Bill No. 4864
Requested by: Michael Hurlbert
Sponsored by: Joe Brazil

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ20-07

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

WHEREAS, a change in zoning of land located on the west side of Busdieker Drive approximately 300 feet south of Foristell Road was requested by Hyman H. Kaye, Trustee of Hyman H. Kaye Revocable Trust, u/t/a September 23, 2005, property owner, and Greystone Holdings, LLC, developer, through Application RZ20-07; and

WHEREAS, the tract to be rezoned is a 84.203-acre parcel currently zoned A, Agricultural District; and

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

WHEREAS, adjacent land to the north is zoned RR, Single-Family Residential District and A, Agricultural District and is the site of single-family residences; adjacent land to the south is zoned A, Agricultural District and is the site of
vacant property; adjacent land to the east is zoned A, Agricultural District and is the site of vacant property; and adjacent land to the west is zoned A, Agricultural District and is the site of single-family residences and vacant property; and

WHEREAS, the County’s 2030 Master Plan recommends future Rural Residential land uses with less than one dwelling per acre; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 6 ayes to 2 nays recommended the matter for approval to the County Council. A simple majority of the County Council is required for passage of this bill.

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

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

An 84.20-acre tract of land located on the west side of Busdieker Drive, approximately 300 feet south of Foristell Road and identified in the records of the St. Charles County Assessor as parcel ID No. 3-0028-S021-00-0006.0000000 is hereby rezoned from A, Agricultural District, to RR, Single-Family Residential District. The tract of land is more particularly described on EXHIBIT A, attached hereto.
Section 2. The Director of the Planning and Zoning Division is hereby authorized to acknowledge approval on Application RZ20-07 as set forth in Section 1., above.

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

Section 4. This ordinance will be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR
EXHIBIT A
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER: RZ20-07

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

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

OWNER OR OWNERS OF PROPERTY TO BE REZONED: HYMAN H. KAYE REVOCABLE TRUST

LOCATION OF PROPERTY: THE PROPERTY IS KNOWN AS OAK VIEW FARMS DRIVE AND IS LOCATED ON THE WEST SIDE OF BUSDIEKER DRIVE, APPROXIMATELY 300 FEET SOUTH OF FORISTELL ROAD; NEAR THE CITY OF NEW MELLE. THE PROPERTY CONSISTS OF 84.203 ACRES AND IS LOCATED IN COUNCIL DISTRICT 2.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 10 OF “AUBURN MEADOWS”, A SUBDIVISION AS RECORDED IN PLAT BOOK 41, PAGES 360-363 OF THE ST. CHARLES COUNTY RECORDS; THENCE ALONG THE EAST LINE OF SAID “AUBURN MEADOWS”, NORTH 01 DEGREES 19 MINUTES 57 SECONDS EAST 341.20 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; SAID POINT BEING THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 21; THENCE CONTINUING NORTH 01 DEGREES 19 MINUTES 57 SECONDS EAST 1,342.12 FEET TO A POINT; SAID POINT BEING THE COMMON CORNER OF LOT 18 AND LOT 24 OF AFOREMENTIONED “AUBURN MEADOWS”; THENCE NORTH 89 DEGREES 58 MINUTES 03 SECONDS EAST 1319.15 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 21; SAID POINT ALSO BEING THE CENTERLINE OF BUSDIEKER DRIVE; THENCE LEAVING SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES: NORTH 01 DEGREES 13 MINUTES 26 SECONDS EAST 1285.90 FEET TO A POINT; THENCE ALONG SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 73 DEGREES 57 MINUTES 07 SECONDS EAST 68.85 FEET AND WHOSE RADIUS POINT BEARS NORTH 60 DEGREES 23 MINUTES 11 SECONDS EAST 80.00 FEET FROM THE LAST MENTIONED POINT, AND
ARC DISTANCE OF 71.18 FEET; ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 40 DEGREES 41 MINUTES 58 SECONDS EAST 128.27 FEET AND WHOSE RADIUS POINT BEARS SOUTH 09 DEGREES 24 MINUTES 34 SECONDS WEST 100.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 139.25 FEET; SOUTH 00 DEGREES 48 MINUTES 30 SECONDS EAST 194.25 FEET; ALONG A CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 17 DEGREES 03 MINUTES 23 SECONDS EAST 112.78 FEET AND WHOSE RADIUS POINT BEARS NORTH 89 DEGREES 11 MINUTES 30 SECONDS WEST 201.53 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 114.30 FEET; ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 16 DEGREES 21 MINUTES 19 SECONDS EAST 242.23 FEET AND WHOSE RADIUS POINT BEARS SOUTH 56 DEGREES 41 MINUTES 45 SECONDS EAST 415.46 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 245.80 FEET TO A POINT; SAID POINT BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; SAID POINT ALSO BEING THE NORTH LINE OF PROPERTY CONVEYED TO HYMAN H. KAYE REVOCABLE TRUST PER DEED BOOK 4416, PAGE 2361, OF THE ST. CHARLES COUNTY RECORDS; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS WEST 1,613.05 FEET TO A POINT BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID POINT ALSO BEING THE COMMON CORNER OF PROPERTY CONVEYED TO ALICE LAURA FREESE-MOLITOR PER DEED BOOK 929, PAGE 1881, OF THE ST. CHARLES COUNTY RECORDS; THENCE NORTH 00 DEGREES 27 MINUTES 12 SECONDS EAST 998.06 FEET TO THE POINT OF BEGINNING, CONTAINING 84.20 ACRES.
EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ20-07

REZONING REQUEST - OAK VIEW FARMS DRIVE

Application No: RZ20-07
Property Owner: Hyman H. Kaye Revocable Trust
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
2030 Master Plan: Recommends Rural Residential (3-acre minimum lot size)
Parcel Size: 84.20 acres
Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.: 608880A000

CONTENTS:

➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Topography Map
➢ Preliminary Plat - Approved by P&Z Commission on 6/17/2020 (Contingent upon Rezoning Approval by the County Council)
➢ Meeting Presentation - Thomas J. O’Toole Jr.
➢ Letters received
   ◆ Opposition - Alice Freese Molitor
   ◆ Opposition - Nancy Aberasturi and Leslie Jones
   ◆ Opposition - Chris Cuddihee
   ◆ Opposition - Dave Muehling
   ◆ Opposition - Elaine Sweeten
   ◆ Opposition - Jenell Bruno
   ◆ Opposition - Mike and Kara Dempsey
   ◆ Opposition - Paul Molitor
➢ Planning and Zoning Commission minutes from June 17, 2020 meeting
This communication summarizes the following bill to be introduced at the July 13, 2020 County Council meeting:

**REZONING REQUEST - OAK VIEW FARMS DRIVE**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>RZ20-07</th>
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</thead>
<tbody>
<tr>
<td>Property Owner:</td>
<td>Hyman H. Kaye Revocable Trust</td>
</tr>
<tr>
<td>Developer:</td>
<td>Greystone Holdings, LLC</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>A, Agricultural District (5-acre minimum lot size)</td>
</tr>
<tr>
<td>Requested Zoning:</td>
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<td>2030 Master Plan:</td>
<td>recommends Rural Residential (3-acre minimum lot size)</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>84.20 acres</td>
</tr>
<tr>
<td>Location:</td>
<td>south of Foristell Rd and west of Busdieker Dr; west of the City of New Melle</td>
</tr>
<tr>
<td>Council District:</td>
<td>2</td>
</tr>
<tr>
<td>Account No.:</td>
<td>608880A000</td>
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Approval of this bill would rezone an 84.20-acre parcel from A, Agricultural District to RR, Single-Family Residential District. The applicant concurrently submitted a preliminary plat (PRE20-000014) to develop a residential subdivision consisting of 25 lots (3+ acres in size). The Planning & Zoning Commission at its June 17, 2020 meeting approved the plat, subject to County Council approval of the related rezoning request.

Agricultural District zoning predominates in the vicinity of this tract while existing land uses include both agricultural and rural residential. Similar lot sizes of 3 acres are found in the adjoining Auburn Meadows Subdivision. Auburn Meadows was platted on February 1, 2005 when County Zoning allowed three-acre parcels in Agricultural zoning districts. St. Charles County increased the minimum lot size in the Agricultural District from 3 to 5 acres when the RR, Rural Residential District was created in January of 2006 (Ord 06-002).

The 2030 Master Plan recommends rural residential land uses with parcels of 3+ acres. This property is located within the middle of the 2030 Master Plan’s southwestern Rural Residential land use area and approximately 1.75 miles south of the Master Plan’s Urban Service Boundary.

The Planning and Zoning Commission held a public hearing on this rezoning application on June 17, 2020 and received the following public input:

- **Speakers:**
  - 2 Support
  - 1 Opposed
  - 0 Concerns

- **Letters on file:**
  - 0 Support
  - 8 Opposed
  - 0 Concerns

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

- 6 Approval
- 2 Denial
- 0 Abstentions

**Recommendation:**

The Planning and Zoning Commission recommends approval of this rezoning request. The Planning and Zoning Division concurs with this recommendation and finds the proposed zoning to be consistent with the 2030 Land Use Plan.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

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

To: County Planning & Zoning Commission

Application No.: RZ20-07

Prepared by: Mark E Price Jr., AICP, CFM

Date: June 10, 2020

BACKGROUND

Owners: Hyman H. Kaye Revocable Trust

Applicant: Graystone Holdings, LLC.

Requested Actions: A zoning map amendment to rezone 84.20 acres from A, Agricultural District (5-acre minimum lot size) to RR, Residential District (3-acre minimum lot size)

Location: On the west side of Busdieker Lane, approximately 300 feet south of Foristell Road, one mile northwest of the City of New Melle.

Current Zoning: A, Agricultural District

Current Land Use: Agricultural

Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District</td>
<td>Single Family Residences and Agricultural</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Rural Residential land use

Public Services:
- County Council District 2 – Joe Brazil
- School District – Francis Howell School District
- Fire District – New Melle Fire Protection District

Utilities:
- Water – Individual Well – Public Water Supply #2 service area
- Sewer – Private wastewater systems

Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The rezoning request is for a parcel of 84.20 acres in size. This acreage includes the parcel of 83.20 acres located on the west side of Busdieker Lane 300 feet south of Foristell Road and the 300 foot portion of Busdieker Lane leading from the property to Foristell Road. The applicant requesting this rezoning has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres.

Similar lot sizes of 3 acres are found in the Auburn Meadows Subdivision located directly to the west and north of this property. Auburn Meadows was platted on February 1, 2005 when County Zoning allowed three-acre parcels in Agricultural zoning districts. St. Charles County increased the
minimum lot size in the Agricultural District from 3 to 5 acres when the RR, Rural Residential District was created in January of 2006 (Ord 06-002).

The land use plan for this area does recommend rural residential land use with 3-acre minimum lot size. This property is approximately in the middle of the Master Plan 2030’s rural residential area of the western part of the County. It is located approximately 2 miles north of the southern edge of the projected Rural Residential Land Use area and approximately 2 miles from the northern edge. The project is also located approximately 1.75 miles south of the Urban Service Boundary. This would place this parcel in the approximate middle of the County’s future rural residential area.

RECOMMENDATION:
The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size) be approved. In recommending approval to RR District Zoning, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.
Looking North along Busdieker Drive with the subject property on the left
RZ20-07 - Aerial
RZ20-07 - Zoning
RZ20-07 Topography
RZ20-07 Future Land Use
Oak View Farms

Developer: Greystone Holdings, LLC

Owner: Hyman H. Kaye Revocable Trust

PRESENTED BY: THOMAS J. O’TOOLE, JR.

MICKES O’TOOLE, LLC
ATTORNEYS AT LAW
REZONING REQUEST – APPLICATION RZ20-07

Applicant Greystone Holdings is requesting a change in zoning on the subject property:

- **From** – “A”, Agricultural District (5 acre min. lots) (§405.080 of the Ordinances of St. Charles County)
- **To** – “RR”, Residential Rural District (3 acre min. lots) (§405.090 of the Ordinances of St. Charles County)

For an 84.20 acre tract of land located on the West side of Busdiecker Drive, approximately 300 feet South of Foristell Road (near the City of New Melle)
PRELIMINARY PLAT REVIEW APPLICATION PRE20-14

- Property Owner: Hyman H. Kaye Revocable Trust
- Engineer: Bax Engineering Company (Dale Bax)
- Developer: Greystone Holdings, LLC
- Existing Zoning: “A”, Agricultural District
- Requested Zoning: “RR”, Rural Residential District
- Parcel Size: 84.20 acres
- Proposed Lots: 25
PRELIMINARY PLAT — TOPOGRAPHIC

[Topographic map with various labeled areas and measurements, marked as "2 of 3" near the bottom right corner.]
SUBDIVISION ENTRANCE SITE LINE PROFILE
2030 MASTER PLAN (ENVISION 2030)

- Adopted along with Future Land Use Map by St. Charles County Council on January 28, 2019

- As implied by its title, the 2030 Master Plan, is the planning horizon for the next two decades

- The 2030 Master Plan recommends the subject property’s future land use to be Rural Residential (“RR”) (3 acre min. lots)

- Rural Residential Uses
  - **Primary** Uses: Single family residences on large lots (3+ acres), clustering encouraged
  - **Secondary** Uses: Supporting and complementary uses, including open space and recreation, equestrian uses, schools, places of worship, and other public uses
Note: the Future Land Use Map recommends that the rural area North of Highway D and East and West of Highway F and Highway Z in the southwestern portion of the County, where the subject property is located, be developed as Rural Residential (3 acre minimum).
§89.040 RSMo. Purpose of regulations.

Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to preserve features of historical significance; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the values of building and encouraging the most appropriate use of land throughout such municipality.
POINTS TO CONSIDER

- **Stormwater Runoff**
  - Addressed prior concerns with the new drainage berm (Lots 6-11). Similar to contour farming—which slows the water runoff towards Molitor property.
  - **Fact:** 3 acre lots do not create inordinate water runoff.
    - Once developed grass/vegetation absorb.
    - Holthaus Realty developed 490+ 3 acre lots in St. Charles County in the last 25 years.
POINTS TO CONSIDER

• Increased Traffic/Population
  - Current zoning 5 acres would permit 17 homes
  - Proposed zoning 3 acres would permit 25 homes
  - Difference is de minimis and will have little impact

• Future sanitary sewer expansion (Dardenne Creek)
  - Increased property values will result in \( \frac{1}{4} \) acre lots

• 2030 Master Plan
  - Compliments 2020/2025 Master Plan
  - Land use road map (“planning horizon”) for St. Charles County for next two decades
Response to RZ20-07—REZONING

June 12, 2020

Attention Planning and Zoning and any interested persons:

"I am against cutting the land in question into 3 acre lots, they need to remain 5 acres or LARGER!"

I feel there needs to be a study to make you aware of the dangerous of erosion and water runoff onto

Neighboring properties. JUST because someone makes PLANS for the future in a 2030 Plan DOES NOT MEAN THAT IS GOOD FOR THE LAND OR NEIGHBORS!!

Please refer to my previous files sent to Planning and Zoning November 2019 objections RZ 10-14

Due to the Virus -Libraries are not open therefore I don’t have excess to computers “on line.” NOR do I WANT TO EXPOSE myself to THE PUBLIC.

I feel you need to do a study of land which shows the water run off that would be caused by

Smaller lot sizes causing lots of erosion and destroying neighboring properties. I objected to the smaller lots sizes when they did “Auburn Meadows” Around 2004, BY 2008 I have pictures of the problems with erosion. AT a meeting ---AT THAT time Bax engineering promised there would be no problem with water run off------THEY DID NOT TELL THE TRUTH.------ WHAT LOOKS GOOD ON PAPER DOES NOT WORK with HEL—-(Highly erosion land)

Years back Conservation Department made me put in a "burn/small dam along my fence row to keep my water run off from going onto my neighbor on the East side of my property, which may have done damage to HIS property. If that was fair for me I feel the same rules need to be applied by Planning Zoning to control the water run off from property RZ20-07 that would run onto my property.

Planning and Zoning need to be GOOD STEWARDS of the land in Western St. Charles County, what happens here determines ALSO the flooding on the Dardeene Creek water shed, which has gotten worse over the years.

Enclosed a copy of a map of my property with an explanation of the problem area due to water run off from Auburn Meadows at this time.

I will invite anyone interested in a personal tour by myself and or my son, Paul William Freese Molitor for a firsthand look at the problems of erosion. Please call for an appointment: my cell: 636-734-6628 or house phone 636-828-5263. YOU WILL NEED to get out of your car and walk, look down into the areas gong under our driveway and along the road and creek areas. YOU CANNOT see this by sitting in you car.

Regards:

Mrs. Alice Freesse-Molitor-1467 Foristell Road—Cappeln/Foristell, MO 63348-1919
We are suppose to learn from past history and mistakes?????

After reading the article about Auburn Meadows in 2004, it seems to me that there were the SAME Problems and same promises.

"Bax engineering assured residents, and the council, that ever precaution was being taken to make sure runoff would not harm surrounding properties."

As you can see for by my previous pictures that THERE IS damage to surround properties from water run off. There NEEDS to be MORE conservation practices put into place, see previous email for helpful suggestions.

How about a water study or something to get a better understanding about the water drainage to protect surrounding neighbors and properties.

AFTER ALL YOU as the Planning and Zoning AND the County Council...... 
AREN'T YOU THERE TO PROTECT ALL THE CITIZENS OF St. Charles County from damage and nuisance situations????????

How is it that developers come in the out of the clean blue sky ask for a change in the zoning and it's given to them. It seems to me not much THOUGHT given to the reason and problems it may cause surrounding neighbors already living there. Then they can go tear up sod and create problems with excess water allowing the water to destroy neighboring properties creating a big nuisance for years to come and it doesn't improve by itself...????????

People coming to live on small lots have NO IDEA about no trespassing onto neighboring property, just because there is a large field next to them, they seem to thing their kids can run or ride 4 wheeler whenever ARE where ever they want, ANOTHER NUISANCE to people already living here. People don’t seem to have respect for other people.

ANOTHER THING:
"Since the moment God "took the man and settled him in the garden of Eden, to cultivate and care for it" (Genesis 2:15) humanity has been entrusted with the care of creation. WE AS A PEOPLE need to be STEWARDS of our land. YOU as the Planning and Zoning and the County Council ARE YOU BEING STEWARDS OF OUR LAND?" There are generations that come after us!

BELOW Copied from article in the Boone Country Connection July 2004

"County P&Z Commission Approves Subdivision Plan on Foristell Road"

"Alice Molitor spoke in opposition/concern for several landowners whose properties surrounded the plot. Main concerns presented regarded excess water flow to adjacent properties potentially resulting in destroyed crops and fields. Specifically she questioned what the results of removal of terraces and natural creeks, inevitable in the building of houses, would be. Five letters of opposition/concern were also submitted to the council.

Bax Engineering, the firm designing the subdivision owned by Blondin-Pence,LLC, assured residents, and the council, that ever precaution was being taken to make sure runoff would not harm surrounding properties. They also suggested that residential usage with the planting of grass would create less runoff than planted fields. The also stated that the only grading to be done would be to create roads, which shouldn’t destroy a large number of terraces on the land. Finally, it was mentioned that the only disturbance to Dardeene Creek, which runs through the property would be to install culvert allowing for two driveways entrances, an act to minimalism impact to the creek and wildlife."

Please give it very careful consideration for a Happy New Year!
Alice Freese-Molitor
1467 Foristell Road
Foristell, MO 63348-1919
Cell: 636-734-6628

\[Signature\]
I'm here tonight to ask this committee to consider developing this large tract of land with a conservation mindset. The people who will move into the new neighborhood, and the neighbors already there, must rely on you to make decisions that affect our lives, and the health and welfare of our neighborhoods. These are important decisions that are not ours to make...they are yours; and we are here asking for your consideration and your help.

The stormwater coming from the east side of these 80 acres of land drains to a point on a narrow piece of my land that is my driveway, and connects to two agricultural fields. We maintain a concrete bridge over the creek, and it has been slowly washing out since the completion of Auburn Meadows subdivision. We were promised that stormwater runoff would not affect my property, but it is. Not only is the bridge in danger of washing out, but runoff from Auburn Meadows has caused erosion of my farmland - erosion that now needs to be repaired to stop the further loss of good soil.

That's why I was shocked when at a recent meeting, the decision-makers said that they would channel some of the water from this new development onto Auburn Meadows and south. That references my property south of the development and the bridge that is already inundated by increased stormwater runoff.

According to the USDA, soils in this part of the county are Highly Erodible and have a very slow infiltration rate. For generations, farmers in this area have used conservation practices such as grassed waterways, terraces and detention ponds to control stormwater and slow soil erosion. This is important to the health of the land and its ability to grow crops, trees, grass and flowers. Removing the soil exposes clayey sub-soils that are less suited for water infiltration and plant growth.

We question the shift to 3 acre lots. This area was designated in the master plan to be kept rural and agricultural, with a zoning that allowed 5 acre lots. Larger lots are better because they preserve natural spaces, and they control water pollution. Septic tanks do not operate correctly in clayey soils. They fail again and again. The county allows a septic system on a 3 acre lot because in theory that is enough land for each individual to manage the storage and infiltration of their own waste. According again to the USDA, these soils are not well-suited for septic systems, and the systems will require special design and regular maintenance so as not to pollute the soil and water of adjoining properties.

In addition, removing trees and other vegetation and replacing them with homes, sidewalks and streets creates more impervious surfaces which causes the volume and velocity of stormwater runoff to increase greatly. Stormwater needs to be retained on-site so as not to inundate neighboring properties.

We would like the developer to come back with a better plan. A plan that preserves more than the minimum tree cover, that protects natural cover along slopes and natural drainage ways, that connects common spaces with stormwater treatment practices to slow stormwater runoff, that uses curbless cul-de-sac islands that allow stormwater to flow into native rain gardens at their centers, and that creates an environmentally-friendly development with the lowest impact possible to natural resources and neighboring farms.

We are asking for a few less homes and pavement, and a lot more opportunities for water infiltration.

We also would like to ask that the native topsoil be retained. This is done during construction by stockpiling the soil in mounds no taller than 4 feet, and for less than 6 months, and then returning the soil to the finished yards after final grading. The topsoil that has developed on-site over time has the structure and the nutrients needed to support growing vegetation. Yards with returned topsoil will grow healthier lawns and will require less fertilizer which in turn means less chemicals in the runoff destined for streams.

We would like the County's Stormwater Engineer to take a closer look at how the natural drainage ways on the proposed development affect the hydrology of this watershed. We are asking you to uphold all rules and ordinances for the protection of natural resources, to add a few Low Impact Design concepts to protect the community, and to set a precedent for Low Impact Development in our region of the county.

Alice Frieze-Makler
1477 sundale Rd
334-784-1919
1--shows waterway on my property that gets lots of water from Auburn meadows now creating erosion at my private drive small bridge
2--the extra water into the small creek now has erosion along driveway and threatening larger concrete bridge.
3--water that collects from EAST side of Auburn Meadows has complete destroyed a natural crossing from one field to another and continues to wash-out repairs that we have made for crossing. Therefore no more water should be directed onto Auburn Meadows. It will ALL flow South to my property.
4--Small grassed waterway on my property, that should NOT receive more drainage from the North.
5--A complete grassed water way on the north and East side of my property. When that was put in, it was explained by Soil and Conservation Division that we NEEDED to keep our water drainage on OUR OWN LAND AND NOT FLOW onto the neighbors. As you can see we have applied to the rules and regulations. Also not tht the land in that area is labeled as HEL--Highly Erosion Land.

Please note that the extreme South edge is flooded by Dardeene Creek in heavy rainfalls. AS more houses were build West, we noticed more water problems with Dardeene Creek flooding.
6--Our neighbor, Nissing has a water retention Pond to help control runoff, definitely made a difference.
7--My retention pond and large grassed waterway to control runoff. All measures that St. Charles County Soil and Conservation insists on doing these practices to preserve our County's soils.

Therefore it would seem like common sense to put water safety measures into practice on the Busdieker property BEFORE major water issues begin happening. THE WATER run-off from their property needs to remain and taken care of ON THEIR PROPERTY so surrounding neighbors won't have damage.

Regards: Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO. 63348-1919-cell 636-734-6628
In response to the letter we received regarding yet another request for a zoning change in District 2: the Busdieker Road proposal.

We own 6+ acres on Foristell Road within 1000 feet of the proposed development. Les Jones and I are adamantly opposed to a change in the zoning on SO many levels. We have sent letters to that effect at the time of the first rezoning appeal and have spoken at planning/zoning meetings as well as County Council meetings. We’ve made our arguments before and our arguments/presentations are on the record.

Please don’t approve this change - the people already living and farming this area have much at stake.

Thank you.

Nancy Aberasturi
Leslie Jones
898 Foristell Road
Please do not change the zone from 5 acre lot size to 3 acre lot size. As we discussed with the proposed speed limit change the road are still rural roads. They really can not handle traffic. The area does not have the infrastructure for proper growth at this time, for instance my water pressure is very low on Oberhelman road due to the home tapping the small water mains, with that said is the developer going to provide city water not only for drinking but also fire protection (fire hydrants).

Chris Cuddihee
2532 Oberhelman Rd
Foristell Mo. 63348
636.515.0467
My name is Dave Muehling.
I live at 3649 Holt rd, Wentzville MO 63385.
I am within 1000 feet of this development (it is literally on my back door)

I am writing to OPPOSE this rezoning EXCEPTION. That is what this ask is for, an exception. I want to make that clear. That means that the burden to prove that this exception is necessary is on the petitioner, not on the citizens who wish to oppose. The zoning is there as a baseline and not an arbitrary thing to be discarded when someone wants to build a subdivision.

It is very frustrating to be right back where we started after getting this rezoning denied at the County Council. I am attaching my thoughts to this email. This should be opposed not just because of the water issues, but also because this is a RURAL community. As we have seen with Covid-19, there are people who wish to stay safe and live in communities where the population is low. That is this area. It is rural, horse country. I breed endangered Shire Horses and frankly having more traffic, more people, more encroachment on the land is detrimental to that endeavor.

I plan to fight this all the way. Protest and cause a ruckus, if needed (seems like that’s the only thing that works these days). We should not have to fight this every few months. That is ridiculous. If you want this entire area of St. Charles to be 3 acre lots, then change the laws. Don’t just pick at it with exceptions.

See my attached letter to the County Council in regards to . Thank you.

Dave Muehling - Owner, Blackwater Acres, L.L.C.
Mobile: (636) 856-6200
Email: Dave@BlackwaterAcres.com
Good evening. My name is Dave Muehling and I live at 3649 Holt Rd. My property is directly East of the property in question. I am opposed to this development. At the zoning hearing, I voiced my opposition based on my own experience with flooding and water maintenance in the area. But since that meeting, I have gotten to know a number of my neighbors in a way that has led me to amend my initial arguments to include a rebuttal of the entire project.

Let me explain my reasoning.

It’s been insinuated that we here fighting this are somehow rural, backwards people afraid of progress and change. I believe the gentleman representing the engineering firm actually said that there was a “understandable fear of progress”, I am paraphrasing, but you get the point.

I would like to dispel that insinuation outright. Farmers are not backwards, they are vital. They provide food for not just those in St. Charles County, but for the whole of the USA and many parts of the world.

People like myself and my neighbors are also not country bumpkins, as a matter a fact I would probably say that I am the most future forward person in this room today. Currently I work as an International Information Security Analyst. I also serve as the Chief Information Security Officer for a Healthcare corporation and also own my own Big Data analytics firm that develops Near Field communication applications for iPhone and Android devices. I am up to my neck in progress. And I can tell you from experience, not all of that progress is good. Just look at the mess we have going on with Social Media. But like these developments, it was all promised to be nothing short of great when proposed. And they were all built without consideration to the core principles of responsibility.

Responsibility, what is best for the times. That’s a big ask these days; for people to take responsibility or to act responsible. We certainly don’t see that out of big tech, we definitely don’t see that out of Washington, and many times, we charge forward shouting “progress!” and leave behind responsibility.

I think responsible should be the word that you all think of today when you vote. I want to talk a minute to talk about one of my neighbors. The year 1843. That was 177 years ago. That decade saw some great things happen:

- The Oregon Trail saw its first covered wagon train leave independence MO
- first message sent over a telegraph between Baltimore and Washington dc
- Florida, Iowa, Wisconsin and Texas become states!
- Baseball rules defined for first time
- Mexican America War
- who could forget the rubber band and safety pin were invented?

Also, 1843 is the year that Alice's ancestors started farming the land just to the south (where the runoff will go) of the development in question. They have been responsible conservators of that land for 177 years. After all, to not take care of the land meant certain failure. Farming wasn’t a business proposition, rural living wasn’t an inconvenience, they were both ways of life.

Progress came knocking the first time in 2004 with the same type of promises. Auburn Meadows, the neighborhood to the west, was before you all here. We will make sure that the water runoff doesn’t negatively impact your land. We are going to keep as many trees as possible. And of course, she heard the shout of “progress!” Well the trees are all gone, the runoff floods her out and is eroding her farmland. But “progress!” was made I suppose.

But was it responsible progress?

We’ve heard the 2030 master plan mentioned. This follows the 2030 master plan. But in that plan, we also see these lines:
- Establish areas for growth that are compact where utilities and infrastructure can be provided.
- Land use growth is outpacing infrastructure development.

I expect you put those lines in to ensure responsible planning. I am sure the idea wasn’t to have disconnected subdivisions, out in the middle of rural farmland, cropping up along two-lane county roads that still see combines drive down in the spring and fall? I am sure you meant that development should follow a nature expansion and that as areas get services and infrastructure enhancements, they also see growth. That sounds reasonable and responsible. And by 2030, I would expect that areas less than 4 miles from the county’s western most border would be gearing up to take on that expansion. But that is a decade off.

If we begin to allow these types of developments to crop up all over rural land, you won’t have any rural land left. Let me show you what I mean.

Show pictures.

Finally, I would like to ask Councilman Cronin if his Family’s farmland that he states in his bio he manages for "conservation" purposes were in jeopardy, would he reject this development, at this time, like we are? Councilman Brazil, if Augusta were not in a protected zone and this development was in your backyard, would you support it or stand with us? Councilman Hammond, you state that you like to fish and hunt, we do too, but that will be gone with these neighborhoods cropping up on our rural land. We hunt with 5 acres lots today but try that in Auburn Meadows and watch the cops get called. Do you want our way of life to change? What if I asked you to stop hunting and fishing, or worse just took it away? Councilwoman Schneider, you know if these promises are not kept, that means lawsuits. You as a former Judge know that a farmer like Alice against an engineering company, that’s not a winning fight. In reality if Alice gets harmed, she won’t have the ability to be remedied. She will literally lose the farm. Councilman White, Montgomery County is beautiful, I have family in Onley, IL. I know how much they love the space and rural living. What if your family farm had a development surrounding it? Who would you stand with? Progress or responsible planning?

We’ve seen this story before. Developer buys farmland cheap. He never gets denied approvals, because “progress!”. He makes all the promises to do just what the laws tell them. And when there is the evitable “opps!”, the people harmed can only cry “we warned you!”. But in the long run, the cry of “progress” keeps eating away our rural communities and way of life.

So please, we know progress will come. Just don’t force it, and if you must, please put guardrails on the progress to ensure its responsible and harmless to those that built their way of life around a rural landscape they love.

I know you have the ability to overrule the zoning and planning committee’s decision to reduce lot size to 3 acres, and I ask you to do so. Also, I ask that a water study be done to ensure that Alice and others are represented, and that the due diligence required is done to reduce harm.

At the minimum, these decisions will send a message that we will grow, progress will happen, we will just do it responsibly and with respect to those generational farmers, families like mine and future generations who chose to live a rural life.

Thank you.
My name is Elaine Sweeten and I live on 960 Foristell Rd.. I am against this rezoning for a couple of reasons one I would like it to be able to stay an agricultural area and the water runoff is horrendous already I can't imagine what it would be if we have more houses especially 3 acre lots so I just wanted to let you know what my feelings were. Thank you very much.
I am writing to express my concern for the proposed change to the acreage minim in application number: RZ20-07, and other similar proposals in St. Charles County.

We do not want it to change and be smaller. If you change it, it should be larger acres, like 10 instead of 5.

Just because someone buys agricultural land and wants to make the most money possible with it, does not mean they should get to change the rules. This is unfair to those of us that have been around, and those who came out to the country and want the space and peace and quite. There is already a large growth in the area and an increase in traffic, speeders, and trash.

This is not what has been followed and planned for. I feel like the request is purely basted on greed. If this were to pass those of us that have been here and have been following the “rules” will come out on the short end of the stick. There will be even more noise, more traffic, more trash, more of a negative effect on property values and the beautiful view of the area will change even more. The changes to the water flow propose major issues! What they said would happen didn't and is leading to great erosion issues and irreversible damage.

This is a rural and historic area and people love it for that, it's why families want to come out here, and then they want change it. Next there will be street light because it's too dark, or complaining that the farm is too stinky. 10 acre lots would be a much better change than 3 acre lots.

More people mean less space for deer and wildlife There has been already been noticeable increase in road kills. They keep getting pushed out because of the development of land and loss of their habits.

I was quite surprised and angry to learn that Auburn Meadows on Foristell Road has this proposed smaller minimum already! We sure didn't see any public notices like with did with this. I always thought it looked to “crowded” but thought because it was a corn field and not woods, you just see more houses. Now I realize that somehow it got pushed through for yet another greedy developer. This is not what has been approved and planned for. This is not what the majority wants. Who benefits from this? Only a select few.

Please represent the majority and denied rezoning requests to allow for homes on smaller amounts of land. If there must be a change, then make it a larger amount like 7 or 10 acres required to build a home.

Thank You,

Jenell Bruno
636-673-2525
jenell@primary.net
31200 Willow Ct
Foristell, MO 63348
To whom it may concern,

I’m writing in regards to the Single-Family Residential District Rezoning of Oak View Farms Drive (Hyman H. Kaye Revocable Trust) on Busdieker Dr to 3-acre lot sizes. I urge you to vote against this rezoning. As a member of this community and a homeowner on Foristell road (within 1,000 feet) I do not believe this is in the best interest of the community. The community has previously voted to keep lot sizes as 5 acres. This is what the citizens want. Not only would this rezoning go against the community's wishes but the infrastructure of New Melle and its surrounding areas does not support this vastly growing number of people & traffic to the area. I urge you to look at how narrow rural/farm roads would be safe with the increase in traffic.

My biggest concern is the small town school (Daniel Boone Elementary) that is already bursting at the seams. The growth is too fast and school will struggle unnecessarily if we allow smaller build sites. Lastly, the people in the New Melle area love it and moved to it for the peacefulness, and nature that exists here that no one in the area is wanting to lose so that a developer can sell more homes on smaller lots. This is not right for our community. We ask you to please respect the community’s wishes and keep the homesites to 5 acres. Thank you for your time.

Mike & Kara Dempsey
From: paul36@primary.net
Sent: Tuesday, June 16, 2020 2:41 PM
To: Planning
Subject: Fwd: Rezoning 3 acre lot west end St Charles Co.

Attention Planning and Zoning,

Application number RZ20-07

I am here to ask this committee to consider developing this large tract of land with a conservation mindset. We the neighbors ask of you not to rezone the land into 3 acre tracts. We must rely on you to make important decisions that affects our lives permanently and the health and welfare of our neighborhood. Some of us are 4th or 5th generation land owners and have been stewards of the land that our family has owned for well over a century. As such we plan on not leaving. We have roots here and they grow deep with the land we have owned and with the family we have. There is a lot of history here in the west end of St. Charles County and over populating it would ruin it.

I will not be attending the meeting due to the COVID-19. I wish to stay away from exposure but hoping this letter will be as effective in the same.

The proposed 5 down to 3 acre lots is being tried for the 3rd time now on this piece of land and I’m not sure why. The first time it was a petition around the town and it didn’t work and then last year it resurfaced and was bought up at planning and zoning and was on the edge of falling but then was retracted suddenly and now its back again. Only thing I see with changing this to 3 acre lots is for the money and greed from a few people. The people that will come out rich off it but yet we all as neighbors will suffer afterwards. We all in this community do not want this!! Most of us out here do not want this. I know of a couple people that has tried to buy the land but yet only to be on the phone with a bitter Real estate agent that pretty much tell ya that this land isn't for you and/or you cant afford it.

Cutting this into small lots is against the zoning that we have now. It needs to remain 5 acre lots or it will create excess water run off that runs into Dardeen Creek which is already over its banks down in Old Town St Peters. We live below Auburn Meadows and receive almost all the water run off from there and in which has resulted in lots of erosion on my land. But yet Bax Eng. Said that they assured us it wouldn’t harm “surrounding properties”… They were wrong. I wish not to have history repeat itself again with this section of land as is did with Auburn Meadows..

Thanks,

Paul Molitor
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: JUNE 17, 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; Diane Saale, Robert McDonald and Kevin Cleary

MEMBERS ABSENT: Jim Leonhard

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner, Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS: RZ20-07: Thomas J. O’Toole Jr. Jr., applicant’s representative; Dale Bax, Bax Engineering Company; 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 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.

PUBLIC HEARINGS
REZONING REQUEST - OAK VIEW FARMS DRIVE

Application No: RZ20-07  
Property Owner: Hyman H. Kaye Revocable Trust  
Current Zoning: A, Agricultural District (5-acre minimum lot size)  
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)  
2030 Master Plan: Recommends Rural Residential (3-acre minimum lot size)  
Parcel Size: 84.20 acres  
Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle  
Council District: 2  
Account No.: 608880A000

Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. This rezoning request is for a parcel of 84.20 acres in size. This acreage includes the parcel of 83.20 acres located on the west side of Busdieker Lane, and the 300-foot portion of Busdieker Lane leading from the property to Foristell Road. The applicant requesting this rezoning has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. Similar lot sizes of 3 acres are found in the Auburn Meadows Subdivision located directly to the west and north of this property. Auburn Meadows was platted on February 1, 2005 when County Zoning allowed three-acre parcels in Agricultural zoning districts. St. Charles County increased the minimum lot size in the Agricultural District from 3 to 5 acres when the RR, Rural Residential District was created in January of 2006 (Ord 06-002). The 2030 Land Use Plan for this area of St. Charles County recommends Rural Residential land uses with a 3-acre minimum lot size.

The Planning and Zoning Division staff recommends that Planning & Zoning Commission recommend approval of this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size). In recommending approval, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

For the record, Robert Myers stated that eight written communications were received in opposition of this rezoning request from Alice Freese Molitor, Nancy Aberasturi and Leslie Jones, Chris Cuddihee, Dave Muehling, Elaine Sweeten, Jenell Bruno, Mike and Kara Dempsey, and Paul Molitor.

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 their representative wished to come forward.

Thomas J. O'Toole Jr. Jr., representative for the developer, and Dale Bax, engineer with Bax Engineering were both sworn in.
Thomas J. O'Toole Jr. stated that he is an attorney and is representing the applicant, Greystone Holdings LLC, for both the rezoning request and the preliminary plat application for Oak View Farms. Mr. O'Toole Jr. stated that the average size of the lots in the proposed development is 3.16 acres. He pointed out that there is a new drainage berm on the proposed plat to address storm water runoff concerns. The design speed will be 45 miles-per-hour, which complies with St. Charles County’s site distance requirements. He noted that in the County’s 2030 Master Plan, clustering is encouraged as a primary use in Rural Residential areas. Mr. O'Toole Jr. stated that the nearby Meinershagen Tract, which was recently rezoned to RR, Single Family Residential District and was approved for 28 homes, has very similar lot sizes to this proposed development. The proposed development complies with Missouri Zoning Laws by maintaining the character of the Zoning District and using the land appropriately within the vision of St. Charles County from both the current 2030 Land Use Plan and prior Land Use Plans from 2020 and 2025. A drainage berm has been placed within lots 6 through 11 that is similar to what is found in Contour Farming. Mr. O'Toole Jr. stated that 3-acre lots do not create an inordinate amount of water runoff. The difference between the current zoning for 5-acre lots versus the proposed zoning for 3-acre lots would be seven to eight additional homes, which would have very little impact on traffic population.

Chairman Ellis asked if there were any questions for the applicant’s representatives. There were no questions.

Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that he is an advocate for those who don't know how to participate in governance or come to these meetings and fight for themselves. He stated that they fought and defeated this rezoning attempt four months ago before this Commission. The current zoning for this property allows 5-acre tracts, which would be 16 homes. The applicant is requesting 3-acre tracts and wants to build 25 homes. He stated that this property is two miles from the Rural Residential line in the County’s Comprehensive Plan. Mr. Dienoff believes that the developer is trying to get a free pass and go against the County’s Comprehensive Plan. The lack of public utilities such as water and sewage disposal that were mentioned by the developer are of the utmost discussion. Mr. Dienoff stated that he feels that this developer is trying to find a way around the political system and persuade the Planning & Zoning Commission to give them a stamp of approval. He asked the Planning & Zoning Commission recommend denial of this rezoning request.

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

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

Chairman Ellis closed the public hearing, and asked the applicant to return to the podium.

Thomas O'Toole Jr. and Dale Bax returned to the podium.

Chairman Ellis asked if there would be a Homeowner’s Association for this subdivision.

Thomas O'Toole Jr. responded that there will be a Homeowner’s Association.

Chairman Ellis asked who would be responsible for maintaining the proposed berms on lots 6 through 11.
Thomas O'Toole Jr. responded that the berms will be on individual lots and the homeowners of those lots will be responsible.

Kevin Cleary asked for the size and the height of the berm.

Dale Bax responded that at the moment he is trying to provide a means of stormwater management to offset the runoff that Ms. Freese-Molitor is experiencing on her property, and to prevent any runoff issues to any other surrounding properties in the area. The final design for this diversion berm has not yet been final designed. These types of diversion berms are built to control stormwater runoff and keep erosion down on properties in areas with steep terrains. The final design will still have to be determined based upon the amount of water going to the diversion berm. The final design will have more than one relief/drainage point, as to not concentrate the diverted water towards any one particular area or property. Mr. Bax stated that while he is unable to provide any dimensions at this time, all calculations will be sent to the St. Charles County Highway Department for final approval.

Tracy Boehmer asked where Mr. Bax where he anticipates the stormwater flowing once this berm is in place.

Dale Bax responded that the existing terrain and contours of the property direct the stormwater in the southwest direction toward Ms. Freeze-Molitor’s property. The stormwater runoff will continue to be directed in the same direction, but they are going to add additional measures to help control the runoff a little bit more so that Ms. Freese-Molitor will not experience erosion or damage to her property.

Chairman Ellis stated that he is concerned about the maintenance of this berm 10 or 20 years from now.

Dale Bax said the berm will be planted in grass and will have outfall standpipes like you typically would see in farm applications. This would be private application, not a public application. They would not be maintained by the individual homeowners, and once vegetation is established, he does not expect very much maintenance will be required because it is going to be grass that will be mowed and maintained as part of the lots.

Chairman Ellis asked if anyone else had any questions for the owner’s representative or engineer. There were no further questions.

Mr. O'Toole Jr. stated that this berm will be used to slow the storm water down so that it gets absorbed into the subject tract and minimally displaces runoff on abutting properties. He stated that in rebuttal to Arnie Dienoff’s prior comments, this Zoning District request is a lot more restrictive than within the Agricultural Zoning District and there are no free passes being sought from the Commission. His client will be more restricted in developing 3-acre lots here than he would building 5-acre lots. He is not sure what comprehensive plan Mr. Dienoff is referring to, this request is clearly in compliance with the County’s Master Plan Envision 2030. Mr. O'Toole Jr. requested that both his PowerPoint presentation and the Master Plan Envision 2030 be made part of the record.

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

Tom Kuhn stated that he was surprised that no one came to speak in opposition of this application due to the tone of the opposition letters received.

Tracy Boehmer agreed with Tom Kuhn’s statement.
Kevin Cleary stated that while he understands that the County’s Master Plan calls for this area to be developed with three-acre lots sometime over the next two decades, he would like to see more organic development in this area as well. He stated that 16 homes on 5-acre minimum lots seems like a fairly good amount of homes for this area to him.

Robert McDonald stated he appreciates the addition of the berm, but he remains very concerned about the storm water runoff.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-07.

Terry Hollander made a motion for approval, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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<thead>
<tr>
<th>Kevin Cleary</th>
<th>- No</th>
<th>Tom Kuhn</th>
<th>- Yes</th>
<th>Roger Ellis</th>
<th>- Yes</th>
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<tr>
<td>Craig Frahm</td>
<td>- Yes</td>
<td>Diane Saale</td>
<td>- Yes</td>
<td>Terry Hollander</td>
<td>- Yes</td>
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<td>Tracy Boehmer</td>
<td>- Yes</td>
<td>Robert McDonald</td>
<td>- No</td>
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Application No RZ20-07 was recommended for Approval

The Vote Count was 6 Yeas, 2 Nays and 0 Abstentions.