



**VIII. D.**

---

690 Chesterfield Pkwy W • Chesterfield MO 63017-0760  
Phone: 636-537-4000 • Fax 636-537-4798 • www.chesterfield.mo.us

---

## **Planning Commission Vote Report**

**Subject:** Conditional Use Permit Vote Report

**Meeting Date:** January 10, 2010

**From:** Mara M. Perry, AICP, Senior Planner

**Location:** North of North Outer 40 Road west of the intersection with Boones Crossing. (16U220023)

**Petition:** **P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties)**

### **Proposal Summary**

KLMR Properties is requesting a Conditional Use Permit (CUP) to allow for the Extraction of raw materials from the earth and processing thereof, but not including the manufacture of a product use in a “FPNU” Flood Plain Non-Urban District. The request is for the 30.650 acre lot A2 which is located to the north of the levee. The City’s Comprehensive Land Use Plan designates this area as Agricultural/ Flood Plain/ Conservation.

### **Department Input**

The Conditional Use Permit for this request meets all of the development requirements of the City of Chesterfield.

### **Zoning Analysis**

The procedure for review/approval of a conditional use permit is set forth in Section 1003.181 of the Zoning Ordinance as follows:

- A Public Hearing is held at which time, unless further discussion is deemed necessary by the Commission, a vote is taken on the requested conditional use.
- If the Planning Commission votes to approve a conditional use, the Commission may impose conditions related to the requested conditional use as necessary.
- The Planning Commission, via Staff, files a report with the City Council granting or denying the application and stating the reasons therefore.
- Unless the City Council exercises its power of review or a protest is duly filed with the City Clerk, the Conditional Use Permit (C.U.P.) will become effective after 15 days of the City Council’s receipt of the Planning Commission’s report granting the application.
- If the Commission votes to deny a conditional use, the City Council may still exercise its power of review or the applicant may file an appeal within 15 days of the Planning Commission decision.

A preliminary plan accompanies all conditional use permit requests. When a vote is taken on the conditional use request, the vote is to approve the use(s), not to approve the accompanying preliminary plan which is provided for informational purposes only.

The surrounding properties to the east and west of the subject site are also zoned Flood Plain Non-Urban. The property to the south is the continuation of the Larry Enterprises/Jim Lynch Hummer subdivision. There is currently no development on the part of the property immediately south of the subject site.

### Surrounding Land Use and Zoning

The land use and zoning for the properties surrounding this parcel are as follows:

North: The property to the north is the Missouri River

South: The property to the south is the Larry Enterprises/Jim Lynch Hummer subdivision zoned "PI" Planned Industrial District

East: The property to the east is the Larry Enterprises/Jim Lynch Hummer subdivision zoned "FPNU" Flood Plain Non-Urban District

West: The property to the west is zoned "FPNU" Flood Plain Non-Urban District







View looking north into the subject site



View looking east along the top of the levee trail



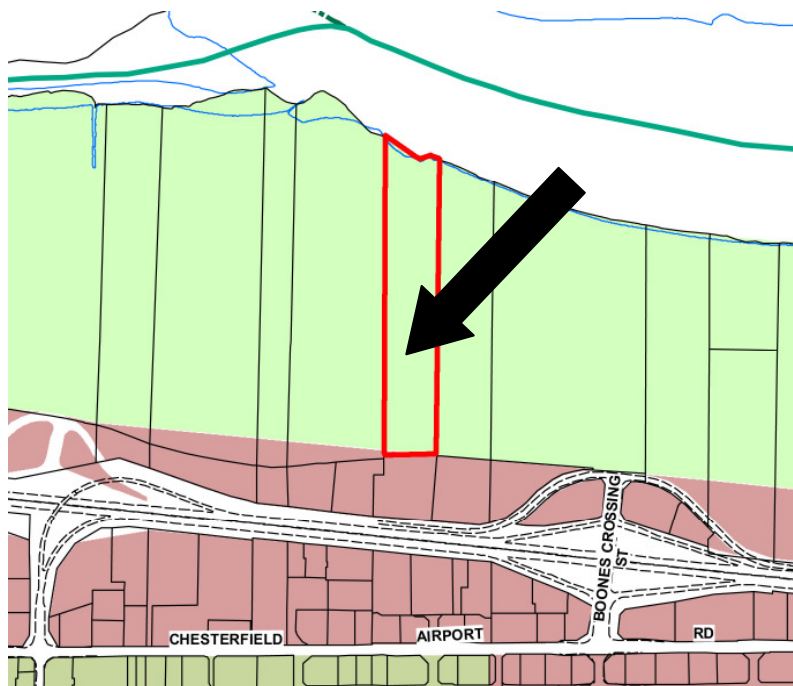
View looking south towards Interstate 64-Highway 40



View looking west along the top of the levee trail

### Comprehensive Plan Analysis

The City of Chesterfield Comprehensive Plan Land Use Map delineates the subject site within the Agricultural/ Flood Plain/ Conservation use designation. This subject site is not located in any sub-area identified by the Comprehensive Plan; therefore there are no additional development guidelines for this site.



### **Site Area History**

The subject site was zoned "FPNU" Flood Plain Non-Urban prior to the incorporation of the City of Chesterfield.

In February of 2004, the property was platted as the Larry Enterprise/ Lynch Hummer subdivision with two lots. The eastern lot, Lot A, was subdivided in December of 2006 into two lots. Lot A1 is the property located to the south of the levee and Lot A2 is the property to the north of the levee.

### **Issues**

A Public Hearing is being held on Monday January 10, 2011. Staff has no outstanding issues on this Conditional Use Permit petition.

### **Request**

Staff has reviewed the Conditional Use Permit request and the request adheres to all applicable requirements of the City of Chesterfield. Staff requests action on the Conditional Use Permit for P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mara M. Perry". The signature is written in a cursive, flowing style.

Mara M. Perry, AICP  
Senior Planner

### **Attachments**

1. Conditional Use Permit #33
2. Resubdivision Plat

### CONDITIONAL USE PERMIT #33

**Petition:** P.Z. 13-2010 17417 N. Outer 40 Road (KLMR Properties)  
**Public Hearing Date:** January 10, 2011  
**Site Location:** 17417 N. Outer 40 Road  
**Acreage for CUP:** 30.650 acres  
**Underlying Zoning District:** Flood Plain Non-Urban "FPNU"

The following Conditional Use shall be allowed in this development:

1. Extraction of raw materials from the earth and processing thereof, but not including the manufacture of a product.

All provisions of the City of Chesterfield City Code shall apply to this development except as modified below:

1. The Levee District requires that any excavations riverside of the existing 500-year Monarch-Chesterfield Levee District, due to seepage restrictions associated with the design of the levee, be limited within a calculated distance from the riverside levee toe. The property in question is located at approximately levee station 315+00, and this restricted distance is 700'. Excavations greater than 700' from the riverside levee toe are not restricted.
2. The Levee District requires that any excavations landside of the existing agricultural levee on the north side of the property be limited within a calculated distance from the landside levee toe of 250'. Excavations greater than 250' from the landside agricultural levee toe are not restricted.
3. In regards to minimal excavation within the 700' and 250' restricted zones, a more detailed seepage analysis by a registered professional civil engineer is required. Said analysis must demonstrate to the Levee District's satisfaction that the proposed excavations will not have any harmful or negative effect upon the functioning of the levee or the accompanying seepage berm.

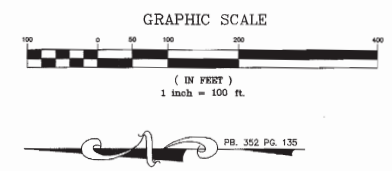
#### Legal Description

A tract of land being Lot A2 of the Resubdivision of Lot A Larry Enterprises and Lynch Hummer Subdivision, Plat Book 354, Page 1022, located in U.S. Survey 125, Township 45 North, Range 4 East of the 5<sup>th</sup> Principle Meridian City of Chesterfield, St. Louis County, Missouri.



THE RESUBDIVISION OF LOT A OF LARRY ENTERPRISES AND LYNCH HUMMER SUBDIVISION

A TRACT OF LAND BEING LOT A OF LARRY ENTERPRISES AND LYNCH HUMMER SUBDIVISION AS RECORDED IN PLAT BOOK 352 PAGE 135 OF THE ST. LOUIS COUNTY RECORDER OF DEEDS OFFICE LOCATED IN U.S. SURVEY 125, TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE 5TH PRINCIPAL MERIDIAN CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI



1027

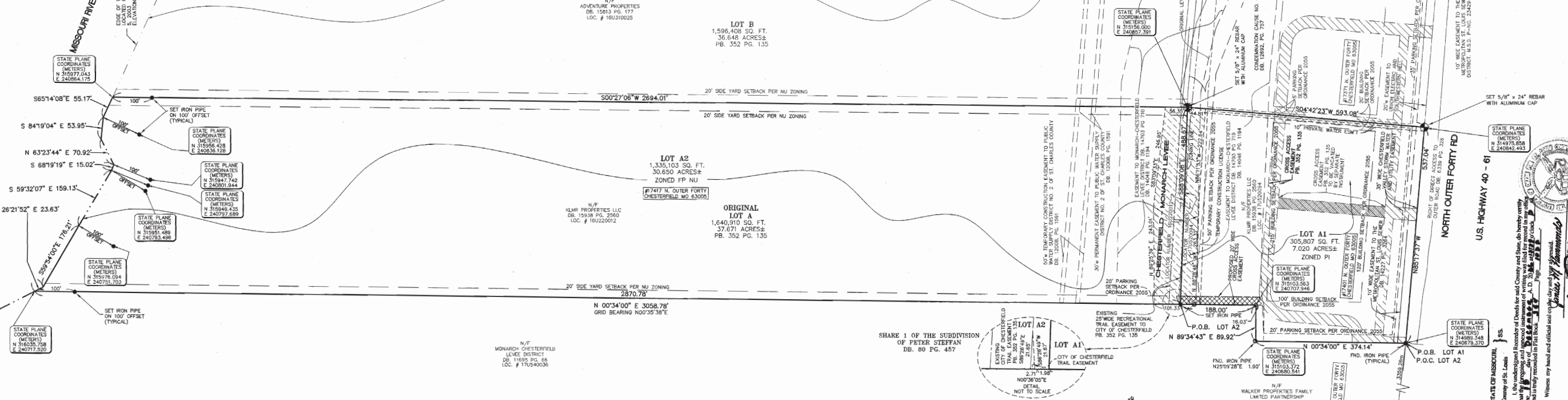
910

- NOTES: (1) Basis of bearings adopted from Plat Book 352, Page 135 of the St. Louis County Records. (2) Subject property lies within Flood Zone "AE" (special flood hazard areas inundated by 100-year flood) base flood elevations determined (Elevation 465) and Flood Zone "AH" (flood depths of one (1) to three (3) feet) (usually areas of ponding) base flood elevation determined (Elevation 458) according to the National Flood Insurance Program Flood Insurance Rate Map for St. Louis County, Missouri and incorporated Areas. The map is identified as Map No. 29189D040 H with an effective date of January 6, 1998, and revised to reflect LOMR dated April 17, 2000. (3) Existing Zoning: P.L. (Planned Commercial) Ordinance No. 1454 and FPIU (Non-Urban Flood Plain). (4) Subject property lies within Flood Zone "AE" (special flood hazard areas inundated by 100-year flood) base flood elevations determined (Elevation 465) and Flood Zone "AH" (flood depths of one (1) to three (3) feet) (usually areas of ponding) base flood elevation determined (Elevation 458) according to the National Flood Insurance Program Flood Insurance Rate Map for St. Louis County, Missouri and incorporated Areas. The map is identified as Map No. 29189D040 H with an effective date of January 6, 1998, and revised to reflect LOMR dated April 17, 2000.

(5) STATE PLANE: STATE PLANE COORDINATES FROM STATION SL-40, 2000 GRID FACTOR - 0.99993333 - N. 315,378.803 E. 237,342.881 COORDINATE RELATIVE POSITIONAL TOLERANCE IS 3 CENTIMETERS. (NOTE: 1 METER = 3.28083333 FEET) NOTE: ALL STATE PLANE COORDINATES ARE IN METERS AND REPRESENT THE PROPERTY CORNER. STATION: SL-40, 2000 DESCRIPTION: The station is behind the guardrail of the North Outer Road of US Hwy 40-61 at a T-junction with Spirit of St. Louis Blvd., 11.49 ft. north of a cotton picker spindle at the edge of pavement; 5.65 ft. NE of the NW corner of a guardrail post; 2.50 ft. north of a corosita (white) post; 73.09 ft. westerly of a MSHD survey monument; 7.60 ft. west of the NE corner of a guardrail post; and 2.12 ft. north of the NW corner of a guardrail post. Station SL-40 to SL-40A Grid Azimuth = 100 degrees 17 minutes 44 seconds NOTE: The East line of Share 1 grid bearing is N00°35'38"E

BOOK 352 PAGE 135 FILED FOR RECORD DEC 15 2006 RECORDED AT RECORDER'S OFFICE ST. LOUIS COUNTY, MO

910



Beginning at the intersection of the Northern line of Missouri State Highway 40-61 with the Eastern line of Share 1 of the Subdivision of the Estate of Peter Steffan, as recorded in Deed Book 80, Page 457 in the St. Louis County Records; thence Northwesterly along said Eastern line of Share 1 the following courses and distances: North 00 degrees 34 minutes 00 seconds East 374.14 feet, North 89 degrees 34 minutes, 43 seconds East 89.92 feet, and North 00 degrees 34 minutes 00 seconds East 3058.78 feet to the edge of water of the Missouri River, as located on November 5, 2003; thence Eastwesterly along said edge of water the following courses and distances: South 26 degrees 21 minutes 52 seconds East 23.63 feet, South 59 degrees 54 minutes 00 seconds East 176.21 feet, South 59 degrees 32 minutes 07 seconds East 159.13 feet, South 68 degrees 19 minutes 19 seconds East 15.02 feet, North 63 degrees 23 minutes 44 seconds East 70.92 feet, South 84 degrees 19 minutes 04 seconds East 53.95 feet, and South 65 degrees 14 minutes 08 seconds East 55.17 feet to the Eastern line of Lot A of Larry Enterprises and Lynch Hummer Subdivision, according to the plat thereof recorded in Plat Book 352, Page 135 of the St. Louis County Records; thence South 00 degrees 27 minutes 00 seconds West along said Eastern line 2694.01 feet; thence South 04 degrees 42 minutes 23 seconds West along said Eastern line 537.04 feet to a point on the Northern line of Missouri State Highway 40-61; thence North 85 degrees 17 minutes 37 seconds West along said Northern line 537.04 feet to the point of beginning and containing 1,640,910 square feet or 37.671 acres more or less.

Commencing at the intersection of the Northern line of Missouri State Highway 40-61 with the Eastern line of Share 1 of the Subdivision of the Estate of Peter Steffan, as recorded in Deed Book 80, Page 457 in the St. Louis County Records; thence Northwesterly along said Eastern line of Share 1 the following courses and distances: North 00 degrees 34 minutes 00 seconds East 374.14 feet, North 89 degrees 34 minutes, 43 seconds East 89.92 feet, and North 00 degrees 34 minutes 00 seconds East 3058.78 feet to the True Point of Beginning, thence continuing along said Eastern Line, North 00 degrees 34 minutes 00 seconds East 2870.78 feet to the edge of water of the Missouri River, as located on November 5, 2003; thence Eastwesterly along said edge of water the following courses and distances: South 26 degrees 21 minutes 52 seconds East 23.63 feet, South 59 degrees 32 minutes 07 seconds East 159.13 feet, South 68 degrees 19 minutes 19 seconds East 15.02 feet, North 63 degrees 23 minutes 44 seconds East 70.92 feet, South 84 degrees 19 minutes 04 seconds East 53.95 feet, and South 65 degrees 14 minutes 08 seconds East 55.17 feet to the Eastern line of Lot A of Larry Enterprises and Lynch Hummer Subdivision, according to the plat thereof recorded in Plat Book 352, Page 135 of the St. Louis County Records; thence South 00 degrees 27 minutes 00 seconds West along said Eastern line 2694.01 feet; thence South 04 degrees 42 minutes 23 seconds West along said Eastern line 537.04 feet to a point on the Northern line of Missouri State Highway 40-61; thence North 85 degrees 17 minutes 37 seconds West along said Northern line 537.04 feet to the point of beginning and containing 1,335,103 square feet or 30.65 acres more or less.

OWNER'S CERTIFICATION: We, the undersigned owners of the tract of land plotted and further described in the foregoing Surveyor's Certification, have caused the same to be surveyed and subdivided in the manner shown on this plat, which subdivision shall hereafter be known as RESUBDIVISION OF LOT A OF LARRY ENTERPRISES AND LYNCH HUMMER SUBDIVISION. No new public right-of-ways have been created. The area which for better identification as shown hatched on this plat is hereby established as a 20-foot wide INGRESS/EGRESS, CROSS ACCESS, PARKING AND UTILITY EASEMENT, reserved by the present and future owners of Lots A1 and A2 of "Resubdivision of Lot A of Larry Enterprises and Lynch Hummer Subdivision", and all of their respective successors and assigns, their tenants, sub-tenants, lessees, and their respective officers, employees, agents, representatives, invitees, for the non-exclusive right and privilege for ingress and egress by pedestrian, automobile, passenger vehicles, and trucks. The owners agree not to obstruct the foregoing easement by means of a fence or other barrier, and further, to keep the area open and useable on their property leading to and from the North Outer Road of U. S. Highway 40-61, variable width. No such easement shall be relocated, narrowed, or otherwise altered without the approval of the present and future owners of above said A1 and A2, and the easement hereby established shall apply fully to such other accessway, and said easement shall be perpetual and further shall run with the real estate. Two (2) permanent monuments for each block created, and semi-permanent monuments at all lot corners will be set, with the exception that the block lot corners will be monumented on the side lot lines at a one hundred foot (100') offset distance from the actual corner where none exist, that will aid in later recovery within twelve (12) months after the recording of this subdivision plat, in accordance with 10 CSR 30-2.090 of the Missouri Department of Natural Resources, and 4 CSR 30-16.090 of the Missouri Department of Economic Development. In addition, other survey monuments indicated on this subdivision plat, required by the Subdivision Ordinance of the City of Chesterfield, Missouri will be set. The 10' Private Water Easement as shown herein is hereby established for the owners of Lot A2, thence successors or assigns, for the installation, construction and maintenance of a private water service to serve Lot A2. The City of Chesterfield Trail Easement as shown on this plat is hereby dedicated to the City of Chesterfield, Missouri, their successors and assigns as their interest may appear for the purpose of a bikeway/walkway-path/trail and appurtenances thereto. No private encroachment shall be permitted within the easement and the property owner(s) or its successors in title to said property shall not cause to be constructed or allow to be constructed in, over, under, upon, through or upon the easement any buildings, structures, signs, billboards, utility lines, poles or pipes, or any other improvements not provided herein. The easement hereby granted is irrevocable and shall continue forever.

The City of Chesterfield Recreational Trail Temporary Construction License as shown on this plat is hereby dedicated to the City of Chesterfield, Missouri, their successors and assigns as their interest may appear for the purpose of making cuts, fills and sloping embankment, constructing drives, providing working road and implementing any and all other related construction items for the construction of the Monarch-Chesterfield Levee Hiking, Biking, and Walking Trail. This Temporary Construction License shall terminate upon granting or denial of acceptance by the City of Chesterfield or its assigns of the Monarch-Chesterfield Levee Hiking, Biking, and Walking Trail. No installation will be placed on the above plotted land as will interfere with the proper construction of the aforementioned project until this license is terminated. It is hereby certified that all existing easements are shown on this plat as of the time and date of the recording of this plat. IN WITNESS WHEREOF, the parties have hereunto set their hand this 6th day of December, 2006. LARRY ENTERPRISES, L.L.C., a Missouri Limited Liability Company By: Larry Liswitz - OWNER

The undersigned Owner and Holder of Notes as secured by Deed of Trust recorded in Book 352, Page 135 of St. Louis County Records, does hereby join in and approve, in every detail, the foregoing plat of the "Resubdivision of Lot A of Larry Enterprises and Lynch Hummer". IN WITNESS WHEREOF, we have hereunto set our hand and affixed our corporate seal this 6th day of December, 2006. U.S. Bank N.A. By: Jacquelyn K. Hancock, Vice President

STATE OF MISSOURI } COUNTY OF ST. LOUIS } ss. On this 6th day of December, 2006, before me appeared Jacquelyn K. Hancock, who being by me duly sworn, did say that he/she is the Vice President of a Banking Corporation and that the use of the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Jacquelyn K. Hancock acknowledged said instrument to be the free act and deed of said limited liability corporation. My commission expires: 3-29-08

STATE OF MISSOURI } COUNTY OF ST. LOUIS } ss. On this 6th day of December, 2006, before me appeared Daniel Horck, who being by me duly sworn, did say he is the OWNER of LARRY ENTERPRISES, L.L.C., a Missouri limited liability company, and that said instrument was signed on behalf of said limited liability company, and that said LARRY LISWITZ acknowledged said instrument to be the free act and deed of said limited liability company. My commission expires: 3/17/09

STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. LC No. 222-D. This is to certify that Stock & Associates Consulting Engineers, Inc. have during November and December, 2006, by order of and for the use of KLMR PROPERTIES, L.L.C., executed a Property Boundary Survey and during the Month of October, 2006 prepared a resubdivision plat of part of tract of land being Lot "A" of Larry Enterprises and Lynch Hummer Subdivision" as recorded in Plat Book 352, Page 135 of the St. Louis County, Missouri Office of Recorder of Deeds being situated in U.S. Survey 125, Township 4, Range 4 East, St. Louis County, Missouri, being part of the same property known as the Ruppel Farm, City of Chesterfield, St. Louis County, Missouri, and that the results of said survey and subdivision are shown hereon. We further certify that said survey meets or exceeds the minimum standards for current Property Boundary Surveys for "Class Urban Property" as defined in Chapter 16, Land Surveying 4 CSR 30-16.040 of the Missouri Standards for Property Boundary Surveys, and adopted by the Missouri Board of Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. DONALD W. TAYLOR, Missouri P.E.S. No. 2041

ABBREVIATIONS table with columns for symbol and description: DB - DEED BOOK, FND - FOUND, N/A - NONE OR FORMERLY, PB - PLAT BOOK, PL - FAKE, FT - FEET, SQ - SQUARE, (R/W) - RIGHT-OF-WAY WIDTH, P.O.B. - POINT OF BEGINNING, ( ) - RECORD INFORMATION, P.O.C. - POINT OF COMMENCEMENT, LOC. - LOCATOR

PREPARED FOR: KLMR PROPERTIES LLC ATTENTION: LARRY LISWITZ 42 WOODCLIFFE ST. LOUIS, MISSOURI 63124 PHONE: (314) 983-1329 MSD P. NO. P-0025992-01 MSD BASE MAP NO. 17U2

RECORD PLAT THE RESUBDIVISION OF LOT A OF LARRY ENTERPRISES AND LYNCH HUMMER SUBDIVISION STOCK & ASSOCIATES Consulting Engineers, Inc. 257 Chesterfield Business Parkway St. Louis, MO 63105 PH: (636) 530-3100 FAX: (636) 530-3100 e-mail: general@stockassoc.com Web: www.stockassoc.com

6099