CALL TO ORDER
PLEDGE OF ALLEGIANCE
CHANGES TO THE AGENDA
PUBLIC HEARINGS
I. REZONING REQUEST - OAK VIEW FARMS DRIVE
   Application No: RZ19-14
   Property Owner: Hyman H. Kaye Revocable Trust
   Existing Zoning: A, Agricultural District (5-acre minimum lot size)
   Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
   2030 Master Plan: Recommends rural residential (3-acre minimum lot size)
   Parcel Size: 84.20 acres
   Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
   Council District: 2
   Account No.: 608880A000
   Documents:
       PZ AGENDA PACKET - RZ19-14.PDF

PLATS
I. PRELIMINARY PLAT FOR THE HYMAN KAYE TRACT - OAK VIEW FARMS DR
   Application No: PRE19-15
   Property Owner: Hyman H. Kaye Revocable Trust
   Property Surveyor: Bax Engineering Company
   Existing Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)

Proposed lots: 25

Parcel Size: 84.20 acres

Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle

Council District: 2

Account No.: 608880A000

Documents:

PZ AGENDA PACKET · PRE19-15.PDF

TABLED / CONTINUED ITEMS

NONE

APPROVAL OF MINUTES FROM THE OCTOBER 16, 2019 MEETING

Documents:

10-16-19 PZ MTG MINUTES · DRAFT.PDF

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

ADJOURNMENT

INCLEMENT WEATHER: In case of inclement weather, please call (636) 949-7335 after 3:00 p.m. on the day of the meeting to be informed on the status of the meeting.
REZONING REQUEST - OAK VIEW FARMS DRIVE

Application No: RZ19-14
Property Owner: Hyman H. Kaye Revocable Trust
Existing Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
2030 Master Plan: Recommends rural residential (3-acre minimum lot size)
Parcel Size: 84.20 acres
Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.: 608880A000

CONTENTS:

- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Letters received
  - None
STAFF RECOMMENDATION

To: County Planning & Zoning Commission  
Prepared by: Ellie Marr, CFM

Application No.: RZ19-14  
Date: November 12, 2019

BACKGROUND

Owners: Kaye Hyman H. Revocable Trust
Applicant: Bax Engineering co, Inc.
Requested Actions: A zoning map amendment to rezone 84.20 acres from A, Agricultural District (5-acre minimum lot size) to RR, Residential District (3-acre minimum lot size)
Location: On the west side of Busdieker Lane, approximately 300 feet south of Foristell Road, near the City of New Melle.
Current Zoning: A, Agricultural District
Current Land Use: Agricultural
Adjacent Land Use and Zoning:

<table>
<thead>
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<th>Direction</th>
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<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District</td>
<td>Single Family Residences and Agricultural</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Rural Residential land use
Public Services: County Council District 2 – Joe Brazil  
School District – Francis Howell School District  
Fire District – New Melle Fire Protection District
Utilities: Water – Individual Well – Public Water Supply #2 service area  
Sewer – Private wastewater systems
Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The rezoning request is for a parcel of 84.20 acres in size. This acreage includes the parcel of 83.20 acres located on the west side of Busdieker Lane 300 feet south of Foristell Road and the 300 foot portion of Busdieker Lane leading from the property to Foristell Road. The applicant requesting this rezoning has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. With the proposed purchase of a portion of Busdieker Lane, the applicant will be required to improve the access to the property and will be required to have St. Charles County Highway Department approval for ingress and egress from Busdieker Lane onto Foristell Road.
Similar lot sizes of 3 acres are found in the Auburn Meadows subdivision located directly to the west and north of this property. The land use plan for this area does recommend residential land use with 3 acre minimum lot size. This minimum lot size recommendation will be able to support the required individual sewer systems proposed in the subdivision plat. Public Water Supply District #2 will provide the water services for the proposed subdivision.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size) be approved. In recommending approval to the RR zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.
RZ19-14 - Zoning
RZ19-14 Future Land Use
APPLICATION PRE19-15

PRELIMINARY PLAT FOR THE HYMAN KAYE TRACT - OAK VIEW FARMS DR

Application No: PRE19-15
Property Owner: Hyman H. Kaye Revocable Trust
Property Surveyor: Bax Engineering Company
Existing Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
Proposed lots: 25
Parcel Size: 84.20 acres
Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.: 608880A000

CONTENTS:

- Staff Recommendation
- Aerial Photo
- Surrounding Zoning Map
- Topography Map
- Preliminary Plat
- Letters received
  - None
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Mark Price Jr, AICP, CFM
Application No.: PRE19-15
Date: November 13, 2019

BACKGROUND INFORMATION

Owner: Hyman H Kay Revocable Trust
Applicant: Bax Engineering Company
Requested Action: A preliminary plat, Hayman Kaye Tract, for twenty-five (25) lots
Location: West side of Busdieker Drive, approximately 300 feet south of Foristell Road near the City of New Melle
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Current Land Use: Vacant

Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
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<th>Land Use</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Homes (3+ acre lots)</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Single Family Home, Farm</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Single Family Home, Farm</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District</td>
<td>Single Family Homes (3+ acre lots)</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Rural Residential (minimum lot size 3 acres) land use

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

Utilities: Water – Public Water District 2
Sewer – Individual Wastewater Treatment System
PRELIMINARY PLAT ANALYSIS

The property (60880A000) is 83.203 acres in size and the owner/developer is proposing twenty-five (25) individual lots with a minimum lot size of three (3) acres. 20 lots access Busdieker Drive from a cul-de-sac street. The remaining 5 lots in the subdivision will take access directly from Busdieker Drive. The applicant will be required to upgrade Busdieker Drive to the County’s private road standard. The new street in the subdivision shall be constructed to the County’s private road standard as well.

RECOMMENDATION:

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this plat. In recommending approval, staff finds the proposed plat to be in conformance with UDO preliminary platting requirements. Should the Commission recommend approval, it shall be conditioned upon the approval of the Rezoning request to rezone the property from A, Agricultural to RR, Rural Residential.
Looking North along Busdieker Drive with the subject property on the left
PRE19-15 - Aerial
PRE19-15 - Zoning
PRE19-15 Topography
PRE19-15 Future Land Use
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: OCTOBER 16, 2019
TIME: 7:00 PM
PLACE: COUNTY EXECUTIVE BUILDING
100 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Diane Saale; Roger Ellis; Kevin Cleary; Tom Kuhn; Jim Leonhard; Craig Frahm; and Robert McDonald
MEMBERS ABSENT: None
STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; John Watson, Assistant County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS: CUP19-04: Jeff Moon with Bax Engineering Company, applicant’s representative; Anita Baecht, 10510 South Mississippi River Road, Golden Eagle, IL 62036; and Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO

CUP19-05: Matt Rapplean, applicant, 405 Bridle Path Lane, O’Fallon, MO 63366; Steve Teson, 509 Bridle Path Lane, O’Fallon, MO 63366; Tim Springer, 603 Oak Tree Lane, O’Fallon, MO 63366; Amy Kolisch, 50 Hickory Hill Drive, O’Fallon, MO 63366; and Donald Kramer, 905 Bridle Path Lane, O’Fallon, MO 63366; Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon MO

PRE19-13: Lora Headrick with Altea Land Surveyors, applicant’s representative

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, he 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 that public comment on conditional use permit applications would be taken at this meeting, and at the County Council meeting on Tuesday, November 12, 2019. He stated that public comment on conditional use permit applications would not be taken at any meeting of the County Council held thereafter. He explained to the audience that the Planning and Zoning Commission would make a
recommendation on conditional use applications heard during this meeting, which will then be submitted to the St. Charles County Council for their final decision.

Applications for preliminary plats heard during tonight's meeting will also be voted on by the Planning and Zoning Commission during this meeting. The vote on preliminary plats is final, unless a variance from St. Charles County Ordinances is being requested or the Commission makes a recommendation for denial of a preliminary plat. In those instances, the plat would be introduced at the Tuesday, November 12, 2019 County Council meeting for a final decision.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

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**CHANGES TO THE AGENDA**

**NONE**

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**PUBLIC HEARINGS**

**CONDITIONAL USE REQUEST - 105 LAKE VILLAGE DRIVE**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>CUP19-04</th>
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</thead>
<tbody>
<tr>
<td>Applicant/Property Owner:</td>
<td>Alexander Richardson Weber, LLC (Yacht Club of St. Louis)</td>
</tr>
<tr>
<td>Property Zoning:</td>
<td>A, Agricultural District with Floodway Fringe Overlay District</td>
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<tr>
<td>Conditional Use Request:</td>
<td>(A) A Private Club; and (B) A Restaurant Associated with a Private Club</td>
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<tr>
<td>2030 Master Plan:</td>
<td>Recommends Agricultural/Floodplain uses</td>
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<tr>
<td>Parcel Size:</td>
<td>82.32 acres</td>
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<td>Location:</td>
<td>Approximately 3,900 feet west of Washeon Road, on the Mississippi River</td>
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<td>Council District:</td>
<td>6</td>
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<td>Account No.:</td>
<td>901590A000</td>
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Ellie Marr, Senior Planner, described the subject property and surrounding land uses. This application consists of two (2) conditional use request in the A, Agricultural District. the first is for a private club and the second is for a restaurant associated with the private club. Ms. Marr stated that the existing private club was affected by the 2019 flood. The applicant is proposing to relocate the damaged club house and build a new one on elevated ground, approximately 500 feet southeast of existing Yacht Club of St. Louis. She stated that the private club is open to the public but primarily for private members. The applicant is proposing a new parking area and new pool will also be located adjacent to the proposed, new structure.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the two (2) conditional use requests subject to the following conditions:
1. A site plan substantially complying with the concept site plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.

2. No light from exterior light fixtures shall exceed 0.5 foot-candles as measured at the property lines.

3. No conditional use shall be in active use until such time all conditions of approval have been met.

For the record, staff did not receive any written communications regarding this application.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Jeff Moon with Bax Engineering Company was sworn in. Mr. Moon stated that the subject property has had some flood damage over the last 5 years. He stated that majority of the property used to be located within the floodway, but recently the U.S. Army Corps of Engineers and FEMA have relocated the floodway areas of the property to along the riverbanks. They plan to demolish the existing private clubhouse and restaurant structure, which was substantially damaged by the 2019 Mississippi flooding event, and replace it with a new structure on elevated ground above the base flood elevation. In order to rebuild on this property, they are required to comply with the current Unified Development Ordinance, which requires them to obtain a conditional use permit.

Kevin Cleary asked about the proposed elevation height for the new structure.

Jeff Moon responded that the new structure will be 8 feet above the current grade, and it is designed to be 2-feet above the 100-Year Base Flood Elevation.

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.

Anita Baecht, 10510 South Mississippi River Road, Golden Eagle, IL 62036, was sworn in. Ms. Baecht owns a property on El Camino Drive. She asked how the elevation would affect runoff onto the roadway on El Camino Drive.

Chairman Ellis responded that the applicant’s representative can answer that question when they come back to the podium.

Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO, was sworn in. Mr. Dienoff stated that he does not object to this conditional use permit request but has concerns regarding the possibility of flooding on the adjoining properties due to the elevation of this property. He stated that he does not see any written communications in the agenda packet from either the River Point Fire Protection District, or from the U.S. Army Corps of Engineers stating that this plan meets their requirements.

Chairman Roger Ellis asked if there was anyone else in the audience that wanted to speak on this application.

Seeing none, Chairman Ellis closed the public hearing and asked the applicant to come back to the podium to address some of the concerns voiced by the audience speakers.
Jeff Moon stated that there will be minimal impact on the adjoining properties with regards to flooding, and this project will not affect El Camino Drive. Mr. Moon stated that the existing structure will be demolished and replaced with a new structure that is elevated above the base flood elevation height. He stated that the fill for this site will come from an existing stockpile on the property. A flood study is not required, and the Fire Department will be notified once the building plans have been submitted. He stated that there is not a letter from the U.S. Army Corps of Engineers because a permit from them is not required. They do have a permit from the Missouri Department of Natural Resources (DNR) to add fill to the property.

Diane Saale asked about the location of El Camino Drive in relation to the subject property.

Jeff Moon referred to the aerial map to describe the location of the subject property and El Camino Drive.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of the conditional use permit request for a private club, per the staff recommended conditions.

Craig Frahm made a motion, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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<th>- Yes</th>
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<tr>
<td>Diane Saale</td>
<td></td>
<td>Tom Kuhn</td>
<td></td>
<td>Roger Ellis</td>
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<tr>
<td>Kevin Cleary</td>
<td></td>
<td>Jim Leonhard</td>
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<td>Craig Frahm</td>
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<tr>
<td>Robert McDonald</td>
<td>- Yes</td>
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The Conditional Use Permit request for a Private Club for Application No. CUP19-04 was recommended for APPROVAL with conditions.

The Vote Count was 6 Yeas, 0 Nays, and 1 Abstention.

Chairman Ellis entertained a motion to recommend approval of this conditional use permit request for a Restaurant, per the staff recommended conditions.

Kevin Cleary made a motion, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

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<tr>
<td>Robert McDonald</td>
<td>- Yes</td>
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The Conditional Use Permit request for a Restaurant in association with a private club for Application No. CUP19-04 was recommended for APPROVAL with conditions.
Robert Myers, Director of Planning and Zoning, described the subject property and surrounding land uses. The applicant is requesting a conditional use permit to operate a lawncare business from his residence in the Country Life Estates Subdivision in the Agricultural zoning district. The definitions in the Ordinances of St. Charles County differentiate between a lawncare service and a landscape contractor. Lawncare services are defined as “A business devoted to cutting grass on private or public property. Such services shall not include materials or equipment used for landscaping”. The applicant could have a home occupation permit if this were just an office for this business, but the applicant would like to have their employees meet at the residence and leave for the job site. Vehicles and lawn equipment will be required to be stored inside of an accessory building on the property, and there cannot be any outdoor storage of materials or equipment on the property. If this application is approved, the applicant would have to be in compliance with all County codes.

Robert Myers stated that the Planning and Zoning Commission should consider the possible impacts of a lawncare business operating within a residential subdivision. Neighbors have expressed concerns about noise coming from starting the lawn mowers and the loading of equipment onto trailers. Concerns have also been expressed about additional traffic in the morning and afternoon due to employees reporting to and from this property.

Robert Myers stated that County staff recommends that the Planning and Zoning Commission recommend denial of this conditional use permit request. Should the Commission choose to recommend approval, County staff recommends that the Commission consider adding the following conditions of approval:

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

2. All related vehicles and equipment shall be store within an accessory structure; and
3. In conformance with the definition of “lawn care service” (Section 405.060.OSCCMo), no landscaping business shall be operated in conjunction with the conditional use permit; and

4. No equipment shall be operated outdoors between the hours of 6:00 p.m. to 6:30 a.m.; and

5. No conditional use shall be in active use until such time that all conditions of approval have been met.

For the record, staff received 4 letters of support, 7 letters of opposition, and one petition with 13 signatures regarding this conditional use permit request.

Kevin Cleary asked if there are any size restrictions within the Unified Development Ordinance for businesses located in the Agricultural Zoning District.

Robert Myers responded that the Unified Development Ordinance does not specify a size limit, but it does require that the conditional use be limited to a lawn care business with indoor storage. If the applicant decides to expand the accessory building shown on the concept plan, which shows a 28x16 enclosed structure, beyond 15% of that size they would be required to come back before both the Planning and Zoning Commission and the County Council for approval on a revised conditional use permit. The Planning and Zoning Commission can also limit the business to a specific size if they choose to do so, by adding a specific condition of approval.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Matt Rapplean, the applicant, was sworn in. Mr. Rapplean stated that he purchased his residence five years ago and lives with his wife, three teenage children, and niece. The lawn care business is operated out of his home. He stated that the previous owners left the property in complete disarray, and he has remodeled this home entirely. For about six months after he purchased this property, there was an abundance of vehicles on his property which belonged to his family members and contractors who were assisting with rehabbing the house. He stated that he purchased a home in the Agricultural Zoning District with the intention of storing his equipment on the property. His lawn care business employs one full-time employee and one part-time employee. The majority of the business is lawn cutting, and they aerate lawns in the Fall. He does not fertilize or do landscaping, and there are no chemicals stored on the property. He disposes of his collected yard waste at the St. Peters Recycling Center. He stated that he built a gravel driveway in the back of his home in order to accommodate his large family and to avoid vehicles being parked on the street. His full-time employee also parks there. He stated that the only additional traffic from his business is from one truck and trailer, and the reports of vehicles being parked in the yard are not accurate. The lawn care services are provided onsite at their customer’s homes. He stated that the County has taken photos of the vehicles on his property, but they belong to his family. At 7:00 a.m. he starts the lawn mowers at low idle speed for one minute, then loads them onto the trailer and turns them off. The same process occurs when they return in the afternoon as they unload the mowers from the trailer. He stated that he does not have any intentions to grow his business, and has actually scaled down the business since moving into this residence. There will not be additional purchases of equipment, or additional employees being hired. They have ample space for his equipment to be stored in his garage.

Chairman Ellis asked the Commission if there were any questions for the applicant.

Tom Kuhn asked the applicant why he does not want to expand his business in the future.
Matt Rapplean responded that he has operated this business for 20 years and is now wanting to downsize. He previously subcontracted with the City of Ladue. His business has profited more by condensing his routes in St. Charles County. He stated that it is a challenge for him to find quality employees. Therefore, he does the majority of the work with just one full-time employee, and one part-time employee.

Chairman Ellis asked if he does snow removal during the winter.

Matt Rapplean responded in the negative.

Kevin Cleary asked about the ongoing maintenance and repair of his equipment.

Matt Rapplean responded that he sharpens blades around 7:30 a.m., and this maintenance is done inside of his garage. He changes the oil in the lawn mowers, and does leaf clean up. All debris is dumped at the St. Peters Recycling Center. He stated that all of his equipment is stored indoors.

Tom Kuhn asked about the number of vehicles parked on the subject property.

Matt Rapplean responded that he has two trucks that are used for his lawn care business, one personal truck for himself, one personal truck for his wife, and three cars for his children. Occasionally there are more vehicles parked at his house, which belong to the friends of his teenage children.

Chairman Ellis asked the Commission if they had any other questions for the applicant.

Seeing none, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Steve Teson, 509 Bridle Path Lane, O’Fallon, MO 63366, was sworn in. Mr. Teson is opposed of the conditional use permit request. He stated that the Homeowners of Country Life Estates do not want a business operating out of their subdivision. They have submitted a petition with approximately 13 signatures against this application. The applicant’s lawncare business has brought a continuous amount of noise, smoke, and traffic to a once peaceful neighborhood. The employees arrive at the subject property at 7:00 a.m., and the lawn mowers are started several times throughout the day. He stated that there are more employees than what the applicant has stated. There were at least three employees coming and going from the subject property this Summer. He stated that he has seen dump trucks filled with green branches and debris, and that the applicant does not dispose of it at the St. Peters Recycling Center. He has spoken with the applicant about his concerns regarding the burning of yard waste and debris on the property. The applicant has curtailed it down, but continues to burn on his property which causes a tremendous amount of smoke. He stated that the commercial equipment and lawn mowers are a nuisance, and suggested that the applicant store his equipment on an offsite storage facility. Mr. Teson believes that approving this conditional use permit application would negatively affect their property values.

Tom Kuhn asked how often the burning is happening on the applicant’s property.

Steve Teson responded that the applicant has curtailed the burning, but when they initially moved into the home the burning going on every three to four days. He stated that he spoke with the applicant and suggested that he burn the debris in the backyard and let it dry out. The burning is more frequent during the Summer.

Chairman Ellis asked if the back of the subject property is visible from Mr. Teson’s property.

Steve Teson responded in the affirmative.
Chairman Ellis stated that there are trees between the proprieties.

Jim Leonhard asked if the local Fire Department was contacted in regards to the burning. Mr. Leonhard stated that they will address the burning issue if contacted.

Steve Teson stated that he understands that the Fire Department would address the burning, but they would come to the residence with their sirens blaring. He stated that the Fire Chief of O’Fallon lives in their subdivision and signed the petition against the conditional use permit request. He hasn’t contacted the Fire Department because he doesn’t want to cause any conflict as a neighbor.

Tim Springer, 603 Oak Tree Lane, O’Fallon, MO 63366, was sworn in. Mr. Springer stated that he would like for Country Life Estates to remain the way that it is. He is concerned with increased traffic and parking within the area. There are two other residents of the subdivision that operate businesses out of their homes, but they do not bring their equipment around. Their employees come to the residences only seldomly. There are other residents that have company vehicles only to transport to their jobs. He stated that their subdivision has been quiet for a long time, and approving the conditional use permit would negatively affect that.

Amy Kolisch, 50 Hickory Hill Drive, O’Fallon, MO 63366, was sworn in. Ms. Kolisch stated she has lived in her residence for 3 years. She stated that she hears noise from the equipment on the subject property until 9:00 p.m. or 10:00 p.m. at night. She supports them having this business, but would like for there to be restrictions on the hours of operation.

Donald Kramer, 905 Bridle Path Lane, O’Fallon, MO 63366, was sworn in. Mr. Kramer is opposed of the conditional use permit request and stated that he would like for his neighborhood to remain residential. He and his wife moved into their home because they wanted to live in a quiet neighborhood. He stated that there are other properties around that would be willing to accommodate the applicant’s needs.

Arnie C. "AC" Dienoff, P.O. Box 1535, O’Fallon MO, was sworn in. Mr. Dienoff stated that he sympathizes with both the applicant and the residents of the Country Life Estates Subdivision. He believes that this request would negatively affect the sales and property values of those residents. He agrees with County staff’s recommendation for denial of this application. There are other suitable storage areas that could accommodate the applicant. Mr. Dienoff asked if the City of O’Fallon and the City of St. Paul were notified regarding this conditional use permit request. He stated that if the Planning and Zoning should approve this application, he would like to see the following conditions added:

1. No outdoor storage; and
2. No debris stored on the property; and
3. No derelict, non-working machinery be allowed to remain on the subject property for more than 14 days; and
4. Limited composting; and
5. Limited storage of limbs and leaves should be transported for disposal; and
6. No commercial, derelict, or non-running vehicles be allowed to remain on the property; and
7. Proper screening of all trailers from the public view; and
8. An enclosed or sight proof fence be required to protect property values; and

9. Equipment should be used between the hours of 7:00 a.m. and 6:00 p.m., and no idling of equipment for more than 10 minutes should be allowed; and

10. No burning be allowed on the property without an approved permit from the City of O’Fallon Fire Protection District.

Mr. Dienoff stated that for the record, Michael Ballmann is no longer employed with the City of O’Fallon Fire Protection District. He stated that the current Fire Chief, Tom Vineyard, took office on May 19, 2019. He stated that Mark Morrison is the Fire Marshall.

There being no further speakers from the audience, Chairman Roger Ellis asked if the applicant would like to come back to the podium to address any of the speaker’s concerns.

Jim Leonhard asked about the burning of debris done on the subject property. Matt Rapplean responded that he doesn’t burn often. When they first moved in, he burned debris that came from rehabbing his home. Burning is allowed in unincorporated St. Charles County as far as he knows. He stated that he also had a bonfire approximately five weeks ago. When he burns, he uses a concrete pad in the center of his backyard, and burns tree branches that fall on the ground. He stated that the residents in the neighborhood also burn on their properties, and the former Fire Chief has not expressed any concerns to him. Everyone in the neighborhood has lawn mowers and lawn tractors, and they all cut their grass throughout the day. He doesn’t let his lawn mowers run for long periods of time.

Craig Frahm asked about the number of pieces of equipment he stores on the property. Matt Rapplean responded that he has four commercial lawn mowers, and a personal tractor that he uses for his property. He had to replace the geothermal system when he purchased his house, and they dug four 250-foot trenches in his backyard to rerun new piping. He stated that at that time, he decided to purchase a tractor to maintain his 3-acres of property.

Craig Frahm referenced the aerial map showing the subject property and asked about the “L-shaped path” in the back yard of the subject property.

Matt Rapplean responded that the path in his backyard is from the ground digging for the geothermal system that he replaced, and is not related to his lawn care business.

Kevin Cleary asked if he has considered looking into a nearby storage facility to store the commercial vehicles. Matt Rapplean responded that he spoke with the owner of a nearby storage facility, but he is concerned about potential theft. He stated that he purchased his property with the intention to store his equipment on it. The lowest rate he has found for storage is $2,500 a month, which is too expensive for him.

Tom Kuhn asked if the lawn mowers are started at each destination, or on the subject property each morning. Matt Rapplean responded that starts the lawn mowers on his property to make sure they are working, and then loads them on the trailers. He stated that he uses the same type of lawn mowers as his neighbors use.
Kevin Cleary asked if it would be easier to store the equipment on the trailers overnight.

Matt Rapplean responded that his equipment is all fairly new, and he stores it all indoors.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Jim Leonhard stated that if he were a homeowner in this subdivision, he would not want this conditional use permitted. He stated that he believes that this is a poor location for a lawn care business.

Kevin Cleary stated that he is concerned with the ongoing impact this business could have on the area.

There being no further discussion, Chairman Ellis entertained a motion to make a recommendation on this conditional use permit request for a Lawn Care Business, per the staff recommended conditions.

Robert McDonald made a motion to recommend approval of Application No. CUP19-05. Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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Application No. CUP19-05 was recommended for **DENIAL**.

The Vote Count was 1 Yea, 6 Nays, and 0 Abstentions.

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**PLATS**

**PRELIMINARY PLAT FOR THE RESUBDIVISION OF LOT 75 OF WOODCLIFF ESTATES PLAT 6 - 430 SNIPES DRIVE**

- **Application No:** PRE19-13
- **Property Owner:** The Younker Family Residential Trust
- **Property Surveyor:** Altea Land Surveyors
- **Property Zoning:** R1E, Single-Family Residential District (7,000 square foot minimum lot size)
- **Proposed lots:** 2
- **Parcel Size:** 3.63 acres
- **Location:** On the northeast side of Snipes Drive, approximately 300 feet northwest of Ridgeway Drive
- **Council District:** 7
- **Account No.:** 511170A000
Ellie Marr, Senior Planner, described the zoning of the subject property. Ms. Marr stated that this plat has a larger lot size because when it was originally developed it was not part of the Duckett Creek Sanitary District. The applicant is proposing two individual lots with a minimum lot size of 1.74 acres. The preliminary plat shows the lot split going through the pond located in the backyard of the subject property. Each lot is accessed by public road and the streets are interior to the subdivision, so new streets will not be created. The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this plat.

For the record, staff received three written communications from agencies with comments regarding this preliminary plat.

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

Seeing none, Chairman Ellis asked the applicant or their representative to come forward.

Lora Headrick with Altea Land Surveyors, the applicant, was sworn in. Ms. Headrick stated that the current property owner, Becky Younker, is requesting the resubdivision in order to sell off the additional parcel and have a new Tax ID Number to give to the adjacent property owner. She stated that the neighbor would like to be able to fish in the pond and have access. The neighbor does not intend to build on the property at this time.

Chairman Ellis asked if there were any questions for the applicant.

Seeing none, Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Chairman Ellis called for discussion from the Commission.

There being no discussion, Jim Leonhard made a motion to approve the preliminary plat for the resubdivision of Lot 75 of Woodcliff Estates Plat 6.

The motion was seconded by Tom Kuhn.

The vote on the motion was as follows:

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Application No. PRE19-13 was APPROVED.

The Vote Count was 7 Yeas, 0 Nays, and 0 Abstentions.

TABLED ITEMS

NONE
APPROVAL OF THE MINUTES FROM THE SEPTEMBER 18, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the September 18, 2019 regular meeting.

Craig Frahm recommended that the minutes be revised because Jim Leonhard’s name appears twice on some of the votes for the applications, and it should reflect that Kevin Cleary was present and voted.

A motion to approve the minutes as revised was made by Craig Frahm, and the motion was seconded by Jim Leonhard. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

Robert Myers stated that there were no Planning & Zoning Division updates at this time.

ADJOURNMENT OF MEETING

Tom Kuhn made a motion to adjourn the meeting. The motion was seconded by Craig Frahm, and was approved by unanimous acclamation. The meeting adjourned at 8:23 p.m.

Respectfully submitted by:

______________________________  ______________________________
Roger Ellis, Chairman          Tom Kuhn, Secretary