

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** OCTOBER 20, 2021

**TIME:** 7:00 P.M.

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

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**MEMBERS PRESENT:** Jennifer Bahr, Kevin Cleary, Chad Cornwell, Roger Ellis, Craig Frahm (attended via WebEx), Terry Hollander, and Jamaal Jackson

**MEMBERS ABSENT:** Diane Saale, and Tracy Boehmer

**STAFF PRESENT:** Robert Myers, Director of Planning & Zoning; Bryan Wise, Associate County Counselor; and Mariza Almstedt, Recording Secretary

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#### CALL TO ORDER

Chairman 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.

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.

Chairman Ellis noted that a quorum was present and entertained a motion to open the meeting. Commissioner Boehmer made such a motion and Kevin Cleary Kevin Cleary seconded the motion. The motion passed by unanimous voice vote.

Chairman Ellis provided instructions for those wishing to speak at the meeting.

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#### CHANGES TO THE AGENDA

NONE

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## **PUBLIC HEARINGS**

### **CONDITIONAL USE PERMIT AMENDMENT REQUEST - 5435 WESTWOOD DRIVE**

Application No: CUP21-06  
Property Owner: Weldon Spring Business Park, LLC  
Applicant: Joseph Weber, Owner and Organizer of Weldon Spring Business Park, LLC  
Property Zoning: C2, General Commercial District  
Ordinance Amendment Request: A request to amend Ordinance 07-098 for conditional use permit C682, to increase the size of the outdoor storage area  
Parcel Size: 4.03 acres  
Location: On the north side of Westwood Drive, approximately 275 feet northeast of Jason Court; adjoining the City of Weldon Spring  
County Council District: 3  
Account No.: A870004348

Robert Myers, Director of Planning & Zoning provided a verbal report for Application No. CUP21-06. He stated that this is an amendment to the existing conditional use permit that was approved in 2007 for the same purpose as previously applied for (automobile, boat, and recreational vehicle storage). Mr. Myers provided some history regarding the conditional use permit request to provide context. The area sought for expansion is on the northwest corner of this property and is behind the SK8 Galaxy building, away from residences but toward the buildings on Jason Court. The expansion area would be largely screened from Westwood Drive by the SK8 Galaxy Building and would not adjoin any residences. Mr. Myers stated there are four conditions in this 2007 Ordinance for the existing conditional use permit, and staff recommends that the Planning & Zoning Commission recommend approval of the conditional use permit amendment request, subject to conditions.

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

Kevin Cleary asked if all of the seven conditions recommended by staff have to be a part of this conditional use permit. Mr. Myers responded that the staff recommended conditions are only to be taken as suggestions.

Commissioner Bahr asked where she could find these conditions. Mr. Myers said they are in the written staff report that is also online.

With no further questions for County staff, Chairman Ellis asked the applicant to come forward.

Joseph Weber, Applicant, 355 Galahad Dr., Weldon Spring, MO 63304 was sworn in. Mr. Weber stated that Mr. Myers' presentation about the conditional use permit explained everything well. He stated that he purchased this property in March of this year, and he also purchased the adjoining properties along Jason Court, which includes five buildings. The expansion of this lot will actually be utilizing the existing building which is located on the property at No. 30 Jason Court, and it will basically touch up against that building. Mr. Weber stated condition No. 6 of the staff recommended conditions states "A vegetated buffer of 10 feet shall be maintained or installed to the west and the existing 30-foot-wide buffer to the east shall be maintained." In that area, there was honeysuckle growing up the building that has been taken down, and

he is not sure that putting vegetation back in that same spot would be practical. He stated that he would consider putting in vegetation at the front of the property but not adjacent to the driveway. He is also taking down a few trees that are non-desirable in order to give the property better curb appeal along Westwood Drive. From this lot location, you can see the property line for the three buildings in the back of the property and there is a property line that goes east and west where a utility easement goes through there. There are LED lighting poles back there that are supplied by Ameren and give the property dusk to dawn lighting, which he pays Ameren for. Those lights do not have hoods or shielding around them, but he does not think that adding those would be practical since those are Ameren's poles. He stated that he has no problem with the other staff recommended conditions. Mr. Weber added that he is responsible for maintaining the 30-foot-wide vegetated buffer at the east side of the property, and the existing vegetation there is mainly comprised of honeysuckle and constantly and needs to cut back. He stated that he would like to be able to clear that vegetation and reinstall new arborvitaes or white pines if that would be allowed.

Chairman Ellis asked if it was Norwegian Spruce trees that Mr. Gary Griffin used to recommend, and Commissioner Frahm responded that it was Blue Spruce trees.

Mr. Weber stated that Blue Spruce trees are very expensive, but he would not mind putting some of those at the front of the property. He suggested planting some arborvitaes on 10-foot centers, as he'd like a buffer there so if the neighbors go out in their yard they're not seeing everything that's stored there.

Chairman Ellis stated that this property is probably located along the largest portion of Westwood Drive that contains residences.

With no other questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application CUP21-06.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that he is uncertain about this application, as he does not feel that outdoor storage should be allowed along frontage corridors or on prime real estate. He does not feel that this is the best use of the property, but he stated that he believes in property owner's rights. He stated this property is right off of a major corridor and near Missouri Highway 94. He does not want the area to end up looking like other counties that don't have any zoning requirements. He stated that if the Planning and Zoning Commission votes to approve this application, he would like to see additional conditions be added to help protect the property, the neighborhood, and the adjoining property owners. He asked that the Commission hold the applicant accountable with the conditions he has proposed as they make their decision.

Chairman Ellis asked the applicant to come back to the podium.

Kevin Cleary asked Mr. Weber if any kind of additional commercial uses of either renting or sales is the intended use of this property. Mr. Weber responded in the negative but stated that he does rent commercial space so if someone was to do sales or rentals inside of one of the buildings, he is not sure whether that would be allowed in the C-2 General Commercial District or not.

Kevin Cleary asked what materials are currently stored inside of the SK8 Galaxy building. Mr. Weber replied that he is permitted to put demising walls inside and take that 19,000 square foot building and divide it into 4,700 square foot spaces, but he is not yet finished with those divisions. When he purchased the building there was a contractor in there using the space who was the seller.

Kevin Cleary asked what types of materials are stored in those buildings because he thought was being used as some type of an office warehouse. Mr. Weber responded that the contractor currently has pallet racking stored there, as he does a lot of restoration work for homes that have been flooded. Blowers for

drying, vacuum cleaners and saws are also being stored there, but does not want any chemicals or fireworks kept there.

Kevin Cleary asked if he plans to add to the existing building or if he is making room for more outdoor storage. Mr. Weber responded that there are partitions inside of the building that are being put up and have been permitted by the County Council.

Kevin Cleary asked if any manufacturing was being done there. Mr. Weber said that manufacturing is not allowed because the property would have to be zoned light industrial for that type of use. Since he has purchased the adjacent buildings, he has had a few tenants move in. He stated that Mr. Fixit is moving in and a few small trade people are running their business out of there.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and brought it back to the Commission for consideration.

Kevin Cleary stated that he believes there needs to be a discussion about the buffering requirement mentioned in staff recommended condition No. 6, as this is a request to expand on a continued use that doesn't seem to be greatly impacting people around

Commissioner Bahr wanted to clarify that the 10-foot-buffer to the west would be between the lot and the building that Mr. Weber owns. Mr. Weber stated that he does not see a benefit of putting in vegetation back there as he foresees someone wanting to make it a hard surface in order to make it usable. He stated that he would rather trade that out for some additional plantings to be added near the road.

Commissioner Bahr asked Mr. Weber if he will have to replace the light fixtures that are currently located on the property with a different kind of fixtures if the Commission puts condition No. 4 in this CUP which states that "All exterior lighting on site shall utilize full cutoff light fixtures." Mr. Weber said that he does not believe that Ameren offers full cutoff fixtures, and the existing lighting he is using are Ameren's dusk to dawn lights that are already in place and are located about 450 feet from the road.

Commissioner Bahr asked if those lights were located on Mr. Weber's property. Mr. Weber said they are located on the easement between one property on an easement that he has granted to Ameren to put in poles and transformers that supply electricity to the building. Commissioner Bahr asked if those lights are not his, but Ameren's, and Mr. Weber answered in the affirmative. Commissioner Bahr asked if he will be putting in any more exterior lighting and he said he would rather not and would like to continue using Ameren's lighting.

Chairman Ellis asked if there would be sufficient light to cover all of the existing ground on the property. Mr. Weber said it is and the old skating rink has LEDs that shoot down into the parking lot which are more directional. There are also others that shoot back, and it is lit well and goes from sunrise to sundown.

Commissioner Bahr read condition No. 2 which states "All trees illustrated on the approved site plan shall be maintained in a healthy condition with diseased or dead trees replaced." She stated that Mr. Weber mentioned removing some trees and putting different trees in and asked if that is illustrated on the submitted concept plan. Mr. Weber responded that the site plan shows the existing vegetation which would have to be removed in order to allow parking. He said that there is vegetation on the north side of the property, where the light fixtures are located that has native cedar trees with underlying honeysuckle. Mr. Weber stated that he would like to keep the existing foliage, but he wants to be able to see all four sides of the property for security reasons.

Commissioner Bahr asked Mr. Weber if condition No. 2 poses an issue with his submitted concept plan. Mr. Weber responded that he would be fine with that condition.

Commissioner Bahr asked Mr. Weber if there are any of these conditions that he has an issue with, other than the 10-foot vegetative buffer. Mr. Weber responded that the only issue he has is with the condition that references the lighting fixtures, the maintenance of the 30-foot-wide buffer on the east side of the property.

Commissioner Bahr stated that staff recommended condition No. 6 mentions the 10-foot buffer being maintained. Mr. Weber said the 10-foot buffer would be on the west side of the property which would be basically between his lot and building. He stated that he would rather not plant anything there but if it is needed to get vegetation credits, he would rather put them up on Westwood Drive where the old house used to be located. Commissioner Bahr asked Mr. Weber if he would prefer that condition No. 6 be amended to not include a vegetative buffer of 10-feet. She added that the Condition also states the existing 30-foot-wide buffer to the east shall be maintained and it sounds like he would rather change that buffer to something else. Mr. Weber said he would like to take down what is there and replace it. Commissioner Bahr asked if he would still maintain that buffer, and Mr. Weber answered in the affirmative.

Commissioner Cornwell stated that he does not see an issue with Mr. Weber removing the 10- foot buffer on the west of the property because Ameren is going to take that down anyway because it's a commercial lot that abuts another commercial lot. He asked staff if the condition regarding the 30-foot buffer is removed, would Mr. Weber still have to maintain some type of buffer? If Mr. Weber gets rid of the honeysuckle, which is not a desirable type of tree, and replaces it with something else it would probably meet the intention of that condition. He asked Mr. Myers if that was the intent of this condition. Mr. Myers answered in the affirmative, and he added that he would be fine with the removal of the 10-foot buffer requirement on the portion of the property that backs to Jason Court. On the other side of the property, the condition for the 30-foot buffer states that no clearing or grading within 30-feet of the eastern property line shall be permitted and all existing vegetation within that area shall be retained. Mr. Myers does not know if there are any mature trees within that area but removing those could be a detriment to the neighbors on Crystal View Drive. There is nothing in these conditions that says that brush and dead trees could not be cleared and removed. Brush and diseased trees can be replaced but if it was to be totally removed, he suggested that both a fence and some trees should be placed there since it would take years for trees to mature.

Commissioner Bahr suggested amending condition No. 4 to state "All added or additional exterior lighting on site must utilize full cutoff light fixtures" because that causes them not to have to remove the lighting that is already there and replace it with full cutoff light fixtures. Mr. Myers responded that was the intention when this was written - that any *new* additional lighting would be focused where it would cast the lighting downward towards the storage area and not towards the neighboring properties.

There being no further discussion, Chairman Ellis entertained a motion to amend Ordinance No. 07-098 by the deletion of the Conditions in Section 2 of the Conditional Use Permit and that Section 2 be amended by the inclusion of the following:

Condition No. 1 - A site plan in accordance with the concept plan attached as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.

Condition No. 2 – All trees illustrated on the approved site plan shall be maintained in a healthy condition with diseased or dead trees replaced.

Condition No. 3 – All items stored must be maintained in a highway ready state.

Condition No. 4 – All future exterior lighting on the site shall utilize full cutoff light fixtures.

Condition No. 5 – Proposed fencing as viewed from Westwood Drive shall be screened or made opaque.

Condition No. 6 – Applicants shall maintain or install the existing 30-foot-wide buffer to the east shall be maintained.

Condition No. 7 – No conditional use shall become active until all conditions of approval have been met.

Chairman Ellis asked for a motion to approve Application CUP21-06, subject to the amended conditions. Kevin Cleary made such motion, and Commissioner Hollander seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Chad Cornwell	Yes	Jennifer Bahr	Yes
Kevin Cleary	Yes	Jamaal Jackson	Yes	Craig Frahm	Yes
Terry Hollander	Yes				

Application No. CUP21-06 was Approved.

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**TABLED AND/OR CONTINUED ITEMS**

**NONE**

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**APPROVAL OF THE MINUTES FROM THE SEPTEMBER 15, 2021 REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the September 15, 2021 regular meeting. Kevin Cleary made and was seconded by Commissioner Hollander.

The minutes were approved by unanimous voice acclamation.

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**OTHER BUSINESS**

**I. PLANNING & ZONING DIVISION UPDATES**

There were no updates.

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**ADJOURNMENT OF MEETING**

Commissioner Hollander made a motion to adjourn the meeting. The motion was seconded by Kevin Cleary and was approved by unanimous acclamation. The meeting adjourned at 7:39 p.m.

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Respectfully submitted by:

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Roger Ellis, Chairman

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Tracy Boehmer, Secretary