REZONING RZ20-15

REZONING REQUEST - 2632 EISENBATH ROAD

Application No: RZ20-15
Property Owner: Mildred T. Conroy
Developer: T J and B, LLC, Tim Tobin, managing member
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 rural residential land uses
Parcel Size: 26.26 acres
Location: On the south side of Eisenbath Road, approximately 1,800 feet west of Freymuth Road; near the Cities of St. Paul and Josephville
County Council District: 1
Account No.: 288990B000 and 288990A000

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**STAFF RECOMMENDATION**

To: County Planning & Zoning Commission  
Prepared by: Ellie Marr CFM  
Application No.: RZ20-15  
Date: January 11, 2021

**BACKGROUND INFORMATION**

Owner: Mildred T. Conroy Living Trust  
Applicant: Bax Engineering Co., Inc. – Carrie Marcum  
Requested Action: A zoning map amendment to rezone 26.26 acres from A, Agricultural District (5-acre minimum lot size) to RR, Single Family Residential District (3-acre minimum lot size)  
Location: 2632 Eisenbath Road; On the south side of Eisenbath Road, approximately 1,800 feet west of Freymuth Road; near the Cities of St. Paul and Josephville  
Current Zoning: A, Agricultural (5-acre minimum lot size)  
Current Land Use: Vacant agricultural  
Adjacent Land Use and Zoning:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>A, Agricultural District</td>
<td>Single Family Residence and Farm Ground</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District</td>
<td>Single Family Residential</td>
</tr>
<tr>
<td>West</td>
<td>A, Agricultural District</td>
<td>Single Family Residential</td>
</tr>
</tbody>
</table>

2030 Master Plan: Recommends Rural Residential (< 1 unit per acre) land use  
Public Services: County Council District 1 – Joe Cronin  
School District – Fort Zumwalt School District  
Fire District – O'Fallon Fire Protection District  
Utilities: Water – Individual Wells  
Sewer– Individual Wastewater Treatment Systems

This application involves two parcels with a total size of 26.26 acres. The applicant proposes to construct a total of six (6) residences on the acreage with lot sizes less than the five (5) acre
requirement for the current Agricultural zoning district, but greater than the minimum three (3) acre requirement for the Rural Residential district.

Should the zoning be approved, a preliminary plat review is required to be heard and approved by the Planning and Zoning Commission prior to any subdivision improvements and recording of a final plat.

REZONING ANALYSIS

The existing Agricultural zoning on this property could allow for the development of a minor subdivision plat with approximately 5 lots with minimum lot sizes of 5 acres. The applicant is requesting the zoning change in order to develop 6 lots with a minimum lot size requirement of 3 acres.

The properties located on the west and south sides of this parcel are within the Birdsong Meadows Subdivision. Lot sizes in Birdsong Meadows average slightly above 3 acres in size even though the subdivision is zoned, A, Agricultural. This subdivision plat was recorded in 1994, however, prior to February, 2006 the minimum lot size for the Agricultural zoning district was 3 acres instead of the current 5-acre minimum lot size requirement. The proposed RR zoning would be consistent with these adjoining lots.

The 2030 Land Use Plan for this area south of Eisenbath Road recommends Rural Residential land uses. Rural Residential land uses are defined in the 2030 Master Plan as <1 unit per acre. On the north side of Eisenbath Road, the 2030 Land Use Plan recommends Agricultural land uses. The RR zoning district for St. Charles County as defined in the Unified Development Ordinance (UDO) requires a minimum of 3-acre lot sizes. This request for a change from Agricultural zoning to RR zoning meets this 2030 Land Use recommendation.

RECOMMENDATION

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 adjacent lot sizes and residential use in the immediate area and meets the 2030 Land Use Plan recommended Rural Residential land uses.
RZ20-15 - Aerial
1942 Freymuth Court  
O'Fallon, MO 63366  

January 8, 2021  

St. Charles County Planning and Zoning Commission  
201 North Second Street, Room 420  
St. Charles, MO 63301  

Re: Rezoning Request – 2632 Eisenbath Road  

Dear Commission Members:  

This letter is in response to your notice dated January 4, 2021 concerning application RZ20-15. Although we feel that a 3 acre lot size is insufficient for in-ground septic system drain fields, that exception to the requested zoning is made moot by the numerous homes already built in the area on 3 acre lots. As a consequence, we consider any problems associated with drain fields on land in our area, which is known to have poor percolation, concerns only the homeowners on those 3 acre lots.  

We do, however, object to any interference with, infringement upon and, especially, the elimination of the natural creek bed that runs, south to north, along the west edge of our property line. Included in our reference to infringement are the existing trees and vegetation within a minimum of 20 feet of said creek bed center line. We believe those trees and vegetation are an inherent part of the water shed and are necessary to avoid further erosion of the creek bed.  

Yours respectfully,  

Pamela L. Kulp  
Carl R. Kulp, Jr  
PhD, Engineering  
University of Kansas
I have no objection to the rezoning of this land.

Dorothy Vogelgesang
2367 Freymuth Rd, O'Fallon, MO 63366
ALAN ORF
1939 Freymuth Ct.
O'Fallon, Mo. 63366

Feb 14, 2021

I have no disapproval of the rezoning request for the property at 2632 Eisenbath Rd.

Alan Orf
Bill and Cari Melvin
2411 Freymuth Rd

We have no objections to the proposed building off of Eisenbath Road.

Cari Melvin
W. D. L.
Rezoning request

From: James Ganley (jtganley45@gmail.com)
To: jerrygettemeier@yahoo.com
Date: Friday, February 12, 2021, 11:57 AM CST

We have reviewed the property map sent to us by the zoning commission and we are aware of the rezoning request which would allow residential development of an area near our home.

We are familiar with the area in question because we have lived at our present address for 24 years. We have no objection to the rezoning and in fact it is our belief that residential development of the area in question will be an improvement over the existing situation.

James T. Ganley
Ann E. Ganley
1955 Nightingale Court
St. Paul, Missouri 63366
636-281-1892
1931 Freymuth Court
O'Fallon, MO 63366

February 13, 2021

St. Charles County Planning and Zoning Commission
201 North Second Street, Room 420
St. Charles, MO 63301

Re: Rezoning Request – 2632 Eisenbath Road
Application No. RZ20-15

Dear Commissioner Members:

This letter is in response to your notice dated February 1, 2021 concerning application RZ20-15.

We do not object to this proposal.

Respectfully,

John T. Fowler &
Marietta Fowler