CALL TO ORDER
PLEDGE OF ALLEGIANCE
CHANGES TO THE AGENDA
PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS
I. CONDITIONAL USE REQUEST - 1319 SCHLUESBURG RD

Application No: CUP20-07
Applicant / Property Owner: Boone Valley Golf Club, Incorporated
Property Zoning: A, Agricultural District
Conditional Use Request: Amending CUP #496 to add a new golf training and lodging facility
Parcel Size: 417.40 acres
Location: On the west side of Moll Road west of the intersection of Moll Road and Schluesburg Road
Council District: 2
Account No.: A911000003

DOCUMENTS:

PZ AGENDA PACKET - CUP20-07.PDF

PUBLIC HEARINGS FOR REZONING REQUESTS
I. REZONING REQUEST - 3807 TOWERS ROAD

Application No: RZ20-10
Applicant: St. Charles County Ambulance District
Property Owners: Terry and Janet Hackmann
Current Zoning: R1A, Single Family Residential District (1-acre minimum lot size)
Requested Zoning: Rezoning approximately 0.96 acres of a 1.82-acre tract to R1E, Single Family Residential District (7,000 square foot minimum lot size)
2030 Master Plan: Recommends Low Density Residential Uses (0.25 to 1-acre minimum lot sizes)
Parcel Size: Approximately 0.96 acres
Location: On the southwest corner of Towers Road and Caulks Hill Road
Council District: 7
Account No.: A870001586

DOCUMENTS:

PZ AGENDA PACKET - RZ20-10.PDF
Application No: RZ20-10

Applicant: St. Charles County Ambulance District

Property Owners: Terry and Janet Hackmann

Current Zoning: R1A, Single-Family Residential District (1-acre minimum lot size)

Requested Zoning: Rezoning approximately 0.96 acres of a 1.82-acre tract to R1E, Single-Family Residential District (7,000 square foot minimum lot size)

2030 Master Plan: Recommends Low-Density Residential Uses (0.25 to 1-acre minimum lot sizes)

Parcel Size: Approximately 0.96 acres

Location: On the southwest corner of Towers Road and Caulks Hill Road

Council District: 7

Account No.: A870001586

Documents:

PZ AGENDA PACKET - RZ20-10.PDF

PLATS

NONE

TABLED / CONTINUED ITEMS

NONE

APPROVAL OF MINUTES FROM THE JULY 15, 2020 MEETING

Documents:

7-15-20 PZ MTG MINUTES - DRAFT.PDF

OTHER BUSINESS

II. PLANNING AND ZONING DIVISION UPDATES

ADJOURNMENT
APPLICATION CUP20-07

CONDITIONAL USE REQUEST - 1319 SCHLUERSBURG RD

Application No: CUP20-07
Applicant / Property Owner: Boone Valley Golf Club, Incorporated
Property Zoning: A, Agricultural District
Conditional Use Request: Amending CUP #496 to add a new golf training and lodging facility
Parcel Size: 417.40 acres
Location: On the west side of Moll Road west of the intersection of Moll Road and Schluersburg Road
Council District: 2
Account No.: A911000003

CONTENTS:

➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Copy of CUP #496
➢ Preliminary Concept Plan
➢ Letters received
  ♦ None
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Mark Price Jr, AICP, CFM

Application No.: CUP20-07 (Amend CUP #496)
Date: August 11, 2020

BACKGROUND:

Owner: Boone Valley Golf Club, Incorporated
Applicant: Fendler & Associates, Inc. – Paul Fendler
Requested Action: A request to amend CUP #496 to add a new Golf Training and Lodging Facility.
Location: 1319 Schluersburg Road, On the west side of Moll Road, West of the intersection of Moll Road and Schluersburg Road.
Current Zoning: A, Agricultural District with FF/Floodway Fringe Overlay District
Current Land Use:
Parcel Size: 417.40 acres

Adjacent Land Use and Zoning:

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2030 Master Plan: Parks and Open Space
Public Services: County Council District 2 – Joe Brazil
Fire District – Augusta Fire District
Utility Service Areas: Water – Public Water Supply #2 Service Area
The original Conditional Use Permit (CUP #496) was for a Private Club with transient lodging. The Unified Development Ordinance defines a private club as the following:

“A building or portion of a building intended to be used as a center of informal association for a selective membership not open to the general public. The building could be used by persons for recreational and eating purposes, but not for dwelling purposes other than managerial or transient lodging.”

The permitted-by-right use of a Golf Course was also constructed on site. The existing CUP was approved June 25, 1997 by ordinance 97-76. Under this CUP, one lodging facility was constructed and has been in use. The original CUP contained four conditions as stated below:

A. This conditional use permit is for the construction of one private club facility only.
B. Prior to construction of this building, a site plan must be furnished and approved by the St. Charles County Planning and Engineering Departments. If more than 20,000 square feet of area is to be disturbed, a sediment and erosion control plan will be required.
C. A permeability test report and layout of the lateral system for the septic field will be required by St. Charles County Building Department.
D. The proposed facility must be similar to the submitted architectural rendering and floor plan for the facility.

The applicant is requesting one (1) revision to the existing Conditional Use Permit #496. The request is to construct an additional building on the site which will house a golf training facility on the first floor and space for 4 transient lodging units on the second floor for club members and guests only.

The concept plan submitted shows the location of the additional building and shows how the building will be accessed. A fire access road that enters from Moll Road to the south will be constructed for emergency vehicle access and for all other access the existing golf cart paths will be used. The building will be serviced from the main club house via the existing golf cart path with an ADA accessible golf cart. The new structure will be located between the existing driving range and the number one tee box along the southern portion of the property.

**CONDITIONAL USE ANALYSIS**

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

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

Staff has reviewed these criteria relative to the subject site and finds that the request for revision to CUP #496 will be in general conformance to the original request. The proposed location of this structure will help to reduce any impacts the structure may have. It will be near the vegetated buffer along Femme Osage Creek which is located to the south of the structure. It will be serviced by golf
cart and should not create any vehicle noise or other disturbances to the neighboring homes to the south. The lodging that is requested for this structure would be limited to members and guests of the club members and not open to the general public.

The County has no record of complaints about the existing lodging facility near the clubhouse.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the proposed one additional structure to the existing CUP.

1. This conditional use permit is for the construction of two private club facilities only with transient lodging.
2. Prior to construction of the private club lodging facility, a site plan must be submitted to and approved by St. Charles County. If more than 5,000 square feet of area is to be disturbed, a sediment and erosion control plan will be required.
3. A permeability test report and layout of the lateral system for the septic field will be required by St. Charles County.
4. The proposed facility shall substantially comply with the submitted concept plan, architectural rendering and floor plan for the facility attached hereto as EXHIBIT B, as determined by the Community Development Department Director.

Photo looking west from Schluersburg Road towards building site.
AN ORDINANCE GRANTING CONDITIONAL USE PERMIT #C496 - BOONE VALLEY GOLF CLUB.

WHEREAS, the property on the west side of Moll Road west of the intersection of Moll Road and Schluesburg Road and consisting of 418.97 acres, is zoned as A-2 (Agricultural District - 3 acres minimum lot size); and

WHEREAS, a private club is a conditional use within A-2 (Agricultural District - - 3 acres minimum lot size); and

WHEREAS, a conditional use permit was requested by Application No. C496 for the purpose of a private club; and

WHEREAS, the Planning & Zoning Commission of the County of St. Charles, Missouri, has considered this petition and made a recommendation to the County Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A conditional use permit for the purpose of a private club for the property located on the west side of Moll Road west of the intersection of Moll Road and Schluesburg Road and consisting of 418.97 acres, and further described on the Notice of Public Hearing, attached hereto as Exhibit "A", is hereby granted.

Section 2. The conditional use permit is approved based on the following conditions:

A. This conditional use permit is for the construction of one private club facility only.

B. Prior to construction of this building, a site plan must be furnished and approved by the St. Charles County Planning and Engineering Departments. If more than 20,000 square feet of area is to be disturbed, a sediment and erosion control plan will be required.
C. A permeability test report and layout of the lateral system for the septic field will be required by St. Charles County Building Department.

D. The proposed facility must be similar to the submitted architectural rendering and floor plan for the facility.

Section 3. The County Executive is hereby authorized to acknowledge the approval and conditions of the conditional use permit on Application #C496 for a private club.

Section 4. This ordinance shall be in full force and effect from and after the date of its passage and approval.

DATE PASSED
June 24, 1997

DATE APPROVED BY COUNTY EXECUTIVE
June 25, 1997

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY CLERK
REZONING REQUEST - 3807 TOWERS ROAD

Application No: RZ20-10
Applicant: St. Charles County Ambulance District
Property Owners: Terry and Janet Hackmann
Current Zoning: R1A, Single-Family Residential District (1-acre minimum lot size)
Requested Zoning: Rezoning approximately 0.96 acres of a 1.82-acre tract to R1E, Single-Family Residential District (7,000 square foot minimum lot size)
2030 Master Plan: Recommends Low-Density Residential Uses (0.25 to 1-acre minimum lot sizes)
Parcel Size: Approximately 0.96 acres
Location: On the southwest corner of Towers Road and Caulks Hill Road
Council District: 7
Account No.: A870001586

 CONTENTS:

➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Letters received
   ♦ Opposition - David and Christine Zika
STAFF RECOMMENDATION

To: County Planning & Zoning Commission  
Prepared by: Karen Hutchins, MCP
Application No.: RZ20-10  
Date: August 11, 2020

BACKGROUND INFORMATION

Owner: Terry and Janet Hackmann
Applicant: St. Charles County Ambulance District
Requested Action: A zoning map amendment to rezone .96 acres from R1A, Single Family Residential District (1- Acre minimum lot size), to R1E, Single Family Residential District (7,000 sq. ft. minimum lot size).
Location: 3807 Towers Rd; South portion of the corner lot of Towers Road and Caulks Hill Road
Current Zoning: R1A, Single Family Residential (1 Acre)
Current Land Use: Vacant

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<tr>
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2030 Master Plan: Recommends Low Density Residential (1-4 units/acre) Land Use

Public Services: County Council District 7 – John White
School District – Francis Howell School District
Fire District – Cottleville Fire District

Utilities: Water – Missouri American Water Company
           Sewer – Duckett Creek Sewer System
REZONING ANALYSIS

This rezoning request is to rezone .96 acres of a 1.83-acre parcel (T21110003) which is currently divided by two zoning districts (R1A /R1E). The applicant is requesting to rezone the R1A (minimum lot size 1-acre) zoned portion to R1E (minimum lot size 7,000 sq. ft.), making the entire 1.83-acre parcel R1E, Single-Family Residential District.

Currently the property is vacant. Under the R1E, Single-Family Residential District zoning, a public facility such as the proposed St. Charles County Ambulance District (SCCAD) Base Station is a permissive use. If built, a single-family home would also be a permissive use within the R1E zoning district and consistent with the 2030 land use plan for low density residential development.

The 2030 Land Use Plan for this area recommends low density residential land use with 1-4 units/acre minimum lot size. The R1A portion to be rezoned to R1E fronts Caulks Hill Road and is adjacent to a neighboring parcel also zoned R1A. R1A zoning is an anomaly in this area developed for R1E zoning. The property has access to sanitary sewer and water services and connections.

RECOMMENDATION:

The Planning and Zoning Division recommends that this application from R1A, Single Family Residential District (1-acre minimum lot size) to R1E, Single-Family Residential District, (7,000 sq. ft. minimum lot size) be approved. In recommending approval to the R1E zoning district, staff finds the proposed zoning to be consistent with the other properties located in the immediate area and the 2030 Master Plan’s Future Land Use Map.

View from Caulks Hill Road
View from Caulks Hill Towards Towers Road

View from Towers Road Facing Caulk Hill Road
RZ20 – 10 Aerial
RZ20 – 10 Zoning
RZ20 – 10 Land Use

Subject Property
Mr. Kuhn,

We have received the notification for the rezoning request of 3807 Towers Road and we respectfully submit this protest of the rezoning.

For seven years we have entertained ourselves by observing how many cars fail to come to a full stop at the intersection of Caulks Hill Road and Towers Road. Many drivers don’t even slow down as they turn right from Caulks Hill Road to Towers Road. In addition to failing to stop, there are many drivers that have decided that this area is to test the acceleration of vehicles and we have observed many vehicles come within inches of crashing into the sidewalks. We have recently been able to deter one young man from doing any more “donuts” in the intersection as he thought we were able to take a picture of his vehicle.

This reckless regard for the intersection creates issues for us to enter and exit our driveway. Creating further density in this area will only continue to perpetuate the increasing safety issues at this corner.

As we have watched the traffic flow, we believe that if St. Charles County were to install a Traffic Circle that this would increase the safety of the intersection as well as create better traffic flow. If St. Charles County was to install a traffic signal, we believe that it would be ignored just like the stop sign. This is not a highly patrolled area with nowhere for St. Charles County Police to sit and observe the intersection.

If helpful, we will set up a camera and video any time before the hearing so that you can see what we see. If it is a rainy day you will really be entertained.

It is for this reason that we are submitting this protest of rezoning on application #RZ20-10.

Sincerely,
David and Christine Zika
701 Caulks Hill Road
St. Charles, MO 63304
314-779-9495
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: JULY 15, 2020

TIME: 7:00 PM

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

MEMBERS PRESENT: Roger Ellis; Tom Kuhn; Tracy Boehmer; Kevin Cleary; Craig Frahm; and Robert McDonald (participating remotely)

MEMBERS ABSENT: Terry Hollander; Jim Leonhard; and Diane Saale

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS:
RZ20-08: Sherri Tenney, property owner; Alexandra Mesplay, applicant; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

RZ20-09: Jeff Simmons with Bax Engineering Company, applicant’s representative; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

PRE20-12: Leslie Ayers, property owner; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

PRE20-13: Brad Goss, applicant’s representative; Peter Chariton, 20 Hidden Bluffs Drive; Ginette Chariton, 20 Hidden Bluffs Drive; Clint Retzer, 22 Hidden Bluffs Drive; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:06 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 preliminary plats is final. Only a recommendation for denial of a preliminary plat, or a plat requesting a variance from the Ordinances of St. Charles County 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 HEARING FOR CONDITIONAL USE PERMITS

I. CONDITIONAL USE REQUEST - 3151 HOPEWELL ROAD

Application No: CUP20-06
Applicant: Twin Edge Lawn Care and Landscaping, LLC
Property Owner: Dardenne Creek Farms, Incorporated
Property Zoning: RR, Single-Family Residential District, with Floodway Fringe Overlay District
Conditional Use Request: Lawn Care Service (Indoor Storage of Equipment and Vehicles Required)
2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)
Parcel Size: 3.27 acres
Location: On the northwest side of Hopewell Road, approximately 1,000 feet northeast of Tanis Lee Lane
Council District: 2
Account No.: T012000126

Chairman Ellis stated that prior to the start of the meeting, the applicants for this application approached him and requested that the application be continued until the August 19, 2020 Planning & Zoning Commission meeting.

Chairman Ellis asked the applicants, who were seated in the audience, if they still wished to continue this application until the next meeting.

The applicants answered in the affirmative.

Chairman Ellis stated that application CUP20-06 would be moved to the August 19, 2020 Planning and Zoning Commission meeting, and all communications received regarding this application will remain part of the record for that meeting.

Application CUP20-06 was CONTINUED at the request of the applicants.

PUBLIC HEARINGS FOR REZONING REQUESTS

II. REZONING REQUEST - 986 SCHAPER ROAD
Application No: RZ20-08  
Property Owners: Keith D. Tenney and Sheri L. Tenney  
Applicant: Alexandra Mesplay  
Current Zoning: A, Agricultural District (5-acre minimum lot size)  
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)  
2030 Master Plan: Recommends Low-Density Residential uses (1-4 dwellings per acre)  
Rezoning area: 6 acres of an 11-acre parcel  
Location: On the east side of Schaper Road, approximately 1,560 feet north of Highway N; near the Cities of Foristell and Wentzville  
Council District: 2  
Account No.: 743580B000

Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. He stated this rezoning request is for a 6-acre portion of an 11-acre parcel to be rezoned from A, Agricultural District to RR, Rural Residential District. He noted that a subdivision located to the north of this parcel has lots that are arranged around an air landing strip. In one of the comment letters received, a homeowner asked if the applicant would document that an airstrip is close by within the closing documents to purchasers. The applicant is looking to build two homes on the property. Robert Myers noted that any lots less than 5 acres will require approval of a subdivision plat, and the applicants have been informed that if this rezoning request is approved, they will still be required to submit a subdivision plat in order to build their two homes on the property.

The Master Plan recommends Low Density Residential land uses in this area. The property is located north of Highway N within the Urban Service Area as defined by the Master Plan, and is well within the Plan's recommended Low-Density Residential Land Use area. The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District (3-acre minimum lot size), be approved. In recommending approval, County staff finds the proposed zoning to be consistent with the 2030 Land Use Plan and prevailing land use patterns.

For the record, staff received one letter of opposition and two letters in support of 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 owner’s representative wished to come forward.

Sheri Tenney, property owner, and her daughter, Alexandra Mesplay, were sworn in.

Sharon Tenney stated that she and her husband own 11 acres of land. In the past they kept horses on a portion of the property, but they no longer do so. They are requesting this rezoning so that they can build two homes on the property for family members.

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

Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.
Arnie C. Dienoff was sworn in. Mr. Dienoff stated that at first he opposed this application, but it is now clear to him that the request is for a family homestead. Mr. Dienoff recommended that the Commission recommend approval of this rezoning request.

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

There being no discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-08.

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

The vote on the motion was as follows:

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<td>Craig Frahm</td>
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<td>Robert McDonald</td>
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<td>Roger Ellis</td>
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Application No RZ20-08 was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 Nays and 0 Abstentions.

III. REZONING REQUEST – 307 LORENE DRIVE

Application No: RZ20-09
Applicant: Habitat for Humanity of St. Charles County
Property Owners: City of O’Fallon
Current Zoning: C2, General Commercial District
Requested Zoning: R1C, Single-Family Residential District (15,000 square foot minimum lot size)
2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)
Parcel Size: 0.568 acres
Location: On the northeast corner of Lorene Drive and Fire Lane Drive; near the City of St. Paul and the City of O’Fallon
Council District: 1
Account No.: 318480A000

Ellie Marr, Senior Planner, Planner described the subject property and the surrounding land uses. This application involves one parcel of land that is 0.565 acres in size and is located within the Lake Charles Hills Subdivision. The applicant proposes to construct one single family residence on the property, and to accomplish this the County’s zoning regulations provide them with two options:

1. Apply for a conditional use permit under the parcel’s current C2, General Commercial District zoning; or
2. Rezone the property to a Residential Zoning District.
The applicant has chosen the latter option.

Lake Charles Hills Subdivision was platted in 1956 prior to adoption of County zoning and subdivision regulations in 1959. Parcels in the Subdivision were platted with lot sizes ranging from 10,000 to 40,000 square feet in area. The subject parcel is 22,500 square feet in area, or about a half-acre in size. When zoning was first enacted, the subdivision was designated A, Agricultural District due to its rural setting. Water was provided by wells and cisterns, and sewage disposal was provided by individual onsite septic systems. Prior to 1973, Agricultural Zoning required an 18,000 square foot minimum lot size. In 1960, several lots including the subject lot were rezoned to from A, Agricultural District to C2, General Commercial District for the purpose of constructing a miniature golf course. The subject parcel was previously occupied by a neighborhood water cistern. Public water lines replaced the need for the cistern several decades ago, so the cistern has been removed from the property and the site has been remediated to safely allow for redevelopment. The existing Commercial zoning would allow commercial land uses by right within the center of a residential subdivision and the location and size of the parcel are not conducive to commercial development. Additionally, commercial development could introduce land use conflicts within the neighborhood. The proposed R1C Residential Zoning would be consistent with the adjacent R1C Residential Zoning, and would be consistent with prevailing development patterns within Lake St. Charles Hills Subdivision. In 2008, a Neighborhood Improvement District (NID) agreement was implemented by the County in order to extend City of O’Fallon’s public sewer lines to the subdivision and to remove all of the onsite sewage disposal systems. This lot is not included in that NID agreement. However, the owner will be able to access the existing sewer line by contacting the City of O’Fallon directly.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of this rezoning request. County staff finds the proposed zoning to be consistent with other lot sizes and residential uses in the immediate area and meets the 2030 Land Use Plan, which recommends Low Density Residential Land Uses.

For the record, staff received one written communication regarding this application.

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

Tracy Boehmer asked Ellie Marr if the home values would be comparable or equal to the surrounding homes.

Ellie Marr responded that typically the value of a home is not what is looked at with a land use application. This may be a question to ask the applicant or their representative.

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.

Jeff Simmons, engineer and applicant’s representative, was sworn in. Mr. Simmons stated they are requesting that this property be zoned to R1C, Single-Family Residential Zoning, which is the same as the two adjacent properties to the west and the east. The applicant would like to build one single-family home on the property. A portion of the surrounding area is zoned Agricultural, but that dates back to the original code when this area was rural. In general, lots in the area range from 10,000 square feet to 40,000 square feet in size, and this lot would be 22,500 square feet in size. Mr. Simmons stated that at one point the applicant was considering building two homes on the property, but after speaking to the Trustees of the homeowner’s association, they opted to only build one home. The home will meet all of the County’s minimum requirements but the actual floor plan with 3 bedrooms has not yet been finalized. It will also have a 2-car garage.

Chairman Ellis asked if there were any questions for applicant’s representative.
Tracy Boehmer asked Mr. Simmons if the home would be comparable in price to the neighboring homes. Mr. Simmons answered in the affirmative.

There being no further questions for the applicant’s representative, Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that he was pleased when they chose just to build one home on this property instead of two homes. He is concerned with the Neighborhood Improvement District letter received from a resident who had to join the NID in order to bring sewer services to the subdivision. He stated that if Habitat for Humanity is building this home, they should abide by the same regulations as the present homeowners and pay their fair share of the fees for this NID. He would like to see the Commission add a condition of approval to this rezoning to require that Habitat for Humanity join this NID and pay any additional taxes and upgrade fees to the existing sewer system so that the surrounding property owner values will remain intact.

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

Tracy Boehmer asked Ellie Marr if it is possible for homeowners to negotiate the same services as the rest of the homes around them regarding the Neighborhood Improvement District.

Ellie Marr responded that this lot was not included in the original NID agreement but the City of O’Fallon, who is the property owner, is responsible for negotiating sewage disposal services for the property.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-09.

Tom Kuhn 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 RZ20-09 was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

**IV. PRELIMINARY PLAT FOR AYER’S STABLES – 4466 WILSON ROAD**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>PRE20-12</th>
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<tbody>
<tr>
<td>Owner/Developer:</td>
<td>Leslie Ayers</td>
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<tr>
<td>Engineer/Surveyor:</td>
<td>Landmark Surveying Company</td>
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<tr>
<td>Zoning:</td>
<td>RR, Single-Family Residential District (3-acre minimum lot size)</td>
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Ellie Marr, Senior Planner, stated that the zoning designation for 4466 Wilson Road recently changed from A to RR. She described the subject property and the surrounding land uses. The property is now occupied by one single-family home accessed by a long driveway to Wilson Road. The property owner proposes to divide this six-acre parcel into two three-acres parcels. Doing so would allow one additional home to be constructed.

The plat proposes that each lot take driveway access from a County road rather than from an internal street. Per Section 410.280.A.2 of the County Code, “All lots within a subdivided plat must have driveway access to interior subdivision streets”. However, per Section 410.480.D of the County Code, the Planning and Zoning Commission may grant a waiver to allow the proposed lots to take access directly from a County roadway rather than from an internal street. The County’s Highway Department advises that they could approve an additional driveway access subject to obtaining a Special Use Permit for construction within the right-of-way.

County staff advises that the proposed plat meets the technical standards of Chapter 410 (Subdivision Regulations) of the County Code, other than proposing to take access from a County road (Wilson Road) rather than from an internal street. Per Section 410.480.D of the County Code, the Planning and Zoning Commission may grant a waiver to allow the proposed lots to take access directly from a County roadway rather than from an internal street.

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.

Leslie Ayers, property owner, was sworn in. Ms. Ayers stated she bought the 6 acres in 2003 and always had 3 horses on the property but now would like to be able to sell 3 acres of it and have someone build a home on it or leave it as a pasture.

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

Arnie C. Dienoff was sworn in. Mr. Dienoff stated he approves of this preliminary plat application but has some concerns related to stormwater retention, sewer system and water runoff. He would like to make sure that adjoining property owners are taken care of.

Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

There being no further 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 PRE20-12.

The motion was seconded by Tom Kuhn.

The vote on the motion was as follows:

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<tr>
<td>Roger Ellis</td>
<td>- Yes</td>
<td>Robert McDonald</td>
<td>- Yes</td>
<td>Craig Frahm</td>
<td>- Yes</td>
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</table>

Application PRE20-12 was APPROVED.

The vote count was 6 Yeas, 0 Nays, and 0 Abstentions.

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**PLATS**

**I. PRELIMINARY PLAT FOR LAKE ST. LOUIS WOODS – 1936 DUELLO ROAD**

Application No: PRE20-13  
Owner/Developer: James W. Clemens  
Engineer/Surveyor: THD Design Group  
Zoning: R2, Two-Family Residential District  
Proposed Dwelling Units: 5  
Parcel Size: 1.10 acres  
Location: On the north side of Duello Road, approximately 430 feet east of Charity Drive; adjacent to the City of Lake St. Louis  
Council District: 2  
Account No.: T132300003

Robert Myers, Planning and Zoning Division Director, described the subject property, the zoning, and the surrounding land uses. The applicant is proposing to develop an infill residential subdivision with five lots near Duello Elementary School and adjacent to residential subdivisions in the City of Lake St. Louis. The applicant will be building attached homes. There will be one home per lot for a total of five dwelling units. Robert Myers stated the property is already zoned R2, Two Family Residential District, which allows for duplexes and/or villas. The parcel to be developed is quite shallow and is located at the intersection of two arterial streets. Rather than build five dwellings, each with their own driveway to Duello Road, the development will take access from an internal street which coincides with the County’s subdivision requirements. Mr. Myers noted that there is a complication arising from the cul-de-sac if there were to be a street located on one side and another street on another side, as County zoning requires front yard setbacks at both sides. Instead of applying for a zoning variance, the applicant is requesting that the Planning and Zoning Commission approve a variance to allow a street to be built which is not within its own right-of-way or on its own strip of land, but instead within the easement across the lots. The street will be a private street that will be built to County standards, and will look and function the same as any other private street. The difference will be that the street will be located within an easement with dwelling owners.
responsible for maintaining the private street. Robert Myers stated that there were questions about technical design standards, but many of those questions have been addressed on the revised preliminary plat. One issue that is still outstanding is tree preservation requirements. The plat is lacking about 0.1 acres of tree canopy that will be removed, but this will be compensated for by planting additional trees. Their engineering also has to show that they meet sight distance requirements, but County engineering does not foresee any issues.

For the record, staff received one letter of concern, one letter in opposition, and a petition in opposition with 14 signatures regarding this preliminary plat.

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

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

Brad Goss, the applicant’s representative, was sworn in. Mr. Goss provided a description of the Preliminary Plat and explained what technical improvements would be made in order to create a safer subdivision. He stated that they are requesting approval for a preliminary plat, and this not a rezoning request. Mr. Goss explained that if they were to proceed with constructing two attached villas and one detached home on the property with each home having a separate driveway, that could be done. But the County Highway Department would prefer not to have five driveways onto Duello Road, and he agrees with them because a safer subdivision is the end goal. The 90-degree curves near this property are being taken out by the County by a road project that is currently underway. As part of this project, the County took part of this property as right-of-way, making a narrow tract of ground even narrower. This road project will bring the road over to the southeast and connect it to Duello Road. The proposed plat has five homes with access onto a private interior street. The minimum requirement for a 25-foot front yard setback cannot be met physically with a 25-foot right of way being required. The solution would be to build the exact same road, but instead of calling it common ground owned by a homeowner’s association, an easement will be made and owned by five owners as tenants in common with street ownership attached to each lot. A Declaration of Covenants would govern how the street will be maintained. Mr. Goss stated that in terms of the County’s tree preservation requirements, the development is required by County Ordinance to preserve 0.11 acres of tree canopy. A total of 0.06 acres of trees are being preserved on the site but another .05 acres of tree canopy will be required. Trees are being taken out at the entrance to the development for safety measures, but additional trees will be planted elsewhere on the site in order to compensate for that. A tree canopy will be planted around the cul-de-sac. All of the critical trees along McBride & Sons property are being preserved, and the development is offering to provide twice the amount of replacement trees.

Chairman Ellis asked if anyone had questions for the applicant’s representative.

Kevin Cleary asked about the cul-de-sac, before it is platted, and whether they are required to give a certain amount of common ground or if this is the way it was laid out.

Mr. Goss stated that is the way it was laid out.

Tom Kuhn asked Mr. Goss if the five families would have to maintain the street.

Mr. Goss responded in the affirmative and stated that since it is a private street, the homeowners would be required to maintain it.

Tom Kuhn asked Mr. Goss if this generally works out in other developments and if the homeowners typically agree on everything.
Mr. Goss responded he lives on a private street with 95 homes which was recently repaved and there are no issues between the homeowners. He gave an example of a development in St. Charles, Emerald Place, that has a private street which is maintained by the homeowners.

Kevin Cleary asked Mr. Goss if they considered the possibility of reducing the number of driveways to Duello Road by having one driveway for the single family home and two shared driveways for the four villas.

Mr. Goss stated that this was not discussed because in the end you would still have three driveways on Duello Road, which is an arterial road and safety is always the number one concern.

Chairman Ellis stated the driveway to the west of this property is for the elementary school. Mr. Goss responded in the affirmative and stated that there will be school traffic and that is why the developer does not want the driveways coming out onto Duello Road.

There being no further questions for the applicant’s representative, Chairman asked if there was anyone in the audience who wished to speak regarding this application.

Peter Chariton was sworn in. Mr. Chariton stated that when the original meeting was scheduled for June 15, 2020 at the St. Peters Justice Center, he had submitted a petition with 14 signatures of adjoining and residents who are in opposition of this development. He asked Chairman Ellis if the Commission received the petition.

Chairman Ellis responded that the Commission did receive said petition.

Mr. Chariton stated that he has lived in a home adjacent to this property for eight months. The idea of removing the trees along this property line is a major issue for surrounding property owners. He stated that this concern was presented to McBride and Homes CEO John Lightner, who had the property line staked out by a surveyor. He stated that he informed Mr. Lightner that all of the 35-foot tall trees would be taken out for a shared driveway and would be replaced by 6-foot tall trees and an easement, and Mr. Lightner said that would never be allowed. There is a space of three feet between his property and the proposed shared driveway which is going to be 22 to 24 feet wide. This will leave room for homes at around 1,400 square feet in size. He stated there are regulations which prohibit having headlights shining directly into living quarters and when people pull into the proposed driveway from Duello Road, headlights would be shining directly into his bedroom as well as the neighbor’s bedroom. There could be ten vehicles pulling in and out of the driveway every day. Mr. Chariton stated that when he purchased his home, he asked what the likelihood would be that someone would build on this property and John Lightner told him it would not be likely because the lot is too small. He stated that he could agree to this subdivision if only one or two homes were to be built, but not five homes. He also stated that the 4-foot high retaining wall shown on the plans seems like it would prohibit anyone from opening their car doors.

Chairman Ellis asked if anyone else from the audience would like to speak regarding this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that is a challenging lot to build on, but some compromise has to be made. Regarding the tree preservation requirement, he stated he is pleased to hear that twice the number of trees would be planted to replace the ones being removed. He stated he has the following concerns regarding this development:

- The Master Plan calls for 1 to 4 dwelling units on this property, and they are proposing to build 5 dwelling units.
- The shallowness of the property should not be put above the expense of the property owners.
• There are concerns that they are not complying with the required 25-foot setback between this development and the adjacent subdivision.

• There is no mention of retention and/or detention for this development.

• What will be done with the sight distance issue at the traffic lane off Duello Road?

• The Commission should place a condition on the approval of this development that the person making the profit contributes to the County to pay for safety improvements.

• There is no letter from the school district in the packet regarding the safety of transporting children in this development.

• Duello Elementary School is already at maximum capacity. How will it be able to sustain additional students from this development?

Mr. Dienoff stated that erosion and water control needs to be the number one focus of this Commission for new developments.

Chairman Ellis asked if anyone else from the audience would like to speak regarding this application.

Ginette Cheriton was sworn in. Mrs. Cheriton stated she is Peter Cheriton’s wife. She stated that erosion is a concern and McBride and Sons Homes is currently building a big retention pond and has been drilling rock for five days in a row. She recommended the Planning and Zoning Commission should take a look at this.

Clint Retzer was sworn in. Mr. Retzer stated the property that will be built will be directly by his home. He is concerned for its small size and he does not understand how so many homes resembling cluster homes could be built there. He asked for the price point of these homes and stated that he does not want the value of his home to depreciate. He told the Commission that he bought his property specifically for its mature trees. He was also told by McBride and Sons Homes salespeople that nothing would ever be built on this property.

Chairman Ellis responded to Mr. Retzer there is nothing that the Planning and Zoning Commission can do about what McBride and Sons Homes staff may have told them when they purchased their homes.

Mr. Dienoff stated that he received a letter in June for the Planning & Zoning Commission meeting stating it was to be held at St. Peters Justice Center. He would like for the Commission to check with staff to confirm that letters were resent to the residents that surround this property with the correct location for this meeting.

There being no further speakers, Chairman Ellis asked the applicant to return to the podium.

Brad Goss returned to the podium and stated he would like to rebut comments Mr. Dienoff made. The number of homes being built is compliant with County standards and so are the number of lots, otherwise staff would have told him. The 25-foot setback being required between this development and the Wyndstone Subdivision is not correct either. There is no setback violation created by approval of this plat. They do meet 25-foot required setback on Duello Road. Mr. Goss stated the issue is if a public right-of-way is made, the setback will not be met by a couple of feet at the rear of the property. The proposed density is exactly what is allowed, and the property is zoned R2. The Wyndstone Development has different requirements, as McBride & Sons Homes went to Lake St. Louis to obtain a more favorable zoning for their development. In terms of the street, it will be designed under the County’s specifications with 26 feet of pavement and a vertical curve to meet the County Highway Department’s standards. Trees will be left
alone. Regarding erosion, St. Charles County has tough erosion standards and they will be followed and met.

Chairman Ellis asked Mr. Goss about the 4-foot retaining wall mentioned in one of letters of opposition.

Mr. Goss stated that the retaining wall meets Missouri Department of Transportation standards.

Chairman Ellis asked Mr. Goss about the runoff concern.

Mr. Goss responded there will be no stormwater runoff to the subdivision to the west, and the development will meet the County’s requirements for stormwater detention/retention.

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

Craig Frahm stated the County should have purchased this property as part of the extension of Duello Road.

Kevin Cleary stated that while he appreciates the developer’s concern about safety, he still has significant concerns about the very narrow street, the potential for stormwater runoff problems, and the potential impact it would have on other property owners.

There being no further discussion from the Commission, Tracy Boehmer made a motion to approve Application PRE20-13

The motion was seconded Kevin Cleary.

The vote on the motion was as follows:

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Application PRE20-13 was DENIED.

The vote count was 1 Yea, 5 Nays, and 0 Abstentions.

TABLED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE JUNE 17, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the June 17, 2020 regular meeting.

Tracy Boehmer made such motion, and the motion was seconded by Kevin Cleary.

The minutes were approved by unanimous voice acclamation.
OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

1) Craig Frahm asked Robert Myers if Planning and Zoning Commission meeting dates still needed to be moved to a different date as was briefly discussed last Fall.

Robert Myers responded that at the moment it is not necessary, but appreciates Mr. Frahm’s willingness to consider this.

ADJOURNMENT OF MEETING

Craig Frahm made a motion to adjourn the meeting. The motion was seconded by Tom Kuhn and was approved by unanimous acclamation. The meeting adjourned at 8:25 p.m.

Respectfully submitted by:

____________________  ______________________
Roger Ellis, Chairman  Tom Kuhn, Secretary