

**ST. CHARLES COUNTY  
PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MARCH 18, 2020  
7:00 PM**

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

Tentative  
Agenda

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**CHANGES TO THE AGENDA**

**PUBLIC HEARINGS FOR TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMITS**

**I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2896 HIGHWAY K**

Application: FWK20-01  
Applicant: Marty Fears, 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  
Council District: 3  
Account No.: 410610D001

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

Application: FWK20-02  
Property Owner: Westley Godar  
Zoning: C2, General Commercial District  
Location: On the east side of Old Bryan Road, approximately  
620 feet north of Veterans Memorial Parkway  
Council District: 4  
Account No.: 342720A000

**III. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 701 LUETKENHAUS BLVD.**

Application: FWK20-03  
Property Owner: Bremer Properties, LLC

Applicant: Marty Fears, Show Me Services, LLC  
Zoning: C2, General Commercial District  
Location: At the intersection of Wall Street and Luetkenhaus Blvd.  
Council District: 1  
Account No.: 721620A000

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

Application: FWK20-04  
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  
Council District: 6  
Account No.: A916000023

V. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3707 VETERANS MEM.  
PKWY

Application: FWK20-05  
Applicant: Meramec Specialty Company  
Property Owner: Mutual Assurance Company Partnership. LLP  
Zoning: C2, General Commercial District  
Location: On the southeast corner of Arco Drive and Veterans Memorial  
Parkway, adjoining the City of Saint Charles  
Council District: 5  
Account No.: 147693A000

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

Application: FWK20-06  
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

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

Application: FWK20-08  
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  
Council District: 7  
Account No.: T090800038

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

Application: FWK20-07  
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  
Council District: 2  
Account No.: 748680B000

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

Application: FWK20-09  
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, approximately 825 feet north of Hawk Ridge Trail  
Council District: 2  
Account No.: 763590I000

**PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS**

I. CONDITIONAL USE REQUEST - 215 JOSEPHVILLE ROAD

Application No: CUP20-01  
Property Owner/Applicant: Birdie, Incorporated  
Property Zoning: I1, Light Industrial District  
Conditional Use Request: Outdoor Storage of Boats, Recreational Vehicles, and Construction Equipment

2030 Master Plan: Recommends Industrial uses  
Parcel Size: 23.44 acres  
Location: On the west side of Josephville Road, approximately  
1,000 feet south of Mexico Road; adjacent to General  
Motors and the City of Wentzville  
Council District: 1  
Account No.: 685210A000

## II. CONDITIONAL USE REQUEST - 1125 DIETRICH ROAD

Application No: CUP20-02  
Property Owner: Edward and Tami Barrieau  
Applicant: Valley Farms, LLC  
Property Zoning: A/FF, Agricultural District with Floodway Fringe  
Overlay District  
Conditional Use Request: A request to amend CUP17-06 to expand the hours  
of operation allowed, and the maximum number of  
guests allowed

2030 Master Plan: Recommends Low Density Residential Uses (1 to 4  
dwellings per acre)  
Parcel Size: 20.67 acres  
Location: On the west side of Dietrich Road, approximately  
600 feet north of Wild Horse Drive  
Council District: 1  
Account No.: 670380C000

## PUBLIC HEARINGS FOR REZONING REQUESTS

### I. REZONING REQUEST - 2949 WEST MEYER ROAD AND DUENKE ROAD

Application No: RZ20-01  
Property Owners: Thomas W. Dubray and Roberta A. Dubray  
Current 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 Low-Density Residential (1 to 4  
dwellings per acre)  
Parcel Size: 36.17 acres  
Location: On the west side of Duenke Road, approximately  
4,000 feet north of West Meyers Road; near the  
Cities of Wentzville and Foristell  
Council District: 1

Account Nos.: T200100008, 676080A000, and part of A964000366

II. REZONING REQUEST - 1414 HIGHWAY Z

Application No: RZ20-02  
Property Owners: Veterans Of Foreign Wars Post #5327  
  
Current Zoning: A, Agricultural District)  
  
Requested Zoning: C1, Neighborhood Commercial District  
  
2030 Master Plan: Recommends Public / Institutional uses  
  
Parcel Size: 8.57 acres  
  
Location: Approximately 320 feet south of the intersection of Highway Z and Peruque Hills Parkway; adjacent to the City of Wentzville  
  
Council District: 2  
  
Account No.: 726270B000

III. REZONING REQUEST - 6171 HIGHWAY V

Application No: RZ20-03  
  
Property Owners: Tully Investments, Incorporated  
  
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
  
Requested Zoning: Riverfront District, with Floodway and Floodway Fringe Overlay Districts  
  
2030 Master Plan: Recommends Agricultural uses  
  
Parcel Size: 55.55 acres  
  
Location: On the west side of Highway V, approximately 1,300 feet north of North Shore Drive  
  
Council District: 6  
  
Account No.: 905790A000

**PLATS**

I. PRELIMINARY PLAT FOR RESUBDIVISION OF CALLAWAY VALLEY PLAT ONE TRACT A – 2977 HIGHWAY F

Application No: PRE20-01  
  
Property Owners: Robbie L. Johnson Revocable Living Trust  
  
Surveyor: Landmark Surveying Company  
  
Property Zoning: A, Agricultural District (5-acre minimum lot size)  
  
Proposed lots: 3  
  
Parcel Size: 40.05 acres

Location: On the northeast terminus of Highway F and Callaway Ridge Drive  
Council District: 2  
Account No.: 616500A001

II. PRELIMINARY PLAT FOR MORRISON ESTATES – 1200 FORISTELL ROAD

Application No: PRE20-02  
Property Owners: Virgil L. Morris Revocable Living Trust  
Surveyor: Allied Engineering Services  
Property Zoning: A, Agricultural District (5-acre minimum lot size)  
Proposed lots: 2  
Parcel Size: 14.09 acres  
Location: On the northeast corner of Foristell Road and Morrison Lane  
Council District: 2  
Account No.: 608850A000

III. PRELIMINARY PLAT FOR FORISTELL ESTATES – 1200 FORISTELL ROAD

Application No: PRE20-03  
Property Owners: Virgil L. Morris Revocable Living Trust  
Surveyor: Allied Engineering Services  
Developer: Robert A. Shatro Revocable Trust  
Property Zoning: A, Agricultural District (5-acre minimum lot size)  
Proposed lot: 2  
Parcel Size: 14.82 acres  
Location: On the north side of Foristell Road, approximately 700 feet west of Borgelt Road  
Council District: 2  
Account No.: 608850A000

**TABLED / CONTINUED ITEMS**

NONE

**APPROVAL OF MINUTES FROM THE JANUARY 15, 2020 REGULAR MEETING**

**Documents:**

[1-15-20 PZ MTG MINUTES - DRAFT.PDF](#)

**OTHER BUSINESS**

II. PLANNING AND ZONING DIVISION UPDATES

## ADJOURNMENT

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** JANUARY 15, 2020

**TIME:** 7:00 PM

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

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**MEMBERS PRESENT:** Diane Saale; Roger Ellis; Kevin Cleary; Tom Kuhn; Craig Frahm; Jim Leonhard; and Robert McDonald

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Robert Myers, Director of Planning and Zoning; Megan Murray, Assistant County Counselor; and Sheila Weiss, Recording Secretary

**SPEAKERS:** **CUP19-06:** Steve Piotrowski, property owner/applicant; Wayne Nolting, 63 Farm View Lane; Patrick Sullivan, 40 Farm View Lane; Bruce Melchior, 71 Farm View Lane; Henry Miller, 18 Madre Court; Pat Hanna, 1558 Madre Drive; and Arnie C. "AC" Dienoff, P.O. Box #1535, O'Fallon, MO 63366

**RZ19-16:** Dale Bax with Bax Engineering Company, applicant's representative; Bill McNair, developer; Barbara Heidolph, 3055 S. Point Prairie Road; William Zollman, 3485 S. Point Prairie Road; Dale Schaper, 1711 Tabitite Drive; Chuck Koehler, builder; and Arnie C. "AC" Dienoff, P.O. Box #1535, O'Fallon, MO 63366

**PRE19-19:** Dale Bax with Bax Engineering Company, applicant's representative; Bill McNair, property owner/developer; Barbara Heidolph, 3055 S. Point Prairie Road; William Zollman, 3485 S. Point Prairie Road; Dale Schaper, 1711 Tabitite Drive; and Arnie C. "AC" 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. He stated that public comment on conditional use permit applications will be taken only during the first reading and will not be taken at any meeting of the County Council held thereafter. The vote on preliminary plats by the Commission is final. Only a recommendation for denial on a preliminary plat would be heard by the County Council.

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 FOR CONDITIONAL USE PERMITS**

### **I. CONDITIONAL USE REQUEST - CATALINA WAY**

Application No:	CUP19-06
Property Owners:	Stephen and Carrie Piotrowski
Applicant:	Stephen Piotrowski
Property Zoning:	A, Agricultural District
Conditional Use Request:	Sawmill services and repairs
2030 Master Plan:	Recommends Low-Density Residential (1 to 4 dwellings per acre)
Parcel Size:	5.0 acres
Location:	On the west side of Catalina Way, approximately 800 feet north of Twin Oak Woods Lane; near the City of Wentzville
Council District:	1
Account No.:	T120100031

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. Approval of this bill would grant a conditional use permit to operate a sawmill services and repair business will mill storage of lumber. The applicant has stated that the property will not be logged but will use the already cleared area to stage a milling operation outdoors. The proposed location of the milling operation is a parcel located on an unimproved, one lane, private road. The sawmill is a TimberKing 2000 model and can be described as a heavy industrial 37 horsepower mill with full hydraulics. The applicant is also proposing to construct a future lumber and timber storage building.

A milling operation typically includes the following steps: 1) the logs are sourced and brought on site via a logging truck or trailer, 2) logs are scaled and debarked, 3) logs are decked according to their size and end use, 4) logs are sawed into unfinished planks, 5) planks are edged, trimmed, and dried before final planing, and 6) logs are taken off site via a truck or trailer. A milling operation can be expected to produce noise, woodchips, bark chips, and mounds of sawdust. Typical decibel levels

of normal conversation are about 60 decibels. An industrial sawmill can be expected to produce a constant 80-plus decibel level and some heavy-duty sawmills produce a constant 90-plus decibel level. Comparable equipment noise would be between a leaf blower and a chainsaw. An industrial milling operation can also be expected to produce wood byproduct such as woodchips, bark chips, and sawdust. The sawdust produced will be uncontained in an outdoor setting as proposed by the applicant.

The Planning and Zoning Division recommends denial of the conditional use request as not complying with the criteria of Section 405.510. B of the County Code.

Should the Planning & Zoning Commission choose to recommend approval of this conditional use request, staff requests that the following conditions be added as a condition of approval:

1. A site plan substantially complying with the attached concept 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. Milling shall be limited to the hours of 7:00 a.m. to 7:00 p.m. daily.
3. The operation shall comply with the 2015 International Fire Code as adopted by St. Charles County and the local Fire Protection District.
4. No conditional use shall be in active use until such time all conditions of approval have been met.

For the record, staff received three letters in opposition and one letter with concerns regarding this application.

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

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

The property owner/applicant, Stephen Piotrowski, was sworn in. Mr. Piotrowski stated that he wants to be able to saw logs on his property using better equipment than his chainsaw. The gentleman who was previously sawing logs for him passed away, and this piece of equipment became available for him to purchase. When he contacted County staff to find out if he would be allowed to use this equipment to saw logs on his property, he was told he would need to obtain approval on a conditional use permit to do so. He stated that County staff was concerned about the operation possibly becoming larger. He only intends to saw logs from his own property at this time but may wish to saw some logs for other people in the future. If he decides to do this, it would be for a limited amount of people and would be only be done during his off time from his regular full-time job. Another concern expressed by staff was noise levels. His riding lawn mower makes more noise than this sawmill. Also, the amount of sawdust produced by this mill is limited. He stated that Catalina Way is his private road, although another private road would need to be used to access Catalina Way. He also stated that he will not be storing or using any commercial equipment on the property. He does not plan for this to be a major business operation, and if the business does start to grow into something larger in the future, he will move it to a different property.

Craig Frahm asked Mr. Piotrowski if he would be agreeable to the Planning & Zoning Commission adding conditions of approval to this conditional use permit request, such as limiting the number of customers that he can serve.

Stephen Piotrowski responded that he has no problem if the Commission wants to place a condition of approval stating that he cannot serve more than five customers per week.

Roger Ellis asked Mr. Piotrowski if he is currently sawing logs on the property.

Stephen Piotrowski responded that he is currently sawing logs with a chainsaw on the property.

Tom Kuhn asked Mr. Piotrowski how the noise level of his chainsaw compares to the noise level of the sawmill.

Mr. Piotrowski responded that he believes that his chainsaw is louder than the sawmill.

Roger Ellis asked Mr. Piotrowski how long he has been cutting with the chainsaw on the property.

Mr. Piotrowski responded that he has been cutting logs with his chainsaw for about a year and a half.

Tom Kuhn asked Mr. Piotrowski if there is any way he could enclose the area around where he plans to use the sawmill.

Mr. Piotrowski responded that he could build a barn to store the sawmill inside of, but that would be a large initial investment without knowing how much outside business he may end up getting. If he were to build a barn and not get any outside business, it would just be sitting there vacant once he saws all the logs on his property.

Kevin Cleary asked Mr. Piotrowski how many hours per day he anticipates using this sawmill.

Mr. Piotrowski responded that the staff recommended hours of operation from 7 am to 7 pm do not leave him a lot of time outside of his job to mill. If the hours are restricted to 7 am to 7 pm he probably would have 20 hours per week or less to saw logs.

Roger Ellis asked Mr. Piotrowski if he would predominately be sawing logs on weekends, and if sawing logs would be weather-dependent.

Mr. Piotrowski responded that the person that previously sawed logs for him sawed when it was raining or snowing. He stated that he may come home from work at night and saw some logs, but when he gets tired, he will stop.

Roger Ellis asked Mr. Piotrowski if there is currently electric and water to the portion of the property where he plans to use the sawmill.

Mr. Piotrowski responded that he would place the sawmill on the existing gravel on the property, and there is no power or water.

Chairman Ellis asked Mr. Piotrowski what he would do without a water source if sawdust were to ignite on the site.

Mr. Piotrowski responded that he does not plan on having mounds of sawdust on the property. He is not sure how probable it is that sawdust would ignite, but there will be fire extinguishers there and he could also run a hose to the area if necessary.

Tom Kuhn asked Mr. Piotrowski how many trucks would be entering and leaving the property.

Mr. Piotrowski responded maybe five trucks per week maximum.

Tom Kuhn Mr. Piotrowski if he is currently sawing logs as a hobby, or if could this could turn into a business in the future.

Mr. Piotrowski responded that he currently saws logs as a hobby. He is not sure that he would want this to turn into a business in the future, and if it did, he would need to have more manpower in order to be able run it.

Dianne Saale asked Mr. Piotrowski if the gentleman that previously sawed logs for him was already using this sawmill on the property.

Mr. Piotrowski responded that gentleman was using the sawmill on a different property to saw logs for him.

Kevin Cleary asked Mr. Piotrowski what size logs he intends to mill if he does not intend to use any commercial equipment to haul them.

Mr. Piotrowski responded that this sawmill can cut logs that are a maximum length of 24 feet. He has a 16-foot trailer, and the gentleman who used to cut the boards for him would cut them into 10 to 14-foot boards so they would fit into his trailer.

Kevin Cleary asked Mr. Piotrowski if he kiln dries the logs after they are cut.

Mr. Piotrowski responded in the negative.

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.

Wayne Nolting, 63 Farm View Lane, was sworn in. Mr. Nolting stated that he is concerned about the three private roads that will have to be used to access this property. There is a 50-foot easement on the second private road which is only 18 to 20 feet wide. He does most of the grading on the main road, Farm View Lane, and there is not a road agreement on that road so hardly anyone puts money in for the gravel. He also has noise concerns and believes that 7 am to 7 pm is too long of a time period to allow the applicant to mill on the property. He asked if the property was being rezoned to commercial since they will be putting a piece of industrial equipment on the property.

Kevin Cleary asked Wayne Nolting if there is a recorded easement for these three private roads.

Mr. Nolting responded that Farm View Lane is in an easement off of his property that was recorded before he lived there. The other private road to Catalina Way was created to access that 40 acres of property and was recorded before Mr. Piotrowski lived there.

Craig Frahm asked Mr. Nolting if he hears any noise on his property coming from Mr. Piotrowski using a chain saw to saw logs.

Mr. Nolting responded that he cannot hear any noise now, but that's because he is using a chain saw.

Patrick Sullivan, 40 Farm View Lane, was sworn in. Mr. Sullivan stated that this is a rural area, and Mr. Piotrowski could have put this equipment on the property, and no one would even know about it. He is confused as to why Mr. Sullivan applied for a conditional use permit in the first place.

Craig Frahm stated that the owner is doing things the correct way by asking for a conditional use permit. If someone were to complain and he did not have a conditional use permit, the sawmill business would be shut down.

Bruce Melchior, 71 Farm View Lane, was sworn in. Mr. Melchior owns property adjacent to the subject property and has just started building a home. Had he known that a sawmill could operate on this property, he would have sold it. Mr. Melchior stated that he pays the taxes on the private lane that goes through there and does not want logging trucks going through there and driving on the one-lane road. He is concerned that while this may just be a hobby right now, it could turn into a business in the future.

Henry Miller, 18 Madre Court, was sworn in. Mr. Miller resides in the subdivision to the north of this property which has 30 homes. His biggest concern is noise, and he already hears the applicant's chain saw. He stated that they can also hear noise from shooting that is going on at the subject property on the weekends. Mr. Miller stated that the manufacturer of this sawmill states that mill puts out 90 decibels of sound.

Pat Hanna, 1558 Madre Drive, was sworn in. Mrs. Hanna stated that she and her husband moved to the Big Country Acres Subdivision adjacent to the subject property three years ago. This area is residential and has large lots so there is not much traffic. She is concerned that if this property is rezoned as industrial it will open the door to other properties in the vicinity being rezoned as industrial, which she feels will lower property values. She stated that the increased noise and activity of an industrial site will cause habitat destruction and push out the local wildlife. The average noise level for a sawmill is 92 to 101 decibels. Per OSHA, these levels above the maximum exposure rate of 90 decibels over eight hours. NIOSH standards are even lower, with the maximum exposure rate being 85 decibels over eight hours. Mrs. Hanna is concerned about hearing loss caused by chronic noise at high decibels, and loss of sleep. She would like for this request to be denied. Should this request be approved, she would like the owner to have restrictions to the hours of operation allowed and the maximum noise levels.

Roger Ellis stated that this is not a zoning change, it is a request for a conditional use permit. Should this application be approved, the property will remain as it is currently zoned.

Arnie C. "AC" Dienoff, P.O. Box #1535, O'Fallon, MO 63366, was sworn in. Mr. Dienoff asked the Commission to take notice of the four written communications received from residents. Those letters express concerns regarding zoning issues, decreased property values, and traffic concerns. Mr. Dienoff asked if the City of Wentzville was notified of this application. He also asked if there have been any noise complaints regarding this property to the Code Enforcement Division of the St. Charles County Community Development Department, the Police Department, or the Environmental Division of the Public Health Department. He stated that there are two subdivisions to the north and to the east the subject property that have 25 to 30 homes each. He is concerned that this could cause noise issues and could depreciate property values. He asked the Commission to consider how they are going to limit the size of this operation so that it does not end up becoming an industrial type logging operation. Mr. Dienoff suggested that the Commission add a condition to approval requiring an enclosure around the sawmill with sound proofing added to the walls. He also suggested that they require a berm be planted around the enclosure with White Spruce Pine trees.

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.

Tom Kuhn asked the applicant why his site plan shows parking for four trucks on the property if he only anticipates having five truck loads per week coming in and out of the property.

Stephen Piotrowski responded that overflow parking is required to be addressed on the site plan. He originally stated "Not applicable" for overflow parking but was told that he had to address it, so he just showed that there is room on the property for up to four trucks. He stated he does not intend to park logging trucks there.

Tom Kuhn asked the applicant if Catalina Way is a one lane road.

Stephen Piotrowski responded that Catalina Way is his driveway. He added that there are two other roads that will need to be used to get to Catalina Way.

Stephen Piotrowski stated that the noise levels are estimated at a certain number of feet. The closest building to his property is about 350 feet away. The difference between noise decibels at three to eight feet from the sawmill machine, and 350 feet away to the nearest building is significant. His chain saw is a lot louder than a sawmill, and it takes a lot longer to cut the boards with his chain saw than it would with a sawmill. The reason that he applied for a conditional use permit is because he wanted to do what was required of him. He stated that he read somewhere that someone did this without a permit and their business was shut down and they were charged fines until they came into compliance. If this request is not approved, he will continue using his chain saw to cut logs and will find another plan. He is not trying to be a bad neighbor.

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

Dianne Saale asked the Commission members if they wished to consider adding any additional conditions to this conditional use permit.

Craig Frahm stated that he is in favor of this request and does not wish to add any additional conditions. He asked the other Commission members if they wanted to make a motion to add any additional conditions.

Roger Ellis asked County staff if milling and logging for personal use as a hobby is allowed in this zoning district without a conditional use permit.

Robert Myers responded that the fact that this is an outdoor use of this scale with the potential for outside customers to be coming in and the applicant intending to saw logs for up to 20 hours a week, this use appears to be a larger operation than just a hobby. County staff feels like a conditional use permit would be the best route for the applicant to take.

Roger Ellis asked County staff if the applicant will be allowed to store this sawmill on the property, should he decide to purchase it.

Robert Myers responded that he can purchase and store the sawmill on the property, but if it goes beyond the occasional use as a hobby then it becomes a different type of use that would require approval of a conditional use permit.

Kevin Cleary stated that he thinks this is the wrong place for a sawmill operation.

Robert McDonald agreed with Kevin Cleary.

There being no further discussion from the Commission, Chairman Ellis entertained a motion to recommend approval of Application No. CUP19-06, per staff recommended conditions.

Craig Frahm such motion, and the motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

Diane Saale	- No	Tom Kuhn	- No	Roger Ellis	- No
Kevin Cleary	- No	Craig Frahm	- No	Robert McDonald	- No
Jim Leonhard	- No				

Application No. CUP19-06 was recommended for **DENIAL**.

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

**PUBLIC HEARINGS**

**I. REZONING REQUEST - MEINERSHAGEN ROAD**

Application No: RZ19-16  
 Property Owner: South Meiners Land Development, LLC  
 Current 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: 91.98 acres  
 Location: On the southwest corner of the intersection of Meinershagen Road and South Point Prairie Road  
 Council District: 2  
 Account No.: 754290A000

Robert Myers, Director of Planning & Zoning, stated that this property is approximately 92 acres in size and is located between the City of Wentzville and the City of New Melle, west of Highway Z. This area calls for future rural residential land uses in the County's 2030 Master Plan, and low-density residential uses with 1 to 4 units per acre. Public sewer service may be available at some point in this area, but it will likely be some time before this happens. The current zoning is Agricultural,

and roughly 17 lots could be developed under the current property zoning. This proposal is to develop 28 lots, so they are requesting a zoning change to Rural Residential District.

The Planning and Zoning Division recommends approval of this rezoning request, and finds the proposed zoning to be consistent with the 2030 Land Use Plan.

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

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

Robert McDonald asked staff if the proposed 28 homes will all be on septic systems.

Robert Myers responded in the affirmative.

Robert McDonald asked if septic systems are allowed on 3-acre lots in St. Charles County.

Robert Myers responded in the affirmative.

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

Dale Bax with Bax Engineering, the applicant's representative, was sworn in. Mr. Bax stated that Bill McNair has owned this property since 2002 and it currently listed under the name of South Meiners Land Development, LLC. Mr. McNair is proposing to develop 28 lots with a 3-acre minimum lot size on this 91.98-acre property, with a density of 1 to 3 units per acre. The request to rezone this property from Agricultural to Rural Residential is in line with St. Charles County's 2030 Master Plan. There will be one entrance to the development off of Meinershagen Road. They have surveyed site distance along Meinershagen Road and have included this survey with this submittal for County staff to review. They are proposing an approved entrance with a paved surface. Three-acre lot subdivisions are not required to have paved streets but they most likely will pave them because typical buyers of three acre plus lots are looking for paved streets. There are three natural watercourses on the property that easements will be provided for, and those areas will remain undisturbed. They will only be clearing 0.3 acres of trees for the entire site, and this must be done to allow for the main street. Lot 11 may also possibly require the removal of a few trees in order to be able to place a house on that lot, but they want this development to remain in as natural of a state as possible. Highway 364 is slated to continue out past Highway 40 to Highway Z, and tie back to Highway N in the future. This area will likely be a highly developed area in the future. They also have approval from the DNR for septic systems and wells for all 28 lots of the proposed development.

Roger Ellis asked Dale Bax if the interior streets of this development will be public or private streets.

Dale Bax responded that they will be private streets.

Roger Ellis asked Dale Bax if they will have a Homeowner's Association for this subdivision.

Dale Bax responded in the affirmative.

Kevin Cleary asked Dale Bax if they have drawn up any subdivision restrictions for this development yet.

Dale Bax responded that they have not put forth any subdivision restrictions yet. They will be required to submit restrictions to County staff for review prior to recording the final plat.

Kevin Cleary asked Dale Bax if the streets in the development will be about 20-feet wide.

Dale Bax responded that the streets will be 20-feet wide, with a 42-foot wide right-of-way as required by St. Charles County.

Chairman Ellis asked the Commission if they had any questions for the applicant's representative.

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

Bill McNair, the property owner/developer, was sworn in. Mr. McNair stated that he has owned this property for 18 years and takes pride in it. There is an old house on this tract of land that was built in 1902 according to the Real Estate Agent that sold the property to his parents when he was a child. His parents farmed that property for years after they purchased it, and some of the neighbors used a team of mules to farm their property at that time. His mother still lives on the same property in the same house. On the property that used to be farmed by a team of mules, there is now a three-acre subdivision with about 300 homes. He completely understands his neighbor's concerns about taking down trees, erosion, trespassing, etcetera. Mr. and Mrs. Zollman live on the property to the east of him and they also own a wooded tract that they state in the letter they sent to the Commission gets drainage from this property. It appears to him that there are two creeks on Mr. Zollman's property that most of their watershed likely comes from. His engineer, Dale Bax, tells him there will only be a 5% increase in watershed when this property is fully developed. Mr. McNair stated that he will promise the Zollman's that if this development creates any issues for their property, he will do whatever it takes to make it right. This property is surrounded by three-acre developments, and all of the lots in this area are on septic systems and have wells. Regarding about traffic flow on Buckner Road, Buckner Road is slated in the County growth plan to become part of Highway 364. If speeding becomes an issue in the area, St. Charles County will set up radar. The primary buyers of these lots will be families with kids that would like more lot space than there is in the average development.

Kevin Cleary asked Mr. McNair if he plans to sell the lots to individuals.

Mr. McNair responded that he plans to build the homes in this development. He may also contract with other builders if the lots sell quickly.

Kevin Cleary asked Mr. McNair what the price point of the homes will be.

Mr. McNair responded that the lots will be priced at approximately \$100,000, and the homes will be priced at around \$300,000.

Barbara Heidolph, 3055 S. Point Prairie Road, was sworn in. Mrs. Heidolph lived on a property in St. Charles when she and her husband were married, and in 1978 they started looking at larger properties. They purchased their current 40-acre property to move to an area with larger lots. There is a pond at the rear of her property that is constantly eroding, and she is concerned about adding 5% more runoff from this development to her pond. She asked what the developer's plan is to contain water runoff. She is also concerned about the deer and other wildlife in the area, people trespassing on her property and fishing in her pond. She also has traffic concerns and stated that there is a 90-degree turn and a wooded area on South Point Prairie. This development will also increase traffic on Diehr Road, and these streets are not designed to add additional traffic. She also has concerns about septic fields and adding 28 more wells on the same aquifer. Mrs. Heidolph asked the Commission to deny this request.

William Zollman, 3485 S. Point Prairie Road, was sworn in. Mr. Zollman asked if County staff has walked this property to see the lay of the land and spoken with the adjacent property owners. He stated that there was a sign posted on the road about this request, but it has since been removed. There are other 3-acre lots in this area because Agricultural zoning only required 3-acre lots when those lots were developed. This has since been changed to 5-acre minimum lot sizes because septic systems cannot handle 3-acre lots. Agricultural property is still a benefit to St. Charles County. Mr. Zollman stated that he has never met Mr. McNair, and he does not live on this property as he stated. He is opposed to this rezoning request and believes the property should remain Agricultural with five-acre minimum lot sizes.

Dale Schaper, 1711 Tabitite Drive, was sworn in. Mr. Schaper owns property at 2804 South Point Prairie that is 3-acres in size. St. Charles County went to 5-acre lots for a reason. He believes that reducing the minimum lot size for this property to three-acres to creates more revenue for the developer. He does not have the option to subdivide his 3-acre property and does not believe this property should be allowed to have less than 5-acre lots.

Arnie C. "AC" Dienoff, P.O. Box #1535, O'Fallon, MO 63366, was sworn in. Mr. Dienoff asked if the Cities of New Melle and Wentzville were notified of this rezoning request. He stated that County code requires that letters be sent to each property owner within 1,000 feet of this property and does not believe County staff met this requirement. He pointed out that there were two letters received regarding this rezoning request and asked the Commission to review those letters. He also asked why the letter from the DNR that Dale Bax stated approved the septic systems was not in the agenda packet and should have been provided to the Commissioners.

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.

Dale Bax came back to the podium. He stated that regarding Mrs. Heidolph's concern about increasing runoff by 5%, if the property were to be developed on 5-acre lots there would still be an increase in runoff of 2.86%. He stated that the County does not require detention for subdivisions with lots of 3-acres or greater. He has been to the property and has driven the route. The turning radiuses in the area are all acceptable. The DNR allows septic systems on 1-acre lots in the state of Missouri. St. Charles County allows septic systems on 3-acre or larger lots. Any development with more than 6 lots is required to submit septic system plan to the Department of Natural Resources, which they have done.

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 from the Commission, Tom Kuhn made a motion to recommend approval of Application No. RZ19-16. Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Diane Saale	- No	Tom Kuhn	- Yes	Roger Ellis	- Yes
Kevin Cleary	- Yes	Craig Frahm	- Yes	Robert McDonald	- No
Jim Leonhard	- No				

Application No. RZ19-16 was recommended for **APPROVAL**.

The Vote Count was 4 Yeas, 3 Nays, and 0 Abstentions.

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## PLATS

### **I. PRELIMINARY PLAT FOR SOUTH POINT ESTATES - MEINERSHAGEN ROAD**

Application No:	PRE19-19
Property Owner:	South Meiners Land Development, LLC
Developer:	Bill McNair
Property Surveyor:	Bax Engineering Company
Current 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 uses (3-acre minimum lot size)
Proposed lots:	28
Parcel Size:	91.98 acres
Location:	On the southwest corner of the intersection of Meinershagen Road and South Point Prairie Road
Council District:	2
Account No.:	754290A000

Robert Myers, Director of Planning & Zoning, stated that should the Planning & Zoning Commission choose to approve this preliminary plat, rezoning approval will need to be obtained prior to this development moving forward. He stated that detention basins are not required by St. Charles County for lots of 3-acres or larger, but one thing that could be considered a water feature in this development is the vegetative buffer that runs along a stream on the property. That area is required to remain undisturbed, and it will serve as a filter for stormwater runoff and provide some protection for properties that are downstream. The street intersection on Meinershagen Road does meet site distance requirements. Staff has also consulted with the Roads and Traffic Division and the County Highway Department in the review of this plat. The County's future right-of-way needs were examined for Meinershagen Road and South Point Prairie Road and it was determined no dedications were needed or required.

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this preliminary plat, with the condition that the County Council approves the related rezoning request (RZ19-16). In recommending approval, staff finds the proposed plat to be in conformance with UDO preliminary platting requirements.

For the record, staff received two written communications in opposition of this preliminary plat.

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

Craig Frahm asked if the County Council would have final approval on this preliminary plat.

Robert Myers responded that the Planning & Zoning Commission has final approval on plats, unless there is a variance or the Commission chooses to deny a plat. In those instances, the County Council would make a final determination.

Kevin Cleary asked staff if the Planning & Zoning Commission can add conditions of approval to preliminary plats.

Robert Myers responded that this plat meets all County requirements as presented. The only condition that should be added by the Commission is that approval of this plat is contingent upon the approval of the related rezoning request by the County Council.

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

Dale Bax with Bax Engineering, the owner's representative, was sworn in.

Kevin Cleary stated that according to his calculations the addition of driveways, rooftops, outbuildings, street pavement, etcetera, will likely create an additional 6,000 square feet per lot of hard-surface drainage. Adding all of these factors together looks like it will create between six and seven acres of hard-surface runoff versus unimproved ground.

Dale Bax responded that could possibly be true, but this can vary due to the size of the homes and other variables.

Jim Leonhard asked Dale Bax what he based his calculations for the percentage of increased runoff he projects that this development will create.

Dale Bax responded that this is based on a 15-year storm, which is what St. Charles County requires the stormwater management system to be based upon.

Jim Leonhard asked Mr. Bax how many inches of rainfall in a 24-hour event that a 15-year storm accounts for.

Dale Bax responded that he does not know the exact number of inches of rainfall that a 15-year storm accounts for.

Robert McDonald asked if this property would allow for a detention basin to be added.

Dale Bax responded that any property will allow for a detention basin to be added, but St. Charles County does not require that for lot of 3-acres or larger.

Roger Ellis asked Mr. Bax what the stormwater retention plan for this site is.

Dale Bax responded that there are ditches on both sides of the road that will handle all of the water coming off of the road. Typically, there is a water quality feature on the lots that is called a sheet floated buffer, which is a 5% slope for 75-feet away from any structure. This site is fairly flat, so runoff should be limited.

Jim Leonhard asked if the runoff from this development will eventually go into Dardenne Creek.

Dale Bax responded that runoff will go into Little Dardenne Creek, and then into Dardenne Creek.

Jim Leonhard stated that the cumulative effects of all of the developments in St. Charles County are what eventually run into the Mississippi River and continue to cause higher flooding events.

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

Bill McNair, property owner/developer, was sworn in. Mr. McNair stated that the watershed from this property will mainly flow to the north of the property and will not flow downward onto Barbara Heidolph's property. The amount of watershed that Ms. Heidolph's property will see from this development is much less than the 5% total that is projected. He also stated that this is a high growth corridor. Highway N is scheduled to merge with Buckner Road, and David Hoekel Parkway and Highway 364 are scheduled to merge right where South Point Prairie and Buckner Road are currently, which is about  $\frac{3}{4}$  of a mile from this property.

Barbara Heidolph was sworn in. Ms. Heidolph stated that last Friday this area got four inches of rain, and the water was almost up to the bottom of the bridge across the Little Dardenne Prairie creek. Although the runoff may not be much to Mr. McNair, she is already having erosion issues around the pond on her property. She asked the Commission to place a restriction on this plat, such as requiring them to install a pond (or two or three ponds) to control the amount of runoff that will be created.

William Zollman was sworn in. Mr. Zollman stated that he would also like to see the Commission require water detention be installed on this property.

Dale Schaper was sworn in. Mr. Schaper stated that changing the zoning to 3-acre lots only creates better price points for the developer.

Arnie "AC" Dienoff was sworn in. Mr. Dienoff stated that if 30% of the surrounding property owners file a written remonstrance against this rezoning request with the County Registrar, a supermajority vote by the County Council will be required for passage of this request. He questioned if the Wentzville School District has the capacity to handle the additional students this development will create, and whether or not their busses can handle the turning radius of the proposed streets. He asked if the Wentzville Fire Protection District has given approval for this development, and if the DNR has approved the septic systems for this development. He stated that none of this information was included in the Commission's packets. Mr. Dienoff told the Commission that the County Council is currently considering overriding their recommendation for denial of another application that is currently before them to rezone a property near Cottleville from 5-acre lots to 3-acre lots. He stated that the County needs to better address water detention with these developments. The more lots we build in the County, the more flooding the County will have. Mr. Dienoff stated that the Commission should change the UDO to require ample detention and/or retention basins to handle runoff in these types of developments. He also suggested that a condition should be added to approval of this preliminary plat to assure that it complies with the County's tree preservation requirements.

There being no further audience speakers, Chairman Ellis asked the applicant's representative or the property owner / developer if they wanted to come back up to the podium.

Bill McNair, property owner/developer, stated that he will contact adjacent property owner Barbara Heidolph in the near future to discuss her concerns regarding runoff. He also stated that in response to Mr. Zollman stating that he has never met him, Mr. Zollman helped him pick out a funeral plat for his late father's funeral.

There being no further questions for the property owner/developer, Chairman Ellis called for discussion from the Commission.

Robert McDonald asked Chairman Roger Ellis if the Commission could add conditions of approval to this preliminary plat.

Chairman Ellis stated that County staff recommends adding the condition that approval of this plat is contingent upon the approval of the related rezoning request by the County Council.

Robert Myers added that this plat meets all of the County's requirements for approval, and he does not recommend adding any additional conditions.

Chairman Roger Ellis asked County staff if the Commission can add additional conditions if they wish to do so.

Ardita Roark, Associate County Counselor, responded in the affirmative.

Robert McDonald stated that he would like to make a motion to approve the preliminary plat for South Point Estates, with the condition that there be three detention ponds added to the development.

Kevin Cleary made a motion to modify Mr. McDonald's motion to state that a sufficient number of detention ponds be added to retain all additional runoff from the development.

Dale Bax with Bax Engineering, the owner's representative, came back to the podium. He stated that he does not mind the Commission adding stipulations to this plat, but he has an issue with requiring what type of retention is required. He stated that stormwater runoff can be slowed down with measures other than adding three ponds to the property. It would in fact take many more than three ponds to control 100 percent of the water runoff on the property. He asked the Commission not to specify the method to be used to control it because there are many forms of water retention that could be used. He stated they would be agreeable to the Commission adding a condition that this development will not increase the amount of runoff on the property. He stated that the runoff can be slowed down and controlled by means other than detention or retention basins.

Jim Leonhard asked Mr. Bax how the runoff could be controlled without a retention basin.

Dale Bax responded that it can be controlled by using bio-swales with layers of engineered soils and plantings that will absorb water and control runoff on this property.

Craig Frahm stated that if the Commission is going to approve this plat, he would like to see these bio-swales shown on the plat prior to approving it.

Dale Bax responded that the construction plans for the development will outline this if the Commission requires it. Those plans will be presented to County staff for approval later on in the process.

There being no further discussion, Robert McDonald withdrew his previous motion of approval. He made a new motion to add a condition that a stormwater feature be provided that will eliminate any increased runoff. Jim Leonhard seconded this motion.

Craig Frahm made a motion to approve the preliminary plat for South Point Estates subject to conditions. The motion was seconded by Tom Kuhn.

The vote on the motion was as follows:

Diane Saale	- No	Tom Kuhn	- Yes	Roger Ellis	- Yes
Kevin Cleary	- Yes	Craig Frahm	- Yes	Robert McDonald	- Yes
Jim Leonhard	- No				

Application No. PRE19-19 was **APPROVED**.

The Vote Count was 5 Yeas, 2 Nays, and 0 Abstentions.

**TABLED ITEMS**

**NONE**

**APPROVAL OF THE MINUTES FROM THE DECEMBER 18, 2019 REGULAR MEETING**

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

Tom Kuhn made such motion, and the motion was seconded by Kevin Cleary. The minutes were approved by unanimous voice acclamation.

**OTHER BUSINESS**

**I. ELECTION OF OFFICERS**

A motion was made by Robert McDonald to keep the Planning and Zoning Commission Officers the same for the year 2020, which are as follows:

Chairman – Roger Ellis; Vice-Chairman – Kevin Cleary; Secretary – Tom Kuhn

The motion was seconded by Jim Leonhard, and was approved by unanimous voice acclamation.

**II. PLANNING AND ZONING DIVISION UPDATES**

**NONE**

**ADJOURNMENT OF MEETING**

Tom Kuhn made a motion to adjourn the meeting. The motion was seconded by Jim Leonhard, and was approved by unanimous acclamation. The meeting adjourned at 9:48 p.m.

Respectfully submitted by:

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Roger Ellis, Chairman

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Tom Kuhn, Secretary

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