



DATE: March 25, 2022

TO: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

CC: Rory O'Sullivan, Acting County Counselor
Donna Vogt, County Council

FROM: Michael Hurlbert, Director of Community Development

RE: Item for April 11, 2022 County Council Meeting

The Community Development Department is submitting the following item for the April 11, 2022 County Council Agenda.

BILL FOR INTRODUCTION:

Planning and Zoning Commission recommends **Approval:**

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, approximately one half mile east of Highway D
County Council District:	2
Account No.:	T222000523

EXHIBIT B
CONDITIONAL USE PERMIT REQUEST

Application CUP21-21

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CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- 2030 Land Use Map
- Notification Area Map
- CUP Narrative
- Preliminary Concept Plan
- Letters received:
 - ◆ Concerns - Leslie Granger
 - ◆ Opposition - Justin and Sarah Vermette
 - ◆ Opposition - Marcia Gay
 - ◆ Opposition - Levi and Kendall Benne
 - ◆ Concerns - Lauren Clement
- Planning and Zoning Commission minutes from the March 16, 2022 meeting

March 25, 2022

This communication summarizes the following application and bill to be introduced at the April 11, 2022 County Council meeting:

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, approximately
one half mile east of Highway D
County Council District: 2
Parcel Account No.: T222000523

Approval of this bill would authorize a Conditional Use Permit to construct and operate a private school for 20 students on the south side of Benne Road. The applicant states that the intended students are children of family members and employees of the applicant's business. Proposed school improvements include construction of a 65-foot by 300-foot school building for indoor instruction and recreation, and an outdoor practice soccer field for student recreation.

The subject parcel is a five-acre lot in the newly-platted Freedom Ranch Subdivision. To address potential land use impacts, the attached concept plan shows vegetative landscape buffers to along the eastern and southern property lines. The outdoor soccer field will be a practice field for students and is not intended to be open to the general public. Although lit for evening or nighttime play, the practice field will not have bleachers, concession stands, and loudspeakers. Consequently, the practice field can be considered an accessory use to the private school and should have reduced impacts on neighbors. The concept plan includes a parking lot for up to 18 vehicles. For private schools, the County's parking minimum is one off-street parking space per 8 children plus one per employee on the maximum work shift. Proposed parking will exceed this minimum and take driveway access from the public Benne Road rather than from the private Freedom Ranch Court. The undeveloped area shown on the concept plan (west side of the lot) will be utilized for both a water well and an onsite wastewater disposal system.

The Planning and Zoning Commission held a public hearing at its March 16, 2022 meeting with the following input:

Speakers: 2 Support 1 Opposed 2 Concerns
Letters on file: 0 Support 3 Opposed 2 Concerns

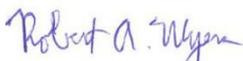
Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

6 Approval 2 Denial 0 Abstentions

Recommendation:

The Planning & Zoning Commission recommends approval subject to specific conditions as suggested in the attached bill. The Planning & Zoning Division concurs with this recommendation as conforming to the County's CUP criteria in Section 405.510.B of the County Code.

Sincerely,



Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration
Rory O'Sullivan, Acting County Counselor

STAFF RECOMMENDATION

To: County Planning and Zoning Commission

Prepared by: Mark Price Jr. AICP

Application No.: CUP21-21

Date: March 11, 2022

BACKGROUND

Owners/ Applicants: Lynn P and Tamara T Melson Revocable Qualified Spousal Trust

Requested Action: Conditional Use Permit for "Preschool, Daycare, Special, or other Private School"

Existing Zoning: A, Agricultural District

Location: 4180 Benne Road; on the south side of Benne Road, a half mile east of Highway D

Size: 5.00 acres

Current Land Use: Vacant Agricultural

Adjacent Land Use
and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural District	Single-family residential and farm use
South	A, Agricultural District	Agricultural and future single family residential (Freedom Ranch Subdivision)
East	A, Agricultural District	Single-family residential and farm use
West	A, Agricultural District	agricultural and future single family residential (Freedom Ranch Subdivision)

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

Utilities: Water – Public Water Supply District No. 2 Service Area (Private Well)
Sewer – Individual Wastewater Treatment System

This application is a Conditional Use Permit request to construct and operate a private school on Benne Road. The parcel is a five-acre lot in Freedom Ranch Subdivision.

The applicant has provided the following narrative description of the proposed conditional use:

“The site is a vacant 5 acre tract of agricultural land. The owner is requesting a CUP per Code 405.080, Section C.24 “Preschool, daycare, special, or other private school”.

The new buildings will be constructed and faced with steel, and a soccer field that will be lighted.

The private school have 20 students and 3 teachers at its max which may be years down the road.

The proposed 300-foot x 65-foot building will be utilized for a private teaching facility. Students will be family and children of owners employees. This school will have a maximum of 20 students at full capacity with 3 teachers. It will include classrooms, an indoor recreation area/tennis court, and storage area.

The proposed soccer field will be for school students as an outdoor recreation area and soccer practice during season. The field will be lighted by wall mounted lighting, and possibly light standards along south side of the field.”

ANALYSIS

The subject parcel is located at the entrance to the single-family residential Freedom Ranch Subdivision with five-acre lots. To address potential land use impacts, the attached concept plan provides vegetated landscape buffers to along the eastern and southern property lines.

The outdoor soccer field will be a practice field for students and is not intended to be open to the general public for outdoor recreation. Although the practice field will be lit for evening or night time play, it will not have bleachers, concession stands, and loud speakers. A landscape buffer will be installed between the practice field and the residential lot to the south and southwest. Consequently, the practice field can be considered an accessory use to the private school and should have reduced impacts on neighbors.

The concept plan includes a parking lot for up to 18 vehicles. For private schools, the County’s parking minimum is one off-street parking space per 8 children plus one per employee on the maximum work shift. Proposed parking will exceed this minimum and take driveway access from the public Benne Road rather than from the private Freedom Ranch Court.

The undeveloped area shown on the concept plan (west side of the lot) will be utilized for both a water well and an onsite wastewater disposal system.

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

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

uses permitted in the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit.”

County Staff offers the following for consideration and discussion.

1) Would the conditional use be detrimental to or endanger public health, safety, or general welfare?

Given the limited size of the private school – 20 students plus staff – and the fact that driveway access is from the minor arterial Benne Road, the conditional use should not be detrimental to or endanger public health, safety, or the general welfare.

2) Would the conditional use injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity?

This property is located within the Freedom Ranch Subdivision and will share property lines with residential properties. Soccer field lighting could cause negative impacts on the surrounding neighbors, but it should be noted that County standards limit light poles to no taller than 20 feet. Staff proposes a condition that the field lights are not to be used between 11:00 PM and 6:00 AM. The parking areas for this use will be located towards the front property line and in the central portion of the lot. The lighting from vehicles should not cause an impact on the surrounding property owners as they are shielded by a vegetated buffer and the building itself.

3) Would the conditional use substantially diminish and impair property values within the neighborhood?

County staff does not have specific evidence demonstrating that the proposed use would substantially diminish and impair property values within the adjoining neighborhoods given the mitigating impact of Staff’s recommended conditions.

4) Would establishment of the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the district?

The proposed conditional use will not impede the normal and orderly development of the area as a school is a traditional use in residential areas.

Staff has reviewed these criteria relative to the subject site and finds that, with conditions proposed herein, the “Private School” conditional use will substantially conform to the Conditional Use Permit standards.

RECOMMENDATION

Based on the preceding considerations, County staff recommends that the Planning and Zoning Commission recommend approval of the application as conforming to the criteria of Section 405.510.B of the County Code, subject to the following conditions:

- 1. The maximum number of students enrolled at any one time shall be fifty (50).**
- 2. A Type 2 landscape buffer, conforming to the requirements of Section 405.435 of the County Code, shall be installed along the eastern and southern property lines to the extent depicted in the concept plan.**

3. No school functions shall take place outdoors between the hours of 11:00 PM and 6:00 AM.
4. No lighting of the athletic field shall take place between the hours of 11:00 PM and 6:00 AM.
5. All parking shall take place in parking areas as designated in the approved site plan.
6. All exterior lighting that exceeds one foot candle shall utilize full cutoff light fixtures to prevent light to impact surrounding properties.
7. A site plan in conformance with the concept plan, attached as part of Exhibit B, shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.
8. No conditional use shall be in active use until such time all conditions of approval have been met.



View of property from Benne Road