

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** MARCH 16, 2022  
**TIME:** 6:00 PM  
**PLACE:** COUNTY EXECUTIVE BUILDING  
300 N. THIRD ST.  
THIRD FLOOR COUNCIL CHAMBERS  
ST CHARLES, MO 63301

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**MEMBERS PRESENT:** Jennifer Bahr, Tracy Boehmer, Kevin Cleary, Chad Cornwell, Roger Ellis, Craig Frahm and Jamaal Jackson

**MEMBERS ABSENT:** Terry Hollander

**STAFF PRESENT:** Robert Myers, Director of Planning & Zoning; Mark Price, County Planner; 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 6:00 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 motion, and Commissioner 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

There were no changes to the Agenda.

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## APPROVAL OF THE 2022 FIREWORKS REGULATIONS

Chairman Ellis entertained a motion to approve the 2022 Fireworks Stand Regulations.

Commissioner Bahr made a motion for approval as presented and Kevin Cleary seconded the motion. The motion was passed by unanimous voice acclamation.

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## APPLICATIONS FOR TEMPORARY FIREWORKS STAND CUP PERMITS

### I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN ROAD

Application:	FWK22-01
Property Owner/Applicant:	Westley Godar
Zoning:	C2, General Commercial District
Location:	On the east side of Old Bryan Road, approximately 620 feet north of Veterans Memorial Parkway; adjacent to the City of O'Fallon
Council District:	4
Account No.:	342720A000

Mark Price said the Fireworks Stand Regulations need to be taken care of first. He stated he is not aware of any changes from last year's fireworks regulations. Mark Price asked Assistant Counselor Bryan Wise if the 2022 Fireworks Stand Regulations needed to be adopted. Assistant Counselor Bryan Wise stated the 2022 Fireworks Stand Regulations need to be moved for approval.

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints or letters or comments from the community regarding this temporary firework stand.

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

Wesley Godar, #2 Godar Ct., O'Fallon, MO 63366 was sworn in.

Chairman Ellis asked if anything has changed from last year. Mr. Godar answered in the negative.

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

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. FWK22-01.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated there should have been a public hearing on the firework regulations to allow the public to comment on these regulations as the Commission doesn't have a public comment period for general items.

Mr. Dienoff recommended the following:

1. Tents should be built to withstand 70-mile hour winds and be secured to the ground

properly

2. Parking should include American with Disabilities Act accommodations.
3. Trash and debris recycling should be taken care.
4. No loud noises to interrupt the neighborhoods and their quality of life
5. No shooting off of fireworks on premises.
6. Require security on the premises to avoid theft.
7. Employees should be 18 years of age or older.
8. Have liability and medical insurance or sufficient bonding requirements provided by County to confirm individuals are insured.
9. Facilities should be restored to its original state by October.
10. No flashing lights or no directing traffic from the roadway onto premises.
11. Proposes a change to business hours from 8 a.m. to 9 p.m.
12. Encourages pop up inspections by County building inspectors.
13. Ensure traffic safety.

Mr. Dienoff asked that his comments for this application be made part of the record for all remaining fireworks stand public hearings.

Chairman Ellis agreed.

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

There being no other speakers, Chairman Ellis closed the public hearing and asked the applicant to come back to the podium.

Kevin Cleary asked how long he has operated this firework stand. Mr. Godar said he has done this for 13 years. Kevin Cleary asked if anyone has ever cited a complaint. Mr. Godar said he has been at the location for 6 – 7 years and is at a dead-end street across some apartments and owns the house closest to it.

There being no discussion from the Commission, Commissioner Cornwell made a motion to approve Application FWK22-01. Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes

Chad Cornwell	Yes	Jamaal Jackson	Yes		
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Application FWK22-01 was **Approved**.

**II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 58 WEST HWY N**

Application: FWK22-02  
 Applicant: Jason and Camilla Collins  
 Property Owner: Stanley and Beth Carter  
 Zoning: C2, General Commercial District  
 Location: On the south side of West Highway N, approximately 350 feet west of Baron Lane, near the City of Wentzville  
 Council District: 2  
 Account No.: 747750A000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints or letters or comments from the community regarding this temporary firework stand.

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

Jim Wehmeier, 18 Hidden Hills Dr., St. Charles, MO 63303 was sworn in. Mr. Wehmeier said he is part owner of Glory Fireworks.

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

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-02.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Boehmer made a motion to approve Application FWK22-02. Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-02 was **Approved**.

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

Application: FWK22-03  
Applicant: Martin J. Fears, Registered Agent and Organizer of Show Me Fireworks, LLC  
Property Owner: Bremer Properties, LLC  
Zoning: C2, General Commercial District  
Location: At the intersection of Wall Street and Luetkenhaus Blvd., adjoining the City of Wentzville  
Council District: 1  
Account No.: 721620A000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

The applicant was not present.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-03.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Frahm made a motion to approve Application FWK22-03. Commissioner Shell seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-03 was **Approved**.

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**IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1429 GRANVILLE DR**

Application: FWK22-04  
Applicant: Martin J. Fears, Registered Agent and Organizer of Show Me Fireworks, LLC  
Property Owner: Gerald L. Boehmer and Judy A, Boehmer Family Partnership LP  
Zoning: C2, General Commercial District  
Location: On the east side of Granville Drive, approximately 170 feet from Highway 40/61, adjacent to the City of Wentzville  
Council District: 1  
Account No.: 719430A000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

The applicant was not present.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-04.

Arnie C. Dienoff, PO Box 1535, O'Fallon, Mo 63366 was sworn in. Mr. Dienoff stated there is a Commissioner who might be related to the owner and that Commissioner should recuse herself from this vote.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

Commissioner Boehmer said just for the record, she told her family before the meeting she would abstain from voting just as she did last year and recused herself.

There being no discussion from the Commission, Commissioner Jackson made a motion to approve Application FWK22-04. Commissioner Cornwell seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Abstain	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-04 was **Approved**.

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

Application: FWK22-06  
 Applicant: Meramec Specialty Company  
 Property Owner: The Baker Family Company II, LLC  
 Zoning: C2, General Commercial District  
 Location: On the northeast corner of Highway N and Highway Z, near the City of Wentzville  
 Council District: 2  
 Account No.: 748680B000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

Tom Dixon, PO Box 305, Arnold, MO 63010 was sworn in.

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

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-06.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Frahm made a motion to approve Application FWK22-06. Commissioner Boehmer seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes

Chad Cornwell	Yes	Jamaal Jackson	Yes		
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Application FWK22-06 was **Approved**.

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

Application: FWK22-07  
 Applicant: Meramec Specialty Company  
 Property Owner: Tayco Upper Bottom Road, LLLP  
 Zoning: C2, General Commercial District  
 Location: On the northwest corner of Upper Bottom Road and Highway 364, near the City of St. Charles  
 Council District: 7  
 Account No.: T090800038

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

Tom Dixon, PO Box 305, Arnold, MO 63010 was sworn in.

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

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-07.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Kevin Cleary made a motion to approve Application FWK22-07. Commissioner Shell seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes

Chad Cornwell	Yes	Jamaal Jackson	Yes		
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Application FWK22-07 was **Approved**.

**VII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3707 VETERANS MEM. PKWY.**

Application: FWK22-08  
 Applicant: Meramec Specialty Company  
 Property Owner: 3707 Veterans Memorial Parkway Holdings, LLC  
 Zoning: C2, General Commercial District  
 Location: On the southeast corner of Arco Drive and Veterans Memorial Parkway, adjoining the City of St. Charles  
 Council District: 5  
 Account No.: 147693A000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

Tom Dixon, PO Box 305, Arnold, MO 63010 was sworn in.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-08.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Cornwell made a motion to approve Application FWK22-08. Commissioner Jackson seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-08 was **Approved**.

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

Application: FWK22-09  
Applicant: Meramec Specialty Company  
Property Owner: JMZ III Real, LLC  
Zoning: I1, Light Industrial District  
Location: On the northwest corner of the intersection of Mexico Road and Highway A; adjacent to the City of Wentzville  
Council District: 1  
Account No.: 147693A000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

Tom Dixon, PO Box 305, Arnold, MO 63010 was sworn in.

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

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-09.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Shell made a motion to approve Application FWK22-09. Commissioner Bahr seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes

Chad Cornwell	Yes	Jamaal Jackson	Yes		
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Application FWK22-09 was **Approved**.

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

Application: FWK22-10  
Applicant: Bad Boyz Fireworks, Jay Davidson  
Property Owner: TGL Properties, LLC  
Zoning: C2, General Commercial District  
Location: On the northeast corner of the intersection of West Clay and Golfway Street, near the City of St. Charles  
Council District: 6  
Account No.: A916000023

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints but received a letter of opposition from the community regarding this temporary firework stand.

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

Craig Applebee, 3700 Killarney Court, St. John, Missouri 63114 was sworn in.

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

Chairman Ellis asked if he is in the same location. Mr. Applebee answered in the affirmative.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-10.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Boehmer made a motion to approve Application FWK22-10. Commissioner Cornwell seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-10 was **Approved**.

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

Application: FWK22-11  
 Applicant: Bad Boyz Fireworks, Jay Davidson  
 Property Owner: The Inertia School of Dance, Inc.  
 Zoning: C1, Neighborhood Commercial District  
 Location: On the east side of Lake St. Louis Boulevard, 825 feet north of Hawk Ridge Trail, near the City of Lake St. Louis  
 Council District: 2  
 Account No.: 7635901000

Mark Price said this temporary fireworks stand is in the same location as it was last year.

County staff did not receive any complaints, letters or comments from the community regarding this temporary firework stand.

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

Craig Applebee, 3700 Killarney Court, St. John, Missouri 63114 was sworn in.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on FWK22-11.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK22-01 would be added to the record for this application.

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

There being no discussion from the Commission, Commissioner Shell made a motion to approve Application FWK22-11. Commissioner Bahr seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
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Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application FWK22-11 **Approved.**

## 6. PUBLIC HEARINGS

### I. CONDITIONAL USE PERMIT REQUEST - 4180 BENNE ROAD

Application No: CUP21-21  
Property Owners: Lynn P. Melson and Tamara T. Melson  
Revocable Qualified Spousal Trust  
Current Zoning: A, Agricultural District  
Conditional Use Request: Private school  
Parcel Size: 5.0 acres  
Location: On the south side of Benne Road, a half mile east of Highway D  
County Council District: 2  
Account No.: T222000523

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application NO CUP21-21. He said that rather than being allowed by right in the Agricultural zoning district, the County's zoning regulations require that this be approved through a Conditional Use Permit so the public can have a chance to review the land use impacts for neighbors. Robert Myers provided details about the private school including its location (at Freedom Ranch Subdivision) which was just platted in December. The Concept Plan was shown and a description of what is intended to be built including measurements was provided. Students will be children of family and children of owner's employees. The number of students and teachers was also provided. Robert Myers cited area of concerns including possible requirement of a sprinklers with an onsite well, a proposed recreational area as a soccer field, regulations of light poles and parking requirements. He read the four conditional use permit criteria and suggested the Commission focus on those and what the land use impacts would be for neighbors. The location of this proposed conditional use would take access from a public road (Benne Road) rather than from a private street within the subdivision. Robert Myers stated staff recommends approval of Application No. CUP21-21 with 8 County staff recommendations. The maximum number of students enrolled shall be 50 is an arbitrary number and could be 20 because that is the number the applicant is applying for. Robert Myers suggested to allow flexibility with that number.

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

Commissioner Boehmer asked what the ages of the kids will be. Robert Myers said the applicant could address that. Commissioner Boehmer asked would water availability affect the people who already live there with an additional 20 – 50 more people using it and would it be a concern. Robert Myers answered in the negative as long as they deal with the question about the fire code.

Commissioner Shell asked with 18 parking spots being added has the County's Highway Department considered that. Robert Myers said we had the Highway Department review this plan, but they had no comments. He added if this were on the curve there would be more concern about putting a driveway close to the curve. He doesn't believe 18 parking spaces will be a problem in terms of capacity. Commissioner Shell expressed concern with kids getting dropped off due to increase flow of traffic, the 90 degree turn and its narrow pavement.

Commissioner Boehmer asked if the time of school functions taking place outdoors as late as 11 p.m. be changed. Chairman Ellis it could as those are only recommendations.

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

Patrick Melson, 9716 Avondale Hills Ln, Wentzville, MO 63385 and Gary Kimbel, 4053 N. St. Peters Pkwy, St. Peters, MO 63304 were sworn in.

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

Commissioner Boehmer asked what the ages of the children will be. Mr. Melson said they will be between the ages of 3 – 14 and that is because his youngest grandchild is 3 years old. Once his grandkids become older, it would end in 8<sup>th</sup> grade.

Commissioner Boehmer asked if there would be buses. Mr. Melson answered in the negative. He said the first eight children live in the subdivision. He clarified the Freedom Ranch is not a subdivision because it only has three houses on 25 acres, his and his son and daughter who live on 10 acres each. Mr. Melson explained at first only his grandkids will be attending school, but later will open it up to children of his employees. He added his business, grandkids, employees and their children were disrupted for two years by the pandemic and his intent is to provide a place where 20 students can get a consistent education. In the beginning, those parking spaces will never be used. Mr. Melson added, because he has never owned a school, he would like to make sure that this idea is working out and are no major problems before children of his employees are added.

Commissioner Boehmer asked if he is planning to loan or rent out his fields to other than just his teams. Mr. Melson answered in the negative. He added he does not even have a team and that is more of an activity field to play soccer.

Commissioner Bahr asked if this school is for his grandchildren and asked what his business is. Mr. Melson said he owns Mid Town Home Improvements.

Commissioner Bahr asked if his employees who have kids were not able to come to work during the pandemic. Mr. Melson answered in the affirmative and would like to provide stability. He said he has pledged funding for 20 years that will more than fully fund this school and help his employees.

Commissioner Jackson asked what the real number of students is he is planning for in the future to have. Mr. Melson said his grandkids are the test and the employees' kids will come later. His budget will be three teachers and added is far more work than he thought it would be. He added it is not his goal to have 50 kids.

Chairman Ellis asked if he would be subject to the State's education regulations. Mr. Melson stated he is assuming he will be but has not gotten that far as he has been focused on getting the building approved first.

Chairman Ellis asked Commissioner Bahr if she home schools her children. Commissioner Bahr said she did for 19 years and there are state regulations for home schooling. She said children must have 1000 hours. She added since it will be his grandchildren getting schooled first, it might be considered "home school" because its family until other people come in.

Kevin Cleary if there is any reason there might be 50 kids. Mr. Melson said there is a reason why its not coming into the subdivision because he does not want it to and there will not be funding for 50 kids. Mr. Melson said he would like to make sure that the number of students attending will be able to go to his school at a low cost and have little impact to their parents, his employees.

Commissioner Boehmer asked if he would limit it to 30 students. Mr. Melson does not foresee going beyond that number.

Chairman Ellis asked Robert Myers since it is zoned agriculture, could Mr. Melson build a building to be a barn. Robert Myers answered in the affirmative. But Mr. Melson interjected and said he can't do over than 4,800 square feet without a permit. Robert Myers said large personal storage buildings and agriculture buildings can be built in agricultural zoning district and is not uncommon.

Commissioner Frahm asked if he has talked to people who either expressed concern or opposition to his plans. Mr. Melson said he has no idea who that could be and did not know he had opposition.

With no further questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone form the audience wished to comment on Application No. CUP21-21.

Marcia Gay, 4570 Hueffmeyer Rd, Defiance, MO 63341 was sworn in. Ms. Gay stated she opposes this school and in this location. She also stated her biggest concern is the water well as all of the neighbors around Hueffmeyer and Benne are on the same aquifer. She does not feel a well will support another 20 students and a soccer field. She proposes that County water be continued or utilize the same agreement Mr. Busch had to dig into a deeper aquifer at 1500 feet. Her second concern is the narrowness of the road as multiple accidents have occurred on it and is not a good place to put a school. She said she and her neighbors do not want lights from the soccer field on at 11 p.m. in their rural community. Ms. Gay does not feel that the school will have 20 students, she feels there will be more.

Commissioner Frahm asked if the water problem could be solved, would she be ok with the school. Ms. Gay said addressing the water problem would be a start but limiting the number of students would be second.

Commissioner Boehmer asked if 30 students would be acceptable and if the lights were off at 9 p.m.

Ms. Gay said not to her and added 20 students would be her maximum. The lights off at 9 p.m. would be better.

Sarah and Justin Vermette 4163 Benne Road, were sworn in. Mrs. Vermette said she and her husband are the neighbors located directly to the north of the proposed school and have been there for more than 10 years. Mrs. Vermette is concerned about the capacity of students at 50, the parking lot for 18 vehicles which is triple for what is suggested for private schools. She would like confirmation that second building has been removed from the plans and if the second parking lot size will be used to house mowers and tractors. She added that there should only be one entrance to the school and lighting at

11 p.m. is too late. She is against this plan as it will hinder the ambiance of the area and impact property values. She expressed concerns about the number of entrances to the school that are being considered and runoff issues due to new construction.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff said he 'd like to put on the record, from information he has obtained that he is fairly certain that the Busch deal is a dead project due to lack of financing. Mr. Dienoff said regarding the school, he thinks five acres is a tight squeeze for this proposal. He stated that sprinklers are required at both public and private schools as mandated by the State. He agrees with staff that a Type 2 landscape buffer be required. Mr. Dienoff would like a limitation of 30 students. Last, he said someone needs to address the water resource concern.

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 if he has taken a look at the difference between permissive use versus conditional use on particular zones. Mr. Melson answered in the negative as when he got started with this application, the County guided him to the conditional use permit. Commissioner Bahr said she has because her children do attend a private school, but they are planning to move to a different place. Commissioner Bahr said she has researched this, and if this was zoned residential or commercial C2, a private school would be a permissive use and not a conditional use. She asked staff if that was correct, and Robert Myers said he thinks so. Commissioner Bahr asked Mr. Melson, if he owns the land, 50 acres around it with the three homes on it. Mr. Melson said there are no homes on it currently. Commissioner Bahr said it is zoned agriculture which means a home for every five acres. She said theoretically, it would be a permissive use at 50 acres to have 10 homes there. Mr. Melson said if he did it in 10 homes and each home having 5 people, that would be 50 people. He emphasized there will not be 50 people at the school.

Commissioner Bahr asked how many grandkids he has and will they all live on the 50 acres. Mr. Melson answered in the affirmative and his grandkids will walk to school. Commissioner Bahr asked if there would be any traffic at first and would there be any cars there at all. Mr. Melson answered in the negative. He added the parking lot because he kept getting kickbacks from the Commission and getting recharged by his engineer to redo plans.

Commissioner Bahr told Mr. Melson if were to build a number of houses on the property and met at a house and his daughter or son were to teach his grandkids unpaid, that would be considered a home school and would need zero permission from anyone. Commissioner Bahr said the reason he is needing permission to do this is because he is bringing other people in, employees' children other than his own grandkids and he is hiring an outside teacher. Mr. Melson explained because the structure of the building is bigger than the structure, they told me I was allowed to build on an Agricultural. That is what he was told and is complying. Commissioner Bahr asked if the maximum square footage is 4,800 and Mr. Melson answered in the affirmative. Mr. Melson said the building would come with a kitchen, and come with an indoor recreational area e.g., a tennis court and six classrooms.

Commissioner Bahr asked after his seven grandchildren get started when he will make the expansion to add more students. Mr. Melson said he would like to get this off the ground smoothly with his seven grandkids, then he will add his employees' children.

Commissioner Bahr asked why he didn't want to enter off of Freedom Ranch Road, if only three houses will be on the road. Mr. Melson said because this is non-for-profit, and he is donating the land. He would like for it to be its own entity. He stated he would have no problem adjusting the time to 9:30 p.m.

Kevin Cleary said it was said earlier that there was a second building on the concept plan. Mr. Melson said the plans for a second building has been removed.

Commissioner Cornwell asked if the second building was intended for the school. Mr. Melson said he was going to build an in-door soccer field but is not necessary.

Commissioner Bahr asked what he thought about digging a well that is in the deeper aquifer. Mr. Melson said it's twice as much money to dig a well at 1500 feet and is not needed as he already has one at 650 feet. He added it adds additional costs and takes away from educating children.

Commissioner Bahr asked what kind of water the kids would be using. Mr. Melson said there would be four toilets and a water fountain and if the kids were at home, they'd be using the water there. Mr. Nelson said for what he is doing there is less impact on traffic, water and overall, less impact on everything because he could have developed the 50 acres but instead decided to do this.

Kevin Cleary asked if there is something stated by Covenants that the additional acreage would not be developed. Mr. Melson said it is not because where the houses are going to go are not being set up for other people to come along and build. Kevin Cleary said in twenty-five years they could be. Chairman Ellis said if they wanted to make any changes to the property 25 years later, they would have to come back to Planning & Zoning Commission.

Commissioner Cornwell asked if the indoor tennis court is intended for the school or for leasing it to someone. Mr. Melson said he does not have any intention of leasing anything at all.

Commissioner Boehmer asked staff if Mr. Melson would have to return to the Commission if he wanted to rent or lease the school are out. Robert Myers said Commercial Indoor Recreation and Commercial Outdoor Recreation are their own use categories for conditional use permits and if those uses were proposed and happened constant would need approvals.

Robert Myers said regarding land use categories, when this application came to County staff, a variety of avenues was pursued including rezoning to a neighborhood commercial district, where it would be allowed by right. The downside of the option is the Master Plan calls for agriculture uses in this area and going forward to the Planning & Zoning Commission and County Council would go against the Master Plan's recommendation for agricultural. But if this property was zoned commercial, then banks would be allowed by right. Robert Myers based on that it was suggested that this was the better choice rather than the rezoning.

Commissioner Cornwell asked Robert Myers regarding the firewall issue of not needing to sprinkle, did that come from the Building Code official and do we have anything from the Fire Marshall's office that would trigger that it be sprinkled regardless of the firewall. Robert Myers said that was a comment from the Building & Code Enforcement Division Director that one or the other could be used based on the concept that was presented.

Commissioner Boehmer asked if there are no regulations by room for sprinklers. Robert Myers said it depends on the area. Mr. Melson said he has several buildings in O'Fallon and if they are 12,000 feet they have to be sprinkled unless it is divided by a firewall.

Commissioner Cornwell asked about the Fire Marshall who looks into schools, would that cause a trigger. Commissioner Cornwell said he understands that normally the building official requires if it needs to be sprinkled then the Fire Marshall says per these regulations it is done.

Kevin Cleary asked if there will be a sprinkler system. Robert Myers said they can put in a sprinkler system or put in firewalls to divide up the area.

Robert Myers said regarding the large building and its use category, in a private school there are different limitations on accessory storage buildings than other buildings.

Commissioner Frahm asked why did propose 18 parking spots. Mr. Melson said at first, they said that wasn't enough and then when the engineer came back there were more. Robert Myers said we state the minimum and it has to meet the minimum requirements.

Commissioner Frahm asked if he would be comfortable with less students and reduced hours. Mr. Melson said he is fine with reduced hours since eight of the students live in the subdivision. Mr. Melson added these are kids that have brothers and sisters and as soon as you sign up a family, it's usually more than one kid. Mr. Melson said 30 is a fair limit.

Commissioner Boehmer asked if 7 a.m. – 9 p.m. work. Mr. Melson said he does not see a problem with that.

Commissioner Cornwell asked staff if the Commission did 30 and Mr. Melson decides to increase it to 40, would he have to come back to the Commission. Chairman Ellis answered in the affirmative.

Commissioner Frahm proposed a condition to not have ATVs, motorcycles, dump trucks parked on the premises. Mr. Melson said there will be a storage unit available for that. Commissioner Frahm said the Commission has seen this before and people do whatever they want on the property.

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

Chairman Ellis said before he entertains a motion for Application No. CUP21-21 he'd like for the Commission to consider the Recommendations made by County staff.

1. The maximum number of students enrolled at any one time shall be fifty (50).

Commissioner Boehmer made a motion to change the maximum number of students allowed to thirty (30) students and Commissioner Jackson seconded that motion. The motion to amend Recommendation No. 1 passed by unanimous voice acclamation.

2. There were no changes made.
3. No school functions shall take place outdoors between the hours of 11:00 p.m. and 6:00 a.m.

Commissioner Boehmer made a motion to change the hours for outdoor school function to 9:00 p.m. and 7:00 a.m. and Commissioner Frahm seconded that motion. The motion to amend Recommendation No. 3 passed by unanimous voice acclamation.

4. No lighting of the athletic field shall take place between the hours of 11:00 p.m. and 6:00 a.m.

Commissioner Boehmer made a motion to change the hours for lighting of the athletic field to 9:00 p.m. and 7:00 a.m. and Commissioner Shell seconded that motion. The motion to amend Recommendation No. 4 passed by unanimous voice acclamation.

5. There were no changes made.

- 6. There were no changes made.
- 7. There were no changes made.
- 8. There were no changes made.

Chairman Ellis made a motion to add condition No. 9 which states:

- 9. No parking of vehicles between the hours of 11:59 p.m. and 6:00 a.m. except for passenger vehicles owned and operated by the school.

Commissioner Boehmer made a motion to add Condition No. 9 and Commissioner Frahm seconded that motion. The motion to add Condition No. 9 passed by unanimous voice acclamation.

Chairman Ellis made a motion to add condition No. 10 which states:

- 10. Any and all indoor and outdoor maintenance equipment owned and operated by the school shall be stored in the indoor accessory structure.

Commissioner Boehmer made a motion to add Condition No. 10 and Commissioner Cornwell seconded that motion. The motion to add Condition No. 10 passed by unanimous voice acclamation.

There being no further discussion or questions for County staff, Chairman Ellis asked for a motion of approval for Application No. CUP21-21, subject to the Recommendations proposed by staff as amended by the Commission.

Commissioner Boehmer made such motion and Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	No	Craig Frahm	Yes
Chad Cornwell	No	Jamaal Jackson	Yes		

Application No. CUP21-21 was recommended for **Approval**.

## II. REZONING REQUEST - FREYMUTH ROAD

Application No: RZ22-02  
 Property Owner: Steepleview Farm, LLC  
 Applicant: K. Andrew Weber, authorized agent  
 Developer: Michael McMenemy  
 Engineer: Bax Engineering Company  
 Current Zoning: A, Agricultural District (5-acre minimum lot size)

Requested Zoning: RR, Single Family Residential District (3-acre minimum lot size)  
2030 Master Plan: Recommends rural residential uses  
Rezoning Area: 71.61 acres  
Parcel Area: 390.22 acres (including both tracts)  
Location: On the on the west side of Freymuth Road, approximately 3,650 feet north of Highway P, near the Cities of St. Paul and Josephville  
County Council District: 1  
Account Nos.: part of 314190A000 and part of 325770A000

Mark Price, County Planner provided a verbal report for this application. Mark Price said this rezoning application is inclusive of two parcels in the northeast corner of the property.

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

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

Jeff Simmons of Bax Engineering, 221 Point West Blvd, St. Charles, MO 63301 was sworn in. Mr. Simmons said he is here on behalf of the developer, Mike McMenemy. Mr. Simmons said he is looking to rezone only 71.6 acres of the 390 acres that the family owns. He said the project is consistent with properties to the north and south which both contain 3-acre lots. He added the Department of Natural Resources requires a minimum size for lots with septic systems to be 1.2 acres which is smaller than the lots that are being proposed. Custom homes will be built but a developer has not yet been designated. Proposed cost of homes and transportation issues concerning the thoroughfare plan were discussed.

There being no questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone for the audience wished to comment on Application No. RZ22-02.

Jim Hairston, 135 Kersting Farms Dr., O'Fallon, MO 63366 was sworn in. Mr. Hairston said his property borders the southern edge of that property. One of his concerns is there are three subdivisions within six miles of his home and not a single lot has been sold. His second concern is the backside of this property is the property on the southern edge in which a farmer flattened out a creek and put a berm up causing his septic tank to flood in the last two years. He is worried about rainwater wash. He said if land is taken that can't soak up water, where will it go.

Kevin Cleary asked what size acreage he has. Mr. Hairston said he owns three acres. Kevin Cleary asked if he is more concerned about the drainage than the size of lots and Mr. Hairston answered in the affirmative.

Georgia Hunt, 1854 Highway Y, St. Paul, MO 63136 was sworn in. Ms. Hunt agreed with Mr. Hairston's comments that Freymuth and Highway Y continuously floods because of the leveling of that ground. She said she lives on 5 acres which is a standard for St. Paul and makes it special. She questions if the 3-acre lot is really what the developer wants as it is usually reduced to a lesser acreage as seen in Riverdale. She asked that the Commission look at the entire footprint of St. Paul as it is currently busting at the seams with the overpopulated Riverdale subdivision. She stated that piece by piece, the St. Paul community is being destroyed as it is being overpopulated.

Tammy Slayden, 3209 Noelle Ln, O'Fallon, Mo 63366 was sworn in. Ms. Slayden asked if there has been an impact study to the water tables and wells. She does not know if the entrances are on Freymuth Road or Eisenbath Road and is concerned about the traffic. At the intersection of Highway P and at

Freyrnuth Road headed south, there are two blind spots and improvements need to be made there for safety reasons.

Raymond Gerard, 142 Kersting Farms Dr., O'Fallon, MO 63366 was sworn in. Mr. Gerard said if the zoning was kept with the 390 acres in mind and at five acres, it would still allow a large number of lots and doesn't believe rezoning would be required. If the decision is to proceed, he feels this should be continued until a water study is done. He stated that if this rezoning request proceeds as it is a legislative decision, at a minimum, a condition ought to be attached to the rezoning that the developer be required to put in some type of buffer around the outer perimeters and be a part of a final plat approval.

Bradley Temm, 101 Kersting Farms Dr, O'Fallon, MO 63366 was sworn in. Mr. Temm said agrees with the comments about the five acre lots and is important to understand that is the footprint of St. Paul. He said he does not understand the entrances of the subdivision. He said there is an entry point on Eisenbath on the southwest corner but through a recent survey, it is three-fourths on his property and is encroaching it.

Tina Talbott, 3145 Noelle Lane, O'Fallon, MO 63366 was sworn in. Mrs. Talbott has lived in the County for 30 plus years. Mrs. Talbott said she and her husband moved to this area away from the city for a rural type of living on 10.9 acres. She has seen many plots of land be subdivided into smaller and smaller lots changing the feel of the area. Septic systems and wells are a concern as mentioned by others. Mrs. Talbott does not want to see the five-acre minimum reduced to three acres minimum. Mrs. Talbot is also concerned about the resale value of their home if the five-acre minimum is reduced.

Michael Talbott, 3145 Noelle Ln, O'Fallon, Mo 63366 was sworn in. Mr. Talbott said his parents well has had to be redrilled twice due to because of all of the new developments. He said these are county roads and are not built for the amount of traffic until they are improved. He said most of the people who received this letter that was mailed out on February 28<sup>th</sup> and requires 14 days to send a protest letter in which would have come before today two days to get it signed and notarized and doesn't feel that was enough time. Mr. Talbott said that whole watershed drains through his property and gets the runoff. He stated the property needs to stay at five acres.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated in regard to Mr. Talbott's protest letter needs to be filed either the Thursday or Friday before the April 11<sup>th</sup> County Council meeting. He said the City of St. Paul has a zoning code with a 3-acre lot minimum and is already being done. He provided brief updates from Fort Zumwalt School District and Public Water District #2 meetings in conjunction with this development. Mr. Dienoff said this is responsible growth and approves Application No. RZ22-02. He asked that a dedication be recorded for the proponent to put the frontage lane upfront, so the taxpayer is not on the hook for any improvements.

Ryan Haider, 3340 Dean Lane, O'Fallon, MO 63366 was sworn in. Mr. Hider said he is a business owner in Cottleville and a farmer and rancher in the proposed area. He said with the rapid growth of change in the area occur, the stocking density for farmers is ready to tip over. He added that this is happening so fast, that the infrastructure cannot support it, and the farmers will all leave. He would like for the Commission to consider the rate of growth and asked where agriculture priorities will be maintained in the County.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. RZ22-02. There being none, he asked the applicant's representative to come back to the podium.

Kevin Cleary asked what will happen with the 390 acres. Mr. Simmons said he does not know. He said the developer bought a portion of this land from a family member and would like use this to recoup his investment and at this time, doesn't have any plans for it.

Commissioner Frahm asked if the surrounding areas are also 3-acre minimums. Mr. Simmons said the subdivisions to the north and south are 3-acres.

Mr. Simmons said there will not be an entrance on Freymuth Road from this development. Mr. Simmons corrected himself, he meant Eisenbath Road.

Commissioner Cornwell asked if they have gotten approval from Development Review. Mr. Simmons said they have, and Development Review did a study and would allow 1.2 acre minimum, but the County will not allow that. He said septic in the County requires a 3-acre lot and without any other infrastructure in place, this could never be developed in less than a 3-acre lot.

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 Boehmer asked staff if there is a size of home difference between a 3-acre and 5-acre lot. Mark Price answered in the negative. Commissioner Boehmer said there is a 5-acre restriction for a reason and if an exception is made repeatedly lessening it, then it should be changed to 3 acre lots. But she has a problem making exceptions when there is a rule. Commissioner Boehner said 5 acres is more responsible than 3 acres.

Kevin Cleary said realistically, 390 acres need to be considered and five acres is there for a reason and when the highest and best use demands development, it should be a gradual one.

Commissioner Bahr asked if the Master Plan recommends Rural Residential uses for this property. Staff answered in the affirmative.

Kevin Cleary asked if that was in eight years. Mark Price responded that the Master Plan provides guidance to what should be done. Kevin Cleary said in 2030, the development could be at the point with anticipated growth that that might be the logical, highest and best use at that point.

Robert Myers referenced a map pointing out future rural residential and agricultural land use recommendations.

Commissioner Bahr said that she had heard a lot comments opposing how quickly the County is growing. She asked if there is anything specific to this plot of land that shouldn't be developed to 3 acre lots.

Commissioner Boehmer said it's none of those concerns. She said that rule was in place for a reason for 5 acres and if that changes with regulations, then it changes, but that is not what is in place now. She added, how that will impact the people that currently live there needs to be considered.

Chairman Ellis understands Commissioner Bahr's point in the last year if it is south of Highway 40-64 the Commission has routinely approved rezoning requests, but that shouldn't be any different than the ground north of Highway 70.

Commissioner Bahr asked if the Master Plan says that this plot of land is going to be Rural Residential, how is it different for other areas that the Master Plan says the same thing?

Commissioner Boehmer responded that in her opinion, the 5-acre rule is there for a reason and if the Commission keeps making exceptions, then the rule needs to be changed. The rezoning request is to change the rule from 5 acres to 3 acres and she opposes that. Chairman Ellis stated that the rule is not being changed but the rezoning would be.

Commissioner Shell said even if the 390 acres is not considered, it's a difference between 14 homes versus 22 homes. The decision we are making is about controlled growth.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No RZ22-02. Commissioner Boehmer made such motion, and Commissioner Cornwell seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	No	Kevin Cleary	No	Jennifer Bahr	Yes
Roger Ellis	No	Kyle Shell	No	Craig Frahm	No
Chad Cornwell	Yes	Jamaal Jackson	No		

Application No. RZ22-02 was recommended for **Denial**.

**III. REZONING REQUEST - 800 WEST HIGHWAY N**

Application No: RZ22-03  
 Property Owner: Adams Family Residence Trust, and Alfred K Adams  
 Applicant/Developer: Auden Development  
 Engineer: Bax Engineering Company  
 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: 38.27 acres  
 Location: 1,150 feet west of Morgan Meadow Drive on the south side of West Highway N, adjacent to the City of Wentzville  
 County Council District: 2  
 Account Nos.: 734580A000, 752580A000, and 752370A000

Robert Myers, Director of Planning & Zoning Division, provided a verbal report for this application. Robert Myers said the difference in lots would be 8 lots instead of 6.

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

Kevin Cleary asked if it has public utilities. Robert Myers said it has public water.

Commissioner Shell if they would have to be incorporated with the City of Wentzville to have sewer. Robert Myers answered in the affirmative.

Commissioner Boehmer asked what the City of Wentzville's opinion on this is. Robert Myers said a letter from the City of Wentzville was not received.

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

Charles Wardle of Bax Engineering, 221 Point West Blvd., St. Charles, MO 63301 was sworn in. Mr. Wardle said the plans for rezoning is consistent with the 2030 Master Plan and will also act as a buffer between the City of Wentzville and St. Charles County because it is on the south side of Highway N. He said the lots will have public water but will not have public sewer. There will be individual septic on these plots.

Kevin Cleary asked how many lots there will be. Mr. Wardle said eight lots. He also asked what will be done in terms of safety or access to the subdivision. Mr. Wardle said there will be a 2% grade coming into the subdivision and going down to a higher grade as you get deeper in but also have a line of sight based on the speed of the road.

Kevin Cleary asked how far back the 2% grade goes. Mr. Wardle said that it will go back 50 feet.

Commissioner Boehmer asked if most of the homes in the area on five acres. Mr. Wardle said the average lot size for the area is 3.82 acres per lot. Commissioner Boehmer asked what the size the surrounding homes are. Mr. Wardle said that most of the homes in the area are undeveloped. She asked why not stay with the 5 acres and remain in agriculture district. She asked if it is two more homes and Mr. Wardle answered in the affirmative.

There being no questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone for the audience wished to comment on Application No. RZ22-03.

Ronnie Rapa, 732 West Highway N, Wentzville, MO 63385 was sworn in. Mr. Rapa said he owns 3 acres and the road he lives by is very dangerous. He moved to this area to get away from the city, but subdivisions are being built all around his. He asked if employers are looking for employees, then who is buying up these homes. He would like for the acreage to remain at 5 acres.

Craig Berg, 1 Woodbridge Creek Dr., Wentzville, MO 63385 was sworn in. Mr. Berg said that he is within 1,000 feet of the subject property. He said that he and his neighbor have had to deal with water erosion from the creek by them. He also hunts and has a gun range on the property and is concerned from going to an incorporated area to unincorporated. He is concerned about what the sewer plan will be for his property which is currently septic. Other concerns he listed were noise levels, maintaining property values, easements, increased crime rates and wildlife impact.

Arnie C. Dienoff, PO Box 535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff said that by referencing the aerial map, there are 10 homes per acre on Catherine Cove Drive.

Commissioner Boehmer said that map is the City of Wentzville which has different regulations.

Mr. Dienoff stated that this development is responsible growth because it has public water and sewer if it annexes to the City of Wentzville. He stated the plan is reasonable and he would recommend that the Commission approve it.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. RZ22-03. There being none, he asked the applicant's representative to come back to the podium.

Kevin Cleary asked if septic systems would be available. Mr. Wardle answered in the affirmative and are at .92 acres per septic.

Mr. Wardle stated they are giving a 10-foot easement to MODOT if they decide to widen Highway N. He also added that they are maintaining a 50-foot buffer to Peruque Creek. Mr. Wardle said that the developer is talking about putting million-dollar homes on this property if anyone is concerned about property values.

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 Shell asked if the rezoning for this property is changed from, Agricultural to Rural Residential there should be restrictions. He asked if this is something that the Planning and Zoning Commission should consider instead of letting the developer do it themselves.

Robert Myers responded that under the current Agricultural zoning, if the lot sizes are 5 acres or more there is an administrative plat approval process called a Minor Subdivision Plat, where unpaved streets are permitted. These Minor Subdivision Plats usually have minimal infrastructure and would be allowed under the Agricultural zoning District. If it was 3-acre zoning, the plat would have to be approved by Planning and Zoning Commission and have paved streets that must be built to public standards.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No RZ22-03. Commissioner Cleary made such motion, and Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	No	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application No. RZ22-03 was recommended for **Approval**.

## 7. PLATS

### I. PRELIMINARY PLAT FOR THE RESUB. OF OAK KNOLL ESTATES LOT 2 - 2 OAK KNOLL LN.

Application No: PRE22-01  
 Property Owner: Shannon L. Nardi  
 Applicant/Developer: John Yacovelli for Yacovelli & Sons, LLC  
 Engineer: Sterling Engineering & Surveying Company  
 Proposed Lots: 1  
 Area: 3.529 acres  
 Location: On the on the south side of Oak Knoll Lane, approximately 600 feet west of Jacobs Station Road  
 County Council District: 7

Account No.: 578757A000

Mark Price provided a verbal report for this application.

Chairman Ellis asked if the Commissioners had any questions for County staff.

Commissioner Boehmer asked if two homes would be built on this 3.5-acre property. Mark Price answered in the affirmative.

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

John Yacovelli, 12145 St. Clement, Des Peres, MO 63131 was sworn in. Mr. Yacovelli stated that he would like to build two homes on this property. He stated that it has a frontage of 392 feet and a subdivision minimum of 125 feet. He would like to split the property in half and build two homes. Both properties have a buyer attached to them.

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

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 PRE22-01.

Arnie C. Dienoff, PO Box, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that this is a reasonable request, and he approves of it.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. PRE22-01. There were no other speakers.

Chairman Ellis entertained a motion to recommend approval of Application No PRE22-01. Commissioner Cornwell made a motion to recommend approval and Commissioner Shell seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application No. PRE22-01 was recommended for **Approval**.

**II. PRELIMINARY PLAT FOR QUAIL RIDGE - FREYMUTH ROAD**

Application No: PRE22-02  
Property Owner: Steepleview Farm, LLC  
Applicant: K. Andrew Weber, authorized agent  
Developer: Michael McMenemy  
Engineer: Bax Engineering Company  
Current Zoning: A, Agricultural District (5-acre minimum lot size)

Requested Zoning: RR, Single Family Residential District (3-acre minimum lot size)  
Proposed Lots: 22  
Area: 71.613 acres  
Location: On the on the west side of Freymuth Road, approximately 3,650 feet north of Highway P, near the Cities of St. Paul and Josephville  
County Council District: 1  
Account Nos.: part of 314190A000 and part of 325770A000

Mark Price provided a verbal report for this application. Mark Price added this is the preliminary plat that accompanies the rezoning request that was denied earlier.

Chairman Ellis asked if the Commissioners had any questions for County staff.

Commissioner Cornwell asked staff if the Highway Department has taken a look at the curb cuts. Mark Price stated that the right of dedication is there because of the Transportation Master Plan. He added that Highway has had an opportunity to review this plat and has not made any comments.

Commissioner Boehmer asked Chairman Ellis for those who are wondering why the Commission is looking at this preliminary plat when the rezoning request was denied. Chairman Ellis said the County Council may override the Commission's recommendation on the rezoning request.

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

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

Jeff Simmons, 221 Point West Blvd, St. Charles, MO 63301 was sworn in.

Chairman Ellis asked Mr. Simmons how this proposal would work with 320 acres. Mr. Simmons said that this is a single cul-de-sac with lots around it. Any other development in the area would have to be off of another entrance off of Freymuth. If it does pass with County Council, it does meet all of the requirements of Rural Residential 3-acre zoning.

Chairman Ellis asked if the other 320 acres was developed, would the entrance be off of Freymuth. Mr. Simmons said he is unaware that part of the property touched Eisenbath, but part of it could be off of Eisenbath or Freymuth. He is not sure.

Chairman Ellis asked staff if there are any water concerns. Mr. Simmons said he does not know about any runoff areas but there will be two areas that require a County natural course water buffer.

Chairman Ellis asked Robert what the requirement is to have two entrances. Robert Myers said the fire code states that anything more with 100 homes has to have two entrances.

Chairman Ellis asked will the streets be public or private. Mr. Simmons said they intend to be public.

Commissioner Boehmer said then that would mean that you would have to cut through someone's property. Robert Myers said sometimes streets that dead end on property line so when adjoining properties develop, they would be able to tie into that. In this case the block length is just short of the maximum block length.

Commissioner Boehmer asked if they developed the rest, would they not tie into this road. Robert Myers with the way this is designed, it cannot be connected.

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 PRE22-02.

Michael Talbott, 3145 Noelle Ln, O'Fallon, MO 63366 was sworn in. Mr. Talbott said he does not believe that plans for this development have not already been discussed. He expressed traffic concerns that will occur on Guthrie Road and lighting. He said he does not have city water or city sewer so watershed and well maintenance is extremely important.

Tina Talbott, 3145 Noelle Ln, O'Fallon, Mo 63366 was sworn in. Mrs. Talbott opposes smaller lots and that Freymuth cannot handle several entrances.

Jim Hairston, 135 Kersting Farms Dr. O'Fallon, MO 63366 was sworn in. Mr. Hairston is concerned about the circle at the end because there are two of them on his private street and a bus cannot even turn around the circle. He appreciates the comments about road improvements.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff said he wants to make sure the water runoff issues are addressed properly. He proposed a traffic solution to include a deceleration- acceleration lane for traffic safety. He is asking the Commission to mandate staff to include partner letters in the agenda packets.

Commissioner Bahr asked if he is requiring that certain people write letters even if they choose not to or is he asking to notify partner agencies.

Mr. Dienoff said he is advocating that we notify them.

Chairman Ellis entertained a motion to recommend approval of Application No PRE22-02. Commissioner Frahm made a motion to recommend approval and Commissioner Boehmer seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	No	Kevin Cleary	No	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	No	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	No		

Application No. PRE22-02 was recommended for **Denial**.

### **III. PRELIMINARY PLAT FOR AUDEN HOLLOW - 800 WEST HIGHWAY N**

Application No: PRE22-03  
 Property Owner: Adams Family Residence Trust, and Alfred K. Adams  
 Applicant/Developer: Auden Development  
 Engineer: Bax Engineering Company  
 Current Zoning: A, Agricultural District (5-acre minimum lot size)  
 Requested Zoning: RR, Single Family Residential District (3-acre minimum lot size)  
 Proposed Lots: 8  
 Area: 31.934 acres

Location: 1,150 feet west of Morgan Meadow Drive on the south side of West Highway N, adjacent to the City of Wentzville  
County Council District: 2  
Account Nos.: 734580A000, part of 752580A000, and part of 752370A000

Robert Myers provided a verbal report for this application. He said that this proposed subdivision would have public water and fire hydrants but would not have public sewer. Robert Myers said should this plat be approved there is a sliver of land that would be left over on the northwest corner and would be less than the five acres. He said in order to approve this plat, this would have to be a minor subdivision plat that would combine the leftover piece with the neighboring property for approval.

Chairman Ellis asked if the Commissioners had any questions for County staff.

Kevin Cleary asked in regard with the lot on it, is it developable. Robert Myers answered in the affirmative and said the drain fill for the septic would have to meet the setback requirements from water bodies.

Commissioner Bahr asked what would have to be done to Item No 9. Robert Myers said it would have to be combined with the property next door through a minor subdivision plat.

Chairman Ellis asked if we have already rezoned that, and Mark Price said no. We have only rezoned that portion shown in the plat.

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

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

Charles Wardle of Bax Engineering, 221 Point West Blvd., St. Charles, MO 63304 was sworn in.

Commissioner Boehmer asked why the slice. Mr. Wardle said that slice and the piece next to it was going to be combined to make a five-acre lot. Once this is approved, we would come back and put the five acres for Agricultural.

Chairman Ellis asked how that is going to be accessed. It's going to be accessed off of Highway N through the sliver plot, the plot to the left of it that is owned by Alfred Adams, and the plot below it also owned by Alfred Adams. Those three plots will be combined to make a five-acre plot.

Commissioner Boehmer asked if that is why it had to be slivered off in order to have access to the other. Mr. Wardle 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 PRE22-03.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff asked that the Commission approve this preliminary plat and the only thing that is missing is partner letters.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. PRE22-03.

Chairman Ellis entertained a motion to recommend approval of Application No PRE22-03. Kevin Cleary made a motion to recommend approval and Commissioner Boehmer seconded the motion

The vote on the motion was as follows:

Tracy Boehmer	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes		

Application No. PRE22-03 was recommended for **Approval**.

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

**NONE**

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## **7. APPROVAL OF THE MINUTES FROM THE NOVEMBER 17, 2021 AND JANUARY 19, 2022 REGULAR MEETINGS**

Chairman Ellis asked for a motion to approve the minutes from the November 17, 2021 regular meeting. Commission Cornwell made such motion, and the motion was seconded by Commissioner Boehmer.

Chairman Ellis asked for a motion to approve the minutes from January 19, 2022, regular meeting. Commissioner Boehmer made such motion, and the motion was seconded by Kevin Cleary.

The minutes were approved by unanimous voice acclamation.

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## **8. OTHER BUSINESS**

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

- 1) Robert Myers asked the Commissioners to let him know if they want to continue to use their paper copies of the UDO, or if they prefer to use the online version of the UDO.
- 2) Robert Myers stated that there are currently multiple job openings in the St. Charles County Planning and Zoning Division, including Planner II, Planner III, Senior Planner, and Land Use Manager.
- 3) Robert Myers stated that the policies regarding concept plans for temporary fireworks stands will be updated in order to require more thorough explanations of the intended activities on the sites.
- 4) Robert Myers stated that notification letters are always sent out to all of the utilities, agencies, fire districts, and school districts regarding subdivision plats. The Commission

asked that this be noted from now on in the packets, showing which agencies were notified.

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## 9. ADJOURNMENT OF MEETING

Commissioner Bahr made a motion to adjourn the meeting. The motion was seconded by Commissioner Jackson and was approved by unanimous acclamation. The meeting adjourned at 9:45 p.m.

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Respectfully submitted by:

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Roger Ellis, Chairman

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Tracy Boehmer, Secretary

DRAFT