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 and conditional use applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. He stated that public comment on conditional use permit applications will be taken only during the first reading and will not be taken at any meeting of the County Council held thereafter.
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 FOR CONDITIONAL USE PERMITS**

I. **CONDITIONAL USE REQUEST - 215 JOSEPHVILLE ROAD**

- **Application No:** CUP20-01
- **Property Owner/Applicant:** Birdie, Incorporated
- **Property Zoning:** I1, Light Industrial District
- **Conditional Use Requests:**
  1. Outdoor Storage of Boats, Recreational Vehicles, and
  2. Storage of Construction Equipment and Heavy Machinery (New and Used)
- **2030 Master Plan:** Recommends Industrial uses
- **Parcel Size:** 23.44 acres
- **Location:** On the west side of Josephville Road, approximately 1,000 feet south of Mexico Road; adjacent to General Motors and the City of Wentzville
- **Council District:** 1
- **Account No.:** 685210A000

Robert Myers, Director of Planning and Zoning stated this is a conditional use permit and not a rezoning request. Robert Myers stated the parcel is already zoned industrial in the unincorporated County. Under the I1 Light Industrial District, one of the potential use is outdoor storage of boats, recreational vehicles and construction equipment.

The applicant is requesting two separate conditional use permits. The first is for boat and RV storage. The second request is for construction equipment and heavy machinery (new and used) storage. The applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure. The concept plan also indicates plans for two future building pads with the intent of potential leasing to building contractors. This planned future use would not require any additional conditional use permits, however, the site plan would be required to be updated. This use would be subject to placement of an individual wastewater system on the site or sewer service availability through the City of Wentzville. The concept plan also proposes a six foot tall chain link fence along the boundary lines on the south, north, and west sides of the property. On the east side, the applicant proposes a fence and gate to be located behind the future building pads, approximately 150 feet from the eastern boundary line. A front landscaping buffer area, as required by Section 405.435 of the Unified Development Ordinance for St. Charles County, is proposed in the front building setback area.
The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the two conditional use requests as complying with the criteria of Section 405.510. B of the County Code with the following conditions on each request.

Should the Planning and Zoning Commission recommend approval, staff requests that the following conditions of approval be added:

1. A site plan substantially complying with the attached concept 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. No conditional use shall be in active use until such time all conditions of approval have been met.

For the record, one written communication was received regarding this application from the City of Wentzville.

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

Craig Frahm asked Robert Myers if the letter from the City of Wentzville would impact this conditional use permit.

Robert Myers stated that the letter from the City of Wentzville states that the outdoor storage be paved rather than a gravel surface. He typically looks at each property on an individual basis at the time of site plan submittal, taking into consideration things such as whether the property is in a rural area or a suburban area, and makes a determination at that time per County Ordinance on whether or not to allow a dust-free gravel surface to be used rather than a paved surface. A statement would be added to the site plan that the surface would be treated periodically to control dust.

Craig Frahm asked if that determination would be made after the approval of this application.

Robert Myers answered in the affirmative, and stated that would be determined during the site plan process should this application be approved by the County Council.

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

The applicant, Steve Layne, was sworn in. Mr. Layne stated that the property will be used for outdoor storage of boats, RV’s, and travel trailers. Mr. Layne is in the construction business and plans to relocate his office to this location as part of his 5-year plan. He would like to get this storage business up and running in order to establish some additional income. There are 123 parking spaces planned for this facility, and he intends to use a graveled parking surface.

Chairman Ellis asked if this would be an open or a gated facility.

Steve Layne responded that the facility will be gated and the entire property will be surrounded by 6-foot high fencing.

Craig Frahm asked Steve Layne if he owns any storage lots.

Steve Layne responded he does not own any other storage lots.
There being no further questions for the applicant, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C." AC" Dienoff was sworn in. Mr. Dienoff stated there are many unkempt storage facilities within St. Charles County that affect property values and quality of life for County residents. He noted that some municipalities and subdivisions do not allow property owners to park trailers, boats, or RV’s in their driveway, so it is necessary to have some of these storage lots in the County. Some owners maintain these storage lots, and some do not. If this application is recommended for approval, he would like to see the following conditions of approval added by the Commission:

1. No unlicensed or derelict vehicles allowed on the property
2. No broken down or inoperable vehicles allowed on the property.
3. No damaged or wrecked vehicles allowed to be stored on the property for more than 45 days.
4. No storage of parts or barrels allowed on the property.
5. A Type 3 berm should be required around the property.
6. The parking/driving surface adjoining the property in the adjacent City of Wentzville should be required to be paved, per their request in the letter to the County.
7. A site-proof fence should be required.

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

Seeing none, Chairman Ellis asked the Commission if they had any further questions for the applicant.

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

There being no discussion, Chairman Ellis entertained a motion to recommend approval of Application No. CUP20-01, subject to the conditions recommended by the Planning & Zoning staff.

Terry Hollander made such motion, and the motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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<th>Diane Saale</th>
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<th>Tom Kuhn</th>
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<th>Roger Ellis</th>
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<td>Tracy Boehmer</td>
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<td>Terry Hollander</td>
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Application No. CUP20-01 was recommended for **APPROVAL**.

The Vote Count was 6 yeas, 0 nays and 0 Abstentions.
II. CONDITIONAL USE REQUEST - 1125 DIETRICH ROAD

Application No: CUP20-02
Property Owner: Edward and Tami Barrieau
Applicant: Valley Farms, LLC
Property Zoning: A/FF, Agricultural District with Floodway Fringe Overlay District
Conditional Use Request: A request to amend CUP17-06 to expand the hours of operation allowed, and the maximum number of guests allowed
2030 Master Plan: Recommends Low Density Residential Uses (1 to 4 dwellings per acre)
Parcel Size: 20.67 acres
Location: On the west side of Dietrich Road, approximately 600 feet north of Wild Horse Drive

Robert Myers, Planning and Zoning Division Director, stated that that in 2017 the applicants applied for and received approval of a conditional use permit allowing them to hold weddings, receptions, and other events on the subject property. The applicants are requesting two revisions to the existing Conditional Use Permit (CUP17-06).

The applicant’s first request is that there not be a limit to the number of weddings allowed per calendar year, and that music be allowed to continue indoors until 11:00 p.m. rather than 10:30 p.m. Weddings would continue to be limited to Fridays, Saturdays, and Sundays. All other events would have an ending time of 11:00 p.m. on weekends and 10:00 p.m. on weekdays. The applicant has stated that ending both the music at 11:00 p.m. and closing the venue at 12:00 a.m. allows the wedding party to close the celebration and the guests to leave at more staggered times. Closing the venue earlier encourages guests to gather outside rather than to remain indoors and close out the gathering.

The applicant is also requesting to change the condition of limiting the number guests per Ordinance 17-070 from 200 to 250 guests. The applicant has indicated that wedding parties traditionally plan for 200 guests but invite more than 200 because not everyone will be able to attend. In the event that more than 200 guests do attend, the applicant wishes to be in compliance with the conditions of the Ordinance.

The concept plan submitted shows the recent addition of an upgraded individual wastewater treatment system and public restrooms to the venue that are ADA compliant.

The Community Development Department has not received any code enforcement complaints regarding this CUP since it was issued in 2017.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the following two (2) conditional use conditions as complying with the criteria of Section 405.510. B of the County Code.

1. Amend Condition 2 of Ordinance 17-070 to: Wedding receptions will be offered on Fridays, Saturdays, and Sundays. Receptions will end no later than 12:00 a.m., except that music at such wedding receptions will end no later than 11:00 p.m. All other events will end at 11:00 p.m. on weekends and 10:00 p.m. on weekdays.
2. Amend Condition 6 of Ordinance 17-070 to: No more than two hundred fifty (250) guests allowed.

For the record, staff received three communication in support of this request, and two letters from the same resident in opposition of this request.

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

Diane Saale stated that in the March 17, 2020 letter from Daniel Pressman and Kathleen Walsh, it states that they have not filed any complaints because of a separate noise violation, for which the Barrieau’s and Valley Farms were found guilty in St. Charles County Circuit Court last year, but no further information was provided. She asked Robert Myers what that court case was about.

Robert Myers responded that he was not aware that the communication received from Daniel Pressman and Kathleen Walsh referred to a court case.

Diane Saale stated that the letter from Daniel Pressman and Kathleen Walsh also states that there are other parties besides wedding receptions being held on the property. She asked if the current conditional use permit allows for events other than weddings to be held on the property.

Chairman Roger Ellis responded that the current conditional use permit is for “rural recreational activity, and a facility for weddings, wedding receptions, and other events” to be held on the property.

Tracy Boehmer asked Robert Myers if all events held on the property would have to comply with same months and times, or only weddings and wedding receptions.

Robert Myers stated the applicant is requesting that the entire condition number 2 be stricken and replaced with the wording “Wedding receptions will be offered on Fridays, Saturdays and Sundays. Receptions will end no later than 12 a.m. except that music at receptions will end no later than 11 a.m. All other events will end at 11 p.m. on weekends and 10 p.m. on weekdays. He stated the applicant could explain what times will or will not work for them when they testify.

Tom Kuhn asked Robert Myers if there are any specific reasons that Ordinance 17-070 limits the number of guests to 200.

Robert Myers responded that in 2017 when this CUP was approved, there was a limitation placed on the number of guests for a couple of reasons. The original application in 2017 stated that guests would be limited to 200 or less. Also, when this business first got started they did not have public restrooms available, so they used portable restrooms. Since then they have made some investments to the property, and they now have public restroom facilities which would allow for the accommodation of 250-plus guests.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Edward Barrieau, the owner and applicant, was sworn in. Mr. Barrieau stated that he has been in operation for three years without any complaints to the Police Department. The Police have never visited his property for loud music complaints or any other complaints. The conditions placed on the number of guests allowed back in 2017 were due to the property not having permanent public restrooms, so the business had to be operated as a seasonal business at that time. The business now has a commercial business permit for full-time year-round business, and has heated and air-conditioned public restrooms. Therefore, he would like to expand the conditional use permit for
business operations to full-time, except for December, January, and February because he the building is not heated.

Tom Kuhn asked Mr. Barrieau if he has lost any business due to the 200-person limit.

Edward Barrieau responded that he built the facility to accommodate 200 persons, and they really can’t go much higher than 200, but he feels that he is being watched closely all the times and does not want to be cited with a violation if maybe 201 people were to attend an event.

Terry Hollander stated that he does not have a problem with the request to change the limit from 200 to 250 guests, but he asked Mr. Barrieau why he feels the need to expand the hours of operation.

Edward Barrieau responded that his website clearly states that music cannot go past 10:30 p.m. but he would like a little bit of a cushion in case the last song does not end exactly at 10:30 p.m. in case he is being watched.

Terry Hollander asked Mr. Barrieau who he believes is watching him so closely.

Edward Barrieau responded that he believes that can be surmised by looking at the written communications received regarding his request to modify this CUP.

Tom Kuhn stated that he has seen Mr. Barrieau’s website, and it does state that his policy is for all music to end by 10:30 p.m.

Terry Hollander he asked Mr. Barrieau if he feels like he needs an additional hour for other events as well as for wedding receptions.

Edward Barrieau responded that the last hour of each business day is used by his staff for cleanup purposes only.

Chairman Roger Ellis asked if he had 2,858 guests to a craft beer BBQ event on July 21, 2019, as stated in the letter from Daniel Pressman and Kathleen Walsh.

Edward Barrieau responded that about 200 people attended that event. He added that there would not have been nearly enough parking spaces available to accommodate that many people.

Chairman Roger 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.

Arnie C. "AC" Dienoff, was sworn in. Mr. Dienoff stated that he is not in opposition to the request to increase the number of guests allowed to 250, as that falls in compliance with other with wedding venues that have been approved throughout the County. He does have concerns with extending the hours of operation allowed, and would like to make sure that both the Planning & Zoning Commission and the County Council are treating all applicants fairly and being consistent with these venues all having the same hours of operation allowed. He would urge the Planning & Zoning Division staff to do their due diligence and research what this case involves before a recommendation to change the existing conditions of this CUP is made. He would also like for the Planning & Zoning Commission to take notice of past applications of this type and treat each applicant fairly and keep venues to a
10:00 p.m. ending time for weddings, and 9:30 to 9:45 p.m. ending time for any other amplified indoor music events.
Chairman Roger Ellis asked if there were any questions from the Commission for Mr. Dienoff. There were no questions.

Chairman Ellis stated to Mr. Dienoff that some of the conditions in the existing CUP were added at the request of applicant in 2017.

Mr. Dienoff responded that some of those conditions were added by the Planning & Zoning Commission as well.

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.

Edward Barrieau came back up to the podium.

Chairman Ellis asked Edward Barrieau if he was involved in a lawsuit that is related to the operation of this venue.

Edward Barrieau responded in the negative.

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

Terry Hollander stated that he understands the request for additional months of operation and to increase the number of guests allowed, but is somewhat opposed to the request to extend the hours for amplified music.

Edward Barrieau responded that he would be fine with that, and he does not intend to change his policy regarding the hours of operation or the ending times for amplified music. He requested that the Commission at least recommend granting him a five-minute cushion on the 10:30 p.m. ending time for music, so that he doesn’t have to potentially stop the deejay during the final song.

Craig Frahm stated that he thinks this may always be a problem. He stated the policy is on Mr. Barrieau’s current website, and it states that there is a 10:30 p.m. ending time for music.

Edward Barrieau stated that his biggest fear is that a song will pass the 10:30 p.m. time limit, and that would become a violation of his CUP. He asked the Planning & Zoning Commission for ideas on how to prevent this from happening.

Tom Kuhn asked if the Planning & Zoning Commission would be amenable to splitting the difference and recommending an ending time of 10:45 p.m. for amplified music.

Chairman Roger Ellis asked Terry Hollander if he would be open to a 10:45 p.m. ending time.

Terry Hollander stated he would be open to having a 10:45 p.m. ending time for music, but not on weekdays.
Chairman Roger Ellis stated that the current CUP does not address music for events other than wedding and wedding receptions. He asked if other events held on the property are also required to end the music no later than 9:00 p.m. on weekdays and 10:00 p.m. on weekends. Robert Myers responded that the current conditions of the CUP only limit the hours on music for wedding receptions. The wording on this condition allows for outdoor music for all other events.

Edward Barrieau stated that his biggest concern during the initial approval of this CUP was wedding receptions. He stated that he does not play any music or hold any other events outdoors on the property.

Tracy Boehmer asked Edward Barrieau if he would be amenable to changing just the weekend end time for music to 10:45 p.m., and leaving weekday ending time at 9:00 p.m.

Edward Barrieau responded in the affirmative.

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

There being no further discussion from the Commission, Chairman Ellis entertained a motion to recommend approval of CUP20-02, with two revisions.

Revision 1: Paragraph 2 of CUP17-06 would be replaced by the following paragraph: “Wedding receptions will be offered on Fridays, Saturdays and Sundays, and receptions will end no later than 12:00 a.m. except that music and such wedding receptions will end no later than 10:45 p.m. All other events will end at 9:00 p.m. on weekdays10:00 p.m. on weekends.”

Revision 2: Paragraph 6 of CUP17-06 would change to “No more than 250 guests will be allowed.”

Tom Kuhn made a motion of approval, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

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Application No. CUP20-02 was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 nays and 0 Abstentions.
I. PUBLIC HEARINGS FOR REZONING REQUESTS

I. REZONING REQUEST - 2949 WEST MEYER ROAD AND DUENKE ROAD

Application No: RZ20-01
Property Owners: Thomas W. Dubray and Roberta A. Dubray
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
2030 Master Plan: Recommends Low-Density Residential (1 to 4 dwellings per acre)
Parcel Size: 36.17 acres
Location: On the west side of Duenke Road, approximately 4,000 feet north of West Meyers Road; near the Cities of Wentzville and Foristell
Council District: 1
Account Nos.: T200100008, 676080A000, and part of A964000366

Robert Myers, Planning and Zoning Division Director, 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 Zoning in this immediate area is Agricultural but the Master Plan north of Meyer Road is solidly low density residential (1 - 4 dwellings per acre). Low density residential does not meet the minimum parcel size required for on sight sewage disposal system, and this parcel is outside of the sewer service area for both the City of Foristell and the City of Wentzville. For this reason, this property will not be able to be developed any time soon at a density less than one dwelling per three acres.

County staff recommends that P&Z Commission recommend approval of this rezoning to RR, Single-Family Residential District (3-acre minimum lot size).

For the record, staff received one written communication regarding this application from the U.S. Army Corp of Engineers.

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

Chairman Ellis asked Robert Myers what impact the letter from the Army Corps of Engineers has on the proposed development.

Robert Myers explained that if this property is developed, it needs to be reviewed by the Army Corps of Engineers to confirm that no wetlands would be impacted.

Chairman Ellis asked Robert Myers what would happen if this rezoning was approved, and the Corps of Engineers finds out later there are issues with developing the property.

Robert Myers stated if wetlands are found on the back side of this property along McCoy Creek, given that the requested density is so low (3 acres per lot) the plat could easily incorporate wetland areas within the lots. He also stated that any floodplain area located on the property will be required to be set aside as common ground.
There being no further questions for staff, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Thomas Dubray, the property owner, was sworn in. Mr. Dubray stated that he has lived on west side of the parcel adjacent to this property for 25 years. When he purchased this property, it was zoned Agricultural with a 3-acre minimum lot size. Then the County changed the minimum lot size for Agricultural zoning to 5 acres. He is requesting that the zoning go back the original 3-acre minimum lot size to allow more flexibility for buyers. Some buyers may want 5-acre lots, and some may want 3-acre lots. He stated that his son has an interest in building homes on the property periodically if this rezoning request is approved, and he would be happy to see it develop into a great community in west St. Charles County. Most of the properties to the south are all on 3-acre lots, so this would not be any different than the lots in that area.

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

Tracy Boehmer asked Mr. Dubray how many homes he estimates will be built on the rear portion of the property.

Thomas Dubray responded that its only feasible to build about 6 homes, including the home that he lives in now due to the steep drop-off in that area around the McCoy Creek. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. “AC” Dienoff, P.O. Box 1535 O’Fallon, MO was sworn in. Mr. Dienoff stated that the 2030 Master Plan does slate this area for 3-acre lots. He stated that retention or detention of water runoff needs to be address is the 3-acre zoning is approved, otherwise he is not opposed to this rezoning request.

Chairman 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 called for discussion from the Commission.

There being no discussion, Craig Frahm made a motion to recommend approval of Application No. RZ20-01. Diane Saale seconded the motion.

The vote on the motion was as follows:

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Application No RZ20-01 was recommended for APPROVAL.

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

NONE

APPROVAL OF THE MINUTES FROM THE JANUARY 15, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the January 15, 2020 regular meeting.

Craig Frahm made such motion, and the motion was seconded by Tom Kuhn. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

1) Robert Myers announced that St. Charles County’s 2030 Master Plan will receive an award by the American Planning Association. He added that the online interactive Master Plan is a great resource for schools and residents.

2) Robert Myers stated that the State of Missouri issues the County a stormwater quality permit requiring the County through its laws and educational programs to addresses stormwater quality and quantity. The Missouri Department of Resources is currently stepping up its requirements under this permit, and would like to see St. Charles County take additional steps in terms of stormwater quality. The County has been soliciting feedback from stormwater professionals from St. Charles County, and they may request that the St. Charles County Council consider revising its stormwater ordinances to better address this.

3) Chairman Ellis congratulated Robert Myers for the Master Plan award.

ADJOURNMENT OF MEETING

Tom Kuhn made a motion to adjourn the meeting. The motion was seconded by Diane Saale and was approved by unanimous acclamation. The meeting adjourned at 8:04 p.m.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary