

BILL NO. 2947

ORDINANCE NO. _____

AN ORDINANCE REPEALING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “E-1” ESTATE DISTRICT (ONE ACRE) TO A “PUD” PLANNED UNIT DEVELOPMENT FOR A 58.149 ACRE TRACT OF LAND LOCATED NORTH OF THE INTERSECTION OF CHURCH RD. AND STRECKER RD. (P.Z. 02-2013 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-1” Estate District (One Acre) to “PUD” Planned Unit Development for a 58.149 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 a “PUD” Planned Unit District for a 58.149 acre tract of land located at 17015 Church Rd. and as described as follows:

A TRACT OF LAND BEING ALL 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 ALSO THE SOUTHWEST CORNER OF LOT C OF "MCKENNA PACLAND LAKE" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 167 PAGE 70 OF THE ST. LOUIS COUNTY RECORDS; THENCE ALONG THE SOUTHWEST LINE OF SAID LOT C AND ITS PROLONGATION, BEING THE SOUTHWEST LINE OF LOT D OF SAID "MCKENNA PACLAND LAKE", SOUTH 58 DEGREES 11 MINUTES 10 SECONDS EAST 579.24 FEET TO THE WESTERNMOST POINT ON THE NEW PARCEL LINE SHOWN ON THE "BOUNDARY ADJUSTMENT PLAT AND EASEMENT PLAT OF LOT D OF MCKENNA PACLAND LAKE AND U.S. SURVEY 124 AND FRACTIONAL SECTION 18, TOWNSHIP 45 NORTH - RANGE 4 EAST" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 202, PAGE 4 OF SAID RECORDS; THENCE LEAVING LAST SAID SOUTHWEST LINE AND ALONG SAID LAST MENTIONED LINE, NORTH 57 DEGREES 28 MINUTES 02 SECONDS EAST, 461.85 FEET TO THE SOUTHERNMOST CORNER OF ADJUSTED LOT 6A OF "ST. MARY'S/MCGEE BOUNDARY ADJUSTMENT PLAT" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 342, PAGE 7 OF SAID RECORDS; THENCE LEAVING LAST SAID MENTIONED LINE AND ALONG THE EAST LINE OF SAID ADJUSTED LOT 6A, NORTH 24 DEGREES 29 MINUTES 17 SECONDS EAST, 694.09 FEET TO THE SOUTHERNMOST CORNER OF PROPERTY NOW OR FORMERLY OF ROBERT J. LIEBE, JR., AND LINDA C. LIEBE, TRUSTEES, AS DESCRIBED IN DEED RECORDED IN BOOK 10265 PAGE 921 OF SAID RECORDS; THENCE LEAVING LAST SAID EAST LINE AND ALONG THE SOUTHEAST LINE OF SAID LIEBE PROPERTY, 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 (WIDTH VARIES), AS WIDENED; THENCE LEAVING LAST SAID SOUTHEAST LINE AND ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE OF KEHRS MILL ROAD 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; SOUTH 20 DEGREES 07 MINUTES 44 SECONDS EAST 199.08 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 THE PROLONGATION OF LOT 2 OF SAID "ST. MARY'S INSTITUTE LOT SPLIT PLAT"; THENCE LEAVING LAST SAID SOUTHWEST RIGHT-OF-WAY LINE AND ALONG THE NORTHWEST AND SOUTHWEST LINES OF SAID LOT 2 AND THEIR PROLONGATION THE FOLLOWING COURSES AND DISTANCES: SOUTH 69 DEGREES 52 MINUTES 16 SECONDS WEST, 6.00 FEET; SOUTH 69 DEGREES 52 MINUTES 16 SECONDS WEST, 281.67 FEET; 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 IN THE NORTHWEST RIGHT-OF-WAY LINE OF STRECKER ROAD (WIDTH VARIES); THENCE LEAVING LAST SAID NORTHWEST AND SOUTHWEST LINES, AND ALONG SAID NORTHWEST RIGHT-OF-WAY LINE OF STRECKER ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 63 DEGREES 20 MINUTES 17 SECONDS WEST, 82.74 FEET, SOUTH 55 DEGREES 16 MINUTES 49 SECONDS WEST, 830.16 FEET AND SOUTH 52 DEGREES 35 MINUTES 48 SECONDS WEST, 958.92 FEET TO A POINT ON THE NORTHEAST RIGHT-OF-WAY LINE OF CHURCH ROAD (WIDTH VARIES); THENCE LEAVING LAST SAID NORTHWEST RIGHT-OF-WAY LINE AND ALONG SAID NORTHEAST RIGHT-OF-WAY LINE OF CHURCH ROAD THE FOLLOWING COURSES, DISTANCES AND CURVES: NORTH 37 DEGREES 05 MINUTES 15 SECONDS WEST, 1256.58 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 U.S. SURVEY 124; THENCE LEAVING LAST SAID NORTHEAST RIGHT-OF-WAY LINE AND ALONG SAID NORTHWEST LINE OF U.S. SURVEY 124, NORTH 52 DEGREES 55 MINUTES 10 SECONDS EAST, 578.94 FEET TO THE POINT OF BEGINNING AND CONTAINS 2,532,962 SQUARE FEET, OR 58.149 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 and the specific conditions as recommended by the Planning

Commission in its recommendation to the City Council, which are set out in the Attachment "A" and the preliminary plan indicated as "Attachment B" which is attached hereto as and made part of.

Section 3. The City Council, pursuant to the petition filed by McBride and Sons Homes in P.Z. 02-2013, 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