MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: NOVEMBER 20, 2019
TIME: 7:00 PM
PLACE: COUNTY EXECUTIVE BUILDING
100 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Diane Saale; Roger Ellis; Kevin Cleary; Tom Kuhn; Craig Frahm; and Robert McDonald

MEMBERS ABSENT: Jim Leonhard

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Megan Murray, Assistant County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS:

RZ19-14: Dale Bax with Bax Engineering Company, applicant’s representative; Leslie Jones, 898 Foristell Road, Wentzville, MO; Dave Muehling, 3649 Holt Road, Wentzville, MO 63385; Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO 63348; Nancy Aberasturi, 898 Foristell Road; Arnie C. “AC” Dienoff, P.O. Box #1535, O’Fallon, MO 63366-9335

PRE19-15: Dale Bax with Bax Engineering Company, applicant’s representative; Dave Muehling, 3649 Holt Road, Wentzville, MO 63385; Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO 63348; Leslie Jones, 898 Foristell Road, Wentzville, MO; Arnie C. “AC” Dienoff, P.O. Box #1535, O’Fallon, MO 63366-9335

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. 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 a preliminary plat 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.

**CHANGES TO THE AGENDA**

**NONE**

**PUBLIC HEARINGS**

**REZONING REQUEST - OAK VIEW FARMS DRIVE**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>RZ19-14</th>
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<tr>
<td>Property Owner:</td>
<td>Hyman H. Kaye Revocable Trust</td>
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<tr>
<td>Existing Zoning:</td>
<td>A, Agricultural District (5-acre minimum lot size)</td>
</tr>
<tr>
<td>Requested Zoning:</td>
<td>RR, Single-Family Residential District (3-acre minimum lot size)</td>
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<tr>
<td>2030 Master Plan:</td>
<td>Recommends rural residential (3-acre minimum lot size)</td>
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<tr>
<td>Parcel Size:</td>
<td>84.20 acres</td>
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<td>Location:</td>
<td>On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle</td>
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<tr>
<td>Council District:</td>
<td>2</td>
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<td>Account No.:</td>
<td>608880A000</td>
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Robert Myers, Director of Planning and Zoning, described the subject property and surrounding land uses. The applicant is requesting a zoning change from A, Agricultural District (5-acre minimum lot size) to RR, Single-Family Residential District (3-acre minimum lot size). The applicant has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. The property consists of 84.20 acres and is located northwest of the Town of New Melle and near the western border of St. Charles County. In 2005, the Auburn Meadows Subdivision was developed by right in the Agricultural Zoning District with a minimum lot size of 3 acres, but in 2006 the minimum lot size requirement changed to 5 acres.

The Planning and Zoning Division recommends that this rezoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size) be approved. In recommending approval, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

For the record, staff received four letters of opposition regarding this application.

Chairman Roger Ellis asked if the Commission had any questions for the Planning & Zoning staff.

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

Dale Bax with Bax Engineering Company, the applicant’s representative, was sworn in. Mr. Bax stated that he is representing the developer, Tim Griffey with Greystone Holdings. They are
requesting this rezoning in order to develop this property with 3-acre minimum lot sizes. The tract is located along Foristell Road at the intersection of Busdieker Drive and Foristell Road. They will be making improvements to the intersection at the proposed entrance onto Foristell Road, and the entrance will meet all County road requirements. They are required to have a turnaround and they have proposed a “bubble” that sits between lots 3 and 4, and a cul-de-sac with a 55-foot radius. The subdivision will be serviced by Public Water District No. 2, and the lots will and have individual septic systems for waste removal. There will be minimal clearing of trees during construction. Their goal is to maintain the trees on site and be conservationists.

Kevin Cleary asked if the high point in the topography of this tract was at Foristell Road, falling off towards the south.

Dale Bax responded in the affirmative.

Kevin Cleary asked what the plans for water collection or dispersal are.

Dale Bax responded that they will be using roadside ditches for stormwater management. He stated that once they get to three feet per-second with the water runoff, they will redirect it out of a roadside ditch. They don’t want the property to become erosive and will let the stormwater filter through onto the property. Their goal is for the stormwater to absorb into the existing ground as it drains downhill.

Roger Ellis asked if they would have to purchase a portion of Busdieker Road for the proposed plat.

Dale Bax responded that Busdieker Drive is an easement that has been granted to the subject property and the Blondin property located to the east. The current road easement has been recorded and they have rights to it. He stated that it will be upgraded and there will be additional right-of-way will be granted to St. Charles County at the intersection of Foristell Road and Busdieker Drive. They will need to acquire more property to the east and west of the Busdieker Road in order to meet County standards, and they will be working with the property owners of the Auburn Meadows Subdivision and the Blondin property.

Roger Ellis asked if the proposed subdivision would have a homeowner’s association.

Dale Bax responded in the affirmative and stated that the homeowner’s association will cover the maintenance and upkeep of the common ground.

Kevin Cleary stated that easements are typically written for either a specific use or time and asked if the easement is specifically for the property owner on the subject property or for unlimited use to the entire property.

Dale Bax responded that both the easement and the existing cul-de-sac will be used for the entire subject property, the Blondin property, and an additional property located to the south. Mr. Bax stated that they are purchasing a portion of the Hyman Kay Trust property to be developed and sold if access is needed for the remaining property owners.

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.

Leslie Jones, was sworn in. Mr. Jones is opposed of the rezoning request and is concerned that the removal of trees will cause problems with water absorption. He stated that there is quite a steep grade on his property and is located downstream from the subject property. The additional homes
on this property would create too much runoff. He is also concerned with the traffic on Foristell Road, and he stated that the existing infrastructure is not designed for the potential growth in this area.

Dave Muehling, 3649 Holt Road, Wentzville, MO, was sworn in. Mr. Muehling is concerned that absorption will be an issue with the proposed development. He stated that Auburn Meadows subdivision is barren with large flat yards, and he believes the same thing will happen once the subject property is developed. He fears that there will be a large amount of water flowing onto the creek if there aren't improvements made to the property or plans for drainage. He is also concerned with traffic and stated that the intersection at Foristell Road and Holt Road is dangerous. He stated that it is a blind intersection and several accidents have occurred there. He stated that Foristell Road is designed for a rural neighborhood. He stated that he isn't opposed to the development but would like to see a plan for water retention other than using ditches because the last time his property flooded it cost him a lot of money to make repairs.

Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO 63348, was sworn in. Ms. Freese-Molitor is opposed of this rezoning request and would like for the subject property to remain in the Agricultural District with a 5-acre minimum lot size. As she understood, the County’s Master Plan for the southwestern section of St. Charles County considers this area to be a historical and agricultural district, and this area should remain rural. She owns property that adjoins the Auburn Meadows Subdivision, and this proposed development also adjoins her property. She stated that after the Auburn Meadows Subdivision was developed a runoff situation was created that flooded out their private road and damaged their culverts. She stated that the developer of the Auburn Meadows Subdivision had assured her that this would not happen, but when it rains there is no way for the runoff from the Auburn Meadows Subdivision to be absorbed and it drains down onto their property. She is concerned that the proposed development would cause the same runoff issue. She is also concerned that adding more residents to this area on 3-acre lots would affect public safety and be a nuisance to their quiet rural neighborhood.

Nancy Aberasturi, 898 Foristell Road, Wentzville, MO was sworn in. Ms. Aberasturi lives within 1,000 feet of the subject property on Oak View Farms Drive. She is opposed to both this zoning change request, and to the proposed subdivision. She stated that they were drawn to the New Melle area due to the rural atmosphere, the wildlife, the two-lane roads, and having land for her horses. She wanted a safe place to live and to be able to enjoy her property. She enjoys the peace of the countryside and the acreage that allows distance between her and her neighbors. She believes that this zoning change would infringe upon the rights of the current residents and would cause further loss of the surrounding wildlife habitat. She is concerned with traffic on Foristell Road, and stated that this development would not be a good choice for the area.

Craig Frahm asked Ms. Aberasturi how many acres her property is.

Nancy Aberasturi responded that her property is six acres. She believes that the proposed development is unorganized and would bring an additional burden to the already overcrowded School District. She stated that the County should maintain rural areas that are desirable for residents.

Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO, was sworn in. Mr. Dienoff stated that he understands the County’s needs for development, but he also hears the concerns of the neighbors. He asked that the Planning and Zoning Commission consider a compromise of 20 lots for this site rather than the proposed 25 lots. He stated that this area is shown as a low-density area in the Comprehensive Plan. He also asked County staff about the location of the dividing line or roadway shown on the plat.
Robert Myers responded that this line not a roadway. The line shows the watersheds associated with Dardenne Creek, which is located south of the subject property.

Arnie Dienoff stated that he has concerns with the developer and their plan for erosion and runoff. He stated that there were no staff comments or conditions for this application included in the packet. He is also concerned with public safety on Foristell Road, and believes it is not up to standards for a subdivision. Mr. Dienoff stated that he did not see any comments in the packet from the New Melle Fire District, Francis Howell School District, the Department of Transportation of the Francis Howell School District, or the Department of Natural Resources. He stated that the developer should be required to provide retention and detention plans for this property and stated that St. Charles County needs to ensure responsible development to reduce erosion and flooding and cracked foundations.

Chairman Roger Ellis asked if there was anyone else in the audience that wanted to speak on this application.

Seeing none, Chairman Ellis closed the public hearing and asked the applicant to come back to the podium to address some of the concerns voiced by the audience speakers.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Diane Saale stated that with the adjacent Auburn Meadows Subdivision having already been developed with three acre lots, it is difficult to deny this rezoning request for three-acre lot sizes.

Craig Frahm asked Dale Bax why the developer wishes to rezone the subject property rather than to leave it zoned Agricultural.

Dale Bax responded that this is the desire of the developer that has the property under contract. Three-acre development under the Rural Residential District is also the recommended Zoning District for this property that is shown on St. Charles County’s 2030 Master Plan.

Craig Frahm asked if they see a market for five-acre minimum lot sizes in that area.

Dale Bax responded that he has not seen a market for five acre lots in in any development in St. Charles County, unless the developer has been forced to stay within the Agricultural Zoning District.

There being no further discussion from the Commission, Chairman Ellis entertained a motion to recommend approval of Application No. RZ19-14.

Kevin Cleary made a motion, and Craig Frahm seconded the motion.

The vote on the motion was as follows:

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<td>- Yes</td>
<td>Roger Ellis</td>
<td>- Yes</td>
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<tr>
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<td>- Yes</td>
<td>Craig Frahm</td>
<td>- Yes</td>
<td>Robert McDonald</td>
<td>- No</td>
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Application No. RZ19-14 was recommended for **APPROVAL**.

The Vote Count was 4 Yeas, 2 Nays, and 0 Abstention.
Robert Myers, Director of Planning & Zoning, stated that the overall concept is to subdivide this 83.20-acre tract into twenty-five (25) single-family residential lots with a minimum lot size of three (3) acres. On the north side of the proposed development, there is a creek. This is where runoff will be inclined to drain to, rather than to the east side of the property where one of the audience speakers voiced a concern about during the public hearing for the rezoning request. There is no detention or retention area shown on the plat because the County's subdivision design standards do not require on-site detention/retention basins for lots three acres in size or greater. The reason the County does not require this is because the differential stormwater runoff generally does not warrant requiring such an improvement. There is also a pond shown on the southwest corner of the property. Twenty (20) of the lots for this development would front on a proposed cul-de-sac street. The remaining 5 lots would front directly upon Busdieker Drive, which is currently a substandard private road. That road would be required to be fully upgraded to meet the County’s private road standards prior to approval of this subdivision plat. The entrance onto Foristell Road will also require some improvements in order to meet the County’s turn radius standard. Mr. Myers stated that County staff recommends approval on this preliminary plat, subject to the approval of the rezoning request by the County Council.

For the record, staff received four written communications in opposition of this preliminary plat.

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

Kevin Cleary asked Robert Myers to explain how many feet each line on the topographical map for the subject property represents.

Robert Myers responded that the engineer could answer that question.

There being no further questions for staff, Chairman Ellis asked the applicant’s representative to come forward.

Dale Bax, with Bax Engineering was sworn in. He stated that the contour lines on the topographical map represent a two-foot change in elevation. He stated that there is an elevation of 750 at the
intersection of Street A and Busdieker Road, and an elevation of 756 near the intersection of Busdieker Road and Foristell Road.

Kevin Cleary asked if the elevation continues to drop further to the south of the subject property.

Dale Bax responded in the affirmative. He stated that the stormwater runoff at Busdieker Road drains onto the subject property and not away from the property. There is an existing drainage channel on the property that picks up the majority of the stormwater, so it is not being directed offsite. There is a portion to the west of the property where stormwater will be directed offsite, and a small portion to the south of the property where it will be directed offsite as well. With the proposed road and the roadside drainage ditches proposed on the plat, they will actually be reducing the total amount of stormwater runoff that is currently running off of the property to the west and to the south. The proposed pond on the property will also provide a form of water retention on the property. Mr. Bax stated that the increased runoff calculations based upon a 3-acre lot development does not warrant or require the County do require detention. A form of water quality that the United States Government looks at is water absorption, which is dependent upon the type of soil on the property. Each lot on the proposed 3-acre development will supersede the minimum Federally required absorption percentage.

Robert McDonald asked if the developer plans to build the pond shown on the preliminary plat.

Dale Bax responded in the affirmative. He added that there is an existing pond on the property at the southernmost end of the eastern portion of the site, between lots 11 and 12. This new pond that the developer is proposing to build between lots 9 and 10 will be an ideal place to direct some of the runoff from the ditches on the property and it will also retain some of that water for a period of time.

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

Dave Muehling was sworn in. Mr. Muehling stated that while rules and restrictions are put into place at the County level, every area is different. Although the engineer stated earlier that he expects that the developer will preserve trees, the previous development cut all of the trees down and installed sprinkler systems which caused all kinds of additional runoff and flooded his driveway and his property. He is very concerned about the development using ditch drainage, and whether or not the developer will choose to actually put in a pond. He stated that there is farmland for sale to the south and to the west of his property and if this development is allowed to be put in with 3-acre lots, he feels that once those properties are sold they will also want to put in 3-acre lots. Mr. Muehling questioned why there are no comments in the packet from the New Melle Fire District or the School District. He also feels that the area roads will also need improvements in order to accommodate the proposed subdivision and not pose a safety issue.

Alice Freese-Molitor was sworn in. She stated that the subject property borders her property to the north and the east, and she is concerned that all the stormwater runoff from the proposed development will drain onto her property. They have a retention pond on their property that is fairly large, and it collects water runoff from Foristell Road and Oberhelman Road and releases it slowly so as not to cause any erosion issues. The stormwater that comes from the recently developed Auburn Meadows Subdivision just drains down onto their property and it is tearing up their road and their culverts. Ms. Freese-Molitor expects that the same thing will happen if this development is approved. She stated that something needs to be done to prevent this ahead of time, instead of waiting until after the development causes an issue and trying to figure out how to correct the problem.
Leslie Jones was sworn in. Mr. Jones stated that the water retention ditches along Foristell Road are narrow and are not very deep, so they overflow onto the road during heavy rain events. He has concerns that the ditches proposed for this development will not be able to handle heavy rain events either, which will cause them to overflow and force the runoff to run in streams onto the surrounding properties. He stated that he would like to see more development on the potential runoff issue before the Commission approves this preliminary plat.

Arnie “AC” Dienoff was sworn in. Mr. Dienoff asked if County staff has actually visited and inspected the site. He stated that in his opinion, the County should come up with a minimum standard that developers are required to uphold. State law and the County Charter allows the Planning & Zoning Commission to place conditions on developers to protect both the adjoining property owners and the County as a whole. Mr. Dienoff asked that the Commission add the following conditions of approval be added to this preliminary plat:

1. The roadway standards for this development should be met entirely at the developer’s expense.
2. Ditches and catch basins should be required to catch water runoff.
3. A turn lane and deceleration lane should be required to be installed at the entrance to the subdivision at the expense of the developer.
4. A detailed water runoff management plan showing exactly what they plan to do with the water runoff should be required.
5. A detention/retention area and pond should be required to be installed on the property at the expense of the developer.
6. A letter from the New Melle Fire Protection District should be required to ensure they have adequate facilities to service this development.
7. A letter from both the Francis Howell School District and their Transportation Department should be required to ensure they have adequate facilities to accept new students, and that their school busses approve of the turn radius for this development.
8. A letter approval from the Missouri Department of should be required to be submitted within ten days.

There being no further audience comments, Chairman Ellis asked the applicant’s representative to come back up to the podium.

Kevin Cleary asked the applicant’s representative what type of road improvements will be made to the entrance at Foristell Road.

Dale Bax responded that the entrance will be comprised of either concrete or asphalt, and it will be required to be built at a width that can accommodate two different sized trucks to access the property without crossing the center line of the roadway.

Kevin Cleary asked if there will be any blind curves around the entrance to the subdivision site, as some of the neighboring residents have stated there are.

Dale Bax responded that there may be some blind curves along Foristell Road, but there are no blind curves around the entrance to this development. He added that the speed limit is 35 miles-per-hour on Foristell Road, and there will not be any site line encroachments created by this entrance. They have submitted a site line profile to the County which meets all of the County’s requirements. Mr. Bax stated that they do have letters that state that this plat meets all of their requirements from both the Fire District and the School District that were submitted through the online portal.
Craig Frahm asked Robert Myers why those letters were not included in the agenda packets.

Robert Myers responded that those types of letters are not included with the agenda packets because they are regarding technical requirements that must be met prior to approval of the plat. Plats differ from rezoning applications in that they must meet all of the County’s Ordinance requirements or they cannot be approved.

Craig Frahm stated that he is concerned about the water runoff. He asked Dale Bax if the plan is to run the stormwater back onto the property.

Dale Bax responded that due to the topography of the property, the only runoff created will be towards the Auburn Meadows Subdivision and a small amount to the south.

Craig Frahm asked Mr. Bax if there is currently water runoff at the south of the property.

Dale Bax responded that there is currently runoff as the property sits today. When they put in the road system in for this development they will be forcing more water to the interior of the property than offsite. They are required to meet the County’s design criteria with regards to the roadside ditch and water runoff from the property, and there are also rules set forth by the State of Missouri they will be required to meet. All developments must be submitted to the Department of Natural Resources along with soil samples, and they determine the minimum size the lots are required to be based on soil absorption within each individual development. For this particular project, the DNR deemed that one-acre lots with individual septic systems would be allowable based on the soil type and the absorption rate. This tells him that the soil absorption rate on this property should be more than adequate for the proposed 3-acre lots in this development.

There being no further questions for the applicant’s representative, Chairman Ellis called for discussion from the Commission.

Kevin Cleary stated that in spite of the fact that he believes the testimony of Dale Bax, he still feels like this property is going to require that additional measures be taken for water retention.

Robert McDonald stated that he agrees with Kevin Cleary.

There being no discussion, Tom Kuhn made a motion to approve the preliminary plat for The Hyman Kaye Tract.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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Application No. PRE19-15 was recommended for DENIAL.

The Vote Count was 2 Yeas, 4 Nays, and 0 Abstentions.
TABLED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE OCTOBER 16, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the October 16, 2019 regular meeting.

A motion to approve the minutes as was made by Craig Frahm, and the motion was seconded by Kevin Cleary. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

A. Robert Myers stated that there are upcoming training opportunities for the Planning and Zoning Commission. He stated that the American Planning Association has a plethora of publications available, and the Planning and Zoning Commission members also have access to a digital publication called ‘The Commissioner’. He stated that he will send out a list of the American Planning Advisory Reports on various topics for the Commissioners to review, and he asked the Commissioners if there are any areas of training they would be interested in.

Kevin Cleary stated that the Planning and Zoning Commission receives many comments from agencies and letters from the public, and he would like for the Commission and County staff to discuss having a procedural process that they could affirm to during a training session.

B. Robert Myers asked the Planning and Zoning Commission if they would consider moving their regular monthly meetings from the third Wednesday of the month to the second Wednesday of the month. This would allow County staff additional time for preparing the items necessary for County Council packets. He stated that the County Counselor’s office and the Executive’s Office have deadlines for submitting items for the monthly County Council meetings that sometimes only give staff one or two days to prepare those items.

Craig Frahm responded that he has a scheduling conflict with the second Wednesday of the month. He stated that he has another meeting on the second Wednesday of the month at 6:00 p.m., but it may still be possible for him to make it by 7:00 p.m. if the Planning & Zoning Commission meetings were moved to the second Wednesday of the month. Mr. Frahm stated that he would consider this request.

C. Chairman Ellis asked if the Election of Officers for the Commission would take place at next month’s regular meeting.

Robert Myers responded that he would research that question and get back to them.

D. Chairman Ellis asked if there was an update on replacing the three vacant positions on the Planning & Zoning Commission.
Robert Myers responded that he recently spoke with the County Executive’s Office about this and they reiterated that they are actively seeking Commission members for Council District 1, Council District 4. They are also working on appointing another County Council Member to replace Mike Klinghammer on the Commission.

**ADJOURNMENT OF MEETING**

Craig Frahm made a motion to adjourn the meeting. The motion was seconded by Diane Saale, and was approved by unanimous acclamation. The meeting adjourned at 8:28 p.m.

Respectfully submitted by:

________________________  _______________________
Roger Ellis, Chairman          Tom Kuhn, Secretary