

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: September 16, 2020
TIME: 7:00 PM
PLACE: County Executive Building
300 N. Third Street
Third Floor Council Chambers
St. Charles, MO 63301

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

MEMBERS ABSENT: Diane Saale

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

SPEAKERS:

PRE20-13: Brad Goss, applicant's representative, 120 South Central, Suite 700, St. Louis, MO; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

PRE20-22: Christopher Vaughan, property owner, 301 Hoffman Hills Drive, Wentzville, MO 63385; and Arnie C. Dienoff, P.O. Box 1535, O'Fallon, MO 63366

PRE20-23: Allison Gauch, engineer/applicant's representative, 10820 Sunset Drive, Suite 200, St. Louis, MO 63127; and Arnie C. Dienoff, PO Box 1535, O'Fallon, MO 63366

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 the vote by the Commission on preliminary plats is final. Only a recommendation for denial on those applications would be heard by the County Council.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

CHANGES TO THE AGENDA

NONE

PLATS

I. PRELIMINARY PLAT FOR VILLAS AT LAKE ST. LOUIS - 1936 DUELLO ROAD

Application No: PRE20-13
Owner/Developer: James W. Clemens
Engineer/Surveyor: THD Design Group
Zoning: R2, Two-Family Residential District
Proposed Lots: 5
Parcel Size: 1.10 acres
Location: On the north side of Duello Road, approximately 430 feet east of Hidden Bluffs Drive; adjacent to City of Lake St. Louis
County Council District: 2
Parcel Account No.: T132300003

Robert Myers, Planning and Zoning Director explained that this plat is a similar to one that came before the Commission in July. Robert Myers said that he would characterize this as a no infill project surrounded by the City of Lake St. Louis. The existing zoning is R2, Two-Family Residential District which means they can build single family homes, duplexes, or villas. A "villa" is an attached dwelling on its own lot. An internal street is required according by the County's Subdivision regulations and that is to prevent 5 lots with 5 new driveways coming out onto Duello Road near an intersection. The plat presented in July, because of shallow lot depth, would have required two variances and a waiver, but that plat was denied by the Planning and Zoning Commission. Since that time the plat has been redesigned in compliance with the County's Subdivision Regulations after they applied to the Board of Zoning Adjustment for a variance to allow a shallower front yard setback from these proposed dwellings in that internal street. The variance granted by the Board of Zoning Adjustment has allowed the subdivision to be redesigned. The plat now before the Commission is similar to the plat that was before the Commission in July, but with the previous deficiencies corrected.

County staff finds that this plat conforms to all technical requirements of Chapter 410 (Subdivision Regulations).

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

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis asked the applicant or their representative to come forward.

Brad Goss, the applicant's representative, was sworn in. Mr. Goss stated that the front yard setback is actually 21 feet because there was a four-foot adjustment created. After the plat denial at the last Planning and Zoning Commission meeting, the project was redesigned to meet all measures. The proposed right-of-way complies without seeking any variance. Mr. Goss stated that the problem with

this property is its narrowness, and it wasn't buildable without the 4 feet of relief granted by the Board of Zoning Adjustment. Therefore, the plat before the Commission this evening is fully compliant with all of St. Charles County's Subdivision Regulations, and no variance is being requested.

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

Kevin Cleary asked Mr. Goss where the additional tree preservation line is located.

Mr. Goss responded that it is shown within the common ground area. The curvature of the road was changed and so was the slope, slightly. Their engineers are designing a small wall to make it work so grading won't be needed as much.

Craig Frahm stated that he remembers from the last Planning & Zoning Commission meeting when this subdivision plat was reviewed by the Commission that several residents were opposed to this project but do not appear to be in attendance at this meeting. Those residents' main concerns seemed to be the existing trees on the rear property line, and those trees are not going to be disturbed in this plan.

Chairman Ellis asked if anyone else had any questions for the applicant. There were none.

Chairman Ellis asked if anyone from the audience would like to make comments regarding this preliminary plat.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that he is opposed to this subdivision plat being approved for the following reasons:

- He is opposed to the density of this subdivision because the County's Master Plan calls for four homes per acre and this subdivision has 5 homes on 1.1 acres of property.
- The turning radius in the cul-de-sac may not be large enough to accommodate fire rescue vehicles, school buses, and trash trucks.
- Mr. Dienoff stated that adjoining neighbors expressed concerns at the last P&Z Commission meeting about their property values of their homes with this subdivision being so close to their property lines. He would like for the Commission to require this property owner to increase the number of trees and landscaping along the property line, and to require them to create some type of berm to mitigate the effects of this subdivision to the adjoining properties.
- McBride and Homes is building a detention/retention pond to address water runoff concerns.
- If he had attended the Board of Zoning Adjustment meeting where the applicant requested this variance, he would have opposed that request. He questioned whether the neighbors were notified regarding that meeting.

Chairman Ellis asked if there was anyone else in the audience who wished to speak regarding this application.

There being no other audience speakers, Chairman Ellis closed the public hearing and asked the applicant's representative if he wished to return to the podium.

Brad Goss approached the podium and stated that he would like to respond to Mr. Dienoff's comments. He stated that this is not a rezoning request but a preliminary plat approval. Regarding the density factor, he stated that the density of this subdivision plat is compliant with the requirements of this zoning district. Regarding the landscaping, all of the trees that are required to be preserved

will be preserved, and there will be no additional landscaping required. Regarding water detention, the storm water will not run toward the subdivision to the west. It will run towards Duello Road.

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

Craig Frahm asked County staff if notifications were sent out to the neighboring properties regarding this plat resubmittal.

Robert Myers responded that the adjacent property owners were properly notified as required by County Ordinance.

Chairman Ellis asked if anyone else had questions for staff. There were no further questions.

Chairman Ellis entertained a motion to approve Application No. PRE20-13.

Terry Hollander made a motion of approval, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

Kevin Cleary	- Yes	Tom	- Yes	Roger Ellis	- Yes
Craig Frahm	- Yes	Terry	- Yes	Tracy Boehmer	- Yes
Robert McDonald	- Yes				

Application No PRE20-13 was **Approved**.

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

II. PRELIMINARY PLAT FOR THE RESUBDIVISION OF HOFFMAN HILLS LOT 30 - 30 HOFFMAN HILLS DRIVE

Application No: PRE20-22
Owner/Developer: Christopher C. Vaughan and Lisa M. Vaughan
Engineer/Surveyor: Landmark Surveying Company
Zoning: A, Agricultural District
Proposed Lots: 2
Parcel Size: 10.82 acres
Location: On the south side of Hoffman Hills Drive, approximately 165 feet south of Hopewell Road; one-half mile from the City of O'Fallon
County Council District: 2
Parcel Account No.: T082000101

Robert Myers, Director of Planning & Zoning, stated that the Planning and Zoning Commission approved the Hoffman Hills Subdivision in April of 2007. Five of the six lots within the Subdivision are 3 acres in area, while the subject lot (Lot 3) is 10.821 acres in area. The applicant proposes to subdivide Lot 3 into two lots, which the existing A, Agricultural District Zoning Regulations would

allow. Both proposed lots would be larger than all of the existing lots within the Hoffman Hills Subdivision. Hoffman Hills Drive was platted as a private street, and the subdivision includes private covenants to provide for common maintenance and other purposes. Following plat approval, the applicant intends to vacate Lot 3A from the Hoffman Hills Subdivision, and construct a second home behind the existing home with driveway access taken from Hopewell Road. It should be noted that any driveway to Hopewell Road would need to cross a branch of Dardenne Creek, which borders the northern property line. Section 410.280.A.2 of the County's Subdivision Regulations requires that all lots in subdivisions take access from an internal street. In this instance, in lieu of an internal street, the applicant proposes a 20-foot wide access easement from Hoffman Hills Drive along the western property line. Ultimately, Lot 3A is to be vacated from the Hoffman Hills Subdivision with driveway access for Lot 3A to be taken from Hopewell Road. Under the provisions of Section 410.480.D of the County Code, the Planning and Zoning Commission may waive the requirement that any proposed lots not take access from a County roadway "...where there is a topographic hardship or if any equal or better alternative can be provided that is not in agreement with this ordinance."

County staff finds that the subject resubdivision plat as presented does not meet the following technical requirements of Chapter 410 OSCCMo (Subdivision Regulations) for the following reasons:

1. The exact limits and dimensions of the natural watercourse vegetated buffers as preserved on the record subdivision plat must be provided.
2. A soil evaluation for septic approval must be provided.
3. The appropriate signature block must be provided.
4. The date of the survey must be provided.
5. A legal description of the property must be provided.
6. The topography of the tract must be depicted with contour intervals of one, two, or five feet on the USGS Datum.
7. The average lot size for the re-subdivision must be indicated.
8. All property owners within 100 feet of the perimeter of the plat must be indicated.
9. The current zoning on the subject property and all adjacent tracts must be indicated.
10. As Lot 3A would not front on an internal subdivision street, but instead take access from Hopewell Road, a written request for a waiver from the requirements of Section 410.280.A.2 of the Subdivision Regulations must be submitted.
11. A copy of recorded subdivision covenants, indentures or restrictions, if any, must be provided. (Section 410.060.C)

For the record, staff received one letter of opposition regarding this preliminary plat from Boyd Hirtz and Kelly Green-Hirtz.

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

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

Christopher Vaughan, the property owner, was sworn in. Mr. Vaughan stated when he purchased the land, it was sold 'as is' and before he purchased it, he asked for the right to split it. He said

several emails were sent back and forth with subdivision trustees. Mr. Vaughan said they approved it even with one person who opposed, but they still signed it. It was purchased in 2012 and a house was built in 2013. At the time, he told the homeowners he was dividing the land when he thought it was already approved, but they didn't like the idea for traffic concerns. He found a way to address these traffic concerns by creating access to the rear of the property to Hopewell Road. Mr. Vaughan stated that in rebuttal to Boyd Hirtz and Kelly-Green Hirtz's comments, he has a document from 2012 seeking homeowner approval. He stated that the minutes of the March 2012 Homeowner's Association meeting show approval with an addendum that can be found in the contract. He also stated that all of the neighbors had the right to buy the land before he purchased it.

Craig Frahm asked for further information on the proposed driveway to Hopewell Road.

Christopher Vaughan responded that the owner of 3394 Hopewell Road will be swapping land with him through a Quit Claim Deed, and he would be getting .09 acre of extra land for the swap as Lot 3 allows barns and horses. The parcel will ultimately have 5.09 acres of land, in compliance with Agricultural Zoning.

Tracy Boehmer asked Mr. Vaughan if he could show the Commission a copy of the presale agreement, he mentioned that stated that he was allowed to split the property.

Christopher Vaughan responded that he uploaded that document to the application file and it's in the March 2012 Homeowner's Association minutes. He stated that Tim Duggan, the owner who sold him the property, told him that the homeowners had approved it and he thought that was a change to their indentures. He stated that he doesn't know why people were upset about it because it's in the minutes, which were delivered to the neighbors.

Terry Hollander asked Mr. Vaughan what the discrepancy between what he was told in 2012 is versus the 2019 Homeowner's Association meeting, because it sounds like there are two different stories.

Christopher Vaughan responded that it's a rogue Board, and they are not following the rules.

Terry Hollander asked how many of the same people are on the Board now that were living there in 2012 when he built his home.

Christopher Vaughan responded that only Lot 1 has transferred ownership since 2012.

Terry Hollander said there must be five different Board members than there were in 2012.

Tracy Boehmer stated that in looking through the packet of information, she does not see any addendums to contracts or anything showing that the property can be split. She asked Mr. Vaughn if he has anything in writing stating this that he could to show to the Commission.

Robert Myers stated that at this point, the applicant has submitted no recorded indentures or covenants available for this subdivision.

Christopher Vaughan stated that once the fifth lot was sold, the seller did not end up having the subdivision indentures recorded.

Robert Myers stated that with most plats, the Planning & Zoning Commission and the County do not take into consideration covenants or restrictions because they are considered to be an agreement between two private parties in which the County is not a party of. With resubdivisions, the Planning & Zoning Commission, the Director of the Planning & Zoning Division, or the Governing Body may

take into consideration the limitations of the resubdivision which are imposed in any binding subdivision covenants or indentures. Certified copies of recorded covenants, indentures, or restrictions may be taken into consideration should they be provided. The document provided by Christopher Vaughan provides covenants and restrictions for this subdivision, but this document is a Microsoft Word document which has not been certified or recorded.

Chairman Ellis asked Mr. Myers to clarify that what he is saying is that subdivision indentures for this subdivision have never been recorded.

Robert Myers responded that he does not know if any indentures or restrictions have been recorded for this subdivision, but nothing certified or recorded has been submitted as part of this application.

Chairman Ellis stated that if subdivision indentures have not been recorded for this subdivision, then they have no standard or effect.

Christopher Vaughan stated that he spoke to the gentleman who sold him the property and made the changes to the indentures, and he stated that he had informed the other homeowners but he never filed the indentures because he didn't know he was supposed to.

Craig Frahm asked where the County's Attorney was, as he wanted to know if this would legally affect the Commission's decision-making authority to sub-divide this lot.

The County Attorney did not respond.

Robert Myers stated that recorded indentures may be taken into consideration by the Commission according County Ordinance.

Craig Frahm asked if the Commission could also choose not to take this into consideration.

Robert Myers responded in the affirmative.

Chairman Ellis stated that since these indentures have never been filed, they are not effective. He stated that if someone was going to purchase this lot, the indentures would not show up on a title search.

Craig Frahm told Christopher Vaughan that he is concerned that he may have trouble selling the lot later on when they look for the recorded indentures.

Christopher Vaughan responded that he has already put in a petition to vacate this lot from the subdivision, which is scheduled to be heard by the County Council next month.

Chairman Ellis stated if they have never filed a document stating that these covenants are in place it will not show up on a title search, and those covenants will not make any difference because they have not been recorded and will not apply to the land.

Christopher Vaughan said he did not understand what Roger Ellis was stating.

Chairman Ellis stated if the original subdivision covenants or restrictions have never been filed with the County, then there is nothing legally attached to the land.

Tom Kuhn stated that the covenants presented are irrelevant since they have not been certified or recorded with the County.

Kevin Cleary stated that County staff advises that the plat submitted does not meet the technical requirements of the Subdivision Regulations. He asked if County staff has any additional issue with this resubdivision plat, once those technical requirements have been met. He also asked County staff if the Commission can approve this resubdivision plat without there being street access shown on the plat.

Christopher Vaughan stated that he has documentation showing that the property will take access off of Hopewell Road.

Kevin asked if it was a recorded document.

Christopher Vaughan said that he did a Quit Deed Claim and swapped a portion of land in order to allow driveway access to the property.

Kevin Cleary asked him if that was recorded.

Christopher Vaughan answered in the affirmative.

Craig Frahm told Christopher Vaughan that the Commission does not want to do something that would cause problems for him in the future.

Kevin Cleary asked if putting in that access driveway would require County approval.

Robert Myers responded that while the plat is lacking some technical requirements, they can all be resolved fairly easily. The Commission can also approve a lot not having frontage without a roadway by waiving that requirement.

Chairman Ellis asked how the land swap for the driveway gets connected to this parcel legally.

Robert Myers responded that the requirement that lots front to a public or a private street is within the County's Subdivision Regulations and it is not within the Zoning Regulations. Once this lot has been vacated from the subdivision it will become unplatted land, and therefore the parcel will no longer be required to conform to the County's Subdivision Regulations. There are multiple large farm parcels throughout the County which do not have street access, but instead have access easements. Those are unplatted parcels and that is the situation this parcel would be in if it is re-subdivided and vacated from the Hoffman Hills Subdivision.

Kevin Cleary asked if County approval be required in order for this property to have an access driveway onto Hopewell Road rather than an easement road.

Robert Myers responded that if a new driveway were to be installed, they would be required to obtain a special use permit from the County Highway Department.

Roger Ellis stated that in the letter from the Hirtz's, they made a statement that everyone agreed to a written recording of indentures for the Hoffmann Hills Subdivision that would be good for 30 years after their recordation in 2007. He asked Mr. Vaughan if he had contacted the County Recorder of Deeds office to determine if that document had been filed.

Christopher Vaughan answered in the negative. He said the gentleman that sold him the property told him that he did not record those indentures.

Chairman Ellis asked if he has a copy of the agreement to change the existing indentures.

Christopher Vaughan answered in the affirmative. He stated that he uploaded them in application file and the agreement can be found in the March 12, 2012 Homeowner's Association meeting minutes. He also had an available copy of those minutes that he gave to the Commission.

Tracy Boehmer asked if there was something that is signed by the members of the Homeowner's Association acknowledging that this split was agreed upon before he purchased the land, and that splitting the property was part of the purchase deal. She stated that this is her biggest concern because there doesn't seem to be a signed document stating that this was agreed upon.

Christopher Vaughan stated that the Board signed the agreement when he purchased it, and the four other property owners were informed. At that time, there was only one house built in the subdivision.

Tracy Boehmer stated she would like to see confirmation and asked if there was a signed document regarding the sale agreement.

Christopher Vaughan stated that the Board went and sought approval from other property owners, and one of the Board members signed the document.

Tracy Boehmer asked again if he had that document as part of his presentation.

Christopher Vaughan answered in the affirmative and stated that it has been uploaded to the application file.

Chairman Ellis told Tracy Boehmer he was currently reading the document.

Craig Frahm stated that Tim Duggan signed the document.

Chairman Ellis said the document is from a Trustee meeting which would be a Board meeting. The Board approved the changes, but without seeing all of the indentures it doesn't clarify whether it requires a vote of all of the members of the Homeowner's Association. This was approved as a variance for Lot 3 in a permit change and was incorporated into the subdivision indentures at a later date.

Chairman Ellis asked if the Homeowner's Association ever had a meeting required by their indentures where this was voted on and approved in accordance with what is in the indentures. The fact that the trustees have the right to change the indentures is doubtful.

Christopher Vaughan stated that it was a very informal vote in which they just reached out to everybody and they all saw it and agreed to it, and that's how it was submitted.

Chairman Ellis explained he is president of a Homeowner's Association, and in order to pass any changes a certain number of property owners must be present. Trustees or Directors alone cannot make changes to the indentures.

Christopher Vaughan asked if any of the homeowners have ever filed the subdivision indentures.

Chairman Ellis said there is a statement in the opposition letter received that says they were filed in 2007.

Tom Kuhn stated there seems to be a lot of loose ends.

Chairman Ellis asked Robert Myers if preliminary plats could be continued or tabled.

Robert Myers answered in the affirmative.

Craig Frahm asked Christopher Vaughan if he has a time frame for what he plans to do with his property.

Christopher Vaughan responded that his house is currently on the market for sale and he is losing money. Splitting this property is the only thing that will keep him financially afloat. He explained that he and his wife recently lost their son and they are going through a divorce.

Craig Frahm said that he wants to do what is right for him too. Should this plat be denied by the Planning & Zoning Commission, it would then have to be brought before the County Council for a final decision which would take another month for a determination anyway.

Kevin Cleary stated that in number three of the indentures, it states that Mr. Vaughan was allowed to build a large barn because this was a 10-acre site and none of the other properties in the subdivision were allowed to do that. He asked Mr. Vaughan if this barn meets the County's requirements for a 5-acre lot.

Christopher Vaughan responded that the barn meets the County's standards for a 5-acre lot.

Kevin Cleary stated he was not questioning compliancy but asked how he presented the barn to the Homeowner's Association when he is trying to divide the property.

Christopher Vaughan replied that the barn on Lot 3 is not oversized, and in the indentures, it states that a barn can be built, and owners can have horses.

Tom Kuhn said that he would like to see proof that a Homeowner's Association exists, and if they can legally make these decisions.

Chairman Ellis said in the letter from the Hirtz's, they make a reference that it was recorded in 2007. He stated that it is unknown if that was in fact accomplished.

Craig Frahm said to assume that is correct and vote on this plat, would the outcome be for or against it? He questioned whether the vote would it be any different with indentures that are filed or indentures that are not filed.

Chairman Ellis said it doesn't matter.

Kevin Cleary said that the owner is just asking to resubdivide his 10-acre lot with access that is not going through the subdivision. If the Commission were to vote to approve the plat but make approval subject to approval of the access driveway from the County Highway Department that may be the way to do it.

Chairman Ellis asked the applicant if he wanted to add anything else.

Christopher Vaughan answered in the negative.

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

Arnie C. Dienoff was sworn in. Mr. Dienoff requested that this application be tabled by the Commission until all of the necessary documents are received. He would like to make sure that the 430,000 County residents don't face any legal consequences because of this case. Also, as matter of record, he asked if the Cities of O'Fallon and Lake St. Louis, and the adjacent lot owners were legally notified by mail as required by County Code. Mr. Dienoff stated County Code provides leniency in Section 410.480.D, and the Commission may waive the requirement that any proposed lots not take access from a County roadway where there is a topographic hardship or if any equal or better alternative can be provided that is not in agreement with this Ordinance. Mr. Dienoff stated that he does not believe that a hardship has demonstrated by the owner. He believes that all of the technical requirements listed by County staff need to be corrected prior to this plat being approved.

Chairman Ellis informed Mr. Dienoff that property owners were notified, and two of the Trustees responded that they were on vacation and would be unable to attend this meeting.

Chairman Ellis asked if there was anyone else in the audience who wished to speak regarding this application.

There being no audience speakers, Chairman Ellis asked the applicant if he wished to come back to the podium.

Christopher Vaughan approached the podium. He had nothing further to add.

There being no further questions for the applicant, Chairman Ellis called for discussion from the Commission.

Terry Hollander asked Robert Myers to explain the process for vacating Lot 3A from this subdivision, and what that entails.

Robert Myers responded that the Subdivision Regulations include removing land from a subdivision so that it is no longer platted. Applications for subdivision vacations go straight to the County Council for a decision.

Tracy Boehmer asked if preliminary plats that do not meet all of the technical requirements are typically approved by the Commission.

Robert Myers responded that typically when the Planning and Zoning Department sends plat review comments to the applicants, most of the time they are able to incorporate those review comments and get a revised plat back to the department quickly. If they are unable to do so, they ask that the plat to be tabled until the next P&Z Commission meeting to allow them additional time to revise the plat. In this case, no revised plat was submitted, and the applicant did not request that it be tabled.

Chairman Ellis stated that before this plat is approved and signed by the Community Development Department, all of these items will have to be addressed.

Chairman Ellis asked Robert Myers if the Commission approves this plat, but the County Council denies the vacation of Lot 3A, what would be the status of this plat?

Robert Myers responded that if Lot 3A is subdivided and should the County Council fail to approve the vacation of Lot 3A and the property is subdivided, then these two parcels will still exist within the Hoffman Hills Subdivision.

Chairman Ellis asked if there were any other questions or discussion. There were no further questions or discussion.

Chairman Ellis entertained a motion to approve Application PRE20-22

Kevin Cleary made a motion to approve Application PRE20-22, contingent upon the plat meeting the 11 technical requirements of Chapter 410 (Subdivision Regulations) set forth by County staff, and the additional condition that the applicant must obtain approval for a driveway entrance onto Hopewell Road from the St. Charles County Highway Department.

Craig Frahm seconded the motion.

The vote on the motion was as follows:

Kevin Cleary	- Yes	Tom Kuhn	- Yes	Roger Ellis	- Yes
Craig Frahm	- Yes	Terry Hollander	- Yes	Tracy Boehmer	- Yes
Robert McDonald	- Yes				

Application No. PRE20-22 was **APPROVED**, subject to conditions.

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

II. PRELIMINARY PLAT FOR ST. CHARLES COUNTY AMBULANCE DISTRICT BASE HOUSE 22 - 3807 TOWERS ROAD

Application No: PRE20-23
Owner: Terry and Janet Hackmann
Developer: St. Charles County Ambulance District
Engineer/Surveyor: Civil Engineering Design Consultants
Current Zoning: R1A, Single-Family Residential District
Proposed Zoning: R1E, Single-Family Residential District
Proposed Lots: 2
Parcel Size: 1.82 acres
Location: On the southwest corner of Towers Road and Caulks Hill Road
County Council District: 7
Parcel Account No.: T211100003

Robert Myers, Director of Planning & Zoning, stated that this application is to divide an unplatted parcel into two parcels. The property is located at the corner of two existing streets, and utilities are available. The applicant also applied for a rezoning for this property in a separate application that was before the Commission during the August meeting, because the southern half of this property has a different zoning classification than the northern half. That application is now before the County Council and has been introduced as a bill that the County Council will take action on later this month. This plat proposes to take driveway access onto a County roadway, which is normally not allowed in a subdivision. Therefore, they are requesting that the Planning and Zoning Commission waive the requirement that all lots within a subdivided plat must have driveway access to interior subdivision streets per Section 410.280.A.2 of the County's Subdivision Regulations, and suggest that the depth

and size of the existing lot is not sufficient to provide two tiers of lots/blocks and both proposed lots will have frontage on existing County roadways. Additionally, they state that it is essential that the ambulances have direct access to arterial roads so they can quickly and easily get out on emergency calls. County staff finds that the subject Preliminary Plat conforms to the technical requirements of Chapter 410 (Subdivision Regulations) with the exception of Section 410.280.A.2 (constructing an internal street). Under Section 410.480.D, the Commission may grant a waiver to that requirement so that driveway access may be taken from a County roadway.

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

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

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

Allison Gauch, the applicant's representative, was sworn in. Ms. Gauch stated that they were before the Commission last month and the Commission recommended approval of their request to rezone the property to R1E, Single-Family Residential District so they would be able to create two lots that are each slightly under 1-acre in size. The request to rezone the property was recently brought before the County Council and there were no objections. The property is located at the corner of Towers Road and Caulks Hill Road, and they are submitting this subdivision plat so that an ambulance district can purchase the northern portion of this lot. They are looking to build another base station to help reduce emergency response times. As part of that deal, they don't want to purchase more land than they need in order to be responsible with taxpayer dollars. They really need only under an acre of property for this base station, and the current owners wish to retain the southern half of the lot for now. With the subdivision of the property, the owners could change their minds in the future and sell that lot but for now they don't have any plans to do so. Public utilities are available, and they are proposing to construct a new sanitary sewer line in the right-of-way to serve both lots. Sight distance has also been reviewed with County staff, and a sight distance easement will be shown on the revised plat.

Kevin Cleary asked if that area with the sight distance issue would be regraded slightly.

Allison Gauch responded that it is not a vertical issue, but a horizontal issue. The requirement for sight distance is 12 feet from the edge of the pavement to show the vehicle being backed up and looking right.

Chairman Ellis asked if there were any questions for the applicant's representative. There were no questions.

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

Arnie C. Dienoff was sworn in. Mr. Dienoff stated he is a proponent of this request. He said that the ambulance district makes a nice product for their crews, but he does have a few concerns. He stated that he would like to ensure that there a retention/detention plan for both parcels once they are split. He would also like to see a plan for landscaping or tree preservation for the property.

There being no further audience speakers, Chairman Ellis asked the applicant's representative to come back up to the podium.

Allison Gauch, the applicant's representative, came back to the podium.

Kevin Cleary asked Ms. Gauch how stormwater runoff will be addressed.

Ms. Gauch stated that they will meet County requirements regarding stormwater runoff and will be submitting improvement plans to the County for their review. She realizes that water quality is starting to work its way into the County Codes. County staff has suggested that they make efforts to allow some of the downspouts and some of the water from the parking lot to sheet flow across some grassy areas in order to allow opportunities for infiltration. Because of the topography of the property, they were not able to sheet flow the water from the parking lot. However, they are trying to put in some grass swales to help slow down the runoff.

There being no further questions for the applicant, Chairman Ellis called for discussion from the Commission.

There being no discussion, Chairman Ellis entertained a motion to approve Application No. PRE20-23.

Terry Hollander made a motion for approval; and Kevin Cleary seconded the motion.

The vote on the motion was as follows:

Kevin Cleary	- Yes	Tom Kuhn	- Yes	Roger Ellis	- Yes
Craig Frahm	- Yes	Terry Hollander	- Yes	Tracy Boehmer	- Yes
Robert McDonald	- Yes				

Application No PRE20-23 was Approved.

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

7. TABLED AND/OR CONTINUED ITEMS

NONE

8. APPROVAL OF THE MINUTES FROM THE AUGUST 19, 2020 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the August 19, 2020 regular meeting.

Tom Kuhn made such motion, and the motion was seconded by Craig Frahm.

The minutes were approved by unanimous voice acclamation.

OTHER BUSINESS

I. PRESENTATION ON PROPOSED REVISIONS TO ST. CHARLES COUNTY'S POST-CONSTRUCTION STORMWATER MANAGEMENT STANDARDS (RICH GNECCO, DEVELOPMENT REVIEW DIVISION DIRECTOR)

Rich Gnecco in his presentation provided proposed changes to St. Charles County's stormwater standards. To comply with the Federal Clean Water Act and Missouri Department of Natural Resources requirements. Mr. Gnecco reviewed the proposed stormwater quality standards to be added to the County's post-construction stormwater management requirements. His presentation covered Regulatory History, Phase II Permit Requirements, Proposed Ordinance Revisions and information about the Proposed Design Criteria and Enforcement Program. Public Comments were requested through September 14, 2020 but are still being accepted. Rich Gnecco said he would like to have the proposal before to the County Council in November and hopes to have it published by December.

II. PLANNING & ZONING DIVISION UPDATES

There were no updates.

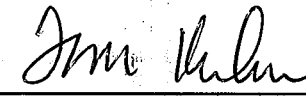
ADJOURNMENT OF MEETING

Terry Hollander made a motion to adjourn the meeting. The motion was seconded by Craig Frahm and was approved by unanimous acclamation. The meeting adjourned at 9:15p.m.

Respectfully submitted by:



Roger Ellis, Chairman



Tom Kuhn, Secretary