
Sponsored by: Council Members Bibb and Koskela

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO THE OWNER OF CALEDONIA FLATS TO ALLOW RESIDENTIAL DWELLINGS IN A NON-RESIDENTIAL STRUCTURE, UNDER CERTAIN CONDITIONS, ON A CERTAIN TRACT OF LAND LOCATED AT 211 RUSH WAY WITHIN THE CITY OF O'FALLON, MISSOURI.

WHEREAS, Civil and Environmental Consultants, Inc. filed a request for a *Conditional Use Permit* on November 29, 2024 to allow residential dwellings in a non-residential structure at 211 Rush Way within the City of O'Fallon, Missouri; and

WHEREAS, Appendix A of the *Zoning Code* provides that the proposed use is a *Conditionally Permitted Use* within the C-2/*General Business District*; and

WHEREAS, the request for a *Conditional Use Permit* was scheduled for a meeting of the Planning and Zoning Commission and public notice of the hearing, as required by Section 400.685 of the *Zoning Code*, was provided by: 1) notification of adjacent property owners, and 2) the posting of a sign on the subject property; and

WHEREAS, a Public Comment opportunity was held on January 2, 2025 by the Planning and Zoning Commission regarding this request and thereafter, the Planning and Zoning Commission recommended approval of the request and, further, recommended that the requested permit be subject to certain conditions; and

WHEREAS, a Public Comment opportunity was held on January 9, 2025 by the City Council regarding this request; and

WHEREAS, after consideration of the recommendation of the Planning and Zoning Commission and the testimony and evidence presented, the City Council makes certain findings set forth herein and, further, determines that the proposed *Conditional Use Permit* meets the standards described in the Municipal Code as long as the conditions set forth herein are met.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, MISSOURI, AS FOLLOWS:

SECTION 1: It is the applicant's responsibility to prove that the proposed conditional use meets each and every standard set forth in Section 400.325 of the Municipal Code. Furthermore, if any of the enumerated criteria is not met, a *Conditional Use Permit* should not be granted.

The City Council hereby finds, as long as the conditionally permitted use is operated and maintained in accordance with City Code and the permit conditions set forth in Section 2 of this Ordinance, that:

1. The proposed conditional use complies with all applicable provisions of the zoning regulations, including but not limited to intensity of use regulations, yard regulation, and use limitations; and

2. The proposed conditional use at the above-referenced location will contribute to and promote the welfare or convenience of the public; and
3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located; and
4. The location, nature and height of buildings, structures, walls, and fences, the nature and intensity of the operation involved in or conducted in connection with it, the nature and extent of proposed landscaping and screening, and the location of the site with respect to streets giving access to it are such that the proposed conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable Zoning District regulations; and
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations; and
6. Adequate utility, drainage, and other such necessary facilities have been or will be provided; and
7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

SECTION 2: Pursuant to the provisions of *Article VII: Conditional Uses*, of *Title IV: Land Use*, of the *O'Fallon Municipal Code*, a *Conditional Use Permit* to allow residential dwellings in a non-residential structure at 211 Rush Way within the City of O'Fallon, Missouri, is hereby approved, subject to the provisions of the *Municipal Code* and, additionally, the following *Conditions of Approval*:

1. The holder of this Conditional Use Permit shall be and remain fully licensed with the State of Missouri and the City of O'Fallon. Both licenses shall remain in good standing throughout the term of this conditional use permit.
2. This Conditional Use Permit is granted solely to the owner of Caledonia Flats. Should ownership transfer in the future, the new owner shall be required to apply for a transfer of a Conditional Use Permit through the Planning and Development Department.
3. This Conditional Use Permit shall be revoked upon: i) breach or failure to comply with the conditions of this permit, ii) disciplinary action or other action affecting the status of the holder's state or city licenses, and iii) as otherwise provided by ordinance or other applicable law.
4. The occurrence of activities which are deemed to disturb the peace is defined in Title II. Public Health, Safety and Welfare of the Municipal Code shall prompt the City to revoke the Conditional Use Permit.
5. Should the Conditional Use cease operations for a period of one (1) year, the CUP shall be revoked.
6. Apartments: No short-term rentals allowed and the minimum rental period of any apartment units shall be ninety (90) days.
7. Condominiums: All units shall be owner occupied for a year before any renting is allowed and then at that point the shortest rental term allowed is one (1) year.
8. Install speed dips within the roads around the property, a total of three (3) speed dips shall be provided in locations approved on the Construction Site Plans.

SECTION 3: In acting upon this application, the Council has accepted into the record the Ordinances of the City of O'Fallon, Missouri, the *Comprehensive Plan* for the City of O'Fallon, Missouri, and the *Conditional Use Permit Application* and other records submitted by the applicant or gathered by the City relative to said application.

SECTION 4: This ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

First Reading: January 9, 2025

Second Reading: January 9, 2025

PASSED BY THE CITY COUNCIL FOR THE CITY OF O'FALLON, MISSOURI, THIS 9TH DAY OF JANUARY, 2025.



Bill Hennessy
Presiding Officer

Attest:

Bess Bacher
Bess Bacher, City Clerk

APPROVED BY THE MAYOR FOR THE CITY OF O'FALLON, MISSOURI, THIS 9TH DAY OF JANUARY, 2025.



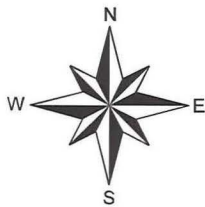
Bill Hennessy
Bill Hennessy, Mayor

Attest:

Bess Bacher
Bess Bacher, City Clerk

Approved as to Form:


Kevin M. O'Keefe
Kevin M. O'Keefe, City Attorney




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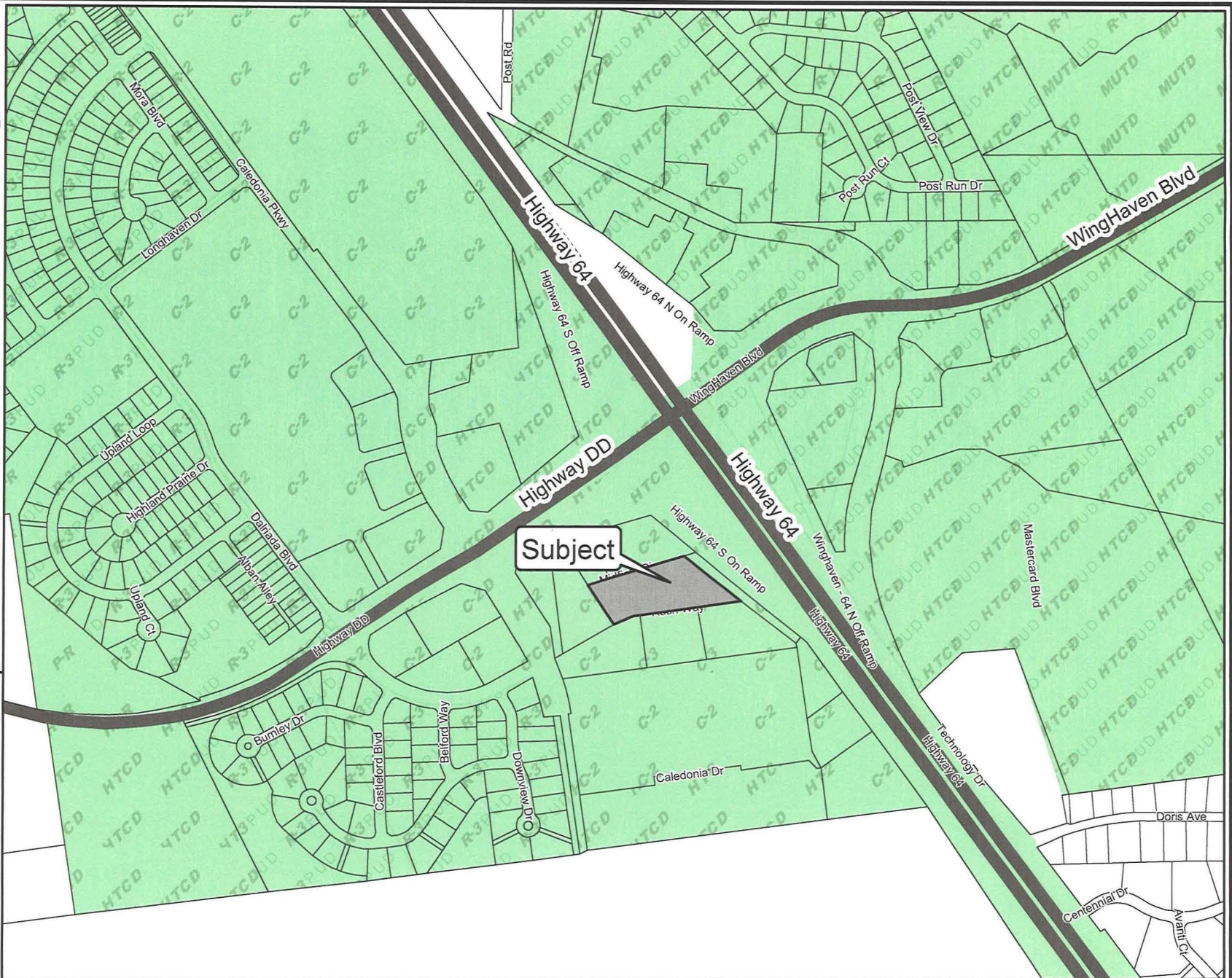
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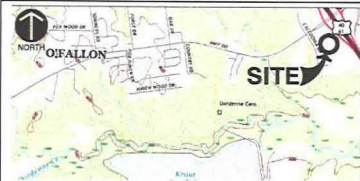
 Subject Property Location

R-1 Area Zoning Designation

 O'Fallon City Limits



211 Rush Way



SITE USGS AND LOCATION MAP

U.S.G.S. 7.5 TOPOGRAPHIC MAP, OTTAWA, DEFENSE QUADRANGLE,
DEFENSE, MO DATED 2001
SCALE 1" = 24,000'

General Notes:

1. Gross Acreage of Subject Tract: 2.533 Acres (110,321 sq ft)
2. Parcel ID: 4-0047-0044-00-00000000
3. Current Zoning of Subject Tract: C-2, General Business District
4. Proposed Zoning: C-2, General Business District
5. Property Owner: 4000 Sports LLC, 565 Aspen Way Dr., O'Fallon, MO 63366
6. Proposed Development of Subject Tract:
 - a. 96 (85+1 bedroom, 8-2 bedroom) Apartments
 - b. 13 = 2 Bedroom Condos
 - c. 10,126 SF General Retail
7. Particular Data:
 - 7.1. Min. front yard setback: 25 feet
 - 7.2. Min. side yard setback: 10 feet
 - 7.3. Min. rear yard setback: 25 feet
8. Utilities:
 - 8.1. Sewer District: Wentzville School District
 - 8.2. Water District: Public Water Supply District #2
 - 8.3. Fire District: Wentzville Fire District
 - 8.4. Sewer District: Duckett Creek Sanitary District
 - 8.5. Gas Company: Spirit Energy
 - 8.6. Electric Service: Cuivre River Electric Co.
 - 8.7. Telephone: AT&T
9. Apartment Minimum Square Footage:
 - 9.1. 1 bedroom apartments: 556 sq ft minimum
 - 9.2. 2 bedroom apartments: 1,243 sq ft minimum
10. Per FEMA Flood Insurance Rate Map 2212004100 dated January 20, 2016, none of this development is within FEMA Floodzone.
11. Parking calculations:
 - Restaurants: 20 spaces plus one (1) space per 100 sq. ft. of floor area
 - 20 + 7,100 sq ft / 100 sq ft = 71 PS (Rounded down)
 - 20 + 1,145 sq ft / 100 sq ft = 32 PS (Butterfly)
 - 51 Spaces Required Under Business Hours of Operation
 - Apartments: One and a half (1.5) spaces per efficiency and 1 bedroom unit
 - Two and a half (2.5) spaces per 2 bedroom unit
 - 88 + 1,500 sq ft / 8 + 2,500 sq ft = 152 PS
 - Condos: TWO AND A HALF (2.5) SPACES PER 2 BEDROOM UNITS
 - 13 + 2,500 sq ft = 33 PS
 - 276 PS Required
 - Parking Provided: 28 Cover Parking Spaces for Condos
 - 7 ADA parking spaces including 2 van accessible spaces
 - 232 PS provided (remaining required spaces located within shared parking agreements)
12. Loading spaces:
 - Uses having over five thousand (5,000) square feet of gross floor area shall provide at least one (1) off-street loading and unloading space. For every additional twenty thousand (20,000) square feet of gross floor space, one (1) additional loading and unloading space shall be provided.
13. Sanitary flow calculation:
 - General Retail: 10,126 Units * 0.2 GPD / Unit = 2,027 GPD
 - Apartments and Condos: 109 Units * 300 GPD / Unit = 40,330 GPD
 - Total = 42,357 GPD
14. All sanitary sewers shall be constructed to the specifications of the Duckett Creek Sanitary District. All sanitary sewers shall be Schedule 40 PVC.
15. The location of all sanitary sewers shall be shown on this Plan. Final locations and design will be shown on detailed improvements to be approved by O'Fallon prior to incorporation of the Resolutions. All sewers will be installed in a 10' wide easement dedicated to the City of O'Fallon and the appropriate utility.
16. proposed utilities to be located underground.
17. No Graded slopes shall exceed 30%/100'.
18. Grading and the handling of all storm water runoff and siltation control will be per City of O'Fallon standards.
19. ADA ramps shall be P.C. Concrete with truncated domes.
20. Street trees, landscaping in all common areas, street lights and sidewalks shall be provided and approved by the City of O'Fallon.
21. Final location and design of proposed building monument/signage shall be approved through the Planning Division via a subsequent and separate review & permitting process.
22. Proposed development does comply with the Land Use designation of the City of O'Fallon's Comprehensive Plan.
23. There are no pipelines within 500 feet of this site.
24. All signage shall be approved through Planning and Development via a separate permitting process.
25. All HVAC and mechanical units on site shall be properly screened as required by City Code. Per Section 402.27(1)(c) the sign shall go around the perimeter of the building. The screening of individual rooftop mechanical units is not permitted.
26. Construction Plans will be prepared in compliance with Article 15 of the O'Fallon Municipal Code.
27. The applicants shall use the provided trash enclosure with double bins for their trash service.
28. Water quality and storm water collection was provided as part of the approved Interim Storm Water Plan for the overall development. Therefore, no additional BMPs are planned for this project.
29. Lot Coverage:
 - Total Area: 170,773 sq ft
 - Area of Paved: 100,558 sq ft (59%)
 - Area of Building: 24,383 sq ft (14%)
 - Area of Green Space: 38,932 sq ft (22%)
 - Entire Lot Coverage: 129,432 / 170,773 = 75.8%

UTILITIES NOTE

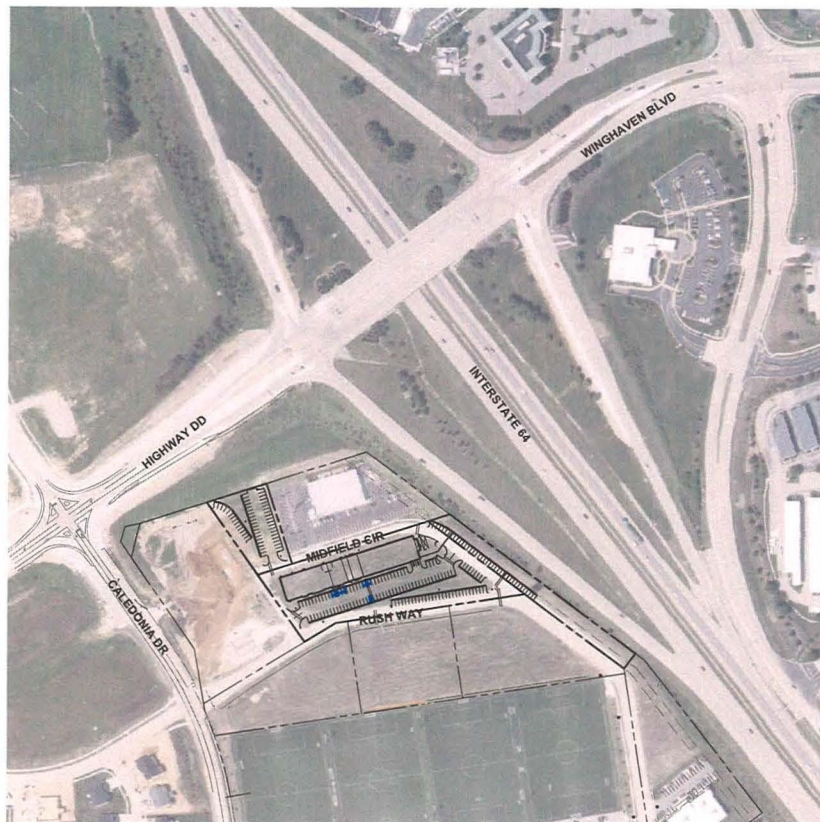
UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM AVAILABLE INFORMATION AND THEREFORE, THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. THERE MAY BE OTHERS, THE EXISTENCE OF WHICH IS PRESENTLY NOT KNOWN. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UTILITIES LOCATED IN THE FIELD PRIOR TO EXCAVATION OR CONSTRUCTION.



811 or 1-800-364-7493
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SITE PLANS FOR CALEDONIA FLATS

A Tract of Land Being all of Lots 8 and Adjusted Common
Ground 2 of Caledonia Center Amended Plat; Lot 10A
Adjusted of Caledonia Center Amended Plat 4,
Township 46 North Range 2 East,
City of O'Fallon, St. Charles, Missouri.



SITE MAP

SCALE 1" = 150'
SCALE IN FEET
0 150' 300'



SHEET LIST TABLE		
SHEET NUMBER	DRAWING NUMBER	DRAWING TITLE
1	C000	COVER SHEET AND NOTES
2	C200	SITE PLAN
3	C300	GRADING PLAN
4	C700	LANDSCAPING PLAN
5	C701	LIGHTING PLAN
6	C800	DETAILS
7	C801	DETAILS

BENCHMARKS (NAVD88)

SOURCE BENCHMARK: ELEVATION 503.51 - 1" CUT IN THE SOUTHWEST CORNER OF THE NORTH ADJUTANT OF THE BOX CULVERT UNDER PRESENT PARKWAY EAST OF THE DUCKETT CREEK APARTMENTS.

SITE BENCHMARK: NAD 88 ELEVATION 562.70: SQUARE IN THE CONCRETE BASE OF A LIGHT POLE LOCATED IN THE NORTHEAST CORNER OF THE EAST CURBLINE OF THE SIDEWALK ON THE EAST SIDE OF THE MOVIE THEATER BUILDING.

* City of O'Fallon Construction work hours per City Ordinance 3429 as shown in Section 500.420 of the Municipal Code of the City of O'Fallon are as follows:
October 1 through May 31
7:00 A.M. To 7:00 P.M. Monday Through Sunday
June 1 Through September 30
8:00 A.M. To 8:00 P.M. Monday Through Friday
7:00 A.M. to 8:00 P.M. Saturday and Sunday

Utility Contacts

Sanitary Sewers
Duckett Creek Sanitary District (DCSD)
3550 Highway K
O'Fallon, MO 63366
Contact: 636-441-1244

Water
Public Water Supply District No. 2 (PWSD2)
PO Box 967
O'Fallon, MO 63366
Contact: 636-561-3757

Storm Sewer
City of O'Fallon
100 N. Main St.
O'Fallon, MO 63366
636-240-2000

Electric
Cuivre River Electric Co.
200 Box 160
Troy, MO 63379
800-392-3709

Gas
Squire Gas
6400 Graham Road
St. Louis, MO 63134
314-522-2297

Telephone
Century Tel
1151 Century Tel Dr.
Wentzville, MO 63385
636-333-7261

Fire District
Wentzville Fire Protection District
209 West Pearce Blvd
Wentzville, MO 63385

CALEDONIA FLATS
LOT 8, 10A ADJUSTED AND
ADJUSTED COMMON GROUND 2
SITE PLANS
COVER SHEET AND NOTES

CEE
Civil & Environmental
Consultants, Inc.
3000 Little Blue Expressway, Suite 102
St. Charles, MO 63301
314-656-4566 / 866-250-3679
www.ceeinc.com

KARL ANTHONY SCHOENKE, P.E.
7E-0000015039
* HAND SIGNATURE ON FILE

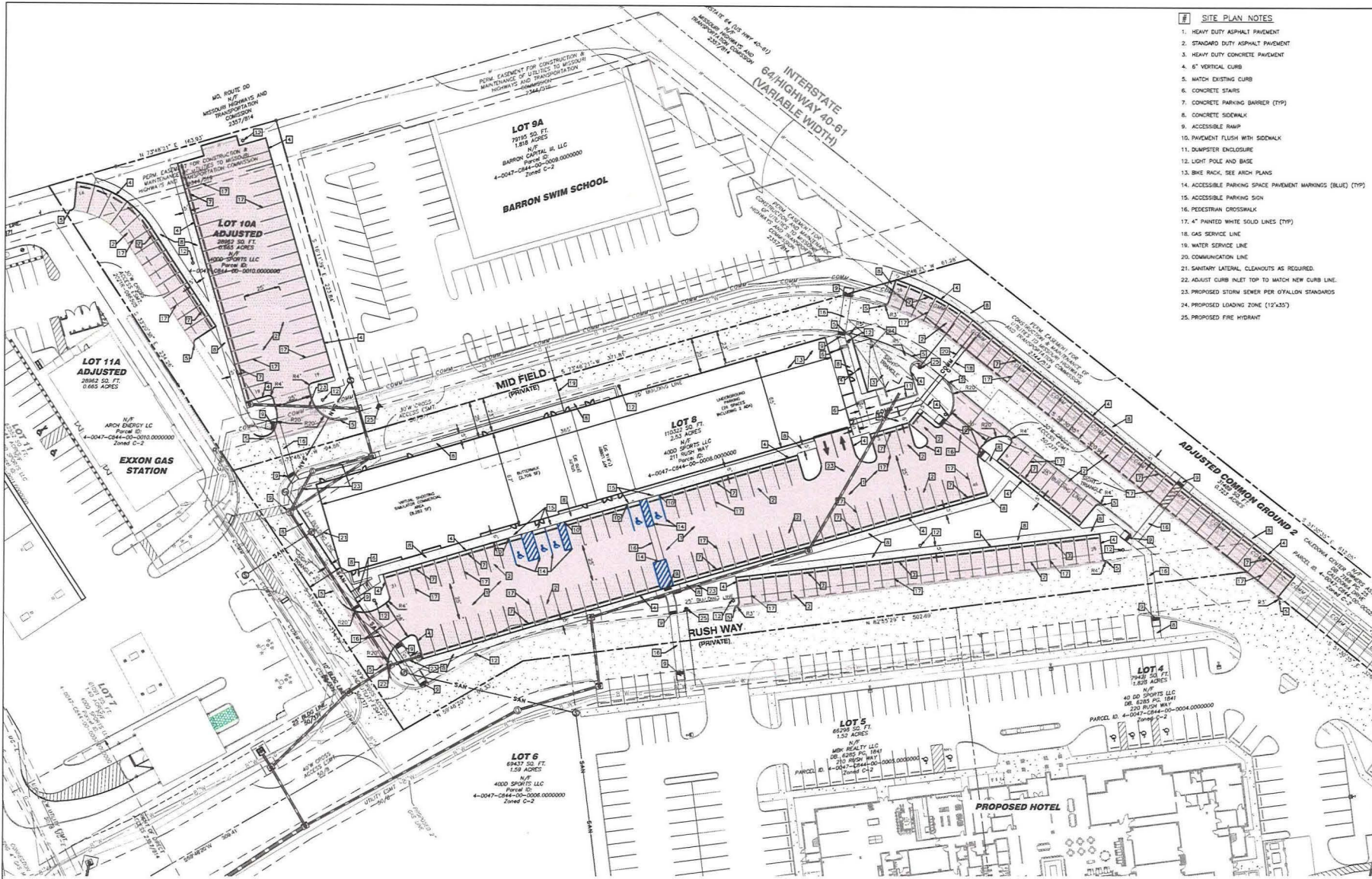
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Developer
CALEDONIA REAL ESTATE CO
905 WEST MAPLE
CLAWSON, MI 48017

P+Z No. 24-01284
Approval Date
Permit No.

Page No.
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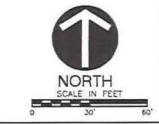
- 7 SITE PLAN NOTES**
1. 10'X12' DUTY ASPHALT PAVEMENT
 2. STANDARD DUTY ASPHALT PAVEMENT
 3. HEAVY DUTY CONCRETE PAVEMENT
 4. 6" VERTICAL CURB
 5. MATCH EXISTING CURB
 6. CONCRETE STAIRS
 7. CONCRETE PARKING BARRIER (TYP)
 8. CONCRETE SIDEWALK
 9. ACCESSIBLE RAMP
 10. PAVEMENT FLUSH WITH SIDEWALK
 11. DUMPSTER ENCLOSURE
 12. LIGHT POLE AND BASE
 13. BIKE RACK, SEE ARCH PLANS
 14. ACCESSIBLE PARKING SPACE PAVEMENT MARKINGS (BLUE) (TYP)
 15. ACCESSIBLE PARKING SIGN
 16. PEDESTRIAN CROSSWALK
 17. 4" PAINTED WHITE SOLID LINES (TYP)
 18. GAS SERVICE LINE
 19. WATER SERVICE LINE
 20. COMMUNICATION LINE
 21. SANITARY LATERAL CLEANOUTS AS REQUIRED
 22. ADJUST CURB INLET TOP TO MATCH NEW CURB LINE
 23. PROPOSED STORM SEWER PER OTTAWA STANDARDS
 24. PROPOSED LOADING ZONE (12'X35')
 25. PROPOSED FIRE HYDRANT

UTILITIES NOTE

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**CALEDONIA FLATS
LOT 8, 10A ADJUSTED AND
ADJUSTED COMMON GROUND 2
SITE PLANS
SITE PLAN**

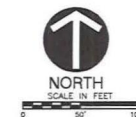
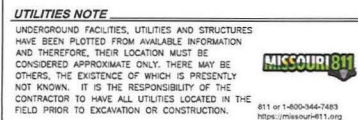
CEC
**Civil & Environmental
Consultants, Inc.**
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St. Charles, MO 63301
314-656-4566 • 866-250-3679
www.cecinc.com

KARL ANTHONY SCHOENIKE, P.E.
750-001015028
• HAND SIGNATURE ON FILE

KAS	DATE	PROJECT NO.
DRAWN BY	08/15/24	343-24
CHECKED BY	08/15/24	
APPROVED BY	08/15/24	

Developer
CALEDONIA REAL ESTATE CO
905 WEST MAPLE
CLAWSON, MI 48017

P+Z No. 94-0284
Approval Date
Permit No.
Page No. **C200**
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DECEMBER 18, 2024



CALEDONIA FLATS
LOT 8, 10A ADJUSTED AND
ADJUSTED COMMON GROUND 2
SITE PLANS
LIGHTING PLAN



**Civil & Environmental
Consultants, Inc.**

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www.ceeinc.com

KARL ANTHONY SCHOENIKE, P.E.
PE-2003015039
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CHECKED BY:	*DST
APPROVED BY:	*DST
PROJECT NO:	343-014

Developer
CALEDONIA REAL ESTATE CO
905 WEST MAPLE
CLAWSON, MI 48017

P+Z No.	24-012150
Approval Date	
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