

**ST. CHARLES COUNTY  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 17, 2021  
6:00 PM**

COUNTY EXECUTIVE BUILDING  
THIRD FLOOR COUNCIL CHAMBERS  
100 NORTH THIRD STREET  
SAINT CHARLES, MO 63301

**THIS MEETING IS OPEN TO THE PUBLIC. ALL ATTENDEES WILL BE REQUIRED TO COMPLETE A HEALTH SCREENING UPON ENTRY AND SOCIAL DISTANCING MEASURES WILL BE ENFORCED. WEARING A FACE COVERING IS STRONGLY ENCOURAGED.**

The meeting will be available live online via YouTube at [youtube.com/SCCMOTV](https://www.youtube.com/SCCMOTV) or on the County's website at <https://tv.sccmo.org/CablecastPublicSite/>.

Please note: This agenda may be modified and additional items or documents may be added through 5:00 p.m. on Tuesday, March 16, 2021

**Tentative  
Agenda**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

CHANGES AND/OR ADDITIONS TO THE AGENDA

**APPROVAL OF THE 2021 FIREWORKS REGULATIONS**

**Documents:**

[FW REGULATIONS 2021.PDF](#)

APPLICATIONS FOR TEMPORARY FIREWORKS STAND CUP PERMITS

**I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN ROAD**

Application: FWK21-01  
Property Owner/ Applicant: Westley J. Godar

Zoning: C2, General Commercial District

Location: On the east side of Old Bryan Road, approximately 620 feet north of Veterans Memorial Parkway; adjacent to the City of O'Fallon

County Council District: 4

Account No.: 342720A000

**II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 WEST CLAY STREET**

Application: FWK21-02  
Applicant: Craig Applegate, Applegate Industries LLC  
Property Owner: TGL Properties, LLC

Zoning: C2, General Commercial District

Location: On the northeast corner of the intersection of West Clay and Golfway Street, near the City of St. Charles

Council District: 6

Account No.: A916000023

III. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 5706 LAKE ST. LOUIS BLVD.

Application: FWK21-03  
Applicant: Craig Applegate, Applegate Industries LLC  
Property Owner: The Inertia School of Dance, Incorporated

Zoning: C1, Neighborhood Commercial District

Location: On the east side of Lake St. Louis Boulevard, 825 feet  
north of Hawk Ridge Trail, near the City of Lake St. Louis

Council District: 2

Account No.: 763590I000

IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 58 WEST HIGHWAY N

Application: FWK21-04  
Applicant: Jason Collins  
Property Owner: Stanley and Beth Carter

Zoning: C2, General Commercial District

Location: On the south side of West Highway N, approximately  
350 feet west of Baron Lane, near the City of Wentzville

Council District: 2

Account No.: 747750A000

V. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 58 WEST HIGHWAY N

Application: FWK21-12  
Applicant: Show Me Services, LLC  
Property Owner: Stanley A. Carter And Beth Z. Carter

Zoning: C2, General Commercial District

Location: On the south side of West Highway N, approximately  
350 feet west of Baron Lane, near the City of Wentzville

Council District: 2

Account No.: 747750A000

VI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 21 EAST HIGHWAY N

Application: FWK21-05  
Applicant: Meramec Specialty Company  
Property Owner: The Baker Family Company

Zoning: C2, General Commercial District

Location: On the northeast corner of Highway N and Highway Z, near  
the City of Wentzville

Council District: 2

Account No.: 748680B000

VII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2301 UPPER BOTTOM RD

Application: FWK21-06  
Applicant: Meramec Specialty Company  
Property Owner: Tayco Upper Bottom Road, LLLP

Zoning: C2, General Commercial District  
Location: On the south corner of Upper Bottom Road and Highway 364, near the City of St. Charles

Council District: 7

Account No.: T090800038

VIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3707 VETERANS MEMORIAL PARKWAY

Application: FWK21-07  
Applicant: Meramec Specialty Company  
Property Owner: 3707 Veterans Memorial Parkway Holdings, LLC

Zoning: C2, General Commercial District  
Location: On the southeast corner of Arco Drive and Veterans Memorial Parkway, adjoining the City of St. Charles

Council District: 5

Account No.: 147693A000

IX. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1250 MEXICO ROAD

Application: FWK21-08  
Applicant: Meramec Specialty Company  
Property Owner: JMZ III Real, L.L.C.

Zoning: I1, Light Industrial District

Location: On the northwest corner of the intersection of Mexico Road and Highway A; adjacent to the City of Wentzville

Council District: 1

Account No.: A870000485

X. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 2896 HIGHWAY K

Application: FWK21-09  
Applicant: Show Me Services, LLC  
Property Owner: Martha A. Keeven Revocable Living Trust

Zoning: C2, General Commercial District

Location: On the east side of Highway K, approximately 520 feet south of the intersection of Fallon Parkway and Highway K, adjoining the City of O'Fallon

Council District: 3

Account No.: 410610D001

XI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 701 LUETKENHAUS BLVD.

Application: FWK21-10  
Applicant: Show Me Services, LLC  
Property Owner: Bremer Properties, LLC

Zoning: C2, General Commercial District

Location: At the intersection of Wall Street and Luetkenhaus Blvd.,

adjoining the City of Wentzville

Council District: 1  
Account No.: 721620A000

XII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1429 GRANVILLE DRIVE

Application: FWK21-11  
Applicant: Show Me Services, LLC  
Property Owner: Gerald L. Boehmer and Judy A, Boehmer Family Partnership LP  
  
Zoning: C2, General Commercial District  
  
Location: On the east side of Granville Drive, approximately 170 feet from Highway 40/61, adjacent to the City of Wentzville  
  
Council District: 1  
Account No.: 719430A000

XIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1730 OLD HIGHWAY 79

Application: FWK21-13  
Applicant: Show Me Services, LLC  
Property Owner: Charles R. Rodgers and Marsha M. Rodgers  
  
Zoning: C2, General Commercial District  
  
Location: On the northeast side of Old Highway 79 and Highway 79  
  
Council District: 1  
Account No.: 372900A000

**PUBLIC HEARINGS**

I. REZONING REQUEST - EAST HIGHWAY N

Application No: RZ21-04  
Property Owners/Applicants: Highway N Properties, LLC  
Current Zoning: A, Agricultural District  
Requested Zoning: C2, General Commercial District  
2030 Master Plan: Recommends Low-Density Residential uses (1-4 units per acre)  
Parcel Size: 10.00 acres  
Location: On the south side of Highway N, approximately 1,200 feet east of Gallop Lane; near the Cities of Lake St. Louis, O'Fallon, and Wentzville  
County Council District: 2  
Account No.: 759930A000

II. CONDITIONAL USE PERMIT REQUEST - EAST HIGHWAY N

Application No: CUP21-05  
Property Owners/Applicants: Highway N Properties, LLC

Current Zoning: A, Agricultural District  
Requested Zoning: C2, General Commercial District  
Conditional Use Requests: (1) Self Storage and mini warehouses; and  
(2) Automobile, boat, truck, and recreational vehicle storage  
Parcel Size: 10.00 acres  
Location: On the south side of Highway N, approximately 1,200 feet  
east of Gallop Lane; near the Cities of Lake St. Louis,  
O'Fallon, and Wentzville  
County Council District: 2  
Account No.: 759930A000

### III. CONDITIONAL USE PERMIT - 17 PLACID DRIVE

Application No: CUP21-03  
Applicant: LIV Recovery Sober Living, a Missouri not-for-profit  
organization, Cameo N. Jones, Registered Agent  
Property Owner: Joseph E. Prenger and Edward L. Gallagher  
Property Zoning: R1E, Single-Family Residential District  
Conditional Use Request: Group Home Facility (9 to 15 Residents)  
Parcel Size: 0.90 acres  
Location: On the east side of Placid Drive, approximately 220  
feet south of Hickory Dale Drive  
County Council District: 7  
Account No.: 503940A000

### IV. CONDITIONAL USE PERMIT - 4052 TOWERS ROAD

Application No: CUP21-04  
Property Owner: John H. Ostmann and Dorothy W. Ostmann Revoc. Liv. Trusts  
Applicant: Pinnacle Land Development, LLC, Edward J. Griesedieck III,  
Registered Agent  
Property Zoning: R1E, Single-Family Residential District  
Conditional Use Request: Housing units in the R1E District with a minimum lot width of  
sixty (60) feet and minimum side yards of six (6) feet in width;  
pursuant to Section 405.090.C.6 OSCCMO  
Parcel Size: 62.80 acres  
Location: On the north side of Towers Road across from Jacobs  
Crossing Drive  
County Council District: 7  
Account No.: 536190A000

## PLATS

### I. PRELIMINARY PLAT FOR THE RESERVE AT LAKEVIEW FARMS - 4052 TOWERS ROAD

Application No: PRE21-03  
Property Owner: John H. Ostmann and Dorothy W. Ostmann Revoc. Liv. Trusts  
Applicant/Developer: Pinnacle Land Development, LLC, Edward J. Griesedieck III, Registered Agent  
Engineer/Surveyor: The Sterling Company  
Property Zoning: R1E, Single-Family Residential District  
Proposed Lots: 195  
Parcel Size: 62.80 acres  
Location: On the north side of Towers Road across from Jacobs Crossing Drive  
County Council District: 7  
Account No.: 536190A000

**TABLED / CONTINUED ITEMS**

NONE

**APPROVAL OF THE REVISED MINUTES FROM THE DECEMBER 16, 2020 REGULAR MEETING**

**Documents:**

[12-16-20 PZ MTG MINUTES - DRAFT.PDF](#)

**APPROVAL OF THE MINUTES FROM THE FEBRUARY 17, 2021 REGULAR MEETING**

**OTHER BUSINESS**

I. PRESENTATION/PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT ON ST. CHARLES COUNTY'S DRAFT STORMWATER MANAGEMENT PLAN REQUIRED FOR THE COUNTY'S APPLICATION TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR ITS 2021-26 MS4 PERMIT.

II. PLANNING & ZONING DIVISION UPDATES

**ADJOURNMENT**

# 2021 FIREWORKS STAND REGULATIONS

## St. Charles County, Missouri

In order to operate a temporary fireworks stand in unincorporated St. Charles County (June 25 to July 6), the business must first obtain:

- Approval from the County's Planning and Zoning Commission for a fireworks stand conditional use permit; and
- Approval from the County's Building and Code Enforcement Division; and
- Any necessary approvals from the fire protection district where the stand is to operate.

Applications should be submitted online through the "CitizenServe Citizen Access Portal" which can be accessed at <https://www.citizenserve.com/Portal/PortalController>.

### CONDITIONAL USE PERMIT SUBMITTAL REQUIREMENTS

1. Applications for conditional use permits for fireworks stands must be accompanied by the following:
  - a. A digital copy of a concept plan, drawn to scale, showing the location of all structures and trailers on the property, both permanent and temporary, parking areas, storage facilities, etc. The concept plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures. Indicate where the power pole is located. Indicate what type of temporary structure (wood frame or fabric tent). Fabric tents must be fire retardant treated or classified as noncombustible.
  - b. A digital copy of a letter from the owner of the property on which the stand is located authorizing the operation of a fireworks stand on the property, dated and notarized not earlier than 60 days prior to the date of the application.
  - c. Information on the size and location of on-premise signs and/or banners.
2. The following land use permit fees shall apply: Stands up to 1,000 sq. ft.: \$2,000.00 and stands 1,000 sq. ft. and above: \$4,000. (Section 405.515 OSCCMo) All fees, including those for building and electrical permits, may be paid together once permits are ready to issue.
3. Fees must be paid in full by cash, check, or credit card prior to the inspection/opening of the stand.

### STANDARD CONDITIONS OF APPROVAL

1. **Site Design and Setback Requirements.**
  - a. All setbacks of the zoning district in which a stand is located must be observed. All tractor-trailers, trucks, vans, or other temporary vehicles used for storage purposes shall be located a minimum of 50 feet from the tent or stand unless, due to the size of the parcel or lot, this is not possible. In that event the storage facilities must be located as far as possible from the tent or stand. Stands must be located a minimum of 100 feet from underground gasoline storage tank intake valves and vents, gasoline pumps, or any structures or areas that contain flammable materials.
  - b. Tents shall be located no less than 20 feet from lot lines, buildings or other tents. (NFPA 1124 Table 7.4.7.2)
  - c. No motor vehicles shall not be permitted within 10 feet of the tent. (NFPA 1124 Table 7.4.7.2)
  - d. The area within 30 feet of the tent shall be kept free of accumulated dry grass, dry brush, and combustible debris. (NFPA 1124 Section 7.4.6.1)
  - e. Tents shall be located no less than 50 feet from the following: retail propane-dispensing devices; above ground storage tanks of flammable or combustible liquid, flammable gas or flammable liquefied gas; compressed natural gas-dispensing devices; motor vehicle fuel dispensing devices. (NFPA 1124 Sections 7.3.11.1 and 7.3.11.2)
2. **Interior Tent Space Requirements.**
  - a. An approved fire and safety and evacuation plan shall be prepared in writing and maintained current. The plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility. (NFPA 1124 Sections 7.3.13 and 7.4.8.2)
  - b. The finished ground level enclosed by the structure and the surrounding finished ground level not less than 10 feet outside of the structure, shall be cleared of all flammable or combustible material and vegetation. (NFPA 102 Section 8.5.2.1)

- c. Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles. (NFPA 1124 Section 7.4.10.2)
- d. Where the continuous display of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 feet were measured along the length of the display. (NFPA 1124 Section 7.3.15.2.1)
  - (1) Flame breaks shall have a flame break rating not less than 5 minutes as determined in accordance with NFPA 1128. Combustible flame breaks shall have a flame spread not greater than 75 as determined in accordance with ASTM E 84. (NFPA 1124 Sections 7.3.15.2.2 and 7.3.15.2.1)
  - (2) The flame break shall extend as follows:
    - i. From the display surface to not less than 6 inches above the full height of the displayed merchandise or to the underside of the display surface directly above.
    - ii. For the full depth of the displayed merchandise. (NFPA 1124 7.3.15.2.3)
  - (3) Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 7.3.15.2.1 shall not be required where both of the following criteria are met:
    - i. The length of the display level contains individual unpackaged firework devices in interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than 8 feet.
    - ii. The distance between flame breaks does not exceed 32 feet.
- e. Where a merchandise display level contains packaged fireworks merchandise such merchandise shall be permitted to be displayed in a continuous length on the same level where the display does not exceed 32 feet without a flame break required in 7.3.15.2.1. (NFPA 1124 Section 7.3.15.2.5)
- f. An aisle having a minimum width of 48 inches shall be permitted to substitute for the flame break required in 7.3.15.2.1. (NFPA 1124 Section 7.3.15.2.6)
- g. All tent fabric shall meet the flame propagation performance criteria of Test Method 2 as required by NFPA 701. One of the following shall be provided as evidence that the fabric materials have the required flame propagation performance:
  - (1) Certificate of evidence of acceptance by an organization acceptable to the BCE Director.
  - (2) Report of test made by other inspection authorities or organizations acceptable to the BCE Director. (NFPA 102 Section 8.3.1 – 8.3.2)

### 3. **Access and Parking Requirements.**

- a. A minimum of five (5) off street parking spaces, one of which designated as accessible, must be provided. These parking areas shall be on a gravel surface at a minimum. There shall be no parking on vegetated areas that could present a fire hazard; i.e. dried grasses, weeds, etc.
- b. All new or temporary access drives shall be at least 100 feet from an intersection and have approval from the appropriate authority. Such approval shall be submitted in conjunction with the application for the Conditional Use Permit.
- c. No person will be allowed within any street right-of-way flagging or directing traffic. No interference with the flow of traffic near the site of the fireworks stand will be permitted. Fireworks stand employees may direct customers to parking spaces only within the boundaries of the stand's parking lot and driveways on private property.
- d. The CFRS facility shall be provided with no less than 3 exits. (NFPA 1124 Section 7.3.14.1.1)
- e. The minimum width of the exits shall not be less than 72 inches. The minimum width of the exit shall not be obstructed. (2015 International Fire Code Table 3103.12.3)
- f. Those aisles serving as a portion of the exit access shall not be less than 48 inches in width. (NFPA 1124 Section 7.3.14.4.1.1)
- g. The maximum travel distance from the most remote point to an exit along the natural and unobstructed path of egress travel shall not exceed 75 feet. (NFPA 1124 Section 7.3.14.3)
- h. Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit. (1124 Section 7.3.14.4.1)



- i. Other required exits shall be located at or within 10 feet of the end of an aisle or a cross-aisle. (NFPA 1124 Section 7.3.14.4.2.2)
- j. Aisles shall terminate at an exit, another aisle or a cross-aisle. Dead-end aisles shall be prohibited. (NFPA 1124 Section 7.3.14.4.2.3 and 7.3.14.4.2.4)
- k. Where more than one aisle is provided not less than one cross-aisle shall have an unobstructed connection with every aisle other than cross-aisles. (NFPA 1124 Section 7.3.14.4.2.5)
- l. Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 feet as measured along the aisle. (NFPA 1124 Section 7.3.14.4.2.6)
- m. Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at or within 10 feet of an exit. (NFPA 1124 Section 7.3.14.4.2.7)
- n. Lighting shall be provided that illuminates the means of egress including the exit discharge whenever the facility is occupied. This shall include providing emergency lighting. (NFPA 1124 Section 7.3.14.7 and 7.3.14.8)
  - (1) Emergency lighting is not required for tents not open for business after dark. (NFPA 1124 Section 7.4.8.4)

4. **Fire Extinguisher Requirements.**

- a. No fewer than two portable fire extinguishers with a minimum 2A rating shall be provided, at least one of which shall be of the pressurized water-type. (NFPA 1124 Section 7.3.8.2)
- b. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power. (NFPA 1124 Section 7.3.8.3)
- c. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 feet. (NFPA 1124 Section 7.4.5.2)
- d. Fire extinguishers shall not be obstructed from view. (IFC Section 906.6)
- e. Fire extinguishers less than 40 pounds shall be mounted no more than 60 inches above the floor. Fire extinguishers greater than 40 pounds shall be mounted no more than 41 inches above the floor. (IFC Sections 906.9.1 and 906.0.2)
- f. *Refuse.* Each fireworks stand must be kept in a clean and orderly manner and have trash removal service with a hauler licensed by the St. Charles County Public Health Department. Also, each stand must have on site a metal refuse bin of not less than one and one-half cubic yards capacity that conforms to Federal Consumer Product Safety Commission, Part 1301 - Ban of unstable refuse bins. All solid waste generated by the fireworks stand must be placed in the metal refuse bin with the frequency of pickups being dictated by the size of said bin and the time it takes to reach capacity.
- g. *Restroom.* Each fireworks stand must provide a portable restroom if there are not restrooms available on the site.
- h. Wholesalers may only sell to someone with a sales tax identification number. Buyers with a sales tax identification number must purchase a minimum of \$100.00 of fireworks in bulk quantity.

5. **Signs, Banner, and Posted Notice Requirements.**

- a. There shall be not more than one (1) sign or banner located on or attached to the fireworks stand or tent. In addition, one (1) ground sign shall be permitted for each stand, located on the same property as the stand. In addition, one (1) sign or advertisement shall be permitted attached to or painted on a tractor-trailer or similar large vehicle parked at the stand location. The total area of these signs shall not exceed 400 square feet each. On-premise signs that contain traffic and parking directions and do not exceed 32 square feet in size each are also permitted. All off-premise signs advertising fireworks stands shall comply with all rules and regulations governing signs of the jurisdiction in which the signs are located.
- b. Flashing lights of any type are prohibited. All lighting shall be non-intermittent.
- c. All fireworks stands that are within 1½ miles of municipalities which prohibit the discharge of fireworks shall have signs posted at all points of ingress and egress to and from the fireworks stand stating, "It is illegal to discharge fireworks within the limits of the city(ies) of \_\_\_\_\_." This same statement shall also be stamped on or printed on a flyer placed in all shopping bags.

- d. Exits shall be marked by an approved exit sign in accordance with NFPA 101 Life Safety Code (NFPA 1124 Section 7.3.14.6.1)
- e. Exit signs shall be self-luminous or internally or externally illuminated. (NFPA 1124 Section 7.3.14.6.2)
- f. Smoking shall not be permitted within 50 feet of CFRS Tent or inside the CFRS Tent. A sign conspicuously posted at each entrance of the CFRS Tent with 2 inch high letters on contrasting background stating "FIREWORKS – NO SMOKING" shall be provided. (NFPA1124 Section 7.3.10.1 and 7.3.10.2)
- g. At least one sign that reads "NO FIREWORKS DISCHARGED WITHIN 300 FEET" in letters at least 4 inches high on a contrasting background shall be conspicuously posted on the exterior of **each side** of the CFRS facility. (NFPA 1124 Section 7.4.6.3)
- h. Signs shall be posted at all points of ingress and egress to and from the fireworks stand stating no sales will be made to anyone under the age of 16.

**6. Storage Requirements.**

- a. Trailers, semitrailers, and metal shipping containers used for the storage of consumer fireworks shall comply with the following:
  - i. Where an interior aisle is provided, the aisle shall be not less than 28 inches in width. (NFPA 1124 Section 6.14.3)
  - ii. At least one pressurized water type fire extinguisher having a minimum rating 2A shall be located within 75 feet of the closet point on the exterior of any such trailer, semitrailer, and metal shipping container. (NFPA 1124 Section 6.14.4)
  - iii. Trailers, semitrailers, and metal shipping containers shall be separated from adjacent permanent buildings and structures by no less than 10 feet. (NFPA 1124 Section 6.14.7)
- b. Mobile storage units used for the temporary storage of consumer fireworks shall meet the criteria of 5.3.4 for a Type 4 outdoor magazine and shall be located not less than 10 feet from CFRS facilities and stores. (NFPA 1124 Section 7.3.12)

**SPECIAL CONDITIONS FOR APPROVAL**

- 1. The applicant, owner, and/or operator of the firework stand authorized under the CUP (Owner/Operator) is responsible for ensuring that their staff and customers are abiding by the Public Health Orders of the County and State that are currently in place, and as they may be in the future amended, revised, or supplemented for the duration of the CUP. Any violations of those orders are unlawful and could result in prosecution through the County Municipal Court. The most up-to-date and latest County policies are available on the St. Charles County website at [sccmo.org/COVID](http://sccmo.org/COVID). The County website ([www.sccmo.org/](http://www.sccmo.org/)) has detailed information, including recommended strategies on how to protect the Owner/Operator staff and customers from the spread of the disease and further guidance on what burdens are placed upon the Owner/Operator during the COVID-19 pandemic.

**BUILDING PERMIT APPLICATION SUBMITTAL REQUIREMENTS**

- 1. Applications for building permits for fireworks stands must be accompanied by the following:
  - a. A plot plan, drawn to scale, showing all structures and trailers on the property, both permanent and temporary, vehicle access and parking areas, storage facilities, dumpster locations, etc. The plot plan must indicate the dimensions of the property and the exact location of all structures, including distances from property lines and between structures. Indicate where the power pole is located. Indicate what type of temporary structure (wood frame or fabric tent. Fabric tents must be fire retardant treated or classified noncombustible.)
  - b. A floor plan, drawn to scale, of the tent or temporary structure showing the location of fire extinguishers and the location and dimensions of all shelving or fixture.
  - c. If applicable, a licensed electrical contractor.
- 2. The following fees have been established:
  - a. Temporary Structure building permit - \$60.00
  - b. Commercial electrical permit - \$80.00

3. The following are some of the more common building and electrical code regulations regarding fireworks stands that must be complied with:
  - a. All overhead electrical wires less than 12 gauge must be supported by a steel cable and fastened to the cable every 54". Wires spanning over 40 feet must have support cables.
  - b. The overhead wire shall be a minimum of 15 feet from ground level.
  - c. All electrical panels, receptacle boxes or any other type of exterior devices must be weatherproof and in acceptable condition to meet Electrical Codes.
  - d. The only approved extension cords must have "built-in" fuse breakers.
  - e. All electrical work must comply with the 2015 National Electrical Code, and it is the applicant's responsibility to obtain all appropriate electric permits.
  - f. Fabric tents must be fire retardant treated or classified noncombustible.
4. As in previous years, St. Charles County Building and Code Enforcement Division personnel will inspect permitted firework stands and tents for compliance to the above regulations. **This inspection must be made prior to opening the stand. It is the responsibility of the stand owner to call the County Building and Code Enforcement Division at (636) 949-7345 and notify us that the stand is up and ready for inspection.** It is also the responsibility of the stand owner to contact the fire district for any permits and/or inspections required from the fire district.

#### **SECTION 210.105 OSCCMo: SALE OF FIREWORKS - RESTRICTIONS ON COMMERCIAL OPERATIONS**

1. *Days of Operation.* No sales of fireworks shall be permitted except from June twenty-fifth (25th) through July sixth (6th) of each year.
2. *Hours of Operation.* No sales of fireworks shall be permitted prior to 8:00 A.M. or after 10:00 P.M. on any day on which such sales are authorized, except that on July first (1st), second (2nd) and fourth (4th), sales may continue until 11:00 P.M. and on July third (3rd), sales may continue until Midnight.
3. *Employment of Persons Under the Age Of Sixteen (16).* Persons under the age of sixteen (16) shall not be employed at any location selling fireworks unless supervised at all times by at least one (1) person over the age of twenty-one (21).
4. *Required Sign.* A sign bearing the message "Discharge of Consumer Fireworks is Prohibited at All Times within Unincorporated St. Charles County Except Between the Hours of 10:00 A.M. and 11:00 P.M. July 2nd through July 5th and to Between the Hours of 11:30 P.M. on December 31st and 12:30 A.M. on the immediately following January 1st" in letters at least three (3) inches tall shall be conspicuously displayed at each sales location. Such sign shall not count towards the limits of allowable signage provided for by this Section or by the Unified Development Ordinance of St. Charles County, Chapters 405—412, OSCCMo. Additionally, a seller of fireworks shall distribute to each purchaser of fireworks a flyer of at least twenty-four (24) square inches containing the statement: "Discharge of Consumer Fireworks within St. Charles County is Prohibited by Ordinance Except Between the Hours of 10:00 A.M. and 11:00 P.M. July 2nd through July 5th and to Between the Hours of 11:30 P.M. on December 31st and 12:30 A.M. on the immediately following January 1st. Violators may be punished by a fine up to five hundred dollars (\$500.00)."
5. *Prohibition of Sales.* It shall be unlawful for any person to willfully sell any firecrackers, fireworks, torpedoes, bombs, pin wheels, fire balloons, Roman candles, toy cannons, toy pistols, missile or aerial fireworks containing a stick or fin, or other fireworks containing a stick or fin, or other fireworks of a like kind within unincorporated St. Charles County.

**MINUTES OF REGULAR MEETING**

**ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION**

**DATE:** December 16, 2020

**TIME:** 7:00 P.M.

**PLACE:** COUNTY EXECUTIVE BUILDING  
300 N. THIRD ST.  
THIRD FLOOR COUNCIL CHAMBERS  
ST. CHARLES, MO 63301

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**MEMBERS PRESENT:** Tracy Boehmer; Robert McDonald (Via WebEx); Diane Saale; Kevin Cleary; Craig Frahm; Tom Kuhn; Roger Ellis; and Terry Hollander, County Councilman

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Ardita Roark, Associate County Counselor; and Mariza Almstedt, Recording Secretary

**SPEAKERS:** **RZ20-14:** Joe Brazil, 2880 South Highway 94, Defiance MO 63341; Michael Niemeyer, 328 Arvel Lane, Washington, MO 63090; John Hatcher, 1404 Garden Valley Drive, St. Peters, MO 63376; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

**RZ20-13:** Drew Weber, applicant's representative, 200 North Third Street, St. Charles, MO 63301; Richard Brooks, 4028 Emerald Drive, St. Charles, MO 63304; Debbie Ferreira, 1108 Dingledine Road, St. Charles, MO 63304; Mark Atchley, 4388 Westhampton Place Court, St. Charles, MO 63304; Patrick Lynch, 1436 Navaho Trail, St. Charles, MO 63304; James Owen, 4151 Stafford Place Court, St. Charles, MO 63304; Gilbert Ballman, 87 Westhampton View Court, St. Charles, MO 63304; Joyce Loeffler, 7 Harris Drive, St. Peters, MO 63376; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

**PRE20-28:** Drew Weber, applicant's representative, 200 North Third Street, St. Charles, MO 63301; Richard Brooks, 4028 Emerald Drive, St. Charles, MO 63304; Debbie Ferreira, 1108 Dingledine Road, St. Charles, MO 63304; Mark Atchley, 4388 Westhampton Place Court, St. Charles, MO 63304; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

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## 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 rezoning and conditional use applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats is final, unless a plat is denied, in which case the plat would be submitted to the St. Charles County Council 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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## PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS

Chairman Ellis stated that at the applicant's request, this application will be continued to the January 20, 2021 meeting. Public comments can be made at that time.

### I. CONDITIONAL USE PERMIT - 5395 WESTWOOD DRIVE

Application No: CUP20-14  
Applicant: Green Thumb Lawn Care 'n' Landscape LLC  
Property Owner: Robert Matulewic  
Property Zoning: R1B, Single-Family Residential District  
Conditional Use Request: Lawn care service (indoor storage of equipment and vehicles required)  
Parcel Size: 3.01 acres  
Location: On the corner of Westwood Drive and Crystal Drive, approximately 375 feet west of Motherhead Road; adjacent to the City of Weldon Spring  
County Council District: 3  
Account No.: 555630A000

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## **PUBLIC HEARINGS FOR REZONING REQUESTS**

### **I. REZONING REQUEST - SOUTH HIGHWAY 94**

Application No: RZ20-14  
Property Owner: Beyond the Trail RV Park, LLC  
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
Requested Zoning: PR, Park Recreational District, with Floodway and Floodway Fringe Overlay Districts  
2030 Master Plan: Recommends agricultural and recreational land uses  
Parcel Size: 2.86 acres  
Location: On the east side of Highway 94 South and east of the Katy Trail; approximately 100 feet south of Walnut Springs Road  
County Council District: 2  
Account Nos.: T201200001 and T201200002

Ellie Marr, Senior Planner, stated that the applicant proposes to expand an existing, adjoining campground with about 20 additional recreational vehicles, and to do so would require either a conditional use permit under the existing zoning or rezoning the property to PR, Park Recreational District. The applicant has chosen the latter option. Rezoning the expansion area would allow campgrounds as a permissive use. Access to the property is by a driveway through a commercially zoned property (Good News Brewing Company) and crossing the Katy Trail. The Missouri Department of Natural Resources (DNR) has previously granted approval to cross the Katy Trail to access the applicant's existing, adjoining campground. Additionally, the expanded campground would also have an access from Darst Bottom Road by a 24-foot wide gravel driveway. The 2030 Master Plan recommends agricultural uses for the property with recreational uses secondarily. The proposed PR District zoning would conform to that Master Plan recommendation. All issues regarding floodplain development would be addressed when permits for the site plan and building permits are processed. This will include an evacuation plan to move recreational vehicles from the property in advance of Missouri River flooding. The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval.

For the record, staff received three letters in opposition of this rezoning request.

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

There being no questions for staff, Chairman Ellis asked the applicant to come forward.

Joe Brazil, the property owner and applicant, was sworn in. Mr. Brazil stated that he and his wife previously owned the Trail Smokehouse, which is now Good News Brewing Company, and still own two adjacent residences. They first had four acres of land and then later bought an additional 3.85 acres which extends to Darst Bottom Road and provides secondary access. At the start of the process, Mr. Brazil and his wife had 20 camp sites. It was an expensive venture having to install a fire hydrant, power transformer, gravel for gravel lots and a bath house. Since the opening in August this year the campground has had 100% occupancy. Mr. Brazil stated the goal is to try to get more

overnight customers in southwest St. Charles County. He explained that he had always intended to do Phase 2 but wanted to make sure Phase 1 was successful. In Phase 2, Mr. Brazil purchased additional land that extends out to the end of Darst Bottom Road which will give customers a choice to access the campground other than through the Brewery parking lot. The access lane to the campground occupies an easement from Highway 94 to the campground and includes construction of a new bridge across a drainageway. Infrastructure for the existing campground has been expensive and he wants to build another 20 camp sites. Sewage will be pumped from recreational vehicles and hauled away with no onsite sewage disposal.

Mr. Brazil next presented a short aerial video showing the existing Beyond the Trail RV Park.

Kevin Cleary asked Mr. Brazil if there will be a limitation of days stay on the campground.

Mr. Brazil stated his fee is \$50 per night. He does not expect people to stay for more than a month and doesn't want squatters.

Craig Frahm asked if there have been any incidents requiring a police presence.

Mr. Brazil answered in the negative. He stated that he does not rent to anyone 25 years and under without an adult. He will only allow a maximum of four people per camp site. Mr. Brazil added that the surrounding businesses appreciate this campground as it reciprocates business to them.

Tracy Boehmer asked Mr. Brazil if any elevation of land or building construction is expected as the protest letters expressed concern for flooding.

Mr. Brazil responded that the property is located within a floodplain, but his development is limited to creating a gravel road, putting down topsoil for grass to grow, and cleaning out a drainage ditch in order to help control the water.

There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments regarding this application.

John Hatcher was sworn in. Mr. Hatcher stated he is an employee of the Good News Brewing Company and expressed the campground has been an asset to businesses because people are spending money to help the community, local employers and the County.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that the written protest filed by Augusta Country LP states that no one else received notification regarding this rezoning application. He stated that Augusta Limited Partnership did not receive any notification from the County either. Mr. Dienoff asked who is responsible for proper notification of property owners. He stated that at he initially opposed this rezoning because the property is located within a floodplain, but he has changed his mind because of the economic benefit to the County. He now supports it with the emergency evacuation plan required by the floodplain permit and for the additional access to the property from Darst Bottom Road. He asked if a super majority vote would be triggered due to the three written protests received. Mr. Dienoff also stated that he would like for the Commission to add a few conditions, including the tie down (anchoring) of dumpsters, picnic tables and benches, and the ice machine (to avoid flotation).

Michael Niemeyer was sworn in. Mr. Niemeyer stated that he is speaking on behalf of his grandfather who is a general partner of Augusta Country Limited Partnership. Mr. Niemeyer stated that they are the neighboring landowner to the west of this property and they actually farm their land. Recently the

land had not been maintained because it was under water this spring and they couldn't get to it. Their property is agricultural and has wetlands that cannot be altered. Whatever water ends up on the land has to stay there. When Mr. Brazil built on the adjoining property, the elevation of land there caused some water flow on their property. The main issue is flood gates. When the Missouri River reaches a specific flood stage, the gates are closed which causes land to flood.

Craig Frahm asked Mr. Niemeyer how many acres he was not able to plant on in 2019.

Mr. Niemeyer responded that in 2019 he was able to plant on 19 out of the 40 acres. There were 12 acres from the ditch to the Katy Trail which were unfit to cultivate due to water problems. From June 25, 2019 it wasn't worth planting, even with crop insurance.

Craig Frahm asked how many years they have had problems with flooding on their property.

Mr. Niemeyer responded that they have farmed on the land for 11 years and harvested crops only 4 times due to the property being under water so often. Mr. Niemeyer mentioned that he spoke with several landowners who stated that they did receive the notice for this rezoning application but did not receive a notice for the rezoning of the adjacent property back in 2015. He stated that several other landowners opposed this application but did not want to speak out publicly against County Councilman Joe Brazil. He added that the existing campground is in the middle of agricultural land where pesticides are regularly used and is concerned that people might get sick from it as campers do not have good ventilation systems.

Chairman Ellis asked if anyone else from the audience would like to comment on the application. There were no further speakers.

Chairman Ellis closed the public hearing and asked for the applicant to come back to the podium.

Kevin Cleary asked Mr. Brazil if the area has been flooded 7 out of 11 years. He also asked if things on the property are tied down (to avoid flotation).

Mr. Brazil responded that this is a seasonal business and closes after Christmas. He stated that all picnic tables are tied to the pavilion post, and the dumpster and ice box are also tied down. Regarding the issue with the neighboring property flooding, he stated that he asked Michael Niemeyer's father to clean out that ditch and put dirt in that hole to help manage the water problem.

Kevin Cleary asked Mr. Brazil if he raised the property when he developed the adjacent campground.

Mr. Brazil responded that gravel was laid which raised the property about 6 to 10 inches. It took him three years to get all of the required permits and had to go through the Army Corps of Engineers, the County's Development Review Division, and Missouri State Parks to complete the project. He stated that he has followed all of the requirements for the existing campground.

Craig Frahm asked staff to explain the process of how notice is given to the surrounding residents for rezoning applications.

Ellie Marr responded that the area is zoned Agricultural and if it is surrounded by 75% or greater Agricultural zoning notices are mailed out to property owners within 2,000 feet. If the surrounding zoning is less than 75% Agricultural, notices are mailed out to property owners within 1,000 feet. Staff uses a computer tool and GIS mapping to measure the buffer that letters are sent to, and those records are maintained by the Planning & Zoning Division should someone ever like to see them.



Craig Frahm asked when notification letters are mailed out and if a sign is posted by the property for these applications.

Ellie Marr responded that notification letters are sent out 15 days prior to the Planning and Zoning Commission meeting. She stated that a sign was also posted at the Good News Brewing entrance to inform the public.

Craig Frahm asked if letters are ever returned or are undelivered.

Ellie Marr responded that they are occasionally returned.

Craig Frahm asked if staff keeps track of returned letters.

Ellie Marr responded that staff uses the most up-to-date information from the County Assessor's office for notifications. If letters are returned, staff keeps the returned letters but is unable to track down a more current address for the property owners.

Chairman Ellis asked if when the original campground was approved in 2015 if the notification distances were less than they are currently.

Ellie Marr responded in the affirmative and stated that in 2015 the notification area for rezoning applications as required by ordinance was 1,000 feet. Changes were made to the ordinance in 2019 to extend the notification area to 2,000 feet, so that is likely the reason that property owners that were notified this time may not have been notified last time.

There being no further discussion from the Commission, Chairman Ellis asked for a motion to approve Application RZ20-14.

Terry Hollander made a motion to recommend approval of Application No. RZ20-14. Diane Saale seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Tom Kuhn	- Yes	Roger Ellis	- Yes
Tracy Boehmer	- Yes	Terry Hollander	- Yes	Kevin Cleary	- Yes
Craig Frahm	- Yes	Robert McDonald	- Abstain		

Application No RZ20-14 was recommended for **APPROVAL**.

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

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## II. REZONING REQUEST – 1101 DINGLEDINE ROAD

Application No: RZ20-13  
Property Owner: Marlene C. Loeffler Trust  
Developer: Rowles Company  
Current Zoning: R1B, Single-Family Residential District (20,000 square foot minimum lot size), with Floodway Fringe Overlay District  
Requested Zoning: Requesting to rezone 12.20 acres to R3B, Multi-Family Residential District, and 28.60 acres to R1E, Single-Family Residential District (7,000 square foot minimum lot size)  
2030 Master Plan: Recommends Low-Density Residential uses (1-4 dwellings per acre)  
Parcel Size: 40.80 acres  
Location: On the west side of Dingledine Road, between Pine Bluff Drive and Stafford Place Court; near the Cities of St. Peters and Weldon Spring  
County Council District: 7  
Account No.: 534750A000

Robert Myers, Director of Planning and Zoning, stated the Planning and Zoning Commission at its November 18, 2020 reviewed a rezoning application for this same property. Following the public hearing, the Commission voted to recommend denial to the County Council. Based on public feedback, the applicant is returning to the Planning and Zoning Commission with a revised rezoning application which substantially increases the area of single-family zoning and decreases the area of multi-family zoning.

Mr. Myers stated that for the sake of discussion, he would refer to the tract being 40 acres and the rezoning proposal as 12 acres of multi-family residential district zoning and 29 acres of single-family residential district zoning. On tonight's agenda is a related preliminary plat for the same property. For the benefit of the audience, the Commission recommends rezoning applications to the County Council, but the Commission approves plats. If the Commission decides to approve a plat on this agenda, that would be subject to approval of the related rezoning request by the County Council.

This 40-acre tract is an island of undeveloped land within a large area of single-family residential subdivisions meaning that the existing land use and zoning contexts bear consideration. Mr. Myers reviewed zoning district maps of this property and found zoning in the area has remained unchanged since 1973, including Multi-Family zoning to the north; and R1E Single-Family Residential zoning to the east, west and south. Since that time developments have occurred within those zoning districts to leave this an undeveloped "island". Pine Bluff Villas was built to the north in the Multi-Family zoning district in 2000. Stafford Place was developed in 1983, Emerald Woods in 1977, and Shenandoah Park in 1977. Across Dingledine Road, Emerald Woods is zoned R1E, Single-Family Residential but was developed at a larger minimum size.

The developer proposes 12 acres of Multi-Family zoning that would adjoin that existing Multi-Family zoning to the north. And for the remainder of the tract, the developer proposes R1E Single-Family Residential District zoning that would match zoning to east, south and west.

The 2030 Master Plan recommends “Low Density Residential” land uses for the entire area with 1 to 4 dwellings per acre. The gross density of the proposed subdivision can be seen as consistent with that. A basic consideration is whether the 40-acre tract should remain an island of R1B Single-Family Residential District zoning, or whether the tract should be rezoned to a district or districts compatible with adjacent zoning districts.

County staff recommends that the Planning and Zoning Commission recommend approval of the application.

There being no questions for staff, Chairman Ellis asked the applicant to come forward.

Drew Weber, the applicant’s representative, was sworn in. Mr. Weber stated after the last meeting in November, he spoke to several neighbors from Stafford Place Subdivision to the south and received feedback from them. A slide presentation comparing the original plan to the revised plan was reviewed. Mr. Weber reiterated that Kreder Farms will consist solely of single-family homes with no multi-family dwellings. The neighbors whom Mr. Weber spoke with said they wanted larger lots, so the ratio of R1E District zoning and R3B District zoning was flipped to increase the lot sizes.

Mr. Weber pointed out that the Zoning Map shows that every subdivision touching this tract is zoned R1E or R3B, except in the southwest where a corner touches a R1D District (10,000 square foot lot minimum). No touching subdivision has R1B District zoning. They are all R1E -- even for Emerald Woods Subdivision to the east which was built with larger lots. From the northeast or northwest of these properties, R3B subdivisions are Single-Family subdivisions. That fits with the Future Land Use map calling for Low-Density Residential use of this property.

Mr. Weber also compared the number of lots classified by size: 7,000 – 8,000 square foot; 8,000 – 9,000 square foot; 9,000 - 10,000 square foot; and 10,000 square foot. He explained that the original development plan was revised after the November Planning & Zoning Commission meeting. The differences between the original and revised plans were presented. He also explained how the new proposal would fit in Emerald Woods, Cambridge Crossing, Stafford Place, Westhampton Place, Shenandoah Park, Nottingham Forest, Pine Bluff Subdivisions, comparing zoning districts, average home sizes, lot sizes, lot widths, number of homes per acre, and average home prices.

Mr. Weber stated a number of homeowners expressed concern about the impact of additional homes on Castlio Elementary and Bryan Middle School. Per the State of Missouri Department of Education’s Building Demographic Data, enrollment at Castlio Elementary School for the years 1991- 2020 has shown a steady decline from a high of 1,499 students in 1995 to 841 students in 2020. The student enrollment at Bryan Middle School peaked in 2005 with 1,090 students to its current enrollment in 2020 with 812 students. The addition of homes will not adversely impact either school as they have capacity for additional students.

Mr. Weber stated the 2030 Master Plan provides for housing between 1-4 units per acre on the property and Kreder Farms will have 2.9 homes per acre (gross). The housing density is similar to neighboring subdivisions except for Emerald Woods. Every single-family subdivision adjacent to Kreder Farms is zoned R1E or R3B with the exception of Westhampton. The proposed lot widths and lot sizes are similar to those in neighboring subdivisions except for Emerald Woods. Some of the proposed home sizes for Kreder Farms are larger than several of the neighboring subdivisions.

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

Tom Kuhn stated that every house has a 7-foot side yard, therefore, how far is it between houses -- about 14 feet?

Mr. Weber answered in the affirmative, and added that is the County's requirement in the R1E District.

There being no further questions for the applicant, Chairman Ellis opened the hearing to public comment and asked if there was anyone in the audience who wished to speak regarding this application.

Mark Atchley was sworn in. Mr. Atchley stated he is a Trustee of Westhampton Place which is the neighborhood to the southwest and emphasized the lot width is a significant issue. He is also concerned about the higher density on the northern half of R3B zoning district where narrow lots are jammed together. He does not see the proposed plat consistent with low density.

Joyce Loeffler Reitmeyer was sworn in. Ms. Reitmeyer stated she spoke to several Emerald Woods neighbors after November's Planning and Zoning meeting. Ms. Reitmeyer then told the Commission about the experiences of her mother, Marlene Katherine Kreder Loeffler, living at her home on Dingleline Road. Living across from Emerald Woods Subdivision, she had lights shining into her living room every day, had cars hit her mailbox, gave up property to widen Dingleline Road, contend with utility companies on her property and realtors asking her to sell her land.

Richard Brooks was sworn in. Mr. Brooks presented a short video in opposition to RZ20-13 highlighting traffic concerns, student-teacher ratios at Castlio Elementary School, and the process for mailing landowner notification letters.

James Owen was sworn in. Mr. Owen stated his main issue is with R3B zoning and questioned why Mr. Weber did not show any R3B pictures. The 2030 Master Plan includes multi-story, apartments, condominiums or townhomes in its definition of "housing units". He asked what guarantees homeowners have that apartments would not be built on the property. He asked the Commission to deny this rezoning request.

Craig Frahm asked Mr. Owen what he thinks should be done with the property.

Mr. Owen stated the County should buy the property and make it into a park.

Craig Frahm replied that he could attend a County Council meeting to tell them that and to vote against R3B zoning.

Debbie Ferreira was sworn in. Mrs. Ferreira stated she understands how Ms. Reitmeyer felt about her mom's experience not respecting her property and offered her condolences. She also stated that larger homes are needed to be commensurate with the neighborhood and to maintain the architecture of the area. She questioned why Mr. Weber did not state why the original plan can't be done the way it was originally zoned. She commented there is a big difference between 9,000 square foot and half-acre lots. She also stated Cambridge Crossing Subdivision homeowners did not receive notification letters.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that notification of letters should be made a matter of public record as it is mentioned so frequently at hearings. He asked that notification lists with names and address be included in Planning & Zoning Commission packets as the cities of O'Fallon, St. Charles and Wentzville now do. Mr. Dienoff stated he doesn't see much of a change from last month's development plan and that the homeowners care about their neighborhoods and traffic. He requested the Commission to deny R3B multi-family zoning and make it all single-family R1E zoning and to ask for a guarantee that this will not become a multi-family development. He asked that

conditions be placed on this rezoning to require a minimum lot size of 10,000 square feet, and a minimum lot width of 70+ feet.

Gilbert Ballman was sworn in. Mr. Ballman stated he is concerned about R3B zoning and traffic. He lives off Stonecroft and already has issues dealing with traffic with the only way out is Dingledine Road. He feels 200 more cars daily will compound the problem.

There being no further audience speakers, the Chairman closed the public hearing.

Chairman Ellis asked the applicant if he wished to come back to the podium.

Mr. Weber came back to the podium. Craig Frahm asked Mr. Weber if he would like to address any concerns that were presented.

Mr. Weber said he would like to address the comments about the appropriateness of lots in R3B District zoning. Lots in the R3B area will be adjacent to a subdivision that will have 40-50 foot-wide lots; and to the northwest is a subdivision that has 65-foot width lots. Those lot widths would be compatible with neighboring subdivisions. The proposed R1E area would have lot widths compatible with adjacent subdivisions with the exception of Emerald Woods Subdivision. Mr. Weber stated he has heard several people express a concern that this zoning proposal is a trick to build apartments. He explained that is why a preliminary plat is being presented at the same time – to reassure homeowners about what would be developed. If plans later changed then the applicant would have to return to a Planning & Zoning Commission with new notices.

Kevin Cleary asked Mr. Weber why the entire tract wouldn't be rezoned to R1E District and make most people happy. The proposed lots already meet the minimum lot size in that District. And there would not be that great a difference in number of lots.

Mr. Weber stated there would be a difference in the number of lots.

Kevin Cleary asked how many.

Mr. Weber said he is uncertain of the number.

Kevin Cleary made a comment about consistency in zoning and development standards and stated that the property itself would not have consistent zoning.

Mr. Weber stated that a common strategy in land use regulation is to transition zoning districts to step down from more intensive to less intensive densities and uses.

Chairman Ellis asked if there were any further questions.

Terry Hollander stated that he is hearing from speakers a concern for the word "multi-family" but he understands that apartments cannot be constructed in this instance. Once the plat is approved, it can't be changed and reversed to apartments. That would require a visit back to the Planning & Zoning Commission. He asked Robert Myers if that could be done.

Robert Myers stated if they opted to build apartments in the R3B District they would have to return to the Commission with a new plat. He has never seen a reversal of development plans like that following plat approval.

There being no further discussion from the Commission, Chairman Ellis asked for a motion to approve Application RZ20-13.

Craig Frahm made a motion to recommend approval, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Tom Kuhn	- No	Roger Ellis	- Yes
Tracy Boehmer	- Yes	Terry Hollander	- Yes	Kevin Cleary	- Yes
Craig Frahm	- Yes	Robert McDonald	- Abstain		

Application No. RZ20-13 was recommended for **APPROVAL**.

The Vote count was 6 Yeas, 1 Nay and 1 Abstention.

**PLATS**

**I. PRELIMINARY PLAT FOR KREDER FARMS - 1101 DINGLEDINE ROAD**

Application No: PRE20-28  
 Property Owner: Marlene C. Loeffler Trust  
 Developer: Rowles Company  
 Engineer/Surveyor: The Sterling Co. Engineers & Surveyors  
 Current Zoning: R1B, Single-Family Residential District (20,000 square foot minimum lot size) with Floodway Fringe Overlay District  
 Requested Zoning: Requesting to rezone 12.20 acres to R3B, Multi-Family Residential District, and 28.60 acres to R1E, Single-Family Residential District (7,000 square foot minimum lot size)  
 Proposed Lots: 119  
 Parcel Size: 40.80 acres  
 Location: On the west side of Dingledine Road, approximately 125 feet south of Pine Bluff Drive; near the Cities of St. Peters and Weldon Spring  
 County Council District: 7  
 Account No.: 534750

Ellie Marr, Senior Planner, stated that the same information discussed as part of the rezoning application is relevant for this Preliminary Plat. 119 lots are proposed in total with 77 lots developed under R1E District zoning, and 42 lots developed under R3B District zoning. Proposed lot sizes range from 7,000 to 19,255 square feet. All lots would be single-family residential. The County requires a minimum 1,000 square foot house size and the developer states they will build 1,500 square feet and above. Common ground will include 10 acres. The County’s minimum tree preservation requirement in this case is to preserve 4.1 acres of trees and the plat will meet that.

The Planning and Zoning Division finds the proposed plat meets the technical requirements of Chapter 410 (Subdivision Regulations) including the tree preservation program standards (Section 410.145).

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

Kevin Cleary asked if he heard correctly that homes must be a minimum of 1,500 square feet.

Ellie Marr stated the applicant has stated that their homes would be 1,500-3,000 square feet. That is above the County's minimum.

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

There being no further questions for staff, Chairman Ellis asked the applicant or their representative to come forward.

Drew Weber, the applicant's representative, was sworn in. The northern portion of the development would include a large common ground area, including a detention basin as well as a natural watercourse which the County will require be bordered by a 25-foot vegetative stream buffer. The County is drafting new storm water regulations which will likely be adopted by the County soon. The development would comply with both the County's current and proposed regulations. The County's tree preservation program standards have been met and wooded areas will be retained. Addressing traffic concerns, the 2030 Master Plan classifies Dingledine Road as a major collector street. The County will require that the street entrance be aligned with Emerald Drive.

Kevin Cleary asked Mr. Weber if minimum home sizes would be required by covenant.

Mr. Weber stated that that minimum will be 1,500 square feet and range up to 3,600 square feet.

Chairman Ellis asked if there will be a HOA with language stating it is a single-family subdivision.

Mr. Weber stated yes, because that is what the zoning requires.

Craig Frahm stated he drives there every day and questioned the distance between the subdivision entrance and the school entrance. Also, he asked about the possibility to install a traffic light on that road.

Mike Faulkner, the applicant's engineer, was sworn in. Mr. Faulkner stated the proposed entrance was reviewed with County staff. Although a traffic study has not been performed, a turning movement analysis was prepared for the subdivision entrance to insure that can accommodate buses and tractor trailers (moving vans). A site distance analysis was also prepared for both entrances to meet County ordinances and ensure safety.

Kevin Cleary asked how many cars would be generated per household per day.

Mr. Faulkner stated they have not performed a traffic study, so he does not have that specific information.

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if there was anyone in the audience who wished to speak regarding this application.

Patrick Lynch was sworn in. Mr. Lynch stated that his house borders this tract on the west side and that he has been in contact with the County over a couple of issues. An electric transmission line extends behind his property with a 70-foot buffer from the power line to any kind of building. He asked if that distance is measured from both sides of the powerline.

Ellie Marr stated that the easement is 70 feet wide.

Mr. Lynch asked if that was 70 foot on both sides of the powerline.

Ellie Marr stated that the easement is a total of 70 feet wide and that the transmission line could be anywhere within that easement, but it typically extends along the centerline.

Mr. Lynch asked if it could be 35 foot on either side.

Ellie Marr answered in the affirmative.

Mr. Lynch stated his main issue is that his property backs up to a spring fed creek and had a rain issue in September. The creek rose such that the storm sewer in front of his house couldn't drain because of the height of the creek. Detention basins proposed in the subdivision may experience the same problem, depending on how they are designed.

Mark Atchley was sworn in. Mr. Atchley stated he is concerned about traffic generation given the number of homes. He is concerned about the safety of residents.

Debbie Ferreira was sworn in. Mrs. Ferreira stated she is concerned about traffic too. Also, she is unhappy about the prospect of having to look at homes backing up to Dingledine Road.

Rich Brooks was sworn in. Mr. Brooks presented a video and slide show in opposition to PRE20-28. He does not believe that either the tree preservation calculations or the proposed building setbacks will comply with County codes.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated he is surprised that no conditions are proposed for this preliminary plat. He is pleased that the developer will put in four detention basins and will follow the County's new stormwater standards. Mr. Dienoff made several suggestions, including:

- 1) Recommend that a traffic study be prepared
- 2) Asked for confirmation that street widths will comply
- 3) Asked for confirmation that County tree preservation standards will be met
- 4) Asked why amenities have not be presented
- 5) Asked that letters from agencies be included in the information packet.

Mr. Dienoff several times referred the applicant's attorney in derogatory terms and suggested that Commissioners were acting corruptly.

Chairman Ellis stated that Mr. Dienoff's last comments were personally offensive.

Mr. Dienoff replied that he was simply stating the facts, and to follow the money and campaign contribution records of the Missouri Ethics Commission.

Chairman Ellis stated that has nothing to do with this Commission.

There being no further speakers, Chairman Ellis closed the public hearing.

Chairman Ellis asked for the applicant to come back to the podium to address any concerns.

Mr. Weber presented a video from Jeff Reeves about traffic in the area.

Mr. Faulkner, the applicant's engineer, stated that an engineering note has been placed on the Preliminary Plat addressing stormwater detention. Stormwater detention will be required for 2-year, 10-year, and 24-hour design storms utilizing the TR55 method of determining peak runoff as required in Section 50.80 of the County's Design Criteria for the Preparation of Improvement Plans. Mr. Faulkner stated an onsite meeting will be held with consulting engineer and County staff to determine the pre-development runoff conditions to be used as the basis for the hydraulic analysis. That



stormwater analysis must be approved by the County before grading and land disturbance can begin. Homeowners can be assured by this.

Mr. Faulkner stated that the tree preservation calculation is current. There was a cul-de-sac and a detention basin in the 4.1 acres. The cul-de-sac and the detention basic were removed internally from the natural vegetative area. The initial plat had a cul-de-sac and a detention basin that were moved to achieve the tree preservation requirements.

Chairman Ellis asked if the size of the cul-de-sac turnaround would meet County standards.

Mr. Faulkner answered in the affirmative. But the School District does not want buses using the cul-de-sacs so a circular street layout with a loop was designed to otherwise accommodate school buses.

Kevin Cleary made a statement about proposed setbacks. He stated his concerns have been addressed about the minimum home size and traffic study.

Robert Myers stated that, in terms of traffic studies, the County's Roads & Traffic Division, Highway Department, and Development Review Division were all included in review of this subdivision plat. Under the County's Subdivision Regulations, either the Highway Department Director or Development Review Division Director can require a traffic study. And in this case, they have determined that a traffic study is not warranted.

There being no further discussion, Chairman Ellis asked for a motion to approve Application PRE20-28.

Craig Frahm made a motion to approve the Preliminary Plat, and Terry Hollander seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Tom Kuhn	- No	Roger Ellis	- Yes
Tracy Boehmer	- Yes	Terry Hollander	- Yes	Kevin Cleary	- Yes
Robert McDonald	Abstain	Craig Frahm	- Yes		

Application No. PRE20-28 was **APPROVED**.

The Vote count was 6 Yeas, 1 Nay and 1 Abstention.

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## **TABLED AND/OR CONTINUED ITEMS**

**NONE**

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## **APPROVAL OF THE MINUTES FROM THE NOVEMBER 18, 2020 REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the November 18, 2020 regular meeting. Terry Hollander made such motion, and the motion was seconded by Tom Kuhn.

The minutes were approved by unanimous voice acclamation.

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**OTHER BUSINESS**

**PLANNING & ZONING DIVISION UPDATES**

- 1) Craig Frahm asked if County staff could share more information on notifications for public hearings, given the number of public questions on this topic. He asked if the County could provide a map in the packet showing the notification area and/or the number of notices mailed.

Robert Myers responded that the County Executive has nominated a new Planning & Zoning Commission member who is to be confirmed by the County Council.

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**ADJOURNMENT OF MEETING**

Kevin Cleary made a motion to adjourn the meeting. The motion was seconded by Terry Hollander and was approved by unanimous acclamation.

The meeting adjourned at 9:55PM.

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Respectfully submitted by:

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Roger Ellis, Chairman