PLANNING & ZONING COMMISSION MEETINGS ARE TEMPORARILY BEING HELD AT THE FOLLOWING LOCATION:

ST. PETERS JUSTICE CENTER AUDITORIUM
1020 GRAND TETON DRIVE
ST. PETERS, MO 63376

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

The meeting will be available live online via YouTube at youtube.com/SCCMOTV or on the County’s website at https://tv.sccmo.org/CablecastPublicSite.

Directions: Enter at the “Court and Auditorium” entrance on the north side of the building facing Suemandy Drive and Mid Rivers Mall. Parking is available across Suemandy Drive adjoining the Mall parking lot. For those parking there, cross Suemandy at the intersection of Grand Teton Drive. Use the “Court and Auditorium” building entrance facing Suemandy Drive.

Public Comments: If a citizen is not able to attend the public meeting, the Planning & Zoning Commission will be accepting comments by e-mail at planning@sccmo.org or in writing up until 5:00 p.m. on Tuesday, June 16, 2020 and such comments will be included into the record of the meeting.

Tentative
Agenda

CALL TO ORDER
PLEDGE OF ALLEGIANCE
CHANGES TO THE AGENDA
PUBLIC HEARINGS FOR REZONING REQUESTS
PLATS
I. PRELIMINARY PLAT FOR THE HYMAN KAYE TRACT - OAK VIEW FARMS DRIVE

Application No: PRE20-14

Property Owner: Hyman H. Kaye Revocable Trust

Engineer/Surveyor: Bax Engineering Company

Developer: Greystone Holdings, LLC

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

Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)

Proposed lots: 25

Parcel Size: 84.20 acres

Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.: 608880A000
Documents:

PZ AGENDA PACKET - PRE20-14.PDF

TABLED / CONTINUED ITEMS

I. PRELIMINARY PLAT FOR COTTLEVILLE HILL - 5225 GUTERMUTH ROAD

Application No:  PRE20-11
Owner/Developer: Variety Homes, LLC
Engineer: Pickett, Ray & Silver
Current Zoning: R1A, Single-Family Residential District, with Floodway Fringe Overlay District
Requested Zoning: R2, Two-Family Residential District, with Floodway Fringe Overlay District
Proposed Dwelling Units: 18
Parcel Size: 3.47 acres
Location: On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Council District: 3
Account No.: 553800A000
Documents:

PZ AGENDA PACKET - PRE20-11.PDF

APPROVAL OF MINUTES FROM THE MAY 20, 2020 MEETING

Documents:

5-20-20 PZ MTG MINUTES - DRAFT.PDF

OTHER BUSINESS

II. PLANNING AND ZONING DIVISION UPDATES

ADJOURNMENT
APPLICATION PRE20-14

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

Application No:    PRE20-14
Property Owner:   Hyman H. Kaye Revocable Trust
Engineer/Surveyor: Bax Engineering Company
Developer:        Greystone Holdings, LLC
Existing Zoning:  A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
Proposed lots:    25
Parcel Size:      84.20 acres
Location:         On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.:      608880A000

CONTENTS:

- Staff Recommendation
- Site Photos
- Aerial Photo
- Surrounding Zoning Map
- Topography Map
- Future Land Use Map
- Preliminary Plat
- Letters received
  - None
STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Mark E. Price Jr, AICP, CFM

Application No.: PRE20-14

Date: June 10, 2020

BACKGROUND

Owners: Hyman H. Kaye Revocable Trust

Applicant: Greystone Holdings, LLC.

Requested Actions: A preliminary plat, Hayman Kaye Tract, for twenty-five (25) lots

Location: On the west side of Busdieker Lane, approximately 300 feet south of Foristell Road, one-mile northwest of the City of New Melle.

Current Zoning: A, Agricultural District

Current Land Use: Agricultural

Adjacent Land Use and Zoning:

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

2030 Master Plan: Recommends Rural Residential land use

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

Utilities: Water – Public Water Supply #2
Sewer – Private wastewater systems

Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The property (60880A000) is 83.203 acres in size and the owner/developer is proposing twenty-five (25) individual lots with a minimum lot size of three (3) acres. 20 lots access Busdieker Drive from a new cul-de-sac street. The proposed new street must meet the County’s private road standard which includes paving of the street.

The remaining 5 lots in the subdivision will take access directly from Busdieker Drive. The applicant will be required to upgrade Busdieker Drive to the County’s private road standard which, including paving the street.

Although public water supply is not required for subdivisions with 3 acre lots, the applicant will be installing a public water system that will source its water from Public Water Supply District #2. This will include the installation of fire hydrants that meet the required standards of the New Melle Fire Protection District. This will be developed during the subdivision improvement phase of the subdivision.
Although the County's stormwater standards do not require stormwater detention for lots 3 acres or greater in area, the applicant has added a drainage berm in the southwest area of the plat spanning across Lots 6 through 11 which will require engineering review prior to subdivision improvement plan approval. The purpose of this berm is to intersect stormwater flowing southwest and direct it eastward to the tributary of upper Dardenne Creek bordering this tract to the southeast. During the subdivision improvement plan stage, the engineer will be required to document that this berm will function as intended and comply with the stormwater standards of the County.

Comments on the preliminary plat from the Fort Zumwalt School District and the New Melle Fire Department have been forwarded to the developer to include in their design. Those comment letters have been included as an addendum to this report.

**RECOMMENDATION:**

The Planning and Zoning Division advises that this preliminary plat meets the minimum technical requirements of Chapter 410 of the Unified Development Ordinance.
Looking North along Busdieker Drive with the subject property on the left
PRE20-14 - Zoning
PRE20-14 Topography
A PRELIMINARY PLAT FOR
HYMAN KAYE TRACT
A TRACT OF LAND BEING PART OF
THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER
AND PART OF THE NORTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 21
TOWNSHIP 46 NORTH, RANGE 1 EAST
OF THE FIFTH PRINCIPAL MERIDIAN
ST. CHARLES COUNTY, MISSOURI

DEVELOPMENT NOTES:
1. Buildings allowed only for single-family residential purposes.
2. Minimum lot size 5,000 square feet.
3. Minimum frontage 80 feet.
4. Minimum setback 20 feet from property line.
5. Utilities to be installed by the owner of the property.
6. Stormwater management per local ordinances.
7. Access to be provided by the owner of the property.
8. No manufactured homes or mobile homes permitted.
9. No commercial or industrial uses permitted.

KEY MAP

THIS PLAT IS NOT FOR RECORD
Preliminary Plat for 5225 Gutermuth Road

Application No: PRE20-11
Owner/Developer: Variety Homes, LLC
Engineer: Pickett, Ray & Silver
Current Zoning: R1A/FF, Single-Family Residential District, with Floodway Fringe Overlay District
Requested Zoning: R2/FF, Two-Family Residential District, with Floodway Fringe Overlay District
Proposed Dwelling Units: 18
Parcel Size: 3.47 acres
Location: On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Council District: 3
Account No.: 553800A000

Contents:

- Staff Recommendation
- Site Photos
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Preliminary Plat
- Letters received
  - None
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Ellie Marr CFM
Application No.: PRE20-11
Date: May 11, 2020

BACKGROUND INFORMATION

Owner: Variety Homes, LLC
Applicant: Pickett, Ray, and Silver – Will Scheidt
Requested Action: Approve a preliminary plat for 3.47 acres for 18 single family dwellings (attached villas)
Location: 5225 Gutermuth Road; located on the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Current Zoning: R1A, Single Family Residential District with Floodway Fringe Overlay (1-acre minimum lot size)
Current Land Use: single-family residential (one residence)
Adjacent Land Use and Zoning:

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<tr>
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<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R1A/FF, Single Family Residential District with Floodway Fringe Overlay and incorporated, City of Cottleville</td>
<td>Single Family Residences and Church/School Parking Lot</td>
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<tr>
<td>South</td>
<td>R1A, Single Family Residential District</td>
<td>Single Family Residences</td>
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<td>East</td>
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</tr>
<tr>
<td>West</td>
<td>R1A, Single Family Residential District</td>
<td>Residential Accessory Structure</td>
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2030 Master Plan: Recommends Commercial land use
Public Services: County Council District 3 – Mike Elam
School District – Francis Howell School District
Fire District – Cottleville Fire District
Utilities: Water – Missouri American Water Company
**ANALYSIS**

This request is for preliminary plat approval to subdivide 3.47 acres located at 5225 Gutermuth Road, subject to rezoning approval by County Council. Rezoning application RZ20-05 has been submitted to rezone the parcel from its current R1A, Single Family Residential District with Floodway Fringe Overlay zoning, to R2, Two-Family Residential District zoning. The applicant is requesting a zoning change to R2 which allows two residential units on a minimum lot size of 7,000 square feet. The proposed plat submittal is for 18 units with an average lot size of 12,487 square feet for each building and an average lot size of 6,243 square feet per each “villa” dwelling.

St. Charles County is currently constructing a new highway interchange at Hwy 364 and Gutermuth Road and estimates a tri-fold increase in traffic on Gutermuth Road once complete. Additionally, The County is widening Gutermuth Road to three lanes, with curbs/gutters/storm sewers, and sidewalks on both sides of the road with completion by the end of 2021. Should this preliminary plat be approved, the County will require that an additional 15 feet for right-of-way be dedicated as part of the final plat to allow for the widening of Gutermuth Road.

The parcel has approximately 850 square feet of floodway fringe overlay and should the rezoning request be approved, staff requests that the floodplain area be removed through the formal LOMR-F (Letter of Map Revision based on Fill) process with FEMA. This will assure that any lot or homeowner will not experience difficulty in obtaining a mortgage with federally backed funds.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that this preliminary plat be approved subject to rezoning approval by County Council. In recommending approval of this plat, staff finds the proposed plat meets the requirements for development in the proposed R2 zoning district.
PRE20-11 - Aerial
PRE20-11 - Zoning
PRE20-11 - Future Land Use
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: MAY 20, 2020
TIME: 7:00 PM
PLACE: ST. PETERS JUSTICE CENTER AUDITORIUM
1020 GRAND TETON DRIVE
SAINT PETERS, MO 63376

MEMBERS PRESENT: Roger Ellis; Craig Frahm; Tom Kuhn; Terry Hollander; Tracy Boehmer; Kevin Cleary; and Diane Saale

MEMBERS ABSENT: Jim Leonhard; and Robert McDonald

STAFF PRESENT: Michael Hurlbert, Director of Community Development; Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Sheila Weiss, Recording Secretary; and Mariza Almstedt, Recording Secretary

SPEAKERS: 

FWK20-01: Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-02: Westley Godar, applicant and property owner; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-03: Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-04: Craig Applegate, applicant, 9237 Arline Avenue, Overland, MO 63114; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-05: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-06: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-07: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-08: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

FWK20-09: Craig Applegate, applicant, 9237 Arline Avenue, Overland, MO 63114; and Arnie C. 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 applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote by the Commission on conditional use permits for temporary fireworks stands and preliminary plats is final. Only a recommendation for denial on those 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 FOR TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2896 HIGHWAY K
Application: FWK20-01
Applicant: Marty Fears, Show Me Services, LLC
Property Owner: Martha A. Keeven Revocable Living Trust
Zoning: C2, General Commercial District
Location: On the east side of Highway K, approximately 520 feet south of the intersection of Fallon Parkway and Highway K
Council District: 3
Account No.: 410610D001
Ellie Marr, Senior Planner, stated that the proposed fireworks stand operated at this location last year, and the Planning and Zoning staff did not receive any complaints or letters of concern regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including a condition relating to COVID-19. She stated that this same condition to abide by County and State public health directives would be recommended for all fireworks stands on the meeting agenda, and then read the statement out loud. This condition has been added to the 2020 Fireworks Regulations.

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

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

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

The applicant was not present.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. Dienoff, was sworn in. Mr. Dienoff asked Chairman Ellis if he should testify for each firework stand application separately, of if his comments regarding this fireworks stand could be put into the record for all of the fireworks stand applications.

Chairman Ellis responded that Mr. Dienoff’s comments would be added to the record for each firework stand application.

Arnie Dienoff stated that he would like to see County Staff, the Planning & Zoning Commission, and the County Council update their Ordinances and codes for temporary fireworks conditional use permits. Mr. Dienoff had several recommendations including the following:

1. Increase the application fee for temporary fireworks stands to $10,000 or $15,000, since these stands put additional burden on public services such as police and fire response.

2. Make sure there is adequate bonding to ensure tent removal and removal of any gravel driveways, so the property is restored to its original state.

3. Ensure there is adequate handicapped parking to comply with the Americans With Disabilities Act.

4. Ensure protection of children by not employing anyone under the age of 18, and prohibiting the sale of fireworks to anyone under the age of 18.

5. The County Code should address security concerns by hiring off-duty police officers or a security firm to ensure that fireworks are not in the wrong hands. Fire extinguishers should be available at every tent to meet Fire Code.

6. Public restrooms should be available, and stand owners should be required to provide adequate sanitation areas and handwashing stations in light of COVID-19 health concerns.

7. The number of customers per tent needs to be limited to address social distancing concerns.

Chairman Ellis asked if anyone else in the audience wished to comment on this application.

There being no other audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Craig Frahm made a motion to approve Application FWK20-01, including the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Tracy Boemer.

The vote on the motion was as follows:

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<tr>
<td>Kevin Cleary</td>
<td>- Yes</td>
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<td>Tracy Boehmer</td>
<td>- Yes</td>
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Application FWK20-01 was **APPROVED**; subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, and the condition relating to COVID-19.

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

---

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

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

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

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

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

Wesley Godar, owner and applicant, was sworn in.

Chairman Ellis asked if there were any questions for the applicant. There were none.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff's previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Tom Kuhn made a motion to approve Application FWK20-02, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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<td>Tracy Boehmer</td>
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Application FWK20-02 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

Application: FWK20-03  
Property Owner: Bremer Properties, LLC  
Applicant: Martin Fears, Show Me Services, LLC  
Zoning: C2, General Commercial District  
Location: At the intersection of Wall Street and Luetkenhaus Blvd.  
Council District: 1  
Account No.: 721620A000

Ellie Marr, Senior Planner, stated that this is the first year for this location. The applicant has operated stands in other locations in St. Charles County with no complaints. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff received one written communication with concerns regarding this application from Dennis Hall.

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

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

The applicant was not present.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Chairman Ellis stated that Arnie Dienoff's previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Tracy Boehmer made a motion to approve Application FWK20-03, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Diane Saale.

The vote on the motion was as follows:

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<tr>
<th>Kevin Cleary</th>
<th>- Yes</th>
<th>Tom Kuhn</th>
<th>- Yes</th>
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<td>Tracy Boehmer</td>
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Application FWK20-03 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

---

**IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 W CLAY ST.**

Application: FWK20-04  
Applicant: Craig Applegate, Applegate Industries LLC  
Property Owner: TGL Properties, LLC  
Zoning: C2, General Commercial District  
Location: On the northeast corner of the intersection of West Clay and Golfway Street  
Council District: 6  
Account No.: A916000023

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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 the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.
Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Terry Hollander made a motion to approve Application FWK20-04, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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<td>Tracy Boehmer</td>
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Application FWK20-04 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

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

Ellie Marr, Senior Planner, stated that this is a new stand location for this year. This applicant has operated stands in other locations within St. Charles County without complaints. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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.

Chairman Ellis asked if the Commission had any questions for the applicant regarding this application. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.
Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

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

There being no discussion from the Commission, Tracy Boehmer made a motion to approve Application FWK20-05, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Tom Kuhn.

The vote on the motion was as follows:

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Application FWK20-05 was **APPROVED**; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

Application: FWK20-06  
Applicant: Meramec Specialty Company  
Property Owner: JMZ III Real, L.L.C.  
Zoning: I1, Light Industrial District  
Location: On the northwest corner of the intersection of Mexico Road and Highway A; adjacent to the City of Wentzville  
Council District: 1  
Account No.: A870000485  

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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.

Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.
Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

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

There being no discussion from the Commission, Tom Kuhn made a motion to approve Application FWK20-06, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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Application FWK20-06 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

Application: FWK20-07  
Applicant: Meramec Specialty Company  
Property Owner: The Baker Family Company  
Zoning: C2, General Commercial District  
Location: On the northeast corner of Highway N and Highway Z  
Council District: 2  
Account No.: 748680B000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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.
Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

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

There being no discussion from the Commission, Diane Saale made a motion to approve Application FWK20-07, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

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Application FWK20-07 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

Application: FWK20-08
Applicant: Meramec Specialty Company
Property Owner: Tayco Upper Bottom Road, LLLP
Zoning: C2, General Commercial District
Location: On the south corner of Upper Bottom Road and Highway 364
Council District: 7
Account No.: T090800038

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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.

Chairman Ellis asked if the Commission had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

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

There being no discussion from the Commission, Craig Frahm made a motion to approve Application FWK20-08, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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Application FWK20-08 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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

Application: FWK20-09

Applicant: Craig Applegate, Applegate Industries LLC

Property Owner: The Inertia School of Dance, Incorporated

Zoning: C1, Neighborhood Commercial District

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

Council District: 2

Account No.: 7635901000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

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

Chairman Roger Ellis asked if the Commission had any 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 the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

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

There being no discussion from the Commission, Kevin Cleary made a motion to approve Application FWK20-09, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

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Application FWK20-09 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

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

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PUBLIC HEARINGS FOR REZONINGS

I. **REZONING REQUEST - 5225 GUTERMUTH ROAD**

- **Application No:** RZ20-05
- **Property Owner:** Variety Homes, LLC
- **Current Zoning:** R1A/FF, Single-Family Residential District, with Floodway Fringe Overlay District
- **Requested Zoning:** R2/FF, Two-Family Residential District, with Floodway Fringe Overlay District
- **2030 Master Plan:** Recommends Commercial Uses
- **Parcel Size:** 3.47 acres
- **Location:** On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
- **Council District:** 3
- **Account No.:** 553800A000
Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. This rezoning request to rezone a 3.47-acre parcel adjoining the City of Cottleville, and now used for a single residence, to the County’s Two-Family Residential District. Under the current R1A, Single Family Zoning District, up to three homes could be built on this property. The proposed R2, Two-Family Residential District zoning could allow either single-family homes (detached or attached) or duplexes. The intent of the two-family residential zoning district is to allow for residential development of an urban character for one- and two-family homes on a minimum lot size of 7,000 square feet served by sanitary sewers and a public water supply. The applicant proposes to construct 18 attached single-family homes (“villas”) with each villa having a minimum of 3,500 square feet of lot area. To improve traffic flow to a new highway interchange now under construction at Highway 364 and Gutermuth Road, Gutermuth Road will in 2021 be widened to three lanes with curbs/gutters, storm sewers, and sidewalks. Sidewalk construction will facilitate walking between the proposed residences at this location and destinations such as St. Joseph Catholic Church and downtown Cottleville.

The developer’s plan is to provide new housing marketed to seniors and within walking distance of the nearby St. Joseph Catholic Church and School. Further east, and across Motherhead Road, a single-family residential subdivision (the Courtyards of Cottleville) is under construction with lot sizes ranging from 6,600 to 13,000 square feet in area. The plan proposed by the applicant would be to plat smaller lots – 3,500 square feet per home as allowed in the County’s R2, Two Family Residential District development standards.

St. Charles County’s 2030 Land Use Plan for this area recommends future commercial land uses on the north side of Gutermuth Road and low-density residential uses on the south side of Gutermuth Road. Within the City of Cottleville, commercial land uses have tended to develop in the downtown area. Along Gutermuth Road and southward along Motherhead Road, development has tended to be residential in nature. Given this area’s development patterns and trends, this property’s location is more suited to keeping with residential development than commercial development. The development of attached villas could provide a graduated land use transition between Downtown Cottleville and the single-family homes to the south of Gutermuth Road, thereby preventing commercial development across the street from low-density residential land uses.

County staff recommends that P&Z Commission recommend approval of this rezoning to R2, Two-Family Residential District, with Floodway Fringe Overlay District

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

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

Tom Kuhn asked if Gutermuth Road is going to be widened to three lanes and have sidewalks on both sides during the upcoming construction project.

Robert Myers affirmed that Gutermuth Road will be widened to three lanes with sidewalks on both sides of the road. The road will also have a turn lane.

Tom Kuhn asked if Gutermuth Road would be widened all the way down to the end.

Robert Myers responded that it would be widened to Motherhead Road.

Tom Kuhn asked if there may possibly be sight distance issue at the proposed entrance due to the hill going southward.

Robert Myers said that this would be a good question to ask the engineer or the applicant.

Chairman Ellis asked if anyone had any further questions for staff.
Tracy Boehmer asked if all the surrounding homes are single family residences.

Robert Myers responded in the affirmative.

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

Douglas Tiemann, Engineer with Picket, Ray & Silver, was sworn in. Mr. Tiemann stated that the owner is requesting this rezoning in order to develop eighteen attached villas on nine lots. They sent copies of their plans to the City of Cottleville, even though the property is not in the City of Cottleville, because the northern portion of this property borders the City of Cottleville. The City of Cottleville does not object to this plan, and they stated that they could not envision this property being developed as a commercial development. They have also submitted copies of their plans to the Cottleville Fire District and Duckett Creek and Sanitary District. The Cottleville Fire District stated that would like them to add another fire hydrant to the development plans, and Duckett Creek Sanitary District has no issues with serving the property. They will be dedicating 40 feet of right-of-way to accommodate the upcoming roadway improvements. The developer feels that single family villas will be a desirable use for this property due to its close proximity to Downtown Cottleville and the Church.

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

Kevin Cleary asked if there will be a Homeowner’s Association for this development to maintain common ground areas.

Douglas Tiemann responded that all of the details have not yet been determined, but there will be a Homeowner’s Association that will take care of the common ground and detention area.

Chairman Ellis asked if these homes would be similar to the Villas at Whitmoor.

Douglas Tiemann answered in the affirmative.

Kevin Cleary asked what the price point and the square footage of these homes will be.

Douglas Tiemann responded that he does not have that information and suggested that he may wish to ask the developer that question.

Tracy Boehmer asked if the vision for this development is for a retirement community.

Douglas Tiemann responded that it is likely to be elderly adults who desire to be close to the church that will purchase these homes.

Steve Giancola, owner/developer, was sworn in.

Chairman Ellis asked Mr. Giancola what the size and the projected price point for these homes would be.

Steve Giancola responded that the homes in this development would be between 1,250 and 1,400 square feet with a starting price of around $275,000. They will be Ranch style homes with 2-car garages and full basements.

Kevin Cleary asked if the purchasers of these homes would own the land outside the footprint of their dwelling.

Steve Giancola stated they would extend the lot lines down the center of a common wall, and each buyer would own their own lot.
There being no further questions for Mr. Giancola, Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

Vickie Smith was sworn in. Ms. Smith stated that she would like to see this application continued since banks have been closed, papers have not been notarized, and all of the surrounding residents have not been given information about this rezoning request. Ms. Smith is opposed to this request due to increased traffic and noise. Adding 36 more cars to this area will make the existing traffic issues worse and will add more children to the local schools which are already overcrowded. The creek there floods already, and the street on Motherhead Road also floods.

Amber Smith was sworn in. Ms. Smith stated that the schools are already overcrowded in this area. This property is next to her neighbor’s home and when they build up this property it will cause her neighbor’s property to flood. Also, the church is further than that what it appears, and it would be quite a long walk for older persons. This development would add more traffic to the area, which is already an issue. She also disagrees with St. Charles County’s 10-year plan designating this property as a commercial property.

Charles Thompson, was sworn in. His property is directly west of this property. He stated he sees problems already with the schools being overcrowded. He is also concerned about liability from children from this development coming onto his property. If this application is approved, he requests that a privacy fence be installed along the full length of the property. The entrance to this property is on a hill and will become a problem due to the increased traffic.

Douglas Vitt was sworn in. Mr. Vitt stated that he lives behind the subject property and he already has a water issue. The creek cannot handle any more water. He is concerned that the trees in the area will be bulldozed along the property line. He believes this is too many homes for this small tract of land. If this application is approved, they need to build a retaining wall along that creek because it already floods. He also has concerns with increased traffic and stated that it already takes about an hour to exit the church because of the traffic.

Arnie Dienoff was sworn in. Mr. Dienoff stated that he opposes this rezoning request. There are a lot of flooding issues in this area. He is concerned that no plans for water detention have been presented. There are also no letters in the record from the fire district, the water district, the sewer district, or the school district.

Dennis Hubbartt was sworn in. Mr. Hubbartt has concerns about safety and adding more traffic to the area from the proposed development. He stated the developer is going to fill in that property and it will end up being taller than the roof of his house, which will cause both his home and the church parking lot to flood. He is opposed to this request.

Gary Peel was sworn in. Mr. Peel stated that he is opposed to this rezoning request.

There being no further audience speakers, Chairman Ellis closed public hearing and asked the applicant to return to the podium.

Douglas Tiemann returned to the podium.

Tracy Boehmer asked Mr. Tiemann if privacy fencing is going to be built around the development.

Douglas Tiemann responded that the current plan does not show fencing, but the developer would be willing to provide a buffer or fencing along the property line. He stated that they will not be doing any grading on the property until their plans have been completed and approved by the County. The County has requirements that will have to be met for water detention and traffic control. This site is not very big, and the developer will not be making any significant grading changes to the site. As far as the traffic and noise concerns, those issues will be addressed by the County through the planned improvements to this area.
Tom Kuhn asked if the road improvements will be completed during same time frame as the proposed development. He stated that he would not be in favor of the property being developed prior to the planned road improvements being in place.

Robert Myers stated that the County Highway Department has an expected completion date for these road improvements in 2021.

Tracy Boehmer asked if a traffic study has been done for this development.

Robert Myers responded that traffic studies are not typically done at this stage for rezoning requests.

There being no further questions for the developer’s representative, Chairman Ellis called for discussion from the Commission.

Terry Hollander asked Robert Myers what types of homes are allowed under the R2 Zoning District.

Robert Myers responded that under the R2 Zoning District, single family homes, villas, or duplexes would be allowed.

Tracy Boehmer stated that the property is currently being used for a single family home.

Chairman Ellis stated that is correct, but the 2030 Master Plan for St. Charles County has this property slated for commercial use.

Tom Kuhn asked how many homes could be built on this property under the current zoning.

Robert Myers responded that under the current zoning, three homes could be built on this property.

There being no discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-05.

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

The vote on the motion was as follows:

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Application No RZ20-05 was recommended for DENIAL.

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

**II. REZONING REQUEST - 4466 WILSON ROAD**

- **Application No:** RZ20-06
- **Property Owner:** Leslie Ayers
- **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
- **Parcel Size:** 6.00 acres
Ellie Marr, Senior County Planner, described the subject property and the surrounding land uses. The owner is requesting to rezone this 6.00-acre property from A, Agricultural District to RR, Single-Family Residential District in order to split the property into two lots. There is currently one home on this property, and splitting this parcel into two 3-acre lots will allow for an additional home to be built on the parcel. Should this request be approved, the applicant will then be required to submit a subdivision plat to the Planning & Zoning Division for approval.

The Planning and Zoning Division recommends that the Planning & Zoning Commission recommend approval of this request to rezone the property from A, Agricultural District, (5-acre minimum lot size) to RR, Rural Residential, (3-acre minimum lot size), and finds this request to be consistent with both the developments in the surrounding area and the 2030 Land Use Plan.

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

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis opened the public hearing and asked if the property owner or representative wished to come forward.

Leslie Ayers was sworn in. Ms. Ayers stated that she plans to stay on this property for as long as she possibly can, and she is down to one horse on the portion of the property where her stables are located. She is requesting this rezoning because she would like to split her property into two 3-acre lots and sell one of those lots.

Chairman Ellis asked if there were any questions for Ms. Ayers. There were none.

Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application. There were no audience speakers.

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

There being no discussion, Craig Frahm made a motion of approval; and Terry Hollander seconded the motion.

The vote on the motion was as follows:

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Application No RZ20-06 was recommended for Approval.

The Vote Count was 7 Yeas, 0 Nays and 0 Abstentions.
I. PRELIMINARY PLAT FOR COTTLEVILLE HILL - 5225 GUTERMUTH ROAD

Application No: PRE20-11
Owner/Developer: Variety Homes, LLC
Engineer: Pickett, Ray & Silver
Current Zoning: R1A/FF, Single-Family Residential District, with Floodway Fringe Overlay District
Requested Zoning: R2/FF, Two-Family Residential District, with Floodway Fringe Overlay District
Proposed Dwelling Units: 18
Parcel Size: 3.47 acres
Location: On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Council District: 3
Account No.: 553800A000

Robert Myers, Director of Planning & Zoning, stated that this request is for preliminary plat approval to subdivide 3.47 acres located at 5225 Gutermuth Road. Should the Planning & Zoning Commission choose to approve this preliminary plat, approval would be subject to rezoning approval by the County Council. The proposed plat submittal is for 18 single family units with an average lot size of 12,487 square feet for each building and an average lot size of 6,243 square feet per each "villa" dwelling.

St. Charles County is currently constructing a new highway interchange at Highway 364 and the County is widening Gutermuth Road to three lanes. They will be adding curbs, gutters, storm sewers, and sidewalks on both sides of Gutermuth Road; and estimates completion of this improvement by the end of 2021. Should this preliminary plat be approved, the County will require that an additional 15 feet for right-of-way be dedicated as part of the final plat to allow for the widening of Gutermuth Road. County staff recommends approval of this preliminary plat, contingent upon County Council passing the Rezoning Application RZ20-05.

For the record, staff received three letters in opposition of this preliminary plat.

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis asked if the property owner or representative wished to come forward.

Douglas Tiemann, Engineer with Picket, Ray & Silver, was sworn in. Mr. Tiemann stated that he would like to ask that the Commission to table this preliminary plat to allow discussion with the applicant prior to proceeding.

Chairman Ellis asked for a concurrence of three Commission members to table this preliminary plat.

Terry Hollander, Diane Saale and Craig Frahm concurred to table application PRE20-11.

Application PRE20-11 was TABLED.
TABLED AND/OR CONTINUED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE APRIL 15, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the April 15, 2020 regular meeting.

Craig Frahm made such motion, and the motion was seconded by Diane Saale.

The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

There were no Planning and Zoning Division Updates.

ADJOURNMENT OF MEETING

Craig Frahm made a motion to adjourn the meeting. The motion was seconded by Tom Kuhn and was approved by unanimous voice acclamation. The meeting adjourned at 8:43 p.m.

Respectfully submitted by:

______________________________  ______________________________
Roger Ellis, Chairman           Tom Kuhn, Secretary