

EXHIBIT B
CONDITIONAL USE PERMIT

APPLICATION CUP20-14

CONDITIONAL USE PERMIT - 5395 WESTWOOD DRIVE

Application No:	CUP20-14
Applicant:	Green Thumb LawnCare 'N' Landscape, LLC, Jason Vahle, owner and organizer
Property Owner:	Robert Matulewic
Property Zoning:	R1B, Single-Family Residential District
Conditional Use Request:	Lawn care service (indoor storage of equipment and vehicles required)
Parcel Size:	3.01 acres
Location:	On the corner of Westwood Drive and Crystal Drive, approximately 375 feet west of Motherhead Road; adjacent to the City of Weldon Spring
County Council District:	3
Account No.:	555630A000

CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Notification Area Map
- Land Use Narrative
- Preliminary Concept Plan
- Building Plans
- Letters received
 - ◆ Opposition - Greg and Gina Hale
 - ◆ Concerns - Rob Campbell
- Planning and Zoning Commission minutes from the February 17, 2021 meeting



March 1, 2021

This communication summarizes the following application and bill to be introduced at the March 8, 2021 County Council meeting:

CONDITIONAL USE PERMIT - 5395 WESTWOOD DRIVE

Application No: CUP20-14
 Property Owner: Robert Matulewic
 Applicant/Contract Purchaser: Green Thumb Lawn Care 'N' Landscape, LLC,
 Jason Vahle, owner and organizer
 Property Zoning: R1B, Single-Family Residential District
 Conditional Use Request: Lawn care service (no outdoor storage)
 Parcel Size: 3.01 acres
 Location: On the northeast corner of Westwood Drive and Crystal Drive, approximately 375 feet west of Motherhead Road; adjacent to the City of Weldon Spring
 County Council District: 3
 Account No.: 555630A000

The applicant is requesting a conditional use permit to operate a lawncare service in a residential zoning district. The use would include an office, indoor storage of vehicles and equipment, and a maintenance shed. Up to 10 persons would be employed on site and 20 persons in the field. The services provided by the business include grass cutting, lawn fertilization, landscape consulting offsite, and snow removal (5% of business). No stocking or storage of landscape materials such as mulch or tree limbs would occur on site.

The attached concept plan depicts converting the existing house to an office, constructing a new accessory building for storage of vehicles and equipment, and installation of employee parking. Commercial access would be made from Westwood Drive, an arterial roadway which includes commercial traffic, rather than from Crystal Drive, a privately owned residential street. To address impacts such as lights and sound, a landscape buffer would be installed along the northern property line, and a fence installed along the Crystal Drive frontage.

In terms of the existing land use and zoning contexts, this and surrounding properties to the north, east, and west are zoned R1B, Single-Family Residential District. Commercial land uses, including recreational vehicle and self-storage facilities, are located to the south on the opposite side of Westwood Drive. The 2030 Land Use Plan recommends low density residential on the north side of Westwood Drive and commercial uses on the south side.

The Planning and Zoning Commission held a public hearing on this application at its March 17, 2021 meeting and received the following public input:

Speakers: 1 Support 2 Opposed 1 Concerns
 Letters on file: 0 Support 1 Opposed 1 Concerns

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

8 Approval 1 Denial 0 Abstentions

Recommendation:

The Planning & Zoning Commission recommends that the County Council approve this conditional use permit request subject to specific conditions to address land use impacts. County staff concurs with this recommendation.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration
Rory O'Sullivan, Acting County Counselor

STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Application No.: CUP20-14

Prepared by: Karen Hutchins
Date: January 12, 2021

BACKGROUND:

Property Owner: Robert Matulewic

Applicant: Jason Vahle, Green Thumb Lawn Care “N” Landscape & Spring Green Lawn Care, LLC

Requested Action: Conditional Use Permit to operate a lawncare service

Location: 5395 Westwood Drive; northeast corner of Westwood Drive and Crystal Drive; adjacent to the City of Weldon Spring and near the cities of Cottleville and St. Peters.

Current Zoning: R1B, Single Family Residential District (minimum lot size 20,000 square feet)

Current Land Use: Single-Family Residential

Parcel Size: 3.00 acres

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	R1B, Single Family Residential	Single-family residential
South	C2, General Commercial and Town of Weldon Spring	Commercial (self storage/mini warehouses)
East	R1B, Single Family Residential	Single-family residential
West	R1B, Single Family Residential	Single-family residential

2030 Master Plan: Recommends low density residential land uses on the north side of Westwood Drive, and commercial land uses on the south side of Westwood Drive

Public Services: County Council District 3 – Mike Elam
School District – Francis Howell
Fire District – Cottleville Fire Protection District

Utility Service Areas: Water – Missouri American Water Company
Sewer – Duckett Creek Sewer District

The applicant is requesting a conditional use permit to operate a lawncare service at 5395 Westwood Drive. The County's Unified Development Ordinance defines "lawn care service" as: "A business devoted to cutting grass on private or public property. Such service shall not include materials or equipment used for landscaping." The Unified Development Ordinance has a different definition for "landscape contractor" which includes a range of landscape services beyond grass cutting and often includes outdoor storage. Lawn care businesses (but not landscape contractors) can be approved by a Conditional Use Permit in the property's R1B, Single Family Residential District.

Lawncare services located within residential zoning districts and approved by Conditional Use Permits must be located on sites of more than 1 acre and all lawn care materials, related equipment or vehicles must be stored indoors. (Section 405.090.C.9 of the County Code)

The applicant plans to employ 10 persons on site and 20 persons in the field. The services provided by the business include grass cutting, lawn fertilization, and landscape consulting at clients' homes or place of businesses. According to the applicant, there will be no staging or stocking of materials such as trees, flowers, shrubs, stone, blocks, and drainage products. These materials are picked up off site and delivered to the customer's location.

The applicant considers his business as a "full-service lawn maintenance" company providing approximately 40% mowing; 40% lawn fertilization; 15% landscape install & design; and 5% snow services annually. The applicant states that the company provides 75% of their services to residential customers.

The applicant has submitted a revised concept plan depicting the existing house on the property converted to an office. Parking areas will be installed for employees. The revised plan adds a swing gate with vinyl privacy fence along the Crystal Drive entrance and 20 trees (five oak, five maple, and ten arborvitae) along the north side of the property as a buffer from night lights.

In conformance with a requirement that any related equipment or vehicles be stored within an accessory structure, the concept plan also indicates plans for a new warehouse building to store 15 vehicles, 2 enclosed trailers, 2 dump trucks, and 2 utility trailers. The existing metal building on the lot will be used as space to store and repair trucks on site.

The concept plan proposes access from Westwood Drive, an arterial roadway, as opposed to Crystal Drive, a narrow residential street.

In terms of the existing land use and zoning context, currently, this property, and surrounding properties to the north, east, and west are zoned R1B, Single-Family Residential District. Commercial uses, including recreational vehicle and self-storage facilities, are located to the

south on the opposite side of Westwood Drive. The 2030 Land Use Plan recommends low density residential for this area. Across Westwood Drive from the property to the south the 2030 Land Use Plan recommends commercial use.

CONDITIONAL USE ANALYSIS

Conditional Use permits are evaluated based on criteria established within the Unified Development Ordinance. The CUP criteria are as follows:

“Before authorizing the issuance of a conditional use permit, the County Council may impose such conditions as will, in the County Council's judgment, ensure that the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger public health, safety, or general welfare; that the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or to the esthetic and/or scenic values of the vicinity, nor substantially diminish and impair property values within the neighborhood; and that the establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. Substantial compliance with an approved concept plan shall be a condition of an approved conditional use permit.”

Staff has reviewed these criteria relative to the subject site and finds that the request for a proposed lawn care service as shown on the concept plan will conform to the Conditional Use Permit standards with specific conditions recommended below to address land use impacts.

RECOMMENDATION:

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the conditional use permit request as complying with the criteria of Section 405.510.B of the County Code with the following conditions:

- 1. A site plan substantially complying with the attached concept plan and Section 405.525 of the County Code shall be submitted to and approved by St. Charles County prior to the conditional use becoming active.**
- 2. No conditional use shall be in active use until such time all conditions of approval have been met.**
- 3. All lawn care materials and any related equipment or vehicles shall be stored within an accessory structure, including, but not limited to, work vehicles, trailers, lawnmowers, fertilizer, or fuel tanks.**
- 4. A Type 2 landscape buffer, as defined by Section 405.435 of the County Code, and of sufficient length to visually screen the proposed uses from the residential uses to the north, shall be installed and maintained along the northern property line.**



DATE: February 25, 2021

TO: Steve Ehlmann, County Executive
Joann Leykam, Director of Administration

CC: Rory O'Sullivan, Acting County Counselor
Donna Vogt, County Council

FROM: Michael Hurlbert, Director of Community Development

RE: Item for March 8, 2021 County Council Meeting

The Community Development Department is submitting the following item for the March 8, 2021 County Council Agenda.

BILL FOR INTRODUCTION:

1) Planning and Zoning Commission recommends **Approval:**

CONDITIONAL USE PERMIT - 5395 WESTWOOD DRIVE

Application No:	CUP20-14
Applicant:	Green Thumb LawnCare 'N' Landscape, LLC, Jason Vahle, owner and organizer
Property Owner:	Robert Matulewic
Property Zoning:	R1B, Single-Family Residential District
Conditional Use Request:	Lawn care service (indoor storage of equipment and vehicles required)
Parcel Size:	3.01 acres
Location:	On the corner of Westwood Drive and Crystal Drive, approximately 375 feet west of Motherhead Road; adjacent to the City of Weldon Spring
County Council District:	3
Account No.:	555630A000