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:

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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:

- **Speakers:** 1 Support 0 Opposed 1 Concerns
- **Letters on file:** 3 Support 1 Opposed 0 Concerns

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.