

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** OCTOBER 19, 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, Roger Ellis, Craig Frahm; Jeanette Koechner; and Kyle Shell

**MEMBERS ABSENT:** Chad Cornwell and Terry Hollander

**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 Cleary 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**

**NONE**

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**PUBLIC HEARINGS**

**I. REZONING REQUEST - 5170 HIGHWAY 94 SOUTH**

Application No: RZ22-15  
Property Owner: Lake Augusta Farms, LLC  
Current Zoning: A, Agricultural District, with Floodway Fringe Overlay District  
Requested Zoning: RR, Single-Family Residential District, with Floodway Fringe Overlay District  
2030 Master Plan: Recommends Agricultural Uses  
Area: 1.68 acres of a 134.44-acre parcel  
Location: On the north side of Hackmann Road approximately 2,000 feet east of Bluff Lane, near the City of Augusta  
County Council District: 2  
Account No.: 195090A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. RZ22-15.

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

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

William Gueck, Applicant (54 Roan Ln, St. Louis, MO 63124) was sworn in. Mr Gueck provided a description of his property, the location of the historical farmhouse and why a change of zoning to RR, Single Residential District, with Floodway Fringe Overlay District, is being requested. He stated that an installation of a new onsite sewage treatment system would preserve a farmhouse built in 1841. Mr. Gueck presented a diagram with the approved septic field. He added by rezoning the property would allow him to move the property boundaries from 9.07 acres to 3.07 acres.

Commission Frahm said it is admirable that he is trying to save this house.

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. RZ22-15.

Arnie Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff stated he is not opposed to this application but since it is located in the floodway fringe overlay asked what the County is doing to protect treasures such as this farmhouse. He suggested forming a drainage district to combat flooding. Mr. Dienoff asked for a unanimous recommendation of approval of this application.

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

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No RZ22-15. 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	Craig Frahm	Yes
Roger Ellis	Yes	Kyle Shell	Yes	Jennifer Bahr	Yes
Jeanette Koechner	Yes				

Application No. RZ22-15 was recommended for **Approval**.

**II. CONDITIONAL USE PERMIT REQUEST - HIGHWAY D**

Application No: CUP22-11  
 Property Owner: Osage Land Holdings, LLC  
 Property Zoning: C2, General Commercial District  
 Conditional Use Request: An outdoor storage lot for automobiles, boats, trucks, and recreational vehicles  
 Parcel Size: 5.67 acres  
 Location: Approximately 250 feet west of the intersection of Highway D and Highway DD  
 County Council District: 2  
 Account No.: T031300014

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-11. He stated that the site does not currently have sanitary sewer service, but this use would not require that. He discussed the review criteria established within Section 405.510.B of the Unified Development Ordinance, which specify the factors to be considered for conditional use permit applications and the County staff's review of each factor. He stated that the Planning and Zoning staff has recommended approval of this conditional use permit, subject to specific conditions which are stated in the staff recommendation report. Mr. Myers informed the Commission that copies of a petition against the approval of this application with 125 signatures were received today.

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

Mike Falkner, Sterling Engineering (5055 New Baumgartner, St. Louis, MO 63129) and David Kolb (420 Wolfrum Rd, Weldon Spring, MO 63304) were sworn in. Mr. Falkner presented a visual presentation with an overview of the application including an increased buffer that is being proposed along Highway D to shield the property from view and provide a year-round screen which will be comparable to the facility east of Highway DD. Mr. Falkner presented the Site Plan and talked about how the landscape materials would be used on the north boundary line to help its appearance, usage of a Type 3 landscape

buffer, a site proof fence, and the pervious detention basins the property will have which will contain the water runoff onsite. Mr. Falkner presented the storage lot's amenities and features and stated that they all meet County requirements.

Chairman Ellis asked if he was heading east on Highway D to Highway DD in order to make a right hand turn onto this property, how much room would he have before he hits the security gate?

Mr. Falkner responded that he would have 48 feet from the edge of the pavement to where the fence starts but the gate would be further back. The scaled back dimension would be 110 feet from the gate to Highway D from the edge of pavement.

Commissioner Shell asked how many parking spots are being proposed for this storage lot.

Mr. Falkner responded that there will be 324 parking spots.

With no further questions from the Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. CUP22-11.

Dan Lauderdale, (1231 Highway DD, Defiance, MO 63341) was sworn in. Mr. Lauderdale stated that he is the head of the petition that represents 125 property owners that consider this area their community. He stated that they are concerned with traffic, light pollution, diminished value of property to the south, and stormwater runoff that travels through a spillway which is dumped into a stream. He asked why another storage lot needs to be constructed when there is already a storage lot 500 feet away from this property.

Robert Leeker (1399 Lake Hollow Dr., Defiance, MO 63341) was sworn in. Mr. Leeker stated that he lives in the Lakeway Subdivision which will be impacted by this storage lot. He is a real estate broker, And he believes that this will decrease the values of homes in this area. He stated that the entrance will cause significant issues on the intersection of Highway D and Highway DD as will the fire department when emergencies occur. Mr. Leeker stated that the Keeven's open storage lot on Highway DD already provides plenty of storage and another one is not needed in this residential area. He expressed concern for security, as this will bring in people from other communities and could create an uprising in crime. Lastly, he asked what type of restrictions they are going to guarantee on this property. He stated that opposes this application.

Marcia Lees and Robert Lees (1389 Lakeway Dr., Defiance, MO 63341) were sworn in. Mr. and Mrs. Lees are the HOA President and Co-President of Lakeway Subdivision. Mrs. Lees stated that she is concerned about the safety and security that these storage lots bring crime into communities. At a recent HOA meeting a police officer said that the biggest crime in this area is car break-ins, and storage lots invite crime. She is also concerned about the property values of her home.

Lou Dauten (3 Lakeway Ct, Defiance, MO 63341) was sworn in. Mr. Dauten stated that if the developer is going to mimic the picture that was shown during the presentation, this is not appealing and the trees that are going to be planted will not make any difference for ten years. He said that this area is on the edge of Busch Wildlife and the deer will be impacted by the lighting from this storage lot. He stated that people move to this area in order to enjoy the beauty of the natural surroundings. He does not feel that this proposed storage lot is the place to store items from other communities. The people in this community store their possessions in their garages and do not need another storage lot.

Aviral Shukla (3816 Highway D, Defiance, MO 63341) was sworn in. Mr. Shukla stated that he lives on the property directly to the west of this lot and has been there for seven years. He stated that he opposes this application, as it changes the nature of the landscape as it is a rural and agricultural neighborhood

with million-dollar homes around it. If this is approved, it will depress the value of his home because it is adjacent to it. With big heavy vehicles coming into the area, a gate at the subdivision entrance will be required which would be an additional cost for surrounding property owners and would be an eyesore.

Nancy Floyd, (4075 Highway D, Defiance, MO 63341) was sworn in. Ms. Floyd stated that she lives one mile from this proposed property, and she does not see a need for this storage lot. She stated that it is not her problem that people cannot park their possessions at their own homes. She has lived here for 28 years and has replaced her mailbox 14 times, which is an indication of the traffic problems already there. She has been supportive of all the progress, until now.

Arnie Dienoff, (P.O. Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff stated that O'Fallon and Wentzville are becoming the mecca of the Midwest for storage facilities. He said that according to the County's Land Use Plan, this is not the place for a storage lot. He encouraged residents to attend the November 14, 2022 County Council meeting to make their voices heard. He asked the Commission to recommend denial of this application.

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

There being no questions by Commissioners, Mr. Falkner asked to rebut on some of the issues that were brought up by residents including stormwater issues, which will meet County stormwater standards, traffic, and light trespass.

Chairman Ellis asked if there would be any sewer or water service.

Mr. Falkner answered in the negative and stated that this would strictly be an outdoor storage lot. He stated that the storage lot on the east does not have a lot of openings so there is a desire for another facility.

Commissioner Boehmer stated that approximately 140 people are opposing this and stating that they can park their possessions on their own property. She questioned who is desiring this facility.

Mr. Kolb stated that many of the future homeowner's associations dictate that if trailers, recreational vehicles, or additional vehicles can only be parked in their driveway because they do not allow street parking. This proposed lot would allow storage space to park their things, be out of sight and be protected by security fences.

Mr. Falkner stated that this is a storage lot for RVs, boats, and automobiles, and no repairs would be done at the facility, and no one will be living there.

Commissioner Boehmer asked if the facility will be open 24 hours.

Mr. Kolb responded in the affirmative.

Commissioner Bahr asked if anyone is going to be onsite at the facility.

Mr. Kolb responded that the site will be unmanned.

Commissioner Boehmer asked if anyone would come by to police the area.

Mr. Kolb said the landscaping people would maintain the area and check the perimeter of the area for debris or goods left behind.

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

Commissioner Kyle stated that he lives south of Highway 40, and he drives through this area multiple times a day. He said that there is a desire and need for these storage lots and homeowner's associations have a lot of restrictions regarding parking of recreational vehicles, but he is not sure that this is the best use for this property.

Commissioner Cleary stated that this does not seem to be highest and best use for this property, and the potential impact to surrounding area should be considered.

Commissioner Frahm asked staff how many more restrictions were placed on recent storage facilities that are currently not being recommended for this one.

Robert Myers responded that what is being proposed as far as restrictions is typical for all storage facilities.

Commissioner Frahm stated that he does not see a contract that people are going to sign showing any6 restrictions.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-11. Commissioner Boehmer made such motion, and Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	No	Kevin Cleary	No	Craig Frahm	No
Roger Ellis	No	Kyle Shell	No	Jennifer Bahr	No
Jeanette Koechner	No				

Application No. CUP22-11 was recommended for **Denial**.

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**III. CONDITIONAL USE PERMIT REQUEST - 6730 HICKORY TREE LANE**

Application No: CUP22-12  
Property Owner: The Sparrows Nest  
Property Zoning: R1A, Single-Family District  
Conditional Use Request: Daycare serving no more than ten (10) children at any given time  
Parcel Size: 1.00 acres  
Location: Approximately 470 feet southwest of the intersection of Carters Grove and Highway K, adjacent to the City of O'Fallon  
County Council District: 3  
Account No.: T141600001

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-12. Robert Myers said the property is off of Highway K and in a secluded area along a private drive. He discussed the review criteria established within Section 405.510.B of the Unified Development Ordinance, which specify the factors to be considered for conditional use permit applications and the County staff's review of each factor. He stated that the Planning and Zoning staff has recommended approval of this conditional use permit, subject to specific condition which are stated in the staff recommendation report. Robert Myers said his biggest concern is the driveway because to access this property it's by a narrow driveway and has been described as one lane.

Commissioner Cleary asked why there are no recommendations for the driveway if it is a significant concern. Second, if it's a private road, does it need approval from the residents living there.

Robert Myers said they will need to ensure that they are complying with private covenants there are and private road maintenance agreements.

Commissioner Cleary asked if we would have to address that.

Robert Myers said no they will have to make sure they have access rights.

Commissioner Koechner asked if emergency vehicles would be able to pass through easily on that driveway with children there.

Robert Myers said that the Sparrow's Nest representative can probably answer that.

Commissioner Boehmer asked if a condition could be placed to widen the road.

Robert Myers said any conditions that are proposed would have to relate to back to those criteria.

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

Dan Koziatek (CEC, Inc.) 3000 Little Hills Expressway St. Charles, MO 63304 was sworn in. Mr. Koziatek said he is representing the landowner. Mr. Koziatek stated the reason for this conditional use permit is to make the change to a daycare center serving no more than 10 children at any given time. He added this is the highest and best use for this lot and is critical for the community. He explained residents would be qualifying for Missouri's childcare subsidy which is a different application and is not accepted by the two neighboring day care centers. He reviewed the hours of operation and stated they are happy to abide by staff's conditions including upkeep of trees. Regarding traffic, he is expecting 30 daily trips. As far as access and connection to the neighbors, Mr. Koziatek has two documents that state cross exit easement and a road maintenance agreement recorded in 1992.

Commissioner Cleary asked how many staff members he anticipates having.

Kurt Kasicki (12281 Fleetwood Place, Maryland Heights, MO 63043) was sworn in. Mr. Kasicki said he anticipates having three people in the house at one time (1 full time staff and two parents in the facility) as part of the day care staff. Two to three Sparrow's Nest staff would be in the building too.

Chairman Ellis asked what the age span of the children is.

Mr. Kasicki said the children's ages are from birth to five years.

Chairman Ellis asked if school buses would be used.

Mr. Kasicki answered in the negative.

Chairman Ellis asked if there is a sprinkling system.

Mr. Kasicki said in certain areas of the house there is and have talked about that with staff in regard to an occupancy permit.

Chairman Ellis stated that this application sounds very similar to another CUP done years ago.

Commissioner Boehmer asked if the sprinkling system would be by the children.

Mr. Kasicki said under the previous use, sprinklers were required in the kitchen and over the hot water heater, and the rest of the areas was with egress. It would be similar with the current use and would work with the occupancy permit.

Commissioner Cleary asked for the protocol for cars coming and going in opposite ways.

Mr. Kasicki said two cars can typically fit side by side and there is a buffer on each side to be able to fit two cars.

Commissioner Frahm asked how the Sparrow's Nest got by.

Mr. Kasicki said the same way.

Commissioner Frahm said that would be different with several cars dropping off kids at the same time.



Commissioner Frahm asked how the staff is being paid.

Mr. Kasicki they are non for profit so they will have to do some fundraising.

Commissioner Boehmer asked if staff, parents and volunteers would have to do the same training to get licensed.

Mr. Kasicki said that they would be licensed through DESE.

Commissioner Bahr asked for more specifics about the road maintenance agreement.

Mr. Koziatek said he has a copy of the agreement with the three parties at the time who owned the three lots, and this lot is one of those three. At the time the names were Burkemper, Lehman and Conoyer and none of them are current residents. Mr. Koziatek stated that it confirms that the individual will assume and agree to share in the cost of the maintenance and upkeep of shared private gravel road identified as Hickory Tree Lane.

Commissioner Bahr asked if the three people are sharing equally in the maintenance. Mr. Koziatek said that the document doesn't say "equally" specifically.

Commissioner Bahr suggested that the member on the street that is using it more often, would pay a larger percentage of the upkeep. She asked if widening the road is being considered. She disclosed she is a donor to the Sparrow's Nest and supports it but feels an appropriate street is necessary where two cars and come and go at the same time.

Brandon Westfall (6714 Hickory Tree Lane, O'Fallon, MO 63368) and Leslie Westfall ((6714 Hickory Tree Lane) were sworn in. Mr. Westfall said everyone he has met at Sparrow's Nest has been very nice and he is the other neighbor. He said the street is very hectic. He stated the other person who has an easement to the street has put boulders about halfway through the street which doesn't allow them to get out of their driveway. Mr. Westfall said one car can barely fit there and is not a two car driveway. Mr. Westfall showed pictures of the driveway with the boulders and cars stuck on the driveway prohibiting usage. He added this is not a road that you could go down and try to turn around. He said traffic is his main concern regarding this application.

Commissioner Bahr asked if he knows who put those boulders there.

Mr. Westfall said Mr. Keeven.

Commissioner Bahr asked whose lane is that.

Mr. Westfall said he bought the house in 2020 from Burkemper but has not seen the paperwork regarding the easements but their land has been surveyed.

Mr. Westfall said they are one of the easement owners and does not know how Mr. Keeven got authorization for that easement down to a parking lot. She added she does not know who honored that easement or how it became legal.

Commissioner Bahr asked if the land belongs to them.

Mr. Westfall answered in the affirmative.

Commissioner Bahr summarized that they own the land, but Mr. Keeven has an easement to have access to his property through the land. She said typically an easement does not include the allowance of placing boulders there.

Commissioner Bahr said since this is their land, they do have the authority to tell people what they can or cannot do on their land with the exception of the access of the easement. She asked if people were willing to pay to widen the road so people could go both ways, would they allow people to use their land to do so such as Sparrow's Nest.

Mr. Westfall said they moved there to live in the woods and later found out that that Sparrow's Nest was next door. She said that was not a problem then, but their mission has changed. It could become a daycare center with 10 kids and 4 people running it creating too much traffic. She supports their mission but doesn't feel that is the right place for them unless they have an easement through that neighborhood.

Chairman Ellis asked who the third person with an easement is.

Mr. Westfall responded that he does not know.

Mr. Westfall said Sparrow's Nest, Mr. Keeven and they have an easement. She stated when they bought their home and had it surveyed, they found out that there is someone in the middle that owns a small lot, but do not know who that is.

Chairman Ellis asked who placed the rocks there.

Mr. Westfall stated that Mr. Keeven placed the rocks there and he also cut a brand-new path for 18-wheelers for his commercial use.

Commissioner Ellis asked if Mr. Keeven's business is past Sparrow's Nest and Mr. Westfall answered in the affirmative.

Commissioner Koechner asked if they use that single narrow lane.

Mr. Westfall answered in the affirmative and added it is only one-way and is not possible to fit two cars on that narrow lane. Mr. Westfall said Mr. Keeven has it set up where a driver will hit the boulder, but he does not have to deal with this problem because he does not live there.

Commissioner Boehmer asked what they do when it snows or ices.

Mr. Westfall said he has had to pull people out of their cars. Mr. Westfall reiterated that he has nothing against the Sparrow Nest's mission but doesn't think that increasing traffic there is a good idea.

Commissioner Koechner asked if that road was fixed and widened, would they be fine with it.

Mr. Westfall said it would welcome more traffic and he is not a fan of that idea.

Mr. Westfall said they own four acres and are not planning to sell their land.

Commissioner Bahr said that it sounds like there is an easement that is currently in place that when they purchased their property, they were required to honor which means people behind them have to be able to get in and out. She added no matter what the home is used for a maternity home or a daycare center, the neighborhood has a problem not having adequate two car passage. She said even if it is a residential house, the same problem will exist.

Mr. and Mr. Westfall responded to questions about recorded easements. Mr. Westfall said all of the paperwork they got from the title company is different than Mr. Keeven's.

Commissioner Bahr said their problem is independent of what that home is being used.

Mr. Westfall said not necessarily but it is independent from the traffic and is their main concern.

Chairman Ellis said that the Planning & Zoning Commission does not have the authority to address problems with the easement and putting up boulders. He said that is a civil matter. The Commission has to make sure there is access to this property, and it does.

Mr. Westfall asked where he could go to get this problem straightened out.

Commissioner Frahm said the Westfall's should hire a lawyer to research it.

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. CUP22-12.

Arnie Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff asked to pull Page 5 from the Agenda Packet. He stated he expects the County to treat all applicants equally in the same basis. He said a few years ago there was a group home that had a similar problem with a narrow roadway which was denied by the County Council. Mr. Dienoff said he is not taking a position on this but is concerned about traffic safety. He added appropriate inspections would have to be done including meeting State Code requiring a full fire home sprinkler system. He stated he would like to see additional conditions be added for the health and safety of the children and neighborhood.

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

Mr. Koziatek presented to the Commission a recorded easement document and a Site Plan recorded in 2013 dedicated for Sparrow's Nest use of a 50-foot-wide easement. Mr. Koziatek said there could be additional easements but is not aware of it. An aerial view of the location of Sparrow's Nest was also presented along with neighboring properties.

Chairman Ellis asked if the pavement there is 50 feet wide.

Mr. Koziatek answered in the negative, but the easement is 50 foot wide. The driveway is narrower.

Commissioner Bahr asked if that 50-foot-wide easement goes to Highway K. Mr. Koziatek answered in the affirmative. He does not have the plat that shows that but is sure that it does.

Chairman Ellis asked where the easement is now going from the Westfall's home, is that on their property or the Keeven's. Mr. Koziatek said it goes along the entire northern boundary.

Chairman Ellis asked where the Westfall property line is located in relation to the easement.

Mr. Koziatek said it is on their property. Chairman Ellis said Mr. Keeven does not control that section of the easement. Mr. Koziatek said he is not sure how Mr. Keeven has an easement there.

Robert Myers said there is very long narrow strip of land and a driveway that backs to farm ground that is surrounded by subdivisions and there is an island of farm ground in the middle. They got a permit about a year ago to regrade that and they put a pond. At that time, the applicant stated that their plans would be to farm it and not develop the land.

Chairman Ellis asked if the road could be taken to increase the size to have two vehicle passage.

Mr. Koziatek said theoretically the road could be widened but is not familiar with the topography and there is enough width to do it. He added this is something he would like to work with staff to resolve this.

Commissioner Bahr asked if conditions could be placed to provide adequate access for safety reasons.

Robert Myers said independent of what the Planning & Zoning Commission is doing here, the Fire Department also has to review it and approve plans as well. They will require a Fire Apparatus Access Road which consists of a pavement plus a shoulder.

Chairman Ellis asked if this conditional use permit could be recommended for approval before getting licensed from the State. Robert Myers said they will have to get several approvals and attain all of them in order to operate but they are independent of each other. He does not feel they need to be bundled together.

Chairman Ellis said that the Conditional Use Permit is not effective until licenses and approvals have been attained.

Commissioner Boehmer said she is concerned about not having a full sprinkler system with children in the home.

Robert Myers said there have been no plans that have been reviewed to his knowledge for daycare in terms of building codes. He added they will have to get Building Code approvals and meet code requirements.

Commissioner Boehmer asked if that could be part of the CUP.

Robert Myers said they could be tied together if they don't get all of their approvals. There are differences in building codes for daycare centers and group homes. Because people sleep at group homes, that becomes a big consideration and it's not a single home residence, a sprinkler system is required. He added since the kids will not be sleeping overnight and they are up to 5 years old, the building code would take that into consideration.

Commissioner Boehmer asked if the road goes down in the middle of the easement. Mr. Koziatek said it is variable and meanders through there.

Commissioner Koechner asked how long is that road.

Mr. Westfall said from Highway K to the home is about 150 – 200 yards.

Mr. Kasicki said the road is .22 miles long or about 1200 feet from Highway K to Sparrow's Nest.

Commissioner Frahm asked why the use being changed.

Mr. Koziatek said this is a need that has been identified in St. Charles County. The need for maternity homes has now been met by other organizations and are now trying to find a different need in the County.

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

Commissioner Boehmer said she would like to see the conditions that were talked about earlier wrapped in.

Commissioner Frahm asked if there are normally five conditions.

Associate Counselor Bryan Wise responded that the fifth condition usually states that no CUP can be active until all conditions of approval have been met. But those things have to be satisfied whether or not we put them in conditions before it can even be used as a home. Second, with regard to the road, they can do it on their property, but we cannot obligate them to do it anywhere else. Also, the single lane extends beyond their property and even into commercial property which is beyond our reach.

Commissioner Koechner asked if the applicant could be asked to come back until some of these concerns have been met.

Associate Counselor Bryan Wise said they can make that request to continue it.

Commissioner Shell said there are too many questions being unanswered and would likely deny it.

Robert Myers said if this CUP is denied by the County Council, they would have to wait a year to reapply. Also, if this body would recommend denial, then that would trigger a super-majority requirement from the County Council approval.

Commissioner Koechner said no one is in denial of their purpose but want to make sure they get what they want to reach their goal.

Mr. Koziatek said he would welcome a separate meeting to discuss the road and traffic issues.

Chairman Ellis stated at the request of Mr. Koziatek, Application No. CUP22-12 will be tabled until the next Planning & Zoning Commission meeting on November 16, 2022. Commissioner Frahm made such motion and Commissioner Boehmer seconded the motion.

At the request of the applicant, Application No. CUP22-12 was **TABLED**.

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

At the request of the applicant, these items remained tabled:

- I. **APPLICATION RZ22-14 - REZONING REQUEST - 3866 SOUTH POINT PRAIRIE RD.**
  - II. **APPLICATION PRE22-11 - PRELIMINARY PLAT FOR SAXONY RIDGE**
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#### **APPROVAL OF THE MINUTES FROM THE SEPTEMBER 21, 2022, REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the September 21, 2022, regular meeting. Commissioner Frahm made such motion, and the motion was seconded by Commissioner Shell. The minutes were approved by unanimous voice acclamation.

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#### **OTHER BUSINESS**

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

There were no updates.

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#### **ADJOURNMENT OF MEETING**

Commissioner Bahr made a motion to adjourn the meeting. The motion was seconded by Commissioner Shell and was approved by unanimous acclamation. The meeting adjourned at 9:10p.m.

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Respectfully submitted by:

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Roger Ellis, Chairman

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Tracy Boehmer, Secretary