AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, TO RR, SINGLE-FAMILY RESIDENTIAL DISTRICT, PER APPLICATION RZ20-08

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 986 Schaper Road was requested by Keith D. Tenney and Sheri L. Tenney, property owners, and Alexandra Mesplay, applicant, through Application RZ20-08; and

WHEREAS, the area to be rezoned is a 6-acre area of an 11-acre parcel currently zoned A, Agricultural District; and

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

WHEREAS, adjacent land to the north is zoned A, Agricultural District, and is the site of low density residential uses; adjacent land to the south is zoned A, Agricultural District, and is the site of low-density residential uses; adjacent land to the east is zoned A, Agricultural District, and is the site of low-density residential uses;
and adjacent land to the west is zoned A, Agricultural District, and is the low-density residential uses; and

WHEREAS, the County’s 2030 Master Plan recommends future Low Density Residential land uses at a density of 1 to 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 6-acre area of an 11-acre tract of land located at 986 Schaper Road and located on the east side of Schaper Road approximately 1,560 feet north of Highway N, is hereby rezoned from A, Agricultural District, to RR, Single-Family Residential District. The rezoning area 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 RZ20-08 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 RZ20-08
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER: RZ20-08

THE PROPERTY IS PRESENTLY ZONED: A, AGRICULTURAL DISTRICT (5-ACRE MINIMUM LOT SIZE)

IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT: RR, SINGLE-FAMILY RESIDENTIAL DISTRICT (3-ACRE MINIMUM LOT SIZE)

OWNER OR OWNERS OF PROPERTY TO BE REZONED: KEITH D. TENNEY AND SHERI L. TENNEY

LOCATION OF PROPERTY:
THE PROPERTY IS KNOWN AS 986 SCHAPER ROAD AND IS LOCATED ON THE EAST SIDE OF SCHAPER ROAD, APPROXIMATELY 1,560 FEET NORTH OF HIGHWAY N.
THE PROPERTY CONSISTS OF 8.61 ACRES AND IS LOCATED IN COUNCIL DISTRICT 2.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

PARCEL NO. 1:
A TRACT OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 6 AND PART OF THE NORTHWEST 1/4 OF SECTION 6 AND PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 46 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN OLD STONE MARKING THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF AFORESAID SECTION 5; THENCE SOUTH 89 DEGREES 16 MINUTES 48 SECONDS WEST, 126.87 FEET TO AN OLD IRON PIPE; THENCE NORTH 00 DEGREES 00 MINUTES 11 SECONDS EAST, 368.18 FEET TO AN OLD IRON PIPE ON THE SOUTHERN LINE OF A TRACT CONVEYED TO JOSEPH W. AND ANNA L. MCINTOSH PER DEED RECORDED IN DEED BOOK 506 PAGE 910 OF THE ST. CHARLES COUNTY RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 38 MINUTES 36 SECONDS WEST, ALONG SAID SOUTHERN LINE, 200.86 FEET TO AN IRON ROD; THENCE CONTINUING NORTH 89 DEGREES 38 MINUTES 36 SECONDS WEST, ALONG SAID SOUTHERN LINE, 465.90 FEET TO THE TRUE POINT OF BEGINNING OF LAND HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 89 DEGREES 38 MINUTES 36 SECONDS WEST, 259.63 FEET TO A SET IRON ROD; THENCE LEAVING SAID SOUTH LINE, NORTH 00 DEGREES 21 MINUTES 24 SECONDS EAST, 125.00 FEET TO A SET IRON ROD; THENCE SOUTH 32 DEGREES 41 MINUTES 46 SECONDS WEST, 280.73 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 130,683 SQUARE FEET/3.000 ACRES, MORE OR LESS.

PARCEL NO. 2:
A TRACT OF LAND BEING PART OF THE NORTHEAST 1/4 OF SECTION 6 AND PART OF THE NORTHWEST 1/4 OF SECTION 6 AND PART OF THE NORTHWEST 1/4 OF SECTION 5, TOWNSHIP 46 NORTH, RANGE 1 EAST, ST. CHARLES COUNTY, MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
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EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ20-08

REZONING REQUEST - 986 SCHAPER ROAD
Application No: RZ20-08
Property Owners: Keith D. Tenney and Sheri L. Tenney
Applicant: Alexandra Mesplay
Current Zoning: A, Agricultural District (5-acre minimum lot size)
Requested Zoning: RR, Single-Family Residential District (3-acre minimum lot size)
2030 Master Plan: Recommends Low-Density Residential uses (1-4 dwellings per acre)
Rezoning area: 6 acres of an 11-acre parcel
Location: On the east side of Schaper Road, approximately 1,560 feet north of Highway N; near the Cities of Foristell and Wentzville
Council District: 2
Account No.: 743580B000

CONTENTS:
➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Letters received
   ♦ Opposition - Matt and Stephanie Petersen
   ♦ Support - David and Rebecca Albright
   ♦ Support - Mike and Lori Heuschele
➢ Planning and Zoning Commission minutes from the July 15, 2020 meeting
This communication summarizes the following bill to be introduced at the August 10, 2020 County Council meeting:

**REZONING REQUEST - 986 SCHAPER ROAD**

<table>
<thead>
<tr>
<th>Application No:</th>
<th>RZ20-08</th>
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<tbody>
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<td>Location:</td>
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<td>2</td>
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<tr>
<td>Account No.:</td>
<td>743580B000</td>
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Approval of this bill would rezone 6 acres of an 11-acre parcel from A, Agricultural District, to RR, Single-Family Residential District. The property has one existing house (986 Schaper Road), and the owner intends to create two 3-acre lots behind this home order to construct two homes.

The property’s location north of Highway N places it within the 2030 Master Plan’s Urban Service Area and well within the Master Plan’s Low Density Residential (1-4 dwellings per acre) land use area. In terms of existing development patterns, nearby residential development on the east side of Schaper Road tends to be on parcels that are 1.5 acres and larger. Lot sizes of 3+ acres would be consistent with this pattern.

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

| Speakers: | 3 Support | 0 Opposed | 0 Concerns |
| Letters on file: | 2 Support | 1 Opposed | 0 Concerns |

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
To: County Planning & Zoning Commission
Prepared by: Mark E Price Jr., AICP, CFM
Application No.: RZ20-08
Date: July 7, 2020

BACKGROUND

Owners: Keith D and Sheri L Tenney
Applicant: Alexandra Mesplay
Requested Actions:
A zoning map amendment to rezone 8.61 acres from A, Agricultural District (5-acre minimum lot size) to RR, Single Family Residential District (3-acre minimum lot size)
Location: 986 Schaper Road, on the east side of Schaper Road, approximately 500 feet north of Whiskey Creek Lane; near the Cities of Foristell and Wentzville
Current Zoning: A, Agricultural District
Current Land Use: Single Family Residence and vacant land.
Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
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<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Residences</td>
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<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 Low Density Residential land use (1 to 4 units per acre)
Public Services: County Council District 2 – Joe Brazil
School District – Wentzville School District
Fire District – Wentzville Fire District
Utilities: Water – Individual Well – Public Water Supply #2 service area
Sewer – Private wastewater systems
Zoning History: This property was zoned A, Agricultural District in 1959 with the inception of zoning.

REZONING ANALYSIS

The rezoning request is for an 8.61-acre portion of a parcel to be rezoned from A, Agricultural to RR, Rural Residential. The property owner intends to enlarge the 2.81-acre parcel to five acres and create two 3-acre lots from the remaining parcel in order to construct two homes. Platting of a subdivision is required to create parcels of less than five acres.

In terms of existing development patterns, nearby residential development on the east side of Schaper Road tends to be on parcels that are 1.5 acres and larger. A 3-acre lot development would be consistent with this pattern.
The Master Plan recommends Low Density Residential land uses in this area. The property is located north of Hwy N, within the Urban Service Area as defined by the Master Plan, and well within the Plan recommended Low Density Residential land use area. This property is approximately in the southern third of the Master Plan 2030’s Low Density Residential area.

RECOMMENDATION:
The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District (3-acre minimum lot size), be approved. In recommending approval, County staff finds the proposed zoning to be consistent with the 2030 Land Use Plan and prevailing land use patterns.
RZ20-08 - Aerial
RZ20-08 - Zoning
RZ20-08 - Future Land Use
July 6, 2020

Mr. Thomas Kuhn
201 N. Second Street
Suite 410
St. Charles, MO 63301

Re: Rezoning Request-986 Schaper Road
Application No. RZ20-08

Dear Mr. Kuhn,

I am in receipt of your letter dated June 29, 2020 regarding the rezoning request for 986 Schaper Road. For the reasons mentioned below I am opposed to granting the application approval.

The first reason for our opposition to granting the application is safety. The location where Schaper Road intersects with Jackson and Scotch Pine Trail is located near a blind hill; St. Charles County placed a warning sign eastbound on Schaper Road right before the blind hill to warn motorists to slow down. Although the speed limit is 35 m.p.h. motorists rarely go the posted speed limit due to the fact that they are going down-hill and in 15 years of living off of Scotch Pine Trail we have never witnessed any police patrol or presence (from either the City of Foristell or the St. Charles County Sheriff).

The second reason for our opposition to granting the application is increased traffic. With the near completion of Interstate Drive, Schaper Road will undoubtedly see a rise in vehicle traffic to access Highway N and Veterans Memorial Parkway. Isn’t that the reason why Interstate Drive was added? In addition once the Point Prairie overpass over Highway 70 is completed the amount of traffic will climb even higher. It is easy to forget that Schaper Road (close to Peruque Creek) comes to a one-lane hairpin turn that is also a blind turn. I’ve lost track of the number of times that a car or truck has almost hit me because they can’t see you coming. These are old country roads that are not designed for the volume of cars that now traverse these roads daily. Highway N has become such an issue that the state is going to reconfigure large portions of the highway to better suit the current needs of Western St. Charles County.

For the above mentioned reasons the granting of the application sets a bad precedent and allows the door for other landowners to follow suit.

Sincerely,

Matt and Stephanie Petersen
901 Scotch Pine Trail
Foristell, MO 63348
Thomas Kuhn, Secretary
Planning & Zoning Commission

Tuesday July 14, 2020

From:
David & Rebecca Albright
861 Schaper Road
Foristell, Mo 63348

Mr. Kuhn,

Reference the letter your office sent to our residence dated June 29, 2020. We are not opposed to the Tenney"s request, to the re-zoning of their 11 acres, into RR Single family 3-acre minimum lot size.

We do however, have a serious request. We are members of the Woodliff Airpark Community. As can clearly be seen on your aerial view of the "subject property", these 3 lots are less than 1000 feet from the departure and arrival corridor of our FAA registered airport. We would request that some language be added to potential new home owners building permits/or other written documents, that makes them aware of their homes location in relation to our runway.

On a related issue, I offer our perspective. When we built our home in the 1990's, the zoning order required 3-acre minimum lot size. In the early 2000's, the minimum increased to 5-acre lot size. Now I find that the 2030 Master Plan recommends 1-4 units per acre with 1-acre minimum lot size. We are strenuously opposed to this future plan. This is not a good plan for many reasons. But, this is not the forum to address it.

Thank you for your time and consideration.
July 13, 2020

Thomas Kuhn, Secretary
Planning & Zoning Commission
201 N. Second St., Suite 410
St. Charles, MO  63301

Re:  Rezoning Request for 986 Schaper Road, Application No.  RZ20-08, Account No. 743580B000

Dear Mr. Kuhn,

We are writing to you to support the request that the property referenced above be allowed to split into 3-acre lots. Our residence is located on Schaper Road, down the street from the Tenney property.

When many of us purchased land in this area, the minimum lot size for a home was 3 acres. When the county increased the minimum lot size to 5 acres, we were told that the action was necessary to mitigate the environmental impact caused by the proliferation of 3-acre subdivisions (large number of septic systems). We were also told that current owners that wished to split up their land to accommodate a small number of lots, perhaps for family members, would be able to do so by requesting a variance. If you grant this request, it is our understanding that the net impact would be one additional lot (3 three-acre lots vs. 2 five-acre lots). While we might have concerns the ability of Schaper Road to accommodate the traffic that would be generated by a larger subdivision, the addition of one additional lot is not a concern at this time.

We do have a request, if possible. We live on Woodliff Airpark and the proposed lots are within 1,000 feet of the airfield. In the event that these lots are eventually sold, we would like for any prospective buyer to be aware that the airfield is nearby so that any concerns or questions that they might have could be addressed in advance. We had made a similar request years ago when the small subdivision at Lynndy Lane was established and the Commission was kind enough to grant that request.

Thank you for your consideration and we hope that you will grant this request to rezone.

Sincerely,

Mike and Lori Heuschele
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.
Robert Myers, Planning and Zoning Division Director, described the subject property and the surrounding land uses. He stated this rezoning request is for a 6-acre portion of an 11-acre parcel to be rezoned from A, Agricultural District to RR, Rural Residential District. The subdivision located to the north of this parcel has lots that are arranged around an air landing strip. In one of the comment letters received, a homeowner asked if the seller would document that an airstrip is close by within the closing documents to purchasers. The applicant is looking to build two homes on the property. Robert Myers noted that any lots less than 5 acres will require approval of a subdivision plat, and the applicants have been that if this rezoning request is approved they will still be required to come forward with a subdivision plat in order to build their two homes on the property.

The Master Plan recommends Low Density Residential land uses in this area. The property is located north of Highway N within the Urban Service Area as defined by the Master Plan, and is well within the Plan’s recommended Low-Density Residential Land Use area. The Planning and Zoning Division recommends that this zoning request from A, Agricultural District (5-acre minimum lot size), to RR, Residential District (3-acre minimum lot size), be approved. In recommending approval, County staff finds the proposed zoning to be consistent with the 2030 Land Use Plan and prevailing land use patterns.

For the record, staff received one letter of opposition and two letters in support of this rezoning request.

Chairman Ellis asked if the Commission had any questions for the Planning & Zoning staff. There were no questions.

Chairman Ellis opened the public hearing and asked if the property owner or representative wished to come forward.

Sheri Tenney, property owner, and her daughter, Alexandra Mesplay were sworn in.
Sharon Tenney stated that she and her husband own 11 acres of land on an 8.6 parcel. In the past they kept horses on a portion of the property but they no longer do so. They are requesting this rezoning so that they can build two homes on the property; one for her daughter Alexandra and her Fiancé, and the other for her daughter’s Fiancé’s brother and his wife.

Chairman Ellis asked if there were any questions for the applicant. There were none.

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 at first he opposed this application, but it is now clear to him that the request is for a family homestead. Mr. Dienoff recommended that the Commission recommend approval of this rezoning request.

There being no further audience speakers, 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. RZ20-08.

Craig Frahm made a motion of 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>
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Application No RZ20-08 was recommended for APPROVAL.

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