

NOTICE OF PUBLIC HEARING

**PLANNING AND ZONING COMMISSION OF JEFFERSON COUNTY, MISSOURI
NOTICE OF MEETING**

Notice is hereby given that the Planning and Zoning Commission of Jefferson County, Missouri, will conduct a meeting at 6:30 p.m., Thursday, October 13, 2022 in the Assembly Room of the Jefferson County Administration Center, located at 729 Maple Street, Hillsboro, Missouri. The public will be given an opportunity to be heard.

The tentative agenda of this meeting includes:

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF AGENDA
- IV. APPROVAL OF MINUTES
September 22, 2022
- V. SWEARING IN OF WITNESSES
- VI. INTRODUCTION OF EVIDENCE
- VII. NEW BUSINESS
 1. Consent
 - A. FP22063
The Final Plat for The Villas at Miller Crossing, parcel 02-7.0-36.0-4-002-005.07, located at the southwest corner of Vogel and Miller Road, Arnold, in Windsor Township and Council District #3.
 2. Consideration
 - A. CU22057
A Request for a Conditional Use Permit for parcel 02-3.0-08.0-4-001-025., located at 44 Silverwoods Lane, Fenton, in Rock Township and Council District #1, for a Telecommunications Tower in a Single-Family Residential (R-7) Zone District and Single-Family Residential (R-20) Zone District.
 - B. PC22062
A Request for a Zone Change and Development Plan approval for parcel 02-5.0-16.0-0-000-008., located at Diehl Road northeast of Old Sugar Creek Road, Fenton, in Rock Township and Council District #2, from Single-Family Residential (R-40) Zone District to Planned Commercial (PC) Zone District and Development Plan approval For Genuine Lawn Care.
- VIII. REPORTS TO THE COMMISSION
- IX. CITIZENS TO BE HEARD
- X. ADJOURNMENT

Representatives of the media may obtain copies of this notice by contacting Elaine Roesch, Planning Clerk at 636-797-5580, Jefferson County Planning Division, PO Box 100, Hillsboro, Missouri 63050.

Any person requiring special accommodation under the Americans with Disabilities Act should contact Jefferson County Human Resources at 636-797-5071.

"Please be Advised: Members of the County Council May Be in Attendance at this Meeting"

Petition Number: FP22063

Meeting Date: October 13, 2022

Prepared By: Josh Jump

Applicant Information

DEVELOPER NAME: Lorenzo LLC

STREET ADDRESS: PO Box 410617, St. Louis, MO 63141

DESIGN PROFESSIONAL: VonArx Engineering

SITE ADDRESS: SW corner of Vogel and Miller

PARCEL NUMBERS: 02-7.0-36.0-4-002-005.07

NATURE OF REQUEST: Approval of the Final Plat for The Villas at Miller Crossing

Parcel and Site Information

LOT COUNT: 10

PARCEL SIZE: 4.27

EXISTING ZONE DISTRICT: Planned Mixed Residential (PR2) zone district

FEET OF ROAD FRONTAGE: Approximately 1118' on Vogel Rd

AVAILABLE SERVICES: Public Water, Public Sewer

Regulatory Requirements

PERMITTED USES:

Dwelling, Two Family

FLOOR AREA, HEIGHT, AND OTHER BUILDING REQUIREMENTS

Minimum Lot Size: 4,874 square feet (per: PP22025)

Minimum Lot Width: 50 Feet

Maximum Structure Height: 40 Feet

IMPROVEMENT PLAN/SITE DEVELOPMENT

Required Yards

Front Yard: 25' on Privately Maintained Roads

Side Yard: 6'

Rear Yard: 10'

Design Standards

The development shall comply with Suburban Design Standards in accordance with Article VII of the Jefferson County Unified Development Order.

Access

Access shall be provided in accordance with the Jefferson County Unified Development Order.

Street Improvements

All streets located in the proposed subdivision shall comply with Article VII and Article XVI of the Jefferson County Unified Development Order.

Parking

Parking for the single-family residences shall be 2 per dwelling unit, excluding garage

Signs

Signs shall comply with Article XIII of the Jefferson County Unified Development Order. The developer shall provide all regulatory signs, including stop signs, speed limit, etc. The developer shall provide a sign at appropriate location in the subdivision, which states "Private Maintenance Begins". This will be reviewed at the improvement plan stage if a preliminary plat is approved.

Landscaping

Landscaping shall comply with landscaping requirements as outlined in Article XIII of the Jefferson County Unified Development Order.

Stormwater

Stormwater management shall comply with Chapter 505 of the Jefferson County Code of Ordinances

Erosion and Sediment Control

Erosion and sediment control shall comply with Chapter 505 of the Jefferson County Code of Ordinances

Geotechnical

A geotechnical study prepared by an Engineer licensed in the State of Missouri shall be required where there are more than 5 feet of cut or 5 feet of fill and any slopes steeper than 3:1.

Conditions of Approval

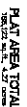
- 1) All improvements must be installed and/or an escrow established.
- 2) Proof of 911 approval for the street name shall be provided to the Planning Division prior to recording the final plat.
- 3) All easements shall appear on the final plat and shall correspond to the location of utilities on the approved improvement plan and in accordance with the Jefferson County Unified Development Order.
- 4) The covenants and restrictions for The Villas at Miller Crossing subdivision shall be submitted when the Record Plat is submitted.
- 5) Proof that the covenants and restrictions have been recorded with the record plat in the Jefferson County Recorder of Deeds shall be provided to the Planning Division.
- 6) Prior to approval of the final plat, the subdivider shall agree in writing on a form provided by the County Counselor that the subdivider will install the minimum improvements provided herein as required by this UDO.
- 7) Check preliminary plat staff report for any conditions which need to be met.
- 8) Sidewalk easements are needed (sidewalks are outside of the streets and within the lots).

MONUMENT LEGEND

IDENTITIES SET SIDE-PERMANENT IN 1/2" FROM NW / PLASTIC CARD

IDENTITIES PERMANENT MONUMENT 1/2" FROM NW W/ ALUMINUM CARD

IDENTITIES FOUND SURVEY MONUMENT

[illegible][illegible]

SOLICITING DISCUSSION. CERTIFICATE
 I FIND THAT ALL INFORMATION NECESSARY TO EVALUATE THE USE OF ON-SITE WASTEWATER TREATMENT
 ROOM AS THE ALIAS AT ALLER PRESENTS THIS COMPLIMENTARY IN AN APPROPRIATE SYSTEM DESIGN
 OR LOCATION FOR INNOVATIVE COMPLIANCE WITH THE DEPRESSION COUNTRY BUILDING CODE.
 DAVENPORT BUILDING DIVISION
 DATE: _____
 CURRENTLY IN EFFECT
 I FIND FROM THE COLLECTION OF REVIEWERS RECORDS THAT THERE ARE NO OUTSTANDING COMPLAINT
 TAKES ON PARCELS NUMBER 02-73-360-4-002-DISTRICT, LAST ASSESSED IN THE NAME OF CORONADO, U.L.C.
 PLANNING TECHNICIAN
 DATE: _____

0' ROAD

0' ROAD

Lot A

Lot B

Lot C

Lot D

0' ROAD

0' ROAD

TYPICAL LOT

BY: _____
 LAWRENCE H. HENNECK, MEMBER
 BARREN, LTD.
 STATE OF MASSACHUSETTS
 COUNTY OF WESTCHESTER }
 DAY OF _____
 IN THE _____
 UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK
 I, _____, CLERK OF SAID COURT, DO HEREBY CERTIFY THAT THE
 FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL FILED
 IN MY OFFICE, AND THAT THE SAME IS THE PROPERTY OF THE
 UNITED STATES OF AMERICA, AND IS NOT TO BE REPRODUCED OR
 COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE
 UNITED STATES OF AMERICA.

[illegible][illegible][illegible]

Petition Number: CU22057

Meeting Date: October 13, 2022

Prepared By: Josh Jump

Applicant Information

APPLICANT NAME: KGI Wireless

APPLICANT ADDRESS: Building Three, Suite 370, 805 Las Cimas Parkway, Austin, TX 78746

SITE ADDRESS: 44 Silverwoods Lane, Fenton, MO 63026

PARCEL NUMBER: 02-3.0-08.0-4-001-025

NATURE OF REQUEST: Conditional Use Permit for a 255' Self Support Telecommunications Tower

Parcel and Site Information

CURRENT ZONE DISTRICT: R7/R20

COUNCIL DISTRICT: 1

MASTER PLAN DESIGNATION: Primary Growth Area

DEVELOPMENT PATTERN: Suburban Development Pattern

PARCEL SIZE: 14.51 (per Applicant)

FEET OF ROAD FRONTAGE: 290' – Als Lane, 150' Hendrix Valley, 290' – Silverwoods Lane.

AVAILABLE SERVICES: N/A

DESCRIPTION OF CURRENT DEVELOPMENT ON PARCEL: Currently undeveloped, may have been developed with a home in the past.

Parcel Conditions

TOPOGRAPHY: The parcel does exhibit some very steep topography with about an 80' elevation change from the approximate area of the proposed tower to where the streets all intersect

FLOODPLAIN ISSUES/STREAM ORDERS: N/A

VEGETATIVE COVER/SCREENING: The site exhibits a lot of qualities of a non-developed property. There is dense amounts vegetation on the property

ADDITIONAL COMMENTS: N/A

SURROUNDING ZONING: The surrounding zoning is a mixture of residential zone districts.

To the North:	<u>Zoning:</u> R7 and R20 <u>Land Use:</u> Developed Residential
To the East:	<u>Zoning:</u> R7 and R20 <u>Land Use:</u> Developed Residential
To the South:	<u>Zoning:</u> R20 and R40 <u>Land Use:</u> Developed Residential
To the West:	<u>Zoning:</u> R7, R20, and R40 <u>Land Use:</u> Developed Residential

Submitted Plans

The submitted plan shows the following:

- The location of the lease site, including the location of the 255' tall tower.
- Access in and out the tower site
- Setback distance to all property lines for the tower
- Fencing and landscaping details around the tower site

Basic Requirements

The requirements of Section 400.3300 of the Unified Development Order for Telecommunications Towers and Antenna Mounts are intended to establish general guidelines for the siting of telecommunications towers, and freestanding antenna mounts and antennas, for commercial wireless communications in any zone district. Staff has conducted an analysis of the proposed tower based on the requirements of Section 400.3300 of the Unified Development Order.

It is important to note that on August 28, 2014, Senate Bill No. 650 as passed by the Missouri General Assembly, became effective. Senate Bill No. 650 restricts the County's ability to regulate many aspects related to the construction and placement of telecommunications towers. Subsequently, the UDO was amended to remove any requirements that were inconsistent with Senate Bill No. 650.

According to the Federal Telecommunications Act of 1996 (SEC. 704) regarding the construction, placement, and modification of wireless service facilities, local government:

- Regulations shall not prohibit or have the effect of prohibiting the provision of wireless service.
- Regulations shall not unreasonably discriminate among providers of functionally equivalent services.
- Shall act on duly filed requests within a reasonable period of time
- Denial of requests shall be in writing and supported by substantial evidence contained in written record.
- May not regulate the facilities based on the environmental effects of radio frequency emissions to the extent the facilities comply with FCC regulations.

The FCC publication: *A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance* (2000) indicates if a cellular facility antenna is not mounted on a building and the antenna is at least 10 meters (33 feet) above ground level it is "highly unlikely" to cause radio frequency exposure in excess of the FCC's guidelines and is considered "categorically excluded" from evaluation of potential radio frequency exposure

Analysis

The Subject property is split zoned Single Family Residential (R7) and Single Family Residential (R20) zone district, with the tower being located on the R20 portion of the property. A telecommunications tower in these districts requires a conditional use permit. A site development plan was submitted with the application showing a 255' tower, access drive, fencing, and the existing tree lines. The site plan appears to demonstrate compliance with UDO requirements, the plan shows any landscaping around the tower base and equipment compound that would screen these facilities from adjacent residential properties. Pursuant to Section 400.3300(A)(6) of the UDO, a communication tower facility shall be landscaped with a buffer of plant materials that effectively screens the view of the communication tower base from adjacent residentially zoned or used property, this requirement appears to be achieved by both the provided landscaping as well as any that would remain.

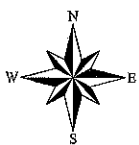
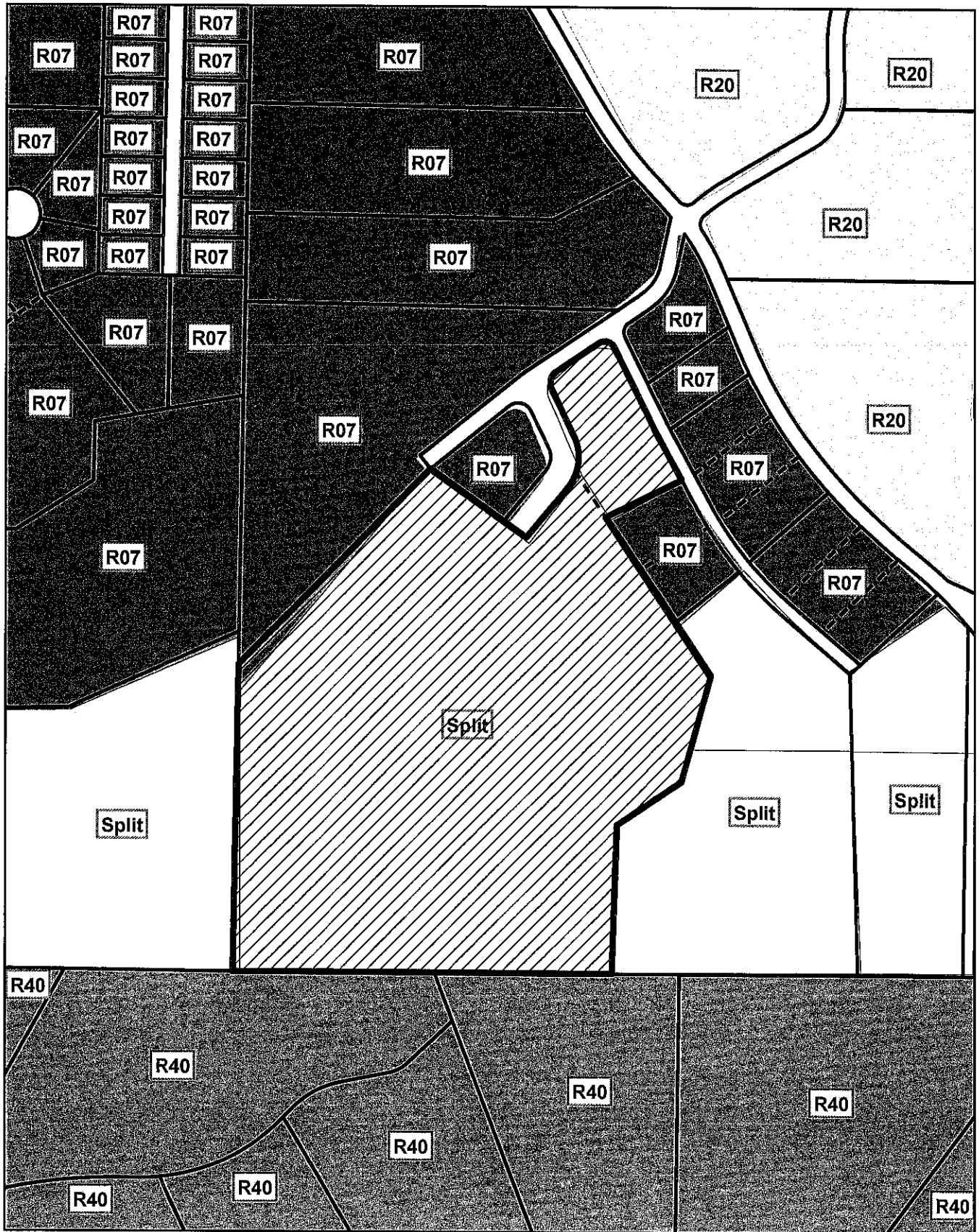
The UDO designates three separate setback requirements for any proposed tower. They are as follows: any tower must be setback the height of the tower from any dwellings not on the subject property and any adjoining properties zoned residentially, a tower must be setback from any property line the height of the tower less the maximum structure height permitted in that zone district, and finally a tower must be setback a distance equal to half the height of the tower from any residential, commercial, or industrial uses open to the general public. These setbacks appear to be met by the proposed tower in the proposed plan.

Recommended Conditions/Comments if Approved

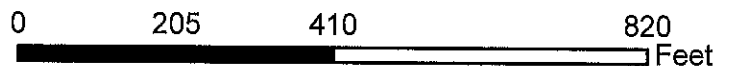
1. The tower must meet the setbacks set forth by the UDO. A boundary adjustment must be approved and recorded prior to issuance of a building permit.
2. The tower shall be designed, constructed, and placed in accordance with the application and the submitted development plan unless otherwise specified in these conditions.
3. The communications tower shall not exceed a height of 255 feet (exclusive of the proposed lightening rod).
4. The tower shall be designed and constructed to accommodate no less than three (3) additional antennas.
5. Access to the proposed tower site for construction of the tower and for any necessary ongoing maintenance by the users/providers that locate on the structure, shall be made using the proposed access road. No other access to the site shall be allowed.
6. Clearing shall be limited to the area shown indicated in the development plan submitted.
7. A fence not less than six foot in height and equipped with an appropriate anti-climbing device shall be provided around the tower and equipment.
8. The existing wooded area shall remain in accordance with the site plan.
9. Evergreen trees shall be planted around the fence and shall be a minimum height of six (6) feet at planting along the south and east sides of the compound area.
10. Prior to the approval of the building permit, a letter from the Federal Aviation Administration indicating that a study has been conducted for the proposed tower and that the proposed tower does not exceed obstruction standards and would not be a hazard to air navigation shall be on file with the Jefferson County Planning Division.

11. No lighting shall be permitted except as required by the FAA.
12. A recorded copy of all proposed access and utility easements shall be submitted to the Planning Division prior to the issuance of a Jefferson County Building Permit.
13. Erosion and sediment control shall be in place during construction of the access road and tower. It shall remain in place and maintained until all disturbed land is restored.
14. The tower shall comply with all other local, state, and federal requirements.
15. Any generators installed at the tower site shall utilize sound attenuation equipment.

CU22057 - KGI Wireless



Subject Property



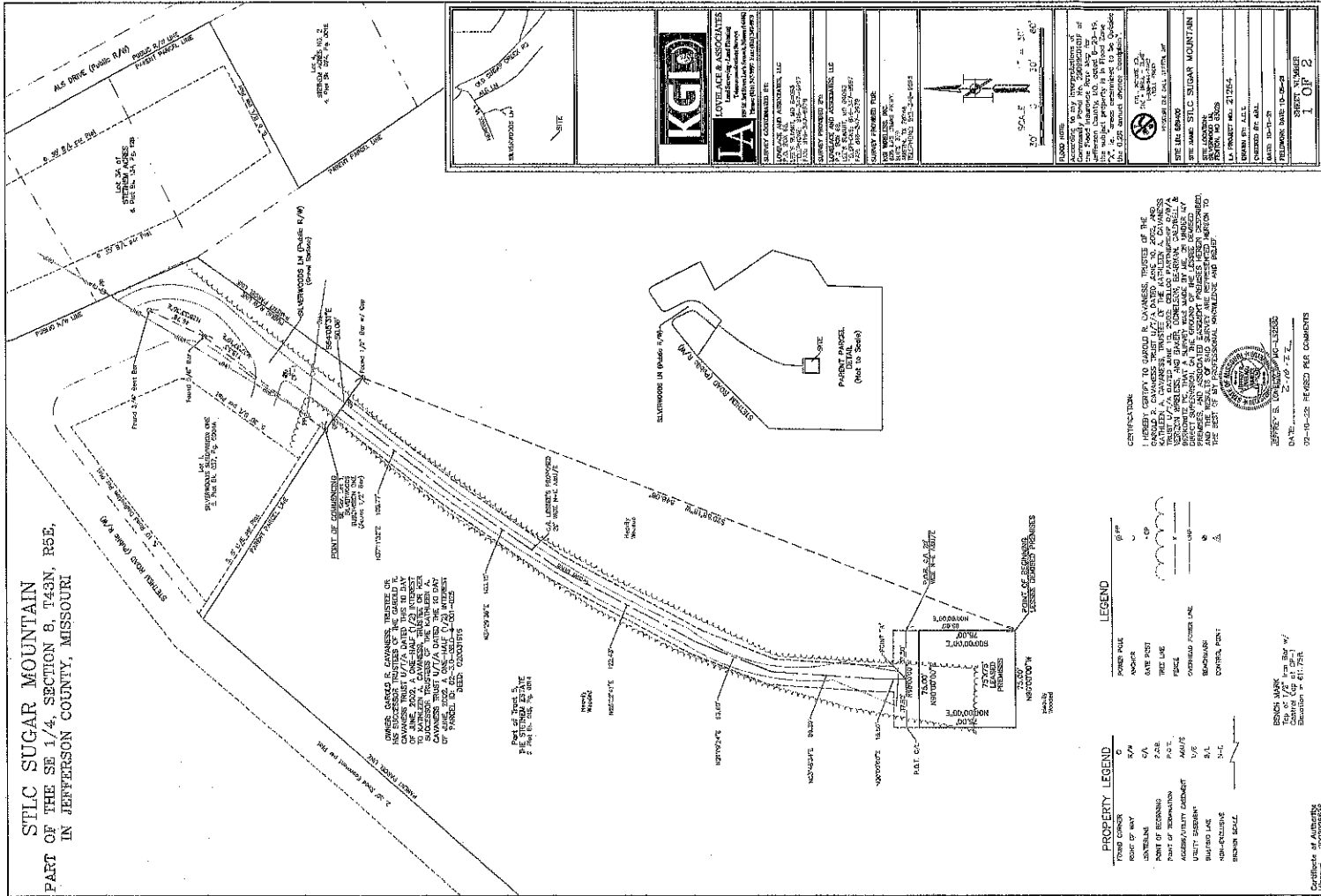
CU22057 - KGI Wireless



Subject Property

0 205 410 820 Feet

STLC SUGAR MOUNTAIN
PART OF THE SE 1/4, SECTION 8, T23N
IN JEFFERSON COUNTY, MISSOURI

[illegible]

22-0-2
QW
MG-1250
15-34-17

DESIGN MARK
Top of 1/2" Iron Bar w/
Control Cap at CP-1
Elevation = 61.75R

Conflicts of Interest: The authors declare no conflict of interest.

THESE DRAWINGS ARE THE PROPERTY OF VERIZON WIRELESS, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF VERIZON WIRELESS, INC. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

VERIZON WIRELESS, INC.
 305 LAS OLIVAS PARK
 BUILDING 1000, SUITE 370
 FORT WORTH, TX 76106
 817.346.8585

ISSUANCE CERTIFICATE OF AUTHORIZATION FOR
 KGI WIRELESS IS 20140208, EXPIRATION DATE 12/31/2022



KGI WIRELESS, INC.
 ENGINEERING
 305 LAS OLIVAS PARK
 BUILDING 1000, SUITE 370
 FORT WORTH, TX 76106
 817.346.8585

SITE NAME:
STLC SUGAR MOUNTAIN
 LOCATION CODE:
689400
 SITE ADDRESS:
 44 SILVERWOODS LANE
 FENTON, MO 63026

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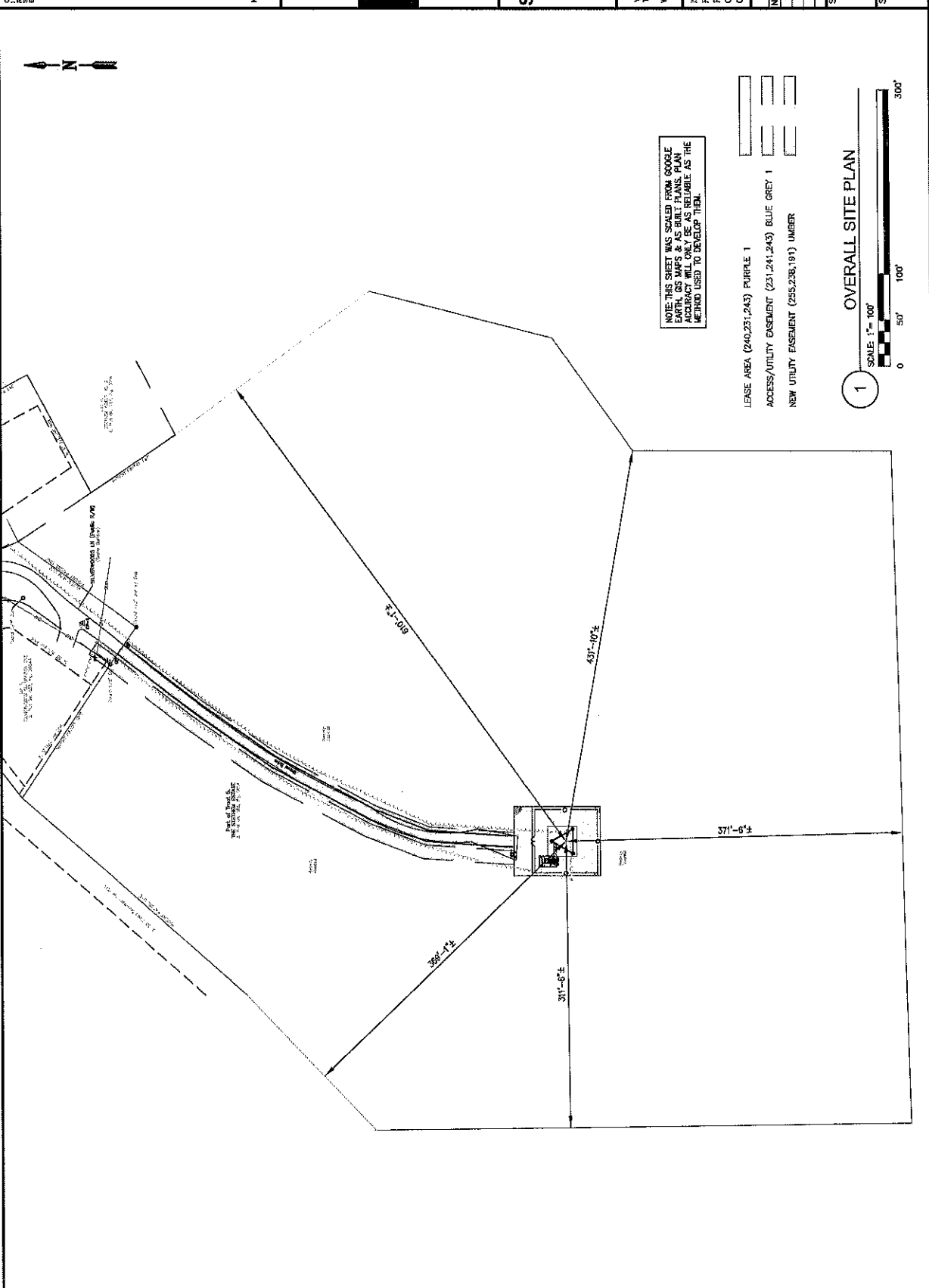
ISSUED FOR:	DATE
REVIEW REV C	05/11/2022
REVIEW REV D	06/03/2022
CONSTRUCTION REV 0	07/06/2022
CONSTRUCTION REV 1	07/11/2022

NO DESCRIPTION	BY DATE
1 SETBACKS	CM 07/13/22

REVISION	BY DATE
1 SETBACKS	CM 07/13/22

SHEET TITLE:
SETBACKS

SHEET NUMBER:
SB1



1 OVERALL SITE PLAN

SCALE: 1" = 100'





Know what's below.
Call before you dig.

VERIZON WIRELESS, INC. HAS THE RIGHT TO CONDUCT SURVEILLANCE OF THE SITE OF THE PROPOSED TOWER AND ANTENNA. ANY RE-USE OF THESE PLANS (DRAWINGS) WITHOUT THE EXPRESS WRITTEN CONSENT OF VERIZON WIRELESS IS PROHIBITED.

ISSUED FOR: DATE: 05/17/2022
REVIEW REV C: 05/17/2022
REVIEW REV D: 06/03/2022
CONSTRUCTION REV 0: 07/05/2022
CONSTRUCTION REV 1: 07/11/2022

NO	DESCRIPTION	BY	DATE
1	TOWER DRAWINGS	CM	07/11/22

SHEET TITLE: DIMENSION & SITE PLAN
SHEET NUMBER: C1A A

VERIZON WIRELESS, INC.
ENGINEERING
805 LAS CUMAS HWY
BULFONTS, MO 63026
PHONE: 636.795.7000
FAX: 636.795.5555

MISSOURI PROFESSIONAL ENGINEER
CHRISTOPHER ALLAN MATZEDER
PE-2005006309

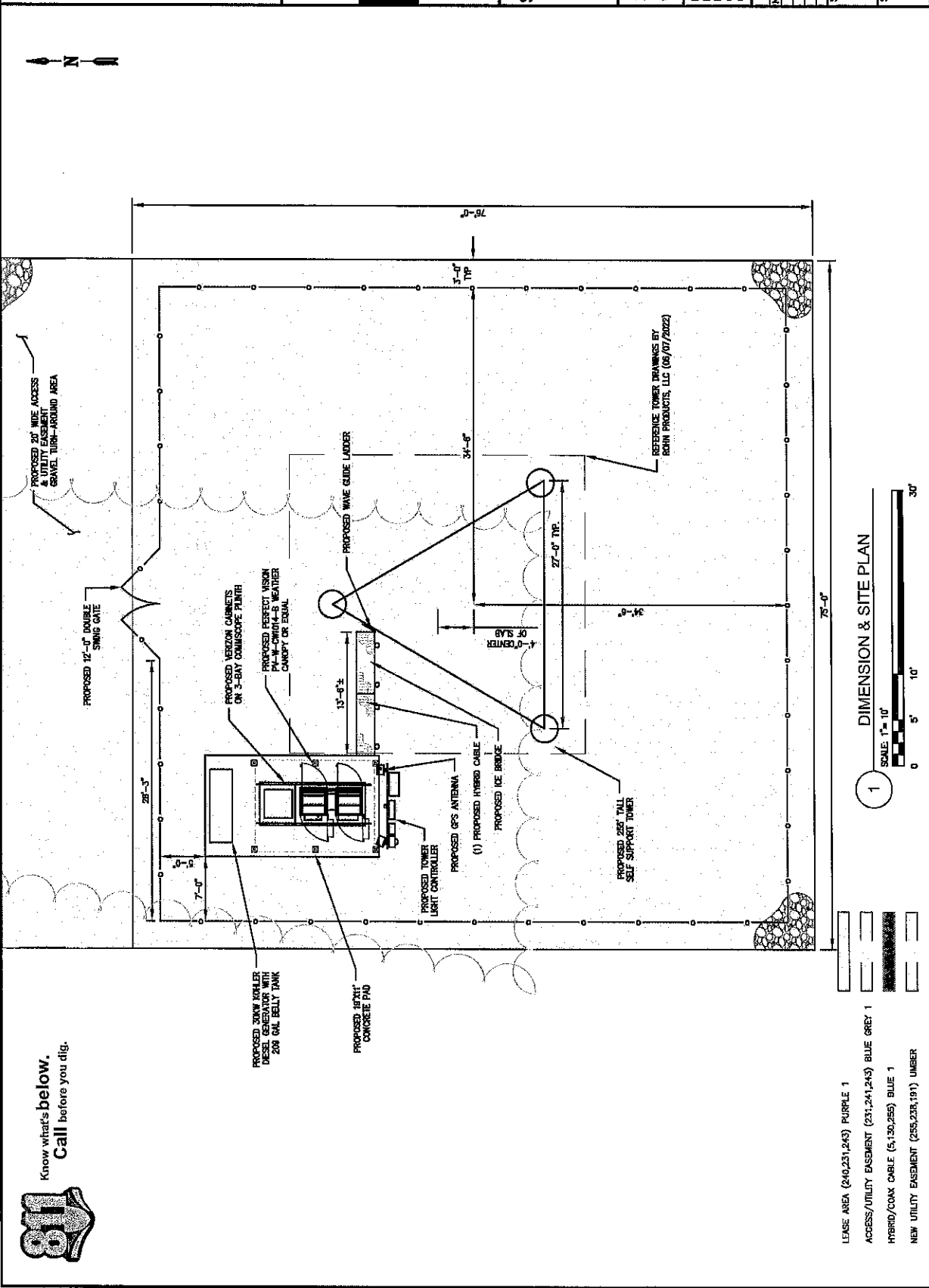
MISSOURI CERTIFICATE OF AURILLIUM FOR
KGI WIRELESS & 2046220701, EXPIRATION DATE 12/31/2022

verizon

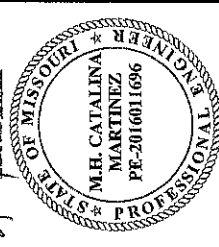
KGI WIRELESS, INC.

SITE NAME: STL C SUGAR MOUNTAIN
LOCATION CODE: 689400
SITE ADDRESS: 44 SILVERWOODS LANE
FENTON, MO 63026

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MISSOURI CERTIFICATE OF AUTHORIZATION FOR KGI WIRELESS IS 201402035, RENEWAL DATE 12/31/2022

verizon

KGI

KGI WIRELESS, INC.
ENGINEERING
805 J ST. SUITE 500
AUSTIN, TX 78748
512.543.9995

SITE NAME:
STLC SUGAR MOUNTAIN
LOCATION CODE:
689400
SITE ADDRESS:
44 SILVERWOODS LANE
FENTON, MO 63226

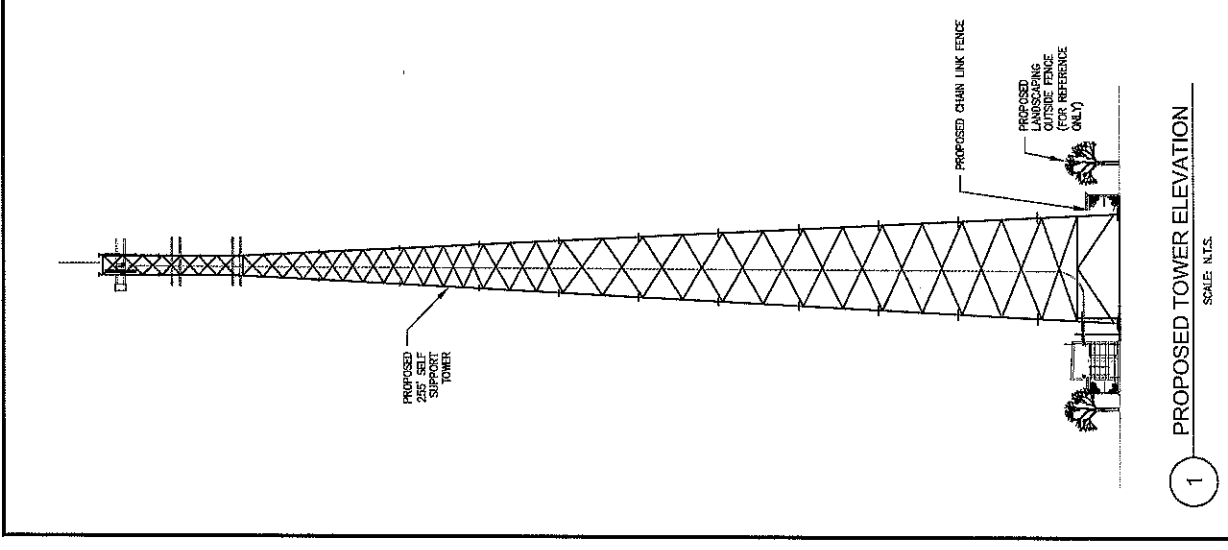
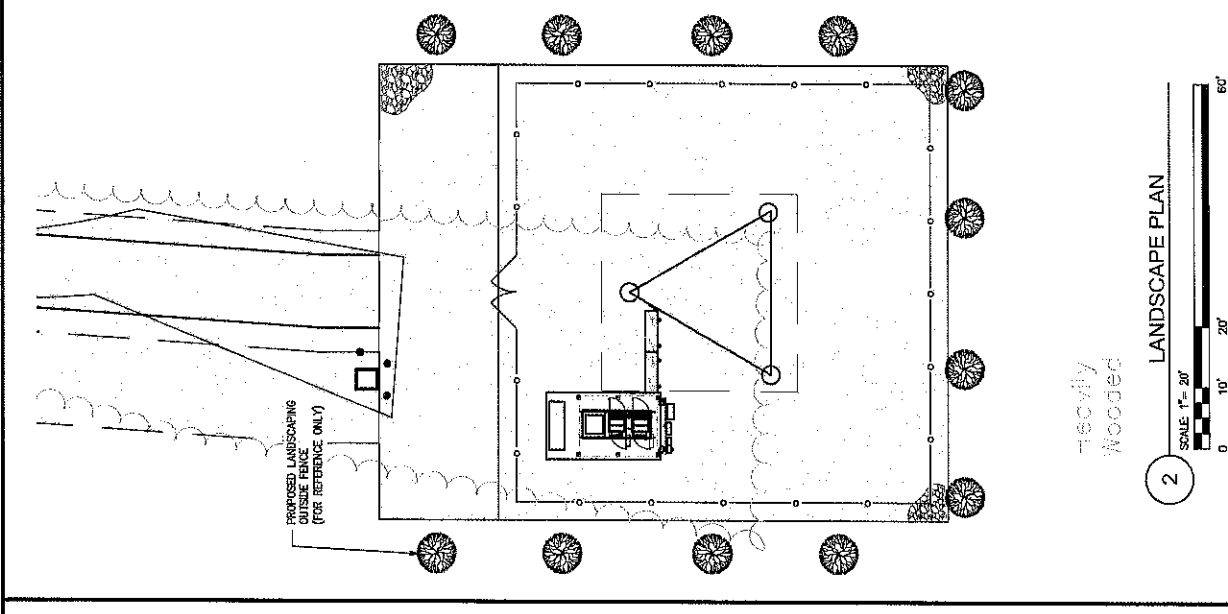
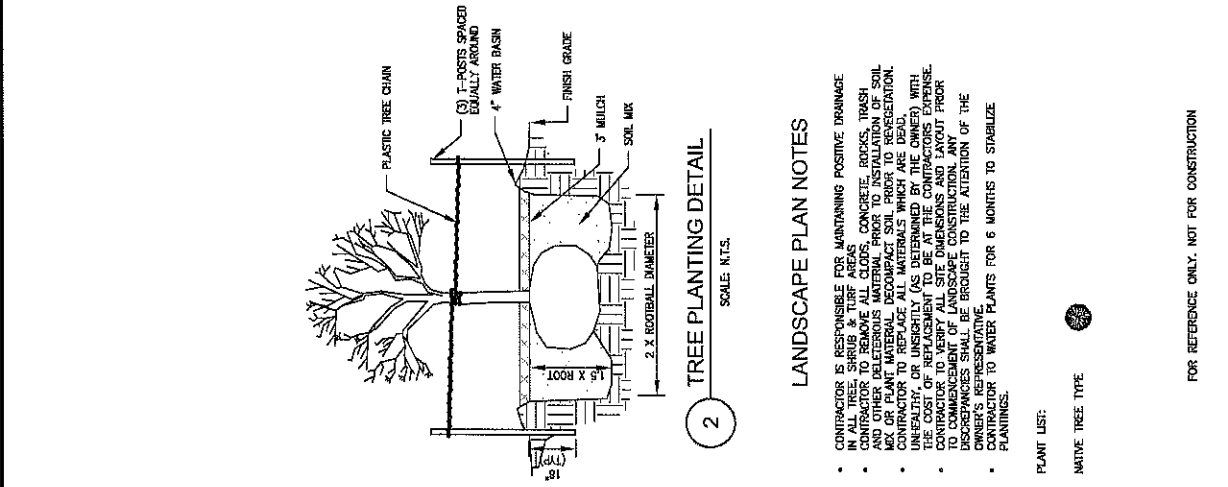
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ISSUED FOR:
DATE
REVIEW REV C
REVIEW REV D
CONSTRUCTION REV 0
CONSTRUCTION REV 1

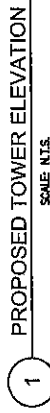
NO.	DESCRIPTION	BY	DATE
1	LANDSCAPE	CM	07/19/22

SHEET TITLE:
LANDSCAPE PLAN & ELEVATION

SHEET NUMBER:
L1



SHEET NUMBER: ANT1



1. REFERENCE PLANS FOR ANTENNA AND EQUIPMENT INFORMATION
2. PROPOSED TOWER BEACON REMOTE INTENSITY DIAL. OBSTRUCTION LIGHT TO BE SUPPLIED BY THE TOWER MANUFACTURER.
3. MANUFACTURER'S HANDS-ON PEA REQUIREMENTS TO BE SUPPLIED BY THE TOWER MANUFACTURER.
4. WAREHOUSE LADDER TO BE PROVIDED BY TOWER MANUFACTURER.
5. MANUFACTURER, REFERENCE DETAIL 5/ANT 3.
6. CONTRACTOR SHALL NOT INSTALL ANY ANTENNA AND/OR EQUIPMENT UNLESS THE TOWER MANUFACTURER'S DRAWINGS FOR THE PROPOSED TOWER AND SAIL CONTACT THE ENGINEER OF RECORD IF THE TOWER DESIGN LOADS DOES NOT MEET THE MINIMUM LOADS REFLECTED IN THESE DRAWINGS.
7. SO ORDS CO. IS TO BE INSTALLED ON THE WAREHOUSE LADDER WITH SUSPENDED HANGERS. REFER TO SITE PLAN FOR LOCATION OF TOWER H-FRAME. TOWER LIGHT CONTROLLER BOX.
8. PROPOSED SO ORDS SHALL BE INSTALLED TO ENTER A WEATHER HEAD AT TOWER BASE TO THE PROPOSED 2" WEATHER HEAD. THE WEATHER HEAD TOWER LIGHTING CONTROLLER BOX.

Petition Number: PC22062

Meeting Date: October 13, 2022

Prepared By: Rachel Krispin

Applicant Information

APPLICANT NAME: Genuine Lawn Care

APPLICANT ADDRESS: 38 E Lakewood Dr, Fenton MO 63026

DESIGN PROFESSIONAL: VonArx Engineering

SITE ADDRESS: Near the intersection of Diehl Rd and Old Sugar Creek Rd

PARCEL NUMBER: 02-5.0-16.0-0-000-008

NATURE OF REQUEST: Rezone from Single-Family Residential (R40) zone district to Planned Commercial (PC) zone district and development plan approval for Genuine Lawn care.

Parcel and Site Information

CURRENT ZONE DISTRICT: Single-Family Residential (R40)

COUNCIL DISTRICT: 2

MASTER PLAN DESIGNATION: Primary Growth Area

DEVELOPMENT PATTERN: Suburban Development Pattern

PARCEL SIZE: 10.0 acres - petitioning to rezone roughly 5.0 acres

FEET OF ROAD FRONTAGE: Diehl Rd – approximately 210 feet (only accounting for the area of proposed rezoning)

AVAILABLE SERVICES: This site is located within Northeast PSD and PWSD 3.

DESCRIPTION OF CURRENT DEVELOPMENT ON PARCEL: The subject property is currently undeveloped. The property is wholly surrounded by residentially zoned and residentially developed property.

Parcel Conditions

TOPOGRAPHY: The parcel is fairly flat.

FLOODPLAIN ISSUES/STREAM ORDERS: A small portion of the floodway does exist in the rear of the property. Additionally, the floodplain encroaches in the rear of the property as well, more so than the floodway. A Stream Order 3 traverses the rear portion of the property.

VEGETATIVE COVER/SCREENING: The site has little to no vegetation.

ADDITIONAL COMMENTS: N/A

SURROUNDING ZONING: The subject property is located along Diehl Road between the intersections of Diehl and Old Sugar Creek Road and Diehl and Saline Road. This area is entirely made up of residential zoning.

To the North:	<u>Zoning:</u> R20 (Across Diehl Rd) <u>Land Use:</u> Undeveloped Residential
To the East:	<u>Zoning:</u> R40 <u>Land Use:</u> Developed Residential
To the South:	<u>Zoning:</u> R40 <u>Land Use:</u> Undeveloped Residential
To the West:	<u>Zoning:</u> R40 <u>Land Use:</u> Developed Residential

Development Plan

The submitted development plan shows the following:

- 40'X80' building for to be used for office space and warehouse
- Outdoor contractor storage area in the rear of the proposed building
- Material storage bins in southwest corner of the proposed contractor storage area
- Eight (8) parking spaces shown in the front of the proposed building
 - One (1) ADA compliant parking space
- Sight proof fence surrounding the contractor storage area
- High impact screening shown parallel with a portion of the eastern property line, as well as a portion of the western property line
 - There was no modification requested to high impact screening, therefore, the requirements of the UDO will need to be met.
- One (1) entrance shown off Diehl Rd

Development Plan Modification Requests

Section 400.4100 – Relief from Requirements for Design and Improvement of Parking Lots

The petitioner is seeking relief from the requirement to pave the proposed driveway and parking area.

The petitioner is requesting that the parking lot not be paved. The petitioner has not presented any convincing evidence to support the request.

Section 400.4690 – Relief from Parking Lot Landscaping and Trees

The petitioner is seeking relief from landscaped islands within the parking area as the proposed parking area is to be gravel.

The petitioner is seeking this modification from the perspective of keeping with the “rural setting” of the site and surrounding area. Like the first requested modification, there is a lack of supporting evidence to support this request.

Section 400.4650 – Relief from Landscaping, Minimum Requirements

The petitioner is seeking to not add any additional landscaping, and to use what is there for open yard requirements.

The development plan shows high impact screening along portions of the eastern and western property lines (but not the entire property lines as required by the UDO), in addition to street frontage landscaping.

With the exception of the treeline along Sugar Creek at the extreme rear of the property, the site is completely cleared and devoid of any vegetation (See Figures 1, 2 and 3).

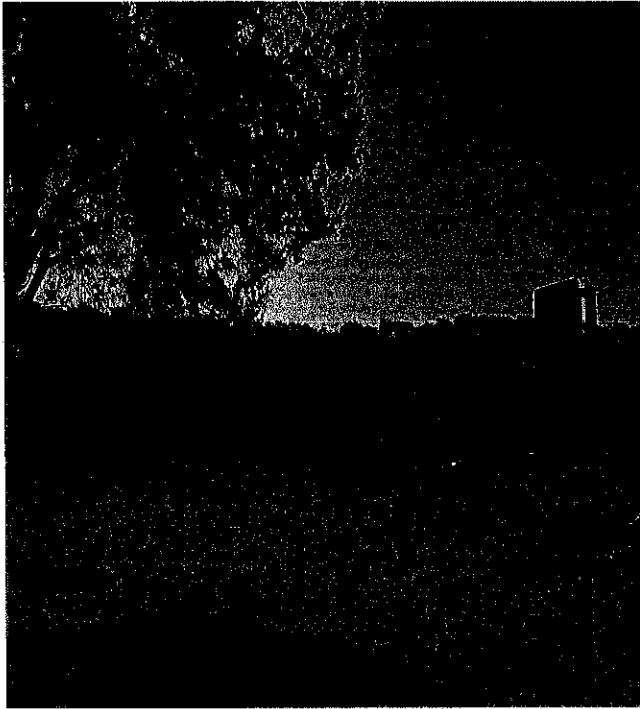


Figure 1.

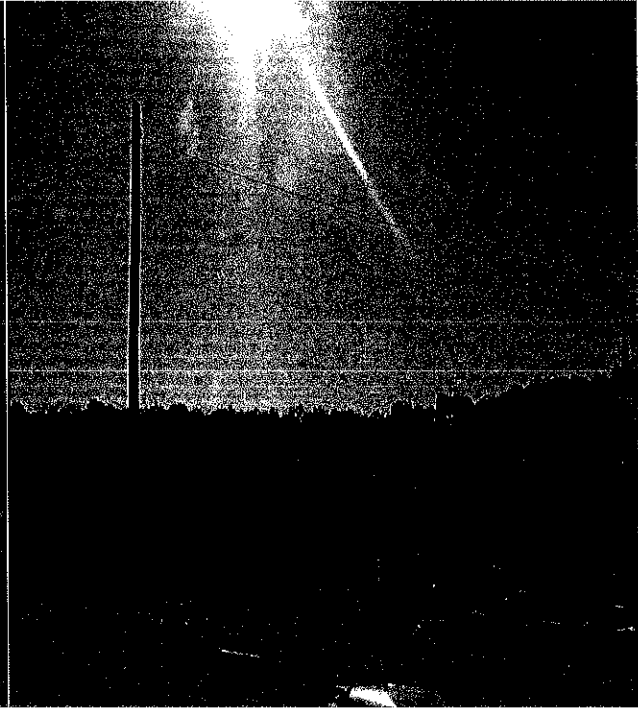


Figure 2.

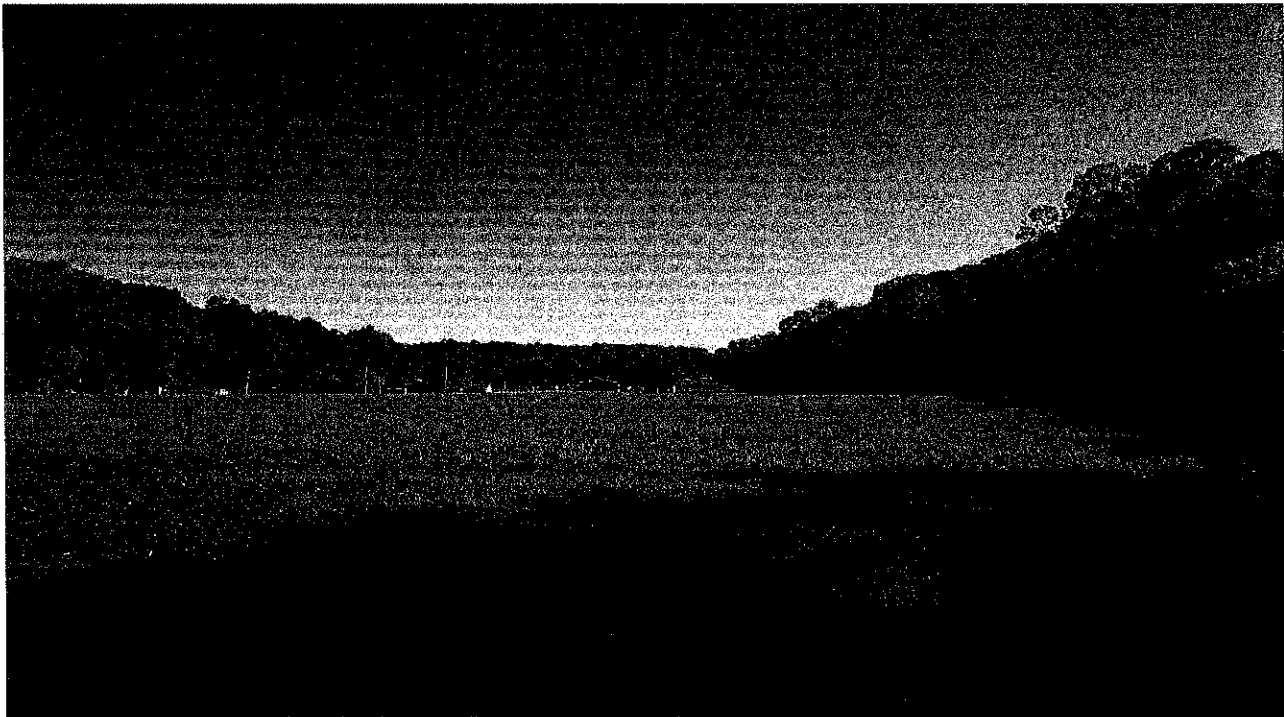


Figure 3.

Section 400.5560 D.4 – Relief from Drainage and Storm Sewers

The petitioner is seeking relief from the implementation of stormwater retention.

There appears to be ample area outside the floodway and floodplain to install detention on this site. There is the potential to cause harm to all downstream property owners due to increased runoff which causes erosion and flooding. The claim that “no offsite property owner will be harmed” is not an acceptable reason to grant the request.

Criteria for Approval

Criteria For Considering Applications. In considering any application for any rezoning, conditional use permit, conceptual development plan or preliminary development plan, the Planning and Zoning Commission and the County Council may give consideration to the criteria stated below:

- a. The character of the neighborhood.
- b. The existing and any proposed zoning and uses of adjacent properties and the extent to which the proposed use is compatible with the adjacent zoning and uses.
- c. The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- d. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
- e. The length of time, if any, the property has remained vacant as zoned.
- f. The extent to which the proposed use will negatively affect the character of the property and neighboring property.
- g. The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.
- h. The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use or present parking problems in the vicinity of the property.
- i. The extent to which the proposed use will address and conserve the natural resources of the site, effectively manage storm water runoff and prevent air, water and noise pollution and conserve habitat.
- j. The impact the proposed use has on achieving the goal of economic diversity in the community.
- k. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this UDO.
- l. The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.
- m. The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.
- n. The conformance of the proposed use to the Official Master Plan and other adopted planning policies.
- o. The analysis by professional staff.

As stated previously in the staff report, the subject property is zoned residentially, and is wholly surrounded by residentially zoned properties. The petitioner is seeking a higher level of commercial zoning in a completely residential area.

The following criteria are to be utilized when considering a zone change to a planned zone district:

1. **The character of the neighborhood.** The character of the neighborhood is residential. Within the justification of the proposed modifications, the petitioner states that the character of the area is rural. While there are some larger undeveloped tracts of land located in close proximity to the subject property, the area as a whole is residential. The Subject Property is fronted by a residence located at 2502 Old Sugar Creek Road (See Figure 4).



Figure 4 – 2502 Old Sugar Creek Rd.

The eastern property line of the Subject Property is directly adjacent to the residence located at 1066 Diehl Road (See Figure 5).



Figure 5 – 1066 Diehl Road

Finally, the entire western boundary line of the Subject Property adjoins the 12-lot residential subdivision known as Terry Jean Acres (See Figures 6 and 7).

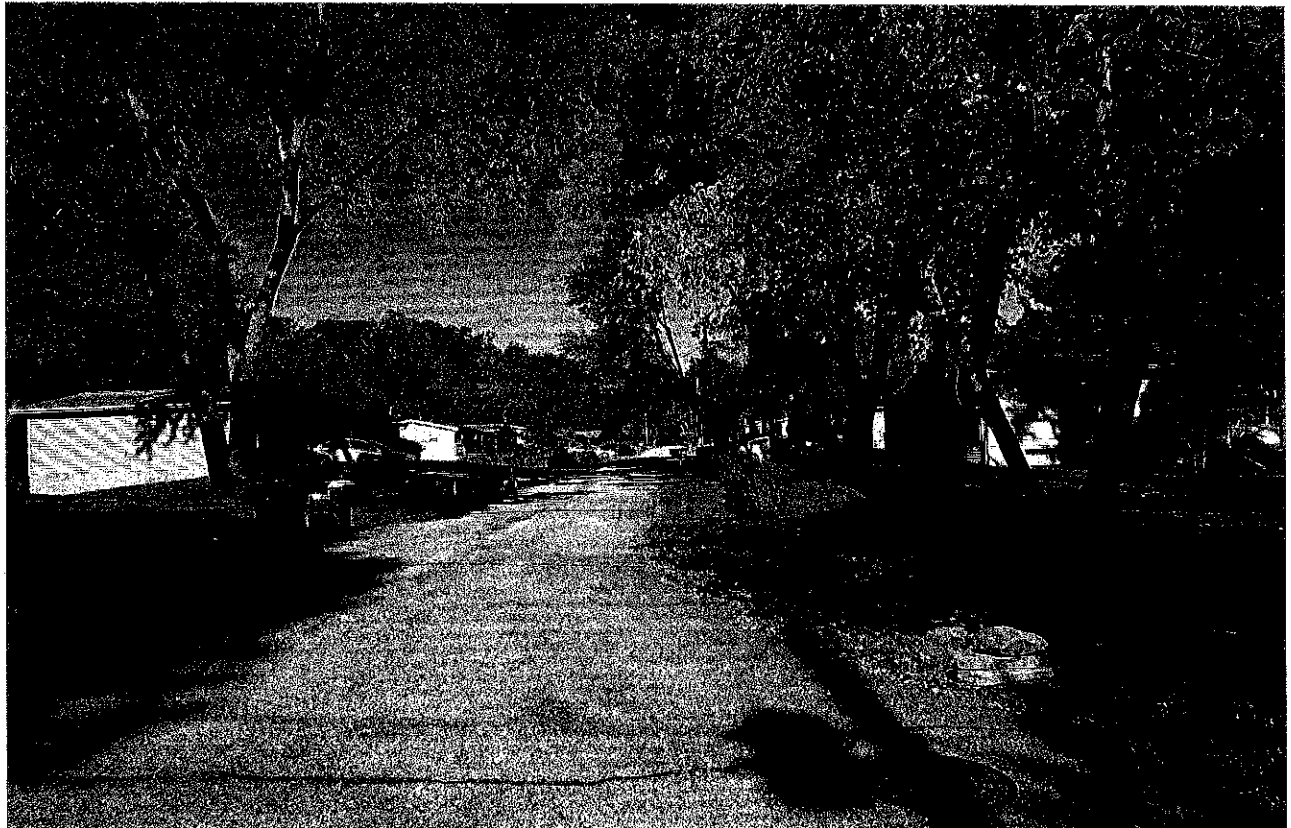


Figure 6 – Terry Jean Acres.

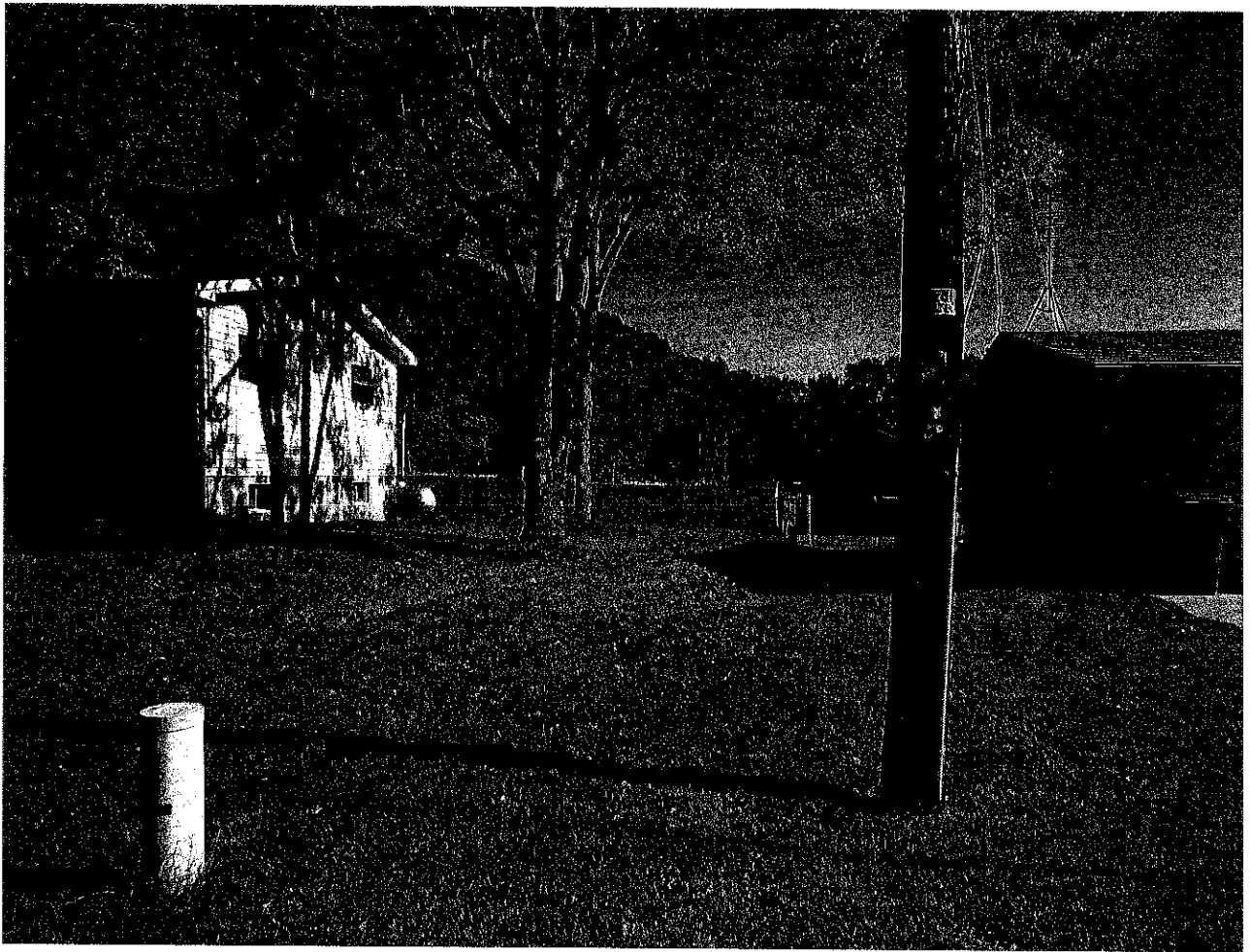


Figure 7 – Terry Jean Acres.

2. **The existing and any proposed zoning and uses of adjacent properties and the extent to which the proposed use is compatible with the adjacent zoning and uses.** The adjacent and adjoining properties are zoned the same as the subject property exists today – Single Family Residential “R40”. There are no commercially zoned properties near the subject property. The closest commercially zoned properties are almost 1.5 miles to the North (along State Hwy 30) or almost 2 miles to the East (near State Rt 141). The commercial use of an office, warehouse, and contractor storage with outdoor equipment, are not compatible with the existing neighborhood. Changing the zoning of the Subject Property to Planned Commercial would be spot zoning.
3. **The extent to which the proposed use facilitates the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.** This item of criteria should not be an issue given that public services are available.
4. **The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.** The subject property is reasonably zoned under its present R40 zoning. The subject property, as all adjacent properties, is suitable for the uses proposed in an R40 zone district. The land uses proposed make the petition out of place and out of character for the site.
5. **The length of time, if any, the property has remained vacant as zoned.** The property is currently vacant and undeveloped. It should be noted that except for the property that adjoins the rear of the

subject property, all of the adjoining parcels of land are zoned the same as the subject property, and all are developed residentially.

6. **The extent to which the proposed use will negatively affect the character of the property and neighboring property.** The proposed use of the property could negatively affect the character of the area due to the fact that there are no other commercially zoned properties near the site. Rezoning the property to Planned Commercial to allow for an intense use like outdoor contractor storage would be completely out of character for the residents who live in the area.
7. **The extent to which the proposed use will seriously injure the appropriate use of, or detrimentally affect, neighboring property.** While there may not be a large threat to public safety for the immediate area, it should be noted that the petitioner has stated that the hours of operation for the site are 7:00 AM to 5:00 PM – Monday through Saturday. Residents in the area could be impacted by the noise this sort of commercial operation could generate. This is an exclusively residential area.
8. **The extent to which the proposed use will adversely affect the capacity or safety of the portions of the street network impacted by the use or present parking problems in the vicinity of the property.** The site, and the proposed entrance, are located off Diehl Rd, which is a County-maintained road. The road network should be able to service this type of use.
9. **The extent to which the proposed use will address and conserve the natural resources of the site, effectively manage storm water runoff and prevent air, water and noise pollution and conserve habitat.** The petitioner has requested to not implement any stormwater retention, although there is plenty of adequate space for use requirement. As mentioned previously, there will be added noise pollution from operating trucks at the site. Additionally, required lighting will dramatically change the residential nature of the area and could create light pollution and a nuisance to the neighbors.
10. **The impact the proposed use has on achieving the goal of economic diversity in the community.** This is difficult to determine at this point in the process.
11. **The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to this UDO.** The plan, and the requested modifications in accordance with the application, fail to adequately meet the standards set forth by the UDO. Some of the modifications are based upon a rural setting, but it could be argued that this area is not rural- it is residential.
12. **The extent to which public facilities and services are available and adequate to meet the demand for facilities and services generated by the proposed use.** This point of criteria should not cause concern.
13. **The gain, if any, to the public health, safety and welfare due to approval of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.** Staff does not see any benefit gained to the public health, safety, and welfare of the community. There is no hardship imposed on the landowner as the property is reasonably zoned and could be developed residentially like all surrounding properties.
14. **The conformance of the proposed use to the Official Master Plan and other adopted planning policies.** The subject property is located in the Primary Growth Area of the Master Plan- where all development patterns are acceptable. However, this petition is completely out of character and inappropriate for the surrounding properties.

The development, as proposed, satisfies very little of the criteria for approval. Changing the zoning of this property to Planned Commercial would constitute spot zoning. The development plan could impede the normal and orderly development and improvement of the surrounding properties. Development of Genuine Lawn Care, with the uses of an office, warehouse, and construction contractor with outdoor storage does not fit the character of the neighborhood, which is residential in nature.

Recommended Conditions/Comments if Approved

Permitted Uses

Land uses shall be permitted per the approved Development Plan:

- Office/warehouse
- Construction contractor (with machinery, equipment, and storage)

Floor Area, Height, and other Building Requirements

- Maximum Area Ratio: 0.55 FAR
- Maximum Structure Height: 70 feet

Site Development

Required Yards

- Front Yard – 20 feet; Side Yard – 15 feet; Rear Yard – 20 feet

Design Standards

- The development shall comply with the Mixed-Use Design Standards in accordance with Article VII of the Jefferson County Unified Development Order.

Access

- Access shall be provided in accordance with the Jefferson County Unified Development Order, except as specifically modified.

Parking

- Parking and loading shall be provided per the regulation of Article XII of the Jefferson County Unified Development Order, unless modified.

Signs

- Signs shall comply with Article XIII of the UDO. All regulatory signs, including stop signs, speed limit, etc. shall be provided by the developer.

Lighting

- Lighting that by color, placement or design resembles or conflicts with traffic control signs is prohibited. No lighting shall contain flashing lights, intermittent lights, animators, or mechanical movements of any kind.

Landscaping

- Landscaping, buffers, and tree protection shall comply with Article XIV of the Jefferson County Unified Development Order, unless modified.

Stormwater and Erosion and Sediment Control

- Stormwater management and erosion and sediment control shall comply with Chapter 505: Erosion and Sediment Control / Stormwater Management Design Manual of the Jefferson County Code of Ordinances, unless modified.

1) County Road:

- Access onto a county road shall require 300' of stopping sight distance at 3.5' height of eye and 4.25' height of oncoming vehicle (minimum 1' of clearance between line of sight and surface/top of grass).
- The Engineer shall submit sight distance profiles showing that the required sight distance is met.
- The engineer shall identify the clearance at the most restrictive point on the profiles.
- Any vegetation or obstructions of any sort in the line of sight must be identified.

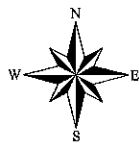
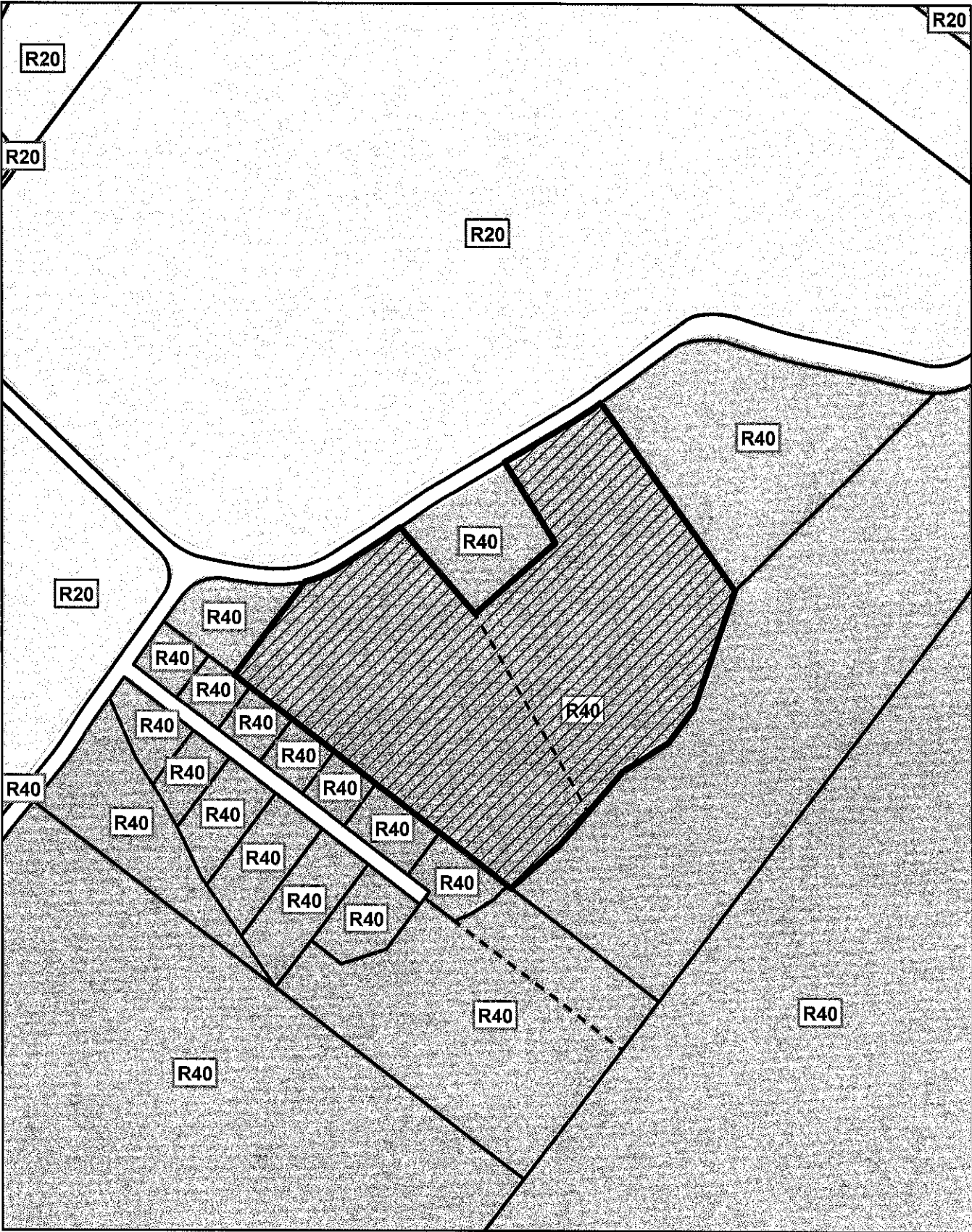
2) Driveway entrances (within state/county ROW):

- a. Pavement thickness shall provide 6" PCC (or 2" Type C Asphaltic Concrete/4" Type X Asphaltic Concrete/4" rock base).
- b. Pavement width for entrance at ROW (including curbs) for two-way traffic shall provide 26'–42'. Condition not met.

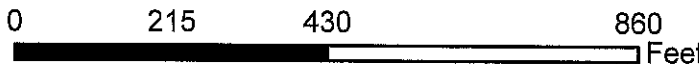
3) Parking areas:

- a. Parking areas with 5 or more required parking spaces must provide a paved surface of 3" Type C Asphaltic Concrete over an 8" rock base (or 2" Type C Asphaltic Concrete/4" Type X Asphaltic Concrete; or 6" PCC).
 - b. Parking areas with 4 or less required parking spaces (and contractors storage yards) must provide an 8" rock base minimum.
 - c. The entrance width shall be provided from the street into the site for a throat length of 20'.
 - d. Drive aisles width (boc):
 - i. Drive aisles shall be 24' wide for all 90 degree parking (one-way and two-way).
 - ii. Drive aisles shall be 20' wide for all two-way angled parking (0-60 degree).
 - iii. Drive aisles shall be 20' wide for one-way 0 degree and 60 degree (if both sides).
 - iv. Drive aisles shall be 16' wide for one-way for 45 degree and 60 degree (if one side).
 - e. Straight back curbing (concrete or asphalt) is required around parking areas.
 - f. Pavement shall slope between 1% and 6%.
- 4) Detention:
- a. Stormwater shall be detained and released at a rate not to exceed the release rate from the site under the existing (pre-developed) conditions for the 2 and 100-year storm events. Detention/retention basins must also contain an overflow structure capable of passing a 100-year, 20-minute design storm.
 - b. Channel protection is required to treat the high-frequency, low-severity storm runoff events within the detention basins by metering it out slowly over 24-48 hours.
 - c. Stormwater system shall be designed for the 15-year, 20-minute event. Provide hydraulic calculations and drainage area map for each system.
 - d. Roadside ditches/swales may be used only if all lots are over 2 acres in size.
- 5) Stream Buffers:
- a. The Stormwater Division requires that stream buffers be maintained for stream orders 1, 2 and 3 as required by Section 505.170-B-3 of The Jefferson County Stormwater Design Manual.
- 6) Floodplain:
- a. The Building Division requires a Floodplain Development Permit for any grading or improvements within a known floodplain.
- 7) Grading:
- a. Submit a geotechnical report, sealed by an Engineer registered in the State of Missouri, as required where more than 5' of cut or 5' of fill is proposed. Grades at slopes proposed steeper than 3:1 must be included in the report for slope stability.

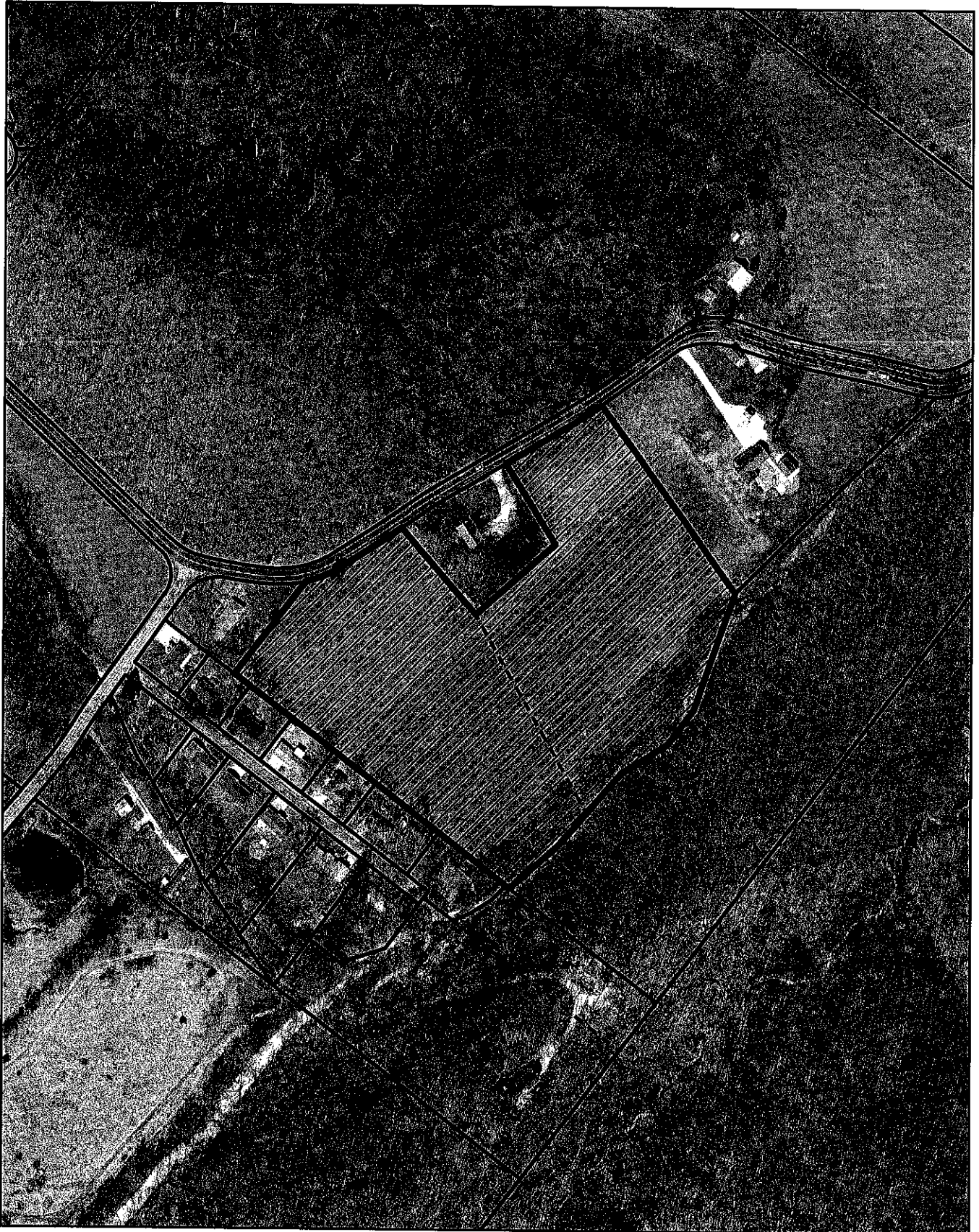
PC22062 - Genuine Lawn Care



Subject Property



PC22062 - Genuine Lawn Care

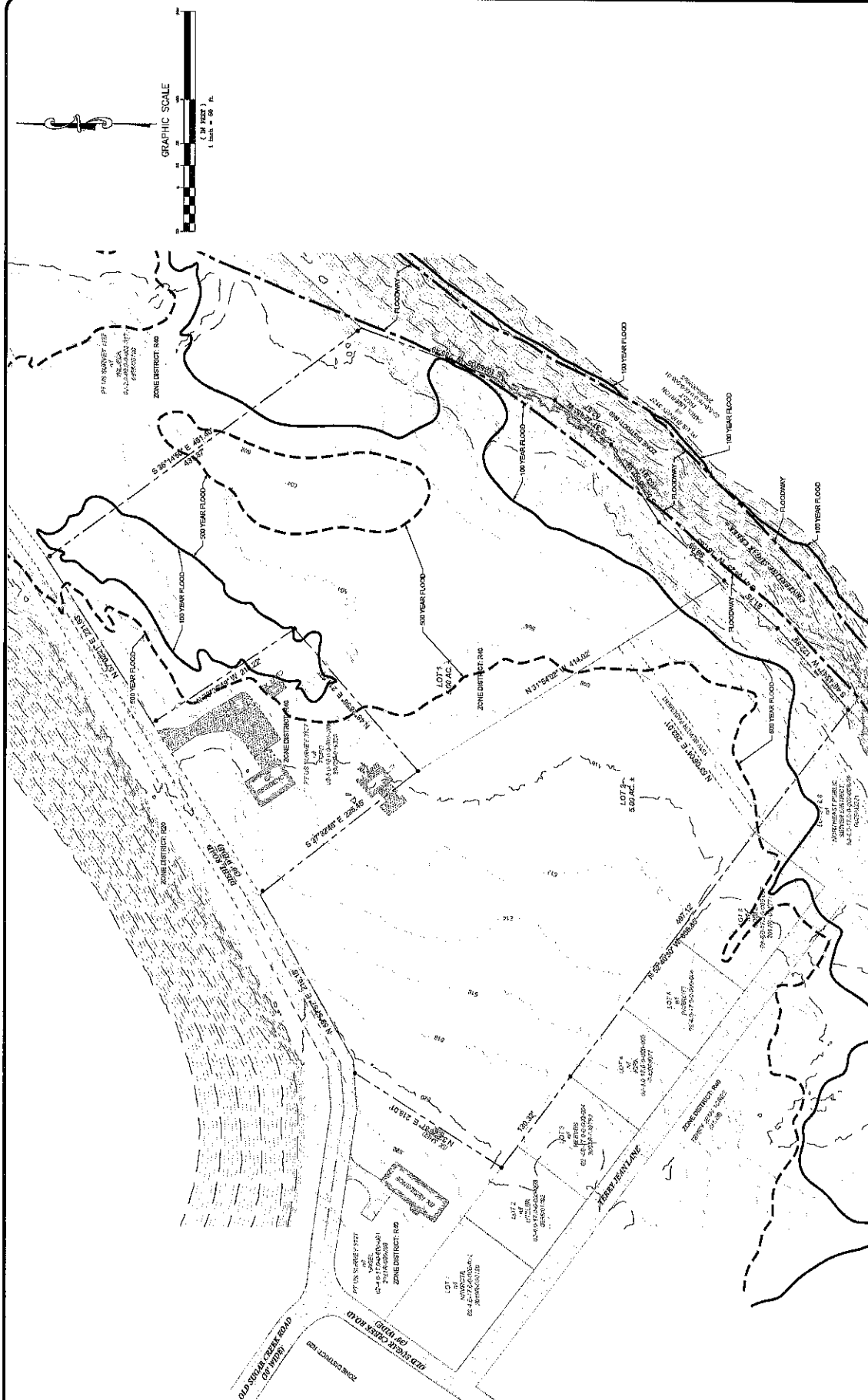


Subject Property

0 215 430 860 Feet

EXISTING CONDITIONS

THE UTILITIES SHOWN HEREIN WERE PLOTTED FROM AVAILABLE INFORMATION AND DO NOT NECESSARILY REPRESENT THE EXISTING UTILITIES. THE TYPE, LOCATION OR DEPTH OF THESE UTILITIES, OR THE TYPE OR LOCATION OF ANY OTHER UTILITIES, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR FOR VERIFYING THE ACTUAL LOCATION OF ALL UTILITIES, SHOWN OR NOT SHOWN, PRIOR TO ANY CONSTRUCTION OF IMPROVEMENTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL COMPLY WITH THE UNDERGROUND FACILITY SAFETY AND DAMAGE PREVENTION ACT, CHAPTER 319 RSM.



VonArx Engineering

Honesty • Integrity • Experience

September 16, 2022

Mr. Josh Jump
Jefferson County Planning Division
PO Box 100
Hillsboro, Missouri 63050

Re: Genuine Lawn Care – Development Plan
Deviation Request

Dear Mr. Jump:

On behalf of the Genuine Lawn Care, I am submitting this request for deviations of the Jefferson County UDO relative to the development of the proposed office, warehouse and contractor storage yard on the proposed development site on Diehl Road. The requested deviations and the reason for each request are outlined below:

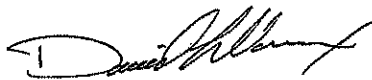
Section 400.4690 - relief from landscape island at end of parking bays and driveway. Gravel drives and parking areas without islands would keep with the rural setting of the site and surrounding area

Section 400.4100 - relief from the requirement to pave the parking lot. Gravel driveways and parking areas are in line with the rural character in the area.

Section 400.4650 - relief from open yard trees and landscaping. The abundance of natural vegetation, including an existing stand of trees along the rear, should be acceptable in satisfying the landscaping requirements

Section 400.5560.d.4 - relief from stormwater retention requirements. Any increase in run-off occurs in areas surrounded by flood plain and floodway areas of open space and/or vegetation owned by the petitioner. There should be no injurious effect or detriment to neighboring properties. The petitioner will employ low-impact development storm water strategies.

Sincerely,



David L. Vonarx, PE

