



DATE: June 22, 2021

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

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

FROM: Michael Hurlbert, Director of Community Development

RE: Item for July 12, 2021 County Council Meeting

The Community Development Department is submitting the following item for the July 12, 2021 County Council Agenda.

**BILL FOR INTRODUCTION:**

Planning and Zoning Commission recommends **Approval:**

**CONDITIONAL USE PERMIT REQUEST - 5055 N HIGHWAY 94 & MAIN STREET**

Application No: CUP21-09  
Property Owner: Jim Milleville for Two Rivers AG, LLC  
Applicant/Contract Purchaser: Wayne Boschert for Boschert Brothers Storage, LLC  
Current Zoning: I1, Light Industrial District  
Conditional Use Requests: (A) An outdoor storage yard for automobiles, boats, trucks, trailers and recreational vehicles; and  
(B) Landscaping contracting service  
Parcel Size: 5.47 acres  
Location: On the western terminus of Main Street in Orchard Farm  
County Council District: 6  
Account No.: T010500083, A965000451, 876600A000, 876480B000, T020500006, and T150500003

**EXHIBIT B**  
CONDITIONAL USE PERMIT REQUEST

# Application CUP21-09

**CONDITIONAL USE PERMIT REQUEST - 5055 N HIGHWAY 94 & MAIN STREET**

Application No:	CUP21-09
Property Owner:	Jim Milleville for Two Rivers AG, LLC
Applicant/Contract Purchaser:	Wayne Boschert for Boschert Brothers Storage, LLC
Current Zoning:	I1, Light Industrial District
Conditional Use Requests:	(A) An outdoor storage yard for automobiles, boats, trucks, trailers, and recreational vehicles; and (B) Landscaping contracting service
Parcel Size:	5.47 acres
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- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- 2030 Land Use Map
- Notification Area Map
- Project Narrative
- Preliminary Concept Plan and Zoning Exhibit
- Letters received
- ◆ Support - John and Jane Boerding
- ◆ Support - John Weber
- ◆ Support - Scott and Karen Barton
- ◆ Support - Arnie Dienoff
- Planning and Zoning Commission minutes from the June 16, 2021 meeting



June 22, 2021

This communication summarizes the following application and bill to be introduced at the July 12, 2021 County Council meeting:

**CONDITIONAL USE PERMIT REQUEST - 5055 N HIGHWAY 94 & MAIN STREET**

Application No: CUP21-09(A) & CUP21-09(B)  
 Property Owner: Two Rivers AG, LLC, represented by Jim Milleville  
 Applicant/Contract Purchaser: Boschert Brothers Storage, LLC, represented by Wayne Boschert  
 Current Zoning: I1, Light Industrial District  
 Conditional Uses Requests: (A) An outdoor storage yard for automobiles, boats, trucks, trailers and recreational vehicles; and  
 (B) Landscaping contracting service  
 Parcel Size: 5.47 acres  
 Location: On the western terminus of Main Street in Orchard Farm  
 County Council District: 6  
 Parcel Account Numbers: T010500083, A965000451, 876600A000, 876480B000, T020500006, and T150500003

This request includes two conditional use permit applications as depicted in the attached concept plan and described in the attached narrative.

The first conditional use permit application is to operate a landscaping contracting service including an office and a storage yard for trucks, equipment, and rock and soil. An existing building located on the developed industrial parcel would house the proposed office, and the proposed storage of materials and equipment would be located on the two parcels to the east, adjacent to a residence located at 16 Main Street. The second conditional use application is to operate an outdoor storage yard for automobiles, boats, trucks, trailers, and recreational vehicles. This use is proposed to be located on the remaining parcels located on the south side of Main Street and surrounding existing industrial buildings. The applicant proposes to locate 125 storage stalls on this acreage including 76 outdoor storage spaces and 49 indoor storage spaces. Approximately 15 self-storage units will be located on the north side of buildings and provide indoor rental storage. Three residential lots, addressed as 12, 14, and 16 Main Street, front Main Street across from a portion of the proposed vehicular storage yard. The Burlington Northern Railroad track and rail spur border the southern border of the proposed storage yard. The storage yards would be enclosed by an eight foot tall chain link fence topped with barbed wire.

The Planning and Zoning Commission held a public hearing at its June 16, 2021 meeting with the following input:

Speakers: 1 Support 0 Opposed 0 Concerns  
 Letters on file: 4 Support 0 Opposed 0 Concerns

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

8 Approval 0 Denial 0 Abstentions

**Recommendation:**

The Planning & Zoning Commission recommends that the County Council approve both conditional use permit requests with specific conditions. The Planning & Zoning Division concurs with this recommendation.

Sincerely,

Robert Myers, AICP  
Director of Planning & Zoning

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

**STAFF RECOMMENDATION**

To: County Planning & Zoning Commission  
Application No.: CUP21-09

Prepared by: Ellie Marr, CFM  
Date: June 7, 2021

**BACKGROUND:**

Property Owner: Twin Rivers Ag, LLC

Contract Purchasers: Boschert Brothers Storage, LLC

Requested Actions: Two conditional use permits for:  
  
(A) landscaping contracting services; and  
  
(B) an outdoor storage yard for automobiles, boats, trucks, trailers, and recreational vehicles.

Location: On the western terminus of Main Street in Orchard Farm; 5055 N. Hwy. 94

Current Zoning: I1, Light Industrial District

Current Land Use: Industrial

Adjacent Land Uses and Zoning:

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
North	R1E, Single Family Residential District and I1, Light Industrial District	Agricultural (cultivation) and single-family residential
South	I1, Light Industrial District and Burlington Northern Railroad tracks	Railroad tracks and Agricultural (cultivation)
East	I1, Light Industrial District	Single-family residential
West	I1, Light Industrial District with Floodway Fringe Overlay	Agricultural (cultivation)

Public Services: County Council District 6 – Nancy Schneider  
School District – Orchard Farm School District  
Fire District – Orchard Farm Fire District

Utilities: Water – individual wells  
Sewer– individual wastewater treatment systems

This request includes two conditional use permit applications as depicted in the attached concept plan and described in the attached narrative. The first conditional use permit application is to operate a landscaping contracting service including an office and a storage yard for trucks, equipment, and rock and soil. This use would be located in the area outlined in green on the concept plan. An existing building located on the developed industrial parcel would be the proposed location of the office area and the proposed storage of materials and equipment would be located on the two (2) adjacent eastern parcels. The proposed storage yard is adjacent to a residence located at 16 Main Street which predates the inception of County zoning in 1959.

The second conditional use application request is for an outdoor storage yard for automobiles, boats, trucks, trailers, and recreational vehicles for the 5.5-acre area outlined in blue on the concept plan. This conditional use permit application is proposed to be located on the remaining parcels located on the south side of Main Street and the surrounding parcels around the existing commercial buildings. The applicant proposes to locate 125 storage stalls on this acreage including 76 outdoor storage spaces and 49 indoor storage spaces. There will also be approximately 15 self-storage units located on the north side of the buildings housing the indoor storage stalls. Three residential lots; addressed as 12, 14, and 16 Main Street; front Main Street across from the proposed vehicular storage yard. The vehicle storage yards would be enclosed by an eight foot tall chain link fence topped with barbed wire. The storage yard would be adjacent to a Burlington Northern Railroad track and rail spur along its southern border.

Per the attached concept plan, landscape buffering is proposed where the proposed uses would adjoin residences.

## **ANALYSIS**

Conditional use permits 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?

Staff has reviewed the first conditional use request in regard to the landscape company and finds that the proposed use, as depicted on the concept plan and described in the

narrative, conforms to the criteria of Section 405.510.B with specific conditions to address land use impacts for neighboring residences.

Regarding the second conditional use request, staff finds that the proposed use, as depicted on the concept plan and described in the narrative, conforms to the criteria of Section 405.510.B with specific conditions to address land use impacts for adjoining residences.

### **STAFF RECOMMENDATION**

#### **CUP21-09A (landscaping contracting services):**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the landscaping contracting services conditional use permit application with the following conditions:

- 1. A site plan in conformance with the attached concept plan shall be submitted to and approved by the St. Charles County Community Development Department.**
- 2. A “Type 2” landscape buffer with coniferous and deciduous trees shall be installed and maintained along the eastern property line across from the parcel addressed as 16 Main Street.**
- 3. All trees illustrated on the approved site plan shall be maintained in a healthy condition with diseased or dead trees replaced.**
- 4. All exterior lighting on site shall utilize full cutoff light fixtures.**
- 5. No conditional use shall become active until all conditions of approval have been met.**

#### **CUP21-09B (vehicle storage yard):**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the vehicle storage yard conditional use permit subject to the following conditions:

- 1. A site plan in conformance with the attached concept plan shall be submitted to and approved by the St. Charles County Community Development Department.**
- 2. A “Type 2” landscape buffer with coniferous and deciduous trees shall be installed and maintained bordering Main Street and directly across from parcels addressed as 12, 14, and 16 Main Street.**
- 3. All trees illustrated on the approved site plan shall be maintained in a healthy condition with diseased or dead trees replaced.**
- 4. No hazardous materials may be stored on the property, as determined by the County’s Building and Code Enforcement Division Director.**

5. All vehicles must be maintained in operable condition.
6. All exterior lighting on site shall utilize full cutoff light fixtures.
7. No conditional use shall become active until all conditions of approval have been met.



**Building (green roof) to be used for landscape business**