

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: JUNE 20, 2018

TIME: 7:00 P.M.

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

MEMBERS PRESENT: Ron Saettele; Gary Griffin; Kevin McBride; Kevin Cleary; Tom Kuhn; Roger Ellis; Jim Leonhard; Craig Frahm; Robert McDonald; and Mike Klinghammer, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Ellie Marr, Senior Planner; Jhimae Brock, Recording Secretary; and Ardita Roark, Associate County Counselor

SPEAKERS:

PRE18-04: None

PRE18-06: Craig Boschert, applicant, 1124 Black Forest Drive

CUR18-02: Rebecca Corson, 200 N. Third Street; Michelle L. Barry, 305 Abingdon Court; Michael Gavura, 614 Calamar Court; Leigh L. Forrester, 111 Keystone Crossing Drive

CUR18-03: Nevada Smith, representative for Michael and Susan Smith, 405 Dames Park Drive; Christine Reinhart, 411 Dames Park Drive; Steve Herpel, 320 Autumn Forest Drive; Marilyn Zeisset, 413 Dames Park Drive; William Reinhart, 411 Dames Park Drive; Arnie C. "AC" Dienoff, P.O. Box 1535, 63366; and David McNeil, 19 Forest View Drive

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Roger 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. He explained to the audience that the Planning and Zoning Commission would make a recommendation on all applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision.

Chairman Roger Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the Year 2025 Master Plan for St. Charles County, which includes the Year 2025 Future Land Use Plan Map.

CHANGES TO THE AGENDA

- I. This application was withdrawn by the applicant prior to the Planning & Zoning Commission meeting meaning that the Commission would take no action on this item.

PRELIMINARY PLAT FOR WORTMANN RIDGE - 1639 DIETRICH ROAD

Application: PRE18-05
Owner: Charles F. Terbrock and Jean R. Terbrock
Applicant//Developer: Kyle Wortmann
Surveyor: Kuhlmann Design Group
Property Zoning: A, Agricultural District
Area: 15.49 acres
Number of lots: 3
Location: On the north side of Dietrich Road, approximately 450 feet east of Camp Creek Drive
Council District: 1
Account No.: A914000568

- II. The applicant requested that this application be continued until the next regular meeting:

PRELIMINARY PLAT FOR TIMBERWOLF FARMS - OLD COLONY ROAD

Application: PRE18-04
Owner: Silberman Residential, LLC
Applicant/Developer: Industrial Capital Group, LLC, Marc Boyer
Surveyor: Muser & Associates Land Surveying
Property Zoning: A, Agricultural District
Area: 37.74 acres
Number of lots: 6
Location: On the west side of Old Colony Road, approximately 275 feet south of Rooster Ridge Lane
Council District: 2
Account No.: 622380A000

Chairman Ellis stated that the applicant has requested that this application be continued until the July 18, 2018 meeting.

Chairman Ellis asked if anyone from the audience would like to comment on this preliminary plat application. There were no public comments.

Chairman Ellis called for a motion to continue application No. PRE18-04.

Ron Saettele made a motion to continue the application, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Ron Saettele	- Yes	Gary Griffin	- Yes	Kevin McBride	- Yes
Kevin Cleary	- Yes	Roger Ellis	- Yes	Jim Leonhard	- Yes
Craig Frahm	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes
Mike Klinghammer	- Yes				

Application No. PRE18-06 was **CONTINUED** until the next regularly scheduled meeting.

The vote count was 10 Yeas, 0 Nays, and 0 Abstentions.

III. The applicant requested that this application be continued until the next regular meeting:

REZONING AND CONDITIONAL USE PERMIT REQUEST - 7800 HIGHWAY N

Application: CUR18-02
Applicant/Owner: Roden Brothers Properties, LLC, Steven E. Roden
Current Zoning: C1, Neighborhood Commercial District
Requested Zoning: C2, General Commercial District
Use Requested: Automobile, boat, truck, trailer, and RV storage
Area: 6.00 acres
Location: On the south side of Highway N, approximately 450 feet east of Keystone Crossing Drive; adjacent to the City of Dardenne Prairie
Council District: 2
Account No.: 776880A000

Chairman Ellis stated that the applicant has requested that this application be continued until the July 18, 2018 meeting.

Chairman Ellis opened the public hearing, and asked if anyone from the audience would like to make public comments on this application.

Rebecca Corson, 200 N. Third Street, was sworn in. Ms. Corson stated that she is with the law firm of Hamilton Weber and is representing the City of Dardenne Prairie. She stated that the subject property is adjacent to, and surrounded by, many properties that are a part of the City of Dardenne Prairie. The City of Dardenne Prairie is opposed to both the rezoning and the conditional use permit application.

Ms. Corson approached the Planning & Zoning Commission to distribute documents. She stated in those packets is a copy of a draft Resolution that the Board of Aldermen for the City of Dardenne Prairie is considering, which would protest and oppose the requested rezoning. There are also letters voicing the City's general opposition to this application, including one letter from the City of Dardenne Prairie Planning & Zoning Commission indicating that on their meeting on June 13, they unanimously voted to oppose this rezoning and conditional use permit request. As indicated by the Resolution draft and the letters presented to the Commission members, along with the County's staff recommendation, Dardenne Prairie believes that the requested rezoning and the conditional use are not appropriate for

this location. Consistent with both the City of Dardenne Prairie's Comprehensive Plan, and the St. Charles County Master Plan, the properties that surround this property are zoned for residential, light commercial, and retail Uses. The City of Dardenne Prairie is currently updating its Comprehensive Plan as well and they are considering rezoning surrounding properties to residential. There is no property within the vicinity of this property that is zoned to allow an outdoor vehicular storage facility such as that being requested, as either a permitted or conditional use, under the ordinances of Dardenne Prairie. The fact that this is not allowed under the zoning for any of the surrounding properties indicates that it's an inconsistent use for the area. An outdoor vehicular storage facility such as this one would represent a visual blight at the very community center of Dardenne Prairie. It would result in a detrimental impact upon the enjoyment and value of the surrounding residential school and church property uses. Furthermore, it would be an eyesore. This property is situated at the entrance to the City's Center for Economic Development, and they are afraid it may deter new businesses Dardenne Prairie hopes to draw into that area.

In summary, the requested rezoning in use is unreasonable and inconsistent with the character of the area. It will have a detrimental impact on the residences, church, and schools surrounding the property (it's value and enjoyment thereof), and it would interfere with the growth plan of Dardenne Prairie. For these reasons, the city of Dardenne Prairie is opposed to the requested rezoning and conditional use permit.

Michelle L. Barry, 305 Abingdon Court, was sworn in. Ms. Barry's property backs up to the Roden's property. She stated that she agrees with the concerns stated by Rebecca Corson, and is concerned that this development will negatively affect her property value. She stated that she wants to know more about what the applicant is going to do with the property, and if it will be fenced. She would also like to know what the hours of operation are going to be.

Michael Gavura, 614 Calamar Court, was sworn in. Mr. Gavura lives in Keystone Crossing Subdivision adjacent to the applicant's property. He stated that Section 405.130 (C1, Neighborhood Commercial District) of the Unified Development Ordinance for St. Charles County Missouri, states that for lawn care services, "All lawn care materials and any related equipment or vehicles, are required to be stored within an accessory structure." He stated that the Roden property and the adjacent property to the east are both lawn care and landscaping companies. Their equipment is in their fields all over their property, and it is not stored within an accessory structure. The applicant has already paved and graveled a lot of the land that previously had Pin Oak Trees on it. A drainage ditch now runs through his property that was not there when he first moved there. He stated according to Burkemper Homes it was supposed to be a small swale when they built the property, but it is now a ditch 2 to 8 feet wide when it rains. He stated that he is opposed to the rezoning because they are not living up to the current zoning regulations with their equipment. He is concerned about the property turning into an eyesore, decreasing the property value in the surrounding area.

Leigh L. Forrester, 111 Keystone Crossing Drive, was sworn in. Ms. Forrester stated that she is opposed to the rezoning request. Ms. Forrester stated that she has lived at her current residence for 18 years. Her property and the Roden's property have always had the common ground split with the creek running behind her backyard. She stated that over the years the area has been quiet and more of an agricultural setting. The area is very good for raising families and very open throughout, however this zoning request would fail to preserve that. She stated that turning it into a parking lot with RV's sitting around or having car storage etc., is not what the Dardenne Prairie area was meant to be. She stated that the existing RV storage facility on Technology Center Drive is unsightly, and it has taken the applicant almost 18 years to clean up the property and still is not presentable. She stated that across from Highway 40, approaching Lake Saint Louis is a new multi-level storage facility. She believes that there are already enough storage facilities in the Dardenne Prairie area. She is also concerned about her property value declining.

Chairman Ellis asked if there was anyone else in the audience who would like to speak on this application.

There being no other speakers from the audience, Chairman Ellis closed the public hearing.

Chairman Ellis stated that for those individuals that spoke regarding this application, they should be advised that if this application is brought back on the July 18, 2018 meeting agenda the Commission would hear from the applicant and have another public hearing at that time.

Chairman Ellis called for a motion to continue application No. CUR18-02.

Gary Griffin made a motion to continue, and Ron Saettele seconded the motion.

The vote on the motion was as follows:

Ron Saettele	- Yes	Gary Griffin	- Yes	Kevin McBride	- Yes
Kevin Cleary	- Yes	Roger Ellis	- Yes	Jim Leonhard	- Yes
Craig Frahm	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes
Mike Klinghammer	- Yes				

Application No. CUR18-02 was **CONTINUED** until the next regularly scheduled meeting.

The vote count was 10 Yeas, 0 Nays, and 0 Abstentions.

IV. The applicant requested that this application be continued until the next regular meeting:

REZONING AND CONDITIONAL USE PERMIT REQUEST - 566 HIGHWAY P

Application: CUR18-03
Applicant/Owners: Joseph and Paula Dames
Current Zoning: A/FF, Agricultural District, with Floodway
Fringe Overlay District
Requested Zoning: C2/FF, General Commercial District, with Floodway
Fringe Overlay District
Use Requested: Automobile, boat, truck, trailer, and RV storage
Area: 2.96 acres
Location: On the south side of Highway P, approximately
250 feet southeast of Park Ridge Drive; adjoining
the City of O'Fallon
Council District: 1
Account No.: 332910A000

Chairman Ellis opened the public hearing, and asked if anyone from the audience would like to make public comments on this application.

Nevada Smith, representative for Michael and Susan Smith, 405 Dames Park Drive, was sworn in. Mr. Smith stated that Mr. and Mrs. Smith are opposed to this rezoning and conditional use permit request. He stated that Highway P is a busy two-lane road and has a speed limit of 50 miles-per-hour. He stated there are concerns with how the traffic flow would be monitored with putting a parking lot on the subject property. He asked the Planning & Zoning Commission how people are going to exit off and onto Highway P. He stated that there are concerns about drainage and flooding when there is significant rain flow. Developing that land and putting up a parking lot would continue to increase flooding. Mr. Smith stated that there is already lighting on Dames Park, Dames Park Subdivision, and another subdivision located behind it. Adding another structure would require more lighting, and it would interfere with the residents. There are concerns with noise coming from people entering and exiting the parking lot of the proposed storage facility. There is concern about the landscaping of the area, and what this development would do to the surrounding property values. Mr. Smith stated that the proposed development it is not consistent with this area, and there is also a concern about security.

Christine Reinhart, 411 Dames Park Drive, was sworn in. Ms. Reinhart owns a villa in Dames Park, near Highway P. She is opposed to the parking lot being built there. She stated that Highway P is very narrow with two lanes, and she is concerned about the safety of traffic flow. She stated that it will be hazardous and detrimental to the property values.

Steve Herpel, 320 Autumn Forest Drive meeting, was sworn in. Mr. Herpel's current residence is on Highway P and is located across the street from the subject property. He stated that he has lived in the area for 60 years, and the peace and quiet that he enjoyed growing up is now gone. He stated that he understands why the property owner wants to develop the property to make a profit but he is concerned with the lack of maintenance of on the property. He stated that a decayed barn on the subject property was torn down a few years ago, but a neglected house remains on the property. He is concerned with traffic and the accidents reported. Mr. Herpel encouraged the Planning & Zoning Commission to review those reports. He stated that he has called 9-1-1 a dozen times over the 14 years that he has lived there. There are frequent car accidents, and he is concerned about the blind curve going onto the subject property. He believes that this is not the best placement for the proposed development. He stated that there are adequate storage facilities within a few miles of the neighborhood. Population density is increasing due to new residential development, thus traffic will continue to increase. He urged the Commission to consider the location, the hazard to the public, and the historical lack of maintenance on the property that has been exhibited by the owner of the property, as indicative of what is to be expected in the future.

Marilyn Zeisset, 413 Dames Park Drive, was sworn in. Ms. Zeisset lives about 500 feet from the property. She is concerned about traffic safety while exiting Dames Park Drive onto Highway P. She stated that this proposed development will be an eyesore.

Arnie C. "AC" Dienoff, P.O. Box 1535, 63366, was sworn in. Mr. Dienoff stated that he previously spoke to the Planning & Zoning Commission regarding other conditional use permit requests for storage facilities for boats, RVs, jet skis, and cars. He stated that this is a resounding issue with code enforcement that keeps coming up, and he wishes that County staff would review this issue and formulate a policy. He stated that conditional use permits grant a variance from the County's zoning code that allow the owner to use the property for something that is otherwise not allowed under the zoning code. There needs to be protections for property owners in St. Charles County and the surrounding communities that these types of facilities are going into. He understands that this type of conditional use has been created due to the restrictions and covenants of the subdivisions not allowing parking of boats, trailers, or RVs in driveways. He stated that he has been disappointed with County staff over the last three months because they place easy and minimum conditions on these conditional use permits, and does not put in the required conditions. Mr. Dienoff stated that according to State Law and the County Charter, the Planning and Zoning Commission can go above and beyond the Planning

& Zoning staff's bare minimum recommended conditions. He stated that they need to ensure that our County is being adhered to, and the codes are being followed.

Mr. Dienoff stated that he took this measure to the O'Fallon City Council. The property is located on the south side of Highway P, approximately 250 ft. southeast of Park Ridge Drive, which is an unincorporated parcel adjacent to the City of O'Fallon. It is also in proximity to Dames Park, which is a large park with existing flooding issues. There are a number of accidents which have been testified to on Highway P, and there needs to be safety improvements made. Two months ago, the O'Fallon City Council lowered the speed limit, but the Missouri Department of Transportation and Highways has not acted upon that Ordinance requesting to lower the speed limit. He stated that north O'Fallon is exploding with residential developments, and building permits have increased in the City of O'Fallon since last year. He stated that this development plan is not conducive with the St. Charles County Master Plan or with the City of O'Fallon Comprehensive Plan, which by state law, this Commission must take into account. There are issues with landscaping, lighting, and flooding in this area. The O'Fallon City Council rightfully has substantial interest for development proposals for unincorporated St. Charles County which are adjacent to property in the City of O'Fallon.

Mr. Dienoff read from the O'Fallon Resolution No. 06-14-2018:

WHEREAS, the proposed rezoning of the subject property and proposed conditional use permit now pending in St. Charles County conflicts with those important goals and will perpetuate disharmony and confusion and impede efficient service by inserting an awkward and ill-conceived land-use and site plan at a critical location along Highway P.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

The O'Fallon City Council hereby expresses to the [St. Charles County Planning & Zoning Commission] and the St. Charles County Council, its opinion that the proposed rezoning and conditional use permit application for the property on the south side of Highway P approximately 250 feet southeast of Park Ridge Drive are inappropriate and ill-conceived, and should be denied.

The O'Fallon City Council further asks that the [St. Charles County Planning & Zoning Commission] and the St. Charles County Council cooperate in an orderly and logical development of the property and delivery of public services by supporting and facilitating the annexation of property into the City of O'Fallon.

He stated that the County Executive has a full-time Assistant Director of Administration who deals with intergovernmental relations. Unfortunately, in the case of this application, the application in Dardenne Prairie, and the application in the City of New Melle, local officials and communities were not notified in a timely manner to allow them to be able to participate and be part of the planning process. Mr. Dienoff stated that he wanted to read the Resolution that was passed by the O'Fallon City Council on June 14, 2018 for the record. He stated that this was brought to County Registrar, Brenda Hinton, and was filed on June 15, 2018.

Chairman Ellis responded that a copy of that Resolution is on file, and is already part of the record for this application.

Mr. Dienoff stated that on June 14, 2018 the Resolution against the rezoning request for application CUR18-03 was signed by O'Fallon Mayor Bill Hennessey, attested by Pam L. Clement, O'Fallon City Clerk, and was filed by O'Fallon City Attorney Kevin O'Keefe. He stated for those reasons, he asks that the Planning and Zoning Commission members fully comply with the Resolution passed by the O'Fallon City Council, and deny this application.

Gary Griffin mentioned that he did not have a copy of the City of O'Fallon Resolution Letter and asked Chairman Ellis if it was provided in the agenda update packet.

Chairman Ellis responded that the Resolution is notated on the updated agenda packet.

Ellie Marr, Senior Planner, responded that since the applicant has requested that this application be continued, a copy of that Resolution will be included in the agenda packet for the July 18, 2018 Planning & Zoning Commission meeting.

Commissioner Gary Griffin asked that County staff email him a copy of the O'Fallon Resolution.

Ellie Marr responded that staff will send him a copy of that Resolution.

William Reinhart, 411 Dames Park Drive, was sworn in. Mr. Reinhart stated the issues regarding safety that have been mentioned are very important, but there is another issue that has not been mentioned. He stated that behind his residence is a wetland. He asked the Planning & Zoning Commission if there has been any consideration on the plans for a drainage system. He stated that he is also concerned that the pollutants from this storage area would cause harm to this wetland.

David McNeil, 19 Forest View Drive, was sworn in. Mr. McNeil stated that he and his family have been residents there for approximately 20 years, and they are opposed to this rezoning request. He stated the area is very residential and rural and has a nice feel to it. The rezoning request is not in keeping with the general feel of the area, and it will have a negative effect both on their quality of life and their property values. He stated that if approved, it would end up being an eyesore. This is a high flood area and paving the land will not help that. He is also concerned about traffic. He stated that he is not interested in having this property rezoned to create a place for others to store their junk in his back yard.

Chairman Ellis asked if there was anyone else in the audience who would like to speak on this application.

There being no other speakers from the audience, Chairman Ellis closed the public hearing.

Chairman Ellis stated that for those individuals that spoke regarding this application, they should be advised that if this application is brought back on the July 18, 2018 meeting agenda the Commission would hear from the applicant and have another public hearing at that time.

Chairman Ellis called for a motion to continue application No. CUR18-03 to the next meeting.

Gary Griffin made a motion to continue, and Ron Saettele seconded the motion.

The vote on the motion was as follows:

Ron Saettele	- Yes	Gary Griffin	- Yes	Kevin McBride	- Yes
Kevin Cleary	- Yes	Roger Ellis	- Yes	Jim Leonhard	- Yes
Craig Frahm	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes
Mike Klinghammer	- Yes				

The rezoning request for Application No. CUR18-03 was **CONTINUED** until the July 18, 2018 meeting.

The vote count was 10 Yeas, 0 Nays, and 0 Abstentions.

PLATS

I. PRELIMINARY PLAT FOR THE CRAIG BOSCHERT SUBDIVISION - 5288 BLASE STATION ROAD

Application:	PRE18-06
Owner:	Claude A. Boschert and Nancy C. Boschert
Applicant:	Craig Boschert
Surveyor:	Landmark Surveying Company, Incorporated
Property Zoning:	RR, Single-Family Residential District
Area:	7.00 acres
Number of lots:	2
Location:	On the east side of Blase Station Road, approximately 1,300 feet south of Susan Avenue
Council District:	6
Account No.:	A985000252

Ellie Marr, Senior Planner, described the zoning of the subject properties, the surrounding zoning, and the 2025 Future Land Use Plan. Ms. Marr stated that the Planning & Zoning Commission should have a copy of the revised Preliminary Plat that was distributed to them in their agenda update packet this evening. Earlier this year, this parcel requested a rezoning and it was approved by the County Council. Post 1999, when the Unified Development Ordinance went into effect, a previous property was split off to the south of this property. Consequently, the remainder has to be platted as a subdivision and it can no longer be split by a simple deed and survey. Therefore, the applicant was required to come forward with a preliminary plat.

Ellie Marr stated the applicant has met all of the requirements for this preliminary plat except for one requirement which would require a variance. Planning & Zoning Division staff recommends approval of the plat and variance and which would have to be approved by the County Council. County Ordinance Section 410.280.2 of the County Code requires that all newly-platted lots take driveway access from an interior subdivision street. The St. Charles County Highway Department has reviewed this plat and finds the proposed driveway easement and access from a common driveway acceptable.

Chairman Roger Ellis asked if the Commission had any questions for staff. Seeing none, Chairman Ellis opened the meeting for public comments and asked the applicant to come forward.

Craig Boschert, applicant, 1124 Black Forest Drive, was sworn in. Mr. Boschert asked County staff if his variance request would have to go through two County Council meetings.

Mike Klinghammer responded that is correct, the procedure for bills is that they must go through two readings before a vote is taken by the Council.

Kevin Cleary stated that on this plat it appears that the parcel to the south has a lake directly in the center of it. Mr. Cleary mentioned that he was looking at the elevation and floodplain around that area. He then asked the applicant where he would build the improvements.

Craig Boschert responded that it would be on the north side of the driveway close to Blase Station Road. He is looking to set it back off the road at about 80 feet with the appropriate boundaries. He stated that it would be well above the 500-year floodplain.

Chairman Ellis asked if there were any other questions for the applicant. There were no further questions.

Chairman Ellis asked if there was anyone in the audience who wished to speak on this application. There were no audience speakers.

Chairman Ellis closed the meeting to public comments, and called for discussion from the Commission.

There being no further discussion, Chairman Ellis called for a motion to recommend approval on Application No. PRE18-06, with the requested variance to Section 410.280.2 OSCCMo.

Jim Leonhard made a motion to recommend approval, and Craig Frahm seconded the motion.

The vote on the motion was as follows:

Ron Saettele	- Yes	Gary Griffin	- Yes	Kevin McBride	- Yes
Kevin Cleary	- Yes	Roger Ellis	- Yes	Jim Leonhard	- Yes
Craig Frahm	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes
Mike Klinghammer	- Yes				

Application No. PRE18-06 was recommended for **APPROVAL**, with the requested variance to Section 410.280.2 OSCCMo.

The vote Count was 10 Yeas, 0 Nays, and 0 Abstentions.

TABLED BUSINESS

I. DISCUSSION / ADOPTION OF SPECIFIC RULES OF PROCEDURE FOR THE PLANNING AND ZONING COMMISSION

This item remained **TABLED**.

OTHER BUSINESS

NONE

APPROVAL OF MINUTES

Chairman Roger Ellis asked for a motion to approve the minutes from the May 16, 2018 meeting.

A motion to approve the minutes was made by Gary Griffin, and the motion was seconded by Jim Leonhard. The minutes were approved by unanimous voice acclamation.

ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Mike Klinghammer and was seconded by Jim Leonhard. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 7:43 PM.

CLOSED MEETING SESSION - PER STATE STATUTE RSMo 610.021(1)

There was no closed meeting session after adjournment of the regular meeting.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary

DRAFT