DATE: April 24, 2020

TO: Steve Ehlmann, County Executive
    Joann Leykam, Director of Administration

CC: John Watson, County Counselor
    Donna Vogt, County Council

FROM: Michael Hurlbert, Director of Community Development

RE: Item for May 11, 2020 County Council Meeting

The Community Development Department is submitting the following item for the May 11, 2020 County Council Agenda.

BILL FOR INTRODUCTION:

Planning and Zoning Commission recommends Approval:

REZONING REQUEST - 6171 HIGHWAY V

Application No: RZ20-03
Property Owners: Tully Investments, Incorporated
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
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' 00" 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.
EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ20-03

REZONING REQUEST - 6171 HIGHWAY V

Application No: RZ20-03
Property Owners: Tully Investments, Incorporated
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

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>Application No.</th>
<th>RZ20-03</th>
</tr>
</thead>
<tbody>
<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>
</tr>
<tr>
<td>Requested Zoning:</td>
<td>Riverfront District, with Floodway and Floodway Fringe Overlay Districts</td>
</tr>
<tr>
<td>2030 Master Plan:</td>
<td>Recommends Agricultural land 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>
</tr>
<tr>
<td>Council District:</td>
<td>6</td>
</tr>
<tr>
<td>Account No.:</td>
<td>905790A000</td>
</tr>
</tbody>
</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:

- **Speakers:** 2 Support 0 Opposed 0 Concerns
- **Letters on file:** 1 Support 0 Opposed 0 Concerns

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

- **8 Approval** 0 Denial 0 Abstentions

**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</td>
<td>Port Charles Marina</td>
</tr>
<tr>
<td></td>
<td>Fringe and Floodway Overlay</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>A/FF/FW, Agricultural District with Floodway</td>
<td>222 Yacht Club and farm field</td>
</tr>
<tr>
<td></td>
<td>Fringe and Floodway Overlay</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>A/FF/FW, Agricultural District with Floodway</td>
<td>Farm field</td>
</tr>
<tr>
<td></td>
<td>Fringe and Floodway Overlay</td>
<td></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
Utilities: 
Water – Individual Well
Sewer– Individual Wastewater Treatment System

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.