

**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, November 18, 2021 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  
October 28, 2021
- V. SWEARING IN OF WITNESSES
- VI. INTRODUCTION OF EVIDENCE
- VII. NEW BUSINESS
  1. Consideration
    - A. Public Hearing
      - A. A Public Hearing regarding proposed amendments to Title IV, Chapter 400 of the Code of Ordinances of the Jefferson County: Unified Development Order.
    - B. Resolution 11-18-2021A of the Planning and Zoning Commission of Jefferson County, Missouri, to report on and Recommend amendment of the Code of Ordinances of Jefferson County, Missouri: Unified Development Order, and directing that this Resolution serve as the Planning and Zoning Commission's report to the Jefferson County, Missouri, Council.
    - C. CC221078  
A Request for Zone Change for parcel 09-3.0-08.0-4-003-016., located at 949 Montebello, Imperial, in Windsor Township and Council District #4, from Planed Mixed Residential (PR-2) Zone District to Non-Planned Community Commercial (CC-2) Zone District.
    - D. VR21082  
A Request for a Deviation for parcels 03-8.0-34.0-1-003-006., and 03-8.0-34.0-1-003-007., located at 6018 Sembr Place, House Springs, in Meramec Township and Council District #7, for relief from Chapter 505: Erosion and Sediment Control /Stormwater Code, Section 505.170(B)(3) of the Jefferson County Code of Ordinances.
- 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.*

*Due to COVID-19, seating in the room will be limited in an effort to maintain proper social distancing practices. In the event of large crowds, attendees may be asked to wait outside until the case they wish to participate in or observe is called for hearing. Temperatures will be screened at the door.*

*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"*

BEFORE THE PLANNING AND ZONING COMMISSION OF JEFFERSON COUNTY,  
MISSOURI

Commissioner \_\_\_\_\_ introduced and moved for the adoption of the following

Resolution:

**RESOLUTION 11-18-2021A OF THE PLANNING AND ZONING  
COMMISSION OF JEFFERSON COUNTY, MISSOURI, TO REPORT ON  
AND RECOMMEND AMENDMENT OF THE CODE OF ORDINANCES  
OF JEFFERSON COUNTY, MISSOURI: UNIFIED DEVELOPMENT  
ORDER, AND DIRECTING THAT THIS RESOLUTION SERVE AS THE  
PLANNING AND ZONING COMMISSION'S REPORT TO THE  
JEFFERSON COUNTY, MISSOURI, COUNCIL.**

**WHEREAS**, Section 64.860 of the Revised Statutes of the State of Missouri mandates the Jefferson County, Missouri, Council provide for the manner in which the zoning regulations, restrictions and boundaries of the zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed within the unincorporated territory; and

**WHEREAS**, pursuant to Section 64.875 of the Revised Statutes of the State of Missouri the Jefferson County, Missouri, Council, may amend the regulations so adopted, but only after recommendation of the Planning and Zoning Commission; and

**WHEREAS**, the Planning & Zoning Commission of Jefferson County, Missouri held a public hearing on November 18, 2021 concerning proposed amendments to the Code of Ordinances of Jefferson County, Missouri: Unified Development Order, notice of which was given pursuant to the laws of the State of Missouri.

**NOW THEREFORE**, be it resolved and ordered by the Planning and Zoning Commission of Jefferson County, Missouri as follows:

1. The Planning and Zoning Commission, following a public hearing thereon, recommends approval of the proposed amendments to the Code of Ordinances of Jefferson County, Missouri: Unified Development Order, as set forth in the attached Exhibit A.

2. The Planning Division is directed to forward this Resolution, which shall constitute the Planning and Zoning Commission's recommendation and report, to the Jefferson County,

Missouri, Council for action at a regularly scheduled meeting of the Jefferson County, Missouri, Council.

3. This Resolution shall be in full force and effect from and after the date of its enactment.

4. If any part of this Resolution is invalid for any reason, such invalidity shall not affect the remainder of this Resolution.

Seconded by Commissioner \_\_\_\_\_.

The Planning and Zoning Commission voted as follows:

|                       |              |       |
|-----------------------|--------------|-------|
| Commissioner Tuggle   | (District 1) | _____ |
| Commissioner Bowers   | (District 2) | _____ |
| VACANT                | (District 3) | _____ |
| Commissioner Adkins   | (District 4) | _____ |
| Commissioner Hastings | (District 5) | _____ |
| Commissioner Scherrer | (District 6) | _____ |
| Commissioner Dugan    | (District 7) | _____ |
| Commissioner Huskey   | (At-Large)   | _____ |
| Commissioner Fribis   | (At-Large)   | _____ |

The Chairperson of the Planning and Zoning Commission declared the motion carried and the Resolution adopted by a vote of \_\_\_\_\_.

## EXHIBIT A

### Chapter 400. Unified Development Order

#### ARTICLE IV. Applications and Procedures

##### Section 400.1140. Consideration of Rezoning and Conditional Use Permits.

- A. The Planning and Zoning Commission shall observe all of the following procedural requirements while taking evidence at public hearings.

10. *Protest Petitions.* In case of a protest petition against any proposed change, revision, or amendment signed and acknowledged by forty percent (40%) of the owners of real property within six hundred (600) feet of the parcel of land for which the change, revision, or amendment is proposed, or in cases where the land affected lies within one and one-half (1 1/2) miles of the corporate limits of a municipality having in effect ordinances zoning property within the corporate limits of such municipality, made by resolution of the City Council or Board of Trustees thereof, and filed with the Planning Division, the County Council shall hold a public hearing thereon, and such change, revision, or amendment may not be passed except by affirmative majority vote of ~~5/7ths~~ of all Council votes.

#### ARTICLE IX. Conditional Use Permits and Uses Permitted With Conditions

##### Section 400.3350. Specific Zoning Requirements By Medical Marijuana Facility Type.

- B. Medical Marijuana Dispensary Facility (CC2, PC, PB).
1. Medical marijuana dispensary facilities shall only be permitted with an approved conditional use permit or an approved development plan in the zone districts set forth in this Section.
  2. In addition to all other conditions and requirements set forth in this UDO, the following conditions shall apply to medical marijuana dispensary facilities:
    - a. Medical marijuana dispensary facilities may only transport medical marijuana to qualifying patients, primary caregivers, testing, manufacturing, and other dispensary facilities; and only in accordance with the rules and regulations promulgated by the State of Missouri.
    - b. A medical marijuana dispensary facility shall not have a drive-through service.
    - c. The permitted hours of operation for a medical marijuana dispensary facility shall be between the hours of 9:00 A.M. and 9:00 P.M. every day ~~except~~ Sunday.
    - d. No medical marijuana or other product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of the medical marijuana dispensary facility.

# *Jefferson County, Missouri*

## **PLANNING DIVISION**

PO Box 100  
HILLSBORO, MO 63050  
(636) 797-5580  
<www.jeffcomo.org>

**Jefferson County, Missouri**  
**Planning and Zoning Commission**  
Meeting Date: November 18, 2021

### **Staff Report**

#### **General Information:**

Petition Number: CC221078  
Petition Name: Libby

Petitioner Name: Edwin Libby  
Street Address: 5736 Pheasant  
City, State: Osage Beach, MO 63065

Owner Name: Strieker Properties LLC  
Street Address: 2553 Breakwater Dr.  
City, State: Imperial, MO 63052

Location of Site: The property is located on the north side of Montebello Rd. at the intersection of Jeffco Blvd (Highway 61-67) and Montebello Rd.

Requested Action: To rezone from Planned Mixed Residential (PR2) to Non-Planned Community Commercial (CC2)

Size of Tract: 3.29 acres  
Parcel Number: 09-3.0-08.0-4-003-016  
Existing Zone District: PR2  
Township: Windsor  
Council District: #3

School District: Windsor  
Fire District: Arnold Fire  
Water District: PWSD 10  
Sewer District: Rock Creek PSD

Prepared By: Josh Jump, Planner II  
Date: November 8, 2021  
Recommend: Approval

Attachments: 1. Aerial Map  
2. Zoning Map

## Subject Property

The property is located on the north side of Montebello Rd. at the intersection of State Highway 6-61 (Jeffco Blvd.) The property was formerly the site of a small mobile home park that has been vacated for some time.

According to FEMA's Flood Rate Insurance Maps, no portion of the property sits within the floodway or floodplain and no stream orders traverse the property.

## Surrounding Area

The surrounding zone districts and land uses are as follows:

|               |                  |                                                                 |
|---------------|------------------|-----------------------------------------------------------------|
| To the North: | <u>Zoning:</u>   | CC2, PR2, R10                                                   |
|               | <u>Land Use:</u> | Developed Commercial, Developed Residential                     |
| To the East:  | <u>Zoning:</u>   | R10 and R20                                                     |
|               | <u>Land Use:</u> | Developed Residential                                           |
| To the South: | <u>Zoning:</u>   | CC2 & R20                                                       |
|               | <u>Land Use:</u> | Developed Commercial, LNC Commercial, and Developed residential |
| To the West:  | <u>Zoning:</u>   | CC2 & R20                                                       |
|               | <u>Land Use:</u> | Developed Commercial and Developed Residential                  |

## Petitioner's Request

The petitioner is requesting a zone change from Planned Mixed Residential (PR2) to Non-Planned Community Commercial (CC2).

## Official Master Plan Growth Area

The subject property is located within the Primary Growth Area of the Official Master Plan. The growth policies for this area include the following:

1. Development will be one of the eight development patterns as defined by this plan.
2. Commercial and employment centers shall be located in either the municipality or the "Primary Growth Area," immediately adjacent, and it shall have direct access to a County, State or Federal highway.

## Suburban Development Pattern

The Suburban Development Pattern is the most appropriate pattern of development for the proposed development. The Suburban Development Pattern is appropriate in areas with access to services, with characteristics of access being adjacency and strong transportation connections. This pattern is characterized by non-residential development located along high-traffic roads. Highway 61-67 is considered a high-traffic transportation corridor.

|                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Uses                      | A variety of land uses exist in the Suburban pattern spanning all categories (residential, commercial, industrial). These land uses are separated based on broad classifications of uses. Non-residential development tends to occur in large strips along major roads.                                                                                                                                                                                                                                                                                                        |
| Edges / Transitions            | Generally within Suburban patterns, buffers or berms further separate each individual site. These areas may be either natural or manicured. Edges between Suburban patterns and other Development Patterns are generally difficult to define, because this pattern attempts to assimilate qualities of different Development Patterns (urban and rural) into one pattern.                                                                                                                                                                                                      |
| Open Space                     | Open space is more formal, often designed as part of individual site landscape plans. Private open space consists of medium or large yards, common subdivision grounds or landscape areas as part of non-residential site plans. Private open space can be disjointed, due to its individualized design and purposes – (i.e.: designed to serve specific lots or developments). Public open space may exist as part of a formal community-wide planning effort, typically removed from commercial sites and occasionally incorporated in residential subdivisions.             |
| Street network /Transportation | The street network is hierarchical, including local, collector and arterial streets, with county roads functioning as arterial streets. Arterial streets carry the majority of traffic, requiring detailed engineering (width, turning lanes, etc.). Connectivity is generally only provided by collector or arterial streets. This factor, combined with the separation of uses on functional classes make pedestrian, transit or para-transit access impractical. Most trips require an automobile.                                                                          |
| Service Infrastructure         | Sewer and water service may be common systems – typically municipal extensions but they also may involve development of private systems. Larger lots, however, (over 1 acre) may be able to support well or septic use if state standards are met.                                                                                                                                                                                                                                                                                                                             |
| Community Infrastructure       | Fire, police, schools, parks and other community infrastructure can be supplied by existing, but remote facilities, if sufficient capacity exists. New facilities must be phased in as subdivisions increase, but may be difficult to provide efficiently.                                                                                                                                                                                                                                                                                                                     |
| Lot sizes                      | Lot sizes are variable. Overall density typically remains between 3 and 6 units / acre.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Criteria for Implementation    | <ul style="list-style-type: none"> <li>♦ Traffic impact is a major determinant of development, as vehicle miles traveled and congestion increase with this pattern.</li> <li>♦ Typically triggered by immediate availability or short-term practicality of service infrastructure investments.</li> <li>♦ Community infrastructure (fire, schools, parks) must be provided by existing remote facilities or developed over time as subdivisions increase.</li> <li>♦ Generally, not appropriate for areas with significant natural features worthy of preservation.</li> </ul> |

## **Relation to Unified Development Order**

### **Proposed Zone District**

The Non-Planned Community Commercial District established by this Order is designed to promote commercial development that provides for service oriented commercial activities. The purposes and intent include the following:

1. To provide sufficient space in appropriate locations that have appropriate levels of accessibility for service oriented commercial activities.
2. To provide for non-residential areas where traffic generation and the size of the use may be appropriate for locations near residential uses.
3. To protect adjoining uses from fire, noise, glare, and other similar impacts.
4. To protect logical commercial services areas from adverse impacts such as noise, vibration, and traffic associated with general retail, warehousing, and industrial uses.
5. To provide for a district designation appropriate for limited commercial uses in accordance with the Jefferson County Official Master Plan.

### **Analysis**

The subject property is located in the Primary Growth Area of the Official Master plan. The property to be rezoned is the site of a vacated mobile home park and appears to have been vacated for some time. There is an intense amount of commercially used properties in the vicinity of the site. This includes a boat and recreational vehicle storage lot just west, a small industrial park to the north, as well as an additional variety of commercial businesses along the 61-67 corridor.

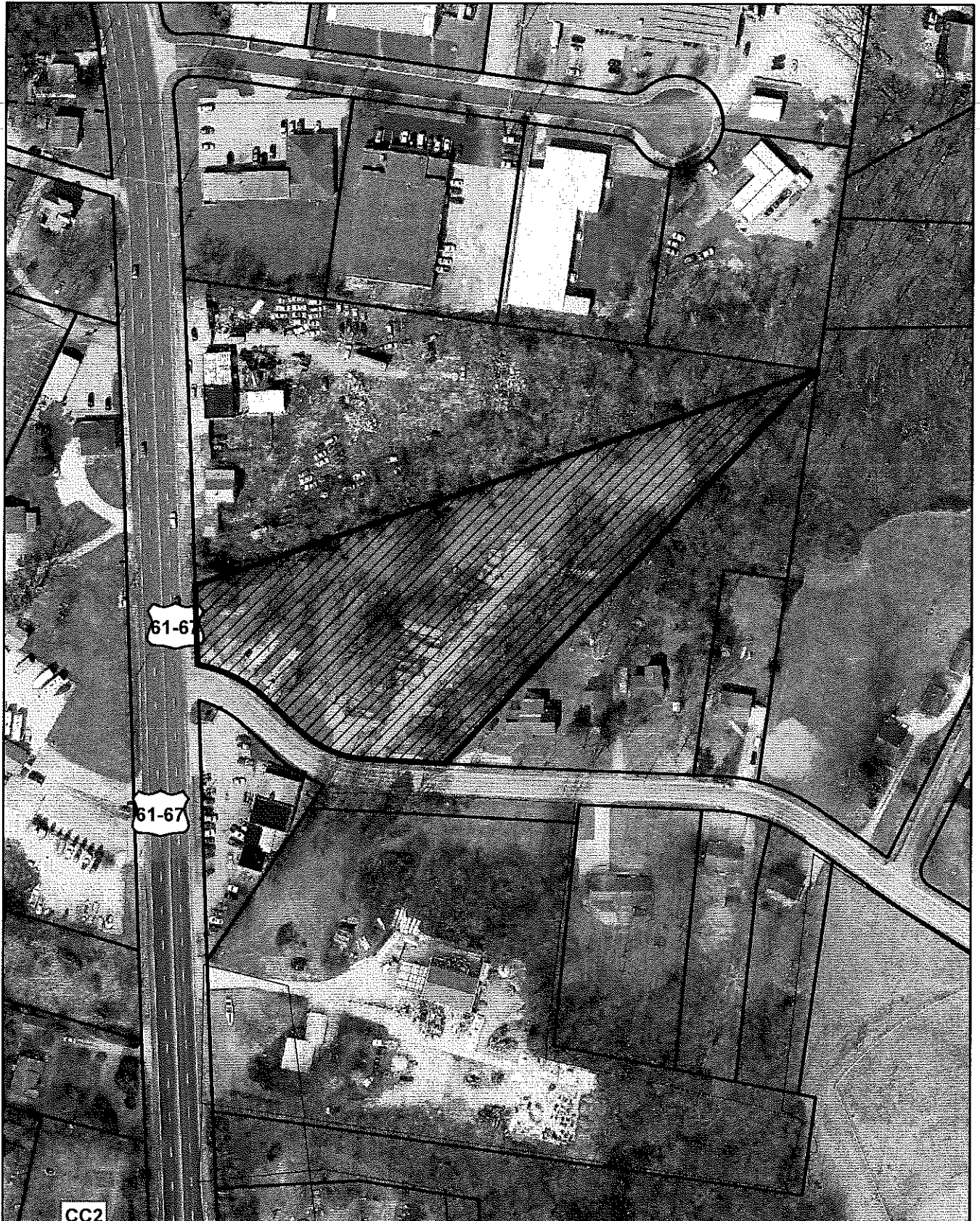
The proposed CC2 zoning fits in with the uses that surround the parcel. The land use of residences along a heavily traveled road on a small site at a busy intersection, makes the current zoning less than desirable, given the property's unique location at a busy intersection, commercial zoning is more desirable than the existing "denser" style residential zoning.

The commercial use of the property, if approved, would need to go through the county's site development process to ensure all requirements of the UDO are met for the commercial use.

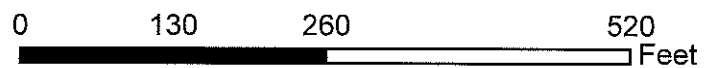
### **Staff Recommendation**

Based on the above analysis, staff recommends approval of CC221078, a request for a change in zoning from Planned Mixed Residential (PR2) to Non-Planned Community Commercial (CC2).

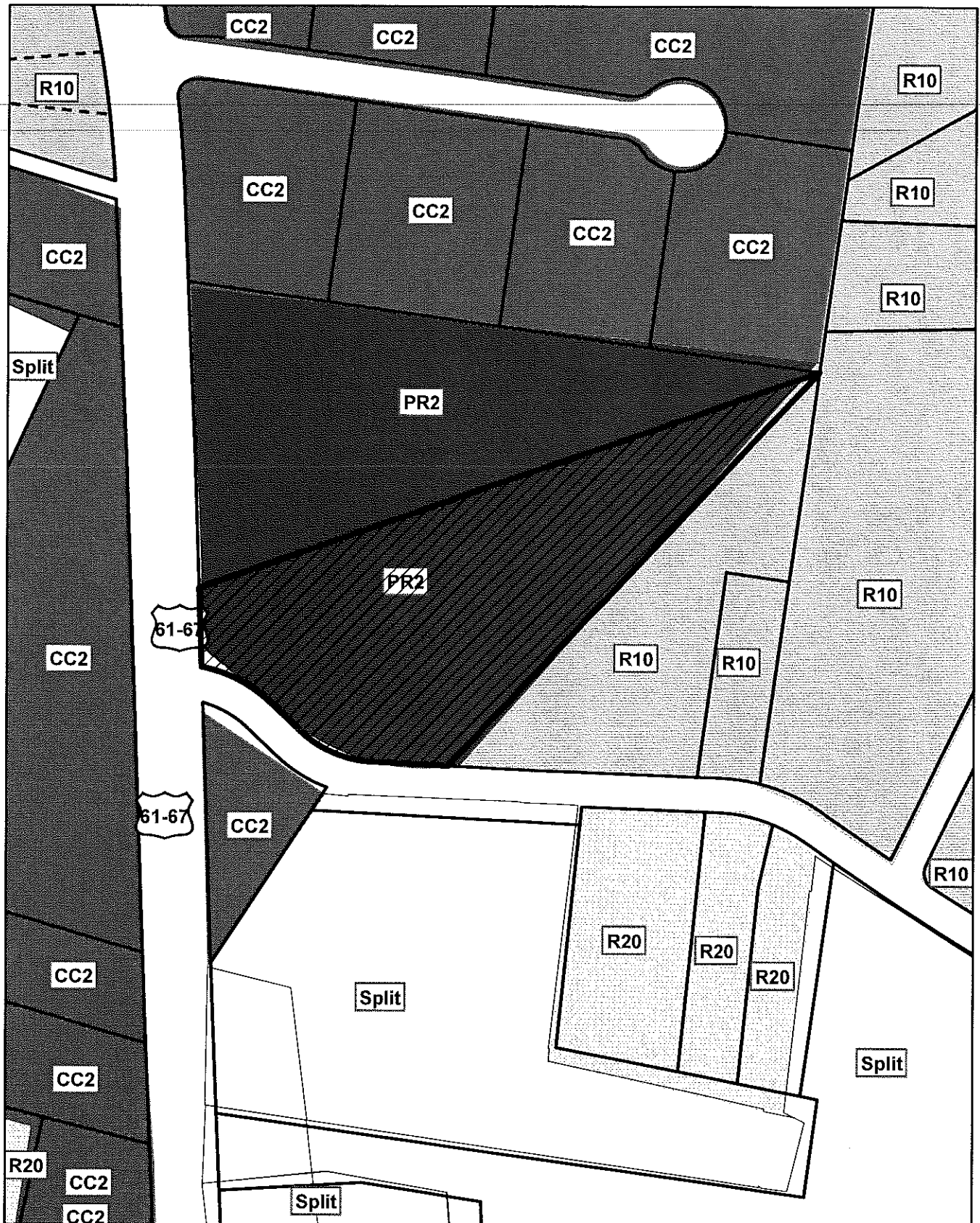
# CC221078 - Libby



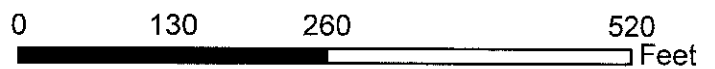
**Subject Property**



# CC221078 - Libby



Subject Property



*Jefferson County, Missouri*

**PLANNING DIVISION**

PO Box 100  
HILLSBORO, MO 63050  
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<www.jeffcomo.org>

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**Jefferson County, Missouri**  
**Planning and Zoning Commission**  
Meeting Date: November 18, 2021

**Staff Report**

**General Information:**

Petition Number: VR21082  
Petition Name: Tutass

Petitioner Name: Mike Tutass  
Street Address: 10048 Kramme Rd.  
City, State: Dittmer, MO 63023

Owner Name: Same  
Street Address:  
City, State:

Requested Action: Relief from Section 505.170.B.3 – Buffer Strips – of the Erosion and Sediment Control/Stormwater Management Design Criteria that requires a 25' buffer for a stream order 1.

Parcel Number: 03-8.0-34.0-1-003-006, 03-8.0-34.0-1-003-007

Township: Meramec  
Council District: #7  
School District: Northwest R-1  
Fire District: High Ridge Fire  
Water District: PSWD 6  
Sewer District: House Springs Sewer  
Ambulance District: Big River

Prepared By: Josh Jump, Planner II  
Date: November 4, 2021  
Recommendation: Approval W/Conditions

**Attachments:**

1. Aerial Map
2. Location Map
3. Letter for Variance
4. Site plan
5. Letter from the Stormwater Department including the analysis of the variance request.

## Subject Property

The subject properties are located near the intersection of Gravois Rd. and Dellwood Lane. The properties have two different zoning designations. Parcel# 03-8.0-34.0-1-003-006 is currently zone Non-Planned Community Commercial (CC2). Parcel# 03-8.0-34.0-1-003-007 is currently zoned Single-Family Residential (R10). The two parcels are currently undeveloped. The petitioner would like to receive a variance for Stream Order 1 buffer requirements.

According to FEMA's Flood Rate Insurance Map, no portion of the properties lie within the floodplain or floodway. Additionally, a Stream Order 1 traverses the property.

## Surrounding Area

The surrounding zone districts and land uses are as follows:

|               |                  |                                              |
|---------------|------------------|----------------------------------------------|
| To the North: | <u>Zoning:</u>   | CC2, R10                                     |
|               | <u>Land Use:</u> | Developed Commercial & Developed Residential |
| To the East:  | <u>Zoning:</u>   | CC2, R10                                     |
|               | <u>Land Use:</u> | Developed Commercial & Developed Residential |
| To the South: | <u>Zoning:</u>   | R10                                          |
|               | <u>Land Use:</u> | Developed Residential                        |
| To the West:  | <u>Zoning:</u>   | R10                                          |
|               | <u>Land Use:</u> | Developed and Undeveloped Residential        |

## Petitioner Requests

The petitioner has submitted a request for relief from one (1) development requirement. The request is as follows:

1. Relief from Section 505.170.B.3 – Buffer Strips – of the Erosion and Sediment Control/Stormwater Management Design Criteria, which requires a 25-foot buffer on each side of the stream beginning at the top of the stream bank for a stream order 1. The petitioner is requesting permanent relief for stream buffer setbacks.

## Analysis

The Department of Public Works, Stormwater Division is responsible for enforcing the Erosion and Sediment Control/Stormwater Management Design Manual, and therefore provided the analysis:

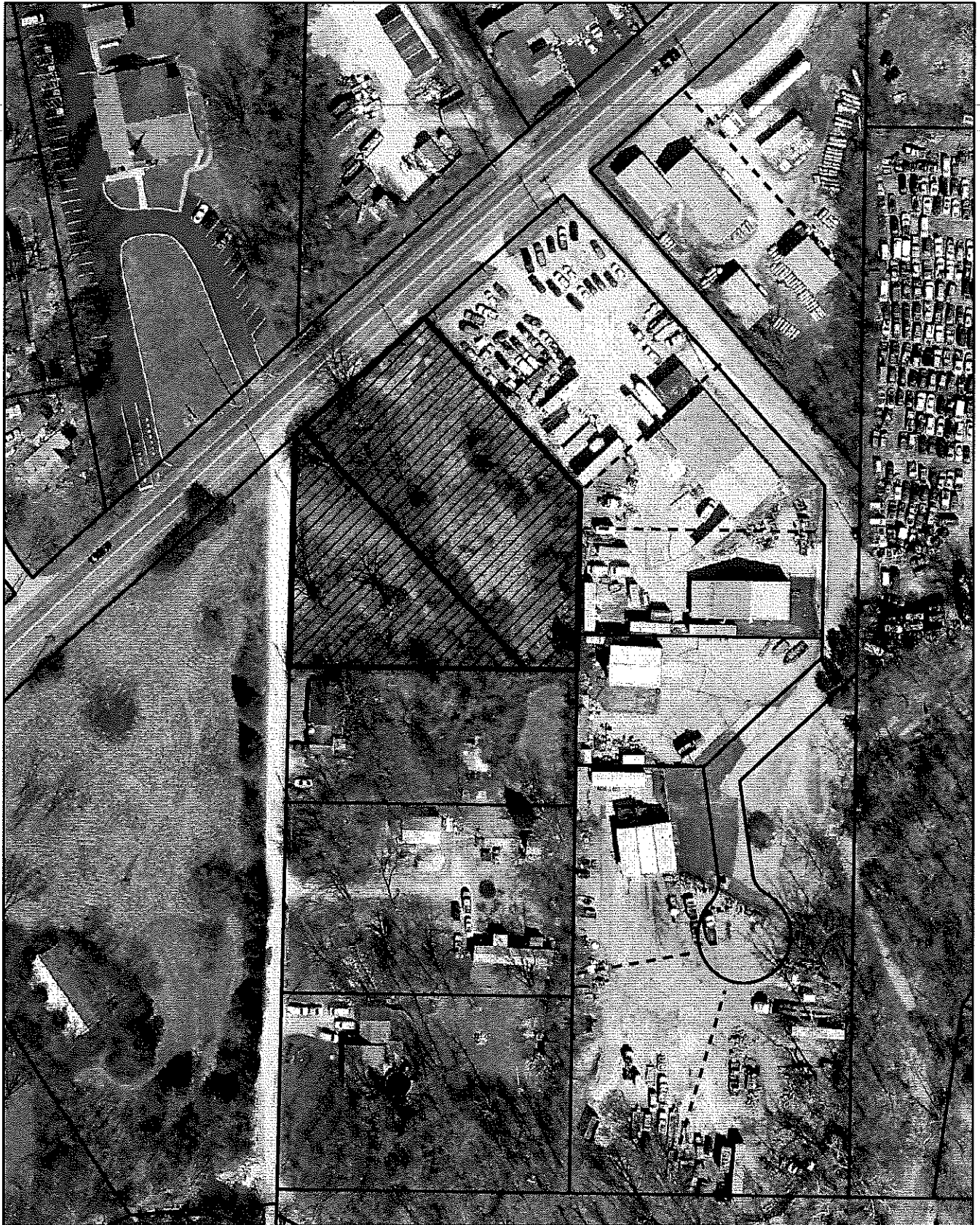
The Stormwater Division recommends approval from the Planning and Zoning Commission for the above variance requests. Jefferson County Stormwater Division is recommending the following conditions to be listed and required on this request.

1. Concrete washout onsite for concrete work as required by stormwater code
2. No trash containers or construction material stored in the stream buffer
3. Sediment and erosion controls in place for water quality protection
4. All vegetation must be re-established after construction is completed
5. No impervious surface permitted within the stream buffer

## Staff Recommendation

1. The Stormwater Division recommends Approval of relief from Section 505.170.B.3 – Buffer Strips – of the Erosion and Sediment Control/Stormwater Management Design to receive relief for the Stream Order 1 buffer with the following conditions:
  - a) Concrete washout onsite for concrete work as required by stormwater code
  - b) No trash containers or construction material stored in the stream buffer
  - c) Sediment and erosion controls in place for water quality protection
  - d) All vegetation must be re-established after construction is completed
  - e) No impervious surface permitted within the stream buffer

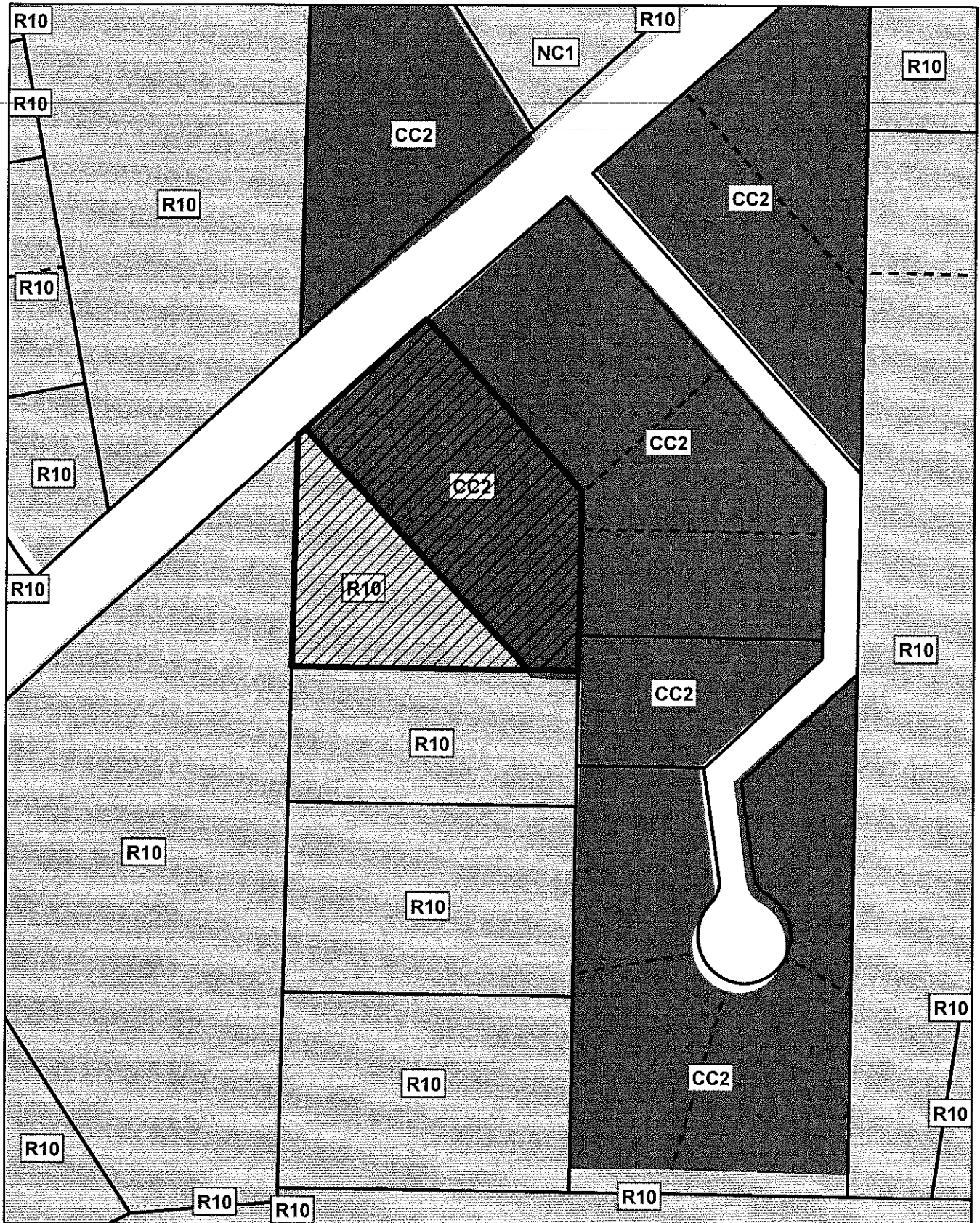
# VR21082 - Tutass



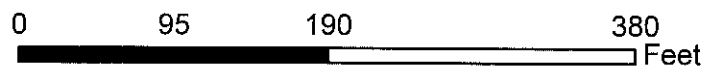
**Subject Property**

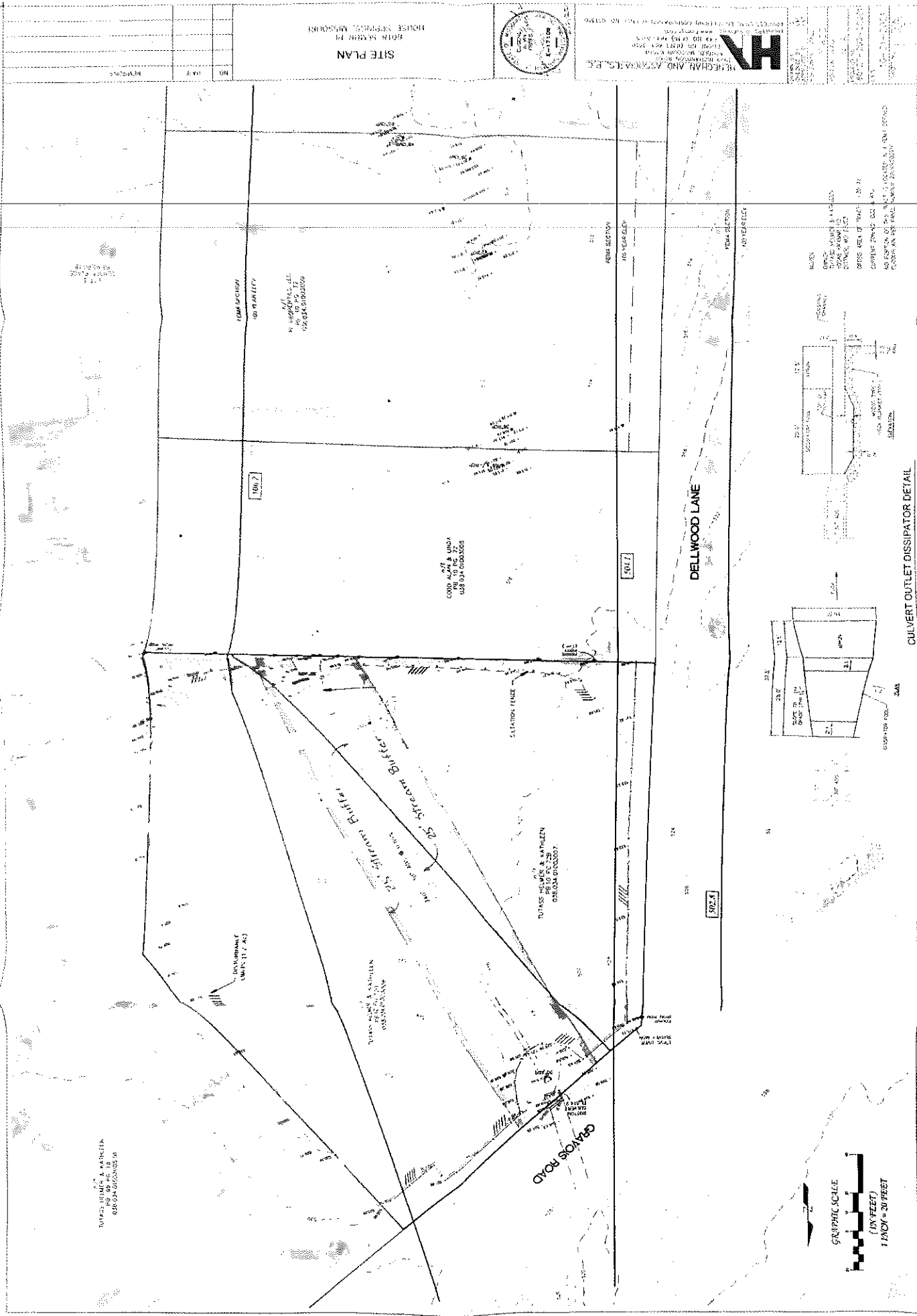
0 95 190 380 Feet

# VR21082 - Tutass



Subject Property





| NO. | DATE | REVISIONS |
|-----|------|-----------|
|     |      |           |
|     |      |           |
|     |      |           |

**SITE PLAN**  
BOHN SARGENT, INC.  
HOUSE SPRING, MISSOURI



**MECHANICAL AND ELECTRICAL**  
BOHN SARGENT, INC.  
1000 S. BROADWAY  
HOUSE SPRING, MISSOURI 64401  
PHONE (417) 421-1111  
FAX (417) 421-1112  
E-MAIL: BOHN@BSI-MO.COM  
WWW.BSI-MO.COM



# Memo

**TO:** Josh Jump  
**FROM:** Mike Cook, Stormwater Division  
**DATE:** November 5, 2021  
**RE:** Variance Request  
**LOCAT:** 03-8.0-34.0-1-003-007

Josh,

The Stormwater Division recommends approval from the Planning and Zoning Commission for the above variance requests. Jefferson County Stormwater Division is recommending the following conditions to be listed and required on this request.

1. A concrete washout onsite for concrete work as required by stormwater code
2. No trash containers or construction material stored in the stream buffer
3. Sediment and erosion controls in place for water quality protection
4. All vegetation must be re-established after stormwater construction is completed
5. No impervious surface permitted within the stream buffer

Thank you,

Michael Cook  
Storm Water Division of  
Jefferson County, Mo  
725 Maple Street  
Hillsboro, Mo 63050  
636-797-6318