MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: JULY 17, 2019
TIME: 7:00 PM
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Diane Saale; Kevin Cleary; Tom Kuhn; Roger Ellis; Craig Frahm;
Robert McDonald; Mike Klinghammer, County Councilman

MEMBERS ABSENT: Jim Leonhard

STAFF PRESENT: Michael Hurbert, Director of Community Development; Robert Myers,
Director of Planning and Zoning; Ellie Marr, Senior Planner; John
Watson, County Counselor; Greg Dohrman, Associate County
Counselor; and Sheila Weiss, Recording Secretary

SPEAKERS: PRE19-03: Brad Goss, Developer’s Representative; Doug Tiemann,
Project Engineer; Brian Rensing, CBB, Traffic Study
Engineer; William Spradley, 17 Praise Court, Fenton, MO;
Daniel Raithel, 34 Weldon Spring Heights Drive, Weldon
Spring, MO; Gloria Broderick, 14236 Cape Horn Place,
Florissant, MO; Leslie Limberg, 102 Red Fern, Wentzville,
MO; John Hickey, 532 Mason Avenue, Webster Groves,
MO; Shirley Wolverson, P.O. Box 10, Fulton, MO; Richard
Orr, 312 Woods View Drive, St. Charles, MO; Dan
Burkhardt, 12 Hunleigh Downs, St. Louis, MO; Scott
George, 7 Dixie Drive, Fenton, MO; Donna Hart, 8 Woods
Hill Drive, St. Charles, MO; Connie Burkhardt, 12 Hunleigh
Downs, St. Louis, MO; Ralph Pfremmer, 822 North Clay,
Kirkwood, MO; Debbie Cole, 8 Graeser Acres, St. Louis,
MO; Chris Caldwell, 69 Cooperwyck Road, Wentzville, MO;
Bill Otto, 12 Seabiscuit Drive, St. Charles, MO; Kathleen
Henry, 319 N. 4th Street, Suite 800, St. Louis, MO; Jacob
Britz, 319 N. 4th Street, Suite 800, St. Louis, MO; Lander
Burleigh, 319 N. 4th Street, Suite 800, St. Louis, MO;
Cynthia Metcalfe, 150 Carondelet #1702, Clayton, MO;
Rhonda Hanne, 939 Golden Acres Lane, St. Charles, MO;
Leann Starr, 1155 Jackson Street, St. Charles, MO; Dennis
O’Rando, 4081 Ramona Lane, St. Charles, MO; and Arnie
C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO

RZ19-07: Joyce Bromley, property owner
RZ19-08: Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO

CUP19-02: Nick Hargis, Applicant; Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO; Douglas Blaylock, 109 Woodspur Drive; Matthew Fogarty, 31 West Hampton Ridge Court; Jeff Brooks, 20 Hampton Lane Court; and Ed Tokraks, 108 Katherine's Cove

PRE19-07: Rich Musler, Musler Engineering; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO

PRE19-08: Dale Bax, Bax Engineering, and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO

PRE19-05: Sydney Kroupa, property owner; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO

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. Public comment on conditional use permit applications will be taken during tonight's meeting, and at the County Council meeting on Monday, August 12, 2019. He stated that public comment on conditional use permit applications will 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 conditional use applications, rezoning applications, and final development plans heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats other than for planned unit developments is final. Only a recommendation for denial on a preliminary plat 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.

CLOSED SESSION - PER STATE STATUTE RSMo 610.021(1) - 6:30 PM

Chairman Roger Ellis called for a motion to open the regular meeting at 6:30 PM on July 17, 2019. A motion was made by Kevin Cleary and was seconded by Robert McDonald.

Chairman Ellis then requested a motion to go into closed session. Mike Klinghammer made motion to go into Closed Session, pursuant to RSMo 610.021 (1), and the motion was seconded by Kevin Cleary. A roll call vote was taken to go into the closed meeting as follows: Kevin Cleary - yes, Tom Kuhn - yes, Roger Ellis - yes, Mike Klinghammer - yes, Robert McDonald - yes, Diane Salle - not yet present, and Craig Frahm - not yet present. The Commission met and discussed legal issues with the County Counselor. The content of that discussion is subject to the attorney-client privilege and therefore is not recorded in these minutes. No votes were taken during this discussion.

Mike Klinghammer made a motion to go back into open session, and the motion was seconded by Robert McDonald. The Closed Meeting ended at 7:05 PM.
CHANGES TO THE AGENDA

Mike Klinghammer made a motion to move application PRE19-03 to the top of the agenda. The motion was seconded by Robert McDonald and was approved by unanimous voice acclamation.

PLATS

I. PRELIMINARY PLAT AND FINAL DEVELOPMENT PLAN FOR THE MISSOURI BLUFFS
   PUD - 18 RESEARCH PARK CIRCLE

Application No: PRE19-03
Owners: Whittaker Golf, Inc. d/b/a Missouri Bluffs Golf Joint Venture and the University of Missouri
Developer: NT Home Builders, LLC
Engineer: Pickett, Ray & Silver
Property Zoning: RIA, Single-Family Residential District with Floodway Fringe and Planned Unit Development Overlay Districts
Number of dwellings: 140 detached dwellings, and up to 136 attached dwellings
PUD Area: 386.52 acres
Location: South of the Missouri Research Park, west of Highway 64, and north of the Missouri River; near the City of Weldon Spring and the Village of Weldon Spring Heights
Council District: 2
Account Nos.: A946001690, A973001558, and T001200001

Robert Myers, Director of Planning & Zoning, stated that this application is a request for the County to approve the layout and lot design for the Missouri Bluffs, a 386-acre residential/recreational development with a land conservation component. In June 2018, the County Council approved a concept plan and rezoning for the Missouri Bluffs Planned Unit Development (PUD), and the applicants have now applied for County Council approval of a PUD preliminary plat and final development plan detailing how development would take place. The role of the Planning and Zoning Commission is to recommend by majority vote that the County Council approve, deny, or amend this preliminary plat and final development plan. Should this be approved, the developer could proceed with submitting subdivision improvement plans and a final plat for technical review by County staff. Lots could not be sold until a final plat would be approved and recorded with the County Recorder of Deeds.

A review by County staff has determined that the proposed preliminary plat and final development plan substantially conforms to the approved concept plan. Differences between the approved concept plan and this final development plan include:

- Reducing the total number of residences from 276 dwellings to 221 dwellings;
- Setting aside 47.43 acres as park land (all of Area H); and
- Expanding the non-disturbance easements, and specifically near the Busch Greenway.

The composition of this plan consists of 200.64 acres of Recreational property (the existing Missouri Bluffs Golf Course), 161 single-family residential lots, 47.43 acres of publicly owned park land, up to 60 attached housing dwellings, and a 3.83-acre existing access road/trail that
accommodates the Duckett Creek sewage treatment plant and the Busch Greenway. Land conservation for this subdivision would be accomplished by the following three approaches:

1. Low impact design of infrastructure; and
2. Restrictions on how future property owners could use and manage their land; and
3. Public ownership and management of the majority of open spaces, including the golf course and park land.

The applicant has requested a number of variances from St. Charles County Subdivision Regulations due to specific topographic conditions and property characteristics in order to achieve less grading of the property. This development will only disturb roughly 8% of the existing topography, which is substantially lower than the typical subdivision in terms of land conservation. In return for less grading and preserving more land, these variances are being requested.

Planning and Zoning staff recommends that the Planning and Zoning Commission recommend approval of the Preliminary Plat and Final Development Plan for the Missouri Bluffs with the requested variances from Chapter 410 (Subdivision Regulations), subject to the following condition:

1. Declarations, covenants, easements, conditions, and/or restrictions, including legal descriptions, submitted to the County along with the final plat and later recorded in the office of the Recorder of Deeds of St. Charles County shall contain requirements that serve the purposes protecting pre-development slopes from disturbance in conformance with Section 405.200.C OSCCMo.

For the record, staff received 175 written communications regarding this application.

Chairman Roger Ellis asked the Commission if they had any questions for the staff. There were no questions.

County Counselor John Watson discussed the scope of the Planning and Zoning Commission's review authority for this application. Ordinance 18-063 was adopted by the County Council that approved the concept plan for this development with certain conditions. The two key roles of the Commission’s decision for recommendation to the County Council include:

1. The Preliminary Plat - the Commission’s scope of review is limited to the variances that were requested by the applicant; and
2. The Final Development Plan - the Commission’s review is limited to deciding if they believe that the Final Development Plan substantially conforms to the concept plan that was approved by Ordinance 18-063.

John Watson also stated that three months ago, the University of Missouri made public a Request for Proposals for approximately 286 acres of land adjacent to the Katy Trail in the Weldon Spring area, which includes the 200-plus acre existing golf course and 47 acres of land that the developer for the Missouri Bluffs withdrew from its original concept plan to set it aside as park land. St. Charles County was the only successful applicant to be accepted from this RFP and has entered into negotiations to purchase these 286 acres of property. If successful in purchasing this property, the St. Charles County Executive has committed to leaving this property as close to its existing state as possible.

There being no further questions or comments from staff, Chairman Ellis opened the public hearing, and asked the applicant or their representative to come forward.
Doug Tiemann, Project Engineer, was sworn in.

Brian Rensing, CB3, Traffic Study Engineer, was sworn in.

Brad Goss, the developer’s representative, was sworn in. Mr. Goss stated that the subject property was zoned R1A/PUD by Ordinance 16-063, which approved both the rezoning and the Concept Plan for this development, subject to certain conditions. Mr. Goss stated that the Preliminary Plat and Final Development Plan as submitted conforms to the approved Concept Plan but has fewer dwellings. Draft Declarations and Covenants have been submitted with the required disclosure language for Duckett Creek Sewer District and Zoltek Corporation. Draft Conservation Restrictions have been submitted. They have also expanded the non-disturbance easement area and provided for the non-disturbance easement to be set out on the record plat.

The differences between the approved Concept Plan and the Final Development plan are as follows: The Final Development Plan proposes 55 (approximately 20%) fewer homes than the Concept Plan; they have removed 76 of the multi-family lots and added 21 single-family lots; the non-disturbance area has increased; and the setting aside of 47.35 acres as park land.

Roads and building pads are the only areas of the development that will be disturbed. Conservation areas on the plan will be subject to the Covenants unless a change were to be approved by the Neighborhood Architect and a super-majority of the Homeowners Association.

County Ordinance prohibits the development of streets on slopes greater than 10%. Most of the street slopes for the proposed development are 20% or less, with a limited number of lots (12) where the grade may be up to 25%, so they are requesting a variance. They are also requesting setback variances to allow for less grading and slower speed limits. They are designing the streets in this development for a 15 mile-per-hour speed limit. They have also added sidewalks to one side of the street and are providing 57 guest parking spaces. The Cottleville Fire Protection District has approved the road design for this development.

CBB Transportation has stated that the proposed roadway widths for this development meet the minimum AASHTC standards for a local residential street. Since forecasted peak hour trips would decrease by approximately 40% due to the reduction in the number of units from their previously completed and approved study, which was completed in February of 2018. That study’s conclusions and recommendations remain valid since the forecasted conditions would be improved from the previous traffic impact study.

Design requirements will minimize land disturbance and tree removal, will have conservation restrictions and planted non-disturbance areas, infrastructure reuse of trees and stone, removal of invasive species and planting of native plants, rural character roads with 15 mile-per-hour speed limits, custom house placement with minimal setbacks, and shielded exterior lights that are within the “Dark Skies” Covenant. Storm water will be controlled with “Level Spreaders” behind all homes rather than installing concrete pipes. Native Landscape Solutions, Incorporated will provide landscaping services to the development.

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

Mike Klinghammer asked Brad Goss which areas of the development do not have sidewalks.

Brad Goss responded that the area in the pink triangle on Phase 3 of the Development (Street E) is the only street that will not have sidewalks.

Kevin Cleary asked if there were going to be any restrictions on driveways adjoining to the street, as far as them being concrete, asphalt, or gravel.
Brad Goss responded that they are still working on the plans for this. He stated that impervious surfaces have not worked very well in similar developments, but they are looking at systems that can be put into place to help catch any wash-off at the end of the driveways.

Kevin Cleary asked if they will have any systems in place to prevent street creep.

Doug Tiemann stated that this will be addressed with gutters on one side of the road where the sidewalks will be located, and pavement lugs will be placed on the steeper areas of the opposite side of the road to address this. Level spreaders will also be used to help absorb water between the homes. There will also be a ditch beside the road that will be able to absorb some of the water runoff.

Kevin Cleary stated that according to the traffic study addendum letter, there will be a 20% reduction in housing units but a 40% reduction in traffic counts. He asked for an explanation of this comment.

Brad Goss stated that the difference lies in the removal of 76 multi-family dwellings which have a higher trip generation rate.

Brian Rensing added that the reduction in units reduces the traffic counts, and the removal of the loop road also reduced the traffic count in the analysis.

Roger Ellis asked Brian Rensing if the area of Wolfrum Road at Missouri Research Park to the entrance of the Whitmoor Subdivision was taken into account when they were determining the appropriate speed limit for the Missouri Bluffs, since that road is similar in width, grade, and slope to the roads in this development.

Brian Rensing responded that they did do traffic counts there, but they did not do speed measurements.

Roger Ellis stated that he knows that people travel that span of road at 40-50 miles-per-hour, because he drives it.

Tom Kuhn asked if they really believe that 57 guest parking spaces will be enough to accommodate 221 housing units.

Brad Goss responded that he does believe 57 spaces is adequate. They are providing 4 spaces per home plus an additional 57 spaces, which is well over the minimum number of spaces required by the County for a single-family development, which is 2 per home.

Tom Kuhn asked if people will be allowed to park on the street.

Brad Goss responded that there will be no street parking other than in the designated guest parking areas.

Tom Kuhn asked if people on the adjacent golf course would have to wait for traffic to go by the tee box at hole #16 before driving their ball.

Brad Goss responded in the affirmative. He stated that is no different than in other golf course communities such as the Westborough Country Club, where the main entrance crosses both hole #9 and hole #10.

Roger Ellis asked if the dark skies and conservation restrictions will be in the Homeowner's Association covenants.
Brad Goss responded that those will be in the conservation restrictions.

Roger Ellis asked if the conservation restrictions can be changed by the homeowners.

Brad Goss responded that the restrictions can only be changed by a majority vote, and the developer would have to sign off on the change.

There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application. He reminded the audience that the Commission is making a recommendation on this application based on the requested variances.

William Spradley, 17 Praise Court, Fenton, MO, was sworn in. Mr. Spradley stated that he has owned a landscaping company for 30 years, is a degree forester from the University of Missouri, and has been a certified arborist for over 25 years, and an adjunct Professor of Horticulture at St. Louis University. He stated that the true tree kill count is not shown on the drawings for this development. Tree preservation plans should be shown on the Final Development Plan, and many more trees will be lost for this development than shown. There is also not room for service vehicles to park on the narrow streets of the development. Mr. Spradley is opposed to this Final Development Plan.

Daniel Ralthe, 34 Weldon Spring Heights Drive, Weldon Spring, MO, was sworn in. Mr. Ralthe stated that the traffic study assumes that most of the residents will be using the I-64 eastbound ramp to Missouri Research Parkway to access the development. It also assumes that most of the residents will shop in St. Louis County rather than in St. Charles County. He is concerned about the intersection of Research Park Drive and the Service Road, and is also concerned about construction traffic coming in and out of this development.

Gloria Broderick, 14236 Cape Horn Place, Florissant, MO, was sworn in. Ms. Broderick is concerned about the development creating runoff onto the Katy Trail, and is also concerned about trees being removed for this development.

Leslie Limberg, 102 Red Fern, Wentzville, MO, was sworn in. Ms. Limberg is opposed to this development and is concerned about watershed management, erosion control, and flood mitigation. She is also concerned that landslides of mud will pile onto the Katy Trail and the Busch Greenway. She would like for this forest to be left undisturbed and intact.

John Hickey, 532 Mason Avenue, Webster Groves, MO, was sworn in. Mr. Hickey stated that the public has invested millions of dollars into this area for the Katy Trail, the Busch Greenway, and the Weldon Springs Conservation Area. He believes this land is owned by the public and should remain public.

Shirley Wolverson, P.O. Box 10, Fulton, MO, was sworn in. Ms. Wolverson stated that she is a Board Member for the Missouri Parks Association, and she read aloud a Resolution against this development that they passed at their April Board meeting.

Richard Orr, 312 Woods View Drive, St. Charles, MO, was sworn in. Mr. Orr has spoken with dozens of people while on the Katy Trail, and he stated that he has yet to find a single person in favor of this development. He stated that his subdivision has strict covenants against tree removal, and most of the residents have violated those covenants with no recourse. He asked how NT Homebuilders intends to enforce against tree removal. Mr. Orr also stated that he is a member of the Conservation Federation of Missouri, and they also passed a Resolution against this development.
Dan Burkhardt, 12 Huntleigh Downs, St. Louis, MO, was sworn in. Mr. Burkhardt stated that the consensus of the Planning & Zoning Commission when reviewing this development last year was that this is not a bad development, but this wrong place for this development. He opposes this development, as it will have hundreds of houses on steep slopes with narrow roads. It will destroy an old Oak Hickory forest, it will create erosion, and place dense suburban development in a place where it has never been before. The conservation measures proposed for this development are a sham, and removal of 100-year old trees cannot be offset by planting some flowers at the end of a cul-de-sac. He believes that the University of Missouri did not know what they were selling this land for when they made the original offer, and he believes they would make a different decision if this land were to find its way back to their hands and be for sale again.

Scott George, 7 Dixie Drive, Fenton, MO, was sworn in. Mr. George stated that small slivers of land that will be left undisturbed between these homes will do little for ecological conservation and is not enough to preserve biodiversity. This area has been designated an important bird area by the Audubon Society, and has been determined by the East-West Gateway Council of Governments to have a very high ecological significance. Disturbing land and adding roads to this area will have far-reaching impacts on local wildlife and will impact rare species of animals and birds.

Donna Hart, 8 Woods Hill Drive, St. Charles, MO, was sworn in. Ms. Hart is concerned about the lack of attention that has been given to the legal protection of endangered species in this area, such as the Indiana Bat. She stated that these bats are undoubtedly present on this site, and they provide free pest control services totaling an estimated $3 billion dollars per year throughout North America by consuming their weight in insects each night. Ms. Hart requested that the developer make public any information on the presence of endangered bat species that occurred during due diligent assessment of this property. She also requested that the University of Missouri allow biologists to assess the property immediately to document the presence of endangered bats.

Connie Burkhardt, 2 Huntleigh Downs, St. Louis, MO, was sworn in. Mrs. Burkhardt asked the Commission to recommend denial of this application. She stated that if the County Council then denies this application, the contract between the developer and the University of Missouri will no longer be binding. This will mean that the University of Missouri will once again control this property, which would give the Board of Curators a chance to reconsider the sale of this property and perhaps craft a proposal which could put a permanent conservation easement on this property so that it will never be developed.

Ralph Pfremmer, 822 North Clay, Kirkwood, MO, was sworn in. Mr. Pfremmer stated that he is the Executive Director of Magnificent Missouri, and they are opposed to this development.

Debbie Cole, 8 Graesser Acres, St. Louis, MO, was sworn in. Ms. Cole stated that this does not sound like a good place for this development with so many variances being requested. She is concerned about water and mud runoff onto the Katy Trail, and the steep slopes. A lot of businesses along the Katy Trail could be impacted by this development if it is allowed to move forward.

Chris Caldwell, 69 Cooperwyck Road, Wentzville, MO, was sworn in. Mr. Caldwell strongly opposes this development. Public safety is a major concern, the grade is too steep and people are going to be at risk. School busses will not be able to get in and out of this development.

Bill Otto, 12 Seabiscuit Drive, St. Charles, MO, was sworn in. Mr. Otto stated that when a lot of variances are needed, that typically means that a development would not be profitable without them. He believes that the variances requested by this developer are solely to improve profit. He urged the Commission to recommend denial on this application.
Kathleen Henry, 319 N. 4th Street, Suite 800, St. Louis, MO, was sworn in. Ms. Henry’s Law Firm is looking into the legality of this development on behalf of Weldon Woods, Incorporated. They are asking the Commission to not approve this layout and lot design. She stated that a paragraph in the declarations in Article 12, Section 2 states that owners acknowledge that the Duckett Creek Sewer District and Zoltek Corporation are existing tenants of Missouri Research Park, and each lot is subject to a negative easement in favor of property owners and tenants of Missouri Research Park with respect to noise, odor, or light encroachment, for the purpose of allowing Duckett Creek Sewer District and Zoltek Corporation to continue to operate in the future without interference and objection. It appears to be an attempt to prevent future landowners from bringing forth any future litigation against Duckett Creek Sewer District and Zoltek Corporation. No matter how bad the sewage smells, how late the businesses operate, or how bright the lights are from those businesses, homeowners will be forbidden to bring forth litigation towards either of those companies. The Commission should think twice before allowing homes to be built so close to companies that emit smells, light, and noise.

Jacob Britz, 319 N. 4th Street, Suite 800, St. Louis, MO, was sworn in. Mr. Britz urged the Commission to recommend denial of this Preliminary Plat and Final Development Plan. He stated that this Preliminary Plat and Final Development Plan does not meet the minimum County Ordinance requirements for a PUD, as it does not show any non-disturbance conservation areas for areas with slopes greater than 20%.

Lander Burleigh, 319 N. 4th Street, Suite 800, St. Louis, MO, was sworn in. Mr. Burleigh stated that it is important to explore the requested variances for this development based on their impact on the natural watercourses in the area. The request for watercourse protection to be provided by easement rather than common ground puts the burden of maintaining the vegetative buffer onto the homeowner’s association rather than the developer. Article III, Section 1.c. of the Declaration states that “...each Owner and Occupant shall have a nonexclusive, perpetual right and easement of ingress, egress, use, and enjoyment over, across, upon, in, and to the Commons...”. This gives the homeowners the ability to use these easements, which could result in the destruction of the vegetative buffer. Mr. Burleigh asked that the Commission deny the variance request for watercourse protection to be provided by easement rather than common ground for this development.

Cynthia Metcalfe, 150 Carondelet #1702, Clayton, MO, was sworn in. Ms. Metcalfe stated that when a project and a site are not a good match, variances are required. She stated that this should be given careful consideration by the Commission.

Rhonda Hanne, 939 Golden Acres Lane, St. Charles, MO, was sworn in. Ms. Hanne stated that this property belongs to the public. Ms. Hanne is a fourth-generation member of a family that lived in the Howell-Hamburg area, and she is speaking on behalf of the former property owners that were forced to leave their properties and were given a small compensation. She stated that it is a shame that this property is going to be sold, and these families are not going to have any benefit from that sale at all. She requested that the Commission recommend denial of this development.

Leann Starr, 1155 Jackson Street, St. Charles, MO, was sworn in. Ms. Starr objects to any government entity re-appropriating this land and it not being publicly owned anymore.

Dennis O’Rando, 4081 Ramona Lane, St. Charles, MO, was sworn in. Mr. O’Rando has major concerns about the traffic conditions in this area. The traffic study that was submitted does not include guests, service vehicles, trash trucks, etcetera. He also has concerns about residents of this development being allowed to install above-ground swimming pools and other structures on the properties. He stated that there will also be kids riding 4-wheelers around in the adjacent wooded areas and along the trails. This development does not only affect St. Charles County and
St. Louis County residents. People from around the Country visit the Katy Trail and the Busch Greenway. It would be a gold mine for St. Charles to keep that area pristine, and not have it be next to a highly developed area.

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO, was sworn in. Mr. Dienoff stated that he hopes this evening's testimony does not fall on deaf ears. This land should remain in public ownership and either become green space, park space, passive use space, or remain agricultural. In June of 2018, the County rezoned this 386-acre property even though the Planning & Zoning Commission recommend denial of that rezoning by a vote of 8 to 1. Mr. Dienoff requested that the Commission table this application until St. Charles County exhausts all efforts and negotiations with the University of Missouri to purchase and preserve this land. The County has over $15 million in reserve funds set aside for new park land. This development will infringe on the Katy Trail and the natural landscape. The continued negotiations between St. Charles County and the University of Missouri for the purchase of this property needs to come to fruition. The density of the homes is very high and has consequences. The Ordinances regarding street slope grades were changed in April at the request of the developer from a 30% maximum to a 50% maximum, and Mr. Dienoff believes that this was wrong and discriminatory. He has not seen any letters of approval from the Cottleville Fire Protection District, the Francis Howell School District, or the Ambulance District regarding this development. The proposed development has landscape issues, setback issues, vegetative buffer issues, and water retention issues. He asked that the Commission deny this plan based on the variances requested for setbacks and the vegetative buffer.

There being no further audience speakers, Chairman Ellis asked the applicant's representatives if they would like to return to the podium to address any of the concerns voiced by the audience speakers.

Brad Goss asked for a five-minute recess to allow him to confer with his engineers on some of the concerns expressed, so that he can give a proper response.

Roger Ellis called for a five-minute recess. After a five-minute recess, the meeting was called back to order at approximately 9:31 PM.

Brad Goss, the developer's representative, stated that the setback variances that have been requested for this development have not changed from the original concept plan. The purpose of these variances is to preserve the property. The further back on a lot that you go, the steeper the slopes are. On the slope study that was performed, they analyzed these slopes at a maximum 120-foot lot depth and it was determined that there would be ample space for the homes and driveways. The study shows that there are a handful of lots in this development plan that have approximately a 33% slope, and for those lots they will be required to perform a soil study and present it to the Director of Planning and Zoning in order for him to make a determination on whether or not those slopes are acceptable. If they were to follow the required 25-foot or 30-foot front yard setback as required by this Zoning District, they would just be disturbing more areas of the property further down the slopes.

Doug Tiemann, Project Engineer, stated that these are rural street standards that are being used for this development, and the purpose of this is to slow traffic down. It has been proven numerous times by numerous studies that traffic goes slower on narrower streets. When driving on narrower streets with cars parked on the side of the street, such as in the New Town development, people drive slower. On wide open streets, people tend to drive faster. This is part of the design for this development, and the narrow pavement widths and steeper streets tie into the pavement rounding and right-of-way rounding variances they have requested, and also the "K" Value variances they have requested all tie into this. The overall purpose of the variances requested is to conserve and preserve the site. If the site were to be developed without the requested variances, there would be
more grading and tree removal required. The setback variances requested are aimed at giving the homeowners the flexibility to place their homes on the flatter portion of the sites. The majority of these homes will be narrow, so as not to block the view. They will also have walk-out decks on the lower levels to enable them to walk outside and be nestled in with the surrounding trees.

Roger Ellis stated that Mr. Tiemann stated that cars parked on the side of the street slow traffic down. He stated that there will not be any street parking allowed in the Missouri Bluffs Development, so there will not be any obstacles to slow people down.

Doug Tiemann responded that this is true.

Brian Rensing, CBB, Traffic Study Engineer, stated that the submitted traffic study only includes existing interstate ramps, and is based on two nearby interchanges. This development will generate 40% less traffic than was previously identified so traffic is not an issue. He stated that typical subdivision streets can be as narrow as 9-feet wide depending on volume, so the proposed 10-foot wide streets would be adequate to serve this subdivision. He stated that the narrow width does make drivers feel less comfortable driving at faster speeds.

Roger Ellis asked what the traffic study shows as the projected route traveling west on Highway 40/64.

Brian Rensing responded that the projected route would either be from Missouri Research Park Drive to Highway 94, or going across Interstate 40/64 around the round-a-bout to Technology Drive, to Siedentop Drive, and then to Highway 94, which would admittedly be an unintuitive way to access Highway 40/64.

Kevin Cleary asked if there were any concerns about site distance with the density of the lots, and the sloping and curvatures of the streets.

Doug Tiemann stated that the streets will be designed to meet all of the site distance requirements based on design speed for the roads.

Kevin Cleary asked what the purpose of the variance request for the watercourse variance is.

Brad Goss responded that when they first began designing this development, they found that they would be impacting approximately 2,100 lineal feet of U.S. waters through street crossings, grading, etcetera. This was not acceptable to the developer, and he asked the engineers to redesign this plan so as to have zero impact on U.S. waters. They removed some lots and changed the design of this development in order to achieve this. There will not be any permits required from the U.S. Army Corps of Engineers for this development, as they will not be impacting any U.S. waterways. All U.S. waterways are in non-disturbance areas as shown on the plans. They don't want to make those areas common ground because then everyone can go to and potentially disturb those areas. They would rather make those areas an easement and put a restriction on those non-disturbance areas.

Roger Ellis asked Mr. Goss how they plan to control the non-disturbance areas on the property since they are requesting a variance to not be required to mark those with signs.

Brad Goss responded that they are requesting that this requirement be waived because there would be numerous signs throughout the entire subdivision if this is required. He stated that if the Commission wants them to put up the signs, they will do so.

Mike Klinghammer stated that he has concerns regarding the guest parking lot. He stated that visitors will have to walk past multiple homes in order to get to the parking area. He stated that if
her were to have a party, his guests would not want to have to walk a half-mile in order to get to a place to park. He asked Mr. Goss if there are any developments in the area that have similar guest parking areas. Mr. Klinghammer asked Mr. Goss to find a similar development in the area so that he can visit that site.

Brad Goss responded that he does not know of any nearby developments with this type of parking area off the top of his head, but he will be happy to do so. He stated that they would be willing to re-evaluate the proposed guest parking area if the County would like them to do so.

Chairman Ellis closed the public hearing and asked for discussion from the Commission.

Craig Frahm asked County staff if the Commission recommends denial on the requested variances, if the developer would then be required to develop the subdivision according to County standards.

Robert Myers replied that the Commission’s options are to either recommend approval, approval with changes, or denial of this plan. He stated that both the preliminary plat and the final development plan should be voted on as one integrated package. The property could still be developed without the requested variances, but the land disturbance would be far greater.

Mike Klinghammer stated that he understands and agrees with many of the points given during the audience testimony. He agrees that it is travesty that these people were forced to sell their property to the government back in the 1930’s and 1940’s, but the County Council cannot change the fact that the University of Missouri has the right to sell this property to whoever they wish to sell it to. If the County Council were to deny this application, it does not mean that this property would suddenly become publicly owned land. The University of Missouri has the right to develop this property any way they choose to develop it since they are not subject to County Zoning Regulations. If they choose to do so, they could still develop this subdivision on this property without any County input or standards being imposed on them. The Commission’s will only be making a recommendation this evening regarding the requested variances for this development.

Kevin Cleary stated that he has concerns with ingress and egress, traffic coming in and out of the development, the narrow road widths, the length of the cul-de-sac, the tightness of the curves, and the steep street slopes.

Tom Kuhn stated that he personally feels that the reasoning behind a 20-foot wide street is not to make people drive slower, and he believes there are other reasons behind this that they are not being told.

There being no discussion, Chairman Ellis called for a motion to recommend approval of Application No. PRE19-03.

Kevin Cleary made a motion to recommend approval, and Robert McDonald seconded the motion.

The vote on the motion was as follows:

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Application No. PRE19-03 was recommended for DENIAL.
The Vote Count was 2 Yews, 5 Nays, and 0 Abstentions.

PUBLIC HEARINGS

I. REZONING REQUEST - 1652 PEINE ROAD

Application No: RZ19-07
Property Owner: The Bromley Family Trust
Applicants: Vernon L. Bromley and Joyce A. Bromley
Existing Zoning: A, Agricultural District
Requested Zoning: R1B, Single-Family Residential District (20,000 square foot minimum lot size)
2030 Master Plan: Recommends Low Density Residential (1 to 4 dwellings per acre)
Area: 0.85-acres of a 1.94-acre parcel
Location: On the South side of Peine Road, approximately 475 feet east of Spring Mill Drive; near the City of Wentzville and the City of Flint Hill
Council District: 1
Account No.: 295260A000

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. This property was originally a two (2) acre tract and has recently been divided into a 0.85 acre and a 1.15-acre tract. The owner/applicant for this rezoning request was deeded the 0.85-acre tract from an estate bequest and the remaining 1.15-acre tract was deeded to the applicant’s brother who currently owns an adjacent 5.05-acre tract located to the southeast of this tract and uses the properties for hay cropping. The property currently has sewer services through the City of Wentzville. The 2030 Land Use Plan recommends low density residential with 1-4 units per acre. This rezoning request to R1B is consistent with the 2030 Land Use Plan.

The Planning and Zoning Division recommends that this rezoning request be approved. In recommending approval to the R1B zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

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

Chairman Ellis asked the Commission if they had any questions for County staff. There were no questions.

Chairman Ellis opened the public hearing and asked the applicant or their representative to come forward.

Joyce Bromley, the property owner, was sworn in. Ms. Bromley stated that this was her parents’ home she and her brother inherited this property and would like to split it. She stated that in order for them to be able to split the property, they have been told they will need to rezone the property since there is a home on it.

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

There were no audience speakers.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

There being no discussion from the Commission, Chairman Ellis called for a motion to recommend approval of Application No. RZ19-07.

Craig Frahm made a motion to approve, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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Application No. RZ19-07 was recommended for APPROVAL.

The Vote Count was 7 Yea, 0 Nay, and 0 Abstentions.

II. REZONING REQUEST - 2676 TECHNOLOGY DR

Application No: RZ19-08

Applicant/Owners: Stephen L. Zahner Jr. and Erin Zahner

Existing Zoning: R1E, Single-Family Residential District

Requested Zoning: C2, General Commercial District

2030 Master Plan: Recommends Mixed Uses with Commercial Emphasis

Parcel Size: 0.34 acres

Location: On the northeast side of Technology Drive, approximately 400 feet northwest of Merz Farm Lane; adjacent to the City of Dardenne Prairie

Council District: 2

Account No.: 778740A000

Ellie Marr, Senior Planner, described the subject property and the surrounding land uses. This 0.34-acre property, located along I-64 near Old Highway N, is zoned R1E, Residential District (a minimum lot size of 7,000 square feet) is the only lot in the JG Jones Subdivision that has not been annexed by the City of Dardenne Prairie. The applicant would like to sell the property for commercial uses and is requesting to rezone this parcel of land to C2, General Commercial District.

The 2030 Land Use Plan recommends Mixed Use Commercial. The zoning map amendment would be consistent with the current area land uses. The adjacent properties to the north, west and east are located in the City of Dardenne Prairie and zoned Improved Commercial. Southwardly, the property is bordered by Technology Drive and Highway 64. In addition, south of Highway 64 is a property zoned C2, General Commercial, located in the unincorporated area of St. Charles County.
The Planning and Zoning Division recommends that this rezoning request be approved. In recommending approval to the C2 zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

For the record, staff received one letter in opposition of this rezoning request from the City of Dardenne Prairie.

Chairman Ellis asked if there were any questions for County staff regarding this application.

Mike Klinghammer asked St. Charles County’s C2 Zoning allows for uses that are not allowed under the City of Dardenne Prairie’s C3 Retail Zoning District.

Ellie Marr responded that she believes the C2 County Zoning District and the C3 City Zoning District allow for comparable uses.

Robert McDonald asked what the applicant intends to use the land for.

Ellie Marr responded that she could not answer that question, and it should be directed to the applicant.

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.

The applicant was not present.

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

Arnie C. "AC" Dienoff, P.O. Box 1535, O’Fallon, Missouri, was sworn in. Mr. Dienoff stated that the County needs to mix the balance of residential and commercial properties. At one time, this area was residential but now Interstate 64 from Technology Drive east to O’Fallon and west to the City of Lake St. Louis is mostly commercial businesses. He understands why the owner wants to remain unincorporated because annexing into the City of Dardenne Prairie will cost them an additional $750 to $1,500 dollars per year in taxes. Mr. Dienoff is in favor this rezoning request.

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

Mike Klinghammer stated that he understands why the City of Dardenne Prairie opposes this rezoning, since it is surrounded by City properties. He stated that by remaining unincorporated, the property owners will still get the same services that the City provides without paying taxes to the City.

Kevin Cleary stated that he is in favor of this request and feels that commercial use is the highest and best use for this property.

There being no further discussion, Chairman Ellis called for a motion to recommend approval on Application No. RZ19-08.

Tom Kuhn made a motion to recommend approval, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:
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Application No. RZ19-08 was recommended for **APPROVAL**.

The Vote Count was 5 Yeaes, 2 Nayes, and 0 Abstentions.

**PUBLIC HEARINGS FOR CONDITIONAL USE PERMITS**

1. **CONDITIONAL USE PERMIT REQUEST - 638 WEST HIGHWAY N**

   - **Application:** CUP19-02
   - **Applicant:** Nick Hargis
   - **Property Owner:** Nick Hargis and Samantha L. Knight-Hargis
   - **Property Zoning:** A, Agricultural District
   - **Conditional Use Request:** Rural Recreational Activity for a Pumpkin Patch
   - **Parcel Size:** 8.49 acres
   - **Location:** On the south side of Highway N, approximately 300 feet west of Morgan Meadow Drive; adjacent to the City of Wentzville
   - **Council District:** 2
   - **Account Nos.:** T0121000004 and T0121000005

Robert Myers, Director of Planning and Zoning, stated that the applicant is requesting to operate a rural recreation activity ("pumpkin patch") from September 1st to October 31st every year. He is proposing the operation hours of 9:00 AM to 6:00 PM on Wednesdays, 2:00 PM to 6:00 PM on Fridays and 10:00 AM to 6:00 PM on Saturdays and Sundays. The applicant states approximately 50 to 60 persons per day would be on the property. The components of this proposed use would include a petting zoo, bounce houses, hay rides, corn/straw maze, face painting, train rides, and craft stations for pumpkin decorating or other crafts. The pumpkins, to be sold, will be brought in from off site. The metal building on the property has been divided with the front half containing 2 horse stalls and the back half to be used for ticket sales and sale of water and sodas.

In reviewing this request, staff had recommended denial because there was a concern about noise from the activities on this property affecting the neighboring residents. There is a residential structure approximately 60 feet from the subject property. However, the applicant has approached his neighbors and obtained letters in support of this conditional use permit request.

Staff's recommended that should this application be approved, a Type 3 vegetated buffer per Exhibit A of Section 405.435, shall be installed along the eastern and western property lines for the length of the rural recreation activity areas. In hindsight, a Type 3 buffer may be a higher standard than necessary because this is typically the type of buffer that would be required between residential and industrial properties. Since this request is for a commercial use, the Commission may wish to revise that recommendation and consider a Type 2 vegetated buffer, and may also wish to consider if a buffer is necessary along both the eastern and western property lines.
For the record, staff received three letters of in support, and one letter with concerns regarding this application.

Tom Kuhn asked how many parking spaces the owners would be required to provide.

Robert Myers responded that staff has not yet calculated the number of required parking spaces.

Mike Klinghammer asked if the parking area would be required to be paved or if it could be graveled.

Robert Myers responded that this is typically determined on a case-by-case basis, and the homes nearby would be taken into consideration when making a determination on whether a graveled surface could be used. If a graveled surface were to be approved, they would be required to maintain a dust-free surface.

Mike Klinghammer stated that this property is in close proximity to a residence. He stated that August and September can be very dry months and he is concerned about the amount of dust that could be put out by graveel.

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.

The applicant, Nick Hargis, was sworn in. Mr. Hargis stated that the owner of record for this property, Samantha Knight, is his wife. He stated that he also owns this property, but a new deed with both of their names on it has not yet been recorded. Mr. Hargis stated that this property is unique, in that there are mostly agricultural properties surrounding it. He and his wife Samantha also lease the 30-acre parcel to the west of the subject property and that is where they grow their pumpkins. He has spoken with MoDOT and he submitted a letter from them stating that a permit will not be required to widen the entrance to the property. If this application is approved, there will be three entrances to the property which will be as wide or wider than the entrance than the entrance to the nearby Westhampton Woods Subdivision. The majority of the events will be held at the rear of the property, so there will be minimal impact to any of the neighbors. The fenced-in front section of the property will be used for a kid's train ride. He will keep the parking area wet if necessary to prevent dust. They recently walked over to the Westhampton Woods Subdivision and talked to several of the residents there about their plans for this pumpkin patch. Most of the people they spoke with did not have any objections. There will be a graveled parking area with a 20-foot drive lane and 72 parking stalls provided, which will accommodate 250 persons. The requested hours of operation are 9:00 am to 6:00 pm on Wednesdays, 2:00 pm to 6:00 pm on Fridays, and 10:00 am to 6:00 pm on Saturdays and Sundays. They are also working with the County Health Department to be allowed to sell hot dogs and hamburgers. The petting zoo will be comprised of goats that his family will bring in from Hillsboro, Missouri. He plans to advertise by putting up two signs - one at Highway N and Highway Z, and one at Interstate Drive and Wilmer Road. They are not doing this for the money. They would like to eventually purchase the adjacent 30-acre property they currently are leasing and be able to preserve it for agricultural use in the future.

Chairman Ellis asked the Commission if they had any questions for the applicant. There were no questions.

Chairman Ellis asked if there was anyone in the audience that would like to speak on this application.

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO; was sworn in. Mr. Dienoff stated that this is one of the best plans he has ever seen from a caring property owner who really cares about his
neighborhood and his community. This plan was well thought out, and well crafted. Mr. Dienoff is in support of this request and believes the County needs more businesses like this that attract families and provide a sense of community. He stated that he does agree with the original staff recommendation for a Type 3 buffer with a 20-foot setback due to the close proximity of the nearby residence. Mr. Dienoff disagrees with the fence requirement, because he believes it would detract from the natural environment and the beauty of the property.

Douglas Blaylock, 109 Woodspur Drive, was sworn in. Mr. Blaylock stated that he has spoken with some of the neighbors, and they mainly seem to have concerns about additional traffic in the area.

Matthew Fogarty, 31 West Hampton Ridge Court, was sworn in. Mr. Fogarty stated that he is a Trustee for the West Hampton Woods Subdivision. He stated that there are existing issues with traffic and site distance when exiting their subdivision to the west on Highway N. If the applicant is working with MoDOT for his entrances, that is the important thing. They are also concerned about whether they will be serving alcohol or having live bands on the property. They are not against this request, they would just like to see these concerns addressed.

Jeff Brooks, 20 Hampton Lane Court, was sworn in. Mr. Brooks is also a Trustee for the West Hampton Woods Subdivision, and shares the same concerns as Mr. Fogarty.

Ed Tokraks, 108 Katherines Cove, was sworn in. Mr. Tokraks stated that the speed limit on Highway N is 55 miles-per-hour. This is a two-lane highway and has no shoulder. He has concerns about school busses pulling out of this property due to the limited sight distance. Mr. Tokraks stated that this is a great idea and he loves pumpkin patches, but he has traffic concerns.

There being no further audience speakers, Chairman Ellis asked the applicant if he would like to come back to the podium and address any of the concerns voiced by the audience speakers.

Nick Hargis stated that he has spoken with Paul Graham from MoDOT, and he has approved his request to widen his driveway access and stated it will have little to no impact on the existing system on Highway N. The reason they widened this entrance was to prevent traffic issues.

Roger Ellis asked the applicant if he expects that most of his customers will be coming from the surrounding local area.

Mr. Hargis responded in the affirmative.

Chairman Ellis closed the public hearing and called for discussion from the Commission.

Robert McDonald stated that he believes this would be a positive addition to the community, and it will only be in operation for two months out of the year.

There being no further discussion, Chairman Ellis called for a motion to approve Application CUP19-02.

Mike Klinghammer made a motion to recommend approval of this conditional use permit request subject to the following conditions:

1. A site plan substantially complying with the concept 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; and

2. A Missouri Department of Transportation permit shall be obtained for the use of one (1) commercial entrance off of Highway N; and
3. The road entrance from West Highway N shall be upgraded to a commercial entrance; and

4. No light from exterior light fixtures shall exceed 0.5 foot-candles as measured at the property lines; and

5. A Type 2 vegetated buffer, per Exhibit A of Section 405.435 of the County Code, shall be installed along the eastern and western property lines for the length of the rural recreation activity areas; and

6. The dates of operation shall be limited to September 1 through October 31 annually, and the hours of operation shall be limited to 9:00 am to 6:00 pm on Wednesdays, 2:00 pm to 6:00 pm on Fridays, and 10:00 am to 6:00 pm on Saturdays and Sundays; and

7. No conditional use shall be in active use until such time that all conditions of approval have been met.

Craig Frahm seconded that motion.

The vote on the motion was as follows:

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Application No. CUP19-02 was unanimously recommended for APPROVAL.

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

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**PLATS**

1. **PRELIMINARY PLAT FOR FORISTELL MANORS**

   Application No: PRE19-07
   Owner/Developer: Zatara Development, L.L.C.
   Property Surveyor: Musler Engineering Company
   Property Zoning: A, Agricultural District (5-acre minimum lot size)
   Proposed lots: 6
   Parcel Size: 36.56 acres
   Location: On the north side of Foristell Road, across from Foristell Ridge Court
   Council District: 2
   Account No.: T142100002

Ellie Marr, Senior Planner, stated that this is a six-lot subdivision located at the far west end of St. Charles County. The minimum acreage for all lots will be five (5) acres with one cul-de-sac street for access to all of the lots. The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this preliminary plat.
For the record, staff did not receive any written communications regarding this application.

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 or their representative to come forward.

The owner's representative, Rich Musler, Musler Engineering, was sworn in. Mr. Musler stated that this property is 36.56 acres in size and is zoned Agricultural. The plat contains 6 single family residential lots, with lot sizes ranging between 5 and 7 acres. There will be one entrance to the subdivision for Rodeo Menors Court, and site distance is more than adequate for this entrance in both directions. The plan is to do minimal grading and clearing for this site.

Roger Ellis asked Mr. Musler if the cul-de-sac meets County standards.

Mr. Musler answered in the affirmative.

Kevin Cleary asked what type of street surface will be used, and what type of utilities will service the lots.

Mr. Musler responded that the entrance off of Foristell Road will be concrete, and the street will have an asphalt surface. The lots will be serviced by private wells and septic systems.

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

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

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO, was sworn in. Mr. Dienoff stated that he is in support of this development. He stated this is responsible growth, and there is no density issue.

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

There being no discussion, Chairman Ellis called for a motion to approve Application No. PRE19-07.

Mike Klinghammer made a motion to approve, and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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Application No. PRE19-07 was APPROVED.

The Vote Count was 7 Yeas, 0 Nays, and 0 Abstentions.
II. **PRELIMINARY PLAT FOR FINN ACRES - DYER ROAD**

Application No: PRE19-08  
Owner/Developer: Kandi R. McMenamy and Michael B. McMenamy  
Investment Trust  
Property Surveyor: Bax Engineering Company  
Property Zoning: A, Agricultural District (5-acre minimum lot size)  
Proposed lotts: 6  
Parcel Size: 31.601 acres of a 114.16-acre tract of land  
Location: On the southeast side of Dyer Road, approximately 4,400 feet southwest of Hwy 79; near the City of St. Paul  
Council District: 1  
Account No.: 287310A000

Ellie Marr, Senior Planner, stated that this is a six-lot subdivision with 5-acre minimum lot, and 10 zoning changes are necessary. The Planning and Zoning Division recommends that the Planning and Zoning Commission approve this preliminary plat.

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

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 or their representative to come forward.

The owner’s representative, Dale Bax with Bax Engineering Company, was sworn in. Mr. Bax stated that this property is 31.6 acres and is being sub-divided into six lots which are all five-acres and larger. The access road will be public and will have a concrete surface at the entrance and an aggregate surface on the rest of the road. The site distance for the entrance meets requirements, and they will be preserving all of the existing trees, waterways, and natural watercourses on this site.

Chairman Ellis asked if there were any questions for the applicant’s representative.

Kevin Cleary asked what type of utilities will service the lots.

Dale Bax responded that each lot on the site will be serviced by individual wells and septic systems.

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

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO, was sworn in. Mr. Dienoff stated that he is in support of this development. He stated this is responsible growth, and there is no density issue.

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

There being no discussion, Chairman Ellis called for a motion to approve Application No. PRE19-08.
Tom Kuhn made a motion to approve, and Mike Klinghammer seconded the motion.

The vote on the motion was as follows:

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Application No. PRE19-08 was APPROVED.

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

III. PRIVATE ROAD DEDICATION PLAT - LOCATED EAST OF HIGHWAY T

- Application No: PRE19-09
- Owner/Developer: Interstate Drive, L.L.C.
- Property Surveyor: Premier Design Group
- Property Zoning: A, Agricultural District (5-acre minimum lot size)
- Location: East side of Highway T; approximately 2,350 feet north of Westwood Trail
- Council District: 2
- Account No.: 610320A000

Chairman Roger Ellis stated that the applicant requested that this preliminary plat be continued until the August 21, 2019 Planning & Zoning Commission meeting.

Mike Klinghammer made a motion to continue, and the motion was seconded by Craig Frahm.

The motion was approved by unanimous voice acclamation, and the application was continued.

TABLED ITEMS

II. PRELIMINARY PLAT FOR THE RESUBDIVISION OF LOT 12 VALLI ACRES - 1354 VALLI LN

- Application No: PRE19-05
- Owners/Developers: Daniel Launders, Sydney Kroupa, and Audrey Bryant
- Property Surveyor: Landmark Surveying Company
- Proposed Lots: 2
- Parcel Size: 0.90 acres
- Location: On the east side of Valli Lane, approximately 900 feet north of Hwy N; adjacent to the City of Cottleville
- Council District: 3
- Account No.: 552000A000
Chairman Roger Ellis asked for a motion to bring this application up from the table.

A motion was made by Mike Klinghammer and was seconded by Tom Kuhn. The motion to bring the application up from the table was approved by unanimous voice acclamation.

Ellie Marr, Senior Planner, stated that a request to rezone this property from R1A, Single-Family Residential District to R1C, Single-Family Residential District was recommended for approval by the Commission at the June meeting, and is currently awaiting a decision from the County Council. Staff requested that this preliminary plat be continued during the June Planning & Zoning Commission meeting, as there were still a few items that needed to be addressed. The applicant has requested that a variance from the Subdivision Regulations be granted to allow the vegetative stream buffer on the property to be protected by easement rather than platted as common ground under joint ownership. Staff recommends that the Planning & Zoning Commission recommend approval on this plat with the requested variance to the County Council.

For the record, staff received two written communications from agencies regarding this application.

Chairman Ellis asked if there were any questions for staff.

Seeing none, Chairman Ellis asked the applicant to come forward.

Sydney Kroupa, the property owner, was sworn in. Ms. Kroupa stated that they have recently discovered that they may need to move the home as shown on the preliminary plat. She asked if that would require that the plat come back before the Commission.

Ellie Marr responded that it would not be required to come back before the Commission if the home were to be moved.

Chairman Ellis asked if there was anyone in the audience that would like to comment on this preliminary plat.

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, Missouri, was sworn in. Mr. Dienoff supports this rezoning request and asked the Planning & Zoning Commission to recommend approval with the requested variance.

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

There being no discussion, Chairman Ellis called for a motion to recommend approval of Application No. PRE19-05 with the requested variance.

Craig Frahm made a motion to recommend approval, and Mike Klinghammer seconded the motion.

The vote on the motion was as follows:

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<thead>
<tr>
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<th>- Yes</th>
<th>Kevin Cleary</th>
<th>- Yes</th>
<th>Craig Frahm</th>
<th>- Yes</th>
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<tbody>
<tr>
<td>Diane Saale</td>
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<tr>
<td>Roger Ellis</td>
<td>-</td>
<td>Tom Kuhn</td>
<td>-</td>
<td>Robert McDonald</td>
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<tr>
<td>Mike Klinghammer</td>
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Application No. PRE19-05 was recommended for APPROVAL.
The Vote Count was 7 Yeas, 0 Nays, and 0 Abstentions.

APPROVAL OF THE MINUTES FROM THE JUNE 19, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the June 19, 2019 regular meeting.

A motion to approve the minutes was made by Mike Klinghammer, and the motion was seconded by Tom Kuhn. The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

NONE

ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Kevin Cleary and was seconded by Mike Klinghammer. The motion to adjourn was approved by unanimous acclamation, and the meeting adjourned at 11:20 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary