

BILL NO. 2959

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN “NU” NON-URBAN DISTRICT TO A “R-2” RESIDENCE DISTRICT (15,000 SQFT LOT MIN.) FOR A 17.0 ACRE TRACT OF LAND LOCATED NORTHWEST OF THE INTERSECTION OF CLAYTON RD. AND SCHOETTLER RD. (P.Z. 09-2013 SCHOETTLER GROVE {2349 SCHOETTLER RD.} 20R310137 & 20R220010).

WHEREAS, Brinkman Holdings, LLC. has requested a change in zoning from “NU” Non-Urban District (Three Acre) to “R-3” Residence District (10,000 sqft lot min.) for a 17.0 acre tract of land located northwest of the intersection of Clayton Rd. and Schoettler Rd.; and,

WHEREAS, a Public Hearing was held before the Planning Commission on August 12, 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, amended the request from the “R-3” Residence District to “R-2” Residence District and recommended approval of the amended change of zoning; and,

WHEREAS, the City Council, having considered said request voted to approve the change of zoning to “R-2” Residence District.

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 “R-2” Residence District (15,000 sqft lot min) for a 17.0 acre tract of land located at 2349 Schoettler Rd. and as described as follows:

A tract of land being part of Fractional Section 24 in Township 45 North, Range 4 East of the Fifth Principal Meridian in the City of

Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at a point in the Southern line of U.S. Survey 412, said point being the Northwest corner of a tract of land described in a deed book 10722, page 1411 of the St. Louis County records; thence along the Northern line of said tract North 57 degrees 31 minutes 00 seconds East, a distance of 26.57 feet to the Western line of Schoettler Road; thence along the Western line of Schoettler Road the following: thence South 25 degrees 42 minutes 00 seconds East, a distance of 368.46 feet to a point; thence South 19 degrees 37 minutes 59 seconds East, a distance of 191.05 feet to a point; thence South 25 degrees 12 minutes 22 seconds East, a distance of 110.00 feet to a point; thence South 30 degrees 02 minutes 14 seconds West, a distance of 121.85 feet to a point on the Northern line of Clayton Road; thence along said Northern line South 61 degrees 05 minutes 27 seconds West, a distance of 386.11 feet to a point; thence leaving said North line along the Eastern and Northern line of Gascony, a subdivision filed for record on Plat Book 354, Pages 161 and 162 of the St. Louis County Records the following: North 31 degrees 36 minutes 00 seconds West, a distance of 250.99 feet to a point; thence South 59 degrees 40 minutes 00 seconds West, a distance of 577.80 feet to a point on the Eastern line of a tract of land described in a deed to the First Baptist Church of Ballwin as recorded in Deed Book 9408 Page 1794 of the St. Louis County Records; thence along the Eastern line of said tract South 32 degrees 29 minutes 30 seconds East, a distance of 66.60 feet to the Southeast corner thereof; thence along the Southern line of said tract South 57 degrees 27 minutes 30 seconds West, a distance of 230.78 feet to the Southwestern corner thereof; thence along the Western line of said tract North 32 degrees 33 minutes 55 seconds West, a distance of 487.84 feet to the Northwest corner thereof, said corner also being on the Southern line of Westerly Place, a subdivision filed for record in Plat Book 302, Pages 18 and 19 of said St. Louis County Records; thence along the Southern line of said Westerly Place and the Northern line of the aforesaid First Baptist Church tract North 57 degrees 31 minutes 00 seconds East, a distance of 231.41 feet to the Northeast corner of said First Baptist Church tract; thence continuing along the Southern line of Westerly Place North 57

degrees 31 minutes 00 seconds East, a distance of 1140.00 feet to the Point of Beginning and containing 17.0 acres more or less as per calculations by Stock & Associates Consulting Engineers, Inc. during the Month of July, 2013.

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 Brinkman Holdings, LLC in P.Z. 09-2013 Schoettler Grove, 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 12th day of August 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 _____, 2014

MAYOR

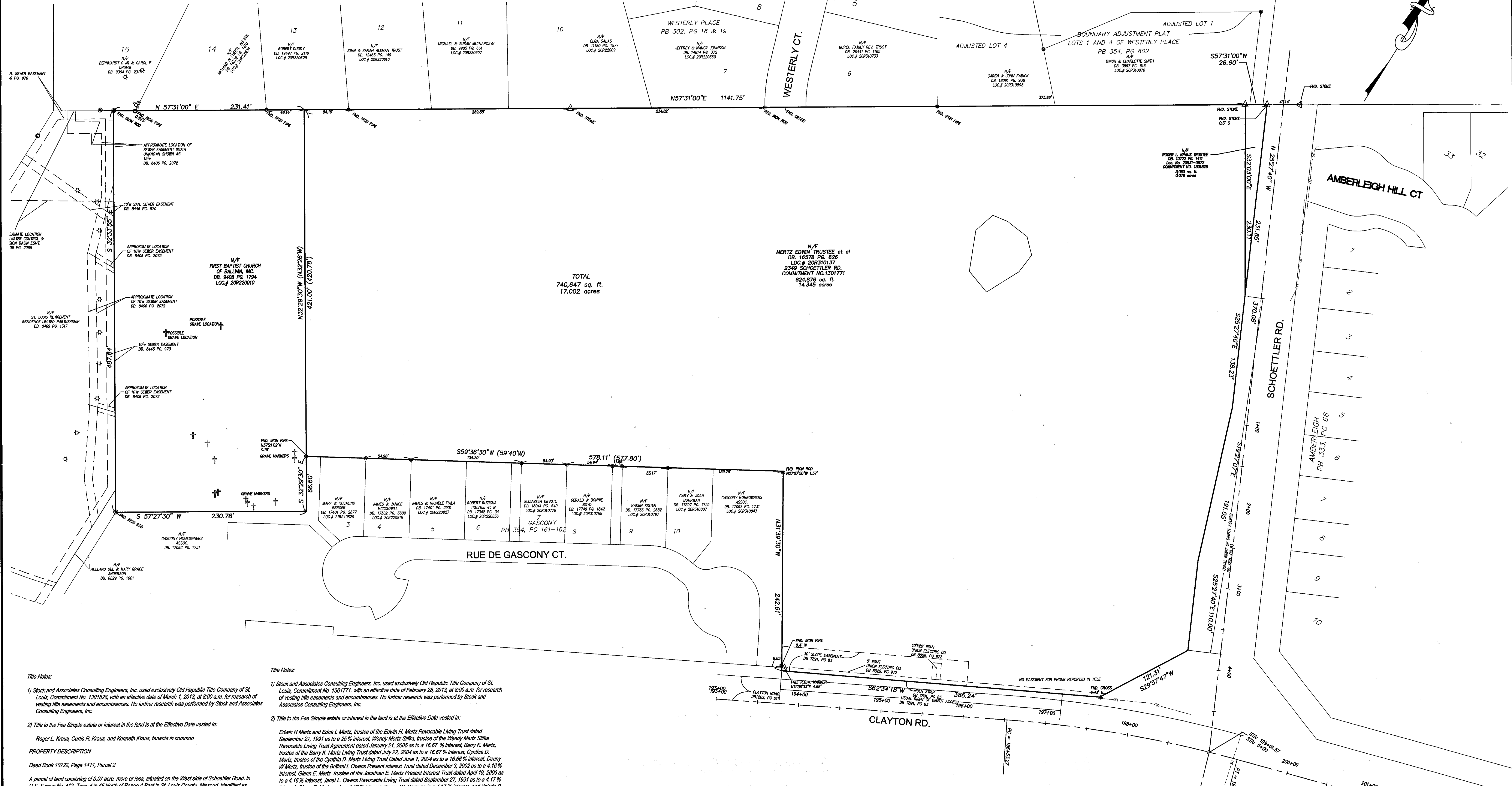
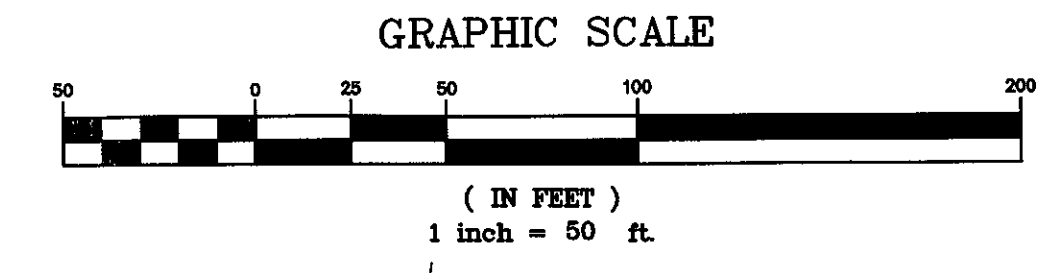
ATTEST:

CITY CLERK

FIRST READING HELD: February 3, 2014

PROPERTY BOUNDARY EXHIBIT

A TRACT OF LAND BEING PART OF FRACTIONAL SECTION 24
TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN
CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



TOTAL
740,647 sq. ft.
17.002 acres

N/F
MERTZ EDWIN TRUSTEE et al
DE. 16578 P.C. 426
LOC. # 20R310137
2349 SCHOETTLETT RD.
COMMITMENT NO. 1301771
624,876 sq. ft.
14.345 acres

Title Notes:

- Stock and Associates Consulting Engineers, Inc. used exclusively Old Republic Title Company of St. Louis, Commitment No. 1301771, with an effective date of February 28, 2013, at 8:00 a.m. for research of existing title encumbrances and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.
- Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Roger L. Kraus, Curtis R. Kraus, and Kenneth Kraus, tenants in common

PROPERTY DESCRIPTION

Deed Book 10722, Page 1411, Parcel 2

A parcel of land consisting of 0.07 acre, more or less, situated on the West side of Schoettler Road in U.S. Survey No. 412, Township 45 North of Range 4 East in St. Louis County, Missouri, identified as Locator No. 20R310137 in the St. Louis County Assessor's Office.

GENERAL NOTES:

- Subject property lies within Flood Zone "A" (area determined to be outside the 500-year flood), according to the National Flood Insurance Program Flood Insurance Rate Map for St. Louis County, Missouri and Incorporated Areas. The Maps are identified as Map 29189C0157 H with an effective date of August 2, 1995.
- Present Zoning: "NU" Non-Urban
Setback Requirements:
Front Yard: 55 feet
Side Yard: 20 feet
Rear Yard: 20 feet
- Basis of Bearings is the North line of the tract of land described in the deed recorded in Deed Book 16578, Page 626.

Title Notes:

- Stock and Associates Consulting Engineers, Inc. used exclusively Old Republic Title Company of St. Louis, Commitment No. 1301771, with an effective date of February 28, 2013, at 8:00 a.m. for research of existing title encumbrances and encumbrances. No further research was performed by Stock and Associates Consulting Engineers, Inc.
- Title to the Fee Simple estate or interest in the land is at the Effective Date vested in:
Edwin H. Mertz and Edna L. Mertz, trustee of the Edwin H. Mertz Revocable Living Trust dated September 27, 1991 as to a 25% interest, Wendy Mertz Silfka, trustee of the Wendy Mertz Silfka Revocable Living Trust Agreement dated January 21, 2005 as to a 16.67% interest, Barry K. Mertz, trustee of the Barry K. Mertz Living Trust dated July 22, 2004 as to a 16.67% interest, Cynthia D. Mertz, trustee of the Cynthia D. Mertz Living Trust dated June 1, 2004 as to a 16.66% interest, Danny W. Mertz, trustee of the Danny W. Mertz Present Interest Trust dated December 3, 2002 as to a 4.16% interest, Glenn E. Mertz, trustee of the Jonathan E. Mertz Present Interest Trust dated April 18, 2003 as to a 4.16% interest, Janet L. Owens Revocable Living Trust dated September 27, 1991 as to a 4.17% interest, Glenn E. Mertz as to a 4.17% interest, Danny W. Mertz as to a 4.17% interest, and Valerie B. Mertz as to a 4.17% interest
- Title Commitment No. 1301771 with Schedule B-Section 2 exceptions:
 - Item 6. Easement to Leach Gas Company recorded in Book 5126 Page 138. "NOT SHOWN" Does not affect the survey parcel.
 - Item 5. Subject to Easement to Union Electric Company recorded in Book 8029 Page 972. "SHOWN"
 - Item 7. Subject to Easement granted to State of Missouri recorded as Cause Number 529998, a copy of which is recorded in Book 7691 Page 63. "SHOWN"
 - Item 8. Establishment of Clayton Road according to the instrument recorded in Book 1194 Page 491 and Book 1302 Page 210. "SHOWN"

PROPERTY DESCRIPTION

A tract of land being Adjusted Lot 1 of the "Boundary Adjustment Plat of Lots 1 and 4 of Westerly Place" as recorded in Plat Book 354, Page 802 of the St. Louis County Records being a part of U.S. Survey 412 and part of Fractional Section 24 in Township 45 North, Range 4 East of the Fifth Principal Meridian in the City of Chesterfield, St. Louis County, Missouri and being more particularly described as follows:

BEGINNING at a Stone in the Southern line of U.S. Survey 412, said point being the Northwest corner of a tract of land described in a deed book 10722, page 1411 of the St. Louis County records; thence along the Northern line of said tract North 57 degrees 31 minutes 00 seconds East, a distance of 26.60 feet to the Western line of Schoettler Road; thence along the Western line of Schoettler Road the following: thence South 25 degrees 27 minutes 40 seconds East, a distance of 570.08 feet to a point; thence South 19 degrees 27 minutes 07 seconds East, a distance of 191.05 feet to a point; thence South 25 degrees 27 minutes 40 seconds East, a distance of 110.00 feet to a point; thence South 29 degrees 57 minutes 47 seconds West, a distance of 121.31 feet to a point on the Northern line of Clayton Road; thence along said Northern line South 62 degrees 54 minutes 18 seconds West, a distance of 385.24 feet to a point; thence leaving said North line along the Eastern and Northern line of Gascony, a subdivision filed for record on Plat Book 354, Pages 161 and 162 of the St. Louis County Records the following: North 31 degrees 39 minutes 30 seconds West, a distance of 242.61 feet to a point; thence South 59 degrees 36 minutes 30 seconds West, a distance of 578.11 feet to a point on the Eastern line of a tract of land described in a deed to the First Baptist Church of Ballwin as recorded in Deed Book 9406 Page 1794 of the St. Louis County Records; thence along the Eastern line of said tract South 32 degrees 29 minutes 30 seconds East, a distance of 68.60 feet to the Southeast corner thereof; thence along the Southern line of said tract South 57 degrees 27 minutes 30 seconds West, a distance of 230.78 feet to the Southwest corner thereof; thence along the Western line of said tract North 32 degrees 33 minutes 55 seconds West, a distance of 487.84 feet to the Northwest corner thereof, said corner also being on the Southern line of Westerly Place, a subdivision filed for record in Plat Book 302, Pages 18 and 19 of said St. Louis County Records; thence along the Southern line of said Westerly Place and the Northern line of the aforesaid First Baptist Church tract North 57 degrees 31 minutes 00 seconds East, a distance of 231.41 feet to the Northeast corner of said First Baptist Church tract; thence continuing along the Southern line of Westerly Place, North 57 degrees 31 minutes 00 seconds East, a distance of 1141.75 feet to the Point of Beginning and containing 740,647 square feet or 17.002 acres more or less as per a survey by Stock & Associates Consulting Engineers, Inc. during the Month of April, 2013.

This Property Boundary Exhibit has been prepared from an actual Property Boundary Survey and record information and the results are shown hereon. The existing subdivision and parcels are as shown on this exhibit.

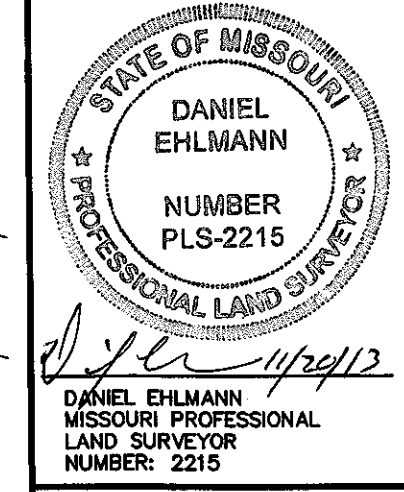
Stock & Associates Consulting Engineers, Inc.
LC No. 222-D
[Signature]
Daniel Ehlmann M.O. P.L.S. #2215

PREPARED FOR:
WB PROPERTIES, LLC
c/o BRINKMAN CONSTRUCTORS
16650 Chesterfield Grove Road, Suite 100
CHESTERFIELD, MO. 63005
PHONE: (314) 537-9700

ST. LOUIS COUNTY BENCHMARK
13-223 ELEV=646.21
STANDARD ALUMINUM DISK STAMPED SL-64 1992 DISK
IS AT NORTHWEST CORNER OF CLAYTON ROAD AND
CABINET DRIVE, 38' WEST OF THE CENTERLINE OF
CABINET DRIVE AND 19' NORTH OF THE NORTH EDGE OF
CLAYTON ROAD.

PREPARED BY:
STOCK & ASSOCIATES
Consulting Engineers, Inc.
227 Chesterfield Business Parkway
Chesterfield, MO 63005
PH: (636) 530-9100
FAX: (636) 530-9130
e-mail: geninfo@stockeng.com
Web: www.stockeng.com

PRELIMINARY SITE PLANS FOR
2349 SCHOETTLETT ROAD
LOC. # 20R310137
CITY OF CHESTERFIELD, MISSOURI



REVISIONS:	
1	00/00/0000
2	

DRAWN BY: C.M.E.
CHECKED BY: C.M.E.
DATE: 4/16/13
JOB NO: 213-5071
SHEET TITLE: PROPERTY BOUNDARY EXHIBIT
SHEET NO.: SHEET 2