

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: MAY 17, 2023

TIME: 7:00 PM

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

MEMBERS PRESENT: Jennifer Bahr; Tim Baker; Chad Cornwell; Kevin Cleary; Roger Ellis; Craig Frahm; Jeanette Koechner; and Kyle Shell

MEMBERS ABSENT: Tracy Boehmer

STAFF PRESENT: Robert Myers, Director of Planning & Zoning; Bryan Wise, Associate County Counselor; Mark Price, County Senior Planner; and Mariza Almstedt, Recording Secretary

CALL TO ORDER

Chairman 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.

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, the Rules of Order and Procedure for the Planning and Zoning Commission as adopted by Resolution 21-01 and the 2023 Fireworks Stands Regulations.

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

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

CHANGES TO THE AGENDA

Chairman Ellis announced that applications RZ23-05, Zoning Map Amendment Request for 24 Main Street and CUP23-04, Conditional Use Permit Request for 24 Main Street will be continued to the June meeting.

APPLICATIONS FOR TEMPORARY FIREWORKS STAND CUP PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 3494 NORTH HWY 94

Application: FWK23-09
Applicant: Dennis Thebeau
Property Owner: Frederick T. Dyer Trust
Zoning: I2, Heavy Industrial District, with Floodway and Floodway Fringe Overlay Districts
Location: On the east side of North Highway 94 approximately 880 feet north of Joyce Drive, near the City of St. Charles
Council District: 6
Account No.: 885270A000

Mark Price said this temporary fireworks stand has been in the same location since 2022.

County staff did not receive any complaints from the community regarding this temporary firework stand.

County staff recommends approval of this application with two conditions. These include requirement to comply with their concept plan and to comply with the 2023 fireworks stand regulations adopted by the Planning and Zoning Commission on March 15, 2023.

With no questions for County staff, Chairman Ellis asked the applicant to come forward.

Dennis Thebeau,(3127 Elm St. St. Charles, MO) was sworn in.

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

With no questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. FWK23-09.

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

There being no discussion from the Commission, Commissioner Cleary made a motion to approve Application FWK23-09, Commissioner Bahr seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Craig Frahm	Yes	Kyle Shell	Yes	Chad Cornwell	Yes
Jeanette Koechner	Yes	Tim Baker	Yes		

Application No. FWK23-09 was **Approved**, subject to conditions.

II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT – 1429 GRANVILLE DR

Application: FWK23-10
Property Owner: Gerald L Boehmer and Judy A Boehmer Family Partnership LP
Applicant: Show me Fireworks, LLC – Martin Fears
Zoning: C2, General Commercial District
Location: Located 2550 feet south of Timber Trace Drive along Highway 61 adjacent to the City of Wentzville.
Council District: 1
Account No.: 719430A000

Mark Price said this temporary fireworks stand has been in the same location since 2021.

County staff did not receive any complaints from the community regarding this temporary firework stand.

County staff recommends approval of this application with two conditions. These include requirement to comply with their concept plan and to comply with the 2023 fireworks stand regulations adopted by the Planning and Zoning Commission on March 15, 2023.

With no questions for County staff, Chairman Ellis asked the applicant to come forward.

Martin Fears, the Applicant was not present.

With no questions by Commissioners, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. FWK23-10.

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

There being no discussion from the Commission, Commissioner Frahm made a motion to approve Application No. FWK23-10. Commissioner Cleary seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Craig Frahm	Yes	Kyle Shell	Yes	Chad Cornwell	Yes
Jeanette Koechner	Yes	Tim Baker	Yes		

Application No. FWK23-10 was **Approved**, subject to conditions.

PUBLIC HEARINGS

I. CONDITIONAL USE PERMIT REQUEST – 2334 MEXICO ROAD

Application No:	CUP22-07
Property Owners:	Jacob Maechling and Gwen Maechling
Applicant:	Highlander Farm – Gwen Maechling
Current Zoning:	A, Agricultural District
Conditional Use Request:	Rural Recreational Activity for a seasonal youth farm camp
Location:	200 feet west of Tuscany Lane, on the north side of Mexico Road, adjacent to the City of Wentzville
County Council District:	1
Parcel Account Nos.:	309510A000

Robert Myers, Director of Planning & Zoning, provided a verbal report for Application No. CUP22-07. Robert Myers also read aloud each of the five criteria established within Section 405.510.B of the Unified Development Ordinance, which specify the factors to be considered for conditional use permit applications and staff's comments. He added County staff recommends that the Planning and Zoning Commission deny the application and reviewed the three options the Commission could take regarding how they vote.

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

Commissioner Shell stated that he does not see vegetative barriers listed as a condition between residential homes and the proposed site.

Robert Myers stated the two vegetative buffers one on the west side and another on the east side are on the last document in the digital document.

Commissioner Baker asked if this has been serving as a day camp farm for a while.

Robert Myers stated that they had a trial run last summer and have some experience with this.

Commissioner Baker asked if there were any complaints.

Robert Myers said that staff received calls and heard views from both sides of the spectrum.

Commissioner Cornwell asked if this conditional use permit gets approved will it have to be approved next year because it will expire in July.

Robert Myers said they have an option. If it was sent to the County Council it would take two readings in June. It would be introduced in the first meeting of June and then be voted on in the second meeting in June and once all conditions are met, then they could operate the farm camp. Robert Myers said for this year, they could change the dates to July and August for this year and in the future opt to have it in June or July. Robert Myers said another option would be to get approval as requested and do this in future years.

Assistant Counselor Bryan Wise stated they are proposing to operate between May 15th and August 15th and is addressed in the condition.

Craig Frahm stated that it's only attached to the owner of the property but if they were to sell the land, the conditional use permit would go away.

Robert Myers said it actually goes with the land once it's established within that two year time frame and they followed all conditions, future property owners could operate in conformance with the conditional use permit.

Commissioner Frahm asked if it was approved by the Planning and Zoning Commission and the County Council, he questioned how they would do the concept plan and get started without approval.

With no further questions for County staff, Chairman Ellis asked the applicant to come forward.

The property owners, Jacob Maechling and Gwen Maechling were not present.

Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. CUP22-07.

With no one from the audience wishing to comment on this application, Chairman Ellis closed the public hearing and brought back the application to the Commission for consideration.

Commissioner Frahm made a motion to approve Application No. CUP22-07.

Chairman Ellis asked if the application is denied what is the timeline for coming back.

Robert Myers said if denial is recommended by the Planning and Zoning Commission, it would go to the County Council and would require a super majority - two-thirds majority to overturn the recommendation.

Commissioner Cleary asked if all of the proposed conditions become a part of the application.

Robert Myers said it would be up to the Commission as they are staff recommendations.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. CUP22-07 including the recommendations proposed by staff. Commissioner Frahm made such motion and Commissioner Cleary seconded the motion.

The vote on the motion was as follows:

Roger Ellis	No	Kevin Cleary	Yes	Jennifer Bahr	No
Craig Frahm	No	Kyle Shell	No	Chad Cornwell	No
Jeanette Koechner	No	Tim Baker	No		

Application CUP22-07 was recommended for **Denial**.

II. CONDITIONAL USE PERMIT AMENDMENT REQUEST – 2448 COUNTRY POINTE LN

Application:	CUP23-05
Property Owner:	Wanda S. Couch
Applicant:	Collective Solutions on behalf of Ameren
Zoning:	A, Agriculture District
Parcel size:	6.6 acres
Request:	Amend the conditions of CUP 112 to allow the replacement of an existing 102-foot communications tower with a 156-foot communications tower
Location:	On the south side of Buckner Road, 850 feet west of the intersection of Buckner Road and Highway Z
Council District:	2
Account No.:	A884000087

Mark Price, Senior County Planner provided a verbal report for Application No. CUP23-05. Mark Price also read aloud the seven recommendations for approval of this amendment that staff made.

Chairman Ellis asked the Commission if they had any questions for staff. With no questions for County Staff, Chairman Ellis asked the applicant to come forward.

Russell Been (340 Marshall Rd, Valley Park, MO 63088) was sworn in. Mr. Been made a presentation for the Planning and Zoning Commission regarding CUP23-05. He stated why Ameren is requesting to replace the existing 102-foot communications tower with a 156-communications tower and how this change would benefit customers in the neighborhood. Mr. Been said all of the conditions proposed by staff are acceptable except for number 7. They are requesting that the existing guyed lattice tower be removed no later than 21 days instead of 14 days.

There being no questions for the applicant, Chairman Ellis opened the public hearing and asked if anyone from the audience wished to speak regarding this application.

Commissioner Cleary asked if the 156 foot tower is there to cover the height of the pole.

Mr. Been said that is correct, to cover the height of the pole and the lightning rod.

Commissioner Cleary asked if it could be shortened 142 feet.

Mr. Been said that the RF coverage objective asked for a taller pole and was reduced as much as possible and would respectfully request 156 feet.

Chairman Ellis opened the public hearing and asked if anyone from the audience wished to comment on Application No. CUP23-05.

Chris McCrellis (2440 Country Pointe Lane) was sworn in. Mr. McCrellis said the current tower granted in 1980 stands in the backyard of one of his neighbors and was granted before a subdivision was there. He asked what does the easement sit on and what was provided for that easement. He also asked what is the status of the property Wanda Couch owns which is a part of Country Pointe Estates

subdivision. Last, he asked if that property falls under the restrictions and covenants of County Pointe Estates.

Chairman Ellis stated no one can answer those questions without the covenants.

Commissioner Cleary asked if that pole is on someone's lot in the Country Pointe Subdivision.

Mr. McCrellis said they were granted an easement and she owns the property and pays taxes on it.

Chairman Ellis said that would depend on how the subdivision was platted and if that lot was included.

Commissioner Cleary asked if there is a lease arrangement on that property as part of that easement that is being leased.

Mr. McCrellis said he doesn't know but the property owner is not getting any kind of compensation at all as the easement was granted prior to the purchase of the property in 1980. He noted that by adding another 54 feet to the tower will then above the tree line and visible to most neighbors.

With no one else from the audience wishing to comment on this application, Chairman Ellis closed the public hearing.

Mr. Been said that this was a perpetual easement that was granted in the 1970s which indicated that there would be a wireless communications facility in the easement. Mr. Been said that the owner signed the application for Ameren regarding the conditional use permit .

Commissioner Frahm asked if the owner is being compensated by Ameren.

Mr. Been said it was an easement that was bought from the prior property owner and knew about it.

Commissioner Frahm asked if he said that he is currently doing the service on the new tower that won't not have any disruptions because of the one that is being built.

Mr. Been said the system that is being built for the tower is not yet in existence.

Commissioner Frahm asked if other Ameren towers are going to be transferred to this tower.

Mr. Been said just the one Ameren is building next to.

Commissioner Cleary asked if there is some kind of blanket easement that covers the fault line and is it possible that it would fall.

Mr. Been said if it would fall, it would fall into someone's property.

With no further questions for the applicant, Chairman Ellis brought back the application to the Commission for consideration.

Robert Myers mentioned regarding the condition to remove the second tower within two weeks is an arbitrary period of time.

Commissioner Cleary said that the comments did not include that fall line of the 145 but asked if staff had any comments on this.

Robert Myers said the lot is not wide enough if it's going to be 150 feet tall to have a fall distance. If it fell it would be over the line 10 feet.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No CUP23-05 which is to amend the conditions of CUP112 to allow the replacement of an existing 102 foot communications tower with a 156 foot communications tower subject to the conditions proposed by staff with Condition 7 reading the existing guyed lattice tower shall be removed no later than 21 days following County staff approval of improvements installed in conformance with the approved site plan. Commissioner Bahr made such motion, and Commissioner Koechner seconded the motion.

The vote on the motion was as follows:

Roger Ellis	Yes	Kevin Cleary	Yes	Jennifer Bahr	Yes
Craig Frahm	Yes	Kyle Shell	Yes	Chad Cornwell	Yes
Jeanette Koechner	Yes	Tim Baker	Yes		

Application No. CUP23-05 was recommended for **Approval**.

TABLED AND/OR CONTINUED ITEMS

I. ZONING MAP AMENDMENT REQUEST – 24 MAIN STREET

Application No: RZ23-05
 Property Owner: David A. Wilke Trust
 Applicants: Boschert Brothers Storage LLC
 Current Zoning District: R1E, Single Family Residential District
 Proposed Zoning District: I1, Light Industrial
 2030 Master Plan: recommends Agricultural land uses
 Rezoning Area: 4.32 acres of a 11.87-acre parcel
 Location: Western terminus of Main Street in Orchard Farm
 County Council District: 6
 Parcel Account No.: 876180A000

II. CONDITIONAL USE PERMIT AMENDMENT REQUEST – 24 MAIN STREET

Application No: CUP23-04
 Property Owners: Boschert Brothers Storage, LLC, and David A Wilke Trust
 Applicant: Boschert Brothers Storage, LLC
 Current Zoning: I1, Light Industrial and R1E, Single Family Residential

District
Proposed Zoning: I1, Light Industrial District
Conditional Use Request: Amend the conditions of Ordinance 21-060 to expand a storage lot for boats, trailers, autos, trucks, and recreational vehicles
Location: Western terminus of Main Street in Orchard Farm
County Council District: 6
Parcel Account Nos.: 876180A000, T010500083, T020500006, T150500003, A965000451, 876600A000, 876480B000

APPROVAL OF THE MINUTES FROM THE APRIL 19, 2023, REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the April 19, 2023 regular meeting. Commissioner Cornwell made such motion, and the motion was seconded by Commissioner Shell. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PLANNING & ZONING DIVISION UPDATES

- Robert Myers announced that the next Planning and Zoning Commission meeting on June 21, 2023 will have a very large mailing for notifications over 3000 letters. Approximately 300- 500 chairs will be set up in the Family Arena with a start time of 7 p.m. One or two new Planners will be in attendance.
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ADJOURNMENT OF MEETING

Commissioner Shell made a motion to adjourn the meeting. The motion was seconded by Commissioner Cornwell and was approved by unanimous voice acclamation. The meeting adjourned at 7:55 p.m.

Respectfully submitted by:

Roger Ellis, Chairman

Jennifer Bahr, Secretary