

BILL NO. 2946

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE ZONING ORDINANCE 2322 OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “E-2” ESTATE DISTRICT (TWO ACRE) AND “LLR” LARGE LOT RESIDENTIAL DISTRICT TO AN “E-1” ESTATE DISTRICT (ONE ACRE) FOR A 41.082 ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF CHURCH RD. AND STRECKER RD. (P.Z. 01-2013 ARBORS AT KEHRS MILL {17015 CHURCH RD.} 19U420248).

WHEREAS, McBride and Sons Homes, on behalf of JHB Properties, Inc. has requested a change in zoning from “E-2” Estate District (Two Acre) and “LLR” Large Lot Residential to “E-1” Estate District (One Acre) for a 41.082 acre tract of land located north of the intersection of Church Rd. and Strecker Rd.; and,

WHEREAS, a Public Hearing was held before the Planning Commission on May 29, 2013; and,

WHEREAS, the Planning Commission, having considered said request, 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, on October 21, 2013 a motion for approval for this change of zoning request failed at City Council; and,

WHEREAS, on November 4, 2013 a motion for reconsideration was approved at City Council.

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

Section 1. City of Chesterfield Zoning Ordinance and the Official Zoning District Map, which are part thereof, are hereby amended by establishing an “E-1” Estate District (One Acre) for a 41.082 acre tract of land located at 17015 Church Rd. and as described as follows:

A TRACT OF LAND BEING PART OF LOT 1 OF "ST. MARY'S INSTITUTE LOT SPLIT PLAT", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 355, PAGES 437-438 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, LOCATED IN U.S. SURVEYS 124 AND 886 AND FRACTIONAL SECTION 18, TOWNSHIP 45 NORTH, RANGES 3 AND 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHWEST LINE OF U.S. SURVEY 124 AND THE RANGE LINE BETWEEN TOWNSHIP 45 NORTH, RANGE 3 EAST AND TOWNSHIP 45 NORTH, RANGE 4 EAST, SAID POINT BEING ON THE NORTHWEST LINE OF ABOVE SAID LOT 1; THENCE ALONG SAID NORTHWEST LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 58 DEGREES 11 MINUTES 10 SECONDS EAST, 579.24 FEET; NORTH 57 DEGREES 28 MINUTES 02 SECONDS EAST, 461.85 FEET; NORTH 24 DEGREES 29 MINUTES 17 SECONDS EAST, 694.09 FEET; AND NORTH 45 DEGREES 20 MINUTES 59 SECONDS EAST, 970.85 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF KEHRS MILL ROAD (VARIABLE WIDTH); THENCE LEAVING LAST SAID NORTHWEST LINE AND ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE THE FOLLOWING COURSES, DISTANCES AND CURVES: SOUTH 45 DEGREES 53 MINUTES 28 SECONDS EAST, 279.30 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 545.00 FEET, AN ARC LENGTH OF 245.05 FEET, AND A CHORD WHICH BEARS SOUTH 33 DEGREES 00 MINUTES 36 SECONDS EAST, 242.99 FEET TO A POINT OF TANGENCY; AND SOUTH 20 DEGREES 07 MINUTES 44 SECONDS EAST, 118.88 FEET; THENCE LEAVING LAST SAID SOUTHWEST RIGHT-OF-WAY LINE, SOUTH 69 DEGREES 52 MINUTES 16 SECONDS WEST, 156.80 FEET; THENCE SOUTH 53 DEGREES 21 MINUTES 33 SECONDS WEST, 91.60 FEET; THENCE SOUTH 16 DEGREES 24 MINUTES 48 SECONDS WEST, 80.70 FEET TO A ON THE NORTHWEST LINE OF LOT 2 OF ABOVE SAID "ST. MARY'S INSTITUTE LOT SPLIT PLAT"; THENCE ALONG THE NORTHWEST AND SOUTHWEST LINES OF SAID LOT 2 THE FOLLOWING COURSES AND DISTANCES: SOUTH 16 DEGREES 24 MINUTES 48 SECONDS WEST, 82.37 FEET; SOUTH 61 DEGREES 22

MINUTES 34 SECONDS WEST, 346.47 FEET; SOUTH 20 DEGREES 40 MINUTES 02 SECONDS EAST, 371.99 FEET; SOUTH 24 DEGREES 10 MINUTES 02 SECONDS EAST, 40.00 FEET; SOUTH 63 DEGREES 20 MINUTES 14 SECONDS WEST, 127.09 FEET; AND SOUTH 37 DEGREES 00 MINUTES 22 SECONDS EAST, 219.46 FEET TO A POINT ON THE NORTHWEST RIGHT-OF-WAY LINE OF STRECKER ROAD (VARIABLE WIDTH); THENCE LEAVING LAST SAID LINE AND ALONG SAID NORTHWEST RIGHT-OF-WAY LINE OF STRECKER ROAD, SOUTH 63 DEGREES 20 MINUTES 17 SECONDS WEST, 82.74 FEET; THENCE CONTINUING ALONG LAST SAID NORTHWEST RIGHT-OF-WAY LINE, SOUTH 55 DEGREES 16 MINUTES 49 SECONDS WEST, 536.16 FEET; THENCE LEAVING LAST SAID NORTHWEST RIGHT-OF-WAY LINE, NORTH 37 DEGREES 18 MINUTES 23 SECONDS WEST, 319.11 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, AN ARC LENGTH OF 39.91 FEET TO A POINT, AND A CHORD WHICH BEARS NORTH 83 DEGREES 02 MINUTES 11 SECONDS WEST, 35.80 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 640.00 FEET, AN ARC LENGTH OF 69.63 FEET, AND A CHORD WHICH BEARS SOUTH 54 DEGREES 21 MINUTES 02 SECONDS WEST, 69.60 FEET TO A POINT OF TANGENCY; THENCE SOUTH 57 DEGREES 28 MINUTES 02 SECONDS WEST, 293.48 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 540.00 FEET, AN ARC LENGTH OF 606.45 FEET, AND A CHORD WHICH BEARS SOUTH 89 DEGREES 38 MINUTES 26 SECONDS WEST, 575.08 FEET TO A POINT OF TANGENCY; THENCE NORTH 58 DEGREES 11 MINUTES 10 SECONDS WEST, 277.61 FEET TO A POINT OF CURVATURE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 35.00 FEET, AN ARC LENGTH OF 29.99 FEET, AND A CHORD WHICH BEARS NORTH 82 DEGREES 44 MINUTES 07 SECONDS WEST, 29.08 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 49.00 FEET, AN ARC LENGTH OF 64.00 FEET, AND A CHORD WHICH BEARS NORTH 69 DEGREES 51 MINUTES 58 SECONDS WEST, 59.55 FEET; THENCE SOUTH 57 DEGREES 33 MINUTES 08 SECONDS WEST, 250.51 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF CHURCH ROAD (VARIABLE

WIDTH); THENCE ALONG SAID NORTHEAST RIGHT-OF-WAY LINE OF CHURCH ROAD THE FOLLOWING COURSES, DISTANCES AND CURVES: NORTH 37 DEGREES 05 MINUTES 15 SECONDS WEST, 200.81 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 75.00 FEET, AN ARC LENGTH OF 42.07 FEET, AND A CHORD WHICH BEARS NORTH 21 DEGREES 01 MINUTES 01 SECONDS WEST, 41.52 FEET TO A POINT OF TANGENCY; AND NORTH 04 DEGREES 56 MINUTES 46 SECONDS WEST, 2.90 FEET TO A POINT ON THE AFORESAID NORTHWEST LINE OF LOT 1; THENCE LEAVING LAST SAID NORTHEAST RIGHT-OF-WAY LINE AND ALONG SAID NORTHWEST LINE OF LOT 1, NORTH 52 DEGREES 55 MINUTES 10 SECONDS EAST, 578.94 FEET TO THE POINT OF BEGINNING AND CONTAINS 1,766,944 SQUARE FEET, OR 40.563 ACRES, MORE OR LESS.

AND

A TRACT OF LAND BEING PART OF LOT 1 OF "ST. MARY'S INSTITUTE LOT SPLIT PLAT", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 355, PAGES 437-438 OF THE ST. LOUIS COUNTY, MISSOURI RECORDS, LOCATED IN U.S. SURVEY 886, TOWNSHIP 45 NORTH, RANGE 4 EAST, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHWEST LINE OF U.S. SURVEY 124 AND THE RANGE LINE BETWEEN TOWNSHIP 45 NORTH, RANGE 3 EAST AND TOWNSHIP 45 NORTH, RANGE 4 EAST, SAID POINT BEING ON THE NORTHWEST LINE OF ABOVE SAID LOT 1; THENCE ALONG SAID NORTHWEST LINE THE FOLLOWING COURSES AND DISTANCES: SOUTH 58 DEGREES 11 MINUTES 10 SECONDS EAST, 579.24 FEET; NORTH 57 DEGREES 28 MINUTES 02 SECONDS EAST, 461.85 FEET; NORTH 24 DEGREES 29 MINUTES 17 SECONDS EAST, 694.09 FEET; AND NORTH 45 DEGREES 20 MINUTES 59 SECONDS EAST, 970.85 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF KEHRS MILL ROAD (VARIABLE WIDTH); THENCE LEAVING LAST SAID NORTHWEST LINE AND ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE THE FOLLOWING

COURSES, DISTANCES AND CURVES: SOUTH 45 DEGREES 53 MINUTES 28 SECONDS EAST, 279.30 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 545.00 FEET, AN ARC LENGTH OF 245.05 FEET, AND A CHORD WHICH BEARS SOUTH 33 DEGREES 00 MINUTES 36 SECONDS EAST, 242.99 FEET TO A POINT OF TANGENCY; AND SOUTH 20 DEGREES 07 MINUTES 44 SECONDS EAST, 118.88 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE CONTINUING ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES; SOUTH 20 DEGREES 07 MINUTES 44 SECONDS EAST, 80.20 FEET; SOUTH 69 DEGREES 52 MINUTES 16 SECONDS WEST, 5.00 FEET; AND SOUTH 20 DEGREES 07 MINUTES 44 SECONDS EAST, 10.67 FEET TO A POINT ON THE PROLONGATION OF THE NORTHWEST LINE OF LOT 2 OF ABOVE SAID "ST. MARY'S INSTITUTE LOT SPLIT PLAT"; THENCE LEAVING LAST SAID SOUTHWEST RIGHT-OF-WAY LINE AND ALONG SAID NORTHWEST LINE OF LOT 2 AND ITS PROLONGATION, SOUTH 69 DEGREES 52 MINUTES 16 SECONDS WEST, 287.67 FEET TO A POINT; THENCE LEAVING LAST SAID NORTHWEST LINE, NORTH 16 DEGREES 24 MINUTES 48 SECONDS EAST, 80.70 FEET; THENCE NORTH 53 DEGREES 21 MINUTES 33 SECONDS EAST, 91.60 FEET; THENCE NORTH 69 DEGREES 52 MINUTES 16 SECONDS EAST, 156.80 FEET TO THE POINT OF BEGINNING AND CONTAINING 22,590 SQUARE FEET, OR 0.519 ACRES, MORE OR LESS.

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 recommendation to the City Council.

Section 3. The City Council, pursuant to the petition filed by McBride and Sons Homes in P.Z. 01-2013 Arbors at Kehrs Mill, requesting the amendment embodied in this ordinance, and pursuant to the recommendation of the City of Chesterfield Planning Commission that said petition be granted and after a public hearing, held by the Planning Commission on the 29th day of May 2013, 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 _____, 2013

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD: September 23, 2013