

Bill No. 4936

Ordinance No. _____

Requested by: Michael Hurlbert

Sponsored by: Nancy Schneider

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 RF, RIVERFRONT DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS, AS PER APPLICATION RZ20-17

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 222 Yacht Club, and located on the north side of the terminus of North Shore Drive, was requested by 222 Yacht Club, L.L.C., property owner(s), through Application RZ20-17; and

WHEREAS, the tract to be rezoned is a 29.90-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 RF, Riverfront District, with Floodway and Floodway Fringe Overlay Districts; and

WHEREAS, adjacent land to the north is zoned RF, Riverfront District, with Floodway Fringe and Floodway Overlay

Districts and is the site of the Port Charles Marina; adjacent land to the south is zoned A, Agricultural District, with Floodway Fringe and Floodway Overlay Districts and is the site of the North Shore Marina and Agricultural property used for cultivation; adjacent land to the east is zoned A, Agricultural District with Floodway Fringe and Floodway Overlay Districts and is the site of Agricultural property used for cultivation; and the Mississippi River is located to the west; and

WHEREAS, the Planning and Zoning Commission of the County of St. Charles, Missouri, considered this application and on a vote of 9 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 29.90-acre tract of land identified as Parcel ID No. 5-0006-S008-00-0002.0000000 in the records of the St. Charles County Assessor and located on North Shore Drive is hereby rezoned from A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts, to RF, Riverfront 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 RZ20-17 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 RZ20-17

AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER: RZ20-17

CURRENT ZONING DISTRICT: A, AGRICULTURAL DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS

REQUESTED ZONING DISTRICT: RF, RIVERFRONT DISTRICT, WITH FLOODWAY AND FLOODWAY FRINGE OVERLAY DISTRICTS

PROPERTY OWNERS: 222 YACHT CLUB, LLC

LOCATION OF PROPERTY: THE PROPERTY IS KNOWN AS 222 YACHT CLUB AND IS LOCATED ON THE NORTH SIDE OF THE TERMINUS OF NORTH SHORE DRIVE.
THE PROPERTY CONSISTS OF 29.90 ACRES AND IS LOCATED IN COUNCIL DISTRICT 6.

LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

ALL OF A CERTAIN TRACT OR PARCEL OF LAND, SAME BEING THE SOUTHWEST FRACTIONAL QUARTER OF THE SOUTHEAST FRACTIONAL QUARTER OF SECTION EIGHT (8) TOWNSHIP FORTY-EIGHT (48) NORTH RANGE FIVE (5) EAST, CONTAINING TWENTY-NINE AND 91/100 (29.91) ACRES, MORE OR LESS, AND BEING THE SAME LAND CONVEYED TO DIETRICH GERTS BY JOSEPH W. RUENZL, SHERIFF, BY DEED RECORDED IN BOOK 32 PAGE 429 OF THE RECORDER'S OFFICE OF ST. CHARLES COUNTY, MISSOURI, AND CONVEYED BY JEFF L. PRESTON AND PAULINE PRESTON, HIS WIFE, TO WALTER C. BEESON AND LUCINDA BEESON, HUSBAND AND WIFE, BY DEED DATED THE 151 H DAY OF FEBRUARY 1922, AND RECORDED IN BOOK 141 AT PAGE 157 OF THE RECORDER'S OFFICE OF ST. CHARLES COUNTY, MISSOURI.

PARCEL IDENTIFICATION NUMBER: 5-0006-S008-00-0002.0000000

CHAIRMAN

P. ROGER ELLIS

SECRETARY

TRACY BOEHMER

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

EXHIBIT B
AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION RZ20-17

REZONING REQUEST - NORTH SHORE DRIVE

Application No:	RZ20-17
Property Owner:	222 Yacht Club, LLC, Arthur F. Denkmann III, registered agent
Current Zoning:	A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts
Requested Zoning:	RF, Riverfront District, with Floodway and Floodway Fringe Overlay Districts
2030 Master Plan:	Recommends Parks and Open Space
Parcel Size:	29.90 acres
Location:	On the north side of the terminus of North Shore Drive
County Council District:	6
Account No.:	905670A000

CONTENTS:

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Notification Area Map
- Letters received
- ◆ None
- Planning and Zoning Commission minutes from the February 17, 2021 meeting



February 26, 2021

This communication summarizes the following bill to be introduced at the March 8, 2021 County Council meeting:

REZONING REQUEST - NORTH SHORE DRIVE

Application No: RZ20-17
Property Owner: 222 Yacht Club, LLC, Arthur F. Denkmann III, registered agent
Current Zoning: A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts
Requested Zoning: RF, Riverfront District, with Floodway and Floodway Fringe Overlay Districts
2030 Master Plan: Recommends Parks and Open Space and floodplain uses
Parcel Size: 29.90 acres
Location: On the north side of the terminus of North Shore Drive
County Council District: 6
Parcel Account No.: 905670A000

Approval of this bill would amend St. Charles County’s zoning map for an existing marina and campground on the Mississippi River -- 222 Yacht Club – from Agricultural District to Riverfront District. Under the current Agricultural Zoning District, a marina is classified as a permissive use while related services such as boat storage and campgrounds are conditional uses. Riverfront District standards classify such uses as permissive meaning that expansion could be achieved with an updated site plan.

The 2030 Land Use Plan for this area recommend future Parks and Open Space uses with no minimum lot size. This land use recommendation recognizes recreational uses along the Mississippi River and specifically boating marinas. Additionally, the proposed Riverfront District zoning can be seen as consistent with the Riverfront District zoning for adjacent marinas to the north and south.

The Planning and Zoning Commission held a public hearing on this rezoning application on February 17, 2021 and received the following public input:

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

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

 9 Approval 0 Denial 0 Abstentions

Recommendation:

The Planning and Zoning Commission recommends that the County 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 & Zoning Commission

Prepared by: Ellie Marr CFM

Application No.: RZ20-17

Date: January 8, 2021

BACKGROUND INFORMATION

Owner/Applicant: 222 Yacht Club LLC; Arthur Denkemann

Requested Action: A zoning map amendment to rezone 29.90 acres from A, Agricultural District, with Floodway Fringe and Floodway Overlay (5-acre minimum lot size) to RF, Riverfront District (no minimum lot size) with Floodway Fringe and Floodway Overlay

Location: North side of the terminus of North Shore Drive, adjacent to the Mississippi River

Current Zoning: A, Agricultural District with Floodway Fringe and Floodway Overlay (5-acre minimum lot size)

Current Land Use: Private marina and recreational vehicle development

Adjacent Land Use and Zoning:

Direction	Zoning	Land Use
North	RF/FF/FW, Riverfront District with Floodway Fringe and Floodway Overlay	Recreational (Port Charles Marina)
South	A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay	Recreational (222 Yacht Club) and Agricultural (cultivation)
East	A/FF/FW, Agricultural District with Floodway Fringe and Floodway Overlay	Agricultural (cultivation)
West	Mississippi River	Mississippi River

2030 Master Plan: Recommends future parks and open space uses for this specific property; and agricultural and recreational uses for adjacent areas.

Public Services: County Council District 6 – Nancy Schneider
School District – Orchard Farm School District
Fire District – Orchard Farm Fire District

Utilities: Water – Individual Well
Sewer– Individual Wastewater Treatment System

REZONING ANALYSIS

The rezoning request is for a parcel of 29.90 acres in size with the current, primary use of the property as a private marina. Under the current Agricultural Zoning District, a marina is considered to be a permissive use; however, services used in conjunction with a marina such as boat brokerage, sales and storage of boats, marine gas services, and campgrounds are considered to be conditional uses. Currently, should any marina wish to add a service in conjunction with the marina use, whether it's a public or private marina, or change any of its original conditional uses under its current Agricultural zoning designation, it must apply for a conditional use permit and submit a subsequent site plan. Under the Riverfront District standards, these uses are classified as permissive uses and would only require an update to their current site plan by the County.

The marinas located directly to the south and north of this marina are currently zoned RF, Riverfront District with Floodway Fringe and Floodway. Development for both of these marinas has been reviewed and approved by County staff.

The 2030 Land Use Plan for this area recommend future Parks and Open Space uses with no minimum lot size. This land use recommendation recognizes recreational uses along the Mississippi River and specifically boating marinas.

Additionally, the proposed Riverfront District zoning can be seen as consistent with the Riverfront District zoning for adjacent marinas to the north and south.

RECOMMENDATION:

The Planning and Zoning Division recommends that the Planning and Zoning Commission recommend approval of this application.



222 Yacht Club



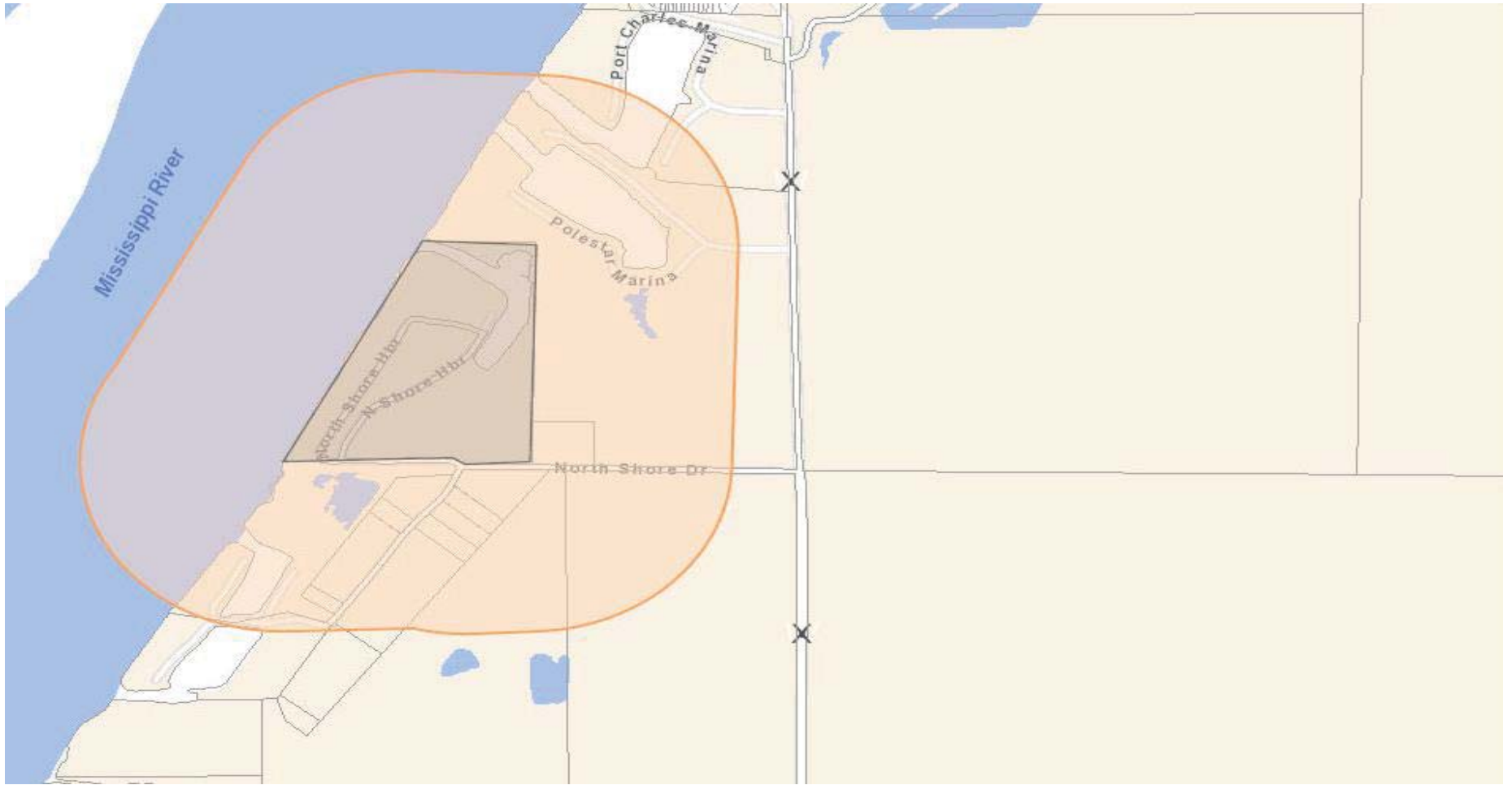
RZ20-17 - Aerial



RZ20-17 - Zoning



RZ20-17 - 2030 Land Use



RZ20-17 - Notification Area Map

MINUTES OF REGULAR MEETING

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

DATE: FEBRUARY 17, 2021

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 (Attended Virtually; Diane Saale (Attended Virtually; Jamaal Jackson; Kevin Cleary; Roger Ellis (Attended Virtually); Craig Frahm; Chad Cornwell; Jennifer Bahr; and Terry Hollander, County Councilman

MEMBERS ABSENT: None

STAFF PRESENT: Robert Myers, Director of Planning and Zoning; Ellie Marr, County Planner; Megan Murray, Assistant County Counselor; and Mariza Almstedt, Recording Secretary

SPEAKERS: RZ20-17:

CALL TO ORDER

Vice-Chairman Kevin Cleary called the meeting to order at 7:00 PM. Following the Pledge of Allegiance, Mr. Cleary 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.

Vice-Chairman Cleary 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

REZONING REQUEST - NORTH SHORE DRIVE

Application No:	RZ20-17
Property Owner:	222 Yacht Club, LLC, Arthur F. Denkmann III, registered agent
Current Zoning:	A, Agricultural District, with Floodway and Floodway Fringe Overlay Districts
Requested Zoning:	RF, Riverfront District, with Floodway and Floodway Fringe Overlay Districts
2030 Master Plan:	Recommends Parks and Open Space
Parcel Size:	29.90 acres
Location:	On the north side of the terminus of North Shore Drive
County Council District:	6
Account No.:	905670A000

Ellie Marr, Senior Planner, stated that the property is currently zoned A, Agricultural and does have some Floodway that is the diagonal line there crossing over the property and the rest is in the Floodplain. The marinas surrounding this property have already gone through and rezone to Riverfront zoning. And the reasoning they have all been using with the agricultural district every time a change is made on a Marina, that's not permissive use. They have to come back for another conditional use. In this case the owner would like to expand the use of RVs and place additional RVs areas along the river. Under the agricultural zoning, that would be a conditional use permit, that would have to be added to the property. By rezoning to Riverfront, those uses such as that are permissive for recreational use along the river and then have a site plan review by staff to make sure that everything is in compliance. The site plan review would also include the Building Division making sure that wastewater removal aspects are taken care of on the site plan. We also make sure that all floodplain compliances on the site plan including protecting meters, removable or elevated, not always to above base floodplain elevation but least a minimum 10 feet above adjacent grade.

Vice-Chairman Cleary asked for clarification that the reason they are doing this is because it expands the use of it without them every time, they want to do a little something more, come back for a conditional use.

Vice-Chairman Cleary asked if the Commission had any questions for staff.

Seeing none, Vice-Chairman Cleary opened the public hearing and asked the applicant to come forward.

Art Denkmann was sworn in. Mr. Denkmann stated that this request is to bring the current use of the property in compliance with zoning for the area. Most of the marinas to the north of me as well as to the west and south of this property have already rezoned to RF, Riverfront District., and he is requesting to have his property rezoned to that also.

Vice-Chairman Cleary asked if the Commission had any questions for the applicant. There were no questions.

Vice-Chairman Cleary asked if anyone from the audience wished to make public comments on this application.

Arnie C. Dienoff was sworn in. Mr. Dienoff is opposed to this rezoning request because he thinks it is a bad move for this Commission to give up the control measures ensured by the conditional use permit, which ensures everybody plays on the same field.

Vice-Chairman Cleary asked if there was anyone else in the audience who wished to speak regarding this application.

There being no further audience speakers, Vice-Chairman Cleary closed the public hearing and called for discussion from the Commission.

There being no discussion, Vice-Chairman Cleary entertained a motion to recommend approval of application RZ20-17.

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

The vote on the motion was as follows:

Tracy Boehmer	- Yes	Kevin Cleary	- Yes	Jennifer Bahr	- Yes
Roger Ellis	- Yes	Dianne Saale	- Yes	Craig Frahm	- Yes
Chad Cornwell	- Yes	Terry Hollander	-Yes	Jamaal Jackson	- Yes

Application RZ20-17 was **APPROVED**.

The vote count was 9 Yeas, 0 Nays, and 0 Abstentions.