



April 25, 2023

This memorandum summarizes the following bill to be introduced at the May 8, 2023 Council meeting:

**VARIANCE REQUEST FOR THE GROVE AT RIVERDALE - DYER ROAD**

Application No: PRE22-09

Property Owners: Riverdale Grove Partners, LLC

Developer: Charlestowne Crossing, LLC

Engineer: Cole & Associates

Request: Variances from Section 410.110.C.2.b and Section 410.210.F of the County Code pertaining to protection of a natural watercourse vegetative buffer

Property Zoning: R1A, Single-Family Residential District (1-acre minimum lot size); and R1E, Single-Family Residential District (10,000 square foot minimum lot size)

Parcel Size: 59.90 acres

Location: On the west side of Dyer Road, approximately 750 feet north of Riverdale Park Drive, adjacent to the City of St. Paul

County Council District: 1

Parcel Account No.: 284760A000

Approval of this bill would grant two variances from the County's Subdivision Regulations for the Grove at Riverdale Plat. The variances would allow the watercourse vegetative buffer within Lots 19-22 to be reserved within an easement, held and managed by the homeowners association, rather than within common ground.

Typically, variance requests are submitted with preliminary plat applications. In this instance, following the Planning and Zoning Commission's approval of the Grove at Riverdale Preliminary Plat in September 2022, the natural watercourse buffer for White Branch Creek was identified as extending across the western property line for Lots 19-22 as shown in the attached Western Property Line Exhibit (orange line). The depth of this buffer ranges from about 5 feet to 25 feet. Placing the subject vegetative buffer within common ground would reduce the size of Lots 19-22 to less than one acre and thus violate the subject R1A District minimum lot size.

Under Section 410.480 of the County Code, the Planning and Zoning Commission and Governing Body may vary or modify any requirements of Chapter 410 the County Code due to "practical difficulties or particular hardship" caused by topographic conditions or characteristics.

The Planning and Zoning Commission considered this request at its April 19, 2023 meeting and voted to recommend as follows:

7 Approval 0 Denial 0 Abstain

**Recommendation:**

The Planning and Zoning Commission recommends approval with one condition as shown in the attached bill.

Sincerely,

  
Robert Myers, AICP

Planning and Zoning Division Director

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



# APPLICATION PRE22-09

## VARIANCE REQUEST FOR THE GROVE AT RIVERDALE - DYER ROAD

Application No:	PRE22-09
Property Owners:	Riverdale Grove Partners, LLC
Developer:	Charlestowne Crossing, LLC
Engineer:	Cole & Associates
Request:	Variances from Section 410.110.C.2.b and Section 410.210.F of the Unified Development Ordinance to allow protection of a natural watercourse vegetative buffer within an easement rather than within common ground for Lots 19-22.
Property Zoning:	R1A, Single-Family Residential District (1-acre minimum lot size); and R1E, Single-Family Residential District (10,000 square foot minimum lot size)
Lots:	101
Parcel Size:	59.90 acres
Location:	On the west side of Dyer Road, approximately 750 feet north of Riverdale Park Drive, adjacent to the City of St. Paul
County Council District:	1
Account No.:	284760A000

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### CONTENTS:

- Staff Recommendation
- Site Photos
- Aerial Photo
- Surrounding Zoning Map
- Variance Exhibit
- Approved Preliminary Plat
- Letters received
  - None

**STAFF RECOMMENDATION**

**To:** County Planning & Zoning Commission  
**Application No.:** PRE22-09

**Prepared by:** Mark Price Jr. AICP, CFM  
**Date:** April 12, 2023

**BACKGROUND:**

Property Owners: Riverdale Grove Partners, LLC

Developer: Charlestowne Crossing, LLC

Applicant/Engineer: Cole & Associates

Requested Action: Variances from Section 410.110.C.2.b and Section 410.210.F of the Unified Development Ordinance to allow protection of a natural watercourse vegetative buffer within an easement rather than within common ground for Lots 19-22.

Current Zoning: R1A, Single-Family Residential District (1-acre minimum lot size); and R1E, Single-Family Residential District (10,000 square foot minimum lot size)

Location: Dyer Road; Located on the west side of Dyer Road, approximately 750 feet north of Riverdale Park Drive, adjacent to the City of St. Paul

Parcel Account No: 284760A000

Area: 59.90 acres

Proposed lots: 101 lot(s)

Current Land Use: Agricultural (cultivation)

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	A, Agricultural District	Single Family Residences and cultivated farm field
South	City of St. Paul	Single-Family Residences (Riverdale Subdivision)
East	R1-A & R1-D, Single-Family Residential	Single Family Residence and Agricultural (cultivation)
West	A, Agricultural with Floodway Fringe Overlay District	Single Family Residence and Agricultural (cultivation)

2030 Master Plan: Whites Branch Planning District (Agricultural land uses proposed)

Public Services: County Council District 1 – Joe Cronin  
School District – Fort Zumwalt School District  
Fire District – O’Fallon Fire District

Utilities:                      Water – The City of St. Paul  
   Sewer – Duckett Creek Sewer District (MBR plant)

Attached is a letter from the developer of The Grove at Riverdale Subdivision for two variances from the Subdivision Regulations of St. Charles County. Both variances pertain to the requirement that natural watercourse vegetative buffers be placed in common ground. Instead of common ground, the developer proposes that the buffer within Lots 19-22 be protected by a protective easement held by the homeowners association.

Typically, variance requests are submitted with preliminary plat applications. However, in this instance, following approval of the Grove at Riverdale Preliminary Plat, detailed surveys by the developer's engineer determined that the natural watercourse buffer for White Branch Creek extends slightly across the western property line for Lots 19-22. The attached Western Property Line Exhibit shows the boundary of the vegetative buffer (orange) in relation to the western property line. The depth of this buffer encroachment ranges from about 5 feet to 25 feet.

Under Section 410.110.C.2.b of the UDO, the following must be depicted on preliminary plats:

"Physical features of property, including watercourses, ravines, ponds (standing water), existing and proposed bodies of water, levees or drainage area, forested areas (every effort must be made to preserve as many existing trees as possible), outcropping of rock, bridges, culverts, present structures, existing sidewalks, pipelines, overhead electric lines and off-street parking, if applicable, as well as all easements of record for pipelines, overhead electric lines and other utilities. Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing stream bank, or from the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri"."

Similarly, the applicant is requesting a variance from Section 410.210.F which states the following:

"Watercourses left in their natural state must be shown within common ground, with lot lines set back from the top of the existing bank of the watercourse or the 10-year, 24 hour or 15-year, 20 minute water surface elevation, where no established top-of-bank can be determined, for all subdivisions except those with lots three (3) acres or larger in size, as provided by Part 3, Article VI of Chapter 405 of this Unified Development Ordinance. All plats shall clearly show the boundaries of any setback from natural watercourses on the subject property which are left in their natural state and provide a note to reference that setback area stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by Section 405.5026 of the Unified Development Ordinance of St. Charles County, Missouri"."

The approved preliminary plat does not show this vegetative buffer for Lots 19-22 within common ground.

In terms of authority, Section 410.480 of the UDO allows variances from the County's Subdivision Regulations under the following circumstances:

"Whenever the tract to be subdivided is of such unusual size or shape, or contains such topographic conditions or characteristics that the strict application of the requirements contained in this Chapter, except as provided in Section 410.480(D) below, would impose practical

difficulties or particular hardship, the Planning and Zoning Commission and Governing Body may vary or modify any of the requirements of this Chapter so that the public interest is secured and the general intent of this Chapter is preserved.”

Section 410.480.B allows conditions to be imposed to secure the objectives of the Subdivision Regulations.

The Planning and Zoning Commission must report its recommendation and any proposed conditions to the County Council. Approval by the County Council would require an ordinance.

### **ANALYSIS**

Adhering to the requirement to place the natural watercourse buffer within common ground would reduce the size of Lots 19-22 such that they would no longer meet the minimum one-acre lot size of the subject R1A, Single Family Residential District zoning standards. Doing so would cause practical difficulties in platting Lots 19-22. The extraordinary narrowness of the vegetative buffer within Lots 19-22 makes use of common ground, accessible to all homeowners, impracticable. Additionally, the public interest may be secured, and the general intent of the Subdivision Regulations may be preserved, by protection of the natural watercourse buffer by easement.

**Should the Planning and Zoning Commission recommend that the County Council approve the requested variances, the Commission may wish to consider doing so with the following condition.**

- 1) The natural watercourse buffer for Lots 19-22 shall be placed within an easement granted to the homeowners association for its protection and maintenance.**