

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: DECEMBER 21, 2022

TIME: 7:00 PM

PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST CHARLES, MO 63301

MEMBERS PRESENT: Jennifer Bahr, Chad Cornwell, Tracy Boehmer, Kevin Cleary, Roger Ellis; Terry Hollander; Jeanette Koechner; and Kyle Shell

MEMBERS ABSENT: Craig Frahm

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

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 Cleary seconded the motion. The motion passed by unanimous voice vote.

Chairman Ellis provided instructions for those wishing to speak at the meeting.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT REQUEST - 3835 & 3853 BECKER JOERLING ROAD

_Application No: CUP22-08
Property Owner: KAG 144, LLC
Applicant: Kelly McHoney, Manager for KAG 114, LLC
Property Zoning: A, Agricultural District, with Floodway Fringe Overlay District
Conditional Use Requests: (A) A campground
(B) A commercial farm stand
(C) Rural recreational activity
(D) Buildings, structures, or open spaces for conducting weddings and/or other private parties
Parcel Size: Approximately 79.00 acres
Location: On the west side of Becker Joerling Road, approximately 4,900 feet north of Femme Osage Creek Road
County Council District: 2
Account Nos.: 615090A001 and T011400021

Robert Myers, Director of Planning and Zoning provided a verbal report for Application No. CUP22-08. Robert Myers added staff received several communications regarding this application: 8 letters in favor and 12 against. All letters have been sent to the Commission and are all part of the record.

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.

Lisa Johnson, attorney at Amundsen Davis (120 S. Central, St. Louis, MO) was sworn in. She provided copies of the presentation to the Commissioners. Ms. Johnson provided a visual presentation of Broadview Valley. In the presentation, she identified the site location, current zoning, the revised definition of cabins and separately discussed the four conditional uses that are being requested. Ms. Johnson also read aloud each of the four criteria established within Section 405.510.B of the Unified Development Ordinance, which specify the factors to be considered for conditional use permit applications.

Chairman Ellis asked Ms. Johnson what the red building on the New Cabins page is.

The applicant, Kelly McHoney (3835 Becker Joerling Rd, Augusta, MO 63332) was sworn in. Ms. McHoney said that is a new barn being built.

Chairman Ellis asked what the acreage of the lake is. Ms. Johnson said it is between 3 to 4 acres.

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

Chairman Ellis asked what utilities the cabins will have.

Ms. Johnson said they would be required to meet any building code requirements and there will be a single septic on site.

Ms. McHoney said regarding electricity, it would be like an RV and could go up to 50 amps.

Chairman Ellis asked if there is electric service on the property and Ms. McHoney answered in the affirmative.

Chairman Ellis asked if water is through a well or through a water district. Ms. McHoney stated through a well.

Chairman Ellis asked if he could go to the Farm stand even though he wasn't staying on your property.

Ms. McHoney said she will open it to her neighbors. Her brother who is the caretaker has already started the gardens.

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. CUP22-08.

Breeann Vieth, (4105 Becker Joerling Rd, Augusta, MO 63332) was sworn in. Ms. Vieth said she is a neighbor of Kelly and Doug McHoney and is very supportive of them. Ms. Vieth said what Kelly is doing is not detrimental to the land as other developers are changing the landscape in the area. She added they are close to wine country but thinks traffic will be minimal.

Aaron Gross, (10 Henebry Hills Ln, Troy, MO 63379) was sworn in. Mr. Gross said he is Kelly's brother, and he works for his sister and is the caretaker of the property. He said he and Kelly have introduced themselves to the neighbors to get to know them. They have also been informed of this project and have gotten a lot of support from them. He added the cabins are very small and in his opinion are meant for two people. He supports his sister in this project.

Chairman Ellis asked Assistant Counselor Bryan Wise if it is necessary to have a public hearing for each of the conditional uses.

Assistant Counselor Bryan Wise said each use would have to be voted on and can be addressed in one public hearing.

Thomas Smallwood, (57 Lake Forest Dr., St. Louis, MO 63117) was sworn in. Mr. Smallwood said he is an attorney with Stinson LLP and represents True Femme Osage Properties LLC and is owner of approximately 432 acres east of the subject property. Mr. Smallwood feels it does not follow the Saint Charles County Future Land Use plans under the 2030 Master Plan. There is no agricultural tourism anywhere close to the applicant's property and is a deviation from the Master Plan and noted the definition of a cabin was recently amended. Mr. Smallwood would like to see additional restrictions placed on the use which have been written in a letter to staff and are in the packet.

Scott Horzce, (3546 Becker Joerling Rd, Foristell, MO 63348) was sworn in. Mr. Horzce stated that this proposal is for the wrong area and does not like the characterization that people who live in New Melle is the opposition. He said the neighbors who he has talked to are not in favor of this project and it's mostly because of the traffic. He asked that the Commission recommend denial of this application and protect the residents in this neighborhood.

Shelle Horzce (3546 Becker Joerling Rd, Augusta, MO 63348) was sworn in. Ms. Horzce is in opposition of this application as it doesn't fit with the area. She feels they are underestimating traffic. She attended the meeting about the project but was not assured that they were not going to apply for a liquor license.

Chairman Ellis informed the audience that if this application is recommended for approval, and each conditional use is passed with restrictions, those restrictions cannot be changed or expanded by the applicant. If a change

was made, the applicant would have to come back to the Planning and Zoning Commission and then to the County Council.

Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff said this is a large piece of property and has a huge buffer. He stated this is a perfect fit for the 2030 Master Plan. He added the four conditional use permits comply with County Code. He would like for the Commission to address the parking issue because if this facility takes off where will the 30 guests park and sewer disposal to make sure the health and welfare of the neighbors is protected. He asked the Commission recommend approval as this is a low-key application and is great for Agri-tourism.

Tyler Horzce, (3568 Becker Joerling Rd, Foristell, MO 63348) was sworn in. Mr. Horzce would like to echo the concern of traffic on the roads. He said there is a tight hairpin turn on one of the accesses to the property and the other access to the property is a one lane bridge. He does not believe there will only be four weddings and people will be coming in and out of the property all the time. Another concern is the bridge at the entrance that is a creek and to get Fire EMS across that in a rainstorm sometimes is not possible.

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

Commissioner Boehmer asked of other entrances that could be used in the event of an emergency.

Ms. McHoney stated there is a covered bridge and the side entrance which is a dry creek and is a runoff. In the two years they have lived there, it hasn't been impassable.

Ms. Johnson added the covered bridge is a very well-maintained wide bridge and would be passable.

Ms. McHoney added the fire truck would have to go to the right.

Chairman Ellis asked if alcohol would be available.

Ms. Johnson said alcohol will be available for the people that book events to bring in what they bring in. She added Ms. McHoney will require people that bring in alcohol obtain a shuttle if they go off-site to keep neighbors safe.

Chairman Ellis asked staff even though Ms. McHoney is selling merchandise just to the individuals staying on the property, would they need a business license.

Robert Myers said presumably they would need a merchant's license for retail sales. He added that any property that is zoned agriculture can have a non-commercial farm stand by right.

Commissioner Ellis asked about parking.

Ms. Johnson said on the Site Plan that was provided, it includes parking and areas that will be accessible for handicapped people. The parking is available in various locations but is not going to be by the cabins.

Ms. Johnson asked to rebut some comments that were made by previous speakers. She said Mr. Smallwood's letter talks about Agri-tourism and that is not what is being proposed and the cabin definition was changed. She said all requirements were met before the definition was added before this board in July. The County suggested that we wait until after the definition was done. Ms. Johnson added that this application should not be judged based on what else is out there that people do not approve of. Regarding Mr. Dienoff's comments about the sewer system, the County told her that the amount for these cabins was so minimal that it would not cause an effect that would create a need for additional septic.

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

Commissioner Hollander said the whole cabin issue was brought up to the County Council last month and those that were questioning it, five is the maximum number that could be allowed for 78 acres. He added it is refreshing to be asked for the minimum where most ask for the maximum.

Commissioner Shell stated that this road is very small, and he uses it often. At first, he said he was completely against this application but after hearing Commissioner Bahr's perspective that this could be a development with 15 new homes with 3 vehicles each, this proposal is better than the alternative.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-08A subject to the conditions proposed by staff. Commissioner Cleary made such motion and Commissioner Boehmer seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-08A was recommended for **Approval**.

Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-08B subject to the conditions proposed by staff. Commissioner Bahr made such motion and Commissioner Cornwell seconded the motion.

The vote on the motion was as follows

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-08B was recommended for **Approval**.

Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-08C subject to the conditions proposed by staff. Commissioner Cornwell made such motion and Commissioner Bahr seconded the motion

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-08C was recommended for **Approval**.

Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-08D subject to the conditions proposed by staff. Commissioner Cleary made such motion and Commissioner Boehmer seconded the motion

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	No	Jeanette Koechner	Yes
Tracy Boehmer	No	Chad Cornwell	Yes		

Application No. CUP22-08D was recommended for **Approval**.

II. 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
 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 1,360 feet south of Mystery Lane, adjacent to the

City of Wentzville
County Council District: 2
Account No.: 725820A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-09.

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.

The property owners, Ryan and Darlene Smith (1501 Wilmer Rd, Wentzville, MO 63385) were sworn in. Darlene Smith stated that she and Ryan have been farming for about 12 years on a small-scale basis where no large equipment is used. Mrs. Smith said they are involved in farm market style farming that is sustainable and regenerative to the soil. They also sell produce to local boutique restaurants and have an online market store where families can place orders online. As seen through the 45 letters of support staff received, the community is seeking to learn more about agriculture. Ryan Smith said they are applying for three conditional uses including a commercial farm stand, which is an existing building that is being worked on to comply with County code and is where they market what is grown. Mr. Smith said he is seeking additional rural recreational activities that would bring families to their farm to engage them in agriculture and livestock up close. The third conditional use is the restaurant which is not the standard traditional restaurant will have farm to table dinners made by local chefs using their home grown produce and cater them to their farm. In the long run, Mr. Smith said he would like to have a commercial kitchen where their produce could be washed and packed there. They are also proposing an attached pavilion to the commercial kitchen that would allow to host events in inclement weather otherwise they would be held in the field by the crops. Mrs. Smith said they have already met with Health Department making sure the everything for the dinners would be in line to get their approval. Mr. Smith said their guiding principle is to be respectful to their neighbors and local community.

Commissioner Cleary asked how people would sign up for the restaurant and how many events would be done daily.

Mr. Smith said it will be reservation based and events would be done once daily except for maybe doing two on Sundays.

Chairman Ellis asked if they would need a liquor license for the farm to table dinners.

Mr. Smith said he envisions wine-paired dinners or dinners paired with spirits but does plan to have an open bar.

Chairman Ellis asked about their rural recreational activity recommendation for yoga classes with goats.

Mrs. Smith said it is very popular and people are asking for it.

Robert Myers said that is one uses he cannot figure how to fit into the agricultural zoning district in either permissive or conditional uses. He added a rural recreational activity would have to be intrinsically involved with the land in a rural area.

Chairman Ellis asked for an explanation of goat yoga and Mrs. Smith explained what it is and what it entails.

Commissioner Bahr asked if a rural recreational activity could only be done in a rural setting and be restricted to only goat yoga and not be a standard yoga class, would that fit into the definition.

Robert Myers said he doesn't think so and doesn't see how yoga is a rural recreational activity.

Assistant Counselor Bryan Wise said this is something similar to what the County Council has recently considered a new definition of cabins and may be a case of seeking a more expansive definition of rural recreational activity that is currently in the Code.

Chairman Ellis asked if this activity could be called something else.

Robert Myers said petting farms is mentioned in the definition of rural recreational activity and the way the conditions are written it does not specify which rural recreational activity that is allowed under the code.

Commissioner Bahr asked if they are applying for a petting farm with classes.

Mrs. Smith answered in the affirmative and added that some of their ideas might be out of the box for what the County Code has had in the past.

Commissioner Boehmer asked if they applied for a petting farms conditional use would they have to come back or could it be added to their requests.

Robert Myers said they would not have to come back.

Chairman Ellis said staff is recommending hours of operation for rural recreational activity be from 8 am to 6pm. but the Smiths are requesting 8am to 9pm to still have daylight later in the day.

Mrs. Smith said in August, people would not want to come to a farm class at 4 pm but would rather until 6pm until the sun goes down.

Commissioner Boehmer asked how many people are expected at these events.

Mrs. Smith said approximately 10 people but a maximum of 50 people for larger events.

Commissioner Bahr asked what type of classes are envisioned after 6pm?

Mr. Smith said fall gardening classes might occur during the week after work. He added it is a very busy working farm and their capacity is limited as farming is their full-time job.

Chairman Ellis asked if the change to daylight savings time was passed. He added if three events are occurring at the same time at different times of day, the hours of operation would have to be more consistent.

Mr. Smith said the only hours that were set in the initial proposal was for their store and then any other event would end at 10 pm.

Chairman Ellis said the hours are the same for rural recreation activities and the farm stand from 8am to 6pm but is different for the restaurant from 8pm – 10pm.

Commissioner Bahr asked how large classes are anticipated to be.

Mr. Smith said about 10 people would be expected for hands-on classes. They would expect a larger turnout for farm to table dinners.

Assistant Counselor Bryan Wise said the act to make daylight savings time permanent has passed in the Senate but not in the House and has not been signed.

Mr. Smith said most of the outdoor activities would have to occur during daylight.

Chairman Ellis said daylight savings time may not be a good standard from the beginning of spring to the end of summer. The two activities could be open until 8pm which is daylight.

Commissioner Kyle said time is not the issue but make the hours of operation consistent regardless of conditional use.

Commissioner Bahr asked if they are asking for the restaurant hours of operation be from 8pm – 10 pm.

Mr. Smith said that would make it consistent.

Chairman Ellis said that staff's recommendation for the commercial farm stand is not large enough to host a vendor market inside and propose "meet the maker" markets near the vicinity in small tents.

Chairman Ellis asked staff if the commission could put restrictions on limiting the number of tables and or tents within a certain radius of the building.

Robert Myers answered in the affirmative because if it was left open-ended could turn into a commercial fair and not be in the spirit of a commercial farm stand.

Commissioner Shell recommended a 50' radius around the farm stand to set areas further away.

Robert Myers said the essence of this must be a commercial farm stand and not a farmer's market because under the zoning we are limited to the commercial farm stand definition.

Mr. Smith said the regular use of the farm stand is 95% of the proposed use and the markets would be rare. He added 50' radius would be sufficient.

For Staff recommendation, page 6 for the Restaurant - #2, the Smiths would like to use the pavilion for restaurant use in inclement weather and have farm to table dinners and other events in the field with low intensity lighting instead of inside the commercial kitchen. The public would not be in the kitchen.

Chairman Ellis asked how the lighting would be done.

Mr. Smith said they would string lights among four mimosa trees along the garden but will not install any poles for lighting.

Robert Myers said in the Concept Plan, has some activity areas outlined in green and asked if the proposed farm to table dinners would be in those proposed activity areas.

Mr. Smith answered in the affirmative.

Robert Myers said that would help as to where they could be held, and neighbors would know where they are supposed to be.

Chairman Ellis asked if they could be in the open space labeled areas and in the blue outlined activity areas.

Mr. Smith said events could be held in those areas.

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. CUP22-09.

John Jones, (209 Wilmer Ridge Dr. Wentzville, MO 63385) was sworn in. Mr. Jones said he is concerned about the light, noise and drunk pollution regarding this proposal and there are no businesses on Wilmer Rd. He bought his home to be in a safe area where they will not be bothered by noise and classes. He said the area is not well maintained and is on a downward slope and is an 8-acre lot. He said this proposal does not belong in a residential area. He said the notification letter was just sent on December 5 and the meeting was scheduled the week of Christmas which was not a good time to have a meeting.

Mike Garcia, (157 Bayhill Village Dr., O'Fallon, MO 63368) was sworn in. Mr. Garcia said the nature of the farm is regenerative agriculture without using toxic chemicals. He added the purpose of the restaurant is to introduce

people to high quality organic foods that come from the soil. He disagreed with the comment that suggested this idea would attract drunken traffic as this is a very family-oriented farm. He added that the sense of community has grown because of this farm.

Janice Wolters, (29 Graystone Ct., St. Charles, MO 63303) was sworn in. Ms. Wolters said she is here to support Darlene and Ryan Smith and local farmers. She found nutrient dense foods at the Smith Farm. The farm has also given her children an opportunity to learn how vegetables are grown and to appreciate the work farmers do.

Carol Panke, (1615 Wilmer Rd, Wentzville, MO 63385) was sworn in. Ms. Panke said the conditional use permit is for activities they are already doing at Lucky Dog Farm. She does not have a problem with the farm stand but has concerns about the restaurant. Mrs. Panke's primary concern is parking as they say they have parking for 20 guests along their driveway, but if they allow 50 guests where would the overflow parking go. She asked if alcohol would be allowed. She said they have already done yoga and has seen a lot of cleanup recently likely due to getting this conditional use permit approved. She asked if it is approved, how would it be monitored.

Dwain Jansen, (137 Tulip Tree Dr, St. Charles, MO 6304) was sworn in. Mr. Jansen said he has been involved with Lucky Dog Farm for five years and takes care of the beehives and harvest the honey. He said Darlene and Ryan put their heart and soul into what they do. The noise people are talking about is back off Wilmer Road and is quite a distance from the farm and is not a heavily travelled road.

Arnie C. Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff said this is a good concept plan but with some issues. The Smiths have been operating without approvals. There are also several Planning and Zoning violation issues and issued citations from Building and Code Enforcement Department and Public Health Department that need to be addressed. He asked if acoustical music would be allowed at all. Mr. Dienoff expressed concern about parking because if 50 people attend at two different events with only twenty parking spots available, where would people park. He said he asked the Commission to recommend approval of Application No. CUP22-09.

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

Commissioner Boehmer asked for clarification of number of people attending events on their property. Is it 50 total or 50 and 50 at two separate events.

Mr. Smith said it's a total of 50 at any one event. He added if they were maxed out at one event, and most would not be because the store closes at 6pm. Farm to table dinners are later in the day. Mrs. Smith said they are a small-scale farm and if they had a maximum amount of people at an event and needed Ryan's help, she would put the market closed sign on the door.

Chairman Ellis asked about amplified music concern Mr. Dienoff brought up as Staff Recommendation No. 6 for CUP22-09B states, "Outdoor sound amplification shall be prohibited."

Mr. Smith said that was the intent and that nothing would be amplified.

Chairman Ellis brought up the citations that were mentioned earlier and left it up to the Smiths to discuss them if they wished.

Mr. Smith said in the beginning, they started small to where they are now and learning about intricacies of running a business has been a learning experience especially in agricultural perspective. Mr. Smith explained once Covid happened, there was interest from the community to get locally grown food and to know where it came from, and their business model shifted to marketing and selling their produce. Mrs. Smith said they operated with a temporary market stand for many years but built their primary market stand about a year ago. She clarified that the only open citation they have is to get the market stand and make it legal. After they got notice from the County, all events ceased but taxes were paid, and they carried liability insurance. After two visits with the Health Inspector both

cases are closed with no issues. Mr. Smith said he has attained an occupancy permit and has met with the area Fire Marshall. If the conditional use permit is approved, then a building permit will be attained.

Commissioner Shell asked if they would adjust their time to closing at 9pm instead of 10pm for neighbors who commented about lighting.

Mr. Smith said all their events would be low key in nature and limiting it to 9pm would not be a problem.

Chairman Ellis told Mr. Smith he would have to find out if he needs a liquor license and Mr. Smith said he would.

Commissioner Cleary asked if he or the County determined that twenty parking spaces would be needed.

Mr. Smith said he sized that off based on the County Code.

Commissioner Cleary asked staff if that would meet with County Code, 20 parking spaces for 50 people.

Robert Myers said we are at the concept plan stage and can easily accommodate 5 or 10 more spaces when they do their Site Plan.

Commissioner Cleary asked who will determine the correct number.

Robert Myers said the County will determine the number when they apply for their Site Plan.

Mrs. Smith said that Mr. Jones' comment about the downward slope on their property is incorrect and was wondering if he was looking at the right address.

Commissioner Cleary asked if there are any restrictions on livestock.

Robert Myers said the County zoning code has a limitation on animal units by type of animal, but it's really on concentrated feed lots.

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

There being no further discussion, Chairman Ellis said the current Staff Recommendation for CUP 22-09A No.5 states: "The commercial farm stand shall be closed between the hours of 6:00 PM and 8:00 AM. Chairman Ellis asked if there is a motion to delete the proposed Recommendation No. 5 and add "The hours of operation shall be limited to 8:00 AM to 9:00 PM."

Commissioner Boehmer made such motion and Commissioner Bahr seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09A to amend Recommendation No. 5 was recommended for **Approval**.

Chairman Ellis entertained a motion to approve CUP22-09A Farm Stand subject to the amended conditions proposed by staff. Commissioner Boehmer made such motion and Commissioner Cornwell seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09A Farm Stand conditions were recommended for **Approval**.

Chairman Ellis said the current Staff Recommendation for CUP 22-09A No. 4 states:” Any vendor markets shall be held inside the commercial farm stand structure designated on the concept plan.”

Chairman Ellis asked if there is a motion to amend proposed Recommendation No. 4 to state:
Any vendor markets shall be held inside the commercial farm stand structure or within a 50’ radius of said structure as designated on the concept plan.

Commissioner Hollander made such motion and Commissioner Bahr seconded it.

The vote on the motion was as follows.

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09A to amend Recommendation No. 4 was recommended for **Approval**.

The Chair will entertain a motion to approve CUP22-09A as amended. Commissioner Boehmer seconded it, and Commissioner Cornwell seconded it.

The vote on the motion was as follows.

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes

Tracy Boehmer	Yes	Chad Cornwell	Yes		
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Application CUP22-09A as amended was recommended for **Approval**.

Chairman Ellis said the current Staff Recommendation for CUP 22-09B No. 4 states:” The hours of operation shall be limited to 8:00 AM to 6:00 PM.”

Chairman Ellis asked if there is a motion to amend proposed Recommendation No. 4 to state:
The hours of operation shall be limited to 8:00 AM to 9:00 PM.

Commissioner Hollander made such motion and Commissioner Cornwell seconded it.

The vote on the motion was as follows.

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-09B to amend Recommendation No. 4 was recommended for **Approval**.

The Chair will entertain a motion to approve CUP22-09B as amended. Commissioner Hollander made such motion, and Commissioner Boehmer seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09B as amended was recommended for **Approval**.

Chairman Ellis said the current Staff Recommendation for CUP 22-09C No. 2 states:” The restaurant use shall take place inside the commercial kitchen and underneath the pavilion structure as designated on the approved concept plan.”

Chairman Ellis asked if there is a motion to amend proposed Recommendation No. 2 to state:
The restaurant shall take place inside the commercial kitchen and or underneath the pavilion structure or in designated public activity open spaces as identified on the approved concept plan.

Commissioner Cleary made such motion and Commissioner Koechner seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-09C to amend Recommendation No. 2 was recommended for **Approval**.

Chairman Ellis said the current Staff Recommendation for CUP22-09C No. 5 states:” The hours of operation shall be limited to 8:00 AM to 10:00 PM.”

Chairman Ellis asked if there is a motion to amend proposed Recommendation No. 5 to state:
“The hours of operation shall be limited to 8:00 AM to 9:00 PM.”

Chairman Ellis said the current staff Recommendation for CUP22-09C No. 6 states: “No more than 50 guests may be present at the restaurant at any one time.”

Chairman Ellis asked if there is a motion to amend proposed Recommendation No. 6 to state:
“No more than 50 guests shall be present on the property at any one time.”

Commissioner Boehmer made such motion and Commissioner Cornwell seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09C to amend Recommendations No. 5 and No. 6 were recommended for **Approval**.

The Chair will entertain a motion to approve CUP22-09C as amended. Commissioner Cornwell made such motion, and Commissioner Shell seconded it.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application CUP22-09C as amended was recommended for **Approval**.

III. CONDITIONAL USE PERMIT AMENDMENT REQUEST - 1206 S. CALLAHAN RD.

Application No: CUP22-13
Property Owner: Kiki Neet Enterprises, Inc.
Applicant: Elmer Krussel
Property Zoning: C2, General Commercial District
Conditional Use Request: Amending Ordinance 15-123 (CUP15-09) for an auto detailing facility and parking lot addition for U.S. Motors
Parcel Size: 1.56 acres
Location: On the east side of South Callahan Road at the intersection of the North Service Road along Interstate 64, adjacent to the City of Wentzville
County Council District: 2
Account No.: 682620A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-13.

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.

The applicant, Elmer Krussel (35 Thoreaux Ct., O'Fallon, MO 63366) was sworn in. Mr. Krussel stated that U.S. Motors is operating from this facility, and they recently purchased the access right-of-way from the State that makes two-thirds of the site now usable. He added they are planning to expand their parking and adding a 60-foot by 80-foot prefabricated metal building which will be used as a detailed facility to store vehicles they are planning to sell. A rain garden will be planted for stormwater management to meet ordinance conditions.

Chairman Ellis asked if asphalt will be used around the proposed building of the Site Plan.

Mr. Krussel answered in the affirmative.

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to speak regarding this application.

Arnie C. Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff stated he is in favor of this expansion but would like to tighten some conditions related to the number of parking slots available for ADA customers, no derelict or long-term unlicensed vehicles remain on the property and that the type 3 landscape buffer be adhered to.

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

There being no further discussion, Chairman Ellis summarized that by recommending approval of Application No. CUP22-13 would amend Ordinance 15-123 (CUP15-09) and nine conditions from Ordinance 15-123 would be replaced with new recommendations.

Commissioner Cleary stated that this is responsible plan going forward.

Chairman Ellis asked staff if under Condition No. 5, would they have to meet the new County standards.

Robert Myers stated when this came into effect in 2015, the County did not have standards for water quality and that is why this condition was added although they could be removed because they were replaced through ordinances that required storm water quality standards.

Chairman Ellis entertained a motion to recommend approval of Application No CUP22-13 which amends CUP15-09 with the conditions set forth by staff.

Commissioner Hollander made such motion and Commissioner Cleary seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-13 was recommended for **Approval**.

IV. CONDITIONAL USE PERMIT AMENDMENT REQUEST – 29 EAST HWY N

Application No: CUP22-14
 Property Owner: Donald J. Twillman and Dolores M. Twillman Revoc Living Trust
 Applicant: Michelle Dohrman, Diamond Communications
 Property Zoning: A, Agricultural District and C2, General Commercial District
 Conditional Use Request: Amending Ordinance 13-102 (CUP21008) to allow replacement of an existing 150-foot telecommunication tower with a 180-foot telecommunication tower.
 Location: On the north side of Highway N, approximately 1,400 feet east of Highway Z, near the City of Wentzville
 County Council District: 2
 Account No.: 749040A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. CUP22-14.

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.

Thomas Waniewski, representative for Diamond Communications (120 Mountain Ave, Springfield, NJ 07081) was sworn in. Mr. Waniewski made a presentation for the Planning and Zoning Commission about CUP22-14. He stated that he is here tonight for AT&T as they would like to extend the tower to accommodate their antennas and is the last carrier who is not in this area. He noted that even though it is stated that it's 180 feet that it's only a 20-foot extension on to the tower and the last 10 feet is the lightning rod. The AT&T antennas would be located at the 165 level. In his presentation, he explained that intent of AT&T is to use the existing structure to avoid building in a 170-foot tower somewhere else.

Chairman Ellis asked if the existing antenna would stay or would the antenna be added on.

Mr. Waniewski said the existing tower there was built in 2014 was a direct in bed pull and there was no foundation. The possibility of reinforcing the current tower was looked at but was not possible, therefore a new tower will be built, and the old one will be taken down at the same time.

Commissioner Cleary asked if new footings would be put in because of the additional weight.

Mr. Waniewski answered in the affirmative to avoid overturning.

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. CUP22-14.

Arnie Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff stated that this request is not necessary and is a want from AT&T. He added they are not in compliance with County Code, FCC guidance, or Missouri State Statute. He expressed concerns about safety, solid fencing and suggested a one hundred-thousand-dollar bond be posted should the technology fail, the taxpayer would be protected and not have to pay the cost of the cell tower.

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

Commissioner Koechner asked if the County has any thoughts about asking them to put up a reserve to remove this tower.

Robert Myers said he is perplexed by communities that have such a standard because with the issue of bonds, how is it determined how long to put up the bond for and when do they expire.

Chairman Ellis stated the Commission does not have the power to require this either.

Commissioner Hollander said this has come up on individual projects but not on cell towers.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-14 subject to conditions outlined by staff. Commissioner Boehmer made such motion and Commissioner Hollander seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. CUP22-14 was recommended for **Approval**.

V. REZONING REQUEST - 7 NORTH STAR LANE

Application No: RZ22-18
Property Owner: Greg A. Rennier and Mitsu Ann Rennier

Applicant: Elaine Tegeler
Current Zoning: R1A, Single Family Residential District (1-acre minimum lot size)
Requested Zoning: R1C, Single Family Residential District (15,000 square minimum lot size)
2030 Master Plan: Low Density Residential (1 to 4 dwellings per acre)
Area: 0.45 acres
Location: South of Towers Rd and west of Jacobs Station Rd, Approximately 250 feet north of the intersection of Milky Way Drive and North Star Lane

County Council District: 7
Account No.: 581490A000

Robert Myers, Director of Planning and Zoning, provided a verbal report for Application No. RZ22-18.

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

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

The applicant, Elaine Tegeler and Todd Tegeler (709 Jacobs Station Rd, St. Charles, MO 63304) were sworn in. Mr. Tegeler said 27 years ago he sold 7 North Star Ln to Carl and Elaine Rennier. He explained his home at the time, was feet away from the property line and was told to get it surveyed to change the property line and did that. The property was sold to the son of the Rennier's, but the title company said it could not be sold until it would get surveyed again. Mr. and Mrs. Tegeler said they have a copy of the survey where it specifically shows the split into Lot A and Lot B.

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to speak regarding this application.

Greg Rennier, (8 North Star Ln, St. Charles, MO) was sworn in. Mr. Rennier stated that he purchased 7 North Star Ln and 8 North Star Ln from his mother this year and the previous owners were the Trust of Carl and Elaine Rennier. He said his parents have owned it since 1965 but when he purchased 7 North Star Ln and checked the

County website, he noticed that 7 North Star Ln and 8 North Star Ln were the same size. But based on the 1995 division of that property, 7 North Star Ln should be 30 foot shorter than 8 North Star Ln. He brought that to the attention of Todd Tegeler. He stated he supports this request as it will return land that belongs to the Tegeler's.

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. RZ22-18.

Arnie Dienoff, (PO Box 1535, O'Fallon, MO 63366) was sworn in. Mr. Dienoff stated that he is support of this application as it will bring these two properties into compliance with the County Zoning Code and the 2030 County Master Plan

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

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ22-18. Commissioner Cornwell made such motion and Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Terry Hollander	Yes	Kyle Shell	Yes	Jeanette Koechner	Yes
Tracy Boehmer	Yes	Chad Cornwell	Yes		

Application No. RZ22-18 was recommended for **Approval**.

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 ROAD**
- II. **APPLICATION PRE22-11 - PRELIMINARY PLAT FOR SAXONY RIDGE**

APPROVAL OF THE MINUTES FROM THE NOVEMBER 16, 2022, REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the November 16, 2022, regular meeting. Commissioner Bahr made such motion, and the motion was seconded by Commissioner Shell. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING & ZONING DIVISION UPDATES

Robert Myers said since the next meeting of the County Council is scheduled for January 9, 2023, the Planning & Zoning packets will have to be done by tomorrow, December 22nd.

- II. Chairman Ellis announced he will not attend the next two Planning & Zoning meetings (January and February) in person but will attend them virtually.
- III. Sheila Weiss, Administrative Assistant, is out on medical leave and her absence will affect assistance to this Board.

ADJOURNMENT OF MEETING

Commissioner Cleary made a motion to adjourn the meeting. The motion was seconded by Commissioner Boehmer and was approved by unanimous voice acclamation. The meeting adjourned at 10:30 p.m.

Respectfully submitted by:

Roger Ellis, Chairman

Tracy Boehmer, Secretary