

**ST. CHARLES COUNTY
PLANNING & ZONING COMMISSION
AGENDA FOR REGULAR MEETING
MARCH 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. REZONING REQUEST - 5 HAMMOCH COURT

Application: RZ19-02

Owners: Gregory and Patricia Fixley

Applicant: Callaway Lake Homeowner's Association

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

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

2030 Master Plan: Recommends Rural Residential Zoning (3-acre minimum lot size)

Area: 3.71 acres

Location: On the north side of Hammoch Court, approximately 800 feet north and east of Hobie Cat Court

Council District: 2

Account No.: A893000198

II. REZONING REQUEST - 3151 AND 3153 HOPEWELL ROAD

Application: RZ19-03

Owner: Dardenne Creek Farms, Inc.

Applicant: Robert Shatro

Current Zoning: A/FF, Agricultural District with Floodway Fringe Overlay District (5-acre minimum lot size)

Requested Zoning: RR/FF, Single-Family Residential District with Floodway Fringe Overlay District (3-acre minimum lot size)

2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)

Area: 6.27 acres

Location: On the northwest side of Hopewell Road, approximately 1,000 feet northeast of Tanis Lee Lane

Council District: 2

Account No.: Part of T0020000126, and T012000001

PLATS

I. PRELIMINARY PLAT FOR SORENSON KENNELS PLAT TWO - 1073 HWY DD, 1097 HWY DD, AND 1083 HWY DD

Application: PRE19-01

Engineer: Bax Engineering Company

Owner/Developer: Thomas J. Sorenson

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

Number of lots: 6

Parcel Size: 34.767 acres

Location: On the Northwest corner of Highway DD and Garrett Lane

Council District: 2

Account No.: A973001318, Part of T181300015, Part of T041300033, T181300014, and T171300014

PUBLIC HEARINGS FOR TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMITS

I. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 3120 WEST CLAY STREET

Application: FWK19-01

Applicant: Applegate Industries LLC d/b/a Frenzy Fireworks

Property Owner: TGL Properties, LLC

Zoning: C2, General Commercial District

Location: On the northeast corner of the intersection of West Clay and Golfway Street

Council District: 6

Account No.: A916000023

II. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 5706 LAKE ST. LOUIS BLVD.

Application: FWK19-02

Applicant: Applegate Industries LLC d/b/a Frenzy Fireworks

Property Owner: The Inertia School of Dance, Incorporated

Zoning: C2, General Commercial District

Location: On the east side of Lake St. Louis Boulevard, approximately 825 feet north of Hawk Ridge Trail

Council District: 2

Account No.: 763590I000

III. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 916 OLD BRYAN ROAD

Application: FWK19-03
Property Owner: Westley J. Godar

Applicant: Westley J. Godar

Zoning: C2, General Commercial District

Location: On the east side of Old Bryan Road, approximately 620 feet north of Veterans Memorial Parkway

Council District: 4

Account No.: 342720A000

IV. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2896 HIGHWAY K

Application: FWK19-04
Applicant: Marty Fears
Property Owner: Martha A. Keeven Revocable Living Trust

Zoning: C2, General Commercial District

Location: On the east side of Highway K, approximately 520 feet south of the intersection of Fallon Parkway and Highway K

Council District: 3

Account No.: 410610D001

V. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT - 1250 MEXICO ROAD

Application: FWK19-05

Applicant: Meramec Specialty Company
Property Owner: JMZ III Real, L.L.C.

Zoning: I1, Light Industrial District

Location: On the northwest corner of the intersection of Mexico Road and Highway A

Council District: 1

Account No.: A87000048

VI. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 6530 HIGHWAY N

Application: FWK19-06
Applicant: Meramec Specialty Company
Property Owner: Goldkap III, L.L.C.

Zoning: C2/FF/FW General Commercial District with Floodway and Floodway Fringe Overlay Districts

Location: On the south south side of Highway N, approximately 1,090 feet southeast of Highway K

Council District: 3

Account No.: T012500193

VII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 21 EAST HIGHWAY N

Application: FWK19-07

Applicant: Meramec Specialty Company

Property Owner: The Baker Family Company

Zoning: C2, General Commercial District

Location: On the northeast corner of Highway N and Highway Z

Council District: 2

Account No.: 748680B000

VIII. TEMPORARY FIREWORKS STAND CONDITIONAL USE PERMIT- 2301 UPPER BOTTOM RD

Application: FWK19-08

Applicant: Meramec Specialty Company

Property Owner: Tayco Upper Bottom Road, LLLP

Zoning: C2, General Commercial District

Location: On the northwest corner of Upper Bottom Road and Highway 364

Council District: 7

Account No.: T090800038

TABLED ITEMS

NONE

APPROVAL OF MINUTES FROM THE FEBRUARY 20, 2019 REGULAR MEETING

Documents:

[2-20-18 PZ MTG MINUTES - DRAFT.PDF](#)

OTHER BUSINESS

I. PLANNING AND ZONING DIVISION UPDATES

ADJOURNMENT

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: FEBRUARY 20, 2019

TIME: 7:00 P.M.

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

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

MEMBERS ABSENT: Diane Saale; and Jim Leonhard

STAFF PRESENT: Michael Hurlbert, Director of Community Development; Robert Myers, Director of Planning & Zoning; Ardita Roark, Associate County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS: **RZ18-12 & PRE18-19:** Marvin Glore, developer's representative with Bax Engineering, 221 Point West Blvd, St. Charles, MO; Lisa Johnson, SmithAmundsen, 120 S. Central Ave, Clayton, MO 63105; Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366

CUP18-18: Robert Brinkmann, applicant/owner; Drew Weber, owner's representative; Gary Brown, McClure Engineering; Graeme Garvey, 11 Sunfish Drive; Brian Goertz, 6 Gastons Trail Court; Brian Taylor, 23 Sunfish Drive; Dianna Pratt, 2162 Highway F; Kathleen Shafer, 2201 Highway F; Louise Pratt, 2162 Highway F; and Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Chairman Ellis welcomed the audience; explained the procedures for speakers; and explained the functions of the Planning and Zoning Division, the Planning and Zoning Commission and the County Council. He explained 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, March 11, 2019. He stated that 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 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.

CHANGES TO THE AGENDA

NONE

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 Road; on the north side of Highway F
Council District: 2
Parcel Account No.: 18930A000, A870001587, 618720A000, and 618930A001

Robert Myers, Director of Planning & Zoning, described the subject property and the surrounding properties and land uses. He stated that the historic barn on the subject property was constructed in the early 1800's and may be one of the oldest structures in St. Charles County, and possibly in the state of Missouri. The owners are requesting a conditional use permit to allow weddings and other gatherings to take place on the property. The total combined acreage of the properties is approximately 104 acres, but the applicant is requesting this conditional use permit for only a 26.623-acre portion of the property. There is an existing subdivision to the north of this property, with the nearest residences being about 2,700 feet away.

Currently, the property contains two single-family residences and a vineyard, which is utilized for the owner's personal use. The applicant is proposing to conduct approximately one to two events per weekend, to be held inside the historic barn, at a future reception pavilion to be constructed, and at an outdoor wedding pergola on the site; with up to 100 events per year having a maximum guest count of 200 persons per event. Based on the maximum occupancy of the indoor meeting space in the converted barn, a minimum of 52 parking spaces would be required by County Ordinance. The property owner proposes adding 171 parking spaces to the property in order to accommodate the proposed maximum of 200 guests at any one event. The property will have traditional lighting on the barn and on the homes on the property. Otherwise, low level (one-half foot candle) accent lighting

would be used on the grounds. Outdoor amplified sound would be prohibited, except during wedding ceremonies.

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 nine conditions. He specifically read draft conditions concerning hours of operation and sound.

For the record, staff received one letter in support, one with objections and proposed limitations, and three letters with concerns regarding this application.

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

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

Robert Brinkmann, the applicant and owner, was sworn in. Mr. Brinkmann stated that they purchased this property about seven years ago, not knowing the history of the property. He shared some historical facts and photos of the property with the Commission and the audience. Johnathon Bryan, who was the adopted son of Daniel Boone, built the barn on the property back in 1801. The building was used by Jonathon Bryan as a grist mill. The property known as the Boone Home was constructed three years later in 1804, by Nathan Boone. The property was used as a grist mill until around 1880. The farmhouse on the property was completed in 1845. When they purchased this property, they were not aware of the significant history of this barn. They have made all of the necessary restorations. Mr. Brinkmann stated that they have been holding events on the property for seven years now, and every year 400 to 500 people visit this property. They host a lot of charity events on the property, and have been using the barn for Christmas celebrations, and making apple butter. They would like to celebrate the importance of this historical property and barn and share it with the community. Mr. Brinkmann stated that they are elated that St. Charles County owns the Boone Home now. He believes that they can work together with the Boone Home since they conduct wedding ceremonies there, the barn on this property can be used to hold wedding receptions. Mr. Brinkmann stated that they have had outdoor bands multiple times during the seven years they have lived there. They have just purchased 600 acres of property next door to this property and they are planning to move there in the next couple of months. In hearing some of the concerns from neighboring property owners regarding amplified sound, he decided to have an acoustical study of the property done. The study concluded that music played in the barn at 85 dBA under normal conditions will be at or below the background sound level of 35 dBA at all property lines, which is similar to the normal ambient level of noise in the area during the summertime.

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

Kevin Cleary asked Mr. Brinkmann if he is proposing to hold events on weekends only, or during the week as well.

Mr. Brinkmann responded that the barn will mainly be used as a wedding venue, so those events will mostly be held on weekends. There may also be events that are held during the weekdays, such as corporate retreats.

There being no further questions for the applicant, Chairman Ellis asked if there was anyone in the audience that would like to speak on this application.

Graeme Garvey, 11 Sunfish Drive, was sworn in. Mr. Garvey stated that he is not here to block the application, and he believes that it could be a good asset to the community. He stated that the

conditions that are placed on this establishment and the operation of this venue are important in order to minimize the impact to the neighboring community and surrounding area. Mr. Garvey would like to see a copy of the sound study that was presented to the Commission this evening, and he has some questions regarding the results. He believes that outdoor amplified sound would be injurious to the enjoyment and value of his property and would like to see a condition placed on this venue prohibiting outdoor amplified sound except during the performance of a wedding ceremony. He would also like to see conditions added that state no alcohol is to be served 90 minutes prior to the function end time, no fireworks displays are allowed on the property, and no firearms are allowed on the property.

Chairman Ellis asked if there were any questions for Mr. Garvey. There were no questions.

For the record, Chairman Ellis stated that he graduated from college with the applicant, Robert Brinkmann 48 years ago and this meeting tonight was the first time their paths have crossed since that graduation.

Kathleen Shafer, 2201 Highway F, was sworn in. Ms. Shafer stated that she is not in opposition of this application, but they are concerned about their property value. They are concerned about the additional traffic on Highway F that this venue may create, and she would like to see the state consider lowering the speed limit on Highway F in this area. They are opposed to fireworks displays being allowed on the property.

Brian Goertz, 6 Gastons Trail Court, was sworn in. Mr. Goertz stated that he shares all of the same concerns as Graeme Garvey. He is also concerned about the safety of his family due to additional traffic on Highway F from this venue passing by the entrance to his subdivision. He is concerned about people consuming alcohol and not being familiar with these roads causing a safety issue for the neighbors in the community. There have been ten accidents in the last four years at or adjacent to the entrance to the Callaway Valley Subdivision according to MoDOT. Mr. Goertz would like for a condition to be added that an off-duty police officer or the equivalent be required to be on-site during events where alcohol is served, in order to screen guests as they leave and discern whether or not those guests who have been consuming alcohol are able to drive. If they feel they are unable to drive, they could then offer them an alternative mode of transportation such as a taxi service. He is also concerned about forest fires, and would like to see a condition added that fireworks displays either be prohibited, or if they are permitted he would like to see a requirement that a water truck and a trained fire fighter be on site during such displays. He would also like to see a condition that prohibits firearms on the property.

Dianna Pratt, 2162 Highway F, was sworn in. Ms. Pratt is concerned about additional traffic on Highway F. She stated that the road is narrow and has no shoulders. On weekends, there are already bike rallies, motorcycle rallies, car rallies, Boone Home visitors, and winery visitors so this conditional use permit is just going to add additional traffic to the area. There is a blind curve right in front of the house on the subject property on Highway F that you cannot see around. She would also like for fireworks displays to be prohibited on the property.

Arnie C. "AC" Dienoff, P.O. Box 1535, was sworn in. Mr. Dienoff does not believe that the public, County staff, or the Commission has had ample time to review the noise study that was submitted by the applicant since it was just submitted today. He stated that 52 parking spaces is not enough for the proposed venue if they are expecting 200 guests for these events. He recommends requiring 100 parking spots. He also recommends that Geiger meters be required to be installed to monitor amplified sound on the property to protect the neighbors. Other conditional use permits that have been issued to wineries have limited event times to ending at 10:00 PM, but staff has recommended an 11:00 PM end time for this event. He stated that all wedding venues and wineries should be treated on an even keel playing field, and one applicant should not be treated better or worse than

another applicant. Mr. Dienoff stated that the New Melle Fire Chief, Rick Massey, has sent a letter to the Commission recommending limits be set on any fireworks displays that may be allowed, and he would like for those to be added as a condition of this conditional use permit. He also asked that the Commission and County staff send a memo to the County Police Chief, David Todd, requesting a dedicated patrol team in this neighborhood between March and November of each calendar year to ensure public safety.

Louise Pratt, 2162 Highway F, was sworn in. Ms. Pratt has concerns about outdoor sound and stated that sound reverberates throughout the valley. She questioned if the owners have any plans for the remaining portion of the property that is not included in this conditional use permit request. She has safety concerns due to the narrow roadway and lack of shoulders, and is also concerned about increased traffic on those roads. Ms. Pratt stated that the gravel parking area sounds like it will be visible to the surrounding properties and will affect the aesthetic and scenic value of the area. She believes that an 11:00 PM end time for events is too late, and agrees that fireworks displays should not be allowed. She has concerns about how the well water usage and septic usage from these events will affect the neighboring properties, and how noise pollution and air pollution from the venue will affect them as well. She stated that she hopes that all of these concerns will be addressed by the Commission when recommending the conditions for this conditional use permit.

Craig Frahm asked Ms. Pratt how far her home is from the subject property, and if she has heard any noise coming from the events that have already been being held on the property.

Ms. Pratt responded that she does not know how far from the property she lives, but she can see it from her property. She stated that they have heard noise coming from the Brinkmann's property in the past.

Brian Taylor, 23 Sunfish Drive, was sworn in. Mr. Taylor moved to this area in May of 2018, and his house backs up to the subject property with one house in between. His biggest concern is noise, especially if they are trying to sleep with events ending at 11:00 PM. He is also concerned with fireworks displays being allowed, and with traffic and intoxicated drivers on Highway F.

There being no further audience speakers, Chairman Roger Ellis asked the applicant if they would care to respond to public comments.

Drew Weber with Hamilton Weber Law Firm, the owner's representative, was sworn in. Mr. Weber stated that there may be some mis-placed concerns regarding this application. There was never any intent by the applicant to have fireworks displays on the property every night like some of the area wineries are currently doing. The owners have stated that after hearing all of these concerns, they are fine with not having any fireworks displays on the property, as that was not really part of their plan anyway. Mr. Weber also wanted to clarify that although Robert Myers stated that County ordinance would require this venue to have a minimum of 52 parking spaces, the concept plan proposes 171 parking spaces which certainly would meet any minimum requirements. As far as the traffic concerns, Mr. Brinkmann has informed him that shoulders will be added along Highway F in 2020. He stated that there are several existing venues in close proximity, including the Boone Home down the road, that have been hosting similar special events in this area. They are not aware of negative effects due to any of those events, and they would not anticipate any negative effects being caused by this similar venue. The only proposed outdoor music would be during a wedding ceremony, and that would likely be music from a harp player, a pianist, or something similar. Any other music associated with events such as wedding receptions will all be played indoors. The last item Mr. Weber addressed is the questions regarding consistency with conditions that have been placed on conditional use permits. He stated that he is aware that an 11:00 PM end time for wedding events was placed on both Defiance Ridge Vineyards and Balducci Winery, and there may be other venues that also have been given an

11:00 PM end time. Therefore, the condition recommended by staff for events at the proposed venue to end by 11:00 PM is consistent with similar conditional use permits that have been granted. He would also like to add that there are residences that are in much closer proximity to both some of the area wineries than to this property, where the closest residents are about a half-mile or farther away. Chairman Ellis asked if there were any questions for Mr. Weber.

Craig Frahm asked Mr. Weber if the applicant plans to have people on the property shooting guns, as some of the surrounding residents have expressed concerns regarding this.

Drew Weber responded that the only type of wedding involving firearms might be a "shotgun wedding", but he does not believe there is any type of proposal being made under this application regarding firearms.

Craig Frahm asked Mr. Weber if the owners would be agreeable to the Commission adding a condition that recommends prohibiting the use of firearms during wedding events being held on the property.

Mr. Weber stated that is not part of their proposal, but the owners would agree to a condition that states that firearms may not be used during wedding receptions.

Craig Frahm also stated that alcohol is another concern with these types of events being held where the roads are like Highway F and Highway 94. He asked Mr. Weber if there is anything the owners can do to monitor alcohol intake during these events.

Mr. Weber responded that the Boone Home is right down the street on Highway F and holds wedding ceremonies. They are not aware of any issues with alcohol served during events on that property, so he would not anticipate any issues from this similar requested use of the property.

Chairman Roger Ellis asked if Mr. Brinkmann would be applying for a liquor license, or if they would be relying on a catering company that has a liquor license.

Mr. Brinkmann stated that he will be using an event planner to oversee hiring a catering company for these events. He is not sure at this time if the catering company will have a liquor license, or if he will need to apply for one.

Chairman Ellis stated that when using a catering company, they typically have a liquor license. Therefore, the catering company would be liable and responsible for any alcohol sold and consumed on the property.

Tom Kuhn asked if there is any potential in the future for having outdoor weddings and receptions on the property.

Mr. Brinkmann responded that there is an alter and pergola that he built on the property and they had their niece's wedding there, so he does believe there will be outdoor weddings on the property. The receptions will be held both indoors and outdoors, depending on the weather. During warm weather, they will set up tables outdoors that can seat up to 200 people, but all amplified music will be inside of the barn.

Mike Klinghammer stated that one of the requirements that was placed on a conditional use permit for a similar venue, the Stone House of St. Charles, was that the doors to the reception barn must remain closed at all times. He asked Mr. Brinkmann if he would be agreeable to having that same condition placed on this conditional use permit.

Mr. Brinkmann responded that he would not be agreeable to having to keep the doors shut at all times. He stated that based on the sound study that he has received, he does believe that any sound coming from the barn will be well below the acceptable standards for the County. He stated that there are certain times during the year when people will not want to be limited to the inside of the barn and would like to be able to still hear the music while sitting outside.

Tom Kuhn asked Mr. Brinkmann why he has chosen to go into the hospitality business after having had a successful career in the construction industry.

Mr. Brinkmann responded that they started considering this about ten years ago when they moved to this property. They want to retire here, and when people visit them they see the joy that they get from learning all of the history of the property and they want to share that with people. He stated that Missouri is the only state that does not celebrate the fact that Daniel Boone lived here. If he stopped for dinner in Louisiana, they have a sign up for that. They are happy that St. Charles County is running the Boone Home now, and they want to keep this valley the way that it is now. He stated that in response to one of the audience speakers regarding his plans for the remainder of the property, he is meeting with a member of the Ozark Land Trust this Friday and they are placing deed restrictions on that property. They could build five-acre residential lots on the property right now under the current zoning regulations, but they are not going to do that. They will also be placing deed restrictions on the remaining 500-acre property they own adjacent to this property.

Gary Brown with McClure Engineering, was sworn in. Mr. Brown stated that he performed an acoustical study on this property over the last two weeks, at the request of the owner. He stated that since we are in the middle of winter, sound does travel better at this time of year than it does during the summer months, so this study shows the worst-case scenario. Sound travels upward during warmer weather, and during cold weather it stays down close to the valleys. The study first determined the normal ambient sound level in this valley, and then calculated and modeled sound levels under normal listening conditions from the barn. They did this by placing speakers in the barn where a band would normally play and playing various different types of sounds such as white noise, and rock music at a normal level of 85 decibels. They did this with the barn doors both open and closed. They placed sound monitors at the north part of the property behind the house, and on the western portion of the property by the barn approximately 100 feet from Highway F. The study concluded that the background sound level is approximately 35 dBA at all property lines. When they played music in the barn at 85 dBA, the monitor on the western portion of the property reached a maximum of 88 dBA when a car was passing by along with the music playing. Sound level from music at the barn to the west property line is 36-40 dBA in the subdivision. According to County Ordinance, in Residential Zoning areas sound must be at or below 55 dBA between 8:00 AM to 10:00 PM, and at or below 50 dBA between 10:00 PM and 8:00 AM. Further details can be found within the full report.

Kevin Cleary asked Mr. Brown what the decibel level would be in a room with 200 persons talking.

Gary Brown responded that the decibel level in a room with that many people talking would be between 70 and 80 decibels.

Kevin Cleary asked Mr. Brown if music is playing at a higher level than people speaking in a room would have an additive to the total decibel level.

Gary Brown stated that what happens is that if background music were to be playing at 70 dBA, then it has a "cocktail effect" and people will start raising their voices to talk louder than the music. This typically brings both decibels to about the same limit. If you have two sources at the same level, the most it will add to the total decibel level inside the room is 3 dBA. Mr. Brown added that 85 decibels is

the sound limit recommended by OSHA without a hearing conservation program being put into place. Continuous sound levels over 90 decibels would actually be painful to listen to over an extended period of time, so they try to keep the decibel levels below that to maintain a comfortable level of for the enjoyment of listeners.

There were no further questions for the engineer, Gary Brown.

Craig Frahm asked Mr. Brinkmann if he would be willing to have a restriction that states no outdoor amplified music may be played on the property other than during a wedding ceremony.

Robert Brinkmann responded that he would be willing to agree to that restriction.

Chairman Roger Ellis stated that the staff report already recommends that restriction in condition number five - where it states, "For all events, meetings, or functions to be held as part of this conditional use permit, no amplified sound may be located outdoors except during the performance of a wedding ceremony".

Kevin Cleary asked Mr. Brinkmann if the property is serviced by public or private water and sewage disposal.

Mr. Brinkmann responded that the property is serviced by a well and a septic system that has been installed in the barn. He stated that the septic system was approved by County Septic Inspector Sandy May to meet the requirements for servicing the event center.

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 he would like to see conditions added to restrict firearms and fireworks. He also stated that he believes 11:00 PM is too late on weekdays, and the County has placed time restrictions on other venues of 10:00 PM. He also suggested that all amplified sound be stopped one hour before the events end.

Craig Frahm asked County staff if they have done this in the past.

Robert Myers stated that has been at least one conditional use permit that has been restricted to different hours on the weekdays than on the weekends. He stated that staff tries to work with the owner to accommodate what works within their business model. The reason that staff recommends conditions being placed on the hours of operation in writing is to memorialize what the business concept represents to the public and decision makers. He suggested that the Commission may want to speak with the applicant before proposing any changes to the opening hours.

Kevin Cleary asked Mr. Brinkmann if 10:00 PM closing times during the week would work for him.

Robert Brinkmann responded that 10:00 PM would probably not work. Their wedding planner recommended they stay open until 12:00 AM, and he told her 11:00 PM was late enough.

Craig Frahm stated that Mr. Cleary also recommended that the music be stopped one hour prior to the end of the event. He asked Mr. Brinkmann if he would be agreeable to that condition being added to this request.

Kevin Cleary stated that the reason he requested this condition is because the slide shown by Gary Brown showed that the decibel study was cut off at 10:00 PM, which seems to implicate that would be a normal ending time.

Gary Brown responded that the slide Mr. Cleary is referring to was a slide that shows St. Charles County's noise Ordinance requirements for the daytime hours of 8:00 AM to 10:00 PM (55 dBA), and the evening hours of 10:00 PM to 8:00 AM (50 dBA).

Chairman Roger Ellis stated that if the levels are exceeding those decibel levels, the adjoining property owners can contact the St. Charles County Police Department and file a noise complaint.

Chairman Roger Ellis asked Ardita Roark, Associate County Counselor, if the County could be considered arbitrary and capricious by denying this property the right to apply for a fireworks display permit since there is an existing process that allows this as part of the conditional use permit process.

Ardita Roark responded that if the applicant is agreeable to waiving his right to apply for a fireworks display permit, then that would be acceptable.

Kevin Cleary stated that the applicant has indicated that neither fireworks displays, nor firearms are to be a part of this venue, so he proposed that this be added as conditions to this request.

Chairman Roger Ellis stated that the problem with prohibiting firearms is that the State of Missouri has a concealed carry law that gives anyone the right to carry a weapon.

Craig Frahm stated that he would only be comfortable adding the condition stating no fireworks displays allowed on the property.

Mike Klinghammer suggested the Commission vote on the two items separately.

Kevin Cleary made a motion to add a condition stating that fireworks displays are not permissible on the property at any time.

Mike Klinghammer asked Mr. Cleary if he wished to consider excepting the Fourth of July Holiday.

Mr. Cleary stated that he did not have an opinion on that.

Craig Frahm stated that the owner has already agreed to not have any fireworks displays on the property, so he suggested leaving the condition as is.

Michael Hurlbert, Director of Community Development, asked for clarification from the Commission that the condition of no fireworks displays would only apply during which time events are being held on the property, thus the property owner would still be able to apply for a fireworks display permit for his own personal use.

Roger Ellis responded that the condition would state that "No fireworks displays will be allowed on the property during any events, meetings, or functions being held on the property".

Mike Klinghammer seconded the motion, and the motion that was previously made by Kevin Cleary to add the condition that no fireworks displays will be allowed on the property during any events, meetings, or functions being held on the property.

The motion was approved by unanimous voice acclamation.

Chairman Ellis entertained a motion to recommend approval on Application No. CUP18-18 per the staff recommended conditions and with the added condition that fireworks displays will not be allowed on the property during any events, meetings, or functions being held on the property.

Craig Frahm made such a motion, and Mike Klinghammer seconded the motion.

The vote on the motion was as follows:

Kevin Cleary	- Yes	Kevin McBride	- Yes	Robert McDonald	- Yes
Tom Kuhn	- Yes	Roger Ellis	- Yes		
Craig Frahm	- Yes	Mike Klinghammer	- Yes		

Application No. CUP18-18 was recommended for **APPROVAL** with conditions.

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

TABLED ITEMS

Chairman Roger Ellis asked for a motion to bring applications RZ18-12 and PRE18-19 up from the table.

The motion was made by Mike Klinghammer, and was seconded by Kevin Cleary. The motion was approved by unanimous voice acclamation.

[Editor’s Note: Councilman Mike Klinghammer had to leave the meeting after this vote.]

I. REZONING REQUEST AND PRELIMINARY PLAT FOR AUDEN PRAIRIE - WILSON ROAD AND COUNTRY LIFE LANE

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

Robert Myers, Director of Planning & Zoning, described the zoning of the subject property, the surrounding zoning, and the Future Land Use Plan. The applicant is requesting to rezone two parcels from A, Agricultural to RR, Rural Residential. The applicant is also requesting approval of a

preliminary plat for the Auden Prairie Subdivision (16 Lots). Mr. Myers stated that the subject property is long and narrow, and it abuts the southern portion of the polo fields located on the property on Benne Road. The properties to the north, south, and east have all been developed with 3-acre lots. He stated that 3-acre minimum lot sizes were allowed prior to 2006, but a County Ordinance change in 2006 raised the minimum lot sizes in the Agricultural Zoning District to 5 acres. The applicant is requesting to rezone this property from A, Agricultural to RR, Single-Family Residential District, which would allow the continuation of the area land use pattern of 3-acre residential lots. The preliminary plat for the Auden Prairie Subdivision includes 16 lots on a single cul-de-sac street. He stated that they discussed with the developer whether or not the cul-de-sac should connect with Country Life Lane, a road in the subdivision to the north. The applicant has stated that there is a high-pressure pipeline easement that crosses the subject property at the northwest corner, and in order to connect Auden Drive to Country Life Lane, the street would have to cross that pipeline and easement. He stated that there are various places in the County where roadways do cross pipelines, however the applicant is suggesting that this is an unusual case and feels that it would be an unnecessary risk to connect both streets.

The Planning and Zoning Division recommends that the Planning and Zoning Commission approve the preliminary plat of the Auden Prairie Subdivision, subject to the County Council's approval of the rezoning to RR, Rural Residential.

For the record, staff received one letter with comments from the Missouri Department of Natural Resources, one letter with comments from Public Water Supply District #2, one letter with comments from Spire Energy, and four letters in support regarding this application.

Chairman Ellis asked if Auden Drive would be a public road or private road, and who would be responsible for the costs of reconstruction or repairs if work were to be done to the pipeline underneath.

Robert Myers responded that Auden Drive is proposed to be a public [sic private] street. He stated that if someone is encroaching on an easement, they would be required to get permission from the easement holder to do so. It would depend on an agreement between the two parties to determine who would be responsible for the cost of reconstruction or repairs.

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.

The developer's representative, Marvin Gore with Bax Engineering, was sworn in. Mr. Gore stated that the rezoning request of the subject property is consistent with development that is taking place on the other properties in this area. He stated that the preliminary plat proposes a 16-parcel subdivision, on lots of 3-acres or more, with one single access to a cul-de-sac towards the back of the property. Mr. Gore stated that regarding the discussion about connecting the cul-de-sac to Country Life Lane, the company that owns the pipeline that is located there has stated that they would be required to run parallel with the pipeline rather than crossing that easement. Doing that would possibly require putting the pipeline underneath the pavement and the pipeline company does not want that. The pipeline company would allow for the private road to cross the easement, but will not allow the private road to be parallel and over the top of their pipeline.

Chairman Ellis asked if the size of the cul-de-sac is sufficient for emergency vehicles to turn around on.

Marvin Gore responded in the affirmative.

Kevin Cleary asked about the applicant's plans for drainage.

Marvin Glore responded that along the ridge, a portion of the property drains to the north and another portion of the property drains to the south. Mr. Glore stated that the entrance would drain through the southeast corner, while the other portions of the property would sheet flow off the property.

Kevin Cleary asked if a retention area would be required for the subject property.

Marvin Glore responded in the negative.

Kevin Cleary asked if the subject property would use public water or individual wells.

Marvin Glore responded that there is public water in the surrounding subdivisions. He stated that Public Water Supply District #2 is going to be installing a larger main line in the area, so he hopes that the subject property would be able to be serviced by public water service. He stated that they will not get fire protection in this area until Public Water Supply District #2 upgrades their lines to allow use of fire hydrants. At the very least they would have to get domestic service.

Kevin Cleary asked about the plans for the road surface.

Marvin Glore responded that Auden Drive would have an asphalt surface.

Kevin Cleary asked if the width of the cul-de-sac's turn-around radius would be accessible for emergency vehicles and school buses.

Marvin Glore responded in the affirmative.

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.

Lisa Johnson with SmithAmundsen, the applicant's representative, was sworn in. Ms. Johnson clarified that Auden Drive is a private road and Country Life Lane is a public road. She stated that the plat conforms to the County's tree preservation requirements, and there will be limited removal of trees from the site.

Arnie "AC" Dienoff, P.O. Box #1535, O'Fallon, Missouri, was sworn in. Mr. Dienoff stated that the intent in 2006 to reduce the acreage from 5-acre minimum lot size to 3-acre minimum lot size in the Agricultural Zoning District was because of septic systems. He stated that the applicant has testified that Duckett Creek is not going to provide service to this neighborhood. He is concerned about the septic systems for the subject property and does not want it to cause potential problems to the two adjoining subdivisions located to the north and south. He stated that he is opposed to the zoning change of A, Agricultural District to RR, Rural Residential in the Comprehensive Plan. He would like to hear from Robert Myers, Director of Planning and Zoning, to determine whether or not the subject property is in the Highway N Corridor or outside of that, which would require a 5-acre minimum lot size. He is concerned that the local partners were not included in the planning process. He did not see any communications from the Wentzville Fire Protection District, St. Charles County Ambulance District, Wentzville School District, Director of Transportation, or the Wentzville School District. He is concerned with the access and turning radius of the cul-de-sac. He is also concerned that the schools in the area are overcrowded, and is concerned with the water runoff and retention.

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

There being no further discussion, Chairman Ellis called for a motion to recommend approval on Application No. RZ18-12.

Craig Frahm made a motion to recommend approval, and Robert McDonald seconded the motion.

The vote on the motion was as follows:

Kevin McBride	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Craig Frahm	- Yes	Robert McDonald	- Yes

Application No. RZ18-12 was recommended for **APPROVAL**.

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

Chairman Ellis called for a motion to approve the preliminary plat for Auden Prairie, contingent upon approval of the rezoning request by the County Council.

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

The vote on the motion was as follows:

Kevin McBride	- Yes	Kevin Cleary	- Yes	Tom Kuhn	- Yes
Roger Ellis	- Yes	Craig Frahm	- Yes	Robert McDonald	- Yes

Application No. PRE18-19 was **APPROVED**.

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

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

Chairman Ellis asked for a motion to approve the minutes from the December 19, 2018 regular meeting.

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

OTHER BUSINESS

I. ELECTION OF OFFICERS

Chairman Roger Ellis called for a motion to nominate election of officers.

Craig Frahm made a motion to retain the current officers for 2019, and the motion was seconded by Robert McDonald. The motion was approved by unanimous voice acclamation, and the officers were re-elected for a 1-year term.

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

Chairman Roger Ellis stated that this motion was made by Commissioner Gary Griffin to increase the notification requirements in the Agricultural Zoning District to require that owners within two thousand (2,000) feet of a conditional use permit request or a rezoning request be notified. Mr. Ellis asked County staff about the procedure for the ordinance.

Ardita Roark stated that at the October 17, 2018 Planning and Zoning Commission meeting, a motion was made and seconded to change the notification requirements in the Agricultural District. She stated that no further details were discussed at that time, therefore there was not enough information to carry on and present the request to the County Council. She stated that she created a draft Ordinance amending Sections 405.510, and 405.535 which is an interpretation of the intended changes.

Robert Myers stated that County staff completed a cost analysis and the difference would be approximately \$1,000 dollars per year for additional mailing costs. Mr. Myers asked about the procedure of notification requirements when there is a residential subdivision within an agricultural area.

Ardita Roark stated that she accommodated the concerns of both the Planning and Zoning Commission and the County staff in the draft Ordinance. The draft states that for subject properties within the Agricultural Zoning District where more than 75% of the linear boundary of said parcel adjoins property located in an Agricultural Zoning District, notice shall be mailed to property owners within two thousand (2,000) feet of the parcel of land for which the conditional use permit or rezoning is proposed.

Chairman Ellis stated that this change was proposed because there was previously an application for a conditional use permit for a cell tower that was to be located in the Agricultural District, where under the current notification requirements no one in the surrounding area would have been notified due to the rural location of the property. Although staff did notify the adjacent property owners for that application, the Planning and Zoning Commission felt that more residents in the A, Agricultural District deserve notice.

Craig Frahm asked if the draft Ordinance will go before the County Council for discussion.

Michael Hurlbert responded that the application will go before the County Council if recommended for approval by the P&Z Commission.

Ardita Roark stated that the Ordinance will show that it was requested by the Planning and Zoning Commission.

Chairman Roger Ellis called for a motion to approve the draft Ordinance amending sections 405.510, and 405.535 OSCCMo as presented.

The motion was made by Robert McDonald, and was seconded by Kevin Cleary. The motion was approved by unanimous voice acclamation.

III. PLANNING AND ZONING DIVISION UPDATE

Robert Myers acknowledged the Planning and Zoning Commission and thanked them for their role in the Master Plan Process. He stated that the County Council approved the 2030 Master Plan at the January 28, 2019 meeting. County staff is anticipating that the finalized printed copy

of the Master Plan will be available within the next few weeks, and the PDF version as well as an online interactive version will be posted on the County website at that time. He also thanked the Master Plan Steering Committee for their service.

Robert Myers recognized the reappointment of Robert McDonald and the appointment of new Planning & Zoning Commissioner Diane Saale. He stated that both Robert McDonald and Gary Griffin's terms expired in the fall of 2018. Diane Saale will represent Council District 2, and she will attend the next Commission meeting in March. He thanked Gary Griffin for his many years of service, and thanked the entire Planning and Zoning Commission for their contributions.

ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Tom Kuhn and was seconded by Kevin Cleary. The motion to adjourn was approved by unanimous voice acclamation, and the meeting adjourned at 9:05 PM.

Respectfully submitted by:

Roger Ellis, Chairman

Tom Kuhn, Secretary