Bill No. 4846

Requested by: Michael Hurlbert
Sponsored by: Nancy Schneider

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS, TO RIVERFRONT DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS, AS PER APPLICATION RZ20-03

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, a change in zoning of land located at 6171 Highway V was requested by Tully Investments, Incorporated, property owner(s), through Application RZ20-03; and

WHEREAS, the tract to be rezoned is a 55.55-acre parcel currently zoned A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts, and is occupied by Polestar Marina; and

WHEREAS, the zoning sought for the tract to be rezoned is Riverfront District, with Floodway and Floodway Fringe Overlay Districts; and

WHEREAS, adjacent land to the north is zoned RF, Riverfront District with Floodway and Floodway Fringe Overlay

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Districts and is the site of Port Charles Marina; adjacent land to the south is zoned A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts and is the site of the 222 Yacht Club and farmland; adjacent land to the east is zoned A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts and is the site of farmland; and the Mississippi River is located to the west; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 8 ayes to 0 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 55.55-acre tract of land located at 6171 Highway V is hereby rezoned from A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts, to Riverfront District, with Floodway and Floodway Fringe Overlay Districts. 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 RZ20-03 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, which exhibit contains 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: RZ20-03

THE PROPERTY IS PRESENTLY ZONED: A. AGRICULTURAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS

IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT: RIVERFRONT DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS

OWNER OR OWNERS OF PROPERTY TO BE REZONED: TULLY INVESTMENTS, INC.

LOCATION OF PROPERTY:
THE PROPERTY IS KNOWN AS 6171 HIGHWAY V (POLESTAR MARINA) AND IS LOCATED ON THE WEST SIDE OF HIGHWAY V, APPROXIMATELY 1,300 FEET NORTH OF NORTH SHORE DRIVE.

THE PROPERTY CONSISTS OF 55.55 ACRES, AND IS LOCATED IN COUNCIL DISTRICT 6.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

A TRACT OF LAND IN THE SOUTHEAST FRACTIONAL QUARTER (1/4) OF SECTION 8, TOWNSHIP 48 NORTH, RANGE 5 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN OLD IRON PIPE IN THE NORTHEAST CORNER OF PROPERTY CONVEYED TO CLINTON H. EDDINGTON, JR. AND WIFE, BY DEED RECORDED IN BOOK 505, PAGE 940; THENCE SOUTH 0 DEGREES 20 MINUTES WEST 300.00 FEET TO A POINT; THENCE SOUTH 89 DEGREES 00' EAST 963.45 FEET TO THE WEST LINE OF HIGHWAY "V"; THENCE NORTHWARDLY ALONG THE WEST LINE OF SAID HIGHWAY "V" THE FOLLOWING COURSES AND DISTANCES: NORTH 2 DEGREES 53 MINUTES 30 SECONDS WEST 4.00 FEET TO AN IRON PIPE, NORTH 1 DEGREE 44 MINUTES 30" WEST 500.00 FEET TO AN IRON PIPE; NORTH 7 DEGREES 27 MINUTES WEST 50.25 FEET TO AN IRON PIPE; NORTH 1 DEGREE 44 MINUTES 30" WEST 700.00 FEET TO AN IRON PIPE; NORTH 7 DEGREES 27 MINUTES WEST 50.25 FEET TO AN IRON PIPE; AND NORTH 1 DEGREE 44' 30" WEST 348.72 FEET TO AN OLD IRON PIPE; THENCE LEAVING SAID WEST LINE OF HIGHWAY "V", NORTH 83 DEGREES 33' WEST 689.91 FEET TO AN IRON PIPE; THENCE NORTH 54 DEGREES 50' 30" WEST 253.04 FEET TO AN IRON PIPE; THENCE NORTH 48 DEGREES 20' 30" WEST 496.60 FEET TO AN IRON PIPE; THENCE SOUTH 35 DEGREES 00' 09" WEST 160.39 FEET TO AN IRON PIPE; THENCE SOUTH 28 DEGREES 12' WEST 800.44 FEET TO AN IRON PIPE; THENCE SOUTH 88 DEGREES 55' EAST 541.00 FEET TO AN OLD AXLE; THENCE SOUTH 0 DEGREES 28' WEST 1038.30 FEET TO AN IRON PIPE; THENCE SOUTH 89 DEGREES 27' 30" EAST 300.00 FEET TO THE POINT OF BEGINNING, ACCORDING TO SURVEY MADE BY DWYER ASSOCIATES DURING THE MONTH OF SEPTEMBER, 1977.

CHAIRPERSON  P. ROGER ELLIS  SECRETARY  THOMAS KUHN
ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION
## REZONING REQUEST - 6171 HIGHWAY V

<table>
<thead>
<tr>
<th>Application No:</th>
<th>RZ20-03</th>
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</thead>
<tbody>
<tr>
<td>Property Owners:</td>
<td>Tully Investments, Incorporated</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts</td>
</tr>
<tr>
<td>Requested Zoning:</td>
<td>Riverfront District, with Floodway and Floodway Fringe Overlay Districts</td>
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<tr>
<td>2030 Master Plan:</td>
<td>Recommends Agricultural uses</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>55.55 acres</td>
</tr>
<tr>
<td>Location:</td>
<td>On the west side of Highway V, approximately 1,300 feet north of North Shore Drive</td>
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<tr>
<td>Council District:</td>
<td>6</td>
</tr>
<tr>
<td>Account No.:</td>
<td>905790A000</td>
</tr>
</tbody>
</table>

## CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Topographical Map
- Letters received
  - Support - Arnie Dienoff
- Planning and Zoning Commission minutes from [April 15, 2020](#) meeting
April 24, 2020

This communication summarizes the following bill to be introduced at the May 11, 2020 County Council meeting:

**REZONING REQUEST - 6171 HIGHWAY V**

<table>
<thead>
<tr>
<th>Description</th>
<th>Details</th>
</tr>
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<tbody>
<tr>
<td>Application No.</td>
<td>RZ20-03</td>
</tr>
<tr>
<td>Property Owners:</td>
<td>Tully Investments, Inc (Polestar Marina)</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts</td>
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<td>Account No.:</td>
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</table>

Tully Investments, Inc., the property owner, operates Polestar Marina at this location on the Mississippi River. Under the current Agricultural Zoning District standards, marinas are permissive use. However, related services such as boat brokerages, sales and storage of boats, marine gas services, and campgrounds are classified as conditional uses. The applicant proposes to rezone this 55.55-acre tract to the Riverfront District so that marinas and such related uses could be operated by right. The adjoining Port Charles Marina property is already zoned Riverfront District, as is the North Shore Marina a quarter mile to the south. Although the 2030 Land Use Plan recommends future agricultural land uses, the Master Plan calls for Parks and Open Space land uses for these nearby marinas. The 2030 Master Plan (pages 8.4, 8.24 and 9.7) sees such recreational uses as desirable within the Mississippi River floodplain.

The Planning and Zoning Commission held a public hearing on this rezoning application on April 15, 2020, and received the following public input:

<table>
<thead>
<tr>
<th>Input Type</th>
<th>Support</th>
<th>Opposed</th>
<th>Concerns</th>
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</thead>
<tbody>
<tr>
<td>Speakers:</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Letters on file:</td>
<td>1</td>
<td>0</td>
<td>0</td>
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</tbody>
</table>

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

<table>
<thead>
<tr>
<th>Recommendation Type</th>
<th>Approval</th>
<th>Denial</th>
<th>Abstentions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>8</td>
<td>0</td>
<td>0</td>
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</table>

**Recommendation:**

The Planning & Zoning Commission recommends approval of this rezoning request. County staff concurs with this recommendation.

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.: RZ20-03  
Date: March 9, 2020

BACKGROUND INFORMATION

Owner/Applicant: Tully Investments, Inc.  
Requested Action: A zoning map amendment to rezone 55.55 acres from A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay (5-acre minimum lot size) to RF, Riverfront District (no minimum lot size)

Location: 6171 Highway V; On the west side of Highway V, approximately 1,300 feet north of North Shore Drive

Current Zoning: A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay (5-acre minimum lot size)

Current Land Use: Marina

Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RF/FF/FW, Riverfront District with Floodway Fringe and Floodway Overlay</td>
<td>Port Charles Marina</td>
</tr>
<tr>
<td>South</td>
<td>A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay</td>
<td>222 Yacht Club and farm field</td>
</tr>
<tr>
<td>East</td>
<td>A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay</td>
<td>Farm field</td>
</tr>
<tr>
<td>West</td>
<td>Mississippi River</td>
<td>Mississippi River</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Agricultural (minimum lot size 5 acres) land use

Public Services: County Council District 6 – Nancy Schneider  
School District – Orchard Farm School District  
Fire District – Orchard Farm Fire District
REZONING ANALYSIS

The rezoning request is for a parcel of 55.55 acres in size with the current, primary use of the property as a marina. Under the current Agricultural Zoning District, a marina is considered to be a permissive use, however, services that are in conjunction with a marina such as boat brokerage, sales and storage of boats, marine gas services, and campgrounds are considered to be conditional uses. Currently, should any marina wish to add a service in conjunction with the marina use or change any of its original conditional uses under its current Agricultural zoning designation, it must apply for a conditional use permit and submit a subsequent site plan. Under the Riverfront zoning designation, these types of uses are considered permissive uses and would only require an update to their current site plan for review by Community Development Department staff.

The marina located directly to the north of this marina and the marina located approximately 2,000 feet to the south along the Mississippi River are currently zoned RF/FF/FW, Riverfront District with Floodway Fringe and Floodway.

The 2030 Land Use Plan for this area does recommend agricultural land use with 5-acre minimum lot size, however, the existing marinas that are zoned Riverfront, have a land use recommendation of Parks and Open Space which is supportive of the recreational use of the Mississippi River and its necessary marina facilities.

RECOMMENDATION:

The Planning and Zoning Division recommends that this zoning request from A/FF/FW, Agricultural District (5-acre minimum lot size) with Floodway Fringe and Floodway Overlay, to RF, Riverfront District, (no minimum lot size) be approved. In recommending approval to the RF zoning district, staff finds the proposed zoning to be consistent with the other marinas located in the immediate area and the use of the property as a marina with supporting services.
Property looking north from Hwy V
RZ20-03 Future Land Use
RZ20-03 - Topography

Subject Property
Dear County Planning and Zoning Commissioners & County Planning Director:

I am highly opposed to the proposed conduct and proposed illegal violations of the Saint Charles County Council, my Home-County in how it proposes to hold Public Meetings in Violations of Chapter 610 in its entirety of the Revised State Statues of Missouri. No Authority is granted to the Council in Section 610.021 of the Statue.

1. **RZ-20-03: 55-Acres Marina Community**

   1. **Recommendation:** Approve of New Zoning District.

Very Truly Yours,

//S//: Arnie C. AC Dienoff

Arnie C. AC Dienoff
Saint Charles County/State Civic & Public Advocate
On behalf of OUR and my fellow 433,000 County Residents
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: APRIL 15, 2020
TIME: 7:00 PM
PLACE: COUNTY EXECUTIVE BUILDING
100 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Roger Ellis; Craig Frahm; Tom Kuhn; Terry Hollander; Tracy Boehmer;
Kevin Cleary; Jim Leonhard; and Robert McDonald

MEMBERS ABSENT: Diane Saale

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Megan Murray,
Assistant County Counselor; Mariza Almstedt, Recording Secretary; and
Sheila Weiss, Recording Secretary

SPEAKERS: RZ20-03: Peter Tully, 6171 Highway B, St. Charles, MO 63303
PRE20-01: Eric Merchant, 455 S. Highway 19, New Florence, MO 63363
PRE20-05: Jim Piper, 801 S. Fifth Street, St. Charles, MO 63301;
Ed Zigarowicz, 2200 Barrett Station Road, Ballwin, MO 63021

CALL TO ORDER

Chairman Roger Ellis called the meeting to order at 7:00 PM. Following the Pledge of Allegiance,
Chairman Ellis explained that under the unique situation of the COVID-19 Pandemic, public participation
for this evening’s meeting would only be permitted through virtual presence live via WebEx, via the
SCCMOTV YouTube channel at www.sccmo.org, or via Charter Spectrum Channel 993.

Chairman Ellis explained the functions of the Planning and Zoning Division, the Planning and Zoning
Commission, and the County Council. He explained 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 heard during the
meeting is final, only a recommendation for denial 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.

Chairman Ellis called the roll and declared that a quorum of members was present.

PUBLIC HEARINGS

**REZONING REQUEST - 6171 HIGHWAY V**

Application No:  RZ20-03  
Property Owners:  Tully Investments, Inc (Polestar Marina)  
Current Zoning:  A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
Requested Zoning:  Riverfront District, with Floodway and Floodway Fringe Overlay Districts  
2030 Master Plan:  Recommends Agricultural uses  
Parcel Size:  55.55 acres  
Location:  On the west side of Highway V, approximately 1,300 feet north of North Shore Drive  
Council District:  6  
Account No.:  905790A000

Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. The rezoning request is for a parcel of 55.55 acres in size with the current, primary use of the property is Polestar Marina. Under the current Agricultural Zoning District standards, a marina is classified as a permissive use. However, related services, such as boat brokerages, sales and storage of boats, marine gas services, and campgrounds, are classified as conditional uses. Currently, should any marina wish to add a service in conjunction with the marina use or change any of its original conditional uses under its current Agricultural zoning designation, it must apply for a conditional use permit and submit a subsequent site plan. Under Riverfront District standards, such uses are classified as permissive uses.

The marina located directly to the north of this marina and the marina located approximately 2,000 feet to the south along the Mississippi River are both currently zoned RF, Riverfront District, with Floodway and Floodway Fringe Overlay Districts. The 2030 Land Use Plan for this area recommends future agricultural land use with 5-acre minimum lot size. However, nearby marinas which are now zoned Riverfront District have a land use recommendation of Parks and Open Space which is supportive of the recreational use of the Mississippi River and its necessary marina facilities.

County staff recommends that P&Z Commission recommend approval of this rezoning to RF, Riverfront District, and finds the proposed zoning to be consistent with the other marinas located in the immediate area.

For the record, Robert Myers stated that the County had received one written communication on this application – a letter from Arnie C. Dienoff recommending approval of this rezoning request.

Chairman Ellis asked if Commissioners had any questions for County staff.
Chairman Ellis stated while looking at the aerial map where the majority of property is covered by trees. He asked if the owner would be required to come back before the Planning & Zoning Commission for approval should he choose to develop a marina sales or campground area on the property in the future.

Robert Myers responded that the Planning & Zoning Commission would not review any proposed plans for uses such as marinas and campgrounds as allowed by right in the Riverfront Zoning District. Any future development of this property would require site plan approval from County staff. County staff would ensure that all development of the property would conform to the County standards through the site plan approval process. Development would also require a land disturbance permit from the Community Development Department and a permit from the Army Corps of Engineers.

Chairman Ellis asked if anyone else had questions for County staff.

Kevin Cleary asked if any building improvements made to the property would be required to be built above the flood plain.

Robert Myers stated that the County's floodplain regulations offer an ability to allow water-based commercial properties without having to elevate structures, but they must be floodproofed.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked if there were any comments from the public.

Peter Tully, the applicant and property owner, was sworn in. Mr. Tully stated that the presentation given by the Planning and Zoning staff regarding this application is consistent with his request.

Chairman Ellis asked if there were any questions for the applicant.

Kevin Cleary asked Mr. Tully if he has any plans for development of this property.

Peter Tully responded that he is considering a possible campground or recreational vehicle site near the entrance of the marina, similar to those at nearby North Shore Marina and Port Charles Marina. He would like to have a boat station there and he has already had discussions with Ameren Electric about his future plans. He stated that any development within the 33 acres of wooded wetlands on the property would have to be approved by the Army Corps of Engineers, but he does not have any future development plans for that area at this time.

Kevin Cleary asked Mr. Tully what his plans are for handling wastewater.

Peter Tully stated that wastewater would be stored in holding tanks and transported from the property; or in the future he may install an onsite sewage disposal system.

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

There being no discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-03.

Tracy Boehmer made a motion to recommend approval and Terry Hollander seconded the motion.
The vote on the motion was as follows:

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<thead>
<tr>
<th>Name</th>
<th>Vote</th>
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<tbody>
<tr>
<td>Kevin Cleary</td>
<td>Yes</td>
</tr>
<tr>
<td>Tom Kuhn</td>
<td>Yes</td>
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<tr>
<td>Roger Ellis</td>
<td>Yes</td>
</tr>
<tr>
<td>Craig Frahm</td>
<td>Yes</td>
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<tr>
<td>Tracy Boehmer</td>
<td>Yes</td>
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<tr>
<td>Terry Hollander</td>
<td>Yes</td>
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<tr>
<td>Robert McDonald</td>
<td>Yes</td>
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<tr>
<td>Jim Leonhard</td>
<td>Yes</td>
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Application No RZ20-03 was recommended for APPROVAL.

The Vote Count was 8 Yeas, 0 Nays and Abstentions.