

Bill No. 4939

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 R1A, SINGLE-FAMILY RESIDENTIAL DISTRICT, WITH PUD OVERLAY DISTRICT, TO A, AGRICULTURAL DISTRICT, AS PER APPLICATION RZ21-03

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 located at 2431 South Point Prairie Road was requested by Brian Ringling and Shari Ringling, property owner(s), through Application RZ21-03; and

WHEREAS, the tract to be rezoned is a 5.25-acre parcel currently zoned R1A, Single-Family Residential District, with PUD Overlay District; and

WHEREAS, the existing PUD Overlay District zoning was approved in 2005 to allow for the development of a 124-house subdivision which were never constructed, and the preliminary plat and final development plan have expired per Section 405.240 OSCCMO; and

WHEREAS, Section 405.240 OSCCMO allows the Governing Body to remove PUD Overlay classifications without further

hearing if the preliminary plat or final development plan expire; and

WHEREAS, the zoning sought for the tract to be rezoned is A, Agricultural District; and

WHEREAS, adjacent land to the north is zoned A, Agricultural District and is the site of a single family residence; adjacent land to the south is zoned R1A, Single-Family Residential District with PUD Overlay District and is vacant; adjacent land to the east is zoned A, Agricultural District and is agricultural and forested property; and adjacent land to the west is zoned A, Agricultural District and is the site of single family residences; 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 5.25-acre tract of land located at 2431 South Point Prairie Road is hereby rezoned from R1A, Single-Family Residential District, with PUD Overlay District, to A, Agricultural 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 RZ21-03 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 RZ20-15

AMENDING THE ZONING DISTRICT MAP
OF SAINT CHARLES COUNTY MISSOURI

APPLICATION NUMBER:	RZ20-15
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CURRENT ZONING DISTRICT:	A, AGRICULTURAL DISTRICT
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PROPOSED ZONING DISTRICT:	RR, SINGLE-FAMILY RESIDENTIAL DISTRICT
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PROPERTY OWNER:	MILDRED T. CONROY, SOLE TRUSTEE OF THE MILDRED T. CONROY LIVING TRUST DATED FEBRUARY 7, 1997
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LOCATION OF PROPERTY: 2632 EISENBATH ROAD, LOCATED ON THE SOUTH SIDE OF EISENBATH ROAD, APPROXIMATELY 1,800 FEET WEST OF FREYMUTH ROAD.

THE PROPERTY CONSISTS OF 26.26 ACRES AND IS LOCATED IN COUNCIL DISTRICT 1.

LEGAL DESCRIPTION OF AREA TO BE REZONED:

A TRACT OF LAND BEING PART OF LOT 9 OF U.S. SURVEY 3035, TOWNSHIP 48 NORTH, RANGE 2 EAST OF THE FIFTH PRINCIPAL MERIDIAN, ST. CHARLES COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE SUBJECT PARCEL; SAID CORNER BEING THE SOUTHWEST CORNER OF LOT 3 OF "FREYMUTH PLACE", A SUBDIVISION ACCORDING TO THE PLAT "FREYMUTH PLACE", A SUBDIVISION ACCORDING TO THE PLAT , A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 57 OF THE OF THE ST. CHARLES COUNTY RECORDS; SAID CORNER ALSO BEING ON THE NORTH LINE OF LOT 11 OF "BIRDSONG MEADOWS", A SUBDIVISION "BIRDSONG MEADOWS", A SUBDIVISION , A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 367 OF THE OF THE ST. CHARLES COUNTY RECORDS; THENCE WITH SAID NORTH LINE, NORTH 81 DEGREES 47 MINUTES 00 SECONDS WEST 766.38 FEET TO A POINT BEING THE SOUTHEAST CORNER OF LOT 6 OF AFORESAID "BIRDSONG MEADOWS" SUBDIVISION; THENCE NORTH 10 DEGREES 03 MINUTES 16 SECONDS EAST SUBDIVISION; THENCE NORTH 10 DEGREES 03 MINUTES 16 SECONDS EAST 1549.26 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF EISENBATH ROAD (WIDTH VARIES); THENCE ALONG SAID SOUTHERN RIGHT-OF-WAY LINE, SOUTH 81 DEGREES 39 MINUTES 09 SECONDS 711.47 FEET; THENCE LEAVING SAID SOUTHERN RIGHT-OF-WAY LINE, SOUTH 07 DEGREES 59 MINUTES 33 SECONDS WEST 710.80 FEET TO A POINT BEING THE NORTHWEST CORNER OF THE AFOREMENTIONED "FREYMUTH PLACE" SUBDIVISION; THENCE ALONG THE WEST LINE OF "FREYMUTH PLACE" SUBDIVISION; THENCE ALONG THE WEST LINE OF "FREYMUTH PLACE" SUBDIVISION; THENCE ALONG THE WEST LINE OF "FREYMUTH PLACE", SOUTH 08 DEGREES 02 MINUTES 56 SECONDS WEST 836.05 FEET TO THE POINT OF, SOUTH 08 DEGREES 02 MINUTES 56 SECONDS WEST 836.05 FEET TO THE POINT OF BEGINNING, CONTAINING 26.26 ACRES.

PARCEL IDENTIFICATION NUMBERS: 2-0086-3035-00-0044.0000000 AND 2-0089-3035-00-0044.0000000.

CHAIRMAN

P. ROGER ELLIS

SECRETARY

TRACY BOEHMER

ST. CHARLES COUNTY PLANNING AND ZONING COMMISSION

REZONING RZ21-03

REZONING REQUEST - 2431 SOUTH POINT PRAIRIE ROAD

Application No:	RZ21-03
Property Owner:	Pointe Prairie, LLC
Current Zoning:	R1A, Single-Family Residential District, with PUD Overlay District
Requested Zoning:	A, Agricultural District
2030 Master Plan:	Recommends low density residential uses (1 to 4 dwellings per acre)
Parcel Size:	5.25 acres
Location:	On the west side of South Point Prairie Road, approximately 1,600 feet south of Buckner Road; near the City of Wentzville
County Council District:	2
Account No.:	752670A000

CONTENTS:

- Staff Recommendation
- Photo(s) of Site
- Aerial Photo
- Surrounding Zoning Map
- Future Land Use Map
- Letters received
 - ◆ None

STAFF RECOMMENDATION

To: County Planning & Zoning Commission

Prepared by: Mark Price Jr. AICP, CFM

Application No.: RZ21-03

Date: February 10, 2021

BACKGROUND INFORMATION

Owner/Applicant: Brian and Shari Ringling

Requested Action: Amend the Zoning Map from R1A, Single Family Residential District (1-acre minimum lot size), with Planned Unit Development Overlay District, to A, Agricultural District (5-acre minimum lot size)

Location: 2431 South Point Prairie Road; On the west side of S. Point Prairie Rd., approximately 1,600 feet south of Buckner Rd.; near the City of Wentzville

Current Zoning: R1A, Single Family Residential (1-acre minimum lot size)

Current Land Use: Vacant agricultural

**Adjacent Land Use
and Zoning:**

Direction	Zoning	Land Use
North	A, Agricultural District	Single Family Residence and Agricultural
South	R1A, Single-Family Residential District with PUD Overlay District	Vacant Agricultural Property
East	A, Agricultural District	Agricultural and Forested property
West	A, Agricultural District	Single Family Residences

2030 Master Plan: Recommends Low Density Residential (1 - 4 dwellings per acre)

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

Utilities: Water – Water District 2 Service Area, individual well
Sewer– City of Wentzville Service Area, individual wastewater treatment system

The subject parcel consists of 5.25 acres that is currently zoned R1A, Single Family Residential with Planned Unit Development (PUD) Overlay District zoning. The applicant proposes to rezone the property to A, Agriculture District, and remove PUD Overlay zoning. The property owner wishes to construct one home on the property.

This property had been zoned A, Agriculture District, beginning with the adoption of County zoning in 1959. In 2005, the property was included in a 132-acre development proposal rezoned (Application RZ1690, Ord. 05-131) to R1A, Single Family Residential District, with a PUD Overlay District. The approved Final Development Plan for that PUD would have allowed 124 homes, and that development was contingent upon construction of a membrane bioreactor (MBR) wastewater treatment facility to be constructed by and licensed to the Duckett Creek Sanitary District. That facility was never constructed, and no development plans or preliminary plat were submitted within the required timeframes. That PUD has now expired, and Section 405.240 of the County Code allows the County Council to remove expired PUD Overlay District zoning.

REZONING ANALYSIS

The existing R1A District zoning on this property could allow 1-acre lots, but public sanitary sewer service is not available for this area meaning that lots must be a minimum of three acres with private sewage disposal systems. The applicant's proposed development of one house on five acres would be inconsistent with the approved PUD concept plan for five homes with a lake constructed in common ground.

The 2030 Land Use Plan for this area recommends Low Density Residential land uses (1-4 dwellings per acre). This application would bring the property's zoning in conformance with the 2030 Future Land Use Map.

RECOMMENDATION

County staff recommends that the Planning and Zoning Commission recommend approval of this rezoning request, including removal of the PUD Overlay District.

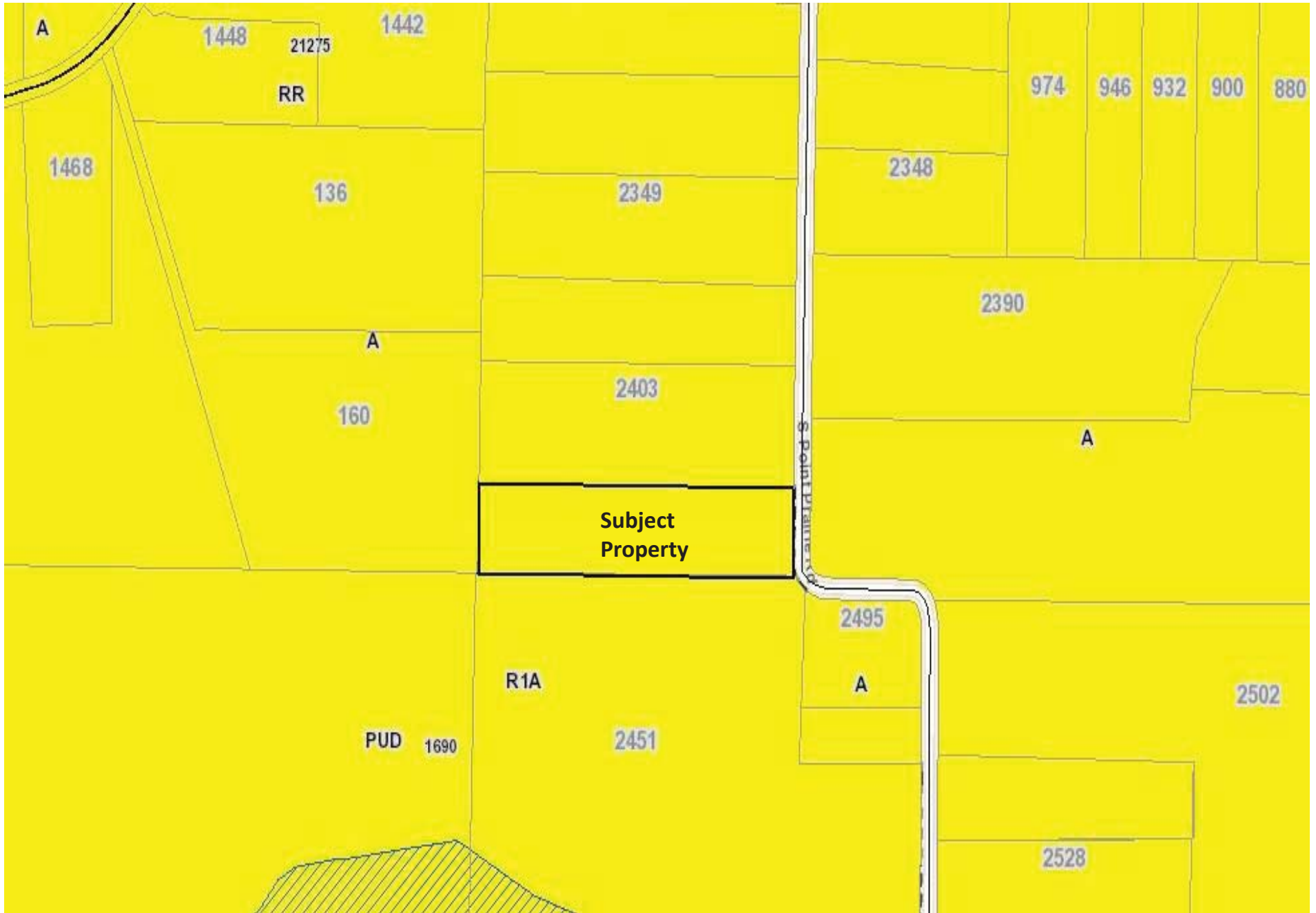




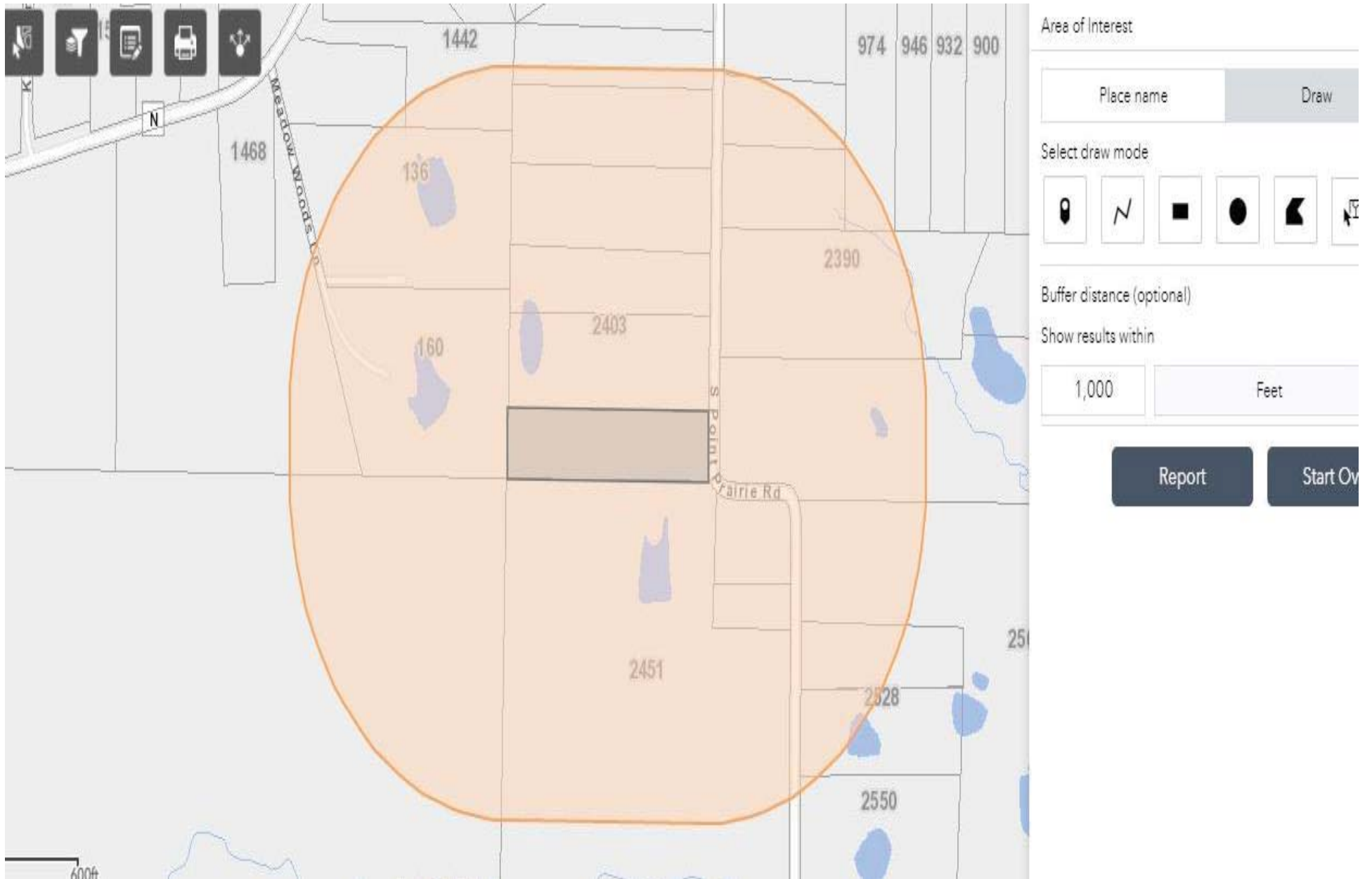
RZ21-03 - Aerial



RZ21-03 - Zoning



RZ21-03 – 2030 Land Use



RZ21-03 - Notification Area Map