Bill No. 4880

Requested by: Michael Hurlbert
Sponsored by: Joe Brazil

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM R1E, SINGLE-FAMILY RESIDENTIAL DISTRICT, TO C2, GENERAL COMMERCIAL DISTRICT, PER APPLICATION RZ20-11

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 known as 102 High Ridge Drive was requested by Charles A. Ruedebusch II and Mary Ruedebusch, applicant/contract purchaser under a sales agreement with the Missouri Highways and Transportation Commission, the contract seller of the property, through Application RZ20-11; and

WHEREAS, the tract to be rezoned is a 0.4358-acre parcel currently zoned R1E, Single-Family Residential District; and

WHEREAS, the zoning sought for the tract to be rezoned is C2, General Commercial District; and

WHEREAS, adjacent land to the north is the site of Interstate 64; adjacent land to the south is zoned R1E, Single-Family Residential District, and is the site of a single-family residence; adjacent land to the east is zoned R1E, Single Family District and is the site of a utilitarian
CenturyLink communications structure; and adjacent land to the west is zoned C2, General Commercial District and is the site of an outdoor storage yard; and

WHEREAS, the County’s 2030 Master Plan recommends future Low-Density Residential land uses (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 3 ayes to 4 nays recommended the matter for denial 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 0.4358-acre tract of land known as 102 High Ridge Drive and bordering Interstate 64 on the northeast side of High Ridge Drive in the Fieldcrest Subdivision is hereby rezoned from R1E, Single-Family Residential District, to C2, General Commercial 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 RZ20-11 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
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

<table>
<thead>
<tr>
<th>APPLICATION NUMBER:</th>
<th>RZ20-11</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE PROPERTY IS PRESENTLY ZONED:</td>
<td>R1E, SINGLE-FAMILY RESIDENTIAL DISTRICT</td>
</tr>
<tr>
<td>IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT:</td>
<td>C2, GENERAL COMMERCIAL DISTRICT</td>
</tr>
<tr>
<td>OWNER OF PROPERTY TO BE REZONED:</td>
<td>MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION</td>
</tr>
<tr>
<td>APPLICANTS/CONTRACT PURCHASERS:</td>
<td>CHARLES A RUEDEBUSCH II AND MARY RUEDEBUSCH</td>
</tr>
<tr>
<td>LOCATION OF PROPERTY:</td>
<td>THE PROPERTY IS KNOWN AS 102 HIGH RIDGE DRIVE AND BORDERS INTERSTATE 64 ON THE NORTHEAST SIDE OF HIGH RIDGE DRIVE IN THE FIELDCREST SUBDIVISION. THE PROPERTY CONSISTS OF 0.4358 ACRES AND IS LOCATED IN COUNCIL DISTRICT 2.</td>
</tr>
</tbody>
</table>

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

A TRACT OF LAND BEING PART OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 46 NORTH, RANGE 2, EAST, ST. CHARLES COUNTY MO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND STONE, MARKING THE SOUTHEAST CORNER OF "FIELD CREST" A SUBDIVISION RECORDED IN PLAT BOOK 6 PAGE 40 IN THE ST. CHARLES COUNTY RECORDER OF DEEDS OFFICE; THENCE NORTH 00 DEGREES 48 MINUTES 15 SECONDS EAST ALONG THE MOST EASTERN LINE OF SAID FIELD CREST SUBDIVISION A DISTANCE OF 461.84 FEET TO A POINT; THENCE NORTH 52 DEGREES 07 MINUTES 42 SECONDS WEST ALONG THE SOUTHERN LINE OF LOT D, BLOCK 2 OF SAID SUBDIVISION A DISTANCE OF 434.82 FEET TO A SET IRON ROD, SAID IRON ROD BEING THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTHRPN LINE OF LOT D, BLOCK 2 NORTH 52 DEGREES 07 MINUTES 42 SECONDS WEST A DISTANCE OF 150.00 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LOT D, BLOCK 2; THENCE NORTH 37 DEGREES 52 MINUTES 18 SECONDS EAST ALONG THE WESTERN LINE OF SAID LOT D, BLOCK 2 A DISTANCE OF 121.04 FEET TO A SET IRON ROD ON THE SOUTH BOUNDARY LINE OF US INTERSTATE 64, SAID IRON ROD BEING 33.833M RIGHT OF AND AT RIGHT ANGLE TO CENTERLINE STA. 5+049.917M; THENCE ALONG SAID BOUNDARY LINE SOUTH 56 DEGREES 22 MINUTES 20 SECONDS EAST 135.12 FEET TO A FOUND RIGHT OF WAY MARKER, SAID RIGHT OF WAY MARKER BEING 30.785M RIGHT OF AND AT RIGHT ANGLE TO CENTERLINE STA. 5+090.988M; THENCE CONTINUING ALONG THE SOUTH BOUNDARY LINE OF US INTERSTATE 64 SOUTH 52 DEGREES 07 MINUTES 42 SECONDS EAST 15.25 FEET TO A SET IRON ROD, SAID IRON ROD BEING 30.785M RIGHT OF AND AT RIGHT ANGLE TO CENTERLINE STA. 5+095.635M; THENCE DEPARTING SAID BOUNDARY LINE SOUTH 37 DEGREES 52 MINUTES 18 SECONDS WEST 131.04 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.4358 ACRES (18,982.23 SQ. FT.) MORE OR LESS.

CHAIRPERSON  P. ROGER ELLIS  SECRETARY  THOMAS KUHN
ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION
APPLICATION RZ20-11

REZONING REQUEST - 102 HIGH RIDGE DR

Application No: RZ20-11
Applicants/Contract Purchasers: Charles A. Ruedebusch II and Mary Ruedebusch
Property Owner: Missouri Highways and Transportation Commission
Current Zoning: R1E, Single-Family Residential District (7,000 square foot minimum lot size)
Requested Zoning: C2, General Commercial District
Parcel Size: 0.37 acres
Location: Bordering Interstate 64 on the northeast side of High Ridge Drive in the Fieldcrest Subdivision, near the cities of Lake St. Louis, O'Fallon, and Dardenne Prairie
Council District: 2

CONTENTS:
➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Application and Signature Sheets
➢ Sales Agreement
➢ Letters received
   ☞ Opposition - Kelley Newton
➢ Planning and Zoning Commission minutes from the August 19, 2020 meeting
August 28, 2020

This communication summarizes the following bill to be introduced at the September 14, 2020 County Council meeting:

**REZONING REQUEST - 102 HIGH RIDGE DR**

Application No: RZ20-11
Applicants/Contract Purchasers: Charles A. Ruedebusch II and Mary Ruedebusch
Property Owner: Missouri Highways and Transportation Commission
Current Zoning: R1E, Single-Family Residential District (7,000 square foot minimum lot size)
Requested Zoning: C2, General Commercial District
Parcel Size: 0.44 acres
Location: Bordering Interstate 64 on the northeast side of High Ridge Drive in the Fieldcrest Subdivision, near the cities of Lake St. Louis, O'Fallon, and Dardenne Prairie
Council District: 2

Approval of this bill would rezone a 0.44-acre parcel of land from R1E, Single Family Residential District to C2, General Commercial District. The applicant has also applied for a conditional use (CUP20-09) for the subject property to operate an outdoor storage yard for recreational vehicles, boats, and trailers. Both the rezoning and conditional use permit applications are scheduled to be reviewed by the County Council on the same Council agenda.

The applicant/contract purchasers currently operate a commercial outdoor storage yard which extends along the south side of I-64 for a third of a mile from Fieldcrest Drive to nearly Highridge Drive. From the applicants’ perspective, given that the parcel borders I-64, commercial use of the property would be more viable than residential use.

The Field Crest Subdivision was platted in 1957, and High Ridge Drive previously intersected Highway 40. The adjoining property at 403 High Ridge Drive was rezoned from R1E to C2 in 1980 in order to build a gas station at this intersection. The subject property was purchased by the Missouri Highways and Transportation Commission in 2003 to convert Highway 40 to a controlled access interstate. In building I-64, access to Field Crest Subdivision and the existing outdoor storage lots was rerouted from the south. The subject parcel has been zoned R1E since before purchase by the State.

The 2030 Land Use Plan recommends Low Density Residential land uses. Although the Master Plan envisions that larger vacant parcels along Interstate 64 will provide “pad ready” development sites for Class A office uses, and technology-driven industrial uses, the viability of such uses are limited based on the small parcel size and inaccessibility to arterial streets. Additionally, the proposed C2, Commercial Zoning District, would allow commercial land uses by right with its only access through Field Crest Subdivision.

The Planning and Zoning Commission held a public hearing on this rezoning application on August 19, 2020 and received the following public input:

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

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

- **3** Approval  **4** Denial  **0** Abstentions
**Recommendation:**
The Planning and Zoning Commission recommends denial of this rezoning request.

The Planning and Zoning Division concurs with this recommendation and views commercial zoning as inconsistent with the 2030 Land Use Plan and with residential uses in Field Crest Subdivision.

Sincerely,

\[Signature\]

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.: RZ20-11
Date: August 8, 2020

BACKGROUND INFORMATION

Owner: Missouri Department of Transportation
Applicant: Charles Ruedebusch, II and Mary Ruedebusch, Contract Purchasers
Requested Action: A zoning map amendment to rezone 0.37 acres from R1E, Single Family Residential District (7,000 sq. ft. minimum lot size) to C2, General Commercial District (no minimum lot size)
Location: 102 High Ridge Drive; Bordering Interstate 64 on the northeast side of High Ridge Drive in the Fieldcrest Subdivision, near the cities of Lake St. Louis, O'Fallon, and Dardenne Prairie.
Current Zoning: R1E, Single Family Residential (7,000 sq. ft. 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>Interstate 64</td>
<td>Interstate</td>
</tr>
<tr>
<td>South</td>
<td>R1E, Single Family district (7,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>lot size)</td>
<td>Single Family Residents</td>
</tr>
<tr>
<td>East</td>
<td>R1E, Single Family district (7,000 sq. ft.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>lot size)</td>
<td>CenturyLink Building</td>
</tr>
<tr>
<td>West</td>
<td>C2, General Commercial District</td>
<td>Outdoor Storage Facility</td>
</tr>
</tbody>
</table>

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

Public Services: County Council District 2 – Joe Brazil
School District – Wentzville School District
Fire District – Wentzville Fire Protection District
This application involves one parcel (0.37 acres) located within the Fieldcrest Subdivision. The applicant has proposed a conditional use of the property as an outdoor storage yard for RV’s, boats, and boat trailers.

Fieldcrest Subdivision was platted in 1957, prior to adoption of County zoning and subdivision regulations in 1959. This parcel was subdivided from the original Lot D, Block 2. No other information is available as to why the lots B, C, and D were not developed as residential lots similar in size to the other lots in the subdivision. High Ridge Drive previously connected directly with Hwy 40-61 before it was upgraded to an interstate with limited access. The adjoining 403 High Ridge Drive was rezoned from R1E to C2 in 1980 in order to build a gas station at the high Ridge/Hwy. 40-61 intersection.

The subject property was purchased by the Missouri Department of Transportation (MODot) in 2003 for the purpose of improvements to the Hwy. 40-61 corridor. Historical, aerial photos indicate that a shed was located on the property, however, the property is now currently vacant. When the property was purchased by MODot, there was a direct access to Hwy. 40-61 via High Ridge Drive. This access is no longer available since MODot improved the corridor to interstate status with exit ramps and acceleration lanes from Hwy. N and other major cross streets/roads.

Since the property is located adjacent to Interstate 64 it is, in theory, an ideal location for a commercial property, however, the only access to the property is now through the Fieldcrest Subdivision via residential streets. As mentioned above, previously, this property had direct access to Hwy. 40-61 via High Ridge Drive and similar properties in Blocks B and C were able to rezone their properties while this access was available. They now also reach their properties via the residential streets in Fieldcrest Subdivision.

**REZONING ANALYSIS**

The 2030 Land Use Plan for this area recommends Low Density Residential land uses. The proposed C2, Commercial Zoning District, would allow commercial land uses by right adjacent to a residential subdivision. If the property had direct access to a highway as it did previously, the rezoning could be accomplished with commercial and residential uses separated. However, with the only access route through the residential subdivision, the rezoning would introduce more commercial traffic into the subdivision. If, at a future date, access could be accomplished via an alternative route such as a service road along the interstate, then rezoning this property to C2 would be a viable alternative to its current designation as a residential property.

Although the Master Plan envisions that the remaining sites along Interstate 64 will be achieved to create “pad ready” development sites for Class A office uses, and technology-driven industrial uses, this site is unsuitable for such uses based on the small parcel size and inaccessibility to arterial streets.

**RECOMMENDATION**

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend denial. County staff finds the proposed zoning to be inconsistent with and residential uses in the immediate area and does not meet the 2030 Land Use Plan recommended Low Density Residential land uses.
102 High Ridge Drive
RZ20-11 - Aerial
RZ20-11 - Zoning
RZ20-11 - Future Land Use
ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

RETURN ALL APPLICABLE INFORMATION TO:
201 North Second Street, Suite 420
St. Charles, MO 63301
(636) 949-7335

APPLICATION NO. CUP20-09

I. APPLICATION REQUESTED (please check one): Rezoning X Conditional Use X

II. PARCEL INFORMATION: (Please contact the Planning and Zoning Division if you have questions on this section. 636-949-7335)
ADDRESS OF PROPERTY: 1590 Woodlake Dr
PROPERTY ID NUMBER: Parcel EG-1042
PARCEL SIZE (ACRES OR SQ. FT.): 0.4352 ac ± (18,982.23 sq. ft.)
CURRENT ZONING: R1F
REQUESTED ZONING: C-2
USE REQUESTED: Boat Storage

III. OWNER'S INFORMATION (List all people named on the recorded deed to property, submit additional pages if necessary): | IV. APPLICANT'S INFORMATION |
---|---|
NAME: MO DOT | NAME: Charles & Mary Roodnestaу
ADDRESS: 1590 Woodlake Dr | ADDRESS: 20 Harbor Pl Court
CITY: CHESTERFIELD, MO | CITY: Lake St Louis, MO
ZIP CODE: 63107 | ZIP CODE: 63367
HOME PHONE: | HOME PHONE: 314-341-7999
WORK PHONE: 314-453-1824 | WORK PHONE: 636-495-7462
E-MAIL: CYNTHIA.COLEMAN@MODOT.MO | E-MAIL: Chuck@CJbootdecks.com

V. We hereby acknowledge that this application is being made to the St. Charles County Planning and Zoning Division which must give legal notice of such applications. We give permission for my/our name(s) to be used on the application and/or public notice. All information given herein is true and a statement of fact.

OWNER'S SIGNATURE ____________________________
(Note: signature of all persons named on the deed must be notarized)

OWNER'S PRINTED NAME ____________________________

Subscribed and sworn before me this _____ day of ____________________ 20__.

(SIGNED) ______________________________________

(NOTARY PUBLIC)

Notary Public in the County of __________________________ in the State of __________________________

My Commission Expires: __________________________

SEAL: __________________________
RZ20-11 &
CUP20-09

APPLICATION NO.
OFFICE WILL ASSIGN NUMBER

APPLICANT’S SIGNATURE
(Note: Signature must be notarized)

APPLICANT’S PRINTED NAME
(]').

Subscribed and sworn before me this 21st day of July 2020

(SIGNED)

(NO. PUBLIC)

Notary Public in the County of ST. CHARLES in the State of MISSOURI

My Commission Expires: July 19, 2020

SEAL:

VI. INFORMATION NEEDED (Please submit the following information to the Planning and Zoning Division to complete the application process. Failure to submit all required items by the posted deadline may result in a delay of your application process.):

a. A recent deed to the property showing ownership.

b. For PUD, Planned Unit Development requests, a development plan shall be in compliance with Section 405.220 Procedure for Review of Planned Unit Developments in the Unified Development Ordinance.

c. For Conditional Use Permit requests, a site sketch to indicate the intended use and future development of the property.

d. Filing fee: See brochure for fees – Checks can be made payable to: St. Charles County

FOR DIVISION OF PLANNING USE ONLY:

APPLICATION ACCEPTED BY________________________________ DATE________________

☐ use complies with the UDO
☐ legal description verified
☐ acreage matches the application form
☐ ownership verified
☐ notification labels and map created
☐ contract purchaser signature notarized on application (if applicable)

CHECKED BY THE LAND USE MANAGER______________ CHECKED BY THE DIRECTOR______________

PLANNING & ZONING COMMISSION DECISION: __________________ DATE: __________________

APPLICATION IS: GRANTED____ GRANTED WITH CONDITIONS___ ORDINANCE NUMBER: __________

DENIED _____ BILL NUMBER: __________

DIRECTOR OF PLANNING AND ZONING________________________________

DATE __________________________
MoDOT is aware of and does not oppose the re-zoning application submitted by Chuck Rudebusch, II for property currently owned by MoDOT referred to as MoDOT Parcel E6-1042. MoDOT has entered into a sales agreement with Chuck Rudebusch for the purchase of this property, pending the re-zoning request.

OWNER SIGNATURE SHEET

INDIVIDUAL OWNERS

Cynthia J. Coleman  
Signature

Cynthia J. Coleman  
Print Name

Signature  
Print Name

Signature  
Print Name

STATE OF )
COUNTY OF ) ss.

On the 8th day of June, 2020, before me personally appeared Cynthia J. Coleman on behalf of the Missouri Highways and Transportation Commission to me known to be the person/persons described in and who executed the foregoing instrument, and acknowledged that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

My term expires: March 11th, 2023  
Stacy A. Hoener  
Notary Public

STACY A. HOENER  
Notary Public - Notary Seal  
Lincoln County - State of Missouri  
Commission Number 15147784  
My Commission Expires Mar 11, 2023
OWNER SIGNATURE SHEET
CORPORATION

Signature

Print Name

STATE OF MISSOURI )
COUNTY OF ST. CHARLES ss.

On the 21st day of JULY, 2020, before me appeared CHARLES R. DEBUSCH II to me personally known, who, being by me duly sworn, did say that HE is/are the OWNER of C & J Boat Docks & Lifts, Inc., a Corporation of the State of MISSOURI, and that the seal affixed to the foregoing instrument is the corporate seal of said Corporation, and the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors; and said HE acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid the day and year first above written.

My term expires: 11/19/2020

Notary Public

DEBBIE LINDEMANN
Notary Public - Notary Seal
STATE OF MISSOURI
St. Charles County
My Commission Expires Nov. 19, 2020
Commission # 12686394
MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
SALES AGREEMENT

THIS AGREEMENT is entered into by the Missouri Highways and Transportation Commission (hereinafter, “Seller”) and Chuck Rudebusch, Ill (hereinafter, "Purchaser").

WITNESSETH:

WHEREAS, the Seller, in consideration of the terms and conditions hereinafter contained, hereby agrees to sell and convey to the Purchaser a tract of land lying situated and being in the County of St. Charles, State of Missouri, the general location of which is as follows:

Property located on the south side of Route I-64, adjoining the east line of High Ridge Drive in Lake St. Louis, containing .44 acres or 18,982 square feet.

The exact legal description of the tract of land that is the subject of this Agreement shall be determined by a survey to be prepared by a licensed surveyor as further provided for in this Agreement, and shall appear in the quitclaim deed.

WHEREAS, the Seller agrees to sell and convey the above-described property within one hundred twenty (120) days from the date hereof upon the prompt and full performance by the Purchaser.

NOW, THEREFORE, in consideration of these mutual covenants, the parties agree as follows:

(1) PURCHASE PRICE: TWELVE THOUSAND AND 00/100THS DOLLARS ($12,000.00) will be paid to the Seller as follows:

(A) Ten Percent (10%) Earnest Money: The Purchaser hereby tenders to the Seller, at the signing of this Agreement, ONE THOUSAND TWENTY AND 00/100THS ($1,020.00) as earnest money on the above-described property. This earnest money deposit is to be forfeited in case of default in the payment of the total purchase price and any special terms of this Agreement, as set forth below.

(B) Balance of Payment: The Purchaser agrees to pay the balance of
said consideration by a cashier's check or money order for this sale upon final approval of the Agreement by the Seller and delivery of the executed deed to the Purchaser within the above specified ninety (90) day period for completing this transaction. The balance to be paid by the Purchaser to the Seller is TEN THOUSAND NINE HUNDRED EIGHTY AND 00/100THS DOLLARS ($10,980.00).

If the sale is not approved by the Seller and the transaction is not closed within this ninety (90) day time limit, the entire Agreement shall become null and void and the earnest money deposit heretofore made to the Seller shall be returned to the Purchaser.

(2) **ABUTTERS RIGHTS:** The deed of conveyance will contain the following reservation for limitation of access.

THIS CONVEYANCE is made upon the express condition that Grantee, their successors and assigns, shall have no right of direct access from the land herein conveyed to the adjacent highway now known as State Route 1-64, all such rights of direct access being reserved by Grantor.

(3) **UTILITIES RESERVATIONS:** The following utility clause will be included in the deed of conveyance.

GRANTEE, by acceptance of this conveyance, covenants and agrees for itself, its successors and assigns, to allow known or unknown utility facilities currently located on the property, whether of record or not, to remain on the property, and to grant the current and subsequent owners of those facilities the right to maintain, construct and reconstruct the facilities and their appurtenances over, under, and across the land herein conveyed, along with the right of ingress and egress across the land herein conveyed to and from those utilities.

(4) **SURVEY:** The Seller will cause the property to be surveyed by a registered land surveyor at its sole cost and at no cost to the Purchaser.

(5) **ROADWAY EASEMENT:** The property will be subject to a 40 foot roadway easement as shown on the survey prepared by Seller.

(6) **INSPECTION/REVIEW PERIOD; RIGHT TO DECLINE TITLE:** The Purchaser shall have the following rights to inspect the Property:

(A) **Purchaser Review / Inspection and Termination Right:** Purchaser shall have 90 days from effective date of this Agreement ("Purchaser's Inspection Period") to inspect and review the Commission Property, itself, and to conduct such environmental, soil, engineering, building component or other tests, studies and inspections, with respect to the Property as Purchaser deems necessary, including asbestos and lead paint inspections of the Property buildings, considering that only an inspection performed by certified inspectors can confirm or deny the presence of asbestos
and/or lead based paint. Purchaser shall take all the EPA required precautions while conducting the environmental inspections.

(B) If during Purchaser's Inspection Period Purchaser is not satisfied with the results of any tests, studies or inspections, then Purchaser, in its sole and absolute discretion, may choose to decline taking title to the Property by giving written notice to the Commission of such decision on or before the date of the expiration of Purchaser's Inspection Period. Purchaser's action to decline taking title to the Property under this paragraph shall render this agreement null and void. If Purchaser fails to provide the written notice provided for herein before expiration of Purchaser's Inspection Period, then the right of Purchaser to decline taking title to the Property pursuant to this paragraph shall be deemed waived.

(C) Access to the Property. Purchaser shall have the right to access the Property during Purchaser's Inspection Period for the purposes of conducting the inspections, tests and studies set forth in this paragraph. Access shall be limited to reasonable times and shall require prior notice, and Purchaser shall take all the necessary EPA mandated precautions while conducting the tests and inspections, and ensure that it does not materially interfere with the Commission's business. The Commission shall not impede the investigation unreasonably. Purchaser shall indemnify and hold the Commission harmless (which indemnity shall survive the Closing) from any loss, claim, liability or cost, including without limitation, damage to the Property, injury to persons, and claims of mechanic's or materialmen's liens, caused by Purchaser's entry and conduct of tests at the Property. Further, Purchaser shall be obligated to repair within the reasonable time specified in writing by the Commission to Purchaser any damage caused to the Property during said investigation, unless the Commission excuses the same in writing.

(7) CONVEYANCE: Conveyance will be by quitclaim deed releasing any and all interest the Seller has in the above-described property. It is incumbent upon purchasers to seek their own professional opinion as to the resulting state of the title. The Seller will not provide a commitment for title insurance, supplemental abstract or property survey. If the Purchaser desires to obtain a commitment for title insurance or a supplemental abstract, and if in so doing the Purchaser determines that the requirements for obtaining fee title are unsatisfactory, the Purchaser shall have thirty (30) days from date of signing this Agreement in which to advise the Seller in writing of the unsatisfactory requirements and void the contract. Purchaser will be responsible for payment of all fees associated with recording the conveyance documents.

(8) ENTIRE AGREEMENT; AMENDMENTS: This Agreement constitutes the entire agreement between the parties. Any change in this Agreement, whether by modification or supplementation, must be accompanied by a formal contract amendment signed and approved by the duly authorized representative of the Purchaser and the Seller.

(9) SELLER (COMMISSION) REPRESENTATIVE: The Commission's district engineer is designated as the Seller's representative for the purpose of administering the
provisions of this Agreement.

(10) LAW OF MISSOURI TO GOVERN: This Agreement shall be construed according to the laws of the state of Missouri. The Purchaser shall comply with all local, state and federal laws and regulations relating to the performance of this Agreement.

(11) ASSIGNMENT: The Purchaser shall not assign, transfer or delegate any interest in this Agreement without the prior written consent of the Seller.

(12) NONWAIVER: No delay or failure by either party to exercise or enforce any right hereunder, and no partial or single exercise of any such right, shall constitute a waiver of that or any other right, unless otherwise provided herein.

(13) EXTENSION OF CLOSING DATE: If both parties are in agreement, the time period for closing this transaction can be extended by attaching an "Addendum" specifying a new date for closing.

(14) APPROVAL OF COMMISSION: This sale is subject to the approval of the Commission and is not final until it has been approved by the Commission. Should the Commission, in its discretion, not approve this transaction, this contract shall be null and void and the Purchaser's earnest money deposit shall be returned to the Purchaser within ninety (90) days of the consideration of the Agreement by the Commission.

[Remainder of Page Intentionally Left Blank]
IN WITNESS WHEREOF, the said parties herein have executed this Agreement on the 13th day of May, 2020.

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

By: [Signature]

Tom Blair - MoDOT District Engineer

(Title)

PURCHASER:

By: [Signature]

Chuck Ruedebusch, II

Address: 20 Harbor Point Ct., Lake St. Louis MO 63367

Telephone: 314-341-7999

Date: 4-30-20
Hello,

My name is Kelley Newton and I am a home owner in the Fieldcrest neighborhood. I have lived here for over 20 years and own my home. I have seen many changes and improvements to the area over the 20 years and I have **many** concerns with the proposed addition of a commercial storage/business area in our neighborhood.

We already have a Lawn and Landscaping business in the neighborhood, whose workers fly in and out of the subdivision in a rush to get to the location of their storage (also in the ‘back’ of the neighborhood/near highway).

We have already had a child hit and killed by a driver flying through the subdivision (about 15 years ago) and it doesn’t make sense to add another business to a residential area where children live and play.

Perhaps if the highway department wanted to install a service road for these business use then they could have access to the business area without the wear and tear, and potential danger, on our residential streets.

I don’t feel it is fair or right for our neighborhood to have extra traffic with boats and storage in the residential area.

Please include my concern and vote NO for this addition to our neighborhood when the meeting is held to discuss this as I won’t be able to attend in person.

Thank you,
Kelley Newton
Cell Phone 314-223-6205
Office 314-387-4828
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: AUGUST 19, 2020
TIME: 7:00 P.M.
PLACE: COUNTY EXECUTIVE BUILDING
300 N. THIRD ST.
THIRD FLOOR COUNCIL CHAMBERS
ST. CHARLES, MO 63301

MEMBERS PRESENT: Tracy Boehmer; Diane Salle; Kevin Cleary; Tom Kuhn; Roger Ellis; Robert McDonald; and Terry Hollander, County Councilman
MEMBERS ABSENT: Craig Frahm
STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior County Planner; Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary
SPEAKERS: RZ20-11: Charles Ruedebusch II, applicant/contract purchaser, 20 Harbor Point Court, Lake St. Louis, MO 63367

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.

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 - 102 HIGH RIDGE DR

Application No: RZ20-11
Applicants/Contract Purchasers: Charles A. Ruedebusch II and Mary Ruedebusch
Property Owner: Missouri Department of Transportation
Current Zoning: R1E, Single-Family Residential District (7,000 square foot minimum lot size)
Requested Zoning: C2, General Commercial District
Parcel Size: 0.37 acres
Location: Bordering Interstate 64 on the northeast side of High Ridge Drive in the Fieldcrest Subdivision, near the cities of Lake St. Louis, O'Fallon, and Dardenne Prairie
Council District: 2

Ellie Marr, County Planner, stated that the Fieldcrest Subdivision was platted in 1957, prior to the adoption of County Zoning and Subdivision Regulations in 1959. Upon the County’s adoption of Zoning in 1959, the property was zoned R1E, Single-Family Residential District. High Ridge Drive previously connected directly with Highway 40-61 before it was upgraded to an Interstate with limited access. The applicant currently has a contract with the Missouri Highways and Transportation Commission to purchase this property contingent upon approval of this rezoning request. In order for the related application for a conditional use permit (Application CUP20-09) to be allowed on the subject property, this application rezoning the property to C2, General Commercial District must be approved. Ms. Marr stated that approval of the rezoning application would allow any of the permissive commercial land uses within the C2 Zoning District to be developed by right on the property. The Planning and Zoning Division recommends denial of this rezoning request, and finds that the proposed zoning is inconsistent with the residential uses in the immediate area, and does not meet the 2030 Land Use Plan recommendation for low-density residential land uses.

For the record, staff received one communication in opposition of this rezoning request.

Chairman Ellis asked if the commission had any questions for staff.

Kevin Cleary asked staff to confirm that any type of commercial use would be allowed on the property if this rezoning is approved.

Ellie Marr responded that approval of a site plan would be required, but any permissive commercial use of the property would be allowed by right should the property be rezoned to C2, General Commercial District.

Chairman Ellis asked if that is also the case for all of the properties along this corridor that are already zoned C2, General Commercial District.

Ellie Marr responded in the affirmative.

Chairman Ellis asked if the Commission had any other questions for staff.

There being no further questions for staff, Chairman Ellis asked the applicant or their representative to come forward.
Charles Ruedebusch II, the applicant and contract purchaser, was sworn in.

Kevin Cleary asked Charles Ruedebusch II why he is requesting to rezone the property to C2, General Commercial District and not just requesting the conditional use permit for the storage yard.

Charles Ruedebusch II responded that he would like to utilize this property in order to expand his existing boat storage business that he operates on the adjacent property, which is already zoned C2. In order for the conditional use permit to be approved, this property must be zoned C2, General Commercial District. Mr. Ruedebusch II stated that he was not aware that the subject property was zoned residential when he contracted to purchase it. He assumed it was zoned commercial as the other properties along that corridor are.

There being no further questions for the applicant, Chairman Ellis opened the public hearing and asked if there was anyone in the audience who wished to speak regarding this application.

There being no audience speakers, Chairman Ellis closed the public hearing and called for discussion from the Commission.

Kevin Cleary stated that he thinks rezoning this property to C2 would allow any and all other uses by right within this Zoning District. Since the conditional use permit has been recommended for approval, he does not think the property should be rezoned.

Chairman Ellis asked County staff if the conditional use permit request could still be approved under the existing residential zoning.

Ellie Marr responded that approval of the conditional use permit request is subject to approval of the rezoning request.

Robert Myers added that regardless of the recommendation made by the Planning & Zoning Commission, both of these applications will move forward to the County Council for a final determination.

Terry Hollander pointed out that it’s purely a technicality that the subject property will have to revert back to the prior R1E, Single-Family Residential Zoning District at the time of sale. Mr. Hollander stated that it’s obvious at this point that the property most likely can’t be used for residential purposes, and he is not sure what else it could be used for other than C2, General Commercial District.

Tracy Boehmer stated that there is no way to access this property other than by going through the subdivision no matter how the property is zoned. Due to the surrounding commercial properties she doesn’t see any other use for this property other than commercial uses.

Kevin Cleary stated that he has concerns regarding traffic within the residential area.

There being no further discussion from the commission, Chairman Ellis asked for a motion to approve Application RZ20-11.

Terry Hollander made a motion to recommend approval, and Tracy Boehmer seconded the motion.

The vote on the motion was as follows:
Application No. RZ20-11 was recommended for **Denial**.

The Vote count was 3 Yeas, 4 Nays and 0 Abstentions.