CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Ellis welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council. He explained that Public comment on conditional use permit applications would be taken at the meeting, and at the County Council meeting on Monday, June 10, 2019. He stated that public comment on conditional use permit applications would not be taken at any meeting of the County Council held thereafter. He explained to the audience that the Planning & Zoning Commission will make a recommendation on rezoning applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats is final. Only a recommendation for denial on plats 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); County zoning maps; and the 2030 Master Plan for St. Charles County, including the 2030 Future Land Use Plan Map.

CHANGES TO THE AGENDA

NONE

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT REQUEST - 5055 NORTH HIGHWAY 94

Application Number: CUP19-01
Applicants/Owners: Jerry and Kim Lindemann
Property Zoning: I1, Light Industrial District
Conditional Use Request: Outdoor storage lot for trailers, recreational vehicles & boats
Parcel Area: 4.792 acres
General Location: On the west side of Highway 94 North, approximately 400 feet south of the Burlington Northern & Santa Fe Railroad

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. This property, as well as properties to the north, south, and west, are zoned I1, Light Industrial District. The property to the east is zoned C2, General Commercial District. The applicant is requesting a conditional use permit for an outdoor storage lot. The application includes a 4.62-acre parcel and an additional 0.17 acres on the adjacent southern parcel, which is currently owned by the Orchard Farm School District. The School District and the owner intend to share a common driveway which is located on the southern portion of this parcel. The Fire Department is also adjacent to the property and has their own access driveway. They would also be able to use the access driveway to the storage facility. The subject property is adjacent to Light Industrial Zoned properties, but there is also a residence located to the north of the property. The concept plan provides for a landscape buffer along the northern side of the property between the subject property and that residence, as required by County Ordinance. The applicant is proposing to have a sight-proof fence around the property as well.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the conditional use request subject to the following conditions:

1. A site plan substantially complying with the concept site plan and Section 405.525 of the County Code shall be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active.
2. A Missouri Department of Transportation permit shall be obtained for the continued use of two (2) commercial entrances off Hwy. 94.
3. No light from exterior light fixtures shall exceed 0.5 foot-candles as measured at the property lines.
4. No conditional use shall be in active use until such time all conditions of approval have been met.
For the record, staff received two letters of opposition regarding this application.

Mike Klinghammer stated that he read on the concept plan that the applicant is proposing to have a black, vinyl coated chain-link fence. He stated that he is generally not a fan of chain-link fencing, and he asked if County Ordinance has specific requirements on the type of fencing that is required for these types of developments.

Ellie Marr responded that County Ordinance does not require any specific type of sight-proof fencing, and actually would not require the development to be fenced at all. Sight-proofing may consist of either sight-proof fencing or a landscaping berm. She stated that the concept plan presented shows both fencing and landscape buffering on the northern side of the property with a 20-foot deep landscape strip.

Robert Myers elaborated that County Ordinance requires either a six-foot tall sight-proof fence or a landscape berm of such height as to screen to any adjoining properties. The last few storage lots approved by the County Council used slats with chain-link fencing. He stated that slats come in two options providing either 75 percent or 95 percent screening. For recent site plans for storage yards, County staff has required use of the latter.

Chairman Ellis asked if the creation of the entrance and exit for the School District and for the Fire Protection District are outside of the scope of this application.

Ellie Marr responded that County staff would require a Missouri Department of Transportation (MoDOT) entrance permit for the proposed entrance.

Chairman Ellis asked if the exchange of land between the School District and the property owners would be outside of the scope of this application.

Ellie Marr responded that the exchange of land is something that would take place privately between the property owners at a later time if this application is approved.

Jim Leonhard stated that according to the concept plan, this site will have fencing all the way around it, and it will have gates at the entrances. Mr. Leonhard asked about the applicant’s plans for security and lighting on the site.

Ellie Marr stated that the applicant has not provided any specifics for security and lighting with the concept plan as it is not required at this stage. However, the Planning and Zoning Commission may add recommended conditions to address these if the Commission chooses.

Jim Leonhard asked about the hours of operation.

Ellie Marr responded that the applicant did not propose any hours of operation. She stated that the storage lot will have a self-access gate.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Cliff Heitmann with Bax Engineering, the applicant’s representative, was sworn in. Mr. Heitmann stated the property owners were present and able to answer any questions the Planning and Zoning Commission may have for them. The Orchard Farm School District is now finalizing plans for the property adjoining to the south for a maintenance shed and some office space. He stated a concrete drive to the north of the fire house would also provide access for a future bus storage lot.
for the School District. He stated that the School District has been working with the applicants on sharing that access driveway, and then swapping some of the property as beneficial to both. This would locate the School District’s entrance where best for visibility and sight distance along Highway 94 and would also provide secondary access for the Fire District. He stated that the Fire District has an apparatus truck that is difficult to exit through the front of the bay, so they exit through the rear. Currently, their rear driveway is just a gravel drive that wraps around. The proposed shared driveway is part of a common effort between the entities involved to improve the current situation.

Cliff Heitmann stated that this property is zoned I1, Light Industrial District and was formerly a farmers’ cooperative (“co-op”). The building at the front of the property is a hardware store which would continue to operate. The applicants are proposing to largely use the property “as is” but add gravel to the rear of the site so that they can use it for a storage lot. Since there is an adjacent residence to the north, there would be a landscaped berm along the length of that northern property line. The property will be entirely fenced with chain-link fencing, but they propose site-proofing only along the northern property line where it abuts the residence. Access to the site would be through a gated entrance between the two buildings. The secondary access to the south would be available there too. He stated that the applicants have approached the Missouri Department of Transportation (MoDOT) about access for the School District, and they do have conceptual approval for that. MoDOT is aware of the current ongoing operation on the property, but they have not yet approached them about the storage lot. He stated that the concept plan shows a water quality feature to be located at the rear of the property to help clean stormwater before it leaves the property. Development in stages is proposed, and they would not gravel the entire site at once. As business grows, they will add additional parking areas as necessary and will fence the entire property.

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

Jim Leonhard asked if the residence located to the south of the Fire Department would be screened, or if the open chain-link fence would be visible to them.

Cliff Heitmann responded that the residence to the south of the Fire Department has School District property that wraps around three sides. Screening for that property would be included as part of the Orchard Farm School District’s proposed storage lot plan, but is not part of the proposed plan for the storage lot.

Jim Leonhard asked if the residents of the home to the south of the subject property would be able to look right into the storage lot.

Cliff Heitmann stated that it would be visible to them only until the screening is in place for the Orchard Farm School District.

Mike Klinghammer asked how soon the School District would be coming forward with their plan.

Cliff Heitmann responded that Bax Engineering is also the engineer for the School District project. A draft site plan has been prepared, and he has been asked by the County to submit construction plans. If approved, the School District will be ready to move forward with construction later this year or early next year. The School District would like to have that facility open sometime next year.

Jim Leonhard asked about the hours of operation for the storage lot.

Cliff Heitmann responded that the self-service access will be available 24 hours a day, 7 days a week. However, the applicants are open to limiting those hours if the Commission recommends that.
Jim Leonhard asked if access to the property is going to be controlled.

Cliff Heitmann stated that access would be limited to renters using a keypad and code at the gate.

Chairman Ellis asked if there would be Class A vehicles that would require sanitary disposal.

Cliff Heitmann responded in the negative. He stated that only recreational trailers, personal trailers, and vehicles would be stored.

Kevin Cleary asked about the depth of the proposed gravel that will be used for the parking lot. He also asked if there has been a study done to indicate possible drainage issues as a result of the area being graveled.

Cliff Heitmann responded that the concept plan shows which portion of the lot is currently graveled. He stated that they normally put down about six to eight inches of gravel. He and the applicants previously met County staff regarding stormwater runoff. The property is relatively flat and there is not much drainage in the Orchard Farm area. There is a ditch along the rear of the property, and they are proposing a water quality feature for the property where the water will be directed to flow toward that ditch. He stated that the detailed plan for runoff control will be provided as part of the construction plans if their conditional use permit is approved.

Kevin Cleary asked if the gravel depth of six to eight inches will be self-regulated.

Cliff Heitmann responded in the affirmative. Mr. Heitmann stated that he does not believe that the County has a standard in terms of the minimum depth of the gravel.

Chairman Ellis asked if there were any further questions for the applicant. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Tom Smith, 1710 Railroad Avenue, was sworn in. Mr. Smith stated that he would like to voice his support for this proposal.

There being no further audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Mike Klinghammer stated that the County already has a lot of chain-link fencing, and it seems to have been the material of choice for many years. He does not favor chain-link fencing and does not think it is durable. He asked if there are any requirements in the County Ordinance about the type of materials that can be used for fencing.

Robert Myers responded in the negative. Mr. Myers stated that the Ordinance states that there shall be a six-foot-tall sight-proof fence surrounding the property, but it does not specify how that is to be achieved.

Mike Klinghammer asked Megan Murray, Assistant County Counselor, to contact him regarding drafting a bill to update the County's ordinance standards for fencing. He stated that while the applicant's proposal does meet current County standards, he believes that the fencing in areas along Highway 94 should have higher standards.

There being no further discussion, Chairman Ellis called for a motion to recommend approval of the conditional use permit with conditions as recommended by County staff.

Kevin Cleary made and Mike Klinghammer seconded this motion.
The vote on the motion was as follows:

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<td>Diane Saale</td>
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<td>Kevin Cleary</td>
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<td>Roger Ellis</td>
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<td>Jim Leonhard</td>
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<td>Craig Frahm</td>
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<td>Robert McDonald</td>
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<td>Mike Klinghammer</td>
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Application No. CUP19-01 was recommended for **APPROVAL** with conditions.

The Vote Count was 7 Yeas, 0 Nays, and 0 Abstentions.

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**II. REZONING AND CONDITIONAL USE PERMIT REQUEST - 1112 BRYAN ROAD**

- **Application:** CUR19-03
- **Applicant:** KF Landscapes, LLC
- **Property Owner:** Hillmann Bryan Road, LLC
- **Current Zoning:** R3A, Medium Density Residential District
- **Requested Zoning:** C2, General Commercial District
- **2030 Master Plan Recommends:** Medium Density Residential
- **Conditional Use Request:** Landscaping Contracting Services
- **Area:** 5.77 acres
- **Location:** On the east side of Bryan Road, approximately 200 feet north of Pascale Court; adjoining the City of O'Fallon
- **Council District:** 4
- **Account No.:** 345030A003

Robert Myers, Director of Planning and Zoning, described the subject property and the surrounding land uses. Mr. Myers stated that this is a two-part request. First, the applicant is requesting a rezoning change from R3A, Medium Density Residential District to C2, General Commercial District. Second, the applicant is requesting a Conditional Use Permit to allow the operation of a landscape contracting service business from the property. The property is located along the traffic corridor of Bryan Road, which connects with Interstate 70 approximately a half mile to the north. The property is completely surrounded by the City of O'Fallon's zoning jurisdiction. The applicant is aware that the proposed development will require connection to public sewer and water from the City of O'Fallon and therefore may require annexation. The 2030 Master Plan recommends medium density residential uses for this property. He stated that although this request would not conform to the Master Plan recommendation, it would conform to the prevailing development patterns and land uses in the area which is a mixture of residential and commercial. He stated that properties along Bryan Road are primarily zoned commercial. In 2018, the subject property came before the Planning and Zoning Commission and County Council with the request to rezone it from a single-family residential zoning category to medium density residential. At that time, the City of O'Fallon filed a remonstrance with St. Charles County stating their preference that this property be commercially zoned rather than. Mr. Myers stated that the nature of the landscape contracting business differs from a nursery or garden center primarily in that they are not necessarily growing their own plants. A landscape contracting business is a more intensive use in some ways because it normally includes outdoor storage of materials such as gravel, mulch, rock, and equipment. There might be Bobcat equipment and trucks moving around during business hours, and 30 to 40
workers could potentially be coming and going from the property. He stated that to the south of the property is a row of residences, therefore the Planning and Zoning Commission should take into consideration how these adjacent land uses could impact each other. County staff recommends that the Planning and Zoning Commission recommend approval of both the requested zoning map amendment and the proposed conditional use permit, with certain conditions that are intended to address possible land use impacts for neighbors, including conditions addressing buffering, lighting, parking, hours of operation, and site planning.

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

Kevin Cleary stated that the property adjacent to the north is commercially zoned and asked if the surrounding properties abutting the subject property are zoned residential.

Robert Myers responded that the land to the northwest is zoned commercial within the City of O'Fallon, and a daycare is located there. He stated that the portion adjacent to that property to the northeast is zoned residential.

Kevin Cleary asked if the applicant is requesting to rezone the entire property.

Robert Myers responded in the affirmative.

Kevin Cleary asked if the subject property is rezoned to C2, General Commercial District, would it be open to other commercial uses in the future.

Robert Myers responded conceivably yes. Mr. Myers stated that the applicant would have to deal with the creek located in the back of the subject property, and obtain County site plan approval. He stated that if any use would require a conditional use permit, it would be reviewed by the Planning and Zoning Commission and the County Council.

Kevin Cleary stated that the site sits lower in elevation than the neighboring property. He asked what the applicant plans to do visually and if they plan to raise the elevation in front.

Robert Myers responded that the applicant could best answer that question but the parking lot will be along Bryan Road, and the existing house on the subject property will be converted into an office. He stated that the concept plan shows heavy landscaping behind the office. So this should help buffer the view from Bryan Road.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Tony Meyer, the applicant, was sworn in. Mr. Meyer stated that they currently operate their landscape contracting and maintenance company at a property that is 1.66 acres in the City of Wentzville. He stated that they have been searching for a larger property for their growing business. They are drawn to the creek on the back of the subject property, the amount of wooded area, and the level of screening from Bryan Road. A significant grade change exists from Bryan Road to the storage area ranging from 8 to 10 feet. They want a larger property that they can showcase to customers and build a show room with heavy landscaping. He stated that their business installs many patios, retaining walls, etc. They do a lot of medium to high-end residential installations. He stated that they have customers come out and see their products and choose materials meaning that they want it to keep it presentable.

Tony Meyer stated that they know the sensitivity of the subject property and Belleau Creek, and don't have plans to develop the back portion of the property. Mr. Meyer stated that they are mindful
of the drainage and drainage issues. He stated that they are proposing to install a bio retention area and a bio swale to handle stormwater. They plan to make a showroom for their customers. They do commercial work including the maintenance of such drainage features. It is in their best interest to well maintain the landscaping and natural drainage. He stated that they were drawn to the subject property because they saw this as an opportunity to promote company culture and enjoy the scenic view of the back portion of the property.

Chairman Ellis asked where the other KF Landscapes is located in the City of Wentzville.

Tony Meyer stated that it is located off of Mexico Road, north of the General Motors Wentzville Assembly Center.

Chairman Ellis asked if that was previously approved by the Planning and Zoning Commission three to four years prior.

Tony Meyer responded in the affirmative.

Mike Klinghammer stated that he likes the concept plan. Mr. Klinghammer stated that the Commission should also consider what will happen if this business decides to move elsewhere. It should be remembered that once zoning changes it will never go back to the previous zoning. He stated that the Planning and Zoning Commission has to consider the applicant's plans, the sensitivities of the surrounding residences, and potential future uses of the property.

Tony Meyer responded that he understands those concerns. Mr. Meyer stated that this property would meet their needs for some time. He stated that they are currently at a 1.66-acre property, and the front portion of the subject property is a little over 3.0 acres. He stated that he doesn't have the energy to expand their business twice the size.

Kevin Cleary asked about the hours of operation.

Tony Meyer responded that the hours of operation would typically be from 6:45 AM to 7:00 PM with no activity later than that.

Kevin Cleary asked if they will store a lot of the materials on the property and asked about the size of the equipment vehicles that will be entering and exiting the facility.

Tony Meyer responded that the equipment vehicles range in size from 3500 to 5500 diesel trucks. Mr. Meyer stated that they have a couple of trucks larger than that, but the size does not exceed a tandem axle dump truck. He stated that they don't do their own deliveries besides what the dump bed 5500 diesel trucks will carry. He stated that they have proposed to have some bulk material storage, and it will be fairly limited with several types of gravel and mulch. He stated that they generally have some pallet storage of stone left over from a job that will get reused.

Kevin Cleary asked if the proposed development will be fenced.

Tony Meyer responded that an existing wooden privacy fence extends along the southern property line.

Kevin Cleary asked where the fence is on the adjacent owner's property or on the subject property.

Tom Meyer stated that he would assume that it is on the adjacent property.

Kevin Cleary asked how many trucks or vehicles are expected to enter and exit the property in the busy season.
Tony Meyer responded that there would be a total of ten.

Mike Klinghammer stated that he is not familiar with the site and asked if the elevation of the proposed storage building would be roughly level with the six adjacent residences to the south.

Tony Meyer stated that there is a significant rise in grade the closer you get to Bryan Road and up to the adjacent property to the south.

Mike Klinghammer asked if the six adjacent residences along Pascale Court follow the same grade changes of the subject property.

Tony Meyer responded that it might be the same trajectory, but the adjacent residences are higher in elevation.

Mike Klinghammer asked about the type of trees used for the screening proposed along the property line.

Tony Meyer responded that it would generally consist of large evergreen trees.

Chairman Ellis asked if there were any further questions for the applicant. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

There being no speakers from the audience, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Jim Leonhard stated that changing the zoning to C2, General Commercial District, adjacent to an established residential area doesn't seem to be the best use of the land.

Chairman Ellis stated that he visited the subject property. Mr. Ellis stated that as you drive south on Bryan Road, on the left-hand side, approximately half to two-thirds of those properties are commercial uses.

Jim Leonhard stated that as Commissioner Mike Klinghammer mentioned, once the zoning is changed it is final.

Mike Klinghammer stated that this may be an acceptable proposal, but he is concerned about the future of the six residences adjacent to the subject property. The residences beyond the back of the subject property have more protection. He stated that no one is going to develop around Belleau Creek because it is prone to flooding. He stated that he is not worried about the back half getting developed, but he is more concerned about the subdivision located in the front of the subject property.

Craig Frahm stated that the property owners have had a hard time developing the subject property for anything other than a residence. Mr. Frahm stated that is why the applicant is going this route. They can't use the back portion of the property without making considerable changes to the creek, and a residence cannot be placed there.

Mike Klinghammer asked if County staff heard anything from the six property owners.

Robert Myers responded in the negative. County staff mailed approximately 192 notification letters, including to the City of O'Fallon.

Craig Frahm stated that when the Planning and Zoning Commission held an earlier public hearing to rezone this property to multi-family residential more people attended.
Robert Myers remarked that the City of O'Fallon's remonstrance stated that they preferred that the subject property be zoned commercial rather than residential.

Kevin Cleary asked why the subject property was not annexed into the City of O'Fallon if they wanted it to be zoned and surrounded by commercial.

Robert Myers briefly explained the annexation process and stated that involuntary annexation often hinges on city utilities. He doesn't know the extent that city utilities will be necessary, but the applicant has assured County staff that he has explored that question.

Kevin Cleary asked what specifically the City of O'Fallon objected to.

Robert Myers responded that after looking citywide at the amount of commercially zoned vacant land, the City of O'Fallon wanted to avoid losing opportunities for future commercial development.

Jim Leonard asked once the zoning is changed is there is anything in the ordinance that can prevent the wooded, back portion of this property from being developed.

Robert Myers responded that the applicant would have to come back and amend the conditional use permit concept plan to develop the back portion of the property. If this was just zoned commercial without a conditional use permit, then the applicant would have to follow all of the County regulations including the floodplain regulations and site plan requirements. He stated that conceivably, development could occur in the back portion of the property as long as they met all County requirements.

There being no further discussion, Chairman Ellis called for a motion to recommend approval of the rezoning request.

Craig Frahm made a motion to recommend approval, and Robert McDonald seconded the motion.

The vote on the motion was as follows:

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The Rezoning request was recommended for APPROVAL.

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

Chairman Ellis stated that the Commission would next consider the proposed conditional use permit and asked for any County staff presentation.

Robert Myers, Director of Planning and Zoning, stated that he didn’t have anything to add to County staff’s earlier presentation.

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

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

Tony Meyer, the applicant, was sworn in.
Mike Klinghammer asked about the plans for water and sewer services.

Tony Meyer stated that their water service is currently with the City of O'Fallon, but he doesn't know about sewer services.

Mike Klinghammer asked if the City of O'Fallon will continue to provide water and sewer to them although they are not annexed into the City. Mr. Klinghammer stated that the City of St. Charles does this on some occasions.

Tony Meyer responded in the affirmative.

Mike Klinghammer asked how the County's screening standards compare to what the City of O'Fallon may require of the applicant.

Robert Myers responded that he didn't have the information but could provide it later.

Mike Klinghammer asked County staff to provide that information before the County Council meeting. Mr. Klinghammer stated that in the past there were problems with applicants coming before the County for approval, and once their projects were built, they would annex into the City. He stated that it was a way of shortcutting a City's development standards. This might not be the applicant's intention, but it would be beneficial to avoid doing so.

Chairman Ellis asked if the applicant was aware of the conditions proposed by County staff on the conditional use permit request. Mr. Ellis read the sixth recommended condition aloud and asked if the business would be open on Saturdays.

Tony Meyer responded that they will occasionally be open on Saturdays.

Craig Frahm stated that if this condition would be approved then the business could not operate equipment on Saturdays. Mr. Frahm stated that landscaping companies often work seven days a week during this time of year. He asked County staff the reason for putting that requirement on the hours of operation.

Robert Myers stated that County staff relied upon the applicant's submittal of a daily schedule. It included only the hours of operation and the days of operation were inferred.

Mike Klinghammer stated that the Commissioners need to be cognizant of the subject property being adjacent to a small subdivision.

Chairman Ellis asked if Code Enforcement would consider a truck coming and leaving as operating outdoors or is the intent that the applicant would have a small Bobcat truck loading gravel on a Saturday afternoon.

Robert Myers responded that the intent would be to cover both. If the hours of operation are not stipulated, then conceivably they could have a truck coming in at 3:00 a.m.

Craig Frahm asked the applicant if he is comfortable with the hours of operation. Mr. Frahm stated that the applicant stated that sometimes they are open until 7:00 p.m.

Tony Meyer responded that being open until 7:00 p.m. would be rare.

Craig Frahm stated that if the applicant would work until 7:00 p.m., then they would be violating what is being proposed. Working on Saturdays and Sundays and moving equipment around would be a violation to some of the conditions. He stated that the Commission needs to know whether to change the requirement before considering the conditional use permit request.
Tony Meyer stated that their hours of operation would begin at 6:45 a.m. and in most cases, end by 5:00 p.m. Mr. Meyer stated that they are not like most maintenance companies that operate seven days a week. He stated that they are primarily a construction company that operates Monday through Friday. He stated that they do work occasionally on Saturdays. He stated that if they get three days of rain during the week, their intent is to work on a Saturday. He stated that he couldn't remember the last time that they worked on a Sunday.

Craig Frahm stated that the draft conditions would prohibit business hours on Saturday and Sunday. Mr. Frahm asked if the applicant is able to work on Saturdays.

Tony Meyer stated that he was not aware of the restriction on the days of operation, Monday through Friday.

Jim Leonhard asked why the applicant wasn’t aware of those restrictions.

Robert Myers stated that County staff provided a copy of the staff recommendation to the applicants through the contact provided with their application.

Kevin Cleary referred to the second condition and asked which entity would grant access to Bryan Road.

Robert Myers responded that the City of O'Fallon is responsible for the maintenance of that Bryan Road.

Craig Frahm asked if the applicant has purchased the subject property.

Tony Meyer responded in the negative.

Chairman Ellis asked if there were any further questions for the applicant. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Kohl Fitzmaurice, applicant, was sworn in. Mr. Fitzmaurice stated that they could connect to the City of O'Fallon's sewer system without having to annex. The reason relates a federal grant used by the City which prevents annexation as a condition for sewer service. He stated that their existing water service has been provided through the City of O'Fallon for some time and he doesn't see this being a problem but he has never asked the City if they would have to annex for water service when they purchase the property.

Mike Klinghammer stated that if he plans to install a larger water line than what is on the subject property now, then he should be in communication with the City of O'Fallon.

Concerning days of operation, Kohl Fitzmaurice stated that they would not be open on Sunday. Mr. Fitzmaurice stated that the only thing that might leave on a Saturday would be trucks. He stated that they don't move equipment. He asked if they could request a change to the hours of operation to Monday thru Saturday.

Craig Frahm asked if they would like to be open on Saturdays.

Kohl Fitzmaurice responded in the affirmative.

There being no further audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.
Chairman Ellis stated that there is an issue with the hours of operation and asked if the sixth condition could be reworded to "that no equipment should be operated outdoors other than Monday through Saturday."

Craig Frahm made a motion to reword the sixth condition stating that no equipment shall be operated outdoors other than Monday thru Saturday from 6:30 a.m. to 6:00 p.m.

The motion was seconded by Robert McDonald.

Mike Klinghammer asked County staff if the hours of operation for other landscaping companies are restricted to Monday to Friday and asked whether those are adjacent to residential zoning.

Robert Myers responded that this landscape company's existing location on Mexico Road backs up to residences. Mr. Myers stated that he is unsure if the days of operation there are limited to Monday to Friday.

Mike Klinghammer stated that he would like for it to be consistent.

Diane Saale stated that the rezoning went against the Master Plan by approving it to be commercial rather than remaining residential. Ms. Saale stated that she isn't sure if the Commission should extend the hours of operation to Saturday, being in a highly residential area.

Chairman Ellis stated that he doesn't see any problems with trucks coming and going on Saturdays, but there shouldn't be operation of physical equipment.

Chairman Ellis restated this reworded condition as "no equipment should be operated outdoors other than Monday thru Saturday from 6:30 a.m. to 6:00 p.m."

The motion was approved by unanimous voice acclamation.

Chairman Ellis next entertained a motion to recommend approval on Application CUR19-03 per the staff recommended conditions, except for the sixth condition which would state "no equipment shall be operated outdoors other than Monday thru Saturday from 6:30 a.m. to 6:30 p.m."

This motion was made by Kevin Cleary and seconded by Jim Leonhard.

The vote on the motion was as follows:

<table>
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<th>- Yes</th>
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<tbody>
<tr>
<td>Diane Saale</td>
<td>- Yes</td>
<td>Kevin Cleary</td>
<td>- Yes</td>
<td>Roger Ellis</td>
<td>- Yes</td>
</tr>
<tr>
<td>Jim Leonhard</td>
<td>- No</td>
<td>Craig Frahm</td>
<td>- Yes</td>
<td>Robert McDonald</td>
<td>- Yes</td>
</tr>
<tr>
<td>Mike Klinghammer</td>
<td>- Yes</td>
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The Conditional Use Permit request for Application No. CUR19-03 was recommended for APPROVAL with conditions.

The Vote Count was 6 Yeas, 1 Nays, and 0 Abstentions.
Robert Myers, Director of Planning and Zoning, described the zoning of the subject property, the surrounding zoning, and the Future Land Use Plan. The property proposed for the resubdivision is Lot F of Femme Osage Ridge Subdivision. The proposed plat would divide this 24.57-acre lot into two (2) lots. The first lot, F-1, would be 11.575 acres in size and the second lot, F-2, would be 13.00 acres in size. Mr. Myers stated that in 2018 this applicant came before the Planning and Zoning Commission and was approved for a preliminary plat. The applicant then followed up with the final plat, and it was approved administratively. The plat was recorded in November 2018.

The additional lots will be governed by the same covenants and restrictions of the Femme Osage Ridge Subdivision. The owner is requesting a waiver from the requirement that all lots shall front on a public or private road. Instead, the existing approved easement access to Lot F that was previously approved in 2018 for the Femme Osage Subdivision would be used for both lots.

The Community Development Director has reviewed the request for a waiver allowing the lots to not take access on a public and private street and agrees with doing so with the following conditions:

1. Lot F will only be split into 2 lots, if an additional subdivision should occur in the future that requires access from this drive, then it will need to be upgraded to private street standards, including a 42 ft right of way.
2. With this waiver, a cul-de-sac is not required or necessarily desirable for this situation. Instead, an easement that provides equal access to each property created on Lot F would be sufficient; and
3. The driveway entrance on the Boone Ridge Trail shall be aligned directly opposite from Nathan Ridge Drive, as close to a 90-degree angle as possible, with an interior angle no less than 70 degrees.

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

Chairman Ellis asked if the preliminary plat as presented meets the conditions described.

Robert Myers responded that the latest preliminary plat does meet the conditions, which provided County staff details about the exact alignment for the access easement and a driveway.
Chairman Ellis asked if the paper copies that the Commissioners received reflect the proper updates.

Robert Myers responded in the affirmative.

Kevin Cleary asked if there was any discussion on who would be responsible for the maintenance of the easement driveway.

Robert Myers responded in the negative. Mr. Myers stated that the applicant will have to work out the arrangement about who will maintain the easement. He stated that it is already in an access easement up to Lot F, and that will have to be amended to address how the owners of the two lots would be involved with maintenance. He stated that the applicant’s representative could answer that further.

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

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

Joe Pfleger, the applicant’s representative, was sworn in. Mr. Pfleger stated that the original plat was approved with the same waiver. He stated that a 50 ft. wide access easement straddles the adjacent lots to the north extending to Lot F. He stated that as part of the design of the plat, the existing driveway will be upgraded to the standards of a private roadway. He stated that it will have the necessary gravel on a sub base that meets the standards of the County for private roadway. He stated that it will extend all the way to the north line on Lot F and provide access to everybody. He stated that they have asked to continue the waiver for this one time, and they do not plan on dividing the lot anymore.

Kevin Cleary stated that he is glad to hear that the applicant is going to upgrade that access. Mr. Cleary asked if there is any maintenance agreement that is a part of this in the future.

Joe Pfleger responded that he doesn’t know if there is anything in place at the moment. Mr. Pfleger stated that he does know that it has to stay open and useable for the lot owners. He stated that he doesn’t know if there is an actual agreement, and he has not come up with one yet.

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

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

There being no speakers from the audience, Chairman Ellis closed taking public comments and called for discussion from the Commission.

Kevin Cleary agrees with the preliminary plat request. Mr. Cleary believes that upgrading the access is vital and the applicant is taking the steps to do that. He stated that as long as they can build two buildable sites on the plat the request should be approved.

There being no further discussion, Chairman Ellis called for a motion to approve Application No. PRE19-04 with the waiver.

Kevin Cleary made and Mike Klinghammer seconded this motion.

The vote on the motion was as follows:
Application No. PRE19-04 was APPROVED.

The Vote Count was 7 Yeas, 0 Nays, and 0 Abstentions.

TABLED ITEMS

NONE

APPROVAL OF THE MINUTES FROM THE APRIL 17, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the April 17, 2019 regular meeting.

Chairman Ellis stated that there is one correction that has been noted.

Robert Myers stated that the second sentence on page 6 should omit “fling” and insert “filing”.

A motion to approve the minutes as amended was made by Mike Klinghammer, and the motion was seconded by Jim Leonhard. The minutes were approved by unanimous acclamation.

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

Robert Myers welcomed Megan Murray, Associate County Counselor. Megan Murray will be attending future Planning and Zoning Commission meetings and will help advise the Planning and Zoning Commissioners and County Staff.

Robert Myers stated that the 2030 Master Plan has been approved and printed. An online interactive Master Plan is available on the St. Charles County website.

Mike Klinghammer asked if County staff could preload the interactive Master Plan onto the iPad for the Commissioners.

Robert Myers responded in the affirmative. Robert Myers stated that beginning next month, the agenda packets for the meetings will be digital. He stated that the iPads will be set up for the Commissioners with the tabs including the Agenda Center, online GIS map, and the interactive 2030 Master Plan. He stated that those resources can be used during the meeting to guide the Commissioners.
Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Mike Klinghammer and was seconded by Jim Leonhard. The motion to adjourn was approved by unanimous acclamation, and the meeting adjourned at 8:22 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary