AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM C2, GENERAL COMMERCIAL DISTRICT, TO R1C, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ20-09

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 307 Lorene Drive was requested by Habitat for Humanity of St. Charles County, applicant, and the City of O’Fallon, property owner, through Application RZ20-09; and

WHEREAS, the tract to be rezoned is a 0.568-acre parcel currently zoned C2, General Commercial District; and

WHEREAS, the zoning sought for the tract to be rezoned is R1C, Single-Family Residential District; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District, and is the site of a single-family residence; adjacent land to the south is zoned A, Agricultural District, and is the site of a single-family residence; adjacent land to the east is zoned R1C, Single Family District and is the site of a church; and adjacent land to
the west is zoned R1C, Single Family District and is the site of a single-family residence; and

WHEREAS, the County’s 2030 Master Plan recommends future Low-Density Residential land uses (1-4 dwellings per acre); and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 6 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 0.568-acre tract of land known as 307 Lorene Drive, and located on the northeast corner of Lorene Drive and Fire Lane Drive is hereby rezoned from C2, General Commercial District, to R1C, 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 RZ20-09 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
APPLICATION RZ20-09
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

<table>
<thead>
<tr>
<th>APPLICATION NUMBER:</th>
<th>RZ20-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE PROPERTY IS PRESENTLY ZONED:</td>
<td>C2, GENERAL COMMERCIAL DISTRICT</td>
</tr>
<tr>
<td>IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT:</td>
<td>R1C, SINGLE-FAMILY RESIDENTIAL DISTRICT (15,000 SQUARE FOOT MINIMUM LOT SIZE)</td>
</tr>
<tr>
<td>OWNER OR OWNERS OF PROPERTY TO BE REZONED:</td>
<td>CITY OF O’FALLON</td>
</tr>
<tr>
<td>LOCATION OF PROPERTY:</td>
<td>THE PROPERTY IS KNOWN AS 307 LORENE DRIVE AND IS LOCATED ON THE NORTHEAST CORNER OF LORENE DRIVE AND FIRE LANE DRIVE. THE PROPERTY CONSISTS OF 0.568 ACRES AND IS LOCATED IN COUNCIL DISTRICT 1.</td>
</tr>
</tbody>
</table>

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:
LAKE CHARLES HILLS WATER COMPANY, EAST PART LOT 31, LAKE CHARLES HILLS #1, SECTION 13, TWP. 47, RANGE 2, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 16, IN THE ST. CHARLES COUNTY RECORDER’S OFFICE.
TOGETHER WITH ALL IMPROVEMENTS THEREON AND ALL WATER EASEMENTS AND OTHER APPURTENANCES THERETO, AND ALL FIXTURES, EQUIPMENT, RESERVOIRS, TUNNELS, SHAFTS, DAMS, DIKES, HEADGATES, PIPES, FLUMES, CANALS, STRUCTURES, APPLIANCES AND ALL OTHER FIXTURES AND PERSONAL PROPERTY OWNED BY SELLER IN CONNECTION WITH OR WHICH FACILITATE THE DIVERSION, DEVELOPMENT, STORAGE, SUPPLY, DISTRIBUTION, SALE, FURNISHING OR CARRIAGE OF WATER.

CHAIRPERSON P. ROGER ELLIS
SECRETARY THOMAS KUHN
ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION
EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ20-09

REZONING REQUEST - 307 LORENE DRIVE
Application No: RZ20-09
Applicant: Habitat for Humanity of St. Charles County
Property Owners: City of O’Fallon
Current Zoning: C2, General Commercial District
Requested Zoning: R1C, Single-Family Residential District (15,000 square foot minimum lot size)
2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)
Parcel Size: 0.568 acres
Location: On the northeast corner of Lorene Drive and Fire Lane Drive; near the City of St. Paul and the City of O’Fallon
Council District: 1
Account No.: 318480A000

CONTENTS:
➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Rezoning Exhibit
➢ Letters received
  ♦ Opposition - Lynn Phillips
➢ Planning and Zoning Commission minutes from the July 15, 2020 meeting
July 23, 2020

This communication summarizes the following bill to be introduced at the August 10, 2020 County Council meeting:

**REZONING REQUEST - 307 LORENE DRIVE**

<table>
<thead>
<tr>
<th>Application No.</th>
<th>RZ20-09</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>Habitat for Humanity of St. Charles County</td>
</tr>
<tr>
<td>Property Owners</td>
<td>City of O'Fallon</td>
</tr>
<tr>
<td>Current Zoning</td>
<td>C2, General Commercial District</td>
</tr>
<tr>
<td>Requested Zoning</td>
<td>R1C, Single-Family Residential District (15,000 square foot minimum lot size)</td>
</tr>
<tr>
<td>2030 Master Plan:</td>
<td>Recommends Low-Density Residential uses (1-4 dwellings per acre)</td>
</tr>
<tr>
<td>Parcel Size:</td>
<td>0.568 acres</td>
</tr>
<tr>
<td>Location:</td>
<td>on the northeast corner of Lorene Drive and Fire Lane Drive; near the City of St. Paul and the City of O'Fallon</td>
</tr>
<tr>
<td>Council District</td>
<td>1</td>
</tr>
<tr>
<td>Account No.:</td>
<td>318480A000</td>
</tr>
</tbody>
</table>

Approval of this bill would rezone a vacant 0.568-acre parcel within Lake Charles Hills Subdivision from C2, General Commercial District (no minimum lot size), to R1C, Single Family Residential District (15,000 sq. ft. minimum lot size). The applicant proposes to construct one single-family residence on the property.

Lake Charles Hills Subdivision was platted in 1956 before St. Charles County first enacted zoning and subdivision standards. In 1959, the County zoned the Subdivision A, Agricultural District. Water was provided by well(s) and cistern(s), and sewage disposal was accomplished by individual onsite septic systems. In 1960, this lot was rezoned to C2, General Commercial District, to construct a miniature golf course. The subject parcel was later occupied by a neighborhood water cistern which has been removed and the site remediated to safely allow for redevelopment. In 2004 and 2005, adjoining parcels to the west and east of this parcel were rezoned from C2 to R1C, Single Family Residential District. A Neighborhood Improvement District enacted in 2008 allowed the City of O'Fallon to extend public sewer service throughout Lake Charles Hills Subdivision.

The 2030 Land Use Plan recommends Low Density Residential land uses. Although the existing commercial zoning would allow commercial land uses by right within the center of the subdivision, the parcel’s location and size are not conducive to commercial development. Additionally, commercial development could introduce land use conflicts within the neighborhood. The proposed R1C zoning would be consistent with adjacent R1C zoning and allow uses consistent with prevailing development in the Subdivision.

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

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

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

6 Approval 0 Denial 0 Abstentions
**Recommendation:**
The Planning and 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

Application No.: RZ20-09

Prepared by: Ellie Marr CFM

Date: July 7, 2020

BACKGROUND INFORMATION

Owner: City of O’Fallon

Applicant: Bax Engineering Co., Inc. – Carrie Marcum

Requested Action: A zoning map amendment to rezone 0.565 acres from C2, General Commercial District (no minimum lot size) to R1C, Single Family Residential District (15,000 sq. ft. minimum lot size)

Location: 307 Lorene Drive; On the northwest corner of Lorene Drive and Fire Lane Drive; near the City of St. Paul and the City of O’Fallon

Current Zoning: C2, General Commercial (no minimum lot size)

Current Land Use: Vacant

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 Residence</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Single Family Residence</td>
</tr>
<tr>
<td>East</td>
<td>R1C, Single Family District (15,000 sq. ft. lot size)</td>
<td>Chapel</td>
</tr>
<tr>
<td>West</td>
<td>R1C, Single Family District (15,000 sq. ft. lot size)</td>
<td>Single Family Residence</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Low Density Residential (1-4 units per acre) land use

Public Services: County Council District 1 – Joe Cronin
School District – Fort Zumwalt School District
Fire District – O’Fallon Fire District

Utilities: Water – City of O’Fallon
Sewer – City of O’Fallon
This application involves one parcel (0.565 acres) located within the Lake Charles Hills Subdivision. The applicant proposes to construct one single-family residence on the property, and to accomplish this, the County’s zoning regulations provide two options: (1) apply for a conditional use permit under the parcel’s current C2, General Commercial District zoning, or (2) rezone the property to a residential zoning district. The applicant has chosen the latter option.

Lake Charles Hills Subdivision was platted in 1956 prior to adoption of County zoning and subdivision regulations in 1959. Parcels in the Subdivision were platted with lot sizes ranging from 10,000-40,000 square feet in area. The subject parcel is 22,500 square feet in area, or about a half an acre.

When zoning was first enacted, the Subdivision was designated A, Agricultural District due to its rural setting. Water was provided by well(s) and cistern(s), and sewage disposal was accomplished by individual onsite septic systems. Prior to 1973, Agricultural zoning required a minimum of 18,000 sq. ft. minimum lot size.

In 1960, several lots, including the subject lot, were rezoned to from A, Agricultural District to C2, General Commercial, for the purpose of constructing a miniature golf course. The subject parcel was previously occupied by a neighborhood water cistern. However, public water lines replaced the need for the cistern several decades ago and the cistern has been removed from the property and the site remediated to safely allow for redevelopment.

In 2004 and 2005, adjoining parcels to the west and east of this parcel were rezoned from C2 to R1C, Single Family Residential District. The remainder of the subdivision is zoned A, Agricultural.

In 2008, a Neighborhood Improvement District (NID) agreement was implemented by the County in order to extend City of O’Fallon public sewer lines to the subdivision and to remove all onsite sewage disposal systems. This lot is not included in the NID agreement; however, the owner can access the sewer line by contacting the City of O’Fallon directly. The subject parcel is currently owned by the City of O’Fallon.

**REZONING ANALYSIS**

The 2030 Land Use Plan for this area recommends Low Density Residential land uses.

The existing commercial zoning would allow commercial land uses by right within the center of a residential subdivision, however the location and size of the parcel are not conducive to commercial development. Additionally, commercial development could introduce land use conflicts within the neighborhood.

The proposed R1C zoning would be consistent with adjacent R1C zoning and allow uses consistent with prevailing development patterns within Lake St. Charles Hills.

**RECOMMENDATION**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval. County staff finds the proposed zoning to be consistent with other lot sizes and residential use in the immediate area and meets the 2030 Land Use Plan recommended Low Density Residential land uses.
RZ20-09 - Aerial
RZ20-09 – 2030 Land Use Plan
A REZONING EXHIBIT FOR
#307 LORENE DRIVE
A TRACT OF LAND BEING
THE EAST PART OF LOT 31 OF
"LAKE CHARLES HILLS"
P.B. 6, PG. 18
TOWNSHIP 47 NORTH, RANGE 2 EAST
OF THE FIFTH PRINCIPAL MERIDIAN
ST. CHARLES COUNTY, MISSOURI

PROPOSED
ZONING:
R-1C

LORENE DRIVE
(50' WIDE)

N89°00'00"E  110.00'

DECLARATION OF RESPONSIBILITY
I hereby declare my responsibility for all
other drawings, specifications, estimates,
reports or other documents or instruments
relating to or intended to be used for any
part or parts of the architectural or
construction work other than those
authenticated by my seal.

ENGINEERING
PLANNING
SURVEYING
321 Applecrest Blvd.
St. Charles, MO 63301
(636)975-3552
FAX 975-3718

06/10/2020
DATE
20-17994
PROJECT NUMBER
17994 Rezoning Exhibit
FILE NAME
CLM
DRAWN
CHECKED
To whom it may concern! RZ20-09

In regards to the rezoning of the below listed property,

**Property Address:** 307 LORENE DR 63366

**Account Number:** 318480A000

**Parcel ID:** 2-0043-4329-00-0031.100000

This Property should not be rezoned to residential.

It was exempted from the Lake Charles Subdivision N.I.D. when all home owners **had** to pay a ridiculous amount to hook up to sewer or be condemned.

Now they are getting paid for the lot and allowing a nonprofit organization come in & purchase the lot & hook up at a much lower cost than any of us have had to pay.

I think that any home that goes up in this subdivision should pay the same price we all did and that amount should be used to reduce the term and cost of the original loan. Period!

Sincerely,

Lynn Phillips

403 Raymond Dr. 63366
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 and conditional use applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. He stated that public comment on conditional use permit applications will be taken only during the first reading and will not be taken at any meeting of the County Council held thereafter. The vote on preliminary plats is final. Only a recommendation for denial of a preliminary plat, or a preliminary plat requesting a variance will be heard before 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.
PUBLIC HEARINGS FOR REZONING REQUESTS

REZONING REQUEST - 307 LORENE DRIVE

Application No: RZ20-09
Applicant: Habitat for Humanity of St. Charles County
Property Owners: City of O'Fallon
Current Zoning: C2, General Commercial District
Requested Zoning: R1C, Single-Family Residential District (15,000 square foot minimum lot size)
2030 Master Plan: Recommends Low-Density Residential Zoning (1-acre minimum lot size)
Parcel Size: 0.568 acres
Location: On the northeast corner of Lorene Drive and Fire Lane Drive; near the City of St. Paul and the City of O'Fallon
Council District: 1
Account No.: 318480A000

Ellie Marr, Senior Planner, Planner described the subject property and the surrounding land uses. This application involves one parcel of land that is 0.565 acres in size and is located within the Lake Charles Hills Subdivision. The applicant proposes to construct one single family residence on the property, and to accomplish this the County’s zoning regulations provide them with two options:

1. Apply for a conditional use permit under the parcel’s current C2, General Commercial District zoning; or

2. Rezone the property to a Residential Zoning District.

The applicant has chosen the latter option.

Lake Charles Hills Subdivision was platted in 1956 prior to adoption of County zoning and subdivision regulations in 1959. Parcels in the Subdivision were platted with lot sizes ranging from 10,000 to 40,000 square feet in area. The subject parcel is 22,500 square feet in area, or about a half-acre in size. When zoning was first enacted, the subdivision was designated A, Agricultural District due to its rural setting. Water was provided by wells and cisterns, and sewage disposal was provided by individual onsite septic systems. Prior to 1973, Agricultural Zoning required an 18,000 square foot minimum lot size. In 1960, several lots including the subject lot were rezoned to from A, Agricultural District to C2, General Commercial District for the purpose of constructing a miniature golf course. The subject parcel was previously occupied by a neighborhood water cistern. Public water lines replaced the need for the cistern several decades ago, so the cistern has been removed from the property and the site has been remediated to safely allow for redevelopment. The existing Commercial zoning would allow commercial land uses by right within the center of a residential subdivision and the location and size of the parcel are not conducive to commercial development. Additionally, commercial development could introduce land use conflicts within the neighborhood. The proposed R1C Residential Zoning would be consistent with the adjacent R1C Residential Zoning, and would be consistent with prevailing development patterns within Lake St. Charles Hills Subdivision. In 2008, a Neighborhood Improvement District (NID) agreement was implemented by the County in order to extend City of O’Fallon’s public sewer lines to the subdivision and to remove all of the onsite sewage disposal systems. This lot is not included in that
NID agreement. However, the owner will be able to access the existing sewer line by contacting the City of O’Fallon directly.

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of this rezoning request. County staff finds the proposed zoning to be consistent with other lot sizes and residential uses in the immediate area and meets the 2030 Land Use Plan, which recommends Low Density Residential Land Uses.

For the record, staff received one written communication regarding this application.

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

Tracy Boehmer asked Ellie Marr if the home values would be comparable or equal to the surrounding homes.

Ellie Marr responded that typically the value of a home is not what is looked at with a land use application. This may be a question to ask the applicant or their representative.

There being no further questions for staff, Chairman Ellis opened the public hearing and asked if the property owner or their representative wished to come forward.

Jeff Simmons, engineer and applicant’s representative was sworn in. Mr. Simmons stated they are requesting that this property be zoned to R1C, Single-Family Residential Zoning, which is the same as the two adjacent properties to the west and the east. The applicant would like to build one single-family home on the property. A portion of the surrounding area is zoned Agricultural, but that dates back to the original code when this area was rural. In general, lots in the area range from 10,000 square feet to 40,000 square feet in size, and this lot would be 22,500 square feet in size. Mr. Simmons stated that at one point the applicant was considering building two homes on the property, but after speaking to the Trustees they opted to only build one home. The home will meet all of the County’s minimum requirements but the actual floor plan with 3 bedrooms has not yet been finalized. It will also have a 2-car garage.

Chairman Ellis asked if there were any questions for applicant’s representative.

Tracy Boehmer asked Mr. Simmons if the home would be comparable in price to the neighboring homes.

Mr. Simmons answered in the affirmative.

There being no further questions for the applicant’s representative, Chairman Ellis asked if there was anyone in the audience who wished to speak regarding this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that he was pleased when they chose just to build one home on this property instead of two homes. He is concerned with the Neighborhood Improvement District letter received from a resident who had to join the NID in order to bring sewer services to the subdivision. He stated that if Habitat for Humanity is building this home, they should abide by the same regulations as the present homeowners and pay their fair share of the fees for this NID. He would like to see the Commission add a condition of approval to this rezoning to require that Habitat for Humanity join this NID and pay any additional taxes and upgrade fees to the existing sewer system so that the surrounding property owner values will remain intact.
There being no further audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Tracy Boehmer asked Ellie Marr if is it possible for homeowners to negotiate the same services as the rest of the homes around them regarding the Neighborhood Improvement District.

Ellie Marr responded that this lot was not included in the original NID agreement but the City of O’Fallon, who is the property owner, is responsible for negotiating sewage disposal services for the property.

There being no further discussion, Chairman Ellis entertained a motion to recommend approval of Application No. RZ20-09.

Tom Kuhn made a motion for approval, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:

<table>
<thead>
<tr>
<th>Tracy Boehmer</th>
<th>- Yes</th>
<th>Kevin Cleary</th>
<th>- Yes</th>
<th>Tom Kuhn</th>
<th>- Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roger Ellis</td>
<td>- Yes</td>
<td>Robert McDonald</td>
<td>- Yes</td>
<td>Craig Frahm</td>
<td>- Yes</td>
</tr>
</tbody>
</table>

Application No RZ20-09 was recommended for APPROVAL.

The Vote Count was 6 Yeas, 0 Nays, and 0 Abstentions.