

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: MARCH 17, 2021

TIME: 6:00 PM

PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST CHARLES, MO 63301

MEMBERS PRESENT: Roger Ellis; Tom Kuhn; Tracy Boehmer; Kevin Cleary; Craig Frahm; Terry Hollander; and Jennifer Bahr

MEMBERS ABSENT: Chad Cornwell; and Diane Saale

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

SPEAKERS:

- FWK21-01:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-02:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-03:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-04:** Jason Collins, Applicant, 16 Appaloosa Ct., Wentzville, MO 63385
- FWK21-05:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-06:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-07:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-08:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-09:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-10:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-11:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-12:** Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366
- FWK21-13:** Steve George, 79 Homefields Hill Court, O'Fallon, MO 63366; Glenn Sadowski, 78 Homefields Hill Court, O'Fallon, MO 63366; Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

CUP21-03: Cameo Jones, Applicant, 1714 Summergate Estates Drive, St. Peters, MO 63376; Derrick Jones, 1714 Summergate Estates Drive, St. Peters, MO 63376; Jimmy Dalton, 24 and 25 Placid Drive, St. Charles, MO 63304; Mark Dettmer, 20 Placid Drive, St. Charles, MO 63304; Tracy Dupre, 435 Hickory Dale Drive, St. Charles, MO 63304; Bailey Dickherber, 16 Placid Drive, St. Charles, MO 63304; Jonathan Fackler, 17 Placid Drive, St. Charles, MO 63304; Danielle Gilbert, 33 Shuttan Street, St. Charles, MO 63301; Jerry Green, 355 Hickory Dale Drive, St. Charles, MO 63304; Scott Hartman, Salem Drive, St. Charles, MO 63301; Jordan Hampton, 9015 Eager Road, Richmond Heights, MO 63144; Emily Jung, 11 Lockhaven Court, Lake St. Louis, MO 63367; Duane Lawder, 1424 Milton Road, Alton, IL 62002; Steve Liebhart, 3948 Summerview Drive, St. Charles, MO 63304; Nick Lowe, Kickshaw Drive, St. Charles, MO 63304; Alex Ray, 19 Placid Drive, St. Charles, MO 63304; Mark Rice 18 Placid Drive, St. Charles, MO 63304; Rachel Thrasher, 16 Placid Drive, St. Charles, MO 63304; Kimberly A. Schmidt, 4 Kickshaw Drive, St. Charles, MO 63304; Rick Wohlschlaeger, 17 Placid Drive, St. Charles, MO 63304; Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

CUP21-04: Drew Weber, Applicant's Representative, 200 N 3rd Street, St. Charles, MO 63301; Adam Basala, 4280 Horseshoe Creek Drive, St. Charles, MO 63304; Richard Brooks, 4028 Emerald Drive, St. Charles, Mo 63301; Mike Green, 568 Hitching Post Drive, St. Charles, MO 63304, Vince Kunstman, 420 Wellsmont Drive, St. Charles, MO 63304; Sandy Prince, 4045 French Oak, St. Charles, MO 63304; Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

PRE21-03: Drew Weber, Applicant's Representative, 200 N 3rd Street, St. Charles, MO 63301; Adam Basala, 4280 Horseshoe Creek Drive, St. Charles, MO 63304; Ronald Black Jr., 517 Wellsmont Drive, St. Charles, MO 63304; Mike Green, 568 Hitching Post Drive, St. Charles, MO 63304; Vince Kunstman, 420 Wellsmont Drive, St. Charles, MO 63304; Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 6:00 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 and 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.

Chairman Ellis noted that a quorum was present and entertained a motion to open the meeting. Commissioner Boehmer made such a motion and Commission Cleary seconded the motion. The motion passed by unanimous voice vote.

Mr. Ellis provided instructions for those wishing to speak at the meeting.

CHANGES TO THE AGENDA

Chairman Ellis stated that both RZ21-04 and CUP21-05, applications for a zoning map amendment and a conditional use permit for a self storage facility on Highway N, have been continued to the April Planning and Zoning Commission meeting at the request of the applicant. No public comments would be taken on these two applications at tonight's meeting.

APPROVAL OF THE 2021 FIREWORKS REGULATIONS

Chairman Ellis asked County staff if the proposed 2021 fireworks stand regulations include any new or different provisions.

Robert Myers responded that the County's Building and Code Enforcement Division has reviewed the County's fireworks code (Chapter 210, Article III), National Fire Protection Association standards, and International Fire Code, and has updated the County Fireworks Stand Regulations accordingly. For instance, bathroom facilities must be provided if not already on site, fireworks cannot be set off within 300 feet of a fireworks stand, and fireworks stands must be located at least 20 feet from property lines. Fireworks stand operators should be especially aware of new setback standards.

Chairman Ellis asked Assistant County Counselor Megan Murray if a public hearing needed to be held or if the Commission could instead proceed with voting.

Assistant County Counselor Murray responded that they could proceed with voting.

Chairman Ellis entertained a motion to approve the 2021 Fireworks Regulations.

Kevin Cleary made a motion for approval as presented, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	-Yes				

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

APPLICATIONS FOR TEMPORARY FIREWORKS STAND CUP PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN ROAD

Application: FWK21-01
Property Owner/ Applicant: Westley J. Godar
Zoning: C2, General Commercial District
Location: on the east side of Old Bryan Road, approximately
620 feet north of Veterans Memorial Parkway; adjacent
to the City of O'Fallon
County Council District: 4

Ellie Marr, Senior Planner, stated that of the 13 proposed fireworks stand applications, 11 are applications which have previously been approved.

County staff did not receive any complaints or letters of concern regarding this temporary firework stand.

County staff recommends approval of this application with two conditions as stated in the County's staff memo. These include requirements to comply with the 2021 fireworks stand regulations adopted by the Planning and Zoning Commission, and compliance with the County's public health orders in effect during the period of operation. These are the standard conditions proposed for all fireworks stand conditional use permits. 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.

Ellie Marr stated two of the applicants are under quarantine and will be unable to attend tonight's meeting.

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

Arnie C. Dienoff, O'Fallon, MO, was sworn in. Mr. Dienoff asked that his comments for this application be made part of the record for all remaining fireworks stand public hearings.

Chairman Ellis agreed.

Mr. Dienoff recommended the following:

1. Insure that children do not have access to fireworks and that adult supervision be available.
2. Employees should be 18 years of age or older.
3. Tents should pick up debris and any trash and have adequate trash removal and recycling efforts.
4. Tents should meet the requirements of windstorm and tornado type winds.
5. Parking should include American With Disabilities Act accommodations.
6. Facilities should be restored to a proper state following tent removal.
7. Increasing of permit fees for temporary fireworks stands from \$2,000 to \$4,000 for stands up to 1,000 square feet, and from \$4,000 to \$7,500 for stands greater than 1,000 square feet. This is to help pay for County services such as police.

8. Require adequate performance guarantees to ensure tent and gravel removal so that the property is restored to its original state.
9. Require private security to guard tents after hours.
10. Social distancing requirements in light of the Covid pandemic.

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

There being no other 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 conditions stated in the County's staff report.

Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	-Yes				

Application FWK20-01 was **APPROVED** with conditions.

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

II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 WEST CLAY STREET

Application: FWK21-02
 Applicant: Craig Applegate, Applegate Industries LLC
 Property Owner: TGL Properties, LLC
 Zoning: C2, General Commercial District
 Location: On the northeast corner of the intersection of West Clay and Golfway Street, near the City of St. Charles
 Council District: 6
 Account No.: A916000023

Ellie Marr, Senior Planner, stated that County staff received no complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval of this application with the two conditions stated in the written staff report. For the record, staff received no written communications regarding this application.

Chairman Roger Ellis asked if Commissioners had any questions for staff.

Hearing 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 Clearly made a motion to approve Application FWK21-02, including the conditions stated in the County's staff report.

The motion was seconded by Craig Frahm.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- No
Jamaal Jackson	- Yes				

Application FWK20-02 was **APPROVED** subject to conditions.

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

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

Application: FWK21-03
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, 825 feet north of Hawk Ridge Trail, near the City of Lake St. Louis
Council District: 2
Account No.: 7635901000

Ellie Marr, Senior Planner stated that he P&Z staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval of this application with the conditions stated in the written staff report. 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-03, including the conditions stated in the County's staff report.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK20-03 was **APPROVED**, subject to conditions.

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

IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 58 WEST HIGHWAY N

Application: FWK21-04
Applicant: Jason Collins
Property Owner: Stanley and Beth Carter
Zoning: C2, General Commercial District
Location: On the south side of West Highway N, approximately 350 feet west of Baron Lane, near the City of Wentzville
Council District: 2
Account No.: 747750A000

Ellie Marr, Senior Planner stated that this is a new firework stand. County staff recommends approval of this application with the conditions stated in the written staff report.

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.

Jason Collins was sworn in. Mr. Collins stated he bought his tent from other fireworks stand. He was there four years ago and went back to that spot that the previous owner used.

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

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-04, including the conditions stated in the County's staff report.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-04 was **APPROVED**, subject to conditions.

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

V. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 58 WEST HIGHWAY N

Application: FWK21-12
Applicant: Show Me Services, LLC
Property Owner: Stanley A. Carter and Beth Z. Carter
Zoning: C2, General Commercial District
Location: On the south side of West Highway N, approximately 350 feet west of Baron Lane, near the City of Wentzville
Council District: 2
Account No.: 747750A000

Ellie Marr, Senior Planner, stated that this is a new location and a larger property. County staff recommends approval of this application with the conditions stated in the written staff report, including a condition that the easternmost driveway not be used because it is very narrow and not designed for commercial traffic. 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-12 with the three conditions proposed by County staff.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-12 was **APPROVED**, subject to conditions.

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

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

Application: FWK21-05
 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, near the City of Wentzville
 Council District: 2
 Account No.: 748680B000

Ellie Marr, Senior Planner, stated that County staff did not receive any complaints regarding this temporary firework stand. Last year this site was under construction, and since then a convenience store with fuel pumps has been constructed. The fireworks tent has been moved behind their store to a different location on site. County staff recommends approval of this application with the conditions stated in the written staff report. For the record, one letter of opposition and a letter from the applicant to the Commission were received.

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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-05, including the conditions stated in the County's staff report.

The motion was seconded by Jennifer Bahr.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				-

Application FWK21-05 was **APPROVED**, subject to conditions.

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

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

Application: FWK21-06
 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, near the City of St. Charles
 Council District: 7
 Account No.: T090800038

Ellie Marr, Senior Planner, stated that County staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval of this application with the conditions stated in the written staff report. For the record, a letter from the applicant to the Commission was received.

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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-06, including the conditions stated in the County's staff report.

The motion was seconded by Tracy Boehmer.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-06 was **APPROVED** with conditions.

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

VIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3707 VETERANS MEMORIAL PARKWAY

Application: FWK21-07
 Applicant: Meramec Specialty Company
 Property Owner: 3707 Veterans Memorial Parkway Holdings, LLC
 Zoning: C2, General Commercial District
 Location: On the southeast corner of Arco Drive and Veterans Memorial Parkway, adjoining the City of St. Charles
 Council District: 5
 Account No.: 147693A000

Ellie Marr, Senior Planner, stated that County staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval of this application with the conditions stated in the written staff report. For the record, staff received a letter from the applicant to the Commission.

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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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, Jamaal Jackson made a motion to approve Application FWK21-07, including the conditions stated in the County's staff report.

The motion was seconded by Jennifer Bahr.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-07 was **APPROVED** subject to conditions.

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

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

Application: FWK21-08
 Applicant: Meramec Specialty Company
 Property Owner: JMZ III Real, LLC
 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 County staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval of this application with the conditions as proposed in the County's written staff report.

For the record, staff received a letter from the applicant to the Commission.

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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-08, including the conditions stated in the County's staff report.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-08 was **APPROVED** subject to conditions.

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

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

Application: FWK21-09
 Applicant: 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, adjoining the City of O'Fallon
 Council District: 3
 Account No.: 410610D001

Ellie Marr, Senior Planner, stated that County staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval with the conditions as stated in the written staff report. 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-09, including the conditions stated in the County's staff report.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-09 was **APPROVED** subject to conditions.

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

XI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 701 LUETKENHAUS BLVD.

Application: FWK21-10
 Applicant: Show Me Services, LLC
 Property Owner: Bremer Properties, LLC
 Zoning: C2, General Commercial District
 Location: At the intersection of Wall Street and Luetkenhaus Blvd., adjoining the City of Wentzville
 Council District: 1
 Account No.: 721620A000

Ellie Marr, Senior Planner, stated that County staff did not receive any complaints or letters of concern regarding this temporary firework stand. It is using the same tent layout. County staff recommends approval with conditions as stated in the written staff report. 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-10, including the conditions stated in the County staff report.

The motion was seconded by Jamaal Jackson seconded it.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-10 was **APPROVED** subject to conditions.

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

XII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1429 GRANVILLE DR

Application: FWK21-11
 Applicant: Show Me Services, LLC
 Property Owner: Gerald L. Boehmer and Judy A, Boehmer Family Partnership LP
 Zoning: C2, General Commercial District
 Location: On the east side of Granville Drive, approximately 170 feet from Highway 40/61, adjacent to the City of Wentzville
 Council District: 1
 Account No.: 719430A000

Ellie Marr, Senior Planner, stated that this is a new application, and the applicant has submitted a concept plan and met all requirements. County staff recommends approval of this application with conditions as stated in the written staff 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.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 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 FWK21-12, including the conditions stated in the County staff report.

The motion was seconded by Terry Hollander.

The vote on the motion was as follows:

Tracy Boehmer	Abstain	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application FWK21-11 was **APPROVED** with conditions.

The vote count was 6 Yeas, 0 Nays, and 1 Abstention.

XIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1730 OLD HIGHWAY 79

Application: FWK21-13
 Applicant: Show Me Services, LLC
 Property Owner: Charles R. Rodgers and Marsha M. Rodgers
 Zoning: C2, General Commercial District
 Location: On the northeast side of Old Highway 79 and Highway 79
 Council District: 1
 Account No.: 372900A000

Ellie Marr, Senior Planner, stated that this is a new application and is meeting all of the requirements of Site Plan. County staff recommends approval of this application with conditions as stated in the written staff application. For the record, staff received one letter of opposition.

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

Hearing 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.

Annie Dienoff, O'Fallon, MO, stated that he opposes this application because of inadequate sight distance for motorists. The highway where the entrance is proposed is curved and sloped downward at a very busy location, and several accidents have occurred in this area. Mr. Dienoff requests that this application be denied due to safety issues.

Steve George was sworn in. Mr. George stated his property is at the corner of Old Highway 79 and Highway 79 and doesn't see any way of avoiding traffic there. It's a safety hazard with many accidents occurring there. He thinks a better place would be farther north about a mile away up Highway 79.

Chairman Ellis asked if anyone else in the audience wished to speak about this application.

Glenn Sadowski was sworn in. Mr. Sadowski stated he is also concerned about safety and traffic concerns and property values.

There being no further speakers, Chairman Ellis closed the public hearing.

Chairman Ellis brought the discussion back to the Commission.

Arnie Dienoff commented from the audience that he would like for the Commission to review the letter in the packet with the list of safety concerns.

Kevin Cleary stated he also has concerns for safety due to limited sight distances and visual distractions.

Chairman Ellis stated that Arnie Dienoff's comments regarding fireworks stand application FWK21-01 would be added to the record for this application.

There being no further discussion from the Commission, Tracy Boehmer made a motion to approve Application FWK21-13 with conditions as proposed by County staff, including a third condition to obtain an entrance permit from the County Highway Department.

The motion was seconded by Kevin Cleary.

The vote on the motion was as follows:

Tracy Boehmer	-No	Kevin Cleary	- No	Jennifer Bahr	-No
Roger Ellis	-No	Terry Hollander	- No	Craig Frahm	-No
Jamaal Jackson	-No				

Application FWK21-13 was recommended for **DENIAL**.

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

Chairman Ellis stated that this application would be forwarded to the County Council for consideration at their April 12 meeting because it was denied by the Planning and Zoning Commission.

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT - 17 PLACID DRIVE

Application No: CUP21-03
Applicant: LIV Recovery Sober Living, a Missouri not-for-profit organization, Cameo N. Jones, Registered Agent
Property Owner: Joseph E. Prenger and Edward L. Gallagher
Property Zoning: R1E, Single-Family Residential District
Conditional Use Request: Group Home Facility (9 to 15 Residents)
Parcel Size: 0.90 acres
Location: On the east side of Placid Drive, approximately 220 feet south of Hickory Dale Drive
County Council District: 7
Account No.: 503940A000

Chairman Roger Ellis introduced the application and asked County staff for a report.

Robert Myers stated that the applicant is requesting a Conditional Use Permit to operate a group home facility for up to 12 persons residing as one household in an existing single-family residence and located within a single-family residential neighborhood. The home would provide a structured living environment to support sobriety and would include a house manager 24 hours a day, 7 days a week. This class of

conditional use permit is called a group home. Group home facilities are defined as made up as residents who are living together as one household whether is for developmental disabilities or physical disabilities or for reason of foster care status. That is how “group home” is defined. Group homes with seven [eight] or fewer residents can be approved by County staff administratively without having to get a conditional use permit so long as certain rules are met. Those rules that are codified include:

- The proposed group home facility is not within six hundred feet of another existing group home.
- The house has to remain a house and cannot be structurally altered to turn into an institution.
- It has to look and act like any other single-family house in the neighborhood.

Again, group homes with 9 to 15 residents would need a conditional use permit with review at a public hearing by the Planning and Zoning Commission and a recommendation of the County Council and they would make the final decision.

Some may ask how such a business could be located in a residential area. The single-family residential zoning district this is in has a whole list of uses that are permitted “by right”, obviously including residential uses, but the district regulations include a list of conditional uses that might or might not be approved depending on whether they can be a good neighbor. Potential conditional uses include adult daycares, bed and breakfast residences, nursing homes or rest homes, group homes, institutions such as hospitals, kennels, preschools, and private clubs.

The location of this is on Placid Drive which is a narrow private street and could be characterized as one-way and gravel surfaced. The subdivision was platted in 1951 which was before the County’s zoning and subdivision regulations. Placid Drive leads to Hickory Dale Drive which is a publicly maintained street. The parcel size is an acre and there is a creek that flows to the back of it. The application is to use this existing family residence without expansions or alterations and from the outside is intended to look like other neighboring homes on the street.

Mr. Myers explained details specific to this type of group home. The applicant is a LIV Recovery Sober Living, and is a non-for-profit organization under the State of Missouri. The concept is individuals living together in a way that supports sobriety which include very structured house rules that need to be followed. There is an organization that provides that structure who live together voluntarily and abide by strict house rules. It is not a half-way house. In a halfway house they are there because they are required to by a court or on probation or parole. Under this organization’s standards and rules, to qualify for acceptance, residents must have completed a 30-day addiction treatment program and undergo a background check and drug screening before moving into the group home. Robert Myers would like some clarification from the applicant regarding if individuals can own a car. Visitors have to be approved in advance, and as he understands it, have to undergo some sort of background check. This type of structured living environment is key to this sort of group home.

The requirements for all group homes whether approved by Staff or Conditional Use Permit consist of:

- No other group home facility within 600 feet.
- Rooms have to be used as originally designed.
- Have to meet all housing, building and fire codes.
- Must abide by all rules of County Government.

One of the requirements that will be imposed by the County’s Building and code Enforcement Division is that the home be sprinklered. That’s a separate process than the Conditional Use Permit process, and the group home and would have to go through a building permitting and approval process.

Conditional use permits (CUP) are evaluated based on criteria established within the Unified Development Ordinance. Section 405.510.B of the Unified Development Ordinance specifies the following factors in considering and reporting on Conditional Use Permit applications:

1. Would establishing, maintaining, or operating the conditional use be detrimental to or endanger public health, safety, or the general welfare?
2. Would the conditional use injure the use and enjoyment of other property in the immediate vicinity for the purposes already permitted?
3. Would the conditional use injure the aesthetic and/or scenic values of the vicinity?
4. Would the conditional use substantially diminish or impair property values within the neighborhood?
5. Would the conditional use impede the normal and orderly development and improvement of surrounding property for uses permitted in the zoning district?

Given the very structured living environment accepted by residents as a condition for residing in the home, and strict limitations on visitation and vehicles, and the fact that no building additions are being proposed, County staff anticipates minimal land use impacts on neighboring properties. 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. Use of the property shall conform to the attached concept plan.
2. All group home standards required by Section 405.078.A.8 shall be adhered to, including, but not limited to, conformance with the requirements of St. Charles County's housing, building and fire codes.
3. To ensure compliance with St. Charles County's definition of "group home facility" (Section 405.060), the organization operating the group home shall by January 1 of each year submit a copy of the enforced standards and criteria and demonstrating that the group home is operated in substantial conformance with Oxford House standards and criteria.
4. No more than four vehicles may be parked outdoors on the property at any one time.

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

Kevin Cleary asked how many bedrooms the home has.

Robert Myers responded the applicant could provide that information.

Jennifer Bahr stated public County Assessor records show that it has 4 bedrooms and 3 bathrooms.

Robert Myers added that the applicant has provided a floor plan with that information.

Tracy Boehmer said one of the conditions states no more than four vehicles may be parked outdoors on the property at any one time. If there is going to be five staff members and do not know if residents will have cars, how would that work?

Robert Myers stated that group homes often have rotating staff with one to two on duty at any one time. He suggested asking the applicant for specifics. The limit of four vehicles parked outdoors was drafted by County staff as a way to provide protection for neighbors.

Chairman Ellis asked if any other Commission member had a question.

Jennifer Bahr asked if they are asking to allow 12 residents to live there which would be 3 people per bedroom.

Robert Myers answered in the affirmative.

Jennifer Bahr said that is more than the standard occupancy.

Robert Myers stated that it depends on the building code and the size of the room. There can only be so many people sleeping in the same room per the building code, and building codes will require fire sprinklers, a fire protected passage to outdoors, and marked fire exits.

Jennifer Bahr asked if there is a reason it has to be 12 people, and would they consider lowering the number to 8 individuals which would be 2 per room occupancy.

Robert Myers said the applicant could answer that question. After receiving the application, County staff discussed that option with the applicant, and they indicated they wanted to stay with 12 residents.

Jennifer Bahr asked if the people who reside there, rotate every six weeks summarizing there are different people in the home.

Robert Myers said the applicant can answer that question. He understands people can stay there different lengths of time from weeks to a year.

Terry Hollander asked if the reason this application is coming to the Commission is because of the number of residents at the home. He asked Robert Myers what would be the number that would exempt them from a Planning & Zoning hearing.

Robert Myers said seven [eight] or fewer.

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

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

Cameo Jones was sworn in. She stated the group home provides a very structured environment for its residents. As far as transportation goes, all of the residents are employed. The home follows the Oxford Home guidelines and standards. The only 24-hour person at the home is the house manager. Staff comes in the evenings and there are no parking issues because everyone is rotating. Residents are required to go to meetings, have a job and a sponsor, and attend outpatient counseling services and family counseling if necessary. All of the residents are active members of the community. All individuals must complete a 30-day inpatient treatment program and after that they have to complete an application through their website. Screening of each applicant is accomplished over the phone and through background checks. No one with a criminal background is allowed in the home. These are people who need structure and become participants of society.

Chairman Ellis asked the Commission if they had any questions for the applicant.

Jennifer Bahr asked Mrs. Jones if this is a voluntary situation.

Mrs. Jones answered in the affirmative.

Jennifer Bahr if they are working how are they being transported to work?

Mrs. Jones said a van is used to transport people to work.

Mr. Bahr asked what the process is for having 12 residents in the home.

Mrs. Jones said the house can accommodate 12 residents. The house actually has five bedrooms. Room sizes are large enough to accommodate 2 to 3 people in a room and are not piled on top of one another. They are also nationally accredited by the National Alliance of Recovery Residents (NAAR) and room space has to be a certain size to comply with their requirements.

Tracy Boehmer asked what the square feet of the home is.

Mrs. Jones said she believes it is 3,000 square feet.

Jennifer Bahr said the Property Assessor's website says 1,944 square feet with an additional 864 square feet in the basement area.

Tracy Boehmer asked if the basement area in St. Charles County is considered livable area as bedrooms.

Robert Myers said any room used for sleeping purposes has to have egress. The County's Building and Code Enforcement Division will require that plans be approved and an inspection.

Tracy Boehmer asked if there was a layout of the home available.

Mrs. Jones said there should be a floor plan.

Tracy Boehmer said it's not in the packet.

Terry Hollander asked if Mrs. Jones is operating the facility with seven or less individuals.

Mrs. Jones said they currently have 10 residents in the home, and she was unaware that a permit was required to have a group home. She thought the criteria had been met.

Jennifer Bahr asked Ms. Jones to confirm that they are already in the home.

Mrs. Jones said the residents have been there a year. There have been no issues at the home.

Jennifer Bahr asked if there are any other homes like this in St. Charles County.

Mrs. Jones answered yes in the City of St. Peters.

Jennifer Bahr if any complaints have been cited at that facility.

Mrs. Jones answered in the negative. The residents go to work and then go home and attend meetings and are kept busy. They are not allowed to talk to any neighbors and all of their activity is in the back of the house. All residents have a 7:00 PM curfew during the week and midnight on weekends. Phase 1 residents have a 7:00 PM curfew.

Jennifer Bahr asked for clarification. This is structured living for recovery from substance abuse.

Mrs. Jones answered in the affirmative.

Jennifer Bahr asked if residents qualify if they have any misdemeanors or felonies.

Mrs. Jones said no because they are not a half-way house and residents can not have any illegal backgrounds.

Jamaal Jackson asked what safeguards are available if a resident violated any rules.

Mrs. Jones said we have a system for that with zero tolerance for relapses. They work closely with the St. Charles County Police Department. Any residents who do relapse will be transferred rather than put out on the street as she does not want to contribute to the homeless population. Instead, she has numerous contacts with other facilities who can help those who have relapsed.

Jennifer Bahr asked if she could give examples of jobs some of her residents have.

Mrs. Jones, she has helped people from different backgrounds, including a celebrity chef. Some of her residents are employed at Spectrum, Amazon and Uber with a wide range of employment.

Jamaal Jackson asked if there is a duration for residence at the home.

Mrs. Jones stated she would prefer her residents stay for at least six months and do not have a high turnover.

Jennifer Bahr asked if there is a maximum amount of time a resident could stay.

Mrs. Jones said she tries to push them along after a year because sometimes they get complacent.

Jennifer Bahr asked if she has anyone in the home with children.

Mrs. Jones said children are not allowed to live in the home. Many of the residents have children but live with other family members elsewhere.

Chairman Ellis asked if the home is non-profit.

Mrs. Jones answered in the affirmative.

Chairman Ellis asked how she receives funding.

Mrs. Jones said that all of the residents pay rent which goes directly back to the company. It covers transportation and services provided to residents. They do not receive grants.

Tracy Boehmer stated that she is concerned that this group home has been operating for a year and did not know the County's rules.

Mrs. Jones explained she was not aware that an occupancy permit was required in an unincorporated area.

Tracy Boehmer thought an organization such as the National Alliance of Recovery Residents (NAAR) would have provided her with guidance and some type of consultation.

Mrs. Jones stated that they did, but when she called the County and asked about an occupancy permit, she was told it wasn't needed. After County staff called and informed her of the violation, she has done everything required.

Terry Hollander asked if she had to go through the same process with the City of St. Peters.

Mrs. Jones said no because there are only six residents at that home.

Jennifer Bahr stated that the issue is there are more than seven residents. She asked if there would be fewer residents in the group home would it still need to be approved administratively by the County staff and reviewed for building permits? If someone had a private home and wanted to rent it to seven individuals, would that be a group home?

Robert Myers said that in a single-family residential zoning district, each household can be composed of no more than 3 unrelated individuals. And renting to seven individuals would not normally meet the definition of a group home as residents have to be living together based on developmental or physical disability. A group home is a different category of household.

Tracy Boehmer asked Mrs. Jones if she applied for an original permit when she had less than seven residents.

Mrs. Jones answered in the negative. She also said when she rented the home, she was told by the homeowners that they had already gotten permits for this and everything was taken care of.

Tracy Boehmer said she had no verification that that had been done.

Chairman Ellis commented that when Lindenwood University bought the apartments on Droste Road off West Clay, the University had to apply to the City of St. Charles for permission to have more than 3 unrelated people live together in student housing.

Mrs. Jones said that they were not attempting to circumvent the requirements. She is trying to be open about everything regarding the home and its mission.

Tracy Boehmer asked why she is here.

Mrs. Jones said that the County called her about a complaint that had been received.

Terry Hollander asked when the complaint was received.

Robert Myers said a few months ago.

Terry Hollander asked Mrs. Jones how long they were in the home before a complaint was made.

Robert Myers clarified that the County received a zoning complaint on November 4, 2020.

Tracy Boehmer asked how many complaints have been received.

Robert Myers stated after the initial complaint, a few additional reports were received.

Craig Frahm asked what she would do if this is voted down and does she have any alternatives for moving someplace else.

Mrs. Jones said at this time, she does not.

Craig Frahm asked what would happen to the residents.

Mrs. Jones she would do whatever she could to support them.

Craig Frahm asked would they have anywhere to go.

Mrs. Jones answered in the negative.

Chairman Ellis said that on page 54 of the Unified Development Ordinance the conditional use category states it may house 9 to 15 people. If she had eight residents, she would not need to be at this hearing.

Robert Myers corrected himself in that earlier in the meeting he had said 8 to 15 residents when he should have said 9 to 15 residents. County staff would have the ability to approve a group home with eight or fewer residents administratively without a conditional use permit.

Jennifer Bahr asked Mrs. Jones how many people are living in the home.

Mrs. Jones said ten.

Jennifer Bahr asked would it be possible for the Commission to limit it to a certain number other than 15.

Mrs. Jones said 15 openings is not needed and will never be 15. The maximum has been 12 residents.

Craig Frahm stated the Commission could place a condition of 12 on the conditional use permit.

Robert Myers stated that the Commission can place conditions for approval so long as conditions address the conditional use permit criteria.

Chairman Ellis asked the Commission if there are any other questions for the applicant.

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

Mark Dettmer was sworn in. He said he wrote a lengthy opposition letter about the home. The reason there have not been any complaints about the home is neighbors did not know they were there. He feels they have not been good neighbors.

Rick Wohlschlaeger was sworn in. He lives at 17 Placid Drive and has been a resident since last December. For forty years he has operated at an executive level and would not be sober if it were not for this home. He understands this is an easy place to dislike but states it is necessary for the healing of people that want to be fixed. He works more than full time.

Alex Ray was sworn in. He bought his home on Placid Drive last year and had no idea this organization existed until November when a complaint was made. He was never notified by any of the residents or owners about the group home. There is an issue with parking. Usually there are 6 to 8 vehicles parked in front of the house and some are parked in the yard. He has never seen a transport van since he has been working from home as indicated by the applicant. The house size is not suitable for 10 people. He is not happy about how the owners have handled this.

Craig Frahm stated that he disagreed that the home was too small for 10 residents. He lived in a 900 square foot home with eight people.

Mark Rice was sworn in. He bought his property on Placid Drive about four months ago and did not know about the group home and is concerned about property value of his home and neighbors. He feels the owners were openly dishonest from the beginning and is concerned about the future of the neighborhood. He is not happy about the parking situation.

Scott Hartman was sworn in. Mr. Hartman said Sober Living has saved his life and taught him to be a productive member of society. People have to realize people are dying because they have nowhere to go. He said he is living proof their organization works.

Bailey Dickherber was sworn in. Mr. Dickherber said he just bought his home on Placid Drive in December and has had no issues with the home. The only issue he has seen is the cars on the road and can

understand the neighbor's aggravations. He had no idea that 10 people lived in the home. If cars were not parked in the front, he would not know several people lived there. He lives in a secluded one-acre area with several trees in front of his home and wants to maintain peace in the neighborhood. He supports them in their efforts.

Chairman Ellis asked if there is a homeowner's association.

Mr. Dickherber answered in the negative.

Tracy Boehmer asked if he had known they were there, would he still have bought his house.

Mr. Dickherber answered in the affirmative.

Tracy Dubray was sworn in. Ms. Dubray just found out about the group home yesterday. They have lived in their home for about six years and have renovated it. She stated she is not against a sober living facility but does not feel it belongs in a residential area and is concerned about the safety of her family. It sounds like new people will be living there rotating in and out. She is also concerned about property values and the traffic it is bringing to Hickory Dale Drive. She asked if this a temporary facility and is there a renewal upon this.

Jonathan Fackler was sworn in. Mr. Fackler has been at the group home since it opened because he is the house manager. He stated several people have mentioned that they did not even know they were there. If they were such bad neighbors wouldn't everyone have known. He stated there are a lot of vehicles and parking is a problem because of the narrow street and will be addressed. Mr. Fackler credits this home with his sobriety.

Jennifer Bahr asked Mr. Fackler if he is a member of the program or house manager.

Mr. Fackler said both.

Jennifer Bahr asked Mr. Fackler if he had to do any more to become a staff member than if he were a regular resident.

Mr. Fackler said he thinks the owners feel he is part of the staff and is compensated and doesn't pay rent.

Jennifer Bahr asked if there are staff members that are not part of the program.

Mr. Fackler answered in the affirmative and said they will soon speak.

Jennifer Bahr asked if there is any staff not in recovery.

Mr. Fackler responded the owners are not in recovery.

Duane Lowder was sworn in. He is the Director and also in recovery. He questioned if the home was such a problem why anyone didn't know they were there. He hopes to have 12 residents at the facility. He confirmed that 15 people do not live at the home.

Tracy Boehmer asked if he lives at the facility.

Mr. Lowder answered in the negative, but he is there every day. There is also a medical technician there every day to provide medications to residents. All medications are locked up and dispensed.

Steve Liebhart was sworn in. Mr. Liebhart stated he is not against this program. He lives on the other side of the woods behind the home. He does not feel a group home should be in a residential area especially

where his children play right by the woods. He is concerned about possible mental issues residents might have too. The safety of children is his utmost concern.

Chairman Ellis asked Mr. Liebhart if it is possible his neighbors have mental issues or addiction problems too.

Mr. Liebhart answered in the affirmative and said he wouldn't know it.

Danielle Gilbert was sworn in. Ms. Gilbert is a licensed master social worker and has worked at LIV since they have opened. She also is an outreach coordinator for American Addiction Centers. She said one in twelve people suffer from this disease and she is one of them and one in five people suffer from mental issues and exist in all neighborhoods. She sends many of her clients who are early in their recovery to LIV because of their structured program. She stated the 10 residents at LIV keep each other accountable and allows them to build community.

Jordan Hampton was sworn in. Mr. Hampton is the Executive Director of Recovery House of St. Louis which is 11 transitional homes within St. Louis city limits. It houses about 140 men. He is a person of long-term recovery and came through this program. He acknowledged it's an easy place to dislike but is an organization that stepped into the solution in something so impactful by because they want to live a life with purpose. He attests to LIV's mission and the integrity and character of its staff.

Emily Jung was sworn in. Ms. Jung works for a nonprofit called Archway Institute and help people who are impacted by addiction. LIV Sober Living is one of their partners and also is a person of long-term recovery. Since Covid there has been an increase in substance and mental disorders and overdoses, and the need is not only in urban areas but in suburban areas as well. She is impressed by the culture that has been created at LIV and the camaraderie that has been built and supports their partnership with Archway Institute.

Derrick Jones was sworn in. Mr. Jones is the co-founder of LIV Recovery Sober Living. He and his wife have been residents of St. Charles for 10 years. His wife has worked in recovery at a treatment facility. In her position, she saw many clients she helped leave treatment and go back to communities which are void of any structure. And this was the impetus for creating LIV. Mr. Jones quit his job to work at LIV to invest in this organization. It is a nonprofit organization. They do charge rent to hold the residents accountable. When a resident leaves the program, they have a record showing they made payments on time they can provide to lenders. He acknowledged the parking is a disaster because of the narrow road. If approved he would like to add more gravel because there is enough land to accommodate more parking spaces for the residents living there. They own a van paid for through online fundraising. No one at Placid Drive needs a car because they carpool, and the van is used for transportation. The men at LIV want to focus on their recovery and not on the community that is judging them. The home is being leased and their address is not advertised for security reasons. He would like for the community to support LIV.

Tracy Boehmer asked if it is an all-male facility.

Mr. Jones answered in the affirmative. The women's facility is elsewhere. He stated the residents do community service once a month. They partner with the Salvation Army, Catholic Charities and St. Vincent de Paul who may help cover the rent for two weeks for residents who do not have jobs. The rent money is returned to the organization. Regarding staff, Jonathan is not a paid staff person because it is currently unaffordable. Ninety percent of the time salaries are donated, and vouchers are given to help support them in their commute.

Tracey Boehmer asked Mr. Jones what the safety concerns are.

Mr. Jones said Narcan training.

Tracy Boehmer asked why their address isn't advertised.

Mr. Jones avoids publicizing their address to avoid negative influences contacting LIV residents. He wants to maintain a quiet and private environment so residents can focus on their recovery.

Rachel Thrasher was sworn in. She purchased her home last December. The Director went to her home and introduced himself and briefed her about LIV. He left his contact information with her in case she saw any problems. She doesn't understand the opposition to LIV as they have been there a year, and no one knew about it. He told her he knows parking is a problem but would try to work toward a solution. She acknowledged the residents are quiet and keep to themselves. She suggested a privacy fence around the property might be a good idea to satisfy neighbors who are concerned about their children's safety.

Kimberly Schmidt was sworn in. Ms. Schmidt stated she lives about 1,000 feet from the home and has been there about 15 years. She said it was said that there are no felons in the home but a gentleman who spoke earlier was in prison. She does not understand why the neighborhood was not informed by the owners about the home. Traffic is also non-stop and how many people will be using that road yearly with new people coming in at different times. It is a private road and the neighbors pitch in to maintain it. She does not feel safe and is concerned for the safety of children in the neighborhood.

Jimmy Dalton was sworn in. He owns two homes on Placid Drive. He is concerned about eight guys living close to his granddaughters who live at one of his homes. He said residents are not supposed to talk to neighbors, but a resident frightened his stepdaughter.

Nick Lowe was sworn in. Mr. Lowe stated the and his wife purchased their home on Kickshaw Drive about 3 and a half years ago. He thought that was his dream home, but his wife does not feel comfortable with the group home. He feels his house is his biggest investment and is concerned about what will happen to the value of his home and for the safety of his daughter. He stated if a complaint had not been filed, they would not have been here this evening and continue business as is.

Chairman Ellis asked Mr. Lowe if he lived on Placid Drive.

Mr. Lowe answered in the negative and said he lives on Kickshaw Drive. He said traffic is already a problem and adding additional cars will only compound the problem.

Arnie C. Dienoff was sworn in. Mr. Dienoff said that the packet includes 10 opposition letters, 1 letter of concern, and 1 letter in support. There is written protest. A remonstrance would require a super majority of the County Council for approval. He doesn't know if a threshold has been met. Three property owners filed a remonstrance and he would encourage any property owners who are within that footage to file a remonstrance with the County Registrar before the second reading of the County Council meeting. He expressed concerns for public safety, mental health conditions, and child predators and molesters.

Chairman Ellis asked Mr. Dienoff where at this meeting did he hear anything about child predators and molesters.

Mr. Dienoff stated through a background check and if the information became public.

Chairman Ellis told Mr. Dienoff he is making things up.

Mr. Dienoff said he is not, and it could possibility happen.

Tracy Boehmer said Ms. Jones testified all residents have to pass a background check.

Mr. Dienoff stated he is not making up anything.

Mr. Dienoff requested that Mrs. Jones submit an affidavit for the record that she did not know she was obligated to get a permit from the County. He feels the County Code should be changed to require public notice of entities like this moving into their neighborhood. He asked the following questions:

- Did staff contact the City of St. Peters to see if any complaints were made with their group home there?
- Has staff contacted the Chief of Police or Captain of Patrol Services to see if any service calls have been made at this residence?
- Did the Cottleville Fire Protection District approve the number of people living in this square footage?
- The Governor of Missouri signed into law House Bill 555 and House Bill 648 which states that a State Fire Marshall must perform an inspection of a group home serving more than 9 people under Title 9.45.5.130 which became effective March 2021. It is unclear about what type of group home, but it may be applicable.

Mr. Dienoff would like the Commission to consider the following conditions to protect the community:

- Commission should limit the number of residents to 8.
- No parking should be allowed on Placid Drive.
- Is the home ADA compliant? Is parking available for ADA citizens?
- Review the Conditional Use Permit after the first and second year to ensure compliance is being met in all areas

Jerry Green was sworn in. Mr. Green has lived on Hickory Dale for 50 years. He expressed concerned about use of Narcan and asked how often it is used there and how does it get into the house. He expressed concern about residents leaving the house unattended high on drugs.

With no other public comments, Chairman Ellis stated that the meeting would recess for five minutes.

At 8:50 PM, the Planning & Zoning Commission took a five-minute recess.

Chairman Ellis readjourned the meeting and invited the applicant back to the podium to respond to comments or questions.

Tracy Boehmer stated that it is utterly irresponsible to insinuate without any facts that just because someone has a drug or alcohol addiction that they are violent, a child molester, or a sex offender. It's completely uncalled for and uncharitable and doesn't belong in this type of proceeding.

Craig Frahm said he would like for the applicant to address some of the concerns expressed.

Mrs. Jones stated background checks are completed once a month for \$40 and submitted to the State for the results. Before Mrs. Jones became a counselor, she was an investigator for the Attorney General and did background checks and investigative work. Background checks are looked at prior to admission to LIV.

Tracy Boehmer asked if they use the Missouri Highway Patrol's information system.

Mrs. Jones said yes and is the same process for employment background checks.

Mr. Jones said a file is kept on all residents including information about their medications and their last place of residency. In the event something happens to a resident, the information is readily available.

Ms. Boehmer asked if criminal background checks are done on staff and residents.

Mrs. Jones answered in the affirmative. These documents have to available for accreditation purposes.

Mr. Jones said regarding comments about a revolving door, each person's recovery is unique to the individual. The time required at the group home will not be the same for everyone. LIV typically gets about 50 calls a day from treatment centers for openings. He said he is fully involved in every aspect of the group home, providing transportation to work, counseling appointments and where needed. He is fully invested. He is considering starting a program at St. Charles Middle School to talk about drug prevention.

Craig Frahm said he would like to talk about the parking problem because of the narrow road. He said the Commission is going to limit the parking to possibly four spots. He asked them if they could handle that.

Mr. Jones said vehicles were being parked at the top during the snow. After they received the complaints about parking, they began to park diagonally and worked the people's times so they could park on top first.

Craig Frahm said if 10 residents would each want to have cars, how would that be handled?

Mrs. Jones said they would be told they can't bring a vehicle. That would force them to work with the recovery community to get transportation.

Chairman Ellis asked if there is a garage attached to this house.

Ms. Jones said there isn't a garage but it has a very long driveway.

Chairman Ellis asked Robert Myers, with an acre of ground would they have to come back to build a garage.

Tracy Boehmer added or expand parking in the back with gravel.

Robert Myers answered that they would not have to return if adding parking. The minimum off-street parking required for any group home is two spaces. Given the number of residents, the Commission can impose a number larger than that.

Chairman Ellis asked Robert Myers if they could install parking to the back of the house.

Robert Myers answered in the affirmative and said they would have to apply for a land use permit to install the driveway. If it's more than 5,000 square feet of land is disturbance, they would have to apply for a land disturbance permit. They have an acre of land with a stream in the back with a vegetative stream in the back. There is a large area to side and rear of the house.

Tracy Boehmer asked if the owner would allow them to expand their parking in the back.

Mrs. Jones answered in the affirmative.

Tracy Boehmer asked if that was made into a condition, would they accept that.

Mrs. Jones stated the owners will work with them.

Jennifer Bahr asked Ms. Jones how many parking spaces would be needed to keep all of the cars in that parking lot. She asked Mrs. Jones what condition she would put on the house regarding number of parking spaces.

Mr. Jones said he would need 8 parking spaces.

Jennifer Bahr asked if they have the resources to build it.

Mr. Jones said they will find the resources to get it done.

Jennifer Bahr asked where the number 4 came from.

Craig Frahm said it came from staff.

Tracy Boehmer said safety concerns is an issue for the neighbors. She asked if the police have ever had to visit for reasons other than overdose.

Sometimes when evicting a disgruntled resident who has violated the rules, they have contacted the police.

Craig Frahm asked if they put a condition on the number of residents, what could they handle there.

Mrs. Jones said they would like 12 and could handle that number.

Craig Frahm and if a recommendation was made to put a condition that no more than 12 residents would be allowed, would that be acceptable?

Mrs. Jones said that would be acceptable.

Tracy Boehmer said the Director has one bedroom of the five.

Mrs. Jones said that room is for the house manager.

Tracy Boehmer asked would that be roughly 3 people per bedroom for the other 4 rooms.

Ms. Jones said there is one big bedroom with four beds, another with 3 beds and another with 2.

Mr. Jones said there is another room in the lower level with two beds. All of the windows in the lower level have egress windows. The house also has a fire escape plan which is a requirement for national accreditation.

Craig Frahm asked Robert Myers if the fire department will inspect the home.

Robert Myers said he doesn't know about the fire district specifically. But the project would have to be approved by Building and Code Enforcement Division and based on occupancy and fire codes. They will need sprinklers. It will be a substantial investment.

Tracy Boehmer asked if there is a time frame involved which all conditions have to be met.

Robert Myers said there isn't a time limit imposed to be compliant with the conditional use permit.

Tracy Boehmer asked how far they are from getting a sprinkler system.

Mr. Jones said that is going to be a challenge.

Mrs. Jones said they will have to fundraise to pay for the sprinkler.

Jennifer Bahr asked if there is a number of people where a sprinkler system would not be required.

Robert Myers said no but feels they could continue this conversation with Building and Code Enforcement staff.

Mrs. Jones said they have been communicating with them but want to take care of this hearing first.

Kevin Cleary asked what about meals and who is cooking them and who takes care of the general upkeep of the home.

Mrs. Jones said residents are assigned chores every week. The men cook together. If there are issues with food, food pantries help with that.

Chairman Ellis asked the Commission if they had any other questions for the applicants.

There being no further questions, Chairman Ellis brought the discussion back to the Commission.

Chairman Ellis reviewed the conditions.

1. Use of the property shall conform to the attached concept plan.
2. All group home standards required by Section 405.078.A.8 shall be adhered to, including, but not limited to, conformance with the requirements of St. Charles County's housing, building and fire codes.
3. To ensure compliance with St. Charles County's definition of "group home facility" (Section 405.060), the organization operating the group home shall by January 1 of each year submit a copy of the enforced standards and criteria and demonstrating that the group home is operated in substantial conformance with Oxford House standards and criteria.
4. No more than four vehicles may be parked outdoors on the property at any one time.

Chairman Ellis said there is no mention of the number of residents or vehicles that would be allowed on the property.

Tracey Boehmer asked Robert Myers if the Commission could impose a time frame of which to be compliant.

Terry Hollander stated that might be arbitrary because that still has to go to the County Council.

Robert Myers said that if the CUP would be approved, the Building and Code Enforcement officials will impose a deadline for compliance.

Terry Hollander stated that it's interesting that both sides are using the same facts to make their point: "nobody knew we were here". Two big questions are: first, should 10 to 12 residents be considered rather than 15; and second, parking must be improved with a parking lot in the back a consideration to allow 8 to 10 cars to park away from the street.

Kevin Cleary concurs with Terry Hollander that those are the main issues. The group home is a need in the community and appears to be supportive. Kevin Cleary stated the for the size of the home, in his opinion should house 8 to 9 residents. Some rooms have four beds and others have three and that could be tight living quarters.

Chairman Ellis said if the home housed 8 to 9 people, no public hearing would be required.

Jennifer Bahr said what if the Commission compromised with 10 residents that is what they now have, and no resident would have to be dislocated.

Kevin Cleary said he would not want anyone to be removed from the home.

Terry Hollander stated he thinks 10 residents is a good number because that is what they have now.

Craig Frahm said they are asking for 12 residents and 8 cars.

Terry Boehmer suggested 6 cars and 10 residents.

Chairman Ellis stated Tracy Boehmer made a motion to amend Condition 4 to read “The facility will be allowed to have 6 outdoor parking spaces.” He asked Tracy Boehmer if that is her motion.

Tracy Boehmer answered in the affirmative.

Chairman Ellis asked if there was a second. Craig Frahm seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	-Yes				

Chairman Ellis stated a new Condition 5 would be added and would state “The facility shall have no more than 10 residents.”

Tracy Boehmer made a motion. Craig Frahm seconded it.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	-Yes				

Chairman Ellis entertained a motion to approve CUP21-03 with the first three conditions proposed by staff, an amended Condition 4 which provides for six outdoor parking spaces, and a new Condition number 5, stating that the facility shall have no more than 10 residents.

Chairman Ellis asked for such a motion. Tracy Boehmer made that motion.

Craig Frahm seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	-Yes				

CUP21-03 was recommended for **Approval** with conditions.

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

II. CONDITIONAL USE PERMIT - 4052 TOWERS ROAD

Application No:	CUP21-04
Property Owner:	John H. Ostmann and Dorothy W. Ostmann Revoc. Liv. Trusts
Applicant:	Pinnacle Land Development, LLC, Edward J. Griesedieck III, Registered Agent
Property Zoning:	R1E, Single-Family Residential District
Conditional Use Request:	Housing units in the R1E District with a minimum lot width of Sixty (60) feet and minimum side yards of six (6) feet in width; pursuant to Section 405.090.C.6 OSCCMO
Parcel Size:	62.80 acres
Location:	On the north side of Towers Road across from Jacobs Crossing Drive
County Council District:	7
Account No.:	536190A000

Ellie Marr, Senior Planner, noted that this conditional use permit request for this property is related to a preliminary plat application on this meeting's agenda. For the purposes of this conditional use permit, she may refer back to that plat as a concept plan. The property is 62.8 acres with net development will be approximately 42.5 acres of this total property. The rest will be in right-of-way and common ground area. They are asking for the conditional use permit to plat 195 lots. The applicant is asking for seventy-one lots to be 60 feet wide, 74 would be 64 feet wide, and 49 would be wider than 70 feet. The smallest lot will be 7,223 feet, and they are not requesting that lot size be included in the conditional use permit. Lots would range from 7,223 to 27,204 square feet in area with the average lot size being 9,450 square feet. The request typically has to do with building different sized homes in a subdivision, allowing for residential diversity and different price ranges. A lake in the middle of the property would be filled in but three smaller ponds created elsewhere. In order to do that they will request to adjust some of these lots to fit into this whole contour. Under existing R1E District zoning, the maximum number of lots would theoretically be 264 lots, but they propose 195 lots. Ellie Marr referred to letters of opposition and support which have been made part of the record.

Robert Myers stated that previous comments about remonstrances were incorrect. The remonstrance process is for zoning map amendments and not conditional use permits. Anyone can submit written opinions or opposition in writing but remonstrances only pertain to rezoning applications.

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

Jennifer Bahr stated that it sounds like they are asking for a smaller than normal lot width and smaller than normal lot size. Except then further down it says that it's that they're not requesting a smaller lot size.

Ellie Marr said that they are not requesting less than the 7,000 square foot lot size minimum for the R1E District. They are only requesting the lot width.

Jennifer Bahr asked if some lots would be less wide because of their irregular shapes.

Ellie Marr said that lot width is measured at the building line, which is 20 foot back from the front boundary line. Some can be pie shaped.

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

Drew Weber, the applicant's representative, was sworn in. Mr. Weber stated he is here on behalf of Pinnacle Land Development which is under contract for the purchase of this property. Mr. Weber said this is a conditional use permit to reduce the minimum side yard setbacks from seven to six feet, and then for some

of the lot widths to be less than 70 feet. The property is already zoned R1E and so are all of the parcels touching it. Mr. Weber was able to contact most of the homeowner associations to review the subdivision plat. The County's Master Plan calls for low-density land uses on this property (1 to 4 dwellings) per acre. We are going to fall at about 3.1 units per acre, so that's within that range. There is a lake currently on the property that will be drained, and three different detention basins are being proposed. Mr. Weber also provided density comparisons, price range comparisons, yearly housing starts statistics, lot size comparisons, and elevation comparisons between the three builders Fischer & Frichtel, McBride Homes and Consort Homes.

Chairman Ellis asked the Commission if they had any questions for the applicant.

Kevin Cleary stated St. Charles County is building a lot of high-priced subdivisions and asked if any type of absorption study has been done. Noting that there is a shortage of homes in the County, it's probably in the \$250,000 range not \$300,000-\$700,000 range.

Mr. Weber stated he has not done an absorption study but has seen homes priced between \$300,000 and \$700,000 sell fast.

Kevin Cleary said he understands that the natural inclination is to build the highest profit home.

Jennifer Bahr said as a realtor she knows that material costs are exceptionally high right now and is difficult to build lower price homes under these circumstances.

Chairman Ellis asked if there were any other questions for the applicant.

There being no further questions for the applicant, Chairman Ellis asked if anyone in the audience wished to speak about the Conditional Use Permit application.

Sandy Prince was sworn in. She lives in the Vineyard Subdivision and there is only one way out and the people behind them in the gated community do not allow them to exit from there. She can only exit from Towers Road. She said that Mr. Weber apparently thinks that filing a school to capacity would be a good thing. She works at Bryan School and is not speaking on behalf of anyone. The School District has recently experienced some layoffs, including Bryan Middle School, and bringing in more students with less personnel is not a good thing. Fewer homes not more would be more beneficial to the school district.

Craig Frahm asked Ms. Prince why the layoffs are occurring.

Ms. Prince said it's due to budget cuts.

Craig Frahm asked are there more students than teachers.

Ms. Prince answered in the affirmative.

Jennifer Bahr asked Ms. Prince wouldn't more houses raise the property taxes and then have higher budgets.

Ms. Prince said it's a good thought, but we have not had an increase in property taxes in more than 10 years and budgets are stagnant.

Craig Frahm said there is an anti-tax society and that is not helping schools.

Jennifer Bahr stated that 90% of school's funding come from local property taxes.

Ms. Prince answered in the affirmative.

Jennifer Bahr suggested wouldn't higher priced homes help with that.

Ms. Prince answered in the affirmative again

Vince Kunstman was sworn in. His home will border some of the smaller lots. He is concerned about the narrower lot width and how that will impact his home, privacy and property value. He said 145 homes of the 195 homes are proposed to be under the 70-foot minimum without the conditional use permit.

Chairman Ellis stated that the County Code could allow 60-foot wide lots as a conditional use permit.

Mr. Kunstman said he thought it was 70 foot wide. That's why they are requesting a conditional use permit.

Craig Frahm said they are requesting a conditional use permit to change minimum side yard setbacks from 7 to 6 feet.

Mr. Kunstman said and to also change it from 70 foot to 60 foot.

Chairman Ellis said lots can be 60-foot-wide with six-foot side yards.

Mr. Kunstman asked if that what they are requesting.

Chairman Ellis said this is what they can do, and this is in the ordinance. In the Conditional Use section, it provides for a minimum dwelling size of 800 square feet, a minimum lot size of 6,000 square feet, on lots 60-foot-wide with 6-foot side yards.

Jennifer Bahr stated she thinks what he is saying, if the conditional use permit was denied, and there were no conditional use permits, that it would be a minimum of 70 feet.

Chairman Ellis asked if anyone else wished to speak about the application.

Richard Brooks was sworn in. Mr. Brooks said this month's staff is recommending approval of this conditional use request and again disregarding their own laws to allow for smaller lot sizes and side yards. He asked why we have zoning laws if all the builder has to do is to pay an application fee and not follow them. He said he has talked to the Commission about traffic issues and was told a traffic study would have to be done.

Chairman Ellis told Mr. Brooks his comments about traffic issues are more relevant to the preliminary plat rather than the conditional use permit.

Mr. Brook asked if he could come back again.

Chairman Ellis answered in the affirmative.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated he is opposed to the application. He believes the developer has a commitment to the community just like all other developers. He asked for the Codified Code remain at 7 foot on side setbacks and 70-foot frontage. For the record, there were 13 letters of opposition and 552 petitioners which 10 to 15% were either out of County or out of state and two in support. Mr. Dienoff stated this CUP comes down to dollars and profits. He asked the Commission to deny the CUP.

Chairman Ellis asked if anyone else wished to speak about the application.

There being no one, the Chairman asked the applicant to come back to the podium.

Chairman Ellis asked the Commission if they had any questions for the applicant's representative.

Craig Frahm asked Mr. Weber what would happen if the conditional use permit application were to be denied. How many lots would be lost?

Mr. Weber said ultimately there will be around 200 homes developed on the property no matter what. But building with all 70 foot or 82-foot-wide lots would reduce the variability of the design. It will certainly not be as aesthetically appealing, as you will have rows of houses that look exactly the same, while if they're all 70-foot-wide, 200 of them would look like a wall of two-story houses. Also, a subdivision of very similar homes sells much less quickly than one with a variety of house designs. Slower sales might mean that the neighborhood would have to endure 5 to 6 years of home construction. When you have a property this size, it is the variety of house size that really makes it look better.

Jennifer Bahr asked if it would be correct to state that some lots that are wider than 70 foot wide, and some narrower, but that it averages out to being more than 70.

Mr. Weber said it's roughly 70 something lots that are 60 feet wide, roughly 70 something are 64 feet and 50 or 82 feet wide. They are all over 7,000 square feet.

There being no further questions for the applicant's representative, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary said he thinks with size of homes they are building there that the 70-foot-wide minimum lot size makes sense.

Terry Hollander said that the idea of platting narrower lots to allow for more housing diversity doesn't logically follow. A builder builds different styles regardless of the lot size and if they are all going to be the same lot width, the same house is not going to be built. He said he is bothered by the number for a CUP because with this development, of the 195 homes that are going to be built, 145 homes would be under 70 foot wide. He is concerned that approximately two-thirds of homes are going to be under what the Master Plan is.

Chairman Ellis asked if staff indicated that building under existing R1E District zoning would allow over 200 homes total.

Craig Frahm said 260.

Chairman Ellis said there are 60 less homes being built.

Kevin Cleary said detention will still be needed for those homes.

Jennifer Bahr asked what the point of the width is. Is it we don't want houses to be too close together or want them to be a certain size to make sure they're big enough. It sounds like the number of the square footage of the lots is over and above the 7,000-foot minimum and it's just the width of the lots that we're discussing.

Chairman Ellis said the minimum for R1E is 7,000 square feet.

Jennifer Bahr said their proposed smallest lot would be 7,400 square feet.

Chairman Ellis entertained a motion to recommend approval of CUP21-04.

Terry Hollander made a motion to recommend approval and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- No	Kevin Cleary	- No	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- No	Craig Frahm	- No
Jamaal Jackson	- No				

Application CUP21-04 was recommended for DENIAL.

The vote count was 2 Yeas, 5 Nays and 0 Abstentions.

Chairman Ellis asked County staff if the Commission should review the Preliminary Plat or is that moot?

Robert Myers said this is a Conditional Use Permit and this would go to the County Council with a recommendation for Denial. At the County Council meeting, because the Planning & Zoning Commission has recommended denial, a super-majority vote would be required at the County Council for approval. The County Council could approve the Conditional Use Permit despite the Commission's recommendation. Therefore, he recommends that the Planning & Zoning Commission review the plat as well.

PLATS

I. PRELIMINARY PLAT FOR THE RESERVE AT LAKEVIEW FARMS - 4052 TOWERS ROAD

Application No: PRE21-03
Property Owner: John H. Ostmann and Dorothy W. Ostmann Revoc. Liv. Trusts
Applicant/Developer: Pinnacle Land Development, LLC, Edward J. Griesedieck III, Registered Agent
Engineer/Surveyor: The Sterling Company
Property Zoning: R1E, Single-Family Residential District
Proposed Lots: 195
Parcel Size: 62.80 acres
Location: On the north side of Towers Road across from Jacobs Crossing Drive
County Council District: 7
Account No.: 536190A000

Ellie Marr, Senior Planner, stated that staff reviews preliminary plats for all technical requirements of Chapter 410 of the Unified Development Ordinance. Agency notifications are made, and a list was provided showing who has been contacted including school districts. Staff has heard back from the water company, the Fire District and Duckett Creek Sewer. The plat as mentioned has to meet the technical requirements before final signature. All technical requirements have been met, including for tree preservation. Also, the fire district appreciates street connectivity for emergency response. Three exit points are proposed with this plat. Only two are required. They are relocating the four-and-a-half-acre lake into three separate lakes.

Chairman Ellis asked the Commission if they had questions for County staff.

There being none, Chairman Ellis asked the applicant's representative to come to the podium.

Drew Weber was sworn in. This is the application for the preliminary plat for the subdivision. The same layout was presented that was seen before. There are cross connections with this subdivision to Horseshoe Creek Road and Tower Park Road on the northwest and in the northeast corner of the property. Again,

those adjacent subdivisions were platted with stub streets over in this property with the anticipation of future street extensions through the subject property. Some residents have opined that they are concerned about cross traffic and we will defer to staff regarding stop signs or other traffic control devices that the County staff would require to help prevent traffic issues. We have not been asked to perform a traffic study but any kind of traffic study or traffic control improvements that staff recommends we'd be happy to do.

Chairman Ellis asked if streets are public or private.

Mr. Weber answered the streets will be public.

Mr. Weber said there will be water and sewer connections on three sides of the properties on the east, south and west sides so there will be various tie-ins with the public water and sewer systems. There will be three detention basins, so all the storm water will flow into those detention basins. Those detention basins comply with the County's new water quality and stormwater detention standards and the largest one is the main one on the west portion of the property. The Ostmann house abut Towers Road because it already has a driveway onto Towers Road. All the other subdivision homes would have access internally to the subdivision streets. The North half of the property will have cross connections, and the pathway proposed from the sidewalk to Castlio Elementary will provide access to students. There was a concern about water supply to the property. At a homeowner's association meeting some people mentioned there was a problem with the Fire Protection District having adequate water supply. Last year, the Missouri American Water Company announced construction of a new 2-million-gallon water tower on Knaust Road. Even though it is not close by, it will increase water flow for fire and normal water purposes. American Water said that there are building this in anticipation of future developments. They submitted comments to staff stating they have no problem servicing this area.

Chairman Ellis asked if there would be sidewalks throughout the development.

Mr. Weber answered in the affirmative because it is a County requirement and will connect to the trail and to Castlio Elementary.

Chairman Ellis asked the Commission if they had any questions for the applicant's representative.

There being no questions for the applicant, Chairman Ellis asked if anyone in the audience wished to speak about the application.

Craig Frahm stated the Commission has already voted down the ability to build this plat.

Chairman Ellis said the County Council could overrule the Planning & Zoning Commission.

Craig Frahm said the Commission cannot vote on this without passage of the Conditional Use Permit.

Chairman Ellis said if the County Council overrules the Planning & Zoning Commission, and the Commission approves this plat then they can continue to go forward. If the Council doesn't overrule the Planning & Zoning Commission and the CUP is denied, then the plat has no effect. It has to have a CUP to be effective.

Jennifer Bahr said that Robert Myers explained there are different rules for types of applications.

Robert Myers explained there are different levels of discretion for Planning & Zoning Commission Review. There is more latitude with rezoning. Once the zoning is in place that affords certain development rights to the property owner. With conditional use permits its somewhat mid-level discretion. Plat approval relies mostly on the technical requirements. If they meet all of the technical requirements and there aren't insurmountable impediments, typically subdivision plats are approved.

Jennifer Bahr said it sounds like the County Council would decide whether or not they want to do the conditional use permit. But then the Planning & Zoning Commission doesn't have as much discretion on plats as we do on the zoning in the conditional use permit. Is that correct?

Robert Myers said the Planning & Zoning Division advises that the plat meets the technical requirements of Section 410 of the County Code, subject to approval of the conditional use permit. If the conditional use permit is not approved, then it is not effective. He said he would be unable to sign the preliminary plat, and they would have to come back with a different plat.

Chairman Ellis said technical requirements cannot be changed but is different with a conditional use permit.

Jennifer Bahr asked if the Commission is voting on the technical requirements of this application.

Chairman Ellis answered in the affirmative.

Chairman Ellis asked if anyone in the audience would like to speak about this application.

Adam Basala was sworn in. Mr. Basala stated he lives on Horseshoe Creek Drive and has two 7-year-old twin boys. He is concerned that Horseshoe Creek Drive will become the main route to get to this subdivision. Cars will cut through Horseshoe Creek and based on 195 new homes, two cars per home, 2 trips per day, that's going to add potentially 800 cars a day to Horseshoe Creek Drive. It's a very wide straight street and there are no stop signs. This will become a major thoroughway for people to get into this subdivision and would make our streets very unsafe. He understands it currently is a stub street and his request would be in the new plat, that it would become a cul-de-sac. There are currently trees at the end of a Horseshoe Creek Drive and it's a dead end so a cul-de-sac could easily be made on the other side and not make this a third street. That would add a significant amount of traffic to our small 72 home neighborhood.

Mike Green was sworn in. Mr. Green stated he and his wife wrote one of the letters. He stated is concerned about the amount traffic the subdivision will create. He also said he was actually in the subdivision when the house in Cottleville burned down and the Cottleville Fire Department said they ran out of water. That same day he found a pile of sand in his showerhead as all of the sand was sucked up from the water purification process. He understands that a lake will be drained but what about the watershed? There will be three retention ponds and the water has to go somewhere. Mr. Green would like to know where the water is going. Many of his appliances have had to be replaced because of sand deposits and invested a whole house filtration system for prevention purposes. He stated Adam Basala's cul-de-sac suggestion is a good idea.

Vince Kunstman was sworn in. Mr. Kunstman said he is also concerned about the traffic. Regarding the lake, he would like to know if this will be sent to the Department of Development Review for approval. He doesn't believe that a lake can be relocated and is concerned about the ecosystem including wildlife surrounding it. He would like to thank the Ostmann family for their services to the surrounding communities.

Ronald W. Black Jr. was sworn in. Mr. Black said if we allow that to be a through street, and Horseshoe be a connector for the new subdivision, he would suggest some type of traffic control. Concerning street lighting, the residents of his subdivision pays for the lights, and they are not municipal lights. If additional lights are going to be needed, who is going to pay for them?

Arnie C. Dienoff was sworn in. Mr. Dienoff said he is opposed to the preliminary plat. He would like to make a matter of public record that the water supply issue was debated, and a Circuit Judge made a decision in a case 2011- CC-00393 titled Missouri American Water Company versus St. Charles County. That case was settled on September 21, 2020 and the attorney representing from Hamilton Webber also represented Missouri American Water Company. Mr. Dienoff would like to make that a matter of public record.

Chairman Ellis asked why he wants to make that a matter of public record when it already is.

Mr. Dienoff said it's because it's about the water tower. Mr. Dienoff stated there were 13 opposition letters and a petition of 522 petitioners which some were from out of state and 2 supporters. He asked why a traffic study wasn't done and believes the Commission needs to mandate one as this will be a huge impact on this community in this section of the County. Traffic congestion will decrease property values, especially if smaller lots are built.

Craig Frahm said that there's no reason to believe that property values will decline.

Mr. Dienoff said there is a density issue here but according to staff they have met tree code compliance with one acre of trees. He states there isn't enough acreage for 264 lots and cannot meet the requirements under the County Code of the Water Retention Detention Act. Lastly, Mr. Dienoff discussed the turning radius of emergency response vehicles and asked if they are built to the County's minimum requirement for turning radius. Mr. Dienoff asked for the Commission to reject this application.

Chairman Ellis asked if anyone else from the audience would like to speak about the application.

Chairman Ellis closed the public hearing and asked for the applicant's representative to come back to the podium.

Chairman Ellis asked the Commission if anyone had questions for the applicant's representative.

Tracy Boehmer asked if the preliminary plat has met all of the technical requirements for turning radius for school buses.

Mr. Weber answered in the affirmative.

He also said he had answers from previously asked questions.

- The Department of Natural Resources will also need to approve this.
- Regarding stormwater, the County's code requirements would not require all of these detention areas to be lakes. These lakes are designed to be amenities and certainly the big one to be an amenity and recreation area, and it's bigger than it needs to be. The discharge from those lakes within the detention basin is controlled and goes into the storm sewer system and is not pumped out onto any adjacent properties.
- If we want to do the math to get 264 lots that currently are on the preliminary plat there's 42.56 acres dedicated to lots (excluding streets and common ground), and dividing by the 7,000 square foot lot minimum, that's where you get the 264 lots theoretically.
- With regard to the street connections, we will work with County staff and do whatever traffic control that is needed to negate or mitigate any cut through issues.

Chairman Ellis asked if the two street connections to the north are public streets.

Mr. Weber answered in the affirmative. Because of the size of the subdivision, we are required to have two connections of the roads, but there are three here. If both of those entrances would be closed off, there may not be enough room on Towers Road with two separate entrances.

Chairman Ellis asked if there is a homeowner's association.

Mr. Weber answered in the affirmative.

Chairman Ellis asked the Commission if they have any other questions for the applicant's representative.

There being none, Chairman Ellis brought the discussion back to the Commission.

Terry Hollander asked that if the County Council overrules the decision of the Planning & Zoning Commission, then what we are approving is final, right?

Chairman Ellis said that's correct for the preliminary plat.

Terry Hollander suggested in case that happens change the plat to just having two entrances and to require a traffic study. He stated those are reasonable requests to ask if we approve the plat.

Kevin Cleary stated he still has concerns about the width of the lots. If we approve it subject to those things, we would be ruling against ourselves, in his opinion.

Terry Hollander did not agree with that. If the Council overrules what we rule, then whatever we decide on the plat is final. Terry Hollander asked for a request for an amendment to be added.

Chairman Ellis asked if he would want the one to the east closed and the west open.

Jennifer Bahr said she thinks it's the one on the west by Horseshoe Creek that would close.

Robert Myers said that regarding questions about performing a traffic study, County Code provides two instances where a traffic study can be required. The first indicates that the County Engineer and the Director of Development Review can require traffic studies if deemed necessary to provide traffic connectivity and circulation. In that case the County may require a street to be dedicated to public use and built to public street standards so as to connect with adjoining subdivisions. The second instance to require traffic studies provides that the Planning & Zoning Commission, Director of Division of Development Review, or County Engineer could require a traffic study to determine if internal streets would be wide enough to carry the anticipated traffic through the subdivision. The street coming in from the west is actually a wider collector street. The plans must have been back when it was built to have it extended through this property. To the east of the subdivision, that street is not nearly as wide meaning that carrying a wider collector street through this subdivision and connecting to the east would not be effective. If the Commission believes a traffic study is necessary, you could require that, but the traffic study would determine if the internal streets are effective to carry traffic internally.

Chairman Ellis asked what would be a valid reason to close one street connection versus the other.

Tracie Boehmer asked if stop signs can be requested to slow the flow of traffic.

Robert Myers said anyone can request stop signs, but the Highway Department would provide guidance on that.

Terry Hollander said after he heard what Robert Myers said he asked to withdraw his proposal for two conditions.

Chairman Ellis asked if there are any other questions or concerns.

There being none, Chairman Ellis entertained a motion to approve Application PRE21-03.

Terry Hollander made a motion to recommend approval and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- No	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Terry Hollander	- Yes	Craig Frahm	- Yes
Jamaal Jackson	- Yes				

Application PRE21-03 was recommended for APPROVAL.

The vote count was 6 Yeas, 1 Nay and 0 Abstentions.

TABLED ITEMS

NONE

APPROVAL OF THE REVISED MINUTES FROM THE DECEMBER 16, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the December 16, 2020 regular meeting.

Tracy Boehmer made such motion, and the motion was seconded by Terry Hollander.

The minutes were approved by unanimous voice acclamation.

APPROVAL OF THE MINUTES FROM THE FEBRUARY 17, 2021 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the February 17, 2020 regular meeting.

Jennifer Bahr made such motion, and the motion was seconded by Terry Hollander.

The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

- I. **PRESENTATION / PUBLIC HEARING AND OPPORTUNITY FOR PUBLIC COMMENT ON ST. CHARLES COUNTY'S DRAFT STORMWATER MANAGEMENT PLAN REQUIRED FOR THE COUNTY'S APPLICATION TO THE MISSOURI DEPARTMENT OF NATURAL RESOURCES FOR ITS 2021-26 MS4 PERMIT.**

Rich Gnecco, the Development Review Division Director, provided a public presentation on the new Stormwater Management Plan for the next five years required by the Missouri Department of Natural Resources. The presentation covered Water Quality Responsibilities, Non-Point Source Discharges 2 Phased Approach, Run-off Control, Pollution Prevention, Measurable Goals and Two Permit, Approach which will be used by the County. Mr. Gnecco said there is a 30-day comment period and will continue through March 26, 2021. The Stormwater Management Plan is on the Community Development web page where it can be viewed, and comments would be appreciated.

II. PLANNING & ZONING DIVISION UPDATES

No Division updates were provided.

ADJOURNMENT OF MEETING

Terry Hollander made a motion to adjourn the meeting. The motion was seconded by Craig Frahm and was approved by unanimous acclamation. The meeting adjourned at 11:55 p.m.

Respectfully submitted by:

Roger Ellis, Chairman

Tracy Boehmer, Secretary

DRAFT