Minimum Lot Size: 2.5 acres
Total of rating numbers for all categories equals minimum lot size in acres.
Remarks:
On October 18, 2018, a geologist with the Geological Survey Program (GSP) performed a geohydrologic evaluation of a proposed 54-acre subdivision located approximately 0.6 miles northwest of the intersection of Route D and Route DD in St. Charles County, Missouri. The purpose of the site visit was to observe the geologic and hydrologic characteristics of the site and to determine the minimum lot size necessary to protect groundwater quality based on groundwater contamination potential.

No bedrock was observed on site, but according to previous mapping, bedrock at the site consists of moderate to highly permeable Mississippian-age Burlington-Keokuk Limestone. The Burlington-Keokuk Limestone is a moderate to coarsely crystalline fossiliferous limestone that is highly subject to solution weathering that may lead to the formation of karst features such as caves, sinkholes, losing streams, and springs.

Surficial materials on site primarily consist of loess and glacial till overlying residuum derived from the underlying Burlington-Keokuk Limestone at depth. Overall, the loess and glacial till material is expected to exhibit low to moderate permeability. Silty and gravelly alluvium was also observed in the drainageways on site, with chert cobbles and gravels observed in abundance, and the occasional remnant piece of Burlington Limestone. According to soils data for the area, surficial material thickness is expected to be less than 10 feet thick towards the eastern wooded portion of the site. Hilltops in the area may have up to approximately 30 feet of surficial materials.

Surface water from the site drains to north-flowing tributaries of Kraut Run, which is classified as gaining. The drainageways on site exhibited no flow in their upper reaches, but the site is located high in the watershed. Pools and low flow become more prevalent towards the eastern portion of the property. The potential for regional groundwater contamination is minimal. However, in the event of wastewater treatment failure, the local and shallow groundwater, and surface waters of Kraut Run and its tributaries, may be adversely impacted.

Based on the geologic and hydrologic characteristics observed at the site, a minimum lot size of 2.5 acres is necessary to protect groundwater quality.
December 10, 2018

Dale J. Bax
Bax Engineering Co, Inc.
221 Point West Blvd.
St. Charles, MO 63301

RE: Auden Prairie – St. Charles County

Mr. Bax:

Public Water Supply District #2 of St. Charles County will provide water service for the above referenced project, once the District’s requirements for design, construction, and documentation have been met. The District requires that all facilities be designed and constructed per the District’s Guidelines and Specifications which can be found at www.waterdistrict2.com.

The Water District commitment for water capacity is contingent on connections to the Water Districts systems being completed and placed into service within three years after the date of your approval letter.

Should you have any further questions, please contact me at 636-561-3737 x 135.

Sincerely,

Chuck Krakosky
Project Manager /
Development Coordinator
Spire has no objections to this plat. We would like to see 10 foot wide easements dedicated adjacent to all ROW’s and the private street dedicated as a utility easement on the Record Plat.

Thanks.

Kent Thaemert
Manager, Construction Engineering
6400 Graham Rd.
St. Louis, MO  63134
314.575.8018 Mobile
SpireEnergy.com

Good afternoon:

The subject preliminary plat will be heard before the St. Charles County Planning and Zoning Commission December 19, 2018.
Mr. Myers and Ms. Weiss,

My name is Steve Sommerkamp, my family and I live at 4313 Dianna Lane Wentzville, Missouri; we are residents of the area and live in the general vicinity of this proposed development. Please consider my email in support of this proposal as submitted to the Zoning Commission. As I understand it, the developer has requested a zoning change from Agriculture to Rural Residential which would allow for development of a single family subdivision with 3- acre lots. As both of you are fully aware, prior to 2006, the agriculture zoning district allowed for 3-acre lots but was changed to 5 acre lot minimums. There are quite a few subdivisions in the area including two that adjoin this proposal, that were developed under the Agriculture Zoning District with three acre lots and are now non-conforming to the current zoning ordinance requirements. Additionally nearly all of the surrounding residences along Benne, Wilson, and DD in this area are on 3-acre lots and not 5 acre lots. In my opinion, this proposed development is similar and consistent with the surrounding subdivisions and homes that are already developed in the immediate and nearby area. I would also like to point out that by providing a single dead end private street that does not connect to the north adjoining Country Life Lane, this development will have the least amount of impact on the immediate surrounding properties. Maintaining consistency and continuity of an area is an important feature of zoning and development philosophy. I think this development does that. I do not think these additional homes will have a significant impact on local traffic or the environment as each home will be connected to the municipal water supply and the state has provided a preliminary assessment indicating the soils on the property are sufficient to handle individual private septic systems.

Sincerely,

Steve Sommerkamp

4313 Dianna Lane
Wentzville, Missouri 63385
sommerkamp@sbcglobal.net
(314) 540-7735
Hello,
As a resident living off Wilson Rd, I’m writing this email to express my approval for the proposed Auden Prairie development off Wilson Rd in St. Charles County. I feel the 3 acre development would be a great addition to the surrounding area. In addition, the homes that JS Clement Construction builds will help maintain and increase the value of the surrounding neighborhoods.

Thank you,
Matt Murphy
To whom it may concern;

I want to address the committee regarding the matter of approval for a development in my community known as “Auden Prairie” proposed by JS Clement Construction.

The proposed development is for a tract of land of three acre lots with custom built homes by JS Clement Construction. Our community comprised of several developments of three plus acre home sites with custom built homes are already in place. The proposed plan is requesting the same type of development and would maintain or improve the value of the homes in the surrounding area, included in which is my residence. The quality of construction and curb appeal for which JS Clement Construction is known will be an asset to both St. Charles County, the adjoining communities and neighborhoods. I have personally been in a home constructed by the builder and can attest to the quality of build.

I would recommend that the committee approve this development as proposed. Keep in mind that many other very similar developments are in the surrounding area. New developments like this are essential for St Charles County’s growth and appeal to future homeowners as well as improving our small communities, home values and an increased tax base to help us provide better education and services to all homeowners that call St. Charles County their home.

Thank you for your time and consideration in this matter and helping our community grow.

Regards,

William H Steimel
4321 Dianna Lane
Wentzville, Mo. 63385
314-517-6469
Homeowner
Dear Mr. Meyers and Mrs. Weiss,

I am writing you to express my support for the development of Auden Prairie on Wilson rd. I think the development is a good fit for this area. I feel there is a need for more 3 acre residential developments for the area so real estate values stay consistent for comparables. I live about a ½ mile from the development and I always have friends that are looking in this area for this type of development. The developer worked on my home when I was building and he is very competent and builds beautiful homes.

Thank You,
Michael OToole
314-565-8213

Sent from Mail for Windows 10
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: DECEMBER 19, 2018
TIME: 7:00 P.M.
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Gary Griffin; Kevin McBride; Kevin Cleary; Tom Kuhn; Roger Ellis; Jim Leonhard; Craig Frahm; and Mike Klinghammer, County Councilman

MEMBERS ABSENT: Robert McDonald

STAFF PRESENT: Robert Myers, Director of Planning & Zoning; Mark Price, County Planner, Pinar Turker, County Planner, Keith Hazelwood County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS: CUP18-17: Jerry Costephens, 2209 Flint Hill Drive; Joann Jungermann, 225 Flint Hill Drive; Wayne Oberdieck, 2195 Flint Hill Drive; Jean St. Clair, 2123 Flint Hill Drive; Michael Gorman, 4349 Highway P; Carol Merz, 2120 Flint Hill Drive; and Arnie “AC” Dienoff, P.O Box #1535, O’Fallon, MO

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Ellis welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council. He explained to the audience that the Planning & Zoning Commission will make a recommendation on applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. Public comment on conditional use permit applications will be taken during tonight’s meeting, and at the County Council meeting on Monday, January 7, 2019. Public comment on conditional use permit applications will not be taken at any meeting of the County Council held thereafter.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the Year 2025 Master Plan for St. Charles County, which includes the Year 2025 Future Land Use Plan Map.

CHANGES TO THE AGENDA
I. THE APPLICANT HAS REQUESTED THAT THESE APPLICATIONS BE POSTPONED UNTIL THE JANUARY 16, 2019 PLANNING & ZONING COMMISSION MEETING:

REZONING REQUEST AND PRELIMINARY PLAT FOR AUDEN PRAIRIE - WILSON ROAD

Application: RZ18-12 & PRE18-19  
Owner: Wilson T&B, LLC  
Developer: J S Clement Construction, LLC  
Current Zoning: A, Agricultural District (5-acre minimum lot size)  
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)  
Number of Lots: 16  
Parcel Size: 51.18 acres  
Location: On the west side of Wilson Road, approximately 800 feet northwest of Lakeway Drive; near Broemmelsiek Park  
Council District: 2  
Parcel Account Nos.: 597450A000 and 597450B000

At the request of the applicant, the Planning & Zoning Commission, by unanimous vote, POSTPONED consideration of applications RZ18-12 and PRE18-19 until the January 16, 2019 Planning & Zoning Commission meeting.

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT REQUEST - 4431 HIGHWAY P

Application: CUP18-17  
Owner: James Smarko  
Applicant: Loyal Order of Squirrels  
Property Zoning: A, Agricultural District  
Use Requested: Private Club  
Parcel Size: 10.00 acres  
Location: On the north side of Highway P, approximately 500 feet southwest of Flint Hill Drive; near Flint Hill  
Council District: 1  
Parcel Account No.: 293341A000

Robert Myers, Director of Planning & Zoning, described the zoning of the subject property, the surrounding zoning, and the 2025 Future Land Use Plan. The applicant is requesting a Conditional Use Permit to operate a private club. The property currently consists of 10 acres of land. The subject property is long and narrow and surrounds existing residences. Mr. Myers read aloud the definition of a private club. The applicant, The Loyal Order of the Squirrels, is a charitable organization located in St. Charles County that has approximately 45 members. They intend to construct a pole barn structure on the property and use the building as a meeting space for their organization. They also intend to use the building as a workshop space for their charitable work, which includes repairing bicycles that they donate to the less fortunate. The applicant is not proposing to have a restaurant or a bar, and they are not going to be using the space for weddings or gatherings. They will store everything on the property indoors, including the bicycles. Mr. Myers stated that the property does not
have access to public sewage disposal, and would be serviced by a septic system. The applicant has also proposed to keep the mature vegetation along the borders of the property in order to help provide a visual buffer.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the application as conforming to the criteria of Section 405.410.B. of the County Code and subject to the following conditions:

1. A site plan must be submitted to and approved by St. Charles County’s Community Development Department as substantially complying to the conditional use concept plan attached as part of “EXHIBIT B”.

2. All exterior lighting at the property shall use “full cutoff fixtures” to prevent light pollution from impacting surrounding properties.

3. Occupancy shall be limited to no more than 160 persons.

4. Forested areas depicted on the concept plan shall remain undisturbed except for tree replacement.

5. An entrance permit shall be obtained from the Missouri Department of Transportation (MoDOT) for access to Highway P.

For the record, staff received one letter of concern and five letters of opposition regarding this application.

Chairman Roger Ellis asked if the Commission had any questions for the Planning & Zoning staff.

Gary Griffin asked for clarification of the County parking standards and occupancy load limits for a private club.

Robert Myers responded the applicant has stated that there are approximately 56 members of this club, which would require them to provide for a minimum of 14 parking spaces.

Gary Griffin stated that condition number three in the staff recommendation report states that “Occupancy shall be limited to no more than 160 persons”. He asked if the language should be added to condition number three that would require the applicant to provide the minimum number of required parking spaces for the maximum allowed 160 persons, rather than the minimum 56 persons.

Keith Hazelwood, County Counselor, responded that he could draft up the proposed changes to that condition if Mr. Griffin would like to make a motion on that change.

Chairman Roger Ellis stated that there is a maximum occupancy limit of 160 persons in the building. He stated that 14 parking spaces is the minimum standard for the applicant’s stated number of 56 members. He stated that condition number three would come into play if the private club were to host an event, in which case they cannot exceed 160 occupants.

Gary Griffin asked how they would provide for parking if there were to be an event that included 160 occupants, with only 14 parking spaces planned.

Chairman Ellis responded that the property consists of 10 acres, so they have ample room for parking vehicles on the property.
Robert Myers stated that the applicant will have to meet the parking requirements whether there are 56 members or 100 members. Mr. Myers stated that parking requirements are addressed during the site plan approval process, and are separate from any conditional use permit condition.

Gary Griffin is questioned why there are different parking requirements imposed for wineries than there are for private clubs.

Chairman Roger Ellis stated that parking requirements for a winery are greater because it is open to the public. This application is for a private club, and would not be open to the public.

Mike Klinghammer asked about the requirements would be for outdoor lighting on the property.

Robert Myers responded that the applicant would need to submit for an electrical permit. At that time, County staff would insure that all County lighting standards are met.

Mike Klinghammer asked if proximity to nearby households is considered when issuing an electrical permit.

Robert Myers responded that he believes that it is more about the fixtures pointing downward and not towards the neighboring properties, to ensure that there is not any light spill over. He stated that the County’s lighting standards are part of the County Building Codes, and are not regulated by the Planning & Zoning Division.

Mike Klinghammer asked if the parking lot would require outdoor lighting.

Robert Myers responded in the negative.

Mike Klinghammer asked to describe the greenspace buffer between the building and the property line along the east side, as shown on the preliminary concept plan.

Mark Price responded that the site is fully wooded and appears to have decent sized trees that cover the majority of the lot.

Mike Klinghammer asked if the applicant would be required to maintain a tree line on the subject property.

Robert Myers responded that the applicant is required to maintain the buffer width that is set within the conditional use permit. He stated that it is based on the concept plan.

Mike Klinghammer stated that the concept plan shows a 100-foot scale, so it appears to him that a 60-foot buffer would be required to be maintained on both sides of the property. He asked Mr. Myers to confirm the size of the proposed buffer, as the scales on the concept plan may not accurately depict that.

Robert Myers responded that the scaling on the concept plan shows the buffer to be approximately 60-feet wide. The minimum standard for buffering requirements in the County Zoning Regulations provides for two different options, one of which is a 20-foot deep buffer.

Kevin Cleary stated that the applicant has stated that meetings are held on the third Thursday of each month from 5:00 PM to 9:00 PM. He asked if a condition restricting the hours of operation could be added, since this property is completely surrounded by residential properties.
Robert Myers responded that the Commission could move to add such a condition if they wish to do so.

Tom Kuhn asked to view a photo of the proposed pole barn structure.

Robert Myers showed an image on the screen and stated that it was an example of the style of the proposed building, rather than the size of the proposed building.

Chairman Roger Ellis asked if the Commission had any further questions for staff.

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Josh Grasser, applicant, 10 Old Knaust Road, was sworn in. He stated that they would like to build a building where they can hold their meetings, as they have been using borrowed space for almost 35 years. The Loyal Order of Squirrels were founded in 1984. They have a large bike program, and are also looking for a place store bikes that are donated to them throughout the entire year for their repair program. In talking to some of the residents of the Flint Hill subdivision, he believes they may have gathered some information from their website and Facebook page that is not necessarily what they will be using this particular property for. They host a fundraiser that is a sporting clay shoot, and they do that because it brings in a lot of money for the organization. It’s a popular event and it brings in money that they use for helping people throughout the year. He wants to clarify that this event is held at Blackhawk Valley Hunting Preserve in Old Monroe, and it will never be moved to a different location. There is no way that they could hold this type of event at the subject property. They also host a membership drive where their members come out and do paintball. This event is held at Wacky Warriors, in Wentzville, and will never be moved to the subject property either. There were also concerns raised about their membership, as a far as the number of members. He stated that they passed out their brochure to some of the surrounding residents to help explain the organization and what they do. In that brochure, it says that their membership numbers are in the hundreds. While their membership is probably over 100 members, typically only 30 to 40 members show up for their membership meetings. With their meetings being only on Thursdays, this property will remain essentially unused. They just want to be able to store their things and not have borrow someone else property to do so, and have a place to hold their weekly meetings. On the back page of their brochure, there is a photo of a building called “Squirrel Hall”, and it says that someday we would like to have a food pantry, a handicapped accessible playground, and an event hall. While this has always been their vision, they cannot afford to purchase a property that would be large enough to accommodate all of those things at this time. The organization has been saving money to be able to purchase this particular property for 35 years, and they have adjusted our plan since their brochure was printed a few years ago. He feels that they will be great neighbors. We are a charity organization, but they call themselves a club.

Mike Klinghammer stated that 10 acres is a large chunk of ground in a residential type area for this type of development. He stated that he has some of the same concerns that the neighbors have. He asked Mr. Grasser if there was a plan to develop the front portion of the property.

Mr. Grasser responded there is no plan to use that part of the property for anything at this point. They have been trying to buy this property since September, and have been going back and forth with the property owner to come to an agreement on a sales contract. In November, the owner accepted their offer, but he only gave them until the end of January to close on the property. As soon as their contract was accepted, they applied for this conditional use permit, and since there was only a limited amount time for them to make the December Planning & Zoning Commission meeting application deadline, one of their members drew a preliminary concept plan sketch showing the building being located at the back of the property because that seemed logical at the time. He stated they are not set
in stone where the building will be located, they did this sketch quickly in order to try to meet their closing deadline.

Mike Klinghammer stated that they likely only need about three acres of land for this building, but they contracted to purchase ten acres of land in an area where land is not cheap. It seems like they will end up with six or seven acres of unused ground, that a charitable organization is buying. He asked what else they are planning in the future for the rest of the unused property acreage.

Mr. Grasser stated that they have been looking for ground for a long time. They have to remain in the St. Charles County to satisfy their Charter. Ground in St. Charles County is not cheap, and they have yet to find a property that fits exactly what they are looking for that has a price that they can afford. They want to be able to build an event center, and they found this property that appear to be usable for what they want to use it for.

Mike Klinghammer asked Mr. Grasser how the Planning & Zoning Commission can be reassure that they are not going to come back before them in a couple of years, and say that since you now own this ground you want to build an event center on the front portion of the property.

Mr. Grasser stated that it would likely not be feasible, since the front portion of the property is so narrow. They would be required to leave a 100-foot buffer on each side, and it just wouldn’t work. This is also not really a prime location for an event center. They have recently changed their path, and that is not the goal they are after anymore.

Gary Griffin asked the applicant if they have a sales contract with the property owner.

Josh Grasser responded that they do have a contract, but have not yet purchased the property. Mr. Grasser stated that they have a couple contingencies on the contract.

Chairman Ellis asked about other types of events or activities that may be held on the subject property throughout the year.

Mr. Grasser responded that they do not plan to have any other events at this time. He stated that they do have a club barbecue once-a-year that consists of thirty to forty of their members and their families, and they would probably like to hold that event on the subject property.

Gary Griffin asked when construction for the pole barn would begin if this application is approved.

Mr. Grasser responded that if the application approved, and they close on the property in February, then they would like to begin construction in March.

Gary Griffin asked where the charitable organization receives their bicycle donations from.

Mr. Grasser responded that they work with the local Adopt-a-Family program to repair and donate bicycles. Mr. Grasser stated the organization receives donated bicycles throughout the year from agencies such as Sts. Joachim & Ann in St. Peters, Missouri. They also receive other donations through word-of-mouth. He stated that they also typically receive a lot of brand new bicycles around Christmas time in the form of charitable donations.

Craig Frahm asked about other philanthropic endeavors that this charitable organization is involved in.
Mr. Grasser responded that in addition to their bicycle repairs and donations, his organization has done handicap accessible bathroom renovation projects, and has also built wheelchair ramps at no cost to the families that they assist.

Chairman Ellis asked if there were any further questions for the applicant. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Jerry Costephens, 2209 Flint Hill Drive, was sworn in. Mr. Costephens stated that he has lived at his residence in Flint Hill Estates for 43 years. He stated that the residents of Flint Hill Estates are opposed to the conditional use permit request. The current owner of the subject property, James Smarko, gave him permission to cut firewood on the subject property in the past so he is familiar with the topography and layout of the property. He stated he has spoken with an engineer regarding the building plan for this property and in their opinion, it would be impossible to build the proposed pole barn on this property because of the steep grade. He also stated there is a septic field located along the rear of the property, right where the concept plan shows the building being located.

Chairman Roger Ellis asked if the Commission had any questions for Mr. Costephens.

Craig Frahm asked Mr. Costephens what the height difference is between the home and the pole barn he has on his property.

Mr. Costephens responded that his house and pole barn are equivalent in height.

Chairman Ellis asked Mr. Costephens if Flint Hill Estates has a Homeowner’s Association.

Mr. Costephens responded that they do not have a Homeowner’s Association, but in a situation like this the neighbors all join together.

Craig Frahm asked Mr. Costephens if he believes that it would be better for the proposed pole building to be located on the front of the property.

Jerry Costephens responded in the negative. He stated that he would like for the applicant to find a different property to build on. He does not believe that the subject property is designed for a private club, and he believes it should remain residential.

Carol Merz, 2120 Flint Hill Drive, was sworn in. Ms. Merz stated that she is opposed to this conditional use permit request. She stated that she is concerned about the misleading information in the organization’s brochure in regards to fundraising, future events, and what this private club would be used for. She stated that although the applicant stated that their organization has changed the direction of their path, she is concerned that this development will negatively affect the property values of Flint Hill Estates and the aesthetic values of the community.

Joann Jungermann, 225 Flint Hill Drive, was sworn in. Ms. Jungermann stated residents of the Flint Hill Estates subdivision held a meeting on Monday December 17, 2018. She stated that the residents of Flint Hill Estates are opposed to the conditional use permit request, and read an email that she previously submitted to the St. Charles County Planning and Zoning Commission. She is concerned that this development would negatively affect their property values. She is also concerned with the total number of members in the charitable organization, and the intended use of the private club. She stated that the residents of Flint Hill Estates would like for the subject property to remain residential, and would like for the charitable organization to find another location for their private club.
Kevin Cleary asked if the subject property is part of the Flint Hill Estates neighborhood, and would be subject to their covenants.

Joann Jungermann responded that it is not a parcel of Flint Hill Estates, but every other parcel that surrounds it is.

Chairman Ellis again asked if there was a Homeowners Association for the Flint Hill Estates Subdivision.

Joann Jungermann responded that there is not a Homeowner’s Association, but there are rules for the neighborhood.

Wayne Oberdieck, 2195 Flint Hill Drive, was sworn in. Mr. Oberdieck lives in Flint Hill Estates Subdivision, and he stated that the neighborhood covenants were presented to him when he and his wife moved into the subdivision 17 years ago. He stated that the neighborhood covenants contain three pages that include guidelines for buildings and land use for that area. It states in the covenants that they automatically renew every ten years, unless someone makes changes to them. He stated that an attorney would have to review it to determine the accuracy. He stated that he is opposed to the conditional use permit request, and is concerned that his property values would decrease being located next to a bicycle repair shop and food pantry.

Jean St. Clair, 2123 Flint Hill Drive, was sworn in. Ms. St. Clair’s property backs up to the subject property. She stated that the subject property does not have complete wooded screening, and the old buildings on the subject property are visible to her and other neighbors. She stated that she would like for the subject property to remain residential. She is concerned that the private club would negatively impact her neighborhood in the future.

Arnie Dienoff, P.O Box #1535, O’Fallon, Mo., was sworn in. Mr. Dienoff stated that it sounds like the Loyal Order of Squirrels organization does a lot of good for the community and for St. Charles County. He stated that this organization is likely a 501(c)(3) organization and is exempt, so once the purchase of this property goes through it will now also be tax exempt so they will not be paying any County taxes. He stated that the homeowners of the Flint Hill Estates Subdivision expressed concerns in some of the letters that were sent to the Commission that they were not properly notified of this public hearing. He asked if County staff has notified the Village of Flint Hill so that they have the opportunity to file a remonstrance against this rezoning if they wish to do so. Mr. Dienoff asked if the Corps of Engineers was notified of this request, since there are concerns with the septic system and drainage on the subject property. He would like to see conditions similar to those that have been imposed within the wine district and for other private clubs added. He wants conditions added that state no outdoor music or outdoor amplified sound will be allowed past 8:00 PM, no club activity allowed on the property after 10:00 PM, and that no gun shooting will be allowed. Only two-thirds of the property have a berm, so there needs to be a buffer of either landscaping or a berm required all the way around the property, and a condition that states that none of the existing forestry can be removed. He stated that homes in Flint Hill Estates cost between $300,000 and $800,000 dollars, and he is concerned that the proposed development could negatively impact the surrounding property values. There should also be more parking spaces available so that it is reflective of the maximum occupancy limit. He recommends 100 spaces be required, and he would like to see a condition requiring the parking lot be paved instead of a gravel parking lot.

Chairman Ellis stated that this is a conditional use permit request, not a rezoning request. Mr. Ellis stated that the zoning of this property will remain A, Agricultural District whether this conditional use permit is approved or not.
Mr. Dienoff responded that based on the prior testimonies, he thought the applicant was requesting a rezoning.

Chairman Ellis stated that the conditions Mr. Dienoff quoted as having been imposed for previous conditional use permit applications in the “wine district” were imposed because those were all commercial businesses that are open to the public. He stated that this will be a private club, and it is not going open to the public or selling anything to the public.

Michael Gorman, 4349 Highway P, was sworn in. Mr. Gorman is a homeowner in Flint Hill Estates. He is concerned that the applicant has rushed through the conditional use permit application process. He stated that there are a lot of variables that are not being fully disclosed. The applicant has provided a lot of misleading points that need clarification. He asked the Planning and Zoning Commission to review the conditional use permit request carefully. He believes that the applicant should review and resubmit their application.

There being no other speakers from the audience, Chairman Ellis asked the applicant if they would like to approach the podium again to address any of the concerns that were voiced by the audience.

Josh Grasser came back to the podium.

Tom Kuhn asked if there were different chapters of the Loyal Order of the Squirrels throughout St. Louis region.

Mr. Grasser responded that there is only one organization.

Tom Kuhn asked the applicant to address the discrepancies regarding the total number of members of this organization.

Mr. Grasser responded that their organization understands the concerns of the Flint Hill residents, and he understands the discrepancies listed in the brochures that they handed out. He stated that the brochure was only to be used to provide information about the organization. Although there are over 100 members in total, there are only thirty to forty active members that attend meetings and events.

Tom Kuhn asked if the applicant plans to obtain outside financing for the purchase of this property.

Mr. Grasser replied that they have been saving monies for 35 years in order to be able to obtain a property. They will be not be obtaining financing, and will be purchasing this property outright.

Gary Griffin stated that if this application ends up not being approved, the applicant should consider another location that will fulfill their vision and not conflict with surrounding residents.

Chairman Ellis asked Mr. Grasser how many members would have access to the proposed building.

Mr. Grasser responded that specific details have not been discussed, but the building would only be accessible to a select number of people. He stated that the building will only be used for meetings and for bicycle repairs.

Kevin Cleary asked if an engineer has reviewed the proposed building, and if they have had any plans prepared for handling runoff, soil sampling, or tree clearing.

Mr. Grasser responded that they have not hired an engineer. The concept sketch was drawn in order to be able to meet the property owner’s closing deadline.
Mike Klinghammer stated that if this conditional use permit application is approved, the applicant will not be able to make any significant changes to the concept plan. He stated that during the public hearing, Mr. Costephens mentioned that he spoke with an engineer about the subject property. He stated that the engineer sent him a letter stating that 5,000 cubic yards of fill would be needed in order to build the proposed building. He asked Mr. Grasser if they have given any thought as far as additional expenses that may be incurred.

Josh Grasser responded that is not something that they have discussed yet.

Mike Klinghammer stated that the plan shows the septic field being higher than the building. Mr. Klinghammer stated that everything will flow downhill.

Josh Grasser stated that the concept plan was not professionally done, he was told that they only needed to provide a sketch of the plan with the application.

Mike Klinghammer asked the Planning and Zoning staff if the site plan approval process would allow enough leeway for them to be able to move the building from the rear of the property (as shown on the concept plan) to the front side of the property near Highway P.

Robert Myers responded that the Ordinances provide clear guidelines for changes in building locations. Mr. Myers stated that minor changes to the orientation or location of the building could be approved administratively by the Director of Community Development. Changes beyond what would be considered minor would have to be in the form of an amendment to the original conditional use permit. He stated that such amendments would be required to come before both the Planning and Zoning Commission and the County Council for approval.

Tom Kuhn stated that he is concerned that the property owner is not giving the applicant enough time to go through all of the proper steps.

Chairman Ellis asked if there any further questions for the applicant. Seeing none, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary stated that the Loyal Order of the Squirrels seems like a great organization. He has concerns that there seem to still be a lot of items that need to be addressed prior to the Planning and Zoning Commission voting on this application.

Gary Griffin stated that he believes that a different location would be better for this organization.

Chairman Ellis stated that he is concerned that the applicant would only have enough money to purchase the land, and not enough to cover for other expenses such as construction, drainage, or maintenance.

Craig Frahm stated that he used to be a member of the Loyal Order of Squirrels, and they are a great organization. He stated that if it were him, he would request that this application be continued in order to take more time to address all of the concerns.

The applicant requested that this application be continued until the January 16, 2019 Planning and Zoning Commission meeting. He stated that they will speak with the property owner to try to get him to give them more time to close on the property.

Mike Klinghammer made a motion to continue Application No. CUP18-17. Tom Kuhn seconded the motion.
Chairman Ellis called for a motion to table Application No. CUP18-17 to the January 16, 2019 Planning and Zoning Commission meeting.

Mike Klinghammer made such motion, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Gary Griffin</td>
<td>- No</td>
<td>Kevin McBride</td>
<td>- Yes</td>
<td>Kevin Cleary</td>
<td>- Yes</td>
</tr>
<tr>
<td>Tom Kuhn</td>
<td>- Yes</td>
<td>Roger Ellis</td>
<td>- Yes</td>
<td>Jim Leonard</td>
<td>- Yes</td>
</tr>
<tr>
<td>Craig Frahm</td>
<td>- Yes</td>
<td>Mike Klinghammer</td>
<td>- Yes</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Application No. CUP18-17 was **CONTINUED**.

The Vote Count was 7 Yeas, 1 Nay, and 0 Abstentions.

**PLATS**

**NONE**

**TABLED ITEMS**

**NONE**

**APPROVAL OF MINUTES**

Chairman Roger Ellis asked for a motion to approve the minutes from the November 21, 2018 regular meeting.

A motion to approve those minutes was made by Craig Frahm, and the motion was seconded by Tom Kuhn. The minutes were both approved by unanimous voice acclamation.

**OTHER BUSINESS**

I. **2030 MASTER PLAN DRAFT: REVIEW AND RECOMMENDATION**

Robert Myers, Planning & Zoning Division Director, provided a presentation on the 2030 Master Plan draft. Mr. Myers recognized members of the Master Plan Steering Committee members present at the meeting: Nancy Matheny, Michael Hurlbert, and Mike Klinghammer.

Robert Myers stated that the Master Plan Steering Committee was appointed by the County Executive with the consent of the County Council in April and May 2018. Mr. Myers stated that the Master Plan Steering Committee prepared a Master Plan for recommendation to the County Council. The County Charter requires that the Master Plan be reviewed every five years.
Robert Myers provided an overview of Master Plan Steering Committee meetings. He stated that the Steering Committee agreed at their first meeting that the approach of the 2030 Master Plan would be an amendment to the 2025 Master Plan rather than prepare a new Plan. The main reason is that the decennial census numbers are critical for the data and statistics for the Master Plan. The last census count took place nearly nine years ago, and next decennial census will be in 2020 and the detailed results being released in 2022 and coinciding with preparation of the next County Master Plan. County staff now uses American Community Survey data which can have a considerable margin of error.

Robert Myers stated that the focus group meetings included practitioners in the subject areas for elements of the Master Plan. County staff received their recommendations and input and presented it to the Master Plan Steering Committee for their recommendation. The County also conducted a public open house on the draft findings and vision, goals, and objectives.

Robert Myers provided a brief overview of St. Charles County population projection for 2030, employment projections, and transportation and commuting patterns, and Future Land Use concepts. He explained the urban services area concept and its relationship to potential sewer services.

Robert Myers presented the 2030 Future Land Use Map and compared it to the 2025 Future Land Use Map.

Mr. Myers requested that the Planning and Zoning Commission:

1. Review and comment on sections of the draft 2030 Master Plan concerning land use and future land uses under the County's jurisdiction; and

2. Vote to recommend approval, approval with changes, or disapproval of the land use and future land use components under the County's jurisdiction as contained with the draft 2030 Master plan.

Chairman Ellis asked if Commissioners had any further questions or items for discussion.

Gary Griffin stated that for future Master Plan updates the Planning and Zoning Commission should have more representation on the Master Plan Steering Committee. Mr. Griffin stated that St. Charles County residents also could have been much better informed about the open house public meeting. The presentation was worthwhile but reached only a small audience. He recommended that the County provide public notices by newspaper as the municipalities do.

No other comments were provided by the Planning & Zoning Commission.

Chairman Ellis asked whether public comments should be taken.

Keith Hazelwood stated that the Planning & Zoning Commission's review of the draft 2030 Master Plan is a courtesy being extended to educate the Commission on the work of the Master Plan Steering Committee. No public comments are to be taken at this time.

Chairman Ellis called for a motion.

Craig Frahm made a motion to recommend that the County Council approve the draft 2030 Master Plan. Tom Kuhn seconded the motion. Upon a vote, the motion was approved unanimously.
II. Chairman Roger Ellis congratulated Keith Hazelwood on behalf of his retirement with St. Charles County Government. He thanked him for his support and contribution to the Planning and Zoning Commission and to St. Charles County.

III. Commissioner Gary Griffin asked County staff about the status of a motion he made at the October 17, 2018 meeting regarding the notification requirements for Agricultural Zoning District. Mr. Griffin stated that it was expected to be forwarded to the County Council for “word smiting”.

Michael Hurlbert, Director of Community Development, replied that the proper procedure for the Planning and Zoning Commission to offer an amendment to the Unified Development Ordinance (UDO) is for the Commission to provide the specific ordinance language to the County Council. Mr. Hurlbert stated that the County Counselor’s office will draft the wording as recommended at the October meeting, and present it at the January 16, 2019 Planning and Zoning Commission meeting for review and discussion. County staff will provide feedback to the Commission on the legality, processes involved, and costs for recommended amendments such as this. Afterward the recommendation will be forwarded to the County Council.

ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Craig Frahm and was seconded by Mike Klinghammer. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 9:38 PM.

Respectfully submitted by:

______________________________  __________________________
Roger Ellis, Chairman           Tom Kuhn, Secretary
AN ORDINANCE AMENDING SECTIONS 405.510, AND 405.535 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI (“OSCCMO”), THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) RELATING TO NOTIFICATION REQUIREMENTS FOR PROPERTIES SUBJECT TO REZONING AND CONDITIONAL USE PERMIT APPLICATION AND APPROVAL PROCESSES

WHEREAS, Art. II, Section 2.529 of the St. Charles County Charter grants to the County Council legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that the Planning and Zoning Commission may recommend revisions to Chapter 405 of the UDO upon its own motion, for final determination by the County Council, and the County Council may amend the text of Chapter 405 OSCCMo by ordinance; and

WHEREAS, in its October 17, 2018 meeting, the Planning and Zoning Commission approved a motion to change the notification distance requirements for conditional use permit and rezoning applications in the Agricultural
Zoning District by increasing said distance to two-thousand 2,000 feet; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Sections 405.510, and 405.534, OSCCMo, as provided herein, relating to required notification distance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 405.510.D., OSCCMo, is hereby amended as follows (added text in bold type, deleted text in [bracketed and stricken type]).

Section 405.510 Conditional Use Permits.

***

D. All such complete applications shall be set down for public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing of the same. Notice of such public hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the public hearing, by First Class Mail to all owners of any real property within five hundred (500) feet of the parcel of land for which the conditional use permit is proposed, except when the parcel of land for which the conditional use permit is proposed is
located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the conditional use permit is proposed.

Section 2. Section 405.535.B.1.c., OSCCMo, is hereby amended as follows (added text in bold type, deleted text in [bracketed and stricken type]).

Section 405.535 Procedures for Rezoning and Amendments.

***

B Procedures For Rezonings.

1. Change by petition. Applications for amendment, revision or change of the Zoning District Map of St. Charles County may be made by any owner, attorney, agent, representative or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject or modify the rezoning, an applicant for rezoning authorizes the Community Development
Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.

a. Accompanying said application the following shall be provided:

(1) A legal description of the property to be rezoned.

(2) A current recorded deed to the property showing ownership.

(3) An application fee as set by ordinance.

b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.

c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County
and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed, except when the parcel of land for which the change is being proposed is located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the change is proposed.

d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3) Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the Commission's action, together with a recommendation for final approval or
denial, shall be made by the Commission to the Governing Body within forty-five (45) days of the conclusion of the public hearing.

e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the application or the applicant may amend the application. The proposed amendment must either reduce the area to be rezoned or reduce the intensity of the original zoning district applied for.

***

Section 3. For purposes of administration of Sections 1 and 2, this Ordinance shall be in full force and effect from and after its passage and approval. For all other purposes, this Ordinance shall be effective on the thirty-first day after publication of this Ordinance.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL
COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR