MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: MAY 20, 2020
TIME: 7:00 PM
PLACE: ST. PETERS JUSTICE CENTER AUDITORIUM
1020 GRAND TETON DRIVE
SAINT PETERS, MO 63376

MEMBERS PRESENT: Roger Ellis; Craig Frahm; Tom Kuhn; Terry Hollander; Tracy Boehmer; Kevin Cleary; and Diane Saale
MEMBERS ABSENT: Jim Leonhard; and Robert McDonald
STAFF PRESENT: Michael Hurlbert, Director of Community Development; Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Sheila Weiss, Recording Secretary; and Mariza Almstedt, Recording Secretary

SPEAKERS:
FWK20-01: Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-02: Westley Godar, applicant and property owner; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-03: Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-04: Craig Applegate, applicant, 9237 Arline Avenue, Overland, MO 63114; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-05: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-06: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-07: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-08: Tom Dixon, Applicant, P.O. Box 305, Arnold, MO 63010; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366
FWK20-09: Craig Applegate, applicant, 9237 Arline Avenue, Overland, MO 63114; and Arnie C. 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 applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote by the Commission on conditional use permits for temporary fireworks stands and preliminary plats is final. Only a recommendation for denial on those applications would be heard by the County Council.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS FOR TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2896 HIGHWAY K

Application: FWK20-01
Applicant: Marty Fears, Show Me Services, LLC
Property Owner: Martha A. Keeven Revocable Living Trust
Zoning: C2, General Commercial District
Location: On the east side of Highway K, approximately 520 feet south of the intersection of Fallon Parkway and Highway K
Council District: 3
Account No.: 410610D001

RZ20-05: Douglas Tiemann, Engineer for Pickett, Ray & Silver, 22 Richmond Center Court, St. Peters, MO 63376; Steve Giancola, property owner, 3811 Towers Road, St. Charles, MO 63304; Vickie Smith, 5218 Gutermuth Road, St. Charles, MO 63304; Amber Smith, 5236 Gutermuth Road, St. Charles, MO 63304; Charles Thompson, 5241 Gutermuth Road, St. Charles, MO 63304; Douglas Vitt, 10 Sunset Acres Drive, St. Charles, MO 63304; Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 63366; Dennis Hubbartt, 5219 Gutermuth Road, St. Charles, MO 63304; and Gary Peel, 5224 Gutermuth Road, St. Charles, MO 63304

RZ20-06: Leslie Ayers, property owner, 4466 Wilson Road, Defiance, MO 63341

PRE20-11: Douglas Tiemann, engineer with Pickett, Ray & Silver, owner’s representative
Ellie Marr, Senior Planner, stated that the proposed fireworks stand operated at this location last year, and the Planning and Zoning staff did not receive any complaints or letters of concern regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including a condition relating to COVID-19. She stated that this same condition to abide by County and State public health directives would be recommended for all fireworks stands on the meeting agenda, and then read the statement out loud. This condition has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

The applicant was not present.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. Dienoff, was sworn in. Mr. Dienoff asked Chairman Ellis if he should testify for each firework stand application separately, or if his comments regarding this fireworks stand could be put into the record for all of the fireworks stand applications.

Chairman Ellis responded that Mr. Dienoff’s comments would be added to the record for each firework stand application.

Arnie Dienoff stated that he would like to see County Staff, the Planning & Zoning Commission, and the County Council update their Ordinances and codes for temporary fireworks conditional use permits. Mr. Dienoff had several recommendations including the following:

1. Increase the application fee for temporary fireworks stands to $10,000 or $15,000, since these stands put additional burden on public services such as police and fire response.

2. Make sure there is adequate bonding to ensure tent removal and removal of any gravel driveways, so the property is restored to its original state.

3. Ensure there is adequate handicapped parking to comply with the Americans With Disabilities Act.

4. Ensure protection of children by not employing anyone under the age of 18, and prohibiting the sale of fireworks to anyone under the age of 18.

5. The County Code should address security concerns by hiring off-duty police officers or a security firm to ensure that fireworks are not in the wrong hands. Fire extinguishers should be available at every tent to meet Fire Code.

6. Public restrooms should be available, and stand owners should be required to provide adequate sanitation areas and handwashing stations in light of COVID-19 health concerns.

7. The number of customers per tent needs to be limited to address social distancing concerns.

Chairman Ellis asked if anyone else in the audience wished to comment on this application.

There being no other audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Craig Frahm made a motion to approve Application FWK20-01, including the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Tracy Boehmer.

The vote on the motion was as follows:

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<td>Craig Frahm</td>
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<td>Tracy Boehmer</td>
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Application FWK20-01 was APPROVED; subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, and the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN RD

Application: FWK20-02
Property Owner/Applicant: Westley Godar
Zoning: C2, General Commercial District
Location: On the east side of Old Bryan Road, approximately 620 feet north of Veterans Memorial Parkway
Council District: 4
Account No.: 342720A000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Wesley Godar, owner and applicant, was sworn in.

Chairman Ellis asked if there were any questions for the applicant. There were none.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Tom Kuhn made a motion to approve Application FWK20-02, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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<td>Tracy Boehmer</td>
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Application FWK20-02 was **APPROVED**; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**III. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 701 LUETKENHAUS BLVD.**

Application: FWK20-03  
Property Owner: Bremer Properties, LLC  
Applicant: Martin Fears, Show Me Services, LLC  
Zoning: C2, General Commercial District  
Location: At the intersection of Wall Street and Luetkenhaus Blvd.  
Council District: 1  
Account No.: 721620A000

Ellie Marr, Senior Planner, stated that this is the first year for this location. The applicant has operated stands in other locations in St. Charles County with no complaints. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff received one written communication with concerns regarding this application from Dennis Hall.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

The applicant was not present.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.
There being no discussion from the Commission, Tracy Boehmer made a motion to approve Application FWK20-03, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Diane Saale.

The vote on the motion was as follows:

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<th>Kevin Cleary</th>
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<th>Tom Kuhn</th>
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Application FWK20-03 was **APPROVED**; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 W CLAY ST.**

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<td>Applicant:</td>
<td>Craig Applegate, Applegate Industries LLC</td>
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<td>Property Owner:</td>
<td>TGL Properties, LLC</td>
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<td>Zoning:</td>
<td>C2, General Commercial District</td>
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<td>Location:</td>
<td>On the northeast corner of the intersection of West Clay and Golfway Street</td>
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Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Craig Applegate, the applicant, was sworn in.

Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.
Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Terry Hollander made a motion to approve Application FWK20-04, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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Application FWK20-04 was **APPROVED**; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**V. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3707 VETERANS MEMORIAL PKWY.**

- **Application:** FWK20-05
- **Applicant:** Meramec Specialty Company
- **Property Owner:** Mutual Assurance Company Partnership. LLP
- **Zoning:** C2, General Commercial District
- **Location:** On the southeast corner of Arco Drive and Veterans Memorial Parkway, adjoining the City of Saint Charles
- **Council District:** 5
- **Account No.:** 147693A000

Ellie Marr, Senior Planner, stated that this is a new stand location for this year. This applicant has operated stands in other locations within St. Charles County without complaints. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Tom Dixon, the applicant, was sworn in.

Chairman Ellis asked if the Commission had any questions for the applicant regarding this application. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.
Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Tracy Boehmer made a motion to approve Application FWK20-05, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Tom Kuhn.

The vote on the motion was as follows:

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Application FWK20-05 was APPROVED; subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

VI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1250 MEXICO ROAD

Application:    FWK20-06
Applicant:      Meramec Specialty Company
Property Owner: JMZ III Real, L.L.C.
Zoning:         I1, Light Industrial District
Location:       On the northwest corner of the intersection of Mexico Road
                and Highway A; adjacent to the City of Wentzville
Council District: 1
Account No.:    A870000485

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Tom Dixon, the applicant, was sworn in.

Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.
Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Tom Kuhn made a motion to approve Application FWK20-06, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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Application FWK20-06 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

VII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 21 EAST HIGHWAY N

Application: FWK20-07
Applicant: Meramec Specialty Company
Property Owner: The Baker Family Company
Zoning: C2, General Commercial District
Location: On the northeast corner of Highway N and Highway Z
Council District: 2
Account No.: 748680B000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Tom Dixon, the applicant, was sworn in.
Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Diane Saale made a motion to approve Application FWK20-07, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

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Application FWK20-07 was APPROVED, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**VIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2301 UPPER BOTTOM RD.**

 Application: FWK20-08  
 Applicant: Meramec Specialty Company  
 Property Owner: Tayco Upper Bottom Road, LLLP  
 Zoning: C2, General Commercial District  
 Location: On the south corner of Upper Bottom Road and Highway 364  
 Council District: 7  
 Account No.: T090800038  

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

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

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.
Tom Dixon, the applicant, was sworn in.

Chairman Ellis asked if the Commission had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Craig Frahm made a motion to approve Application FWK20-08, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

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<td>Terry Hollander</td>
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The vote was 7 Yeas, 0 Nays, and 0 Abstentions.

Application FWK20-08 was APPROVED; subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

IX. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 5706 LAKE ST. LOUIS BLVD.

Application: FWK20-09
Applicant: Craig Applegate, Applegate Industries LLC
Property Owner: The Inertia School of Dance, Incorporated
Zoning: C1, Neighborhood Commercial District
Location: On the east side of Lake St. Louis Boulevard, approximately 825 feet north of Hawk Ridge Trail
Council District: 2
Account No.: 763590I000

Ellie Marr, Senior Planner, stated that the Planning and Zoning staff did not receive any complaints last year regarding this temporary fireworks stand. The Planning & Zoning staff recommends approval of this application, subject to the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19 that has been added to the 2020 Fireworks Regulations.

For the record, staff did not receive any written communications regarding this application.

Chairman Roger Ellis asked if the Commission had any questions for staff.
Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward. Craig Applegate, the applicant was sworn in.

Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if anyone from the audience wished to make public comments on this application. There were no audience speakers.

Chairman Ellis stated that Arnie Dienoff’s previous comments regarding fireworks stands would be added to the record for this application.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Kevin Cleary made a motion to approve Application FWK20-09, with the condition that the fireworks stand adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

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<td>Roger Ellis</td>
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<td>Craig Frahm</td>
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<td>Diane Saale</td>
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<td>Terry Hollander</td>
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<td>Tracy Boehmer</td>
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Application FWK20-09 was APPROVED; subject to the condition that the firework stands adheres to all 2020 fireworks regulations, including the condition relating to COVID-19.

The vote count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**PUBLIC HEARINGS FOR REZONINGS**

**I. REZONING REQUEST - 5225 GUTERMUTH ROAD**

Application No: RZ20-05
Property Owner: Variety Homes, LLC
Current Zoning: R1A/FF, Single-Family Residential District, with Floodway Fringe Overlay District
Requested Zoning: R2/FF, Two-Family Residential District, with Floodway Fringe Overlay District
2030 Master Plan: Recommends Commercial Uses
Parcel Size: 3.47 acres
Location: On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Council District: 3
Account No.: 553800A000
Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. This rezoning request to rezone a 3.47-acre parcel adjoining the City of Cottleville, and now used for a single residence, to the County’s Two-Family Residential District. Under the current R1A, Single Family Zoning District, up to three homes could be built on this property. The proposed R2, Two-Family Residential District zoning could allow either single-family homes (detached or attached) or duplexes. The intent of the two-family residential zoning district is to allow for residential development of an urban character for one- and two-family homes on a minimum lot size of 7,000 square feet served by sanitary sewers and a public water supply. The applicant proposes to construct 18 attached single-family homes (“villas”) with each villa having a minimum of 3,500 square feet of lot area. To improve traffic flow to a new highway interchange now under construction at Highway 364 and Gutermuth Road, Gutermuth Road will in 2021 be widened to three lanes with curbs/gutters, storm sewers, and sidewalks. Sidewalk construction will facilitate walking between the proposed residences at this location and destinations such as St. Joseph Catholic Church and downtown Cottleville.

The developer’s plan is to provide new housing marketed to seniors and within walking distance of the nearby St. Joseph Catholic Church and School. Further east, and across Motherhead Road, a single-family residential subdivision (the Courtyards of Cottleville) is under construction with lot sizes ranging from 6,600 to 13,000 square feet in area. The plan proposed by the applicant would be to plat smaller lots – 3,500 square feet per home as allowed in the County’s R2, Two Family Residential District development standards.

St. Charles County’s 2030 Land Use Plan for this area recommends future commercial land uses on the north side of Gutermuth Road and low-density residential uses on the south side of Gutermuth Road. Within the City of Cottleville, commercial land uses have tended to develop in the downtown area. Along Gutermuth Road and southward along Motherhead Road, development has tended to be residential in nature. Given this area’s development patterns and trends, this property’s location is more suited to keeping with residential development than commercial development. The development of attached villas could provide a graduated land use transition between Downtown Cottleville and the single-family homes to the south of Gutermuth Road, thereby preventing commercial development across the street from low-density residential land uses.

County staff recommends that P&Z Commission recommend approval of this rezoning to R2, Two-Family Residential District, with Floodway Fringe Overlay District

For the record, staff received three letters in opposition of this rezoning request.

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

Tom Kuhn asked if Gutermuth Road is going to be widened to three lanes and have sidewalks on both sides during the upcoming construction project.

Robert Myers affirmed that Gutermuth Road will be widened to three lanes with sidewalks on both sides of the road. The road will also have a turn lane.

Tom Kuhn asked if Gutermuth Road would be widened all the way down to the end.

Robert Myers responded that it would be widened to Motherhead Road.

Tom Kuhn asked if there may possibly be sight distance issue at the proposed entrance due to the hill going southward.

Robert Myers said that this would be a good question to ask the engineer or the applicant.

Chairman Ellis asked if anyone had any further questions for staff.
Tracy Boehmer asked if all the surrounding homes are single family residences.

Robert Myers responded in the affirmative.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked if the property owner or their representative wished to come forward.

Douglas Tiemann, Engineer with Picket, Ray & Silver, was sworn in. Mr. Tiemann stated that the owner is requesting this rezoning in order to develop eighteen attached villas on nine lots. They sent copies of their plans to the City of Cottleville, even though the property is not in the City of Cottleville, because the northern portion of this property borders the City of Cottleville. The City of Cottleville does not object to this plan, and they stated that they could not envision this property being developed as a commercial development. They have also submitted copies of their plans to the Cottleville Fire District and Duckett Creek and Sanitary District. The Cottleville Fire District stated that would like them to add another fire hydrant to the development plans, and Duckett Creek Sanitary District has no issues with serving the property. They will be dedicating 40 feet of right-of-way to accommodate the upcoming roadway improvements. The developer feels that single family villas will be a desirable use for this property due to its close proximity to Downtown Cottleville and the Church.

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

Kevin Cleary asked if there will be a Homeowner’s Association for this development to maintain common ground areas.

Douglas Tiemann responded that all of the details have not yet been determined, but there will be a Homeowner’s Association that will take care of the common ground and detention area.

Chairman Ellis asked if these homes would be similar to the Villas at Whitmoor.

Douglas Tiemann answered in the affirmative.

Kevin Cleary asked what the price point and the square footage of these homes will be.

Douglas Tiemann responded that he does not have that information and suggested that he may wish to ask the developer that question.

Tracy Boehmer asked if the vision for this development is for a retirement community.

Douglas Tiemann responded that it is likely to be elderly adults who desire to be close to the church that will purchase these homes.

Steve Giancola, owner/developer, was sworn in.

Chairman Ellis asked Mr. Giancola what the size and the projected price point for these homes would be.

Steve Giancola responded that the homes in this development would be between 1,250 and 1,400 square feet with a starting price of around $275,000. They will be Ranch style homes with 2-car garages and full basements.

Kevin Cleary asked if the purchasers of these homes would own the land outside the footprint of their dwelling.

Steve Giancola stated they would extend the lot lines down the center of a common wall, and each buyer would own their own lot.
There being no further questions for Mr. Giancola, Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

Vickie Smith was sworn in. Ms. Smith stated that she would like to see this application continued since banks have been closed, papers have not been notarized, and all of the surrounding residents have not been given information about this rezoning request. Ms. Smith is opposed to this request due to increased traffic and noise. Adding 36 more cars to this area will make the existing traffic issues worse and will add more children to the local schools which are already overcrowded. The creek there floods already, and the street on Motherhead Road also floods.

Amber Smith was sworn in. Ms. Smith stated that the schools are already overcrowded in this area. This property is next to her neighbor’s home and when they build up this property it will cause her neighbor’s property to flood. Also, the church is further than what it appears, and it would be quite a long walk for older persons. This development would add more traffic to the area, which is already an issue. She also disagrees with St. Charles County’s 10-year plan designating this property as a commercial property.

Charles Thompson, was sworn in. His property is directly west of this property. He stated he sees problems already with the schools being overcrowded. He is also concerned about liability from children from this development coming onto his property. If this application is approved, he requests that a privacy fence be installed along the full length of the property. The entrance to this property is on a hill and will become a problem due to the increased traffic.

Douglas Vitt was sworn in. Mr. Vitt stated that he lives behind the subject property and he already has a water issue. The creek cannot handle any more water. He is concerned that the trees in the area will be bulldozed along the property line. He believes this is too many homes for this small tract of land. If this application is approved, they need to build a retaining wall along that creek because it already floods. He also has concerns with increased traffic and stated that it already takes about an hour to exit the church because of the traffic.

Arnie Dienoff was sworn in. Mr. Dienoff stated that he opposes this rezoning request. There are a lot of flooding issues in this area. He is concerned that no plans for water detention have been presented. There are also no letters in the record from the fire district, the water district, the sewer district, or the school district.

Dennis Hubbartt was sworn in. Mr. Hubbartt has concerns about safety and adding more traffic to the area from the proposed development. He stated the developer is going to fill in that property and it will end up being taller than the roof of his house, which will cause both his home and the church parking lot to flood. He is opposed to this request.

Gary Peel was sworn in. Mr. Peel stated that he is opposed to this rezoning request.

There being no further audience speakers, Chairman Ellis closed public hearing and asked the applicant to return to the podium.

Douglas Tiemann returned to the podium.

Tracy Boehmer asked Mr. Tiemann if privacy fencing is going to be built around the development.

Douglas Tiemann responded that the current plan does not show fencing, but the developer would be willing to provide a buffer or fencing along the property line. He stated that they will not be doing any grading on the property until their plans have been completed and approved by the County. The County has requirements that will have to be met for water detention and traffic control. This site is not very big, and the developer will not be making any significant grading changes to the site. As far as the traffic and noise concerns, those issues will be addressed by the County through the planned improvements to this area.
Tom Kuhn asked if the road improvements will be completed during same time frame as the proposed development. He stated that he would not be in favor of the property being developed prior to the planned road improvements being in place.

Robert Myers stated that the County Highway Department has an expected completion date for these road improvements in 2021.

Tracy Boehmer asked if a traffic study has been done for this development.

Robert Myers responded that traffic studies are not typically done at this stage for rezoning requests.

There being no further questions for the developer’s representative, Chairman Ellis called for discussion from the Commission.

Terry Hollander asked Robert Myers what types of homes are allowed under the R2 Zoning District.

Robert Myers responded that under the R2 Zoning District, single family homes, villas, or duplexes would be allowed.

Tracy Boehmer stated that the property is currently being used for a single family home.

Chairman Ellis stated that is correct, but the 2030 Master Plan for St. Charles County has this property slated for commercial use.

Tom Kuhn asked how many homes could be built on this property under the current zoning.

Robert Myers responded that under the current zoning, three homes could be built on this property.

There being no discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-05.

Craig Frahm made a motion for approval, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

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<td>Diane Saale</td>
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Application No RZ20-05 was recommended for DENIAL.

The Vote Count was 2 Yeas, 5 Nays and 0 Abstentions.

II. REZONING REQUEST - 4466 WILSON ROAD

<table>
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<tr>
<th>Application No:</th>
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<tr>
<td>Property Owner:</td>
<td>Leslie Ayers</td>
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<td>Current Zoning:</td>
<td>A, Agricultural District (5-acre minimum lot size)</td>
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<td>Requested Zoning:</td>
<td>RR, Single-Family Residential District (3-acre minimum lot size)</td>
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<td>2030 Master Plan:</td>
<td>Recommends Rural Residential</td>
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<td>Parcel Size:</td>
<td>6.00 acres</td>
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Ellie Marr, Senior County Planner, described the subject property and the surrounding land uses. The owner is requesting to rezone this 6.00-acre property from A, Agricultural District to RR, Single-Family Residential District in order to split the property into two lots. There is currently one home on this property, and splitting this parcel into two 3-acre lots will allow for an additional home to be built on the parcel. Should this request be approved, the applicant will then be required to submit a subdivision plat to the Planning & Zoning Division for approval.

The Planning and Zoning Division recommends that the Planning & Zoning Commission recommend approval of this request to rezone the property from A, Agricultural District, (5-acre minimum lot size) to RR, Rural Residential, (3-acre minimum lot size), and finds this request to be consistent with both the developments in the surrounding area and the 2030 Land Use Plan.

For the record, staff did not receive any written communications regarding this rezoning request.

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis opened the public hearing and asked if the property owner or representative wished to come forward.

Leslie Ayers was sworn in. Ms. Ayers stated that she plans to stay on this property for as long as she possibly can, and she is down to one horse on the portion of the property where her stables are located. She is requesting this rezoning because she would like to split her property into two 3-acre lots and sell one of those lots.

Chairman Ellis asked if there were any questions for Ms. Ayers. There were none.

Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application. There were no audience speakers.

Chairman Ellis then closed the public hearing and called for discussion from the Commission.

There being no discussion, Craig Frahm made a motion of approval; and Terry Hollander seconded the motion.

The vote on the motion was as follows:

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Application No RZ20-06 was recommended for Approval.

The Vote Count was 7 Yeas, 0 Nays and 0 Abstentions.
I. PRELIMINARY PLAT FOR COTTLEVILLE HILL - 5225 GUTERMUTH ROAD

Application No: PRE20-11
Owner/Developer: Variety Homes, LLC
Engineer: Pickett, Ray & Silver
Current Zoning: R1A/FF, Single-Family Residential District, with Floodway Fringe Overlay District
Requested Zoning: R2/FF, Two-Family Residential District, with Floodway Fringe Overlay District
Proposed Dwelling Units: 18
Parcel Size: 3.47 acres
Location: On the north side of Gutermuth Road, approximately 950 feet southwest of Motherhead Road; adjacent to the City of Cottleville and near the City of St. Peters
Council District: 3
Account No.: 553800A000

Robert Myers, Director of Planning & Zoning, stated that this request is for preliminary plat approval to subdivide 3.47 acres located at 5225 Gutermuth Road. Should the Planning & Zoning Commission choose to approve this preliminary plat, approval would be subject to rezoning approval by the County Council. The proposed plat submittal is for 18 single family units with an average lot size of 12,487 square feet for each building and an average lot size of 6,243 square feet per each “villa” dwelling.

St. Charles County is currently constructing a new highway interchange at Highway 364 and the County is widening Gutermuth Road to three lanes. They will be adding curbs, gutters, storm sewers, and sidewalks on both sides of Gutermuth Road; and estimates completion of this improvement by the end of 2021. Should this preliminary plat be approved, the County will require that an additional 15 feet for right-of-way be dedicated as part of the final plat to allow for the widening of Gutermuth Road. County staff recommends approval of this preliminary plat, contingent upon County Council passing the Rezoning Application RZ20-05.

For the record, staff received three letters in opposition of this preliminary plat.

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis asked if the property owner or representative wished to come forward.

Douglas Tiemann, Engineer with Picket, Ray & Silver, was sworn in. Mr. Tiemann stated that he would like to ask that the Commission to table this preliminary plat to allow discussion with the applicant prior to proceeding.

Chairman Ellis asked for a concurrence of three Commission members to table this preliminary plat.

Terry Hollander, Diane Saale and Craig Frahm concurred to table application PRE20-11.

Application PRE20-11 was TABLED.
TABLED AND/OR CONTINUED ITEMS

NONE

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

Chairman Ellis asked for a motion to approve the minutes from the April 15, 2020 regular meeting. Craig Frahm made such motion, and the motion was seconded by Diane Saale. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

There were no Planning and Zoning Division Updates.

ADJOURNMENT OF MEETING

Craig Frahm made a motion to adjourn the meeting. The motion was seconded by Tom Kuhn and was approved by unanimous voice acclamation. The meeting adjourned at 8:43 p.m.

Respectfully submitted by:

______________________________  ______________________________
Roger Ellis, Chairman          Tom Kuhn, Secretary