

**ST. CHARLES COUNTY
PLANNING & ZONING COMMISSION
REGULAR MEETING
MAY 15, 2019
7:00 PM
COUNTY EXECUTIVE BUILDING
THIRD FLOOR COUNCIL CHAMBERS
100 NORTH THIRD STREET, ST. CHARLES, MO 63301
TENTATIVE AGENDA**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

CHANGES TO THE AGENDA

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT REQUEST - 5055 NORTH HIGHWAY 94

Application: CUP19-01

Applicants/Owners: Jerry and Kim Lindemann

Property Zoning: I1, Light Industrial District

Conditional Use Request: Outdoor storage lot for trailers, RV's, and boats

Area: 4.792 acres

Location: On the west side of Highway 94 North, approximately
400 feet south of the Burlington Northern & Santa Fe
Railroad

Council District: 6

Account No.: A905000080

II. REZONING AND CONDITIONAL USE PERMIT REQUEST - 1112 BRYAN ROAD

Application: CUR19-03

Applicant: KF Landscapes, LLC

Property Owner: Hillmann Bryan Road, LLC

Current Zoning: R3A, Medium Density Residential District

Requested Zoning: C2, General Commercial District

2030 Master Plan

Recommends: Medium Density Residential

Conditional Use Request: Landscaping Contracting Services

Area: 5.77 acres

Location: On the east side of Bryan Road, approximately 200 feet
north of Pascale Court; adjoining the City of O'Fallon

Council District: 4

Account No.: 345030A003

PLATS

I. PRELIMINARY PLAT FOR THE RESUBDIVISION OF FEMME OSAGE RIDGE LOT F

Application: PRE19-04

Owner/Developer: Femme Osage Grove #10, LLC and Femme Osage Grove #11, LLC

Engineer: Stock & Associates Consulting Engineers, Inc.

Property Zoning: A, Agricultural District (5 acre minimum lot size)

Lots Proposed: 2

Parcel Size: 24.573 acres

Location: On the south side of Boone Ridge Trail, approximately
2,000 feet east of Highway F

Council District: 2

Account Nos.: T191300027 and T191300026

TABLED ITEMS

NONE

APPROVAL OF MINUTES FROM THE APRIL 17, 2019 REGULAR MEETING

Documents:

[3-20-19 PZ MTG MINUTES - DRAFT.PDF](#)

OTHER BUSINESS

ADJOURNMENT

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: MARCH 20, 2019

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Diane Saale; Kevin Cleary; Tom Kuhn; Roger Ellis; Jim Leonhard Craig Frahm; Robert McDonald; and Mike Klinghammer, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Michael Hurlbert, Director of Community Development; Robert Myers, Director of Planning & Zoning; Ellie Marr, Senior Planner; Greg Dohrman, Associate County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS:

RZ19-02: Marc Gottfried, Applicant; and Matt Settlemoir, Applicant's Representative

RZ19-03: Robert Shatro, Property Owner

PRE19-01: John Wurm, Bax Engineering, Owner's Representative; and Thomas Sorenson, Property Owner

FWK18-01: Craig Applegate, Applicant

FWK18-02: Craig Applegate, Applicant

FWK18-03: None

FWK18-04: None

FWK18-05: Tom Dixon, Applicant

FWK18-06: Tom Dixon, Applicant

FWK18-07: Tom Dixon, Applicant

FWK18-08: Tom Dixon, Applicant

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 applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats and temporary fireworks stands is final. Only a recommendation for denial on these applications 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

I. REZONING REQUEST - 5 HAMMOCH COURT

Application: RZ19-02
Owner: Gregory and Patricia Fixley
Applicant: Callaway Lake Homeowner's Association
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 Zoning (3-acre minimum lot size)
Area: 3.71 acres
Location: On the north side of Hammoch Court, approximately 800 feet north and east of Hobie Cat Court
Council District: 2
Account No.: A893000198

Robert Myers, Director of Planning & Zoning, described the subject property and the surrounding properties and land uses. Callaway Lake and Callaway Valley Subdivision are currently zoned A, Agricultural District, with a 5-acre minimum lot size. He stated that the total area of Callaway Lake is 160 acres. Callaway Lake is not part of a subdivision, but it is surrounded by residential subdivisions that have been platted. Callaway Valley Subdivision was recorded in 1988, which was prior to the County Council modifying the minimum lot size in Agricultural District to 5 acres in 2006. At the time the subdivision was platted, the zoning required a 3-acre minimum lot size in the Agricultural District. It is typical to find a 3-acre lot development pattern within the subdivision. The property currently consists of 3.71 acres. The proposed RR, Single-Family Residential zoning district sought by the Homeowner's Association would allow the parcel to be divided. Rezoning would allow up to 0.71 acres to be sold to the Callaway Lake Homeowner's Association to expand their adjacent boat marina. The 2030 Master Plan recommends RR, Rural Residential land uses. He stated that the proposed zoning is in conformance with the 2030 Master Plan recommendation.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of this rezoning request from A, Agricultural District to RR, Single-Family Residential District

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

Matt Settlemoir was sworn in. Mr. Settlemoir stated that he is the current President of the Callaway Lake Homeowner's Association.

Marc Gottfried, the applicant, was sworn in. Mr. Gottfried stated that he is the former President of the Callaway Lake Homeowner's Association. The current access road for this property divides this property into two areas of land. They are looking to purchase a small portion of this property adjacent to the lake, and change the zoning from A to RR. This would allow for improvements to be made to the lake area, including adding additional parking and storage, and a pull-through route for boat trailers. He stated that the property owners are in favor of selling the land to them. If this request is approved, they are going to vacate the remaining portion of the property from the subdivision and add it to the lake side land owned by the Callaway Lake Homeowner's Association.

Chairman Ellis asked if there was an existing access road that divides the subject property.

Marc Gottfried responded in the affirmative.

Matt Settlemoir stated that it is an easement road (driveway), which splits the property into two areas.

Marc Gottfried stated that the entire parcel has 3.71 acres. They are planning to purchase the 0.71 acre portion that is located next to the lake.

Kevin Cleary asked if the Callaway Lake Subdivision is separate from the lake, and if the lake is maintained by the Callaway Lake Homeowner's Association.

Marc Gottfried responded that Callaway Lake is a private man-made lake that was created in 1983 by Ed Holthaus and other investors who owned large parcels of land in this area. At that time there was only one platted subdivision in the area, Plat 1 of Callaway Valley Subdivision, which included 16 homes. Their vision was to create a lake community and in doing so, they recorded a contract for designated properties surrounding the lake which states that those property owners are members of the Callaway Lake Homeowner's Association. Callaway Lake is a private lake, and the 183 surrounding property owners are required to pay an annual fee to the Homeowner's Association. Those funds are used to upgrade and facilitate things such as insurance and projects such as the one they are proposing.

Kevin Cleary asked if the property owners that are located along Highway F are members of the Callaway Lake Homeowner's Association.

Marc Gottfried responded that they are not all members, but the vast majority of them are. On the other side of Callaway Lake there is another development called Callaway Farms, and there are roughly 9 to 11 members there. He stated that they are all members of the Callaway Lake Homeowner's Association, but they are also members of their own Homeowner's Association.

Matt Settlemoir stated that the properties that physically touch the lake on the Callaway Farms side all have lake rights, but any properties interior to those properties do not.

Kevin Cleary asked if the deed restrictions were set up specifically for the properties that were a part of the original development.

Matt Settlemoir responded in the affirmative.

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

There being no further questions for the applicant, Chairman Ellis asked if there was anyone in the audience that would like to speak on this application.

There being no audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no further discussion, Chairman Ellis called for a motion to recommend approval on Application No. RZ19-02.

Mike Klinghammer made a motion to recommend approval, and Jim Leonhard seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application No. RZ19-02 was recommended for **APPROVAL**.

The Vote Count was 8 Yeas, 0 Nays, and 0 Abstentions.

II. **REZONING REQUEST - 3151 AND 3153 HOPEWELL ROAD**

Application: RZ19-03
Owner: Dardenne Creek Farms, Inc.
Applicant: Robert Shatro
Current Zoning: A/FF, Agricultural District with Floodway Fringe Overlay District (5-acre minimum lot size)
Requested Zoning: RR/FF, Single-Family Residential District with Floodway Fringe Overlay District (3-acre minimum lot size)
2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)
Area: 6.27 acres
Location: On the northwest side of Hopewell Road, approximately 1,000 feet northeast of Tanis Lee Lane
Council District: 2
Account No.: Part of T0020000126, and T012000001

Ellie Marr, Senior Planner, described the zoning of the subject property, the surrounding zoning, and the Future Land Use Plan. She stated that there are two parcels in this application that will be affected by this rezoning request. The parcel addressed as 3153 Hopewell Road will be rezoned in its entirety,

and is intended to be developed as a single-family residence. Only a portion of the parcel addressed as 3151 Hopewell Road will be rezoned, and that parcel is also intended to be developed as a single-family residence. The remainder of the parcel will continue to be used as the Dardenne Creek Farms Nursery with A, Agricultural Zoning, and will be combined with the 3037 Hopewell Road parcel in order to meet the minimum 5-acre parcel size that is required in the Agricultural Zoning District.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the rezoning request. Rezoning of these parcels is the 2030 Master Plan recommended land use for this area. The rezoning will also help to bring a smaller Agricultural Zoned parcel at 3037 Hopewell Road into conformance with the current 5-acre minimum lot size requirement.

For the record, staff received two letters of opposition regarding this application.

Kevin Cleary asked if the applicant is requesting zoning for a 1-acre minimum lot size.

Ellie Marr responded in the negative. Ms. Marr stated that the applicant requesting RR, Rural Residential Zoning District (3-acre minimum lot size) for the two parcels currently zoned A, Agricultural District. She stated that there are 3 existing parcels, and each can be built on. The applicant would like to rearrange the boundary lines.

Chairman Ellis asked if the boundary lines can be rearranged with this rezoning request.

Ellie Marr responded in the affirmative.

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

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

Robert Shatro, the applicant, was sworn in. Mr. Shatro stated that he owns two parcels on Hopewell Road. He stated that he would like to change the boundary lines in order to make one of the parcels a 5-acre minimum lot size and create two individual parcels that would each be around 3 acres in size. He stated that he would like to build homes on the two 3-acre lots.

Kevin Cleary asked about the grading plan and asked if dirt would be brought onto the individual sites, since the parcels are located in the Floodway Fringe Overlay District.

Robert Shatro responded that the elevation on those properties will need to increase slightly. He stated that the grading was evaluated approximately 6 months ago, and it wasn't as low as he thought. He would have to slightly raise up the site in order to homes on the property. He will not need to raise the 5-acre site.

Kevin Cleary asked Mr. Shatro if the evaluation of the site took into consideration the new development in that area, and the impact may have on the surrounding floodplain areas.

Robert Shatro responded in the affirmative.

Chairman Ellis asked if the lots will adjoin the existing nursery and boat storage lot on the property.

Robert Shatro responded in the affirmative.

Kevin Cleary asked County staff who would determine the required elevation on the property.

Ellie Marr responded that the applicant will have to hire a surveyor or an engineer to do an elevation survey on the property, and they would determine the required elevation.

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

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

There being no speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion, Chairman Ellis called for a motion to recommend approval on Application No. RZ19-03.

Craig Frahm made a motion to recommend approval, and Mike Klinghammer seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application No. RZ19-03 was recommended for **APPROVAL**.

The Vote Count was 8 Yeas, 0 Nays, and 0 Abstentions.

PLATS

I. PRELIMINARY PLAT FOR SORENSON KENNELS PLAT TWO - 1073 HWY DD, 1097 HWY DD, AND 1083 HWY DD

Application: PRE19-01
Engineer: Bax Engineering Company
Owner/Developer: Thomas J. Sorenson
Property Zoning: A, Agricultural District (5 acre minimum lot size)
Number of lots: 6
Parcel Size: 34.767 acres
Location: On the Northwest corner of Highway DD and Garrett Lane
Council District: 2
Account No.: A973001318, Part of T181300015, Part of T041300033, T181300014, and T171300014

Ellie Marr, Senior Planner, described the zoning of the subject property, the surrounding zoning, and the Future Land Use Plan. The developer is proposing to create a 5-lot subdivision involving 5 parcels of land which have never been platted. The lots would range in size from 5.11 acres to 7.97 acres each. All lots will be served by a private road that is named "Sorensen Court". The existing asphalt driveway leading to the kennel on Lot 2 will be required to be upgraded to meet the County's private street standards.

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this preliminary plat.

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

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

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

John Wurm, the applicant's representative, was sworn in. Mr. Wurm stated that he was present to answer any questions the Commission members may have regarding this preliminary plat.

Kevin Cleary asked the applicant to describe the utilities and the grading plan for the proposed development.

John Wurm responded that he could not answer that question because he is not directly involved with the development of the property. Mr. Wurm stated that it would follow the normal requirements for a 5-acre minimum lot sizes. He stated that there is currently electric service available for the property, but he is unsure about water and sewer service. He stated that he suspects that there will be septic tanks on the property to be used for waste disposal.

Thomas Sorenson, property owner, was sworn in. Mr. Sorenson stated that he is trying to develop three additional lots on this property for his children to build homes on.

Chairman Ellis asked if the subject properties would be using septic tanks for waste disposal.

Thomas Sorenson responded in the affirmative. He added that the property already has electric service available to it.

Chairman Ellis asked who the water service provider would be.

Thomas Sorenson responded that they will either be using the existing well on the property, or drilling a new well if necessary. Kevin Cleary asked Mr. Sorenson if the well rights for this subdivision plat would be recorded as an easement.

Thomas responded that he has not thought about doing that, but he is willing to do so if necessary.

Kevin Cleary stated that he would recommend the applicant be required to do so.

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 regarding this subdivision plat.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary stated that he thinks it is important for the applicant to have a recorded agreement that outlines the well rights because ownership of these parcels will transfer in the future. He asked the Planning staff if the Commission has the power to require that as a condition of approval of this plat.

Robert Myers stated that the easements and private covenants will be shown on the final plat. He stated that the well rights would need to be addressed through the covenants and the easements during that phase of approval.

There being no further discussion, Chairman Ellis called for a motion to approve Application No. PRE19-01.

Tom Kuhn made a motion to recommend approval, and Robert McDonald seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application No. PRE19-01 was **APPROVED**.

The Vote Count was 8 Yeas, 0 Nays, and 0 Abstentions.

PUBLIC HEARINGS FOR TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 WEST CLAY ST

Application: FWK19-01
Applicant: Applegate Industries LLC d/b/a Frenzy Fireworks
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

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Mike Klinghammer stated that this fireworks stand location is in his district, and he did not hear any complaints about how it was handled in the previous year.

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

Craig Applegate, the applicant, was sworn in. Mr. Applegate stated that he recently purchased the company, and has worked for the company for the past 5 years.

Kevin Cleary asked if there were any access issues with the surrounding business owners, and asked if they have provided any feedback.

Craig Applegate responded that he gets along with the surrounding businesses, and they attract a lot of customers from the local retail. He stated that he has not heard of any concerns.

Mike Klinghammer asked the applicant if he would properly dispose of the trash.

Craig Applegate responded in the affirmative.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Craig Frahm made a motion to approve Application FWK19-01, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-01 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

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

Application: FWK19-02
Applicant: Applegate Industries LLC d/b/a Frenzy Fireworks
Property Owner: The Inertia School of Dance, Incorporated
Zoning: C2, General 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

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Tom Kuhn asked if the number of fireworks applications have increased or decreased this year.

Robert Myers responded that the number of temporary fireworks stand conditional use permit applications have decreased over the years. He reviewed the firework permits from the 1960s and 1970s for record, administration purposes. He stated that at that time, the County had 40 to 50 applications annually. He stated that in 2013 there were 12 applications, and in 2019 there are currently 8 applications.

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

Craig Applegate, the applicant, was sworn in.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Robert McDonald made a motion to approve Application FWK19-02, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-02 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

III. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN RD

Application: FWK19-03
 Property Owner/ Applicant: Westley J. Godar
 Zoning: C2, General Commercial District
 Location: On the east side of Old Bryan Road, approximately 620 feet north of Veterans Memorial Parkway
 Council District: 4
 Account No.: 342720A000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Chairman Roger Ellis asked if the Commission had any further questions for staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward. The applicant was not present to speak regarding this application.

Chairman Ellis asked if anyone from the audience wished to speak regarding this application. There were no audience speakers.

Chairman Ellis closed the public hearing, and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Craig Frahm made a motion to approve Application FWK19-03, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-03 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

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

Application: FWK19-04
Applicant: Marty Fears
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

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Chairman Roger Ellis asked if the Commission had any further questions for staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward. The applicant was not present to speak regarding this application.

Chairman Ellis asked if anyone from the audience wished to speak regarding this application. There were no audience speakers.

Chairman Ellis closed the public hearing, and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Jim Leonhard made a motion to approve Application FWK19-04, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

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

Application FWK19-04 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 7 Yeas, 1 Nay, and 0 Abstentions.

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

Application: FWK19-05
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
Council District: 1
Account No.: A87000048

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Kevin Cleary asked what County staff to confirm the dates for the temporary fireworks stands.

Robert Myers responded that it is defined by the ordinance for a two week period from June 25th to July 5th.

Chairman Ellis stated that the Commission previously approved the 2019 firework regulations at a Planning & Zoning Commission meeting approximately 3 to 4 months ago.

Ellie Marr responded in the affirmative.

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

Tom Dixon, the applicant, was sworn in. Mr. Dixon stated that this is an existing location that he has operated for a number of years. He stated that he has not aware of any complaints or issues.

Mike Klinghammer asked the applicant if he would properly dispose of the trash.

Tom Dixon responded in the affirmative.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Mike Klinghammer made a motion to approve Application FWK19-05, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Jim Leonhard.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-05 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

VI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 6530 HIGHWAY N

Application: FWK19-06
Applicant: Meramec Specialty Company
Property Owner: Goldkap III, L.L.C.
Zoning: C2/FF/FW General Commercial District with Floodway and Floodway Fringe Overlay Districts
Location: On the south side of Highway N, approximately 1,090 feet southeast of Highway K
Council District: 3
Account No.: T012500193

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff

recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Chairman Roger Ellis asked if the Commission had any further questions for staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward. The applicant was present, Tom Dixon was sworn in but did not speak regarding this application.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Mike Klinghammer made a motion to approve Application FWK19-06, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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

Application FWK19-06 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 7 Yeas, 1 Nays, and 0 Abstentions.

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

Application: FWK19-07
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

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

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

Tom Dixon, the applicant, was sworn in.

Tom Kuhn asked the applicant if the decreasing number of firework stands has helped the applicant to have less competition.

Tom Dixon responded that there isn't much of a decrease in the firework stand locations. Mr. Dixon stated that the old firework stands that were located in unincorporated St. Charles County are now in the incorporated municipalities. He stated that development has also eliminated some of the locations throughout the years.

Kevin Cleary asked the applicant to describe the location of both the access and fire stand. Mr. Cleary stated that it is located at a busy intersection, so the sight distance is critical.

Tom Dixon responded that the driveway is off on Highway N, north of Highway Z. Mr. Dixon stated that they would use the driveway that the Baker family has installed there. He pointed to the Aerial map to show the location of both the driveway and firework stand.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Jim Leonhard made a motion to approve Application FWK19-07, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-07 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

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

Application: FWK19-08
Applicant: Meramec Specialty Company
Property Owner: Tayco Upper Bottom Road, LLLP

Zoning: C2, General Commercial District
 Location: On the northwest corner of Upper Bottom Road and Highway 364
 Council District: 7
 Account No.: T090800038

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. She stated that the Planning & Zoning staff recommends approval, subject to the condition that the fireworks stand adheres to all 2019 fireworks regulations.

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

Chairman Roger Ellis asked if the Commission had any further questions for staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward. The applicant was present. Tom Dixon was sworn in but did not speak regarding this application.

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.

There being no other speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission regarding these applications, Kevin Cleary made a motion to approve Application FWK18-09, with the condition that the fireworks stand adheres to all 2019 Fireworks Regulations.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application FWK19-08 was **APPROVED**; subject to the condition that the firework stands adheres to all 2019 fireworks regulations.

The vote count was 8 Yeas, 0 Nays, and 0 Abstentions.

TABLED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE FEBRUARY 20, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the February 20, 2019 regular meeting.

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

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATE

Robert Myers welcomed Commissioner Diane Saale and thanked her for volunteering to serve on the Planning & Zoning Commission. Mr. Myers asked Diane Saale to provide a brief summery about her experience and background.

Diane Saale stated that she has been a resident of St. Charles County for 40 plus years. Ms. Saale stated that she volunteers on several boards. She stated that she is looking forward to serve on the Planning & Zoning Commission.

Robert Myers stated that Commissioner Kevin McBride notified the County Executive's office that he would be resigning from the Planning & Zoning Commission due to work commitments. Mr. Myers stated that the County Executive's office is actively working to fill the open positions.

Robert Myers stated that the County Council is reviewing the Planning & Zoning Commission's recommendations to change the notification requirements in the Agricultural Zoning District. Mr. Myers stated that they would probably take action on the recommendation at the next County Council Meeting.

Robert Myers stated that at the Monday, March 25, 2019 County Council meeting, there will be a consideration for a grant application regarding flood inundation mapping involving St. Charles County and Dardenne Creek. The United States Geological Survey contracts with communities to provide an online mapping service for communities to see what the effects of flooding on particular streams. The United States Geological Survey recently completed an online mapping tool for the Meramec River.

Kevin Cleary welcomed Commissioner Diane Saale and thanked former Commissioner Gary Griffin for his many years of service on the Planning & Zoning Commission.

ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Mike Klinghammer and was seconded by Tom Kuhn. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 7:53 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary