

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** APRIL 17, 2019

**TIME:** 7:00 P.M.

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

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**MEMBERS PRESENT:** Diane Saale; Kevin Cleary; Tom Kuhn; Roger Ellis; Jim Leonhard; Craig Frahm; Robert McDonald; and Mike Klinghammer, County Councilman

**MEMBERS ABSENT:** None

**STAFF PRESENT:** Michael Hurlbert, Director of Community Development; Ellie Marr, Senior Planner; Beverly Temple, Associate County Counselor; and Jhimae Brock, Recording Secretary

**SPEAKERS:** **CUR19-02:** Joseph Prenger, Property Owner; Susan Goris, 3737 Hopewell Road, Wentzville, MO 63385; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366

**PRE19-02:** Jason R Jenson, Property Owner

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### CALL TO ORDER

Chairman Roger 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. Public comment on conditional use permit applications will be taken during tonight's meeting, and at the County Council meeting on Monday, May 13, 2019. He stated that public comment on conditional use permit applications will not be taken at any meeting of the County Council held thereafter. He explained to the audience that the Planning & Zoning Commission will make a recommendation on rezoning applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats is final. Only a recommendation for denial on these applications would be heard by 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.

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## CHANGES TO THE AGENDA

NONE

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### PUBLIC HEARINGS

#### I. REZONING AND CONDITIONAL USE PERMIT REQUEST - 2320 & 2404 HOPEWELL RD

Application:	CUR19-02
Property Owner:	KJ Storage, LLC
Applicant:	Joseph Prenger
Current Zoning:	A, Agricultural District
Requested Zoning:	C2, General Commercial District
2030 Master Plan	
Recommends:	Commercial Zoning
Conditional Use Request:	Self-Storage or Mini Warehouses
Area:	1.64 acres
Location:	On the east side of Hopewell Road, approximately 300 feet west of Highway N; near the City of Lake St. Louis
Council District:	2
Account Nos.:	761790A000 and 761880A000

Ellie Marr, Senior Planner, described the subject property and the surrounding properties and surrounding land uses. The applicant is requesting that both parcels be included in the rezoning request and is also requesting a conditional use permit for self-storage units or mini warehouses per the attached concept plan. Ms. Marr referred to the Zoning and Current Transportation Improvement Plan Map and stated that County staff reviewed the two (2) parcels and identified where they would be located in regard to the proposed straightening of Highway N and Hopewell Road. She stated that the plans are not definite in terms of where the exact relocation will be. The 2030 Land Use Plan recommends commercial zoning for these 2 parcels and several other parcels located in the surrounding area along Hwy N east and also south and west of the current intersection of Hwy N and Hopewell Road.

Ellie Marr stated that if the rezoning to C2 is approved, the applicant is also requesting a conditional use permit for self-storage or mini warehouses on the two (2) properties. The location of the property with the future relocation of Hopewell Road would be appropriate due to its proximity to the major intersection of Hwy. N, Duello Road, and Hopewell Road. Landscaping on the eastern boundary of the property will help to buffer the commercial use of the property from the existing residential property. The applicant has addressed the proposed widening of Hopewell Road and has reduced the number of storage units from six (6) to four (4) mini warehouse units. The front building setback line location shown on the concept plan is located 45 feet from the current front property line due to the future planned widening of Hopewell Road with the initial 20 feet of the setback reserved for this future widening. She stated that the applicant can further address whether or not they will have a locked gate and their plans on accessing the property.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the rezoning request. Rezoning of these parcels is the 2030 Master Plan recommended land use for this area. In addition, the Planning and Zoning Division recommends

that the Planning and Zoning Commission also recommend approval of the conditional use request subject to the following conditions.

1. A site plan substantially complying with the concept site plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.
2. St. Charles County Highway Department permits shall be obtained for commercial entrances off of Hopewell Road.
3. No light from exterior light fixtures shall exceed 0.5 foot-candles as measured at the property lines.
4. No conditional use shall be in active use until such time all conditions of approval have been met.

For the record, staff received one letter of opposition regarding this application.

Kevin Cleary asked if the proposed new intersection of Hopewell Road, Duello Road, and Highway N would become a dead end.

Ellie Marr responded that typically it would be called Old Hopewell Road.

Kevin Cleary stated that in essence it would become a corner lot.

Ellie Marr responded in the affirmative.

Chairman Ellis asked what the 2030 Master Plan recommended land use was for the residential properties to the north and east of the subject property.

Ellie Marr responded that the 2030 Land Use Plan recommends commercial zoning for the subject properties and several other parcels located in the surrounding area along Hwy N east and also south and west of the current intersection of Hwy N and Hopewell Road.

Diane Saale stated that the ambulance district is located next to the subject properties.

Mike Klinghammer asked if the structure located at 2316 Hopewell Road was a barn or a residence.

Diane Saale responded that a residence was located on that property.

Mike Klinghammer stated that the residence located at 2316 Hopewell Road appears to be located right on the property line. Mr. Klinghammer asked what the distance would be from that residence to the proposed storage units located on the subject properties.

Mike Klinghammer stated that the font writing on the 11x17 concept plans are difficult to read, and asked County staff to provide larger plans in the agenda packets for the Commissioners.

Michael Hurlbert, Director of Community Development, responded that the applicant submits the concept plan digitally. Mr. Hurlbert stated that County staff accesses the document from their internal software, so some pixelization may occur when printing these documents.

Mike Klinghammer stated that other local communities require the applicant to provide 12 full size copies of their concept plans. Mr. Klinghammer stated that it wouldn't be an additional cost to the County and is something that the applicant should provide.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Joseph Prenger, the applicant, was sworn in. Mr. Prenger stated that he currently owns a storage facility in Warren County, in the City of Wright City. He is proposing to have a self-serve facility with freestanding buildings, 10-foot garage doors, all metal, American made buildings. He stated that they are high quality buildings. He stated that he does 90% of his business over the phone and leaves the units available and unlocked for prospective customers to come and rent units. He stated that this works very well for him.

Diane Saale asked if there will be a fence around the subject properties.

Joseph Prenger responded that he would like to have a fence around the entire facility and have a camera on the entrance. Mr. Prenger stated that there will not be a gate on the self-storage units.

Mike Klinghammer asked if the self-storage units would remain open until rented.

Joseph Prenger responded in the affirmative.

Chairman Ellis asked if there will be outside storage for boats or trailers.

Joseph Prenger responded in the negative.

Kevin Cleary asked if the self-storage units would have the best use of the subject property long term.

Joseph Prenger responded in the affirmative. Mr. Prenger stated that his current business in Warren County has been successful and having a storage facility on the subject properties would be the best use for him. He stated that it was previously mentioned that the intersection might become a dead end, so he would prefer to have the entrance coming from the north side of the property. He stated that it would have less traffic there. He stated that there is a crest at the location of current entrance, which is a dangerous intersection. He stated that he would like to propose the entrance to be on the north side. He stated that because the utility easement runs through there, it has the possibility to change. He stated that they thought it would be best to have it on the southwest corner with room for detention.

Tom Kuhn asked what the size is for each unit.

Joseph Prenger responded that the units will be 30 feet wide, and if it is divided down the middle, it would have a 10-foot door that is 15 feet deep. Mr. Prenger stated that the interior wall will divide depth wise. He stated that if one unit is 10x10 it would be 10x20 on the back side. He stated that there would be a 10x20 on one side, 10x10 until you get halfway, and then a split of 10x15 and 10x15

Kevin Cleary asked what the construction of the interior dividing wall would be.

Joseph Prenger responded that the interior dividing wall would be made of steel. He stated that there won't be any wood in the buildings.

Mike Klinghammer asked if the exterior of the storage unit would have steel siding.

Joseph Prenger responded in the affirmative.

Crag Frahm asked why the applicant chose to have the entrance in the proposed location if that is something he doesn't want there. Mr. Frahm stated that the applicant cannot change it now.

Joseph Prenger responded that County staff explained to him that he would need to provide a concept plan. Mr. Prenger stated that his engineer thought the location of the entrance was more suitable because of the issues with the detention basin. He stated that after learning that it might become a dead-end road, he would prefer to have the entrance at the southwest corner.

Kevin Cleary stated that the entrance has a slight rise, and asked County staff if the County has looked at the sight lines there.

Ellie Marr responded that at this point of the concept plan, the entrance may be adjusted. Ms. Marr stated that it depends on the special use permit that the applicant would be required to get from the Highway Department.

Kevin Cleary asked if that is something that would be addressed.

Ellie Marr responded that as long as it is in general conformity, it is up to the Director of the department to determine if the application would need to come back to the Planning & Zoning Commission for another hearing. Ms. Marr stated that as long as the applicant is not increasing the number of buildings, or making changes to the intended use, it is in general conformity. She stated that it will depend on the Highway Department and County staff will address that on the formal site plan

Chairman Ellis asked what the area in between the building would be.

Joseph Prenger responded that the area in between the building would be concrete.

Chairman Ellis asked if there were any further questions for the applicant. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Susan Goris, 3737 Hopewell Road, Wentzville, MO 63385, was sworn in. Ms. Goris stated that she spoke with several residents on Hopewell Road, and they are opposed to the conditional use request. She stated that they do not think a storage facility would be the best use of the property, and it will not enhance the rural residential aspect of the region. She stated that there are 11 storage facilities near this proposed site and has great doubt that they are all filled. She stated that the 2030 Master Plan recommends commercial activity that supports the area. She stated that an example of a supporting commercial facility for this area would be a kennel or animal breeding facility. She referred to Page 8.4 of the 2030 Master Plan, "Agriculture is an important use in the County and should be protected from intrusions that will impact its viability." She stated that Page 9.1 of the plan describes "Rural Residential Category" as "an area for rural lifestyles, such as keeping horses, with accessory structures, such as barns and stables." "Large lot single-family rural residential" areas are encouraged "to conserve open space, views, and other natural features." She is concerned that the storage facility would create congested traffic near the busy intersection of Hopewell Road and Highway N. She stated that there are other developed properties available in the surrounding area for the applicant to build his self-storage facility.

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366, was sworn in. Mr. Dienoff stated that this area is a major growing corridor to St. Charles County and the region. He stated that the Highway N region is the fastest growing state highway in the state of Missouri. He is opposed to the rezoning and stated that he does not believe that a storage facility is the best use of the land and does not fit within the 2030 Master Plan. He stated that the future of St. Charles County is migrating west and southwest in terms of growth. He asked if County staff complied with the

Missouri State Statute by notifying the City of Wentzville, City of Lake St. Louis, and the City of O'Fallon to allow enough time for the City Council and Board of Aldermen to consider a fling a remonstrance with the County Council, which would require a super majority vote for passage. He stated that a storage facility doesn't belong on the frontage next to Hopewell Road, and there should be a buffer because the buildings are too close to the road way. He is concerned with the security and stated that there is not a landscape plan. He asked the Commission to consider the following conditions to avoid this development becoming an eyesore:

1. No unlicensed vehicles allowed on the property; and
2. No unlicensed boats or RV trailers stored on the property; and
3. No outside storage allowed on the property.

For the record, Chairman Ellis stated that the landscaping plan was submitted as part of the concept plan.

Mr. Dienoff responded that he did view the concept plan online, but the document was too large to fit on his computer screen.

There being no further audience speakers, Chairman Roger Ellis asked the applicant if they would care to respond to public comments

Diane Saale asked if there would be a fence around the self-storage facility.

Joseph Prenger responded in the affirmative.

Robert McDonald asked if there would be a gate on the property.

Joseph Prenger responded in the negative.

Robert McDonald stated that he is concerned about security of the facility. Mr. McDonald asked the applicant why he does not want to have a locked gate.

Joseph Prenger responded that not having a locked gate makes it easier for him to operate his business. Mr. Prenger stated that his business has low overhead. He stated that he would put the gate maintenance in a gated part of being and overhead expense.

Mike Klinghammer asked the applicant if he trying to complete this project as inexpensively as possible, regardless of the impact it might have on the neighborhood.

Joseph Prenger responded in the negative. Mr. Prenger stated that his facility in Wright City is very clean, and he makes a great effort to ensure that it remains in good condition. He stated that appearance is most important to his business, and he takes pride in his customers. He stated that the 11 nearby storage facilities are adding on.

Diane Saale asked if the renter would be able to put a lock on their storage unit.

Joseph Prenger responded in the affirmative. Mr. Prenger stated that he has a full-time job and this business is his second job. He explained the operation of his business and stated that he runs his

business through honesty and trust. He stated that once a prospective customer calls him, he provides them with the availability, price, and leaves a contract for them to review and sign. He stated that once the customer selects a unit, they leave a check in the secured drop box that has a camera on it. He stated that he doesn't meet 90% of his customers. He stated that this currently works best for him.

Chairman Ellis asked if there any further questions for the applicant. Seeing none, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary stated that he does agree with the rezoning request from A, Agricultural to C2, General Commercial of the subject properties. Mr. Cleary stated that he does question the highest and best use of this facility.

Robert McDonald stated that the existing zoning of A, Agricultural is the most appropriate for this site. Mr. McDonald stated that he agrees with many of the issues that Susan Goris raised, and stated that he is not sure that this development is the best use of that site.

There being no further discussion, Chairman Ellis called for a motion to recommend approval of the Rezoning request for Application No. CUR19-02.

Kevin Cleary made a motion to recommend approval, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- No	Jim Leonhard	- No	Craig Frahm	- Yes
Robert McDonald	- No	Mike Klinghammer	- No		

The Planning and Zoning Commission voted neither to recommend approval or denial for the rezoning request on Application CUR19-02.

The Vote Count was 4 Yeas, 4 Nays, and 0 Abstentions.

Chairman Ellis asked if there were any questions or discussion regarding the Conditional Use Permit request.

Craig Frahm asked if any of the Commissioners would like to put additional conditions on the Conditional Use Permit request.

Chairman Ellis read aloud the conditions from the Staff Recommendation. Mr. Ellis stated that there are no current conditions regarding a gate or any other type of security device, and of the renting of outside storage.

Michael Hurlbert stated that the outside storage requires an additional Conditional Use Permit, and the applicant is not requesting that. He stated that there isn't a need to have that condition on place because it is not allowed, and the applicant is not asking to do so.

Mike Klinghammer stated that it doesn't make sense to have a fence without a gate. Mr. Klinghammer is concerned that open buildings will attract kids who are looking for a place to hang out. He stated that this issue occurred on Boschert Town Road. He stated that there were old barns on the property and teenagers would have bonfires there.

Chairman Ellis asked if anyone wanted to propose an additional condition and asked the applicant to come back to the podium.

Craig Frahm asked the applicant if he would agree to add a condition that would require a gated storage facility with access by security.

Joseph Prenger responded in the affirmative.

Mike Klinghammer asked the Commissioners how they felt about the units being available for people to go into.

Craig Frahm responded that he currently rents a unit similar to this. Mr. Frahm stated that once the renter has a code to get in, they can get into any of the unlocked units. He stated that from his experience, the renter could use their own lock or rent one through the facility. He stated that the only people that are able to go into the facility are the renters who have codes.

Joseph Prenger stated that the reason he chose to have a fence without a gate was to keep people isolated to one entrance point. Mr. Prenger stated that the entrance point would be monitored by video.

Mike Klinghammer asked County staff what the width of the landscaping zone or buffer was between the house to the east and the buildings. He stated that there is a line of trees there.

Ellie Marr responded that it is typically a 20-foot buffer, but on C2, General Commercial Zoning, there is a 15-foot buffer width minimum. She stated that what the applicant proposed is referred to as the rear yard.

She stated that the main concern is making sure that they meet the number of trees that are required. She stated that a formal landscaping plan will be submitted with the formal site plan. She stated that this is the concept plan that the applicant feel is appropriate at this time. They are mixing the coniferous and the deciduous.

There was discussion amongst the Commission regarding setback requirements

Michael Hurlbert stated that the current required setback in the Agricultural District is a minimum of 40 feet, so this property is considered to be non-conforming.

Craig Frahm made a motion to add a condition stating that the facility will have a security gate that only provides access to the renters.

Chairman Ellis responded that the condition would require "the facility to be secured by a gate and only those renters would have access to the property."

Jim Leonhard asked about the height of the fence that will surround the property.

Joseph Prenger responded that the fence would be 6 to 8 feet.

Mike Klinghammer asked what substance the fence would be made out of.

Joseph Prenger responded that he thought that the Planning & Zoning Commission would determine that. He stated that he hasn't gotten that far in his plans, but he would like to have a fence.

Mike Klinghammer stated that he would recommend it not to be a chain link fence. Mr. Klinghammer asked County staff if there were any requirements for a fence.

Ellie Marr responded in the negative.

Mike Klinghammer recommended that a black, metal fence. Mr. Klinghammer stated that the Planning & Zoning Commission is not responsible for designing a project for the applicant.

Michael Hurlbert clarified the point of order. Mr. Hurlbert stated that there hasn't been a second on the first amendment, nor a second on the second amendment. He stated that the conceptual plan that the applicant submitted meets the County's 12 requirements, and the minimum is necessary.

Chairman Ellis responded that the condition would require "the facility to be secured by a gate and only those renters would have access to the property."

Robert McDonald seconded the motion.

The motion was approved by unanimous voice acclimation.

Mike Klinghammer made a motion to add a condition stating that the fence be a minimum of 6 feet high, black in color, and made out of a metal substance.

Chairman Ellis responded that the condition would require that the "fence be a minimum of 6 feet high, black in color, made out of metal, with the exception of no chain link fence."

Craig Frahm seconded the motion.

The motion was approved by unanimous voice acclimation.

Chairman Ellis entertained a motion to recommend approval on Application CUR19-02 per the staff recommended conditions and with the additional conditions stating that the facility to be secured by a gate and only those renters would have access to the property and a condition stating that the fence be a minimum of 6 feet high, black in color, and made out of a metal substance.

A motion to approve was made by Craig Frahm, and was seconded by Tom Kuhn.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- No	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- No	Craig Frahm	- Yes
Robert McDonald	- No	Mike Klinghammer	- No		

The Planning and Zoning Commission voted neither to recommend approval or denial for the conditional use permit request on Application CUR19-02.

The Vote Count was 4 Yeas, 4 Nays, and 0 Abstentions.

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## PLATS

### **I. PRELIMINARY PLAT FOR THE RESUBDIVISION OF ADJUSTED LOTS 51 & 52 OF WINDCASTLE PLAT TWO - 51 CASTLE LAKE COURT**

Application: PRE19-02  
Engineer: Volz Incorporated  
Owner/Developer: Jason R. Jensen and April D. Jensen Revocable Trust  
Property Zoning: R1B, Single-Family Residential District  
Proposed Lots: 2

Parcel Size: 1.79 acres  
 Location: At the northern terminus of Castle Lake Court,  
 near the City of Weldon Spring  
 Council District: 7  
 Account No.: T141100003

Ellie Marr, Senior Planner, described the zoning of the subject property, the surrounding zoning, and the Future Land Use Plan. Ms. Marr stated that this is a resubdivision plat and was by requirement to be presented to the Planning and Zoning Commission. The developer is proposing to create a 2 lot resubdivision. When the subject property was originally platted in 2005, it consisted of two (2) lots. A boundary adjustment plat later combined these two (2) lots, and now the applicant is applying to divide the parcel as it was originally platted. No new utilities for the proposed lots will be necessary.

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve the Resubdivision of Adjusted Lots 51 & 52 of Windcastle Plat Two. The plat is not subject to any rezoning requests and will be similar to the original plat.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Jason Jenson, the applicant, was sworn in. Mr. Jenson stated that they purchased the two lots and later combined the two so that they could build a house on the property. He stated that they found another home in St. Louis County that they liked and decided to move there instead.

Chairman Ellis asked if there were any further questions for the applicant.

There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

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

There being no discussion, Chairman Ellis called for a motion to recommend approval on Application No. PRE19-02.

Mike Klinghammer made a motion to recommend approval, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Jim Leonhard	- Yes	Craig Frahm	- Yes
Robert McDonald	- Yes	Mike Klinghammer	- Yes		

Application No. PRE19-01 was **APPROVED**.

The Vote Count was 8 Yeas, 0 Nays, and 0 Abstentions.

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**TABLED ITEMS**

**NONE**

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**APPROVAL OF THE MINUTES FROM THE MARCH 20, 2019 REGULAR MEETING**

Chairman Ellis asked for a motion to approve the minutes from the March 20, 2019 regular meeting.

A motion to approve those minutes was made by Jim Leonhard, and the motion was seconded by Mike Klinghammer. The minutes were both approved by unanimous voice acclamation.

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**OTHER BUSINESS**

**I. PLANNING AND ZONING DIVISION UPDATES**

There were no updates.

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**ADJOURNMENT OF MEETING**

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Craig Frahm and was seconded by Tom Kuhn. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 7:52 PM.

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Respectfully submitted by:

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Roger Ellis, Chairman

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Tom Kuhn, Secretary