AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING A TRACT OF LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ19-14

WHEREAS, the St. Charles County Charter, Article II, Section 2.529, grants to the County Council legislative power pertaining to planning and zoning in the part of the County outside incorporated cities, towns and villages; and

WHEREAS, an amendment to the County zoning map for a parcel of land located at Oak View Farms Drive, on the west side of Busdieker Drive approximately 300 feet south of Foristell Road was requested by Terry K. Tenebaum as Trustee of the Hyman H. Kaye Revocable Trust Dated September 23, 2005, property owner, through Application RZ19-14; and

WHEREAS, the area to be rezoned comprises 84.20 acres and is currently zoned A, Agricultural District; and

WHEREAS, the zoning sought for the tract to be rezoned is RR, Single-Family Residential District; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District and is used for single family residences; adjacent land to the south is zoned A, Agricultural District and is vacant; adjacent land to the east is zoned
A, Agricultural District and is vacant; and adjacent land to the west is zoned A, Agricultural District and is both vacant and used for single family residences; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 4 ayes to 2 nays recommended the matter for approval to the County Council. A simple majority of the County Council is required for passage of this bill.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The Zoning District Map of the County of St. Charles, Missouri, is hereby amended by making the following change:

A parcel of land comprising 84.20 acres and located at Oak View Farms Drive, identified as Parcel ID No. 3-0028-S021-00-0006.0000000 in the records of the St. Charles County Assessor, and located on the west side of Busdieker Drive approximately 300 feet south of Foristell Road is hereby rezoned from A, Agricultural District to RR, Single-Family Residential District. The tract of land is more particularly described on EXHIBIT A, attached hereto.

Section 2. The Director of the Planning and Zoning Division is hereby authorized to acknowledge approval on Application RZ19-14 as set forth in Section 1., above.

Section 3. The Council hereby receives the following documents into the record: the St. Charles County Master Plan Year 2030; the Unified Development Ordinance of St.
Charles County, Missouri; and the documents attached hereto as **EXHIBIT B**, containing the plats and plans and any other documents relied on in reaching this determination of the Council.

Section 4. This ordinance will be in full force and effect from and after the date of its passage and approval.

DATE PASSED

DATE APPROVED BY COUNTY EXECUTIVE

CHAIR OF THE COUNCIL

COUNTY EXECUTIVE

ATTEST:

COUNTY REGISTRAR
EXHIBIT A
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER: RZ19-14

THE PROPERTY IS PRESENTLY ZONED: A, AGRICULTURAL DISTRICT (5-ACRE MINIMUM LOT SIZE)

IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT: RR, SINGLE-FAMILY RESIDENTIAL DISTRICT (3-ACRE MINIMUM LOT SIZE)

OWNER OR OWNERS OF PROPERTY TO BE REZONED: HYMAN H. KAYE REVOCABLE TRUST

LOCATION OF PROPERTY: THE PROPERTY IS KNOWN AS OAK VIEW FARMS DRIVE AND IS LOCATED ON THE WEST SIDE OF BUSDIEKER DRIVE, APPROXIMATELY 300 FEET SOUTH OF FORISTELL ROAD. THE PROPERTY CONSISTS OF 84.20 ACRES, AND IS LOCATED IN COUNCIL DISTRICT 2.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

COMMENCING AT THE SOUTHEAST CORNER OF LOT 10 OF “AUBURN MEADOWS”, A SUBDIVISION AS RECORDED IN PLAT BOOK 41, PAGES 360-363 OF THE ST. CHARLES COUNTY RECORDS; THENCE ALONG THE EAST LINE OF SAID “AUBURN MEADOWS”, NORTH 01 DEGREES 19 MINUTES 57 SECONDS EAST 341.20 FEET TO THE ACTUAL POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; SAID POINT BEING THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 21; THENCE CONTINUING NORTH 01 DEGREES 19 MINUTES 57 SECONDS EAST 1,342.12 FEET TO A POINT; SAID POINT BEING THE COMMON CORNER OF LOT 18 AND LOT 24 OF AFOREMENTIONED “AUBURN MEADOWS”; THENCE NORTH 89 DEGREES 58 MINUTES 03 SECONDS EAST 1319.15 FEET TO A POINT ON THE NORTH-SOUTH CENTERLINE OF SECTION 21; SAID POINT ALSO BEING THE CENTERLINE OF BUSDIEKER DRIVE; THENCE LEAVING SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES: NORTH 01 DEGREES 06 MINUTES 51 SECONDS EAST 201.00 FEET; NORTH 89 DEGREES 41 MINUTES 52 SECONDS WEST 7.52 FEET; NORTH 85 DEGREES 41 MINUTES 59 SECONDS WEST 55.27 FEET; NORTH 04 DEGREES 18 MINUTES 01 SECONDS EAST 40.00 FEET; SOUTH 85 DEGREES 41 MINUTES 59 SECONDS EAST 53.88 FEET; SOUTH 89 DEGREES 41 MINUTES 52 SECONDS EAST 69.17 FEET; SOUTH 00 DEGREES 13 MINUTES 04 SECONDS EAST 40.00 FEET; NORTH 89 DEGREES 41 MINUTES 52 SECONDS WEST 13.42 FEET; SOUTH 01 DEGREES 06 MINUTES 51 SECONDS WEST 235.12 FEET; SOUTH 64 DEGREES 34 MINUTES 56 SECONDS WEST 56.01 FEET TO A POINT ON THE AFOREMENTIONED CENTERLINE OF BUSDIEKER DRIVE; THENCE ALONG SAID CENTERLINE, SOUTH 01 DEGREES 13 MINUTES 26 SECONDS WEST 1285.90 FEET TO A POINT; THENCE LEAVING SAID CENTERLINE THE FOLLOWING COURSES AND DISTANCES: ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 73 DEGREES 57 MINUTES 22 SECONDS WEST 27.11 FEET AND WHOSE RADIUS POINT BEARS NORTH 01 DEGREES 13 MINUTES 26 SECONDS EAST 53.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 27.42 FEET; SOUTH 14 DEGREES 12 MINUTES 34 SECONDS WEST 103.61 FEET; SOUTH 02 DEGREES 36 MINUTES 27 SECONDS WEST 245.58 FEET; SOUTH 00 DEGREES 21 MINUTES 52 SECONDS WEST 154.25 FEET; SOUTH 29 DEGREES 36 MINUTES 49 SECONDS EAST 192.40 FEET; ALONG A CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 55 DEGREES 06 MINUTES 07 SECONDS EAST 68.85 FEET AND WHOSE RADIUS POINT BEARS NORTH 60 DEGREES 23 MINUTES 11 SECONDS EAST 80.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 71.18 FEET; ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 40 DEGREES 41 MINUTES 58 SECONDS EAST 128.27 FEET AND WHOSE RADIUS POINT BEARS SOUTH 09 DEGREES 24 MINUTES 34 SECONDS WEST 100.00 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 139.25 FEET; SOUTH 00 DEGREES 48 MINUTES 30 SECONDS EAST 194.25 FEET; ALONG A CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 17 DEGREES 03 MINUTES 23 SECONDS EAST 112.78 FEET AND WHOSE RADIUS POINT BEARS NORTH 89 DEGREES 11 MINUTES 30 SECONDS EAST 201.53 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 114.30 FEET; ALONG A CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 16 DEGREES 21 MINUTES 19 SECONDS EAST 242.23 FEET AND WHOSE RADIUS POINT BEARS SOUTH 56 DEGREES 41 MINUTES 45 SECONDS EAST 415.46 FEET FROM THE LAST MENTIONED POINT, AND ARC DISTANCE OF 245.80 FEET TO A POINT; SAID POINT BEING THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED TRACT; SAID POINT ALSO BEING ON THE NORTH LINE OF PROPERTY CONVEYED TO HYMAN H. KAYE REVOCABLE TRUST PER DEED BOOK 4416, PAGE 2361, OF THE ST. CHARLES COUNTY RECORDS; THENCE ALONG SAID NORTH LINE, SOUTH 89 DEGREES 45 MINUTES 41 SECONDS WEST 1,613.05 FEET TO A POINT BEING THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED TRACT; SAID POINT ALSO BEING THE COMMON CORNER OF PROPERTY CONVEYED TO ALICE LAURA FREESE-MOLITOR PER DEED BOOK 929, PAGE 1881, OF THE ST. CHARLES COUNTY RECORDS; THENCE NORTH 00 DEGREES 27 MINUTES 12 SECONDS EAST 998.06 FEET TO THE POINT OF BEGINNING, CONTAINING 84.20 ACRES.
EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

Application RZ19-14

REZONING REQUEST - OAK VIEW FARMS DRIVE
Application No: RZ19-14
Property Owner: Hyman H. Kaye Revocable Trust
Existing Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
2030 Master Plan: Recommends rural residential (3-acre minimum lot size)
Parcel Size: 84.20 acres
Location: On the west side of Busdieker Drive, approximately 300 feet south of Foristell Road; near the City of New Melle
Council District: 2
Account No.: 608880A000

CONTENTS:
➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Topography Map
➢ Letters received
  ◆ Opposition – Elaine Sweeten
  ◆ Opposition – Karen Wilson
  ◆ Opposition – Linda Aldridge and Gary Whalen
  ◆ Opposition – Nancy Aberasturi
➢ Planning and Zoning Commission minutes from November 20, 2019 meeting
November 22, 2019

This communication summarizes the following bill to be introduced at the December 16, 2019 County Council meeting:

**REZONING REQUEST - OAK VIEW FARMS DRIVE**

<table>
<thead>
<tr>
<th>Application No:</th>
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The rezoning request is for a parcel of 84.20 acres in size. This acreage includes the parcel of 83.20 acres located on the west side of Busdieker Lane 300 feet south of Foristell Road and the 300 foot portion of Busdieker Lane leading from the property to Foristell Road. The applicant requesting this rezoning has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. With the proposed purchase of a portion of Busdieker Lane, the applicant will be required to improve the access to the property and will be required to have St. Charles County Highway Department approval for ingress and egress from Busdieker Lane onto Foristell Road. Similar lot sizes of 3 acres are found in the Auburn Meadows subdivision located directly to the west and north of this property. The land use plan for this area does recommend residential land use with 3-acre minimum lot size. This minimum lot size recommendation will be able to support the required individual sewer systems proposed in the subdivision plat. Public Water Supply District #2 will provide the water services for the proposed subdivision.

The Planning and Zoning Commission held a public hearing on this rezoning application on November 20, 2019, and received the following public input:

- **Speakers:** 1 Support 5 Opposed 0 Concerns
- **Letters on file:** 0 Support 4 Opposed 0 Concerns

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

- 4 Approval 2 Denial 0 Abstentions

**Recommendation:**

The Planning & Zoning Commission recommends approval of this rezoning request. The Planning and Zoning Division concurs with this recommendation, and finds the proposed zoning to be consistent with the 2030 Land Use Plan.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
    Joann Leykam, Director of Administration
    John Watson, County Counselor
STAFF RECOMMENDATION

To: County Planning & Zoning Commission  
Prepared by: Ellie Marr, CFM
Application No.: RZ19-14  
Date: November 12, 2019

BACKGROUND

Owners: Kaye Hyman H. Revocable Trust
Applicant: Bax Engineering co, Inc.
Requested Actions: A zoning map amendment to rezone 84.20 acres from A, Agricultural District (5-acre minimum lot size) to RR, Residential District (3-acre minimum lot size)
Location: On the west side of Busdieker Lane, approximately 300 feet south of Foristell Road, near the City of New Melle.
Current Zoning: A, Agricultural District
Current Land Use: Agricultural

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<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
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</tr>
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<td></td>
<td>and Agricultural</td>
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2030 Master Plan: Recommends Rural Residential land use
Public Services: County Council District 2 – Joe Brazil  
School District – Francis Howell School District  
Fire District – New Melle Fire Protection District
Utilities: Water – Individual Well – Public Water Supply #2 service area  
Sewer – Private wastewater systems
Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The rezoning request is for a parcel of 84.20 acres in size. This acreage includes the parcel of 83.20 acres located on the west side of Busdieker Lane 300 feet south of Foristell Road and the 300 foot portion of Busdieker Lane leading from the property to Foristell Road. The applicant requesting this rezoning has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. With the proposed purchase of a portion of Busdieker Lane, the applicant will be required to improve the access to the property and will be required to have St. Charles County Highway Department approval for ingress and egress from Busdieker Lane onto Foristell Road.
Similar lot sizes of 3 acres are found in the Auburn Meadows subdivision located directly to the west and north of this property. The land use plan for this area does recommend residential land use with 3 acre minimum lot size. This minimum lot size recommendation will be able to support the required individual sewer systems proposed in the subdivision plat. Public Water Supply District #2 will provide the water services for the proposed subdivision.

**RECOMMENDATION:**

The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size) be approved. In recommending approval to the RR zoning district, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

Looking west from Busdieker Lane
RZ19-14 Future Land Use
RZ19-14 Topography
I am against the rezoning on Foristell Road and surrounding areas. Thank you for prompt attention to this matter.

Regards. Elaine Sweeten

960 Foristell Rd.
Good Morning,

My name is Karen Wilson, and I live on Foristell Rd., and am writing you in regards to the application number of RZ19-14, to rezone the Residential District Oak View Farms Drive from 5-acre lots to 3-acre lots. My intention is to make this as brief as possible, and I am going to be honest with you, I am writing this on a very personal level as someone who uses Foristell Rd., and many surrounding roads for my own health; physically, mentally and emotionally. I am a bicyclist, individually, not a group or team, and you will see me on the roads almost every day, all year round.

Lowering the minimum lot size to 3-acres, instead of 5-acres, will obviously increase the number of houses built, and in turn increase the traffic and road usage on all the roads that lead to access to this property area. I would like to ask you to consider my feelings and view of this as not a good idea in the fact that speeding on these roads is already dangerous, drivers don't pay attention to stop signs, freely pull out in front of people, and honestly, are distracted with other things besides driving and keeping all who use the roads, in whatever capacity, safe. The increased traffic, during construction and beyond, with more homes than originally zoned 5-acre lots in the 2030 Master Plan would allow, is just not a safe idea. It honestly, truly scares me for the reasons I use the roads, besides driving on them, but also for the farmers, walkers, joggers, and wildlife.

I appreciate your time, attention and consideration to my views and feelings. I am a strong believer that this definitely about everyone's safety, not how many more houses we can fit. Thank you again,

Sincerely,

Karen Wilson
We live at 2120 Oberhelman Road, Foristell, MO which is within 1,000 feet of the above referenced property.

We oppose the rezoning from 5 acres down to 3 for the following reasons:

- This will significantly increase both the night light (affects star gazing) and add significant noise (both from people and dogs affecting sleep)
- Foristell Road is very narrow for additional traffic and lacks any shoulder
- We moved out of the city to be in the country, 3 acre lots are not country living, it is just a subdivision with large lots
- 3 acre lots will reduce the usable habitat for surrounding wildlife
- If someone wants to live on Oak View Farms, they can be equally, if not more happy on 5 acres

Thank you for your consideration,

Linda Aldridge and Gary Whalen
I live at 898 Foristell Road and own six acres. I am writing to express my disapproval of the above proposed changes to our rural area.

Thank you.

Nancy Aberasturi
Naberasturi@gmail.com
314 602-0560

Sent from my iPad
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: NOVEMBER 20, 2019
TIME: 7:00 P.M.
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Diane Salle; Kevin Cleary; Tom Kuhn; Roger Ellis; Craig Frahm; and Robert McDonald

MEMBERS ABSENT: Jim Leonhard

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Megan Murray, Assistant County Counselor; and Jhimae Brock, Recording Secretary

SPEAKERS: RZ19-14: Dale Bax with Bax Engineering Company, applicant’s representative; Leslie Jones, 898 Foristell Road, Wentzville, MO; Dave Muehling, 3649 Holt Road, Wentzville, MO; Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO; Nancy Aberasturi, 898 Foristell Road; Arnie C. “AC” Dienoff, P.O. Box #1535, O’Fallon, MO 63366-9335

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 a preliminary plat 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), including zoning maps; and the 2030 Master Plan for St. Charles County, which includes the 2030 Future Land Use Plan Map.
Robert Myers, Director of Planning and Zoning, described the subject property and surrounding land uses. The applicant is requesting a zoning change from A, Agricultural District (5-acre minimum lot size) to RR, Single-Family Residential District (3-acre minimum lot size). The applicant has also submitted a preliminary plat for a subdivision consisting of 25 lots with a minimum lot size of 3 acres. The property consists of 84.20 acres and is located northwest of the Town of New Melle and near the western border of St. Charles County. In 2005, the Auburn Meadows Subdivision was developed by right in the Agricultural Zoning District with a minimum lot size of 3 acres, but in 2006 the minimum lot size requirement changed to 5 acres.

The Planning and Zoning Division recommends that this rezoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District, (3-acre minimum lot size) be approved. In recommending approval, staff finds the proposed zoning to be consistent with the 2030 Land Use Plan.

For the record, staff received four letters of opposition regarding this application.

Chairman Roger Ellis asked if the Commission had any questions for the Planning & Zoning staff.

Seeing none, Chairman Ellis opened the public hearing and asked the applicant to come forward.

Dale Bax with Bax Engineering Company, the applicant’s representative, was sworn in. Mr. Bax stated that he is representing the developer, Tim Griffey with Greystone Holdings. They are requesting this rezoning in order to develop this property with 3-acre minimum lot sizes. The tract is located along Foristell Road at the intersection of Busdieker Drive and Foristell Road. They will be making improvements to the intersection at the proposed entrance onto Foristell Road, and the entrance will meet all County road requirements. They are required to have a turnaround and they have proposed a “bubble” that sits between lots 3 and 4, and a cul-de-sac with a 55-foot radius. The subdivision will be serviced by Public Water District No. 2, and the lots will and have individual septic systems for waste removal. There will be minimal clearing of trees during construction. Their goal is to maintain the trees on site and be conservationists.

Kevin Cleary asked if the high point in the topography of this tract was at Foristell Road, falling off towards the south.
Dale Bax responded in the affirmative.

Kevin Cleary asked what the plans for water collection or dispersal are.

Dale Bax responded that they will be using roadside ditches for stormwater management. He stated that once they get to three feet per-second with the water runoff, they will redirect it out of a roadside ditch. They don’t want the property to become erosive and will let the stormwater filter through onto the property. Their goal is for the stormwater to absorb into the existing ground as it drains downhill.

Roger Ellis asked if they would have to purchase a portion of Busdieker Road for the proposed plat.

Dale Bax responded that Busdieker Drive is an easement that has been granted to the subject property and the Blondin property located to the east. The current road easement has been recorded and they have rights to it. He stated that it will be upgraded and there will be additional right-of-way will be granted to St. Charles County at the intersection of Foristell Road and Busdieker Drive. They will need to acquire more property to the east and west of the Busdieker Road in order to meet County standards, and they will be working with the property owners of the Auburn Meadows Subdivision and the Blondin property.

Roger Ellis asked if the proposed subdivision would have a homeowner’s association.

Dale Bax responded in the affirmative and stated that the homeowner’s association will cover the maintenance and upkeep of the common ground.

Kevin Cleary stated that easements are typically written for either a specific use or time and asked if the easement is specifically for the property owner on the subject property or for unlimited use to the entire property.

Dale Bax responded that both the easement and the existing cul-de-sac will be used for the entire subject property, the Blondin property, and an additional property located to the south. Mr. Bax stated that they are purchasing a portion of the Hyman Kay Trust property to be developed and sold if access is needed for the remaining property owners.

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.

Leslie Jones, was sworn in. Mr. Jones is opposed of the rezoning request and is concerned that the removal of trees will cause problems with water absorption. He stated that there is quite a steep grade on his property and is located downstream from the subject property. The additional homes on this property would create too much runoff. He is also concerned with the traffic on Foristell Road, and he stated that the existing infrastructure is not designed for the potential growth in this area.

Dave Muehling, 3649 Holt Road, Wentzville, MO, was sworn in. Mr. Muehling is concerned that absorption will be an issue with the proposed development. He stated that Auburn Meadows subdivision is barren with large flat yards, and he believes the same thing will happen once the subject property is developed. He fears that there will be a large amount of water flowing onto the creek if there aren’t improvements made to the property or plans for drainage. He is also concerned with traffic and stated that the intersection at Foristell Road and Holt Road is dangerous. He stated that it is a blind intersection and several accidents have occurred there. He stated that Foristell Road is designed for a rural neighborhood. He stated that he isn’t opposed to the development but would like to see a plan for water
retention other than using ditches because the last time his property flooded it cost him a lot of money to make repairs.

Alice Freese-Molitor, 1467 Foristell Road, Foristell, MO 63348, was sworn in. Ms. Freese-Molitor is opposed of this rezoning request and would like for the subject property to remain in the Agricultural District with a 5-acre minimum lot size. As she understood, the County’s Master Plan for the southwestern section of St. Charles County considers this area to be a historical and agricultural district, and this area should remain rural. She owns property that adjoins the Auburn Meadows Subdivision, and this proposed development also adjoins her property. She stated that after the Auburn Meadows Subdivision was developed a runoff situation was created that flooded out their private road and damaged their culverts. She stated that the developer of the Auburn Meadows Subdivision had assured her that this would not happen, but when it rains there is no way for the runoff from the Auburn Meadows Subdivision to be absorbed and it drains down onto their property. She is concerned that the proposed development would cause the same runoff issue. She is also concerned that adding more residents to this area on 3-acre lots would affect public safety and be a nuisance to their quiet rural neighborhood.

Nancy Aberasturi, 898 Foristell Road, Wentzville, MO was sworn in. Ms. Aberasturi lives within 1,000 feet of the subject property on Oak View Farms Drive. She is opposed to both this zoning change request, and to the proposed subdivision. She stated that they were drawn to the New Melle area due to the rural atmosphere, the wildlife, the two-lane roads, and having land for her horses. She wanted a safe place to live and to be able to enjoy her property. She enjoys the peace of the countryside and the acreage that allows distance between her and her neighbors. She believes that this zoning change would infringe upon the rights of the current residents and would cause further loss of the surrounding wildlife habitat. She is concerned with traffic on Foristell Road, and stated that this development would not be a good choice for the area.

Craig Frahm asked Ms. Aberasturi how many acres her property is.

Nancy Aberasturi responded that her property is six acres. She believes that the proposed development is unorganized and would bring an additional burden to the already overcrowded School District. She stated that the County should maintain rural areas that are desirable for residents.

Arnie C. “AC” Dienoff, P.O. Box 1535, O’Fallon, MO, was sworn in. Mr. Dienoff stated that he understands the County’s needs for development, but he also hears the concerns of the neighbors. He asked that the Planning and Zoning Commission consider a compromise of 20 lots for this site rather than the proposed 25 lots. He stated that this area is shown as a low-density area in the Comprehensive Plan. He also asked County staff about the location of the dividing line or roadway shown on the plat.

Robert Myers responded that this line not a roadway. The line shows the watersheds associated with Dardenne Creek, which is located south of the subject property.

Arnie Dienoff stated that he has concerns with the developer and their plan for erosion and runoff. He stated that there were no staff comments or conditions for this application included in the packet. He is also concerned with public safety on Foristell Road, and believes it is not up to standards for a subdivision. Mr. Dienoff stated that he did not see any comments in the packet from the New Melle Fire District, Francis Howell School District, the Department of Transportation of the Francis Howell School District, or the Department of Natural Resources. He stated that the developer should be required to provide retention and detention plans for this property and stated that St. Charles County needs to ensure responsible development to reduce erosion and flooding and cracked foundations.
Chairman Roger Ellis asked if there was anyone else in the audience that wanted to speak on this application.

Seeing none, Chairman Ellis closed the public hearing and asked the applicant to come back to the podium to address some of the concerns voiced by the audience speakers.

There being no further questions for the applicant, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Diane Saale stated that with the adjacent Auburn Meadows Subdivision having already been developed with three acre lots, it is difficult to deny this rezoning request for three-acre lot sizes.

Craig Frahm asked Dale Bax why the developer wishes to rezone the subject property rather than to leave it zoned Agricultural.

Dale Bax responded that this is the desire of the developer that has the property under contract. Three-acre development under the Rural Residential District is also the recommended Zoning District for this property that is shown on St. Charles County’s 2030 Master Plan.

Craig Frahm asked if they see a market for five-acre minimum lot sizes in that area.

Dale Bax responded that he has not seen a market for five acre lots in any development in St. Charles County, unless the developer has been forced to stay within the Agricultural Zoning District.

There being no further discussion from the Commission, Chairman Ellis entertained a motion to recommend approval of Application No. RZ19-14.

Kevin Cleary made a motion, and Craig Frahm seconded the motion.

The vote on the motion was as follows:

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<tbody>
<tr>
<td>Diane Saale</td>
<td>No</td>
<td>Tom Kuhn</td>
<td>Yes</td>
<td>Roger Ellis</td>
<td>Yes</td>
</tr>
<tr>
<td>Kevin Cleary</td>
<td>Yes</td>
<td>Craig Frahm</td>
<td>Yes</td>
<td>Robert McDonald</td>
<td>No</td>
</tr>
</tbody>
</table>

Application No. RZ19-14 was recommended for APPROVAL.

The Vote Count was 4 Yeas, 2 Nays, and 0 Abstention.