

## MINUTES OF REGULAR MEETING

### ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

**DATE:** JUNE 19, 2019  
**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:** Diane Saale; Kevin Cleary; Tom Kuhn; Roger Ellis; Craig Frahm; and Mike Klinghammer, County Councilman

**MEMBERS ABSENT:** Jim Leonhard; and Robert McDonald

**STAFF PRESENT:** Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Ardita Roark, Associate County Counselor; and Jhima Brock, Recording Secretary

**SPEAKERS:**

**RZ19-05:** Lisa Johnson, SmithAmundsen, applicant's representative; Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366

**RZ19-06:** Sydney Kroupa, property owner; Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, MO 63366

**PRE19-05:** None

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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 rezoning applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats is final. Only a recommendation for denial on plats would be heard by the County Council.

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

## CHANGES TO THE AGENDA

Chairman Roger Ellis announced that the Preliminary Plat and Final Development Plan for the Missouri Bluffs project (Application PRE19-03) is not on the meeting agenda. Instead, it is expected to be on the July 17, 2019 meeting agenda.

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## PUBLIC HEARINGS

### I. REZONING REQUEST - 1936 DUELLO ROAD

Application No:	RZ19-05
Property Owner:	James W. Clemens and Jill Bryant Clemens Living Trust
Current Zoning:	A, Agricultural District
Requested Zoning:	R2, Two-Family Residential District
2030 Master Plan:	Recommends Low Density Residential (1 to 4 dwellings per acre)
Area:	1.097 acres
Location:	On the north side of Duello Road, approximately 430 feet east of Charity Drive; adjacent to the City of Lake St. Louis
Council District:	2
Account Nos.:	T132300004 and T132300003

Ellie Marr, Senior Planner, described the subject property and surrounding land uses. The applicant is requesting R2 zoning. In 2017, St. Charles County began work on straightening Duello Road and purchased right-of-way on the east side of this property. To the west of the property, single-family homes are currently being built in the Wyndstone Subdivision. The straightening of Duello Road is planned to avoid the current, immediate turn to the west just south of this property. Instead, the transportation plan is to continue north to the east of this property where right-of-way has been obtained and eventually reconnect to Duello Road further to the northwest.

This property originated from two separate parcels of 0.78 and 0.45 acres and has been combined into one parcel that is 1.07 acres in size. The property is narrow (approximately 100 feet) and the applicant is requesting R2 zoning, which allows for both two-family residences and single-family residences. Two-family residences are typically attached with a common wall and a zero-side yard setback line and require a minimum 3,500 square feet lot size. Single-family residences require a minimum 7,000 square feet lot size. The required subdivision design and improvement standards for multiple-home developments does allow for a minimum requirement of private streets with 24 ft. minimum pavement width and right-of-way equal to the street width. This flexibility will help for development of a narrow parcel of ground by allowing only one entrance onto Duello Road. The applicant has provided a concept plan with 4 attached Single-Family homes and 1 single-Family home. Each of the homeowners would own the ground around them. The applicant could further speak on the preliminary plans.

The Planning and Zoning Division recommends that this rezoning request from A, Agricultural District to R2, Single Family Residential District. Ellie Marr stated that the land use is a good transition for the subject property. Ms. Marr described the locations of Wyndstone Subdivision and Duello Elementary School to the subject property.

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

Mike Klinghammer asked about the total number of proposed residences on the subject property.

Ellie Marr responded that the concept plan has five residences.

Mike Klinghammer asked if the rezoning request is in compliance with the 2030 Master Plan.

Ellie Marr responded that the rezoning request is compatible with 2030 Master Plan. Ms. Marr stated that the subject property is 1.07 acres, and the Master Plan calls for the land use to be 1 to 4 units per acre.

Mike Klinghammer stated that the proposed development looks like Multi-Family Residential and asked if it would be similar to a four-family apartment building.

Ellie Marr responded in the negative. Ms. Marr stated that the proposal is to build individually owned, single-family attached homes. She stated that two-family residences are typically attached with a common wall and a zero side yard setback line, and require a minimum 3,500 square foot lot size. Single-family residences require a minimum 7,000 square foot lot size.

Chairman Ellis asked if the cul-de-sac shown on the concept plan is accessible for emergency vehicles.

Ellie Marr responded that would be determined at the final preliminary plat stage. Ms. Marr stated that there may be issues with the preliminary plat that the applicant would have to address before presenting it to the Planning and Zoning Commission. She stated that during the review process, County staff will send it to the Fire Department for review.

Kevin Cleary asked about the measurements of the proposed development and the useable space on the subject property.

Ellie Marr responded that the applicant has only submitted a concept plan and the final measurements are not included.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Lisa Johnson with SmithAmundsen, the applicant's representative, was sworn in. Ms. Johnson gave a PowerPoint presentation on the overview of the subject property. She described the location of the subject property and its connection with Duello Road. She stated that the subject property is very narrow, and her client is trying to make the best use of the land. The property is currently zoned A, Agricultural. The surrounding properties are zoned primarily Agricultural and there are some areas with Residential zoning. She stated that the subject property is not developable under the current zoning. Agricultural zoning requires a 5-acre minimum lot size, and the subject property is 1.07 acres. She stated that the setback requirements are 50 feet on the front and 50 feet on the rear with a depth of 100 feet. The concept plan shows the cul-de-sac and its purpose to provide adequate turnaround for emergency vehicles. She stated that they would like to add a drive in the rear in order to cut down the number of entrances onto Duello Road, and to create a back entrance to the properties. She stated that the dwellings are all on separate lots. She stated that they are working with County staff to determine the best way to develop the subject property and meet all of the setback requirements.

Craig Frahm asked about the type of houses in the Wyndstone Subdivision.

Lisa Johnson responded that there are Single-Family residences in the Wyndstone Subdivision.

Craig Frahm asked how the subject property is not a part of the Wyndstone Subdivision and asked if it was owned separately.

Lisa Johnson responded that the subject property was owned separately and was then cut off when construction began on Duello Road. Ms. Johnson stated that the applicants owned the property before that happened and did not purchase the property in this condition.

Tom Kuhn asked if there would be a left turn entering into the proposed development.

Lisa Johnson responded that could be a possibility. Ms. Johnson stated that there is an entrance along the Old Duello Road that goes from east to west.

Tom Kuhn asked if there were any plans for turning lanes.

Lisa Johnson responded that they are currently working with County staff and the plan is to have a narrow, private drive located on the lots. Ms. Johnson stated that there will not be issues with traffic because it will not be a dedicated road.

Tom Kuhn stated that once Duello Road is straightened traffic is more likely to increase.

Kevin Cleary asked about the distance between Duello Road and the driveway in order to meet sight line improvements.

Ellie Marr stated that it is measuring at approximately 200 feet from intersection to intersection. Ms. Marr stated that the decision will be up to the County Highway Department to issue a driveway permit, and they will begin their review process when a preliminary plat is presented to County staff.

Mike Klinghammer asked about the side yard setback requirements for R2, Two-Family Residential Zoning District.

Ellie Marr responded that R2, Two-Family Residential zoning requires a 7,000 square foot minimum lot size. Ms. Marr stated that there are issues that would have to be addressed and adjusted on the preliminary plat.

Mike Klinghammer stated that building up to the property line is prohibited.

Lisa Johnson responded in the affirmative. Ms. Johnson stated that at this time they are presenting a concept plan, and they are working with County staff to ensure that all of the requirements will be met.

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

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, Missouri, was sworn in. Mr. Dienoff is opposed of this rezoning request and is concerned about the density on the subject properties. He stated that R2, Two-Family Residential zoning requires a maximum of 4 dwelling on one lot, but the applicant is requesting to have 5 dwellings. He stated that the property owner should be responsible for the right-of-way near Duello Road so that there aren't any additional costs to taxpayers or the County. He stated that the applicant should go before the Board of Zoning Adjustment for a variance request. He is concerned with the private road and access for emergency vehicles. He stated that he did not see any letters on file from the Wentzville Fire Protection District, Wentzville School District, Public Water District # 2, or Duckett Creek Sanitary District.

There being no further audience speakers, Chairman Roger Ellis asked the applicant to return to the podium to answer any additional questions or comments.

Seeing none, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Mike Klinghammer is concerned about the density of the proposed development. Mr. Klinghammer stated that the land use should abide the standards of the Master Plan. He stated that the lot should be 1.25 acres to accommodate the 5 units.

Mike Klinghammer asked if the applicant would have to wait a year to reapply if the County Council denies this rezoning request.

Ellie Marr responded that the applicant is requesting a rezoning for R2, Two-Family Residential because they would like to build attached homes and have a narrow street. Ms. Marr stated that the applicant is not asking for a preliminary plat to be approved.

Robert Myers stated that to answer Council Klinghammer's question, the Planning and Zoning Commission will make a recommendation for County Council. If the County Council approves the R2 zoning, then the applicant would have to abide by the zoning regulations for submitting any subdivision plat. If it were denied, the applicant would have to wait one year in order to present the exact same application in terms of the zoning district. He stated that if the applicant came back requesting a different zoning district, then they would not have to wait one year.

Mike Klinghammer stated that he does not agree with the number of homes proposed.

Kevin Cleary asked if the R2 zoning district would allow 5 units on the subject properties.

Robert Myers responded that County staff hasn't made a determination on the number of dwellings allowed that on the subject property. Mr. Myers stated that having 5 units may not be possible in terms of setbacks, minimum lot size, etc.

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

Kevin Cleary made a motion to approve Application No. RZ19-05, and Mike Klinghammer seconded this motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Roger Ellis	- Yes
Tom Kuhn	- Yes	Craig Frahm	- Yes	Mike Klinghammer	- Yes

Application No. RZ19-05 was recommended for **APPROVAL**.

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

## II. REZONING REQUEST - 1354 VALLI LN

Application No:	RZ19-06
Owners:	Daniel Lauders, Sydney Kroupa, and Audrey Bryant
Existing Zoning:	RIA, Single-Family Residential District (1-acre minimum lot size)
Requested Zoning:	R1C, Single-Family Residential District (15,000 square foot lot size)
2030 Master Plan:	Recommends Low Density Residential (1 to 4 dwellings per acre)
Parcel Size:	0.90 acres
Location:	On the east side of Valli Lane, approximately 900 feet north of Highway N; adjacent to the City of Cottleville
Council District:	3
Account No.:	552000A000

Ellie Marr, Senior Planner, described the subject property and the surrounding land uses. The applicant is requesting a rezoning change from R1A, Residential District (1-acre minimum lot size) to R1C, Single Family Residential District (15,000 square foot minimum lot size). This property was originally a one-acre lot when it was first rezoned to R1A in 1973. At that time, Valli Lane was a private easement with ownership of lots to the middle of the lane. This property currently has a lot size of approximately 0.90 acres due to the establishment of public right-of-way for Valli Lane and the subsequent adoption of the road maintenance by the County. New front boundary lines were established for all the lots located along Valli Lane.

Ellie Marr stated that the properties to the west were redeveloped and are zoned R1C. Ms. Marr stated that the applicant has a preliminary plat under preparation. The property owners are planning to divide this lot into two separate lots to construct a second residence. The proposed density of two units per acre is consistent with the 1-4 units per acre, Low Density Residential, designation recommended by the 2030 Land Use Plan. The zoning change is also consistent with the area land uses. Twenty-six of the thirty-six lots or parcels on Valli Lane are less than one acre in size having been split prior to 1973 when the A, Agricultural District had a minimum lot size of 18,000 square feet. Additionally, east of the site is the Brittany Place Subdivision in the City of Cottleville, which was developed with lots as small as 5,300 square feet. With this housing density found in the area, staff finds the proposed zoning appropriate.

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

Chairman Ellis asked if there were any easements that would restrict the placement of the building on the proposed new lot.

Ellie Marr responded that there are a few issues with the preliminary plat that will need to be addressed. Ms. Marr stated that a watercourse runs along the eastern and southern portion of the property, from which the applicant would need to have a setback. The applicant will have to file a resubdivision plat and meet the current front building setback to comply with the standards of the subdivision.

Chairman Ellis asked about the restrictions on the location of the new residence.

Ellie Marr responded that the proposed residence would require a 25 foot setback from the top of bank.

Kevin Cleary asked if losing the portion of the lot within the road easement would leave the applicant with a 15,000 square foot minimum lot size.

Ellie Marr responded that the right-of-way is now within County ownership and maintenance. Ms. Marr stated that is the reason the lot size was reduced from one (1) acre to approximately 0.90 acres. She stated that the right-of-way has already been purchased, and the applicant has their building line set. She stated that the applicant will need to meet the new setback requirements under the R1C, Single Family Residential Zoning.

Chairman Roger Ellis asked if the Commission had any further questions for the Planning & Zoning staff. Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Sydney Kroupa, the property owner, was sworn in. Ms. Kroupa stated that they are planning to subdivide the property with Audrey Bryant. She stated that they plan to build a mid-size Ranch home to fit in with the existing homes in the subdivision. She stated that they will work on meeting the appropriate requirements.

Kevin Cleary asked about the size of the proposed home.

Sydney Kroupa responded that it will be approximately 1,600 square feet or less.

Kevin Cleary asked if the subdivision had any covenants or restrictions on square footage or architectural design

Sydney Kroupa responded in the negative. Ms. Kroupa stated that the subdivision is not a part of a Home Owners Association.

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

Arnie C. "AC" Dienoff, P.O. Box 1535, O'Fallon, Missouri, was sworn in. Mr. Dienoff supports this rezoning request. He stated that the zoning change is acceptable for the land use. He stated that he would like to see a letter of review from the Cottleville Fire Protection District in terms of service availability of fire hydrants located at the two new homes; a letter from the Francis Howell School District, to assure that they can accommodate additional students; a letter from Public Water Supply District #2; and a letter review from Duckett Creek Sanitary District, for both sanitary sewer and surface water protection uses. He stated that this neighborhood occasionally floods, and it should be reviewed by County staff or Duckett Creek.

There being no further audience speakers, Chairman Roger Ellis asked the applicant to return to the podium to answer any additional questions or comments.

Seeing none, 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 of the rezoning request.

Mike Klinghammer made a motion to recommend approval, and Tom Kuhn seconded the motion.

The vote on the motion was as follows:

Diane Saale	- Yes	Kevin Cleary	- Yes	Roger Ellis	- Yes
Tom Kuhn	- Yes	Craig Frahm	- Yes	Mike Klinghammer	- Yes

Application No. RZ19-06 was recommended for **APPROVAL**.

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

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## PLATS

### I. PRELIMINARY PLAT FOR THE RESUBDIVISION OF LOT 12 VALLI ACRES - 1354 VALLI LANE

Application No: PRE19-05  
Owners/Developers: Daniel Lauders, Sydney Kroupa, and Audrey Bryant  
Property Surveyor: Landmark Surveying Company  
Existing Zoning: RIA, Single-Family Residential District (1-acre minimum lot size)  
Requested Zoning: R1C, Single-Family Residential District (15,000 square Foot minimum lot size)  
Proposed lots: 2  
Parcel Size: 1.01 acres  
Location: On the east side of Valli Lane, approximately 900 feet north of Hwy N; adjacent to the City of Cottleville  
Council District: 3  
Account No.: 552000A000

Ellie Marr requested that this application be tabled until the July meeting in order to allow the applicants more time to address comments from County staff.

Chairman Ellis stated that this application would be tabled until the July 17, 2019 meeting.

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## TABLED ITEMS

NONE

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## APPROVAL OF THE MINUTES FROM THE MAY 15, 2019 REGULAR MEETING

Chairman Ellis asked for a motion to approve the minutes from the May 15, 2019 regular meeting.

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

## OTHER BUSINESS

### I. PLANNING AND ZONING DIVISION UPDATES

Robert Myers stated that County staff, technical skills technology, and coordination have improved over the years. Flood Inundation Mapping has allowed the Community Development Department to respond to structures and inspections caused after flooding. He stated that as of last week, 90,000 acres were inundated in St. Charles County. He stated that with the help of better tools, the Army corps of Engineers, and County staff assessment and mapping, there is much improvement. The County is inspecting over 3,000 structures in unincorporated St. Charles County and West Alton for flooding. He stated that they then follow up with the property owners to have those structures repaired, torn down, or elevated above the flood elevation.

Robert Myers stated after the Flood of 1993, over 1,400 homes in unincorporated St. Charles County were in the path of water and not elevated. Today there are about 280. He stated that this is a great success story for County Floodplain Management. He thanked Ellie Marr for her contribution.

Chairman Ellis asked if there were any issues with buildings that have to be torn down and cannot be replaced because of current zoning requirements.

Robert Myers responded that when people apply for building permits and if the structure is more than 50% damaged, then there would be a requirement to elevate the house at least one foot above the flood base elevation. He does not see zoning standards as preventing rebuilding.

Mike Klinghammer asked if the County had plans to supply dumpsters to help with the flood damage and clean up the impacted areas.

Ellie Marr stated that in 2008, there were dumpsters to help with cleanup, and she will check with Administration on that issue.

Robert Myers stated that the Governor of Missouri has declared a State of emergency for St. Charles County and other Counties affected by the flooding. He stated there is not yet a Federal declaration for a federal disaster. He stated that once a federal declaration is made by the President then FEMA assistance would be forthcoming.

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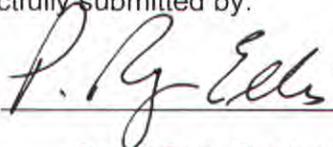
### ADJOURNMENT OF MEETING

Chairman Roger Ellis called for a motion to adjourn the meeting. The motion was made by Mike Klinghammer and was seconded by Tom Kuhn. The motion to adjourn was approved by unanimous acclamation, and the meeting adjourned at 7:46 PM.

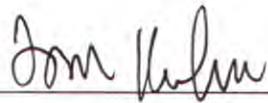
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Respectfully submitted by:

  
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Roger Ellis, Chairman

  
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Tom Kuhn, Secretary