



VIII. A.

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PLANNING COMMISSION VOTE REPORT

Subject: Change of Zoning Vote Report

Meeting Date: March 11, 2013

From: Aimee Nassif, AICP
Planning and Development Services Director

Location: 16636 Old Chesterfield Road

Petition: P.Z. 03-2013 & 04-2013, 16636 Old Chesterfield Road

Proposal Summary

Edward and Janie Struckman (applicant and property owners) have submitted a request for a change of zoning from “NU” Non-Urban District to “UC” Urban Core District for the above referenced property (P.Z. 03-2013). Associated with this request in zoning change, the petitioners have also requested a Landmark Preservation Area (LPA) Procedure (P.Z. 04-2013). The proposed zoning change is being requested to accommodate the planned uses of Art Gallery, General Office, Neighborhood Retail Sales Establishment and Single-Family Dwelling. The LPA procedure would allow additional flexibility in the adaptive re-use of this property to encourage its redevelopment.

Department Input

With the request for landmark status, the petitioners are requesting modifications to several development standards established in the City Code. These modifications pertain to minimum standards for structure setbacks, parking setbacks and open space.

In 2007 the City of Chesterfield adopted Ordinance 2414 which created incentives for property owners seeking landmark status. The purpose of this ordinance was to establish a mechanism that would preserve and protect areas and structures of historic significance, while giving property owners an opportunity to bring activity back to a site. Without this flexibility in development standards, most historic sites and structures would not be able to meet current

City requirements; thereby rendering these sites either unusable or jeopardizing the preservation of the historic structures.

The parking setbacks, structure setbacks, and open space requirements for this site have been written to reflect existing site conditions as reflected in the plan submitted by the Petitioner. It should also be noted that the only site improvements planned by the Petitioner involves paving and striping the existing parking area and internal drive in order to meet minimum parking requirements for the proposed uses. The language pertaining to setbacks and open space can be found on pages 1 and 2 of the Attachment A.

Site Area History

The subject site is located within the Burkhardt subdivision which is one of the City of Chesterfield's most notable historic areas. In May, 2006 the Burkhardt Subdivision was placed on the National Register of Historic Places.

The Burkhardt Subdivision was originally acquired by the Burkhardt family in 1877 gathering 21 acres of land bounded by the railroad to the north and what is now known as Old Chesterfield Road to the south. The southern portion of the Burkhardt Subdivision, south of what is now Old Chesterfield Road, was purchased in 1907 by Edward Burkhardt. Edward was the son of Christian Burkhardt who created the tract of land for the subject site (See Figure 1 & 2). In addition, the Old Chesterfield Area is one of the City's first areas to serve the rail line that entered what is now known as the Chesterfield Valley in the early 1880's.

The existing residential structure located on the subject site was built in 1920 and was used as a residence until its recent purchase by the petitioners. The subject site was zoned "NU" Non-Urban prior to the incorporation of the City of Chesterfield via St. Louis County in 1965. Since that time, there has been no zoning related activity to the site.

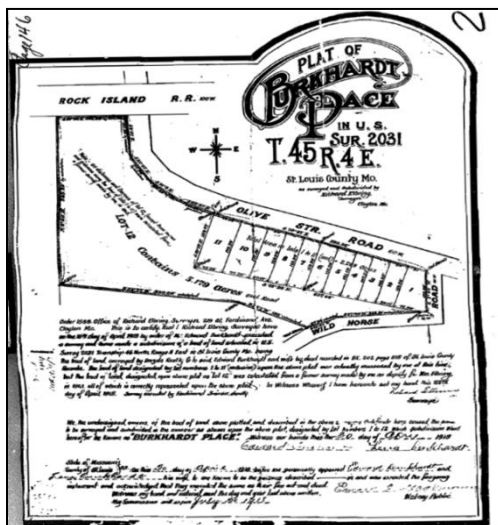


Figure 1: Burkhardt Place Plat

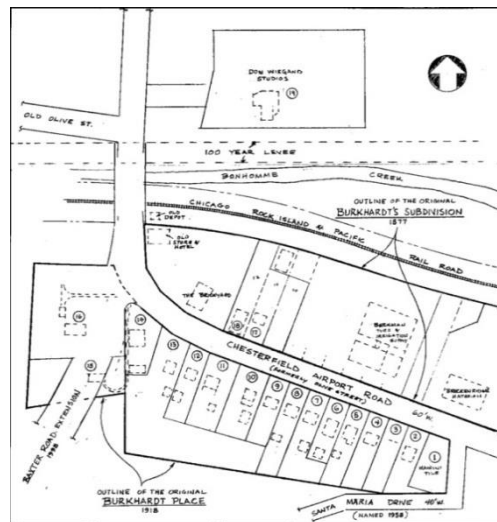


Figure 2: Plan Depicting Historic Area

The petitioners also own the property at 16626 Old Chesterfield Road and in 2009 also obtained landmark status. The petitioners currently use this property as a music studio.

Surrounding Land Use and Zoning Information

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

- North: The property to the north of the subject site is a warehouse that is currently zoned "PI" Planned Industrial District.
- South: The property to the south of the site is the Ascension School that is currently zoned "LLR" Large Lot Residential District.
- East: The property to the east of the subject site is used residentially with a Home Occupation (Pride Master, Inc.) and is currently zoned "PC" Planned Commercial.
- West: The property to the west of the subject site is zoned "NU" Non-Urban District and is used as a single-family residence.

Currently in the area of the subject site are uses such as; single-family residence, warehouse, public utility, educational facility and a music studio. Each of the uses proposed associated with this petition is similar in activity and size to the current uses surrounding the subject site. It is anticipated that the remaining "NU" zoned parcels within the area of the subject parcel will transition to the "UC" zoning district with LPA overlay (landmark status) in the future as redevelopment in this area occurs. Eight (8) other properties in this subdivision currently have either PC or UC district zoning with LPA overlay.

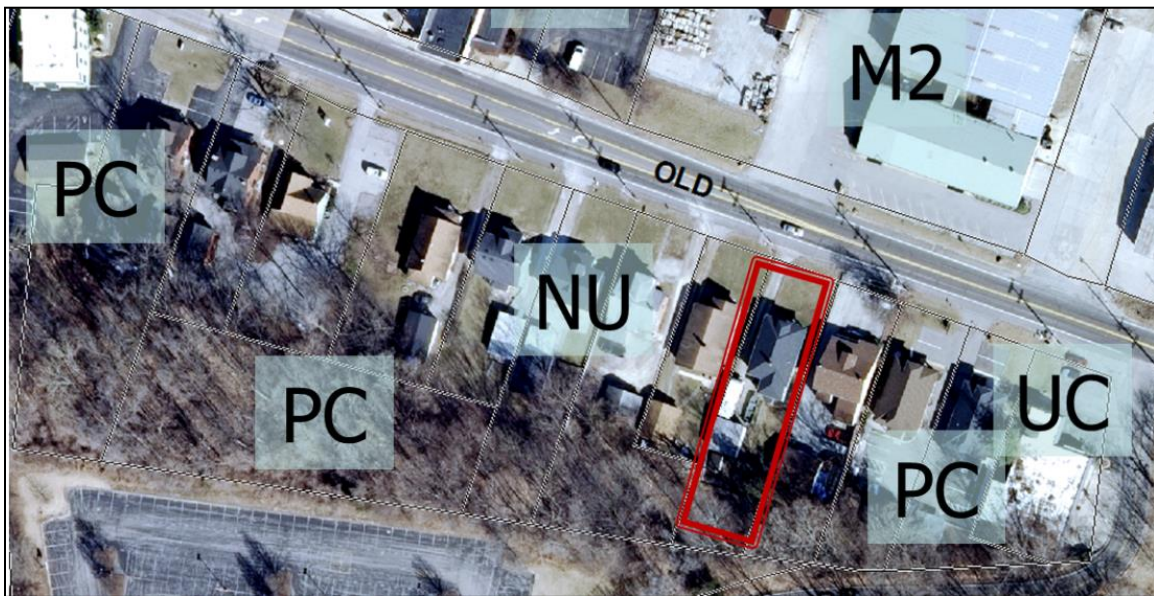


Figure 3: Aerial Photo and Surrounding Zoning

Comprehensive Plan Analysis

The subject site is located within Ward 4 of the City of Chesterfield. The Land Use Map from the City of Chesterfield Comprehensive Plan shows the subject site to be within the “Urban Core” district (See Figure 8). Land uses appropriate within this designation include a mixture of high-density residential, retail and office uses. The proposed uses associated with this requests are compliant with the Comprehensive Plan, and specifically the Urban Core district designation.



Figure 4: Subject Property from North



Figure 5: Picture of Garage Interior to Subject Property



Figure 6: Subject Property and Surrounding Lots for Northeast



Figure 7: Looking South from Subject Property

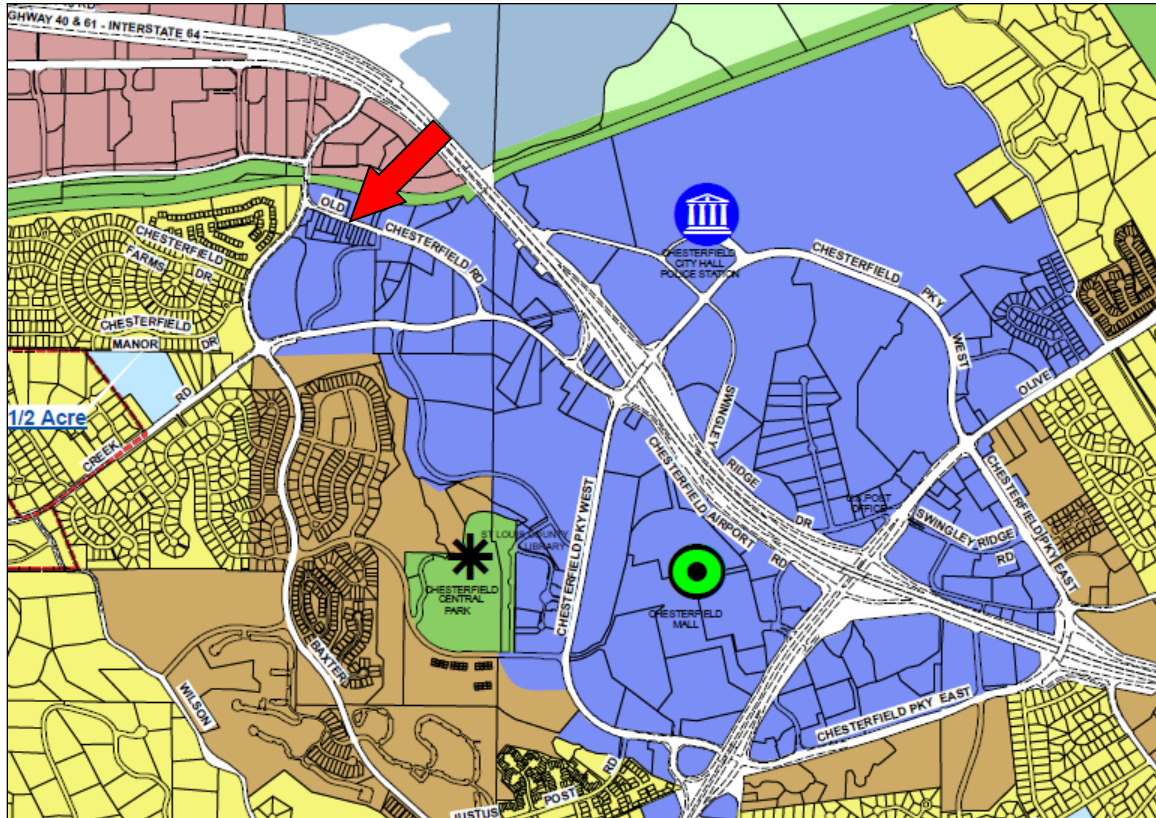


Figure 8: City of Chesterfield Comprehensive Plan Land Use Map

Landmark and Preservation Area Overlay

As mentioned earlier in this report, the petitioner is also requesting a Landmark and Preservation Area Overlay in conjunction with the change of zoning. The intent of this overlay is to encourage rehabilitation, restoration and adaptation of historic properties for current use. The Landmark and Preservation Area Overlay would allow for the property to retain its current layout and design safeguarding historical significant elements of the subject site by allowing modifications to development standards to be applied to the governing ordinance. For this petition, the Landmark and Preservation Area Overlay will work with the “UC” Urban Core District zoning classification to create development standards that will preserve the existing structure while allowing for improvements to the site to accommodate future tenants.

Requirements for the Landmark and Preservation Area Overlay state that a single parcel must meet at least one (1) of the criteria listed in Section 1003.191 of the Zoning Ordinance to qualify for this designation. The Chesterfield Historic and Landmark Preservation Committee, in accordance with Section 1003.191, reviewed this request and recommends approval. (see letter from the Committee Chair Lynne Johnson attached).

There have not been any significant changes to the site since its construction in 1920. The size and scale of the existing residential structure resembles the existing structures located within

the Burkhardt Historic District helping to preserve the cultural character and heritage of the area. This home, along with others within the development, was placed upon the National Historic Register in May 2006. The site survived the flood of 1993 and the natural progression of a growing urban fabric throughout the decades. Review of this area’s history reveals that this property has historic value.

Currently, there are a total of eight (8) properties within the Burkhardt Subdivision that have Landmark and Preservation Area designation (see below Figure 9).



Figure 9: Existing LPAs within the Area

The Landmark and Preservation Area Overlay requires a separate vote for approval apart from the requested change of zoning to “UC” District.

Issues

A Public Hearing was held before the Planning Commission on February 25th, 2013. During that meeting, no issues were identified with the proposal. Staff finds that the proposal will not adversely affect land use patterns for the area and has no issues on this request for a change in zoning. As stated previously in this report, the Attachment A includes modifications to current standards for open space, parking and structure setbacks.

Planning Commission
March 11, 2013

P.Z. 03 and 04 -2013
(16636 Old Chesterfield Road)

Request

Staff has reviewed the change of zoning request to the “UC” Urban Core District with a Landmark and Preservation Area Overlay. Two separate votes will be required for this petition. The first is for the change of zoning to the underlying “UC” Urban Core District and the second is for the Landmark and Preservation Area Overlay designation per City of Chesterfield Zoning Ordinance Section 1003.191 Landmark and Preservation Area (LPA).

Staff is requesting action on P.Z. 03-2013 & 04-2013 16636 Old Chesterfield Road.

Attachments:

1. Attachment A
2. Site Plan

ATTACHMENT A

All provisions of the City of Chesterfield City Code shall apply to this development except as specifically modified herein.

I. SPECIFIC CRITERIA

A. PERMITTED USES

1. The uses allowed in this "UC" Urban Core District, with Landmark and Preservation Area Overlay (LPA) shall be:
 - a. Art Gallery
 - b. Office, General
 - c. Retail sales establishment, neighborhood
 - d. Dwelling, single family detached
2. Hours of Operation.
 - a. Hours of operation for this "UC" District with LPA Overlay shall not be restricted.

B. FLOOR AREA, HEIGHT, BUILDING AND PARKING STRUCTURE REQUIREMENTS

1. Floor Area
 - a. Total building floor area shall not exceed 1,700 square feet.
2. Height
 - a. The maximum height of the building, exclusive of roof screening, shall not exceed thirty (30) feet.
3. Building Requirements
 - a. A minimum of 20% openspace is required for this development.

C. SETBACKS

1. Structure Setbacks

No building or structure, other than: a freestanding project identification sign, light standards, or flag poles will be located within the following setbacks:

 - a. Twenty (20) feet from the right-of-way of Old Chesterfield Road.
 - b. Zero (0) feet from the western and eastern boundary of the "UC" Urban Core District.
 - c. Twenty five (25) feet from the southern boundary of the "UC" Urban Core District.

2. Parking Setbacks

No parking stall, loading space, internal driveway, or roadway, except points of ingress or egress, will be located within the following setbacks:

- a. Twenty (20) feet from the right-of-way of Old Chesterfield Road.
- b. Zero (0) feet from the western and eastern boundary of the "UC" Urban Core District.
- c. Forty (40) feet from the southern boundary of the "UC" Urban Core District.

D. PARKING AND LOADING REQUIREMENTS

1. Parking and loading spaces for this development will be as required in the City of Chesterfield Code.
2. Parking lots shall not be used as streets.
3. The streets surrounding this development and any street used for construction access thereto shall be cleaned throughout the day. The developer shall keep the road clear of mud and debris at all times.
4. No parking shall be permitted along Old Chesterfield Road.

E. LANDSCAPE AND TREE REQUIREMENTS

The developer shall adhere to the Landscape and Tree Preservation Requirements of the City of Chesterfield Code.

F. SIGN REQUIREMENTS

1. Signs shall be permitted in accordance with the regulations of the City of Chesterfield Code or a Sign Package may be submitted for the planned district. Sign Packages shall adhere to the City Code and are reviewed and approved by the City of Chesterfield Planning Commission.
2. Ornamental Entrance Monument construction, if proposed, shall be reviewed by the City of Chesterfield, and/or the St. Louis County Department of Highways and Traffic (or MoDOT), for sight distance considerations prior to installation or construction.

G. LIGHT REQUIREMENTS

Provide a lighting plan and cut sheet in accordance with the City of Chesterfield Code.

H. ARCHITECTURAL

1. The developer shall adhere to the Architectural Review Standards of the City of Chesterfield Code.
2. Trash enclosures: All exterior trash areas will be enclosed with a minimum six (6) foot high sight-proof enclosure complemented by adequate landscaping. The location, material, and elevation of any trash enclosures will be as approved by the City of Chesterfield on the Site Development Plan.

I. ACCESS/ACCESS MANAGEMENT

1. Access to this development from Old Chesterfield Road shall be limited to one street approach. The location of the entrance shall be as directed by the City of Chesterfield.
2. Provide cross access easement and temporary slope construction license or other appropriate legal instrument or agreement guaranteeing permanent access between this site and adjacent properties as directed by the City of Chesterfield.
3. Any improvements to the entrance geometrics and drainage shall be in accordance with City standards and shall be reviewed and approved by the City. A permit will be required for any work within the City right of way.

J. PUBLIC/PRIVATE ROAD IMPROVEMENTS, INCLUDING PEDESTRIAN CIRCULATION

1. Provide any additional right of way and construct any improvements to Old Chesterfield Road including storm drainage facilities as directed by the City of Chesterfield.
2. Provide a five (5) foot sidewalk conforming to ADA standards adjacent to Old Chesterfield Road as directed by the City of Chesterfield.
3. Locations of proposed curb cuts, areas of new dedication and roadway improvements shall be as approved by the City of Chesterfield.
4. Road improvements and right-of-way dedication shall be completed prior to the issuance of an occupancy permit. If development phasing is anticipated, the developer shall complete road improvements, right-of-way dedication, and access requirements for each phase of development as directed by the Saint Louis County Department of Highways and Traffic. As previously noted, the delays due to utility relocation and adjustments will not constitute a cause to allow occupancy prior to completion of road improvements.
5. Prior to Special Use Permit issuance by the Saint Louis County Department of Highways and Traffic, a special cash escrow or a special escrow supported by an Irrevocable Letter of Credit, must be established with the Saint Louis

County Department of Highways and Traffic to guarantee completion of the required roadway improvements.

6. Provide adequate temporary off-street parking for construction employees. Parking on non-surfaced areas shall be prohibited in order to eliminate the condition whereby mud from construction and employee vehicles is tracked onto the pavement causing hazardous roadway and driving conditions.

K. POWER OF REVIEW

Either Councilmember of the Ward where a development is proposed or the Mayor may request that the plan for a development be reviewed and approved by the entire City Council. This request must be made no later than twenty-four (24) hours after Planning Commission review. The City Council will then take appropriate action relative to the proposal. The plan for a development, for purposes of this section, may include the site development plan, site development section plan, site development concept plan, landscape plan, lighting plans, architectural elevations, sign package or any amendment thereto.

L. STORM WATER

1. The site shall provide for the positive drainage of storm water and it shall be discharged at an adequate natural discharge point or connected to an adequate piped system.
2. Detention/retention and channel protection measures are to be provided in each watershed as required by the City of Chesterfield. The storm water management facilities shall be operational prior to paving of any driveways or parking areas in non-residential development or issuance of building permits exceeding sixty percent (60%) of approved dwelling units in each plat, watershed or phase of residential developments. The location and types of storm water management facilities shall be identified on the Site Development Plan.

M. SANITARY SEWER

1. Hydraulic calculations of downstream sewers will be required by the Metropolitan St. Louis Sewer District and the City of Chesterfield. Downstream sanitary reaches may need to be replaced or upgraded, as directed by the Metropolitan St. Louis Sewer District and the City of Chesterfield.
2. Easements may be required on this site as directed by the Metropolitan St. Louis Sewer District and the City of Chesterfield. Encroachments will not be permitted.
3. Extension of public sanitary sewer lines may be required to serve this site and those adjacent. Extension of sanitary sewer lines shall be completed in such a manner as to coordinate with other adjacent parcels. A strong preference

will be shown for gravity sanitary sewers. Private sanitary laterals shall not cross property lines.

N. GEOTECHNICAL REPORT

Provide a geotechnical report, prepared by a professional engineer licensed in the State of Missouri, as directed by the Department of Public Services prior to site disturbance including surcharge, clearing, grading, site utilities and infrastructure or building construction. The geotechnical report shall identify the suitability of soil and geologic conditions for proposed improvements and shall include methods to address any ponds, septic fields, sinkholes, wetlands, compressible soils, steep slopes, or liquefaction risk. A statement of report compliance signed and sealed by the engineer preparing the geotechnical report, shall be included on all Site Development Plans, grading plans, and improvement plans, as directed by the Department of Public Services.

O. MISCELLANEOUS

1. All utilities will be installed underground.
2. An opportunity for recycling will be provided. All provisions of Chapter 25, Article VII, and Section 25-122 thru Section 25-126 of the City of Chesterfield, Missouri Code shall be required where applicable.
3. If cut or fill slopes in excess of 3:1 are desired, an exception to this requirement must be obtained from the Department of Public Services. Any request for steep slopes must include justification as required by Chapter 12 of the Chesterfield City Code.

II. TIME PERIOD FOR SUBMITTAL OF SITE DEVELOPMENT CONCEPT PLANS AND SITE DEVELOPMENT PLANS

- A.** The developer shall submit a concept plan within eighteen (18) months of City Council approval of the change of zoning.
- B.** In lieu of submitting a Site Development Concept Plan and Site Development Section Plans, the petitioner may submit a Site Development Plan for the entire development within eighteen (18) months of the date of approval of the change of zoning by the City.
- C.** Failure to comply with these submittal requirements will result in the expiration of the change of zoning and will require a new public hearing.
- D.** Said Plan shall be submitted in accordance with the combined requirements for Site Development Section and Concept Plans. The submission of Amended Site Development Plans by sections of this project to the Planning Commission shall be permitted if this option is utilized.
- E.** Where due cause is shown by the developer, this time interval for plan submittal may be extended through appeal to and approval by the Planning Commission.

III. COMMENCEMENT OF CONSTRUCTION

- A.** Substantial construction shall commence within two (2) years of approval of the Site Development Concept Plan or Site Development Plan, unless otherwise authorized by ordinance.
- B.** Where due cause is shown by the developer, the Commission may extend the period to commence construction for not more than one additional year.

IV. GENERAL CRITERIA

A. SITE DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

The Site Development Plan shall include, but not be limited to, the following:

1. Location map, north arrow, and plan scale. The scale shall be no greater than one (1) inch equals one hundred (100) feet.
2. Outboundary plat and legal description of property.
3. Density calculations.
4. Parking calculations. Including calculation for all off street parking spaces, required and proposed, and the number, size and location for handicap designed.
5. Provide openspace percentage for overall development including separate percentage for each lot on the plan.
6. Provide Floor Area Ratio (F.A.R.).
7. A note indicating all utilities will be installed underground.
8. A note indicating signage approval is separate process.
9. Depict the location of all buildings, size, including height and distance from adjacent property lines, and proposed use.
10. Specific structure and parking setbacks along all roadways and property lines.
11. Indicate location of all existing and proposed freestanding monument signs.
12. Zoning district lines, subdivision name, lot number, dimensions, and area, and zoning of adjacent parcels where different than site.
13. Floodplain boundaries.
14. Depict existing and proposed improvements within 150 feet of the site as directed. Improvements include, but are not limited to, roadways, driveways and walkways adjacent to and across the street from the site,

significant natural features, such as wooded areas and rock formations, and other karst features that are to remain or be removed.

15. Depict all existing and proposed easements and rights-of-way within 150 feet of the site and all existing or proposed off-site easements and rights-of-way required for proposed improvements.
16. Indicate the location of the proposed storm sewers, detention basins, sanitary sewers and connection(s) to the existing systems.
17. Depict existing and proposed contours at intervals of not more than one (1) foot, and extending 150 feet beyond the limits of the site as directed.
18. Address trees and landscaping in accordance with the City of Chesterfield Code.
19. Comply with all preliminary plat requirements of the City of Chesterfield Subdivision Regulations per the City of Chesterfield Code.
20. Signed and sealed in conformance with the State of Missouri Department of Economic Development, Division of Professional Registration, Missouri Board for Architects, Professional Engineers and Land Surveyors requirements.
21. Provide comments/approvals from the appropriate Fire District, Monarch Levee District, Spirit of St. Louis Airport, Metropolitan St Louis Sewer District (MSD) and the Missouri Department of Transportation.
22. Compliance with Sky Exposure Plane.
23. Compliance with the current MSD Site Guidance as adopted by the City of Chesterfield.

V. TRUST FUND CONTRIBUTION

1. The developer shall contribute a Traffic Generation Assessment (TGA) to the Chesterfield Village Road Trust Fund (No. 554). This contribution shall not exceed an amount established by multiplying the ordinance-required parking spaces for the difference between the existing and proposed uses by the following rate schedule:

<u>Type of Development</u>	<u>Required Contribution</u>
TGA Category	Contribution
General Office	\$626.57
General Retail	\$1,879.80
Loading Space	\$3,076.06

If types of development proposed differ from those listed, rates shall be provided by the Saint Louis County Department of Highways and Traffic.

As a portion of the improvements required herein are needed to provide for the safety of the traveling public, their completion as a part of this development is mandatory. Allowable credits for required roadway improvements will be awarded as directed by the Saint Louis County Department of Highways and Traffic and the City of Chesterfield. Sidewalk construction and utility relocation, among other items, are not considered allowable credits.

As this development is located within a trust fund area established by Saint Louis County, any portion of the traffic generation assessment contributions which remains following completion of road improvements required by the development shall be retained in the appropriate trust fund.

The amount of the required contributions, if not submitted by January 1, 2014, shall be adjusted on that date and on the first day of January in each succeeding year thereafter in accord with the construction cost index as determined by the Saint Louis County Department of Highways and Traffic.

Traffic generation assessment contributions shall be deposited with Saint Louis County prior to the issuance of building permits. If development phasing is anticipated, the developer shall provide the traffic generation assessment contribution prior to issuance of building permits for each phase of development. Funds shall be payable to Treasurer, St. Louis County.

VI. RECORDING

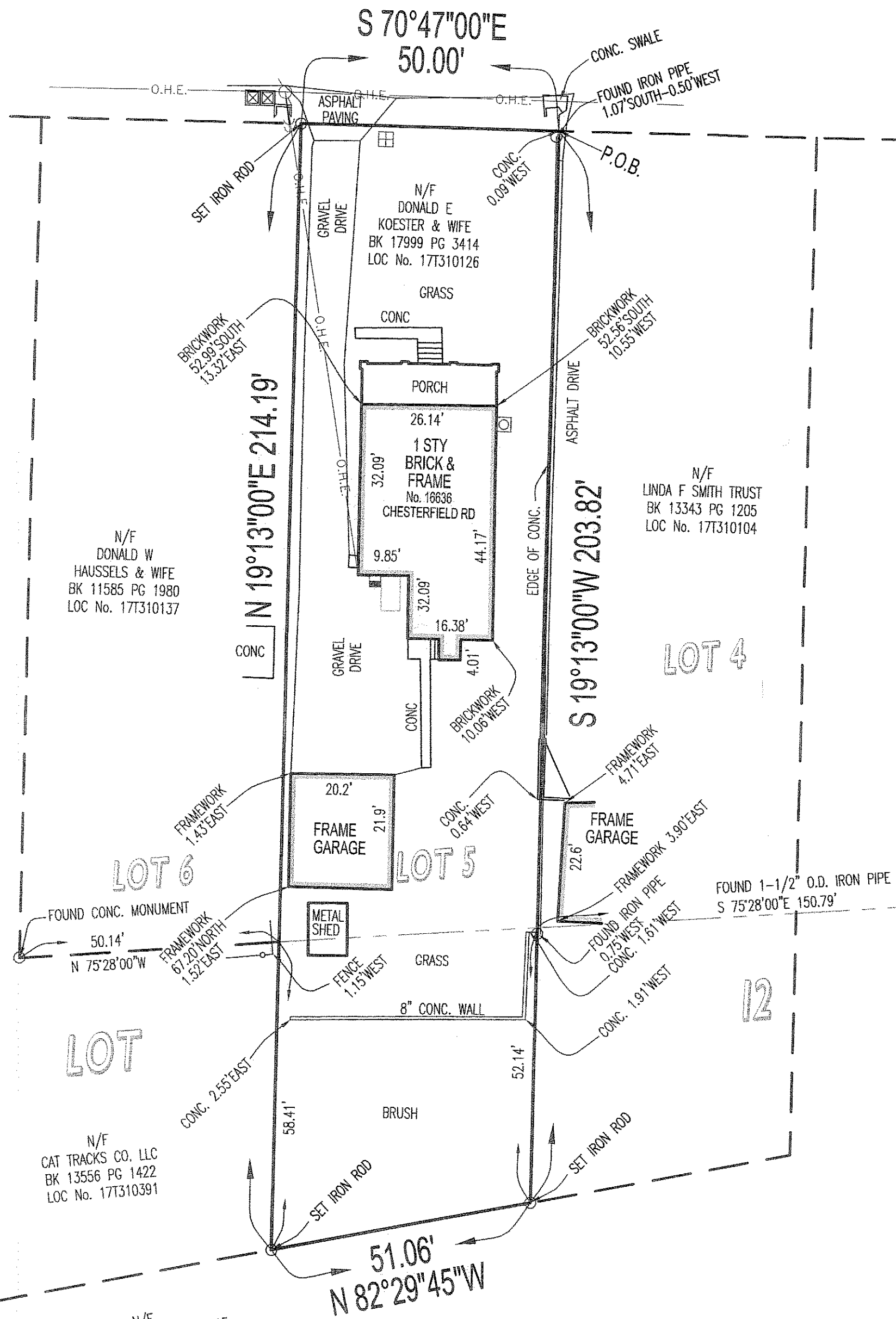
Within sixty (60) days of approval of any development plan by the City of Chesterfield, the approved Plan will be recorded with the St. Louis County Recorder of Deeds. Failure to do so will result in the expiration of approval of said plan and require re-approval of a plan by the Planning Commission.

VII. ENFORCEMENT

- A.** The City of Chesterfield, Missouri will enforce the conditions of this ordinance in accordance with the Plan approved by the City of Chesterfield and the terms of this Attachment A.
- B.** Failure to comply with any or all the conditions of this ordinance will be adequate cause for revocation of approvals/permits by reviewing Departments and Commissions.
- C.** Non-compliance with the specific requirements and conditions set forth in this Ordinance and its attached conditions or other Ordinances of the City of Chesterfield shall constitute an ordinance violation, subject, but not limited to, the penalty provisions as set forth in the City of Chesterfield Code.
- D.** Waiver of Notice of Violation per the City of Chesterfield Code.
- E.** This document shall be read as a whole and any inconsistency to be integrated to carry out the overall intent of this Attachment A.

CHESTERFIELD AIRPORT ROAD 60'W

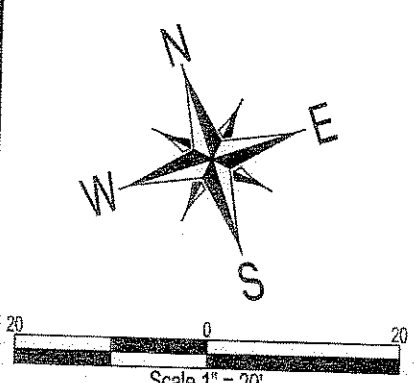
ASPHALT PAVING



LEGEND			
	CLEAN OUT		= BOLLARD
	FLOW DIRECTION		= AIR CONDITION UNIT (AC)
	FLARED END SECTION		= GAS METER (G.M.)
	SMALL GRATE INLET		= GAS VALVE (G.V.)
	SEWER MANHOLE		= WATER METER (W.M.)
	INLET MANHOLE		= FIRE HYDRANT (F.H.)
	GRATE INLET		= WATER VALVE (W.V.)
	SANITARY SEWERS		= ELECTRIC METER (E.M.)
	STORM SEWERS		= UTILITY POLE (U.P.)
	FLOW DIRECTION		= UTILITY POLE ANCHOR
	UTILITIES		= LIGHT STANDARD
	TREE LINE		= ELECTRIC TRANSFORMER
	DECIDUOUS TREE		= ELECTRIC BOX (EL)
	EVERGREEN TREE		= TELEPHONE BOX (TB)
			= MAIL BOX
			= SIGN
			= TRAFFIC SIGNAL
			000.00 = EXISTING SPOT ELEV.
			= TEST HOLE
			= BENCHMARK
			= CABLE T.V. PEDESTAL
			= TELEPHONE MANHOLE
			= ELECTRIC MANHOLE
			= CHAINLINK FENCE
			= WOODEN FENCE
			= METAL FENCE

ABBREVIATIONS:	
AI	= AREA INLET
ASPH.	= ASPHALT
BLDG.	= BUILDING
B/STRUC.	= BOTTOM OF STRUC.
CI	= CURB INLET
C.O.	= CLEANOUT
C.M.P.	= CORRUGATED METAL PIPE
CONC.	= CONCRETE
DA	= DIAMETER
D.I.P.	= DUCTILE IRON PIPE
ELEV.	= ELEVATION
E.O.P.	= EDGE OF PAVEMENT
ESMT.	= EASEMENT
EXIST.	= EXISTING
F.D.	= FLOOR DRAIN
FIN. FLR.	= FINISH FLOOR
FL	= FLOWLINE
F.O.L.	= FIBER OPTIC LINE
GI	= GRATE INLET
LS	= LANDSCAPED AREA
MEAS.	= MEASURED
M.H.	= MANHOLE
O.H.E.	= OVERHEAD ELECTRIC
P.V.C.	= POLYVINYL CHLORIDE PIPE
P.M.T.	= PAVEMENT
R.C.P.	= REINFORCED CONCRETE PIPE
REC.	= RECORD
R-R	= RAILROAD
R.W.	= RETAINING WALL
R.O.W.	= RIGHT OF WAY
U.G.E.	= UNDERGROUND ELECTRIC
U.G.T.	= UNDERGROUND TELEPHONE
V.C.P.	= VITRIFIED CLAY PIPE
W.W.	= WINDOW WELL
W.	= WIDE
W.R.	= WATER LINE

MISSOURI MINIMUM SURVEY
 LOT 5 AND PART OF LOT 12
 OF BURKHARDT PLACE P.B. 12 PG. 94
 CITY OF CHESTERFIELD, MISSOURI



SURVEYORS NOTES:

- 1.) SOURCE OF TITLE: NO TITLE WAS PROVIDED
- 2.) BEARING BASIS: BURKHARDT PLACE PLAT BOOK 12 PAGE 94.
- 3.) EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF THE MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 4.) THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND AS POINTED OUT OR MAPPED BY UTILITIES PERSONNEL. LOCATIONS AND SIZES OF UNDERGROUND UTILITIES / STRUCTURES MAY VARY FROM LOCATIONS SHOWN. ADDITIONAL BURIED UTILITIES / STRUCTURES MAY BE ENCOUNTERED. BURIED UTILITIES / STRUCTURES SHOWN HEREON MAY NOT EXIST. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO FIND OR VERIFY BURIED UTILITY LOCATIONS.

DEED DESCRIPTION: (DEED BOOK 17999 PAGE 3414)

LOT 5 OF BURKHARDT PLACE, ACCORDING TO THE PLAT RECORDED IN PLAT BOOK 12 PAGE 94, OF THE ST. LOUIS COUNTY RECORDS.

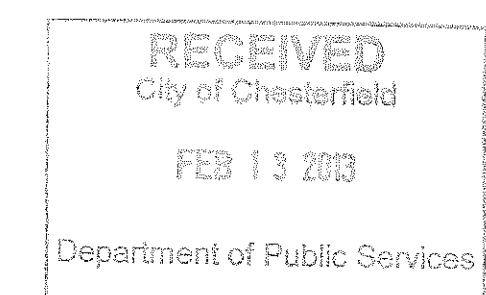
NEW LEGAL DESCRIPTION:

A TRACT OF LAND BEING ALL OF LOT 5 AND PART OF LOT 12, OF BURKHARDT PLACE, RECORDED IN PLAT BOOK 12 PAGE 94, OF THE ST. LOUIS COUNTY RECORDS, IN THE CITY OF CHESTERFIELD, MISSOURI BEING PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 5 WITH THE SOUTHERN LINE OF OLD CHESTERFIELD ROAD, 60 FEET WIDE; THENCE SOUTH 19 DEGREES 13 MINUTES 00 SECONDS WEST 203.82 FEET, ALONG THE EASTERN LINE OF SAID LOT 5, PRODUCED TO A POINT ON THE SOUTH LINE OF SAID LOT 12; THENCE ALONG THE SOUTH LINE OF SAID LOT 12, NORTH 82 DEGREES 29 MINUTES 45 SECONDS WEST 51.06 FEET, TO A POINT IN THE PRODUCED WESTERN LINE OF SAID LOT 5; THENCE NORTH 19 DEGREES 13 MINUTES 00 SECONDS EAST 214.19 FEET, ALONG THE WESTERN LINE OF SAID LOT 5, TO THE NORTHWESTERN CORNER OF SAID LOT 5; THENCE SOUTH 70 DEGREES 47 MINUTES 00 SECONDS EAST 50.00 FEET, ALONG THE SOUTHERN LINE OF SAID OLD CHESTERFIELD ROAD, TO THE POINT BEGINNING AND CONTAINING 10,450 SQUARE FEET MORE OR LESS AS PREPARED BY PITZMAN'S COMPANY.

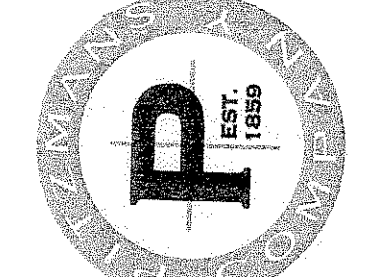
TO: DONALD E. KOESTER

THIS IS TO CERTIFY THAT WE HAVE COMPLETED A BOUNDARY AND IMPROVEMENT SURVEY OF THE PROPERTY SHOWN HEREON, AND THAT THE RESULTS ARE CORRECTLY SHOWN ON THIS PLAT. THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH THE MISSOURI MINIMUM STANDARDS FOR PROPERTY BOUNDARY FOR "URBAN" SURVEYS. (10 CSR 30-2.070)

NOVEMBER 21, 2008
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