APPLICATION PRE20-14

PRELIMINARY PLAT FOR THE HYMAN KAYE TRACT - OAK VIEW FARMS DRIVE

Application No: PRE20-14
Property Owner: Hyman H. Kaye Revocable Trust
Engineer/Surveyor: Bax Engineering Company
Developer: Greystone Holdings, LLC
Existing Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
Proposed lots: 25
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:

➢ Staff Recommendation
➢ Site Photos
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Topography Map
➢ Future Land Use Map
➢ Preliminary Plat
➢ Letters received
  • Opposition - Sabrina Wrenn
STAFF RECOMMENDATION

To: County Planning & Zoning Commission
Prepared by: Mark E. Price Jr, AICP, CFM
Application No.: PRE20-14
Date: June 10, 2020

BACKGROUND

Owners: Hyman H. Kaye Revocable Trust
Applicant: Greystone Holdings, LLC.
Requested Actions: A preliminary plat, Hayman Kaye Tract, for twenty-five (25) lots
Location: On the west side of Busdieker Lane, approximately 300 feet south of Foristell Road, one-mile northwest of the City of New Melle.
Current Zoning: A, Agricultural District
Current Land Use: Agricultural
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>A, Agricultural District</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Agricultural</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District</td>
<td>Single Family Residences and Agricultural</td>
</tr>
</tbody>
</table>

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 – Public Water Supply #2
Sewer – Private wastewater systems
Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The property (60880A000) is 83.203 acres in size and the owner/developer is proposing twenty-five (25) individual lots with a minimum lot size of three (3) acres. 20 lots access Busdieker Drive from a new cul-de-sac street. The proposed new street must meet the County’s private road standard which includes paving of the street.

The remaining 5 lots in the subdivision will take access directly from Busdieker Drive. The applicant will be required to upgrade Busdieker Drive to the County’s private road standard which, including paving the street.

Although public water supply is not required for subdivisions with 3 acre lots, the applicant will be installing a public water system that will source its water from Public Water Supply District #2. This will include the installation of fire hydrants that meet the required standards of the New Melle Fire Protection District. This will be developed during the subdivision improvement phase of the subdivision.
Although the County’s stormwater standards do not require stormwater detention for lots 3 acres or greater in area, the applicant has added a drainage berm in the southwest area of the plat spanning across Lots 6 through 11 which will require engineering review prior to subdivision improvement plan approval. The purpose of this berm is to intersect stormwater flowing southwest and direct it eastward to the tributary of upper Dardenne Creek bordering this tract to the southeast. During the subdivision improvement plan stage, the engineer will be required to document that this berm will function as intended and comply with the stormwater standards of the County.

Comments on the preliminary plat from the Fort Zumwalt School District and the New Melle Fire Department have been forwarded to the developer to include in their design. Those comment letters have been included as an addendum to this report.

**RECOMMENDATION:**
The Planning and Zoning Division advises that this preliminary plat meets the minimum technical requirements of Chapter 410 of the Unified Development Ordinance.

*Busdieker Drive at Foristell Road Looking West*
Looking North along Busdieker Drive with the subject property on the left
PRE20-14 - Zoning
PRE20-14 Future Land Use
June 16, 2020

To Members of the Planning and Zoning Commission

This correspondence sets out my understanding about and objections to PRE20-14 development which is on the Commission’s agenda for June 17, 2020.

1. **3 acre developments in the area were built prior to the Agricultural District minimum increase to the 5 acre minimum.** As staff for Planning and Zoning previously explained, the 5 acre minimum ordinance for County Agricultural Districts has been in effect since 2008. The 3 acre subdivisions near the PPRE20-14 were developed **BEFORE** the 5 acre ordinance was in place. It may be that issues associated with those 3 acre developments led to the 5 acre minimum. Do not be misled that the other 3 acre developments exist because of rezoning. I understand they do not. Those 3 acre developments predate the decision that a 5 acre minimum was the better course to ensure the character and function of Agricultural Districts like this one.

2. **Water runoff is unacceptable now and will increase with this development.**
   a. Soils in the area of the proposed development are overwhelming clay and do not readily absorb or easily percolate water. Natural vegetation, crops, and trees increase topsoil and help the ground absorb and retain water thereby reducing run-off and easing soil erosion. Clearing away these natural features to build 8-10 additional houses is short-sighted and is contrary to the interests protected by the Agricultural District ordinance. Most importantly, area farmers have documented the damage done by developments like that proposed in PRE20-14. Adding 8-10 more houses than permitted by the 5 acre minimum causes more water runoff and leads to additional flooding and erosion of near-by farmlands and existing homes.
   b. In addition to clay soils and the destruction of natural vegetation, adding asphalt, roofs, concrete and other constructed surfaces all increase the areas where water will run to and across the property onto neighboring properties. Don’t underestimate how much water runs off these surfaces and how great the damage is – especially given the heavy rains and resulting flooding routinely experienced in St. Charles County.

3. **Lack of Infrastructure.** Approving a residential development of 25 houses guarantees at least 2x that many people who will need public services that are currently lacking and are not planned for the near future in this part of St. Charles County.
   a. **We have very limited law enforcement services.** Foristell Road, the main access for this development, is a two-lane, hilly, curvy, “speedway” with steep drop offs on each side. Residents have witnessed multiple accidents near the site of the designated entry to the proposed development. There are no traffic controls (stop signs, traffic lights, speed bumps) for the length of Foristell Road before and after the development access point. The County’s own 2018 speed study shows that on any given weekday, more than 30% of the drivers travel faster than 50 mph on this 35 mph road. Speeders frequent Foristell Road and other nearby roads because there is no regular St. Charles County police presence in the area. We are some 30+ minutes away from the St. Charles County epicenter and the majority of police resources are committed to more densely populated areas, not to ours.
   b. **We have no public sewer systems.** This mean the PRE20-14 development will add 25 individual septic systems to our area. University of Missouri – Columbia Extension Center data shows that 70% of individual septic systems installed in Missouri’s soils fail or fail to operate properly. “Depending on the [Missouri]county, 60 to 99 percent of the soils show severe limitations for using absorption field systems.” Local authority Ms. Sandy May confirms this fact for our County, writing, “St. Charles County has dense clay soil. This can cause septic systems to fail, especially after heavy or prolonged rains.” Human sewage increases with human density and is undeniably “a serious public health risk.” The 5 acre minimum provides greater protection against this problem and should be respected, not undercut by rezoning like that proposed in PRE20-14.
   c. **This area’s schools are already overcrowded.** Bringing additional families to live in this part of the unincorporated County without providing more schools means a greater burden on this public service as well. By approving this application (and others like it), the Commission undercuts the clear public policies stated in the Agricultural District’s 5 acre minimum – these were specifically targeted at limiting population density. This “exception for developers” is even more indefensible in the context of the COVID outbreak which has reduced County revenues and nearly guarantees there will be no provision of new public services in outlying areas like ours any time soon.

4. **Unincorporated southwest St. Charles County is historically significant.** There are thousands of acres in southwest St. Charles County that represent the founding families of St. Charles and surrounding settlements. Families in this part of the County have spent generations working this land to grow food and raise livestock that feed and contribute to the well-being of humans and animals. Continuing to encroach on their livelihoods **BY USE OF EXCEPTIONS TO THE AGRICULTURAL DISTRICT 5 ACRE MINIMUM ORDINANCE** is short-sighted at best and underhanded at worst. The private property owners in this part of the County purchased or own this land knowing, and in many cases relying on, the 5 acre promise set out in the St. Charles County Agricultural District ordinance. If a developer wants to own or buy property in this area, then respect the 5 acre minimum. If one wants to develop the life out of property, then go to an area where zoning permits higher residential densities. In this moment, at this time, our historic, preserved, and self-sufficient corner of the County is NOT that place. Come here, yes, but with thoughtful, respectful, and steward-like development … on 5 acre lots.

For all these reasons, please deny Application PRE20-14.

Respectfully,

Sabrina Wrenn
Resident and Registered Voter
Unincorporated St. Charles County


What You May Not Know About Your Septic, December 5, 2016.