



Planning and Zoning Division

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December 22, 2022

This communication summarizes the following bill to be introduced at the January 9, 2023 County Council meeting:

CONDITIONAL USE PERMIT REQUEST - 1501 WILMER ROAD

Application No: CUP22-09
 Property Owners: Craig Smith, Ryan P. Smith, and Darlene Smith
 Applicant: Ryan P. Smith for Lucky Dog Farm, LLC
 Property Zoning: A, Agricultural District, with Floodway Fringe Overlay District and Floodway Overlay District
 Conditional Uses: (A) A commercial farm stand;
 (B) Rural recreational activity; and
 (C) A Restaurant
 Parcel Size: 8.05 acres
 Location: On the west side of Wilmer Road, 1 mile south of I-70, adjacent to the City of Wentzville
 Council District: 2
 Account No.: 725820A000

The purpose of this application is to approve three conditional uses intended to allow the public to directly experience Lucky Dog Farm and what it produces.

Lucky Dog Farm is a market gardening operation which intensively farms an 8-acre tract on Wilmer Road. Given its location a mile south of I-70 and in the vicinity of residential subdivisions in the City of Wentzville, the market for Lucky Dog Farm includes area restaurants and direct-to-consumer sales. The farm includes a house, multiple greenhouses, cultivated plots, penned livestock, and a 360-square-foot farm stand. The farm stand, which is located about 800 feet off Wilmer Road, would sell products from the farm as well as related foodstuffs produced elsewhere. The proposed rural recreational activity would include instructional classes such as composting, canning, and cooking, as well as a petting farm with miniature goats or other livestock. The proposed restaurant would consist of privately-hosted (by reservation only) farm-to-table outdoor dinners with no more than 50 guests in total permitted on site at any one time.

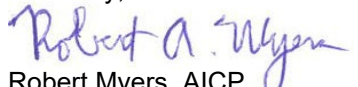
The Planning and Zoning Commission held a public hearing on December 21, 2022 and received the following input:

Speakers: 6 Support 1 Opposed 1 Concerns
 Letters on file: 47 Support 0 Opposed 1 Concerns
 Agency Letters on file: none

Recommendation:

Having conducted a public hearing for all three conditional use permits, the Planning and Zoning Commission voted to recommend that the County Council approve each of the three Conditional Use Permit applications with specific conditions to address potential land use impacts. County staff concurs with these recommendations as complying with the conditional use criteria provided 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

APPLICATION CUP22-09

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Applicant: Ryan P. Smith for Lucky Dog Farm, LLC
Property Zoning: A, Agricultural District, with Floodway Fringe Overlay District and Floodway Overlay District
Conditional Use Requests: (A) A commercial farm stand;
(B) Rural recreational activity; and
(C) A Restaurant
Parcel Size: Approximately 8.05 acres
Location: On the west side of Wilmer Road, approximately 1 mile south of I-70, adjacent to the City of Wentzville
County Council District: 2
Account No.: 725820A000

CONTENTS:

- 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 – Carol Schrautemeier
-

STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Jared Young

Application No.: CUP22-09

Date: December 13, 2022

BACKGROUND

Property Owners: Craig Smith, Ryan Smith, and Darlene Smith

Applicant: Ryan Smith for Lucky Dog Farm, LLC

Existing Zoning: A, Agricultural District

Existing Land Use: agricultural (market gardening), commercial farm stand, and a single-family residence

Requested Actions: Approval of three conditional use permits:

Commercial Farm Stand (CUP22-09C);
Rural Recreational Activity (CUP22-09B); and
Restaurant (CUP22-09C)

Parcel Account No.: 725820A000

Location: 1501 Wilmer Road. On the west side of Wilmer Road, approximately 1 mile south of I-70, adjacent to the City of Wentzville

Size: Approximately 8.05 Acres

Adjacent Land Uses
and Zoning:

Direction	Zoning District	Existing Land Use
North	A, Agricultural District	Undeveloped and single-family residential
South	A, Agricultural District	Single Family Residence
East	A, Agricultural District and City of Wentzville zoning	Undeveloped (Peruque Creek) and single-family residential (Manors at Wilmer Valley Subdivision in the City of Wentzville)
West	A, Agricultural District	Agricultural (hayfield) and Single-Family Residences

2030 Master Plan: recommends low density residential (1 to 4 dwellings per acre)

Public Services: County Council District 2 – Joe Brazil
School District – Wentzville School District
Fire District – Wentzville Fire District

Utilities: Water – City of Wentzville service area
Sewer – City of Wentzville service area

The subject property is an intensively-farmed, 8-acre parcel adjoining the City of Wentzville and located a mile south of Interstate 70. Existing agricultural uses of the property include market gardening, small-scale livestock and poultry production, initial food processing, and a farm stand. Property improvements include eight greenhouses, a 300-square foot commercial farm stand, and a single-family residence. The front quarter of the parcel, along Wilmer Road, is located within Peruque Creek floodplain and is designated by St. Charles County as Floodway and Floodway Fringe. In terms of utilities, the subject property is served by individual well and an onsite sewage treatment system.

This parcel is accessed from Wilmer Road, a public street. If approved, the County Highway Department may require that the driveway within the Wilmer Road right-of-way be upgraded to allow commercial traffic by addressing driveway width, pavement, and/or turning radii.

St. Charles County has several open code enforcement cases for this property for business activities operating without necessary County approvals, including the Planning and Zoning, Building and Code Enforcement, and Environmental Health Divisions. The applicant is applying for three conditional use permits to address outstanding zoning violations. The proposed conditional uses are:

- Commercial farm stand,
- Rural recreational activity; and
- Restaurant

Commercial Farm Stand

The County's Unified Development Ordinance (UDO) differentiates between a "farm stand" and a "commercial farm stand". Essentially, a "farm stand" is a temporary structure or open land used for selling foodstuffs and plants produced onsite; and a "commercial farm stand" is a permanent structure selling foodstuffs and plants produced onsite along with limited products made elsewhere. Specifically, the UDO defines a Commercial Farm Stand as:

"A structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the premises and may be augmented by imported products of the same type. The accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods and homemade handicrafts may also be considered. The floor area devoted to the sales of these accessory items shall not exceed fifty percent (50%) of the total sales area. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold at a commercial farm stand."

The applicants have recently operated a commercial farm stand within an existing 360-square foot wood-frame structure which they propose to use as a year-round. The narrative description more specifically states what products they plan to offer.

It should be noted that a "farm stand" is a permissive use in the Agricultural District, and the applicants could operate one without a CUP so long as it would be limited to foodstuffs and plants produced onsite.

Rural Recreational Activity

The County's UDO defines a "Rural Recreational Activity" as:

"A permanent or seasonal commercial activity drawing clients or customers to a rural property either for such recreational purposes as picking produce for purchase (pick-your-own apple

orchards or pumpkin farms, for example), visiting pumpkin patches or corn mazes, or petting farms, taking sleigh or hay-wagon rides.”

The applicant proposes farm- and food-centric educational activities, including farm tours and classes such as gardening, composting, canning, and cooking. Although the applicant proposes to include yoga classes, County staff does not view this as an allowable “rural recreational activity”.

Restaurant

The Unified Development Ordinance defines a restaurant as, “An establishment where food and drink are prepared, served, and consumed by persons seated within the building (this includes cafes, cafeterias, ice cream parlors, and tea rooms).” The UDO allows restaurants in Agricultural zoning districts “...in association with any permitted or conditional use”. County staff has consistently interpreted this zoning definition to include outdoor dining such as on open patios and under awnings and pavilions.

The applicant’s concept plan depicts the restaurant as a 600-square foot commercial kitchen building and an adjoining 900-square foot pavilion structure attached to a greenhouse. The narrative description proposes hosting farm-to-table dinners and private events as typical for restaurants. Their narrative description states that this restaurant would be reservation-only and have a maximum of 50 guests at any one time. Any live music would be acoustic. Aside from zoning approvals, the proposed restaurant must comply with County Public Health, Building and Code Enforcement, and Finance Department requirements for commercial kitchens, food service, private wastewater treatment and disposal, and merchant and presumably alcohol licenses.

CUP ANALYSIS

Conditional use permits are evaluated based on criteria established within the Unified Development Ordinance. Section 405.510.B of the Unified Development Ordinance specifies factors to be considered for review of Conditional Use Permit applications. Those factors are shown below in *italics* with County staff comments following each.

CUP22-09(A) – Commercial Farm Stand

1. *Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?* Addressing necessary Public Health, Building and Code Enforcement, Finance, and Highway Department requirements should mitigate land use impacts which could be detrimental to the public health, safety, and general welfare.
2. *Would the conditional use injure the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted?* Given that the commercial farm stand is only 360 square feet in area, is set back 800 feet from Wilmer Road, and is 440 feet from the nearest off-site residence, and 9:00AM-6:00PM hours of operation, County staff does not anticipate that this proposed use would injure the use and enjoyment of the other properties in the immediate vicinity so long as these limitations are made conditions for approval.
3. *Would the conditional use injure the aesthetic and/or scenic values of the vicinity?* Given its limited size and location, and the fact that the commercial farm stand would utilize an existing structure, County staff does not anticipate that the proposed use would injure the aesthetic and/or scenic values of the vicinity.

4. *Would the conditional use substantially diminish or impair property values within the neighborhood?* Staff has no data to support or refute that the proposed use would substantially diminish or impair property values.
5. *Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?* The 2030 Master Plan calls for low density residential uses, however, all surrounding properties are zoned Agricultural. The use of a commercial farm stand could be a secondary use to the 2030 Master Plan.

CUP22-09(B) – Rural Recreational Activity

1. *Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?* Addressing necessary Public Health, Building and Code Enforcement, Finance, and Highway Department requirements should mitigate land use impacts which could be detrimental to the public health, safety, and general welfare.
2. *Would the conditional use injure the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted?* Staff does not believe that rural recreational activities will injure the use and enjoyment of other properties in the immediate vicinity as some of adjoining lots are vacant with any residences already being screened with agriculture structures or the current residence on property.
3. *Would the conditional use injure the aesthetic and/or scenic values of the vicinity?* Staff does not believe that the proposed conditional use will injure the aesthetic and/or scenic values as these activities can take place both in open space and current agricultural structures.
4. *Would the conditional use substantially diminish or impair property values within the neighborhood?* Staff has no data to support or refute that the proposed use would substantially diminish or impair property values.
5. *Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?* This conditional use should not impede with the orderly development and improvement of the surrounding areas for the uses permitted now and in the future.

CUP22-09(C) - Restaurant

1. *Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?* Addressing necessary Public Health, Building and Code Enforcement, Finance, and Highway Department requirements should mitigate land use impacts which could be detrimental to the public health, safety, and general welfare.
2. *Would the conditional use injure the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted?* The applicants propose that the restaurant would be limited to 1,500 square feet, be set back 750 feet from Wilmer Road and 400 feet from the nearest residence, with guests limited to no more than 50 at a time and by reservation only, have only acoustic nonamplified music outdoors, and close no later than 10:00PM. The proposed restaurant should not injure the use and enjoyment of

properties in the immediate vicinity so long as these limitations become conditions for approval.

3. *Would the conditional use injure the aesthetic and/or scenic values of the vicinity?* The proposed restaurant consists of a 600-square foot commercial kitchen and a 900-square foot pavilion attached to a greenhouse which would be set back 750 feet from Wilmer Road. County staff does not anticipate that the proposed conditional use would injure the aesthetic and/or scenic values of the vicinity.
4. *Would the conditional use substantially diminish or impair property values within the neighborhood?* Staff has no data to support or refute that the proposed use would substantially diminish or impair property values.
5. *Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?* Adjoining properties are zoned A, Agricultural District. As all three proposed conditional uses are related to agricultural use of the land, and are limited in scale, County staff does not anticipate that they would impede uses allowed in the Agricultural District.

RECOMMENDATION

CUP22-09A (commercial farm stand): County staff recommends that the Planning and Zoning Commission recommend this conditional use request be approved, subject to the following conditions:

1. A site plan substantially complying with the concept plan attached hereto as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.
2. All activities under this conditional use shall comply with the definition of “farm stand, commercial” as defined in Section 405.060 of the Unified Development Ordinance, and as determined by St. Charles County.
3. All commercial farm stand sales shall take place inside the commercial farm stand structure designated on the concept plan.
4. Any vendor markets shall be held inside the commercial farm stand structure designated on the concept plan.
5. The commercial farm stand shall be closed between the hours of 6:00PM and 8:00AM.
6. Outdoor sound amplification shall be prohibited.
7. No approved conditional use shall become active until all conditions of the approval shall have been met as determined by St. Charles County.

CUP22-09B (rural recreational activity): County staff recommends that the Planning and Zoning Commission recommend this conditional use request be approved, subject to the following conditions:

1. A site plan substantially complying with the concept plan attached hereto as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.
2. All activities under this conditional use shall comply with the definition of “rural recreational activity” as defined in Section 405.060 of the Unified Development Ordinance, and as determined by St. Charles County.
3. Rural recreational uses shall be based on agricultural use of the land.
4. The hours of operation shall be limited to 8:00AM to 6:00PM.
5. Rural recreational activities shall be limited 50 guests at any one time.

6. Outdoor sound amplification shall be prohibited.
7. No approved conditional use shall become active until all conditions of the approval shall have been met as determined by St. Charles County.

CUP22-09C (restaurant): County staff recommends that the Planning and Zoning Commission recommend the conditional use request be approved, subject to the following conditions:

1. A site plan substantially complying with the concept plan attached hereto as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.
2. The restaurant use shall take place inside the commercial kitchen and underneath the pavilion structure as designated on the approved concept plan.
3. The restaurant use shall comply with the definition of a "Restaurant" and not a "Bar or Tavern" as defined by Section 405.060 of the Unified Development Ordinance, and as determined by St. Charles County.
4. The restaurant shall be closed to the public Monday, Tuesday, and Wednesday of each week.
5. The hours of operation shall be limited to 8:00AM to 10:00 PM.
6. No more than 50 guests may be present at the restaurant at any one time.
7. Outdoor sound amplification shall be prohibited.
8. No approved conditional use shall become active until all conditions of the approval shall have been met as determined by St. Charles County.