DATE:  July 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 August 10, 2020 County Council Meeting

The Community Development Department is submitting the following item for the August 10, 2020 County Council Agenda.

BILL FOR INTRODUCTION:

1) Planning and Zoning Commission recommends Denial:

PRELIMINARY PLAT FOR VILLAS AT LAKE ST. LOUIS - 1936 DUELLO ROAD

Application No:  PRE20-13
Owner/Developer:  James W. Clemens
Engineer/Surveyor:  THD Design Group
Zoning:  R2, Two-Family Residential District
Proposed Dwelling Units:  5
Parcel Size:  1.10 acres
Location:  On the north side of Duello Road, approximately 430 feet east of Charity Drive; adjacent to the City of Lake St. Louis
Council District:  2
Account No.:  T132300003
EXHIBIT B
APPROVING THE PRELIMINARY PLAT FOR VILLAS AT LAKE ST. LOUIS

APPLICATION PRE20-13

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CONTENTS:

➢ Synopsis
➢ Staff Recommendation
➢ Site Photos
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Request for Variance Letter
➢ Waiver Request Letter
➢ Concept Plan Overlay
➢ Preliminary Plat
➢ Existing Tree Canopy 2017
➢ Existing Tree Photos
➢ P&Z Commission Meeting Presentation
➢ Letters received
  ♦ Comments - City of Lake St. Louis
  ♦ Comments - Wentzville Fire Protection District
  ♦ Concerns - Jackson and Alexis McMullin
  ♦ Opposition - Peter and Ginette Chariton, and Clint Retzer
  ♦ Petition in Opposition with 15 signatures
➢ Planning and Zoning Commission minutes from July 15, 2020 meeting
This memorandum summarizes the following bill to be introduced at the August 10, 2020 County Council meeting:

**PRELIMINARY PLAT FOR VILLAS AT LAKE ST. LOUIS - 1936 DUELLO ROAD**

Application No.: PRE20-13  
Owner/Developer: James W. Clemens  
Engineer/Surveyor: THD Design Group  
Zoning: R2, Two-Family Residential District  
Proposed Dwelling Units: 5  
Parcel Size: 1.10 acres  
Location: On the north side of Duello Road, approximately 430 feet east of Charity Drive; adjacent to the City of Lake St. Louis  
Council District: 2  
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This bill would approve the Preliminary Plat for the Villas at Lake St. Louis, a proposed infill residential subdivision near Duello Elementary School and adjacent to residential subdivisions within the City of Lake St. Louis. The existing R2, Two Family Residential District zoning allows attached villas on individual lots as proposed in this case.

The County’s Subdivision Regulations require that newly-created lots take access from an internal street rather than from County highways. (Sections 410.280.2.A2 and 410.290.2 of the County Code) Doing so avoids five new driveways having to access the new Duello Road and interrupt traffic at the adjacent intersection. In this instance, because the lot is shallow (varying in depth from 81 to 93 feet) platting the right-of-way necessary for an internal street greatly restrains the buildable area of lots when zoning setbacks are taken into account. The lot depth is due in part to County purchase of a 60-foot strip of land to reroute Duello Road along the property’s eastern border.

Under Section 410.480 of the County’s Subdivision Regulations, the Planning and Zoning Commission and County Council may grant variances from the Subdivision Regulations "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 [Subdivision Regulations] ... would impose practical difficulties or [a] particular hardship..."

As proposed, the private street would meet all County design standards and function like any other private street. To ensure that lots are buildable, the developer proposes to construct the street within a common easement crossing the five lots rather than platting right-of-way as a separate strip of land. To do so, variances from Section 410.280.A.2 and 410.320 of the Subdivision Regulations would be necessary.

The Planning and Zoning Commission considered this request at its July 15, 2020 meeting and received the following input:

Speakers: 1 Support 3 Opposed 1 Concerns  
Letters received: 0 Support 16 Opposed 1 Concerns  
Agency letters: 2

Public input included comments about building a street close to existing homes (on Hidden Bluffs Drive), tree removal, increased stormwater and traffic, and installing a guard rail along the western border of the proposed street.

Having concluded the public hearing, the Planning and Zoning Commission voted as follows:

1 Approval 5 Denial 0 Abstain

Referencing the concerns expressed by the public, the Planning and Zoning Commission denied the Villas at Lake St. Louis Preliminary Plat. Consequently, Plat approval would require ordinance approval by five or more County Council members.
Sincerely,

[Signature]

Robert Myers, AICP
Director of Planning & Zoning

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

To: County Planning & Zoning Commission
Application No.: PRE20-13
Prepared by: Mark Price Jr, AICP, CFM
Date: July 7, 2020

BACKGROUND INFORMATION

Property Owner and Applicant: James W. Clemens
Requested Actions: Approve a Preliminary Plat for Lake Saint Louis Woods (5 lots with two common grounds)
Location: 1936 Duello Road, On the north side of Duello Road, approximately 430’ east of Charity Drive; adjacent to the City of Lake St. Louis.
Subdivision area: 1.1 Acres
Current Zoning: R2, Two-Family Residential District
Current Land Uses: Vacant Land
Adjacent Land Use and Zoning:

<table>
<thead>
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<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
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<tbody>
<tr>
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<td>City of Lake Saint Louis</td>
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</tr>
<tr>
<td>South</td>
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<td>Single Family Residences</td>
</tr>
<tr>
<td>East</td>
<td>A, Agriculture</td>
<td>Single Family Residences</td>
</tr>
<tr>
<td>West</td>
<td>City of Lake Saint Louis</td>
<td>Single Family Residences</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Low Density Residential uses (1-4 dwellings per acre)
Public Services: County Council District 2 – Joseph Brazil
School District – Wentzville School District
Fire District – Wentzville Fire District
Utilities: Water – Public Water and Sewer District #2
Sewer – Public Water and Sewer District #2

The applicant is proposing to develop an infill residential subdivision with five lots near Duello Elementary School and adjacent to residential subdivisions in the City of Lake St. Louis. The applicant will be building attached homes. There will be one home per lot for a total of five dwelling units. There will be two sets of attached homes and one free standing home.
ANALYSIS

Under Section 410.480 of the County’s Subdivision Regulations, the Planning and Zoning Commission and County Council may grant variances from the Subdivision Regulations “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 [Subdivision Regulations] ... would impose practical difficulties or [a] particular hardship...”

Given the shallow depth of the parcel, the developer is requesting a variance from Section 410.280.2 of the Unified Development Ordinance of Saint Charles County Missouri. That section states:

“Width. Blocks shall be wide enough to allow two (2) tiers of lots with sufficient depth to provide an adequate building site on each lot, except as consistent with street design standards as set forth. All lots within a subdivided plat must have driveway access to interior subdivision streets [emphasis added].”

The applicant states that due to the unique shape and location of the lot, and to be able to accommodate the proposed buildings without a zoning variance, they are requesting to allow a private street within an easement rather than dedicated street right-of-way. Otherwise, given the zoning ordinance requirement for 25-foot front yard setbacks along both street rights-of-way, buildings could not be sited so as not to violate either front yard setback, according to the applicant.

The property varies in depth between 81 feet on the south and 92.56 feet on the north. The required setback for the property would remove 50 feet of that width reducing the buildable area down to 42.56 feet on the north and 31 feet on the south.

The proposed street being located near a retaining wall and four-foot drop off is a concern for both vehicles and pedestrians. This aspect of the design is being addressed by the addition of a guard rail between the street and retaining wall.

County staff advises that the proposed plat conforms to the County’s subdivision regulations except for:

- Taking access from a private street built within an easement rather than within right-of-way (Section 410.280.2). The applicant has applied for a variance from Section 410.280.2 and which is supported by County staff;
- The sight distance on Duello Road must be confirmed by the applicant’s engineer; and
- The tree preservation requirements of Section 410.145) would lack 0.1 acres of tree canopy for compliance. The applicant could either revise the plat design to meet this requirement or, per Section 410.145.D, seek a waiver from the Community Development Department Director to compensate tree removal. Note: six additional trees are shown on the preliminary plat arranged around the proposed cul-de-sac within common ground.

RECOMMENDATION:

County staff finds that the proposed plat does not meet three of the technical requirements of Chapter 410 of the Unified Development Ordinance as cited above. The applicant has requested a variance from Section 410.280.2 to allow driveway access to a driveway built to private street standards. Both the Planning and Zoning Commission and County Council must approve the plat given the requested variance.