AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF THE COUNTY OF ST. CHARLES, MISSOURI, BY REZONING LAND FROM A, AGRICULTURAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS, TO PR, PARK RECREATIONAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS, AS PER APPLICATION RZ20-14

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 South Highway 94 and located on the east side of Highway 94 South and east of the Katy Trail was requested by Joe Brazil, applicant and registered agent and organizer of Beyond the Trail RV Park, L.L.C., and Beyond the Trail RV Park, L.L.C., property owner, through Application RZ20-14; and

WHEREAS, the tract to be rezoned is a 2.89-acre parcel currently zoned A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts; and

WHEREAS, the zoning sought for the tract to be rezoned is PR, Park Recreational District, with Floodway and Floodway Fringe Overlay Districts; and
WHEREAS, adjacent land to the north is zoned PR, Park Recreational District, with Floodway Fringe Overlay District and is the site of a recreational vehicle park; adjacent land to the south and east is zoned A, Agricultural District, with Floodway Fringe and Floodway Overlay Districts and is used for cultivation; and adjacent land to the west is zoned C2, General Commercial District, with Floodway Fringe Overlay District and A, Agricultural District with Floodway Fringe Overlay District, and is used for a commercial parking area and cultivation; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 8 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 2.89-acre tract of land located on South Highway 94 and identified as Parcel ID Nos. 3-0148-0208-00-0018.2200000 and 3-0156-0014-00-0018.2300000 in the records of the St. Charles County Assessor is hereby rezoned from A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts to PR, Park Recreational District, with Floodway and Floodway
Fringe Overlay Districts. 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 RZ20-14 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, which exhibit contains 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 RZ20-14
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

<table>
<thead>
<tr>
<th>APPLICATION NUMBER:</th>
<th>RZ20-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE PROPERTY IS PRESENTLY ZONED:</td>
<td>A, AGRICULTURAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS</td>
</tr>
<tr>
<td>IT IS REQUESTED THAT THIS PROPERTY BE REZONED TO DISTRICT:</td>
<td>PR, PARK RECREATIONAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS</td>
</tr>
<tr>
<td>OWNER OR OWNERS OF PROPERTY TO BE REZONED:</td>
<td>BEYOND THE TRAIL RV PARK, LLC, JOE BRAZIL, REGISTERED AGENT AND ORGANIZER</td>
</tr>
<tr>
<td>LOCATION OF PROPERTY:</td>
<td>THE PROPERTY IS KNOWN AS SOUTH HWY 94 AND IS LOCATED ON THE EAST SIDE OF HIGHWAY 94 SOUTH AND EAST OF THE KATY TRAIL; APPROXIMATELY 100 FEET SOUTH OF WALNUT SPRINGS ROAD. THE PROPERTY CONSISTS OF 2.89 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 LOT 2 OF THOMAS PARSONS PARTITION WITHIN U.S. SURVEYS 14 AND 208, TOWNSHIP 45 NORTH RANGE 2 EAST OF THE FIFTH PRINCIPAL MERIDIAN ST. CHARLES COUNTY, MISSOURI BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF ADJUSTED LOT 5 OF BOUNDARY ADJUSTMENT PLAT OF LOTS 5 AND 6 OF PARSONS FIFTH ADDITION, A SUBDIVISION ACCORDING TO THE PLAT THEREOFRecorded in Plat Book 50 Page 32 of the St. Charles County Records; Thence Leaving the Said Southeast Corner of Adjusted Lot 5 and Along the Northwest Line of the Katy Trail Formerly Known as the M.K. & T Railroad 100 Feet Wide, North 32 Degrees 28 Minutes 40 Seconds East 3.50 Feet; Thence Leaving the Said Northwest Line of the Katy Trail; South 66 Degrees 07 Minutes 25 Seconds East 101.14 Feet to a Point on the Southeast Line of the Katy Trail; Thence Continuing Along the Said Southeast Line of the Katy Trail North 32 Degrees 28 Minutes 40 Seconds East 812.02 Feet to a Point on the East Line of Property Conveyed to Grapevine Wine Bistro and Visitors Center According to the Deed Thereof Recorded in Book 6332 Page 1112 of the Said Records; Thence Along Said East Line of the Grapevine Wine Bistro and Visitors Center Property the Following Courses and Distances, South 00 Degrees 40 Minutes 15 Seconds West 425.16 Feet; South 03 Degrees 37 Minutes 54 Seconds West 107.06 Feet; and South 12 Degrees 16 Minutes 23 Seconds West 292.66 Feet to the Actual Point of Beginning of the Tract of Land Herein Described; Thence Leaving the Said East Line of the Grapevine Wine Bistro and Visitors Center Property, the Following Courses and Distances, South 66 Degrees 07 Minutes 25 Seconds West 25.52 Feet; North 12 Degrees 16 Minutes 21 Seconds West 299.68 Feet; North 03 Degrees 37 Minutes 54 Seconds West 109.59 Feet; and North 00 Degrees 40 Minutes 15 Seconds West 203.59 Feet; South 59 Degrees 21 Minutes 31 Seconds West 255.71 Feet; South 22 Degrees 22 Minutes 37 Seconds West 553.56 Feet; and South 66 Degrees 07 Minutes 25 Seconds East 1440.86 Feet to a Point on the West Right of Way Line of Darst Bottom Road; Thence Along the Said West Right of Way Line of Darst Bottom Road; South 24 Degrees 12 Minutes 48 Seconds West 25.00 Feet to a Point on the North Line of Property Conveyed to Augusta Country Limited Partnership According to the Deed Recorded in Book 257 Page 713 of the Said Records; Thence Along the Said North Line of the Augusta Country Limited Partnership Property North 66 Degrees 07 Minutes 25 Seconds West 1551.10 Feet to a Point on the Aforementioned East Line of the Grapevine Wine Bistro and Visitors Center Property; Thence Along the Said East Line of the Grapevine Wine Bistro and Visitors Center Property North 12 Degrees 16 Minutes 23 Seconds East 25.52 Feet to the Point of Beginning.
APPLICATION RZ20-14

REZONING REQUEST - SOUTH HIGHWAY 94

Application No: RZ20-14
Applicant: Joe Brazil, registered agent and organizer of Beyond the Trail RV Park, LLC
Property Owner: Beyond The Trail RV Park, LLC, Joe Brazil, registered agent and organizer
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts
Requested Zoning: PR, Park Recreational District, with Floodway and Floodway Fringe Overlay Districts
2030 Master Plan: Recommends agricultural and recreational land uses
Parcel Size: 2.89 acres
Location: On the east side of Highway 94 South and east of the Katy Trail; approximately 100 feet south of Walnut Springs Road
County Council District: 2
Account Nos.: T201200001 and T201200002

CONTENTS:
➢ Synopsis
➢ Staff Recommendation
➢ Photo(s) of Site
➢ Aerial Photo
➢ Surrounding Zoning Map
➢ Future Land Use Map
➢ Letters received
♦ Written Protest - Kamphoefner Farms LP
♦ Written Protest - Joann Palmer Family Living Trust
♦ Written Protest - Augusta Country LP
➢ Planning and Zoning Commission minutes from the December 16, 2020 meeting
This communication summarizes the following bill to be introduced at the January 11, 2021 County Council meeting:

**REZONING REQUEST - SOUTH HIGHWAY 94**

Application No: RZ20-14  
Applicant: Joe Brazil, registered agent and organizer of Beyond the Trail RV Park, LLC  
Property Owner: Beyond The Trail RV Park, LLC, Joe Brazil, registered agent and organizer  
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts  
Requested Zoning: PR, Park Recreational District, with Floodway and Floodway Fringe Overlay Districts  
2030 Master Plan: Recommends agricultural and recreational land uses  
Parcel Size: 2.89 acres  
Location: On the east side of Highway 94 South and east of the Katy Trail; approximately 100 feet south of Walnut Springs Road  
County Council District: 2  
Account Nos.: T201200001 and T201200002

Approval of this bill would rezone a 2.89-acre parcel of land from A, Agricultural District to PR, Park Recreational District. The applicant proposes to expand an existing, adjoining campground for about 20 additional recreational vehicles, and to do so would require either a conditional use permit under the existing zoning or rezoning to PR, Park Recreational District. The applicant has chosen the latter option. Rezoning the expansion area would allow campgrounds as a permissive use. Access to the property is by a driveway through a commercially zoned property (Good News Brewing Company) and crossing the Katy Trail. The Missouri Department of Natural Resources (DNR) has previously granted approval to cross the Katy Trail to access the applicant’s existing, adjoining campground. Additionally, the expanded campground would also have an access from Darst Bottom Road via a 24-foot wide gravel driveway.

The 2030 Master Plan recommends agricultural uses for the property with recreational uses secondarily. The proposed PR District zoning would conform to that Master Plan recommendation.

All issues regarding floodplain development would be addressed when permits for the site plan and building permits are processed. This will include a plan to move recreational vehicles from the property in advance of Missouri River flooding.

The Planning and Zoning Commission held a public hearing on this rezoning application on December 16, 2020 and received the following public input:

- **Speakers:** 2 Support, 2 Opposed, 0 Concerns
- **Letters on file:** 0 Support, 3 Opposed, 0 Concerns

Having conducted the public hearing, the Planning & Zoning Commission voted as follows:
8 Approval 0 Denial 0 Abstentions

**Recommendation:**

The Planning and Zoning Commission recommends that the Council approve this rezoning request. The Planning and Zoning Division concurs with this recommendation.

Sincerely,

Robert Myers, AICP
Director of Planning & Zoning

cc: Steve Ehlmann, County Executive
    Joann Leykam, Director of Administration
    Rory O'Sullivan, Acting County Counselor
STAFF RECOMMENDATION

To: County Planning and Zoning Commission
Prepared by: Mark E. Price Jr. AICP, CFM
Application No.: RZ20-000014
Date: December 8, 2020

BACKGROUND

Property Owner: Beyond the Trail RV Park, LLC
Applicant: Joe Brazil, registered agent and organizer of Beyond the Trail RV Park, LLC
Property Owner: Beyond The Trail RV Park, LLC
Requested Action: To rezone land from A, Agricultural District (5 acre minimum lot size) with Floodway Fringe and Floodway Overlay Districts; to PR, Park Recreational District, with Floodway Fringe and Floodway Overlay Districts
Location: 2880 Highway 94 South, Approximately 100 feet south of Walnut Springs Road and 250 east of Hwy 94 South in Defiance
Rezoning Area: 2.89 Acres
Current Land Use: Agricultural (cultivation)
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>PR, Park Recreational District, with Floodway Fringe Overlay District</td>
<td>Recreational (RV park)</td>
</tr>
<tr>
<td>South</td>
<td>A, Agricultural District, with Floodway Fringe and Floodway Overlay Districts</td>
<td>Agricultural (cultivation)</td>
</tr>
<tr>
<td>East</td>
<td>A, Agricultural District, with Floodway Fringe and Floodway Overlay Districts</td>
<td>Agricultural (cultivation)</td>
</tr>
<tr>
<td>West</td>
<td>C2, General Commercial District, with Floodway Fringe Overlay District; and A, Agricultural District with Floodway Fringe Overlay District</td>
<td>commercial (parking) and Agricultural (cultivation); borders the Katy Trail State Park</td>
</tr>
</tbody>
</table>

Year 2030 Plan: recommends future Agricultural and Floodplain uses, including agriculture and conservation primarily; and recreational uses secondarily.

Zoning History: This property has been zoned A, Agricultural District, since the inception of zoning in 1959. In 1999, the Floodway Fringe Overlay District was added with the adoption of the Unified Development Ordinance.
Public Services:
County Council District 2 – Joe Brazil
School District – R3, Francis Howell School District
Fire District – Augusta Fire District

Utilities:
Water – Public Water Supply #2
Sewer – Private Sewage Disposal System

ANALYSIS

The applicant proposes to expand an existing, adjoining campground for about 20 additional recreational vehicles, and to do so would require either a conditional use permit under the existing zoning or rezoning to PR, Park Recreational District. The applicant has chosen the latter option. Rezoning the expansion area would allow campgrounds as a permissive use.

Access to the property is by a driveway through a commercially zoned property (Good News Brewing Company) and crossing the Katy Trail. The Missouri Department of Natural Resources (DNR) has previously granted approval to cross the Katy Trail to access the applicant’s existing, adjoining campground. Additionally, the expanded campground would also have an access from Darst Bottom Road via a 24-foot wide gravel driveway.

The 2030 Master Plan recommends agricultural uses for the property with recreational uses secondarily. The proposed PR District zoning would conform to that Master Plan recommendation.

All issues regarding floodplain development would be addressed when permits for the site plan and building permits are processed. This will include a plan to move recreational vehicles from the property in advance of Missouri River flooding.

RECOMMENDATION

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend that the County Council approve this rezoning application.
RZ20-14 - Zoning
RZ20-14 – Future Land Use
WRITTEN PROTEST

St. Charles County Registrar
201 North Second Street, Suite 541
St. Charles, Missouri 63301

RE: Protest of Application for Zoning Amendment Number R220-14 filed by: Beyond the Trail RV Park, LLC

To whom it may concern:

1) The legal description of my/our property is attached to this protest form.
   PT NE FRL 1/4 d PT Survey 44

2) The mailing address of my/our property is:
   3343 South Highway 94
   Defiance, MO 63341
   Phone (home) ____________________ (work) 314 348 0522

3) I/We, the undersigned am/are all of the legal owners of property described above and hereby file this
   formal protest pursuant to Section 405.535 of the Unified Development Ordinance of St. Charles
   County, Missouri.

4) In relation to the request for rezoning, my/our property can be described as being located within 1000
   feet of the parcel of land for which the change, revision, or amendment is proposed.

5) My/Our reasons for protesting this application are attached to this protest form.

6) I/We understand that this written protest must be filed with the County Registrar prior to final action
   to be a valid protest.

7) I/We understand that written protests are regulated by the Unified Development Ordinance of St.
   Charles County, Missouri. Judicial decisions or legislative changes, as well as individual
   circumstances, may require that a different or special protest form be used. I/We understand that I/we
   should consult an attorney to be certain this protest complies with all legal requirements.

8) I/We understand that I/we may attend all hearings regarding this rezoning and I/we can obtain the
   hearing dates from the St. Charles County Planning Department.
9) Signed this \[15^{th}\] day of December, 2020, by all of the legal owners of the property described herein.

(signature)

(print name) Joseph F. Kamphaefner

(Everyone's signature must be notarized.)

STATE OF MISSOURI
COUNTY OF St. Louis ) SS.

On this \[15^{th}\] day of December, 2020, before me personally
Joseph F. Kamphaefner, a Notary Public in and for said state, personally appeared

Joseph F. Kamphaefner, known to me to be the person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL)

__________________________________________________________
SIGNATURE/Notary Public

STATE OF MISSOURI
COUNTY OF St. Louis ) SS.

On this \[15^{th}\] day of December, 2020, before me personally
Wanda L. Howell, a Notary Public in and for said state, personally appeared
Wanda L. Howell, known to me to be the person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

WANDA L. HOWELL
Notary Public - Notary Seal
St Charles, County - State of Missouri
Commission Number 14428329
My Commission Expires Aug 22, 2022

__________________________________________________________
SIGNATURE/Notary Public
WRITTEN PROTEST

St. Charles County Registrar
201 North Second Street, Suite 541
St. Charles, Missouri 63301

RE: Protest of Application for Zoning Amendment Number R720-14 filed
by: [Signature]

To whom it may concern:

1) The legal description of my/our property is attached to this protest form.

2) The mailing address of my/our property is:

   [Address]

   Phone (home) 636-561-3279   (work) ______________________

3) I/We, the undersigned am/are all of the legal owners of property described above and hereby file this formal protest pursuant to Section 405.535 of the Unified Development Ordinance of St. Charles County, Missouri.

4) In relation to the request for rezoning, my/our property can be described as being located within 1000 feet of the parcel of land for which the change, revision, or amendment is proposed.

5) My/Our reasons for protesting this application are attached to this protest form.

6) I/We understand that this written protest must be filed with the County Registrar prior to final action to be a valid protest.

7) I/We understand that written protests are regulated by the Unified Development Ordinance of St. Charles County, Missouri. Judicial decisions or legislative changes, as well as individual circumstances, may require that a different or special protest form be used. I/We understand that I/we should consult an attorney to be certain this protest complies with all legal requirements.

8) I/We understand that I/we may attend all hearings regarding this rezoning and I/we can obtain the hearing dates from the St. Charles County Planning Department.
Written Protest
Page 2 of 3

9) Signed this 13th day of December, 2020, by all of the legal owners of the property described herein.

(signature) 

Joann Palmer

(print name) 

Joann Palmer

(Everyone's signature must be notarized.)

STATE OF MISSOURI )
COUNTY OF ) SS.

On this 13th day of December, in the year 2020 before me personally

W. J. Zollmann, III
Notary Public - Notary Seal
STATE OF MISSOURI
Comm. Number 15591054
St. Charles County
My Commission Expires: Sep. 23, 2023

known to me to be the person who
executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

W. J. Zollmann, III
SIGNATURE/Notary Public

STATE OF MISSOURI )
COUNTY OF ) SS.

On this ______ day of ____________ in the year ______ before me personally

_______________________________, a Notary Public in and for said state, personally appeared

_______________________________, known to me to be the person who
executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL) 

SIGNATURE/Notary Public
Written Protest
Page 3 of 3

STATE OF MISSOURI )
COUNTY OF ) SS.

On this ______ day of ______________________ in the year _______ before me personally
______________________________, a Notary Public in and for said state, personally appeared
______________________________, known to me to be the
person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL) 
SIGNATURE/Notary Public

**************************

STATE OF MISSOURI )
COUNTY OF ) SS.

On this ______ day of ______________________ in the year _______ before me personally
______________________________, a Notary Public in and for said state, personally appeared
______________________________, known to me to be the
person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL) 
SIGNATURE/Notary Public
(1) Legal description of my property:

a) Parcel ID: 3-0156-0014-00-002.0000000
   Acres: 61.2
   Legal: PT SUR 14 PARSONS PRTN SE PT LOT 1

b) Parcel ID: 3-0151-0019-00-0001.0000000
   Acres: 93.28
   Legal: PT SUR 19 PARSONS PRTN PT LOT 3

(5) Reasons for protesting this application:

The elevation on the current constructed campground has been raised causing surrounding land to flood. Additional developing and changes to the elevation will increase and lead to more drastic flooding. Developing of property in a flood plain is detrimental to existing agricultural land nearby.

There should be safety concerns considered as the roads in the area are not designed for an influx of traffic and vehicles such as R.V.'s.

Submitted by Joanna Palmer
WRITTEN PROTEST

St. Charles County Registrar
201 North Second Street, Suite 541
St. Charles, Missouri 63301

RE: Protest of Application for Zoning Amendment Number 22017 filed by Augusta County LP

To whom it may concern:

1) The legal description of my/our property is attached to this protest form.

2) The mailing address of my/our property is:
   
   970 W. 1st St  
   Washington, IL 62290

   Phone (home) 618-239-4343  
   (work) 1/11

3) I/We, the undersigned am/are all of the legal owners of property described above and hereby file this formal protest pursuant to Section 405.535 of the Unified Development Ordinance of St. Charles County, Missouri.

4) In relation to the request for rezoning, my/our property can be described as being located within 1000 feet of the parcel of land for which the change, revision, or amendment is proposed.

5) My/Our reasons for protesting this application are attached to this protest form.

6) I/We understand that this written protest must be filed with the County Registrar prior to final action to be a valid protest.

7) I/We understand that written protests are regulated by the Unified Development Ordinance of St. Charles County, Missouri. Judicial decisions or legislative changes, as well as individual circumstances, may require that a different or special protest form be used. I/We understand that I/we should consult an attorney to be certain this protest complies with all legal requirements.

8) I/We understand that I/we may attend all hearings regarding this rezoning and I/we can obtain the hearing dates from the St. Charles County Planning Department.
9) Signed this ______ day of ________________, ______, by all of the legal owners of the property described herein.

(signature)  

Carol A. Moritz  
Wayne F. Moritz  

(print name)  

Carol A. Moritz  
Wayne F. Moritz

(Everyone's signature must be notarized.)

STATE OF MISSOURI  
COUNTY OF Franklin  )  SS.  

On this 14th day of December in the year 2020 before me personally Ryan Winters, a Notary Public in and for said state, personally appeared Carol Moritz, known to me to be the person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL)  

RYAN M. WINTERS  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Franklin County  
Commission # 13505428  
My Commission Expires: 07-22-2021  
SIGNATURE/Notary Public

STATE OF MISSOURI  
COUNTY OF Franklin  )  SS.  

On this 14th day of December in the year 2020 before me personally Ryan Winters, a Notary Public in and for said state, personally appeared Wayne Moritz, known to me to be the person who executed the within release and/or authorization and acknowledged to me that he/she executed the same for the purposes therein stated.

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.

(SEAL)  

RYAN M. WINTERS  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Franklin County  
Commission # 13505428  
My Commission Expires: 07-22-2021  
SIGNATURE/Notary Public
PROTEST OF APPLICATION

Augusta Country Limited Partnership is protesting the expansion of the campground being requested by Beyond The Trail RV Park, LLC. The existing campground is already causing additional flooding when the river is high. Our land will be even more impacted by flooding if further expansion of this campground is allowed. There will be longer durations and more severe flooding when the Missouri River goes up and the flood gates are closed.

We were also never notified of the initial request for building of the first campground. After talking to other land owners we have found out that no one else received any notification about this either.

Augusta Country L.P.

By Wayne F. Moret
MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: DECEMBER 16, 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; Robert McDonald (Via WebEx); Diane Saale; Kevin Cleary; Craig Frahm; Tom Kuhn; Roger Ellis; and Terry Hollander, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, Senior Planner; Ardita Roark, Associate County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS: RZ20-14: Joe Brazil, registered agent and organizer of the property owner, Beyond the Trail RV Park, LLC, 2880 South Highway 94, Defiance MO63341; Michael Niemeyer, 328 Arvel Lane, Washington, MO 63090; John Hatcher, 1404 Garden Valley Drive, St. Peters, MO 63376; and Arnie C. Dienoff, P.O. Box 1535, O’Fallon, MO 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 applications heard during the meeting, which will then be submitted to the St. Charles County Council for their final decision. The vote on preliminary plats is final, unless a plat is denied, in which case the plat would be submitted to the St. Charles County Council for a final decision.

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 - SOUTH HIGHWAY 94

Application No: RZ20-14
Applicant: Joe Brazil, registered agent and organizer of Beyond the Trail RV Park, LLC
Property Owner: Beyond The Trail RV Park, LLC
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts
Requested Zoning: PR, Park Recreational District, with Floodway and Floodway Fringe Overlay Districts
2030 Master Plan: Recommends agricultural and recreational land uses
Parcel Size: 2.89 acres
Location: On the east side of Highway 94 South and east of the Katy Trail; approximately 100 feet south of Walnut Springs Road
County Council District: 2
Account Nos.: T201200001 and T201200002

Ellie Marr, Senior Planner, stated that a portion of the subject property has already been rezoned to Park Recreational District and has been and is being used as a recreational park. The applicant proposes to expand an existing, adjoining campground for about 20 additional recreational vehicles, and to do so would require either a conditional use permit under the existing zoning or rezoning to PR, Park Recreational District. The applicant has chosen the latter option. Rezoning the expansion area would allow campgrounds as a permissive use. Access to the property is by a driveway through a commercially zoned property (Good News Brewing Company) and crossing the Katy Trail. The Missouri Department of Natural Resources (DNR) has previously granted approval to cross the Katy Trail to access the applicant’s existing, adjoining campground. Additionally, the expanded campground would also have an access from Darst Bottom Road via a 24-foot wide gravel driveway. The 2030 Master Plan recommends agricultural uses for the property with recreational uses secondarily. The proposed PR District zoning would conform to that Master Plan recommendation. All issues regarding floodplain development would be addressed when permits for the site plan and building permits are processed. This will include an evacuation plan to move recreational vehicles from the property in advance of Missouri River flooding. The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend that the County Council approve this rezoning application.

For the record, staff received three letters in opposition of this rezoning request.

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

There being no questions for staff, Chairman Ellis asked the applicant to come forward.

Joe Brazil, registered agent and organizer of Beyond the Trail RV Park, LLC, the property owner, was sworn in. Mr. Brazil stated that he and his wife previously owned Good News Brewing Company and the two residential homes next to it. It was a Travel Smokehouse. At first, they had had 4 acres of land and then later bought an additional 3.85 acres which goes out to Darst Bottom Road providing a second exit point. At the start of the process, Mr. Brazil and his wife had 20 sites and was an expensive venture
having to add a fire hydrant, transformer, gravel for gravel lots and a bath house. Since the opening in August this year the campground has had 100% occupancy. Mr. Brazil stated the goal is to try to get more overnight staying customers in the southwest district. He explained there was always an intention to do Phase 2 but wanted to make sure Phase 1 was off and going. In Phase 2, Mr. Brazil purchased another piece of land that goes all the way out to the end of the road which will give customers a choice to come in or go out that way rather than through the Brewery. The lane is an easement from Highway 94 all the way to the campground and also put in a new bridge. He noted the infrastructure to get to the 20 sites has been expensive and is trying to get another 20 sites because he is confident, they can be filled. Mr. Brazil stated he owns the property, not the government is in floodplains. Sewage will be pumped out and there will be no septic tanks. Mr. Brazil presented a video Beyond the Trail RV Park campground.

Kevin Cleary asked Mr. Brazil if there will be a limitation of days stay on the campground.

Mr. Brazil stated his fee is $50 per night. He stated that he does not expect people to stay for more than a month and doesn’t want squatters.

Craig Frahm asked if there have been incidents requiring a police presence.

Mr. Brazil answered in the negative. He stated that he does not rent to anyone 25 years and under without an adult. He will only allow a maximum of four people pre tent site. Mr. Brazil added that the surrounding businesses appreciate this campground as it reciprocates business to them.

Tracy Boehmer asked Mr. Brazil if any elevation building is expected as the protest letters expressed concern for flooding.

Mr. Brazil responded that the property is located within a flood plain, but he has created gravel roads, put topsoil down for grass to grow, and cleaned out a drainage ditch in order to help control the water.

There being no further questions, Chairman Ellis asked if anyone from the audience wishes to make public comments regarding this application.

John Hatcher was sworn in. Mr. Hatcher stated he is an employee of the Good News Brewing Company and expressed the campground has been an asset to businesses because people are spending money to help the community, local employers and the County.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that in the written protest filed by Augusta Country LP, they cite a reason for their written remonstrance was that no one else received notification regarding this rezoning application. He stated that Augusta Limited Partnership did not receive any notification from the County either. Mr. Dienoff asked who is responsible for proper notification of the surrounding property owners. He stated that at first the was against this rezoning because the property is located within a floodplain but has changed his mind because of the economic benefit to the County. He supports it for the emergency evacuation plan that is in place regarding flood matters and for the additional entrance and exit to the property. He asked if a super majority vote would be triggered due to the three written protests received. Mr. Dienoff also stated that he would like for the Commission to add a few conditions, including that dumpsters must be tied down, picnic tables and benches must be tied down, and the ice machine must be tied down.

Michael Niemeyer was sworn in. Mr. Niemeyer stated that he is speaking on behalf of his grandfather who is a general partner of Augusta Country Limited Partnership. Mr. Niemeyer stated that they are the neighboring landowner to the west of this property and they actually farm their land. Recently the land
had not been maintained because it was under water this spring and they couldn't get to it. Their property is agricultural and has wetlands that cannot be altered. Whatever water ends up on the land has to stay there. When Mr. Brazil built on the adjoining property, the elevation that was done caused some water flow on their property which drains to the north. The main issue is the flood gates there. When the Missouri River reaches 23 feet, the gates close and it causes the area to flood.

Craig Frahm asked Mr. Niemeyer how many acres he was not able to plant on in 2019.

Mr. Niemeyer responded that in 2019 he was able to plant on 19 out of the 40 acres. There were 12 acres from the ditch to the Katy Trail they were unable to plant on because of them being under water. From June 25th, 2019 it wasn’t worth planting even with crop insurance.

Craig Frahm asked how many years they have had problems with flooding on their property.

Mr. Niemeyer responded that they have farmed on the land for 11 years and harvested crops only 4 times due to the property being under water so often. Mr. Niemeyer mentioned that he spoke with several landowners who stated that they did receive the notice for this rezoning application but did not receive a notice for the rezoning of the adjacent property back in 2015. He stated that there are several other landowners that are opposed this application but did not want to speak out publicly in front of County Councilman Joe Brazil. He added that the existing campground is in the middle of agricultural land where pesticides are regularly used and is concerned that people might get sick from it as campers do not have good ventilation systems.

Chairman Ellis asked if anyone else from the audience would like to comment on the application. There were no further speakers.

Chairman Ellis closed the public hearing and asked for the applicant to come back to the podium.

Kevin Cleary asked Mr. Brazil if the area has been flooded 7 out of 11 years. He also asked if things on the property are tied down.

Mr. Brazil responded that this is a seasonal business and closes after Christmas. He stated that all picnic tables are tied to the pavilion post, and the dumpster and ice box are also tied down. Regarding the issue with the neighboring property flooding, he stated that he asked Michael Niemeyer’s father to clean out that ditch and put dirt in that hole to help manage the water problem.

Kevin Cleary asked Mr. Brazil if he raised the property when he developed the adjacent campground.

Mr. Brazil responded that gravel was put on the roads and that raised the property about 6 to 10 inches. It took him three years to get all of the required permits and had to go through the Army Corps of Engineers, Development Review, and Missouri State Parks to complete the project. He stated that he has followed all of the requirements for that campground.

Craig Frahm asked staff to explain the process of how notice is given to the surrounding residents for rezoning applications.

Ellie Marr responded that the area is zoned Agricultural and if it is surrounded by 75% or greater Agricultural zoning notices are mailed out to property owners within 2,000 feet. If the surrounding zoning is less than 75% Agricultural, notices are mailed out to property owners within 1,000 feet. Staff uses a computer tool and GIS mapping to measure the buffer that letters are sent to, and those records are maintained by the Planning & Zoning Division should someone ever like to see them.
Craig Frahm asked when notification letters are mailed out and if a sign is posted by the property for these applications.

Ellie Marr responded that notification letters are sent out 15 days prior to the P&Z Commission meeting. She stated that a sign is also posted by the properties to notify the public.

Craig Frahm asked if letters are ever returned or are undelivered.

Ellie Marr responded that they are occasionally returned.

Craig Frahm asked if staff keeps track of returned letters.

Ellie Marr responded that staff uses the most up to date information from the County Assessor’s office for notifications. If letters are returned, staff keeps the returned letters but is unable to track down a more current address for the property owners.

Chairman Ellis asked when the original RV park was approved in 2015 if the notification distances were less than they are currently.

Ellie Marr responded in the affirmative and stated that in 2015 the notification area for rezoning applications as required by ordinance was 1,000 feet. Changes were made to the ordinance in 2019 to extend the notification area for properties surrounded by 75% or greater Agricultural zoning to 2,000 feet, so that is the reason that property owners that were notified this time may not have been notified last time.

There being no further discussion from the commission, Chairman Ellis asked for a motion to approve Application RZ20-14.

Terry Hollander made a motion to recommend approval of Application No. RZ20-14. Diane Saale seconded the motion.

The vote on the motion was as follows:

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<td>Tracy Boehmer</td>
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<td>Craig Frahm</td>
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Application No RZ20-14 was recommended for APPROVAL.

The Vote Count was 7 Yeas, 0 Nays and 1 Abstentions.