

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF A “NU” NON-URBAN DISTRICT TO A “PS” PARK AND SCENIC DISTRICT FOR AN 18.78 ACRE TRACT OF LAND LOCATED AT 1627 OLD BAXTER ROAD AND 1657 OLD BAXTER ROAD (P.Z. 06-2010 EBERWEIN PARK DEVELOPMENT {CITY OF CHESTERFIELD})

WHEREAS, the City of Chesterfield has acquired the property at 1627 and 1657 Old Baxter Road for the purposes of developing a park; and,

WHEREAS, the City of Chesterfield is seeking a zoning map amendment to accommodate the construction of the park; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 23, 2010 at which time the Planning Commission recommended approval of the change of zoning; and,

WHEREAS, the Planning and Public Works Committee, having considered said request, recommended approval of the change of zoning; and,

WHEREAS, the City Council, having considered said request, voted to approve the change of zoning.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The City of Chesterfield Zoning Ordinance and the Official Zoning District Maps, which are part thereof, are hereby amended by establishing a “PS” Park and Scenic District for an 18.78 acre tract of land located on the northwest corner of the intersection of Old Baxter Road and Old Baxter Road and described as follows:

A tract of land in U.S. Survey 2002, Township 45 North – Range 4 East, City of Chesterfield, St. Louis County, Missouri and being more particularly described as:

Beginning at the intersection of the South line of “The Village At Olde Baxter Square,” a subdivision according to the plat thereof recorded in Plat Book 355 page 378 of the St. Louis County records with the Southwest line of Old Baxter Road, varying width, as widened by instruments recorded in Book 17720 page 1437 and Book 17720 page 1442 of the St. Louis County records; thence Southeastwardly along said Southwest line of Old Baxter Road, as widened, South 34 degrees 32 minutes 32 seconds East 661.74 feet to a point; thence Northeastwardly along a Southeast line of said Old Baxter Road, varying width, as widened, North 55 degrees 27 minutes 28 seconds East 10.00 feet to a point being 15.00 feet perpendicularly distant Southwest of the original centerline;

thence Southeastwardly along the Southwest line of said Old Baxter Road, varying width, South 34 degrees 32 minutes 32 seconds East 38.67 feet to the Northern most corner of a right of way dedication recorded in Book 14986 page 539 of the St. Louis County records; thence Southwardly along the West line of said right of way dedication the following courses and distances: along a curve to the right whose radius point bears South 55 degrees 27 minutes 28 seconds West 310.00 feet from the last mentioned point, a distance of 126.45 feet, South 11 degrees 10 minutes 15 seconds East 12.07 feet and along a curve to the right whose radius point bears South 78 degrees 49 minutes 45 seconds West 30.00 feet from the last mentioned point, a distance of 13.18 feet to a point in the Southeast line of U.S. Survey 2002, being also the Northwest line of said Old Baxter Road, varying width, being 15.00 feet perpendicularly distant Northwest of the original centerline; thence Southwestwardly along said Northwest line of Old Baxter Road, varying width, South 57 degrees 55 minutes 48 seconds West 499.40 feet to the Eastern most corner of a right of way dedication recorded in Book 7638 page 613 of the St. Louis County records; thence along said right of way dedication the following courses and distances: North 32 degrees 04 minutes 12 seconds West 12.50 feet, South 57 degrees 55 minutes 48 seconds West 200.64 feet and along a curve to the right whose radius point bears North 32 degrees 04 minutes 12 seconds West 119.00 feet from the last mentioned point, a distance of 129.25 feet to a point in the Southeast line of a right of way dedication recorded in Book 8147 page 437 of the St. Louis County records; thence Northeastwardly along the Southeast line of said right of way dedication North 30 degrees 09 minutes 37 seconds East 1.00 feet to a point; thence Westwardly along the North line of said right of way dedication, being also the North line of Baxter Road, varying width, along a curve to the left whose radius point bears South 30 degrees 09 minutes 37 seconds West 757.20 feet from the last mentioned point, a distance of 150.21 feet to a point in the Northeast line of property described in deed to Dierbergs Chesterfield Village, Inc. recorded in Book 8242 page 300 of the St. Louis County records; thence Northwestwardly along the Northeast line of said Dierbergs Chesterfield Village, Inc. property North 32 degrees 30 minutes 45 seconds West 815.87 feet to a point in the South line of "Drew Station Shopping Center," a subdivision according to the plat thereof recorded in Plat Book 287 page 71 of the St. Louis County records; thence Eastwardly along the South line of said "Drew Station Shopping Center" and the South line of aforesaid "The Village At Olde Baxter Square" North 68 degrees 55 minutes 54 seconds East 901.40 feet to the point of beginning and containing 18.787 acres according to a survey by Volz Incorporated.

Section 2. The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations as recommended by the Planning Commission in its recommendations to the City Council.

Section 3. The City Council, pursuant to the petition filed by the City of Chesterfield in P.Z. 06-2010 Eberwein Park Development, requesting the amendment embodied in this ordinance, and pursuant to the recommendations of the City of Chesterfield Planning Commission that said petition be granted and after public hearing, held by the Planning Commission on the 23rd day of August, 2010, does hereby adopt this ordinance pursuant to the power granted to the City of Chesterfield under Chapter 89 of the Revised Statutes of the State of Missouri authorizing the City Council to exercise legislative power pertaining to planning and zoning.

Section 4. This ordinance and the requirements thereof are exempt from the warning and summons for violations as set out in Section 1003.410 of the Zoning Ordinance of the City of Chesterfield.

Section 5. This ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this _____ day of _____, 2010

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: _____