

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** APRIL 20, 2022

**TIME:** 7:00 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, Terry Hollander and Jamaal Jackson

**MEMBERS ABSENT:** None

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

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#### CALL TO ORDER

Chairman Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Ellis welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

Chairman Ellis noted that a quorum was present and entertained a motion to open the meeting. Commissioner Hollander made such motion, and Commissioner Boehmer 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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## **PUBLIC HEARINGS**

### **I. CONDITIONAL USE PERMIT REQUEST - 291 BOONE COUNTRY LANE**

Application No: CUP22-01  
Property Owners: Anthony Brinker and Tammy L. Brinker  
Applicant: Tonys Processing, c/o Tammy L. Brinker  
Current Zoning: A, Agricultural District  
Conditional Use Request: Custom Butchering  
Parcel Size: 23.23 acres  
Location: Approximately 3220 feet from the intersection of Boone Country Lane and South Highway 94  
County Council District: 2  
Account No.: 172560C000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-01.

Commissioner Cleary asked staff who would be responsible for performing the required inspections for this facility.

Robert Myers responded that the state of Missouri will be responsible for performing the required inspections.

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

Tony Brinker, 291 Boone Country Lane, Defiance, MO was sworn in. Mr. Brinker stated that he is the property owner. He stated that he is requesting that the Commission recommend approval of this conditional use permit request, and he stated that there are eight farmers in the audience for whom he does processing for that are in support of this request. He stated there is also a family member in the audience who's land adjoins his property that can testify if necessary regarding any concerns the Commission may have regarding odors coming from this facility.

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

Commissioner Bahr asked Mr. Brinker if a person were to purchase a cow from a farmer, would they be able to bring that cow to him to butcher it for their family or is the service only offered to the farmers themselves.

Mr. Brinker responded that the service is both for the farmers and for persons that purchase livestock from the farmers. He added that he cannot legally sell anything wholesale or retail.

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. CUP22-01.

With no one from the audience wishing to comment on this application, Chairman Ellis closed the public hearing and asked the Commission if they had any questions for the applicant or for staff.

There being no questions for the applicant, Chairman Ellis entertained a motion to approve Application No. CUP22-01.

Commissioner Cleary made such motion 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	Terry Hollander	Yes

Application No. CUP22-01 was recommended for **Approval**.

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## **II. REZONING REQUEST - DYER ROAD**

Application No: RZ22-06  
Property Owner: Thomas J. McMenemy and Julie A. McMenemy  
Applicant: Charlestowne Crossing, LLC - Contract Purchaser  
Current Zoning: A, Agricultural District, with Floodway Fringe Overlay District  
Requested Zoning: R1D, Single Family Residential District (10,000 square foot minimum lot size), with Floodway Fringe Overlay District, and R1A, Single Family Residential District (1-acre minimum lot size), with Floodway Fringe Overlay District  
2030 Master Plan: Whites Branch Planning District (agricultural and residential, one dwelling unit per gross acre)  
Parcel Size: 59.90 acres  
Location: On the on the west side of Dyer Road, approximately 750 feet north of Riverdale Park Drive, adjacent to the City of St. Paul  
County Council District: 1  
Account No.: 284760A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. RZ22-06. He stated that this is only a rezoning request and not a subdivision plat approval.

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

Commissioner Cleary asked who will determine the capacity of the existing sewage plant and if this has been analyzed in the staff recommendation.

Robert Myers responded that the plant it is operated by Duckett Creek Sanitary District, and they will need to provide a letter to the County stating that they will be able to provide sanitary sewer service before a subdivision plat can be approved.

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

The developer and contract purchaser, Tom Hughes, 239 Fox Hill Rd, St. Charles, MO 63301; and Elizabeth Lum, representative for the applicant, 120 S. Central, Ste 700, St. Louis, MO 63105 were sworn in.

Mr. Hughes stated that he is the owner of TR Hughes Homes and Charlestowne Crossing, LLC. Mr. Hughes said that he was going to do a PowerPoint presentation for the Planning & Zoning Commission until he read the thorough report done by staff and decided not to. He provided a brief history of the Riverdale development, which started in 2005 and once it is completely built it will have 676 homes. Anticipating that Riverdale would likely sell out in about a year, he looked for other ground to expand the development. He stated that he and put this property under contract a few months ago and this development has been in process since then. The current ground for this project was going to be an extension of the Riverdale Subdivision and they were going to annex the property into the City of St. Paul, but the City of St. Paul has changed its zoning regulations since the original Riverdale Subdivision was developed and now requires minimum one-acre lot sizes for this area. Mr. Hughes stated that one-acre lot sizes will not work for what he is trying to achieve, so he decided to leave the property within the County. He stated that this plan will not be allowed to go through unless Duckett Creek can provide sanitary sewer services. The City of St. Paul has agreed to supply water to the development. He stated that it was actually TR Hughes Homes that originally built both the water tower and the MBR Plant building for Duckett Creek back in 2005, which were designed to supply up to 1,000 plus homes with sewer and water. He explained that if this development was built the same way as the Riverdale Subdivision was, there could be 180 homes on the site. Once it was decided to stay in the County under County Zoning regulations, only 160 homes could be built on the site. After several meetings with Councilman Joe Cronin, discussions with property owners in the area, and changes to several plans, he hopes that the plan being presented to the Commission this evening will be recommended for approval. He described the homes that would be built on the northern and western boundaries compared to those on the side that back up to the existing Riverdale Subdivision. The plan is to build 102 homes on the property, and he feels that this is a viable plan as water and sewer services will be available.

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

Commissioner Cleary asked in regard to traffic flow, would everything go out onto Dyer Road?

Mr. Hughes answered in the affirmative.

Commissioner Cleary asked if there are any plans to widen Dyer Road.

Mr. Hughes replied that he does not know.

Chairman Ellis asked for clarification of the two plans presented to the Commission.

Mr. Hughes stated that one of the plans is representative of the existing Riverdale Subdivision, and the one in blue is the plan that is being proposed for this development.

Chairman Ellis asked how many lots would be in the proposed development.

Mr. Hughes replied that the proposed development has 102 lots. He added that out of concern for neighbors who feel that smaller homes will be built after this application is approved, a deed restriction would be prepared and recorded describing the lot sizes.

Commissioner Cleary asked if stormwater detention had to be done, would that force them to decrease the size of some of the lots or lose lots?

Mr. Hughes replied that they would lose lots.

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. RZ22-06. Chairman Ellis explained to the audience that only the rezoning of the property is being considered at this time.

Scott Dyer, 2950 Dyer Rd, O'Fallon, MO 63366 was sworn in. Mr. Dyer stated that he feels this is a case of a developer coming into a community that is partially developed and wanting to infringe on farmland, which affects his family to the north. He understands how people feel on both sides of the fence, but he is concerned what will happen in the future to this community because it won't stop at 102 lots.

Neil McNeill, 3300 Dyer Road, O'Fallon, MO 63366 was sworn in. Mr. McNeill stated that the history of the development on Dyer Road is filled with partial truths and promises, as the developer has already discussed proposals for other adjoining properties. He stated that he feels that this plan is built on questionable development decisions, and there is a reason why the City of St. Paul would not expand to allow this development because of the stress caused to the existing infrastructure with homes being put on less than three acres. He stated that every resident that he knows plays by the existing rules when building a home, and he asked why this developer should get to violate the rules that others agree to live under. He asked the Commission why they would want to approve a development that is only viable with tiny lots and small houses.

Arnie Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that he sees responsible growth with the proposed development. He said that he believes there is a demand for smaller lots in the current market. He stated that he would like to express his concern once again that County staff appears to have not reached out to partners such as the fire and school districts. He stated that there is a meeting scheduled on April 26<sup>th</sup> at 3:00 pm with the trustees of Duckett Creek Sanitary District, and he encouraged concerned residents to attend. Mr. Dienoff stated that he feels that this proposal will be a good fit for the area, and he recommended that the Commission recommend approval of this rezoning request.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. RZ22-06. There being no further audience speakers, he asked the applicant to come back to the podium.

Mr. Hughes stated that in response to reaching out to partners, he has received a letter from the O'Fallon Fire District that states that they have the capacity to serve this development. He added that the schools have also been notified of this development, but he has not received any response from them.

Ms. Lum stated that she heard a few concerns from people about this development and feels that those concerns may be due to questions regarding the capacity of the MBR plant. She stated that this plant was constructed for the Riverdale Subdivision to handle 900 -1000 homes and it is currently serving 630 homes. She stated that she has been informed that Duckett Creek has made applications to the Missouri Department of Natural Resources to work on the expansion of the existing MBR plant to accommodate an additional 250 homes. This would accommodate the homes in this proposed development, and up to 100 additional homes. The other concern she is hearing is regarding the size of the lots. Ms. Lum explained that in this area, the MBR plant could not be used with 3-acre lots because it would be cost prohibitive. She also stated that she heard concerns about roads and traffic on Highway 79 and Dyer Road, and she stated that usually when there is a demand improvements are made by Missouri Department of Transportation.

Commissioner Frahm asked if they have to receive approval from Duckett Creek prior to building any homes on this site.

Mr. Hughes answered in the affirmative.

Commissioner Frahm asked Mr. Hughes when he expects that to happen.

Mr. Hughes responded that they have made application to Duckett Creek and he has spoken with Keith Arbuckle from Duckett Creek who feels that they will have capacity for about 250 more homes.

Commissioner Frahm stated that he is more concerned about the time frame for receiving approval.

Mr. Hughes stated that he has heard that Duckett Creek is in the process of expanding the facility right now.

Commissioner Frahm asked Robert Myers if he has any information on this.

Robert Myers responded that he has indirectly heard the same thing and the equipment for this may have even already been purchased, so it's a matter of getting a permit approved by the State of Missouri.

Commissioner Frahm stated that he is concerned that this may not happen for another five years, and the developer could come back with a different concept plan at that time.

Ms. Lum stated that there will be Restrictive Covenants placed on both the R1A and R1D parcels, which would prohibit deviation from the current plan.

Commissioner Frahm asked when that will be done.

Mr. Hughes responded that the deed restrictions will be in place before the County Council would approve this plan.

Commissioner Frahm expressed his concern for the neighboring residents who don't have coverage without the deed restrictions being in place.

Commissioner Cleary asked how much acreage covers the R1A and R1D portions of the 59.90 acres.

Mr. Hughes responded that all of the lots that are 1-acre are to be zoned R1A and are located on the north and the west portion of the property.

Commissioner Cleary asked if there is a final plat for this development, and Chairman Ellis responded that there is not yet a subdivision plat that has been submitted.

Robert Myers added that a legal description for the boundaries of both the R1A zoning district and the R1D zoning district have been submitted as part of the record for this application, and these areas were defined by a land surveyor.

Commissioner Boehmer asked if the Commission could put a condition of approval on this rezoning stating that no changes may be made to the deed restriction.

Chairman Ellis responded that this could be done when the plat is submitted to the Commission for approval.

Robert Myers added that the County cannot do 'contract zoning' or 'selective zoning'. The applicants have volunteered to place a private covenant on the property binding it to the terms presented. He stated that private covenants would likely be handled by the County Council, and the bill for this rezoning request will need to be crafted carefully so that it does not imply contract zoning but so that the outcome will be predictable based on the representations of the applicants.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and asked the Commission if they had any further discussion about Application No. RZ22-06

Commissioner Cleary stated that the way the development is being proposed is a natural progression of the existing development and seems to be coming from a reasonable perspective.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No RZ22-06. Commissioner Hollander made such motion, and 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	Terry Hollander	Yes

Application No. RZ22-06 was recommended for **Approval**.

### **III. REZONING REQUEST - 3866 SOUTH POINT PRAIRIE ROAD**

Application No: RZ22-05  
 Property Owners: Grapenthin Family Limited Partnership, and Kenneth Baker and Michelle Baker  
 Developer: Lombardo Homes of St. Louis, LLC  
 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  
 Area: 96.27 acres  
 Location: Approximately 500 feet west of Highway Z on the north side of South Point Prairie Road, near the City of New Melle  
 County Council District: 2  
 Account Nos.: 606570A000 and T032100001

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. RZ22-05. Robert Myers said there are two related items for this property, which include this rezoning request and a proposed subdivision plat.

Commissioner Cleary asked if there are utilities in this area.

Robert Myers responded that onsite sanitary sewer disposal will be required, and water service could be supplied by Public Water District #2. He stated that the developer could provide more information about utilities for the Commission.

The applicant's representative, Doug Tiemann, Engineer at Civil & Environmental Consultants, 3000 Little Hills Expressway, St. Charles, MO 63301 was sworn in. Mr. Tiemann stated that he is representing the developer, Lombardo Homes. He provided a visual presentation showing the location of the proposed zoning. He stated that water service for this development will be provided by Public Water Supply District #2, and each lot will be serviced by an individual septic system for waste removal. He presented subdivision plat and layout and stated that the development will have one entrance in order to preserve trees and avoid building within a ravine that runs down rear of the lots. A development plan has been submitted to the New Melle Fire District and they have approved it. He stated that number of eyebrows have been added to this street in order to allow fire trucks access, and at the end of the road there will be a large cul-de-sac that will provide a needed turnaround per their requirements. Mr. Tiemann provided a description of the proposed lots, including front, side, and rear setbacks. He stated that the proposed development is limiting the amount of tree removal and keeping 91% of the existing trees that are on the site.

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

Commissioner Cleary asked Mr. Tiemann if the street will be 20 feet wide.

Mr. Tiemann responded in the affirmative and stated that the streets will be paved with either concrete or asphalt.

Commissioner Cleary asked if the streets would be public or private.

Mr. Tiemann responded that the streets will be public streets.

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. RZ22-05.

Christopher Eaker, 3836 South Point Prairie Rd, Wentzville, MO was sworn in. Mr. Eaker asked why the developer needs a zoning request unless it would be cost prohibitive to stay with five-acre lot sizes.

Arnie Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff asked if the City of New Melle was notified so they can file a remonstrance against this rezoning if they wish to do so. He also requested that the letter from New Melle Fire Protection District that was cited by Mr. Tiemann be made part of the record. He stated that he approves of this application, as people prefer three-acre lots.

Rebecca Murphy, 1262 Hepperman Rd, Wentzville, 63385 was sworn in. Ms. Hepperman stated that she opposes this rezoning request and asked why the zoning has to be changed from five acres to three acres. She was told that anything south of Highway N towards the City of New Melle would be kept at five acres to help preserve the rural portion of St. Charles County.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. RZ22-05. There being no further comments, he asked the applicant's representative to come back to the podium.

Mr. Tiemann stated that he would like to address a few items. Regarding the fire protection, New Melle Fire Protection District asked them to add a hydrant in one location and that has been done. The acreage that is being proposed is less than what the acreage in the Master Plan envisions for this area



and it is consistent with the surrounding properties. Stormwater detention is not being proposed for this development, but the County will look at that through the improvement plans that will be submitted should this development be approved.

Commissioner Hollander stated that the five-acre versus three-acre issue seems to come up frequently. He stated that there was an “invisible line” within the Master Plan that was supposed to contain five-acre lot sizes in order to preserve this area, and on the other side that is closer to the City of Wentzville, it shows three-acre lot sizes. He stated that he is really torn about this as this part of the County where it is very rural, and he believes there is a reason why originally it had five-acre lots. He said that it is difficult for him to spot precisely where that line exists in the Master plan.

Commissioner Boehmer asked staff if the 2030 Master Plan calls for five-acre lots for this property.

Robert Myers responded that the 2030 Master Plan recommends rural residential uses for this property. He added that the 2030 Master Plan calls for agricultural land uses south of New Melle, and north of New Melle it calls for rural residential uses.

Terry Hollander stated that this explanation clarifies the “invisible line” that he was referring to.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No RZ22-05. Commissioner Cornwell made such motion, 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	Terry Hollander	No

Application No. RZ22-05 was recommended for **Approval**.

**PLATS**

**I. PRELIMINARY PLAT FOR SAXONY RIDGE - 3866 SOUTH POINT PRAIRIE ROAD**

Application No: PRE22-06  
 Property Owners: Grapenthin Family Limited Partnership, and Kenneth Baker and Michelle Baker  
 Developer: Lombardo Homes of St. Louis, LLC  
 Engineer: Civil & Environmental Consultants, Inc.  
 Proposed Lots: 28  
 Area: 96.27 acres  
 Location: Approximately 500 feet west of Highway Z on the north side of South Point Prairie Road, near the City of New Melle  
 County Council District: 2  
 Account Nos.: 606570A000 and T032100001

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. PRE22-06. He stated that assuming that the associated rezoning request is approved by the County Council, this subdivision plat is being submitted to the Planning & Zoning Commission for their review and approval. Under the International Fire Code, 26-foot-wide streets are typically required within cities. This development has requested 13-foot-wide lanes which is pretty narrow. The way to address this is for them to place no parking signs along the streets and then the County could approve 20-foot-wide streets. In order to meet the International Fire Code, the street would have to be signed no parking along the way.

Commissioner Boehmer asked if that was for overnight parking or all parking.

Robert Myers responded that this will be for all parking, and there should be no street parking allowed at all.

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

Doug Tiemann, Engineer at Civil & Environmental Consultants, 3000 Little Hills Expressway, St. Charles, MO 63301 was sworn in. Mr. Tiemann provided information about the preliminary plat, including number of lots, front yard setback details and length of driveways. He stated that the development will have water service supplied by Public Water Supply District #2, and sanitary sewer service will be provided by individual septic systems.

Commissioner Boehmer asked if the eyebrows on the streets would be wide enough for buses to turn around.

Mr. Tiemann pointed out the three eyebrows and the enlarged cul-de-sac to the Commission on the subdivision plat which will allow for turning around and stated that this was approved by the Fire District.

Commissioner Cleary asked if the water runoff would go into the nearby creek.

Mr. Tiemann responded in the affirmative.

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

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application PRE22-06.

Arnie C. Dienoff, PO Box, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that he would like to see some guarantees for the adjoining property owners. He stated that erosion control needs to be addressed, and the developer needs to provide adequate fire hydrants. He added that the roadway should be required to be built to the County's standards.

Christopher Eaker, 3836 South Point Prairie Rd, Wentzville, MO 63366 was sworn in. Mr. Eaker stated that if the drip line is damaged, the septic waster will run down the hill into the creek and pollute it. The system that is being proposed is subject to failure which means that it would pollute his property, adjoining properties, and the creek because there is no stormwater retention in place.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. PRE22-06. There being no further comments, he asked the applicant to come back to the podium.

Mr. Tiemann stated that in regard to stormwater protection, the County has pretty extensive requirements for stormwater runoff and requires putting up silt fences and using other precautions to keep the silt on

the site. Mr. Tiemann described the process and stated that each septic system is individually designed and reviewed and approved by the County.

Commissioner Cleary asked if each septic system is going to be dictated in terms of individual property or with a sample boring.

Mr. Tiemann responded that they usually go on each lot and do a sample boring where they believe the septic system will be located.

Commissioner Cleary asked if the wastewater will be self-treated as it leaves the property.

Mr. Tiemann responded that as the wastewater comes out it goes into a box where it is treated and discharged through a manifold of pipes that comes out. This discharge area is usually placed in an area where very minimal mowing is done and keeps land disturbance down.

Commissioner Boehmer stated that she disagreed slightly with what Mr. Tiemann stated, as she doesn't know many people who leave half of their yard growing wild for septic runoff. She understands the concern about the water coming down through the subdivision and there not being a place for it to collect. She stated that she believes there needs to be a retention pond if there are existing flooding or water runoff issues.

Mr. Tiemann stated that typically with a three-acre lot, there is less of a runoff because of grass and trees that people grow.

Commissioner Boehmer asked about the clay content of the soil, which typically does not absorb water well.

Mr. Tiemann responded that this is true, and he has found clay throughout the soil most of St. Charles County.

Chairman Ellis if the Commission had any further questions for the applicant. There being none, he brought the application back to the Commission for discussion.

Commissioner Bahr asked if there would be some possibility that they could add some sort of water retention requirement to the approval of this subdivision plat.

Chairman Ellis responded that he thought Mr. Bahr's concern was about faulty septic systems, not stormwater. He added that those issues would be addressed by County staff during the final plat process and not during the preliminary plat process.

Commissioner Cleary asked how the runoff works, specifically to the back of some homes where the creek runs through, and if those lots are above grade where the stormwater flows.

Chairman Ellis answered in the affirmative.

Chairman Ellis entertained a motion to recommend approval of Application No. PRE22-06. Commissioner Boehmer made a motion to recommend approval and 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	Terry Hollander	Yes

Application No. PRE22-06 was **Approved**, subject to the County Council approving Rezoning Application RZ22-05.

**II. PRELIMINARY PLAT FOR WAY SIDE MEADOWS PLAT 3 - 98 ABBY KATE LANE**

Application No: PRE22-04  
Property Owner: Justin Hurayt and Jenette Hurayt  
Engineer: Cochran Engineering  
Proposed Lots: 2  
Area: 18.59 acres  
Location: Approximately 3,150 feet north of the intersection of Abby Kate Lane and Duenke Road, near the City of Wentzville  
County Council District: 1  
Account Nos.: A924000109 and T010100182

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. PRE22-04. The proposed lot will take access from Abby Kate Lane after passing through Lot 1 to the west. Abby Kate Lane is a private roadway that takes access directly from Duenke Road. To do so would require the Planning and Zoning Commission to grant a waiver under Section 410.480.D. Such a waiver may be granted “where there is a topographic hardship or if an equal or better alternative can be provided that is not in agreement with this ordinance.”

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

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

Justin Hurayt, 30 Abby Kate Lane, Foristell, Mo 63348, was sworn in. Mr. Hurayt stated that this is a large piece of property and the back portion of the property is trashy and doesn't have any value. He stated that he would like to split the property into two pieces and have an additional entrance from the rear side of this property.

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

Commissioner Frahm asked what he is going to use the back portion of the property for.

Mr. Hurayt responded that instead of putting two roads at 20-foot-wide on someone else's property, he will allow them to enter from an easement on the rear side of his property. He bought the property so that no one could build a house behind his home and is splitting it on the other side of the property so that someone else can build on it without him being able to see it from his house.

Commissioner Cleary asked if he had to get any other subdivision approval for this lot split besides

Planning & Zoning Commission approval.

Mr. Hurayt responded that the subdivision President has already agreed to this proposal.

Chairman Ellis asked if this neighborhood has a homeowner's association.

Mr. Hurayt responded that his property is not within a subdivision, so he does not have a homeowner's association, but the piece of property that he purchased is within the subdivision.

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application PRE22-04.

Arnie Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in 63301 was sworn in. Mr. Dienoff stated that this is responsible development and he asked that the Commission approve this subdivision plat.

Chairman Ellis asked Robert Myers if in the motion the Commission would have to include the waiver.

Robert Myers said it would be helpful to explicitly state that the Planning & Zoning Commission is granting a waiver to allow a parcel to not front on a public street.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No PRE22-04 and the motion includes that the Planning & Zoning Commission is granting a waiver to allow the parcel to not front on a public street.

Commissioner Boehmer made such motion, and 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	Terry Hollander	Yes

Application No. PRE22-04 was **Approved**.

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### **III. PRELIMINARY PLAT FOR SOMMER OAKS - 2366 SOMMERS ROAD**

Application No: PRE22-05  
Property Owner: Daniel Kern and Jacqueline Kern  
Engineer: Bax Engineering  
Proposed Lots: 3  
Area: 1.920 acres  
Location: On the northeast corner of the intersection of Sommers Road and Oak Drive, near the Cities of O'Fallon, Lake St. Louis, and Dardenne Prairie  
County Council District: 2  
Account No.: 787950A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. PRE22-04. This parcel is bisected towards the rear by a natural watercourse crossed by Sommers Road. Although no portion of the subject parcel is designated as floodway or floodway fringe by effective Flood Insurance Rate Maps, the County's Subdivision Regulations nevertheless require that vegetation along the watercourse be protected within common ground (Section 410.110.C.2.b) under management of a homeowner's association. In this case Sommer Oaks Subdivision would consist of three lots, and the applicant's engineer indicates that creating and maintaining a homeowner's association with only three members is cumbersome and less viable than for larger subdivisions. Consequently, the applicant's engineer is requesting that the County Council grant a variance from the Section 410.110.C.2.b of the Subdivision Regulations to allow the watercourse to be protected by an easement rather than by ownership of a homeowner's association.

Under Section 410.480 of the County Code, with the advice of the Planning and Zoning Commission, the County Council may approve a plat with one or more variance(s) granted from requirements of the Subdivision Regulations due to "practical difficulties or particular hardship" caused by topographic conditions or characteristics.

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

Jeff Simmons, Bax Engineering, 221 Point West Blvd, St. Charles, MO 63301 was sworn in. Mr. Simmons stated that Mr. Myers did a great job explaining the requested variance, and he would just add that in relation to the natural watercourse this is similar to what is allowed on three-acre lots as they do not require that the homeowner's association control the watercourse buffer.

With no further questions from the Commission, Chairman Ellis asked if anyone from the audience wished to comment on Application No. PRE22-05.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366 was sworn in. Mr. Dienoff stated that this is one of the highest growth areas in the County, and this is a responsible development. He asked that Commission recommend approval of this subdivision plat with the requested variance.

Chairman Ellis asked if anyone else from the audience wished to comment on Application No. PRE22-05. There were no other audience speakers.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No PRE22-05. Commissioner Frahm 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	Yes	Craig Frahm	Yes
Chad Cornwell	Yes	Jamaal Jackson	Yes	Terry Hollander	Yes

Application No. PRE22-05 was recommended for **Approval**.

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

NONE

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**7. APPROVAL OF THE MINUTES FROM THE MARCH 16, 2022 REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the March 16, 2022 regular meeting. Commissioner Hollander made such motion, and the motion was seconded by Commissioner Boehmer.

The minutes were approved by unanimous voice acclamation.

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**8. OTHER BUSINESS**

**I. PLANNING & ZONING DIVISION UPDATES**

Robert Myers said a mail in matrix is now included in preliminary packets to address comments from agencies and who we mailed letters to.

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**9. ADJOURNMENT OF MEETING**

Commissioner Boehmer made a motion to adjourn the meeting. The motion was seconded by Commissioner Cornwell and was approved by unanimous acclamation. The meeting adjourned at 9:03 p.m.

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Respectfully submitted by:

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Roger Ellis, Chairman

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Tracy Boehmer, Secretary