

Bill No. 4937

Ordinance No. \_\_\_\_\_

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 A, AGRICULTURAL DISTRICT, TO R1B, SINGLE-FAMILY RESIDENTIAL DISTRICT, AS PER APPLICATION RZ21-01

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 zoning map amendment for land located at 2366 Sommers Road was requested by Daniel Kern and Jacqueline Kern, property owners, through Application RZ21-01; and

WHEREAS, the tract to be rezoned is a 1.85-acre parcel currently zoned A, Agricultural District; and

WHEREAS, the zoning sought for the tract to be rezoned is R1B, Single-Family Residential District; and

WHEREAS, St. Charles County's 2030 Master Plan recommends future Low Density Residential land uses (1-4 dwellings per acre) with applicable zoning districts ranging from R1A to R1D; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District and is the site of single-family residences;

adjacent land to the south is zoned A, Agricultural District and is the site of single-family residences and a church; adjacent land to the east is zoned A, Agricultural District and is the site of single family residences; and adjacent land to the west is located within the City of O’Fallon and is the site of the Liberty High School; 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 1.85-acre tract of land located at 2366 Sommers Road is hereby rezoned from A, Agricultural District, to R1B, Single-Family Residential 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 RZ21-01 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.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR

**EXHIBIT A**

APPLICATION RZ21-01

AMENDING THE ZONING DISTRICT MAP  
OF SAINT CHARLES COUNTY MISSOURI

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APPLICATION NUMBER: RZ21-01

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CURRENT ZONING DISTRICT: A, AGRICULTURAL DISTRICT

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PROPOSED ZONING DISTRICT: R1B, SINGLE-FAMILY RESIDENTIAL DISTRICT

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OWNER OR OWNERS OF PROPERTY TO  
BE REZONED: DANIEL KERN AND JACQUELINE KERN

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LOCATION OF PROPERTY: 2366 SOMMERS ROAD, LOCATED ON THE NORTHEAST CORNER OF  
SOMMERS ROAD AND OAK DRIVE  
THE PROPERTY CONSISTS OF 1.85 ACRES AND IS LOCATED IN  
COUNCIL DISTRICT 2.

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LEGAL DESCRIPTION OF PROPERTY TO BE REZONED:

**A LOT OF LAND BEING PART OF U.S. SURVEY 1778 IN TOWNSHIP 46 NORTH, RANGE 2 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST COMER OF THE 36.58 ACRE TRACT CONVEYED 2BY FRANK POST TO ANTHONY C. POST BY DEED DATED FEBRUARY 13, 1953, AND RECORDED IN BOOK 257, PAGE 639, OF ST. CHARLES COUNTY RECORDER'S RECORDS, AT A POINT IN THE CENTER OF THE HOWELLS FERRY ROAD; THENCE NORTH 7 1/2 DEGREES WEST ALONG THE CENTER OF SAID ROAD 245 FEET TO CORNER; THENCE NORTH 81 DEGREES EAST 365 FEET TO CORNER; THENCE SOUTH 7 1/2 DEGREES EAST ON A LINE PARALLEL WITH THE CENTER LINE OF ROAD 245 FEET TO CORNER ON THE SOUTH LINE OF SAID 36.58 ACRE TRACT; THENCE SOUTH 81 DEGREES WEST ALONG THE SAID SOUTH LINE 365 FEET TO THE PLACE OF BEGINNING.**

**EXCEPTING THEREFROM THAT PART CONDEMNED BY ST. CHARLES COUNTY, MISSOURI, UNDER CAUSE NO. 0811-CV08810 IN THE CIRCUIT COURT FOR THE COUNTY OF ST. CHARLES, MISSOURI. A CERTIFIED COPY OF THE REPORT OF COMMISSIONERS ON SAME BEING RECORDED IN BOOK 5080 PAGE 557 OF THE ST. CHARLES COUNTY RECORDS.**

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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 RZ21-01

**REZONING REQUEST - 2366 SOMMERS ROAD**

Application No:	RZ21-01
Property Owners:	Daniel and Jacqueline Kern
Current Zoning:	A, Agricultural District (5 acre minimum lot size)
Requested Zoning:	R1B, Single-Family Residential District (20,000 square foot minimum lot size)
2030 Master Plan:	Recommends low density residential uses (1 to 4 dwellings per acre)
Parcel Size:	1.85 acres
Location:	On the northeast corner of Sommers Road and Oak Drive, near the Cities of O'Fallon, Lake St. Louis, and Dardenne Prairie
County Council District:	2
Account No.:	787950A000

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**CONTENTS:**

- Synopsis
- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Notification Area Map
- Letters received
  - ◆ Opposition - Robby Seidel
  - ◆ Concerns - Janet Mueller
  - ◆ Opposition - Michael and Deborah Missey
- 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 - 2366 SOMMERS ROAD**

Application No: RZ21-01  
Property Owners: Daniel Kern and Jacqueline Kern  
Current Zoning: A, Agricultural District (5 acre minimum lot size)  
Requested Zoning: R1B, Single-Family Residential District (20,000 square foot min. lot size)  
2030 Master Plan: Recommends low density residential uses (1 to 4 dwellings per acre)  
Parcel Size: 1.85 acres  
Location: On the northeast corner of Sommers Road and Oak Drive, near the Cities of O'Fallon, Lake St. Louis, and Dardenne Prairie  
County Council District: 2  
Account No.: 787950A000

Approval of this bill would amend St. Charles County's Zoning Map from A, Agriculture District (minimum lot size 5-acres), to R1B, Single-family Residential District (minimum lot size of 20,000 sq. ft.), for a parcel located across Sommers Road from Liberty High School. The applicant plans to divide the parcel into three lots in order to construct two additional houses. An existing single-family dwelling existing on the parcel would remain. Sanitary sewer service is available through Duckett Creek Sanitary Sewer District.

The 2030 Land Use Plan recommends low density residential land uses with 1-4 dwellings per acre. Rezoning to the R1B District would be consistent that land use recommendation. Under the current A, Agriculture District zoning standards, the parcel is non-conforming in terms of lot size, and rezoning to the R1B District would remove that nonconformity.

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

Speakers: 2 Support 0 Opposed 1 Concerns  
Letters on file: 0 Support 3 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  
**Application No:** RZ21-01

**Prepared by:** Karen Hutchins, MCP  
**Date:** February 9, 2021

**BACKGROUND INFORMATION**

**Owner:** Daniel and Jacqueline Kern  
**Applicant:** Ker-Mac Construction Co – Daniel Kern  
**Requested Action:** A zoning map amendment to rezone 1.85 acres from A, Agricultural District (5-acre minimum lot size), to R1B, Single Family Residential Zoning District (20,000 sq. ft. minimum lot size).  
**Location:** 2366 Sommers Rd; northeast corner of Sommers Road and Oak Drive; near the cities of O’Fallon, Dardenne Prairie, and Lake St. Louis  
**Current Zoning:** A, Agriculture District  
**Current Land Use:** Single Family Residential (one dwelling)

**Adjacent Land Use and Zoning:**

<b>Direction</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	A, Agricultural District	Single Family Residential
<b>South</b>	A, Agricultural District	Single Family Residential; Institutional (Dardenne Baptist Church)
<b>East</b>	A, Agricultural District	Single Family Residential
<b>West</b>	City of O’Fallon	Institutional (Liberty High School)

**2030 Master Plan:** Recommends Low Density Residential (1-4 units/acre) Land Use

**Public Services** County Council District 2 – Joe Brazil  
School District – Wentzville School District  
Fire District – Wentzville Fire District

**Utilities:** Water – Public Water Supply District #2  
Sewer - Duckett Creek Sewer District

This request is to rezone a 1.85-acre parcel, currently zoned “A”, Agriculture District (minimum lot size 5-acres) to “R1B”, Single-family Residential District (minimum lot size of 20,000 sq. ft.). The parcel is located across Sommers Road from Liberty High School. The applicant plans to divide the parcel into three lots in order to construct two additional houses. An existing single-family dwelling existing on the parcel would remain. Sanitary sewer service is available through Duckett Creek Sanitary Sewer District.

**REZONING ANALYSIS**

The 2030 Land Use Plan for this area recommends low density residential land uses with 1-4 dwellings per acre. Rezoning to the R1B District would be consistent that land use recommendation.

Under the current A, Agriculture District zoning standards, the parcel is non-conforming in terms of lot size because it is smaller than the minimum 5-acres in size. Rezoning to the R1B District will remove the non-conformity.

This property is currently operating on a private sewer septic system. The property has access to nearby sanitary sewer and water service connections to Duckett Creek Sewer District and Public Water Supply District #2. Connecting to public sewer and water will be necessary if the applicant were to build two additional homes on the site.

The parcel is located on the corner of Sommers Road and Oak Drive. A corner lot in the R1B District would have a minimum front yard setback of 25 feet from each street right-of-way. Access to newly created parcels will need to meet access and sight distance requirements.

**RECOMMENDATION:**

**County staff recommends that the Planning and Zoning Commission recommend approval.**





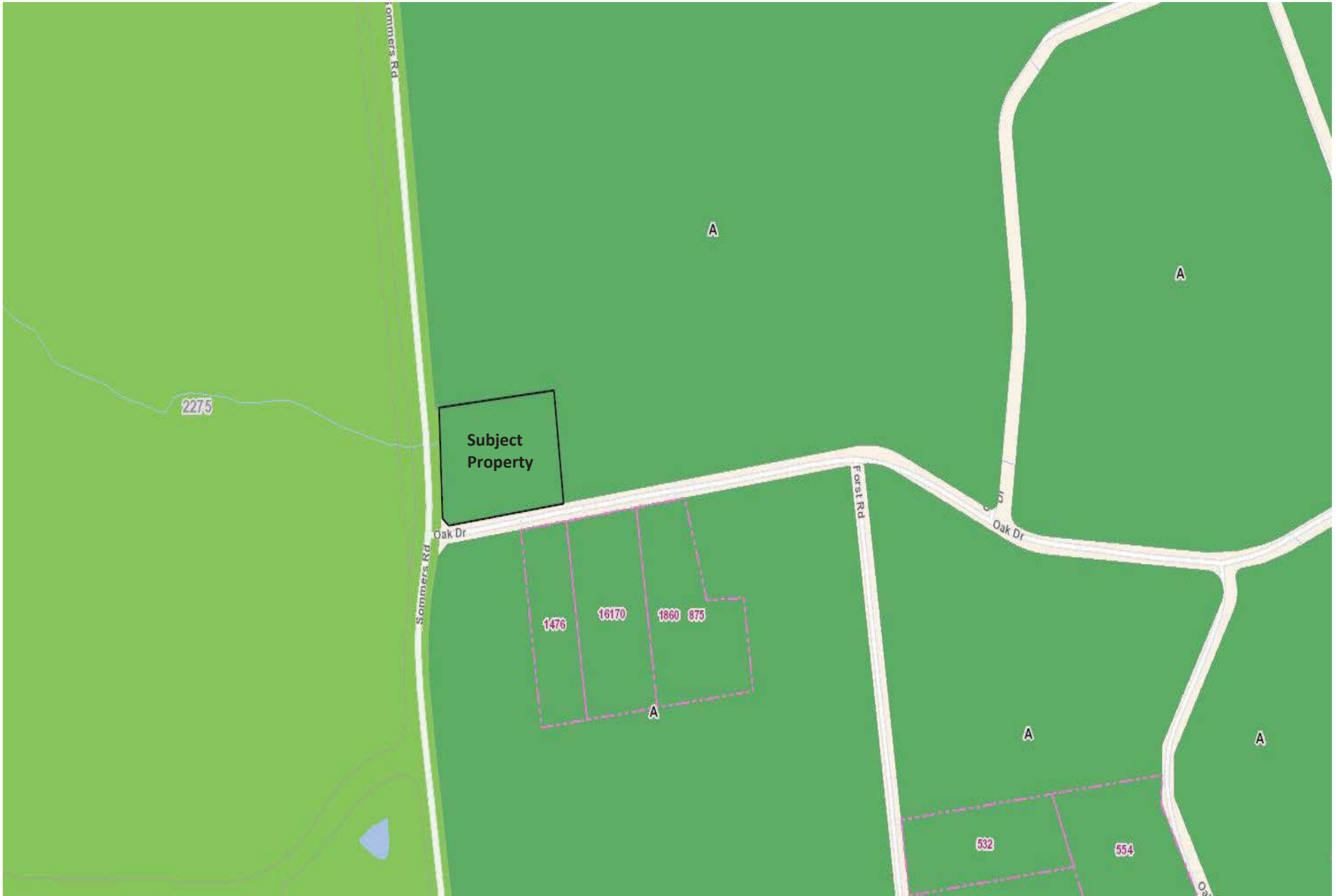






RZ21-01 - Aerial

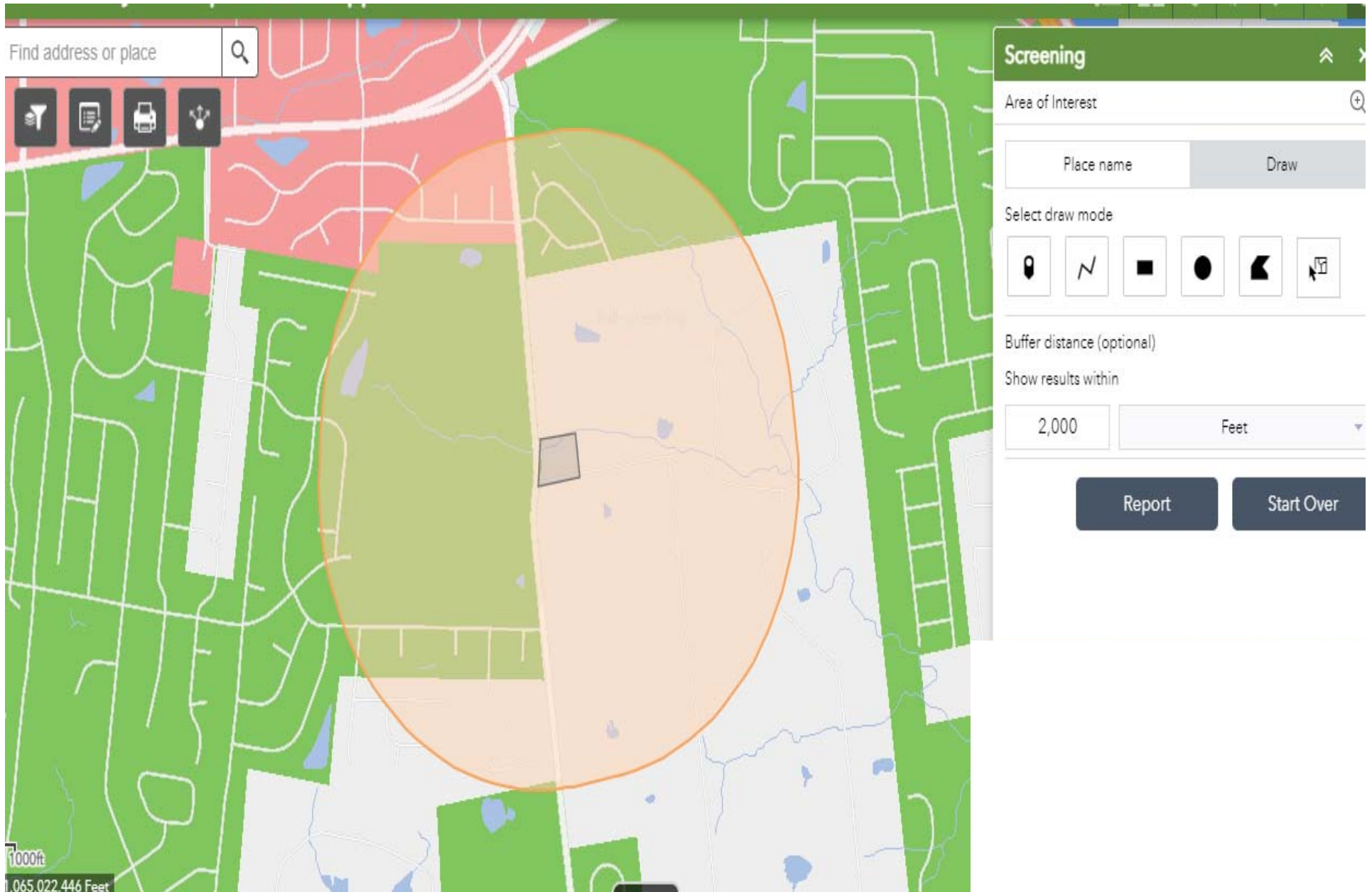




RZ21-01 - Zoning



RZ21-01 – 2030 Land Use



RZ21-01 - Notification Area Map

**From:** [Robby Seidel](#)  
**To:** [Planning](#)  
**Subject:** Rezoning request Letter  
**Date:** Wednesday, February 3, 2021 3:35:56 PM

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Good afternoon! I received a letter in the mail this afternoon about a rezoning request (2366 Sommers Road). Could you help clarify what this is exactly about and how this would affect my house (502 Country Landing Drive)?  
Thanks for the help!  
Robby Seidel

## 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

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**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:

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#### 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.

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## PUBLIC HEARINGS

### REZONING REQUEST - 2366 SOMMERS ROAD

Application No: RZ21-01  
Property Owners: Daniel and Jacqueline Kern  
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2030 Master Plan: Recommends low density residential uses (1 to 4 dwellings per acre)  
Parcel Size: 1.85 acres  
Location: On the northeast corner of Sommers Road and Oak Drive, near the Cities of O'Fallon, Lake St. Louis, and Dardenne Prairie  
County Council District: 2  
Account No.: 787950A000

Ellie Marr, County Planner, stated that this property is located on the corner of drive of Oak Drive and Sommers Road. A large portion of the unincorporated properties in this area are still zoned Agricultural. There is some residential zoning located around the cities of Lake Saint Louis and O'Fallon and are expanding southward and southwestward around this area. Consequently, this rezoning from Agricultural to a Residential District fits in with the surrounding land uses. The applicant is asking for R1B zoning which is 20,000 square feet so these are fairly large lots. There is no plat to present tonight with this property however that applicant has mentioned that they are looking to place three homes on this property and doesn't know if that's through a developer. There will be some considerations as there is some natural water course on the property but that would all be addressed with the plat. Staff is recommending that Planning and Zoning Commission recommend approval of this rezoning.

Vice-Chairman Cleary asked Elli Marr if she knows if that road that the property sides to is a public or a private road.

Ellie Marr responded that she is not certain whether that road is public or private.

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.

Daniel Kern was sworn in. Mr. Kern stated that he would like to split the property into two half-acre lots and build houses on them. He stated that the side road that Mr. Cleary was asking about is a public road.

Vice-Chairman Cleary asked if there is enough width on this property for three homes.

Mr. Kern responded that he is planning to divide the lots into 95-foot widths.

Vice-Chairman Cleary asked what size homes he is planning to build there.

Mr. Kern responded that the homes will probably be around 1,800 square feet.



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

Terry Hollander asked if he owns or rents out the existing home on the property.

Mr. Kern responded that he owns that house.

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

Diana Ferner was sworn in. Ms. Ferner stated that Mr. Kern owns the home on the property, and he rents it out to his daughter. She would like to know what the price range of the homes he will be selling will be because that will affect her property values.

Craig Frahm asked her where her home is located.

Ms. Ferner responded that her house backs up to Liberty High School next to the football field in the second cul-de-sac in off of Paul Renaud. She stated that there are a couple of houses down the street they just built that are worth over a million dollars. If Mr. Kern is going to subdivide that property into three lots, she wants to know what the price range of the homes is going to be because it could adversely affect the price of her home.

Craig Frahm stated that he respectfully disagrees with Ms. Ferner, and in seeing the subdivision where her home is located, he does not believe that she is going to lose any property value.

Ms. Ferner responded that she lives in a 4,600 square foot house, and Mr. Kern has indicated that his homes would be about 1,800 square feet.

Craig Frahm stated that he does not believe that Mr. Kern is going to build cheap homes on these lots, and 4,600 square foot homes can't be built everywhere.

Vice-Chairman Cleary stated an 1,800 square foot home is not a small home.

Mr. Ferner stated that she just wants to know the price range of homes Mr. Kern plans to build.

Craig Frahm stated that this application is a request for a zoning change only. If this rezoning request is approved, the applicant will come back before the Commission with a preliminary plat and the Commission will decide at that time whether the lot sizes and potential home sizes should be approved.

Arnie C. Dienoff was sworn in. Mr. Dienoff stated that there is a lot of mixed zoning in this area, and in addition to the million-dollar homes, there are also two subdivisions by Payne Homes with 126 homes in one and 100 homes in the other which is a great mix of homes in terms of density. He stated that he imagines that Mr. Kern is going to ensure that the homes he builds will be a good investment and a good compromise will be made. He recommends approval of this rezoning request. He asked County staff if the Cities of Dardenne Prairie, O'Fallon and Lake St. Louis were notified regarding this request.

Robert Myers stated that if the property is within a mile and a half of the municipalities, the municipalities are notified.

Vice-Chairman Cleary asked for the applicant to come back to the podium.

Vice-Chairman Cleary asked Mr. Kern what he anticipates the price range will be on the homes he is planning to build on this property.

Mr. Kern responded that he expects to sell the homes for \$250,000 dollars or more.

Craig Frahm asked what size the home is that is currently on the property.

Mr. Kern responded that home is approximately 1,000 square feet.

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

Jennifer Bahr stated that as a realtor in the County, homes are currently going for \$200 a square foot with half-acre lots. If Mr. Kern builds 1,800 square foot homes on this property, that's equal to about \$350,000 dollars per home.

There being no further discussion, Vice-Chairman entertained a motion to recommend approval of application RZ221-01.

Terry Hollander made a motion of approval; and Jamaal Jackson 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 RZ21-01 was recommended for **APPROVAL**.

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