

Sponsor: Mary West

AN ORDINANCE ANNEXING CERTAIN ADJACENT CONTIGUOUS LAND INTO THE CITY OF SAINT CHARLES, MISSOURI, AND ASSIGNING THE LAND TO A DESIGNATED WARD OF THE CITY BEING PETITIONED FOR ANNEXATION BY HOPE LUTHERAN CHURCH, APPROXIMATELY 2.84 ACRES OF LAND LOCATED AT 1901 SOUTH OLD HIGHWAY 94.

WHEREAS, a certain verified petition signed by the owner of the land hereinafter described requesting annexation of said land into the City of Saint Charles, Missouri, was filed with the City Clerk; and

WHEREAS, said land as hereinafter described is adjacent and contiguous to the present municipal boundaries of the City of Saint Charles, Missouri; and

WHEREAS, the City Council of the City of Saint Charles, Missouri, does find and determine that said annexation is reasonable and necessary to the proper development of the City; and

WHEREAS, the City is able to furnish normal municipal services to said area within a reasonable time after annexation.

NOW THEREFORE, Be it Ordained by the Council of the City of Saint Charles, Missouri, as Follows:

SECTION 1. Pursuant to the Revised Statutes of Missouri Section 71.014, the land, as more particularly described in the attached Exhibit A which is incorporated herein by this reference, is annexed into the City of Saint Charles, Missouri.

SECTION 2. The boundaries of the City of Saint Charles, Missouri are altered so as to encompass the above described land lying adjacent and contiguous to the present municipal boundaries of the City.

SECTION 3. The City Clerk is directed to file three certified copies of this Ordinance with the County of St. Charles, Missouri.

SECTION 4. Severability. If any provision, clause, sentence, paragraph, section or part of this ordinance, or application thereof to any person, entity or political subdivision shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, or if any judgment shall find that a particular tract of land is not contiguous to the City of Saint Charles, said judgment shall not affect, impair or invalidate the remainder of this ordinance in the application of such provision to other person, entities or political subdivision, and shall be confined in

its operation to the provision, clause, sentence, paragraph, section or a part thereof directly involved in the controversy in which said judgment shall have been rendered and to the person, entity or political subdivision involved. It is hereby declared to be the legislative intent of the City Council that this ordinance would have been adopted had such unconstitutional, invalid provision or non-contiguous tract of land, clause, sentence, paragraph, section or part thereof not been included.

SECTION 5. The land annexed by this ordinance is designated as part of Ward Four of the City of Saint Charles, Missouri.

SECTION 6. This Ordinance shall be in full force and effect seven (7) days from the date of its passage and approval.

April 2, 2024  
Date Passed

Vince Ratchford  
Vince Ratchford, Presiding Officer

4-3-24  
Date Approved by Mayor

Daniel J. Borgmeyer  
Daniel J. Borgmeyer, Mayor

Approved as to Form:

Attest:

Michael P. Cullen 3/8/24  
Michael P. Cullen, City Attorney      Date

Kimberly Hamm  
City Clerk





**SUNBELT RENTALS – OVERALL TRACT**

PARCEL OWNER: HOPE LUTHRAN CHURCH  
PREMIER JMW #2307420 DATE: 10/30/2023

**PARCEL DESCRIPTION AS SURVEYED:**

A TRACT OF LAND BEING PART OF U.S. SURVEY 165, TOWNSHIP 46 NORTH, RANGE 4 EAST, ST. CHARLES COUNTY MISSOURI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT A POINT** BEING THE NORTHEASTERNMOST CORNER OF A TRACT OF LAND NOW OR FORMERLY OF HOPE LUTHERAN CHURCH AS RECORDED IN DEED BOOK 6303, PAGE 318; THENCE ALONG THE EASTERN LINE OF SAID HOPE LUTHERAN CHURCH SOUTH 37 DEGREES 41 MINUTES 32 SECONDS EAST 443.29 FEET TO A POINT IN THE NORTH RIGHT OF WAY LINE OF S. OLD HIGHWAY 94; THENCE ALONG THE NORTH LINE OF SAID S. OLD HIGHWAY 94 SOUTH 64 DEGREES 18 MINUTES 18 SECONDS WEST 236.08 FEET TO A POINT; THENCE SOUTH 73 DEGREES 14 MINUTES 18 SECONDS WEST 64.05 FEET TO A POINT; THENCE LEAVING THE NORTH LINE OF SAID S. OLD HIGHWAY 94 NORTH 37 DEGREES 41 MINUTES 35 SECONDS WEST 398.67 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 123,575 SQUARE FEET AND/OR 2.84 ACRES MORE OR LESS.

**RCA FORM (OFFICE USE ONLY)**

Bill # 13802

MEETING/DATE: 3/19/2024

Regular  Special  Work Session

ATTACHMENT: YES  NO

Report  Resolution  Ordinance

**Request for Council Action**

**Ward(s):** 4 upon annexation

**Sponsor(s):** Mary West

**Description:**

Approve an ordinance to annex into the City approximately 2.8 acres of land known as 1901 S. Old Highway 94.

**Contract Extension/Renewal:** Yes  No

**Information Paper Attached:** Yes  No

**Staff Recommendation:** Approve  Disapprove

**Board/Committee/Commission Recommendation:** Approve  Disapprove

**Summary:**

This application involves approximately 2.8 acres of land known as 1901 S. Old Highway 94, which is currently under the jurisdiction of Unincorporated St. Charles County. Application Z-2024-02 (also on the March 19, 2024 City Council agenda) would establish zoning for this parcel, should it be annexed.

Staff recommends approval of the ordinance to annex the subject property into the City.

**Budget Impact:** (revenue generated, estimated cost, CIP item, etc.)

**Fiscal Impact:** N/A

**Account #:** N/A

**Project #:** N/A

RCA prepared by: LAB Dept. Dir. [Signature] Finance Dir. [Signature] Dir. of Admin. [Signature]



## DEPARTMENT OF COMMUNITY DEVELOPMENT

200 North Second Street  
Saint Charles, MO 63301  
636-949-3227  
FAX 636-949-3557

### VOLUNTARY ANNEXATION PETITION CONTIGUOUS PROPERTIES

To the City Council of the City of Saint Charles, Missouri:

The undersigned hereby petition(s) and request(s) the City Council of the City of Saint Charles, Missouri, to annex into the corporate limits of the City of Saint Charles, Missouri, any portion or part of the following tract of land, presently unincorporated contiguous to the corporate limits of the City of Saint Charles, Missouri.

**ADDRESS OF PROPERTY:** 1901 S. OLD HWY 94 ST. CHARLES, MO 63303

**PROPERTY ID NUMBER:** 3-0016-0165-00-0002.9000000

#### LEGAL DESCRIPTION OF THE PROPERTY MUST BE ATTACHED

The undersigned represent that they are owners of all fee interest of record of the above tract of land. This petition shall be a continuing obligation running with the land, and shall bind the subsequent owners, their heirs, executors, administrators, successors, assigns, or legal representatives. It is understood that this instrument will be recorded in the Recorder of Deeds, Office of Saint Charles County and shall be of record.

**PROPERTY OWNER(S) (Please print):** HOPE LUTHERAN CHURCH

(Name) 1975 S. OLD HWY. 94 ST. CHARLES, MO 63303

(Address) (636) 946-8922

(Phone / Fax) OFFICE@HOPELUTHERANELCA.ORG

(Email Address **REQUIRED**)

**SIGNATURE OF OWNER(S):**

Jan Karubian Date: 12/19/2023

N/A Date: N/A

Digital submittal of application preferred via [PZ@stcharlescym.gov](mailto:PZ@stcharlescym.gov). Directions for digital submittal are attached to this application

INDIVIDUAL

STATE OF MISSOURI }  
COUNTY OF SAINT CHARLES }

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that he/she/they executed the same as his/her/their free act and deed.

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.

\_\_\_\_\_  
Notary Public

CORPORATION

STATE OF MISSOURI )  
COUNTY OF St Charles )

On this 19 day of December in the year 2023 before me, Susan C Bollinger a Notary Public in and for the State of Missouri, personally appeared Jan Kambian (name of officer), President (title of person, member, president, vice president, etc.), of Hope Lutheran Church (name of licensee), known to me to be the person who executed the within Annexation Petition in behalf of said Hope Lutheran Church (I.C, partnership, etc.) and acknowledged to me that he or 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 of St. Charles and State of Missouri, the day and year first above written.

  
Notary Public

My Commission Expires: 4/17/25

SUSAN C. BOLLINGER  
NOTARY PUBLIC - NOTARY SEAL  
STATE OF MISSOURI - ST CHARLES COUNTY  
Commission Number: 13474642  
My Commission Expires: April 17, 2025



**DEPARTMENT OF COMMUNITY DEVELOPMENT**

200 North Second Street, Suite 303  
Saint Charles, MO 63301  
636-949-3227 FAX 636-949-3557

**APPLICATION FOR ESTABLISHING ZONING DISTRICT FOR  
NEWLY ANNEXED TRACT**

CASE# (assigned by Staff): \_\_\_\_\_

PROPERTY OWNER OF RECORD: HOPE LUTHERAN CHURCH

(Name) \_\_\_\_\_  
1975 S. OLD HWY. 94 ST. CHARLES, MO 63303  
(Address) \_\_\_\_\_  
(636) 946-8922  
(Phone / Fax) \_\_\_\_\_

**APPLICANT:**

JOSH BRATTON  
(Name) \_\_\_\_\_  
32301 WOODWARD AVE. ROYAL OAK, MI 48073  
(Address) \_\_\_\_\_  
(248) 805-3368  
(Phone / Fax) \_\_\_\_\_  
JOSH@AGREEREALTY.COM  
(Email REQUIRED)

ADDRESS OF PROPERTY TO BE REZONED: 1901 S. OLD HWY. 94 ST. CHARLES, MO 63303

**LEGAL DESCRIPTION OF THE PROPERTY MUST BE ATTACHED**

REQUESTED ZONING DISTRICT: I1 PRESENT COUNTY ZONING DISTRICT: I1

REASON FOR REZONING REQUEST: NEWLY ANNEXED TRACT

I (We), the undersigned, file this petition for a City Council action.  
The above statements and the statements contained in all of the attached exhibits transmitted  
herewith are true, to the best of my knowledge.

Signature of applicant: [Signature] Date: 1/18/2024

Owner's signature authorizing application: [Signature] Date: 12/19/2023

Digital submittal of application preferred via [PZ@stcharlescitemo.gov](mailto:PZ@stcharlescitemo.gov). Directions for digital submittal are attached.



**AGENDA ITEMS #8 &9**

**STAFF REPORT  
CASE NO. Z-2024-02 & SP-2024-07  
ANNEXATION, ESTABLISHMENT  
OF ZONING DISTRICT AND SITE PLAN  
1901 S. OLD HIGHWAY 94**

**FEBRUARY 26, 2024  
BY LARA BERRY**

**APPLICANT:** Josh Bratton  
Agree Realty  
32301 Woodward Avenue  
Royal Oak, Michigan 48073

**OWNER:** Hope Lutheran Church  
1975 S. Old Highway 94  
St. Charles, Missouri 63303

**ADDRESS/LOCATION:** 1901 S. Old Highway 94

**TOTAL ACREAGE:** 2.84 Acres

**PROPOSED USE:** Sunbelt Rentals – Equipment & Tool Rental

**EXISTING ZONING:** County I1 Light Industrial District

**REQUESTED ZONING:** City I-1 Light Industrial District

**SURROUNDING ZONING:**

<u>Direction</u>	<u>Zoning</u>	<u>Use</u>
North	County I1 Light Industrial	Industrial - Office/Warehouse
South	County C2 Commercial District	Commercial - Retail
East	County I1 Light Industrial District	Commercial – Financial Institution
West	City I-1 Light Industrial District	Church



### **SUMMARY OF REQUESTS**

The City has received an application to establish zoning for the property known as 1901 S. Old Highway 94 (Parcel ID# 3-0117-4359-00-0008.00) upon annexation from St. Charles County I1 Light Industrial District to City of St. Charles I-1 Light Industrial District. The subject property is a 2.84-acre lot and is located near the intersection of S. Old Highway 94 and Pralle Lane. The annexation of this property will help to further incorporate a remaining pocket of property within Unincorporated St. Charles County. Associated with the annexation is a proposed Site Plan for the construction of a 10,700-square-foot structure and outdoor storage of equipment for Sunbelt Rentals. In order for the applicant to connect to City utilities associated with the redevelopment of the site, the property must be annexed into the City.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The St. Charles Comprehensive Plan adopted in 2002 and updated in 2012 recommends that land use decisions be based on a project's location and compatibility with surrounding development. This revision to the Comprehensive Plan was approved by the City Council, and was written under the direction of residents, elected officials, and City staff. The Comprehensive Plan identifies 15 activity centers in the city, locations characterized by elevated levels of development, density and activity. The activity centers are the most prominent, visible and intensely developed locations in the city, and the activity centers should be surrounded by land uses that gradually decrease in levels of activity, traffic and density. Proposed new development should be judged based upon its distance from the nearest activity center, its compatibility with what surrounds it, and whether the level of development it will generate contributes to a gradual decline in density or acts counter to that goal.

The subject property is located nearest to Activity Center #10 (Page Avenue/Highway 94 Interchange). While the zoning of properties immediately adjacent to the subject site is the same as the existing and proposed, some of the uses are less intense. The Department of Community Development considers this rezoning request to be in general conformance with the Updated 2012 Comprehensive Plan and consistent with existing area land uses around the subject property.

### **SITE PLAN ANALYSIS**

As discussed previously, the intended user of the subject site will be Sunbelt Rentals. This business is currently located behind the subject site at 1300 Charlestown Industrial Drive. The applicant intends to demolish the existing structure and construct a new 10,700 square foot structure with outdoor storage for their larger equipment.

#### **Building Elevations**

The exterior building materials being proposed for this structure are a mixture of Thin Brick (vener) and metal siding for the front of the building. These materials also wrap around to the sides of the building and extend about 36-feet. The remainder of the building is comprised of smooth-face concrete masonry units (CMU) and additional metal siding. As proposed, the structure does not meet the 100% masonry requirement of the Architectural Design Standards. While the proposal is not compliant with those masonry standards, the Commission has the authority to grant exceptions to the standards with good cause. Other non-masonry exterior finish materials shall be considered as accent materials.

The Purpose Statement of the Architectural Design Standards of this section states:

*"The purpose of these architectural and design standards is to ensure the highest quality and most aesthetically pleasing development in all areas of the City. Redevelopment and new development in the City reflects on the image of St. Charles and it is crucial that new structures and rehabilitation or additions to old structures adhere to a higher standard to reflect positively on the City's progressive attitude toward its future. These standards are not intended to restrict imagination or variety, but rather to assist in focusing on a design which results in an architectural style that creates a signature appearance that is distinctly St. Charles."*

While 100% masonry has not been achieved here, the Planning and Zoning Commission may discuss the appropriateness of the materials proposed/selected and the overall design provided by the Code language referenced above. Overall, staff is generally supportive of the elevations/design. The proposal is in general conformance with surrounding properties and recently approved new construction proposals within the general area. The applicant has made an effort to blend their corporate/franchise exterior design model with the City's Architectural and Design Standards to meet the spirit and intent of the Code. Additionally, the applicant has provided a justification statement regarding the material selection in correlation to the masonry requirement. That statement is included in this report packet.



Figure 1: Proposed Front and Rear Elevations.



Figure 2: Proposed Side Elevations.

#### Fence/Screening

The equipment rental business is proposing to surround the exterior (non-frontage) storage area with a six feet tall black vinyl-coated chain link fence. To screen the storage area, the applicant is proposing to use slats within the chain link fence; **however, the Zoning Code strictly prohibits the use of slats or fabric within chain link fencing for the purpose of screening.** Per the Zoning Ordinance, outdoor storage is required to be screened from the public right-of-way (S. Old Hwy 94 – south frontage). Since this is a code requirement which has not been documented on the submitted site plan, staff has drafted a condition to require sight-proof fencing on future construction drawings. Assuming the Planning and Zoning Commission is comfortable, staff can work with the applicant to determine an appropriate material which accomplishes this code requirement.

#### Transportation (access)/Parking/Lighting/Landscaping

As a part of the submitted site plan, the applicant intends break up the existing access point into two (2) separate points. Parking complies with the minimum Code standard for the proposed use (23 parking spaces required with 25 provided). All landscaping buffers, number of plantings and proposed parking lot lighting are compliant with the Zoning Code.

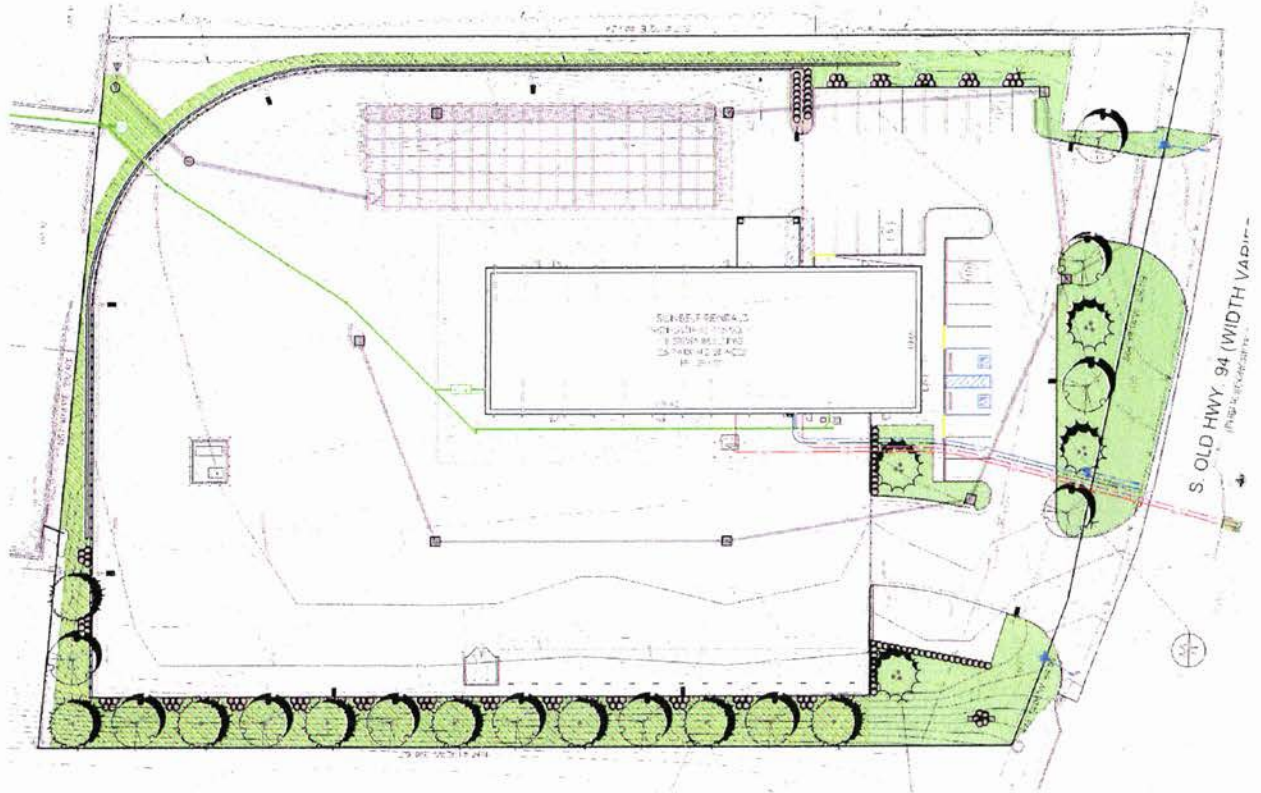


Figure 3: Proposed Landscaping Plan.

### **STAFF RECOMMENDATION**

Since this report provides analysis and recommendations on Rezoning and Site Plan, two (2) separate recommendations and motions have been provided:

#### **Z-2024-02**

Staff believes the requested rezoning is appropriate and is compatible with the zoning of the surrounding area. The Department of Community Development recommends that the rezoning request be forwarded to the City Council with a favorable recommendation.

#### **Site Plan**

Staff recommends approval of application SP-2024-07 per the following conditions:

1. Site Plan shall be null and void if the Zoning Application (Z-2024-02) is not approved by the City Council.
2. Code-compliant sight-proof gates and fencing shall be provided to the frontage along South Old Hwy 94.

**Recommended Motions:**

1. Motion to forward a recommendation of approval to the City Council for the request to rezone upon annexation the property known as 1901 S Old Highway 94 from County II Light Industrial District to City I-1 Light Industrial District.
2. Motion to approve a Site Plan for 1901 S. Old Highway 94, subject to the conditions recommended by staff.



*Figure 4: Aerial Photo of the Subject Property.*



*Figure 5: Existing site photo.*



**SUNBELT RENTALS – OVERALL TRACT**

PARCEL OWNER: HOPE LUTHRAN CHURCH  
PREMIER JMW #2307420 DATE: 10/30/2023

**PARCEL DESCRIPTION AS SURVEYED:**

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