AN ORDINANCE GRANTING CONDITIONAL USE PERMIT CUP20-01 FOR (1) OUTDOOR STORAGE OF BOATS AND RECREATIONAL VEHICLES, AND (2) STORAGE OF CONSTRUCTION EQUIPMENT AND HEAVY MACHINERY (NEW AND USED) TO TMM WENTZVILLE, L.L.C., PROPERTY OWNER

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, property owner filed conditional use permit application No. CUP20-01 for the purpose of storing boats, recreational vehicles, and construction equipment and heavy machinery outdoors; and

WHEREAS, the subject property is known as 215 Josephville Road, is located on the west side of Josephville Road, approximately 1,000 feet south of Mexico Road, and consists of 6.54 acres; and

WHEREAS, the property is zoned I1, Light Industrial District; and

WHEREAS, (1) outdoor storage of boats and recreational vehicles, and (2) storage of construction equipment and heavy machinery (new and used), are conditional uses within the I1, Light Industrial District; and
WHEREAS, having conducted a public hearing, the Planning and Zoning Commission of the County of St. Charles, Missouri considered this application and by a vote of 6 ayes to 0 nays recommended that the County Council approve this application.

WHEREAS, a simple majority of the County Council is required for passage of this bill pursuant to Section 405.510.A, Ordinances of St. Charles County, Missouri (“OSCCMo”);

WHEREAS, consideration and decision on the application CUP20-01 is governed by the Administrative Review Procedures set forth in Section 405.511 OSCCMo., and

WHEREAS, all requirements of Section 405.511 OSCCMo, having been complied with, the County Council will render written Findings of Facts and Conclusions of Law based upon receipt of a timely Stipulation Agreement, or upon conclusion of the administrative hearing, as the case may be, specifically set forth in the Findings of Facts and Conclusions of Law.

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

Section 1. Conditional use permits for the purposes of (1) outdoor storage of boats and recreational vehicles, and (2) outdoor storage of construction equipment and heavy machinery (new and used) for the property known as 215 Josephville Road, and further described on the attached EXHIBIT A; are hereby granted to TMM Wentzville, L.L.C., property owner.
Section 2. 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; the audio/video recording of the public hearing before the Planning and Zoning Commission; and the documents attached hereto as EXHIBIT B.

Section 3. The record in this matter will be supplemented with the video recording of the portion of the County Council’s agenda item Conditional Use Permit - Bills for Introduction regarding application CUP20-01, the documents admitted into evidence at, and the video recording of, the administrative hearing conducted pursuant to the administrative review process set forth on Section 405.511, or the Stipulation Agreement entered into by the parties, as the case may be, and the record will be closed by the Council and the closed record will constitute the final and only record upon which the Council decision is based.

Section 4. The conditional use permits are approved based on the following conditions:

1. A site plan substantially complying with the attached concept plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active; and

2. No conditional use shall be in active use until such time all conditions of approval have been met.
Section 5. The Director of the Planning and Zoning Division is hereby authorized to acknowledge the approval and conditions of the conditional use permit on Application CUP20-01.

Section 6. Per Section 405.510.B OSCCMo, 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, will be null and void.

Section 7. The Council will render written Findings of Facts and Conclusions of Law based upon the record following either the conclusion of the formal hearing, or upon receipt of the Stipulation Agreement between the Department of Community Development and the applicant, pursuant to Section 405.511 OSCCMo, as specifically set forth in the Findings of Facts and Conclusions of Law. Findings of Facts and Conclusions of Law are attached hereto as EXHIBIT C.

Section 8. If the requested Application CUP20-01 is not approved and this bill fails, the denial decision will be documented in the written Findings of Facts and Conclusions of Law supporting the Council’s denial decision and spread upon the Council’s records.
Section 9. This ordinance will be in full force and effect from and after the date of its passage and approval by the Governing Body.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR
APPLICATION NUMBER: CUP20-01

THE PROPERTY IS PRESENTLY ZONED: I1, LIGHT INDUSTRIAL DISTRICT

CONDITIONAL USES:
(1) OUTDOOR STORAGE OF BOATS AND RECREATIONAL VEHICLES, AND (2) OUTDOOR STORAGE OF CONSTRUCTION EQUIPMENT AND HEAVY MACHINERY (NEW AND USED)

OWNER OR OWNERS OF PROPERTY: TMM WENTZVILLE, LLC

LOCATION OF PROPERTY:
THE PROPERTY IS KNOWN AS 215 JOSEPHVILLE ROAD, AND IS LOCATED ON THE WEST SIDE OF JOSEPHVILLE ROAD, APPROXIMATELY 1,000 FEET SOUTH OF MEXICO ROAD.

THE PROPERTY CONSISTS OF 6.54 ACRES AND IS LOCATED IN COUNCIL DISTRICT 1.

LEGAL DESCRIPTION OF THE SUBJECT PROPERTY:

A TRACT OF LAND BEING PART OF U.S. SURVEY NO. 888, TOWNSHIP 47 NORTH, RANGE 2 EAST, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF U.S. SURVEY 888 WITH THE CENTERLINE OF GILMORE-JOSEPHVILLE ROAD; THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS WEST, 1551.29 FEET TO A POINT ALONG THE CENTERLINE OF SAID ROAD; THENCE LEAVING SAID ROAD SOUTH 89 DEGREES 44 MINUTES 59 SECONDS WEST, 209.09 FEET TO A POINT; THENCE SOUTH 00 DEGREES 17 MINUTES 05 SECONDS WEST, 208.24 FEET TO A POINT; THENCE NORTH 89 DEGREES 48 MINUTES 30 SECONDS WEST, 38.09 FEET TO A POINT, THENCE SOUTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 176.22 FEET TO A POINT; THENCE NORTH 88 DEGREES 55 MINUTES 19 SECONDS WEST, 495.05 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE HIGHWAY "A"; THENCE ALONG SAID RIGHT OF WAY NORTH 22 DEGREES 05 MINUTES 21 SECONDS WEST, 53.88 FEET TO A POINT; THENCE NORTH 06 DEGREES 13 MINUTES 20 SECONDS WEST, 285.62 FEET TO A POINT; THENCE NORTH 00 DEGREES 13 MINUTES 37 SECONDS EAST, 1594.49 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 08 SECONDS EAST 794.44 FEET TO THE POINT OF BEGINNING OF SAID TRACT.

EXCEPTING THEREFROM THAT PART THEREOF CONVEYED TO GAINES FAMILY LIMITED PARTNERSHIP BY DEED RECORDIED IN BOOK 2305 PAGE 1657 AND IN BOOK 3149 PAGE 1933.

AS RECORDED IN DEED BOOK 7202, PAGE 1312, IN THE OFFICE OF THE RECORDER OF SAINT CHARLES COUNTY, MISSOURI.
APPLICATION CUP20-01

CONDITIONAL USE REQUEST - 215 JOSEPHVILLE ROAD

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

CONTENTS:

➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Preliminary Concept Plan
➢ Letters Received:
   ◆ Comments - City of Wentzville
➢ 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 REQUESTS - 215 JOSEPHVILLE ROAD**

- Application No: CUP20-01
- Property Owner/Applicant: TMM Wentzville, LLC
- Property Zoning: I1, Light Industrial District
- Conditional Use Request: (1) Outdoor Storage of Boats and Recreational Vehicles, and (2) Outdoor Storage of Construction Equipment and Heavy Machinery (new and used)
- 2030 Master Plan: Recommends Industrial uses
- Parcel Size: 6.54 acres
- Location: On the west side of Josephville Road, approximately 1,000 feet south of Mexico Road; adjacent to General Motors and the City of Wentzville
- Council District: 1
- Account No.: part of 685210A000

This property is located across Highway A from the General Motors Plant and extends to Josephville Road. The applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage. The site would be secured by a chain link fence and gate. The Josephville Road frontage would be landscaped to the County’s landscape buffer standards along roadways. The applicant proposes to surface the lot with gravel or crushed stone, and County staff could approve that surface so long as dust would be controlled by application of calcium chloride, cotton seed oil, or other approved means.

Since no connection to public sewer or water systems is proposed, annexation into the City of Wentzville is not required at this time. The concept plan shows two pad sites fronting Josephville Road where two buildings might eventually be constructed, and in that case connection to public sewer and water would be necessary.

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:** 0 Support, 0 Opposed, 0 Concerns
- **Agency Letters:** 1 (City of Wentzville)

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

- **Approval** 6, **Denial** 0, **Abstentions** 0

**Recommendation:**

Following the public hearing, the Planning & Zoning Commission unanimously recommended approval of both CUP requests, subject to specific conditions. County staff concurs with this recommendation as conforming to the Conditional Use considerations in Section 405.510.B.

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.: CUP20-01

Date: February 10, 2020

BACKGROUND:

Owner: Steve Layne/TMM Wentzville

Requested Action: Conditional Use Permits for (1) Boat and RV Storage; and (2) Construction Equipment Storage

Location: 215 Josephville Road; Located on the west side of Josephville Road, approximately 1,000 feet south of Mexico Road and adjacent to the City of Wentzville.

Current Zoning: I1, Light Industrial

Current Land Use: Vacant

Parcel Size: 6.54 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>I1, Light Industrial</td>
<td>United Pipeline Systems, LLC</td>
</tr>
<tr>
<td>South</td>
<td>I1, Light Industrial</td>
<td>Birdie, Inc</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Single family residence, Farm</td>
</tr>
<tr>
<td>West</td>
<td>City of Wentzville</td>
<td>GM Plant</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends industrial land use

Public Services: County Council District 1 – Joe Cronin
School District – Wentzville School District
Fire District – Wentzville Fire Protection District

Utility Service Areas: Water – City of Wentzville
Sewer – City of Wentzville
The applicant is requesting two (2) separate conditional use permits. The first is for boat and RV storage. The second request is for construction equipment and heavy machinery (new and used) storage.

Currently, this property, and surrounding properties to the north and south, are zoned Industrial. Hwy. A and the GM Plant Complex are located on the west side of the property. The property to the east is zoned A, Agricultural, however, the future land use plan recommends Industrial use based on future growth and land use plans for both the County and the City of Wentzville. The applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure.

The concept plan also indicates plans for two (2) future building pads with the intent of potential leasing to building contractors. This planned future use would not require any additional conditional use permits, however, the site plan would be required to be updated. This use would be subject to placement of an individual wastewater system on the site or sewer service availability through the City of Wentzville.

The concept plan proposes a six (6) foot chain link fence along the boundary lines on the south, north, and west sides of the property. On the east side, the applicant proposes a fence and gate to be located behind the future building pads, approximately 150 feet from the eastern boundary line. A front landscaping buffer area, as required by Section 405.435 of the Unified Development Ordinance for St. Charles County, is proposed in the front building setback area.

**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 the request for a proposed boat and RV storage area and construction equipment and heavy machinery storage as shown on the concept plan will conform to the Conditional Use Permit standards. The surrounding property uses are in general conformance with the proposed use of this property.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the two (2) conditional use requests as complying with the criteria of Section 405.510. B of the County Code with the following conditions on each request.
Should the Planning and Zoning Commission recommend approval, staff requests that the following conditions be added:

1. A site plan substantially complying with the attached concept plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.

2. No conditional use shall be in active use until such time all conditions of approval have been met.
CUP20-01 - Zoning
February 11, 2020

Robert Myers, AICP  
Planning and Zoning Division Director  
Community Development Department  
201 N. Second St., Suite 420  
St. Charles, MO 63301  

RE: Application #RZ 20-02 and CUP 20-01

Dear Mr. Myers,

The City of Wentzville has received the above referenced notices for rezoning and conditional use and offers the following comments. These properties are located within the City of Wentzville Planning Area, as indicated within the City’s Comprehensive Plan.

Application #RZ 20-02:
The Wentzville Future Land Use Plan, within the Comprehensive Plan indicates the petitioned property to be Institutional Neighborhood Commercial land use and zoning can be supported along the frontage to Hwy Z, which is identified as an Arterial Roadway. There were no development plans included in the notice received from your office. If a new land use is planned or changes in land use are planned, how are public utilities being provided to this project and is buffering being provided to adjacent property? Upon the review of a site plan associated with the future use of this property right of way dedication or reservation for the future expansion of Hwy Z is requested at a width of sixty feet from the existing centerline. Annexation is a requirement if access to Wentzville public utilities is determined under the City and County Code to be required.

Application #CUP 20-01:
The Wentzville Future Land Use Plan, within the Comprehensive Plan indicates the petitioned property to be future Industrial land use. The City’s zoning regulations also require the review and processing of a conditional use permit for this type of land use proposed. It appears from the property drawn on the notice that a land subdivision plat is also included as a part of this proposal. Right of way dedication for the future expansion of Josephville Road, forty feet from the existing centerline is a requirement of the City’s Subdivision Regulations for the future expansion of Josephville Road in the future, as applicable. For this land use, the City requires that all surfaces for parking and maneuvering of any type of motor vehicle or trailer, etc... be paved with asphalt or concrete. Dust from unpaved gravel parking areas may cause a nuisance to adjacent property and adjacent public roadways, via blowing dust or gravel particulates being deposited upon adjacent roadways, which should be avoided. The City is requesting paving be accomplished for the land use as a condition of the County’s review and processing of this permit. Are public utilities being requested for this land use proposal? Access to the City’s public water or sanitary sewer utilities in the immediate future or long term future will require annexation into the City of Wentzville under the adopted Wentzville City Plan and Municipal Code.
Is screening of the storage yard area a component of this development project? The City's zoning regulations require screening for outdoor storage areas as proposed by this petition being heard in St. Charles County.

Thank you for the opportunity to comment. Please contact the Planning Division of the Community Development Department with questions at your convenience at (636) 639-2031.

Sincerely,

Doug Forbeck, Director Community Development
City of Wentzville

cc: Sue Spiegel, Director of Public Works
    File
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 - 215 JOSEPHVILLE ROAD

Application No: CUP20-01
Property Owner/Applicant: Birdie, Incorporated
Property Zoning: I1, Light Industrial District
Conditional Use Requests: 1) Outdoor Storage of Boats, Recreational Vehicles, and
2) Storage of Construction Equipment and Heavy Machinery (New and Used)

2030 Master Plan: Recommends Industrial uses
Parcel Size: 23.44 acres
Location: On the west side of Josephville Road, approximately
1,000 feet south of Mexico Road; adjacent to General Motors and the City of Wentzville
Council District: 1
Account No.: 685210A000

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

The applicant is requesting two (2) separate conditional use permits. The first is for boat and RV storage. The second request is for construction equipment and heavy machinery (new and used) storage. The applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure. The concept plan also indicates plans for two (2) future building pads with the intent of potential leasing to building contractors. This planned future use would not require any additional conditional use permits, however, the site plan would be required to be updated. This use would be subject to placement of an individual wastewater system on the site or sewer service availability through the City of Wentzville. The concept plan also proposes a six (6) foot chain link fence along the boundary lines on the south, north, and west sides of the property. On the east side, the applicant proposes a fence and gate to be located behind the future building pads, approximately 150 feet from the eastern boundary line. A front landscaping buffer area, as required by Section 405.435 of the Unified Development Ordinance for St. Charles County, is proposed in the front building setback area.

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

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

1. A site plan substantially complying with the attached concept plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.
2. No conditional use shall be in active use until such time all conditions of approval have been met.
For the record, one written communication was received regarding this application from the City of Wentzville.
Chairman Ellis asked if the commission had any questions for the Planning & Zoning staff.

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

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

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

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

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

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

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

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

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

Steve Layne responded he does not own any other storage lots.

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

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

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

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

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

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

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

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

The vote on the motion was as follows:

| Diane Saale | Yes | Tom Kuhn | Yes | Roger Ellis | Yes |
| Craig Frahm | Yes | Tracy Boehmer | Yes | Terry Hollander | Yes |

Application No. CUP20-01 was recommended for APPROVAL.

The Vote Count was 6 yeas, 0 nays and 0 Abstentions.
EXHIBIT C

BEFORE THE ST. CHARLES COUNTY COUNCIL
ST. CHARLES COUNTY, MISSOURI

In the matter of Bill No. 4835 to approve
Conditional Use Permit CUP20-01 for
Outdoor Storage of Boats, Recreational Vehicles, and Construction Equipment
and Heavy Machinery (new and used)
on property owned by TMM Wentzville, LLC

FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER

On this 27th day of April 2020, the St. Charles County Council (“County Council”), by an affirmative vote of its majority, passes Bill No. 4835, approving Conditional Use Permit CUP20-01. The Planning and Zoning Commission (“Commission”) considered the application No. CUP20-01 for approving a Conditional Use Permit (“CUP”) for “Outdoor Storage of Boats, Recreational Vehicles, and Construction Equipment”. Upon consideration of CUP20-01, the Commission, on a vote of six (6) yeas to zero (0) nays decided to recommend CUP20-01 for approval. Pursuant to Section 2.600 of the St. Charles County Charter, an affirmative vote of a majority of the County Council is necessary to pass any bill, unless passing the subject bill would override a negative recommendation of the Commission, in which case, Section 405.510.A of the Ordinances of St. Charles County, Missouri (“OSCCMo”) requires the supermajority vote of five (5) Council Members to pass the bill. Because the County Council decided to uphold the positive recommendation from the Commission, only the affirmative vote of a majority of the County Council is necessary to pass Bill No. 4835 approving the CUP20-01.

The County Council receives for its consideration the record as it is stipulated and agreed by and between Steve Layne, Applicant, and TMM Wentzville, LLC, landowner, (collectively referred to as “Applicants”), and St. Charles County Department of Community Development, Planning and Zoning Division (“Division”), in that certain Agreement to Stipulate as to the Relevant Facts and the Record and Waiving Formal Hearing, dated 4/14/20, (“Stipulation Agreement”). Said Stipulation Agreement is attached hereto as EXHIBIT I and incorporated herein. The record set forth in the Stipulation Agreement constitutes the entire record relied upon by the County Council in making its decision. Having been duly advised in the premises, the County Council hereby makes its Findings of Fact and Conclusions as required by law.

FINDINGS OF FACT

APPLICABLE PROVISIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

1. At all times relevant to this decision, St. Charles County has had in effect the Unified Development Ordinance for St. Charles County, Missouri (“UDO”), including its zoning regulations codified as Chapter 405 of the OSCCMo.
2. Chapter 405 of the UDO sets out zoning regulations applicable to the unincorporated part of St. Charles County.

3. Section 405.170.C.1 of the UDO provides that in “I1” Light Industrial Districts, the category “Automobile, boat, truck, mobile home, manufactured home, modular home, recreational vehicle sales, rental and leasing (new and used) or storage lots” is an authorized conditional use.

4. Section 405.170.C.4 of the UDO provides that in “I1” Light Industrial Districts, the category “Construction equipment and heavy machinery (new and used): sales, lease, rental, repair and storage” is an authorized conditional use.

5. Section 405.510.A of the UDO provides that applications for conditional use permits for uses specifically authorized for consideration in the district use regulations shall be made to the Division, which shall refer the application to the Commission for public hearing. After holding the public hearing, a report and recommendation shall be filed by the Commission with the County Council.

6. Section 405.510.B of the UDO provides,

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.

THE SUBJECT PROPERTY AND ITS ZONING

7. The property subject to the above-captioned conditional use permit application (“Subject Property”) is a parcel of land known as 215 Josephville Road; located on the west side of Josephville Road, approximately 1,000 feet south of Mexico Road and adjacent to the City of Wentzville, and consists of 6.54 acres. (Ex. I – Conditional Use Permit Application.)

8. The Subject Property is within an “I1” Light Industrial Zoning District.

THE CONDITIONAL USE PERMIT APPLICATION AND ITS REVIEW

9. Through the application for CUP20-01 for the Subject Property, the Applicants have requested a Conditional Use Permit for “Outdoor Storage of Boats, Recreational Vehicles, and Construction Equipment”. Currently, this property, and surrounding properties to the
north and south, are zoned Industrial. Highway A and the General Motors Plant Complex are located on the west side of the property. The property to the east is zoned Agricultural, however, the future land use plan recommends Industrial use based on future growth and land use plans for both St. Charles County and the City of Wentzville.

10. The Applicant has submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure. The concept plan also indicates plans for two (2) future building pads with the intent of potential leasing to building contractors.

11. The concept plan proposes a six (6) foot chain link fence along the boundary lines on the south, north, and west sides of the property. On the east side, the Applicant proposes a fence and gate to be located behind the future building pads, approximately 150 feet from the eastern boundary line. A front landscaping buffer area, as required by Section 405.435 of the Unified Development Ordinance for St. Charles County, is proposed in the front building setback area.

**The Conditional Use Permit Application Review at Planning and Zoning Commission Meeting**

12. On March 18, 2020 the Commission conducted a hearing on that application. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

13. At that hearing, the Commission received a Division staff recommendation in favor of approval of CUP20-01, with conditions. Robert Myers, Director of the Planning and Zoning Division, described the zoning of the subject property and the surrounding properties and land uses, and gave a summary of the application for CUP20-01. The Applicant submitted a concept plan depicting 123 boat and RV storage spaces and construction equipment storage with a planned future parking enclosure as well as two future building pads with the intent of potential leasing to building contractors. Mr. Myers indicated that this planned future use would not require any additional conditional use permits, however, the site plan would be required to be updated. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

14. Robert Myers explained that the two conditional use requests comply with the criteria of Section 405.510.B of the County Code with certain conditions, namely, a site plan substantially complying with the concept plan and Section 405.525 of the County code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active, and that no conditional use shall be in active use until such time all conditions of approval have been met. Mr. Myers also advised that there was one written communication received from the City of Wentzville with comments. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting and Recommendation from the Planning & Zoning Commission.)

15. At that hearing, Chairman Roger Ellis opened discussions up to the Commission. Commissioner Craig Frahm asked whether or not the letter received from the City of
Wentzville would impact this Conditional Use Permit. Mr. Myers stated that the letter from the City of Wentzville asks that the outdoor storage be paved rather than a gravel surface. Mr. Myers advised that he reviews each property on an individual basis at the time of site plan submittal taking into consideration things such as whether the property is rural or suburban and then makes a determination on whether or not to allow a dust-free gravel surface rather than a paved surface. A statement could be added to the site plan requiring that the surface be treated periodically to control dust. Commissioner Frahm asked whether this determination would be made after the approval of this application, and Mr. Myers answered in the affirmative. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

16. At that hearing, the Commission heard testimony in support of the application by the Applicant, Steve Layne.

A. Mr. Layne stated that the property will be used for outdoor storage of boats, RVs, and travel trailers. Mr. Layne advised that he is in the construction business and plans to relocate his office to this location as part of his 5-year plan. He would like to get this storage business up and running in order to establish some additional income. There are 123 parking spaced planned for the facility and he intends to use a gravel parking surface. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

B. Chairman Ellis asked whether this would be an open or gated facility. Mr. Layne responded that the facility will be gated and the entire property will be surrounded by 6-foot high fencing. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

C. Commissioner Frahm asked if Mr. Layne currently owns any storage lots, and Mr. Layne responded that he does not own any other storage lots. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

17. At that hearing, the Commission heard testimony in support of the application from Arnie Dienoff (P.O. Box 1535). Mr. Dienoff stated that there are many unkempt storage facilities within St. Charles County that affect property values and quality of life for County residents. He noted that some municipalities and subdivisions do not allow property owners to park trailers, boats, or RVs in their driveway, so it is necessary to have some of these storage lots in the County. Some owners maintain these storage lots, but some do not. Mr. Dienoff further recommended that additional conditions be added. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)

18. Seeing no further speakers, and with no further questions from the Commission, Chairman Ellis closed the public hearing and called for Commission discussion. Nothing further was discussed. (Ex. I - Video-recording of the 3/18/20 Planning & Zoning Commission meeting.)
19. Upon closing the hearing, the Commission considered a motion duly made and seconded to recommend approval of application CUP20-01, with conditions, and approved that recommendation by a vote of six (6) ayes to zero (0) nays. (Ex. I - Video-recording and Minutes of the 3/18/20 Planning & Zoning Commission meeting.)

20. Staff received no other letters either in support or opposition regarding this application, other than the comment from the City of Wentzville. (Ex. I – Conditional Use Permit Application.)

The Conditional Use Permit Application Review at County Council Meeting

21. At its meeting on April 13, 2020, the County Council introduced Bill No. 4835 to consider the Commission’s recommendation to approve the application for CUP20-01. (Ex. I - Video-recording of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

22. At the County Council’s meeting on April 13, 2020, Robert Myers, Division Director for Planning and Zoning, presented a summary of the application for CUP20-01 explaining that the use under this CUP20-01 is for outdoor storage. Mr. Myers explained that the parcel is located on Josephville Road, extending between Highway A and Josephville Road, across the street from General Motors. The property is already zoned Industrial, and the Applicant is not seeking to use utilities such as sewer or water, which would necessitate annexation. The uses would be in the unincorporated County, but the property does adjoin the City of Wentzville. The two conditional uses that are proposed include about six and a half acres and the Applicant has submitted a concept plan that they would need to abide by. (Ex. I - Video-recording of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

23. At the County Council’s meeting on April 13, 2020, Mr. Myers noted the gravel surfaces for outdoor storage which is quite typical for heavier outdoor storage that involves more than just typical vehicles and where things sit for long periods of time. Dust can be controlled through the site plan with the requirement that problematic dust be addressed by applying some sort of treatment that would solve this problem. Mr. Myers also noted the letter from the City of Wentzville regarding a request for pavement, and staff proposes to address the dust with these certain measures and/or treatments. (Ex. I - Video-recording of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

24. At the County Council’s meeting on April 13, 2020, Councilmember Joe Cronin explained that this area was a perfect space for storage of heavy equipment, and everything surrounding it coincides with this use. He also explained that the request by Wentzville to pave the ground is not appropriate due to the type and weight of machinery that would be stored here. He added that the landscaping would comply with County requirements and there is no controversy in his District regarding this proposed use. (Ex. I - Video-recording
of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

25. At the County Council’s meeting on April 13, 2020, Steve Layne, Applicant, advised that this is a project he would like to see happen and that their intention is not to allow just anyone to store anything on the premises, mainly fifth wheels and travel campers, and possibly boats. The Applicant’s long-term intention is to bring their construction company’s office to this location and build approximately 10 square feet of office space, with construction equipment located out back, to include containers. Council posed no questions to the Applicant. (Ex. I - Video-recording of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

26. At the County Council meeting on April 13, 2020, the County Council received written testimony regarding the CUP application from Arnie Dienoff, who noted that additional conditions may be necessary for this property use but he does recommend approval with amendments. (Ex. I - Video-recording of the Conditional Use Permits – Bills for Introduction and Public Comment session of the 4/13/20 County Council meeting.)

27. No additional letters of concern or support were received by the County Council other than those previously received from the Planning and Zoning Commission.

CONCLUSIONS OF LAW

28. The County Council hereby concludes as a matter of law that it has the authority to grant the application for CUP20-01, because, through the conditions placed on the CUP20-01 the County Council can, as the UDO requires,

...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.

Section 405.510.B, OSCCMo.

A. Given the Applicant’s and Division staff’s testimony that the proposed use for boat and RV storage as well as storage of construction equipment and heavy machinery is consistent with the industrial use of the land and surrounding area and that the property has a well laid out plan to accommodate the amount of possible vehicles/pieces of equipment, we find that the proposal will not be detrimental to or endanger public health, safety or general welfare.
B. Given Applicant’s testimony that the operation of the space for outdoor storage of recreational vehicles, heavy machinery and construction equipment is an extension of the current industrial use of the land as well as the adjacent lands; as well as testimony that the Applicant is in the construction business and has a well laid out site plan for this property; and no testimony in direct opposition to CUP20-01, we find that use of the property as an outdoor storage lot 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.

C. Given the conditional use permit does not affect the Subject Property’s surrounding zoning uses, and that the activities proposed are of the same nature as those permitted in nearby areas, we find that the use of the property as an outdoor storage lot under this conditional use permit will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

Therefore, the proposed uses of the subject property for “outdoor storage of boats, recreational vehicles, construction equipment and heavy machinery” when subject to the conditions listed in the CUP20-01 granted herein, are appropriate uses for this area.

DECISION AND ORDER

On this 27th day of April 2020, the St. Charles County Council hereby:

1. Grants, for the reasons set out above, the application for conditional use permit CUP20-01; and

2. Directs the County Registrar to mail or send certified copies of this Decision and Order to the Applicants and property owners at their record addresses and to the Department of Community Development; and

3. Directs the Department of Community Development to retain its certified copy of this Decision and Order with the records on the application for conditional use permit CUP20-01.

ST. CHARLES COUNTY COUNCIL

By: _____________________________
   Terry Hollander, Chairperson

ATTEST:

By: _____________________________
   Brenda Hinton, County Registrar
Certificate of Service

The undersigned certifies that on this ____ day of _________, 2020, she mailed or sent certified copies of this Decision and Order to Steve Layne, Applicant, at
______________________________________________________,
__________________________, Missouri __________, and to TMM Wentzville, LLC, landowner, at
______________________________________________________,
__________________________, Missouri __________, and to Michael Hurlbert, Director of Community Development, St. Charles County, 201 North Second Street, St. Charles, Missouri 63301.

_________________________________
Brenda Hinton, County Registrar
CONDITIONAL USE PERMIT
STIPULATION AGREEMENT

BEFORE THE ST. CHARLES COUNTY COUNCIL
ST. CHARLES COUNTY, MISSOURI

In the matter of Bill No. 4835 to approve
Conditional Use Permit CUP20-01 for Outdoor Storage of Boats, Recreational Vehicles, and
Construction Equipment and Heavy Machinery
(new and used) on property owned by TMM Wentzville, LLC

Bill No. 4835

AGREEMENT TO STIPULATE AS TO THE RELEVANT FACTS AND THE RECORD AND WAIVING FORMAL HEARING

It is stipulated and agreed by and between Steve Layne ("Applicant"), TMM Wentzville, LLC, ("Owner"), and St. Charles County Department of Community Development, Planning and Zoning Division ("Division"), that the relevant facts, as set forth in the documents and additional audio and video recordings listed below, may be considered by the County Governing Body to be true.

- Conditional Use Permit Application
- Division Staff Recommendation to the P&Z Commission
- Property Description
- Photos of the Site
- Concept Plan
- Number of Letters in support 0
- Number of Letters with concerns 1
- Number of Letters in opposition 0
- Minutes from the P&Z Commission meeting on March 18, 2020
- Year 2030 Master Plan for St. Charles County, Missouri
- The Unified Development Ordinance of St. Charles County, Missouri
- Recommendation from the P&Z Commission
- Video Recording of the P&Z Commission meeting on March 18, 2020
- All testimony received during the public comment session of the County Council meeting on April 13, 2020 where the Bill was introduced, as documented in the video recording of the meeting.

It is further stipulated and agreed that the record for consideration by the County Governing Body include only the materials listed above, that copies of these materials be admitted into evidence as if originals, and that said record be admitted into evidence before the County Governing Body without objection by either party.

1
All evidence admissible by this stipulation shall have the same force and effect as if it were admitted by specific ruling of the County Governing Body pursuant to the formal rules of evidence and may be used by the Governing Body in making findings of fact to the same extent as any other properly admitted evidence.

It is further stipulated and agreed by and between the parties to the above-entitled matter that, notwithstanding the right to a formal hearing under Section 405.511 of the Ordinances of St. Charles County, Missouri, such formal hearing shall be and is waived and the matter shall proceed to the County Governing Body for final decision on the record as stipulated herein.

IN WITNESS WHEREOF, the Parties have executed this Stipulation Agreement as of the date last written below:

St. Charles County Department of Community Development, Planning and Zoning Division ("Division")

Signature By: Robert A. Myers
Printed Name: Robert A. Myers
Title: Planning & Zoning Div. Director
Date: 4-14-20
Attest: Nancy Almscheidt

Steve Layne
("Applicant")
Signature By: [Signature]
Printed Name: Steve Layne
Title: Member
Date: 04.14.20
Attest: Erin Staples

TMM Wentzville, LLC
("Owner")

Signature By: [Signature]
Printed Name: Steve Layne
Title: Member
Date: 04.14.20
Attest: Erin Staples