



Planning and Zoning Division

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March 24, 2023

This communication summarizes the following bill to be introduced at the April 10, 2023 County Council meeting:

ZONING MAP AMENDMENT REQUEST – 2501 S HIGHWAY 94

Application No: RZ23-01
 Property Owners: Larry Ray Winkler and Tiffany Jene Winkler
 Applicant: Tiffany Winkler
 Current Zoning District: A, Agricultural District (5-acre minimum lot size)
 Proposed Zoning District: C1, Neighborhood Commercial District (no minimum lot size)
 2030 Master Plan: Recommends Rural Residential and Agricultural Tourism uses
 Parcel Size: 1.18 acres (two parcels)
 Location: The southwest corner of South Highway 94 and Highway F, 1.2 miles north of Defiance (unincorporated)

County Council District: 2
 Parcel Account Nos.: 623610A000 and 623520A000

Approval of this bill would amend St. Charles County’s Zoning Map from A, Agricultural District, to C1, Neighborhood Commercial District, for a one-acre area at the southwest corner of Hwy 94/Hwy F.

The subject property had been occupied by a residence which was destroyed by a tornado in December 2021. The property owners wish to construct and operate a commercial farm stand/meat market at this location with the attached drawings illustrating the conceptual layout, building size, and elevations intended to show the feasibility of doing so. In Agricultural Districts, a farm stand must be operated on a farm which contributes a majority of the goods being sold.

Under Agricultural District zoning, the subject parcels do not meet the minimum 5-acre parcel size and cannot reasonably be used for agricultural purposes, other than for a single-family residence. Generally, the proposed C1 District zoning would allow an office, personal services, or retail uses, including a store as proposed.

The 2030 Master Plan recommends Rural Residential and Agricultural Tourism land uses.

The Planning and Zoning Commission held a public hearing on March 15, 2023 and received the following input:

Speakers: 6 Support 1 Opposed 0 Concerns
 Letters on file: 0 Support 14 Opposed 0 Concerns


Having conducted the public hearing, the Planning & Zoning Commission voted as follows:

6 Approval 2 Denial 0 Abstentions

Recommendation:

The Planning and Zoning Commission recommends that the County Council approve this rezoning request. County staff recommends denial as inconsistent with the 2030 Master Plan and due to concerns about “spot zoning”.

Sincerely,


 Robert Myers, AICP
 Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
 Joann Leykam, Director of Administration
 Rory O’Sullivan, Acting County Counselor

REZONING RZ23-01

ZONING MAP AMENDMENT REQUEST – 2501 S HIGHWAY 94

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Property Owners:	Larry Ray Winkler and Tiffany Jene Winkler
Applicant:	Tiffany Winkler
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Proposed Zoning District:	C1, Neighborhood Commercial District
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Parcel Size:	1.18 acres (two parcels)
Location:	The southwest corner of South Highway 94 and Highway F, 1.2 miles north of Defiance (unincorporated)
County Council District:	2
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CONTENTS:

- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- 2030 Land Use Map
- Notification Area Map
- Letters received:

STAFF RECOMMENDATION

To: St. Charles County Planning & Zoning Commission **Prepared by:** Jared Young

Application No.: RZ23-000001

Date: January 31, 2023

GENERAL INFORMATION

Property Owners: Larry Ray Winkler and Tiffany Jene Winkler

Applicant: Tiffany Winkler

Current Zoning: A, Agricultural District

Existing Land Use: Vacant Single Family Residence from tornado

Requested Action: Rezoning from A, Agricultural District to C1, Neighborhood Commercial District

Parcel Account Nos.: 623610A000 and 623520A000

Location: the southwest corner of South Highway 94 and Highway F, 1.2 miles north of Defiance (unincorporated)

Size: 1.18 acres (two parcels)

Adjacent Land Uses and Zoning:

Direction	Zoning District	Existing Land Use
North	A, Agricultural District	Existing farmland
South	A, Agricultural District	Single Family Residence
East	A, Agricultural District	Single Family Residence
West	A, Agricultural District	Single Family Residence & Forested land

2030 Master Plan: recommends Rural Residential and Agricultural Tourism uses

SPECIAL INFORMATION

Public Services: County Council District 2 – Joe Brazil
School District – Francis Howell School District
Fire District – Augusta Fire District

Utilities: Water – Public Water Supply District #2
Sewer – Individual Wastewater Treatment System

BACKGROUND

Staff received an application to rezone the subject site from A, Agricultural District to C1, Neighborhood Commercial District. The subject site currently sits at the intersection of South

Highway 94 & Highway F, just north of Defiance. The previous use of this property was a single family residence which was destroyed by the 2021 Defiance tornado. Since then, the applicant has had a One-Stop meeting (ONE22-000021) with staff regarding the possibility of a commercial farm stand at this location. Due to the size of the subject site finding a place to produce half of their products and constructing a structure for the farm stand could be difficult, leading to the rezoning application. The subject site is served by an individual wastewater system and has current access right off Highway F. Additionally, there have been two code cases for having unpermitted signs on their property that were both handled within the 10 day notification period.

ANALYSIS

While the applicant is not required to submit a plan for rezoning, they have indicated that they plan to use the property for building a small meat/produce retail store, but those plans alone do not limit them from the list of uses permitted by right if granted rezoning. As always, Staff reviews rezoning cases by the list of potential uses rather than any specific use as rezoning would grant a list of new uses, none which the applicant would be bound to.

The property has a frontage on both Highway F and South Highway 94 which is the main thoroughfare through the Defiance area and could be a potential location for small commercial development that adds to the rural character of the area, however, the size of the subject site does not lend itself well to commercial zoning as well as the two lots in this case would need to be combined. Additionally, the Unified Development Ordinance requires for a 3-acre minimum for individual wastewater systems, anything short of that needs to be approved by the Division Director of Building and Code Enforcement.

Conversely, the 2030 Master Plan calls for the area to be planned for Rural Residential and/or the Agri-Tourism industry whereas this specific request is not requesting Rural Residential zoning and because the surrounding properties are all zoned Agricultural this would be the only site nearby with commercial zoning as well as the subject site may be too small to classify for any Agri-Tourism uses.

RECOMMENDATION

Staff recommends denial of the zoning change from A, Agricultural District to C1, Neighborhood Commercial District due to the 2030 Master Plan indicating future Rural Residential uses at this location and the adjacent properties are agriculturally zoned properties as well as the property not being suitable for Agri-Tourism.