MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE:    SEPTEMBER 18, 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; Roger Ellis; Kevin Cleary; Tom Kuhn; Jim Leonhard; and Craig Frahm

MEMBERS ABSENT:   Robert McDonald

STAFF PRESENT:     Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Megan Murray, Assistant County Counselor; and Sheila Weiss, Recording Secretary

SPEAKERS:

CUR19-05: Larry Walker with Bax Engineering Company, applicant's engineer; Tony Benson, applicant; Patrick McKeehan, Economic Development Director for the City of O'Fallon; Keith Schneider, 4 Foxbend Court, St. Charles, MO 63301; and Arnie C. “AC” Dienoff, P.O. Box 1535, O'Fallon, MO

RZ19-11: Paul Stumpf, applicant and property owner, 2910 Starling Drive, St. Charles, MO; and Arnie C. “AC” Dienoff, P.O. Box 1535, O'Fallon, MO

RZ19-12: Rick Stout, property owner and property owner's representative; and Arnie C. “AC” Dienoff, P.O. Box 1535, O'Fallon, MO

PRE19-05: Bart Korman with Lewis & Bade Engineering Company, owner's engineer

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, he 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 stated that applications for Rezonings heard during tonight's meeting will be voted on by the Planning and Zoning Commission, and the Commission will then make a recommendation on the applications,
which will be submitted to the St. Charles County Council for a final decision. The individual items and bills for this evening’s applications are scheduled to be introduced at the Monday, September 09, 2019 County Council Meeting.

Applications for preliminary plats heard during tonight’s meeting will also be voted on by the Planning and Zoning Commission during the meeting. The vote on preliminary plats is final, unless a variance from St. Charles County Ordinances is being requested or the Commission makes a recommendation for denial of a preliminary plat. In those instances, the plat would be introduced at the Monday, September 09, 2019 County Council meeting for a final decision.

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.

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**CHANGES TO THE AGENDA**

**NONE**

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**PUBLIC HEARINGS**

**REZONING AND CONDITIONAL USE REQUEST - 2150 TECHNOLOGY DRIVE, 1 DORIS AVENUE, AND 3 DORIS AVENUE**

Application No: CUR19-05  
Applicant: Benson Automotive Properties  
Property Owner: Golden B.C., LLC  
Existing Zoning: R1E, Single-Family Residential District, and R1A, Single-Family Residential District  
Requested Zoning: C2, General Commercial District  
Conditional Use Request: Automobile and truck sales  
2030 Master Plan: Recommends Industrial Uses  
Parcel Size: 7.34 acres  
Location: On the east side of Technology Drive, approximately 400 feet north of Doris Avenue, adjacent to Interstate 64 and the City of O’Fallon  
Council District: 2  
Account No.: 780690A000, 803950A000, 803949A000

Robert Myers, Director of Planning and Zoning, described the subject property and the surrounding land uses. Mr. Myers stated that this is a two-part request: The applicant, as a contract purchaser, proposes to operate a Buick GMC Auto Dealership on the site and in order to do so needs (1) commercial zoning and (2) a conditional use permit. The applicant’s purchase of the properties is contingent upon both. The concept plan shows a 7.34 acre facility bordered by Technology Drive, Mastercard Boulevard, and Doris Avenue; next to the Mastercard Facility located in the High Technology Corridor District (HTCD) in O’Fallon, Missouri, along I-64. Since sewer and water utilities for this site are provided by private utility companies, development could take place in the unincorporated County. Given the site’s visibility from I-64, and bordering on the north and east by
Mastercard’s global operations center, staff believes the proposed commercial zoning would be more appropriate than the existing single-family residential zoning. The 2030 Future Land Use Map recommends future Industrial land uses in keeping with its adjacency to Mastercard. The High Technology Corridor District might also be considered for this property given long-term planning efforts to promote technology-driven businesses in the I-64 corridor, but that District does not allow automobile sales. The potential land use impacts of this facility include additional traffic, bright lights, use of loudspeakers, and potentially a small area of outdoor storage associated with vehicle repair. Staff has reviewed these criteria relative to the subject site and finds that with proposed conditions this use will substantially conform to the Conditional Use Permit standards. Staff believes that, with the proper lighting and landscape buffers, this is an appropriate use for this area.

County staff recommends that the Planning & Zoning Commission recommend approval of the requested rezoning. County staff likewise recommends that the Planning & Zoning Commission recommend approval of the requested conditional use permit, subject to the following conditions:

1. A site plan in conformance with the attached concept plan must be submitted to and approved by the St. Charles County Community Development Department prior to the conditional use becoming active; and

2. All parking must occur only in the designated parking areas shown on the attached Concept Plan; and

3. Exterior lighting shall utilize full cutoff light fixtures to prevent light pollution from impacting surrounding properties; and

4. In any case where a conditional use is not in place and in active use within two years from the date of granting, and/or in accordance with the terms of the conditional use originally granted or subsequently amended, then, without further action by the Planning and Zoning Commission and/or the County Council, the conditional use, or authorization thereof, shall be null and void.

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

Kevin Cleary asked County staff if the submitted concept plan shows any type of a berm along the southern portion of the property where it abuts a residence on Doris Drive.

Robert Myers responded that the concept plan shows landscaping abutting that residence but does not appear to show a berm. It’s his understanding that there will not be any business activity going on in that area of the property other than it being used as an overflow parking area. He stated that the applicant could elaborate more on that subject.

Tom Kuhn asked County staff if they are aware of any future plans for widening Technology Drive or adding a turn-lane. He stated the it just a two-lane road in front of the subject property.

Robert Myers responded that he is not aware of any proposed widening for Technology Drive but it is conceivable that a turn lane may be warranted, depending upon the level of traffic coming to and from this property. That is something that would be reviewed during the site plan approval process.

Tom Kuhn stated that there is a hill on the east side of the property, and there could potentially be some sight distance issues when people are entering and exiting the property.

Robert Myers responded that site distance is one of the items that will be reviewed and addressed during the site plan approval process.
Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Tony Benson, the applicant’s representative, was sworn in. Mr. Benson stated that he is representing his sales company in hopes of getting approval of a conditional use permit and rezoning on the subject property to allow for automobile sales.

Larry Walker with Bax Engineering Company, the applicant’s engineer, was sworn in. Mr. Walker stated that the building for this business would be located on the west side of the property. The east side of the property along Doris Avenue will be used for inventory parking. He stated that they will need approval from MoDOT for all of the curb cuts, and they evaluate the site and determine such things as site distance and whether a turn lane will be required at the entrance to the property. They will have to comply with all County requirements regarding the required buffer between the dealership and Doris Avenue. He stated that the property is mostly surrounded by the MasterCard facility to the east; and a movie theater, Highway 64, and the Busch Wildlife area are located to the west so he believes the impact to the surrounding area would be minimal and this would be an appropriate site for commercial zoning.

Kevin Cleary asked if they would be willing to add a berm along the southern portion of the property where it abuts a residence on Doris Drive.

Tony Benson responded that they would not have any issues with adding a berm to that area of the property.

Craig Frahm asked if they have spoken to the property owners on Doris Lane.

Larry Walker responded that they have not spoken with any of those residents, but no written communications have been received that stated there are any concerns.

Robert Myers added that no communications have been received stating anyone’s concerns regarding this business plan.

Roger Ellis asked if they would be loading and unloading vehicles on the property, or on Technology Drive.

Tony Benson responded that all loading and unloading of vehicles will be done on the property.

Tom Kuhn asked if they plan to use any lighted signage, and how big those signs will be.

Tony Benson responded that they will have two Buick/GMC signs, and the typical size of their signs is about 23-feet tall.

Jim Leonhard asked if they plan to install a detention or retention basin on the property to mitigate storm water runoff.

Larry Walker responded that the stormwater will be controlled by an underground detention basin. Stormwater will be piped into underground chambers rather than an open detention basin, and the amount of runoff from the property will basically remain unchanged from the way it is currently. The stormwater will drain at a controlled rate down towards Highway 40/64 and likely into Dardenne Creek.
Chairman Ellis asked if there were any further questions for the applicant’s representative or engineer. There being no further questions, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Patrick McKeehan, Economic Development Director for the City of O’Fallon, was sworn in. Mr. McKeehan stated that the City of O’Fallon has looked at this property for many years in terms of having on their list for potential annexation. Since the property is currently unoccupied, they are looking at annexing it as part of their High Technology District. They have serious concerns with St. Charles County rezoning this property to C2 against the County’s Master Plan, which recommends industrial uses for this property. MasterCard currently has well over 4,000 employees and continues to grow. The City of O’Fallon looks at this property as prime location for other companies in the area that may have the opportunity to grow along with MasterCard. They believe that an industrial or high-technology business would be more appropriate for this property than a commercial business. The City of O’Fallon recently rezoned 100 acres of property near this site to C2, which could more than appropriately support commercial business activity. There are other locations along the Highway 64 Corridor, including the Auto Mall, that could accommodate a car dealership. They also have a concern that a car dealership is not the best use of a commercially zoned property, as they do not generate sales tax for cities or for St. Charles County. Sales tax of vehicles is based upon where the purchaser of the vehicle lives, so in zoning this property commercial the County would lose the opportunity to gain sales tax revenues. They also have a concern that this type of business activity on Technology Drive will generate traffic issues in an area that is already a high-traffic area due to the MasterCard facility. If the County chooses to approve this rezoning and conditional use permit request, the City of O’Fallon would like to see some serious studies on potential traffic impacts that this business could have on the area.

Keith Schneider was sworn in. Mr. Schneider represents Cushman & Wakefield and is representing the property owner, Golden B.C., LLC. Mr. Schneider stated that he helped the owner purchase this property a number of years ago when the owner planned to develop a funeral event center on the property, but those plans have changed. He has been trying to market this property for a number of years and has had numerous discussions with MasterCard and they have no interest in purchasing the property. Mr. Schneider is in support of both the rezoning and conditional use permit request for this property.

Kevin Cleary asked Mr. Schneider how long this property has been on the market.

Mr. Schneider responded that this property has been for sale for about three years. Opus had the property under contract for a period of time and pursued building an office building on the property. They were searching for tenants to pre-lease space on the property but nothing ever materialized. He stated there is definitely a higher and better use for this property, and he thinks the proposed car dealership would be a good use.

Arnie C. “AC” Dienoff was sworn in. Mr. Dienoff stated that he is highly opposed to this application. Both the municipalities and the County as a whole are running out of space. The High Technology Corridor is being recognized nationally as a designation for people to live, recreate, and raise families. Mr. Dienoff stated that he would like to see a certified list of notifications that were made to the surrounding property owners. He does not see any comments from utility companies or from the Fire Protection District, and is surprised to see that there are not any residents from Doris Drive, the Winghamaven Subdivision, or the other surrounding subdivisions in the audience wishing to speak on this application. This property is within a technology corridor, and the County’s 2030 Master Plan recommends industrial uses for this property. He does not believe this is the right location for a car dealership, and he will be asking the O’Fallon City Council to pass a Resolution against this rezoning at their next City Council Meeting. The adjacent MasterCard facility is running out of parking space
and needs to expand. He also has concerns regarding the landscaping and the absence of a berm, runoff issues due to the slope of the property, lighting concerns, and is concerned about the effect this business could have on surrounding property values. There are other surrounding parcels of land that would be more appropriate for this business. He also has concerns about traffic and would like to see a traffic study done for this area. He would be opposed to any pole signs being on the property, and instead would like to see them use monument signs. Mr. Dienoff reiterated that he is highly opposed to this application, and asked that the Commission recommend denial on both the rezoning and the conditional use request.

Chairman Roger Ellis asked if there was anyone else in the audience that wanted to speak on this application.

Seeing none, Chairman Ellis closed the public hearing and asked the applicant and their engineer to come back to the podium to address some of the concerns voiced by the audience speakers.

Larry Walker, the applicant’s engineer, and Tony Benson, the applicant’s representative, came back to the podium.

Kevin Cleary asked Larry Walker if they have performed any type of traffic study for this property.

Larry Walker responded that they have not requested a traffic study and at this point this is an application for a rezoning and conditional use permit request. Typically the County or MoDOT will request a traffic study be done during the site plan approval process if they feel that it is necessary. As compared to the MasterCard facility, this dealership would add very minimal traffic to this area. The objective of a traffic study is more so to help determine if any road improvements such as adding a turn lane will be necessary. In response to Mr. McKeehan stating that the City of O’Fallon recently rezoned 100 acres of property near this site to C2, Mr. Walker stated that that should be all the more reason that C2 zoning is appropriate for this property as well. One of the reasons that this property has sat vacant for so long is likely due to the fact that it is hard to find businesses that fit the requirements of the High Technology Corridor for smaller sized parcels such as this one. At some point, Commercial Zoning needs to be allowed in certain areas within the High Technology Corridor in order to help facilitate development, and he feels this is a good use for this area.

Roger Ellis asked Mr. Benson when his when his busiest times as far as traffic typically are.

Tony Benson responded that traffic is typically spread out through the whole day. The service departments usually get a little busier during the morning hours. Most of the employees would report to work around 9:00 a.m. and work until around 5:30 p.m. They would employ 50-60 employees.

Chairman Ellis asked Mr. Benson if the business will be open on Saturday and closed on Sunday, as is typical with a car dealership.

Tony Benson responded in the affirmative.

Craig Frahm asked Mr. Benson where his 50-60 employees would be coming from, and what his estimated annual payroll would be.

Mr. Benson responded that his annual payroll would be approximately $40-million dollars, and the employees will come from surrounding areas.

There being no further questions for the applicant or his representative, Chairman Ellis asked County staff if proper notification was made to the surrounding landowners and other required entities.
Robert Myers responded that the notifications sent out for this application more than met all County requirements, and the staff went beyond the minimum required notification for this property.

Tom Kuhn stated that this property has been for sale for three years now under this zoning district, and he questioned how long the seller should have to wait for a buyer to come along.

Roger Ellis stated that he sees this property as having the same use whether it is a parking lot used by MasterCard, or a parking lot used to sell vehicles.

Kevin Cleary stated that he believes this is an appropriate place for a car dealership. His only concern is he would like to see a berm and some heavy landscaping be added to the property where it abuts Doris Drive.

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

Craig Frahm made a motion to recommend approval on the rezoning request for this application. Kevin Cleary seconded the motion.

The vote on the motion was as follows:

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The Rezoning request was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

Chairman Ellis stated that the Commission would next consider the proposed conditional use permit request.

Chairman Ellis opened the public hearing and asked the applicant’s representative and engineer to come forward.

Larry Walker, the applicant’s engineer, and Tony Benson, the applicant’s representative, came back to the podium.

Craig Frahm stated that he still has the concerns regarding the adjacent residence at the southern portion of the property on Doris Drive. He asked the applicant’s representative if they would be open to removing that section of the property from their concept plan.

Tony Benson responded that he is open to placing a berm along that portion of the property, but would like to be able to use that space for overflow parking in the future.

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

Arnie C. "AC" Dienoff stated that should this conditional use be recommended for approval, he would like to see the following additional conditions of approval added:
1. A “Type 3” landscaping plan with a berm and a site-proof fence should be required along the southern portion of the property; and

2. No derelict, unlicensed, or damaged vehicles should be allowed on the property for more than 30 days; and

3. No outside storage of vehicle parts or solvents should be allowed on the property; and

4. Vehicle deliveries should only be allowed between 8:00 a.m. and 8:00 p.m., and no parking should be allowed on Technology Drive; and

5. A traffic study should be required prior to approval.

6. Approval from the Wentzville Fire Protection District stating that there is ample fire service and hydrants available for this development should be required.

Patrick McKeenan, Economic Development Director for the City of O’Fallon, stated that should this rezoning and conditional use be approved by the County Council, the City of O’Fallon would like to be able to promote this property as a C2 site to potential permitted users that would generate revenue for both the County and the City of O’Fallon. He stated that they have a number of sites within the City of O’Fallon that have been on the market for many years, and have just relocated Cosmos to a site that was vacant for 20 years, and just relocated Dynaflex to a site nearby to this property so the demand for high technology businesses is there.

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

Kevin Cleary asked County staff what would happen if the rezoning request were to be approved and the conditional use request were to be denied.

Robert Myers responded that the rezoning request and the conditional use request are separate requests. The property can be rezoned to C2 without approving the conditional use request, which would open the property to any permitted use that is allowed by right within the C2, General Commercial Zoning District. Mr. Myers also mentioned that automobile repair is a use that is allowed by right in the C2 Zoning District, but any dismantled vehicles or parts are required to be stored either indoors or behind an 8-foot tall sight-proof fence.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of this conditional use permit request, per the staff recommended conditions.

Kevin Cleary made a motion to add a condition of approval that a berm be constructed adjoining the residential neighborhood to the south of the property.

The motion was seconded by Tom Kuhn, and the motion was approved by unanimous voice acclamation.

Chairman Ellis then entertained a motion to recommend approval of this conditional use permit request, per the staff recommended conditions and the additional condition that a berm be constructed adjoining the Doris Avenue residences.

This motion was made by Tom Kuhn and seconded by Kevin Cleary.

The vote on the motion was as follows:
The Conditional Use Permit request for Application No. CUR19-05 was recommended for APPROVAL with conditions.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

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REZONING REQUEST - 7370 WEBER LAKE ROAD

Application No: RZ19-11
Applicant: Paul and Holly Stumpf
Property Owner: Holly Stumpf
Existing Zoning: A, Agricultural District, with Density Floodway Overlay District
Requested Zoning: C2, General Commercial District, with Density Floodway Overlay District
2030 Master Plan: Recommends Agricultural Use
Parcel Size: 3.70 acres
Location: On the east side of Weber Lake Road, approximately 700 feet north of intersection of Weber Lake Road and Portage Road; near the town of Portage Des Sioux
Council District: 6
Account No.: 856320A000

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. During the flood recovery inspection phase of this year’s flooding event, planning staff was provided with pictures of every structure that was inspected for flood damages. At that time, it was learned that the current owner’s tenant was operating an auction house open to the general public. The owner was notified through code enforcement procedures that this business use in the Agricultural zoning district was not permitted without a zoning change along with a change of building occupancy and inspection for commercial use by the Building Division. Consequently, the owner has applied for rezoning to the C2, General Commercial District.

In reviewing the proposed zoning for this property staff has found that the property location is not conducive to either Industrial or Commercial zoning designations. While the pole barn is elevated above the base flood elevation, the property is located north of a minor intersection and in the Density Floodway of the Mississippi/Missouri Rivers floodplain. The roads leading to the property are subject to flooding during river flooding events. The parcel is also surrounded to the north, east, and west by farm fields and other agricultural zoning designations.

The Planning and Zoning Division recommends that this zoning request be denied. Staff finds the proposed zoning is not consistent with the 2030 Land Use Plan and is not a good location for commercial zoning within the County.

For the record, staff did not receive any written communications regarding this rezoning request.
Chairman Ellis asked the Commission if they had any questions for County staff.

Craig Frahm asked County staff what will happen to the existing building on this property if this request for rezoning is denied.

Ellie Marr responded that if this request is denied, they will not be allowed to continue running a business out of the building on the property. The building would still be allowed to remain on the property.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked the applicant or their representative to come forward.

The applicant, Paul Stumpf, was sworn in. Mr. Stumpf has been an auctioneer for nearly 15 years and has worked out of the St. Charles area and the Winfield area. During that 15 years they have been renting buildings and building their business from scratch. When they purchased this building, it was for the purpose of using it for his auction house. He stated that neither his real estate agent nor the seller informed him at the time of purchase that the property could not be used to run his business. Their sales contract states that it is a commercial contract. They are asking that the property be rezoned back to either Light Industrial or Commercial so they may continue to run their business. They usually hold auctions on the property once per month, and may perhaps in the future hold auctions twice per month. The remainder of the time the building is used as a storage building. They have spent a significant amount on the purchase of this property, and on making improvements to the property such as improving parking and landscaping. Mr. Stumpf stated that this business serves a significant need in the community and provides services that most auction houses do not provide such as taking anything from one item to an entire warehouse of items for auction. Their most common customers are typically children of deceased parents that have no idea what to do with their parents personal property. They also appraise personal property appraisers and provide education to people on what their personal property is worth and what they can do with it. They also provide fundraiser auctions for the community for agencies such as Care to Learn and the Megan Meyer Foundation. They also have contracts with local law enforcement agencies such as the U.S. Marshalls, the U.S. Postal Service for appraisal and auction needs. They have approximately eight employees, two of which are full-time. Denying this rezoning request would put those employees out of work and would place them into severe debt. They are very familiar with their neighbors, and Mr. Stumpf stated that they are in favor of this business. They had no malicious intent whatsoever, and were simply uninformed with the proper procedures when purchasing this building.

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

Seeing none, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. “AC” Dienoff was sworn in. Mr. Dienoff stated that he hates to go against County staff's recommendation, but he asked that the Planning & Zoning Commission recommend approval of this rezoning request with the condition that floodproofing measures to allow for the free flow of water for the building be required. Mr. Dienoff believes that the unincorporated neighborhoods around Portage Des Sioux need some spurred economic development in order to survive.

There being no further speakers from the audience, Chairman Roger Ellis asked if the applicant would like to come back to the podium to address any of the speaker’s concerns.

Paul Stumpf came back to the podium. He stated that the building on this property is elevated and no water entered the building at any time during this year’s flooding event. He stated that the water
would have had to have been 3-4 feet higher than it was to reach the building. If this building were to have been there during the 1993 flood the building would still have been dry. The building also has two large bay doors on the front and back to allow for water to flow through.

Jim Leonhard asked Mr. Stumpf who told him that the building would not have been flooded after the flood of 1993. He stated that everything in Portage Des Sioux was under water after 1993 flood, and there were homes that had 3-4 feet of water inside of them. He stated there was not a dry spot in Portage Des Sioux between the location of the subject property and his home at Rees Road and Highway 94.

Paul Stumpf responded that for clarification, the building was not on the property in 1993. He stated that the ground underneath the building has been built up and the land survey for the property shows that the water level in 1993 would not have reached the height of the building. His neighbors also told him that the water was did not come up high enough in 1993 that it would have flooded the building.

Jim Leonhard stated that in his opinion, this is the worst possible location for a commercial property.

Mr. Stumpf responded that auctions are only being held on the property once per month, and it is easy to make preparations in light of potential flood events. Floods are predictable, and the product stored on the property can be moved. If water were to get inside of the building, it would have little to no significant impact to the structure.

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

Kevin Cleary asked County staff if there would be a conditional use that this business could fall under within the current zoning district (A, Agricultural District).

Ellie Marr responded that an auction house would not fall under any type of conditional use allowed by right within the Agricultural Zoning District. Therefore, the applicant was advised that their best option would be to request to rezone the property to C2, General Commercial District. Should this rezoning request be denied, the only other option County staff sees moving forward would be for the applicant to request that the County Council approve an ordinance amendment that would allow this type of business as a permitted use within the Agricultural Zoning District.

Roger Ellis asked if the property to the south that has five buildings located on it is zoned Heavy Industrial.

Ellie Marr responded in the affirmative, and stated that property was rezoned in 1969 to Heavy Industrial District. It is her understanding that the current owner of that property is using it for warehousing and for automobile repair, which are commercial uses rather than industrial uses.

Jim Leonhard stated that some of the buildings on that property were constructed in 1961 and 1962, and he worked there for two years. It was a manufacturing facility for amusement rides and was called Hampton Amusement Company. That business was in operation for many years until the owner passed away. After the owner passed away, a couple of businessmen took over the property and ran the company for a while and ran the company for about three years but it didn't end up working out. He stated that the property is currently being used for auto repair, a limousine service business, and as a storage lot.

Roger Ellis stated that he believes that an auction house seems like it would be a compatible use in conjunction with the current use of the property to the south.
There being no further discussion from the Commission, Kevin Cleary made a motion to recommend approval of Application No. RZ19-11. Tom Kuhn seconded the motion.

The vote on the motion was as follows:

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Application No. RZ19-11 was recommended for APPROVAL.

The Vote Count was 4 Yeas, 2 Nays, and 0 Abstentions.

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**REZONING REQUEST - 2601 HIGHWAY 94 SOUTH**

- **Application No:** RZ19-12
- **Applicant:** Rick M. Stout
- **Property Owners:** Rick M Stout, Pamela M. Stout, Sally J. Peyton, and Susan J Schepman
- **Existing Zoning:** PR, Park Recreational District, with Floodway Fringe Overlay District
- **Requested Zoning:** A, Agricultural District, with Floodway Fringe Overlay District
- **2030 Master Plan:** Recommends Agricultural Use
- **Parcel Size:** 52.74 acres
- **Location:** Southwest of the Intersection of Highway F and Highway 94 South, north of Femme Osage Creek
- **Council District:** 2
- **Account Nos.:** A983001169, T071300006, T071300100, and 628170A000

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. The applicant for this rezoning request is an attorney representing a property ownership group that wishes to rezone the property from PR, Park Recreational to A, Agricultural. The reason for the request is at least one of the parcels (T071300006) is for sale and they wish to market the property as a single-family residential property. The PR, Park Recreational, district standards do not allow for residential uses, as it primarily supports park and recreation uses. All four of the lots involved in this rezoning are 10 acres or larger in size and should be able to support the required individual sewer systems and well systems for each lot. The lots all have road frontages on either Highway F or Highway 94 South. All but one of the surrounding properties are zoned Agricultural. The property located to the west of the other subject properties is zoned PR, Park Recreational. This would return the property back to its original zoning that was designated in 1959.

The Planning and Zoning Division recommends that this zoning request from PR, Park Recreational District, to A, Agricultural District, (5-acre minimum lot size) be approved. In recommending approval to the A 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 Roger Ellis asked the Commission if they had any questions for County staff.

There being no questions for staff, Chairman Roger Ellis opened the public hearing and asked the applicant or their representative to come forward.

Rick Stout, property owner and owners' representative, was sworn in. Mr. Stout's property, which is the southernmost property within this rezoning request, is approximately 12-acres in size. He built his home there in 1998. His family has been on this property since 1973, the property has been used since then to raise horses and hay and for them to reside on. They are asking for this rezoning to bring the properties into conformity with the actual use of the property for the past half-century or more, and with the rest of the surrounding properties. The owner of one of northernmost property, Sally Peyton, has a contract to sell her property to a buyer who wishes to build a house on the property. There is no development planned for the other three properties at this time. A lot of this property area contains wetland areas and is in the floodway. Those areas are not usable as park recreational property, and are not really buildable either. They are not planning to build a bunch of houses on this property. Their intention is to preserve the property in its current state and harmonize the zoning with the existing property use.

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

Seeing none, Chairman Ellis asked if anyone from the audience wished to make public comments on this application.

Arnie C. "AC" Dienoff was sworn in. Mr. Dienoff is not sure how this property was zoned Park Recreational District. The County's 2030 Master Plan recommends agricultural uses for this property, and everything south of Highway N would require a 5-acre minimum lot size for construction of any homes. Mr. Dienoff is in favor of this rezoning request, and asked the Commission to unanimously recommend approval to the County Council. The current property owners should have the right to enjoy this property in its current residential state.

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

There being no discussion from the Commission, Craig Frahm made a motion to recommend approval of Application No. RZ19-12. Jim Leonhard seconded the motion.

The vote on the motion was as follows:

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Application No. RZ19-12 was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.
PLATS

PRELIMINARY PLAT FOR KOHLER ESTATES PLAT 1 - 4019 HIGHWAY D

Application: PRE19-12  
Applicant: Lewis-Bade Incorporated  
Owners: Kohler Development Company, LLC  
Property Zoning: RR, Single-Family Residential District (3-acre minimum lot size)  
Area: 117.25 acres  
Number of lots: 30  
Location: On the southwest corner of the intersection of Highway D and Benne Road  
Council District: 2  
Account Nos.: 595560A000 & T171300013

Ellie Marr, Senior Planner, stated that this preliminary plat was originally approved in June of 2017. The final plat for this subdivision was not recorded by the expiration deadline of two-years from the date of preliminary approval so the plat has to come back before the Commission for reapproval. The only difference between the originally approved preliminary plat for this development and this resubmittal is that a revision has been made to the entrance to the development at the request of MoDOT.

For the record, staff did received three written communications from agencies with comments regarding this preliminary plat.

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

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

Bart Korman with Lewis & Bade Engineering Company, the owner’s engineer, was sworn in. Mr. Korman stated that early on in this process Mr. Jim Kohler passed away and that slowed the family down with the development process. There was also an issue with a creek crossing that has since been resolved with the U.S. Army Corps of Engineers. They are now ready to move forward and are requesting reapproval of this preliminary plat.

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

Kevin Cleary stated that he seems to remember some issues with sight distance for the entrance to this development. He asked if those issues have been addressed.

Bart Korman responded that the original plat showed an entrance on both sides of the development. The resubmitted plat shows a single entrance to the development, which has been approved by MoDOT.

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

Arnie C. “AC” Dienoff was sworn in. Mr. Dienoff stated that there appears that there could possibly be density issues with this plat. The original plat was approved with 3-acre minimum lot sizes, but the newly revised County Master Plan calls for 5-acre minimum lot sizes for this area. He asked if
anyone has checked the quality of the water table to ensure there is ample water supply for the private wells that will service this development. He also asked expressed concerns about septic tank draining issues that could possibly run off into the drinking water. Mr. Dienoff also asked if the Fire Protection District and the School District were notified regarding this development to ensure the proper turning radius has been accommodated for.

Chairman Ellis called for discussion from the Commission.

Tom Kuhn asked if there are any plans to widen Highway D in the near future.

Robert Myers responded that the County’s Thoroughfare Plan does show plans to conceivably widen that section of Highway D at some point in the future.

Diane Saale stated that both Daniel Boone Elementary School and Francis Howell High School are both more than well equipped to handle more students.

Craig Frahm stated that the development will not have wells, and instead will have public water service supplied by PWSD #2.

Bart Korman, the owner’s engineer, approached the podium and confirmed that the water will be supplied to these homes by PWSD #2. He also stated that the cul-de-sac radius meets the bus turn around requirement for the school district. The property owner also dedicated a reservation strip of of right-of-way as shown on the plat for possible future road widening.

Kevin Cleary asked Mr. Korman how wide the strip of dedicated right-of-way is.

Mr. Korman replied that he believes it shows a 20 foot wide reservation strip.

Robert Myers stated that when plats come in that show future conceivable widening plans along corridors, the County has in the past requested right-of-way dedication or reservation in order to accommodate future widening. MoDOT now indicates that it does not want strips of right-of-way dedicated to them in rural sections of the County unless there are concrete plans to widen that roadway within the next few years.

Ellie Marr added that the County instead is insuring that building setbacks along those corridors allow for future right-of-way purchases, and that area is shown on the plat as a “reservation strip”.

Kevin Cleary stated that makes sense because it may be years until that road widening will occur.

There being no further discussion, Kevin Cleary made a motion to approve the preliminary plat for Kohler Acres Plat 1.

The vote on the motion was seconded by Craig Frahm.

The vote on the motion was as follows:

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<td>- Yes</td>
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</table>
Application No. PRE19-12 was APPROVED.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.

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TABLED ITEMS

NONE

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APPROVAL OF THE MINUTES FROM THE AUGUST 21, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the August 21, 2019 regular meeting.

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

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OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

There were no Planning & Zoning Division updates.

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ADJOURNMENT OF MEETING

Tom Kuhn made a motion to adjourn the meeting. The motion was seconded by Craig Frahm, and was approved by unanimous acclamation. The meeting adjourned at 8:42 PM.

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Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary