CALL TO ORDER
PLEDGE OF ALLEGIANCE
CHANGES TO THE AGENDA
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
Documents:

   PZ AGENDA PACKET - CUP20-01.PDF

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

Documents:

PZ AGENDA PACKET - CUP20-02.PDF
OPPOSITION - DANIEL PRESSMAN AND KATHLEEN WALSH.PDF

PUBLIC HEARINGS FOR REZONING REQUESTS

PLATS
NONE

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
APPLICATION CUP20-01

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
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CONTENTS:

➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Preliminary Concept Plan
➢ Letters received
   ♦ Comments - City of Wentzville
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Ellie Marr, CFM
Application No.: CUP20-01
Date: February 10, 2020

BACKGROUND:

Owner: Steve Layne/TMM Wentzville

Requested Action: Conditional Use Permits for (1) Boat and RV Storage; and (2) Construction Equipment Storage

Location: 215 Josephville Road; Located on the west side of Josephville Road, approximately 1,000 feet south of Mexico Road and adjacent to the City of Wentzville.

Current Zoning: I1, Light Industrial
Current Land Use: Vacant
Parcel Size: 6.54 acres

Adjacent Land Use and Zoning:

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<td>South</td>
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<td>Birdie, Inc</td>
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<td>East</td>
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<td>Single family residence, Farm</td>
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<td>GM Plant</td>
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</table>

2030 Master Plan: Recommends industrial land use

Public Services: County Council District 1 – Joe Cronin
School District – Wentzville School District
Fire District – Wentzville Fire Protection District

Utility Service Areas: Water – City of Wentzville
Sewer – City of Wentzville
The applicant is requesting two (2) separate conditional use permits. The first is for boat and RV storage. The second request is for construction equipment and heavy machinery (new and used) storage.

Currently, this property, and surrounding properties to the north and south, are zoned Industrial. Hwy. A and the GM Plant Complex are located on the west side of the property. The property to the east is zoned A, Agricultural, however, the future land use plan recommends Industrial use based on future growth and land use plans for both the County and the City of Wentzville. The applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure.

The concept plan also indicates plans for two (2) future building pads with the intent of potential leasing to building contractors. This planned future use would not require any additional conditional use permits, however, the site plan would be required to be updated. This use would be subject to placement of an individual wastewater system on the site or sewer service availability through the City of Wentzville.

The concept plan proposes a six (6) foot chain link fence along the boundary lines on the south, north, and west sides of the property. On the east side, the applicant proposes a fence and gate to be located behind the future building pads, approximately 150 feet from the eastern boundary line. A front landscaping buffer area, as required by Section 405.435 of the Unified Development Ordinance for St. Charles County, is proposed in the front building setback area.

**CONDITIONAL USE ANALYSIS**

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

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

Staff has reviewed these criteria relative to the subject site and finds that both the request for a proposed boat and RV storage area and construction equipment and heavy machinery storage as shown on the concept plan will conform to the Conditional Use Permit standards. The surrounding property uses are in general conformance with the proposed use of this property.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the two (2) conditional use requests as complying with the criteria of Section 405.510. B of the County Code with the following conditions on each request.
Should the Planning and Zoning Commission recommend approval, staff requests that the following conditions be added:

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. No conditional use shall be in active use until such time all conditions of approval have been met.
CUP20-01 - Aerial
CUP20-01 - Zoning
February 11, 2020

Robert Myers, AICP
Planning and Zoning Division Director
Community Development Department
201 N. Second St., Suite 420
St. Charles, MO 63301

RE: Application #RZ 20-02 and CUP 20-01

Dear Mr. Myers,

The City of Wentzville has received the above referenced notices for rezoning and conditional use and offers the following comments. These properties are located within the City of Wentzville Planning Area, as indicated within the City's Comprehensive Plan.

Application #RZ 20-02:
The Wentzville Future Land Use Plan, within the Comprehensive Plan indicates the petitioned property to be Institutional Neighborhood Commercial land use and zoning can be supported along the frontage to Hwy Z, which is identified as an Arterial Roadway. There were no development plans included in the notice received from your office. If a new land use is planned or changes in land use are planned, how are public utilities being provided to this project and is buffering being provided to adjacent property? Upon the review of a site plan associated with the future use of this property right of way dedication or reservation for the future expansion of Hwy Z is requested at a width of sixty feet from the existing centerline. Annexation is a requirement if access to Wentzville public utilities is determined under the City and County Code to be required.

Application #CUP 20-01:
The Wentzville Future Land Use Plan, within the Comprehensive Plan indicates the petitioned property to be future Industrial land use. The City's zoning regulations also require the review and processing of a conditional use permit for this type of land use proposed. It appears from the property drawn on the notice that a land subdivision plat is also included as a part of this proposal. Right of way dedication for the future expansion of Josephville Road, forty feet from the existing centerline is a requirement of the City's Subdivision Regulations for the future expansion of Josephville Road in the future, as applicable. For this land use, the City requires that all surfaces for parking and maneuvering of any type of motor vehicle or trailer, etc... be paved with asphalt or concrete. Dust from unpaved gravel parking areas may cause a nuisance to adjacent property and adjacent public roadways, via blowing dust or gravel particulates being deposited upon adjacent roadways, which should be avoided. The City is requesting paving be accomplished for the land use as a condition of the County’s review and processing of this permit. Are public utilities being requested for this land use proposal? Access to the City’s public water or sanitary sewer utilities in the immediate future or long term future will require annexation into the City of Wentzville under the adopted Wentzville City Plan and Municipal Code.
Is screening of the storage yard area a component of this development project? The City's zoning regulations require screening for outdoor storage areas as proposed by this petition being heard in St. Charles County.

Thank you for the opportunity to comment. Please contact the Planning Division of the Community Development Department with questions at your convenience at (636) 639-2031.

Sincerely,

Doug Forbeck, Director Community Development
City of Wentzville

cc: Sue Spiegel, Director of Public Works
File
APPLICATION CUP20-02

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

CONTENTS:

➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Revision Request
➢ Preliminary Concept Plan
➢ Letters received
  ♦ Support - Paula Weeks
  ♦ Support - Bob and Martha Pence
  ♦ Support - Martin H. Bays Jr.
To: County Planning & Zoning Commission

Prepared by: Ellie Marr, CFM

Application No.: CUP20-02

Date: February 10, 2020

BACKGROUND:

Owner/Applicant: Ed and Tami Barrieau

Requested Action: A request to amend CUP17-06 to expand the hours of operation & maximum number of guests allowed

Location: West side of Dietrich Road, approximately 600 feet north of Wild Horse Drive

Current Zoning: A, Agricultural District with FF/Floodway Fringe Overlay District

Current Land Use: CUP17-06 allows a rural recreational activity and a facility for weddings, wedding receptions, and other events (Ordinance 17-070)

Parcel Size: 20.67 acres

Adjacent Land Use and Zoning:

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<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
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<td>Single Family Residence</td>
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<td>South</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Single Family Residence</td>
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<tr>
<td>East</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Vacant Residential Lot and Common Ground for Incline Village Subdivision</td>
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2030 Master Plan: Low Density Residential (1-4 units per acre)

Public Services: County Council District 1 – Joe Cronin
School District – Wentzville School District
Fire District – Wentzville Fire Protection District
The applicant is requesting two (2) revisions to the existing Conditional Use Permit 17-06. The first request is to amend condition 2. in Ordinance 17-070 from: “Wedding receptions will only be offered during the months of April, May, June, September, October, and November on Fridays, Saturdays, and Sundays. There will be no more than thirty (30) wedding receptions per calendar year with an end time of 12 a.m., except that music at such wedding receptions shall end no later than 10:30 p.m. Any other events will end no later than 10 p.m. on weekends and 9 p.m. on weekdays;” to: “Wedding receptions will be offered on Fridays, Saturdays, and Sundays. Receptions will end no later than 12:00 a.m., except that music at such wedding receptions will end no later than 11:00 p.m. All other events will end at 11:00 p.m. on weekends and 10:00 p.m. on weekdays.”

The second revision request is to amend condition 6. in Ordinance 17-070 from: “No more than two hundred (200) guests allowed.” to: “No more than two hundred fifty (250) guests allowed.”

The applicant first request is that there not be a limit to the number of weddings per calendar year and that music be allowed to continue indoors until 11:00 p.m. from the original condition of 10:30 p.m. Weddings would continue to be limited to Fridays, Saturdays, and Sundays. All other events would have an ending time of 11:00 p.m. on weekends and 10:00 p.m. on weekdays. The applicant has stated that ending both the music at 11:00 p.m. and closing the venue at 12:00 a.m. allows the wedding party to close the celebration and the guests to leave at more staggered times. Closing the venue earlier encourages guests to gather outside rather than to remain indoors and close out the gathering.

The applicant is also requesting to change the condition of limiting the number guests in Ordinance 17-070 from 200 to 250 guests. The applicant has indicated that wedding parties traditionally plan for 200 guests but invite more than 200 because not everyone will be able to attend. In the event that more than 200 guests do attend, the applicant wishes to be in compliance with the conditions of the Ordinance.

The concept plan submitted shows the recent addition of an upgraded individual wastewater treatment system and public restrooms adjacent to the venue that are ADA compliant. No changes to the parking requirements is required by the request for additional guests since there is no change to the gross square footage of the building.

Staff has reviewed code enforcement complaints regarding the original conditional use permit issued in 2017 and has found none.

**CONDITIONAL USE ANALYSIS**

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

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

Staff has reviewed these criteria relative to the subject site and finds that both requests for revisions to the conditions of CUP17-06 will be in general conformance to the original request. After being in operation for three (3) years, there have been no complaints filed and the applicant has found that a revision to the original conditions may be in order after observing the tendency of wedding parties over several wedding seasons.

RECOMMENDATION:

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the following two (2) conditional use conditions as complying with the criteria of Section 405.510. B of the County Code.

1. Amend Condition 2 of Ordinance 17-070 to: Wedding receptions will be offered on Fridays, Saturdays, and Sundays. Receptions will end no later than 12:00 a.m., except that music at such wedding receptions will end no later than 11:00 p.m. All other events will end at 11:00 p.m. on weekends and 10:00 p.m. on weekdays.

2. Amend Condition 6 of Ordinance 17-070 to: No more than two hundred fifty (250) guests allowed.

1125 Dietrich Road – Wedding Reception Barn
CUP20-02 – Zoning
Conditional Use Permit 17-06
Proposed revisions
Valley Farms LLC
1125 Dietrich Rd
Foristell, MO

Valley Farms LLC would like to request the following condition revisions to the existing Condition Use Permit 17-06 under Section 2 of that CUP.

Revision 1: Remove paragraph 2 and replace with the following paragraph:

“*Wedding receptions will be offered on Fridays, Saturdays, and Sundays. Receptions will end no later than 12:00am, except that music at such wedding receptions will end no later than 11:00pm. All other events will end at 11:00pm on weekends and 10:00pm on weekdays*”

Revision 2: In paragraph 6, change the max guest count from 200 to 250
Valley Farms
Site Plan
CUP 17-06

1/4" = 10'

Notes:
Total Acreage: 20.63 Acres
Total Developed: 1.49 Acres
All Buildings are Existing Structures
No Lighting Fixtures Pointing at Neighbors
No Street Parking
Water Rejected for Paved Parking
64,000 sq ft Meeting Space = 65 Parking Spots

Adjacent Property Owner
Dennis Doyle

All Parking Spots are 9' x 19'

Restroom Facilities Include:
LADIES: 4 Stalls & 2 Sinks, ADA Compliant
MEN'S: 2 Stalls & 2 Sinks, ADA Compliant

Developed By: Art Design

Dietrich Rd.

Adjacent Property Owner
Don & Paula Weeks
Mr Kuhn,

After receiving a letter regarding 1125 Dietrich Road I wanted to state as one of The Barrieaus neighbors at 1128 Dietrich Road I don’t have concerns with amending the hours of operation or number of guest.

We have never had a problem with their guest or noise level.

It is a pleasure to look across the street at their property. They work year round maintaining it and it shows. It’s a beautiful property and Ed and Tami have been very respectful to our family as neighbors.

Thanks

Paula Weeks

Sent from my iPhone
2/17/20

RE: Application No: CUP20-02

To Whom It May Concern:

We have no problem with expanding hours of operation and the number of guests at the Valley Farms events. Their events are no louder or disruptive than neighbors having outside parties up on the hill from us or what floats over from Incline Village. They are good neighbors and continue to improve their property.

Sincerely,

Bob & Martha Pence
1146 Dietrich Rd.
Foristell, MO 63348
To Whom It May Concern:

I am unable to attend the meeting regarding the Valley Farms CUP application # CUP20-02 yet wish to have a voice.

Valley Farms is a positive presence in our community. I delight in watching this family friendly business provide joy to children during the fall when folks purchase pumpkins and treat their children to train rides. I have no concerns over their proposed business expansion and reject the notion that their growth would overwhelm the facility or surrounding community.

Thank you for the opportunity to have a voice on this important matter.

Marlin H Bays Jr
636-579-8392
3234 Wild Horse Drive
Foristell, MO 63348
County Planning & Zoning Division  
201 North Second Street  
Room 420  
St. Charles, MO  63301

RE:  CUP 20-02

Dear Mr. Kuhn and Members of the Planning & Zoning Commission:

We are writing in strong opposition to the Conditional Use Plan 20-02 filed by Valley Farms, LLC.

We purchased our lot and built our home before Valley Farms started hosting weddings. Please note that our property is 552 feet from Valley Farms and 102 feet above it; we do hear noise from their events and, contrary to Mr. Barrieau's testimony during the CUP 17-06 meetings, our properties are mutually visible.

Our objections are to the increased noise and traffic that will affect us and our residential neighborhood. We believe the extension should be denied, especially in light of Valley Farms' disregard for the restrictions placed on them during the original CUP17-06.

Please view three videos from Valley Farms' own Facebook page (see link), and note that music and receptions were being held outdoors. While true that these particular musical events were not rowdy, they were in defiance of CUP 17-06, which restricts music and food to within the structure.

Their facility has approximately eight garage-door-type openings that, when open, do not contain noise within the building. We hear noise from their events, but have avoided complaining during the past three years in order to reduce tensions with the Barrieaus, who live next-door to us in the Sumac Ridge subdivision. At the County Council hearings, the commissioners noted that Valley Farms would have to abide by commercial-sound restrictions, which limit sound as measured on the road nearest the facility at 55 or 60 decibels, depending on time of day. At that time, one of the council members noted that it would be "up to the neighbors" to monitor these and other restrictions.

We attempted to measure decibel levels on a few occasions, but we ceased these attempts after Mr. Barrieau rushed out onto Dietrich Road, menacingly pointing something at our vehicle (which we later learned was a camera). Later that evening, after a complaint by Mr. Barrieau,
the police came to our home to discuss the incident; they requested that we call them to monitor noise levels, but given that the police do not carry decibel-recording equipment -- and in an effort to reduce tensions -- we chose not to involve them.

Further, please note that Paula Weeks sent a letter in support of CUP 20-02, but this letter should be considered in light of the fact that Ms. Weeks is a virtual partner of Valley Farms. As can be seen from pictures and videos on Valley Farms' Facebook page and their price list, her residence (which is across the street from Valley Farms) is available for rental as a bridal suite.

If the Commission chooses to approve CUP 20-02, we ask that the following conditions be attached:

1. Explicit restriction that activities are allowed only on Parcel 4-0004-S006-00-0005.2000000, and that no activities are permitted on Parcel 4-0004-S006-00-0006.6000000, also owned by the Barrieaus.

2. Valley Farms is to maintain public Web access to a decibel meter and video of their parking area so that noise and attendance may be monitored by affected neighbors, without conflict.

Finally, please note that Valley Farms hosts many large non-wedding events (see link). It was unclear during the original CUP hearings whether these events are permitted or controlled by the CUP restrictions. We would appreciate a clarification.

Thank you for your attention to the letter.

Sincerely,

Daniel Pressman and Kathleen Walsh

Link: https://www.dropbox.com/sh/qaz8zykyzy8wbnx/AADyELCOfjyYIf4RNmesnUsFa?dl=0
Pressman Opposition to CUP 20-02

Daniel Pressman
Kathleen Walsh
150 Sumac Ridge Drive
Foristell, MO 63348

March 17, 2020

County Planning & Zoning Division
201 North Second Street
Room 420
St. Charles, MO 63301

RE: CUP 20-02

Dear Mr. Kuhn and Members of the Planning & Zoning Commission:

I see that the Commission has shortened the agenda for tomorrow’s meeting. I fail to see what is so critical about CUP 20-02 that it is still included amidst all the concerns regarding coronavirus. Obviously, there will be no weddings at this facility before the April meeting and the matter could just as well be considered then.

It makes me wonder if they have already violated CUP 17-06 and booked larger weddings. Valley Farms seems to have no regard for their agreements or the regulations; witness their disregard for the 55-60 decibel limit and the current “Rules and Regulations” where they permit weddings of up to 220 people despite their agreement to limit events to 200 people.

It seems to me that they are getting special treatment:

- Why were they not fined for misleading the Building Permit process when they filed for their “Agricultural Barn”?
- Why do they continue to make modifications within the flood zone without proper permits? (See their expanded gravel parking areas.)
- Why was our letter dated 2/13/2020 not included in either the February or March Packets?
- Why is the “Staff Recommendation” intentionally misleading: “Requested Action: A request to amend CUP17-06 to expand the hours of operation & maximum number of guests allowed”
  It does not mention that the extension includes increasing the number of events from 30 to unlimited.

We have rights too and even if we are the only ones whose enjoyment of property is affected by these events, that is one party more than the regulations supporting the issuance of a CUP permit.

Thank you for your attention to this letter.

Sincerely,

Daniel Pressman and Kathleen Walsh

PS. I had major oral surgery last week and am taking pain medication, so will not be able to attend tomorrow evening's meeting. Therefore, attached is the speech I would have made. Again, thank you for reading.
Pressman Opposition to CUP 20-02

1. We oppose the proposed extensions to Valley Farms' 2017 CUP.

2. The noise of music and larger crowds next-door, and events running later into the night, for an unlimited number of times per year, would destroy the enjoyment of our home and decimate the value of our property.

   a. Most Valley Farms' supporters do not live as close and none is situated in similar topography. Valley Farms is visible from our property when there are no leaves. Even when trees are in full leaf, events can be heard because noise is amplified by the canyon-like landscape: Valley Farms sits in a flood plain between two tall rises, 102 feet below our property and only 552 feet away.

   b. One of Valley Farms' supporters lives closer, but she is a virtual partner, who offers her residence for rental as a bridal suite. (Paula Weeks)

   c. The noise from Valley Farms is inconsistent with the peace and quiet we sought when we built our home in a rural area in 2015.

The County regulations for issuance of a CUP, Section 405.510 (b), states:

"...operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district ..."

d. Valley Farms is expanding beyond weddings, and is holding "rock & roll" events open to the public. This is inconsistent with 405.080 c 10, which states:

"Buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties."
Pressman Opposition to CUP 20-02

e. Rewarding Valley Farms with these extensions is not justified because they have ignored current restrictions. The County Council restricted music and food consumption to inside the facility; only the wedding ceremony itself was allowed outside the structure. Videos on Valley Farms' Facebook page show they are in violation. If the restriction does not apply to all music, then what is the guideline for outdoor entertainment?

3. Their facility, with several large barn-door openings, does not contain the noise of louder events.

   a. In 2017, the Council noted that Valley Farms needed to abide by the county's commercial sound restriction, which is limited to 55-60 decibels as measured from the road nearest the facility. Sixty decibels is equivalent to "conversational speech." Their main building, with open doors and only 225 feet from the road, cannot avoid generating sound greater than 55-60 decibels.

   b. Council members stated it would be "up to the neighbors" to monitor noise and other restrictions. I was able to measure over 60 decibels on one occasion, but Valley Farms complained to the police about my presence near their business. As a result, I have been prevented from measuring sound as per the commercial rules.

4. P&Z staff recommendations note that there have been no complaints in three years. We have not filed complaints because of a separate noise violation, for which the Barrieaus and Valley Farms were found guilty in St. Charles County Circuit Court last year. It took almost three years for that issue to be resolved. In addition, we were concerned about rising tensions between us as well as threatening actions by Ed Barrieau, including vandalism of our property, which Mr. Barrieau admitted to police.

5. If these extensions are approved, and there is no way to monitor noise and attendance, then our only option will be to call the police repeatedly.
Pressman Opposition to CUP 20-02

The Barrieaus believe we are harassing them. Please understand: If we could not hear the noise, we wouldn't be wasting time and energy to oppose these extensions. Topography is the reason why we hear much of what goes on at Valley Farms, such as cheers and applause, music, the M.C.'s announcements, and their barking dog.

In our opinion, if this permit is approved, the damage to the enjoyment of our property would be untenable and likely force us to consider selling our home. But selling may not be easy, once potential buyers discover that next-door is an outdoor entertainment venue that's allowed to have unlimited events with large crowds, until midnight.

These extensions are inconsistent with the peaceful enjoyment of our home and therefore should be denied.

Should the Commission choose to recommend approval of this application, we ask that the following conditions be attached:

a. Valley Farms is to maintain public Web access to a decibel meter and video of their parking area so that neighbors impacted by noise and traffic may, without conflict, monitor sound and other restrictions, as per the County Council's stipulation in 2017.

b. Commercial activities are never allowed on the area known as "the Triangle" (Parcel 4-0004-5006-00-0006.6000000), which is only 552 feet from our backyard and which Ed Barrieau promised, in 2017, would not be used.
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

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 Notting, 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

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.

**CHANGES TO THE AGENDA**

**NONE**

**PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS**

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

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

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<tr>
<td>Diane Saale</td>
<td>- No</td>
<td>Tom Kuhn</td>
<td>- No</td>
<td>Roger Ellis</td>
<td>- No</td>
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<tr>
<td>Kevin Cleary</td>
<td>- No</td>
<td>Craig Frahm</td>
<td>- No</td>
<td>Robert McDonald</td>
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<td>Jim Leonhard</td>
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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 subdivision 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 prices 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 ad 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:

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Application No. RZ19-16 was recommended for APPROVAL.
The Vote Count was 4 Yeas, 3 Nays, and 0 Abstentions.

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 ¾ 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:
Application No. PRE19-19 was **APPROVED**.

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

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**TABLED ITEMS**

**NONE**

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**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.

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**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**

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**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: