

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** NOVEMBER 17, 2021

**TIME:** 7:00 PM

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

---

---

**MEMBERS PRESENT:** Jennifer Bahr, Tracy Boehmer (via WebEx), Kevin Cleary, Chad Cornwell, Roger Ellis and Jamaal Jackson

**MEMBERS ABSENT:** Craig Frahm, Terry Hollander, and Diane Saale

**STAFF PRESENT:** Robert Myers, Director of Planning & Zoning; Ellie Marr, Senior Planner; Bryan Wise, Associate County Counselor

---

---

#### 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 Cleary made such a motion and Commissioner Cornwell seconded the motion. The motion passed by unanimous voice vote.

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

---

---

#### CHANGES TO THE AGENDA

There were no changes to the Agenda.

---

---

## **PUBLIC HEARINGS**

### **I. CONDITIONAL USE PERMIT REQUEST - 3678 HIGHWAY D**

Application No:	CUP21-17
Property Owner:	Gerald L. Wolf and Sharon Wolf
Applicant:	Russell Been for Collective Solutions, LLC
Current Zoning:	C1, Neighborhood Commercial District
2030 Master Plan:	Recommends low density residential land uses
Conditional Use Request:	Construct a 115-foot-tall monopole telecommunication Tower with adjustments to exceed height, setback, and spacing standards
Parcel size:	3.93-acres
Location:	On the south side of Highway D, approximately 1,000 feet east of Highway DD
County Council District:	2
Account No.:	598080A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP21-17. This is known as Wolf's Highway D Storage and is on the southside of Highway D. The parcel is 4 acres in area, it is narrow and deep. The post tower is not on the front of this parcel but toward the back. Robert Myers read the County's Telecommunications Ordinance and identified what is allowed as a telecommunications tower as a permissive use in the C1, Neighborhood Commercial District and noted any deviations from those standards could still work but would have to be approved by a Condition Use Permit, Planning and Zoning Commission and County Council. Robert Myers described the conditional use permit (CUP) request the Applicant is seeking. He noted under Section 405.505 of the County Code requires that the minimum distance between telecommunication towers shall be one (1) mile, this application would not meet that one-mile spacing distance. Robert Myers stated the Ordinance allows the County Council to adjust the spacing requirements only for good cause. Three criteria which Conditional Use permits are based on were read with County staff's recommendations. The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend denial because it does not comply with the CUP criteria of Section 405.510.B of the County Code. In addition, County Staff does not view the submittal as providing good cause as to why County Council should reduce spacing from one mile to 500 feet in this instance. He reviewed the three Board Options the Planning & Zoning Commission could take regarding how they vote, and the four conditions staff suggests if the Commission chooses to recommend an approval.

Chairman Ellis asked the Commission if they had any questions for staff. Vice Chairman Cleary asked what the one-mile requirement is based on. Robert Myers said the one-mile requirement is based on to reduce the proliferation of towers in unincorporated St. Charles County and is not based on interference.

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

Eric Martin, Attorney, representative for the Applicant, 211 N. Broadway, St. Louis, MO 63102, was sworn in. Mr. Martin pointed out that it is on the southern portion of the property and there is

a 20-foot drop in grade from the beginning of the property and helps reduce visual impact of the tower. He provided a description of where the tower would be located and addressed the recommendation of denial, which is the other tower. He stated reasons why the tower is needed including sworn testimony from AT&T which would be the carrier that wants to be on the tower. AT&T does not feel it is economically feasible to remain on this tower given the lease structure with SBA to stay on with higher cost towers and is impeding the ability to bring the latest in technology and to provide First Net public safety service for first responders. Mr. Martin also addressed the one-mile separation requirement and explained why it's needed and what it is for. Mr. Martin stated Missouri Law prohibits the consideration of the other tower in terms of a one-mile radius for being a reason to deny this. He stated the Communications Deployment Act says you can't evaluate towers based upon the location of another tower. Regarding the aesthetics, Mr. Been did a balloon test which showed representations of what the tower would look like up against that line.

Russell Been, Applicant, 340 Marshall Road, Valley Park, MO, was sworn in. Mr. Been asked to have his electronic Collective Solutions, LLC packet entered into the record. Chairman Ellis agreed to it. He stated he has been doing this since 1999 and his first case was in St. Charles County. Mr. Been said he is working for Parallel Infrastructure who was engaged by AT&T to help them with a flood program and described it to the Commission. They have been working with the owner of this tower (SBA) for several years and has been trying to renegotiate a deal to bring rates to a more affordable level. They have not made any progress. The goal behind this program was to build a site that was more affordable that could provide all the current technologies. Mr. Been said the map that staff showed at the beginning was two parcels and each of them is about 50 feet wide. He said he had applied for a variance earlier but was informed by staff that the Planning & Zoning Commission and the County Council could provide relief with those setback concerns and therefore withdrew that application. He provided an elevation view showing the required monopole and aerial photographs with its search ring. Mr. Been provided visual images taken by a drone of different areas facing to where the tower would be located. Mr. Been also displayed propagation maps which show coverage, but he said this is not about coverage but about capacity and 5G and making that tower accessible to more users. He noted the Director of Development for AT&T has stated that they need this tower in order to make their operations economically feasible.

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

Commissioner Jackson asked what AT&T would do if they are denied this conditional use. Mr. Been said they would stay at their existing site and operate at a diminished 3G and 4G capacity.

Commissioner Jackson asked if other carriers are going to join this tower and what is the future use plan. Mr. Been said this is being built for multiple carriers such as Dish Network and is open to other carriers.

Chairman Ellis asked if St. Charles County covered by First Net. Mr. Been said he cannot answer that question. He said the First Net representative has been in contact with St. Charles County.

Commissioner Cornwell asked if this type of tower is permitted by the zoning at 85 feet, does it just not work for coverage and that's why you are going to 115. Mr. Been answered in the affirmative and said they are at 115 on the current tower.

Commissioner Cornwell asked if 85 feet would work. Mr. Been said AT& T wanted 130 feet after they had applied for 115 for the height of the tower. Commissioner Cornwell said if you go for 115

feet for the tower, then the setback would have to be 115 then asked if he has looked at other properties that would meet that setback requirement. Mr. Been answered in the negative and added the most important factor in this is willing landowners.

Commissioner Bahr summarized that Mr. Been needs this tower for the purpose of economic competition and the current tower owner has a monopoly and because of rules nothing can be built within a one-mile radius and therefore can be blackmailed into paying any rates that they want. Mr. Been answered in the affirmative. Commissioner Bahr said Mr. Been is wanting to build another tower to be able to have economically feasible price to benefit customers. Mr. Been they are trying to build a free-market economy and be more competitive. He stated they are paying four times more than should be on any other tower in the Midwest.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. CUP 21-17.

Zachary Buchheit, Stinson, LLP, 7700 Forsyth Blvd., St. Louis, MO, was sworn in. He stated he is representing SBA Tower Group which is the tower right next door to the proposed tower which was built in 2002. He said AT& T is currently on that tower. He stated reasons for opposing CUP21-2-17 and why the County should recommend denial of this tower. He said this tower is at 3666 Highway D and is the exact same type of tower that Parallel Infrastructure is proposing to build.; a 115-foot monopole tower. He said there is no reason why AT&T cannot provide 5G on that tower even though in their packet as sworn testimony it states that it can't. Mr. Buchheit said he is not aware of any negotiations and no complaints regarding technology, coverage or capacity issues have been made. He said Collective Solutions is going into communities and building towers close to SBA towers all over because AT& T has hired them to. He also represented his interpretation of State Statute, specifically Subsection 2. He stated that the County Ordinance does not state to look at other surrounding locations, but to look at their proximity. This tower is less than 500 feet away from the proposed tower and not the one-mile requirement. The applicant is asking to vary from the County Code requirement by 90% and by 50% from the setback. Mr. Buchheit stated if the Commission approves the conditional use permit, to consider the precedent it would set and ignore the one-mile radius and the setback requirements would send a message to other tower builders and carriers to do the same thing.

Commissioner Cleary he has heard two opposing views and asked who is correct.

Mr. Buchheit said his interpretation of the law is different from Mr. Martin but can confirm that no court has decided that issue and the County Ordinance does not ask to consider availability of other potential locations, but does state towers should be a mile apart.

Commissioner Cleary said Mr. Been said he couldn't put a 5G on the tower, but you are saying you can.

Commissioner Bahr said she understood it differently. She believes Mr. Been said it would not be economically feasible to put 5G on that tower, because the rates are too expensive to make it make sense and not that it's not possible that it doesn't make sense financially.

Commissioner Cleary asked if the lease changes every time there is a change. Mr. Buchheit said that he could not answer that.

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

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366, was sworn in. Mr. Dienoff expressed his opposition to CUP21-17 to maintain the beauty of southwest St. Charles with less obstructions. He stated that the Planning and Zoning Commission should abide by Section 405.505.C.7 of the County Code and abide by the minimum tower setback and spacing requirements. He would like to see additional conditions be added to protect the natural beauty of the County and consider its residents first before profits.

With no one else from the audience wishing to comment on this application, Chairman Ellis asked the applicant to come back to the podium.

Commissioner Bahr asked what the typical range of one of these towers is. Mr. Been responded that by today's standards it's not how far the range is, but how many persons that it serves and the capacity of each site. Mr. Been stated that everything that is being proposed for the new tower could go on the current tower including 5G.

Commissioner Bahr asked if there any reason a tower couldn't be placed a mile away and Mr. Been responded that it could not, because this is the site they are looking at. He added, when a change is made, an increase is incurred. Commissioner Bahr said if this tower was built that all of the current tenants on SBA's tower would move to this tower leaving a tower empty.

Mr. Been said Team Mobile just renewed so it will be on this tower for the duration of their renewal.

Mr. Martin stated that he disagrees with Mr. Buchheit's interpretation of the State Statute.

Commissioner Bahr asked Mr. Martin's if Mr. Dienoff's suggested condition making the tower look like a pine tree pose would fall under Section 16. Mr. Buchheit responded that it would fall under Section 16, which would prohibit that. With the way the tower is designed now it accommodates with type of equipment that is necessary currently. He added regarding setbacks, towers are built to stand up and are not a safety concern as there is ample room from where the tower is, and a one-to-one type of fall zone is not warranted.

There being no further questions for the applicant, Chairman Ellis brought back the application to the Commission for consideration.

Commissioner Bahr asked County staff if other conditional use permits have been passed in the past for cell phone towers. Robert Myers responded that the County Council has periodically approved conditional use permits for cell towers with deviations from required setbacks and/or height requirements.

Commissioner Bahr asked if the Commission has ever approved a CUP for a tower withing a one-mile radius of another. Robert Myers answered in the affirmative, but he stated that they have not approved any this close together. Robert Myers added that in terms of the State Statute, the operative word he reads is "availability" of potential locations. Staff has never looked at co-location or what is or not available. Staff has in the past looked at how close together the towers are, and the spacing requirements for St. Charles County.

Commissioner Cornwell asked what the height requirement for towers within the C2 Zoning District is. Robert Myers responded that County Ordinance requires 100 feet for one user and 125 feet for two or more users, and this would be allowed by right as long as it would meet the one-mile spacing requirement and the setback requirements.

There being no further discussion or questions for County staff, Chairman Ellis asked for a motion of approval for Application No. CUP21-17. Commissioner Boehmer made such motion, and Commissioner Cleary seconded the motion.

The vote on the motion was as follows:

Roger Ellis	No	Tracy Boehmer	No	Jennifer Bahr	No
Kevin Cleary	No	Jamaal Jackson	No	Chad Cornwell	No

Application No. CUP21-17 was recommended for **Denial**.

**II. CONDITIONAL USE PERMIT REQUEST - 2818 SOUTH POINT PRAIRIE ROAD**

Application No: CUP21-18  
 Property Owner: Chickadee Acres, LLC  
 Applicant: Lisa Mallon  
 Current Zoning: A, Agricultural District  
 2030 Master Plan: Recommends low density residential uses  
 Conditional Use Request: A bed and breakfast residence (up to 10 guests per night)  
 Parcel Size: 11.20 acres  
 Location: On the east side of South Point Prairie Road, approximately 2,000 feet north of Dyer Road  
 County Council District: 2  
 Account No.: T072100013

Mark Price, County Planner, provided a verbal report for Application No. CUP21-18. Mark Price made a correction regarding the number of guests per night. It will be up to 8 guest snot 10 per night. The applicant is also seeking the ability to put a sign up which is permitted in our sign code and would be 32 square feet in size. The Planning and Zoning Commission is required by Ordinance to consider 5 questions when considering a conditional use analysis. Those five questions and staff responses are in the staff report in its Planning and Zoning packet and were read by Mark Price. County staff recommends County staff recommends that the Planning and Zoning Commission recommend that the County Council approve the conditional use permit with six following conditions, in conformance with Section 405.510.B of the County Code, and intended to address anticipated land use impacts. The six conditions were read to the Commission. No correspondence has been received for this conditional use permit application.

Chairman Ellis asked if the Commission had any questions for staff. There being none, Chairman Ellis asked the applicant to come forward.

Lisa Mallon, 2818 South Point Prairie Rd, Wentzville, MO 63385 was sworn in. Ms. Mallon said she bought her home in May which is suited for a bed and breakfast residence. She stated she does not think it will harm her neighbors or their properties. Her house is actually setback two-tenths of a mile from South Point Prairie Rd. and is surrounded by woods. She said is not into wild parties but will be a quaint and quiet place.

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

There being none, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. CUP21-18.

Dr. Kenton Hoernig, 2824 S. Point Prairie Rd., Wentzville, MO 63385 was sworn in. Dr. Hoernig stated she is Ms. Mallon's neighbor and opposes the conditional use permit because it would affect the quality of his family living there. He is concerned for three main principles: safety, privacy and maintenance of the easement. He stated he is concerned about strangers using his shared easement, and how many people would be using his driveway to find her residence. He bought the house in July and is vacant as he and his wife will be remodeling it. Dr. Hoernig said it looks like a gravel roadway is being planned on the backside of this property which means traffic will be circling his entire property. He did not plan to have this at the time of purchase. He stated there needs to be some agreement about having some type of fencing for privacy. He is not aware of an existing easement agreement with Ms. Mallon but has a pre-existing one from the previous owner but is not signed by Ms. Mallon or himself. That agreement states he and Ms. Mallon share 50% of the cost of the maintenance. He doesn't think that it's fair to ask him to be responsible for maintaining the cost of the easement when multiple people are using it because of her business decision. He asked the Commission to recommend denial of this application to give more time to iron things out with Ms. Mallon.

Commissioner Cleary asked if that easement is recorded. Dr. Hoernig answered he believes so because it's stamped by St. Charles County Recorder's office. Commissioner Cleary said it would go with the property and not with the individual.

William Zollman, 3485 South Pointe Prairie Rd, Wentzville, MO 63385 was sworn in. Mr. Zollman owns 160 acres due east of this property. He stated that he believes that the bed and breakfast inn is closer to his property line than what is indicated on the concept plan. Mr. Zollman stated that he has no problem with the bed and breakfast residence but would like for her guests to stay on her property and not bother anyone else.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that he is in favor of this application because it will provide additional rural tourism, visitor stay opportunities to the County. He stated that it will have little impact to the area and hopes the neighbor issues can be resolved. He has asked the Planning & Zoning Commission to entertain a few conditions to be added to approval of this CUP in order to benefit the surrounding community.

With no one else from the audience wishing to comment on this application, Chairman Ellis asked the applicant to come back to the podium.

Vice Chairman Cleary asked Ms. Mallon how she will reassure Dr. Hoernig of his privacy, safety concerns and maintenance issues.

Ms. Mallon responded that she has to go through his property in order to get to hers. She stated that there was an easement agreement that was entered into when she went into escrow that runs with the land. Ms. Mallon stated that she would entertain a 65/35 split on the care and maintenance of the road.

Commissioner Cleary asked what she would do to protect his privacy. Ms. Mallon said that her neighbor said that he would erect a fence about 3 to 4 weeks ago. She asked at that time if he wanted her to pay for half of the cost of that fence, and he said no because he was going to do it

anyway. She was going to put the parking area next to the fence and have the road setback a little ways from that.

Commissioner Cleary asked Ms. Mallon if she plans to circumvent that easement completely and enter her property from South Pointe Prairie Road. Ms. Mallon responded that is not possible. She had a civil engineer come out to her property and they and told her that the lake would be compromised if she created an entrance next to it.

Commissioner Bahr asked Ms. Mallon if she would be open to postponing this application in order to give her some time to work out some of these issues with her neighbor.

Ms. Mallon responded that she would be open to postponing this request and added that she wants to be a good neighbor. She stated that she feels that she has a good relationship with her neighbor as they talk to one another. She lets him know if there are ever any strangers on his property.

Commissioner Bahr said that it seems that he did not realize the extent of what was happening, and he might like to sit down with you and discuss it further. Ms. Mallon stated that she would like to do that, and this is the first time she's ever requested a conditional use permit and she did not know what to expect.

Commissioner Bahr asked if a motion could be made to postpone this conditional use permit request until the next regular meeting.

Chairman Ellis responded that could be done at the request of three Commissioners.

Commissioner Bahr asked the Commission if that is something that they would be interested in doing.

Ms. Mallon asked if postponing the application is really necessary, as she is willing to talk to her neighbor.

Commissioner Cleary stated that it does not have to be postponed and he feels that Ms. Mallon and her neighbor should work out the issues between themselves.

Chairman Ellis asked Counselor Bryan Wise if they could mandate a division on the easement. Counselor Bryan Wise answered in the negative.

Commissioner Bahr said that some of the conditional use suggestions are to require a fence. She thought perhaps if that was already worked out prior to voting on the request, the Commission would know what conditions everybody agreed to and could put those on the conditional use permit.

Chairman Ellis explained that when the Commission is typically requiring fences is when there is commercial property abutting residential property. This property is a quasi-commercial, but in his opinion it doesn't have the volume of traffic that a use such as a storage lot would. In higher traffic volume types of uses, the Commission may require putting up certain types of trees and certain types of fencing other than barbed wire property fence.

Chairman Ellis asked County staff if someone is putting in a road on their own private property and adding a path that can be traveled by car back to their own private lake, would there be any requirement in the County Ordinance stating what type of road that would have to be?

Robert Myers responded that if there is a private lane from one portion of a property to another, there would not be any County standards for that roadway. Private roadways are not required to be handled under a conditional use permit and can be added to properties by right. He asked for clarification from Ms. Mallon because originally the original application was for three different conditional use permits and one of them was for a small wedding venue for up to 40 guests at a time. The revised concept plan that was submitted was very similar to the original concept plan, and he asked for clarification on if the roadway that going down to the pond was meant for the wedding venue that was shown on the original concept plan.

Ms. Mallon responded that the roadway shown on the revised concept plan is only intended for the purpose of older people being able to drive to the lake in order to fish because without a road, people would have to walk through the woods in order to get to the lake and it would be very cumbersome.

Chairman Ellis asked if County Ordinances for bed and breakfast residences identify standards for individuals referred to as transients versus renters. How also asked what the maximum time is that someone would be allowed to stay at the bed and breakfast, otherwise it could turn into an apartment building.

Commissioner Bahr suggested that Ms. Mallon's letter states that persons would stay no longer than one week at a time, but she is not sure if that would be legally binding.

Chairman Ellis said that the application just says no more than eight persons at a time, and he does not see anything regarding the length of stay.

Robert Myers stated that what he commonly sees is that there is a limitation of no more than 30 days per stay.

Chairman Ellis stated that he could not find where the County Ordinance had a definition for a bed and breakfast.

Robert Myers responded County Ordinance contains two definitions. One is for a bed and breakfast residence where someone lives there and interacts with guests. The other definition is for a bed and breakfast inn within a commercial area, and there would be no one living on the site. He added that those definitions are very old and don't necessarily reflect the current trends for people renting homes such as through Airbnb.

Commissioner Jackson asked is the residence will be ADA compliant. Ms. Mallon responded that she was thinking about that herself. She stated that there would only be two steps to get from the parking to the inside, and then there are three the guest bedrooms are upstairs and one in the basement. There is also a sunroom, and she plans to dress it up so that if somebody cannot make it up the stairs whether they have a wheelchair, crutches or a walker, they would be able to use the futon that pulls out into a very comfortable bed.

Commissioner Bahr asked Ms. Mallon if she knows if this particular type of venture falls under ADA requirements.

Robert Myers stated that a bed and breakfast is classified under the building code, so that it would be required to have fire sprinklers, but he is not sure about handicapped access.

Commissioner Bahr stated that it seems like it would be arduous to try to retrofit the home to meet those requirements.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and brought the application to the Commission for discussion.

Commissioner Cleary stated that he thinks this looks like it's a good plan, and he would recommend it with the conditions stated and just work on the assumption that the neighbors will work out their differences and go forward.

There being no further discussion, Chairman Ellis asked for a motion of approval for Application No. CUP21-18. Commissioner Cornwell made such motion, and Commissioner Jackson seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Tracy Boehmer	Yes	Jennifer Bahr	Yes
Kevin Cleary	Yes	Jamaal Jackson	Yes	Chad Cornwell	Yes

Application No. CUP21-18 was recommended for **Approval**.

---

---

#### **IV. REZONING REQUEST - HUNN ROAD**

Application No: RZ21-17  
Property Owner: Elmer V. Hargis  
Developer: CMS Homes, LLC  
Engineer: Pickett, Ray, & Silver, Inc.  
Current Zoning: A, Agricultural District  
Requested Zoning: RR, Single Family Residential District (3-acre minimum lot size)  
2030 Master Plan: Recommends low density residential uses  
Parcel Size: 63.20 acres  
Location: On the northwest corner of Hunn Road and English Road, near Indian Camp Creek Park; and bordering Lincoln County  
County Council District: 1  
Account Nos.: 671040A000

Mark Price, County Planner, provided a verbal report for this application. He stated it is a large undeveloped parcel located next to Lincoln County. The infrastructure to support that density currently does not exist in this area. Each lot will provide its own sewer and water services. This rezoning will permit 4 additional homes to be built on this property over agricultural zoning. In return for that they are going to be developing County approved roads. Paved roads will be in this subdivision. Staff recommends that the Planning and Zoning Commission recommend approval of this application to the County Council.

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

Commissioner Cleary asked how they are going to provide water service and if it is going to be through community wells.

Mark Price responded that water service would be provided by individual wells, and sewage disposal service would be provided by individual septic systems.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Doug Tiemann, Engineer with Pickett Ray & Silver, 22 Richmond Center Ct., St. Peters, MO 63376, was sworn in. Mr. Tiemann stated that he is representing the applicant, DJ Land and as stated by staff, they are requesting rezoning on this property from Agricultural District to RR, Single Family Residential District. Mr. Tiemann made a presentation for the Planning & Zoning Commission regarding Application No. RZ-21-17. He said that the development will have a three-acre minimum lot size, but when it comes down to the actual lot size it works out to 3.73 acres and borders the very western part of St. Charles County. He showed pictures to the Commission of roads surrounding the development and noted that they are constructing 20-foot-wide paved roads in a 42-foot-wide right-of-way, which is the County standard. Because the 2030 future land use plan recommends low density land uses, this development is proposing something less than that because utility service is not available.

There being no questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. RZ21-17.

John Hunn, 2378 Hunn Rd, Foristell, MO 63348, was sworn in. Mr. Hunn stated that his property is located at the very north end of Hunn Rd which is about half a mile from where this subdivision will be located. He stated that there are already a lot of houses in the area and many traffic concerns, especially on Dietrich, English, and Hunn Roads. He also expressed concerns about the water table and asked how many more wells could be drilled in this small area and still maintain water pressure. Mr. Hunn provided the Commission with stats from a traffic study summary his brother conducted. He asked what type of homes they will be building, and stated that there is also a cemetery on that property that may date back to the 1800's.

Don Morrell, 2158 Hunn Rd, Foristell, MO 63348, was sworn in. Mr. Morrell stated that this project is directly across the street from his home. He stated that Hunn Rd. is a dead-end road, and the roads cannot handle any more traffic. He asked where they going to put the streets that are being proposed and stated that he is most concerned about the traffic and Phase Two of the Lincoln County Park.

Steve Wittman, 2220 Hunn Rd, Foristell, MO 63348, was sworn in. Mr. Wittman stated that he lives adjacent to the subject property and has been there for about five years. He wanted to move to the country to look at deer and now he will be looking at neighbors. He stated that the Lincoln County side of this development is also going to come out on Hunn Road along with this new proposed subdivision. He lives right on that corner and he stated that he has pulled many people out of the ditch when they come around that corner driving too fast. Mr. Wittman said that he feels that dead end road is basically his driveway. He recommends building homes where there's places that people want to live in subdivisions.

John Johansen, 2002 Hunn Rd, Foristell, MO 63348, was sworn in. Mr. Johansen stated that he lives on the corner where Hunn, Dietrich, and English Roads meet. It is hard for traffic to make a

90-degree turn there and he is worried about the safety of the turn, and the safety of children with a bus stop that stops right in front of his property.

Katy Wortmann, 2334 Hunn Rd, Foristell, MO 63348, was sworn in. Ms. Wortmann lives past the proposed site and shares everyone's traffic concerns. She is also concerned about the water table because everyone has their own well and she hopes there would be a study to confirm that the water sources are satisfactory to feed the proposed development in both St. Charles County and Lincoln County.

Marney Cullen, 1616 Dietrich Rd, Foristell, MO 63348, was sworn in. Ms. Cullen stated that she has lived in her home since 2007 and has several concerns aside from the additional traffic. She stated that an accident just occurred today in front of her home. She lives on a curve that is not only a curve but a bend, and Dietrich Road has two 90-degree bends and a 45-degree incline. Her other concern is what will happen to the water table and septic systems due to the clay in the area. Ms. Cullen stated that internet and Wi-Fi capability in the area is deficient and its almost non-existent as they have only one carrier.

Kevin Wortmann, 1639 Dietrich Rd, Foristell, MO 63348, was sworn in. Mr. Wortmann stated that he resides east of the proposed development. He is concerned about the crossing at Highway 61 because that is where people get killed. People get impatient at the crossing and take chances, and that's when wrecks occur. He suggested that road safety should be a consideration.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that he can sympathize with all of the audience speakers, but he is pleased with the 16 homes proposed for this development. Mr. Dienoff stated that he recognizes that the Wentzville region is growing and going north towards Lincoln County. Mr. Dienoff stated that he recommends that the Commission recommend approval of this application.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. RZ21-17. There being none, he asked the applicant's representative to come back to the podium.

Chairman Ellis asked the applicant's representative to address the concerns that were voiced by the speaker such as traffic, the water table, septic tanks, the potential cemetery, and the potential second phase of this subdivision on the adjacent Lincoln County property.

Doug Tiemann stated that the plat is showing 16 proposed lots on the subject property. Regarding the water and sewer concerns, they are required to get studies from Missouri Department of Natural Resources, and they will come out to the site and look at the soils. The person developing the homes will have soil studies performed to find out where the septic systems can be located on the lots in order to provide adequate absorption. Each lot will have an individual well, and if 16 homes are constructed there may be a case where more than one lot may be purchased by an individual. He is not aware of any water concerns with area wells and that density is not a problem for septic systems. He is not aware of any cemetery on the property either. If there is a cemetery, an easement would be put over it and it would not get disturbed. He stated that traffic concerns are from either existing developments or developments to the west and with 16 homes he is confident that those roads are capable of handling traffic from these lots. He does not have an answer for the concerns regarding the crossing at Highway 61, as a lot of that traffic is coming that way from Lincoln County. Mr. Tiemann noted that layouts have not been done or any investigation of the land that's located to the west in Lincoln County, so he cannot provide any information on that at this time.

Commissioner Cleary asked Mr. Tiemann if there will only be one developer and builder for this subdivision, and what will the square footage of the homes will be.

Mr. Tiemann responded that CMS builds their own homes and that is who is proposing this development. They may also sell to some individual builders. CMS has already developed a number of lots in Lincoln County, and they do have minimum square footage requirements for their homes.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and asked the Commission if they had any further discussion.

Commissioner Cornwell asked if staff looked at the density. He stated that it appears that if the land were to remain zoned Agricultural they could still build 12 homes, as opposed to 16 homes if the land is rezoned to RR, Single-Family Residential.

Mark Price answered in the affirmative.

Vice Chairman Cleary stated this development makes sense to him and the rezoning makes sense to him as well.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ21-17. Commissioner Cornwell made such motion, and Commissioner Cleary seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Tracy Boehmer	No	Jennifer Bahr	Yes
Kevin Cleary	Yes	Jamaal Jackson	Yes	Chad Cornwell	Yes

Application No. RZ21-17 was recommended for **Approval**.

---

## 5. PLATS

### I. PRELIMINARY PLAT FOR THE VILLAGE AT INDIAN CREEK - HUNN ROAD

Application No: PRE21-26  
Property Owner: Elmer V. Hargis  
Developer: CMS Homes, LLC  
Engineer: Pickett, Ray, & Silver, Inc.  
Current Zoning: A, Agricultural District  
Requested Zoning: RR, Single Family Residential District (3-acre minimum lot size)  
2030 Master Plan: Recommends low density residential uses  
Proposed Lots: 16  
Parcel Size: 63.20 acres  
Location: On the northwest corner of Hunn Road and English Road,

County near Indian Camp Creek Park; and bordering Lincoln  
County Council District: 1  
Account Nos.: 671040A000

Mark Price, County Planner, provided a verbal report for this application. Mark Price stated staff would note that there will be two separate internal streets on this subdivision. They will both take entrance off of Hunn Rd. There will also be an electric utility easement that will separate the two portions of the plat. The developer is proposing to clear only the area required for the road so they will have a tree preservation of 92.8%.

Commissioner Cleary asked if the Commissioners had any questions for County staff.

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

Doug Tiemann, Engineer for Pickett, Ray & Silver, 22 Richmond Center Court, St. Peters, MO 63376 was sworn in. Mr. Tiemann provided details regarding the Preliminary Plat for the Village at Indian Creek. They are proposing 20-foot-wide pavement in a 42-foot right-of-way and will meet County standards. The layout they are proposing will have 10 lots that would be south of the power line and the remaining six will be on the north, so no one will be close to the powerline. Trees will only be cleared for the roadway at a minimal amount.

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

Commissioner Cleary asked if he knew what size lots will be on the Lincoln County side. Mr. Tiemann said he does not know as a preliminary layout for the developer has not even been done.

Commissioner Cleary asked if it has been sold and Mr. Tiemann said he has a contract on this tract of land and the other tracts on Lincoln County.

Commissioner Cleary asked if anything is going to be done about retention concerns on sites with impervious surfaces. Mr. Tiemann stated all of the property on the south side of the power line where the 10 lots will be are all of that drainage will go to the western side. The developer is not proposing any detention basins and will look at each lot individually.

Commissioner Cleary asked if basically the water is going to the west and where is it going? Mr. Tiemann said he did not know if it gets to a tributary before but on Page three of five, the contours that we are showing indicates that almost all of it heads to the very western area, drains towards the center and moves toward the power line.

Chairman Ellis asked when this will be reviewed to meet the County's new water control standards. Robert Myers said it has to meet those standards now. This is currently in the subdivision improvement stage which is between the preliminary plat and the final plat.

Chairman Ellis asked if there will be a Homeowners Association. Mr. Tiemann said he believes there will be as the developer does that at other subdivisions.

Chairman Ellis asked if the streets would be public, and Mr. Tiemann answered in the affirmative.

With no further questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. PRE21-26.

Kyle Wortmann, 1259 Grothe Rd, Wentzville, MO 63385, was sworn in. Mr. Wortmann is concerned about this development being adjacent to the parcel in Lincoln County and the amount of traffic it will create from the road with the temporary cul-de-sac Lincoln County owns.

John Hunn, 2378 Hunn Rd, Foristell, MO 63348, was sworn in. Mr. Hunn voiced his concern about the drainage that comes from the property to his home in Big Creek which had its biggest flood just this summer. He had four foot of water on his fields and still floods even with all of the forest that drinks up the moisture. Retention is a major concern.

Steve Wittman, 2220 Hunn Rd, Foristell, MO 63348 was sworn in. Mr. Wittman asked to point out to Mr. Tiemann where the cemetery is located, and he did.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366, was sworn in. Mr. Dienoff asked to go on the record to approve PRE21-26. He would also like to see additional conditions be added to protect the residents of the County.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. PRE21-26. There being none, he asked the applicant to come back to the podium.

Mr. Tiemann stated that regarding the extension of that road, if it is stopped, they can still connect to the property from the north and is probably a better condition to control that access and put it in one point to collect traffic instead of putting it on a road other than Hunn Rd. A layout has not been done yet. Regarding the flood problem, Mr. Tiemann said they will go through the process with the County and the Development Review Division to meet stormwater requirements. Tree preservation is at 92.8%.

Commissioner Cleary asked what would be done with this private cemetery. Mr. Tiemann said they would go to the area that the gentleman pointed out and survey the area and preserve it with a fence around it.

Commissioner Cleary asked if there is anything legislatively that would have to be done. Mr. Tiemann said he would look into it. Chairman Ellis stated that would have to be done only if relocation was required. Mr. Tiemann said we would definitely not do that.

Commissioner Cleary asked staff what the County would propose regarding flooding issues at Big Creek with its new standards. Robert Myers stated those are addressing water quality more than flooding but there is some relationship between the two. The development is proposing to preserve more than 90% of the tree cover on the site which is helpful.

Commissioner Cleary said some of those trees will be removed when homes are put up and there will be a lot of impervious surface. Robert Myers agreed that some would be removed for the house sites and home pads. The County does not have a requirement for water retention for flooding for developments of three acres or larger.

Commissioner Jackson asked staff if significant changes between preliminary and final plats are made, would that come back to the Commission for approval. Robert Myers said if any lots are added or if a street would come out from a different location would have to come back for review again.

Commissioner Cleary asked if a road impact fee for road improvements has ever been done? Robert Myers said the County has not been involved with that and is rare that the County requires off-site improvements.

Chairman Ellis entertained a motion to recommend approval of Application No. PRE21-26. Commissioner Cornwell made a motion to recommend approval and Commissioner Boehmer seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Tracy Boehmer	Yes	Jennifer Bahr	Yes
Kevin Cleary	Yes	Jamaal Jackson	Yes	Chad Cornwell	Yes

Application No. PRE21-26 was recommended for Approval.

---

---

## **6. TABLED AND/OR CONTINUED ITEMS**

**NONE**

---

---

## **7. APPROVAL OF THE MINUTES FROM THE OCTOBER 20, 2021 REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the October 20, 2021 regular meeting.

Commissioner Cornwell made such motion, and Commissioner Boehmer seconded the motion.

The minutes were approved by unanimous voice acclamation.

---

---

## **8. OTHER BUSINESS**

### **I. PLANNING & ZONING DIVISION UPDATES**

There were no updates.

---

---

## **9. ADJOURNMENT OF MEETING**

Commissioner Cleary made a motion to adjourn the meeting. The motion was seconded by Commissioner Cornwell and was approved by unanimous acclamation. The meeting adjourned at 9:50 P.M.

---

---

Respectfully submitted by:

---

Roger Ellis, Chairman

---

Tracy Boehmer, Secretary

DRAFT