

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: AUGUST 21, 2019

TIME: 7:00 PM

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

MEMBERS PRESENT: Diane Salle; Kevin Cleary; Tom Kuhn; Jim Leonhard; Robert McDonald; and Mike Klinghammer, County Councilman

MEMBERS ABSENT: Roger Ellis; and Craig Frahm

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Megan Murray, Assistant County Counselor; and Sheila Weiss, Recording Secretary

SPEAKERS:

- RZ19-10:** Michael Meiners, St. Charles Engineering & Surveying, applicant's representative; Fred Dyer, Applicant; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO
- PRE19-09:** Dale Bax, Bax Engineering, owner's representative
- PRE19-05:** Brad Goss, owner's representative; Justin Winters, Premier Design Group, owner's engineer; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO

CALL TO ORDER

Vice-Chairman Kevin Cleary called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, he 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 stated that applications for Rezoning heard during tonight's meeting will be voted on by the Planning and Zoning Commission, and the Commission will then make a recommendation on the applications, which will be submitted to the St. Charles County Council for a final decision. The individual items and bills for this evening's applications are scheduled to be introduced at the Monday, September 09, 2019 County Council Meeting.

Applications for preliminary plats heard during tonight's meeting will also be voted on by the Planning and Zoning Commission During The Meeting. The vote on preliminary plats is final, unless a variance from St. Charles County Ordinances is being requested or the Commission

makes a recommendation for denial of a preliminary plat. In those instances, the plat would be introduced at the Monday, September 09, 2019 County Council meeting for a final decision.

Vice-Chairman Cleary 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.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS

REZONING REQUEST - HAWNING ROAD

Application No: RZ19-10
Applicant: Fred Dyer
Property Owners: Timothy J. Burkemper and Debra A. Burkemper, Kenneth C. Hawkins, and Ronald S. Bauers and Ruthann Bauers
Existing Zoning: I1, Light Industrial District, with Floodway Fringe and Density Floodway Overlay Districts
Requested Zoning: I2, Heavy Industrial District, with Floodway Fringe and Density Floodway Overlay Districts
2030 Master Plan: Recommends Industrial Uses
Parcel Size: 22.00 acres
Location: On the east side of Highway 94 North, approximately 750 feet north of Hawning Road; adjacent to the City of St. Charles
Council District: 6
Account No.: 880770G000

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. This property was originally a 26 acre tract and has recently been divided into a 22 acre and a 4 acre tract. The owner/applicant currently owns the 22 acre tract and is requesting to rezone from the current I1 zoning designation to I2 for future storage use development. The 2030 Land Use Plan recommends industrial land uses for the property with no differentiation between the light and heavy industrial land uses. The property currently does not have any water or sewer services which would be acquired through the City of St. Charles, however, the applicant indicates that property development will not require these services at this time. Ms. Marr stated that she has spoken with a representative from the City of St. Charles, and they do not have any issues with the proposed rezoning. The property also has a natural watercourse located approximately 190 feet east of the front boundary line that will require a 25 foot buffer on either side of the watercourse to be maintained and undeveloped. This buffer area will be addressed by staff during the site plan submittal and review process.

The Planning and Zoning Division recommends that this zoning request from I1, Light Industrial District with Floodway Fringe and Density Floodway Overlay to I1, Heavy Industrial District with

Floodway Fringe and Density Floodway Overlay be approved. In recommending approval to this zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

For the record, staff received one letter with concerns regarding this application. Vice-Chairman Cleary asked the Commission if they had any questions for County staff.

Diane Salle asked the staff if they believe this development will cause any run-off issues to the neighboring properties.

Ellie Marr responded that they may or may not be required to install a water detention or retention area on the property, and this will be addressed during the site plan approval process when a land disturbance permit is issued.

Kevin Cleary asked the staff what the development limits are for the 3.96 acres of the property that is located within the density floodway.

Ellie Marr responded that any development in this area of the property would be considered obstruction of the floodway. Any type of development in this area would require a hydraulic analysis showing that the development would cause no rise in the base flood elevation. They may decide to just level the area out.

There being no further questions for staff, Vice-Chairman Cleary opened the public hearing and asked the applicant or their representative to come forward.

Michael Meiners from St. Charles Engineering & Surveying, the applicant's representative, was sworn in. The applicant/contract purchaser, Fred Dyer, was also sworn in.

Mr. Meiners stated that the subject property is comprised of 22 acres. The applicant/contract purchaser, Fred Dyer, is proposing to create a storage lot for vehicles, trailers, and boats on the property. Mr. Meiners stated that there are no plans to build a building on the property, so no utilities or sanitary sewer service will be needed for the proposed development. The site has been elevated in the past and some of the property is above the 100-year floodplain. With 18% of the property being allowed to be developed without hydraulic analysis, this may allow most of the 3.96 acres of the property that is located within the density floodway to be elevated above the 100-year floodplain as well. They are planning an entrance through the front grassy area of the property which is actually outside of the floodway area, so that area could be filled without requiring a no-rise certification. Mr. Dyer chose to request this rezoning from I1 to I2 so that they would not have to request a conditional use permit for his planned uses. He stated that the surrounding properties are all zoned industrial, and this particular property was mostly above water during this year's flood.

Robert McDonald asked Mr. Meiners to estimate how many vehicles would be stored on the property.

Mr. Meiners responded that he is not certain how many vehicles will be stored, but likely quite a few since it is a 22-acre property.

Tom Kuhn asked Mr. Meiners how he plans to secure the property.

Mr. Meiners deferred this question to the applicant, Fred Dyer.

Mr. Dyer responded that he plans to surround the property with a fence for security. He also owns 42 acres of property to the north of the subject property, which is zoned I2, Heavy Industrial

District. That property is used for vehicle storage, and is currently at capacity so he is looking to purchase additional storage space.

Jim Leonhard asked Mr. Dyer if he plans to use this property in the same manner as his existing property, which is used for tractor trailer storage.

Mr. Dyer responded in the affirmative, and stated he plans to use the property to store tractor trailers and shipping containers. There may also be some automobiles, RV, and boat storage, but he is mainly interested in providing storage for tractor trailers and shipping containers.

There being no further questions for the applicant or their representative, Vice-Chairman Cleary asked if anyone from the audience wished to make public comments on this application.

Arnie C. "AC" Dienoff was sworn in. Mr. Dienoff has concerns that with the pattern of flooding that exists in this area, raising this property could cause upstream flooding to surrounding properties. He has concerns about contamination and water quality due to run-off into the Missouri River coming from tractor trailers being stored on the property. He is also concerned about excess tree removal on the property. Mr. Dienoff stated that the Commission should consider recommending that a Type 3 buffer and a berm be required; derelict and unlicensed vehicles and boats cannot be stored on the property for longer than one month; tires and parts cannot be stored on the property; occupancy is not allowed within tractor trailers being stored on the property; and a site-proof fence made of decorative iron should be required around the perimeter of the property.

There being no further speakers from the audience, Vice-Chairman Cleary asked if the applicant or their representative would like to come back to the podium to address any of the audience speaker's concerns.

Michael Meiners, the applicant's representative, came back to the podium and stated that this is a rezoning request at this point, and only the zoning is being addressed by this application. Most of the concerns that were voiced by the audience speaker are items that will be addressed during the site plan approval process if this rezoning request is approved.

Vice-Chairman Cleary closed the public hearing, and called for discussion from the Commission.

There being no discussion from the Commission, Mike Klinghammer made a motion to recommend approval of Application No. RZ19-10.

Robert McDonald seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Jim Leonhard	- Yes
Mike Klinghammer	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes

Application No. RZ19-10 was recommended for **APPROVAL**.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

PLATS

**PRELIMINARY PLAT FOR THE ENCLAVE AT LAUDERDALE ESTATES - 9
LAUDERDALE LANE**

Application No: PRE19-10
Owner/Developer: Della S. Lauderdale
Property Surveyor: Bax Engineering Company
Property Zoning: RR, Single-Family Residential District
Proposed lots: 6
Parcel Size: 19.08 acres
Location: On the northwest corner of Lauderdale Lane and Highway DD
Council District: 2
Account No.: A850002957

Robert Myers, Director of Planning and Zoning, stated that this is a six-lot preliminary plat for a subdivision on a cul-de-sac that is an extension of the existing Crossings at Lauderdale Estates Subdivision. The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this preliminary plat.

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

Vice-Chairman Cleary asked if the Commission had any questions for staff.

Seeing none, Vice-Chairman Cleary asked the applicant or their representative to come forward.

The owner's representative, Dale Bax with Bax Engineering Company, was sworn in. Mr. Bax stated that this is preliminary plat for a 19.08-acre subdivision located on the southeast corner of Highway D and Highway DD. They are proposing six three-acre lots, with a private access road that will be built to public standards. The existing asphalt access road for the Crossings at Lauderdale Estates Subdivision will be extended to provide access for this subdivision, and will terminate in a cul-de-sac which meets fire district regulations. The subdivision will be served by public water and private sewage disposal systems. They will not be disturbing any natural waterways on the property, and there will be minimal tree removal for the development.

Vice-Chairman Cleary asked if there were any questions for the applicant's representative. There were no questions.

Vice-Chairman Cleary asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Vice-Chairman Cleary called for discussion from the Commission.

There being no discussion, Jim Leonhard made a motion to approve Application No. PRE19-10.

The motion was seconded by Mike Klinghammer.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Jim Leonhard	- Yes
Mike Klinghammer	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes

Application No. PRE19-10 was **APPROVED**.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

TABLED ITEMS

PRIVATE ROAD DEDICATION PLAT - LOCATED EAST OF HIGHWAY T

Application No: PRE19-09
 Owner/Developer: Interstate Drive, L.L.C.
 Property Surveyor: Premier Design Group
 Property Zoning: A, Agricultural District (5-acre minimum lot size)
 Location: On the east side of Highway T; approximately 2,350 feet north of Westwood Trail
 Council District: 2
 Account No.: 610320A000

Vice-Chairman Kevin Cleary asked for a motion to bring application PRE19-09 up from the table.

A motion was made by Mike Klinghammer and was seconded by Tom Kuhn. The motion was approved by unanimous voice acclamation.

Robert Myers, Director of Planning and Zoning, stated that this plat is to dedicate a private road, and not to create lots. The property owners are platting this private road to allow the adjoining 80-acre parcel to be divided into lots of 10 acres or greater. Creating parcels of 10 acres or more fronting on a public or private road are exempt from St. Charles County’s platting requirements per the Unified Development Ordinance (Section 410.070). Access to this parcel is provided by a 1,400 foot private road easement or shared driveway easement known as “Pauck Road”. Pauck Road must first be dedicated through the preliminary plat process. The applicant has requested two variances from the minimum street curvature requirements which are contained in Section 410 of the Unified Development Ordinance. The access road from Highway T to the property has a 90 degree turn that does not meet the minimum required radius of at least 150 feet, so that is the first variance they are requesting. The second variance they are requesting is to exceed the maximum length of the cul-de-sac. Staff recommends that the Planning and Zoning Commission recommend approval of this road dedication plat, with the requested variances.

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

Vice-Chairman Kevin Cleary asked if there were any questions for staff.

Kevin Cleary asked staff to clarify the requested variances.

Robert Myers clarified the requested variances. He added that staff recently met with the applicant’s representative, and they may be able to propose an alternative design to alleviate the need for a variance at the subdivision entrance. He stated that he would let the applicant or their representative elaborate.

Robert McDonald asked staff what their recommendation is for this plat.

Robert Myers responded that staff recommends that the Planning and Zoning Commission recommend approval of this road dedication plat with the requested variances.

There being no further questions for staff, Vice-Chairman Cleary asked the applicant or their representative to come forward.

Brad Goss, the owner's representative, and Justin Winters, Premier Design Group, the owner's engineer, were sworn in. Mr. Goss stated that they have adjusted their plan and are no longer requesting a variance for the length of the cul-de-sac. They are still requesting a variance for the entrance to the property, as it does not meet the County's minimum curvature requirement for minor roads. They recently met with County staff regarding a possible alternative to requesting a variance. County staff suggested they could elect to install "T" intersection at the entrance to the property, but this alternate design would likely still not comply with the St. Charles County's road curvature requirements so they are requesting a variance.

Kevin Cleary asked Brad Goss how wide the drivable surface of this road is.

Mr. Goss responded that there is 42-feet of right-of-way, and the existing street meets County standards with respect to the width of the road.

Mike Klinghammer asked Brad Goss how wide the "notch" of land would need at the subdivision entrance to be in order to meet the 150 degree minimum radius requirement.

Mr. Goss replied that in order to widen that notch, the owner would have to acquire a 200-300 foot easement from the adjoining property owner. He stated that their plan is to give that property owner to the north an easement in order to allow them to access to the entrance road from their property.

The Engineer, Justin Winters stated that the notch would have to be moved approximately 100 feet to the east in order to meet the required 150 degree turn radius.

Mike Klinghammer asked if anyone has spoken to the property owner to the north to ask if they would be willing to sell them a portion of their property so that the lot area at the entrance could be widened to meet County requirements.

Brad Goss responded that they have not.

There being no further questions for the applicant's representatives, Vice-Chairman Kevin Cleary asked if anyone from the audience would like to make comments regarding this application.

Arnie C. "AC" Dienoff was sworn in. Mr. Dienoff stated that he has concerns with this road being gravel and does not believe it meets County standards. He stated that this road should have either a paved or an asphalt surface. He also stated that instead of the County granting a variance, the developer should negotiate with the adjacent property owner and acquire an easement from them so the entrance can meet the County's requirements. Mr. Dienoff has concerns about accessibility for the handicapped, such as sidewalks being provided. He also has safety concerns regarding the 90 degree curve, and stated that signage and a mirror on a post should be required. Mr. Dienoff asked if this roadway will have ample turn radius for school busses.

There being no further audience speakers, Vice-Chairman Kevin Cleary asked the owner's representatives if they would like to address any of the concerns voiced by the audience speaker.

Brad Goss approached the podium. Mr. Goss stated that the existing gravel road does meet County standards. He stated that County Ordinance states that roadways for lots greater than 3-acres in size can have a gravel surface. He stated that this is a private roadway, and the County will not be maintaining it. Sidewalks and signage are also not required by County Ordinance, but if the County requests it they would be willing to install signage. The roadway has a 42-foot wide right-of-way, which meets requirements for the Wentzville Fire Protection District. The radius of the cul-de-sac is 55 feet, which meets the requirements of the Wentzville School District for busses. The characteristics of this property do not allow them to fully meet County Subdivision Requirements, and strict application of those requirements would deny them access to the property which would prohibit development of the property.

There being no further questions for the applicant's representative, Vice-Chairman Cleary asked for discussion from the Commission.

Mike Klinghammer asked staff if the 90 degree curve at the entrance, or if a "T" type intersection would be preferable.

Robert Myers responded that he thinks there is more of an advantage to using a "T" type intersection. It's essentially tow streets intersection with stop signs.

Vice-Chairman Cleary asked staff for a clarification on wording a motion.

Robert Myers responded that it would be a motion to recommend approval with a variance for the street curve radius at the entrance, either for a continuous through-street or a "T" type intersection.

Mike Klinghammer asked staff if they would still require a variance if a "T" type intersection were to be installed at the entrance, and what the nature of that variance would be.

Robert Myers explained the variance being applied for by the applicant.

There being no further discussion, Vice-Chairman Cleary called for a motion to recommend approval of Application No. PRE19-09 with the requested variance for either a continuous street, or a "T" type intersection.

Mike Klinghammer proposed that the motion for approval be changed to eliminate the continuous street option, and made a motion for approval with a "T" type intersection since the applicant has stated that they are amenable to this and staff has stated that this would be their preference.

Robert McDonald seconded that motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Jim Leonhard	- Yes
Mike Klinghammer	- Yes	Tom Kuhn	- Yes	Robert McDonald	- Yes

Application No. PRE19-09 was recommended for **APPROVAL**.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

APPROVAL OF THE MINUTES FROM THE JULY 17, 2019 REGULAR MEETING

Vice-Chairman Cleary asked for a motion to approve the minutes from the July 17, 2019 regular meeting.

A motion to approve the minutes was made by Mike Klinghammer, and the motion was seconded by Tom Kuhn. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

A. Medical Marijuana Ordinance

Robert Myers stated that as the Planning and Zoning Commission may be aware, St. Charles County recently passed an ordinance relating to Medical Marijuana which lays out the permits and the approval process for medical marijuana dispensaries, cultivation facilities, testing facilities, transportation facilities, and manufacturing facilities that wish to operate within St. Charles County. Since the passage of that ordinance, Planning and Zoning staff has been receiving zoning confirmation requests from State applicants interested in pursuing sites within the County, but none of the requested sites have qualified so far and that has been mostly a result of those sites being too close in proximity to properties in residential zoning districts or that have residential uses.

B. Floodplain Review Update

Robert Myers stated that the Planning and Zoning staff has been very involved with responding to the recent flood and has been processing permits and preparing substantial damage determinations for both St. Charles County and West Alton. Staff uses software developed by F.E.M.A. to perform these damage determinations. Since St. Charles County participates in the National Flood Insurance Program (NFIP), substantial damage determinations are required by ordinance. For homes that have not been elevated, when the total cost of repairs is 50 percent or more of the structure's market value the structure must either be elevated or demolished.

Mr. Myers stated that he was asked a couple of months ago if staff had run into any situations that have caused people to not be able to re-build their flood-damaged homes due to zoning. At that time staff had not encountered that issue, but as of late there have been been a few cases where structures cannot be rebuilt due to zoning in districts where homes are not allowed by right.

Mike Klinghammer asked staff if they could estimate the number of homes that have been determined to require repairs over 50 percent of their value.

Ellie Marr responded that so far there are approximately 200 homes with repairs estimated at more than 50 percent of their value between St. Charles County and the Town of West Alton.

Kevin Cleary asked staff if the only choices for structures with more than 50 percent damage are elevation or demolition.

Robert Myers responded in the affirmative, but added that the National Flood Insurance Program (NFIP) does offer them a way to pay for elevation if they choose to go that route.

Jim Leonhard asked staff what happens if the County determines that the repair costs would be more than 50 percent of the home's value, but a contractor estimates the repair costs would be less than 50 percent of the home's value. He stated that he has been hearing that the County's damage assessments seem to be high.

Ellie Marr responded that the County uses F.E.M.A guidelines and software to calculate the damage estimates, and these are the same guidelines that insurance companies use. There is also an appeal process for aggrieved homeowners, and during that process they can bring in their insurance estimates and contractor's estimates to be taken into consideration.

ADJOURNMENT OF MEETING

Mike Klinghammer made a motion to adjourn the meeting. The motion was seconded by Tom Kuhn, and was approved by unanimous acclamation. The meeting adjourned at 8:09 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary