

March 24, 2023

This communication summarizes the following application and bill to be introduced at the April 10, 2023 County Council meeting:

CONDITIONAL USE PERMIT AMENDMENT – EBERT LANE

Application No: CUP22-17
Property Owner/Applicant: Loutre Prairie Farms, LLC
Property Zoning: A, Agricultural District
Conditional Use Request: Amend Ordinance 05-198 granting Conditional Use Permit No. 655 for a nursery
Location: At the terminus of Ebert Lane, 0.7 miles north of Highway N, and adjacent to the City of Wentzville
County Council District: 2
Parcel Account Nos.: T072300041 and T062300285

Approval of this bill would amend the conditions for Ordinance 05-198 and allow an existing nursery to expand onto an adjacent parcel which is also owned by Loutre Prairie Farms, LLC. The subject property is located at the northern terminus of Ebert Lane, a private road, and is not located within a subdivision.

In 2005, the County Council granted a conditional use permit (CUP655) to operate a wholesale nursery on the subject property. In 2017, through Ordinance 17-097, the County Council granted a request to expand the nursery onto the adjacent parcel with a 10,500 square-foot pole barn, but the nursery owner ultimately chose not to pursue that development, and CUP17-12 expired two years later. The property owner has reapplied to revise Ordinance 05-198 with an expanded concept plan without the pole barn depicted in the 2017 concept plan.

The existing nursery lacks an approved site plan, and approval of this CUP amendment will facilitate site plan approval and resolve a related notice of violation (22-004887).

The Planning and Zoning Commission held a public hearing at its March 15, 2023 meeting with the following input:

Speakers: 5 Support 1 Opposed 0 Concerns
Letters on file: 11 Support 0 Opposed 0 Concerns

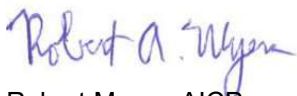
Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

8 Approval 0 Denial 0 Abstentions

Recommendation:

The Planning and Zoning Commission hereby forwards its report and recommends approval of the attached CUP concept plan and amended conditions. In so doing, the Commission finds that the requested amendments to Ordinance 05-198 are consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, and also consistent in purpose and content with the nature of the conditions imposed by the Governing Body.

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 CUP22-17

CONDITIONAL USE PERMIT AMENDMENT REQUEST – EBERT LANE

Application No: CUP22-17
Property Owner: Loutre Prairie Farms, LLC
Applicant: DJM Ecological Services, Inc
Property Zoning: A, Agricultural District
Conditional Use Request: Amending ordinance 05-198 to allow for the expansion of the approved use of a wholesale only nursery onto an adjoining property.
Location: On the west side of the terminus of Ebert Lane, adjacent to the City of Wentzville
County Council District: 2
Parcel Account No.: T072300041 and T062300285

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 - ◆ Brian Sutton – Support
 - ◆ Don Buenemann – Support

STAFF RECOMMENDATION

To: County Planning and Zoning Commission **Prepared by:** Mark Price Jr. AICP, CFM

Application No.: CUP 22-17

Date: March 7, 2023

BACKGROUND

Owners: Loutre Prairie Farms, LLC

Applicants: John Wingo, owner DJM Ecological Services

Requested Action: amend Conditional Use Permit CUP 655 to expand the wholesale nursery onto the adjacent parcel to the south.

Existing Zoning: A, Agricultural District

Location: 2205 Ebert Lane, at the northern terminus of Ebert Lane adjacent to the City of Wentzville

Size: 7.07 in total acres.

Current Land Use: Wholesale nursery and a storage yard for plant materials and equipment related to the installation of landscaping.

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	Wentzville	Housing
South	A, Agricultural	Housing, Jackson's
East	A, Agricultural	Housing, Jackson's
West	A, Agricultural	Vacant Agricultural

Zoning History: This property was originally zoned A, Agricultural District in 1959. The property was granted a Conditional Use Permit (CUP 655) on December 20, 2005 for a Nursery. On October 30, 2017, Conditional Use Permit CUP17-12 was approved through Ordinance 17-097. This conditional use permit was to expand the business to the adjacent parcel to the south and to add a large pole barn type structure to house all of the nursery's equipment. The property owner never submitted a site plan for this and as such never established this expanded use. This CUP expired on October 30th, 2019. In March of 2018, the property owner obtained a land disturbance permit to perform grading to establish a pad for the new pole barn structure and this permit was completed June 20, 2022.

Public Services: County Council District 2, Joe Brazil
School District – R4, Wentzville School District
Fire District – Wentzville Fire Protection District

Utilities: Water – Public Water Supply District No. 2 Service Area

Sewer – City of Wentzville service area (Individual Wastewater Treatment System)

The petitioner is requesting an amendment to an existing Conditional Use Permit for a wholesale nursery. The petitioner wishes to expand the use on to adjacent property (account number T062300285). This request would be expand the use from T072300041 to T062300285.

ANALYSIS

The property was granted its first Conditional Use Permit in 2005 for a wholesale nursery. The original CUP (CUP655) was approved by ordinance 05-198. This ordinance contained three conditions for the development:

- 1) A site plan must be submitted and approved by the St. Charles County Community Development Department.
- 2) The north side of the property must have a vegetative buffering along the barbed-wire fence.
- 3) The nursery must be wholesale only.

In the time since the ordinance was approved, the area to the south was graded and prepared for the new structure. No further progress was permitted without a site plan being approved. Since then this area has been graveled and used as outdoor storage for the nursery. This application is to expand the conditional use permit to the southern property and to approve an expanded area for operations of the wholesale nursery.

The applicants are asking for a total of 2 new hoop houses and one shape house. A hoop house is a temporary type of greenhouse for the cultivation of plants. They are asking for two areas of outdoor implement storage and one green waste bin. These items meet all the required setbacks. The lot is open and not forested.

Conditional Use Permits (CUPs) are evaluated based on criteria established within Section 405.510.B of the County Code. The CUP criteria are as follows:

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

To amend a CUP concept plan and conditions approved by the Governing Body, the process is as follows (Sections 405.510.E.2 and 405.510.H):

- The property owner or authorized representative shall submit a written request to amend conditions to the Planning and Zoning Division for review. The Division shall evaluate the request for consistency in purpose and content with the nature of the proposal as originally advertised for public hearing.
- The Division shall then forward the request and its report to the Planning and Zoning Commission. The Planning and Zoning Commission shall review the proposed condition amendments and file a report with the County Council in which the Planning and Zoning

Commission shall grant, deny or modify the requested condition amendments. If the Planning and Zoning Commission determines that the requested condition amendments are not consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, and not consistent in purpose and content with the nature of the conditions imposed by the Governing Body, the request shall be considered as a new CUP application and the review and final decision on the request shall be rendered pursuant to, and as provided for, in the provisions of this Section 405.510 and Section 405.511 applicable to new CUP applications.

- If the Planning and Zoning Commission determines that the requested condition amendments are consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, and also consistent in purpose and content with the nature of the conditions imposed by the Governing Body, it shall not require a new public hearing on the matter, and it shall forward its approval report and recommendation to the Governing Body for final decision. The County Executive may forward the recommendation of the Planning and Zoning Commission to the Council for placement on the County Council's Consent Agenda.”

County staff has reviewed this request and recommends that the proposed CUP amendments are consistent in purpose and content with the nature of the proposal as originally advertised for public hearing and are consistent in purpose and content with the nature of the conditions imposed by the Governing Body in the approved Conditional Use Permit. Nonetheless, County staff recommends that the Planning and Zoning Commission hold a public hearing as part of its deliberations and forward its report and recommendation to the County Council.

RECOMMENDATION

County staff recommends that the Planning and Zoning Commission hold a public hearing as part of its deliberations and forward a report and recommendation for approval of an amended concept plan and conditions as follows:

- 1. Outdoor storage shall be limited to the equipment and materials used in the operation of the nursery.**
- 2. If the existing storm water facilities constructed for a nursery have been compromised, then maintenance will be required per the existing storm water agreement with the County for these properties.**
- 3. A site plan conforming to the concept plan attached as part of Exhibit B shall be submitted to and approved by the St. Charles County Community Development Department.**
- 4. The north side of the property must have a vegetative buffering along the barbed-wire fence.**
- 5. The nursery must be wholesale only.**
- 6. A Type 3 landscape buffer along the western, eastern and southern property lines, as well as all trees illustrated on the approved site plan, must be maintained in a healthy condition with diseased or dead trees replaced.**
- 7. All automobiles, trailers, and equipment shall remain assembled and in functional condition. If they are road going vehicles, they shall be licensed and road ready at all times unless stored indoors.**
- 8. All exterior lighting shall utilize full cutoff light fixtures.**

9. No conditional use shall be in active use until such time all conditions of approval have been met and all outstanding property maintenance violations have been corrected.



View from Ebert Lane looking west towards the subject property.



View of the operations that are currently on the southern parcel looking west



View of the structures looking southeast.