AN ORDINANCE AMENDING ORDINANCE NO. 17-070 GRANTING CONDITIONAL USE PERMIT CUP17-06 FOR A RURAL RECREATIONAL ACTIVITY, AND A FACILITY FOR WEDDINGS, WEDDING RECEPTIONS, AND OTHER EVENTS, TO EDWARD AND TAMI BARRIEAU, PROPERTY OWNERS

WHEREAS, the St. Charles County Charter, Article II, Section 2.529, grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, the property, known as 1125 Dietrich Road, is located on the west side of Dietrich Road, approximately 600 feet north of Wild Horse Drive, and consists of 20.67 acres; and

WHEREAS, the property is zoned A, Agricultural District, with Floodway Fringe Overlay District; and

WHEREAS, pursuant to Section 405.510.H of the Ordinances of St, Charles County, Missouri (“OSCCMo”), an amendment to Ordinance No. 17-070 granting conditional use permit CUP17-06 was requested by Application CUP20-02 for the purposes of expanding the hours of operation allowed and increasing the maximum number of guests allowed; and
WHEREAS, pursuant to section 405.510.H.2 OSCCMo, having found the written request to amend conditions consistent in purpose and content with the nature of the proposal as originally advertised for public hearing, the Planning and Zoning Division forwarded the request and its report to the Planning and Zoning Commission; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 6 ayes to 0 nays approved conditions requested with modifications, and, pursuant to section 405.510.H.3 OSCCMo, it forwarded its approval report and recommendation to the County Council for final decision. A simple majority of the County Council is required for passage of this bill pursuant to Section 405.510.A, OSCCMo.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. An amendment to Ordinance No. 17-070 granting conditional use permit CUP17-06 was requested by Application CUP20-02 for the purposes of expanding the hours of operation allowed and expanding the maximum number of guests allowed, for property known as 1125 Dietrich Road and located on the west side of Dietrich Road approximately 600 feet north of Wild Horse Drive, and further described on the attached EXHIBIT A; is hereby granted to Edward and Tami Barrieau, property owners.

Section 2. Section 2. of Ordinance No. 17-070 is hereby amended as follows (added text in bold type, deleted text in bracketed and stricken type).
The conditional use permit is approved based on the following conditions:

1. A site plan indicating compliance with all applicable UDO requirements and these conditions shall be submitted to and approved by the Department of Community Development prior to any construction activities; and

2. Wedding receptions may [will only] be held [offered during the months of April, May, June, September, October, and November] on Fridays, Saturdays, and Sundays only. [There will be no more than thirty (30) wedding receptions per calendar year with an] shall end no later than [time of] 12:00 a.m., except that music at such wedding receptions shall end no later than 10:45 p.m. [–Any] All other events [will] shall end [no later than] at 10:00 p.m. on weekends and 9:00 p.m. on weekdays;

3. No conditional use shall be active until all conditions of the approval have been met; and

4. In any case where a conditional use is not in place and in active use within two years from the date of granting, and/or in accordance with the terms of the conditional use originally granted or subsequently amended, then, without further action by the Planning and Zoning Commission and/or the County Council, the conditional use, or authorization thereof, shall be null and void; and
5. The conditional uses as described in 405.080.C.12 shall be held in the pole barn or other enclosed building as shown on the concept plan; and

6. No more than [two hundred (200)] two hundred-fifty (250) guests shall be allowed at any one time; and

7. Outdoor wedding receptions as described in 405.080.C.26 are prohibited; and

8. Any certain loud noise emanating from public address systems on the property due to the activities permitted under the conditional use permit granted herein, is prohibited pursuant to the applicable provisions of Section 210.205 of the OSCCMo that govern such noise levels for the Commercial zone category.

Section 3. The Council hereby receives the following documents into the record: the St. Charles County Master Plan Year 2030; the Unified Development Ordinance of St. Charles County, Missouri; and the documents attached hereto as EXHIBIT B, which exhibit contains the plats and plans and any other documents relied on in reaching this determination of the Council.

Section 4. The Director of the Planning and Zoning Division is hereby authorized to acknowledge the approval and conditions of the amended CUP17-06 on Application CUP20-02.

Section 5. This ordinance shall be in full force and effect from and after the date of its passage and approval.
DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR
EXHIBIT A
CONDITIONAL USE PERMIT
APPLICATION CUP20-02

APPLICATION NUMBER: CUP20-02

THE PROPERTY IS PRESENTLY ZONED: A, AGRICULTURAL DISTRICT, WITH FLOODWAY FRINGE OVERLAY DISTRICT

IT IS REQUESTED THAT A CONDITIONAL USE BE GRANTED FOR: A REQUEST TO AMEND CUP17-06 TO EXPAND THE HOURS OF OPERATION ALLOWED, AND THE MAXIMUM NUMBER OF GUESTS ALLOWED

OWNER OR OWNERS OF PROPERTY: EDWARD AND TAMIA BARRIEAU

LOCATION OF PROPERTY: THE PROPERTY IS KNOWN AS 1125 DIETRICH ROAD, AND IS LOCATED ON THE WEST SIDE OF DIETRICH ROAD, APPROXIMATELY 600 FEET NORTH OF WILD HORSE DRIVE. THE PROPERTY CONSISTS OF 20.67 ACRES AND IS LOCATED IN COUNCIL DISTRICT 1.

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY:

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF LOT 1, AND PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; AND PART OF LOT 1 OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 47 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY, MISSOURI AND DESCRIBED AS FOLLOWS:

COMMENCING AT AN OLD STONE AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SECTION 6, THENCE SOUTH 5 DEGREES 21' 50" EAST 1553.72 FEET TO AN IRON ROD; THENCE NORTH 89 DEGREES 48' WEST 1016.55 FEET TO AN IRON ROD; THENCE SOUTH 1 DEGREE 42' EAST 693.44 FEET TO THE PLACE OF BEGINNING OF THE SAID TRACT; THENCE ALONG THE CENTERLINE OF INDIAN CAMP CREEK AS FOLLOWS:

SOUTH 43 DEGREES 55' EAST 510.30 FEET, THENCE SOUTH 44 DEGREES 16' EAST 142.92 FEET, THENCE LEAVING SAID CENTERLINE NORTH 56 DEGREES 55' EAST 799.43 FEET, THEREALONG THE CENTERLINE OF DIETRICH ROAD, SOLL1TH 38 DEGREES 02' EAST 353. 80 FEET, THENCE SOUTH 28 DEGREES 39' EAST 290.97 FEET, THENCE SOUTH 34 DEGREES 19' EAST 90.61 FEET, THENCE SOUTH 45 DEGREES 27' EAST 375.14 FEET TO AN IRON ROD; THENCE LEAVING THE SAID CENTERLINE SOUTH 88 DEGREES 59' WEST 665.15 FEET; THENCE SOUTH 53 DEGREES 18' WEST 260.18 FEET; THENCE SOUTH 68 DEGREES 43' WEST 236.50 FEET, THENCE SOUTH 86 DEGREES 13' WEST 95.50 FEET; THENCE NORTH 81 DEGREES 41' WEST 148.50 FEET; THENCE NORTH 80 DEGREES 00' WEST 133.70 FEET; THENCE NORTH 70 DEGREES 34' WEST 92.20 FEET; THENCE NORTH 53 DEGREES 34 1 WEST 133.20 FEET; THENCE NORTH 54 DEGREES 24' WEST 116.30 FEET; THENCE NORTH 1 DEGREES 42' WEST 92.53 FEET TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PART CONVEYED TO DENNIS DOYLE BY DEED RECORDED IN BOOK 1498 PAGE 1546, AND FURTHER EXCEPTING THEREFROM THAT PART CONVEYED TO LAYNE CHARTRAND AND WIFE BY DEED RECORDED IN BOOK 1743 PAGE 57.

COMMONLY KNOWN AS: 1125 DIETRICH RD., FORISTELL, MO 63348.
EXHIBIT B
CONDITIONAL USE PERMIT

APPLICATION CUP20-02

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
Council District: 1
Account No.: 670380C000

CONTENTS:

➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Revision Request From Applicant
➢ Preliminary Concept Plan
➢ Letters Received:
  ♦ Support - Paula Weeks
  ♦ Support - Bob and Martha Pence
  ♦ Support - Martin H. Bays Jr.
  ♦ Opposition - Daniel Pressman and Kathleen Walsh
  ♦ Additional Comments Received on 3/27/2020 – Dan Pressman
➢ Planning and Zoning Commission minutes from the March 18, 2020 meeting
March 27, 2020

This communication summarizes the following application and bill to be introduced at the April 13, 2020 County Council meeting:

**CONDITIONAL USE REQUEST - 1125 DIETRICH ROAD**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>CUP20-02</th>
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<tbody>
<tr>
<td>Property Owner:</td>
<td>Edward and Tami Barrieau</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Valley Farms, LLC</td>
</tr>
<tr>
<td>Property Zoning:</td>
<td>A/FF, Agricultural District with Floodway Fringe Overlay District</td>
</tr>
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<td>Conditional Use Request:</td>
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<td>1</td>
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<tr>
<td>Account No.:</td>
<td>670380C000</td>
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This agriculturally-zoned property has since 2003 been granted conditional use permits to operate a farm stand (Ord 03-120), a commercial farm stand (Ord 05-085), a private campground (Ord 10-03), a rural recreational activity (Ord 17-070), and weddings, wedding receptions, and other events (Ord 17-070). The property owner has been conducting wedding ceremonies and receptions on the property since receiving County approval in 2017.

Ordinance 17-070 has eight conditions for operation of the wedding venue, including limitations on the number of events annually; the months, days, and hours of operation; and the maximum size of events. The applicant is requesting that two conditions in Ord. 17-070 be amended to remove the limit on the number of events per year, to end wedding reception music at a later time, and to increase the maximum number of guests (from 200 to 250).

The County’s Building Code would allow 250 guests based on its A3 use classification. One reason for originally limiting the number of events per year had been that guests would be using portable toilets; however, the applicant has subsequently constructed permanent restrooms (ADA-compliant) with an onsite sewage disposal system. The Community Development Department has no reports of violations concerning the wedding and event venue although County Police would handle any noise complaints.

Section 405.510.B allows the County Council to impose conditions on conditional use permits to ensure that the conditional use:

- Will not be detrimental to or endanger public health, safety, or the general welfare; and
- Will not injure the use and enjoyment of other properties in the immediate vicinity, or the esthetic and/or scenic values of the vicinity, nor substantially diminish or impair property values; and
- Will not impede development and improvements of surrounding properties.

The Planning and Zoning Commission held a public hearing on this application at its March 18, 2020 meeting and received the following public input:

<table>
<thead>
<tr>
<th>Speakers:</th>
<th>1 Support</th>
<th>0 Opposed</th>
<th>1 Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>Letters on file:</td>
<td>3 Support</td>
<td>1 Opposed</td>
<td>0 Concerns</td>
</tr>
</tbody>
</table>

Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

| 6 Approval | 0 Denial | 0 Abstentions |
Recommendation:
Following the public hearing, and discussion with the applicant, the Planning & Zoning Commission unanimously recommended:

- Increasing the maximum number of guests from 200 to 250; and
- Changing the end time for music at wedding receptions from 10:30 pm to 10:45 pm (rather than 11:00 pm as requested by the applicant); and
- Maintain the same end time for other events (rather than an hour later as requested by the applicant).

The Commission’s recommended conditions are reflected in the bill submitted with this memorandum.

County staff concurs with the Commission’s recommendation.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
 Joann Leykam, Director of Administration
 John Watson, County Counselor
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Ellie Marr, CFM

Application No.: CUP20-02
Date: February 10, 2020

BACKGROUND:

Owner/Applicant: Ed and Tami Barrieau

Requested Action: A request to amend CUP17-06 to expand the hours of operation & maximum number of guests allowed

Location: West side of Dietrich Road, approximately 600 feet north of Wild Horse Drive

Current Zoning: A, Agricultural District with FF/Floodway Fringe Overlay District

Current Land Use: CUP17-06 allows a rural recreational activity and a facility for weddings, wedding receptions, and other events (Ordinance 17-070)

Parcel Size: 20.67 acres

Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District with FF/Floodway Fringe Overlay District</td>
<td>Vacant Residential Lot and Common Ground for Incline Village Subdivision</td>
</tr>
</tbody>
</table>

2030 Master Plan: Low Density Residential (1-4 units per acre)

Public Services: County Council District 1 – Joe Cronin
School District – Wentzville School District
Fire District – Wentzville Fire Protection District
The applicant is requesting two (2) revisions to the existing Conditional Use Permit 17-06. The first request is to amend condition 2. in Ordinance 17-070 from: “Wedding receptions will only be offered during the months of April, May, June, September, October, and November on Fridays, Saturdays, and Sundays. There will be no more than thirty (30) wedding receptions per calendar year with an end time of 12 a.m., except that music at such wedding receptions shall end no later than 10:30 p.m. Any other events will end no later than 10 p.m. on weekends and 9 p.m. on weekdays;” 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.”

The second revision request is to amend condition 6. in Ordinance 17-070 from: “No more than two hundred (200) guests allowed.” to: “No more than two hundred fifty (250) guests allowed.”

The applicant first request is that there not be a limit to the number of weddings per calendar year and that music be allowed to continue indoors until 11:00 p.m. from the original condition of 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 in 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 adjacent to the venue that are ADA compliant. No changes to the parking requirements is required by the request for additional guests since there is no change to the gross square footage of the building.

Staff has reviewed code enforcement complaints regarding the original conditional use permit issued in 2017 and has found none.

CONDITIONAL USE ANALYSIS

Conditional Use permits are evaluated based on criteria established within the Unified Development Ordinance. The CUP criteria are as follows:

“Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions as will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in
the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit.”

Staff has reviewed these criteria relative to the subject site and finds that both requests for revisions to the conditions of CUP17-06 will be in general conformance to the original request. After being in operation for three (3) years, there have been no complaints filed and the applicant has found that a revision to the original conditions may be in order after observing the tendency of wedding parties over several wedding seasons.

RECOMMENDATION:

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.
CUP20-02 – Zoning
Valley Farms LLC would like to request the following condition revisions to the existing Condition Use Permit 17-06 under Section 2 of that CUP.

Revision 1: Remove paragraph 2 and replace with the following paragraph:

“Wedding receptions will be offered on Fridays, Saturdays, and Sundays. Receptions will end no later than 12:00am, except that music at such wedding receptions will end no later than 11:00pm. All other events will end at 11:00pm on weekends and 10:00pm on weekdays”

Revision 2: In paragraph 6, change the max guest count from 200 to 250
Valley Farms
Site Plan
Cup 17-06

1/4" = 10'

Notes:
- Total Acreage: 20.67 Acres
- Total Developed: 1.49 Acres
- All buildings are existing structures.
- No Lighting Fixtures Pointing at Highway.
- No Street Parking.
- Warner resected for Fixed Parking.
- 64,800 sf Meeting Space = 65 Parking Spots.

Adjunct Property Owner:
Dennis Doyle

All Parking Spots Are 9' x 19'

Rest Room Facilities Include:
- Ladies: 4 Stalls + 2 Sinks. ADA Compliant
- Men's: 2 Stalls + 2 Sinks. ADA Compliant

Valley Farms
1195 Dietrich Rd
Fortistell, MO

Owners: Ed & Tammy Barram
Developer: Ed Barram
198 South Ridge
Fortistell, MO 63328
636-445-1205

Person: H-8004-S005-08-3.2
Source: A. Agricultural
Cup 643
Cup 17-06
Mr Kuhn,

After receiving a letter regarding 1125 Dietrich Road I wanted to state as one of The Barrieaus neighbors at 1128 Dietrich Road I don’t have concerns with amending the hours of operation or number of guest.

We have never had a problem with their guest or noise level.

It is a pleasure to look across the street at their property. They work year round maintaining it and it shows. It’s a beautiful property and Ed and Tami have been very respectful to our family as neighbors

Thanks

Paula Weeks

Sent from my iPhone
2/17/20

RE: Application No: CUP20-02

To Whom It May Concern:

We have no problem with expanding hours of operation and the number of guests at the Valley Farms events. Their events are no louder or disruptive than neighbors having outside parties up on the hill from us or what floats over from Incline Village. They are good neighbors and continue to improve their property.

Sincerely,

Bob & Martha Pence
1146 Dietrich Rd.
Foristell, MO 63348
To Whom It May Concern:

I am unable to attend the meeting regarding the Valley Farms CUP application # CUP20-02 yet wish to have a voice.

Valley Farms is a positive presence in our community. I delight in watching this family friendly business provide joy to children during the fall when folks purchase pumpkins and treat their children to train rides. I have no concerns over their proposed business expansion and reject the notion that their growth would overwhelm the facility or surrounding community.

Thank you for the opportunity to have a voice on this important matter.

Marlin H Bays Jr
636-579-8392
3234 Wild Horse Drive
Foristell, MO 63348
Daniel Pressman  
Kathleen Walsh  
150 Sumac Ridge Drive  
Foristell, MO 63348  

February 13, 2020  

County Planning & Zoning Division  
201 North Second Street  
Room 420  
St. Charles, MO 63301  

RE: CUP 20-02  

Dear Mr. Kuhn and Members of the Planning & Zoning Commission:  

We are writing in strong opposition to the Conditional Use Plan 20-02 filed by Valley Farms, LLC.  

We purchased our lot and built our home before Valley Farms started hosting weddings. Please note that our property is 552 feet from Valley Farms and 102 feet above it; we do hear noise from their events and, contrary to Mr. Barrieau’s testimony during the CUP 17-06 meetings, our properties are mutually visible.  

Our objections are to the increased noise and traffic that will affect us and our residential neighborhood. We believe the extension should be denied, especially in light of Valley Farms’ disregard for the restrictions placed on them during the original CUP17-06.  

Please view three videos from Valley Farms’ own Facebook page (see link), and note that music and receptions were being held outdoors. While true that these particular musical events were not rowdy, they were in defiance of CUP 17-06, which restricts music and food to within the structure.  

Their facility has approximately eight garage-door-type openings that, when open, do not contain noise within the building. We hear noise from their events, but have avoided complaining during the past three years in order to reduce tensions with the Barrieaus, who live next-door to us in the Sumac Ridge subdivision. At the County Council hearings, the commissioners noted that Valley Farms would have to abide by commercial-sound restrictions, which limit sound as measured on the road nearest the facility at 55 or 60 decibels, depending on time of day. At that time, one of the council members noted that it would be "up to the neighbors" to monitor these and other restrictions.  

We attempted to measure decibel levels on a few occasions, but we ceased these attempts after Mr. Barrieau rushed out onto Dietrich Road, menacingly pointing something at our vehicle (which we later learned was a camera). Later that evening, after a complaint by Mr. Barrieau,
the police came to our home to discuss the incident; they requested that we call them to monitor noise levels, but given that the police do not carry decibel-recording equipment -- and in an effort to reduce tensions -- we chose not to involve them.

Further, please note that Paula Weeks sent a letter in support of CUP 20-02, but this letter should be considered in light of the fact that Ms. Weeks is a virtual partner of Valley Farms. As can be seen from pictures and videos on Valley Farms' Facebook page and their price list, her residence (which is across the street from Valley Farms) is available for rental as a bridal suite.

If the Commission chooses to approve CUP 20-02, we ask that the following conditions be attached:

1. Explicit restriction that activities are allowed only on Parcel 4-0004-S006-00-0005.2000000, and that no activities are permitted on Parcel 4-0004-S006-00-0006.6000000, also owned by the Barrieaus.

2. Valley Farms is to maintain public Web access to a decibel meter and video of their parking area so that noise and attendance may be monitored by affected neighbors, without conflict.

Finally, please note that Valley Farms hosts many large non-wedding events (see link). It was unclear during the original CUP hearings whether these events are permitted or controlled by the CUP restrictions. We would appreciate a clarification.

Thank you for your attention to the letter.

Sincerely,

Daniel Pressman and Kathleen Walsh

Link: https://www.dropbox.com/sh/qaz8zykyzy8wbnx/AADyELCOfjyYlfYlf4RNmesnUsFa?dl=0
Pressman Opposition to CUP 20-02

Daniel Pressman
Kathleen Walsh
150 Sumac Ridge Drive
Foristell, MO 63348

March 17, 2020

County Planning & Zoning Division
201 North Second Street
Room 420
St. Charles, MO 63301

RE: CUP 20-02

Dear Mr. Kuhn and Members of the Planning & Zoning Commission:

I see that the Commission has shortened the agenda for tomorrow’s meeting. I fail to see what is so critical about CUP 20-02 that it is still included amidst all the concerns regarding coronavirus. Obviously, there will be no weddings at this facility before the April meeting and the matter could just as well be considered then.

It makes me wonder if they have already violated CUP 17-06 and booked larger weddings. Valley Farms seems to have no regard for their agreements or the regulations; witness their disregard for the 55-60 decibel limit and the current “Rules and Regulations” where they permit weddings of up to 220 people despite their agreement to limit events to 200 people.

It seems to me that they are getting special treatment:

- Why were they not fined for misleading the Building Permit process when they filed for their “Agricultural Barn”?
- Why do they continue to make modifications within the flood zone without proper permits? (See their expanded gravel parking areas.)
- Why was our letter dated 2/13/2020 not included in either the February or March Packets?
- Why is the “Staff Recommendation” intentionally misleading:
  “Requested Action: A request to amend CUP17-06 to expand the hours of operation & maximum number of guests allowed”
  It does not mention that the extension includes increasing the number of events from 30 to unlimited.

We have rights too and even if we are the only ones whose enjoyment of property is affected by these events, that is one party more than the regulations supporting the issuance of a CUP permit.

Thank you for your attention to this letter.

Sincerely,

Daniel Pressman and Kathleen Walsh

PS. I had major oral surgery last week and am taking pain medication, so will not be able to attend tomorrow evening’s meeting. Therefore, attached is the speech I would have made. Again, thank you for reading.
1. We oppose the proposed extensions to Valley Farms' 2017 CUP.

2. The noise of music and larger crowds next-door, and events running later into the night, for an unlimited number of times per year, would destroy the enjoyment of our home and decimate the value of our property.

   a. Most Valley Farms' supporters do not live as close and none is situated in similar topography. Valley Farms is visible from our property when there are no leaves. Even when trees are in full leaf, events can be heard because noise is amplified by the canyon-like landscape: Valley Farms sits in a flood plain between two tall rises, 102 feet below our property and only 552 feet away.

   b. One of Valley Farms' supporters lives closer, but she is a virtual partner, who offers her residence for rental as a bridal suite. (Paula Weeks)

   c. The noise from Valley Farms is inconsistent with the peace and quiet we sought when we built our home in a rural area in 2015.

The County regulations for issuance of a CUP, Section 405.510 (b), states:

"...operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district ..."

   d. Valley Farms is expanding beyond weddings, and is holding "rock & roll" events open to the public. This is inconsistent with 405.080 c 10, which states:

"Buildings, structures or open spaces for conducting weddings and/or wedding receptions or other private parties."
Pressman Opposition to CUP 20-02

e. Rewarding Valley Farms with these extensions is not justified because they have ignored current restrictions. The County Council restricted music and food consumption to inside the facility; only the wedding ceremony itself was allowed outside the structure. Videos on Valley Farms' Facebook page show they are in violation. If the restriction does not apply to all music, then what is the guideline for outdoor entertainment?

3. Their facility, with several large barn-door openings, does not contain the noise of louder events.
   a. In 2017, the Council noted that Valley Farms needed to abide by the county's commercial sound restriction, which is limited to 55-60 decibels as measured from the road nearest the facility. Sixty decibels is equivalent to "conversational speech." Their main building, with open doors and only 225 feet from the road, cannot avoid generating sound greater than 55-60 decibels.

   b. Council members stated it would be "up to the neighbors" to monitor noise and other restrictions. I was able to measure over 60 decibels on one occasion, but Valley Farms complained to the police about my presence near their business. As a result, I have been prevented from measuring sound as per the commercial rules.

4. P&Z staff recommendations note that there have been no complaints in three years. We have not filed complaints because of a separate noise violation, for which the Barrieaus and Valley Farms were found guilty in St. Charles County Circuit Court last year. It took almost three years for that issue to be resolved. In addition, we were concerned about rising tensions between us as well as threatening actions by Ed Barrieau, including vandalism of our property, which Mr. Barrieau admitted to police.

5. If these extensions are approved, and there is no way to monitor noise and attendance, then our only option will be to call the police repeatedly.
The Barrieaus believe we are harassing them. Please understand: If we could not hear the noise, we wouldn't be wasting time and energy to oppose these extensions. Topography is the reason why we hear much of what goes on at Valley Farms, such as cheers and applause, music, the M.C.'s announcements, and their barking dog.

In our opinion, if this permit is approved, the damage to the enjoyment of our property would be untenable and likely force us to consider selling our home. But selling may not be easy, once potential buyers discover that next-door is an outdoor entertainment venue that's allowed to have unlimited events with large crowds, until midnight.

These extensions are inconsistent with the peaceful enjoyment of our home and therefore should be denied.

Should the Commission choose to recommend approval of this application, we ask that the following conditions be attached:

a. Valley Farms is to maintain public Web access to a decibel meter and video of their parking area so that neighbors impacted by noise and traffic may, without conflict, monitor sound and other restrictions, as per the County Council's stipulation in 2017.

b. Commercial activities are never allowed on the area known as "the Triangle" (Parcel 4-0004-S006-00-0006.6000000), which is only 552 feet from our backyard and which Ed Barrieau promised, in 2017, would not be used.
Dear Members of the Planning & Zoning Commission:

I would like to sincerely thank you and all staff members for your attention, questions, and assistance regarding our opposition to CUP 20-02.

As you can see in the attached letter to the County Council, we have decided not to make further objections to this CUP when it is heard before the Council.

We would, however, like to address three issues that arose during the P&Z hearing on 3/18/2020:

1. The guilty verdict from Casenet involved a long-running dispute about barking dogs owned by Valley Farms. This verdict was rendered in Associate Circuit Court on a Trial de Novo, following a guilty verdict rendered in Municipal Court for a citation issued by Animal Control.

   Also, a guilty verdict was issued in Small Claims Court in response to a suit we filed against Valley Farms and the Barrieaus for noncompliance with the noise ordinance. At that time, the Barrieaus succeeded in having their names dismissed from the suit, claiming that the dogs were owned by Valley Farms (see Motion).

   Following a guilty verdict in Small Claims Court, the Barrieaus requested a Trial de Novo, and then filed a $24,999 lawsuit against us for harassment in Circuit Court. A settlement eventually was reached, and both suits were dismissed.

   The above may be more background than you care to know, but in short, we'd like the Commission to understand that we would not have filed a complaint with Animal Control or objected to permits if we could not hear noise from Valley Farms. Further, the truthfulness of Mr. Barrieau's sworn answer that the guilty verdict did not involve "the operation of this venue" should be questioned because the dogs were owned by VF.

2. Questions were raised about the source of several exhibits presented by me: All of them were screen-captures from Valley Farms' own Facebook pages (source and capture date are indicated in filenames). Again, the truthfulness of Mr. Barrieau's answer when questioned about the source of information for these events and the number of attendees should be questioned.

3. Mr. Barrieau testified that his barn was built with the intent to "accommodate weddings of 200 to 250 people." Given this, the truthfulness of Mr. Barrieau's application for his original 2016 permit for an "Agricultural Barn" should be questioned.

   Much of Mr. Barrieau's animosity towards me resulted from the expense he incurred after the issue of permissibility for weddings at Valley Farms was raised on 03/14/2017. This resulted in CUP 17-06, which was filed on 6/21/17 and granted on 8/1/17. The expense involved retrofitting the barn to comply with building codes, in order to operate as an entertainment venue.

Thank you.

Dan Pressman

Attachments: Lawsuits/History
              Excerpted Motion
              Letter to County Council

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LAWSUITS/HISTORY: During the 3/18/2020 P&Z hearing, Ed Barrieau made reference to Dan Pressman as a “bad” neighbor. Please note that we had enjoyed a civil relationship, until I asked him not to leave barking dogs outside overnight. It took almost two years and multiple trials before the Barrieaus and Valley Farms finally complied with the law.

The history below provides insight into why I've been wary of filing noise complaints against Valley Farms during the last three years. (All emails, audio files, etc., substantiating interactions with the Barrieaus can be produced upon request.)

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
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<tbody>
<tr>
<td>6/2015</td>
<td>Pressman's contractor pushed some brush into a ravine, some of it going over the line onto the Barrieaus' side of the ravine. Pressman notified Barrieau via email that due to wet ground, the brush could not be removed immediately. Barrieau responded, &quot;...don't sweat that, get to it when you get to it, no rush what so ever.&quot;</td>
</tr>
<tr>
<td>2/26/2016</td>
<td>Visit by SCC Animal Control</td>
</tr>
<tr>
<td>3/22/2017</td>
<td>1st citation issued by Animal Control</td>
</tr>
<tr>
<td>6/21/2017</td>
<td>SCC P&amp;Z Commission meeting for Valley Farms' permit application, CUP 17-06</td>
</tr>
<tr>
<td>6/26/2017</td>
<td>During a property-line survey requested by Barrieau, it was discovered that about 15 feet of Pressman's invisible fence-wire had been cut and removed. Pressman found security video of Barrieau going into woods and returning with coiled wire, and showed to police; Barrieau admitted the vandalism, and offered to purchase new wire for splicing. Pressman declined the offer because integrity of wire had been destroyed.</td>
</tr>
<tr>
<td>6/26/2017</td>
<td>Pressman had removed brush from Barrieaus' side of the ravine, based on his understanding of property line; but after survey, Pressman realized that more brush had to be removed. He attempted to do so that same day, but encountered a wasp nest (Barrieau was informed). All brush was removed from Barrieaus' side of ravine several weeks later, exact date not recalled.</td>
</tr>
<tr>
<td>10/26/2017</td>
<td>1st citation trial, HS0001129: Barrieau found guilty, requested Trial de Novo</td>
</tr>
<tr>
<td>1/18/2018</td>
<td>2nd citation issued by Chief Kyle Shafer, SCC Animal Control</td>
</tr>
<tr>
<td>4/16/2018</td>
<td>Pressman/Walsh still suffering from chronic sleep loss due to 24/7 barking dogs. Out of desperation, they filed Small Claims suit against the Barrieaus and Valley Farms.</td>
</tr>
<tr>
<td>5/2/2018</td>
<td>Barrieaus' attorney sent threatening letter to Pressman/Walsh accusing them of trespassing, stalking, harassment and libel, and threatened lawsuit.</td>
</tr>
<tr>
<td>6/18/2018</td>
<td>Small Claims trial on May 24, 2018 (1811-SC00105): Pressman/Walsh awarded $2,000 + $50 court costs. Barrieau requested Trial de Novo (1811-SC00105-01)</td>
</tr>
<tr>
<td>9/10/2018</td>
<td>Barrieaus filed $24,999 counterclaim against Pressman/Walsh for harassment and trespassing, denied by Trial de Novo judge. Barrieaus then filed $24,999 lawsuit in Circuit Court (1811-AC06522).</td>
</tr>
<tr>
<td>11/10/2018</td>
<td>Barrieau called police and falsely accused Pressman of flying a drone over his property</td>
</tr>
</tbody>
</table>
We suffered chronic fatigue, stress, anxiety, and frustration as a result of protracted sleep loss due to nightly dog barking for 2 years, 5 months. We tried to be reasonable by requesting that the Barrieaus bring in their dogs only from 11pm to 7am. It wasn't until 7/1/2018 that we finally were able to sleep because the Barrieaus apparently sold or gave away the loudest barking dog, the Central Asian Shepherd. However, we continue to maintain logs because there have been several occasions of overnight barking since the June 2019 guilty verdict.

Lastly, Mr. Barrieau is unhappy with our security cameras. These cameras are for security. To our knowledge, since 2015 we have had five security incidents, including prowlers and trespassers; on one occasion we were able to provide helpful information to the police and neighbors.
IN THE CIRCUIT COURT OF ST. CHARLES COUNTY, MISSOURI

Daniel Pressman et al  )
Plaintiff          ) Cause Number: 1811-SC000105
v.                )
Edward Barrieau, et al )
Defendants.       )

DEFENDANTS' MOTION TO DISMISS

COMES NOW Defendants, by and through undersigned counsel, and moves this Court

under Rule 55.27(a)(6) to dismiss Plaintiff's Petition for failure to state a claim upon which relief

can be granted. As grounds for this Motion, Defendants states as follows:

Excerpt:

28. The dog in question is a farm dog owned by Valley Farms LLC, as such the
Barrieaus cannot be held personally liable per Mo. Rev. Stat. § 347.057, "A
person who is a member, manager, or both, of a limited liability company is not
liable, solely by reason of being a member or manager, or both, under a
judgment, decree or order of a court, or in any other manner, for a debt.
obligation or liability of the limited liability company, whether arising in
contract, tort or otherwise...". Any claims against Edward and Tammy Barrieau
in their individual capacities should be dismissed.
Dan Pressman  
150 Sumac Ridge  
Drive Foristell, MO  
63348 May 27, 2020  

RE: CUP 20-02  

Dear Council Members of St. Charles County:  

I am a neighbor of both Valley Farms and the Barrieaus (applicants), and opposed their original Conditional Use Plan when it was filed in 2017. I also opposed CUP 20-02, which amends the original permit and was approved by the Planning & Zoning Commission on 3/18/2020.  

In order to foster peaceful relations with the Barrieaus going forward, I have decided not to make further objections to CUP 20-02. However, I do ask that the County Council clarify the following restrictions on events at Valley Farms, based on my understanding from previous Council and Commission hearings:

1. Food service, music (other than during wedding ceremony), and public address (loudspeaker use) for all events is to be indoors only.

2. Valley Farms’ facility has seven or eight large barn-door openings, so I would like clarification on the number of doors that may be left open, for events to still be considered “indoors.”

3. It is my understanding that commercial noise-restriction ordinances pertain to all events at Valley Farms: The maximum decibel level specified therein is 60 during the day and 55 at night, as measured from the road closest to the facility. I ask that Valley Farms not be allowed to intimidate or otherwise interfere with attempts to collect noise readings; and I in turn commit to taking these readings as peacefully and unobtrusively as possible. Alternatively, a recording device could be installed that could be monitored via the Internet, thereby obviating the need for anyone’s presence near their facility during events.

It is my intent to be reasonable and accommodating with our neighbor. If the Barrieaus and Valley Farms think it would be less disruptive, I could text them about noise issues rather than call the police to file complaints.

Sincerely,

Dan Pressman
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: March 18, 2020
TIME: 7:00 P.M.
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Tracy Boehmer; Diane Salle; Tom Kuhn; Roger Ellis; Craig Frahm; and Terry Hollander, County Councilman

MEMBERS ABSENT: Robert McDonald; Jim Leonhard; and Kevin Cleary

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Megan Murray, Assistant County Counselor; Mariza Almstedt, Recording Secretary; and Sheila Weiss, Recording Secretary

SPEAKERS: CUP20-02: Edward Barrieau, 149 Sumac Ridge Drive, Foristell, MO 63348; and Arnie C. “AC” Dienoff, P.O. Box #1535, O’Fallon, MO 63366

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.

PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS
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
Council District:    1
Account No.:         670380C000

Robert Myers, Planning and Zoning Director, stated that that in 2017 the applicants applied for and received approval on a conditional use permit allowing them to hold weddings, receptions, and other events on the subject property. The applicants are requesting two (2) 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. No changes to the parking requirements are required by the applicant’s request for additional guests, since there is no change to the gross square footage of the building.

Staff 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 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 not for 3 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 invited 2,858 guests to a Kraft 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, P.O. Box 1535, O’Fallon, MO 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 past the 10:30 p.m. time limit, and that become a violation of his CUP. He asked the Planning & Zoning Commission for ideas on how to prevent this from happening.

Thomas 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 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 2 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:

<table>
<thead>
<tr>
<th></th>
<th>- Yes</th>
<th></th>
<th>- Yes</th>
<th></th>
<th>- Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diane Saale</td>
<td>Yes</td>
<td>Tom Kuhn</td>
<td>Yes</td>
<td>Roger Ellis</td>
<td>Yes</td>
</tr>
<tr>
<td>Craig Frahm</td>
<td>Yes</td>
<td>Tracy Boehmer</td>
<td>Yes</td>
<td>Terry Hollander</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Application No. CUP20-02 was recommended for APPROVAL.

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