

**ST. CHARLES COUNTY  
PLANNING & ZONING COMMISSION  
AGENDA FOR REGULAR MEETING  
FEBRUARY 20, 2019  
7:00 PM**

COUNTY EXECUTIVE BUILDING  
THIRD FLOOR COUNCIL CHAMBERS  
100 N. THIRD STREET, ST. CHARLES, MO 63301

**TENTATIVE  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**CHANGES TO THE AGENDA**

**PUBLIC HEARINGS**

**I. CONDITIONAL USE PERMIT REQUEST - 2275 AND 2323 HIGHWAY F**

Application: CUP18-18

Owner/Applicant: Robert G. Brinkmann and Kim Brinkmann

Property Zoning: A, Agricultural District

Use Requested: Buildings, Structures, or Open Spaces for Conducting Weddings and/or Wedding Receptions or other Private Parties

Parcel Size: 26.623 acres

Location: Approximately 900 feet east of Femme Osage Creek; on the north side of Highway F

Council District: 2

Parcel Account No.: 618930A000, A870001587, 618720A000, and 618930A001

**TABLED ITEMS**

**I. REZONING REQUEST AND PRELIMINARY PLAT FOR AUDEN PRAIRIE - WILSON ROAD**

Application: RZ18-12 & PRE18-19

Owner: Wilson T&B, LLC

Developer: J S Clement Construction, LLC

Current Zoning: A, Agricultural District (5-acre minimum lot size)

Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)

Number of Lots: 16

Parcel Size: 51.18 acres

Location: On the west side of Wilson Road, approximately 800 feet northwest of Lakeway Drive; near Broemmelsiek Park

Council District: 2

Parcel Account Nos.: 597450A000 and 597450B000

**APPROVAL OF MINUTES FROM THE DECEMBER 19, 2018 REGULAR MEETING**

**Documents:**

[12-19-18 PZ MTG MINUTES - DRAFT.PDF](#)

**OTHER BUSINESS**

I. REVIEW OF DRAFT ORDINANCE AMENDING SECTIONS 405.510, AND 405.535 OSCCMO

Documents:

[BILL DRAFT - PZ REQUEST - NOTIFICATION REQ 2000 FT FOR A DIST \[AR 1-8-19\].PDF](#)

**ADJOURNMENT**

**INCLEMENT WEATHER:** In case of inclement weather, please call (636) 949-7335 after 3:00 PM on the day of the meeting to be informed of the status of the meeting.

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** DECEMBER 19, 2018

**TIME:** 7:00 P.M.

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

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**MEMBERS PRESENT:** Gary Griffin; Kevin McBride; Kevin Cleary; Tom Kuhn; Roger Ellis; Jim Leonhard; Craig Frahm; and Mike Klinghammer, County Councilman

**MEMBERS ABSENT:** Robert McDonald

**STAFF PRESENT:** Robert Myers, Director of Planning & Zoning; Mark Price, County Planner, Pinar Turker, County Planner, Keith Hazelwood County Counselor; and Jhimae Brock, Recording Secretary

**SPEAKERS:** **CUP18-17:** Jerry Costephens, 2209 Flint Hill Drive; Joann Jungermann, 225 Flint Hill Drive; Wayne Oberdieck, 2195 Flint Hill Drive; Jean St. Clair, 2123 Flint Hill Drive; Michael Gorman, 4349 Highway P; Carol Merz, 2120 Flint Hill Drive; and Arnie "AC" Dienoff, P.O Box #1535, O'Fallon, MO

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### 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 to the audience that the Planning & Zoning Commission will make a recommendation on applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. Public comment on conditional use permit applications will be taken during tonight's meeting, and at the County Council meeting on Monday, January 7, 2019. Public comment on conditional use permit applications will not be taken at any meeting of the County Council held thereafter.

Chairman Ellis introduced the following documents into the record: The Unified Development Ordinance of St. Charles County (UDO), including zoning maps; and the Year 2025 Master Plan for St. Charles County, which includes the Year 2025 Future Land Use Plan Map.

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### CHANGES TO THE AGENDA

**I. THE APPLICANT HAS REQUESTED THAT THESE APPLICATIONS BE POSTPONED UNTIL THE JANUARY 16, 2019 PLANNING & ZONING COMMISSION MEETING:**

**REZONING REQUEST AND PRELIMINARY PLAT FOR AUDEN PRAIRIE - WILSON ROAD**

Application: RZ18-12 & PRE18-19  
Owner: Wilson T&B, LLC  
Developer: J S Clement Construction, LLC  
Current Zoning: A, Agricultural District (5-acre minimum lot size)  
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)  
Number of Lots: 16  
Parcel Size: 51.18 acres  
Location: On the west side of Wilson Road, approximately 800 feet northwest of Lakeway Drive; near Broemmelsiek Park  
Council District: 2  
Parcel Account Nos.: 597450A000 and 597450B000

At the request of the applicant, the Planning & Zoning Commission, by unanimous vote, **POSTPONED** consideration of applications RZ18-12 and PRE18-19 until the January 16, 2019 Planning & Zoning Commission meeting.

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**PUBLIC HEARINGS**

**I. CONDITIONAL USE PERMIT REQUEST - 4431 HIGHWAY P**

Application: CUP18-17  
Owner: James Smarko  
Applicant: Loyal Order of Squirrels  
Property Zoning: A, Agricultural District  
Use Requested: Private Club  
Parcel Size: 10.00 acres  
Location: On the north side of Highway P, approximately 500 feet southwest of Flint Hill Drive; near Flint Hill  
Council District: 1  
Parcel Account No.: 293341A000

Robert Myers, Director of Planning & Zoning, described the zoning of the subject property, the surrounding zoning, and the 2025 Future Land Use Plan. The applicant is requesting a Conditional Use Permit to operate a private club. The property currently consists of 10 acres of land. The subject property is long and narrow and surrounds existing residences. Mr. Myers read aloud the definition of a private club. The applicant, The Loyal Order of the Squirrels, is a charitable organization located in St. Charles County that has approximately 45 members. They intend to construct a pole barn structure on the property and use the building as a meeting space for their organization. They also intend to use the building as a workshop space for their charitable work, which includes repairing bicycles that they donate to the less fortunate. The applicant is not proposing to have a restaurant or a bar, and they are not going to be using the space for weddings or gatherings. They will store everything on the property indoors, including the bicycles. Mr. Myers stated that the property does not

have access to public sewage disposal, and would be serviced by a septic system. The applicant has also proposed to keep the mature vegetation along the borders of the property in order to help provide a visual buffer.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of the application as conforming to the criteria of Section 405.410.B. of the County Code and subject to the following conditions:

1. A site plan must be submitted to and approved by St. Charles County's Community Development Department as substantially complying to the conditional use concept plan attached as part of "EXHIBIT B".
2. All exterior lighting at the property shall use "full cutoff fixtures" to prevent light pollution from impacting surrounding properties.
3. Occupancy shall be limited to no more than 160 persons.
4. Forested areas depicted on the concept plan shall remain undisturbed except for tree replacement.
5. An entrance permit shall be obtained from the Missouri Department of Transportation (MoDOT) for access to Highway P.

For the record, staff received one letter of concern and five letters of opposition regarding this application.

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

Gary Griffin asked for clarification of the County parking standards and occupancy load limits for a private club.

Robert Myers responded the applicant has stated that there are approximately 56 members of this club, which would require them to provide for a minimum of 14 parking spaces.

Gary Griffin stated that condition number three in the staff recommendation report states that "Occupancy shall be limited to no more than 160 persons". He asked if the language should be added to condition number three that would require the applicant to provide the minimum number of required parking spaces for the maximum allowed 160 persons, rather than the minimum 56 persons.

Keith Hazelwood, County Counselor, responded that he could draft up the proposed changes to that condition if Mr. Griffin would like to make a motion on that change.

Chairman Roger Ellis stated that there is a maximum occupancy limit of 160 persons in the building. He stated that 14 parking spaces is the minimum standard for the applicant's stated number of 56 members. He stated that condition number three would come into play if the private club were to host an event, in which case they cannot exceed 160 occupants.

Gary Griffin asked how they would provide for parking if there were to be an event that included 160 occupants, with only 14 parking spaces planned.

Chairman Ellis responded that the property consists of 10 acres, so they have ample room for parking vehicles on the property.

Robert Myers stated that the applicant will have to meet the parking requirements whether there are 56 members or 100 members. Mr. Myers stated that parking requirements are addressed during the site plan approval process, and are separate from any conditional use permit condition.

Gary Griffin is questioned why there are different parking requirements imposed for wineries than there are for private clubs.

Chairman Roger Ellis stated that parking requirements for a winery are greater because it is open to the public. This application is for a private club, and would not be open to the public.

Mike Klinghammer asked about the requirements would be for outdoor lighting on the property.

Robert Myers responded that the applicant would need to submit for an electrical permit. At that time, County staff would insure that all County lighting standards are met.

Mike Klinghammer asked if proximity to nearby households is considered when issuing an electrical permit.

Robert Myers responded that he believes that it is more about the fixtures pointing downward and not towards the neighboring properties, to ensure that there is not any light spill over. He stated that the County's lighting standards are part of the County Building Codes, and are not regulated by the Planning & Zoning Division.

Mike Klinghammer asked if the parking lot would require outdoor lighting.

Robert Myers responded in the negative.

Mike Klinghammer asked to describe the greenspace buffer between the building and the property line along the east side, as shown on the preliminary concept plan.

Mark Price responded that the site is fully wooded and appears to have decent sized trees that cover the majority of the lot.

Mike Klinghammer asked if the applicant would be required to maintain a tree line on the subject property.

Robert Myers responded that the applicant is required to maintain the buffer width that is set within the conditional use permit. He stated that it is based on the concept plan.

Mike Klinghammer stated that the concept plan shows a 100-foot scale, so it appears to him that a 60-foot buffer would be required to be maintained on both sides of the property. He asked Mr. Myers to confirm the size of the proposed buffer, as the scales on the concept plan may not accurately depict that.

Robert Myers responded that the scaling on the concept plan shows the buffer to be approximately 60-feet wide. The minimum standard for buffering requirements in the County Zoning Regulations provides for two different options, one of which is a 20-foot deep buffer.

Kevin Cleary stated that the applicant has stated that meetings are held on the third Thursday of each month from 5:00 PM to 9:00 PM. He asked if a condition restricting the hours of operation could be added, since this property is completely surrounded by residential properties.

Robert Myers responded that the Commission could move to add such a condition if they wish to do so.

Tom Kuhn asked to view a photo of the proposed pole barn structure.

Robert Myers showed an image on the screen and stated that it was an example of the style of the proposed building, rather than the size of the proposed building.

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

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

Josh Grasser, applicant, 10 Old Knaust Road, was sworn in. He stated that they would like to build a building where they can hold their meetings, as they have been using borrowed space for almost 35 years. The Loyal Order of Squirrels were founded in 1984. They have a large bike program, and are also looking for a place store bikes that are donated to them throughout the entire year for their repair program. In talking to some of the residents of the Flint Hill subdivision, he believes they may have gathered some information from their website and Facebook page that is not necessarily what they will be using this particular property for. They host a fundraiser that is a sporting clay shoot, and they do that because it brings in a lot of money for the organization. It's a popular event and it brings in money that they use for helping people throughout the year. He wants to clarify that this event is held at Blackhawk Valley Hunting Preserve in Old Monroe, and it will never be moved to a different location. There is no way that they could hold this type of event at the subject property. They also host a membership drive where their members come out and do paintball. This event is held at Wacky Warriors, in Wentzville, and will never be moved to the subject property either. There were also concerns raised about their membership, as far as the number of members. He stated that they passed out their brochure to some of the surrounding residents to help explain the organization and what they do. In that brochure, it says that their membership numbers are in the hundreds. While their membership is probably over 100 members, typically only 30 to 40 members show up for their membership meetings. With their meetings being only on Thursdays, this property will remain essentially unused. They just want to be able to store their things and not have borrow someone else property to do so, and have a place to hold their weekly meetings. On the back page of their brochure, there is a photo of a building called "Squirrel Hall", and it says that someday we would like to have a food pantry, a handicapped accessible playground, and an event hall. While this has always been their vision, they cannot afford to purchase a property that would be large enough to accommodate all of those things at this time. The organization has been saving money to be able to purchase this particular property for 35 years, and they have adjusted our plan since their brochure was printed a few years ago. He feels that they will be great neighbors. We are a charity organization, but they call themselves a club.

Mike Klinghammer stated that 10 acres is a large chunk of ground in a residential type area for this type of development. He stated that he has some of the same concerns that the neighbors have. He asked Mr. Grasser if there was a plan to develop the front portion of the property.

Mr. Grasser responded there is no plan to use that part of the property for anything at this point. They have been trying to buy this property since September, and have been going back and forth with the property owner to come to an agreement on a sales contract. In November, the owner accepted their offer, but he only gave them until the end of January to close on the property. As soon as their contract was accepted, they applied for this conditional use permit, and since there was only a limited amount time for them to make the December Planning & Zoning Commission meeting application deadline, one of their members drew a preliminary concept plan sketch showing the building being located at the back of the property because that seemed logical at the time. He stated they are not set

in stone where the building will be located, they did this sketch quickly in order to try to meet their closing deadline.

Mike Klinghammer stated that they likely only need about three acres of land for this building, but they contracted to purchase ten acres of land in an area where land is not cheap. It seems like they will end up with six or seven acres of unused ground, that a charitable organization is buying. He asked what else they are planning in the future for the rest of the unused property acreage.

Mr. Grasser stated that they have been looking for ground for a long time. They have to remain in the St. Charles County to satisfy their Charter. Ground in St. Charles County is not cheap, and they have yet to find a property that fits exactly what they are looking for that has a price that they can afford. They want to be able to build an event center, and they found this property that appear to be usable for what they want to use it for.

Mike Klinghammer asked Mr. Grasser how the Planning & Zoning Commission can be reassure that they are not going to come back before them in a couple of years, and say that since you now own this ground you want to build an event center on the front portion of the property.

Mr. Grasser stated that it would likely not be feasible, since the front portion of the property is so narrow. They would be required to leave a 100-foot buffer on each side, and it just wouldn't work. This is also not really a prime location for an event center. They have recently changed their path, and that is not the goal they are after anymore.

Gary Griffin asked the applicant if they have a sales contract with the property owner.

Josh Grasser responded that they do have a contract, but have not yet purchased the property. Mr. Grasser stated that they have a couple contingencies on the contract.

Chairman Ellis asked about other types of events or activities that may be held on the subject property throughout the year.

Mr. Grasser responded that they do not plan to have any other events at this time. He stated that they do have a club barbecue once-a-year that consists of thirty to forty of their members and their families, and they would probably like to hold that event on the subject property.

Gary Griffin asked when construction for the pole barn would begin if this application is approved.

Mr. Grasser responded that if the application approved, and they close on the property in February, then they would like to begin construction in March.

Gary Griffin asked where the charitable organization receives their bicycle donations from.

Mr. Grasser responded that they work with the local Adopt-a-Family program to repair and donate bicycles. Mr. Grasser stated the organization receives donated bicycles throughout the year from agencies such as Sts. Joachim & Ann in St. Peters, Missouri. They also receive other donations through word-of-mouth. He stated that they also typically receive a lot of brand new bicycles around Christmas time in the form of charitable donations.

Craig Frahm asked about other philanthropic endeavors that this charitable organization is involved in.



Mr. Grasser responded that in addition to their bicycle repairs and donations, his organization has done handicap accessible bathroom renovation projects, and has also built wheelchair ramps at no cost to the families that they assist.

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.

Jerry Costephens, 2209 Flint Hill Drive, was sworn in. Mr. Costephens stated that he has lived at his residence in Flint Hill Estates for 43 years. He stated that the residents of Flint Hill Estates are opposed to the conditional use permit request. The current owner of the subject property, James Smarko, gave him permission to cut firewood on the subject property in the past so he is familiar with the topography and layout of the property. He stated he has spoken with an engineer regarding the building plan for this property and in their opinion, it would be impossible to build the proposed pole barn on this property because of the steep grade. He also stated there is a septic field located along the rear of the property, right where the concept plan shows the building being located.

Chairman Roger Ellis asked if the Commission had any questions for Mr. Costephens.

Craig Frahm asked Mr. Costephens what the height difference is between the home and the pole barn he has on his property.

Mr. Costephens responded that his house and pole barn are equivalent in height.

Chairman Ellis asked Mr. Costephens if Flint Hill Estates has a Homeowner's Association.

Mr. Costephens responded that they do not have a Homeowner's Association, but in a situation like this the neighbors all join together.

Craig Frahm asked Mr. Costephens is he believes that it would be better for the proposed pole building to be located on the front of the property.

Jerry Costephens responded in the negative. He stated that he would like for the applicant to find a different property to build on. He does not believe that the subject property is designed for a private club, and he believes it should remain residential.

Carol Merz, 2120 Flint Hill Drive, was sworn in. Ms. Merz stated that she is opposed to this conditional use permit request. She stated that she is concerned about the misleading information in the organization's brochure in regards to fundraising, future events, and what this private club would be used for. She stated that although the applicant stated that their organization has changed the direction of their path, she is concerned that this development will negatively affect the property values of Flint Hill Estates and the aesthetic values of the community.

Joann Jungermann, 225 Flint Hill Drive, was sworn in. Ms. Jungermann stated residents of the Flint Hill Estates subdivision held a meeting on Monday December 17, 2018. She stated that the residents of Flint Hill Estates are opposed to the conditional use permit request, and read an email that she previously submitted to the St. Charles County Planning and Zoning Commission. She is concerned that this development would negatively affect their property values. She is also concerned with the total number of members in the charitable organization, and the intended use of the private club. She stated that the residents of Flint Hill Estates would like for the subject property to remain residential, and would like for the charitable organization to find another location for their private club.

Kevin Cleary asked if the subject property is part of the Flint Hill Estates neighborhood, and would be subject to their covenants.

Joann Jungermann responded that it is not a parcel of Flint Hill Estates, but every other parcel that surrounds it is.

Chairman Ellis again asked if there was a Homeowners Association for the Flint Hill Estates Subdivision.

Joann Jungermann responded that there is not a Homeowner's Association, but there are rules for the neighborhood.

Wayne Oberdieck, 2195 Flint Hill Drive, was sworn in. Mr. Oberdieck lives in Flint Hill Estates Subdivision, and he stated that the neighborhood covenants were presented to him when he and his wife moved into the subdivision 17 years ago. He stated that the neighborhood covenants contain three pages that include guidelines for buildings and land use for that area. It states in the covenants that they automatically renew every ten years, unless someone makes changes to them. He stated that an attorney would have to review it to determine the accuracy. He stated that he is opposed to the conditional use permit request, and is concerned that his property values would decrease being located next to a bicycle repair shop and food pantry.

Jean St. Clair, 2123 Flint Hill Drive, was sworn in. Ms. St. Clair's property backs up to the subject property. She stated that the subject property does not have complete wooded screening, and the old buildings on the subject property are visible to her and other neighbors. She stated that she would like for the subject property to remain residential. She is concerned that the private club would negatively impact her neighborhood in the future.

Arnie Dienoff, P.O. Box #1535, O'Fallon, Mo., was sworn in. Mr. Dienoff stated that it sounds like the Loyal Order of Squirrels organization does a lot of good for the community and for St. Charles County. He stated that this organization is likely a 501(c)(3) organization and is exempt, so once the purchase of this property goes through it will now also be tax exempt so they will not be paying any County taxes. He stated that the homeowners of the Flint Hill Estates Subdivision expressed concerns in some of the letters that were sent to the Commission that they were not properly notified of this public hearing. He asked if County staff has notified the Village of Flint Hill so that they have the opportunity to file a remonstrance against this rezoning if they wish to do so. Mr. Dienoff asked if the Corps of Engineers was notified of this request, since there are concerns with the septic system and drainage on the subject property. He would like to see conditions similar to those that have been imposed within the wine district and for other private clubs added. He wants conditions added that state no outdoor music or outdoor amplified sound will be allowed past 8:00 PM, no club activity allowed on the property after 10:00 PM, and that no gun shooting will be allowed. Only two-thirds of the property have a berm, so there needs to be a buffer of either landscaping or a berm required all the way around the property, and a condition that states that none of the existing forestry can be removed. He stated that homes in Flint Hill Estates cost between \$300,000 and \$800,000 dollars, and he is concerned that the proposed development could negatively impact the surrounding property values. There should also be more parking spaces available so that it is reflective of the maximum occupancy limit. He recommends 100 spaces be required, and he would like to see a condition requiring the parking lot be paved instead of a gravel parking lot.

Chairman Ellis stated that this is a conditional use permit request, not a rezoning request. Mr. Ellis stated that the zoning of this property will remain A, Agricultural District whether this conditional use permit is approved or not.

Mr. Dienoff responded that based on the prior testimonies, he thought the applicant was requesting a rezoning.

Chairman Ellis stated that the conditions Mr. Dienoff quoted as having been imposed for previous conditional use permit applications in the "wine district" were imposed because those were all commercial businesses that are open to the public. He stated that this will be a private club, and it is not going open to the public or selling anything to the public.

Michael Gorman, 4349 Highway P, was sworn in. Mr. Gorman is a homeowner in Flint Hill Estates. He is concerned that the applicant has rushed through the conditional use permit application process. He stated that there are a lot of variables that are not being fully disclosed. The applicant has provided a lot of misleading points that need clarification. He asked the Planning and Zoning Commission to review the conditional use permit request carefully. He believes that the applicant should review and resubmit their application.

There being no other speakers from the audience, Chairman Ellis asked the applicant if they would like to approach the podium again to address any of the concerns that were voiced by the audience.

Josh Grasser came back to the podium.

Tom Kuhn asked if there were different chapters of the Loyal Order of the Squirrels throughout St. Louis region.

Mr. Grasser responded that there is only one organization.

Tom Kuhn asked the applicant to address the discrepancies regarding the total number of members of this organization.

Mr. Grasser responded that their organization understands the concerns of the Flint Hill residents, and he understands the discrepancies listed in the brochures that they handed out. He stated that the brochure was only to be used to provide information about the organization. Although there are over 100 members in total, there are only thirty to forty active members that attend meetings and events.

Tom Kuhn asked if the applicant plans to obtain outside financing for the purchase of this property.

Mr. Grasser replied that they have been saving monies for 35 years in order to be able to obtain a property. They will be not be obtaining financing, and will be purchasing this property outright.

Gary Griffin stated that if this application ends up not being approved, the applicant should consider another location that will fulfill their vision and not conflict with surrounding residents.

Chairman Ellis asked Mr. Grasser how many members would have access to the proposed building.

Mr. Grasser responded that specific details have not been discussed, but the building would only be accessible to a select number of people. He stated that the building will only be used for meetings and for bicycle repairs.

Kevin Cleary asked if an engineer has reviewed the proposed building, and if they have had any plans prepared for handling runoff, soil sampling, or tree clearing.

Mr. Grasser responded that they have not hired an engineer. The concept sketch was drawn in order to be able to meet the property owner's closing deadline.

Mike Klinghammer stated that if this conditional use permit application is approved, the applicant will not be able to make any significant changes to the concept plan. He stated that during the public hearing, Mr. Costephens mentioned that he spoke with an engineer about the subject property. He stated that the engineer sent him a letter stating that 5,000 cubic yards of fill would be needed in order to build the proposed building. He asked Mr. Grasser if they have given any thought as far as additional expenses that may be incurred.

Josh Grasser responded that is not something that they have discussed yet.

Mike Klinghammer stated that the plan shows the septic field being higher than the building. Mr. Klinghammer stated that everything will flow downhill.

Josh Grasser stated that the concept plan was not professionally done, he was told that they only needed to provide a sketch of the plan with the application.

Mike Klinghammer asked the Planning and Zoning staff if the site plan approval process would allow enough leeway for them to be able to move the building from the rear of the property (as shown on the concept plan) to the front side of the property near Highway P.

Robert Myers responded that the Ordinances provide clear guidelines for changes in building locations. Mr. Myers stated that minor changes to the orientation or location of the building could be approved administratively by the Director of Community Development. Changes beyond what would be considered minor would have to be in the form of an amendment to the original conditional use permit. He stated that such amendments would be required to come before both the Planning and Zoning Commission and the County Council for approval.

Tom Kuhn stated that he is concerned that the property owner is not giving the applicant enough time to go through all of the proper steps.

Chairman Ellis asked if there any further questions for the applicant. Seeing none, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary stated that the Loyal Order of the Squirrels seems like a great organization. He has concerns that there seem to still be a lot of items that need to be addressed prior to the Planning and Zoning Commission voting on this application.

Gary Griffin stated that he believes that a different location would be better for this organization.

Chairman Ellis stated that he is concerned that the applicant would only have enough money to purchase the land, and not enough to cover for other expenses such as construction, drainage, or maintenance.

Craig Frahm stated that he used to be a member of the Loyal Order of Squirrels, and they are a great organization. He stated that if it were him, he would request that this application be continued in order to take more time to address all of the concerns.

The applicant requested that this application be continued until the January 16, 2019 Planning and Zoning Commission meeting. He stated that they will speak with the property owner to try to get him to give them more time to close on the property.

Mike Klinghammer made a motion to continue Application No. CUP18-17. Tom Kuhn seconded the motion.

Chairman Ellis called for a motion to table Application No. CUP18-17 to the January 16, 2019 Planning and Zoning Commission meeting.

Mike Klinghammer made such motion, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

Gary Griffin	- No	Kevin McBride	- Yes	Kevin Cleary	- Yes
Tom Kuhn	- Yes	Roger Ellis	- Yes	Jim Leonard	- Yes
Craig Frahm	- Yes	Mike Klinghammer	- Yes		

Application No. CUP18-17 was **CONTINUED**.

The Vote Count was 7 Yeas, 1 Nay, and 0 Abstentions.

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**PLATS**

**NONE**

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**TABLED ITEMS**

**NONE**

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**APPROVAL OF MINUTES**

Chairman Roger Ellis asked for a motion to approve the minutes from the November 21, 2018 regular meeting.

A motion to approve those minutes was made by Craig Frahm, and the motion was seconded by Tom Kuhn. The minutes were both approved by unanimous voice acclamation.

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**OTHER BUSINESS**

**I. 2030 MASTER PLAN DRAFT: REVIEW AND RECOMMENDATION**

Robert Myers, Planning & Zoning Division Director, provided a presentation on the 2030 Master Plan draft. Mr. Myers recognized members of the Master Plan Steering Committee members present at the meeting: Nancy Matheny, Michael Hurlbert, and Mike Klinghammer.

Robert Myers stated that the Master Plan Steering Committee was appointed by the County Executive with the consent of the County Council in April and May 2018. Mr. Myers stated that the Master Plan Steering Committee prepared a Master Plan for recommendation to the County Council. The County Charter requires that the Master Plan be reviewed every five years.

Robert Myers provided an overview of Master Plan Steering Committee meetings. He stated that the Steering Committee agreed at their first meeting that the approach of the 2030 Master Plan would be an amendment to the 2025 Master Plan rather than prepare a new Plan. The main reason is that the decennial census numbers are critical for the data and statistics for the Master Plan. The last census count took place nearly nine years ago, and next decennial census will be in 2020 and the detailed results being released in 2022 and coinciding with preparation of the next County Master Plan. County staff now uses American Community Survey data which can have a considerable margin of error.

Robert Myers stated that the focus group meetings included practitioners in the subject areas for elements of the Master Plan. County staff received their recommendations and input and presented it to the Master Plan Steering Committee for their recommendation. The County also conducted a public open house on the draft findings and vision, goals, and objectives.

Robert Myers provided a brief overview of St. Charles County population projection for 2030, employment projections, and transportation and commuting patterns, and Future Land Use concepts. He explained the urban services area concept and its relationship to potential sewer services.

Robert Myers presented the 2030 Future Land Use Map and compared it to the 2025 Future Land Use Map.

Mr. Myers requested that the Planning and Zoning Commission:

1. Review and comment on sections of the draft 2030 Master Plan concerning land use and future land uses under the County's jurisdiction; and
2. Vote to recommend approval, approval with changes, or disapproval of the land use and future land use components under the County's jurisdiction as contained with the draft 2030 Master plan.

Chairman Ellis asked if Commissioners had any further questions or items for discussion.

Gary Griffin stated that for future Master Plan updates the Planning and Zoning Commission should have more representation on the Master Plan Steering Committee. Mr. Griffin stated that St. Charles County residents also could have been much better informed about the open house public meeting. The presentation was worthwhile but reached only a small audience. He recommended that the County provide public notices by newspaper as the municipalities do.

No other comments were provided by the Planning & Zoning Commission.

Chairman Ellis asked whether public comments should be taken.

Keith Hazelwood stated that the Planning & Zoning Commission's review of the draft 2030 Master Plan is a courtesy being extended to educate the Commission on the work of the Master Plan Steering Committee. No public comments are to be taken at this time.

Chairman Ellis called for a motion.

Craig Frahm made a motion to recommend that the County Council approve the draft 2030 Master Plan. Tom Kuhn seconded the motion. Upon a vote, the motion was approved unanimously.

- II. Chairman Roger Ellis congratulated Keith Hazelwood on behalf of his retirement with St. Charles County Government. He thanked him for his support and contribution to the Planning and Zoning Commission and to St. Charles County.
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- III. Commissioner Gary Griffin asked County staff about the status of a motion he made at the October 17, 2018 meeting regarding the notification requirements for Agricultural Zoning District. Mr. Griffin stated that it was expected to be forwarded to the County Council for “word smiting”.

Michael Hurlbert, Director of Community Development, replied that the proper procedure for the Planning and Zoning Commission to offer an amendment to the Unified Development Ordinance (UDO) is for the Commission to provide the specific ordinance language to the County Council. Mr. Hurlbert stated that the County Counselor’s office will draft the wording as recommended at the October meeting, and present it at the January 16, 2019 Planning and Zoning Commission meeting for review and discussion. County staff will provide feedback to the Commission on the legality, processes involved, and costs for recommended amendments such as this. Afterward the recommendation will be forwarded to the County Council.

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#### **ADJOURNMENT OF MEETING**

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Craig Frahm and was seconded by Mike Klinghammer. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 9:38 PM.

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Respectfully submitted by:

\_\_\_\_\_  
Roger Ellis, Chairman

\_\_\_\_\_  
Tom Kuhn, Secretary

# DRAFT

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Requested by: \_\_\_\_\_

Sponsored by: \_\_\_\_\_

AN ORDINANCE AMENDING SECTIONS 405.510, AND 405.535 OF THE ORDINANCES OF ST. CHARLES COUNTY MISSOURI (“OSCCMO”), THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) RELATING TO NOTIFICATION REQUIREMENTS FOR PROPERTIES SUBJECT TO REZONING AND CONDITIONAL USE PERMIT APPLICATION AND APPROVAL PROCESSES

WHEREAS, Art. II, Section 2.529 of the St. Charles County Charter grants to the County Council legislative power pertaining to public health and welfare, police and traffic, building construction, and planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, St. Charles County has adopted the zoning regulations in Chapter 405 OSCCMo; and

WHEREAS, Section 405.535.B.2, OSCCMo, provides that the Planning and Zoning Commission may recommend revisions to Chapter 405 of the UDO upon its own motion, for final determination by the County Council, and the County Council may amend the text of Chapter 405 OSCCMo by ordinance; and

WHEREAS, in its October 17, 2018 meeting, the Planning and Zoning Commission approved a motion to change the notification distance requirements for conditional use permit and rezoning applications in the Agricultural



Zoning District by increasing said distance to two-thousand 2,000 feet; and

WHEREAS, the County Council finds that it is in the public interest to amend the regulations of Chapter 405, Sections 405.510, and 405.534, OSCCMo, as provided herein, relating to required notification distance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 405.510.D., OSCCMo, is hereby amended as follows (added text in **bold type**, deleted text in [~~bracketed and stricken type~~]).

Section 405.510 *Conditional Use Permits*.

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D. All such complete applications shall be set down for public hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing of the same. Notice of such public hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the public hearing, by First Class Mail to all owners of any real property within five hundred (500) feet of the parcel of land for which the conditional use permit is proposed, **except when the parcel of land for which the conditional use permit is proposed is**

**located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the conditional use permit is proposed.**

Section 2. Section 405.535.B.1.c., OSCCMo, is hereby amended as follows (added text in bold type, deleted text in [~~bracketed and stricken type~~]).

Section 405.535 *Procedures for Rezoning and Amendments.*

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**B** *Procedures For Rezonings.*

1. *Change by petition.* Applications for amendment, revision or change of the Zoning District Map of St. Charles County may be made by any owner, attorney, agent, representative or contract purchaser who wants land to be rezoned. Satisfactory evidence of ownership shall be provided at the time of application. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Division of Planning and Zoning. For the purpose of developing a staff recommendation to approve, reject or modify the rezoning, an applicant for rezoning authorizes the Community Development

Department's staff, or staff of other agencies at the Department's direction, to enter and inspect the subject property. This authority shall cease upon the Governing Body's decision on the rezoning.

a. Accompanying said application the following shall be provided:

(1) A legal description of the property to be rezoned.

(2) A current recorded deed to the property showing ownership.

(3) An application fee as set by ordinance.

b. Immediately upon receipt of such applications which include all items listed above, the Division of Planning and Zoning shall note thereon the date of filing and make a permanent record thereof.

c. All such applications shall be set down for hearing before the Planning and Zoning Commission not later than the second regular monthly meeting of the Planning and Zoning Commission from the date of filing the same. Notice of such hearing shall be posted at least fifteen (15) days in advance thereof in one (1) or more public areas of the Administration Building of the County

and on the St. Charles County Government website. Notice shall also be given, at least fifteen (15) days before the hearing, by U.S. mail to all owners of any real property (as per the current records of the St. Charles County Assessor) within one thousand (1,000) feet of the parcel of land for which the change is proposed, **except when the parcel of land for which the change is being proposed is located in an Agricultural Zoning District and more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, in which case, notice shall be mailed to all owners of any real property within two thousand (2,000) feet of the parcel of land for which the change is proposed.**

- d. The hearing may be continued and/or the deliberation on a case delayed until the next regularly scheduled meeting by the concurrence of three (3) Commissioners on a one-time basis. Additional hearing and/or deliberation continuances shall require the majority vote of the Commission. Upon the final hearing of such application the Planning and Zoning Commission shall approve or deny that application by majority vote. A report of the Commission's action, together with a recommendation for final approval or

denial, shall be made by the Commission to the Governing Body within forty-five (45) days of the conclusion of the public hearing.

- e. Upon receipt of the Planning and Zoning Commission's report and recommendation, the Governing Body may approve, deny or amend the application or the applicant may amend the application. The proposed amendment must either reduce the area to be rezoned or reduce the intensity of the original zoning district applied for.

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Section 3. For purposes of administration of Sections 1 and 2, this Ordinance shall be in full force and effect from and after its passage and approval. For all other purposes, this Ordinance shall be effective on the thirty-first day after publication of this Ordinance

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR

DRAFT