AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, AS PER APPLICATION RZ20-01

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, a change in zoning of land located at 2949 West Meyer Road and Duenke Road was requested by Thomas W. Dubray and Roberta A. Dubray, property owners, through Application RZ20-01; and

WHEREAS, the tract to be rezoned is a 36.17-acre parcel currently zoned A, Agricultural District; and

WHEREAS, the zoning sought for the tract to be rezoned is RR, Single-Family Residential District; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts and is used for single family residences; adjacent land to the south is zoned A, Agricultural District and is used for single family residences; adjacent land to the east is zoned A, Agricultural District and is used for single family residences; and
adjacent land to the west is zoned A, Agricultural District and is used for single family residences; 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 recommended the matter for approval to the County Council. A simple majority of the County Council is required for passage of this bill.

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

Section 1. The Zoning District Map of the County of St. Charles, Missouri, is hereby amended by making the following change:

A 36.17-acre tract of land located at 2949 West Meyer Road and Duenke Road is hereby rezoned from A, Agricultural District, to RR, Single-Family Residential District. The tract of land is more particularly described on EXHIBIT A, attached hereto.

Section 2. The Director of the Planning and Zoning Division is hereby authorized to acknowledge approval on Application RZ20-01 as set forth in Section 1., above.

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. This ordinance will 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
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER: RZ20-01

THE PROPERTY IS PRESENTLY ZONED: A, AGRICULTURAL DISTRICT (5-ACRE MINIMUM LOT SIZE)

IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT: RR, SINGLE-FAMILY RESIDENTIAL DISTRICT (3-ACRE MINIMUM LOT SIZE)

OWNER OR OWNERS OF PROPERTY TO BE REZONED: THOMAS W. DUBRAY AND ROBERTA A. DUBRAY

LOCATION OF PROPERTY: THE PROPERTY IS KNOWN AS 2949 WEST MEYER ROAD AND DUENKE ROAD, IS LOCATED ON THE WEST SIDE OF DUENKE ROAD, APPROXIMATELY 4,000 FEET NORTH OF WEST MEYERS ROAD. THE PROPERTY CONSISTS OF APPROXIMATELY 36.17 ACRES, AND IS LOCATED IN COUNCIL DISTRICT 1.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

TRACT 1
A TRACT OF LAND LOCATED IN THE WEST 1/2 OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 17; THENCE SOUTH 00 DEGREES 07' 47" WEST ALONG THE EAST LINE OF THE WEST 1/2 OF SAID SECTION 17 1181.68 FEET TO A POINT; THENCE NORTH 76 DEGREES 59' 53" WEST 212.73 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50 FEET, A DISTANCE OF 170.41 FEET; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 30 FEET, A DISTANCE OF 24.05 FEET; THENCE SOUTH 44 DEGREES 40' 48" WEST 45.67 FEET TO A POINT; THENCE SOUTH 55 DEGREES 59' 09" WEST 68.30 FEET TO A POINT; THENCE NORTH 30 DEGREES 34' 34" WEST 162.72 FEET TO A POINT; THENCE NORTH 04 DEGREES 12' 15" WEST 560.02 FEET TO A POINT IN THE CENTERLINE OF MCCOY CREEK; THENCE ALONG THE CENTERLINE OF MCCOY CREEK THE FOLLOWING COURSES AND DISTANCES: NORTH 87 DEGREES 41' 42" EAST 39.27 FEET TO A POINT; NORTH 30 DEGREES 36' 43" EAST 434 23 FEET TO A POINT; NORTH 52 DEGREES 09' 34" EAST 142.57 FEET TO A POINT; NORTH 32 DEGREES 15' 56" EAST 65.78 FEET TO A POINT AND SOUTH 89 DEGREES 59' 45" EAST 121.77 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT OF A SURVEY BY METTS & ASSOCIATES DATED JULY, 1995.

TRACT 2
A TRACT OF LAND BEING PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY, MISSOURI, AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT AN ALLUMINUM MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 17; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, SOUTH 01 DEGREES 08 MINUTES WEST 217.59 FEET TO AN OLD IRON PIPE AT THE PLACE OF BEGINNING OF THE SAID TRACT OF LAND; THENCE ALONG THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 6255 PAGE 24 OF THE ST. CHARLES COUNTY RECORDS, SOUTH 77 DEGREES 36 MINUTES EAST 1303.25 FEET TO A COTTON PICKER SPINDLE IN THE CENTERLINE OF DUENKE ROAD (COUNTY); THENCE ALONG THE SAID CENTERLINE, SOUTH 00 DEGREES 48 MINUTES WEST 425.00 FEET TO A COTTON PICKER SPINDLE; THENCE LEAVING THE SAID CENTERLINE, NORTH 80 DEGREES 19 MINUTES WEST 889.00 FEET TO AN IRON ROD; THENCE SOUTH 79 DEGREES 32 MINUTES WEST 409.74 FEET TO AN IRON ROD; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, NORTH 01 DEGREES 08 MINUTES EAST 630.00 FEET TO THE PLACE OF BEGINNING, ACCORDING TO A SURVEY BY LEWIS-BADE, FILE #19042-1, DATED MARCH 26, 2019.

TRACT 3
A TRACT OF LAND BEING PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 47 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY MISSOURI AND BEING DESCRIBED AS FOLLOWS:
COMMENCING AT AN ALUMINUM MONUMENT AT THE NORTH QUARTER CORNER OF SECTION 17; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, SOUTH 01 DEGREES 08 MINUTES WEST 847.59 FEET TO AN IRON ROD AT THE PLACE OF BEGINNING OF THE SAID TRACT OF LAND; THENCE NORTH 79 DEGREES 32 MINUTES EAST 409.74 FEET TO AN IRON ROD; THENCE SOUTH 80 DEGREES 19 MINUTES EAST 889.00 FEET TO A COTTON PICKER SPINDLE IN THE CENTERLINE OF DUENKE ROAD (COUNTY); THENCE ALONG THE SAID CENTERLINE, SOUTH 00 DEGREES 48 MINUTES WEST 400.72 FEET TO A COTTON PICKER SPINDLE; THENCE LEAVING THE SAID CENTERLINE, AND ALONG THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN BOOK 6135 PAGE 2147 OF THE ST. CHARLES COUNTY RECORDS, NORTH 79 DEGREES 54 MINUTES WEST 1298.68 TO AN IRON ROD; THENCE ALONG THE WEST LINE OF THE NORTHEAST QUARTER, NORTH 01 DEGREES 08 MINUTES EAST 248.09 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.98 ACRES MORE OR LESS.
Application RZ20-01

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

CONTENTS:

➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Letters received
   ◆ Comments - U.S Army Corps of Engineers
   ◆ Concerns - Michelle Thessen
➢ Planning and Zoning Commission minutes from March 18, 2020 meeting
March 27, 2020

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

**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)  
**Rezoning Area:** 36.17 acres  
**Location:** On the west side of Duenke Road, approximately 4,000 feet north of W Meyer Road; near the Cities of Wentzville and Foristell  
**Council District:** 1  
**Account Nos.:** T200100008, 676080A000, and part of A964000366

The applicant proposes to rezone two parcels and a portion of a third parcel from A, Agricultural District (5-acre minimum lot size) to RR, Single-Family Residential District (3-acre minimum lot size). The area to be rezoned (36.17 acres) is now vacant land except for one single-family residence.

The properties to be rezoned are located 1.5 miles north of I-70 between Foristell and Wentzville. Although County zoning for this area is solidly A, Agricultural District, the 2030 Master Plan recommendation for the area north of Meyer Road is solidly Low Density Residential (1-4 dwellings per acre). And although the Master Plan recommends a higher residential density than requested, the lack of sanitary sewer service in the area dictates a residential density of no more than one dwelling per three acres. The properties to be rezoned are outside both the sanitary sewer districts of both Foristell and Wentzville and thus cannot be served within the foreseeable future.

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

- **Speakers:** 1 Support, 0 Opposed, 1 Concerns  
- **Letters on file:** 0 Support, 0 Opposed, 1 Concerns  
- **Agency Letters Received:** 1 - MO Department of Natural Resources

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

- 6 Approval  
- 0 Denial  
- 0 Abstentions

**Recommendation:**

The Planning and Zoning Commission unanimously recommended approval of this rezoning request. The Planning and Zoning Division concurs with this 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
Application No.: RZ 20-01

Prepared by: Karen Hutchins, MCP
Date: January 30, 2020

GENERAL INFORMATION

Owner: Thomas W and Roberta A Dubray

Requested Action: A zoning map amendment rezoning parcels T200100008, 676080A000, and 11.33 acres of Parcel A964000366 from A, Agricultural District to RR, Single-Family Residential District, a total of 36.17 acres

Location: 2949 West Meyer Road, west side of Duenke Road, approximately 4,000 feet north of West Meyer Road; near the cities of Wentzville and Foristell

Current Zoning: A, Agricultural District, 5 acres

Current Land Use: Low Density Residential (1-4 units/acre)

Adjacent Land Use and Zoning:

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<th>Direction</th>
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<tr>
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<tr>
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<tr>
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<td>Residential</td>
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<tr>
<td>West</td>
<td>A, Agricultural</td>
<td>Residential</td>
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</table>

2030 Master Plan: Recommends Low Density residential land use (1-4 dwellings per acre)


Utilities: Water – City of Wentzville Sewer – Individual Wastewater Treatment System as approved by St. Charles County
REZONING ANALYSIS

Currently, parcels T200100008 (14.05 acres), 676080A000 (10.98 acres), A9640000366 (76.75 acres), and all surrounding properties, are zoned A, Agricultural with a 5-acre minimum lot size requirement. The applicant would like to rezone these parcels and a portion of A964000366 (11.14 acres) to RR, Single-Family Residential District with a 3-acre minimum lot size requirement. The three parcels combined total 36.17 acres. A single-family residence addressed as 2949 W Meyer Road currently exists on the 11.14 acres portion. This single-family dwelling would comply with the RR, Single Family Residential District zoning once rezoned.

At this time, the applicant has not indicated the intent for the rezoning. The potential development of these parcels as a residential subdivision would be in conformity with the 2030 Future Land Use Plan which encourages future land development of Low Density Residential (1-4 units/acre). The northern portion of lot 2949 is located within the FF, Floodway Fringe District and would need to be included as common ground if a residential subdivision was developed.

All lots involved in this rezoning are larger than 10 acres in size and should be able to support the required individual sewer and well systems if residential development would occur. Duenke Road provides access to vacant parcels T20010008 and 676080A000. Parcel A964000366 (2949 W Meyer Road) is accessed by W Meyer Road and Wren Song Ln.

RECOMMENDATION:

The Planning and Zoning Division recommends that this zoning request from A, Agriculture District (5-acre, minimum lot size) to RR, Single Family Residential District (3-acre, minimum lot size), be approved. In recommending approval to the RR zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.
RZ20-01 - Zoning
RZ20-01 – Land Use Plan
To Whom it May Concern,

**MVS-2020-78: Rezoning Request - 2949 West Meyer Road and Duenke Road**
- Any development plans should be reviewed by our office. McCoy Creek is located immediately to the north and an unnamed tributary located immediately to the west, these appear to be waters of the U.S. There are also may be wetlands located along these boundaries. Once we have the project development plans, our office would be able to determine if there would be any impacts to jurisdictional waters of the U.S. and subject to a Sec. 404 permit.

**MVS-2020-79: Conditional Use Request - 1 Illy Drive, Mid Rivers Mall Drive, and St. Peters Cottleville Road**
- Any work plans should be reviewed by our office. Dardenne Creek borders the north boundary and an unnamed tributary flows through the site, these appear to be waters of the U.S. There may also be wetlands within the project boundaries. Once we have the project work plans, our office would be able to determine if there would be any impacts to jurisdictional waters of the U.S. and subject to a Sec. 404 permit.

Please allow this email to serve as documentation for your records.

Thank you,

David Meyer  
U.S. Army Corps of Engineers  
Regulatory Branch  
1222 Spruce St.  
St. Louis, MO 63103  
Ph: 314.331.8810
From: Michele Thessen <psthessen@gmail.com>
Sent: Wednesday, March 18, 2020 12:31 PM
To: Planning
Cc: Shelie Thessen
Subject: Rezoning request - 2949 West Meyer and Duenke Road

CAUTION: This email originated from outside of St. Charles County Government. Always use CAUTION when opening attachments or clicking links from unknown senders or when receiving unexpected emails. - IS Dept.

Application number: RZ20-01

I own property directly adjacent to the property proposed for rezoning. I have the following concerns and comments regarding this Application:

1. Duenke Road is not set up for more traffic. The road has no shoulders and there have been multiple accidents near the proposed site. We have seen vehicles stuck in the ditch along the side of the road and many accidents at the 90 degree corner. Two weeks ago a large moving van failed to make the turn and ended up in our neighbors yard very close to his home. The vegetation at the 90 degree corner blocks view of oncoming traffic especially in summer months. Approving the site for a higher density of homes will only exacerbate this issue.

2. Most if not all homes in the surrounding area are on 5 to 10 acres or more. Rezoning to allow homes on 3 acre lots will be out of character with the area regardless of the County's 2030 Master Plan.

3. There is no public water or sewer service available to this site. We have multiple adjacent homeowners who have septic systems that are draining onto our property and approving this application would dramatically increase the problem given the smaller lot size.

4. The applicant recently had a 5 acre parcel that is part of the rezoning request on the market for sale. This is inconsistent with the request to rezone to 3 acre lots and confirms that the existing zoning is viable and appropriate.

5. The applicant clearly has broader plans in mind given a similar request filed, and then subsequently withdrawn, with the City of Foristell last year. Before approving this request the County should take into consideration future plans for the remainder of the applicant's property and the resulting impacts on public services and neighboring property owners.

6. If the applicant wishes to develop a residential substation on this site he can do so without a rezoning change. The lot size would simply need to be no smaller than 5 acres.

Given the above I request that the application be denied.

Shelie Thessen owner of McCoy Creek Ranch
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: RZ20-01: Thomas Dubray, 2949 West Meyer, 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 REZONING REQUESTS
Robert Myers, Director of Planning and Zoning, described the subject property and surrounding land uses. The applicant is requesting a zoning change from A, Agricultural district (5-acre minimum lot size) to RR, Single Family residential District (3-acre minimum lot size). The 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 site 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 as low density residential.

County staff recommends that P&Z Commission recommend approval of this rezoning to Rural Residential single family residential (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 Corps of Engineers has on the proposed development.

Robert Myers explained if this development is developed as Rural Residential, it needs to be reviewed by Corps of Engineers acting as an advisory group to confirm that there is no development within any wetlands.

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, and because the requested density is so low (3 acres per lot) they could easily incorporate wetland areas within the lots. He also stated if there is any floodplain area located on the property, it 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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<td>Diane Saale</td>
<td></td>
<td>Tom Kuhn</td>
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<td>Roger Ellis</td>
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<td>Craig Frahm</td>
<td>- Yes</td>
<td>Tracy Boehmer</td>
<td>- Yes</td>
<td>Terry Hollander</td>
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Application No RZ20-01 was recommended for APPROVAL.

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